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NAMIBIA

COUNTRY REVIEW REPORT



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NAMIBIA COUNTRY REVIEW REPORT

January 2022





H.E. President Cyril Ramaphosa

FOREWORD

Fellow Africans,

Arising from the first Peer Review of the Republic of Namibia (Namibia) at the 31st Summit of the APRM Forum of Heads of State and Government (31st Summit) on 04 February 2022, I am delighted to present the APRM Country Review Report for Namibia which is accompanied by the National Programme of Action.

Namibia has been at the forefront of the APRM good governance process since its accession to the Mechanism in 2017 and should be commended for its steady implementation of the APRM good governance programme. In October 2021, the Namibia Country Self-Assessment Report was submitted by APRM Namibia to the APRM Continental Secretariat, leading to the Country Review Mission visiting the country from 25 October to 10 November 2021. The Country Review Mission brought in experts in governance from 11 peer States in Africa to review its governance challenges and good practices.

Fellow Africans,

Allow me to acknowledge the good work of the Lead Panel Member for Namibia, H.E Ambassador Ombeni Sefue, for the comprehensive and relevant findings and recommendations from this report as completed by the Country Review Team.

During the 31st Summit on 04 February 2022, where the peer review of this report took place, I noted, as Chairperson, that the promotion of democracy, human rights and good governance on our Continent has become a particularly critical endeavour at this time, and that the resurgence of unconstitutional change of governments in parts of Africa is of concern, and that we must continue to support the efforts of our good governance institutions.

Namibia's report aptly captures several governance challenges, many of which are shared across our Continent. The report also notes Commendable Practices which are noteworthy, and which Namibia should share with its peers including:

- *The Legal Assistance Centre*, established by workers, students, church leaders, and human rights lawyers in 1988 to defend victims of human rights abuses through its lawyers and paralegals who, in the early days were at the centre of the liberation struggle, and which has now rolled out flagship projects such as the Social Justice Project (SJP), Gender Research and Advocacy Project (GR&AP), and Land, Environment and Development Project (LEAD);
- *The Namibian Transport Infrastructure*, with Namibia's road network now ranked amongst the safest and well maintained on the Continent, with the Road Authority contributing to economic development of the SADC region; and
- *The Build Back Better (BBB) Programme to Empower Women through Urban Agriculture*, which focuses on sustainable interventions that support the most vulnerable, including women, youth and people living with disabilities, providing allotments, seedlings, training, and capacity, with the goal of achieving a food-secure future for Namibia.

Fellow Africans,

Namibia has shown, through its active participation in the APRM programme, that it is fully committed at the highest levels to the principles of Pan-Africanism that the APRM and the wider NEPAD vision represent. This commitment has been demonstrated by, among others, a Targeted Review on Youth Unemployment and the full Country Review that culminated in the conclusion of this report,

Through this review report, which serves as an important knowledge base and foundation for the promotion of good governance, Namibia's National African Peer Review Mechanism has answered the call for all AU Member States to identify and resolutely tackle governance challenges as a precursor for socio-economic development and the attainment of Agenda 2063, our continental blueprint for a better future.

I thus wish to conclude by congratulating my counterpart, H.E President Dr Hage G. Geingob for leading Namibia towards this milestone of concluding the first Country Review, and wish to re-assure him of our support as he embarks on the roads to develop his country through the implementation of the National Plan of Action.

H.E. President Cyril Ramaphosa

Chairperson, African Peer Review Forum (2020-2022)

COUNTRIES PARTICIPATING IN THE AFRICAN PEER REVIEW MECHANISM AND COMPOSITION OF THE PANEL OF EMINENT PERSONS

Countries participating in the APRM

As of January 2022, the countries participating in the APRM are:

Algeria, Angola, Benin, Botswana, Burkina Faso, Cameroon, Chad, Democratic Republic of Congo, Republic of Congo, Côte d'Ivoire, Djibouti, Egypt, Equatorial Guinea, Ethiopia, Gabon, The Gambia, Ghana, Kenya, Lesotho, Liberia, Malawi, Mali, Mauritius, Mauritania, Mozambique, Namibia, Niger, Nigeria, Rwanda, São Tomé & Príncipe, Senegal, Seychelles, Sierra Leone, South Africa, Sudan, Tanzania, Togo, Tunisia, Uganda, Zambia and Zimbabwe.

Composition of the APRM Panel of Eminent Persons

Amb. Ombeni Yohana Sefue (Tanzania), representing Eastern Africa (*Chairperson and Lead Panel Member for the Namibia Review*)

Dr. Ali Abderahman Haggat (Chad), representing Central Africa (*Vice-Chairperson*)

Amb. Mona Omar Attia (Egypt), representing North Africa (*Member*)

Ms. Fatima Zohra Karaja (Algeria), representing North Africa (*Member*)

Bishop Dinis Sengulane (Mozambique), representing Southern Africa (*Member*)

Dr. Ousmane M. Diallo (Mali), representing West Africa (*Member*)

Dr. Inonge Mbikusita-Lewanika (Zambia), representing Southern Africa (*Member*)

Dr. Honore Mabonda, (Republic of Congo), representing Central Africa (*Member*)

Dr. Abdoulaye Jannet (Republic of The Gambia), representing West Africa (*Member*)

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ACKNOWLEDGEMENTS

The Panel of Eminent Persons welcomes readers to the African Peer Review Mechanism (APRM) Country Review Report of Namibia. The Panel expresses its gratitude to H.E. Dr. Hage G. Geingob, the President of the Republic of Namibia for his leadership and openness in the conduct of the peer review of Namibia.

The Panel congratulates the Namibia APRM national structures for their work in bringing the Namibia Country Review Report to fruition, including the APRM Focal Point and Head of the National Secretariat, Ambassador Lineekela J. Mboti, and the Namibia APRM National Governing Council (NGC), consisting of eminent citizens representing Government, civil society, and the private sector, which oversees the APRM process in Namibia, led by its Chairperson, Ambassador Wilfried I. Emvula. The National Secretariat and NGC worked relentlessly to produce a thorough and high-quality country self-assessment report.

The Panel also thanks the members of the Namibia Review Team, led by Ambassador Ombeni Sefue, made up of 18 African experts from 11 Member States of the African Union (AU), which conducted a thorough and comprehensive review mission in Namibia. This review mission met with the Vice President, the Prime Minister, members of Cabinet, the Judiciary led by the Chief Justice, members of Parliament led by the Speaker, Executive Directors of Government Offices, Ministries, Agencies (OMAs) led by the Secretary to the Cabinet, as well as civil society and private sector representatives in meetings across all the fourteen regions of Namibia.



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MAP OF THE REPUBLIC OF NAMIBIA



Source: Government of Namibia





COUNTRY FACT SHEET¹

Location: Southern Africa

Area: 824 292 km² (318 261 sq mi)

Population: 2 551 055 in 2020

Capital: Windhoek

Land Use: Agricultural land: 47.2% (2est.); arable land: 1% (est.) / permanent crops: 0% (est.) / permanent pasture: 46.2% (est.); forest: 8.8% (est.); other: 44% (est.)

Independence: 21 March 1990

Constitution: Constitution of the Republic of Namibia of 1990, with amendments

Legal system: Namibia has a pluralist legal system characterized by the coexistence of the Westminster-style Constitutional law, Roman-Dutch common law, customary law and international law. Most of the corpus of Namibian law is not codified and is thus distilled from the evolving body of jurisprudence.

Political governance: Presidential and legislative elections were last held on 27 November 2019, while the most recent Regional Council and Local Authority elections took place on 25 November 2020.

Head of State: H.E Dr Hage G. Geingob

¹ Source: Namibia APRM Country Self-Assessment Report, October 2021

Electoral system: Elections take place every five years based on universal adult suffrage, but with limitations for Regional Councils (Constituency councillors) and Local Authorities elections, where eligibility to vote is restricted to residency. The plurality system applies to the election of the President who is directly elected by all registered voters. The list system (proportional representation) applies to the election of members of the National Assembly and Local Authority councillors. The First-past-the post system applies to Regional Councils elections.

GDP at market price: Projected to reach N\$183 089 million and N\$196 418 million by the end of 2021 and 2022, respectively.

GDP per capita: Estimated at 4 295.70 USD in 2020.

Real GDP growth: Projected to rise to 2.7% and 3.3% by December 2021 and 2022, respectively.

Inflation²: Projected to average 3.0% by the end of 2021.

Unemployment rate: Stood at 33.4% in 2018, and estimated at 29.4% in 2019, 29.8% in 2020, 29.6% in 2021 and 29.0% in 2022 (National Planning commission, 2019).

Budget deficit³: The budget deficit for 2020/21 was estimated at 9.7% of GDP

National Budget: Estimated at N\$67.9 billion in 2021/22 FY.

Trade: Namibia mainly imports food products, petroleum products and fuel, machinery and equipment, chemicals, textiles, vehicles, building materials, etc. South Africa is Namibia's main import partner accounting for 64.3% of total imports, followed by the Eurozone (6.5%), the People's Republic of China (5.5%), India (4.6%), the United States (2.0%) and other countries (17.1%) in 2020.

Main exports⁴: Namibia's exports are mainly to the People's Republic of China, which receives 41.07% of the country's exports, followed by the Eurozone (20.31%), South Africa (15.79%), Botswana (9.54%), Zambia (5.11%), DRC (3.20%), United Arab Emirates (1.38%), and the rest of the world (3.6%).

Public debt: Projected to rise to about 76.2% of GDP in 2021/22 FY

Exchange rate⁵: US\$1: N\$16.25 in 2020.

Source: Country Self-Assessment Report

2 Bank of Namibia, 2021

3 World Bank Report 2020/2021

4 Namibia Statistical Agency, 2021

5 Bank of Namibia, 2020





ACRONYMS AND ABBREVIATIONS

AALS	Affirmative Action Loan Scheme
ACC	Anti-Corruption Commission
ACERWC	African Committee of Experts on the Right and Welfare of the Child
AfCFTA	African Continental Free Trade Agreement
ADR	Alternative Dispute Resolution
AGYW	Adolescent Girls and Young Women
ANC	Antenatal Care
APR	Africa Peer Review
APRM	Africa Peer Review Mechanism
ASM	Artisanal and Small-scale Mining
AU	African Union
AUDA	AU Disability Architecture

BEE	Black Economic Empowerment
BIPA	Business and Intellectual Property Authority
BON	Bank of Namibia
BSSSED	Broad-Based Sustainable Socioeconomic Development
CBNRM	Community-based Natural Resources Management
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CEO	Chief Executive Officer
CFO	Chief Financial Officer
CIO	Chief Information Officer
CMA	Common Monetary Area
COBIT	Control Objectives for Information and Related Technologies
CRM	Country Review Mission
CRT	Country Review Team
CSR	Corporate Social Responsibility
CTO	Chief Technology Officer
DBN	Development Bank of Namibia
DHS	Demographic Health Survey
DSA	Daily Subsistence Allowance
DWCP	Decent Work Country Programme
EY	Ernst & Young
ECC	Environmental Clearance Certificate
ECD	Early Childhood Development
ECN	Electoral Commission of Namibia
EIA	Environmental Impact Assessment
EMA	Environmental Management Act
EMIS	Education Management Information System
EMPs	Environmental Management Plans



EPLs	Exclusive Prospecting Licenses
EPZ	Export Processing Zones
ESG	Environmental, Social, and (Corporate) Governance
FDI	Foreign Direct Investments
FIC	Financial Intelligence Centre
FLI	Financial Literacy Initiative
FSA	Sea Fisheries Act
GBV	Gender-Based Violence
GDP	Gross Domestic Product
GEWE	Gender Equality and Women Empowerment
GIMAC	Gender Is My Agenda Campaign
GIPF	Government Institutions Pension Fund
GRB	Gender-Responsive Budgeting
GRN	Government of the Republic of Namibia
HDI	Human Development Index
HIV/AIDS	Human Immunodeficiency Virus/ Acquired Immune Deficiency Syndrome
HLPNE	High Level Panel on Namibian Economy
HPP	Harambee Prosperity Plan
HPP2	Harambee Prosperity Plan Two
IAP	Implementation Action Plans
ICCPR	International Covenant on Civil and Political Rights
ICERD	International Convention against All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICT	Information and Communication Technologies
IEC	Information Education Communication
IIDEA	International Institute for Democracy and Electoral Assistance
ILO	International Labour Organisation

IMC	International Humanitarian Law
IMF	International Monetary Fund
IMNCI	Integrated Management of New-born and Childhood Illnesses
IPPR	Institute for Public Policy Research
IRS	Indoor Residual Spraying
ISACA	Information Systems Audit and Control Association
ISO	International Organization for Standardization
IT	Information Technology
ITAS	Integrated Tax Administration System
ITGI	Information Technology Governance Institute
KPMG	Klynveld Peat Marwick Goerdeler
LAC	Legal Assistance Centre
LED	Local Economic Development
LLIN	Long-Lasting Insecticide Treated Nets
LMP	Labour Migration Policy
MAWLR	Ministry of Agriculture, Water and Land Reform
MDGs	Millennium Development Goals
MDR	TB Multi-Drug Resistant Tuberculosis
MEFT	Ministry of Environment, Forestry and Tourism
MGEPSW	Ministry of Gender Equality, Poverty Eradication and Social Welfare
MIC	Middle-Income Country
MIS	Malaria Indicator Survey
MIT	Ministry of Industrialization and Trade
MLRR	Ministry of Lands, Resettlement and Rehabilitation
MME	Ministry of Mines and Energy
MMI	Momentum Metropolitan
MoHSS	Ministry of Health and Social Services
MPF	Mining Policy Framework



MSP	Marketing Support Programme
MTC	Mobile Telecommunication Company
MTEF	Medium-Term Expenditure Framework
MVA	Motor Vehicle Accident Fund
NaCC	Namibia Competition Commission
NamCode	Corporate Governance Code for Namibia
NAMPHIA	Namibia Population-based HIV Impact Assessment
NamPower	Namibia Power Corporation
NamRA	Namibia Revenue Authority
NANGOF	Namibia Non-governmental Organisations Forum
NBL	Namibia Breweries Limited
NCCI	Namibia Chamber of Commerce and Industry
NCDs	Non-Communicable Diseases
NCE	Namibian Chamber of Environment
NDC	Namibia Development Corporation
NDF	National Disability Forum
NDHS	Namibia Demographic and Health Survey
NDP	National Development Plan
NDP5	Fifth National Development Plan
NEEEB	New/National Equitable Economic Empowerment Bill
NEEEF	National Equitable Economic Empowerment Framework
NIEIS	Namibia Integrated Employment Information System
NEP	National Employment Policy
NGOs	Non-Governmental Organisations
NGP	National Gender Policy
NHSS	National HIV Sentinel Survey
NIGC	Namibian Institute of Corporate Governance
NIPDB	Namibia Investment Promotion and Development Board

NLIP	National Labour Inspection Policy
NMSP	Namibia Malaria Strategic Plan
NPC	National Planning Commission
NPP	National Productivity Policy
NSA	Namibia Statistics Agency
NSF	Namdeb Social Fund
NSF	National Strategic Framework
NSX	Namibia Stock Exchange
NTA	Namibia Training Authority
NTB	Namibian Tourism Board
NTLP	National Tuberculosis and Leprosy Programme
NUST	Namibia University of Science and Technology
NVDCP	National Vector-Borne Diseases Control Programme
NYS	National Youth Service
O&L	Olthaver & List
ODC	Offshore Development Corporation
OECD	Organisation for Economic Co-operation and Development
OMAs	Offices, Ministries and Agencies
OSH	Occupational Safety and Health
PARMaCM	Programme for Accelerating the Reduction of Maternal and Child Mortality
PIF	Project Identification Form
PPPFA	Preferential Procurement Policy Framework Act
PRI	Principles for Responsible Investment
PwC	PricewaterhouseCoopers
RCC	Roads Contractor Company
SACU	Southern African Customs Union
SADC	Southern African Development Community



SDGs	Sustainable Development Goals
SFH	Society for Family Health
SMEs	Small and Medium Enterprises
SOEs	State-Owned Enterprises
SRH	Sexual Reproductive Health
TB	Tuberculosis
TBL-NSC	National Tuberculosis and Leprosy Steering Committee
TESEF	Transformation of Economic and Social Empowerment Framework
TVET	Technical, Vocational Education and Training
UMIC	Upper-Middle-Income Country
UN	United Nations
UNFPA	United Nations Population Fund
UNPAF	United Nations Partnership Framework
UNSC	United Nations Security Council
VAT	Value-Added Tax
VCT	Voluntary Counselling and Testing
VTC	Vocational Training Centre
WB	World Bank
WHO	World Health Organisation
XDR	TB Extensively Drug Resistant Tuberculosis
YWC	Young Women and Children



EXECUTIVE SUMMARY



1. HISTORICAL BACKGROUND AND THE APRM PROCESS IN NAMIBIA

Historical Background⁶

- i. Namibia gained political independence from apartheid South Africa on 21 March 1990. Prior to that, it had been a German colony between 1884 and 1915. Following World War I, Namibia (then German South West-Africa) became a mandate of the Union of South Africa (C-class) under the then League of Nations International Trusteeship System. The new colonial power ruled Namibia under its own policies applicable to other South Africans that were excluded from the franchise and defined by ethnicity and race. Under the Apartheid government, the situation worsened as the same political and racial practices in South Africa were applied in Namibia (then called South West Africa, or Suidwes-Afrika).
- ii. To overcome the legacy of colonialism and apartheid the post-independence leaders set out to frame a forward looking constitution that promoted democracy, respect for the rule of law and accountable institutions, among others, for the new Republic of Namibia. The genesis of the very liberal constitution of 1990 can be traced back to the 1982 Constitutional Principles agreed upon by the United Nations Security Council. The political dispensation crafted by the independence leaders provides for the separation of powers between the Executive, the Judiciary, and the Legislature. The Namibian Constitution and its subsequent amendments provide the framework for equal rights for citizens. Toward that end, the preservation of fundamental human rights and freedoms constitute inviolable core rights enshrined in Chapter 3 of the Namibian Constitution.

⁶ This section is sourced directly from the Country Self-Assessment Report (APRM NGC of the Republic of Namibia, October 2021)

- iii. The fundamental human rights and freedoms outlined above also make provision for ordinary citizens to exercise their basic freedoms in pursuance of basic economic and social rights. The promotion of institutions of representative and accountable government were also seen as a sine qua non for the newly independent republic in 1990. Ensuring citizen participation in the governing process became a crucial element in both law and policy-making. The holding of regular, free and fair elections was seen as one of the principal ways of ensuring popular participation in the governance process. The institutional structure to ensure popular participation through elections was laid with the formation of the Electoral Commission of Namibia (ECN) in 1992. The Directorate of Elections was set up under Electoral Act No. 24 of 1992, as amended by Electoral Act No. 5 of 2014 to replace the *ad hoc* election administration created in 1989.⁷ At formation, the ECN was located in the Office of the Prime Minister for administrative purposes from 1992 to 1998. To depoliticise the management of elections, the ECN gained administrative and political independence from the Executive in 1998.⁸ It is important for electoral commissions to have and maintain their unique independence.
- iv. Another impediment the Namibian government had to overcome at independence was institutional disparities, characterised by the existence of 11 ethnic governments created under the apartheid regime that had been implemented before independence.⁹ These colonial ethnic and racial classifications in Namibia posed a huge challenge. It was therefore necessary to replace such apartheid-styled governance with new structures under a new constitution with a vision for a new and inclusive Namibia.
- v. The Constitution of Namibia provides the framework for service delivery in the country. At national level, Public Service Act No. 13 of 1995 provides for an efficient and effective public service. Part 1 of the Act provides for an impartial and professional, public service that can efficiently and effectively assist government in policy formulation and evaluation. The Act further calls on the public service to be prompt in executing government policies and directives to serve the Namibian people and to promote their welfare and lawful interests. To further strengthen the effectiveness and efficiency of public service delivery by government, some functions have been delegated to regional and local governments. In terms of gender, the logic of apartheid had its own hierarchy

7 Blaauw, L. (2014). The management of elections in Namibia: An appraisal. *The Journal of African Policy Studies*, 20(1), 71-89

8 Lodge, T. (2001). The Namibian Elections of 1999. *Democratization*, 8(2), 191-230.

9 Lodge, T. (1998). The Southern African post-colonial state. *Commonwealth and Comparative Politics*. 36(1), 20-47.



that placed black women at the bottom, both legislatively and in lived reality. To reverse this, the Namibian Constitution prohibits discrimination based on sex (Article 10), and makes allowance for affirmative action for women (Article 23).

The APRM and its Implementation in Namibia

- vi. The primary purpose of the APRM is to boost the adoption of policies, standards and practices that can lead to political stability, high economic growth, sustainable development and accelerated regional and continental economic integration.
- vii. The APRM's governance reviews are conducted in relation to the values, codes, standards and norms enshrined in the Abuja Declaration on Democracy, Political, Economic and Corporate Governance adopted on 9 March 2003 in Abuja, Nigeria, as well as the African Charter on Democracy, Elections and Governance (ACDEG).
- viii. The APRM process in Namibia took into account the historical framework and governance reality of the country, as summarised in the historical background, and reviewed the following four thematic areas:
 - Democratic and Political Governance;
 - Economic Management and Governance;
 - Corporate Governance; and
 - Socioeconomic Development.
- ix. Namibia acceded to the APRM at the APR Forum of Heads of State and Government meeting of 28 January 2017, in Addis Ababa, Ethiopia, as the 36th APRM Member State. At accession, H.E. Dr Hage G. Geingob, President of the Republic of Namibia, stated his support for the APRM as a process that plays a pivotal role in enabling Africa to achieve the noble Aspirations and Developmental Goals of Agenda 2063 and its First-Ten Year Implementation Plan.
- x. Namibia is to be commended for its full implementation of the APRM good governance programme. From 2017-2018, Namibia completed plans for operationalising the APRM, and by November 2019, all APRM national structures had been established, including the APRM National Secretariat led by its CEO and the Focal Point for APRM in Namibia, Ambassador Lineekela Mboti, as well as the Namibia APRM National Governing Council (NGC) consisting of eminent citizens representing civil society, government, and the private sector to oversee good governance reports and their implementation in Namibia.



- xi. xi. The NGC was inaugurated by H.E Dr Hage G. Geingob, President of the Republic of Namibia, in November 2019, and is led by its chairperson, Ambassador Wilfried I. Emvula. These national APRM bodies immediately embarked on delivering an APRM Targeted Review on Youth Unemployment whose report was presented to the APRM Forum of Heads of State and Government at a Summit held in Addis Ababa in February 2020. The report was subsequently launched officially in Namibia by His Excellency Dr. Nangolo Mbumba, Vice-President of the Republic of Namibia, at the State House in Windhoek on 17 November 2021.
- xii. From August 2020, the NGC oversaw the development of a Country Self-Assessment Report (CSAR) that was submitted to the APRM Panel of Eminent Persons and the APRM Continental Secretariat in early October 2021.

The Country Review Mission

- xiii. The Country Review Mission for Namibia took place from 25 October to 10 November 2021. The Lead Panel Member for Namibia, who is also the Chairperson of the APR Panel of Eminent Persons, Ambassador Ombeni Sefue, led an eighteen-member review team consisting of governance experts from 11 African countries who provided an independent viewpoint on governance challenges and good practices in Namibia.



- xiv. The review team paid a courtesy call on H.E. Dr Nangolo Mbumba, Vice President of the Republic of Namibia, who later convened a session with members of Cabinet that included the Rt. Hon. Dr Saara Kuugongelwa-Amadhila, Prime Minister, and Hon. Dr. Netumbo Nandi-Ndaitwah, Deputy Prime Minister and Minister of International Relations and Cooperation. The team had a separate meeting with Hon. Obeth M. Kandjoze, Director-General of the National Planning Commission. Later, the review team had a working session with Executive Directors of Offices Ministries/Agencies (O/M/As convened and chaired by, Dr George Simataa, Secretary to the Cabinet during which issues related to all aspects of governance and socioeconomic development were thoroughly discussed.
- xv. xv. In Parliament, the review team had similar working sessions with the Speaker of the National Assembly, Hon. Prof. Peter H. Katjavivi, accompanied by Members of Parliament (MPs) from the National Assembly; and another meeting with members of the National Council led by Hon. Emma Muteka, Deputy Chief Whip of the Ruling Party.
- xvi. At the Judiciary, the review team had a meeting with the His Lordship Peter Shivute, Chief Justice of the Republic of Namibia, accompanied by His Lordship Justice Petrus Damaseb, Deputy Chief Justice, as well as other senior participants from the Judiciary.
- xvii. The review team also met with the representatives of some of Namibia's partners, including H.E Sinikka Antila, Ambassador of the EU to Namibia, the Africa Group of Ambassadors and Mr. Sen Pang, UN Resident Coordinator.
- xviii. The team travelled across the country and met stakeholders in all 14 regions of the country, including Regional Governors, Regional Councillors and Local Authority Councillors, as well as public and private sector stakeholders and civil society.
- xix. This Namibia Country Review Report is accompanied by a costed National Plan of Action (NPoA) that addresses the governance challenges identified and assigns responsibility for implementation to public and private institutions, including government, private sector and civil society. The NPoA will also be harmonised with Namibia's Sixth National Development Plan.

2. DEMOCRACY AND POLITICAL GOVERNANCE

Overview

- xx. Namibia acceded to the APRM in 2017, and quickly undertook APRM reviews in its desire to consolidate its democratic institutions and practices and use the APRM as a tool to evaluate, monitor and improve its quality of governance. This speaks to the confidence of the Namibian State which considers that democracy and political good governance are necessary conditions for the country to evolve into a stable polity in which sustainable economic growth and social development can take place for the good of all Namibians.
- xxi. Namibia is a young nation in more than one sense. It became independent in 1990, and has a substantial proportion of its population that is referred to as “Born Free” because they were born after independence. Its future could not have been less promising. As noted in the historical background, the colonial regime practised apartheid which placed political power exclusively in the hands of white people and confined Namibians to eleven homelands where the Apartheid South Africa-patented Bantustan system prevailed. The Bantustan system fostered separation of the homelands, a divide and rule strategy which threatened to set Namibians against each other as they struggled to liberate their country. The cohesiveness of the Namibian political elite is testimony to their commitment to work together to build their country, a mission that is captured in the “One Namibia, One Nation” political rallying cry used to mobilise the population behind a common purpose – the development of Namibia for Namibians.
- xxii. After independence, the main challenges were to promote national unity, grow the economy, share the benefits of independence through delivery of services to all areas of the country and realise in a sustainable way the high expectations and optimism that independence and self-rule engenders. Namibia adopted policies which have promoted integration and helped it to survive the challenge of elite fragmentation that the leadership in many young countries experience after taking control of post-independence governments. It has achieved political stability and appreciable socioeconomic development. It also adopted a Constitution as well as Standards and Codes that are necessary to consolidate democratic rule.



Standards and Codes

- xxiii. Namibia has ratified a good number of the Standards and Codes prescribed by the APRM's Democracy and Political Governance thematic area. But some of them have not been ratified, especially those pertaining to the protection and promotion of the welfare of internally displaced persons and refugees. However, the Constitution provides that the general rules of public international law and international agreements binding upon Namibia shall have the force of law in the country. Nevertheless, Namibia still needs to ratify all the Standards and Codes it has signed.
- xxiv. Namibia has an institutionalised process for signing and ratifying international Standards and Codes. It starts with the line Ministry recommending the domestication of an international agreement. The said line Ministry seeks Cabinet's approval with the concurrence of the Office of the Attorney-General. Following this approval, a recommendation is submitted to the National Assembly. If the National Assembly ratifies it, the line Ministry concerned notifies the Ministry of International Relations and Cooperation and requests for the preparation of the instrument of ratification and its subsequent deposit with the relevant depository. The agreement is then signed by the Speaker of the National Assembly and published in the Gazette.
- xxv. This ratification process allows the Government to thoroughly scrutinise these international public laws and agreements before their domestication, and enables Namibia to recognise what it really stands to gain by adopting them.
- xxvi. Similarly, the Government has a process for fulfilling its reporting obligations under the Standards and Codes that it has ratified. The Ministry of Justice, in collaboration with the Ministry of International Relations and Cooperation (MIRCO) and other stakeholders, is responsible for reporting on all UN and AU Human Rights treaties and instruments. Reporting obligations under the UN Agenda 2030 and the AU Agenda 2063 are coordinated by the National Planning Commission working with MIRCO and other stakeholders.

Constitutional democracy and the rule of law

- xxvii. Namibia has a progressive constitution which provides sound guiding principles for democracy and human rights, and identifies institutions for the protection and enforcement of these principles. The Constitution provides for an electoral system based on proportional representation or party list system for election to the National Assembly and a first-past-the-post system for election to regional councils. Namibians from all walks of life, including those

in the opposition and smaller parties, support this system and see it as the most credible one for representation and inclusion in Namibia.

- xxviii. The law regulating appointments to the Electoral Commission of Namibia provides for a competitive and independent recruitment process. This process is conducted by a selection committee comprised of specialized and autonomous agencies of government and civil society represented by the Law Society of Namibia. This committee works with the Secretary of the National Assembly to receive applications from interested candidates, reviews applicants' qualifications against a set of criteria provided in Section 6 of the Electoral Act, develops a shortlist, interviews candidates (a process open to the public and the media) and nominates qualified candidates from which the President appoints the five commissioners (at least two of whom must be women), or fills vacancies on the commission. The final stage of this process is parliamentary approval of those appointed by the President.
- xxix. There is widespread consensus among Namibians at all levels that the ECN is credible, and it has, over time, delivered on its core mandates independently, and without undue intervention and influence from external actors. To further deepen its independence, the Commission is currently in a partnership with the International Institute for Democracy and Electoral Assistance (IDEA) to develop technical modalities through which it will operationalize its institutional independence.
- xxx. The ECN has a remarkable record of success in voter registration and ensuring credibility of elections by introducing a biometric voter registration system. Despite the high voter registration, however, there has been steady decline in voter turnout during recent elections, particularly regional and local authority elections.
- xxxi. Namibia has State institutions which enforce the supremacy of its Constitution and the rule of law. The Executive and the Legislature uphold Constitutional provisions, and the Judiciary is free and independent. However, shortage of courts and judges often causes delays in the judicial process thereby constraining access to justice; this shortage needs to be addressed urgently.
- xxxii. There is separation of powers in Namibia, but the Constitution authorises the President to appoint some Members of Parliament to inject needed skills, expertise, and experience into the law-making process, and enhance representation. The principle of separation of powers is maintained by the fact that the eight members appointed by the President to the National Assembly do not have the right to vote, sit on committees or be counted in



determining stipulated quotas for decision-making. However, notwithstanding the strengthening of the National Assembly in this way, several Bills have been pending for a long time, an indication of the need to strengthen the administrative capacity of the Office of the Speaker.

Intra and inter-State conflict

- xxxiii. Namibia maintains peaceful and cordial relations with its neighbours, with whom it has bilateral commissions to settle disagreements and manage shared resources. It also has no overt conflict in its internal borders. However, there are some frustrations around issues such as land reform, including access to agricultural land; lack of housing; high level of youth unemployment; resource scarcity in the regions and local authorities; rising notions of ethnicity; lack of trust in the State's capacity to deliver services to all people; and a growing gap between the rich and the poor.
- xxxiv. In August 1999, the Government successfully suppressed a secessionist attempt by the Caprivi Liberation Army (CLA). The Government embarked on cultural, political, and development programmes and succeeded in restoring peace there. However, the Caprivi Concerned Group emerged to carry on the agenda of separating the former Caprivi Region from the rest of the country. The Government also implemented cultural, political, and development programmes and successfully restored peace.
- xxxv. Despite commendable efforts by the Government, Namibia's indigenous people are still being deprived of their land rights through encroachment by more powerful neighbours and elite. It is advisable for the Government to urgently address the matter so that indigenous people should feel that they are fully part of the Namibian nation with the same rights as the rest of the population.

Civil and political rights

- xxxvi. Fundamental human rights and freedoms are guaranteed by the Constitution which has established an independent Judiciary and the Ombudsman's Office to protect these freedoms and rights. The Judiciary is structurally and operationally independent of the Executive, and is capable of delivering impartial judgments. But, as stated earlier, access to justice is hampered by shortage of courts and judges. The Ombudsman is more accessible but has few regional offices, which limits access to those where its few offices are located.

xxxvii. Namibia's robust civil society plays a major role in protecting the civil and political rights of citizens. The press is free and trenchantly exposes abuses and defends the rights of the people. On the other hand, the Government has not passed the Access to Information Bill which CSOs have been agitating for; it is therefore advised to do so

Efficient, effective and accountable public service

xxxviii. The Government has carried out several reforms to enhance productivity in the public service at all levels. The first institutional reforms implemented shortly after independence aligned the public service with the Constitution and set up an independent Public Service Commission to recruit, appoint, promote and discipline public servants. Subsequent reforms focused on capacity enhancements, including the establishment of the Namibia Institute of Public Administration and Management (NIPAM), to equip public servants with needed skills, knowledge and expertise. Efforts have also been made to automate office processes through deployment of ICT facilities in Offices, Ministries and Agencies (OMAs), regional government and local authority offices. However, in engagements with stakeholders, the review team was made aware of dissatisfaction with the performance of the public service. This is said to be one of the reasons for the low execution of budget targets and poor delivery of services witnessed in some parts of the country. Government has tried to address the capacity issue in several ways, including introducing performance contracts, an initiative which is still being rolled out across OMAs.

xxxix. There is a perceived increase in the level of corruption in the public sector despite the establishment of the Anti-Corruption Commission, Ombudsman Office and the Public Procurement Board. As stated above, the Ombudsman's Office is limited in coverage to the capital and a few regions. The Anti-Corruption Commission has a mixed record of performance and appears more capable of dealing with less powerful people. Many Namibians who engaged with the review team considered the procurement system as rigged in favour of the powerful, the educated, well-connected and willing givers, and does not genuinely promote competitiveness, transparency and fairness.

Decentralisation

xl. At independence, the Government adopted a decentralisation strategy after much debate to quickly take government services closer to the people and afford them the opportunity to participate in governance. As envisaged, the

key goal was to give people in their regions and local governments a means to participate in governance and decision-making, which implied devolution of functions from OMAs to the sub-national levels. Done effectively, devolution would have given people in the regions and local authority areas a sense of political self-efficacy, trained them in participatory governance and made them active citizens capable of making impactful decisions for themselves and accepting responsibility for the outcomes.

- xli. However, because of the lack of adequately trained and experienced personnel to implement devolution in the regions and local authority areas, as well as limited financial resources, the Government decided to take a phased approach to decentralisation. In the first stage, functions would only be delegated and in the second stage devolved fully. After nearly two decades, the process is progressing at a slow pace, and seems stalled at the delegation stage. Seven ministries have delegated some functions, while the rest have not transferred any of their functions. Meanwhile, the clamour for more devolution to give substantive governance responsibility to the regions and local authorities is loud and relentless. The status quo is unsustainable, and the government should find a way to advance to the next stage of decentralisation as originally conceived.

Promotion and protection of the rights of women

- xlii. Namibia has ratified many international and regional agreements for the promotion and protection of the rights of women. The Namibian Constitution guarantees the rights of women by prohibiting discrimination on the basis of sex, while the Government has adopted policies and passed laws to promote women's rights such as the National Gender Policy, the 1998 Affirmative Action (Employment) Act, the Combating of Rape Act of 2000, and the 2003 Combating of Domestic Violence Act. The Government has also established a Ministry of Gender Equality, Poverty Eradication and Social Welfare to promote gender equality, poverty eradication, socioeconomic development of men and women, and the wellbeing of children.
- xliii. However, some women told the review team that they still face many challenges to the enjoyment of their rights. They feel that the archaic family law on marriage, divorce, and customary marriage, as well as harmful cultural practices hinder the full enjoyment of their statutory rights. However, Namibia has to its credit taken certain initiatives in pursuit of women's rights. The review team has selected two commendable practices in the area of gender equality to share with the rest of the continent (see section on Commendable Practices).

- xliv. Gender-based violence continues to be a serious and enduring problem. The Traditional Authorities Act which gives traditional authorities the right to supervise and ensure observance of customary law and practices is seen to be a contributory factor which perpetuates the application of harmful customs, traditions and cultural practices against women. Nearly a thousand women are raped annually in Namibia. Though the legal age for marriage in Namibia is 18 years and above, some young girls are still married off as early as 11 years, partly because some members of the communities may not be aware that it is a crime to marry a girl below the age of 16. The Government should embark on massive public enlightenment and revise relevant laws to align them with policies to promote and protect the rights of women.

Protection of the rights of children and young persons

- xlvi. Namibia has signed the Child Rights Act which protects children from all forms of sexual exploitation and abuse, and the Constitution protects them against economic exploitation and hazardous work. Other laws to protect children include the Children's Status Act; the Child Care and Protection Act; the Combating of Immoral Practices Act; and the Basic Education Act (No.3 of 2020).
- xlvi. However, Namibia does not devote sufficient resources to meeting the minimum standards of responsibility to children in detention, including the fact that children's courts have not been operational in all regions. It also lacks dedicated juvenile or youth correctional facilities even though the Correctional Services Act of 2012 (Act No. 9 of 2012) provides for separate detention quarters for juvenile offenders.
- xlvii. Most stakeholders expressed concern over child marriage and teenage pregnancy resulting in high rates of school dropouts especially in rural areas. This phenomenon is prevalent in some communities in the Kavango and Kunene regions. Like in the case of women, traditional practices are also to blame for oppressing and undermining the rights of children. The community of Ovahimba in the Kunene region confirmed to the review team that the Ovahimba marry young girls; but they also admitted that they needed to revisit and discourage that practice.
- xlviii. Children with disabilities in the northern regions have no resource schools and are therefore deprived of education. There are, however, six (6) resource schools located in Windhoek, although stakeholders indicated that most rural families cannot afford to take their children for education there.



Promotion and protection of the rights of vulnerable groups

- xlix. Namibia has legislative instruments to protect and assist vulnerable children. Among these are the National Policy on Orphans and Vulnerable Children of 2004, the National Agenda for Children (2012-2016), and the National Agenda for Children (2018-2022) that also caters for the needs of vulnerable children. Others include the National Policy on Disability (1997), the National Policy on Orthopaedic Technical Services (2001), the National Policy on Mental Health (2005), the Sector Policy on Inclusive Education (Republic of Namibia 2013) and the Disability Mainstreaming Plan of 2020.
- I. Namibia is one of the few African countries with policies that protect the rights of indigenous people. The Country Self-Assessment Report notes the existence of a draft White Paper on the Rights of Indigenous Peoples in Namibia which is now awaiting presentation to the Cabinet for approval.
- li. Namibia has laws and policies to address issues of people living with disabilities. These include the National Disability Council Act of 2004 (Act No. 26 of 2004), the Child Care and Protection Act (No. 3 of 2015), the Disability Mainstreaming Plan of 2020 and the Sector Policy on Inclusive Education that places strong emphasis on children with disabilities. Nevertheless, some potential beneficiaries of the disability grant are neither aware of its existence nor of the process required to obtain it. As a result, persons with disability have limited access to education and only a few are gainfully employed.
- lii. Namibia has only one Refugee Camp, located in Osire in Central Namibia in the Otjozondjupa region, which is 240 km from Windhoek. Interaction with other communities is difficult because of the isolation of the camp, with other regions processing and transmitting refugees and immigrants to the Osire Camp. The region lacks holding shelters for processing refugees at receiving points as well as transport to move the processed refugees to the central camp, all of which result in long and cumbersome processing.
- liii. The San Community remains disadvantaged in the enjoyment of economic, social, and cultural rights. They had been forcefully deprived of their land in colonial times, including what became known as the Etosha Game National Park, without consultation or compensation. The Government has started resettlement projects in several regions including the Omaheke Region and Kavango West. For example, some members of the San community have been resettled at the Bravo and Gorden communities in Kavango West Region. However, challenges remain including marginalisation, underdevelopment, and poverty despite the implementation of the San Development Project run by the Division of San Development in the Presidency.

3. ECONOMIC GOVERNANCE AND MANAGEMENT

- liv. Namibia inherited a poor economy after independence in 1990, but has managed to emerge strong since then, with average growth rates of between 3% and 5% in the 1990-2000 to 2001-2015 periods, largely because of the commodity super cycle. However, this growth was largely jobless, with the growth rate short of the 7% annual target rate considered necessary for significant job creation. Moreover, from 2016 to 2018, the economy witnessed a decline in its growth rate, a situation that was compounded by the 7.3% contraction of the economy in 2020 as a result of the COVID-19 pandemic.
- lv. The Government adopted appropriate economic policies, and implemented its development goals through Vision 2030, the medium term National Development Plans (respectively NDP1 to NDP5, with the Government now expected to launch the Sixth National Development Plan (NDP 6), the Harambee Prosperity Plans (HPP 1 and 2), and the Targeted Intervention Programme for Employment and Economic Growth (TIPEEG). The latter two programmes were specifically developed to address growing unemployment, high poverty and inequality, and the low economic growth rate. These efforts are directed towards stimulating the economy over the medium term and addressing the devastating socioeconomic effects of the COVID-19 pandemic. Indeed, with an improvement in the regional and global economic environment, the economy is expected to rebound to 1.4% in 2021 and 3.4% in 2022 on the back of a steady recovery of the mining and services sectors.
- lvi. Government spending plays a significant role in any economy by stimulating aggregate demand with a high allocation to the health and education sectors. Yet, despite high government spending in Namibia, the share of capital spending in the economy remains very low, with over 40% of total spending used for the public sector wage bill. The Namibian economy has also been characterized by budget deficits over the years which have led to debt accumulation. To address the growing debt challenge, the Namibian government introduced strict fiscal consolidation. However, the emergence of the COVID-19 pandemic undermined those efforts. Other measures, such as the monetary policy, have also been employed with this specific aim. The country's currency is pegged at a fixed exchange rate to the South African Rand. This ensures price stability for a sustainable economy. Thus, inflation and interest rates have remained stable. Trade policy is mainly driven by regional and continental economic and trade blocs.



- lvii. The Namibian economy is considered stable when assessed by the rate of inflation, which was on a downward trend during the 2016 to 2020 period. However, inflation increased moderately in the first three quarters of 2021, rising from 3.1% in March to 3.4% in August 2021. While the inflation rate may be considered largely acceptable, other macroeconomic indicators such as the public debt are of concern, with the debt-to-GDP ratio increasing sharply from 23.73% in 2015 to 62.06% in 2020
- lviii. The structure of the Namibian economy has barely changed since independence, with the share of tertiary industries (services sector) remaining higher. Government services form a larger part of these industries, creating vulnerability and lack of resilience in the economy. In addition, Namibia experienced severe droughts in 2019 that constrained agricultural output and subdued the supply of electricity and water, with associated effects on production. There are also some inherent structural strains in the different sectors related to the sub-optimal exploitation of the potentials of the country to create a more productive and inclusive economy that provides access to productive jobs with better wages and improved standards of living. This is a fundamental challenge facing the Namibian economy; it is a challenge that is manifested in extremely low labour participation, high unemployment, and a very small formal private market that provides employment for only one in every seventeen Namibians in the labour force.
- lix. Namibian economic progress is mainly anchored on the mining and fishing sectors. While recognising the significant improvement in the tourism sector, the entire ecosystem of the sector can be revamped to explore new markets and include more citizens. Access to the country should be eased to increase the number of tourist arrivals and develop a mega-tourism hub. There is urgent need to increase local content and enhance the integration of small businesses in the value chains of these two sectors, as well as in the agriculture value chain.
- lx. The sectors that contribute most to the economy can be further encouraged to develop their varied potentials. Of utmost importance is a sector's potential to create jobs. For instance, an estimated 23% of the labour force was employed in the agriculture, forestry, and fishing industry while only 1.7% was employed in the mining and quarrying industry, an industry that contributes the largest share to total exports. It is, therefore, important to engage the mining and quarrying industry in crafting policies and initiatives that can ensure a more equitable distribution of benefits from the industry, including through a sustainable integrated mining ecosystem.

- lxi. The Panel recognises and encourages Government efforts and progress in beneficiation, leading to significant value addition in the extractive sector. This beneficiation is attainable, and is most efficient if established close to mines, before transportation and export. The downstream mineral beneficiation industries also require integration into the Special Economic Zone.
- lxii. Namibia is to be commended for having well-defined structures that enable public participation in policy making through structures such as the Village development committees, District development committees, Constituency development committees, regional committees and line ministries. There is concern, however, about the level of actual participation of stakeholders in policy making.
- lxiii. Also, the participation of public and private institutions in policy discussions remains low. Stakeholder participation is often limited to matters of public finance management and oversight, with occasional public parliamentary committee meetings during which representatives of public entities are questioned on fiscal expenditures. This limited public participation was confirmed in the Open Budget Survey where Namibia is ranked low in public participation. While the country scored 51 out of 100 points for overall budget transparency, countries need a minimum of 61 points to be classified as transparent in the fiscal budgetary process.
- lxiv. As noted in the section on an “*Efficient, Effective and Accountable Public Service*”, the government should find a way to advance to the next stage of decentralisation as originally conceived after independence. In interactions with State and non-State actors in all regions, it was found that, while all of them applaud the policy, they feel it is not working as they had expected. Fiscal decentralization to Local Authorities has not yet been fully implemented. Local Authorities in Namibia control less than three % of public expenditures. Regions and Municipalities are still financially and logistically dependent on the national government to carry out their respective mandates.
- lxv. From these interactions, the review team established that Namibia’s decentralization is still at the delegation state. The team was informed of lack of budget control by the Regional Councils, and that the system of sectoral budgeting at the Centre does not allow Councils to reallocate funds to be utilised on other priority or emergency community needs. There were also complaints that planning is done at the Central government level and sent to the regions for implementation, and, when some functions are delegated to the Regions, it is often done with limited funding to implement them.



- lxvi. Regional governments therefore use earmarked resources to try to implement programmes and projects. This has seen unspent funds being returned to the Treasury as required by the State Finance Act and treasury instructions despite severe shortage of financial resources in other areas of need. Notably, the team heard that there are no established criteria on how the line ministries allocate budget to the regions. The review team was also informed that despite budget requests by Regional Councils to line-ministries, no adequate resources are often allocated. The situation is further compounded by the fact that the central government and the regional and local authorities use different budget cycles, and there is a capacity shortage in some of the regional and local councils.
- lxvii. Capacity and resource deficits were also raised regarding the Namibia Statistics Agency, where there is need for technically competent, experienced, and dedicated staff, and adequate financial resources to carry out the many activities in its strategic plans. The team was informed of plans to improve on the capacity and efficiency of the institution, including launching a self-service portal for trade data to minimise the number of data enquiries requiring staff, as well as plans to develop a National Housing Information System to track socioeconomic development.
- lxviii. Government has improved in its management of public finances, including through the budget formulation process, accounting systems and debt management that is underpinned by a comprehensive macroeconomic framework and fiscal discipline through the Medium-Term Expenditure Framework (MTEF). Achievements include the implementation of an Integrated Financial Management System (IFMS), the formulation of a comprehensive debt strategy, combined with an improved regime on reporting on the country's debt.
- lxix. Significant progress has also been made in ensuring accountability of the country's public finances and resources through adoption of international standards and approaches to internal audits. Also, the Constitution has provided for an Auditor-General (AG) to audit all government accounts and those of statutory bodies, special funds, and local authorities amongst others. Each office, ministry, and agency of the Government in Namibia is also required to have its own internal audit.
- lxx. There is an independent office of the Auditor General whose duties and powers are prescribed in the State Financial Act of 1991. During the review mission some concerns were raised that the office does not enjoy

full financial independence as its budget is prepared and approved by the Ministry of Finance. Moreover, functions such as setting the standard for the internal audit of public institutions, monitoring compliance with standards, providing guidance and advice, identifying appropriate training and capacity building programmes and identifying the requisite professional qualifications for internal auditors, are being undertaken by the Ministry of Finance rather than the Auditor General. The review team did not, however, receive any evidence that in practice this arrangement undermines the independence of the Auditor General in any substantial way.

- lxxi. Concerning the fight against corruption in Namibia, some duplication of anti-corruption efforts particularly by the two anti-corruption fighting institutions (Anti-Corruption Commission (ACC) and the Ombudsman) was observed. Moreover, the institutions have attracted some negative perception from the media and the society in general for allegedly targeting only small-scale corruption while ignoring that of politically connected individuals in the country. Some non-State stakeholders have suggested that the public loss of confidence in these institutions has made it difficult for them to perform their duties effectively, and weakened their efforts to fight corruption and money laundering. These institutions also complained of lack of feedback from authorities on the efforts against corruption. The Panel encourages the Government to find ways to create synergy and efficiency amongst the ACC, the Ombudsman, the Financial Intelligence Centre, law enforcement agencies, the Office of the Prosecutor General and other key stakeholders engaged in the fight against corruption in the country. The Panel also recommends that decisions on whether or not to prosecute cases of corruption should be made by officials who are protected from undue pressure.
- lxxii. There are also challenges in the institutional framework to protect whistle-blowers. Namibia's Whistle Blowers Act is not yet being implemented, and does not provide incentives to and for whistle-blowers. Even if this Act is implemented, these deficits may discourage people from reporting corruption, money laundering and similar criminal activity.
- lxxiii. Export diversification and value addition are needed for Namibia to compete in the wider regional and continental markets. Namibia withdrew from COMESA in 2004 due to what it saw as unfair trading competition. Nevertheless, the country has agreed to join the much larger continental market under the African Continental Free Trade Area (AfCFTA). The Panel encourages the Government to ensure there are adequate safeguards against similar unfair competition. A commitment to progressively liberalize tariffs under



AfCFTA portends significant risks of growing trade imbalances unless export diversification and value addition are greatly enhanced. To this end, Namibia is developing key trade policies including trade in goods, trade in services, and the National AfCFTA Implementation Plan. The Panel encourages these initiatives.

- lxxiv. Due to the predominance of foreign investors in the mining sector, Namibia is prone to significant losses in public revenue due to potentially aggressive tax planning by Multinational Enterprises (MNEs). There is, therefore, need to enhance institutional capacity to curb tax evasion in the extractive sector. The tax culture of MNEs has been nurtured in an environment that has limited capacity and resources to effectively detect and combat tax evasion malpractices. The mechanisms deployed to facilitate tax evasion are growing in sophistication, which results in the likelihood of mining companies paying little to no taxes when using schemes such as overpricing sales, excessive interest deductions and undervaluation of mineral exports.
- lxxv. The Panel recommends that Namibia should develop a national strategy to curb potential tax malpractices in the extractive sector through robust legal and law enforcement systems, while also learning from, and creating cooperative frameworks with other countries and global and regional institutions experienced in fighting this vice. The authorities also need to equip specialised units such as the Revenue Authority, Customs, Economic Intelligence, and others with the skills set and capacity to understand the mining value chain, auditing, and investigate international tax evasion malpractices.



4. CORPORATE GOVERNANCE

- lxxvi. The Covid-19 pandemic significantly reduced global economic activity, a situation which further exacerbated volatility, uncertainty, complexity, and ambiguity because of the strict restrictions to prevent the spreading of the virus.¹⁰ This weakened Namibia's economy, which now is expected to recover only moderately in 2021. Real GDP contracted by approximately 7.3% in 2020. The sectors most affected by COVID-19 were tourism, hotels, and restaurants all of which were affected by travel restrictions; mining; transport and storage; manufacturing; wholesale and retail trade; and construction to name a few. The Namibian economy is projected to return to growth rates of 2.6% and 3.2% in 2021 and 2022, respectively.
- lxxvii. National Development Plan 5 is approaching its terminal phase and this provides a unique opportunity to leverage Namibia's dual economy in reviewing Corporate Governance (CG) practices in order to support Namibia in optimising the inherent benefits of effective CG practices. This will help to develop the private, public and social or non-profit sectors. Implementation of CG best practices is universally considered a key variable in improving sector performances by helping organisations to operate more efficiently, mitigate risk, safeguard against mismanagement, improve access to capital and strengthen reputation. This is also because good CG practices increase transparency of organisations to investors, give board members the tools to respond to stakeholders' concerns and boost investor confidence.
- lxxviii. Namibia is a signatory to many international conventions, frameworks, standards and codes in areas relating to accountability of entities, conventions for trade and treatment of workers as well as accountability to citizens. The Namibian Constitution also has well spelt out arrangements for jurisdiction of the business environment and the role of partners. With specific focus on domestic Corporate Governance, the Companies Act 28 of 2004 provides the general legal guide for registration and operations of organisations, in addition to the applicable law relevant to their mandate. In terms of Corporate Governance practice, Namibia has largely been guided by the Corporate Governance Code for Namibia 2014 (NamCode). The NamCode, is a voluntary code for organisations which provides a list of best practices to guide directors and boards in making choices and decisions within their competence.
- lxxix. In 2019, Namibia introduced the Public Enterprises Governance Act (PEGA

¹⁰ Bank of Namibia (BoN): Economic Outlook Update, December 2020

2019) which is the legal Corporate Governance framework for public entities. The NamCode 2014 was guided by the King III requirement of the *apply or explain* regime of enforcement, while the PEGA (2019) is mandatory and still in its early days of rollout. Therefore, in terms of CG frameworks, maturity of CG practice and opportunities, Namibia has passed the introductory phase of CG and is making advances into a growth phase, with introduction of PEGA 2019, in addition to Namcode 2014.

- lxxx. The CRM has identified and prioritized key challenges within the CG thematic area as applicable to Namibia.
- lxxxi. *Adoption of Standards and Codes* – Namibia’s economy is largely extractive with a high proportion of informal sector contribution to GDP. Yet, there are two critical processes that are pending – the need to strengthen enforcement of various ILO codes through inspection and site visits to labour-intensive sectors and on farms, as well as the still pending sign-up to the Extractive Industries Transparency Initiative, which will hold the extractive industry more accountable to Namibia.
- lxxxii. *Regulatory frameworks* – The NamCode 2014 mostly targets listed entities, and largely excludes the informal sector, which today contributes more to Namibia’s GDP. Unfortunately, Namibia’s informal sector remains less than optimally organised, thus, widening the inequality gap within the business community and limiting opportunities for the informal sector to positively contribute to creating jobs and addressing poverty. Namibia can optimally benefit from CG practice, if the Namibian dual economy becomes mainstream through comprehensive regulation and organisation of the informal sector into Trade Groups, Associations, and Cooperatives.
- lxxxiii. Public Enterprises under PEGA 2019 as enacted have an opportunity to become more accountable and improve service delivery to the people of Namibia, though the process is in its infancy. Therefore, the PEGA will need adequate resourcing for broad based roll out and supervisory oversight, given its potential impact on the corporate performance of SOEs and Parastatals. Even though the Non-Profit and Civil Society Organisations sector in Namibia is very dynamic and vibrant, there are no regulatory frameworks governing it. Given the role of the Media and CSOs in promoting a free society in Namibia, the existence of the Media Ombudsman makes the absence of CG frameworks for CSOs even more glaring.

- lxxxiv. *Accountability of SOEs* – The process to appointment members of boards of directors and or commissioners of SOEs, Parastatals and government agencies should be improved, because current practices are preventing Namibian SOEs from achieving the requisite high performance and value added. Namibia can, through a transparent process of appointing directors from a well screened database of potential candidates, improve performance and increase the impact of SOEs in the country. If the Namibia Performance System Framework (2005) is updated to align with the present realities of the Public Service and CG requirements as a complement to PEGA 2019, Namibia would reap immense benefits from better performance of its SOEs.
- lxxxv. *Conceptual and Operational Independence and Autonomy of key institutions* – The Auditor General, Attorney General, the ACC, Ombudsman and Media Ombudsman are specialized entities that should embody Public Sector CG practice. They should have fully manned boards and governing councils, and should be present at all regional and council levels with streamlined processes, as well as multi-leadership level review processes to boost confidence in their oversight functions. The challenges that these organisations are facing are hampering their ability to effectively enforce compliance with the Code of Ethics and Accountability of Leaders as applicable to CG practice.
- lxxxvi. *Continued Education on Corporate Governance across Sectors* - The Namibia Institute of Public Administration and Management (NIPAM), the Namibia Institute of Corporate Governance (NICG), the Namibia Training Authority, the Namibia Stock Exchange as well as Professional Services firms in Namibia do not have a harmonized curriculum for the relevant CG training. This absence will make it difficult to track the progress of directors and make corrections where needed. Namibia's new code will need to be accompanied by an 'Approved Persons' regime and continued education pathways for directors. International and continental benchmarking of applicable practices will be required to deepen the impact of CG and nurture growth in CG skills in Namibia.
- lxxxvii. *Integrated Reporting and potential impact of the Extractive Industry*– Namibia has a vibrant extractive industry and major corporate entities that are listed on the Namibia Stock Exchange as well as Medium Enterprises that need Foreign Direct Investments. It can thus make Integrated Reporting a requirement for participation in the formulation of NDP6 to ensure that they provide information about their participation in the economy including their programmes that address national socioeconomic issues and their CSR initiatives. The delay in signing up to the Extractive Industries Transparency Initiative (EITI) is also limiting Namibia's opportunities to maximise benefits from its natural resources.



5. SOCIOECONOMIC DEVELOPMENT

lxxxviii. The objective of socioeconomic development is to build into society mechanisms that will foster sustainable and self-reliant growth, lead to social justice, and provide equal and equitable opportunities for all to take part in the development process, overcome socioeconomic disparities and achieve gender equality.

lxxxix. Namibia had a difficult past, including colonisation, genocide and foreign administration which often led to deep-rooted inequalities. Independence in 1990 was an important first step out of these difficulties towards an emerging and self-reliant society. A new Constitution was adopted with women's empowerment and gender equality as some its main objectives.

xc. Socioeconomic development has been the focus of public policy in Namibia since independence. With a per capita GDP of US\$5,152 (2017 estimate), Namibia is regarded as a middle-income country; however, this idea has been contested even by the Namibian government itself on the grounds that its society has numerous features of chronic underdevelopment. These include a life expectancy that is lower than in most of other middle-income countries, a lower school enrolment rate and unequal wealth distribution.

xc. The Republic of Namibia has adopted several treaties and conventions that promote sustainable socioeconomic development. It has implemented 53%, ratified 69% and deposited 38% of the fourteen standards and codes that are recognized under the APRM as essential for socioeconomic development.

- xcii. The Namibian economy has two main interrelated sectors: agriculture, which is hampered by a largely arid climate with consequent low productivity although it is a major employer; and a non-agricultural sector, which is dominated by capital-intensive mining but with little job creation. Recognition of these challenges is evident in the country's Vision 2030 and the National Development Plan (NPD5), as both aim to address these structural difficulties through intensifying value addition in agriculture and broadening non-mineral diversification. Indeed, NPD 5 was introduced to address three major challenges: inequality, unemployment, and poverty.
- xciii. Despite Namibia's endowment with abundant natural resources, good infrastructure, a vibrant democracy, peace and stability, the country is still witnessing high levels of social inequality. Government has made considerable policy efforts to address inequality, mitigate its effects across the country, eradicate poverty and reduce unemployment, especially amongst youth.
- xciv. Namibia's unemployment rate stands at 33.4%, and 20% of the population lives in the townships. A 2018 study showed that more than 90% of Namibians do not qualify for a housing loan, and are thus unable to buy a home. Additionally, the price of housing continues to skyrocket, excluding low-income households from purchasing homes. It was estimated in 2016 that nearly 90% of Namibians earned less than N\$2,700 a month, which in itself excludes them from mortgage eligibility.
- xcv. Land ownership is a challenge, but is also part of the solution to unemployment. Seventy percent of commercial farmland is owned by white farmers, while black farmers own 16% and government, 14%. Land reform which has been in progress for the past 28 years is needed to address these imbalances. The pace of this reform must be accelerated so that the Government can lift people out of endemic poverty and boost the economy through efficient and productive land use.
- xcvi. Regarding social development, Namibia has succeeded in reducing the national poverty line from 69.3% to 17.4% in the years between 1993 and 2016, in line with the improvement and stabilization of its economy and political environment. Namibia also has a comprehensive social protection programme against vulnerabilities across the various groups. However, the performance of these programmes has varied over time. The elderly, through contributory and non-contributory pensions, have seen marked improvements in wellbeing, while the youth remains largely vulnerable to unemployment and poor social protection coverage.



- xcvii. The Government is also improving access to social amenities. Most of the rural population does not have adequate access to basic amenities such as healthcare, energy, and potable water. These facilities are scarce and sometime unevenly distributed across regions and local councils.
- xcviii. Education is another area where the government has made steady progress to provide quality, free and accessible basic education across the country. A number of pending issues need to be reviewed though, namely the inadequate number of schools, their remote locations, especially in rural areas where game reserves can sometimes harbour dangerous animals. Another issue is the inadequate number of teachers and overcrowded classrooms with a ratio of 50 to 70 students per teacher in some schools. Furthermore, school abandonment has been on the rise, and the transition between secondary and tertiary education is still very low, essentially because of the costs associated with university education and the inadequate number of vocational schools.
- xcix. The Namibian Government has made considerable progress in promoting broad-based participation in development. However, it still has some constraints in strengthening the participatory approach to make it even more inclusive and flexible to accommodate the needs, interests, and potentials of all stakeholders. In most of the regions surveyed, participants were concerned that, while the representative system was good, it did not always capture all views. The pace of regional development and service delivery has been slow, due to inadequate communication and coordination. Decisions require more extensive consultation, and should not be limited to the current small number of stakeholders, lobbyists, and special interest groups.
- c. On gender equality, Namibia has made laudable and significant strides in its efforts to reduce gender inequalities and promote women's and girls' rights and their economic empowerment. Additional work still needs to be done in this area; especially to reverse the increasing feminization of poverty in rural areas, as SDG 5 on gender equality has been duly aligned with the national development frameworks (NDP5, HPP and Vision 2030).
- ci. The achievements in gender equality are due to existing legislative instruments that have been adopted and the various programmes that have been developed by Government. To date, 43% of parliamentarians are women, a significant increase from just 25% in 2010. Furthermore, 43% of managerial positions in public service are held by women. In terms of governance, currently 40% of the national executive (22 Ministers) are women.

- cii. Challenges to gender equality and rights persist due largely to unequal access to productive resources, harmful socio-cultural practices, gender-based violence, unequal educational access, and low participation of women in decision making, especially on the economic front. Namibia is making efforts to strengthen its focus on generating sex-disaggregated statistics to address the existing lack of data on gender equality and rights. It is also developing a Communication Strategy on the 2030 Agenda for Sustainable Development to create awareness and mobilise the society's participation in the implementation of NDP5/Agenda 2030.
- ciii. Namibia has achieved progress in a number of socioeconomic areas. Several challenges persist, including inequality, increasing poverty in rural and underserved areas, a high unemployment rate especially among the youth, difficult access to basic amenities in a number of remote localities, lack of credit facilities and inadequate access to markets, in addition to slow decentralisation, persistent gender inequalities, gender-based violence and unequal access to quality education.
- civ. Thanks to an unwavering political will, which underpins all the bold policy initiatives and reforms the country has adopted so far, Namibia has all the ingredients necessary to effectively consolidate implementation of its progressive socioeconomic policies and strategies to address the needs of the most vulnerable groups.
- cv. As already mentioned, the APR Panel recommends that the Government of Namibia should accelerate the pace of decentralisation, augment the effectiveness of its stakeholder participation mechanisms through adopting a sustainable bottom-up planning system to stimulate participatory development. It should also prioritize efforts to address youth unemployment through increased investment in agriculture and tourism. Further, the APR Panel also calls on the Namibian government to further strengthen its policies and programmes to combat poverty and inequality through facilitating access to credit and microfinance especially for women and youth, inheritance, land ownership and other productive assets.





6. COMMENDABLE PRACTICES, CROSS-CUTTING ISSUES AND CONCLUSION

Commendable Practices

cvi. Namibia has many commendable governance and socioeconomic development policies and practices. The following 11 commendable practices have been selected in the four thematic areas of the report. These are:

- *The Legal Assistance Centre*: The Legal Assistance Centre was established by workers, students, church leaders, and human rights lawyers in 1988, at the height of human rights abuses by Apartheid South Africa. Its mission was to defend victims of human rights abuses through its lawyers and paralegals who in the early days were at the centre of the liberation struggle. Following independence in 1990, the LAC diversified and took on new challenges, with a continued influence on Government policy, legislation, jurisprudence, and governance in general with flagship projects such as the Social Justice Project (SJP), Gender Research and Advocacy Project GR&AP), and the Land, Development and Environment Project LEAD).

- *Women for conservation in the Kunene Region:* Communal conservancies in Namibia are areas with defined borders and well organised management structures led by local community members. Women have been actively involved in these structures, occupying key decision-making positions. Since independence, Namibia has reinforced the idea of conservation through policies to empower communities by giving them the right to manage, protect and benefit from the wildlife on their communal conservancies, known as Community Based Natural Resource Management (CBNRM). This has led to thriving wildlife in these areas. Kunene Region alone has 37 conservancies, the highest number in the country, with a total conservancy population of 65,137 people.
- *The Namibian Transport Infrastructure:* Namibia's road network is ranked amongst the safest, most efficient, well maintained, very clean and sustainable on the Continent. Since its establishment in 2000, the Road Authority has expanded the road network, contributing immensely to the economic development of Namibia and the SADC sub-region as a whole.
- *International Standards in National Statistics:* Namibia collaborates closely with other international statistics offices including the UK Office for National Statistics and the US Census Bureau, and stays abreast with modern techniques. The country is also an active member of the Pan African Statistics (PAS) Peer Review Programme for AU Member States, where National Statistics Institutes or Offices assess and review each other's implementation of the principles and standards set by the African Charter on Statistics.
- *The Namibia Public Enterprises Governance Act 2019:* The Ministry of Public Enterprises (MPE) has adopted and integrated the international corporate governance principles of King III, and integrated the NAMCODE, where applicable into the Public Enterprise Governance Act No1 of 2019. All Public Enterprises in Namibia are required to apply both codes. The MPE has also developed regulations to strengthen enforcement of compliance with corporate governance principles, and developed a governance scorecard to monitor compliance by all Public Enterprises.
- *Public Offices and Codes of Ethics:* Many public offices in Namibia have pledged to respect a code of conduct or ethics, and have trained staff on these codes, including staff in the following public entities: Offices of Governors, Regional Councils, Local Authority, the Police Service, the Prisons service, the Ministry of Education and the Judiciary. Organisations like the Namibia Stock Exchange, the Namibia Institute of Corporate Governance and the Bank of Namibia also have well entrenched codes

of ethics with training regularly scheduled. This is testimony to the commitment of the Government of Namibia which has engaged the NICG to provide training and advisory services for appointments and capacitation of directors of public offices.

- *ROSSING Uranium Integrated Report and CSR initiatives:* The Rossing Uranium company publishes a stakeholder report annually in addition to their annual report. Rossing is working towards a holistically sustainable approach to its operations in line with all established, current and emerging good practices in corporate governance, ESG, CSR, employee health and safety and organisational sustainability. The Rossing Foundation plays a key role in education and skills training to enable the community to become a sustainable source of labour and skills in mining for the country.
- *Namibia's ICT Sector:* Namibia has an exceptionally well developed communications infrastructure. In 2019, the ratio of telephone lines was 5.6 /100 inhabitants with 63 314 fixed broadband subscriptions compared to only 134 in 2005, registering an average annual growth rate of 162.65%. Fixed internet subscriptions per 100 inhabitants increased from 0 per 100 inhabitants in 2005 to 2.5 per 100 inhabitants in 2019, growing at an average annual rate of 157.97%. Mobile cellular subscriptions increased from 82,000 in 2000 to 2.82 million in 2019 growing at an average annual rate of 22.05%. There were 1.28 million internet users in Namibia in January 2020. Internet penetration stood at 51 % in January 2020.
- *Namibian Civil Society- Advancing APRM Ownership:* As soon as Namibia became the 36th African Union member state to voluntarily accede to the APRM in January 2017, its vibrant civil society started examining the best way to play its role in the review process, to diagnose governance strengths and challenges and develop appropriate and applicable remedies. A multi-stakeholder Civil Society Working Group on the APRM (WGA) was formed in February 2018, and submitted its civil society submission to the Namibian APRM National Governing Council in June 2019. Arising from the APRM experience, a new information hub for civil society called Civic +264 was launched. It is a voluntary association managed jointly by The Institute for Public Policy Research (IPPR), Namibia Media Trust, Namibia Institute for Democracy, Legal Assistance Centre and Citizens for an Accountable and Transparent Society. Civic +264 is intended as a vital conduit for future and stronger engagement with the APRM process, and a means of involving the wider civil society for a constructive engagement with the government.

- *Enabling adolescent girls to continue their education in the case of pregnancy and motherhood:* To encourage learners to complete their education and be good parents, Namibia has introduced measures to allow pregnant learners to remain in school until four weeks before their due date, and allow the mother to return to school as soon as the school is satisfied that both she and the baby are in good health and have a plan for the baby's care, while allowing for absence from school for a maximum of one year.
- *The BBB Programme to Empower Women through Urban Agriculture:* The Build Back Better (BBB) programme is a multi-stakeholder programme focused on sustainable interventions that support the most vulnerable, including women, youth and people living with disabilities. It provides allotments, seedlings, training and capacity. It is being implemented through urban garden schemes across four regions: Hardap, Khomas, Erongo and Kavango-East, and integrates gender equity and the empowerment of marginalised groups such as women into its implementation framework. This has already helped absorb part of the shock of the Covid-19 pandemic and achieved a food-secure future for Namibia.

Cross-cutting Issues

- cvii. While Namibia has recorded significant progress in governance and socioeconomic development, it faces some persistent and recurring cross-cutting challenges that fall under some or all four APRM thematic areas. These are discussed in chapter six of the report and include (i) Decentralisation, (ii) Land reform; (iii) Corruption; and (iv) Implementation Issues.
- cviii. *Decentralisation:* Soon after independence, the Government adopted decentralization as the most appropriate approach to decongest central government, involve the people in governance, take services closer to the population, and encourage participatory democracy. The Government conceived decentralization as devolution, which would be approached pragmatically through gradual transfer of administrative responsibility for service delivery to the regions and local authorities (delegation), followed by deeper assignment of control over the delegated functions and give the regional and local authorities autonomy in making decisions on planning, budgeting, taxing. The Panel suggests that the Government should establish a special commission to make recommendations on ways to accelerate the process towards devolution.

- cix. *Land Reform:* Access to land and land ownership are considered a national security, financial, policy and development challenge. There is consensus that land reform policies have not yielded the intended results of granting ordinary citizens optimal access to land and its resources. The Panel recommends that the government of Namibia should expedite access to land, including related services, through a phased and transparent approach that adheres to time-bound targets for land redistribution.
- cx. *Corruption:* While Transparency International's Corruption Perception Index (CPI), which gauges citizen's perception about corrupt practices, classifies corruption in Namibia as 'moderate', its impact on socioeconomic development and political and economic stability can be devastating if there are no institutional guardrails to prevent its spread. The Panel calls for a concerted effort on the part of anti-corruption agencies and institutions in the country including the ACC, FIC, NAMFISA, the Ombudsman, NAMPOL and the OPG to fight this scourge more vigorously.
- cx. *Implementation Issues:* There is a high level of frustration in Namibia with non-implementation of policies as a result of sub-optimal institutional commitment to effective implementation. Guided implementation of existing policies will not only foster efficiency within the governance architecture, but also improve service delivery and stimulate economic growth and inclusive development. To trigger effective implementation of policies in a harmonised manner, structures, processes, human capacity and platforms should be encouraged to work together in synergy.

CONCLUSION

- cxii. The APR Panel is confident that Namibia has all the tools, capacities and political support necessary to implement the NPoA to improve governance and attain the objectives of the sixth NDP, Harambee Prosperity Plan, and Vision 2030, as well as the AU Agenda 2063, Africa's long term plan for socioeconomic development.
- cxiii. The APR Panel is grateful to the Government and People of Namibia for their decisive implementation of APRM programmes, including the Targeted Review on Youth Unemployment and the Country Review, and for the genuine African hospitality and commitment from all stakeholders including from the highest levels. The Panel commends the Namibian Government and the Namibian people for their openness and transparency and looks forward to the implementation of the APRM National Plan of Action.



CHAPTER ONE



1. HISTORICAL BACKGROUND AND THE APRM IN NAMIBIA

1. This Chapter starts with a short introduction and historical background of Namibia, followed by a brief outline of the APRM process in the country, from accession to the start of the APRM review mission in 2021.

1.1 Brief Historical Background¹¹

2. Namibia formally gained political independence from apartheid South Africa in 1990. Prior to that, Namibia had been a German colony between 1884 and 1915. Following World War I, Namibia (then German South West-Africa) became a mandate of the Union of South Africa (C-class) under the International Trusteeship System of the then League of Nations. South Africa ruled Namibia under the same Apartheid system that disenfranchised blacks and separated the population by ethnicity and race. The Namibia situation worsened, as the same political and racial practices in South Africa were applied in Namibia (then called South West Africa or Suidwes-Afrika).
3. After independence the new leaders took on the task of drafting a forward looking constitution for the new Republic of Namibia that would foster democracy, promote the rule of law and set up accountable institutions, among others. The genesis of the very liberal constitution of 1990 can be traced backed to the 1982 Constitutional Principles agreed upon by the United Nations Security Council. This new constitution enshrined the separation of powers between the Executive, the Judiciary and the Legislature. The Namibian Constitution

¹¹ This section is sourced directly from the Country Self-Assessment Report (Namibian APRM NGC October 2021)

and its subsequent amendments provide the framework for equal citizens' rights. To that end, the preservation of fundamental human rights and freedoms constitute inviolable core rights in Chapter 3 of the Namibian Constitution.

4. The Constitution also makes provision for ordinary citizens to exercise their basic freedoms in pursuance of their basic economic and social rights. Institutions of representative and accountable government were also seen as a *sine qua non* for the newly independent Republic in 1990. Ensuring citizen's participation in the governing process became a crucial element in both law and policy-making. Regular, free and fair elections were also seen as one of the principal ways of ensuring popular participation in the governance process. The institutional structure to ensure popular participation through elections was laid with the setting up of the Electoral Commission of Namibia (ECN) in 1992. The ECN was set up under Electoral Act No. 24 of 1992 to replace the ad hoc election administration that had been created in 1989 (Blaauw, 2015). At its inception, the ECN was placed in the Prime Minister's Office from 1992 to 1998. To depoliticise the management of elections, the ECN was granted administrative and political independence from the executive in 1998 (Lodge, 2001).
5. Another impediment the Namibian government had to overcome at independence was the institutional disparities that resulted from the existence of 11 ethnic governments created under the apartheid regime (Lodge, 1998). The disparities resulting from the apartheid inspired ethnic and racial classifications in Namibia were posing a serious challenge. The new leadership had to replace these racist structures (and apartheid styled governance) with institutions that reflected their vision for a new Namibia.
6. The Constitution of Namibia provides the framework for service delivery in the country. At national level, efficient and effective public service was provided for in the initial Public Service Act No. 13 of 1995. Part 1 of the Act talks of an impartial and professional public service characterised by efficiency and effectiveness in service to the government in policy formulation and evaluation. It further states that the public service should promptly execute government policies and directives to serve the Namibian people and to promote their welfare and lawful interests. To further strengthen the effectiveness and efficiency of the public service delivery functions of government, some services have been delegated to regional and local governments. Concerning gender, the apartheid system had had its own hierarchy that placed black women at the bottom both legislatively and in lived reality. To overcome this legacy, the Namibian Constitution prohibits discrimination on the basis of gender (Article 10), and makes allowance for affirmative action for women (Article 23).



1.2 The APRM and its Implementation

7. The APRM is an African-owned and African-led platform for self-assessment, peer-learning, and experience-sharing in democracy and good governance, in full compliance with democratic principles, human rights, rule of law, and the acceleration of political, social and efforts at the economic integration in Africa.
8. The primary purpose of the APRM is to promote the adoption of policies, standards and practices that can lead to political stability, high economic growth, sustainable development and accelerated regional and continental economic integration through the codes and standards contained in the Declaration on Democracy, Political, Economic and Corporate Governance and the African Charter on Democracy, Elections and Governance (ACDEG).
9. The Expanded Mandate are defined in two January 2017 decisions including Assembly/AU/ Dec.631 (XXVIII) entrusting the Mechanism with tracking implementation, monitoring and evaluation of key governance areas on the continent, and providing support to Member States; Assembly/AU/Dec. 686 (XXX) of January 2018 positioned the APRM as an early warning tool for conflict prevention on the continent, in the context of harmony and synergy between the APRM, APSA and AGA. Assembly/AU/Dec.720(XXXII) of Feb 2019 requested the Africa Governance Report be developed by the APRM, in collaboration with AGA for presentation every 2 years, and also requested the APRM to assist States to develop national governance reports.
10. The governance reviews of the APRM are conducted in relation to the values, codes, and norms that are enshrined in the Abuja Declaration on Democracy, Political, Economic and Corporate Governance adopted on 9 March 2003 in Abuja, Nigeria. With that in mind, this report addresses the following four areas of governance:
 - Democratic and Political Governance
 - Economic Management and Governance
 - Corporate Governance ; and
 - Socioeconomic Development.

Stages of the APRM Process

11. Five successive stages make up the APRM process. They are defined in the APRM Base Document and briefly outlined below:
12. *Stage One* involves the preparatory process, both at the APRM Secretariat and at the national level. Under the direction of the APRM Panel, the Secretariat

sends a questionnaire on the four areas of the APRM to country to be reviewed. The country then conducts a self-assessment using the questionnaire, with the assistance, if necessary, of the APR Secretariat or relevant Partner Institutions. After completion of the self-assessment, the country formulates a preliminary programme of action, building on existing policies, programmes and projects. Both the CSAR and the preliminary programme of action are then submitted to the APRM Secretariat which, during the same period, has developed a background document on the country through desk research, and gathered all available current and pertinent information on the country's governance and development status.

13. *Stage Two* is the Country Review Mission. Under the leadership of the APR Panel, the CRM visits the country concerned to carry out broad-based consultations with Government officials, political parties, parliamentarians and representatives of civil society organisations including the media, academia, trade unions as well as business and professional bodies. These consultations are intended to:
 - Provide the CRM with information about the perspectives of the different stakeholders on governance in the country;
 - Clarify issues identified in the Issues Paper that had not been taken into account in the preliminary programme of action of the country; and,
 - Build consensus on how these issues can be addressed.
14. It should be noted that during the mission, the country under review plays the role of facilitator, so that the Review Team can efficiently carry out its duties. To that end, the CRM should be given free access to all sources of information and to the various stakeholders, as laid out in the technical review mission's MOU and agreed in the Report signed between the parties (APRM-Government).
15. *During Stage Three*, the CRM report is prepared on the basis of the CSAR, the background document, questions prepared by the APRM Secretariat, and information from official and non-official sources during the consultations organised with all stakeholders during the review mission.
16. The draft report:
 - Examines, where applicable, political, economic, corporate governance and socioeconomic development commitments under the preliminary programme of action;
 - Identifies all persisting weaknesses; and
 - Recommends other actions for integration into the final programme of action.



17. The draft report is first examined by the Panel whose members are the official authors, before it is discussed with the Government concerned to ensure accuracy of the information contained in it. At this stage the government has an opportunity to react to the CRM's findings and express its own views on the challenges identified. The responses from the Government are then appended to the Team's Report, taking into account the conclusions and recommendations of the preliminary report, in conjunction with the finalised National Programme of Action.
18. *The Fourth Stage* begins when the Team's final report and the country's final Programme of Action are sent to the APRM Secretariat. The latter then submits the reports to the APR Forum of participating Heads of State Summit and to the Government under review, for consideration and formulation of actions deemed necessary, in accordance with the mandate of the APR Forum. If the country shows a demonstrable will to address the challenges identified, participating governments may offer their assistance or urge donor governments and agencies to assist the country reviewed.
19. *The Fifth Stage* is the final stage of the APRM process. Six months after the report has been considered by the Heads of State and Government of the participating member countries, it is formally and publicly tabled in key sub-regional and regional entities such as the Regional Economic Community to which the country belongs, the Pan-African Parliament, the African Commission on Human and Peoples' Rights, the Peace and Security Council, and the Economic, Social and Cultural Council (ECOSOC) of the AU.
20. This report is part of the third stage of the APRM process in Namibia. It contains the CRM findings as well as recommendations formulated by the Panel.

APRM Implementation in Namibia

21. Namibia acceded to the APRM in January 2017, at the APR Forum of Heads of State and Government meeting of 28 January 2017 in Addis Ababa, Ethiopia, as the 36th APRM Member State. At accession, H.E. Dr. Hage G. Geingob, President of the Republic of Namibia, stated his support for the APRM and acknowledged that the process plays a pivotal role in enabling Africa to achieve the noble Aspirations and Developmental Goals of Agenda 2063 and its First-Ten Year Implementation Plan.
22. Namibia is to be commended for its full implementation of the APRM good governance programme. From 2017-2018, Namibia completed plans for operationalising the APRM, and by November 2019, all APRM national structures were established, including the APRM National Secretariat led by its

CEO and the Focal Point for APRM in Namibia, Ambassador Lineekela J. Mboti, as well as the Namibia APRM National Governing Council (NGC) made up of eminent citizens representing civil society, government and the private sector to oversee good governance reports and their implementation in Namibia. The NGC was inaugurated by H.E Dr. Hage G. Geingob, President of the Republic of Namibia in November 2019, and is led by its chairperson, Ambassador Wilfried I. Emvula. The national APRM bodies immediately embarked on delivering an APRM Targeted Review on Youth Unemployment. This Targeted Review Report was presented to the APRM Heads of State and Government at a Summit in Addis Ababa in February 2020.

23. From August 2020, the Namibia APRM NGC oversaw the development of a Country Self-Assessment Report (CSAR) that was submitted to the APRM Panel of Eminent Persons and APRM Continental Secretariat in early October 2021, leading to the Country Review Mission to Namibia from 25 October to 10 November 2021. The Mission included experts in governance from 11 peer countries in Africa who provided an independent viewpoint on governance challenges and good practices in Namibia.

The Country Review Mission

24. The Country Review Mission for Namibia took place from 25 October to 10 November 2021. The Lead Panel Member for Namibia, who is also the Chairperson of the APR Panel of Eminent Persons, Ambassador Ombeni Sefue led a eighteen-member review team consisting of governance experts from 11 African countries. The African experts are listed below:

For the APRM Secretariat:

- Mr. Dalmar Jama, Coordinator, Namibia Country Review Mission; Ms. Delice Zakeyo, Researcher (Democracy and Political Governance – (DPG)); Ms. Clementine Nyinawumuntu, Researcher (DPG); Dr. Misheck Mutize, Researcher (Economic Governance and Management); Mr Hugues Mabwanga Manzila, Researcher (Corporate Governance); Ms Karabo Chadzingwa, Researcher (Socio-Economic Development); Ms. Virginia Mudhokwani, Mission Logistics and Administration Officer; and Mr. Thivhulawi Netshivhale from the APRM Communications Unit.

For Strategic Partners:

- Mr Douglas Kigabo Bitonda (UN Economic Commission for Africa), Member of the Economic Governance and Management (EGM) team.



For Independent Experts of the APRM Secretariat:

- Democracy and Political Governance (DPG): Prof. Alex Gboyega (Team Leader) and Dr Ibrahim Al-bakri Nyei;
 - Economic Governance and Management (EGM): Prof. Mutiu Abimbola Oyinlola (Team Leader) and Prof. David N. Abdulai;
 - Corporate Governance (CG): Dr Lucy Surhyel Newman (Team Leader) and Advocate Canaan Dube; and
 - Socio-Economic Development (SED): Ms Houda Mejri (Team Leader) and Prof Adewale Aregbeshola.
25. During the mission, the team met with H.E. Dr. Nangolo Mbumba, Vice President of Namibia, at a session with members of Cabinet that included the Rt. Hon. Dr. Saara Kuugongelwa-Amadhila, Prime Minister of Namibia and Hon. Dr. Netumbo Nandi-Ndaitwah, Deputy Prime Minister and Minister of International Relations and Cooperation. The Review Team also had working sessions on good governance with the Speaker of the National Assembly, Hon. Prof. Peter H. Katjavivi, who was accompanied by MPs from the National Assembly and a meeting with members of the National Council led by Hon. Emma Muteka, Deputy Chief Whip of the Ruling Party at the National Council.
 26. A session with His Lordship Peter Shivute, Chief Justice of the Republic of Namibia and His Lordship Petrus Damaseb, Deputy Chief Justice took place, and included senior participants from the judiciary. The Team also had sessions with Hon. Obeth M. Kandjoze, Director General of the National Planning Commission; the Africa Group of ambassadors; H.E Sinikka Antila, EU ambassador to Namibia and Mr. Sen Pang, UN Resident Coordinator; and a session chaired by Dr George Simataa, Secretary to Cabinet, who had convened Executive Directors of the Offices, Ministries, Agencies (OMAs).
 27. The Review Mission held stakeholder meetings in all 14 regions of the country, including with Regional Governors, Regional Councils and Local Authority Councillors from all the regions, as well as with stakeholders from State institutions, Civil Society, and the private sector in Windhoek and in all the regions of Namibia.
 28. This Country Review Report will be submitted to the APR Forum of Heads of State and Government meeting in Addis Ababa in February 2022 and will be accompanied by a costed National Plan of Action (NPoA) that addresses the governance challenges highlighted in the Report. The NPoA will be implemented by government, CSO and private sector bodies and associations, and will be harmonised with the Sixth National Development Plan.



CHAPTER TWO



2. DEMOCRACY AND POLITICAL GOVERNANCE

2.1 Overview

29. The APRM is the AU's initiative to promote good governance and democracy on the African continent. Voluntarily adopted by Member States, it is by design a self-monitoring tool to encourage African States to adopt policies, standards and practices that will lead to political stability, high economic growth, sustainable development, and accelerated regional and continental integration.
30. The APRM sees democracy and political good governance as essential for the evolution and sustainment of well-organized, stable, and development-oriented African States capable of promoting the security, welfare and aspirations of their citizens and projecting their sovereignty globally. The envisaged States will have strong political and administrative institutions that exercise governance through the democratic principles of participation, transparency, accountability, integrity, respect for human rights and promotion of the rule of law. They will also, through regular reforms of their legal system, institutions, and processes eliminate corruption and continually improve the efficiency and effectiveness of their public services. A capable State governed by the principles and values of democracy as enunciated by the APRM will more easily achieve economic growth, reduce poverty, and promote sustainable development.
31. Consequently, the organizing principles, values, norms, and institutional arrangements which the Democracy and Political Governance (DPG) thematic area articulates making democracy and good political governance the main pillars of economic, corporate, and socioeconomic development.
32. The main concepts and organizing principles of democracy and political good governance are in the eight Objectives of the DPG thematic area. These are: constitutional democracy and the rule of law; the separation of powers; prevention and reduction of intra and inter-state conflicts; promotion and

protection of civil and political rights; accountable, efficient, and effective public service delivery at the national and decentralized levels; promotion and protection of the rights of women; promotion and protection of the rights of children and young persons; and promotion and protection of the rights of vulnerable groups.

33. Namibia acceded to the APRM in 2017 and quickly submitted itself to a review because of its desire to consolidate its democratic institutions and practices, and use the APRM's evaluation and monitoring tools to improve its quality of governance. It speaks to the confidence of the Namibian State that it immediately acknowledged that democracy and political good governance are necessary conditions for the country to evolve into a stable entity in which sustainable economic growth and social development can take place for the benefit of all Namibians.
34. Namibia is a young nation in more than one sense. It became independent in 1990, and now a large percentage of its population is described as "Born Free" because they were born after independence. Its future at independence could not have been less promising. The colonial regime had placed political power exclusively in the hands of white people and confined Namibians to eleven homelands where the South African Bantustan system prevailed. This system fostered separation of the homelands, a divide and rule strategy which almost set Namibians against each other as they struggled to liberate their country. The cohesiveness of the Namibian political elite is testimony to their determination to work together to build their country, a mission that is captured in the "One Namibia, One Nation" political rallying cry used to mobilise the population behind a common purpose, the development of Namibia for Namibians.
35. After independence, the main challenges were to promote national unity, grow the economy, share the benefits of independence through delivery of services to all areas of the country, and sustain the high expectations and optimism born of the belief that self-rule was far better than colonial domination. Namibia adopted policies which have promoted integration, helped it to overcome the challenge of elite fragmentation that the leaders of many young countries experienced after taking control of post-independence governments.
36. The proportional representation system that was adopted to prevent interference with the electoral process when elective representation was introduced in preparation for independence compels political parties to present several party lists that would result in a post-election government reflective of the diverse character of Namibia. SWAPO, the ruling party, has adopted a "Zebra style"



nomination system to ensure gender equity in political representation. The Born Free generation occupies some of the highly visible and strategic offices of the State at national and sub-national levels. There is Veteran Affairs ministry which is responsible for the welfare of those who fought for the country's liberation, while the Ministry of Gender Equity and Child Welfare was established to ensure women, young people, vulnerable people, and children are empowered.

37. Namibia has a functioning democratic system. The electoral register contains over 90% of those eligible to vote, while presidential elections attract high voter turnout. The National Assembly and the Executive arm work collaboratively but ensure accountability. Namibia's judiciary is independent of both arms of government and enjoys the public's confidence. The rule of law prevails because the Constitution guarantees human rights, and there are robust institutions to protect them such as the Ombudsman's Office, the Judiciary, a free press, and a vibrant civil society.
38. But, inevitably, Namibia also faces many challenges. Namibia's colonial legacy left huge inequality in land distribution, with most land held by white farmers, and many citizens without. The country's wide expanse of land makes the provision of infrastructure expensive and unaffordable in rural areas that are sparsely populated. Services like education, healthcare, water, and electricity are not easily accessible in the rural areas. Consequently, the more remote areas feel left out of the evident benefits of independence, and feel estranged from the nation. Tensions around access to land, services and jobs are threatening the peace and stability of Namibia, and are testing the ingenuity of the political leadership. The tensions at home are a big contrast to the peaceful relations Namibia maintains with its neighbours, a situation that enables the Government to focus on its internal problems.

2.2 STANDARDS AND CODES

i. Summary of the CSAR

39. The concept of a democratic State working for the benefit of its people is underpinned by a set of Standards and Codes, that is, framework agreements on the values, norms, structures and processes that promote and protect political good governance in various aspects of public management. The international community (including regional organisations) adopted these Standards and Codes as benchmarks to regulate, guide, and undergird legislation, policies, and the conduct of government business. Together with the DPG Objectives, they serve as a reference for democratic rule and political good governance.

40. The CSAR lists twenty-two Standards and Codes that Namibia has signed and ratified. These are the:

- Universal Declaration of Human Rights (adopted, non-binding law that is not signed or ratified);
- International Covenant on Civil and Political Rights;
- UN Convention Against Corruption;
- Convention on the Elimination of all forms of Discrimination against Women;
- Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children;
- Convention on the Rights of the Child;
- African Charter on Democracy, Elections and Governance;
- Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, Child Prostitution and Child Pornography;
- Convention Relating to the Status of Refugees;
- Convention on the Rights of Persons with Disabilities;
- African Charter on the Rights and Welfare of the Child;
- African Youth Charter;
- Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa;
- African Charter on Values and Principles of Public Service and Administration;
- African Charter on the Values and Principles of Decentralisation, Local Governance and Local Development;
- Protocol of the Court of Justice of the AU (signed only); and
- AU Convention on the Prevention and Combating of Corruption.

41. Namibia has also ratified two SADC protocols: SADC Protocol on Gender and Development, and SADC Protocol against Corruption.

ii. Findings of the CRM

42. The CRM found that Namibia has signed more Standards and Codes than the CSAR reported, as indicated below.

Table 2.1: Standards and Codes Signed and Ratified by Namibia



Standard	Date Adopted/ Signed	Ratified	Enacted	Date Last Reported	Reservation
International Convention on the Elimination of All Forms of Racial Discrimination (1965)		1982			
Charter of the United Nations (1945)		1990			
Convention on the Rights of the Child (1989)		1990		2020	
The Geneva Conventions of 1949		1991			
Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), 8 June 1977		1991			
Convention on the Elimination of All Forms of Discrimination against Women (1979)		1992			
The African Charter on Human and Peoples Rights (1981)		1992			
International Convention on Civil and Political Rights (1966)		1994			
First Optional Protocol to the International Covenant on Civil and Political Rights (1966)		1994			
Second Optional Protocol to the International Covenant on Civil and Political Rights with the abolition of death penalty (1966)		1994			
International Convention on Economic, Social and Cultural Rights (1966)		1994			
Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984)		1994			

Standard	Date Adopted/ Signed	Ratified	Enacted	Date Last Reported	Reservation
Convention Relating to the Status of Refugees (1951)		1995			Ratified (with a reservation to article 26)
Protocol relating to the Status of Refugees (1967)		1995			
Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (1999)		2000			
Optional Protocol to the Convention on the Rights of the Child on the involvement of Children in Armed Conflict (2000)		2002			
Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (2000)		2002			
African Youth Charter (2006)		2008			
African Charter on the Rights and welfare of the Child (1990)		Ratified			
Protocol to the African Charter on Human and Peoples' Rights of women in Africa (2003)		2004			
The African Charter on Democracy, Elections and Governance (2007)		2016			
African Charter on Statistics (2009)		2017			
African Charter on Values and Principles of Public Service and Administration (2001)		2018			

Standard	Date Adopted/ Signed	Ratified	Enacted	Date Last Reported	Reservation
Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (2002)		Ratified			
OAU Refugee Convention of 1969		N/A signed but not ratified			N/A
Protocol to the AU Convention on the Prevention and Combating of Terrorism (2004)		N/A			N/A
African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention) (2009)		N/A signed but not ratified			N/A
African Convention on the Conservation of Nature and Natural Resources (1968)		N/A			N/A
Bamako Convention on the Ban of the Import into Africa and Control of Trans-boundary Movement and Management of Hazardous Wastes within Africa (1991)		N/A			N/A

43. The CRM saw that Namibia has signed but has not yet ratified two Standards and Codes that concern vulnerable people:
- African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention), 2009; and
 - The OAU Convention Governing the Specific Aspects of Refugee Problems in Africa, 1969.

44. But the CRM also noted that Namibia's Constitution (Art. 144) provides that "Unless otherwise provided by this Constitution or Act of Parliament, the general rules of public international law and international agreements binding upon Namibia under this Constitution shall form part of the law of Namibia."
45. Namibia has an institutionalised process for signing and ratifying international Standards and Codes. It starts with the line Ministry recommending the domestication of an international agreement. The said line Ministry seeks the Cabinet's approval with the concurrence of the Office of the Attorney-General. Following the clearance by the Office of the Attorney-General, it goes to the National Assembly for endorsement. If the National Assembly ratifies it, then the line Ministry concerned notifies the Ministry of International Relations and Cooperation of the ratification, and requests for the preparation of the instrument of ratification and its subsequent deposit with the relevant depository. The agreement is then signed by the Speaker of the National Assembly and published in the Gazette.
46. This process of domesticating international legal instruments and agreements gives the Government the opportunity to thoroughly scrutinise them before adoption, and to recognise what Namibia stands to gain by ratifying such agreements and implementing the obligations under them.
47. Similarly, the Government has a process for fulfilling reporting obligations under the Standards and Codes that it has ratified. The Ministry of Justice, in collaboration with the Ministry of International Relations and Cooperation (MIRCO) and other stakeholders, is responsible for reporting on the UN and AU agreements. Reporting obligations under the UN Agenda 2030 and the AU Agenda 2063 are coordinated by the National Planning Commission working with MIRCO and other stakeholders.

iii. Recommendations

48. The African Peer Review (APR) Panel recommends that the Government of Namibia should:
 - Ratify all Standards and Codes which it has signed but has not yet ratified, as well as other outstanding Standards and Codes.





2.3 ASSESSMENT OF PERFORMANCE ON AFRICAN PEER REVIEW MECHANISM (APRM) OBJECTIVES

OBJECTIVE ONE



CONSTITUTIONAL DEMOCRACY AND THE RULE OF LAW

i. Summary of the CSAR

Constitutional Democracy

49. The CSAR states that Namibia's Constitution is supreme, and provides the conditions for competitive elections to the presidency, parliament, regional and local councils. The CSAR and numerous reports hail the Namibian Constitution as a progressive and democratic instrument that lays emphasis on the principles of human rights, freedom, equality and democracy.
50. The Constitution provides for an electoral system through which the President is elected directly by voters, while members of the National Assembly are elected through a system of proportional representation. Political parties are allotted seats in the National Assembly based on their share of the national votes cast. The National Council is elected by the various Regional Councillors who are elected directly from their constituencies. Like the National Assembly, members of the Local Authority councils are elected through proportional representation. Namibian citizens who meet the requirements for voting do freely participate in all these elections.
51. The CSAR indicates that elections at these levels have been free, fair, and competitive, but it raises concerns over certain issues that could potentially undermine accountability, fairness and credibility of elections and the independence of the Electoral Commission of Namibia (ECN) which has the mandate to conduct elections.

52. First, the CSAR suggests that the proportional representation system through which members of the National Assembly and Local Authority councils are elected does not provide much avenue for accountability between elected legislators and councillors, and voters because the voters do not directly elect people to those positions, but elect parties that decide representations based on the number of votes received. The CSAR recommends a review and possible overhaul of this system in favour of direct elections.
53. Second, the CSAR suggests that inadequate funding and the appointment of the ECN members by the President undermine the independence of the commission. It also points out that even though there are laws on mechanisms to fund political parties, there are no legislative provisions on transparency in these funding mechanisms. There are also no limits and ceilings on individual and group contributions to parties. Thus, the CSAR recommends the adoption of legislation on transparency of funding mechanisms and enforcement of rules on accountability regarding party revenues and expenditure.
54. The CSAR observes that the mechanism by which members of the electoral commission are appointed by the President undermines its statutory independence. Alongside the concerns over the independence of the Electoral Commission, are concerns over the efficacy and independence of oversight bodies like the Office of the Auditor General, Office of the Ombudsman and the Anti-Corruption Commission. The CSAR indicates that these bodies have no prosecutorial powers, and that their reports are in most cases not discussed or used by the relevant parliamentary bodies in exercising the oversight responsibilities of parliament.

ii. Findings of the CRM

Constitutional Democracy

55. Namibia has a progressive Constitution which provides sound guiding principles for democracy and human rights, as well as for institutions to protect and enforce these principles. Amending this Constitution is not different from the normal constitutional amendment process, which requires a vote of 66% (or two-third of the National Assembly; and two-thirds of the National Council). However, the Constitution provides for a national referendum in the event a proposed amendment 'secures a majority of two-thirds of all the members of the National Assembly, but fails to secure a majority of two-thirds of all the members of the National Council'.¹² However, the 2014 amendments have been criticized by the civil society and opposition parties for granting powers to the President, including the power to appoint regional governors and eight members of parliament.

¹² Constitution of the Republic of Namibia, Article 132.3(a)



56. The Constitution provides for an electoral system based on proportional representation or party list system for elections to the National Assembly and a first-past-the-post system for elections to regional councils. Namibians from all walks of life, including those in opposition and smaller parties, support this system and see it as the most credible system for representation and inclusion in Namibia. However, there is a risk that party influences on elected representatives and ideological commitment of representatives to their parties could potentially weaken the social contract or accountability relationship between the electorate and their representatives. Indeed, several stakeholders expressed concerns that elected representatives seem to be more accountable to their parties than to the electorate.



BOX 2.1 Parliamentary Committees' Consultations

Parliamentary committees do organize consultative forums in the communities on major national legislation and policies before they are adopted. At this level also, some MPs and members of local councils regretted that local constituents rarely take advantage of these forums to express their support and give their input in the legislative and policy-making processes. These forums are for consultation on proposals, and not to exact accountability, question elected representatives on their legislative actions and decisions, or to receive legislative reports or agendas from members of parliament. Nonetheless, these consultative forums present great opportunities for direct participation of the Namibian people in the national legislative process. A case in point is the ongoing debate on the legalization of abortion in the country spurred by the public consultations initiated by the Parliamentary Standing Committee on Gender Equality, Social Development and Family Affairs. These consultations on abortion have generated a remarkably high level of public interest and participation in the proposal to the point that some citizens, and even the Ministry of Justice, are proposing a national referendum on the question.¹³ The consultative forums are therefore commendable practices that need to be promoted and institutionalized more deeply to generate greater participation of citizens in the national policy process.

Source: CRM

13 The Namibian (25 October 2021). Calls for Referendum on Abortion. Available at: <https://www.namibian.com.na/106661/read/Calls-for-referendum-on-abortion>

57. Namibia has an electoral system that has been adjudged competitive, credible, and fair by many standards. Citizens from all walks of life including members of opposition parties and civil society confirmed that the electoral system has been credible and free of intimidation over the years. Previous international electoral observation missions have likewise confirmed the credibility of Namibia's elections.
58. However, these laudable achievements notwithstanding, there are concerns about the independence of the Electoral Commission of Namibia (ECN) largely because of institutional and bureaucratic processes, including access to funds in the context of budgeting and disbursement processes.
59. Regarding the appointment of commissioners to the ECN, the law provides for a competitive and independent recruitment process. This process is conducted by a selection committee comprised of specialized and autonomous agencies of government and civil society represented by the Law Society of Namibia. This committee works with the Secretary of the National Assembly to receive applications from interested candidates, reviews applicants' qualification against a set of criteria defined in Section 6 of the Electoral Act, develops a shortlist, interviews candidates (a process open to the public and the media) and draws up a list of qualified candidates from which the President nominates the five commissioners (at least two of who must be women), or fills the vacancies on the commission. The next stage of the appointment process is the parliamentary approval of those nominated by the President. At this stage, the National Assembly must approve the nominee(s) before the process is complete; and in the event of rejection by the National Assembly, the President may then nominate another candidate from the list previously submitted by the selection committee. This process has been described by members of the public as transparent and credible and can be credited for the competency and credibility on which the ECN has thrived over the years. The checks and balances in the selection of ECN members ensure that no single individual or special interest group influences the appointment of commissioners.
60. On funding, the ECN confirmed that it receives adequate financial support and that it has at no point been denied the required financial resources to deliver on its core mandate of conducting elections. However, there are budgetary regulations to which the ECN is subjected which tend to delay its processes, and to an extent affect its operational independence. The Commission, like every other public agency, is subject to the State Finance Act and other financial regulations and schedules enacted by the Ministry of Finance at the beginning of the fiscal year. As such its operations must comply with these



rules and procedures. Operational challenges are usually encountered when the Commission is compelled to adjust its budgets under ceilings set by the Ministry. Also, during elections, the ECN, like any public agency, only receives monthly disbursements. The ECN also does not have the independence to process payments for its suppliers; the Ministry of Finance has the power under extant legislation to approve and process these payments. These could potentially affect the Commission's capacity to acquire materials and prepare logistics for its operations in a timely manner, particularly during elections.

61. There is widespread consensus among Namibians at all levels that the ECN is credible, and that it has over time delivered on its core mandates independently, and without undue intervention and influence from external actors. To further deepen its independence, the Commission is currently in a partnership with the International Institute for Democracy and Electoral Assistance (IDEA) to develop technical modalities through which it will solidify its institutional independence.
62. Namibia has strong laws for the financial regulation of political parties, but the ECN seems to lack the capacity to enforce those financial regulations, including auditing of financial statements, and investigating sources of funding for political parties. On this account, the ECN suggests that these responsibilities are an extra burden to its core mandate of conducting election and proposes that responsibility for enforcing financial regulations for political parties be assigned to other competent agencies, like the Office of the Auditor General.
63. The ECN does not also regulate the internal operations of political parties. Parties alone determine their internal organization. While this is conducive for their independence, it also leaves room for manipulation of internal party processes, and dominance by one group in political parties. Besides providing for broad requirements for the qualification of candidates for National Assembly elections, neither the Constitution nor the Electoral Act 5 of 2014 mandates inclusive representation on party lists (representation of various regions, ethnic communities, women, youth) to ensure party lists to the National Assembly are not skewed in favour of one region, ethnic community, or demographic group. Political parties in Namibia have, on their own, taken steps to increase women representation in leadership positions, including in parliament. During the 2019 National Assembly election, all the 11 political parties currently in parliament had a minimum of 30% of women on their lists. The governing SWAPO Party of Namibia (which has an exemplary policy on gender equality), for instance, nominated more women than men, and out of the 63 seats won by the party, 32 are occupied by women. Similarly, the second largest party in parliament, the Popular Democratic Movement, has 7 of its 16 seats occupied

by women.¹⁴ These are indeed commendable practices by the political parties of Namibia. But in an era of increasing demand and need for gender equality and youth representation in national leadership, specific national laws that ensure parties submit lists that are inclusive and socially diverse for the National Assembly, and other representative bodies will be needed to advance inclusive representation in Namibia. During the time of the Country Review Mission, it was reported that the Ministry of Gender Equality, Poverty Eradication and Social Welfare had proposed to the ECN an amendment of the Electoral Act to include a threshold for women on party lists, a proposal which the ECN said was under consideration.

64. The ECN has had remarkable success in voter registration and in improving the credibility of the voting processes by introducing a biometric voter registration. During the 2014 General Registration of Voters (a process done every ten years), the ECN recorded a 93% registration rate, a record within the Southern Africa Development Community (SADC), which has a registration rate of 85%. This achievement ensures wider coverage and more opportunities for every citizen of voting age to participate in electoral processes. Other African countries can learn from this and copy the mechanisms deployed by the ECN to generate such high participation and improve the management of their own voter registration processes.
65. However, in spite of this high voter registration, there has been a steady decline in voter turnout during public elections, particularly during the regional and local authority elections. Voter turnout in regional council elections dropped from 81% in 1992 to 38% and 37% in 2010 and 2015. High turnout has been recorded at all Presidential and National Assembly elections, averaging 71% since the election of 1994.¹⁵ Namibians across the country suggest that the low turnout at the regional and local levels is due, among others, to loss of faith in the political process and deep distrust for politicians. At the local level, for instance, the obvious lack of impact of the policies and programs of regional and local authorities has caused disaffection among the people and resulting in loss of interest in local politics. To increase turnout, the ECN reported that it has revamped efforts at civic and voter education throughout the country.

14 Shejavali, Nangula (January 2020). The 2019 Election and Gender. Perspectives on Parliament, Issue No. 13. e Institute for Public Policy Research (IPPR). Available at: https://ippr.org.na/wp-content/uploads/2020/02/POP13_ElectionsGender_WEB.pdf

15 New Era Newspaper (17 November 2020). Accelerating decentralisation to improve voter turnout. Available at: <https://neweralive.na/posts/opinion-accelerating-decentralisation-to-improve-voter-turnout>.



Rule of Law

66. Namibia has State institutions to enforce the rule of law and ensure the supremacy of its Constitution. All individuals and parties are subject to the Constitution and the statutory codes. Over the last few years, no political party or leader has attempted to undermine the Constitution to prolong their stay in power or deny other political parties their legitimate rights to canvass and compete for power. Recent elections have shown that opposition parties are winning seats in the National Assembly and the share of seats won by the historically dominant SWAPO Party of Namibia has been declining. Similarly, opposition parties have taken control of a few regional and local councils from the ruling party because of free and competitive elections. That people from all walks of life are free to participate in political processes and have institutions to protect their right to do so is a demonstration of the commitment of the Namibian people to the rule of law and principles of human freedoms.
67. Namibia has an established court system at all levels that provides opportunities for individuals to seek redress. At the Traditional Authority level, there are Community Courts presided over by traditional leaders. The community courts hear and decide cases relating to the customs and traditions (or customary law) of a particular local area. These courts do not fall under the judiciary, but under the Ministry of Justice which approves the establishment of a community court upon application by a traditional authority. Rulings of the community courts can be appealed at the magistrate court, although, in practice, there have been very few cases of appeal to magistrate courts indicating the efficacy and credibility of the community courts in dispensing justice at the local level.
68. Magistrate courts form the basic units of the judiciary through which citizens interact with the formal justice system. They exist at the district and regional levels. Each with separate jurisdictions. The next level is the High Court which deals with serious criminal and civil cases, labour matters, and hears appeals from the magistrate courts. The challenge is that there are only two divisions of the High Court in the entire country located in Windhoek (for the south) and Oshakati (for the north). The cost of travelling to these locations deters many from seeking justice in the High Court, particularly women in divorce matters and the rural poor involved with criminal and civil cases, including gender-based violence cases. Also, there are concerns about the cost and long lead time in the statutory courts. There are reports of delays in the court system which may cause party litigants to abandon cases. But, overall, Namibians expressed confidence in the judiciary and the rule of law in the country.

69. The judiciary indicated that reforms are under way to increase the jurisdiction of the regional magistrate courts, and to establish small claims courts to improve access and reduce the backlog. A Bill has been tabled for this reform, and if passed, it will improve access to justice for many in regions far from Windhoek and Oshakati.
70. Other commendable reforms implemented by the judiciary, such as virtual hearings and possibility for lawyers to submit court papers via the internet, have improved the efficiency of the court system. For instance, even though there were social distancing and lockdowns during the Covid-19 pandemic, the Supreme Court did not postpone a single case; court proceedings took place virtually and in-person where possible. The Supreme Court indicated that they are working out modalities to empower lower courts with similar facilities.

iii. Recommendations

71. The African Peer Review (APR) Panel recommends that the government of Namibia should:
- Review and revise the Ministry of Finance's Treasury Authorisation Warrants and payment modalities as well as procurement under the auspices of the Central Procurement Board to give the ECN more financial flexibility in the areas of procuring materials and services from abroad, especially during elections.





OBJECTIVE TWO > THE SEPARATION OF POWERS

i. Summary of the CSAR

72. The CSAR refers to the Constitutional clauses which distribute State powers to the various arms of government in a way that ensures checks and balances. These provide for a functioning system of government in which the Executive, Legislature, and Judiciary exercise their powers independently but cooperatively to enhance the protection of rights in the State.
73. The CSAR notes that the Constitution tries to reconcile creating a strong central executive with vesting legislative authority in nationally elected members of National Assembly and regionally elected members of the National Council, which is the second chamber of parliament. The CSAR contends, however, that the impact of the power vested in the president to appoint eight members of the National Assembly compromises the legislature's oversight capability and suggests the appointment of a commission to examine how to strengthen separation of powers in the governance structure.

ii. Findings of the CRM

74. The Constitution of Namibia provides for a separation of powers between the three arms of government, the Executive, the Judiciary and the Legislative. Members of each of these branches are selected based on principles and procedures defined in the Constitution. The President is elected by popular vote; almost all members of parliament are elected through a party-list system; while members of the Judiciary are selected through a competitive process which culminates in the President appointing candidates nominated by the Judicial Service Commission.
75. The Constitution allows the President to appoint not more than eight members to the National Assembly after elections because of their special expertise, skill, or experience. However, members of the National Assembly appointed by the president are constitutionally barred from voting, are not counted to determine any majorities required by the Constitution or other any other law¹⁶. They also do not serve on any committees in the National Assembly.
76. The CRM found that the eight members appointed by the President do not exercise overbearing influence on the legislature and do not enable the executive to control the National Assembly contrary to the fears expressed in the CSAR that the President's power to appoint the eight members of the National Assembly undermines the constitutional separation of powers, as well as checks and balances, and gives him extraordinary powers over the legislature. The reality is that this system which is a hybrid parliamentary-presidential system, seems to be working well so far and many Namibians not only accept it as appropriate, but they also told the CRM that the situation of Namibia as a new State at independence when the machinery of government was inchoate, justified incorporating required talented Namibians who are non-partisan or averse to the hurly burly of politics into the task of governance.
77. The Speaker of the National Assembly, Hon. Prof Peter H. Katjavivi, confirmed to the CRM that the appointment of eight members into the National Assembly does not in any way affect the Assembly's relationship with the executive. He asserted that the National Assembly's duty of oversight on executive actions is as effective as it should be. Furthermore, the Assembly maintains the parliamentary tradition that a member of the opposition party always chairs the Standing Committee on Public Accounts. This tradition enables opposition members of parliament to exercise some power on matters of budget and financial accountability.

¹⁶ The Constitution of the Republic of Namibia, Article 46 (1) over



78. The CRM noted that if the National Assembly is to perform its critical functions of passing legislation, exercising oversight on the executive, and examining petitions from the public and seeking solutions for them effectively, it should have efficient and effective administrative support, especially in the office of the Speaker, on whose shoulders rest coordination of the two arms of the legislature, and responsibility for ensuring that the legislative agenda keeps pace with the public's expectation for speed and performance. Several stakeholders during meetings with the CRM regretted that important Bills take too long to be processed and passed at the National Assembly. A strengthened Speaker's Office is key to solving this problem. Frequently mentioned were the Constituency Development Fund Bill and the Access to Information Bill, both of which the people think deserve speedy consideration and passage.
79. Notwithstanding the safeguards against the President becoming excessively powerful vis-à-vis the legislature, Article 57(1) of the Namibia Constitution, gives the president the power to dissolve parliament "if the Government is unable to govern effectively," effectively giving the president additional powers the relationship with parliament. As the National Assembly of Namibia becomes more diverse, it is crucial that Namibian political actors debate this aspect of presidential power, and the effect it may have in the absence of a dominant party in parliament.
80. Even when a party is dominant in parliament, a sitting president could invoke this clause to gain the upper hand in an internal party dispute that may pit a faction of the party in parliament against a faction in the executive (presidency and cabinet). To invoke this clause, the president only requires the advice of the cabinet whose members he alone appoints and can dismiss. This, therefore, makes it even easier for the President, if he so wishes, to weaken the system of checks and balances and undermine the independence of Parliament. The CRM notes, however, that:
81. The Constitution is firm on the independence of the Judiciary. It provides that "No member of the Cabinet or the Legislature or any other person shall interfere with Judges or judicial officers in the exercise of their judicial functions, and all organs of the State shall accord such assistance as the Courts may require to protect their independence, dignity and effectiveness."¹⁷ There is no evidence that this provision has been violated in Namibia's contemporary history; and indeed, members of the Supreme Court emphasized that the Judiciary is completely independent, and all court rulings have always been respected and enforced.

17 Constitution of the republic of Namibia (2014), Article 78(3)

82. The Judiciary is separate from any organ of the Executive branch. Its administrative processes, i.e., financial management, procurement, human resources, etc. are handled by a separate Office of the Judiciary. The Ministry of Justice has no role in administrative matters involving the judiciary, and judges are completely free from operational matters of the courts. The Judiciary's only link to the Executive is through the Ministry of Finance, and this relationship is about budgetary allocation and spending in line with the financial regulations of the Ministry. However, judicial officers stressed that this relationship has not at any point interfered with the independence and operations of the courts, and that the Ministry of Finance holds consultations and negotiates budgetary cuts when the government experiences a shortfall. Indeed, the leadership of the Judiciary made a strategic decision to ring-fence judicial officers from administrative and financial management processes of the courts to enhance their independence and enable them to focus on adjudication issues only.

iii. Recommendations

83. The African Peer Review (APR) Panel recommends that the Government of Namibia should:

- Strengthen the Office of the Speaker of the National Assembly by appointing capable legislative aides to manage the flow of work and coordinate legislative processes such as public hearings and internal committee meetings;
- Consider revising Article 57 (1) of the Constitution which empowers the President to dissolve the National Assembly on the advice of the cabinet if the "Government is unable to govern effectively" to include the concurrence of a majority of the National Assembly members to avoid potential abuse of the clause.



OBJECTIVE THREE



PREVENTION AND REDUCTION OF INTRA IN INTER-STATE CONFLICTS

i. Summary of the CSAR

84. Namibia enjoys a cordial relationship with its neighbours Angola, Botswana, South Africa, Zambia and Zimbabwe. The CSAR points to the existence of bilateral commissions between these countries for the exchange of pertinent security information. However, despite the existence of these bilateral commissions, there are cross-border issues over forest, land and water resources between Namibia and Botswana. For instance, in 2020, cross border poaching incidents led to four Namibian fatalities at the Namibia-Botswana border. The CSAR notes that the two countries are resolving this difference through diplomatic channels. Another issue of resource conflict between the two countries concerns fishing permits, and the CSAR proposes that borders be marked to ensure anglers with a permit in one territory do not crossover to another.
85. Namibia has no overt conflict within its borders. Political processes have been free of violence and the national security forces have at no point been deployed against the political opposition. Nonetheless social economic conditions in the country and issues of resource distribution, and inequality have been identified by the CSAR as potential sources of conflict in Namibia. These include:
 1. Frustrations around land reform, including access to agricultural land and housing;
 2. High level of youth unemployment;
 3. A rise in perceptions about ethnicity, tribalism and regionalism in service delivery and access to resources;
 4. High disparity in service delivery between rich and poor communities;
 5. Resource scarcity in the regions and local authorities;
 6. Unequal distribution of government funding or grants to regional and local authorities;
 7. Growing gap between the rich and poor, a phenomenon worsened by Covid-19.
86. The CSAR points to the existence of an independent judiciary and Namibia's commitment to civil and political rights as avenues for managing and addressing conflicts. It also points to the role of the free press in highlighting these issues and discussing them publicly; the independence of the press, and the Office

of the Ombudsman and that of the Media Ombudsman in regulating press freedom. The CSAR recommends equal access to public services and an immediate resolution of the land crisis and associated issues of redistribution and access as means of averting overt conflict in Namibia.

ii. Findings of the CRM

87. Namibia is a progressive democratic State with enormous potential to become a beacon of stability in the sub-region. The country is in good diplomatic standing with its neighbours - Angola, Botswana, South Africa, Zambia and Zimbabwe. Though there are a few conflicts over natural resources, like forest and rivers, there is no major or immediate threat of intense interstate conflict between Namibia and any of its neighbours. Disagreements over the use of natural resources across the borders are being resolved through established multilateral organizations like the Southern Africa Development Community (SADC) and bilateral diplomatic channels, i.e., joint commissions as noted in the preceding paragraphs.
88. Namibia currently has no active non-state armed organization challenging the authority of the State within its borders. A previous armed secessionist struggle in the Zambezi Region (formerly Caprivi) led by the Caprivi Liberation Army (CLA) was defeated by the State militarily. While the State might have secured military victory and suppressed the rebellion, some people that the CRM met expressed concerns that perception of marginalization and disaffection among the people of that region are potential bases for future mobilization for violent protests. Also, the lack of a comprehensive program of transitional justice that might restore trust between the people of that region, the State, and other Namibians means the core grievances that sparked the rebellion remain unattended to. Some stakeholders informed the CRM that a few key leaders of the movement are in exile and are yet to be pacified.
89. A successor group to the CLA called the Caprivi Concerned Group was suspected of mobilizing for another armed struggle and its leaders were arrested by police in 2018 and charged with various crimes including sedition and threatening State security. The secessionists, as low scale as their capacity might be now, continue to foster division among the people in the Zambezi region who seem to be divided along pro-and-anti-nationalist lines.
90. The CRM acknowledges the efforts of the Namibian Government at reconciling and pacifying divisive and insurrectionist sentiments in the country. It has instituted policies to prevent escalation of grievances and tensions in areas where dissident exists. These include the following:



- Setting up, by the Governor of the Zambezi Region, a Traditional Chiefs Forum to discuss and solve various issues affecting residents of their respective areas of jurisdictions;
 - Promoting traditional festivals for the various traditional authorities;
 - Initiating and successfully implementing development programmes and projects with the involvement of residents such as the construction of roads, schools, health facilities, and infrastructure such as water, electricity and telecommunication among others;
 - Successfully reconciling and reintegrating those who had fled the country for various reasons in the aftermath of CLM armed insurrection, with the help of the United Nations High Commission for Refugees (UNHCR), and subsequently with government resources;
 - Putting in place a tripartite programme (UNHCR, Botswana and Namibia) for the voluntary repatriation and reintegration of citizens who had fled to Botswana during the 1999 unrest in the Zambezi region. There are still some Namibians staying at the Dukwe Refugee Camp in Botswana, and the Government continues to engage, through the Tripartite programme, to welcome them back home;
 - Pardoning and successfully reintegrating those who had been convicted and imprisoned;
 - Pursuing awareness campaigns to promote national cohesiveness anchored on the slogan “One Namibia, One Nation”.
91. Still, many Namibians at all levels seem to be concerned about simmering grievances over access to land, natural resources, inequality, and emerging ethnic and political differences and the potentials they may have to undermine peace and stability or cause outright violence in the extreme case if not attended to with effective policy responses. While some of these issues have been simmering below the surface for many years, some are now boiling over with potential for instability and social disharmony in Namibia. Among the many potential conflicts Namibians identified, the following seem to be widespread across the country, thus they deserve urgent attention:
92. **Land – access, grabbing, inequality:** There are numerous conflicts surrounding land in Namibia. The root of it all is in the country’s legacy of colonial rule during which indigenous communities lost lands to colonialists. Many indigenous or traditional communities, particularly in the southern part of the county, are still making claims and demanding a return of what they call their ‘ancestral land’. Some, like groups in the minority San community, complain of not being

recognized as established traditional authorities and their requests for ancestral land are yet to be processed by the State. The question of land, as we learned around the country is becoming explosive because people are losing grazing lands which affects livelihoods, a situation that is driving many into poverty and starvation. As a result, many Namibians, particularly young people, are moving into urban areas and scrambling over land in informal settlements to establish a home and pursue better life opportunities not available in the rural areas.

93. The growing disparity in access to land established by colonial rulers remains present in today's Namibia and the unequal distribution is so stark that it has formed the basis for class and racial divisions. Namibians across the country, mostly in Omaheke, Karas, Hardap and Erongo regions, stressed that if this inequality is not reversed and traditional communities' claims are not appropriately addressed, land issues could 'spark war in Namibia'. This inequality was confirmed by the Commission of Inquiry into Claims of Ancestral Land Rights and Restitution which reported that "As of 2018, for example, 70% (27 863 813 hectares) of private freehold agricultural (commercial) land remains in the hands of the previously advantaged persons with previously disadvantaged persons owning only 16% (6,373,441 hectares) of private freehold agricultural (commercial) land".¹⁸
94. The Government of Namibia has demonstrated willingness to reverse this situation and has initiated some programs to address land rights and access. The establishment of the Commission of Inquiry into Claims of Ancestral Land Rights and Restitution demonstrates the willingness of the government to assess the situation and identify potential solutions. There are other programs that provide resettlement opportunities, and a 'willing-buyer and willing seller' initiative.
95. The Government established a San Development Division in the Office of the Prime Minister, which in 2015 was renamed Division of Marginalised Communities and moved to the Office of the Vice-President. It is headed by, Royal Johan Kxao, a deputy minister who is from a marginalised, indigenous group and hence a promoter of the rights of indigenous peoples. Efforts to enhance the development of the indigenous peoples and their participation in the governance of the country include education programmes for their children. The CRM visited an indigenous, marginalised settlement of the Ovatjimba in Kunene and confirmed that much still needs to be done to reduce their marginalisation.

¹⁸ Report of the Commission of Inquiry into Claims of Ancestral Land Rights and Restitution (Page XXVIII). 24 July 2020.



96. Many Namibians are concerned that the Government's initiatives have not been effective enough and to some degree have been minimised by politicians and elites who mostly benefit from land redistribution schemes, particularly farmlands. The acquisition of land by the elite tends to heighten the frustration of the local people who perceive them as replacing white settlers in the position of privilege. Some suggest that the fact that black leaders have acquired so much land themselves means they have little or no incentive to implement progressive land reforms.
97. Complicating the land challenges are allegations that ordinary Namibians are also engaging in what local authorities refer to as 'land grabbing', a practice by which an individual or group of individuals establish settlements on land not officially given to them by the local authorities nor the central government. Local authorities are claiming that this phenomenon is giving rise to informal settlements in urban areas and affecting their own programs to allocate available land and deliver services. The land-grabbing is made attractive, if not inevitable because of the long delays in land allocation caused by inadequate funding to the local authorities who can only allocate serviced plots.
98. **Rise in tribalism and regionalism** – As the racial line (Black-White dichotomy) seems to have faded away in politics, it seems Namibians are getting increasingly divided on tribal and regional lines. Namibians identified the tribalization of politics or some political movements as a potential conflict issue. Some politicians are said to be mobilizing around ethnic and regional lines and delivering speeches filled with hate messages against other ethnic groups to increase support for their parties. The risk of this is that when political parties project themselves as representations of ethnic or regional interests they become bases for mobilization along ethnic lines and the primary instruments through which individuals and group project their identity and lay claim to public resources and power. It is through this that the supreme national interest becomes subordinate to ethnic interest, and political competition tends to be contentious and on ethnic lines.
99. Some political leaders are concerned about this rising trend which now sees political parties being branded not for their ideologies and programs but for the regions and ethnic groups their leaders come from. There are also concerns about the tribalization of the public service. Many believe that while for many years public service was politicized (appointment to cabinet and civil service positions based on political and factional connections), the new trend is tribalization of the service – appointment to public and civil service positions based on one's ethnic group and region of origin. Both tribalization and politicization tend not only

to undermine institutionalization and professionalization of the civil service but alienate people who develop resentments against the State and public officials.

100. **Growing lack of trust in the State** – Some Namibian stakeholders noted their increasing loss of trust and confidence in the State's ability and willingness to deliver on its constitutional promises. This situation has been complicated by the Covid-19 pandemic which has caused economic decline and worsened unemployment and inequality. But long before the pandemic, inequality has been high in the country, and the government has been under increasing pressure to respond to growing demands for social services as the population increases (rate of population growth was at 2% in 2020). There is also a growing youth population that requires education and economic empowerment, particularly jobs and opportunities for social advancement. But the inability of the State to respond to this growing pressure, as we found out in the regions, is leading to a major social problem as young people, mostly in urban areas and informal settlements are becoming abusers of narcotics and alcohol and turning to crime to support their families and substance addiction. Over the last few years, the Namibian police has reported a high increase in the rate of crime, and between March and August of 2018 alone the police recorded 49,000 cases of crime involving murder, robbery, and theft.¹⁹ Police officers and regional governors attending our regional consultations point to the rise in crime as a major security threat, a situation they believe is caused by worsening unemployment and poverty among young people.
101. A small political elite and a small white landowning class are reportedly the main beneficiaries of the State's resources and the outputs of production. It is no surprise that Namibia today ranks as the second (only to South Africa) most unequal country in the world in terms of wealth, with a Gini Index of 0.610 in 2021.²⁰ The majority black population living in poverty and in informal settlements is growing frustrated and resenting the State and its processes. As a result, citizens have lost faith even in the electoral process through which they choose their own leaders, and turnout in recent elections have been low, a situation the Electoral Commission of Namibia indicated it is deeply concerned about. Indeed, some participants suggested that people have lost faith in politicians and have no incentive to participate in elections.

19 The Namibian (8 November 2011). 49 000 criminal cases in six months. Available at: <https://www.namibian.com.na/182993/archive-read/49-000-criminal-cases-in-six-months>.

20 World Population Review (2021). World Inequality by Country 2021. Available at: <https://worldpopulationreview.com/country-rankings/wealth-inequality-by-country>.



102. The loss of faith and confidence in the State has implications for State legitimacy; the growing perception of illegitimacy of the State today in Namibia can cause State fragility.
103. **Ex-SWAPO detainees** – From the CSAR, as well as in interactions with some members of civil society, the review mission was made aware of issues related to ex-Koevoet and ex-SWAPO detainees. The Panel notes that Namibia's independence was negotiated after a protracted armed liberation struggle. This was a real war in which brother was killing brother.
104. Aware of the negative impact of this painful experience on nation building after independence, a Policy of National Reconciliation and Unity was adopted from the beginning; and as a precondition for the implementation of United Nations Security Council Resolution 435, a general amnesty to all sides, including the unconditional release of all political prisoners and the Ex-SWAPO detainees, was declared by the United Nations.
105. Although some sections of civil society still raised this issue, the review mission established that on balance the policy of national reconciliation has served Namibia very well since independence and continues to be warmly embraced by the vast majority of Namibians. Given the objective and historical context of this matter, the Panel encourages the Namibian Government and People to continue efforts to strengthen national reconciliation and unity among all Namibians and continue building a peaceful, united and prosperous Namibian society.

iii. Recommendations

106. The African Peer Review (APR) Panel recommends that the Government of Namibia should:
 - Formulate a special development plan for the indigenous peoples to secure their land rights from encroachment by powerful neighbours and elite and give them improved access to social services;
 - Initiate specialized programs to support social cohesion among the various ethnic communities and develop and implement a nationwide civic education program that projects a 'One Namibia' agenda in all aspects of national life including politics;
 - Design deliberate programs for reconciliation and social cohesion in the Zambezi region and strengthen State services and responsiveness in the region to dispel the perception of marginalization, and encourage inclusion of its people in Namibian public affairs.

OBJECTIVE FOUR



PROMOTION AND PROTECTION OF CIVIL AND POLITICAL RIGHTS

i. Summary of the CSAR

Measures in place to promote and enforce civil rights

107. The CSAR observes that an independent judiciary is vital in protecting basic civil rights. It contends that while political rights are generally adequately protected in Namibia, socioeconomic rights do not receive the same level of protection. It notes that a free and independent press also contributes to the protection of basic civil rights by exposing the violations of such rights.

Due process and equal access to justice

108. The CSAR indicates that while the Constitution stipulates the due process of the law, an independent and working judiciary is also important. The CSAR states that due process and access to justice are undermined by a shortage of judges and magistrates. Among the efforts of the government to enhance access to justice and the effectiveness of the judiciary are: (a) establishment of High Court in Oshakati, (c) limited legal aid; the work of the Law Reform Commission to review all pre-independence laws to remove any discriminatory parts, and (d) efforts by the Supreme Court and the High Courts to ensure access to rulings within a reasonable time.

Alternative dispute resolution mechanisms

109. While the CSAR asserts that alternative dispute resolution exists under the Arbitration Act, 1965, it was not sure whether the New York Convention for the Enforcement of Foreign Arbitral Awards was applicable in Namibia.

Vibrant, independent and influential civil society

110. The CSAR indicates that the Namibian Constitution guarantees equal treatment of the people irrespective of background. Likewise, it guarantees freedom of association, which has encouraged the growth of CSOs and their vibrant participation in politics and public affairs.

Respect for and Protection of citizens' rights of access to Information

111. Although the CSAR lists international protocols that guarantee access to information which Namibia has signed (the Universal Declaration of Human Rights, the African Charter of Human and People's Rights and the AU's Declaration of Principles of Freedom of Expression, and the World Summit of the



Information Society's Plan of Action), the absence of a specific law on freedom of information (FOI) constrains the exercise of the rights to information and limits transparency in the conduct of government business and the monitoring of corruption. An Access to Information Bill was presented to the National Assembly in 2020 but it was withdrawn and resubmitted in September 2021.

ii. Findings of the CRM

Measures in place to promote and enforce human rights

112. Chapter 3 of Namibia's Constitution guarantees fundamental rights and freedoms, which it obliges the Executive, Legislature, Judiciary, natural and corporate persons and all agencies of government to uphold. Among the rights guaranteed are the right to life, freedom, and human dignity. The Constitution stipulates that Namibians shall enjoy the right to fair trial, and to found a family. They shall also be entitled to freedom from interference in their privacy and from slavery and forced labour. Also guaranteed are the following freedoms: freedoms of speech and expression, including freedom of the press and other media; thought, conscience and belief; religion; peaceful assembly; association, including to form and join associations or unions, and political parties; movement; and to withhold their labour; and to practice any profession.

113. The Constitution entrusts the Executive, Legislature and Judiciary with the responsibility to protect and promote human rights in Namibia. Human rights abuses are usually perpetrated by Executive OMAs while the victims resort to impartial and independent agencies for redress. In Namibia, this means two institutions – the Judiciary and the Ombudsman. As the CRM noted above, the Namibian Judiciary is structurally and operationally independent of the Executive, and is capable of delivering impartial judgments. Consequently, Namibians have, in the Judiciary, an institution capable of defending their interests. However, access to the courts is an issue as there are not enough courts in the country, especially in the rural areas because of lack of resources and trained personnel.

Due process and equal access to justice

114. As the CRM points out below, the Ombudsman is a defender of the Namibian people against administrative abuses perpetrated by the OMAs. The Ombudsman is a popular redress mechanism for victims of human rights abuses because it is a cheaper way to seek redress and it is devoid of the procedural complications of redress through the courts. It is also effective in resolving most of the issues reported to it without recourse to expensive and prolonged litigation. As the Ombudsman's Report for 2020 discloses, Namibians favour walk-in reporting of their grievances. Thus, it is important that the Ombudsman's Office be

decentralised and easily accessible to ordinary citizens who need its services the most. Unfortunately, the Ombudsman has only five regional offices, which is inadequate considering Namibia's geographical size and the poor access of the remote regions to the existing regional offices. Thus, the Ombudsman is unable to serve Namibian victims of human rights abuses as effectively as it could.

115. The Ministry of Justice has a Directorate of Legal Aid which applies a means test to grant access to its limited legal aid scheme. On the other hand, the Legal Assistance Centre (LAC) is a major resource for victims of human rights abuses in Namibia. The LAC is a public interest law centre devoted to making the law accessible to those with the least access. Its Social Justice Project assists those whose rights have been abused to seek appropriate redress, by litigation if necessary. Given resource constraints, it prioritises cases that can affect policy or jurisprudence. According to its 2020 Report, it was handling over 30 medical negligence cases, and over 40 police brutality assault cases. LAC provides legal assistance to those detained by the Namibia Police and those held illegally in Correctional Services such as those arrested during Hornkranz operation in December 2018 and the #Shutitdown protests on sexual gender-based violence in October 2020. Also significant are its engagements in its Land, Environment and Development Project under which it is trying to help indigenous people like the San to claim their land rights²¹.
116. The CRM confirmed that the Law Commission has been reviewing all colonial legislation to remove discrimination provisions to make all Namibians equal before the law. The CRM further established that the Chief Justice is constantly reviewing the courts rules to enhance speedy dispensation of justice. In addition, the Government built a new court at Henties Bay in 2019, while a new court building is nearly completed at Katima Mulilo. Planned court buildings are at various stages of completion at Oshana, Oshana, Oshana, Oshana and Oshana. Plans are at an advanced stage to build a Magistrates Court at Oshana Island. These projects are meant to take the courts closer to the people and enhance access to justice.

Alternative dispute resolution mechanisms

117. Namibia's Alternative Conflict Resolution mechanism, the CRM learnt, encourages litigants to settle disputes out of court. The ADR takes the form of Arbitration which is statutorily regulated under the Arbitration Act 42 of 1965 and allows for parties to resolve a dispute at the forum of their choice instead of recourse to the courts.

²¹ Legal Assistance Centre, Annual Report 2020



Vibrant, Independent and Influential Civil Society

118. The Namibian Constitution guarantees freedom of association, which includes freedom to form and join associations or unions, including trade unions and political parties²² for every Namibian citizen. Civil society organizations or community associations in Namibia do not only play watchdog roles, but also contest for political offices. They also actively perform civic duties and contribute to government policies through their inclusion on special commissions and working groups at some Ministries. Thus, Namibia has a relatively free space for civic engagement and activism, and there are opportunities for the advancement of a progressive State-society relation through these organizations that are spread across the country.
119. The CRM also noted the contribution of some civil society organizations in producing knowledge as a basis for policy advocacy and engagement. The CRM received from those CSOs reports/publications which showed their depth of knowledge of the country and their specific spaces of engagement. Their submissions to the CRM contained comprehensive analyses, penetrating insights and thoughtful recommendations which were helpful to the CRM.
120. In addition, the CRM observed that Namibian civil society organizations also engaged with service delivery at community level such as public healthcare support and special support to victims of gender and sexual based violence in various parts of the country.
121. There are, however, concerns that despite their meaningful contributions and potential to contribute to democracy and socioeconomic development, there are some factors that threaten their potential effectiveness, and perhaps their sustainability.
122. First, civil society organizations confirmed to the CRM that some organizations are closing due to lack of funding. One key example is the closure of the Namibia Nongovernmental Organizations Forum (NANGOF) Trust. NANGOF was the main umbrella organization through which civil society mobilized, engaged and advocated for progressive reforms; but it has since closed its doors due to the lack of funds for institutional support. Many CSOs at the regional consultations complained of not having support from the government to subsidise some of the work they do; and in cases where they receive support from development donors, the support is restricted to specific projects that do not consider institutional development. As a result, most organizations are not sustainable beyond projects.

²² Constitution of the Republic of Namibia (2014). Article 21(e).

123. There were also reports of what they call political intolerance to their work in some of the regions, and this perhaps tends to pose the most critical threat to the survival of the CSOs. Political intolerance which some CSOs refer to as attempts by politicians to interfere with or undermine their civic activities and watchdog roles is threatening to limit the space for engagement and the freedoms guaranteed under the Namibian Constitution.



COMMENDABLE PRACTICE 2.1

Namibia's Vibrant Civil Society - The Legal Assistance Centre

Namibia has a vibrant civil society which struggles against all odds to promote and protect causes, interests and principles. The Legal Assistance Centre epitomizes the essence of Namibia's CSOs – the diversity and impact. To avoid any invidious comparisons, it is important to point out that LAC is a representative organization because its mission, diversity of engagements, funding and impact are the common narrative of many successful CSOs in Namibia.

Workers, students, Church leaders, and human rights lawyers pioneered the establishment of LAC in 1988. This was at the height of human rights abuses in Namibia perpetrated by the Apartheid South African Government, which tried to strangle it at birth. Its mission to defend victims of human rights abuses through its lawyers and paralegals thrust it at the centre of the liberation struggle, and the quest for a new liberal political order. Therefore, independence in 1990 merely changed its environment of practice rather than trajectory or commitment or the need for its services. Instead, it diversified and took on new challenges and continues to influence policy, legislation, jurisprudence, and politics.

The flagship projects of the LAC are the Social Justice Project (SJP), Gender Research and Advocacy Project (GR&AP), and the Land, Development and Environment Project (LEAD). The LAC Units' activities are presented below²³.

MAIN ACTIVITIES OF THE THREE LAC UNITS		
Social Justice Project (SJP)	Gender Research and Advocacy Project (GR&AP)	Land, Environment and Development Project (LEAD)
- Human rights and constitutional test case (impact litigation, particularly in relation to socio-economic rights (i.e. the right to health) - Human rights educational materials - Legal advice - Training of candidate legal practitioners - Training of government officials and law enforcement agents - Training for key populations, correctional services and health service providers on "HIV and the Law"	- Gender research for law reform and public debate - Advocacy and lobbying for law reform - Educational materials on family law issues with a particular focus on issues that affect women and children - Education and training for communities and policy-makers on legal issues related to gender	- Test case litigation on land dispute and access to land rights - Legal assistance to conservancies and community-based organisations - Focus on Wildlife Crime - Community dispute resolution - Research and policy formulation on land rights - Education and training on land rights and land administration

Source: CRM, Extracts from Projects - Legal Assistance Centre (lac.org.na) Accessed on 29 November 2021



Respect for and Protection of citizens' rights of access to Information²³

124. The CRM observed that the Constitution of Namibia does not specifically provide for citizens' right of access to information, which is critical to effective and meaningful participation in public affairs. However, the Government has signed international agreements and protocols which deal with access to information such as the Universal Declaration of Human Rights, the African Charter of Human and People's Rights, the AU's Declaration of Principles of Freedom of Expression, and the World Summit of the Information Society's Plan of Action.

125. The CRM would like to reiterate the importance of access to information in promoting the formation in Africa of active citizenry, fully able to make informed choices in matters that affect them in the words of the AU's Declaration of Principles of Freedom of Expression:

1. Public bodies hold information not for themselves but as custodians of the public good and everyone has a right to access this information, subject only to clearly defined rules established by law.
2. The right to information shall be guaranteed by law in accordance with the following principles:
 - Everyone has the right to access information held by public bodies;
 - Everyone has the right to access information held by private bodies which is necessary for the exercise or protection of any right;
 - Any refusal to disclose information shall be subject to appeal to an independent body and/or the courts;
 - Public bodies shall be required, even in the absence of a request, actively to publish important information of significant public interest;
 - No one shall be subject to any sanction for releasing in good faith information on wrongdoing, or that which would disclose a serious threat to health, safety or the environment save where the imposition of sanctions serves a legitimate interest and is necessary in a democratic society; and
 - Secrecy laws shall be amended as necessary to comply with freedom of information principles.
3. Everyone has the right to access and update or otherwise correct their personal information, whether it is held by public or by private bodies"

²³ Extracted from Projects - Legal Assistance Centre (lac.org.na) Accessed on 29th November 2021

126. In other words, the right of access to information is contributory to the sustainment of transparency and accountability in the way the Government engages citizens. Furthermore, it can help the press to expose violations of human rights, disclose corruption, and restrain potential malfeasance because the threat is aired before it happens.
127. The CRM is aware of the length to which the Namibian Government has gone to ensure that it is open and transparent in the conduct of its business. This is evident in the efforts to extend ICT capabilities beyond government offices in Windhoek to the regions and the continuous upgrading of the country's ICT infrastructure, driven from the Prime Minister's Office. It also shows in the availability online of many government documents, laws, as well as annual and special reports. Although privately driven, the Legal Assistance Centre has an excellent compilation of Namibian Laws, international agreements and policy documents accessible online. Through private efforts, major CSOs maintain accessible databases of public documents. But all this is not a substitute for a law which guarantees citizens' access to information.
128. Stakeholders informed the CRM of the stalled effort to enact a right of access to information Bill in 2016. Given the crucial importance of the right of access to information in enhancing transparency and accountability in governance, and that for the Government of Namibia it will be another step on the road it is already travelling on, the incentive to finalise the legislation should be irresistible to the Government.

iii. Recommendations

129. The African Peer Review (APR) Panel recommends that the Government of Namibia should:
- Provide subsidies for CSOs to support institution building and sustainability and that this funding be managed in an independent way to not interfere with the independence of the supported organizations;
 - Enact the Right of Access to Information Bill expeditiously;
 - Pass the pending amendment to the Ombudsman Bill to strengthen it and make it more effective in protecting citizens from administrative abuses.



**OBJECTIVE
FIVE**

**ENSURING ACCOUNTABLE, EFFICIENT
AND EFFECTIVE PUBLIC SERVICE
DELIVERY AT THE NATIONAL AND
DECENTRALIZED LEVELS**
i. Summary of the CSAR

130. According to the CSAR, before independence in 1990, Namibia had eleven ethnic governments. After independence the government faced an urgent need to establish a national system of public administration devoid of the racial and ethnic discrimination which characterized the pre-independence public service. The passage of the Public Service Commission Act of 1990 provided the legal framework for an impartial and professional public service characterized by efficiency and effectiveness in service delivery to the government and people of Namibia.
131. To ensure that Namibia's public service had the required set of skills and knowledge, the government established the Namibia Institute of Public Administration and Management in 2010 to manage all public service training. Other efforts to improve service delivery in the public service include the introduction a Reward Management System, E-governance, and various Public Service Charters.
132. In 2000, the government passed the Decentralization Enabling Act, the Regional Councils Amendment Act, and the Local Authorities Amendment Act to take government closer to the grassroots and ensure more efficient and effective service delivery at those levels. Although the central government has decentralized functions to these sub-national authorities, that delegation of functions is not matched by transfer of adequate competent personnel and financial resources thus undermining their efficiency and effectiveness.
133. The CSAR observes that the 1990 Constitution did not establish an anti-corruption agency but instead set up the Office of the Ombudsman with the power to investigate allegations of corruption. In 2003 government passed the Anti-Corruption Act, and in 2006 established the Anti-Corruption Commission to which it transferred the power to investigate and prosecute corruption from the Office of the Ombudsman. By the Namibian Second Amendment Act 2010, the Anti-Corruption Commission became independent. However, the Director-General of the Commission has no control over the staff of the Commission who remain civil servants; he cannot appoint or discipline them, nor can he deal independently with the finances of the Commission, a situation the CSAR regards as subversive of the Commission's independence.

134. The CSAR lists the following laws as ancillary to the anti-corruption law: Prevention of Organized Crime Act (Act No. 29 of 2004); Financial Intelligence Act (Act No. 13 of 2012); Criminal Procedure Act (Act No. 25 of 2004); The Companies Act (Act No. 28 of 2004); Electoral Act (Act No. 5 of 2014); Public Procurement Act (Act No. 15 of 2015); Witness Protection Act, 2017 (Act No. 11 of 2017) and the Whistle Blower Act (Act No. 10 of 2017).
135. The CSAR notes that these regulatory frameworks had loopholes which weakened their effectiveness. For example, the CSAR points out that the efficacy of the Financial Intelligence Act could be enhanced through stronger cooperation between the commercial banks and the Bank of Namibia, but does not explain why this is not the case. It also regards the predominant focus of the Anti-Corruption efforts on the public sector ill-advised considering that the public perceives private business executives as more corrupt than public servants. The overlapping powers of the anti-corruption institutions, especially between the Anti-Corruption Commission, the Namibian Police and the Office of the Prosecutor General, also create loopholes.
136. The CSAR took note that the government enacted the Regional Councils Act No. 22 of 1992 and the Local Authorities Act No. 23 of 1992 to assign some government service delivery functions to the sub-national authorities. The Ministries of Education, Works and Transport, Agriculture, and Water Supply and Sanitation have decentralized some of their functions to them. The CSAR mentions that the drive towards autonomous regional and local governance is undermined by the government's focus on national unity and integration within a unitary State. The Regional Councils have limited capacity to undertake regional development planning and the management of settlement areas which the government has assigned to them because of lack of experienced personnel and expertise in regional administration. They also lack adequate financial resources.

ii. Findings of the CRM

Ensuring Accountable, Efficient and Effective Public Service Delivery

137. During the CRM consultations with senior government officials, they revealed that the government has continuously carried out reforms to ensure that the public service is nurtured to a high degree of competence and professionalism to match the government's ambition to rapidly modernize Namibia and boost the socioeconomic wellbeing of its citizens. The focus at independence was to professionalize the public service as a neutral and competent instrument of political administration, capable of translating the policies of government into



services delivered at reasonable cost, to the satisfaction of citizens. The Public Service Act, 1990 (Act No. 24 of 1990), Public Service Act, 1990 (Act No. 92 of 1990) and the Public Service Act, 1995 (Act No.13 of 1995) brought the public service in alignment with the Constitution and defined a code of conduct for public servants which enjoined them to ethical behaviour and political neutrality.

138. They pointed out that the Public Service Commission Act No. 13 of 1995 gave effect to Article 112 of the Constitution by establishing the Public Service Commission as an independent and impartial body to advise the President on appointments to the public service, remuneration of public servants and their discipline.
139. The government established the Namibia Institute of Public Administration and Management for training, operational research, capacity evaluation and consultancy for the public service of Namibia in 2010, and the Namibia Statistics Agency to provide relevant, high quality and timely data to support evidence-based policy formulation, implementation, monitoring and evaluation.
140. Furthermore, the Office of the Prime Minister, which drives public service reform, has initiated several reforms to consolidate the institutional framework for an efficient and effective public management machinery. Among these are the e-governance project through which the government tries to engage citizens and afford them access to public services using the World Wide Web (WWW), wide area network (WAN), internet and mobile computing since 2005. ICT infrastructure and internet services are now available in government Offices, Ministries and Agencies (OMAs) and Regional Councils thereby automating government information dissemination and feedback in a timely manner, and most government offices have internet and email facilities provided by the Department of Public Service Information Technology and Management of the Prime Minister's Office. The process is driven through the E-Government Strategic Action Plan for the Public Service of Namibia 2014-2018. E-governance has been empowering, particularly in the rural areas, because of the large size of the country and long distances between cities.
141. The Prime Minister's Office has also introduced three measures to improve the performance of public servants collectively and severally – performance improvement, customer service charters and business process re-engineering. The performance improvement initiative introduced performance agreements being mainstreamed throughout the public service, which sets expected standards of performance and accountability for officers, office units, and departments. The OMAs produced impressive Performance Agreements which

promised their improved service delivery and effectiveness of government, which were published to much public approval²⁴. Nevertheless, these service agreements appeared to be no more than statements of the goals and objectives of the various OMAs subject to the same lax performance associated historically with the public service.

142. The CRM, however, found that all these measures notwithstanding, the public service was still lacking the level of expertise, competences, and effectiveness expected by the government and people of Namibia. The rate of progress was slow if not static. In 2012, the government observed that, “The experiences derived from developing strategic plans for the various Government Offices, Ministries and Agencies (OMAs) and Regional Councils (RCs), the low execution rate of the budgets allocated for capital projects and the perceived low quality of the general public services indicate that there is a need for appropriate strategies to strengthen the human resources capacity in Government²⁵.”
143. Eight years and several reform reinforcements later, the government noted that “Challenges relating to financial, human resources, administrative inefficiencies and lack of the required expertise are inevitable²⁶.” According to the Citizen Satisfaction Survey (CSS 2017, OPM), only 54% of respondents (well below the expected 80% rate) expressed satisfaction with service delivery despite implementation of the Customer Service Charters meant to improve performance of the services surveyed. Nor was the Customer Service Charter warmly embraced by the public service. According to the Prime Minister’s Office, of the 18 OMAs surveyed, overall compliance score was only 34%, which meant “that the majority of OMAs have developed CSC and little was done in popularising and living to the standards set²⁷.” The business process re-engineering programme also made little progress because of insufficient funding and skilled personnel to implement it.²⁸
144. Public perception of the performance of the public service in the regions matched internal government survey results. In region after region, stakeholders that the CRM consulted complained of the inefficiencies in service delivery by central

24 See, Performance and Governance Agreements | Namibian Standard Institution (nsi.com.na) and The Namibian, “Performance Agreements in Detail” 25th January 2016 (Performance agreements in detail - The Namibian)

25 See, Performance and Governance Agreements | Namibian Standard Institution (nsi.com.na) and The Namibian, “Performance Agreements in Detail” 25th January 2016 (Performance agreements in detail - The Namibian)

26 Office of the Prime Minister, Annual Report 2019-2020, p. 8

27 Office of the Prime Minister, Annual Report 2019-2020, p. 31

28 Office of the Prime Minister, Annual Report 2019-2020, p. 30



and regional government service providers. Stakeholders complained that not only was the government remote to them, but also efforts to bring service providers closer to them in the regions have been undermined by inadequate funding, staff shortages, skills gaps and unfilled vacancies. Staff shortages are confirmed by the Office of the Prime Minister which reports that in 2019-2020 the government approved cost-saving measures which reduced total staffing but increased the wage bill by 5%.

145. The government's strategy to incentivise recruiting qualified people into the service requires that OMAs carry out staff audits to identify unqualified or unsuitable personnel and propose fewer, better qualified people to replace them at appropriate remunerations. This thoughtful approach to improving the quality of staff of the public service is undermined by two factors: more competitive salaries in the mining and financial sectors and the general shortage of high-level manpower in the country²⁹.

State of Corruption in the Public Sector

146. The CRM found that Namibia's anti-corruption regime rests on constitutional provisions, and four main legislations and the institutions they created to fight corruption. Article 10 and Article 89, of the Constitution established the Ombudsman as an independent organ of government, which it empowers to investigate reported cases of administrative malfeasance, violations of fundamental human rights, ecological abuses, and to order corrective actions. The constitution also empowers it to "investigate vigorously all alleged or suspected misappropriation of public monies by officials and to take appropriate steps, including reports to the Prosecutor-General and the Auditor-General." Thus, the Ombudsman has the right to investigate not only allegations of corruption reported to his or her office, but also his suspicions that an act of corruption was about to be committed or has been committed. However, he does not have independent power of remedial action on corruption case unlike on matters of administrative malpractices.
147. The CRM noted that by the Ombudsman Act, 1990 (Act No. 7 of 1990), Parliament also empowered the Ombudsman to investigate "all instances or matters of alleged or suspected corruption and the misappropriation of public moneys or other public property by officials", which essentially elaborates the powers conferred by the constitution on the Ombudsman.

29 The Director General, National Planning Commission, Obeth Mbui Kandjoze, emphasized the better remuneration in the financial and mining sectors as a major factor responsible for the public service not being able to recruit and retain highly qualified staff when he hosted the CRM in his office on 25th October 2021.

148. Namibia's main anti-corruption agency is the Anti-Corruption Commission which was created later than the Ombudsman in 2003 by the Anti-Corruption Act, 2003 (Act No. 8 of 2003). Like the Ombudsman, the Constitution (Article 94A) empowers Parliament to create it and spell out its structure and powers. The main functions of the Commission are to receive or initiate investigations on allegations of corruption and report to the prosecuting or relevant authorities the outcomes of such investigations; cooperate with appropriate national and international organisations in fighting corruption through exchange of information; and advise public bodies on how to prevent corruption.
149. Namibia also has mechanisms to combat financing of terrorism and money laundering. The Prevention of Organised Crime Act, 2004 (Act No 29 of 2004) was enacted to combat organised crime, money laundering, racketeering, criminal gang activities, and trafficking of persons. It empowers the police to carry out investigations to combat such crimes and the High Court to order forfeiture of assets traceable to or derived from them. The Parliament passed the Financial Intelligence Act, 2012 (Act No. 13 of 2012), on the other hand, to establish the Financial Intelligence Centre to monitor suspicious financial transactions to prevent money laundering, or financing of terrorism. The Act establishes an Anti-Money Laundering and Combating the Financing of Terrorism and Proliferation Council under the leadership of the Central Bank Governor to advise the Minister for Finance and the Centre on how to prevent money laundering, the financing of terrorism or proliferation. It also recommends to the Minister who to appoint as the Director of the Centre.
150. The CRM found that the Public Procurement Act, 2015 (Act No. 15 of 2015) was enacted to establish the Central Procurement Board of Namibia and Procurement Policy Unit to regulate the procurement of public goods, works and services, and the disposal of public assets³⁰. The Central Procurement Board exists to conduct bidding on behalf of public entities for the award of contracts or disposal of assets, enter into contracts on their behalf, and supervise accounting officers in managing procurement contracts that they awarded on behalf of their entities. While the Board is recruited through a competitive, open and transparent process and enjoys independence from the Minister of Finance, the Procurement Policy Unit is a part of the Ministry of Finance which monitors and evaluates execution of the procurement policy to advise the Minister whether the purposes of the procurement policy were being achieved.

30 The Minister may exempt the Namibia Defence Force, Namibia Police Force, Namibia Correctional Service and Namibia Central Intelligence Service from the definition of public service because of the security implications of their procurements under Article 4 of the Act.



151. The CRM also noted that Namibia has a Whistle Blower Act (Act No. 10 of 2017) establishing the Whistle Blower Office as a part of the public service with power to receive alerts on the imminence of or actual criminal conduct, misappropriation, miscarriage of justice, abuse of the environment, etc., which it should investigate or appoint a special investigator to investigate and initiate prosecutions for where necessary. The Act creates the Whistle Blower Protection Advisory Committee to advise the Minister on high policy issues and the Whistle Blower Office on the performance of its duties.
152. In the view of the CRM, these instruments constitute a formidable arsenal against corruption in Namibia if they work as envisaged. Unfortunately, the mechanisms face huge problems which undermine their effectiveness. The CRM observes that the Ombudsman is a popular instrument used by citizens who feel oppressed or wrongly treated by public institutions, and its report reflects the accuracy of this opinion. In 2019, the Ombudsman received 3,203 complaints and in 2020 2,590. While citizens appreciate the role of the Ombudsman in resolving their problems with public institutions, the Ombudsman is far from capable of performing its role effectively.
153. The Ombudsman's 2020 Report lamented that the Office did not enjoy as much government support as would have made it more effective. The Ombudsman stated the problem eloquently when he said, "This would not have happened if only I was provided with an appropriate level of funding to guarantee my independence and my ability to freely determine my office's priorities and activities and the power to allocate funding according to these priorities³¹." Because of insufficient support for the work of the Ombudsman its plan to establish a sixth regional office in Kavango Region could not materialise while the fifth office was accommodated in temporary one-room office loaned to it by the Ministry of Education in Otjiwarongo.
154. The Anti-Corruption Commission's record of performance is mixed, going by its 2018-2019 Annual Report. The ACC received an average of 300 complaints annually between 2018 -2019 of which roughly 50% were considered worthy to be investigated. Seventy-four per cent of the cases were reported in Windhoek, not surprising because the ACC has only three regional offices. Only 40 cases out of 142 being investigated were referred to the Prosecutor-General for prosecution, twenty-four case were unfounded while the rest were ongoing. This average work rate is the result of the complicated nature of corruption, but also of the level of resources available for the ACC to do its work.

31 Ombudsman Namibia, Annual Report 2020: The Other Side of the Story, p. 7

155. Looking through the list of successfully concluded cases handled by the ACC from 1 April 2018 and 31 March 2019, not a single one involved a politically exposed person (PEP). At stakeholder meetings with government officials in Windhoek and the regions and with non-state actors, the CRM consistently asked whether any PEP had fallen afoul of and been caught in the ACC' net. The CRM received no such evidence. The ACC's anti-corruption net seems to only have caught minor officials.
156. The CRM stakeholder consultations in the regions showed that people perceived the procurement system as riddled with corruption. Many stakeholders claimed that the tenders were usually rigged to ensure that the same company or different companies with the same owner won the bids. There were complaints in the regions that those who managed the tenders were bidders or had fronts bidding for them or colluded with bidders to confer advantage to themselves or their family and friends.

Decentralization

157. The government's second strategy to improve service delivery is the decentralization program, which the Constitution mandates by providing in Article 102 that "For purposes of regional and local government, Namibia shall be divided into regional and local units, which shall consist of such regions and Local Authorities as may be determined and defined by Act of Parliament." The government inherited 11 homeland governments in a segregated, apartheid system from the colonial government which had to be reorganised into a unified, national public administration system and, therefore, the focus on consolidating a unitary State was a primary imperative. At the same time, the government sought to afford the previously marginalized people of Namibia political participation in the governance of the country.
158. In 1992, the government passed the Regional Councils Act (Act No. 22 of 1992) which established regional councils composed of elected members with powers to "initiate and formulate planning and development policies" and monitor their implementation in their areas. The Regional Councils, besides, performed other duties delegated to them by the government, including establishing and controlling settlements, and assisting Local Authorities as necessary.
159. The Local Authorities Act, 1992 (Act No. 23 of 1992) complemented the Regional Councils Act in decentralising power to the sub-national levels of Namibia. The Act established Local Authorities (municipal, town and village councils) constituted of elected councillors (through party lists) for the purposes of providing water, sewerage and drainage, waste disposal, cemeteries, streets, and public parks, electricity, quarries, housing, markets, etc.



160. By the Traditional Authorities Act (Act No. 25 of 2000), the Government set up traditional authorities headed by a chief of the Traditional Community who appoints Senior Traditional Councillors and Traditional Councillors to assist them in the performance of their duties and to advise them and the senior councillors. The functions of the traditional councils include ascertaining and codifying customary laws of the community which it must uphold; preserving the community's cultural sites, works of art and literary works, language, culture and traditional values; performing traditional functions and ceremonies; and advising the Council of Traditional Leaders.
161. The Regional Councils, Local Authorities and Traditional Councils formed the pillars of the government's decentralisation policy, when the policy was articulated in 1996-98. Under the Decentralisation Enabling Act (Act No. 33 of 2000), the minister responsible for regional and local government matters, in consultation with the Cabinet and after consultation with the line Minister concerned, determines the function(s) of a line Ministry to decentralize, delegate or devolve to a Regional Council or Local Authority, and under what terms and conditions.
162. The CRM observed that the legislations enabling decentralisation are anchored on the provisions of Chapter 12 of the Constitution which provides for the establishment, structure and composition, powers, and regulations of regional councils and local authorities. The CRM also noted that decentralisation was meant to take place in phases, progressing from the phase of delegation to that of devolution, at which point the regional councils and local authorities would enjoy substantial political and financial autonomy over decentralised functions.
163. From the Institute for Public Policy Research, as well as through additional information from Government, the CRM learnt that the following ministries have delegated services to the regional councils, amongst other devolved functions, as indicated below³²:
 - Ministry of Works and Transport: provision of rural water, electricity and sewerage services; upgrading of government buildings and infrastructure; provision of technical advice to user ministries; annual contract tendering; functional training; regional asset management; quality control on capital projects (Government of Namibia 2009:6)
 - Ministry of Information and Communication Technology: Audio Visual and Print Media Productions (Government of Namibia 2015:3)

32 Kitty McGirr, Regional Government in Namibia: Is Decentralisation A Reality? (Briefing Paper, September 2021, pp. 14-15, and additional government information with respect to inclusion of the Ministry of Labour, Industrial Relations and Employment Creation received as of 19 December 2021.

- Ministry of Agriculture, Water and Land Reform: management and administration of resettlement farms; management and control of communal lands; land acquisition and land use planning; provision of valuation service and advice; cadastral survey and mapping (Government of Namibia 2016:2);
- Ministry of Agriculture, Water and Land Reform: supply and sanitation coordination (Government of Namibia 2018b:2)
- Ministry of Gender Equality and Child Welfare: community development; early childhood development; gender equality and research; child welfare services (Government of Namibia (2018), old age grants, disability grants and funeral grants (2021);
- Ministry of Education, Arts, and Culture: primary and secondary education as provided for in the Education Act, 2001; adult education; library and information services (Government of Namibia 2009:4) promotion of arts and culture for sustainable development (Government of Namibia 2019a:4);
- Ministry of Health and Social Services: disease prevention and health promotion; disease control; community-based social welfare services; curative services; pharmaceutical services; capital project management; human resources development and management; Information and Communication Technology services; efficient and effective implementation of hospitals and health facilities Act; resource management (Government of Namibia 2020a:2);
- Ministry of Labour, Industrial Relations and Employment Creation: case management system, employment services such as jobs seekers registration and placement, workplace inspections, career counselling, psychometric testing and stakeholder assistance (Affirmative Action Monitoring).

164. The main issue with Namibia's decentralisation is that it is moving at a slow pace and has not yet fulfilled the promise of the optimistic rhetoric of its pioneers. In 1997, the Minister of Regional, Local Government and Housing, Dr Nickey Iyambo, in his address to Parliament on "Decentralisation Policy for the Republic of Namibia: Decentralisation, Development and Democracy" observed that it is through people making their own political, cultural, social and developmental decisions that democracy could be safeguarded and sustainable development achieved, and that Namibia needed to inculcate political and economic self-reliance among all Namibians to sustain "national independence, development and equity"³³.

33 Dr Nickey Iyambo, Address to Parliament on "Decentralisation Policy for the Republic of Namibia: Decentralisation, Development and Democracy"



165. In 1996, H.E Dr Hage G. Geingob (then Prime Minister) at the Association of Regional Councils' Congress, Erongo, noted that the government had made a conscious choice to decentralise and "provide for the devolution of power to Regional and Local Levels within the overall authority of a unitary state³⁴."
166. In Windhoek, the CRM observed that senior government officials agreed that decentralisation was still at the delegation stage. They explained that the process has slowed down due to, among other factors, inadequate financial resources, staff shortages in specialized fields such as engineering and town planning, and lack of capacity at the level of regional and local authorities.
167. At stakeholder consultations in the regions, the participants repeatedly claimed that the government was wary about moving from delegation to devolution because of fear of the unknown. They further suggested political considerations as society became more politically plural and the opposition political parties succeed more at regional elections. Some stakeholders in the regions argued that the decentralisation process could proceed more smoothly and quickly if it was driven from the Prime Minister's Office or the Office of the President, instead of the Ministry of Urban and Rural Development, as these offices of higher authority could coordinate and persuade ministries to devolve functions more effectively.
168. Decentralisation, even in its current form of delegation, is marred by delays in the release of budget allocations caused by the different budget cycles of the State government and the local authorities. People in the regional councils controlled by the opposition wrongly perceive the delays experienced before their local authorities receive their budget allocations as deliberately contrived to weaken their performance, while in those areas where the Governor and the local authorities belong to the ruling party the people see it as baffling anomaly.
169. In Kunene, where the regional council and local authorities are controlled by an opposition political party, the feeling that administrative delays in disbursing budget allocations originate from political considerations to undermine the standing of local authorities with the electorate was palpable at the stakeholders meeting. This wrong and unfortunate perception that the government was deliberately undermining the local authorities for political advantage could easily be addressed if the budget cycles were aligned, and better communications maintained with the region to explain the reasons for the delay in receiving budget allocations which affect other local authorities as well.

34 https://www.nid.org.na/images/pdf/democracy/ARC_1996.pdf

170. Kunene region is large and has very poor rural roads and other infrastructure. The delivery of the delegated services faces several constraints related to the poor socioeconomic development of the area. Weak delivery of services in education, water, health and the poor state of the area's rural roads were repeatedly mentioned by the stakeholders as evidence of the area's marginalisation. While one or two other regions might share this perception about their relationship with the State government, Kunene's case deserves a close examination by the government to foster a deeper sense of belonging and integration into the Namibian State by the people of the region.
171. The CRM found that where the Governor, appointed by the President, belonged to a different party while the Management Committee of the regional council was dominated by another, the interface between them was fraught. In such regions, the Chairperson of the Management Committee felt the Governor would try to undermine their achievements to enhance his party's chances at the next election. While there is clarity in the definition of roles of the two parties, it bears emphasis to assert that the office bearers sometimes fail to operationally keep within their lanes, thereby causing political friction. Periodic seminars, advocacy and public enlightenment would go a long to foster a clearer understanding of the expected behaviour of sub-national leaders and encourage better social integration despite different political preferences.

iii. Recommendations

172. The African Peer Review (APR) Panel recommends that the Government of Namibia should:
- Give the Ombudsman an adequate budget to expand to the regions and make its offices accessible to Namibians;
 - Revamp the educational institutions that train public servants, especially the Namibia Institute of Public Administration, to enable them to provide the necessary upgrading of knowledge and skills in the public service to bridge the capacity gaps;
 - Consider moving responsibility for driving decentralisation to the Office of the Vice-President or the Prime Minister to ensure greater responsiveness of the ministries in implementing decisions on delegation and devolution of functions; and
 - Deepen decentralisation by reviewing the functions currently delegated to the sub-national authorities to make them devolved services with attendant political discretion and budgets.



OBJECTIVE SIX



PROMOTION AND PROTECTION OF THE RIGHTS OF WOMEN

i. Summary of the CSAR

173. Namibia has ratified many international instruments to promote and protect the rights of women and end discrimination against women. These include: The Universal Declaration of Human Rights (1948); The International Covenant on Economic, Social and Cultural Rights (1966); The International Covenant on Civil and Political Rights (1966); The Optional Protocol to the International Covenant on Civil and Political Rights; and The Second Optional Protocol to the International Covenant on Civil and Political Rights. At the Continental and regional levels, the Namibian government has also signed and ratified many regional policies, declarations, and protocols. These are the SADC Protocol on Gender and Development; the SADC Charter on Fundamental and Social Rights; and the SADC Addendum on the Prevention and Elimination of Violence against Women and Children.
174. The Namibian Constitution highlights the rights of women especially in Chapter 3. These include: respect for human dignity; and freedom from discrimination on the grounds of sex, race, colour, ethnic origin, religion, creed or social or economic status. In 2000, the Government established the Ministry of Gender Equality and Child Welfare with the objective of ensuring the empowerment of women, men and children, and of ensuring equality between men and women as prerequisites for full participation in political, legal, social, cultural, and economic development.
175. At regional level, Namibia is a signatory to the African Union Strategy for Gender Equality and Women's Empowerment, which was launched in 2019. Namibia ratified a number of the SADC conventions, including the Protocol on Gender and Development, the SADC Charter on Fundamental and Social Rights and the SADC Addendum on the Prevention and Elimination of Violence against Women and Children.
176. Namibia's Government has adopted instruments such as: the National Gender Policy (2010-2020); the Affirmative Action (Employment) Act, 1998 (No. 29 of 1998); the Combating of Rape Act, 2000 (No. 8 of 2000); Abortion and Sterilization Act, 1975 (Act No. 2 of 1975); and the Married Persons Equality Act, 1996 (No 1 of 1996). In addition, the Combating of Domestic Violence Act (Act No. 4 of 2003); the Maintenance Act (Act No.9 of 2003); and the Combating of Immoral

Practices Act. Act No. 21 of 1980, also deal with the empowerment of women and reflect efforts to overcome the legacies of the past. However, according to the CSAR, despite the efforts to promote and protect women's rights, cultural practices, co-habitation and the continued economic marginalisation of women put them at a distinct disadvantage. In terms of women's political participation, progress has been made although there is still lack of legislation to reinforce such rights, and therefore their inclusion remains a prerogative of political parties.

Gender-based violence

177. The Combating of Rape Act 8 of 2000 and Combating of Domestic Violence Act 4 of 2003 are the two pieces of legislation that respond to issues of gender and sexual violence. The Domestic Violence Act covers a range of forms of domestic violence, including sexual violence, harassment, intimidation, as well as economic and psychological violence. The recent amendment to the Act allows for the laws on gender-based violence to be tightened to allow for harsher prison sentences and to make it easier to secure convictions. However, the Act falls short in that it excludes certain groups from equal protection under it.
178. The CSAR confirms that despite provisions put in place, gender-based violence, which includes domestic violence, remains a perennial problem in Namibia. The Traditional Authorities Act gives traditional authorities the right to supervise and ensure the observance of customary law. This may have a negative impact on women in cases where such laws perpetuate the use of customs, cultural and traditional practices that are harmful to and discriminate against women (Visser and Ruppel-Schlichting, 2008:153). The two most common forms of GBV in Namibia are rape and domestic violence.
179. The CSAR specifically notes that the regions with the highest cases of GBV during the 2019 to 2020 period are Khomas (2531) Oshana (560), Ohangwena (533), Hardap (502) and Omusati (336). With regard to rape, during the same period, 896 cases were reported. Generally, it is estimated that approximately 1000 persons are raped every year in Namibia, of whom 90% are women.
180. Despite the efforts by the Government of Namibia to fight GBV, there are still a lot of challenges due to Family law reforms that have lagged (such as laws on marriage, divorce, recognition of customary marriage, marital property regimes and inheritance/property grabbing) or are inadequate or outdated.



ii. Findings of the CRM

181. The CRM found that the independent Namibia has understood the importance of women in the development of the Country and has put in place various mechanisms to promote and protect the rights of women starting from the Constitution's provision as stated under Chapter Three (3) on Fundamental Rights and Freedoms. Namibia has adopted legislation to guarantee women's rights including affirmative action to redress imbalances and to cater for previously disadvantaged groups including women. Through the Ministry of Gender Equality, Poverty Eradication and Social Welfare (MGEPEWSW) a National Gender Policy has been developed which outlines the framework for implementation of gender sensitive issues, among others, including the National Gender Plan of Action that outlines government's plan to achieve gender balance in key decision-making positions. In addition to the protection of women and girl children from violence, Namibia passed the Combating of rape Act in 2000 to resolve issues related to assault and sexual violence.
182. Namibia's Government believes in gender equality representation and advancement of women and girl children. It has developed Vision 2030 to mainstream gender in development. The current government led by SWAPO has also introduced what is dubbed 'Zebra style' politics to ensure that women are included in key decision-making position and in other areas to ensure their socioeconomic development. Women now constitute 46% of Namibia's Parliament and 38% of Cabinet Ministers and many more, about 70%, are deputy Ministers. However, the CRM observed that the 'Zebra Style' has not been enforced by law to be adopted by all political parties and the party list system put women at a disadvantage during all elections.
183. At regional and local levels, the CRM was informed by the stakeholders it met that women and men applaud the government's efforts of including women in key positions at all levels including traditional leadership. The government of Namibia also has adequate policy and legislative frameworks to promote gender equality. Despite this laudable progress in gender equality, the Speaker of Parliament confirmed to the CRM that "gender-based violence (GBV) and domestic violence against women and girls remains a big concern of the national government, local authority and communities."
184. Another way in which the government promotes women's rights and interests is through their inclusion in the leadership of conservation governance. At present, 46.8% of Namibia is under some form of conservation management. The "Communal conservancies are self-governing, democratic entities, run by their members, with fixed boundaries that are agreed with adjacent

conservancies, communities or land owners. Conservancies are recognised by the Ministry of Environment, Forestry and Tourism (MEFT), but not governed by the Ministry, which does, however, have powers to de-register a conservancy if it fails to comply with conservation regulation. Communal conservancies are obliged to have game management plans, conduct annual general meetings, and prepare financial reports. They are managed under committees elected by their members.” The conservation communities are places where women are organising to take their rightful leadership places, as the Kunene (presented below) example demonstrates.



COMMENDABLE PRACTICE 3.2 **Women for conservation in the Kunene Region**

Communal conservancies in Namibia have well defined borders and organised structures managed by local community members, and women have been actively involved in these structures, occupying key decision-making positions. Since independence, Namibia has reinforced the idea of conservation through policies to empower communities by giving them rights to manage, protect and benefit from the wildlife on their land through communal conservancies. This is known as Community Based Natural Resource Management (CBNRM). Not only do these conservancies empower local and indigenous people, they have also resulted in thriving numbers of wildlife. Kunene Region possesses the highest number of communal conservancies (38 conservancies with approximately 65,137 people living in those conservancies and women are majority in the conservation business.

In Kunene, female participation in decision-making committees and staff of conservancies is growing steadily. The proportion of women elected treasurers stood at 43% in 2019 although only 13% were chairpersons and 24% staff. The significance of these numbers lies not in their absolute values but their trend setting importance.

Source: CRM

185. Stakeholders informed the CRM that unemployment, alcohol and drug abuse and other social ills like broken marriages and broken family ties, unemployment and poverty are among the main causes of violence against women. For example, at the regional level, women in Kavango are most likely to have experienced physical, sexual, or emotional violence (51%) while the lowest proportion is reported in Oshana (12%)’ (Namibia Demographic and Health Survey 2013). In 2021 Omusati region has recorded 614 cases, 175 cases in Oshana in 2020, 150 in Oshakati.





186. The CRM noted from stakeholders the high prevalence of violence against women in form of murder and rape. Notified by the CRM was also the low rate of prosecuting those who inflict violence against women as well as lack of shelters and other services to assist survivors in several regions.
187. In terms of mechanisms in place to fight gender-based violence, the CRM observed that although programs such as capacity building of traditional leaders and awareness campaigns have been organised to sensitize the public on gender-based violence, stakeholders indicated that efforts to fight this scourge are still very minimal and inadequate. Stakeholders informed the mission that many remote areas do not have enough police stations (protection units) and trained personnel to deal with domestic violence and its victims due to lack of financial and human resources. Additionally, stakeholders indicated to the CRM that an Action Plan was developed by the Cabinet to combat gender-based violence, but financial resources constraints continue to hamper its implementation.
188. Regarding women's access to land and land inheritance, the CRM team found out that women in Namibia have the right to access and own land. A Communal Land Reform Act was brought into force in December 2016. The Act is now enforced to respond in favour of women whose previously would have experience land grabbing by relatives of their deceased spouse. There are two rights in respect of allocation of communal land: Customary land right and rights of leasehold. Application for customary land right is done by men and women and made in writing for submission to the chief of the traditional community in the area where the land in question is located. The Act clearly gives right of inheritance of the land to the spouse (in case of death of the person whom the right was allocated to) and the children (Communal Land Reform Act 2013). But the CRM established that applications to the land is too bureaucratic and takes too long.

189. The CRM found that despite Government's efforts to address inequalities and specifically accession to land, the majority of Namibians, particularly women, do not own land or even a house. In some of the northern regions of Namibia, when it comes to allocation of land and women's rights of tenure under customary law, some communities are still exercising cultural practices that are inhibiting women to access and own land.
190. Namibia's rural women lack adequate information for self-development. The CRM was informed that access to information and training on micro and macro-credit schemes are lacking and this has affected economic development of rural women entrepreneurs.

iii. Recommendations

191. The African Peer Review (APR) Panel recommends the Government of Namibia should:
- Enact the Zebra style system into law to give women equal opportunity to fully participate in social, political and economic development;
 - Increase programmes aimed at combating gender-based violence, rape against women, giving a particular attention to rural women and girls; and
 - Ensure Implementation of existing legislation such as the Combating Rape Act, the Married Persons Act, and the Convention on the Elimination of all forms of discrimination Against Women.





OBJECTIVE SEVEN



PROMOTION AND PROTECTION OF THE RIGHTS OF CHILDREN AND YOUNG PERSONS

i. Summary of the CSAR

Promotion and Protection of the Rights of Children

192. Namibia is a signatory to the Convention on the Rights of the Child (CRC), which amongst others, protects children from all forms of sexual exploitation and abuse. At continental level, the African Charter on the Rights and welfare of the Child, outlaws the use of children in pornographic activities, performances, and material.
193. The Namibian Constitution, in Article 15 protects against economic exploitation and hazardous work (for children under 16), against work in factories or mines (for children under 14) and against forced labour on farms. However, the CSAR reports that the Constitution does not provide a clear definition of ‘child’ but refers an individual provision to ‘children’ of up to age 14 or 16. The report indicates that this ambiguity around the definition of child resonates in other laws.

194. The Ministry of Gender Equality, Poverty Eradication and Social Welfare (MGECSW) is currently the main government organ in charge of children's issues. The mandate of the Ministry includes service delivery, advocacy, and work on law reform as well as coordination of government's efforts in the move towards the realisation of children's rights in the country.
195. Various Acts have been passed in the interest of protecting children, namely: the Children's Act; the Children's Status Act; the Child Care and Protection Act; the Combating of Immoral Practices Act; and the Basic Education Act (No.3 of 2020). The CSAR notes that despite these Acts on the rights of children and the progress made thus far, there are still deficiencies and loopholes that need to be attended to.
196. The CSAR points to child marriage as a thorny issue the country needs to address urgently. It is mainly caused by extreme poverty as well as harmful social and cultural practices that still plague the country. A recent report on child marriages in Namibia offers some revealing statistics. It indicates States where the prevalence of child marriage among girls in Namibia is the highest at 18.4%, while that for boys is considerably lower at 4.1%. By region, the highest prevalence of child marriage among girls was reported in the Kavango region at 39.7%, followed by Kunene with 24%. The lowest prevalence was recorded in Oshana region which was 7%. The report also states that poverty, culture and tradition, early sexual debut, teenage pregnancy, alcohol abuse and lack of education opportunities were identified as key drivers of child marriage in Namibia.
197. With regard to juvenile justice, resources have not been devoted to meeting the minimum standards of responsibility to children in detention, including the fact that children's courts have not been operational in all regions, the CSAR notes the lack of dedicated juvenile or youth correctional facilities in the country even though the Correctional Services Act of 2012 (Act No. 9 of 2012) provides for separate detention quarters for juvenile offenders.

ii. Findings of the CRM

198. Most stakeholders expressed concern about child marriage and teenage pregnancy among young girls, which frequently result in high rate of school abandonment by children in the rural regions. This phenomenon is prevalent in communities of Kavango, Ovahimba in Kunene region. Traditional practices also play a key role in oppressing and undermining the rights of children. The community of Ovahimba confirmed to the CRM team that the Ovahimba marry young girls to give birth but admitted that the practice of their culture should be revisited and discouraged.



199. The stakeholders also expressed concern over lack of schools and other facilities dedicated to children in their vicinity, proper school sanitation and transport. This has affected education in the entire region. In Kunene particularly, Communities feel marginalised and disadvantaged compared to other regions.
200. Children with disabilities in most northern regions have no school facilities and therefore are deprived of education. Stakeholders indicated that such special schools are only located in Windhoek where most rural families cannot afford to take their children to for education.
201. Access to higher and tertiary education was also a point of concern in Communities of Kunene region. It was pointed out that the government provides funding for tertiary education but learners in that community never get a chance to get to that level.

iii. Recommendations

202. The African Peer Review (APR) recommends that the Government of Namibia should:
 - Mobilize all relevant stakeholders to work together to sensitize communities about ceasing the practice of marrying young girls and rather encourage them to go to school by providing proper facilities and defending their rights;
 - Work with marginalized communities to provide adequate infrastructure to raise the level of education of children in the regions; and
 - Increase programmes to reduce poverty in regions with underprivileged communities.





OBJECTIVE EIGHT



PROMOTION AND PROTECTION OF THE RIGHTS OF VULNERABLE GROUPS

i. Summary of the CSAR

203. The CSAR notes the adoption of legislation to promote and protect vulnerable children. It mentions the National Policy on Orphans and Vulnerable Children of 2004, the National Agenda for Children (2012-2016) and the National Agenda for Children (2018-2022) that also caters for the needs of vulnerable children.

204. Regarding the needs of the persons with disabilities, the CSAR highlights the coordinating role of the Department of Disability Affairs in the Presidency. Further, the Government of Namibia enacted the National Policy on Disability (1997), the National Policy on Orthopaedic Technical Services (2001), the National Policy on Mental Health (2005), the Sector Policy on Inclusive Education (Republic of Namibia 2013) and the Disability Mainstreaming Plan of 2020.

205. However, the CSAR notes that despite the existence of the Sector Policy on Inclusive Education, 90% of children in Namibia living with disabilities have never been to pre-school or nursery. Statistics also show that 82% of disabled children in rural areas aged over five have never attended school compared to 18% in the country's urban areas. While schools for the visually impaired have been established, materials in Braille are yet to be produced.



206. The CSAR observes that the Republic of Namibia is among the few countries in Africa that have worked on policy about indigenous peoples. The CSAR further notes the existence of a draft White Paper on the Rights of Indigenous Peoples in Namibia that was approved by the Office of the Attorney General but awaiting presentation to the Cabinet and approval by Parliament.

207. With regard to refugees and asylum seekers, the CSAR notes that Namibian law in its current form does not comply with international human rights instruments. For instance, persons applying for asylum based on persecution for sexual orientation or gender identity may not be sufficiently protected in Namibia.

ii. Findings of the CRM

Persons with Disability

208. The CRM noted the challenge with accessing economic and social rights of people with disability. Persons with disability are underrepresented in Parliament and have limited access to education. The CRM further found that only a few people with disabilities are gainfully employed. Furthermore, despite the enactment of the National Disability Council Act of 2004 (Act No. 26 of 2004), the Child Care and Protection Act (No. 3 of 2015), the Disability Mainstreaming Plan of 2020 and Sector Policy on Inclusive Education that place strong emphasis on children with disabilities, most children remain out of school. The CRM also discovered that the intended beneficiaries of the support grant for the disabled are neither aware of its existence nor the process to obtain it.



Refugees

209. With regard to refugees, the CRM found that the Republic of Namibia only has one Refugee Camp located in Central Namibia, in the Otjozondjupa region, Otjiwarongo district, 240 km from the capital city Windhoek. Also, interaction with other communities is difficult because of the isolation of the camp. The CRM further noted that the rest of the regions are receiving points for processing of immigrants and subsequent transfer to the Osire Camp. The CRM discovered that the challenges faced are: lack of holding shelters for processing of refugees at receiving points; for example, in Zambezi region, refugees are kept in a dilapidated old Home Affairs building; lack of transport to move the processed refugees to the central camp; and, long and cumbersome processing of refugees. The CRM also observed that the Government of Namibia ratified the Convention relating to the Status of Refugees 1951 with a reservation on Article 26. This reservation essentially restricts the free movement of refugees within Namibia.

Minority Groups

210. The CRM noted that the San Community remains disadvantaged in the enjoyment of economic, social and cultural rights. They were dispossessed of their land which became officially known as Etosha Game National Park with neither consultation nor compensation. The San community were resettled at the Bravo and Gorden communities in Kavango West Region, but they remain marginalised, underdeveloped, and poor despite the implementation of the San Development Project since 2005 by the Division of San Development in the Office of the Prime Minister and various non-governmental organisations.

Lesbian, Gay, Bisexual, Transgender/Transsexual, Intersex and Queer (LGBQI)

211. Namibia has, and is implementing, its National Human Rights Action Plan aimed at eliminating all forms of discrimination, specifically against persons with disabilities and women, as well as lesbian, gay, bisexual and transsexual individuals (LGBT). However, from the CSAR as well as in interactions with some members of civil society, the review mission was made aware of pending issues related to LGBT rights.

212. The Panel is aware that Namibia's position on LGBT issues is aligned with the Common African Position on the matter and that only about 5 African countries have decriminalized homosexuality and only 1 has legalized same sex marriage. In that connection, the CRM noted that the Namibian Government's position is that marriage is lawful only between opposite sexes. It is, however, an illustration of the independence of the Namibian Judiciary that, such Government position



notwithstanding, in a recent landmark ruling on the case of *Luehl v Minister of Home Affairs and Immigration*, Justice Thomas Masuku granted citizenship to a child born through surrogacy to gay parents.

iii. Recommendations

213. The African Peer Review (APR) Panel recommends that the Government of Namibia should:

- Ensure implementation of the enacted legal provisions addressing challenges faced by persons living with disability;
- Ensure access to the social grants for the persons living with disability;
- Establish shelter or holding camps that can house refugees while the authorities process their cases; and
- Design strategies and specific programmes with adequate financial and technical resources for the San and other marginalised communities that meet their socioeconomic needs.





CHAPTER THREE

3. ECONOMIC GOVERNANCE AND MANAGEMENT

3.1 OVERVIEW

214. According to the APRM's foundational document, the Declaration on Democracy, Political and Economic Governance, good economic governance and management is a prerequisite for addressing the triple challenges of poverty, unemployment, and inequality through promoting economic growth. It is thus a firm belief of APRM participating Member States that promoting market efficiency, fiscal prudence, and good public finance management are critical for sustainable economic development. This chapter focuses on economic governance and management in Namibia.
215. Namibia experienced poor economic growth immediately after independence in 1990. But it soon averaged growth rates of 3.5% and 4.8% between 1990-2000 and 2001-2015 periods respectively. Unfortunately, these growth rates were far below the 7% yearly target required for job creation in the country. To address this, the government introduced and implemented its development vision through medium term National Development Plans (respectively NDP1 to NDP5,) and the Harambee Prosperity Plans (HPP I and II). The latter were specifically developed to address growing unemployment, high poverty and inequality, and unstable economic growth. With the emergency of the COVID-19 pandemic, economic growth contracted to 8.5% in 2020. In response to the pandemic and devastating socioeconomic effects, the government initiated a few policies and strategies including HPP II, Targeted Intervention Programme for Employment and Economic Growth (TIPEEG), the Vision 2030, and is now expected to launch the Sixth National Development Plan (NDP 6). These efforts are intended to stimulate the economy over the medium term.
216. Namibia's fiscal policy is geared towards fiscal consolidation and domestic resource mobilisation. Government spending plays a significant role in the economy by stimulating aggregate demand with a high allocation to the health and education sectors. Despite high government spending, the share of capital spending remains very low. Over 40% of the total spending is used for wages. In addition, the Namibian economy has experienced budget deficits over the years which have led to debt accumulation. To address the growing debt challenge, the Namibian government introduced strict fiscal consolidation. However, the emergence of the COVID-19 pandemic undermined the efforts of the government. The monetary policy is based on a fixed exchange rate pegged to the South Africa Rand. This policy ensures price stability for a sustainable

economy. Thus, inflation and interest rates remain stable in the economy. Trade policy is mostly driven by regional and continental economic and trade blocks.

217. Good public finance management is critical for sustainable economic development. This chapter focuses on economic governance and management in Namibia. The country has been implementing a number of reforms and policies to develop its potential in the fishing, agricultural, mining, manufacturing, and tourism sectors. These policies and reforms are largely embedded in the NDPs and HPPs that are intended to enhance sectoral productivity, value addition and job creation. However, the country has not achieved the expected results. Public economic policies are managed by specific government agencies, institutions and ministries in the country.
218. Namibia is also implementing many programmes and policies to promote effective and efficient management of public finances. The Auditor-General conducts independent internal audits at Regional and Local Authority levels. To ensure transparency in the budget process, the country publishes a fiscal budget after extensive scrutiny. Citizens consider that this budgetary process is transparent. Namibia enacted the Public Enterprise Governance Act in 2019. This law governs the management of public enterprises in the country. In addition, the Namibia Non-Governmental Organisations Forum (NANGOF), a civil society organization, has played a significant role in monitoring implementation of programmes and policies in the country. However, lack of funding and technical skills is undermining the activities of the civil society in monitoring effective and efficient public financial management. Other measures include decentralization of the fiscal system, domestication of the UN Convention against Corruption (UNCAC) through the Anti-Corruption Act of 2003, the Prevention of Organised Crime Act of 2004, and the establishment of Financial Intelligence Control. Despite these efforts, there are concerns about financial crimes and unprosecuted corruption cases in the country.
219. This Chapter examines the progress made, challenges faced, policies implemented and the government institutions that are responsible for promoting good economic governance and management in the country. It focuses on six key objectives: design and implementation of economic policies for sustainable development; ownership and participation of key stakeholders in policy formulation and implementation; promotion of sound public finance management; combating corruption and money laundering; promotion of regional integration; and development and implementation of trade and investment policies to promote economic growth.



3.2 STANDARDS AND CODES

i. Summary of the CSAR

220. According to the APRM questionnaire for the CSAR, Namibia was assessed on the basis of 15 Treaties, Standards and Codes on the economic governance and management thematic area. According to the CSAR, Namibia has adopted the following standards and codes, summarised in Tables 3.1 and 3.2:

Table 3.1 Standards and Codes that need signing and/or ratification

Standards and Codes	Date Adopted/ Signed	Ratified	Enacted	Date last reported	Reservations/ Notes
AU Convention on Preventing and Combating Corruption (2003)	9/12/ 2003	5/8/2004	-	-	Deposited on 26 Sept 2004
UN Convention against Corruption (2003)	9/12/2003	04/2004	-	2015	Namibia concluded the first phase of assessment at the end of 2015
UN Convention on Combating Bribery of Foreign Public Officials in International Business Transactions (1997)					
AU Abuja Treaty establishing the African Economic Community (1994)	06/1991	07/1992	-	07/1992	
AU African Charter on Statistics (2000)	-	13 Jan 2017	-	-	Deposited on 23 Jan 2017
Treaty Establishing the African Economic Community	03/06/1991	28/06/1992	01/07/1992	-	
Revised African Maritime Transport Charter	08/03/2013	-	-	-	

Standards and Codes	Date Adopted/ Signed	Ratified	Enacted	Date last reported	Reservations/ Notes
OAU Convention on the Prevention and Combating of Terrorism	14/07/1999	11/10/2012	17/10/2012		
Protocol to the Treaty Establishing the African Economic Community Relating to the Pan-African Parliament	07/05/2001	13/08/2002	20/09/2002		
Convention of the African Energy Commission	-	14/05/2007	30/05/2007		
African Charter on the Values and Principles of Decentralisation, Local Governance and Local Development	-	05/12/2016	15/12/2016		
Road Safety Charter	-	25/01/2019	01/02/2019		
Agreement Establishing the African Continental Free Trade Area	02/07/2018	25/01/2019	01/02/2019		
Other Treaties and Conventions					
Doha Amendment to the Kyoto Protocol to the United Nations Framework Convention on Climate Change (Doha Amendment)	2015	17/02/2015			



Standards and Codes	Date Adopted/ Signed	Ratified	Enacted	Date last reported	Reservations/ Notes
Amendments to the SACU Agreement to Institutionalize the SACU Summit (2002)	12/04/2013	28/07/2015			
Economic Partnership Agreement between the SADC EPA States, of the one part, and the European Union and its Member States, of the other part	10/06/2016	06/09/2016	10/10/2016		Entry into Force on 10 October 2016, except Article 12(4) of the Agreement



Table 3.2 Standards that do not need ratification and Accepted Best Practices

Standards and Codes	Adopted	Notes
Best Practices for Budget Transparency (2002)	Yes	
Revised Code of Good Practices on Fiscal Transparency (2007)	Yes	
Guidelines for Public Debt Management (2003)	Yes	
Code of Good Practices on Transparency in Monetary and Financial Policies: Declaration of Principles (1999)	Yes	
Core Principles for Systemically Important Payment Systems (2001)	Yes	
Special Recommendations on Terrorist Financing, and the Forty Recommendations (2004)	Yes	
Core Principles for Effective Banking Supervision (2006)	Yes	
Anti-Bribery Convention (1999)	Yes	
Extractive Industries Transparency Initiative	Yes	
Stolen Assets Recovery Initiative	Yes	
International Standards on Auditing	Yes	
Insurance Core Principles and Methodology (2003)	Yes	
Guidelines for Corporate Governance of State-Owned Enterprises (2005)	Yes	
Principles of Corporate Governance (2004)	Yes	

ii. Findings of the CRM

221. Namibia has adopted most of the standards and codes assessed under the APRM economic governance and management. However, the country has neither signed nor ratified the UN Convention on Combating Bribery of Foreign Public Officials in International Business Transactions (1997), which requires countries to establish the bribery of foreign public officials as a criminal offense under their laws, and to ensure that the attempt and conspiracy to bribe foreign public officials is criminalized to the same extent as the bribery of national public officials. However, the CRM noted that Section 40 of the Anti-Corruption Act establishes bribery of foreign public officials as a criminal offense.
222. Despite hosting one of Africa's largest cargo handling ports, Walvis Bay, that facilitates international trade in the Southern Africa region, Namibia is yet to ratify the Revised Maritime Transport Charter which it signed in 2013. This Charter is aimed at strengthening cooperation among States and regional and international organizations in maritime transport, inland waterways navigation, ports and related activities. The CRM observed that the poor state of the maritime sector in Africa, which is demonstrated by low participation in the carriage of its seaborne trade, slow turnaround of ships at ports and high tariffs



for sea freight and port charges have contributed to the slow ratification to the Charter, not only by Namibia, but also other AU Member States.

223. Namibia also withdrew from the Treaty Establishing the Common Market for Eastern and Southern Africa (COMESA) in 2004, after stating that it was not benefiting from the free trade area due to unfair competition that had resulted in Namibia importing ten times more from the Treaty's member states than it exported to them. It is however one of the 31 African Union Member States that have ratified the African Continental Free Trade Area (AfCFTA).

224. Generally, despite Namibia's adherence to a number of international treaties and conventions on economic governance, the CRM noted from consultations that the country has not domesticated most of them with relevant and enforceable legal instrument.

iii. Recommendations

225. The African Peer Review (APR) Panel recommends that the Government of Namibia should:

- Sign and ratify relevant standards and codes that the country is yet to adopt (Ministry of International Relations and Cooperation); and
- Domesticate standards and codes by enacting the relevant legislative instruments (Parliament of Namibia).



3.3 ASSESSMENT OF PERFORMANCE ON AFRICAN PEER REVIEW MECHANISM (APRM) OBJECTIVES

OBJECTIVE ONE



DESIGN AND IMPLEMENT ECONOMIC POLICIES FOR SUSTAINABLE DEVELOPMENT

i. Summary of the CSAR

226. Namibia has implemented comprehensive macroeconomic policies, including the fiscal policy, monetary policy, sector micro-policy and trade policy to promote sustainable development. The Country Self-Assessment Report observes that the fiscal policy is largely prudent, while the monetary policy's goal of price stability is underpinned by the fixed exchange rate pegged to the South African Rand on a 1:1 parity. The trade policies are largely anchored on Namibia's membership to various regional and continental economic and trade blocks such as the Common Monetary Area (CMA), the Southern African Development Community (SADC), Southern African Customs Union (SACU), and Africa Continental Free Trade Area (AfCFTA). The development aspirations of the country rely heavily on policies captured in its national development documents (Vision 2030; NDP1-5; HPP1 and HPP2).
227. Namibia's growth has been positive from independence averaging 3.5%. The economy, however, took a downturn when economic growth declined from 2016 to 2018. The challenges in the economy were further compounded by the emergence of the COVID-19 pandemic.
228. Over the years, unemployment has been on the rise, attributed to the slow pace of economic growth, the skills gap, and the fact that the main driver of growth has been the capital-intensive mining sector.
229. The CSAR notes that the country's government spending is disproportionately distributed between recurrent and capital expenditures. For instance, the wage bill-to-GDP ratio of 16.3% is far above the SADC benchmark of 9-10%. More so, there has been an increase in government debt due to constant budget deficits. To address this debt accumulation, government introduced strict fiscal consolidation measures in 2017 which, coupled with external shocks, instead led to negative growth (-0.9%) in 2019.
230. The CSAR observes that the primary industries are expected to drive the country's economic recovery. The mining sector was identified as an engine of



growth in the Namibian economy, contributing 9.1% to GDP in 2019. The sector is dominated by the mining of diamonds, uranium, metal cores and quarrying. The sector attracts high foreign direct investment and also contributes to the Namibia's export, foreign exchange, and government revenue (through royalties, export levies, and corporate taxes).

231. To regulate the mining sector, the government adopted several laws and policies including Mineral Act No. 33 of 1992; Mineral Development Fund of Namibia Act No. 7 of 1996; Diamond Act no. 13 of 1999; Environmental Management Act No. 7 of 2007, Amended Minerals Act of 2008 (introduction of royalties of up to 5% on gross sales); Namibia Investment Promotion Act no. 9 of 2016 (formerly the Foreign Investment Act No. 27 of 1990); and Export Levy Act No. 2 of 2016. However, there are some inadequacies and weaknesses in the legislative framework governing the Mining sector; the Mineral (prospecting and Mining) Act is outdated, and legislation for mining closure is largely absent, including financial assurances for closure.
232. The fishing sector, which contributed 2.7% to GDP in 2019, comprises primary and manufacturing sub-sectors. Commercial activity in the sector focuses on three marine species while small scale activity involves various marine species. The sector plays a prominent role in job creation. For this reason, it received special attention in the NDPs, Harambee Prosperity Plan 2 (HPP2) and Vision 2030. According to the NDP-5, the sector has a potential to generate up to 5000 tons of quality protein a year, and to increase the volume of processed fish in Walvis Bay by 40% by 2022.
233. The regulations governing this sector, the CSAR notes, include the Marine Fisheries Act of 1992, the Marine Resource Act of 2000 (formerly Sea Fisheries Act of 1992), and the Marine Resources Policy of 2004 to regulate activities in the fishing sector. Other relevant regulations concern stock recovery (sustainable utilisation of marine resource); compliance control (to protect Namibia's exclusive economic zone and address illegal fishing); industrial development (to generate economic gains in terms of high private incomes, job creation and government revenue); Namibianisation (increase Namibians' participation). For the country to increase resource rent, implementation of the Sovereign Wealth Fund approved by the Cabinet in 2019/20 is very crucial. The government is also working to ensure transparency in the bidding for fishing rights and quotas.
234. Agriculture in Namibia consists predominantly of livestock farming, crop farming and forest exploitation. These are both commercial and subsistent activities that contribute significantly to food security, job creation, income generation and foreign exchange supply. Though the sector contributes less than 10%

to the GDP, it plays a very important role in job creation. Employment in the agriculture, forestry and fishing sectors stands at 46.1% of the total labour force (24.9% and 21.2% for men and women, respectively) while skilled youth employment in agriculture and fishery stands at 12.91% (7.55% and 5.36% for men and women, respectively). Also, households on subsistence farming accounted for 19.8%. With respect to policy, government also intends to reduce food insecurity by 13% through increased food production.

235. To achieve this, the government has implemented strategies to: increase the number of green scheme initiatives and outputs; mobilise investors to develop agro-businesses to spur local and regional production; and enhance preparedness for effective response, recovery and reconstruction from disaster.
236. The contribution of the secondary sectors to GDP on average stood at 11% (1990-2019). This poor performance was largely attributed to the global economic downturn that impacted the country in 2016 and the negative effects of Covid-19. Despite this, the Namibia Industrial Policy of 2015 (implemented through Growth at Home Strategy Industrial Policy) is expected to achieve the following targets by 2030: manufacturing and service sectors will account for 80% of GDP; exports in processed goods will increase by more than 70%; and small to medium enterprises will contribute 30% to the GDP. The CRM also noted the current efforts of the government, including the setting up of Special Economic Zones (SEZ); institution of manufacturing tax incentives; and the protection of infant industry protection to promote industrialization of the country.
237. On trade, the CSAR observes that the country is a small open economy, a situation that makes it vulnerable to internal and external shocks. Thanks to careful management of macroeconomic policy, the country has effectively managed to withstand various external shocks.

ii. Findings of the CRM

Macroeconomic outlook

238. The CRM noted from the stakeholder interactions and from documented evidence that Namibia experienced a moderate post-independence economic growth that was largely jobless. Starting in 2008, Namibia enjoyed rapid average per capita growth of 3.1%, outperforming its African peers. This was mostly driven by the sharp increase in global commodity prices and rapid expansion in public expenditure. Overall, this translated into favourable terms of trade and an investment boom in the mining industry which sustained a positive growth trajectory for at least two decades.



239. The CRM also observed that the factors behind the rapid economic growth waned by 2015, and the country started experiencing a downturn in 2016 before sliding into recession in 2017 and 2018. The poor performance of the economy between 2017 and 2019 was attributed to poor performance in the construction and mining sectors. When the investment boom associated with the commodity super cycle ended, investment dropped from 35% of GDP in 2014 to 15% in 2017 and settled at 10% in 2019. Worse still, demand for Namibian exports fell by 20% between 2014 and 2017. This situation was further compounded by the persistent drought in the country.
240. The last two decades witnessed an unprecedented increase in the GDP per capita of Namibia from a modest US\$1,808 in 2002 to a peak of US\$5,942 in 2012, averaging at US\$ 4,296 in 2020 with a positive outlook for 2021 and 2022.³⁵ Indeed, with the improvement in the regional and global economic environment, the economy is expected to rebound to 1.4% in 2021 and 3.4% in 2022 on the back of a steady recovery in the mining and services sectors (Bank of Namibia Economic Outlook, August 2021).
241. In spite of the many years of positive growth and the classification of Namibia as an upper middle-income country, poverty has remained widespread. It is true that the poverty level fell steadily in Namibia in the first two decades after independence, dropping from 69.3% in 1993/94 to 37.7% in 2003/04 and to 28.7% in 2009/10 (NSA, 2012). The Namibia Household Income and Expenditure Survey conducted in 2015/16 also showed a further drop in the national poverty level to 17.4% (NSA). However, the 2021 report on the Multidimensional Poverty Index (MPI) which also measures some level of individual interests noted that 43.3% of the population of Namibia are multi-dimensionally poor and that the poor face a 19.1% possibility of deprivation (NSA). Also, the inequalities at the levels of region, gender, schooling, and assets, including land distribution, are of major concern. From the interactions in the regions, the general consensus was that the economic prosperity recorded has not been inclusive. Only a minority of the population lives in conditions that are expected in an upper middle-income country. The structure of production and external trade that relies heavily on metals, minerals, and other natural resources has remained essentially unchanged and has preserved the inequality in the country. The economic growth has been jobless and has led to a burgeoning mass of unemployed and poorly educated youth, increased debt exposure, and diminished fiscal space.³⁶

35 <https://data.worldbank.org/indicator/NY.GDP.PCAP.CD?locations=NA>

36 NSA (2017): Does Fiscal Policy Benefit the Poor and Reduce Inequality in Namibia?

242. The Namibian economy is considered stable when assessed by the rate of inflation, which was on a downward trend during the 2016–2020 period, reflecting the steady decline in housing prices and transport costs (African Economic Outlook, 2021). Specifically, the inflation rate fell steadily from 6.7% in 2016 to 2.2% in 2020. However, it rose moderately in the first three quarters of 2021, rising from 3.1% in March to 3.4% in August 2021. According to the Bank of Namibia, the yearly inflation forecast stands at 3.6% in 2021 and 4.1% in 2022.

243. While the inflation rate may be considered as largely acceptable, other macroeconomic indicators are of concern. For example, the public debt-to-GDP ratio is expected to rise substantially in financial years 2020/21 and 2021/22. Indeed, the ratio increased gradually from 23.73 in 2015 to 62.06 in 2020 as shown in Table 3.3. The plausible reasons for this are the increased expenditure in 2020 and subsequent fiscal deficit and the attendant large public debt financing in the year.

Table 3.3 Key Macroeconomic Indicators, 2016-2020

Indicator	2016	2017	2018	2019	2020
Real GDP (N\$ Millions)	146,068	144,568	146,100	144,802	132,494
Real GDP growth (%)	0.0	-1.0	1.1	-0.9	-8.5
Real GDP per capita (N\$)	62,841	61,031	60,531	58,888	52,902
Real GDP per capita growth (%)	-1.8%	-2.9%	-0.8%	-2.7%	-10.2%
Consumer Price Inflation (%)	6.7	6.1	4.3	3.7	2.2
Exchange Rate (Namibia \$ per US\$)	14.69	13.31	13.23	14.45	16.25
Foreign Exchange Reserves (N\$ Billions)	24.7	30.2	31.0	28.9	31.8
Current Account Balance (% of GDP)	-16.1	-4.3	-3.4	-1.7	1.9
Revenue and Grants (% of GDP)	30.2	32	30.2	31.5	31.7
Budget Balance (% of GDP)	-6.7	-4.8	-4.4	-5.0	-9.5
Debt (% of GDP)	41.5	40.6	46.3	56.1	62.6
Unemployment Rate (%)	34		33.4	29.4 ³⁷	29.8 ³⁸

37 NPC unemployment projections (Labour Market Outlook Report-2019)

38 NPC unemployment projections (Labour Market Outlook Report-2019)



Indicator	2016	2017	2018	2019	2020
Human Development Index (HDI)	0.645	0.647	0.645	0.646	
Life Expectancy at Birth	62.6	63	63.4	63.7	
Foreign debt stock	14.12	16.11	15.49	16.77	18.29
Domestic debt stock	18.91	23.48	26.17	29.25	33.75
Export	46,836.83	49,865.30	55,575.49	56,063.06	51,489.17
Export (% of GDP)	31.45	30.99	31.95	30.98	28.74
Growth rate of Export (%)	13.82	6.47	11.45	0.88	-8.16
Import	82,099.41	73,980.23	76,022.56	74,886.22	66,361.92
Import (% of GDP)	55.12	45.98	43.71	41.39	37.05
Growth rate of Import (%)	0.61	-9.89	2.76	-1.49	-11.38
Import Cover (Months)	3.20	4.40	4.50	4.20	5.1
Trade Balance (% of GDP)	-17.1	-13.9	-9.2	-11.1	-11.2

Source: Bank of Namibia Statistics

244. An analysis of Namibian merchandise trade reported in the Bank of Namibia (BON) Balance of Payments Statistics showed that Namibia's exports and imports increased for the period under consideration. However, there were clear reductions in 2017, 2019 and 2020. Indeed, the Namibia's merchandise total trade with the rest of the world stood at N\$117billion in 2020, down by 10% from N\$130.9 billion in 2019; exports and imports reduced by 8% and 11%, respectively. However, the deficit reduced from N\$40.5billion in 2015 to N\$14.9 billion in 2020 (BON, BOP, 2021). The persistent trade deficit of Namibia is largely due to the importation of high value capital goods while exporting mostly low value primary goods.

245. It is worth noting that the main exports from Namibia are extractive mineral resources, including copper, zinc, and gold. Fish exports also account for a major share of the total exports. Fishing is classified under the agriculture, forestry and fishing sector. The sector contributed an average of 7.6% to the GDP between 2012 and 2020 and is the biggest employer with 167, 242 out of 725, 742 or 23.0 % of the labour force in the country (Namibia Labour Force Survey of 2018).

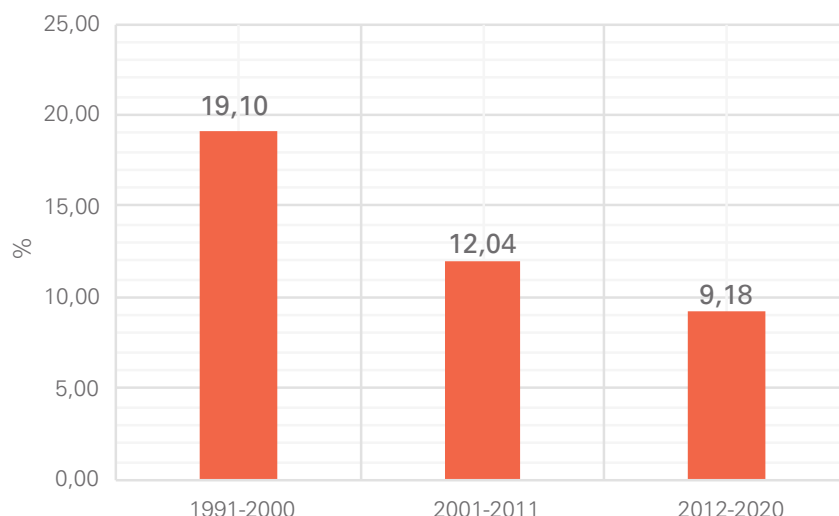
Overview of Monetary Policy

246. The goal of monetary policy in Namibia is to ensure price stability. Namibia's monetary policy framework is underpinned by the fixed exchange rate pegged to the South African Rand. Under this system, monetary policy is submissive to the fixed peg. Maintenance of the fixed peg, which is the intermediate target,

ensures that the goal of price stability is achieved by importing stable inflation from the anchor country.³⁹ The main policy tool that the Bank of Namibia uses to influence monetary conditions in the country is the repo rate, which is aligned to the South African Reserve Bank's repo rate.

247. The Bank of Namibia has maintained an accommodative policy stance to support the revival of the domestic economy that was adversely affected by the COVID-19 pandemic. It reduced the policy rate by a cumulative 275 basis points to 3.75% in 2020 and continued to maintain the rate as of October 2021. The rate was deemed appropriate to maintain a sufficient stock of international reserves that will support the one-to-one currency peg between the Namibian Dollar and the South African Rand, while meeting the country's international financial obligations. As a result, the level of the country's reserves has increased covering 4.5 months of imports as of mid-2020, compared with 3.9 months in 2019. This level of reserves is expected to be maintained in the short to medium term.

Fig. 3.1 Namibia Average Prime Lending Rate



Source: World Development Indicators, 2021

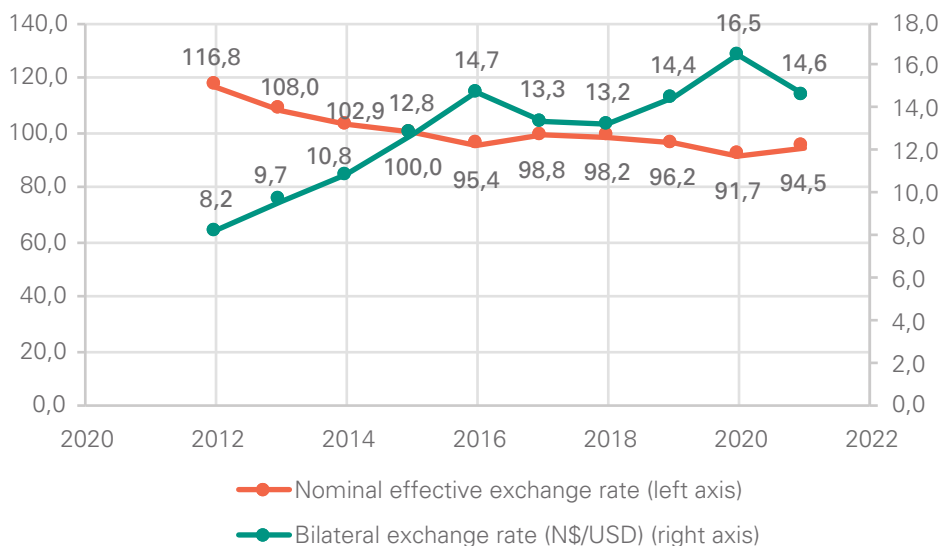
248. Namibia has, over the years, steadily reduced the lending rate to meet the short- and medium-term financing needs of the private sector. The rate fell from an average of 19% between 1991 and 2000 to 9% between 2012 and

³⁹ <https://www.bon.com.na/Bank/Monetary-Policy/Monetary-Policy-Framework.aspx>

2020. As of November 2021, the prime lending rate was 7.5%. This reduced cost of borrowing has led to an increase in private sector credit extension. While there was an uptake of credit by households in the housing sector in the second quarter of 2021, it was still a cautious uptake due to uncertainty in macroeconomic conditions as shown by reduced income from job losses and wage cuts and general low consumer confidence. In a report on the economic outlook of Namibia in 2021 by the Economic Association of Namibia⁴⁰, it was demonstrated that while the repo rate declined between 2019 and 2020, both household and corporate credit growths have remained dampened. Hence, households, and businesses especially, are waiting for improvement in quarter-by-quarter growth before increasing their spending plans.

249. The CRM noted during the regional engagements that the business space is hampered by structural drags. In addition, the Namibian dollar, which strengthened (appreciated) between 2019 and 2020, made imports cheaper and the economy less competitive. (See Fig. 3.2).

Fig.3.2 Exchange rate movement in Namibia, 2010-2021



Source: Bank of Namibia from <https://www.bon.com.na/Economic-information/Statistical-information/Exchange-Rates-and-Indices.aspx>

Note: The figures for 2021 were averages as of August for the nominal exchange rate and as of September for the bilateral exchange rate.

40 Presented by Ruusa Nandago in February 2021 to the Namibian Economic Association

Overview of Fiscal Policy

250. The CRM observed that the fiscal deficit expanded from 4.9% in 2019 to 12.5% of GDP in 2020 due to the surge in pandemic-related spending and lower revenues. The increased spending is intended to reduce the high levels of poverty and inequality, which is one of the goals of the Vision 2030 being implemented through a series of five-year National Development Plans, with the current National Development Plan V (NDP5) covering 2018 to 2022.
251. The CRM noted from the fiscal strategy for the financial year 2021/22-2023/2024 that government revenue has continued to decline, resulting in high deficit levels and debt stock. The debt stock increased from N\$59.8 billion in 2015/16 to N\$100.4 billion in 2019/20. The outbreak of COVID-19 pandemic reversed the gains made in the fiscal consolidation policy.

Monetary and Fiscal Policy interactions

252. The feedback from CRM-stakeholders engagement suggests that both monetary and fiscal policies were used during the pandemic at the expense of asset quality in the banking sectors, fiscal sustainability and future countries risk profile. The CRM was informed that better coordination was achieved between government and corporate sector because the focus was to save lives. Hence, both fiscal and monetary policy measures were carried out, despite the downside risk, to produce an adequate response to the pandemic in the environment of low inflation and low interest rates.
253. On the monetary policy side, interest rates were reduced, and inflation declined subsequently. The CRM noted that the early easing of the monetary policy better complemented fiscal policy, which helped to create a favourable environment for economic recovery. With uncertainty regarding COVID-19 prevalence, targeted fiscal policy was needed to provide relief and support the economy, while monetary policy supported liquidity availability in the market.
254. While the two policies seemed to have worked well together for a while, the expected rise in inflation will put pressure on central banks to tighten monetary policy, which will in turn affect the cost of borrowing for government. Furthermore, in an environment of elevated public debt, averaged at about 68% and budget deficit of 8.6%, fiscal policy will start putting pressure on monetary policy and may compromise the independence of Central Banks.
255. It is worth noting that a tight fiscal policy is necessary if the country is to change the trajectory of debt that is expected to rise above 70% of GDP over the medium-term. This suggests a trade-off, either to maintain a loose fiscal policy



to induce domestic growth through demand and further increase debt or to consolidate the fiscal space to become fiscally sustainable in a long term and be able to run a primary balance that is economically and politically feasible.

256. The CRM noted that going forward, both fiscal policy and monetary policy will be contractionary because if debt levels are unsustainable, credit condition will tighten in response to tightening financial conditions in the advanced economies. The current budget deficit level will create fiscal dominance in the medium term, meaning that central banks actions will be constrained by deteriorated fiscal positions, which implies that governments must be ready for tighter monetary conditions, which will make domestic debt more expensive.
257. The foregoing underscores the effectiveness of government policies in driving desired outcomes and overall impact on the populace. The field interactions tend to suggest the existence of a wide gap between policies and outcomes. However, Namibia has excelled in one unique area of infrastructure delivery, especially, road infrastructure.





COMMENDABLE PRACTICE 3.1 The Namibian Transport Infrastructure

Namibia's road network has been ranked among the safest, most efficient and sustainable, and is the envy of many countries. The responsibility to construct and maintain Namibia's roads lies with the Roads Authority. Since its establishment in 2000, the Road Authority has seen to the growth of the road infrastructure and the expansion of the road network, and contributed immensely to the economic development of Namibia and the SADC sub-region as a whole. The Road Authority notes in its vision to build "A sustainable road sector which is ahead of national and regional socioeconomic needs in pursuit of Namibia Vision 2030".

The policy goal was matched with impressive plans and framework in the entire road management system. A world class Road Transport Sustainability Plan was developed, and strict procurement regulations were put in place as well as the Road maintenance manuals from the procedure to construction manuals. In addition, the road sector was addressed as a business and thus a business plan from 2018 to 2023 was also developed along with the Road Authority Strategic Plan 2018-2022. The purpose of the Strategic Plan is to ensure alignment with the national, regional, and relevant international strategic imperatives and to ensure that programmes are implemented in a way to achieve the national development agenda. Through this strategic plan, an evaluation of the transport infrastructure is done using an external macro socioeconomic PESTLE (political, economic, social, technology, legal, and environmental)-analysis and a SWOT Analysis as part of the environmental scanning process. These are among the policy bedrocks that have now manifested in the ranking of Namibia as the first in Africa in the Global Economy Road Quality ranking and number 22 in the world. [https://www.theglobaleconomy.com/rankings/roads_quality/Africa/].

Source: CRM

Sectoral Analyses and Economic Transformation

258. The economic structure of Namibia, which has barely changed since independence, shows that the tertiary industries remain higher. Government services form a larger part of these industries thereby underscoring the vulnerability and lack of resilience of the economy.
259. The CRM noted the impressive growth rate before 2016 and the unfortunate downturn between 2006 and 2020 due to the fall in commodity prices, weak growth in key trading partner countries, the contractionary fiscal policy on



the back of government stance on fiscal consolidation, and the complications brought by the COVID-19 pandemic that escalated the pre-existing structural challenges. In addition to the foregoing, Namibia experienced a severe drought in 2019 that constrained agricultural output and subdued the supply of electricity and water with the attendant effects on production. These developments have created challenging conditions for the economy to expand.

260. In addition to the adverse conditions imposed on the economy, there are some inherent structural strains in the different sectors, which if given the appropriate attention could ease the difficulties the country currently experiences and lead to the desired economic expansion in the medium to long term. To this end, the CRM noted the critical challenge relating to the sub-optimal exploitation of the potentials of the country to create a more productive and inclusive economy that provides access to productive jobs with better wages and improved standards of living. The inability to overcome this main challenge manifests in extremely low labour participation, high unemployment, and a very small formal private market that provides employment for only one for every seventeen Namibians in the labour force.
261. The challenge is nurtured by the binding constraints of a significant shortage of productive expertise, which manifest in low levels of economic complexity and outlook, and the exploitation of limited primary commodities that employ a small share of the population, a feature that makes it even more difficult to redeploy existing capabilities and skills.
262. As regard the exploitation of limited primary commodities, the CRM noted that the Namibian economic progress is mainly anchored on the mining and fishing sectors. While recognising significant improvements in the tourism sector, its entire ecosystem can be revamped to explore new markets and to involve more citizens. Easing access to the country can be fine-tuned to increase the number of arrivals and create a mega-tourism hub. To this end, there is need to enhance the integration of small businesses into the value chain of these sectors. Such economic participation will ensure an even redistribution of wealth and a broad-based economic transformation of Namibia. The sectors with a larger share of contribution to the economy can be further reinforced to develop their varied potentials. Of utmost concern is the potential in terms of job creation. The CRM noted in the Namibia Statistics Agency's Namibian Labour Force Survey of 2018 that an estimated 23% of the labour force was employed in the agriculture, forestry and fishing industry while only 1.7% was employed in the mining and quarry industry - an industry that contributes the largest share to total exports. The combined contributions of these industries to exports, that is, the mining

of diamond and other mineral products, food and live animals, and processed fish, accounted for more than 70% of total exports on the average between 2015 and 2020. Indeed, their contribution rose to an impressive 76.4% in 2020, of which the mining and quarry industry contributed 52.1% (Table 3.4). It is therefore important to craft policies that ensure a more equitable distribution of benefits in the industry through a sustainable integrated mining ecosystem.

Table 3.4 Namibian Exports, 2015-2020

	Export products	2015	2016	2017	2018	2019	2020
A	Diamonds	27.2	22.1	19.5	19.8	16.7	13.7
B	Other mineral products	20.8	22.9	22.5	26.6	29.3	38.4
C	Food and live animals	5.9	4.4	7.7	6.8	6.0	5.0
D	Manufactured products:	36.2	44.3	43.9	41.3	42.3	37.5
E	of which Processed fish	18.3	19.4	18.5	18.1	18.1	19.3
a+b+c+e		72.3	68.9	68.3	71.3	70.1	76.4

Source: Bank of Namibia, Balance of Payments Statistics

263. In this regard, the CRM noted that the government is concerned about the sub-optimal contribution of the mining sector to the advances in social and economic development across the country. To address this, Namibia has developed the Mineral Beneficiation⁴¹ Strategy to drive an inclusive long-term modernisation and economic transformation programme that enables substantive and sustained increase in living standards, intensify structural change and accelerate industrialization. Also, the CRM finds that the Namibian government participates in the mining sector through Namdeb that is owned in equal parts (50:50) by the Government of the Republic of Namibia and De Beers Group.

264. The CRM also observed that among others, the main constraints hindering beneficiation and manufacturing in the mining sectors in Namibia are: (i) limited access to skills required for beneficiation and manufacturing; (ii) local entrepreneurs finding it difficult to obtain finance from financial institutions; and (iii) low appetite for locally beneficiated and manufactured products at national, regional and international level.

265. Namibia's desire for economic transformation has resulted in a number of legislative instruments that have inadvertently reduced the attractiveness of the country as an investment destination in the mining sector. First was the

⁴¹ The Minerals Policy of Namibia (pg 19), explains that beneficiation involves array of processes "from basic ore dressing, such as handpicking or crushing and screening, through to the manufacturing of final consumer goods, such as automobiles"



imposition of a tax on the export of unprocessed minerals and an increase in the mining income tax in 2011. Then followed two pieces of legislation, one proposed and one enacted: the New Equitable Economic Empowerment Bill (NEEEB) and the Investment Promotion Act No.9, 2016. There were concerns that largely centred around the policy and implementation uncertainty and the ability of companies to deliver on their mandates. Consequently, Namibia that was ranked 19th most attractive destination in the world and second in Africa based on policies in 2014, fell to 38th in 2016.

266. The CRM observed that Namibia has made some progress regarding beneficiation, which has led to significant value addition for extracted materials. For example, there are the cutting and polishing of diamonds, production of uranium oxide from uranium ore, zinc refining at Rosh Pinah, and copper cathode production at the Tschudi copper mine. This beneficiation is attainable and efficient to establish close to the mine as much as possible, before being transported. However, even though there is potential for these operations, the commercial viability and sustainability of each prospective beneficiation activity should be examined more carefully.

iii. Recommendations

267. The APR Panel recommends that the Government of Namibia should:

- Create a central safeguard account as a fort for the economy to be economically resilient to shocks [Ministry of Finance, Bank of Namibia, Government of Namibia];
- Integrate downstream mineral beneficiation industries into the Special Economic Zone and develop a value-chain development strategy for certain strategic minerals in Namibia. [Ministry of Mines and Energy];
- Design the uptake of highly skilled migrants to address short-term labour market inadequacies and revamp the National Human Resources Plan to address its inadequacies [National Planning Commission, Ministry of Finance, Government of Namibia]; and
- Ease the visa requirements for investors and tourists from new markets [Ministry of Industrialization and Trade, Board of Tourism, Government of Namibia]

OBJECTIVE TWO



ENCOURAGE OWNERSHIP AND PARTICIPATION OF KEY STAKEHOLDERS IN POLICY FORMULATION AND IMPLEMENTATION

i. Summary of the CSAR

268. The development of policies and national development plans, as a matter of practice, goes through various consultations with the private sector and other stakeholders within the country before adoption and implementation. The process however follows a centralized economic planning method, with the National Planning Commission being the designated agency for coordinating economic planning, as stipulated in the Constitution. The Ministry of Finance coordinates and leads the public finance policy making and implementation, whilst the Central Bank of Namibia is mandated with administering the aspect of monetary policy and ensuring a stable economic and financial system.
269. There are various institutions mandated to offer policy advice to government. For example, the Bank of Namibia is mandated to advise government on fiscal policy matters, the Namibia Statistics Agency (NSA) is responsible for advising government on matters related to official statistics. However, government also consults academic and research institutions to conduct and review research that inform policy formulation. The government also engages international organizations such as the International Monetary Fund, the World Bank Group and the African Development Bank through their mandatory annual reviews.

ii. Findings of the CRM

270. Stakeholder participation is credited for the successful implementation of policies through ownership and support. Despite the participation of public and private institution in policy discussions, the CRM noted that public participation remains significantly low. The CRM was informed that stakeholder participation is limited especially on matters of public finance management, except in the occasional public parliamentary committee meetings during which representatives of public entities are questioned on fiscal expenditures.
271. This limited public participation was also confirmed in the Open Budget Survey (OBS), which ranks countries according to budget transparency, public participation and budget openness, where Namibia is ranked zero in public participation. Although Namibia is ranked 51 out of 100 in overall 2019 budget transparency index, countries need a minimum score of 61 out of 100 points



to be classified as transparent in the fiscal budget process. This was confirmed from consultations where the CRM was informed that the relevant policymaking ministries do not adequately engage the public at grassroots level; hence policies are not responsive to public needs.

272. During regional consultations, the CRM noted that Namibia has well defined structures to enable public participation in policymaking: Village development committees, district development committees, constituency development committees, regional committees and line ministries. However, these structures are not effectively utilised for a number of reasons: the disconnect between the policy priorities of the government that also controls the budget through line ministries and those of regional councillors who are elected by the people; absence of budget allocations from government to implement public engagement programs to create awareness and improve participation in the policymaking process; and poor communication between line ministries and regional councils, especially when they are from different political parties.
273. These challenges, the CRM noted, emanate from the lack of budget control by the Regional Councils. The system of sector budget does not allow regional councils to reallocate funds to other community needs. This has seen unspent funds being returned to line ministries despite severe shortage of financial resources in other areas of needs. The CRM was also informed that there are no established criteria on how the line ministries allocates budget to the regions. Despite their budget request to the line ministries, the regional councils informed the CRM that their submissions are usually not adequately considered in budget allocations.
274. With regard to the NSA, the CRM noted a number of capacity challenges faced by the institution, amongst them, lack of suitable and technically competent, experienced and dedicated staff. Another critical challenge is lack of adequate financial resources as the budgetary allocation to the statistics agency falls by far short of the resources needed to carry out all the activities contained in its strategic plans.
275. In the 2021 Fiscal Year, the NSA received N\$100 million from the national budget of N\$72.1 billion, which is below the minimum of 0.15% of the national budget recommended by the Eleventh Annual Session of the African Union Committee of Directors General (CoDG) of the National Statistics Offices, and the Ministerial decision on minimum national budget allocation to statistics.
276. The CRM was informed of a number of major projects that have suffered from lack of adequate funding. One of these projects is the Household Income and

Expenditure Survey 2020, which should provide data to measure the levels of living conditions of the Namibian population using actual patterns of consumption and income, as well as a range of other socioeconomic indicators. This statistical information is key to inform planning and policymaking at national, regional and international levels in the effective implementation of policy. Another major project is the National Census, which due to the challenges of Covid-19, was deferred because of lack of funding. Despite official announcement postponing the National Census 2022, there is no guarantee that the census will be conducted as the budget has not yet been made available.

277. The NSA further informed the CRM that, since information technology is at the centre of data collection, and is highly dynamic and needs constant updating, lack of funding has also affected the updating of information technology infrastructure and personnel skills. In addition, despite the Agency having a staff sufficiency of between 65% and 70%, due to lack of adequate funding from government, the agency has not been able to update the skills of its staff in their respective areas of expertise. The agency is also unable to train staff on the new information technology skills for data collection and screening.
278. Although the NSA is funded approximately 95% from the government budget, the CRM was informed the agency remains independent in delivering its mandate of providing accurate statistics impartially. There has not been any incidence of government interference in the work of the NSA, even in instances when the data is not favourable, the agency publishes the data whenever it is ready. The CRM confirmed that all institutions of governments also receive statistics at the same time as the ordinary citizens, which attests to the independence and impartiality of the NSA. This has improved public and investor confidence in the NSA.
279. Despite the NSA being independent and ensuring accuracy of data, some of its major statistics such as National Accounts, social statistics, economic statistics, trade statistics and labour statistics, are not up to date. This means the NSA is falling short on part of its mandate to provide timely and accurate data.
280. To improve access to statistical data by citizen and investors, the NSA has a statistics mobile application that can be accessed from Android devices. This makes statistical data easily accessible and keeps citizens and investors informed. The CRM was also informed of the plans by the NSA to focus more on data science and big data to systematically extract information from data sets that are too large or complex to be dealt with by traditional data-processing application software. Other plans to improve on capacity and efficiency of the



institution include launching a self-service portal for trade data to minimise the number of data enquiries from the agency and to develop National Housing information system to track socioeconomic development.



COMMENDABLE PRACTICE 3.2 **International Standard in National Statistics**

Namibia is one of the few African countries collaborating with other international statistics bodies such as the UK Office for National Statistics and the US Census Bureau in modernisation of official statistics, a global programme that provides high-quality technical assistance, mainly through international experts to build the capacity of statistics systems in developing countries.

The country also has key partnerships with national statistics offices globally, primarily in Africa and is also an active member of the Pan African Statistics (PAS) Peer Review Programme for AU Member States which helps National Statistics Institutes or Offices to assess and review each other on the implementation of the principles and standards set by the African Charter on Statistics. From analysis of outcomes of the peer review, it shows that the NSA has advances in implementing the African Charter on Statistics in their national statistical system.

Source: CRM

iii. Recommendations

281. The APR Panel calls on the Government of Namibia to;

- Consider decentralizing budget control to regional councils and local authorities [All Line-Ministries];
- Increase public participation in the policymaking process, especially in fiscal budget [Ministry of Finance, National Planning Commission]; and
- Adequately fund the national statistics agency to improve capacity to deliver on its mandate of producing timely and accurate data [Ministry of Finance].

**OBJECTIVE
TREE****PROMOTE SOUND PUBLIC FINANCE
MANAGEMENT****i. Summary of the CSAR**

282. Laudable efforts have been made by the Namibian government since its independence to promote good public finance management to enhance macroeconomic stability and prudent fiscal policy management. The country put into place the requisite legislative frameworks to promote good management of its public finances to help it to achieve its development goals. These efforts include implementation of Article 126 of the Constitution of Namibia as well as State Financial Act No. 13 of 1991. These laws provide the basic legal framework for the management of public funds in Namibia.
283. According to the CSAR, public finances in the Central government are managed through: (i) the State Revenue Fund; (ii) the Regional Councils Act. No. 22 of 1992 (amended in 2002); and (iii) the Local Authorities Act. No. 23 of 1993 (amended in 2002). Finally, the Local Authorities Act provides the framework for public finance management by Regional and Local councils.
284. Specific initiatives by the government of Namibia to improve the public finance management system include: the development and presentation of the budget underpinned by a comprehensive macroeconomic framework; the Medium Term Expenditure Framework (MTEF); the Integrated Financial Management System (IFMS); formulation of a comprehensive debt strategy which is accompanied by improved reporting on debt, contingent liabilities, on-lending, an assessment in the debt documents of macroeconomic risks, policy limitations and on fiscal sustainability.
285. The implementation of an Integrated Financial Management System (IFMS) is an effort by the government to promote good management of public finances. The IFMS is centralized at the Ministry of Finance (MoF). This system ensures real-time financial information reporting, ensuring the timeliness and regularity of data reconciliation. This makes it possible to use the information for active public finance management. The benefits are that it allows for the generation of accurate and timely in-year reports. These include monthly fiscal reports and reports on outstanding payment obligations.
286. The CSAR indicates that, to ensure accountability of public finances and resources, Article 127 of the Namibian Constitution provides for the appointment of an Auditor General (AG) to undertake independent audit and



assurance functions. The AG is mandated by Article 127 of the Constitution to audit the State Revenue Fund and to perform all other functions as assigned by the government or act of Parliament and report annually to the Parliament. The AG is responsible for auditing government accounts, accounts of statutory bodies, trading accounts, social funds and local authority institutions following International Organisation of Supreme Audit Institutions (IOSAI) Standards and International Standards on Auditing (ISA).

287. The CSAR also discusses Namibia's decentralization policy that is governed by the Decentralization Enabling Act. 33 of 2000. This act provides for the regulation and decentralization to Regional Councils and Local Authorities of functions vested in line Ministries. The Regional Councils Act 22 of 1992 established and structures regional governments and defined the powers, duties and the functions of Regional Councils. The Local Authority Act (1992) speaks to all issues pertaining to appropriated funds to these entities such as levies, loans, interest and dividends, fines imposed should the Local Authorities fail to comply with the act amongst others. According to the CSAR, as it pertains to the process of decentralization, the Cabinet should be consulted before the decentralization of any functions, the dates for implementation of these functions, and their likely effects.
288. The CSAR also mentions that for many years, tax policy and administration were handled by the MOF until the establishment of the Namibian Revenue Agency (NamRA) in 2021. NamRA was under the Namibian Revenue Agency Act 12 of 2017 as an autonomous agency. NamRA is responsible for administering Namibian taxation laws, Custom and Excise laws and collection of taxes. The tax system in the country has three basis, income and profits from taxes, consumption tax and International Trade and Transactions tax. The government hopes that NamRA will improve service delivery to taxpayers, enhance compliance and increase tax revenue collection.

ii. Findings of the CRM

289. The CRM's interactions with State and non-state stakeholders on the Promotion of Sound Public Financial Management found that most of them believe that the government has improved its management of public finances, i.e., the budget formulation process, the accounting systems and debt management. This belief is based on their observation of the special initiatives introduced and implemented by the government to achieve sound management of the country's finances. The development and presentation of the budget is a case in point. This is underpinned by a comprehensive macroeconomic framework

and fiscal discipline through the Medium-Term Expenditure Framework (MTEF). Others include the implementation of an Integrated Financial Management System (IFMS), the formulation of a comprehensive debt strategy, combined with an improved regime on reporting on the country's debt. Not to forget reporting and preparing for contingent liabilities, lending and assessment in the budget documents of macroeconomic risks and how to achieve sustainability.

290. The CRM also found that knowledge about the public finance management system in Namibia by non-State stakeholders is limited. Most of them are not aware that for the sake of transparency, the fiscal budget and other important financial information are always made public, and that the government would like to have their comments on the budget when it is made public. To ensure accountability of the country's public finances and resources, Namibia has adopted international standards and approaches to internal audit. The Constitution has provided for an Auditor-General (AG) to audit all government accounts, those of statutory bodies, special funds and those of local authorities amongst others. But each office, ministry and agency of government in Namibia must also have its own internal audit.
291. The CRM observed that it is the MOF and not the AG that sets the standard for internal audits of public institutions, monitors their compliance with standards, provides guidance and advice, as well as identifies appropriate training and capacity building programmes and the requisite professional qualifications for internal auditors. It further noted that the MOF has challenges in monitoring the effective functioning of internal audits. Also, there is the lack of effective coordination with the AG's office on deciding when and how to undertake internal audits. Though the duties and powers of the AG are prescribed in the State Financial Act of 1991 there have been concerns that the AG's office does not enjoy full financial independence because its budget is prepared and approved by the MOF.
292. The CRM observed that Namibia's decentralization programme launched in 1998 according to stakeholders is a good idea. They see it as a way for the Central government to bring government closer to the people as most of the country's population lives outside the capital, in rural areas. The promulgation of the decentralization-enabling act of 2000 provided for the decentralization of functions of line Ministers to Regional governments and Local Authority Councils. However, these Regions and Municipalities are still financially and logistically dependent on the National government to carry out their respective mandates. In the interactions of the CRM with State and non-state actors, it was found that, the fiscal decentralization to Local Authorities has not yet been



fully implemented. Local Authorities in Namibia control less than three percent of public expenditures.

293. Stakeholders, both State and non-State actors, observed that Namibia's decentralization is still in the delegation stage. They say planning is done at the Central government level and sent to the regions for implementation. Even then, these functions are not delegated to the Regions with the requisite funds to implement them. Regional governments therefore have to use earmarked resources to try to implement these programmes and projects. Also, there is a difference between the budget cycles between the Central government and the Regional and Local governments. While the Central government's budget period starts from 1 April to 31 March, that of the Regional and Local government's starts from 1 July to 30 June. This makes it difficult for the Region and Local governments to function efficiently. Also, when the funds from the Central government finally arrive, it is often very late into the year. This has an impact on the execution and delivery of services. Other stakeholders mentioned that some line Ministers are unwilling to decentralize some of their powers.
294. The CRM has observed that Namibia has a high tax revenue to GDP of around 30%. This is well above the average for most low and middle-income countries, which is commendable. Most of the country's taxes are derived from Income and Profits, Consumption taxes, and International Trade and Transactions taxes. However, the CRM observed that because the country's tax system is based on a "quasi-voluntary compliance" with limited controls, this can serve as a high incentive to evade tax because tax rates in the country are high. Income taxes in the country range from 27% to 37% depending on one's income bracket. Other observations by the CRM include the paucity of data and its integrity, the absence of well documented processes and procedures in tax administration and collection as well as poor service delivery standards.

iii. Recommendations

295. The APR Panel recommends that the Government of Namibia should:
- Educate the Namibian public, particularly in the Regions, about the Public Financial Management system and let them know that the government needs their comments to enhance the budget process to address development challenges in the country [Ministry of Finance and other OMAs];
 - Allow the office of the Auditor General to set the standards for internal audits of public institutions, including their monitoring and their compliance with standards, their capacity building and training programmes and the

requisite professional qualifications needed in the auditing profession, not the Ministry of Finance [Auditor-General];

- Ensure that the Auditor-General and his/her office are in charge of the monitoring of internal audits of government entities to ensure their effectiveness, not the Ministry of Finance. The Auditor-General should also be given the powers to decide when and how to undertake internal audits and to coordinate such audits [Auditor-General];
- Give the Auditor-General's office the much needed independence to prepare its budget, which should be approved by the Ministry of Finance and the Parliament (Auditor-General). Its budget should not be prepared and approved by the Ministry of Finance. [Auditor-General and Ministry of Finance];
- Harmonise the financial year of the Central government with that of Local authorities. [Government of Namibia and Local Governments]; and
- Put into place checks and balances in the tax system to discourage non-compliance because its "Quasi-Voluntary Compliance" policy can encourage tax evasion [Government of Namibia and NamRa].



OBJECTIVE FOUR



FIGHT CORRUPTION AND MONEY LAUNDERING

i. Summary of the CSAR

296. The government of Namibia acknowledges the devastating impact that corruption and money laundering activities can have on the socioeconomic and political development of the country. Specifically, corruption subverts trust, undermines the democratic process, fosters underdevelopment, and aggravates poverty, inequality, and social divisions. Also, money laundering refers to the tactics used by criminals to conceal or disguise the nature, source, location, and movement of unlawful funds or efforts to hide the trail of funds. According to the CSAR, to combat corruption and money laundering in the country, the government signed on to the U.N. Convention against corruption (UNCAC) in 2003 and ratified UNCAC in 2004. This led to the establishment of the legal structures to fight corruption and money laundering in the country. Some of these include, the Anti-Corruption Act of 2003; the Prevention of Organised Crime Act of 2004 (Act No.29 of 2004); and the Financial Intelligence Act of 2012 (Act. No. 13 of 2012).
297. The country had earlier established the office of the Ombudsman as called for by the Namibian Constitution and the Ombudsman Act No. 7 of 1990. When the Ombudsman's office was initially established, its mandate included dealing with human rights, administrative practices, corruption and the environment. In 2010, the corruption element was removed and reassigned to the Anti-Corruption Commission (ACC). In addition, the country adopted a comprehensive National Anti-Corruption Strategy by domesticating Article 5 of UNCAC. The CSAR also observes that there were periodic reviews of the anti-corruption strategy between 2016 and 2020.
298. The Anti-Corruption Act of 2003 is thus the major legal instrument though it has been complemented by other Acts to fight corruption in Namibia. Collaboration between the ACC's and other organisations like the Namibia Police Force (Nampol) is equally important in the fight against corruption. The Financial Intelligence Act of 2012 established the Financial Intelligence Center (FIC) of Namibia. The FIC is charged with the coordination, prevention and combating of money laundering and financing and proliferation of terrorist activities in the country. The FIC collaborates with law enforcement agencies and other stakeholders in the country to fight money laundering and financing of terrorism.

299. Some of instruments and bodies used by the FIC and institutions it works with are: the Namibia Financial Institutions Supervisory Authority (NAMFISA) to fight money laundering; the Prevention of Organised Crime Act of 2004 (Act. No. 29 of 2004) as amended to fight corruption, money laundering and organized crime; and other government agencies involved in the fight against corruption and money laundering like the Ombudsman's office, the Office of the Prosecutor General (OPG) and the Namibia Police Force. The Ombudsman's office is charged with investigating all instances of alleged or suspected misappropriations of public monies by government officials and recommends those found culpable for prosecution.
300. The CSAR states that since the inception of the Anti-Corruption Commission (ACC) of Namibia, a total of 374 cases have been finalized in courts. 246 cases were before court as of 21 August 2020. Overall, 79% of cases brought to court by the ACC through the OPG were finalized with many resulting in convictions. Even though such achievements of the ACC are commendable, the drop in Namibia's score on Transparency International's Corruption Perception Index (CPI) from 2018 to 2020 by a unit each year, points to the fact that the ACC needs to do more to fight corruption to reverse the loss of momentum by the government in the fight against corruption.
301. According to the CSAR, Namibia has made some progress in the fight against money laundering. It contains detailed records on cases, amounts of money laundered, investigations conducted, prosecutions initiated, and number of convictions made as shown in Table 3.5.



Table 3.5 Money Laundering (ML) Investigations, Prosecutions and Convictions

Year	2015	2016	2017	2018	2019
Number of investigations conducted with an ML component	58	87	104	125	99
Number of ML prosecutions initiated	7	14	18	31	16
Number of convictions for ML	0	3	0	2	4

Source: Namibian Police (2020)

302. Some of the stakeholders the CRM interacted with said that this slow progress against money laundering could be because the FIU has no investigative powers. It was mentioned that efforts to grant the FIU investigative authority had been shot down with the legal argument that it was unconstitutional. But best practices around the world are that similar institutions have such powers to enhance their ability to effectively fight corruption and money laundering.

ii. Findings of the CRM

303. The CRM observed that in the fight against corruption in Namibia, there is some duplication between the two anti-corruption fighting institutions (Anti-Corruption Commission (ACC) and the Ombudsman) as shown in Table 3.6. They are also perceived negatively by the public, which considers that are only targeting small-scale corruption and ignoring the real corruption by politically connected persons in the country. Some of the non-state stakeholders said that the public loss of confidence in the ability and efficacy of these institutions has made it difficult for them to perform their duties effectively, and weakened their efforts to fight corruption and money laundering.



Table 3.6 The Anti-Corruption Mandates of the ACC and Ombudsman

Institution	Power to Investigate Corruption	Relationship with Prosecutor General	Relationship with Complainants
Ombudsman	Have powers to investigate corruption allegations. This is provided for by section 3(1) (e) and Section 3(2) of the Ombudsman Act. (No. 7 of 1990).	Can independently submit reports of the investigation to the Prosecutor General. This is provided for by section 5 (1) (a) (iii) cc of the Ombudsman Act (No. 7 of 1990).	Require notifying the complainants of the investigations. This is provided for by section 5 (1) (a) (i) of the Ombudsman Act (No. 7 of 1990).
ACC	Have powers to investigate corruption allegations. This is provided for by chapter 3 and chapter 4 of the Anti-Corruption Act (No. 8 of 2003).	Can independently submit reports of investigations to the Prosecutor General for prosecution. This is provided for in terms of section 31 of the Anti-Corruption Act (No. 8 of 2003).	Require notifying complainants on the outcomes of the investigations. This is provided for by section 19 of the Anti-Corruption Act (No. 8 of 2003).

Source: Amupanda, 2019.

304. Furthermore, there is lack of information sharing amongst the various bodies combating corruption. It would be helpful if the ACC, FIC, law enforcement agencies and the OPG, and other key stakeholders engaged in the fight against corruption in the country share information in their effort to fight corruption and money laundering. They should inform each other on their respective progress, status or success rate of cases referred, to mention a few. This would enable them to determine areas that may need improvement or reprioritisation.

305. Stakeholders' perception of corruption and the country's ranking by Transparency International show that corruption in Namibia, compared to other countries in Africa, is moderate. As shown in Table 3.7 below, corruption is not endemic in the economy, although its impact on a small economy like that of Namibia should not be overlooked or underestimated.

Table 3.7 Namibia's Corruption Perception Index Ranking 2010-2020

Year	2010	2012	2013	2014	2015	2016	2017	2018	2019	2020
Ranking	44	48	48	49	51	52	51	53	52	51

Source: Transparency International Reports, 2010 – 2020.



306. Table 3.7 shows that Namibia's performance in CPI has been declining by a unit each year since 2018 to 2020. This could be due to the weakening of efforts on the part of the government to fight corruption, resulting in the uptick in corruption in the country. During interactions with the CRM, both State and non-State actors, agreed that corruption in Namibia is increasing, and is most pronounced in the procurement sector. This could be due to the monopoly of Namibia SOEs in the award of public contracts, where bribes and other irregular payments are often offered in exchange for licenses and contracts.
307. The CRM also noted that there are bottlenecks that have resulted in a huge backlog of cases to be investigated by the ACC and prosecuted by the OPG. This is also due to the lack of capacity in these important organisations. This backlog has led to delays which are adversely impacting the country's efforts to fight corruption.
308. The CRM also noted through interaction with stakeholders and its own research that government officials in Namibia are not required to declare their assets. It is only the members of the legislative branch of government in Namibia that are required to disclose and file their assets and interests. The Executive and Judiciary branches of the Namibian government are not required by any law to do so. Also, there is no Asset Register where senior public servants in the country can declare their assets.
309. There is also insufficient data and record keeping: the various branches of law enforcement do not keep data in a manner that enables assessment of their effectiveness in the fight against corruption. For example, the Namibia Revenue Authority (NamRa) noted that the authorities concerned with the fight against corruption do not record financial values of all illicit crimes under investigations. Such data would have been helpful in establishing reliable financial values of corruption and money laundering activities. Furthermore, the CRM observed that multiple laws are used to fight money laundering in Namibia. These are the Financial Intelligence Act of 2012 (Act No. 12 of 2012); the Prevention of Organised Crime Act (POCA) of 2004 (Act No. 29 of 2004); the Prevention and Combating of Terrorist and Proliferation Activities Act of 2014; the NAMFISA Act of 2001 (Act No. 3 of 2001) and their subordinate instruments aimed at fighting money laundering, organized crime and financing of terrorism. This is laudable, but some of these laws are not robust enough to fight the money laundering by criminals taking advantage of Namibia to engage in illicit financial flows and other criminal activities using new Blockchain and Digital currencies (Cryptocurrencies, Bitcoins, and Ethereum).

310. Another issue the CRM observed is the weakness in the institutional framework to protect whistleblowers. There is also no buffer between whistleblowers and the corruption fighting bodies. Namibia's Whistleblowers act has been enacted but not operationalized. For example, some of these loopholes can make it difficult or can disqualify protection for the Namibian whistleblower. A case in point is if the disclosure questions the merits of a government policy or policy of a public body. The Whistleblower law also does not provide any rewards as an incentive or security to Whistleblowers. All these observations may discourage people from reporting corruption, money laundering and other criminal activities.

iii. Recommendations

311. The African Peer Review (APR) Panel recommends that the government should:

- Boost efforts in its fight against corruption by capacitating the anti-corruption agencies in the country [Government of Namibia and Anti-Corruption Commission];
- in collaboration with the ACC, consider restructuring the procurement process in the country by closing loopholes to fight against corruption [ACC, Ombudsman, Government of Namibia];
- Encourage the ACC, FIC, OPG, and law enforcement agencies and other stakeholders engaged in the fight against corruption to share information and provide feedback to each other to be effective in the fight against corruption in Namibia [ACC, FIC, OPG, Law enforcement];
- Amend the Public Service Act 13 of 1996 to make it compulsory for all public servants in Namibia to disclose and file their assets when taking office, and yearly upon assumption of office and finally when they leave public service [Government of Namibia];
- Introduce an asset and interest register for senior public servants, particularly the Supreme and High Court judges to guard against potential conflict of interest in their adjudication of cases. [Government of Namibia];
- Improve data keeping amongst the various branches of law enforcement [Government of Namibia];
- Streamline and revise the anti-money laundering legislation to meet new threats posed by the new Blockchain and Digital currencies (Cryptocurrencies, Bitcoins, and Ethereum) [ACC, FIU, NAMPHISA]; and
- The Whistleblower legislation should be enhanced by closing loopholes to encourage and protect Whistleblowers [Government of Namibia and Parliament of Namibia].



OBJECTIVE FIVE



ACCELERATE AND DEEPEN REGIONAL INTEGRATION IN THE MONETARY, TRADE AND INVESTMENT DOMAIN

i. Summary of the CSAR

312. Namibia is a small open economy and has made significant progress towards Deepening regional integration. The country is a member of various regional and continental economic bodies. But as noted in the CSAR, the level of integration with different blocks has varied.
313. **Southern African Development Community (SADC).** Progress towards a monetary union in SADC by 2019 was mixed. Member States did not achieve the convergence criteria in relation to the four main indicators of a monetary union, which are inflation, budget deficit-to-GDP ratio, public debt and publicly guaranteed debt-to-GDP ratio, and balance and structure of the current account.
314. **Southern African Customs Union (SACU).** Namibia benefits significantly from SACU in terms of access to cheaper imports, the bulk of which comes from South Africa⁴². Further, SACU revenue receipts form a significant part of Namibia's total government revenue (38% of total government income in 2020⁴³). However, this overreliance on the SACU revenue receipt is a significant source of vulnerability of public revenues to shocks.
315. **Common Monetary Area (CMA).** Thanks to its membership in CMA with three other SACU Member States, Namibia has enjoyed stable prices and a predictable monetary policy. Further, membership in the CMA has enhanced financial integration between Namibia and the South Africa financial sector, including strong interlinkages between the Namibia Stock Exchange and Johannesburg Stock Exchange and commercial banks and insurers. There are also no trade and exchange control restrictions between CMA countries, and similar exchange control policies applied by all CMA member countries.
316. **Recently, Namibia ratified the African Continental Free Trade Agreement (AfCFTA).** While the establishment of the AfCFTA opens up trade and related benefits, lack of value addition for wider variety of export goods such as minerals, natural resources and agricultural products remains a significant constraint to the country's trade competitiveness.

⁴² According to Namibia Statistics Agency, as reported by the APRM Background Paper for Namibia, over 38% of Namibia's imports come from South Africa.

⁴³ Namibia Statistics Agency, statistics of General Government income, expenditures and savings.

ii. Findings of the CRM

Export diversification and value addition are needed for Namibia to compete in wider regional and continental markets.

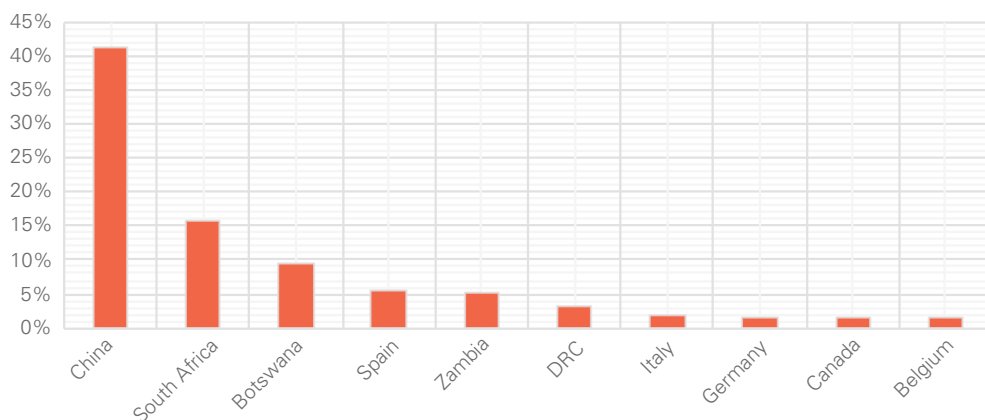
317. The CRM noted from the CSAR and subsequent discussions with stakeholders that the withdrawal from COMESA in 2004 was due to unfair trade competition that disadvantaged Namibia. Having now agreed to join a much bigger continental market under AfCFTA, it is important for the country to establish safeguards against much more intense competition. A commitment to progressively liberalize tariffs under AfCFTA will lead to increased trade imbalances unless export diversification and value addition are enhanced.
318. Building on Namibia's trade data, the CRM noted that the country's structural trade deficit is mainly a result of higher imports of value manufactured commodities and machinery, and exports of low value primary commodities, with the exception of diamonds which have a relatively high value. Therefore, reduction of the trade deficit would be achieved through diversification of export and availability of domestic products that can compete with some imported manufactured products. Hence, investment in value addition is vital. It was clear from the CRM's engagement with key Ministries that the Government of Namibia recognizes the fact that lack of value addition leads to significant losses in economic gains and income and exposes the economy to external shocks arising from overreliance on exhaustible commodity exports. As a result, manufacturing is at the core of "Growth at Home Strategy" and is considered as a potential trigger for a commodity-based industrialisation through value addition in key strategic sectors such as agriculture, agro-processing, fishing and mining.
319. It was reported during the CRM consultations that Namibia is developing key trade policies including trade in goods, trade in services, and the National AfCFTA Implementation Plan. The CRM noted that this is an opportunity for Namibia to shape its trade policies in a coherent and coordinated manner, and ensure that there is synergy towards promoting the country's competitiveness in regional and continental markets. The National AfCFTA Implementation Plan is therefore expected to provide a roadmap for value addition and industrialization, building on the country's rich endowment in natural resources.
320. However, during consultative meetings across the country on the APRM CSAR, it was noted that most stakeholders seem completely unaware of the National AfCFTA Implementation Plan. It would have been important to engage stakeholders in the design of the National AfCFTA Implementation Plan, so that business communities and citizens should contribute to the strategy and be fully aware of opportunities arising from the AfCFTA.



Namibia needs to widen its export market

321. Based on Namibia's trade data, the CRM noted that the country's export market base is very vulnerable to external shocks. Over 80% of the country's export products being absorbed by only ten countries is a perfect illustration of this vulnerability. Also, available raw materials in sectors such as agriculture, fishing, and Mining do represent significant opportunities for Namibia to move towards domestic-based manufacturing with potentials for creating strong backward linkages to the domestic economy and developing regional value chains.

Figure 3.3 Top ten export destinations for Namibian exports in 2020 (in percentage share of total exports)



Source: APRM Computation with data from Namibia Statistical Agency

322. The example illustrated in Figure 3.3 above reiterates the need for diversifying export markets. While the wider continental market under AfCFTA is a very welcome opportunity in this regard, constraints to value addition will need to be properly addressed if those wider market opportunities are to be optimized.

iii. Recommendations

323. The African Peer Review (APR) Panel recommends that the country should:

- Finalize the National AfCFTA Implementation Plan with input from all stakeholders. The agriculture, fishing and mining sectors offer significant potential for industrialization and value addition [Ministry of Industrialization and Trade];
- Undertake national, regional and local wider awareness campaigns on the AfCFTA to ensure that MSMEs are aware of the opportunities available [Ministry of Industrialization and Trade]; and
- Diversify the exports base to take advantage of opportunities offered by AfCFTA [Ministry of Industrialization and Trade].

OBJECTIVE SIX



DEVELOP AND IMPLEMENT TRADE AND INVESTMENT POLICIES THAT PROMOTE ECONOMIC GROWTH

i. Summary of the CSAR

324. Since gaining independence, Namibia has developed and implemented policies and initiatives to enhance trade and investment for economic growth. The overarching policy documents setting out the country's socioeconomic vision is Namibia's 2030 vision which seeks to achieve a high-income status by the year 2030, mainly through industrialisation. This long-term vision is operationalised through a number of national and sectoral policies and strategies, including Namibia Industrial Policy and the Growth at Home Strategy which were developed to implement the industrialisation vision as anchored in Vision 2030. Other key policies for economic growth include the establishment of the Export Processing Zone (EPZ) regime and the special incentives for manufacturing companies that are designed to attract foreign investment in the country, and the Harambee Prosperity Plan (I and II) which prioritise the implementation of targeted policy programmes to enhance service delivery, contribute to economic recovery and engender inclusive growth. Although the CSAR recognises the relatively high quality of most policies, there are significant implementation gaps as evidenced by the varied effectiveness of policies in achieving intended objectives.

325. Being a very open economy with outward oriented trade and investment policies, attracting Foreign Direct Investment (FDI) remains a core objective of Namibia's investment and export strategies. The Foreign Investment Act of 1999 was adopted to attract and help foreign investors settle in the country. The Act is currently being reviewed to reflect the current environment and address bottlenecks in the investment climate with the aim of making the Act more FDI friendly. To enhance its efforts to help FDI settle in Namibia, the government established the Namibia Investment Centre within the Ministry of Trade, which was later (in 2020) converted into the Namibia Investment Promotion and Development Board (NIPDB), now hosted in the Office of the President. However, as highlighted in CSAR, despite government's multiple efforts to attract more investment, FDI inflows have significantly slowed down in last three years, moving from \$374m in 2017, \$157m in 2018 and -17m in 2019⁴⁴. This drop in FDI inflows is attributed by the Bank of Namibia to fewer re-invested earnings and reduced borrowings by foreign investors.

44 CSAR, 2021, and UNCTAD World Investment Report, 2020



ii. Findings of the CRM

There is need to enhance institutional capacity to curb tax evasion in the extractive sector

326. The CRM noted that the predominance of foreign investors in the mining sector can lead to loss of public revenue as a result of aggressive tax planning by Multinational Enterprises (MNEs). Risks of tax malpractices arise from a number of factors, including:

- Predominance of Multinational Enterprises, making taxation of the sector very challenging due to aggressive tax planning. Further, as is the case for most developing countries, Namibia lacks adequate laws and human and financial resources to apply international tax norms. As a result, the mining sector is potentially subject to tax base erosion and profit shifting (BEPS);
- Over reliance on profit-based tax regimes (especially CIT) which are prone to profit shifting. Although revenue from the mining sector is collected through various instruments, CIT remains the main tax instrument in the mining sector in Namibia. While CIT has the advantages of being part of a generally applicable tax regime, it has proven to be complicated to administer, especially with the predominant presence of MNEs with enough capacity for profit shifting malpractices;
- Unintended revenue losses and unfair benefits for investors with greater ability to take advantages of tax incentives and policy loopholes; and
- Limited industry knowledge and expertise within tax authorities. Lack of sector knowledge and expertise makes the whole tax system prone to intentional overstating of costs by companies, and understatement of grade or quality of minerals for tax avoidance purposes.

327. The risks of tax malpractices were confirmed during the CRM stakeholder engagement. For example, it was noted that some mining companies were able to avoid an export levy of 5% (applied to raw materials leaving the country) through granted access to the government's export processing zone (EPZ), a framework which was initially destined to manufacturing. Before the EPZ was cancelled, access to its preferential tax rates had given some mining companies an advantage over other companies operating in the sector, prompting complaints by investors about the distortionary effects of EPZ. This eventually led to the repeal of the EPZ. Further, as indicated by government officials during consultations, there is recognition about sophisticated tax planning and manipulation by Multinationals to reduce their taxable income under the

Corporate Tax regime. Although there is no consensus yet on the matter, it was reported that ministerial discussions are ongoing on how best tax malpractices in the mining sector can be addressed, including whether or not to increase Royalty Tax rates which are easier to collect than the CIT.

328. As suggested by various stakeholders during discussions with the CRM, combating tax evasion remains a significant challenge in Namibia, particularly in the extractive and mining sector. The main highlighted constraints include:

- *Weak institutional capacity to adopt a cohesive approach to combating tax avoidance.* While the MoF has divisions which conduct transfer pricing audits to detect potential malpractices between inter-company dealings, curbing tax avoidance remains a very challenging and complex exercise that requires a comprehensive policy framework, including effective cooperation and coordination between multiple agencies such as revenues agencies, customs, and judiciary institutions;
- *Limited capacity and resources within the public sector to effectively detect and combat tax evasion malpractices.* The mechanisms deployed to facilitate tax evasion are growing in sophistication, which result in the likelihood of mining companies paying little or no taxes when they use schemes such as overpricing sales, excessive interest deductions, and the undervaluation of mineral exports. Another problem identified through consultations was the limited knowledge of the mining value chain; and
- *Limited transparency across the mining value chain, including licensing, controls and verification, taxation etc.* The failure to sign up to the global transparency initiative such as the Extractive Industries Transparency Initiative (EITI) is a missed opportunity for the country. The Ministry of Mines and Energy reported during the country review mission consultations that Namibia is working towards joining the EITI by 2025.





BOX 3.2 Senegal Extractive Industries Transparency Initiative Case Study

Senegal is the second African country considered to have made satisfactory progress in the implementation of EITI standards as announced by the Board on 20 October 2021. Senegal joined the EITI in June 2013, with its membership initiated by the 20 June 2013 Presidential Decree. Senegal is not dependent on extractive industries, with its revenue from extractive industry less than 6% of total government revenues. However, Senegal is a leading producer of phosphates, with an annual production of 2.6 million tonnes in 2017. In parallel Senegal produces a modest, but growing, quantity of gold, natural gas, and construction materials. It holds important reserves of gold, iron ore and marble. Social tensions have arisen around community relations, sub-national revenue transfers and environmental protection. In addition to the national EITI multi-stakeholder group, Parliamentarians established a Parliamentary Network on Transparency in 2014 to use EITI to improve transparency and public understanding of the management of natural resources.

Implementation of EITI in Senegal has improved the level of transparency in the management of revenue from the extractive industry. The latest EITI disclosures (2016) show that Senegal received USD197 million from extractive industry taxation. Over 92% of these revenues came from mining, mainly from gold and phosphates, and 8% from natural gas. The beneficial ownership disclosure also improved with the implementation of EITI in Senegal. This is apparent as Senegal's 2014, 2015, and 2016 EITI Reports focused on collecting beneficial ownership information directly from companies. Evidently, the Government of Senegal clarified its policy on beneficial ownership disclosure at the UK Anti-Corruption Conference in London on 12 May 2016, committing itself to disclosing the ultimate beneficial ownership of all companies active in their jurisdiction. While the 2016 EITI Report does not explicitly comment on this government commitment to beneficial ownership disclosure, it does provide an overview of relevant provisions (on affiliated entities) in the 1998 Petroleum Code and confirms the MSG's definition of beneficial ownership, in line with the UEMOA Anti-Money Laundering Directive (25% threshold).

Source: CRM

The socioeconomic contribution of the mining sector needs to be enhanced

329. The CRM noted that the expected socioeconomic contribution of the mining sector is broadly provided for in various legal and policy frameworks, including the Mineral Policy of Namibia (2002). The policy lays out a vision for the responsible development of Namibia's mining sector to ensure that the sector makes a sustainable contribution to the country's socioeconomic development. The mineral policy provides general guidance on mining companies' expected responsibility for minimizing impacts to the environment, for mine closure, and for ensuring meaningful community involvement, and for supporting the empowerment of previously disadvantaged peoples while promoting gender balance and equality. The policy also prioritizes the promotion and development of orderly small-scale mining operations, particularly in those areas where large-scale mining is not cost-efficient. However, despite these broad policy provisions for meaningful community involvement, the CRM noted from consultations that strengthening the sector's sustainable contribution to the economy and welfare of Namibian citizens is acknowledged as an important priority by the majority of stakeholders. For instance, the disconnect between the mining sector and community development has been decried by local government authorities across the regions. Mining contracts and deals are centrally negotiated and concluded with inadequate consultations with the stakeholders or communities concerned. As a result, the CRM noted that accountability of mining companies vis-à-vis their social responsibilities and contribution to the community development is generally not up to the expectations of most stakeholders. The main concerns are related to the optimisation of job and business opportunities at and around the mines, environmental protection and ensuring high standards of occupational health and safety.



Policy and governance of tax incentives could be improved

330. The CRM noted that Namibia has used tax incentives as a policy tool to attract and promote investment in sectors such as manufacturing. Examples include the Export Processing Zone (EPZ) regime and the special incentives for manufacturing companies. Key features of the EPZ included a tax free regime, no-time bound incentives, equal treatment of investors (domestic and foreign) and freedom of location. From the analysis of the key features of the EPZ, the CRM noted some significant gaps in the design of such an important policy instrument. For instance, a no-time bound tax incentive is likely to translate into significant foregone revenues if the intended policy objectives for which such an incentive is granted do not materialize. Provision of time-bound tax-incentives with renewal clauses for investments that are achieving a certain level of their intended policy objectives would have been more effective and prudent. During consultations, it was reported that following its market distortionary effects and its ineffectiveness in achieving originally expected outcome, EPZ was repealed, and is expected to be replaced by a Special Economic Zone (SEZ) instrument, being currently designed as a policy tool to attract and promote manufacturing investment.

Investment climate needs further improvements in line with the country's policy on attracting FDI

331. Despite government's efforts to attract more investment, FDI inflows have significantly dropped over last three years, moving from \$374m in 2017 to -17m in 2019 (UNCTAD, 2020 World Investment Report). The Bank of Namibia attributes this decline to lower reinvested earnings and reduced borrowing by FDI. The CRM noted that other possible drivers of the recent decline in FDI inflows could be the bottlenecks in Namibia's investment procedure which will require further reforms and policy adaptations. As reported by the CSAR and confirmed during consultations, the authorities have recognized the need for further refinements of the Foreign Investment Act. Key areas where changes are expected include smoother and more transparent admission procedures for FDI as well as better investment tracking and aftercare including better investor dispute procedures. Further, Namibia's position in the Doing Business Ranking⁴⁵ by the World Bank appears to have significantly deteriorated over the last decade, moving from 54th in 2008 to 104 out of 190 countries in 2020. Areas where the country appears to significantly lag behind include registering property, starting business, and trading across the borders. During discussions

⁴⁵ We recognise that the WB DB is no longer an official tool to assess country's ease of doing business. However, its features can still provide an indication of potential areas for further improvements.

with stakeholders in all the regions, these areas that need improvement were confirmed as persistent constraints to investing in Namibia. Other important challenges commonly highlighted by the different stakeholders include government bureaucracy, access to water, access to land, and contract enforcement.

iii. Recommendations

332. The APR Panel recommends that the Government of Namibia should

On combating tax evasion in the extractive sector

- Develop a national strategy to curb potential tax malpractices in the extractive sector through robust legal and law enforcement systems [Ministry of Mines and Energy];
- Equip specialised units such as NAMRA, the Financial Intelligence Centre and others with the necessary skills and capacity for understanding the mining value chain, auditing and investigating international tax evasion malpractice. [Ministry of Finance and Ministry of Mines and Energy]; and
- Participate in relevant regional and global transparency initiatives including the EITI [Ministry of Mines and Energy].

On enhancement of the socioeconomic contribution of the mining sector to the community development:

- Enact deliberate and clear legal and policy provisions to promote jobs and business opportunities in communities where mines operate [Ministry of Mines and Energy];

On governance of tax incentives:

- Establish a robust and transparent framework for effective governance of tax incentives. [Ministry of Industrialization and Trade and Ministry of Finance];
- Ensure that the approval process for tax incentives is accompanied by a rigorous cost-benefit analysis [Ministry of Industrialization and Trade and Ministry of Finance]; and
- Replace the no-time incentives by performance-based incentives in the Special Economic Zone (SEZ) instrument [Ministry of Industrialization and Trade].



On investment climate:

- Address issues related to bureaucracy, contract enforcement, and policy uncertainty through better decentralisation of service delivery and shortening the process of law/policy revision and approval. [Ministry of Industrialization and Trade]; and
- Automate key services and create one-stop centres for key public services [Ministry of Industrialization and Trade and Namibia Investment Promotion and Development Board].





CHAPTER FOUR

4. CORPORATE GOVERNANCE

4.1 OVERVIEW: THE CORPORATE GOVERNANCE LANDSCAPE

333. Corporate Governance is a complex, multifaceted, and evolving concept. Under the APRM process, Corporate Governance (CG) involves all aspects that govern a company's relations with shareholders and other stakeholders. The APRM's Objectives, Standards, Criteria, and Indicators document defines Corporate Governance as concerned with the ethical principles, values and practices that facilitate the balance between economic and social goals, and between individual and communal goals. In this respect, the aim is to closely align the interests of individuals, corporations, and society within a framework of sound governance and common good. (Objectives, Standards, Criteria, and Indicators for the APRM, 6th Summit of the NEPAD HSGIC, 9 March 2003, Abuja, Nigeria).
334. In Africa, Corporate Governance has evolved from the narrow definition of a system by which companies are governed, directed, and controlled to meet organisational goals, to one that considers it as leadership, sustainability, and good corporate citizenship (King III, September 2009). King IV defines Corporate Governance as the exercise of ethical and effective leadership to achieve ethical culture, good performance, effective control, and legitimacy.
335. Use of the word "Corporate" in Corporate Governance helps to differentiate it from other forms of governance, such as national or political governance. 'Corporate' refers to organisations that are incorporated to form legal entities separate from their founders and therefore, applies to all forms of incorporation (King III Report on Corporate Governance for South Africa. p.11). However, King IV urges a migration from Corporate Governance to organisational governance. Good Corporate Governance should apply to all forms of organizations, which include all entities such as trusts, partnerships and sole proprietorships.
336. In addition, the essence of Corporate Governance is to ascertain that collective and individual behavioural norms are in place to render the management and governing boards of entities accountable and responsible, and in so doing, promote and protect the interests of capital owners and other stakeholders. Good Corporate Governance should apply to all types of organizations on the continent since many organisations in the private, public and not-for-profit Sectors are the main economic, advocacy and service delivery platforms. To apply the concepts of good governance to just the Private Sector would, therefore, not bring the desired widespread improvement.

337. Corporate Governance under the APRM Process aims to achieve the following five objectives:

1. Promote an enabling environment and an effective regulatory framework for business organisations and other entities;
2. Ensure effective leadership and accountability of organisations;
3. Ensure ethical conduct within organisations;
4. Ensure that organisations treat stakeholders fairly and equitably; and
5. Ensure that organizations act as good corporate citizens.

338. There is mounting evidence that good Corporate Governance practices across all sectors combined with good governance in the other areas covered by the APRM leads to improved and sustainable financial and non-financial performance not just within the organisations, but also for the country. This forms the rationale for the standards, codes and objectives adopted to guide Corporate Governance reform in Africa, under the APRM.

339. Good Corporate Governance sits on the pillars of transparency, independence, accountability, responsibility, fairness, ethical conduct, and good corporate citizenship, often regarded as first-generation pillars. Corporate Governance also sits on second generation pillars of quality, innovation, technology, sustainability, and scalability. These pillars are equally important, because they lead to improved performance of organisations, which invariably become sustainable in the long-term. This in turn, leads to increased economic growth as these organisations' value addition contributes more to the economy and to society in terms of job creation, payment of taxes and levies, provision of opportunities to service providers and suppliers, as well as product and services sales and resale.

340. Most economies in Africa rely heavily on agriculture, mining and other extractive industries that may potentially have adverse effects on the environment. Organisations should conduct their operations in a manner that meets existing needs without compromising the ability of future generations to meet their own needs. This means having consideration for the impact that the organisations' operations have on the environmental, economic, historical, and social life of the community in which they operate. In addition, abject poverty, inequality in access to basic social amenities, hunger and the scourge of pandemics and diseases such as COVID-19, HIV/AIDS, Malaria and Tuberculosis affect many African communities. An organisation as an economic entity is also a citizen in its community of operation and as such, has a moral and social standing within



that society, with all the responsibilities, both current and future moral and legal obligations attached to its existence. When viable, the organisations also tend to engage in Corporate Social Responsibility (CSR) initiatives as good corporate citizens, and these could positively impact the communities they choose to support.

341. Today, most countries appreciate the importance of Corporate Governance and its contribution to their economic growth and development. There is an ever-growing awareness that promoting Corporate Governance practice is essential for attracting and retaining Foreign Direct Investment (FDI) as well as expanding economic activity. This is because good Corporate Governance practices improve organisations' access to finance and capital, while minimising corporate mortality risk. Banks and investors tend to have more confidence in organisations with good corporate governance practices. It is hoped that improved Corporate Governance practices in all forms of organisations in Africa, especially when applied in the context of wider economic and systemic governance, will enhance the confidence of financial institutions and investors both domestic and foreign.
342. Namibia is located in Southern Africa. It is the driest country in sub-Saharan Africa with a population of 2.55 million people and a stable multi-party parliamentary democracy. Agriculture, tourism, fishery, mining and other extractive industries applicable to diamonds, uranium, gold, silver and other metals, gems and natural resources, form the basis of its economy, while the manufacturing sector is comparatively small.
343. Namibia is a signatory to many international conventions, frameworks, standards, and codes in areas relating to accountability of entities, trade and treatment of workers as well as accountability to citizens. The Namibian Constitution also has well spelt out arrangements for its jurisdiction and partners. With specific focus on domestic Corporate Governance, the Companies Act 28 of 2004 provides the general legal guide for registration and operations of organisations, in addition to the applicable law relevant to their mandate. In terms of Corporate Governance practice, Namibia has been guided by the Corporate Governance Code for Namibia 2014 (NamCode). The NamCode, is a voluntary code for organisations, and provides a list of best practice principles to guide directors and boards in making choices and decisions on matters relating to: a) ethical leadership and corporate citizenship; b) boards and directors; c) audit committees; d) governance of risk; e) governance of information technology; f) compliance with laws, codes, rules and standards; g) internal audit; h) governing stakeholder relationships; and i) integrated reporting and disclosure. In 2019,

Namibia introduced the Public Enterprises Governance Act (PEGA 2019) which is the legal Corporate Governance framework for public entities. The NamCode 2014 has been guided by the King III requirement of the *apply or explain* regime of enforcement, while the PEGA (2019) is mandatory and still in its early days of rollout.

344. It is in this context that the APRM presents findings of its Country Review Mission (CRM) of the Republic of Namibia, under the Corporate Governance Thematic Area.

4.2 STANDARDS AND CODES

Adoption of Standards and Codes

345. Namibia listed eighteen [18] international standards and codes as shown in Tables 4.1 and Table 4.2 below.

346. Out of the 18 Standards and codes listed, two were enacted in the past 12 months, but are yet to go in force. No Convention has been denounced. The two standards and codes are the Violence and Harassment Convention, 2019 (No. 190) and the Domestic Workers Convention, 2011 (No. 189) that were adopted on 9 December 2020, and are expected to become effective on 9 December 2021.

347. The country has not yet signed the Extractive Industries Transparency Initiative.



Table 4.1 Status of Standards and Codes in Namibia

Standards and Codes	Adopted/ Signed (include date)	Ratified	Enacted	Date last Reported	Reservations
Worst Forms of Child Labour (1999) ILO (No. 182)	15 November 2000	15 November 2000	Section 3 of the Labour Act 11 of 2007	Direct Request (DR) 2019	None. The Convention is in force.
Minimum Age Convention (1973) ILO (No. 138)	15 November 2000	15 November 2000	Section 3 of the Labour Act 11 of 2007	Observation (OB) 2019	None. The convention is in force
Discrimination (Employment and Occupation) Convention (1958) ILO (No. 111)	13 November 2001	13 November 2001	Section 5 of the Labour Act 11 of 2007	OB 10/09/2019 & DR 10/09/2019	None. The convention is in force
Abolition of Forced Labour Convention (1957) ILO (No. 105)	15 November 2000	15 November 2000	Section 4 of the Labour Act 11 of 2007	DR 2019	None. The convention is in force
Equal Remuneration Convention (1951) ILO (No. 100)	6 April 2010	6 April 2010	Section 5 of the Labour Act 11 of 2007 and Section 2 of the Labour Amendment Act 2 of 2012	DR 10/09/2019	None. The convention is in force
Right to Organise and Collective Bargaining Convention (1949) ILO (No. 98)	3 January 1995	3 January 1995	Part B (Chapter 6) – Section 59 of the Labour Act 11 of 2007	OB 2017, DR 2017	None. The convention is in force

Standards and Codes	Adopted/ Signed (include date)	Ratified	Enacted	Date last Reported	Reservations
Freedom of Association and Protection of the Right to Organise Convention (1948) ILO (No. 87)	3 January 1995	3 January 1995	Section 6 of the Labour Act 11 of 2007	OB 2017	None. The convention is in force
Forced Labour Convention (1930) ILO (No. 29)	10 November 2000	10 November 2000	Section 4 of the Labour Act 11 of 2007	Direct Request 2019	None. The convention is in force
Extractive Industries Transparency Initiative [EITI]	NO	NO	NO	NO	Expected in 2025

Table 4.2 Other Standards and Codes in Namibia

	Standards and Codes	Adopted	Notes
1	Labour Inspection Convention, 1947 (No. 81)	20 Sep 2018	The convention is in force in Namibia.
2	Employment Policy Convention, 1964 (No.122)	20 Sep 2018	The convention is in force in Namibia.
3	Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144)	3 Jan 1995	The convention is in force in Namibia
4	Labour Administration Convention, 1978 (No.150)	28 Jun 1996	The convention is in force in Namibia
5	Labour Relations (Public Service) Convention, 1978 (No. 151)	20 Sep 2018	The convention is in force in Namibia.
6	Termination of Employment Convention, 1982 (No. 158)	28 Jun 1996	The convention is in force in Namibia.
7	Work in Fishing Convention, 2007 (No. 188)	20 Sep 2018	The convention is in force in Namibia.
8	Domestic Workers Convention, 2011 (No. 189)	09 Dec 2020	The convention is in force in Namibia.
9	Violence and Harassment Convention, 2019 (No. 190)	09 Dec 2020	The convention is in force in Namibia.



Table 4.3 Standards and Codes that do not need Ratification

Standards and codes	Adopted	Notes
International Standards in Auditing – The Handbook of International Quality Control, Auditing, Review, Other Assurance and Related Services Pronouncements (2010) International Federation of Accountants (IFAC)	The Institute of Chartered Accountants of Namibia established in 1990 has been a member of the International Federation of Accountants since 1997.	The objectives and responsibilities of ICAN and the Namibian Public Accountants' and Auditors' Board (PAAB). ICAN is also a member of IFAC, and a founding member of the Pan African Federation of Accountants. The PAAB was established by the Public Accountants and Auditors Act 51 of 1951 as an independent oversight entity. The PAAB is not a member of the International Forum of Independent Audit Regulators
International Financial Reporting Standards (IFRS) (2001) IASB (and updates to 2010)	1 January 2005	In 2005, ICAN adopted the International Accounting Standards Board's (IASB) IFRS by issuing Circular 1/2005 Status of Statements of Namibian Generally Accepted Accounting Practice (GAAP) in relation to IFRS. The recognition and commitment is IFRS in Namibia is reflected in the fact that the Bank of Namibia (Central Bank) has adopted IFRS even though no accounting framework is prescribed in the Bank of Namibia Act. The Social Security Commission has adopted IFRS for reporting purposes. These are two significant State-owned entities, and both use IFRS for financial reporting purposes.
Any other Accounting Standards		Clarified International Standards of Auditing
Codes on industrial Safety and Hygiene, WHO		There are a number of ILO Conventions pertaining to Occupational Health and Safety (The conventions include the following: 1) Occupational Health Services Convention, 1985 (No. 161); 2) Safety and Health in Construction Convention, 1988 (No. 167) 3) Safety and Health in Mines Convention, 1995 (No. 176) 4) Occupational Safety and Health Convention, 1981 (No. 155) and 5) Occupational Safety and Health (Dock Work) Convention, 1979 (No. 152).

Standards and codes	Adopted	Notes
		Namibia has not ratified any of the above listed conventions but has legal instruments that expressly address matters concerning industrial safety and hygiene. These are the Labour Act No. 11 of 2007, Regulations relating to health and Safety of Employees at work (No. 156 of 1997) and Mine Health and Safety Regulations (10th Draft) made under section 138A of Minerals (Prospecting and Mining) Act No. 33 of 1992 as amended

i. Summary of the CSAR

348. The CSAR notes that the Namibian Companies Act No. 28/2004 is the most important piece of legislation in respect of setting out responsibility for negligence, default, breach of duty, breach of faith and trust. However, it does not expressly cover all aspects of CG though it plays a role in setting out the director's liability for negligence, default and breach of faith or trust.
349. The CSAR acknowledges that good CG is important because it increases the efficiency of capital allocation, reduces cost of capital for issuers, minimises the entity's vulnerability to crisis, broadens access to capital, fosters savings, provisions, and renders corruption more difficult. The report therefore concluded that the state of CG in any economy relates to the state of economic and political governance of that country.
350. The CSAR further notes that corporations in Namibia are subject to CG standards and codes. Some codes (soft law) are voluntary (e.g., NamCode). These operate on "apply or explain" or "apply and explain" basis or regime of enforcement. Other codes (hard law) are mandatory legal frameworks which operate on "comply or else" basis. The Report further notes that good CG is a responsibility of every company in Namibia and the standards and codes of CG improve CG practices. The report states that PEGA 2019 applies to all public entities otherwise known as State owned enterprises (SOEs) and that a framework to guide the governance of Non-Profit Organisations and Civil Society Organisations (CSO) does not exist.
351. The CSAR submits that CG codes and standards highlight transparency; and high-quality disclosures as essential pillars of CG. However, the CRM noted that



transparency and disclosure are only two of the many 1st Generation CG Pillars which include accountability, responsibility, openness, control environment and good board practices which the CSAR does not refer to. The report also makes no reference to 2nd Generation CG Pillars which include globalisation, quality, innovation, scalability, technology, and sustainability.

352. The CSAR notes that CG codes and standards operate at several levels in organisations which include International (OECD and Commonwealth) Government (Policies), National Corporate entities (Codes and Charters), Stock Exchanges (Regulatory), Employer Associations, Director Associations and individual or personal entities or jointly between or among any of the listed levels.
353. The CSAR submits that evidence in Namibia show that CG codes and standards facilitate governance convergence across countries. Globalisation, market liberalisation and influential foreign investors are some of the external factors that influence or impact such convergence which in turn piles up pressure on corporate entities in Namibia including Government to adopt and conform to international best practice codes and standards. Efforts by the IMF, World Bank, and OECD to provide global standards of CG contribute to such CG convergence across countries.

ii. Findings of the CRM

354. Though Namibia has enacted the various standards and codes listed in Tables 5.1, 5.2 and 5.3, the general CRM observation is that full implementation, monitoring and supervision of the extent of application of these standards and codes are not as thorough as they should be. Out of 17 Conventions and one Protocol ratified by Namibia, of which sixteen are in force, no Convention has been denounced; two have been ratified in the past 12 months.
355. The CRM observed from engagements with stakeholders that the general perception is that Namibia has good policies and laws, but they are not fully implemented or effectively supervised. Therefore, there are implementation challenges to signed up standards and codes, while those in process or in consideration, including many of the World Health Organisation standards and codes on industrial safety and hygiene are not properly understood by the industrial farming community in the rural areas.
356. The CRM did not notice any indication of the awareness of the spread of CG pillars such as responsibility, openness, control environment and good board practices which are essential aspects of effective CG practices. The CSAR also made no reference to 2nd Generation CG Pillars which include globalisation, quality, innovation, scalability, technology, and sustainability.

357. In addition, while the CRM noted that CG in Namibia is guided by the Namibia Companies Act of 2004, the King III and King IV, Namcode 2014 and PEGA 2019, there was no indication of the adoption of specific international conventions such as Guidelines on Corporate Governance of State-Owned Enterprises (2005) OECD, Guidelines for Multinational Enterprises (2010) OECD, and Principles for enhancing Corporate Governance (2006) Basle Committee on Banking Supervision.

iii. Recommendations

358. The APR Panel recommends that the Government of Namibia should:

- Strengthen enforcement of the ILO codes through inspection and site visits, especially in labour-intensive sectors and on farms [Ministry of Labour, Industrial Relations and Employment Creation];
- Commence the process to sign up to and adopt the Extractive Industries Transparency Initiative earlier than the proposed date of 2025 [Ministry of Mines and Energy]; and
- Adopt and clearly domesticate International Corporate Governance Principles and Conventions in future Corporate Governance codes for Namibia.



4.3 ASSESSING PERFORMANCE ON AFRICAN PEER REVIEW MECHANISM (APRM) OBJECTIVES

OBJECTIVE ONE



PROMOTING AN ENABLING ENVIRONMENT AND AN EFFECTIVE REGULATORY FRAMEWORK FOR BUSINESS ORGANISATIONS AND OTHER ENTITIES

359. This objective relates to the legal and administrative measures implemented by the government and other regulatory bodies as well as protocols and conventions that have been ratified, adopted, and cascaded down for implementation at various levels of institutions and professional bodies regardless of their classification.

i. Summary of the CSAR

360. The CSAR defines Corporate Governance (CG) as a framework of rules and procedures for decision making in an organisation. It defines organisation to include an association, company, trust, and a hybrid of entities that provide a product or service. The Report accepts that CG is a vague concept, especially when it seeks to align individual interests with those of corporations and society.

361. The report recognises NamCode as best practice code for Namibia, based on the South African (SA) King III Code which earlier replaced King I and II Codes, after both had been incorporated into the SA New Companies Act No. 71 of 2008. The Namibian Stock Exchange (NSX) drafted NamCode which came into effect on 1 January 2014. The Public Enterprises Governance Act (2019) targets State-owned enterprises (SOEs) also known as Parastatals. The PEGA 2019 derives its principles from both the NamCode and King IV, and is mandatory to all relevant organisations in the Public Sector.

362. The Report proclaims that NamCode used the “apply or explain” approach used in King III and not the “apply and explain” regime used in King IV. An “apply or explain” approach is a binary measure in which an organisation has a choice either to apply the Code provisions or not, but if not, to provide cogent reasons why.

363. The CSAR states that the NamCode rests on the principle of the triple bottom line of the planet, people and profit but emphasises sustainability and aptly concludes that the economic value of a company is no longer based on its balance

sheet only. The Report attests to the fact that in Namibia, the Environmental, Social and Governance (ESG) criteria is emerging as one of the topical issues. ESG criteria refer to a set of standards used by investors to screen potential investments.

364. The CSAR indicates that both NamCode and King IV call for a risk-based approach to internal audit for the audit to contribute to attainment of organisational goals and that risk management is essential to the success of an organisation's strategic and business process working along the three lines of the defence approach. However, the risk dynamics of entities have shifted due to the unexpected effects of the COVID -19 pandemic. The role of the board in risk assessment, management and disclosure has been highlighted in King IV. Audit committees of boards in Namibia are guided by both King IV and NamCode in their role which is focused on assurance and oversight of internal audit and risk management function as well as introduction and enforcement of integrated reporting of the entity.
365. The CSAR notes that stakeholders are critical to good governance and appreciates their capacity to affect the entity positively or negatively. The CSAR further summarises the provisions of the NamCode and highlights the need for there to be a majority of fully independent non-executive directors in the boards appointed through a transparent process to optimize their effectiveness.
366. The CSAR provides useful information about corporate entities in Namibia including how they are categorised, registered and structured as well as their contribution to job creation and Gross Domestic Product (GDP) from 2009 to 2019. The data is useful as it indicates that much of Namibia's economy is informal. The CSAR's statistical data shows that Namibia's informal sector is estimated to provide 57% of the job opportunities in Namibia. On the other hand, the large, listed entities contributed 40% to the GDP and provided 30% of the job opportunities over the referenced period. In terms of 2019 contribution to GDP, agriculture contributed 6.61%, industry 25.59% and services 59.31%. This information clarified the relevance of the Namibian informal sector and potential impact, if well organised. The country's legislature recognises that the country has potential to benefit from a framework like the Previously Disadvantaged Individuals (PDI) provision. The report also suggests that some interventions which include the New Equitable Economic Empowerment Framework (NEEEF), the National Equitable Economic Empowerment Bill (NEEEB), Harambee Prosperity Plan and the National Development Plan (NDP 5) due to expire in March 2022 and undergoing a review for NDP 6 will drive Vision 2030.



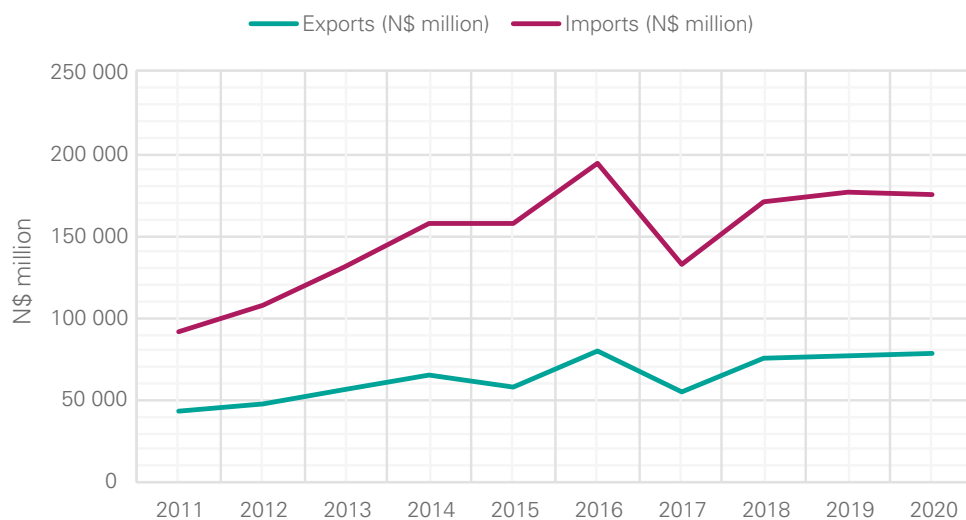
367. Namibia's macro-economic data as obtained from the Country's Self-Assessment Report indicates that Namibia's per capita GDP for 2020 is estimated at 4,296 USD, from a peak Per capital GDP of 5,942.29 USD in 2012. Real GDP Growth is projected to rise to 2.7% and 3.3% by December 2021 and 2022 respectively, with a projected average inflation rate of 3.0% by the end of 2021. Unemployment rate stood at 33.4% in 2018, and is projected to top 50% in 2021.

ii. Findings of the CRM

368. Namibia is richly endowed, with more than 45% of the landmass and the marine environment under some form of conservation protection. Current significant contributions to GDP include export earnings and fiscal payments from tourism, fisheries, and wildlife activities in the "green" and "blue" economies. Mining has historically played a backbone role in the economy as a catalyst for infrastructure, industry, and services development, and is the largest contributor to GDP (15%) and export earnings (+50%). The marine resources off the Namibian coast are world-class. The agricultural sector, mainly livestock and crop production, also represents a key pillar of the economy for food production, export earnings and job creation. Subsistence agriculture is a key factor in rural societies, providing self-employment and sustaining livelihoods.

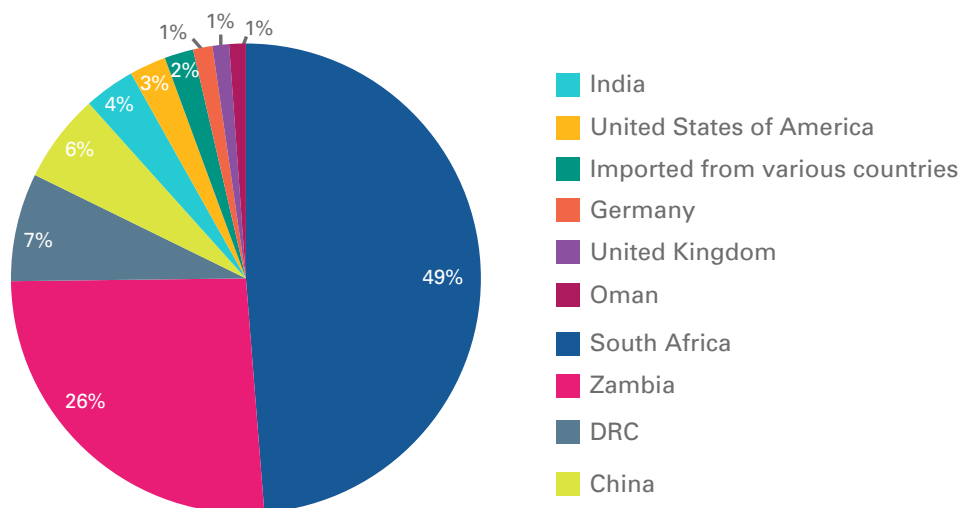
369. Although economic and social environments are outside the Natural Resource base, in Namibia's case prosperity is highly reliant on good governance of natural resources. Similarly, maximisation of the cultural and historic environments relies on good governance of all other environments and on sound policy frameworks and practices. Data received from the Namibia Statistics Agency indicates that: (a) Namibia is a net importer, as shown in the Figure 4.1; (b) Namibia imports are mainly from South Africa, Zambia, The DRC, China, and India, as shown in Figure 4.2; and (c) Namibia's main exports are in the extractive and agriculture sectors, as shown in Figure 4.3, with opportunities to leverage agro-processing and manufacturing.

Figure 4.1 Total Imports and Total Exports – 2011 to 2020

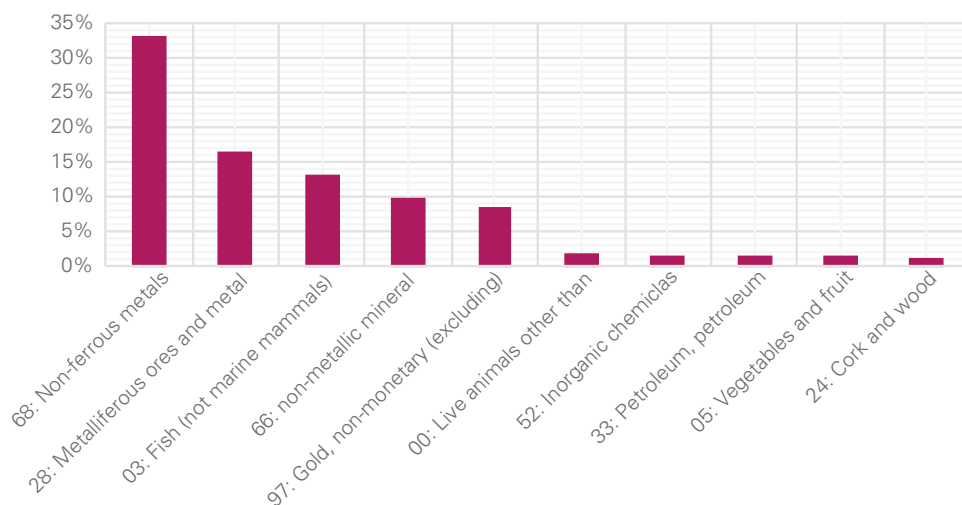


Source: APRM Computation with data from Namibia Statistics Agency

Figure 4.2 % Share of Imports by Country [2020]



Source: APRM Computation with data from Namibia Statistics Agency

Figure 4.3 % Share of Top Ten Export Products⁴⁶ [2020]

Source: APRM Computation with data from Namibia Statistics Agency

Table 4.4 Namibia's GDP Per Capita⁴⁷ (Current US\$)

Year	GDP Per Capita [US\$]
2013	5,392.1
2014	5,469.9
2015	4,896.6
2016	4,547.0
2017	4,457.1
2018	5,588.0
2019	5,037.3
2020	4,296.7

46 Namibia Statistics Agency (2021). Annual Tables and Charts 2020. Retrieved from the NSA for the Namibia Country Review Mission November 2021

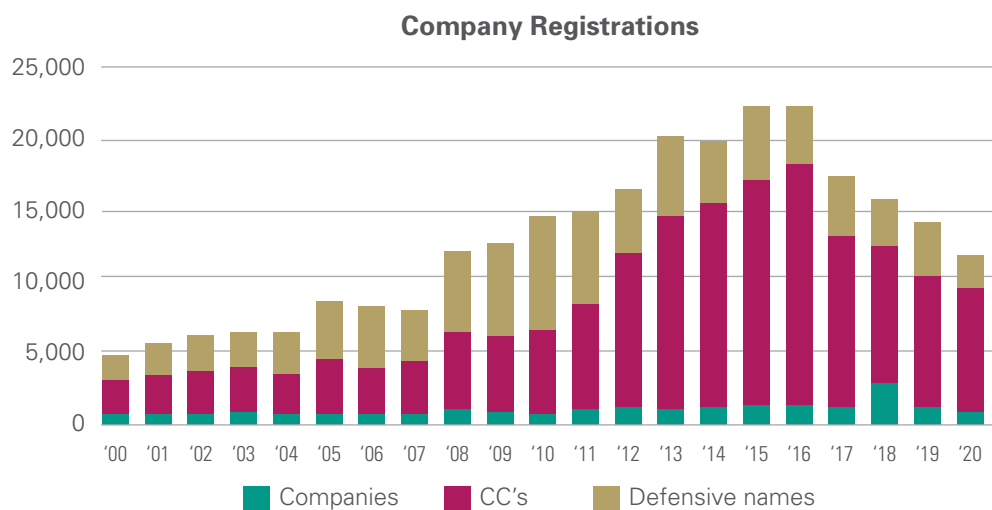
47 The World Bank (2021). GDP Per Capita (Current US\$). Retrieved November 12th from World Bank National Accounts Data and OECD National Account Data Files at <https://data.worldbank.org/indicator/NY.GDP.PCAP.CD?locations=NA>

370. The CRM noted Namibia's dual economy and emerging socioeconomic challenges linked to poverty, inequality, and unemployment, with a recent levelling off or decline in per capita GDP as illustrated in Table 4.4. Namibia is a net exporter in the new AfCFTA era, and the transition between NPD 5 and NDP 6, Namibia will provide an opportunity to reinvigorate its economic fortunes and development fundamentals through interventions aimed at promoting an enabling environment and an effective regulatory framework for business organisations and other entities in the informal sector. For this to occur, the Government will need to take these contextual economic indices into consideration. It is based on Namibia's unique national characteristics that the CRM reviewed CG practices and the enabling environment in the country and made its recommendations.

371. The CRM also observed that currently both Namcode and King IV are voluntary. Since they are not laws, they are difficult to enforce consistently, except where it is a requirement for listing on a stock exchange. Even with listing, companies may explain why they cannot use the provisions of the Namcode or King III. The CRM observed that even among listed entities the NamCode is not widely applied across sectors because of a directive issued by the NSX to use either the NamCode or King IV and an observed lack of awareness of the existence of the Code. Furthermore, the CRM observed that the relevance of the NamCode in the context of most organisations was a concern. This was because non-listed entities believed the NamCode was written by the NSX for the listed entities and therefore did not apply to any other organisation. In the regions, little was known about the NamCode and its application. However, since the code appeared only suited for the NSX listed entities and since there is evidence that there is a dual economy in Namibia the issue of its applicability as a governance tool for use in the informal sector should be examined. The capital market or stock exchange which influences the application of good corporate governance practices is underdeveloped. The NSX is at its infancy, membership is not compulsory and, unlike the JSE that requires compulsory adherence to the corporate code of ethics, compliance at the NSE is voluntary.



Figure 4.4 Company Registrations in Namibia⁴⁸



372. Namibia has diverse types of companies which include private or public limited liability companies, close corporation, external companies (branches of foreign companies), partnerships, trading trusts, sole trading, and cooperatives. With regard to latest trends in company creation and registration, Figure 4.4 above shows the impact of existing macro-economic factors such as the GDP on registration of companies from 2016 to 2020. The declining GDP and the COVID-19 pandemic have also impacted incomes and employment. Companies, close corporations, and external companies must register with the Registrar of companies in Windhoek. Trustees of business trusts do not need any specific authorisation before commencing work.

373. The CRM observed that some parts of the economy, especially the tourism, catering, and accommodation sectors, will take much longer to recover than other sectors. The Namibian Government's second phase of the Harambee Prosperity Plan has a recovery plan for the Namibian economy⁴⁹. The CRM noted that it was easy to register a company in Namibia, with the process taking a brief period. The Ministry of Industrialisation and Trade (MIT) facilitates the process with forms available country-wide and at the Namibia Chambers of Commerce and Industry (NCCI) and its branches at no cost. However, the organisation is not properly visible in all regions. The company must further

48 Institute for Public Policy Research (IPPR): Namibia Quarterly Economic Review, October-December 2020

49 Institute for Public Policy Research (IPPR): Namibia Quarterly Economic Review, October-December 2020

register with the Ministry of Finance (registration for VAT and Company Tax – now with Namibia Revenue Authority), the Ministry of Labour, the Ministry of Home Affairs (in case of the need for work permits, visas, etc.), and the Social Security Commission. It is also expected to adhere to Local Authority by-laws in the running of the business. The CRM learnt that the process is available online, which was limiting to some individuals in the regions who did not have the required level of education or access to the facilities to register a company.

Table 4.6 Types of Businesses in Namibia⁵⁰

Type	Number	Percent
Sole Ownership	4,144	92.1
Partnership (2-10)	271	6.0
Cooperatives (10-50)	19	0.4
Family Enterprise	62	1.4
Others	4	0.1
Total	4,500	100

374. Table 4.6 shows that many businesses are sole-ownerships (92.1%) and about 7% of them are in partnerships. Most of the enterprises are new and established in the last 5 years. Noticeable is that about 12% of them had been operating for less than 6 months. Most businesses are in wholesale and retail trade, with a slightly equal distribution in urban and rural areas. Eighty-Five per cent of the businesses are in the non-agriculture sector, with almost 60% of the businesses operating from home. Only 19% had business premises with a fixed location that was independent from home.

Table 4.7 Types of Businesses by Economic Activity⁵¹

Industry	Number	%
Agriculture	670	15.1
Manufacturing	738	16.4
Electricity, gas and water (EGW)	16	0.4
Construction	48	1.1
Wholesale and retail trade (WRT)	2,452	54.4
Transport, storage and communication (TSC)	33	0.7
Financial services	73	1.6
Community, social and personal services (CSPS)	466	10.3
Total	4,505	100

50 APRM March 2021. Background Paper on Corporate Governance – Republic of Namibia.

51 APRM March 2021. Background Paper on Corporate Governance – Republic of Namibia.



375. Table 4.7 shows that wholesale and retail trade provided most jobs in rural areas (54.4%), followed by manufacturing (16.4%) and agriculture (15.1%). On the other hand, in urban areas, industries that provided most jobs to the community are social and personal services (12.5%) as well as financial services (1.9%). Construction only offered a small percent of jobs in both rural and urban areas (1.1% each). The Khomas region had the largest share of both agriculture and non-agriculture industries, with non-agriculture offering slightly more jobs. Agriculture industries are more prevalent in the Kavango East, Oshana and Zambezi regions, while in the Erongo, Karas and Omaheke regions, non-agricultural economic activities were dominant⁵².

Table 4.8 Access to Banking and Financial Services⁵³

Finance		Urban %	Rural %
Have bank account	Yes	38.0	30.4
	No	62.0	69.6
	Total	100.0	100.0
Aware of bank, microfinance services?	Yes	30.7	32.7
	No	69.3	67.3
	Total	100.0	100.0
Ever applied for loan or credit?	Yes	23.1	23.7
	No	76.9	76.3
	Total	100.0	100.0
Was application successful?	Yes	67.5	71.4
	No	32.5	28.6
	Total	100.0	100.0
Why was application rejected?	Incomplete document	22.9	19.8
	Complete but not convincing documents	8.8	9.8
	Insufficient collateral	32.4	29.5
	Activity/enterprise was deemed not viable	18.2	22.2
	Others	17.6	18.8
	Total	100.0	100.0

52 Ministry of Industrialisation, Trade and SME Development (MITS): National Policy on Micro, Small and Medium Enterprises in Namibia 2016 – 2021, 2016.

53 APRM March 2021. Background Paper on Corporate Governance – Republic of Namibia.

Finance		Urban %	Rural %
Sources of Finance	Own Savings	27.9	26.0
	Relatives/friends/ neighbours	49.1	45.0
	Employer	8.5	12.1
	Landlord	0.2	0.1
	Cash loans	2.3	2.2
	Community saving group	1.1	1.4
	Government	0.7	1.6
	Private bank	9.7	11.4
	Cooperative	0.4	0.0
	Others	0.2	0.2
	Total	100.0	100.0
Reason you never applied for a loan	Documentation	9.4	8.8
	Procedures are too complicated	14.8	17.7
	No collateral	10.7	12.0
	Available funding do not correspond to my needs	5.0	3.9
	Not interested	20.1	12.7
	Don't know where to apply	25.6	30.0
	Others	13.7	14.8
	Total	100.0	100.0

376. In terms of access to banking and financial services in percentage terms, Table 4.8 shows that almost half (49.1 %) of the businesses in urban areas and 45.0% in rural areas received finance from relatives, friends or neighbours. This is followed by those who used own savings to set up their businesses (27.9% and 26.0% in urban and rural areas). Only 10% secured funds from private banks (9.7% in urban areas and 11.4% in rural areas), while 8.5% in urban areas and 12.1% in rural areas received finance for business from their employers. Government, community savings groups and cooperatives accounted for less than 2% of source of finance.



377. The observed limited access to financial products and services in Namibia for MSMEs is well documented and has also been recognised as one of the priority areas to be addressed in Vision 2030, the five-year National Development Plans, the Namibia Financial Sector Strategy: 2011- 2021, and the Namibian Financial Sector Charter⁵⁴.

378. In terms of updated number of registered businesses in Namibia as at the duration of the CRM, information obtained indicated that Namibia has a total of 181,747 registered Businesses. A total of 5,192 businesses registered are 100% foreign owned companies. This forms a fraction of 2.85% of total foreign owned companies in the country. There are 4,929 partially foreign owned companies accounting for 2.71%. Out of the total registered companies in Namibia there are 171,626 companies owned by the locals which brings this to a total of 94.43% of companies registered in Namibia belonging to Namibians.⁵⁵

Table 4.9 Processing Days for Specific Processes related to Incorporation⁵⁶

Activity	Number of Days
Formation of different categories of Organisations	-Name reservation applications: 3 days -Business name approval: 60 days
Deregistration of different categories of business	- Three months subject to the provisions of section 74 of the Companies Act 28 of 2004
Registering property	- Three months
Resolve commercial disputes	- Not more than 8-12 months
Obtaining licenses permits etc.	- A minimum of 21 days

379. The CRM observed that the rights to and registration of intellectual property in Namibia by any of the types of business listed in Table 4.6 or any individual, are governed by the Industrial Property Act of 2012 (Act No. 1 of 2012) which was signed into law by the President on 28 February 2012 and entered into force on August 1, 2018. This new act repeals the Patents, Designs, Trademarks and Copyright Act of 1916, the Patents and Designs Proclamation of 1923 and the Trademarks in South West Africa Act of 1973. The Act makes significant changes to the IP legislation in Namibia including implementation of the international registration system for patents, industrial designs, and trademarks by establishing a 20-year patent term and introducing a substantive examination

54 Ministry of Industrialisation, Trade and SME Development (MITS): National Policy on Micro, Small and Medium Enterprises in Namibia 2016 – 2021, 2016.

55 Namibia Business and Intellectual Property Authority (BIPA)'s Submission to CRM through the Honorable Speaker. November 2021.

56 Namibia APRM Country Self-Assessment Report 2021.

system for patents among other issues, not forgetting the creation of the Industrial Property Office and the Industrial Property (IP) Tribunal.

380. The most common types of businesses in Namibia are a limited liability companies (public or private), companies with unlimited liability, partnerships and trusts. Of the listed categories, the most common form is the private company with limited liability. Table 4.9 shows the number of days required for specific processes related to incorporation or deregistration, etc. Once one selects the name of the company and it is approved in the Register of Companies, it is placed on reserve for up to 60 days. Validation and reservation of the name requires 7-30 working days. Thereafter, one must pay the registration fees and acquire revenue stamps in the tax authority. A shareholder of the company in Namibia, local accountant or lawyer of the company must submit the memorandum and charter. Other regulatory frameworks that govern registered organisations in the six types of business in Namibia in table 5.6 and figure 5.4 include:

1. Industrial Property Act of 2012 (Act No. 1 of 2012);
2. Industrial Property Regulations (Regulations No. 114 of 2018);
3. Business and Intellectual Property Authority Act of 2016 (Act No. 8 of 2016) ;
4. Companies Amendment Act of 2007 (Act No. 9 of 2007);
5. Competition Rules, 2003;
6. Prevention of Organised Crime Act, 2004 (Act No. 29 of 2004);
7. Financial Intelligence Act, 2012 (Act No. 13 of 2012);
8. Criminal Procedures Act, 1977 (Act No. 51 of 1977);
9. Banking Institutions Act, 1998 (Act No. 2 of 1998);
10. Bank of Namibia Act, 1997 (Act No. 15 of 1997);
11. Exchange Control Regulations, 1961 (GN R. 1112 of 1961);
12. Namibia Financial Institutions Supervisory Authority Act, 2001 (Act No. 3 of 2001);
13. Tender Board of Namibia Act, 1996 (Act No. 16 of 1996); and
14. Companies Act, 2004 (Act No. 28 of 2004).

381. The CRM however observed inadequate regulation of the informal sector through regional and sector-based member organisations. This was observed in most regions and all attempts to engage the NCCI at the centre, did not yield any outcome. However, CRM engagements with businesses in the informal



sector enabled meetings with sole proprietors engaged in textile dealership, catering, vulcanising, local brewing, bakery, domestic gas refilling, car wash business, etc. The CRM observed that they all had similar challenges namely lack of access to credit, inability to tender, prohibitive costs of new travel requirements including covid-19 testing requirements, rising cost of operations, and reduction in business volume, especially for non-essential need businesses. As such, most of the small businesses have either drastically reduced workers or now resorted to running the business alone.

382. In terms of Governance of State-Owned Enterprises, the CRM learned that the Ministry of Public Enterprises (MPE) has adopted and integrated the principles of King III and NAMCODE where applicable in the Public Enterprise Governance Act No1 of 2019. This requires all Public Enterprises (PEs) in Namibia to apply both codes although compliance has been extremely low. The MPE has also developed PEGA regulations to strengthen enforcement of corporate governance compliance and made provisions for penalties for non-compliance.



COMMENDABLE PRACTICE 4.1 **The Namibia Public Enterprises Governance Act of 2019**

The Ministry of Public Enterprises (MPE) has adopted and integrated the principles of King III and NAMCODE where applicable into the Public Enterprise Governance Act No1 of 2019. This requires all Public Enterprises in Namibia to apply both codes although compliance has been extremely low. The MPE has also developed PEGA regulations to strengthen enforcement of corporate governance compliance and made provisions for penalties for non-compliance. The Ministry has also developed a compliance governance scorecard to monitor compliance of all PEs.

Source: Responses to CRM enquiries to The Republic of Namibia

383. The Ministry has also developed a scorecard to monitor governance compliance by all PEs. In view of the impact of COVID-19, most PE Board and Annual General Meeting are being held virtually. In terms of supervision, MPE has developed guidelines and tools that can be used for Board evaluation, but implementation has been slow. Thus, only a few PEs have conducted both 360-degree board evaluation and independent board evaluation.

375. The CRM learned that the NSX also requires listing companies to show how they have applied the relevant provisions of Namcode, or of King III based on the apply or explain principle, which enables the NSX to enforce compliance or seek a valid explanation from a company that wants to list or is listed and is not applying Namcode. In terms of views of non-listed entities on the Namcode, the CRM learned that they perceive the Namcode as purely voluntary. Although it may be argued that applying the Namcode or King III is beneficial, enforcement is absent. Since the Namcode itself is not obligatory, there are no penalties for non-compliance. Supervision is done by MPE, NICG and NSX.
376. The CRM also observed that Namibia has a highly stratified and active CSO and NGO community.⁵⁷ This was visible from the Namibia Institute for Democracy guide to civil society in Namibia in the 2018 publication which listed 96 CSOs in eight clusters, namely agriculture, arts and culture, children, disabilities, education and general information, environment, gender, and health. However, the CRM did not observe any report on the CG arrangements or frameworks for the CSO/NGO governance in Namibia.

iii. Recommendations

377. The APR Panel recommends that the Government of Namibia should:

- Commit adequate resources to ensure optimal roll out, monitoring and supervision of Public Enterprises under PEGA 2019 as enacted;
- Benchmark International and Continental best practices for domesticating CG legislation, standards and codes to address the Namibian dual economy, wholesomely (Ministry of Industrialisation and Trade, Ministry of Justice, NSX, NICG);
- Consider universal regulation and organisation of the informal sector through Trade Groups, Associations and Cooperatives to impact sustainability (Ministry of Industrialisation and Trade); and
- Consider the creation of a more diversified yet cooperative MSME financing ecosystem with optimal cooperation between Government funds, development banks, commercial banks, micro-finance institutions, micro-lenders, and private equity to provide MSMEs with timely and efficient delivery of banking and financial support.

⁵⁷ Namibia Institute for Democracy (2018). Guide to Civil Society in Namibia: An overview of the mandate and activities of civil society organisations in Namibia. 3rd Edition. John meinert Printing. Windhoek.



OBJECTIVE TWO



ENSURING EFFECTIVE LEADERSHIP AND ACCOUNTABILITY OF ORGANISATIONS

387. This objective focuses on the effectiveness of the CG and leadership frameworks on disclosure requirements, enforcement, and adequacy in the various sectors of the economy. It highlights the importance of training directors, and adopting auditing and accounting standards to ensure the effectiveness and accountability of leadership. It shows the link between leadership and the accountability pillar of CG and the successful performance of a company.

i. Summary of the CSAR

388. The CSAR notes that good governance is fundamental to the success of any company and also acknowledges that enhancing CG is a considerable challenge for Africa. Corruption and political interference in corporate decision making remains the biggest challenge, although there is evidence of some progress in curbing this. The CSAR also notes that the New Partnership for Africa's Development (NEPAD) encourages organisations to improve their CG practices and policies. It then discusses what actors in the CG structures should and should not do.

389. In terms of compliance with CG frameworks, Though the CSAR says that directors must ensure compliance with the law, best practices and policies it also argues that the option given by the NSX to entities to choose between King VI and NamCode in 2017 will not be ideal for Namibia in the long term. The Report therefore encourages the development of a NamCode that is appropriately domesticated to suit country specific effective leadership needs while embracing global realities and major shifts which include inequality, globalised trade, social tensions, climate change, population growth, ecological overhaul, geopolitical tensions, radicalised transparency, technological and scientific growth.

390. The Report also recommends that both the NSX and the Namibian Institute of CG should drive the process using an inclusive stakeholder approach. It emphasises that the new NamCode should build on ethical leadership, corporate citizenship, sustainable development, stakeholder inclusivity, integrated thinking, and reporting, among others. However, the CSAR focuses on director responsibilities, roles, duties, and obligations though it emphasises that the director's key responsibility is to represent the best interests of the organisation and all its stakeholders.

391. On the independence of and appointments to the board, the CSAR recognises the need to appoint directors based on experience, competence, leadership skills and strong business ethics. It reported that, ethical challenges still exist due to a myriad of factors impacting negatively on firm level performance and causing firm closures (e.g., Air Namibia and SME Bank). The Report advises that more boards should be populated with a majority of independent non-executive members who are appointed through robust and competitive processes from a shortlist drawn up by professional services.
392. On board committees, the Report notes that a board leadership structure operates on delegated authority. Shareholders delegate authority to the Board, which in turn sub delegates to its committees for effectiveness. The CSAR observes that committees assist boards to discharge their duties and functions based on agreed terms of references with committee minutes being furnished to the board. Committees, like their boards, must comply with laws, codes, standards, and values. The Report cites as crucial the i) Audit, ii) Remuneration and iii) Nominations and Risk committees and notes that the appointment criteria remain the same as for board members with the rider that strong personal ethics should be included to complement strong business ethics.
393. On stakeholders, the Report indicates that the board is accountable to all stakeholders in a balanced and comprehensive manner and that effective communication is key in all of this.
394. On Measurement of CG, the Report analyses the 2019 Deloitte Survey Data (2019 survey) to check the level of CG compliance, awareness, and gaps in Namibia. Regarding implementation of CG codes in Namibia, the survey indicated that 64% of the companies prefer NamCode over all other codes, 27% prefer King IV whilst 9% have not adopted a CG framework. Deloitte conducted supplementary surveys after the 2019 survey and established that 100% Namibian corporations have Audit Committees and 17% of these had 5 to 9 members close to the best practice range of 4 to 5 members, and 78% of these have 1 to 4 membership range. While 37% of Namibian entities have more than 75% board members who are independent but without defining what independence means.
395. Further, the CSAR notes that the Deloitte 2019 survey researched management attendance of Audit Committee meetings, with interesting results. The survey revealed that 65% of Namibian Audit Committees do not have a rotation policy for their committee Chairs, implying loss of potential value from such rotation, and that 100% of the participating CEOs attend audit committee meetings. The



2019 survey revealed that 30% of Audit Committees in Namibia do not conduct performance evaluations whilst 56% do evaluations and 14% do not and even fewer have knowledge about such evaluations.⁵⁸ The same survey cited by the CSAR indicates that there was only a moderate awareness of cyber security, and regarded levels of awareness “insufficient.”

396. The Report indicated that in terms of evaluations, findings of the Deloitte 2019 survey and its supplements showed that 82% of Namibian corporate entities conduct board evaluations, but that there were still concerns about board effectiveness, implying that results of the evaluations were not being used for effective improvement. The CSAR also notes that the same 2019 survey indicated that 46% of corporate entities preferred board evaluations facilitated by an external party as opposed to self and peer evaluations which suffer from limited in-house exposure and internal power dynamics.
397. The CSAR concludes that the Namibia Stock Exchange, the Namibia Institute of Corporate Governance and Financial Institution regulators need capacity support to discharge oversight of CG compliance and enhanced training of potential directors as well as existing directors.

ii. Findings of the CRM

398. The CRM observed contrasting views on the freedom to choose between the NamCode or King IV. The NSX preferred that the current NamCode remains in place as companies gradually adopt it full-scale. The Namibian Institute of Corporate Governance, on the other hand, opines that a new NamCode which makes compliance with the King IV mandatory is necessary, in that King IV is much better designed than King III.
399. In terms of predominant types of board structure, the CRM noted that most Namibian entities including some dual and triple listed entities used the Unitary board or one tier board structure. Very few organisations employed the two-tier board structure – especially those with European based parent companies. Regarding related provisions for appointment of directors, the CRM observed that the Namibia Companies Act 2004 sets out criteria for disqualification of an individual for appointment to a Directorship in Chapter 8 Part 3 Section 225 and 226. Throughout the Act, references are made to criteria that are desirable and acceptable for directors of companies. The Public Entities Governance Act - PEGA (2019) also sets out the process for appointment to the boards of Public Entities.

⁵⁸ Deloitte, *Using Board Evaluations to Enhance Board Performance: A Namibian Boardroom Perspective*, August 2020

400. During CRM interactions, it was noted that for most public entities, it was common knowledge that an advertisement for board members is published and interviews conducted. However, PEGA which is still in its initial rollout stages indicates that the Minister must receive a list of recommendations for appointment after which he consults with the Cabinet before appointing members from the recommended list. Disqualification of potential board members is cited as based on the criteria determined by the Companies Act 2004 and the provisions of the Establishing Act of the Public Entity. The NSX Listing rules also require disclosures from potential directors on any bankruptcy, insolvency, dishonesty, professional criticisms, and disqualifications in the 12 months preceding the listing. The implication being that this may have bearing on the organisation's ability to list successfully. For the NSX listed entities, the CRM noted that the board appointments follow the NamCode which considers the articles of Association of the company and the Companies Act 2004 as the guide to board appointments, including a transparent process that should involve the whole board. It was found that most entities now use the Human Resources or Remuneration and Nominations Committee to identify candidates for appointment to the boards. The Namibia Institute for Corporate Governance indicated that organisations in the public and private sector had approached it occasionally to advise on or participate in the recruitment of their directors.
401. The CRM noted during the review engagements that stakeholders misunderstood the definitions of leadership, ethics, and appropriate behaviour of leaders at the various levels of organisation. Though legislation provides broad guidelines and scope on the concepts, many misconceptions were noted when it came to actual practice. It also emerged that there was inadequate conceptual clarity on leadership effectiveness and accountability. The CRM heard from stakeholders in various communities that corruption and favouritism were rampant in the procurement processes, which skewed opportunities against poorly connected bidders.
402. The CRM confirmed the perceptions that SOEs and Public Enterprises perform sub-optimally due to ineffective appointment processes and undue external influence, as well as ineffective performance tracking and supervision. People frequently cited Air Namibia and SME Bank as examples. However, there is also evidence of the Government engaging in efforts to address these issues as seen in the enactment of PEGA 2019, whose implementation of COVID-19 impacted adversely. In the extractive sector, stakeholders cited undue external influence as an enabler for leakages, weak performance, and insensitivity to communities. They also reported that the legislative and other interventions appear inadequate.



403. The CRM observed that the Anti-Corruption Commission (ACC) is well known in most regions. However, they know little about their actual work. Stakeholders raised concerns that the Director-General was the only individual allowed to make decisions on which cases to prosecute based on the evidence available. There is only one ACC office serving five regions, the Ohangwena, Oshikoto, Omusati, Oshana and Kunene regions. In the North-eastern regions, there was no office at all. Due to the sheer size of Namibia and its regions, a single office is not sufficient to cover five regions effectively. There is insufficient representation of the ACC and Ombudsman in the regions to ensure that their functions are carried out effectively.
404. The CRM noted that corruption as a concept appeared not well defined as it was often confused with sponsorship or collusion and outright theft of public resources. In the regional interactions, people interpreted corruption differently based on the context. For example, in the regions where traditional authorities were dominant and recognised, the traditional authorities indicated that what may be termed corruption in the urban areas was a part of how they conducted their business as a traditional authority in line with cultural practices and norms. The CRM observed that in some instances, having lunch with a particular individual could be often construed as corruption by observers. The CRM noted there were some reports across most of the regions about irregularities in the procurement and tender processes, in that some people were getting the tenders on a regular basis though they did not have adequate capacity to perform most of the tasks assigned. There were further reports that different companies owned by a single individual would also get tenders putting other individuals at a disadvantage and creating a platform for collusion in the awarding of tenders and outright corruption.
405. The CRM noted that Regional Governors have a practice of presenting an annual state of the Region address, which indicates the key areas they performed in the projects undertaken and associated budgets. This is a valuable tool for accountability, and indicates how the Governor, in conjunction with the local authority, regional council and other stakeholders are meeting the key performance indicators of the leadership in the region as a collective effort. However, this does not measure the impact or performance of an individual in their leadership position and their associated success making it difficult to hold any one individual accountable for either success or failure.
406. The CRM observed that stakeholders perceived the office of the Auditor General to be active even in local authorities across the regions. Auditors conduct audits annually and on time and give reports to the regional Governors for inclusion in

the state of the region address. The Auditor General also appoints audit firms if necessary to ensure the tasks are completed on time by his office. Financial accountability came across as good at various levels despite allegations of disappearing funds. This is all in line with the accounting standards and codes that Namibia has aligned with.

407. For accountability of leaders and organisations and the autonomy of the relevant entities, the CRM noted that the accountancy profession in Namibia is regulated at the professional level, except for Registered Accountants and Auditors (RAAs). The Public Accountants and Auditors Board (PAAB) is responsible for regulating all RAAs in the country in accordance with the Public Accountants and Auditors Act of 1951. Table 5.3 shows the auditing and accounting standards in place in Namibia that are applicable to the private, public, and non-profit sectors of the economy. The Institute of Chartered Accountants in Namibia (ICAN) provides the required criteria to qualify as Chartered Accountants.

408. The CRM observed that though there are many relevant codes, acts and regulations, enforcement and effective implementation of monitoring and evaluation controls and mechanisms are still inadequate. PEGA 2019 in S12 points to civil and criminal liability of board members if they fail to perform with due diligence or use their office for personal gain. The CRM noted that there were several cases in court on such lapses. Further engagements indicated that the Judiciary has full independence and is willing to prosecute all cases brought before it. The CRM also found that other mechanisms such as the Anti-Corruption Commission and the Ombudsman, while present, had capacity constraints hampering their full and effective functioning.

iii. Recommendations

409. The African Peer Review (APR) Panel recommends that Namibia should:

- Revise the NamCode and widen its sources beyond King III and IV [Ministry of Industrialisation and trade, NICG, NSX, Ministry of PE];
- Appoint members of boards of directors and/or commissioners of SOEs, Parastatals and government agencies through a transparent process for which a relevant and well screened database of potential candidates should be developed [Ministry of Public Enterprises]; and
- Ensure more engagement between the Government and the business community for problem identification, resolution and enlightenment on government processes including procurement and accountability of organisations, at the National Regional and local Council levels.



OBJECTIVE THREE



ENSURING ETHICAL CONDUCT WITHIN ORGANISATIONS

410. This objective posits that ethical conduct requires individuals to treat the organisation they lead or work for with due care, ensuring that whatever they decide and do is always in the best interest of the organisation without compromising either their personal morals or the organisations' sustainability. Custodians and leaders of ethics in organisations are often the managers and directors of the organisations who should set an example of behaviour and culture for admiration and emulation by their followers.

i. Summary of the CSAR

411. The CSAR notes that the objective shows that there is need to instil ethical conduct through codes especially established at firm level. The Report further observes that this objective needs to answer nine questions to establish what leaders needs to do to ensure the attainment of ethical conduct within organisations. Of the nine questions two that inquire about directors and senior managers providing a clear signal to other employees and outside stakeholders that the performance and reputation of the organisation are important, as well as the organisation's leadership ensuring that the organisation's strategy policies, information and culture sustain a reputation of integrity were considered most critical by the CSAR. More so, because the remaining seven questions are derivatives of these two.

412. However, ethical conduct and behaviour is based on morality and integrity, and these are not a legal requirement for registering entities in Namibia. Only one of the listing requirements reported has a bearing on ethical conduct and behaviour, which requires records of acceptable business practice and management integrity as a mandatory requirement for listing.

413. The Report states that the directors' legal relationship with the organisation remains unsettled. Directors are agents, trustees and managing partners, all with different legal implications. It concludes that directors stand "...in a unique or sui generis relationship with the company and should not be forced into a specific role or position" implying an amorphous situation, disclosing a definition gap.

414. The Report notes that some of the rights of directors pose an inherent conflict of interest with moral and ethical connotations. For instance, the law does not specifically provide for a director's compensation. The board cannot legally

authorise any payment to its members. Only shareholders can. However, boards do authorise payment to their members and seek shareholder authorisation often after the fact, which is unethical. NamCode provides some guidelines which the Report recommends that corporate entities should adopt and implement.

415. The Report refers to directors' power and not their roles, responsibilities, duties, and obligations. The definition problem appears pervasive across existing frameworks and enactments. The Report, however, suggests that the primary responsibility of the director is to decide and act in the best interests of the company and that of all its stakeholders (the inclusive stakeholder approach). The definition of a director is not clear. The Report refers to Section 1 of the Companies Act of 2014 which defines a director as a person occupying the position of a director by whatever name called. As such, the report flags disqualification of a director based on flouting business ethics.
416. The CSAR correctly notes that shareholders can, by an ordinary resolution, remove a director at a properly constituted and convened AGM before their period of office expires. This authority can, in an environment of sub-optimal evaluation processes, instil fear in directors and erode their independence.
417. Regarding Director Personal Liability, the report indicated that Section 430 of the Companies Act imposes personal liability based on recklessness and negligence. Ethical considerations arise when supposed reckless, or negligent behaviour or conduct is triggered by all formalities and requirements of the judgment call principles.
418. In terms of Protection of the Environment, the Report acknowledged that good frameworks are evolving but Namibia needs to sign up to the EITI. Meanwhile on Labour Laws, the Report encouraged Namibia to ratify more ILO Conventions, most of which derive from ethics, morality, and integrity, to improve the nature and quality of its labour law. Regarding the Companies Act, the Report correctly observed that this legislation is outdated and needs to be reviewed and repealed or amended. For instance, it refers to use of long discontinued negotiable instruments (cheques).

ii. Findings of the CRM

419. The CRM noted that Namibia has enacted the Anti-Corruption Act, which established the Anti-Corruption Commission with offices across the country with the intention of battling corruption. The Financial Intelligence Act 13 of 2012 (FIA), came into effect in 2012 and its aim was to introduce measures to protect the Namibian economy against financial crime, such as money laundering and



terrorism financing. In the CRM interactions, the FIC representatives stated that they were active on the ground. In 2001 the Government of Namibia established the Namibian Anti-Money Laundering Taskforce which has the primary responsibility for co-ordinating Namibia's Anti-Money Laundering and Combating the Financing of Terrorism (AML/CFT) programmes. The Namibia Financial Institutions Supervisory Authority ("NAMFISA") is the AML and CFT custodian which all institutions must adhere to.

420. The CRM observed that various listed legislations, Standards and Codes provide guidance for leadership in various sectors of the Namibian economy. The CRM also observed sub-optimal visibility of Regulators in ensuring compliance to best practice, legislation, and existing Codes, due in part to the fact that the NSX issued a statement giving organisations the option to follow the NamCode or King IV. The Media Ombudsman who oversees the implementation of the Code of Ethics for the media industry, was also perceived by the public to likely be biased in favour of politicians and powerful members of society which may, despite legislated press freedom, make it difficult for the media and civil society to play their role in 'policing' public officials and prominent members of the society.
421. At various engagements, the CRM also noticed that many of the State actors in the regions referred to the Namibian Constitution as the supreme law of the land which lays an effective foundation for the conduct and scope of the leadership functions of the various elected and appointed officials. People appointed into organisations and government departments have both an oath they take upon appointment and a code of conduct that they are trained on and inducted into as they join the organisation.



COMMENDABLE PRACTICE 4.2

Codes of Ethics, Attestations for all sectors

The CRM noted with pleasure that there is a practice of ensuring that officials pledge to a code of conduct or code of ethics and ethical behaviour in most public offices. In the CRM interactions, the following public offices specifically mentioned codes and indicated that they are fully inducted and trained on the codes before commencing work

- Office of the Governor;
- Regional Councils;
- Local Authority;
- Police Service;
- Prisons service;
- Ministry of Education; and
- Judiciary.

For organisations like the Namibia Stock Exchange, the Namibia Institute of Corporate Governance, and the Bank of Namibia, the practice of implementing a code of ethics was also well entrenched and training regularly scheduled. There was testimony that the Government of Namibia had engaged the NICG to provide training and advisory services for appointment and capacitation of directors in this regard. This is a commendable practice because it ensures that the individuals joining an organisation are aware that they are expected to behave according to certain standards. The codes are important in that they teach individuals self-governance.

Source: CRM

422. However, in assessing the effectiveness of measures adopted by organisations to promote good ethics and combat corruption, smuggling, fraud, money laundering, and to administratively penalize non-compliance with the laws, regulations, standards and codes mentioned in this section, it was found that there is a wide gap between the principles as written and what effectively obtains on the ground because of the inadequate definition of ethical conduct, conflict and convergence of interest. This lack of a clear definition makes it difficult to manage perceptions and to create harmony in the communities without being accused of mal-administration, mismanagement and corruption.



The CRM observed that overlaps in political donations by organisations in the private, public, and not-for-profit sectors including any disclosure requirements were an ethical dilemma. For example, the lack of transparency in the funding of political parties by organisations and non-disclosure of such donations is an affront to ethical principles in organisations.

423. Whistle blowing and Witness Protection are tools to curb mal-administration and corruption. The CRM discovered that although the government has passed the Whistle Blowing Act, its implementation is still pending. The CRM thinks that without the full implementation of this Act, whistle-blowers will not feel effectively protected. Those at stakeholder meetings informed the CRM that in the regions, those who speak out against unethical conduct were blocked by the authorities and ostracised from the business communities and on other platforms that would otherwise be beneficial to their endeavours.

424. The CRM heard several times that the government had not punished those responsible for the collapse of Air Namibia, the SME Bank, etc, and for the non-performance of most of the State-Owned Enterprises/Parastatals in Namibia.

iii. Recommendations

425. The APR Panel suggests that the Government of Namibia should:

- Ensure that regulatory bodies such as the Auditor General, the Attorney General, the ACC and Ombudsman are fully staffed, independent and autonomous; and
- Update the Namibia Performance System Framework [2005] to align it with present realities of the Public Service and Corporate Governance to complement PEGA 2019.



OBJECTIVE FOUR



ENSURING THAT ORGANISATIONS TREAT STAKEHOLDERS FAIRLY AND EQUITABLE

426. This objective focuses on the effectiveness of the laws and regulations that are in place to protect the interests of an organisation's stakeholders. Stakeholders include shareholders, employees, customers, suppliers, creditors, the community, the future generation, and any other person with an interest in the organization. Although there are mechanisms in place in many African countries to protect the interests of many of these stakeholders, these have not always been effective.

i. Summary of the CSAR

427. The CSAR recognises that King III and IV and the NamCode are anchored on principles of leadership and good corporate citizenship that is oriented towards sustainability. The CSAR highlights the fact that good governance is about effective leadership as characterized by values of responsibility, accountability, fairness, transparency, and morality. Responsible leaders should implement company strategies and operations in a manner that will enhance sustainable economic, social, and environmental performance.

428. The Report recognises that the concept of corporate citizenship flows from the fact that organisations, as legal entities, should operate in a sustainable manner. Sustainability has gained significance internationally with the King III and IV reports which have highlighted their importance. Although the CSAR mentions guidelines on sustainability, it makes no reference to the status of these principles in Namibia. The guidelines include:

- The United Nations Global Compact and Principles for Responsible Investment;
- The European Union Green Paper for Corporate Social Responsibility (CSR);
- OECD Guidelines for Multinational Companies;
- Equator Principles; and
- Global reporting Initiative (GRI) G3 guidelines.

429. The CSAR reports that Directors are also bound by fiduciary duties of care, skill, and diligence according to common law principles. The Business Judgment rule enforces the exercise of the duty of care in a balanced manner. However,



Directors escape liability under this rule if they take all reasonable steps required to make decisions and act on them. The Namibian Companies Act of 2004 does not incorporate this rule and needs to do so. The CSAR further indicates that local regulatory and legislative instruments such as the Financial Intelligence Act 2012, the Banking Institutions Act 1998, and the National Financial Sector Strategy 2011 – 2021 address the weaknesses of the Companies Act 2004.

430. The CSAR recognises the fact that leadership has a duty to ensure that strategy, risk, performance, and sustainability are inseparable. That is the reason for the adoption of integrated reporting, a concept introduced in NamCode and underscored in King IV, both of which are applicable to Namibian corporate entities. Additionally, the Report states that the NamCode also encourages directors to consider the legitimate interests and expectations of all stakeholders other than shareholders. These multi-stakeholder approaches, the CSAR explains, is in the best interests of the organisation. The CSAR further clarifies that the integration and trade-offs between the various stakeholders must be made on a case-by-case basis to serve the overall best interests of the organisation. Therefore, any one shareholder will not have any predetermined precedence over the other stakeholders.
431. The CSAR recognises that Integrated Reporting is essential in determining the value of today's organisation, especially as a company's financial report alone is a photograph of a moment of time of its financial position only. Investments require an investor to assess the economic value of the company which in turn requires consideration of aspects such as future earnings, brand, goodwill, quality of its leadership, its reputation, strategy, and other aspects of sustainability.
432. The CSAR finds that by issuing integrated reports, an organisation increases the trust and confidence of investors, potential investors, and stakeholders. The NamCode and King III and IV reports recommend integrated sustainability performance and integrated reporting to enable stakeholders to make informed decisions about the economic value of a company.
433. The Report recognises that electronic communication has sped up the process of concluding contracts and doing business generally and that the need for efficient mechanisms to expeditiously resolve disputes is paramount.
434. The Report acknowledges that risk is an all-encompassing aspect of business and that strategy itself requires an assessment of risk and its proactive management when directing an organisation on a specific trajectory. The NamCode and King III and IV reports advocate for a risk-based approach to audits.

435. The governance of IT and IT systems, which the CSAR recognises as enablers that can support, grow, and sustain a business, has become topical. It notes that the governance of IT is important since companies have significantly investment in IT and depend on them for increased business.
436. The CSAR acknowledges that business rescue is an international best practice incorporated into the South African Companies Act 2008. The ability to rescue the economically viable companies is in the best interests of the shareholder and the country because of the high economic costs borne by the country when an organisation fails. However, the Namibian insolvency Act requires attention to make it viable and effective.

ii. Findings of the CRM

437. The CRM observed that the mechanisms to ensure that organisations treat stakeholders fairly and equitably include: (i) the Companies Act of 2004, as amended by the Companies Amendment Act 9 of 2007; (ii) the voluntary Corporate Governance Code for Namibia, developed in 2014, based on the South African King III Corporate Governance Code; and (iii) the Public Enterprises Governance Act 2019. Provisions exist for individuals to take shareholders and directors to court in the event of mismanagement of their shares or of the company. This is in the interest of any shareholder, although minority shareholders may not have sufficient influence to get their desirable outcome due to observed absence of minority shareholder associations. There are also Alternative Dispute Resolution (ADR) mechanisms and the various courts that a shareholder may approach. The Arbitration Act 42 of 1965 is in place, not effected or operationalized. Under it, a voluntary association handles arbitration or the courts may appoint a third party to conduct the arbitration after agreement of the parties involved in the dispute. Aggrieved parties may refer labour disputes for arbitration through the Labour Court.
438. All Namibian companies are under the control of two groups, shareholders who are the owners of a company, and the company's board of directors which has oversight over the company's management. Shareholders have the right to remove company directors from the Board before the expiry of their term of office through a resolution adopted by a majority at a company's general meeting. Directors are prohibited from issuing shares or share options unless this is approved by a majority of shareholders at a general meeting of the company. Section 56 of the Companies Act regulates personal liability for Directors of a company for any actions contrary to the Act, and section 430 regulates personal liability in the case of a Director winding up a company or defrauding or other incorrect actions that affect stakeholders, including creditors and minority shareholders.



439. In terms of measures in place to prevent market abuse such as insider trading in Namibia, the CRM observed that the Companies Act of 2004 S 241 attempts to discourage insider trading, but the fine (N\$ 8000) is not a sufficient deterrent against the potential gains of insider trading. There is need therefore for more stringent measures including monitoring and evaluation of dual or triple listed entities. The same Act makes provisions in Chapter 9 for investigations into financial interests and issues of oppression (unjust management, conversion of shares or trading) by any director. The CRM observed that the absence of minority shareholder associations is an obstacle that can prevent shareholders from effectively exercising their rights. However, the Government of Namibia is actively reviewing all applicable legislation for domestication. This is being done by the Law Reviewer. The New Equitable Economic Empowerment Bill (NEEEB) seeks to counter historical disadvantages where they existed and fully empower the previously disadvantaged groups. Already, the NEEB is achieving visible progress where companies are changing their activities and reflecting the full participation and engagement of minority shareholders through the suitability reporting and integrated reporting which show increased partnering with communities, government, and other private players to manage the resources and the environment.
440. The CRM observed the existence of mechanisms to allow owners of organisations to maintain control of the organisations including provisions in the NSX Listing Rules and the Companies Act 2004 which provide clear guidance on voting, voting rights, shares issue and ownership of companies. The Ministry of Public Enterprises is the supervisory body for Commercial, non-commercial, and extra budgetary enterprises, which are governed by different regulations depending on their functions. There is a governance agreement in place of each type of entity as stipulated by the Public Entities Governance Act (PEGA 2019). The idea of having the entities under one ministry is to optimize their contribution to the socioeconomic development of the State. The Ministry of Industrialisation and Trade requires all businesses in the MSME and even those in the informal sector to register with the Ministry to make it possible to manage and support them and their owners. However, because few people understand the benefits of the registration, this opportunity is not optimally utilised.
441. The CRM observed that Namibia has legal instruments such as of the Companies Act 2004, PEGA 2019, the Namcode 2014, Ombudsman, the Anti-Corruption Commission, and Alternative Dispute Resolution mechanisms to protect the rights of the stakeholders. In some instances, Native Authorities also handles

issues like certification, mediation, conciliation, negotiation, adjudication, expert determination and valuation. The Courts of law are also mechanisms for stakeholders to seek redress in case of violation of their rights. The CRM was also informed of instances where post-arbitration cases had been successfully settled in the courts.

442. The CRM noted, concerning mechanisms for stakeholder participation in organisations, that the Companies Act 2004 provides that anyone holding share capital or representing an organisation holding share capital in a company must be present at the General Meetings and Annual General Meetings and must also vote as per the number of votes they are entitled to by virtue of the number of their shares. The NSX Listing rules also provide that organisations and their respective shareholders must receive “equality treatment” based on their shares in an organisation. Not-for-profit sectors require constituencies to field various member representatives to ensure representation of all constituencies
443. The main company types are public companies, private companies, partnerships, joint ventures, close corporations, and registered branches of foreign companies as discussed under Objective one. Private companies are controlled by at least one and a maximum of fifty shareholders and a minimum of one company directors for a private company and two directors for a public company, with no differentiation between local or foreign shareholders or directors for a private company. Non-profits in Namibia are incorporated as voluntary associations, trusts, and non-profit companies. Voluntary associations do not require registration, except for a sub-set known as welfare organisations, while trusts have to register with the Master of the High Court in a Deed of Trust and non-profit companies must be registered as a section 21 company under the 2004 Companies Act. Welfare organisations are specific types of voluntary associations that require registration with the Ministry of Health and Social Services as providing goods, social services, and charitable activities to the public or wildlife⁵⁹. With respect to control, voluntary associations are under the control of their members and the Constitution, and members are subject to unlimited liability unless this is specified in the Constitution of the voluntary association. Members of the association are responsible for upholding the rights of all staff, creditors, and other stakeholders. Non-profit companies are registered and controlled in the same manner as all other companies.

59 From “How to Create a Nonprofit Group”, accessed 19 May 2021 from <https://www.lac.org.na/projects/grap/Pdf/non-profit.pdf>.



444. The Ministry of Industrialisation and Trade regulates consumer protection in Namibia. In 2017, Cabinet approved the National Consumer Protection Policy. The status of International Labour Organisation (ILO) Conventions and Protocols is as listed in Table 5. 1, 5.2 and 5.3 which shows that Namibia has ratified 17 ILO Conventions and one ILO Protocol.
445. The CRM observed that most organisations in Namibia are aware that they should operate under the law. Their capacity to respond by quoting the relevant acts or section of the Constitution that regulates their existence and their functions as an organisation showed that they know about the laws governing their activities. However, deeper insights into the knowledge of labour legislation and employee rights were not evident in the interactions. The CRM found that most organisations ensured that individuals signed a contract of employment prior to start of employment, along with a code of conduct, code of ethics, attestation to ethical behaviour, and helped them with induction. However, the CRM could not ascertain the exact depth and content of the induction, and whether it covered employee rights and human rights in organisations. During the interactions, while Covid-19 protocols still prevailed, very few stakeholders upheld the protocol to the required standard – some were lax about physical distancing and about sanitising and wearing masks. But organisations obeyed mandatory measures such as registration with the Social Security Commission to provide social security for employees.
446. The CRM observed that Namibia has two State universities, namely the University of Namibia (UNAM) and Namibia University of Science and Technology (NUST), formerly Polytechnic of Namibia. UNAM has 12 Campuses nationwide and 11 Regional Centres with 8 Faculties and eight schools offering a wide range of professional and vocational qualifications. NUST has two campuses and offers many professional and vocational training programmes. There are three other private degree institutions in Namibia focused on professional training. The Namibia Qualifications Authority (Namqa) is the supreme authority regulating qualifications in Namibia being the quality assurer of education standards in Namibia. It is responsible for the evaluation and accreditation of qualifications offered by the various private and State institutions of learning against the National qualifications framework. The Namibia Training Authority (NTA) focuses on Vocational education and training across the country and is the regulator of all vocational training centres, ensuring that training programmes and services meet emerging and future industry and business needs. The Namibia Institute for Public Administration and Management provides training and capacity development to meet the needs of the public sector and to improve its

efficiency and effectiveness. The Namibia Stock Exchange provides training for stock exchange listed entities. The Namibian Institute for Corporate governance focuses on the State and non-State sector training on corporate governance and related issues, sometimes collaborating with the NSX, as needed.

iii. Recommendations

447. The APR Panel recommends that the Government of Namibia should:

- Review the provisions of the Investment Promotion Act 2016 to facilitate access to the capital market and emergence of minority shareholder associations as part of the governance oversight structure; and
- Ensure that the Namibia Institute of Public Administration and Management [NIPAM], Namibia Institute of Corporate Governance [NICG], the Namibia Training Authority and the Namibia Stock Exchange continually provide applicable CG trainings.



OBJECTIVE FIVE



ENSURING THAT ORGANISATIONS ACT AS GOOD CORPORATE CITIZENS

448. Corporate Citizenship is the recognition that the organisation is an integral part of the broader society in which it operates, affording the organisation standing as a corporate person in that society with rights, responsibilities and obligations. It is also the recognition that the broader society is the licensor of the organisation (King IV). As a responsible corporate citizen, the company should protect, enhance, and invest in the well-being of the economy, society, and the natural environment (NamCode).

i. Summary of the CSAR

449. The CSAR notes that an organisation does not operate in a vacuum. It is part of a larger community with rights, responsibilities, and obligations to protect, enhance and invest in its well-being. Corporate social responsibility (CSR) refers to any aspect of an organisation's obligations to the greater community in which it exists. These can be in form of compensation or social investment.

450. The Report indicates that CSR is based on the notion that businesses cannot be successful when the society around them fails, hence there is an expectation that businesses should give back to the communities that have enabled them to prosper. Most organisations opt for philanthropic efforts such as donations and voluntary work. Other organisations put in place strong means of production that create ripple effects in the community through job creation and sustainable incomes. Again, some entities use CSR as a strategic means to acquire community support and acceptance.

451. The CSAR noted that the main issue relates to the real status of CSR initiatives. There are currently no obligatory laws or frameworks for CSR in Namibia, unlike in South Africa where it is mandatory by law to demonstrate compliance with CSRs. Entities that are dual listed or subsidiaries of foreign companies take their lead (statutory or voluntary) from other jurisdictions.

452. The Report notes that positive impacts of CSR can result in long term social and economic changes in areas where the government cannot reach. They can also contribute on a larger scale by creating economic infrastructure in their areas of operation. However, the full benefits can only be realized if there are relevant regulations on CSR and if stakeholders hold entities accountable. The Namibian economy relies heavily on extractive industries. As such, if such a CSR framework were well-articulated and domesticated, companies operating

in Namibia will have a great and positive impact on the aspirations of Vision 2030 in terms of value addition.

453. The CSAR notes that the current pattern of good corporate citizenship per sector indicates a prevalence of philanthropic activity in education, infrastructure development, environmental protection, and poverty alleviation. However, stakeholders do not consider the statistics to be accurate or up to date. Most education related interventions target specific skills that directly benefit the entity. Investment is also largely dependent on the economic performance of the entity and has been known to decline when company performance declines locally or globally.
454. The Report cites several organisations that have recently signed Memorandums of Understanding (MoUs) targeting environmental protection, public private partnerships, tourism development and social development through various initiatives, some of which are in line with Harambee Prosperity plans. Other vehicles used in recent times include sustainable development programs, local preferential procurement, and entrepreneurship development.
455. The CSAR notes that though many mining companies are implementing CSR initiatives, many towns in which others are operating are stagnating and worse still, former mining communities across Namibia are deteriorating. Indeed, some mining communities that had been created through the efforts of these companies end up being handed to the Namibian government due to the prohibitive cost of running them even though these entities are still operating in them but are no longer able to ensure their viability and sustainability. This raises the question about the commitment of these mining companies to the development of Namibia against the benefits they get from their continued operations. Citizens are concerned with job creation, infrastructure, and skills development. However, while mining companies can do more, an easy solution to this predicament will not be found because of the instability and shocks experienced on the global market and resultant local impacts.
456. The CSAR states that the Namibia Chamber of Mines had proposed a Mining charter for Sustainable Broad- Based Transformation in December 2010. The charter focuses on pillars of economic transformation which include ownership, education skills, affirmative action, work and mine safety, job creation, procurement, enterprise safety, beneficiation, development of national infrastructure, sustainable development of mining communities as well as conservation and protection of the environment. The Report further mentions that the New Equitable Economic Empowerment Framework (NEEEF), which is



voluntary and not a legal mechanism to encourage businesses to conduct their procurement in a manner that promotes transformation and empowerment of previously disadvantaged individuals, is a follow-up to the Mining Charter. It uses a points system to acknowledge and indicate the level of compliance to Namibia's framework, which is based on five pillars that include ownership, management and employment equity, human resources and skills development, entrepreneurship development and community investment.

457. The CSAR also refers to the fact that this framework is undergoing conversion into a legal framework. However, the government will need to address a few policy issues regarding Previously Disadvantaged individuals before the framework and legislation can become more effective. The Intergovernmental Forum on Mining, Minerals, Metals and Sustainable development has conducted an assessment that identifies key strengths, weaknesses and gaps in the country's mining laws in comparison to best practice.
458. The CSAR also mentions that SOEs notably rank extremely low in contribution to good corporate citizenship and seem to have few initiatives. The Report also notes that promoting good governance through effective institutions will enhance the attainment of the National Development Plan 5 and the Harambee Prosperity Plan.
459. The CSAR therefore advises that the Namibia Stock Exchange and the Namibian government should establish legal frameworks for CSR in Namibia, with inspiration from Canadian experiences.

ii. Findings of the CRM

460. The CRM noted that Integrated Reporting is recommended in King IV, and the Deloitte study of 2019 reported that 27% of the surveyed companies were already applying it.⁶⁰ The CRM further observed that CSR Reports published on mining companies' or other industries' websites do not provide accurate information on CSR projects that highlights status and project completion, which should increase transparency not only vis-a-vis communities, but also the government to enable it to monitor progress.
461. The CRM noted that Namibia does not have a enforceable legal instruments requiring mining companies to commit to Corporate Social Responsibility. Apart from the voluntary commitment to sustainability in the Uranium industry, the CRM noted that there are no legal obligations on mining companies to incorporate sustainability and responsible business conduct considerations into their decision-making process.

60 Namibia APRM Country Self-Assessment Report 2021

462. Furthermore, the CRM also noted that there is a gap in regulatory supervision and impact assessment mechanism of the CSR activities across various industries, to gauge companies' compliance levels on company promises to their host communities and the Namibian government. Hence, there is an observed gap in terms of entities opting for philanthropy and sponsorship as opposed to embedding sustainable and long-term CSR practices in their operations and establishing partnership with host communities as well as applicable civil society organisations. The CRM also noted that there are sub-optimal stakeholder engagement platforms between the State, corporations, and communities for responding to host community, which could yield greater impact and concretely result in economic transformation of host communities.
463. During the CRM, it was mentioned in some regions that shopping malls generate plastic and other related wastes which the Regional Councils has to spend huge sums of money to dispose of without any assistance or support from the owners of the malls as part of their CSR to reduce the environmental impact of the waste from their products on the host environment.
464. The CRM noted that that there is policy gap in guiding and enforcing CSR practices at the outset of mining projects as a precondition for obtaining mining or prospecting licenses. The CRM also noted that there is no integrated local value chain structure between mining companies and Namibian Small and Medium Enterprises to integrate Namibian entrepreneurs into such value chains which will create jobs and further reduce poverty, and thus assist the Namibian Government in its efforts to achieve the fundamental goal of industrialisation contained in Vision 2030. Not requiring companies to incorporate local value chain into their procurement processes as part of their CSR can could hamper knowledge or technology transfer.
465. Furthermore, the CRM observed that the extractive industry has an overall sub-optimal impact on their host communities. One exception was the adoption by Rossing Uranium of International Integrated Reporting Standards as part of its strategy and performance reporting, which shows the company's initiatives with applicable key performance tracking indicators.





COMMENDABLE PRACTICE 4.3 ROSSING Uranium Integrated Report and CSR initiatives

Rossing Uranium publishes a stakeholder report annually in addition to its regular annual report. In its 2020 stakeholder report, the company indicated that the report was to provide an overview of its activities in the country during the year, with information on the company's interaction with society, the economy, and the environment. The report further offered locally relevant information about the business. The company indicated that it believed in a key pillar of good corporate governance – transparency- and hoped to foster a culture of sustainable development throughout the company. The report was intended for Rossing Uranium stakeholders who include private citizens, the communities, as well as non-governmental organisations, small-scale enterprises, and multinational corporations.

In the report, Rossing indicated its drive towards a holistically sustainable approach to its operations bearing in mind all established, current and emerging practices encompassing corporate governance, ESG, CSR, employee health and safety and organisational sustainability.

ECONOMY

Economic viability

To provide the best returns on our shareholders' investment, we need to understand the long-term demand for our product, as well as the cost, resource availability and value creation associated with that demand. Economic viability also ensures that we continue to make significant contributions to Namibia's economy and her people in various ways.

ENVIRONMENT AND PRODUCT STEWARDSHIP

Product stewardship focuses on expanding our understanding of the impact of our product on society by working with all interested and affected parties.

Environmental and asset resource stewardship

We aim to be the leader in environmental stewardship in Namibia and to maintain our reputation as a responsible corporate citizen. This can be achieved by understanding and appreciating our natural resources, both biotic and abiotic, utilising them sustainably, and creating a net positive impact.

GOVERNANCE

Corporate governance and compliance

We strive to be transparent and proactive in all our business operations. To this end we have auditable business systems in place, which form the backbone of good corporate governance.

SOCIAL

People

Our workforce is central to our business. This means ensuring a safe and healthy workplace geared for human resource development in order to attract and retain employees, while maximising our contribution to their well being.

Communities

We implement long-term community development plans to focus on improvement in quality of life, as operating within a sustainable community provides our business distinct benefits, and an important part of that is good community relations.

Initiatives such as the Rossing Foundation play a key role in education, skills training for the community as a sustainable source of labour and skills for the organisation, and road works. Partnerships with the Ministry of Education, Arts and Culture in the implementation of the Social Accountability and School Governance Project, Water and Biodiversity Management Projects are among the commendable practices that the organisation engages in.

The stakeholder report also stated that compliance by the company with the corporate governance codes had gone beyond complying to explaining the various adaptations they had made to the principles in the codes.

This exemplary level of accountability by the organisation is an example to be replicated in Namibia's key sector entities, to ensure sustainable practices and responsible governance, in line with existing and emerging trends.

Source: Rossing, Uranium Integrated Report

466. The CRM noted that most often when a mining company shuts down, the area in which it had been operating becomes a "Ghost Town". There is therefore, need for effective ESG standards with regard to mine closure, and rehabilitation.
467. The CRM also noted a growing concern over beneficial Ownership, as a problem that can dampen Namibia's economic growth and widen the inequality gap among its people. Other Issues include corruption and conflict of interest, since Public Officials do not disclose their assets. It also observed gaps in the level of independence of boards of directors, especially in the extractive industries. The CRM noted that this is a potential deterrent to effective CSR implementation.
468. The CRM also noted the inadequate policy framework for implementation of Children's Right Laws and Regulatory Surveillance, especially in the primary sector such as the extractive and farming sectors, where stakeholder consultations revealed grossly inhumane labour conditions and sexual abuse.
469. The CRM also noted that Namibia is about to implement the New Equitable Economic Empowerment Framework ("NEEEF"), which will have additional CSR implications by redressing previous injustices and imbalances and reducing inequalities. The CRM also noted that, as a policy document, the NEEEF is not binding and there are no mechanisms to enforce accountability and implementation. Thus, it has the potential to undermine transparency efforts.



470. The CRM noted that State Owned Enterprises and Parastatals do not appear to play a major CSR role because of their poor financial state and lack of understanding that their mandates especially position them for CSR and responsible business conduct in terms of sustainable internal processes and accountability to their host communities for services.

iii. Recommendations

471. The APR Panel recommends that the Government of Namibia should:

- Ensure that the proposed new code includes an International Integrated Reporting Requirement for listed and large unlisted companies in key sectors (NSX, Auditing Firms);
- Adopt mandatory requirements for a Mine closure strategic plan as part of the licensing process (Ministry of Mines and Energy);
- Provide incentives to the private sector to integrate the Namibian local value chain to unlock the potential of the informal sector (Ministry of Industrialisation and Trade); and
- Consider signing unto the Extractive Industries Transparency Initiative [EITI] and incorporate it into the up-coming NDP6 (Ministry of Mines and Energy).





CHAPTER FIVE



5. SOCIOECONOMIC DEVELOPMENT

5.1 OVERVIEW

472. Promoting socioeconomic development means improving people's lives and lifestyle through improved education, incomes, skills development, and employment to achieve the progressive move of a society towards a higher level of well-being, justice, and democracy at all levels. Towards this end, developing socioeconomic policies involves setting goals and targets, identifying priorities, and committing human and financial resources.
473. These policies also have to be consistent with the human rights approach and norms. In this context, as underlined in its Country Self-assessment Report (CSAR), Namibia has endeavoured "to implement the fundamental human rights and freedoms outlined in its Constitution, which make allowance for ordinary citizens to pursue and enjoy their economic and social rights, and fully participate in the development process".
474. Namibia reduced the national poverty line from 69.3% in 1993 to 17.4% in 2016, reflecting an upward trend and stability in the economy and politics.⁶¹ Namibia has a good comprehensive social protection programme that seeks to redress vulnerabilities across different groups. The performance of the social protection programmes has varied over time. On the one hand, through contributory and non-contributory pensions, the wellbeing of the elderly has improved significantly. On the other hand, the youth remain largely vulnerable to unemployment and are insufficiently covered by social protection.

61 <https://www.intechopen.com/chapters/68719>

475. Human exclusion in urban areas from 2000 to 2013 improved, while the rural areas did not post significant progress. Its drivers show that while employment and poverty, as well as life expectancy at 60 improved, exclusion in the first phases of life has worsened over time. Importantly, although youth unemployment and poverty have improved, their share in overall human exclusion has remained high.
476. The health and education policies seem to lack an equity perspective, due to the cost-sharing schemes with households in delivering public goods. Indeed, in Namibia, the annual average household expenditure on education is about US\$340. Furthermore, health costs borne by households also partly contribute to the high exclusion.
477. Such inequalities are also patent between the different regions. For example, the variation between Omusati (61% reduction) and Omaheke (no change) can be due to the geographical location of productive activities in the former. Further, Omusati succeeded in dropping neo-natal mortality rates from 31 to 11 per 1000 births, and poverty rates from 51 to 29% between 2004 and 2013. The Khomas Region, where the capital city of Windhoek is located, has also made significant strides in reducing child malnutrition, contributing to its overall reduction in exclusion over the same period⁶².
478. The present National Development Plan running from 2017 to 2022 is focused on structural transformation and modernization to address these development challenges. The Government's objective is to:
- Achieve an inclusive, sustainable, and equitable economic growth;
 - Build capable and healthy resources;
 - Ensure a sustainable environment and enhance resilience; and
 - Promote good governance through effective institutions.
479. The first goal is to grow the economy, create jobs, and reduce poverty and inequality, while the second aims to create a skilled and healthy work force. The third goal strives to ensure that both the current and future generations enjoy the benefits of the country's natural resources sustainably. The fourth goal is aimed at creating an environment that is favourable for development and adheres to the rule of law.⁶³

62 Namibia Inter-censal Demographic Survey 2016 Report, NSA.

63 Country self-assessment report



5.2 STANDARDS AND CODES

Table 5.1 Socioeconomic Development related Standards and Codes Acceded

Item	Standards and Codes	Date of Adoption/ Signature	Date of Ratification/ Accession	Date Deposited
1.	United Nations Organization (UNO), Declaration on the Rights of Disabled Persons (1975, New York, USA) Not binding			
2.	Convention on the Rights of Persons with Disabilities (CRPD) (2006, New York, USA)	25/04/2007	04/12/2007	
3.	United Nations Organization (UNO), Convention on the Elimination of all forms of Discrimination against Women (1979, New York, USA) (CEDAW)	---	23/11/1992	--
4.	Right to development in the African Charter on Human and Peoples Rights (1981) including the protocol on the Right of Women in Africa	--	30/07/1992	16/09/1992
5.	United Nations Organization (UNO), Convention on the Rights of the Child (1989, New York, USA)	26/09/1990	30/09/1990	--
6.	OAU, African Charter on the Rights and Welfare of the Child (1990, Addis Ababa, Ethiopia)	13/07/1999	23/07/2004	26/08/2004
7.	Kyoto Protocol to the UN Framework Convention on Climate Change (1997, Kyoto – Japan)	--	04/09/2003	--
8.	Constitutive Act of the African Union (2000, Lomé, Togo)	27/10/2000	28/02/2001	21/03/2001
9.	Organization of African Unity (OAU), New Partnership for Africa's Development (NEPAD), (2001, Abuja, Nigeria)			
10.	African Convention on the Conservation of Nature and Natural Resources (2003, Maputo, Mozambique)	--	--	--

Item	Standards and Codes	Date of Adoption/ Signature	Date of Ratification/ Accession	Date Deposited
11.	Revised African Convention on the Conservation of Nature and Natural Resources	09/12/2003	—	—
12.	African Youth Charter (2006, Banjul, Gambia)	16/05/2008	17/07/2008	23/07/2008
13.	Charter for the Cultural Renaissance of Africa (2006 Khartoum, Sudan)	—	—	—
14.	African Union (AU), African Charter on Democracy, Elections and Governance (2007, Addis Ababa, Ethiopia)	10/05/2007	23/08/2016	30/08/2016

i. Summary of the CSAR

480. According to the CSAR, Namibia has signed and ratified many international, continental and regional agreements, standards and codes as listed. These have been domesticated, pursuant to Article 144 of the Namibian Constitution, which provides that “the rules of public international law and international agreements that are binding on Namibia... shall form part of the law of Namibia”. Specific provisions of these commitments are embodied in national laws, policies and national development frameworks and programmes of action.

ii. Findings of the CRM

Assessment of Standards and Codes in Namibia

481. The Republic of Namibia has adopted many treaties and conventions towards sustainable socioeconomic development. The country has implemented 53%, ratified 69% and deposited 38% of fourteen (14) standards and codes that are recognized by the APRM as essential for socioeconomic development. The republic of Namibia is yet to adopt, ratify or deposit the Charter for the Cultural Renaissance of Africa (2006) and the United Nations Organization’s Declaration on the Rights of Disabled Persons (1975).

482. Namibia has, however, adopted national legislation such as the National Disability Council Act of 2014. This Act provides for monitoring and implementation of the National Policy on Disability by establishing a National Disability Council. The Policy aims to create equal opportunities for persons with disabilities through, among others, access to employment, education, and vocational training.⁶⁴

⁶⁴ Republic of Namibia, National Disability Council Act, 2004 (Act No. 26 of 2004), Government Gazette No. 3360, pp. 1-26, https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=70099&p_country=NAM&p_count=147



Similarly, the national policy on arts and culture was put into effect in 2021 through the Ministry of Basic Education, Sport and Culture and is guided by international instruments.

483. Article 63 of the Namibian Constitution gives the National Assembly the power to decide whether to accede to such international agreements as may have been entered into prior to Independence by previous administrations in Namibia which denied most of the Namibian population participation and democratic representation. Therefore, Namibia ensures implementation of international, continental, and regional ideals through its own local policies and legislative frameworks.
484. It is the adoption, ratification and depositing of Treaties, Conventions, Protocols and Charters that shows that the Signatory State has acknowledged, accepted or approved a particular Standard or Code.⁶⁵ In this case, the Republic of Namibia has ratified over half of the Continental and International standards and codes recognized by the APRM to promote broad-based socioeconomic development.
485. Namibia ratified the Revised African Convention on the Conservation of Nature and Natural Resources, the Charter for the Cultural Renaissance of Africa (2006 Khartoum, Sudan) and deposited its instruments of ratification on 30 September 1990.

iii. Recommendations

486. The African Peer Review (APR) Panel recommends that the Government of Namibia should:
- Accelerate ratification and depositing of the aforementioned standards and codes.

⁶⁵ UN, 2020, United Nations Treaty Collection, https://treaties.un.org/pages/overview.aspx?path=overview/glossary/page1_en.xml#deposit

5.3 ASSESSMENT OF PERFORMANCE ON AFRICAN PEER REVIEW MECHANISM (APRM) OBJECTIVES

OBJECTIVE ONE



PROMOTE AND ACCELERATE BROAD-BASED SUSTAINABLE SOCIOECONOMIC DEVELOPMENT

i. Summary of the CSAR

487. The CSAR describes the various policies the government has developed to address the socioeconomic issues the country is experiencing, and underlines the need to strengthen regulatory frameworks and mechanisms to promote broad-based socioeconomic development.

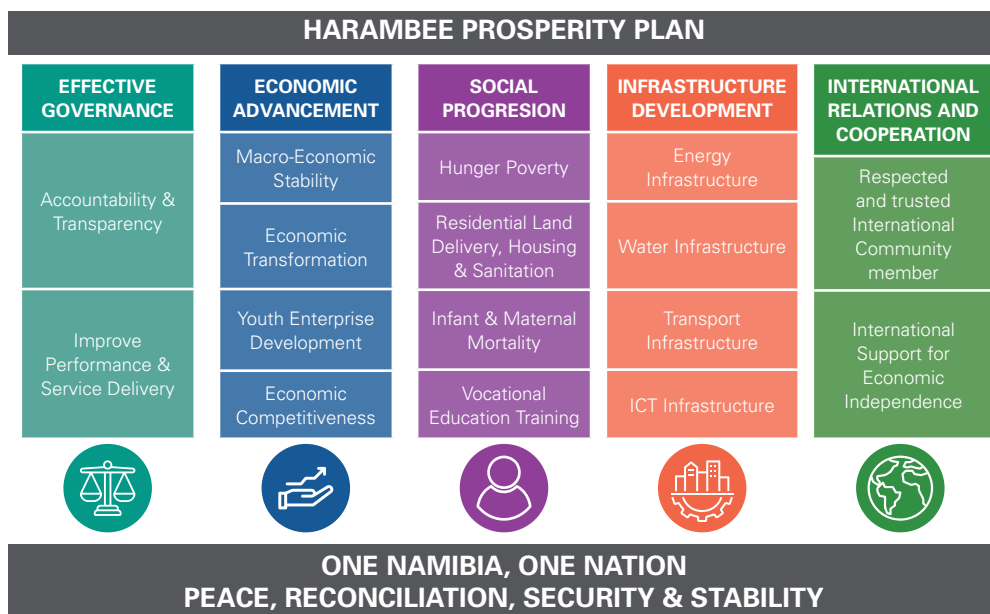
Development Policies

488. The determination of the government of Namibia to pursue inclusive socioeconomic development and sustainable prosperity is captured in the National Vision 2030 and the National Development Plans (NDPs), which are its launch pads. Equally important are targeted action plans focused on poverty alleviation – the Harambee Prosperity Plan I (2016/17 to 2019/20) and the Harambee Prosperity Plan II (2021 to 2025).

The Harambee I and II, and related instruments

489. The CSAR made references to the strategic importance of the Harambee Prosperity Plan 1 (HPP 1), which was based on improving various macroeconomic fundamentals that can drive economic prosperity through Effective Governance, Economic Advancement, Social Progression, Infrastructure Development and International Relations and Cooperation. Harambee I emphasised the need to forge a unified national identity and peaceful coexistence as a precondition for development, while also counting on the support and participation of development partners to achieve the five-pillar of the plan.



Figure 5.1 The Harambee Prosperity Plan⁶⁶

490. Inherent weaknesses dampened efforts to realized the objectives targeted in Harambee I. Harambee II, which aims to consolidate the gains made in the first phase, started in March 2021. In this second phase, the government intends to implement interventions that can enhance and accelerate service delivery to various communities and groupings across the country. The plan is also intended to galvanize economic recovery from the devastations of the COVID-19 pandemic, and to promote inclusive prosperity throughout the country.

491. The country is also striving to ensure sustainable resource management through the Community-Based Natural Resource Management (CBNRM) initiative, which was commissioned by the Government with financial support from the German Federal Ministry for Economic Cooperation and Development (BMZ) in 2017. This initiative is laudable for its inclusive approach to conservation of forestry and tourism (trophy-game ranging). In addition, the initiative covers wildlife infractions, mitigations against climate change, and environmental sustainability. Also commendable is the conservancy approach in its contribution to preserving wildlife, natural faunas, and curbing of global warming. Specifically, the Kavango East and West Regional Conservancy and the Community Forestry Association will benefit meaningfully from access to energy, water and income through subscription to the ideals of the conservancy projects.

⁶⁶ Source: Government of Namibia

492. The CSAR also highlights that communication is scant, while correct understanding of the various standards and codes by most people is lacking. Although, it was documented in the CSAR that “the National Planning Commission (NPC), in collaboration with the Ministry of International Relations and Cooperation, conducted a domestication workshop and invited the AU Commission to sensitise stakeholders on Agenda 2063”⁶⁷, evidence abounds in the CSAR that illiteracy is rife among the most vulnerable members of the society, and access to media outlets is extremely limited. Specifically, the report also admitted that: “Not all local languages are developed into written languages”. The report further suggests that inadequacies in effective communication requires robust intervention to communicate more efficiently with the general public in an inclusive manner on institutional matters that affect their livelihood.

493. The CSAR notes that most vulnerable groups of people and persons have for a very long time not had access to information on rights and opportunities. For instance, it mentions that the country issues the Namibia’s Periodic State Report Review, which is compiled as part of implementation of commitments under some of the major treaties that are meant to address exclusion, namely the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW); the International Covenant on Civil and Political Rights (ICCPR); International Covenant on Economic, Social and Cultural Rights (ICESCR); and the International Convention against All Forms of Racial Discrimination (ICERD). The Report, which was produced in a booklet format, was mainly accessible to a few sections of the society (in the university and community libraries across the country, local NGOs as well as to political parties). The same could be said of the compendium created in 2017, which focused on all the human rights that Namibia has subscribed to since 1992, especially The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

i. Findings of the CRM

494. As seen under this objective, the government is responsible for creating and sustaining socioeconomic opportunities for all citizens of the country. Timely information to the vulnerable groups will promote growth and development, reduce the prevalence of poverty, and enhance socioeconomic harmony.

495. From the CRM stakeholder engagements it emerged that people who should benefit most from the publications, information and strategic policies of government are excluded because of geographical location and language barriers. Information is very important in government efforts to facilitate broad-

⁶⁷ CSAR, page 236



based participation in the socioeconomic development of the country. However, this has not received adequate institutional attention.

496. However, the government should be commended for initiating some strategic schemes and programmes for the development of the economy inclusively across the country. The implementation of these initiatives has, to some extent, been successful. Some of these initiatives and feedback from the intended beneficiaries, especially in the rural areas, are discussed below.

Land Redistribution

497. It is noteworthy that 31 years after political emancipation, substantial segments of the rural population are still unable to earn a decent and sustainable living, especially through farming as a result of exclusion. Most Black people cultivate farmlands on a subsistence basis, with limited possibility to expand or improve yield. There was wide agreement amongst participants at the Regional and Local Authority town hall meetings that the income gap along racial lines has persisted. Evidence suggests that most of the productive farms are still owned and controlled by White farmers who are located in the south and central parts of the country, while Black farmers are largely confined to infertile smallholding farmlands in the North.
498. Furthermore, stakeholders also suggested that the “willing seller, willing buyer” land approach adopted by the government since political emancipation has failed because of unwilling white sellers, who sometimes over-price farmlands. As such, the white farmers still control more than 50% of highly productive commercial farmlands, while the black subsistent farmers continue to dwell in poverty because of low yield from their arid farmlands. Meetings in the northern regions of the country, where cattle-rearing is the main activity, affirm the statistics published in 2020 on land redistribution. According to the statistics, white farmers have offered barely eight million hectares, which is about 20% of their farmlands, for sale since 1992. The government bought only 37% of the offered lands, not only because of over-pricing but also because part of the farmlands was discovered to be unproductive. More importantly, the conservancy initiative falls short of ensuring equitable access to fertile farmlands, which are important economic sectors that could potentially drive inclusive economic prosperity.
499. A number of participants in the town hall meetings commended the government for its “one Namibia, one Farm’ policy. However, the initiative has been criticised on the ground that government officials and highly connected elites are now also being classified as “historically disadvantaged people” to enable them to

benefit from land resettlement initiatives. The CRM also gathered that in some instances, land redistribution mostly benefited the natives of the Northern part of the country who have always possessed lands because of their privileged connections to the ruling elite, at the expense of the real victims who had been forcefully evicted by the Whites from their ancestral lands.

500. The CRM was also informed that some farmlands that had been re-allocated to Black farmers have been neglected because of lack of the skills to productively and profitably manage the farmlands. In particular, the stakeholders mentioned Ongombo West farmland in Khomas Region, which was the first to be appropriated and allocated to black farmers. Part of this farmland was given to farm workers who ended up neglecting it. Although, the section managed by the veterans (the Namibian Former Robben Island Political Prisoners Trust) remains productive, the other portions of the massive farmland that had been productive in the past are now unproductive.
501. The CRM learnt that most rural farmers do not have productive assets because of their past exclusion. Given the subsistent nature of their farming and the inability to generate extra income from their farm produce, they are not able to acquire productive assets or purchase basic needs. Again, only the privileged elite have access to productive land, a situation that has prevented rural farmers from creating wealth. Evidence also reveals that it is very difficult for subsistent farmers to buy livestock for rearing, or to afford even basic needs like clothing and electricity.
502. The country still relies heavily on food imports, despite its vast land endowment. This is because, though the country has vast lands that can potentially be used for crop production and livestock farming, the main farming regions and communities lack the means to develop irrigation and acquire technologies that can enhance farm productivity.

Social Protection

503. The CRM acknowledged that Namibia's social protection system is good, compared to other countries in the region. The system consists of non-contributory (social assistance), and contributory schemes (social insurance, including State managed and private systems). The public sector social assistance also has extensively professional social welfare services. The CRM also observed that the share of social protection expenditure in Namibia's GDP is higher than the average for sub-Saharan Africa. Expenditure on older people is particularly remarkable (3.2% compared to 1.1% of GDP in the region).⁶⁸

68 file:///C:/Users/USER/Downloads/53959.pdf



504. In Namibia, there are close to thirty schemes that are classifiable as social protection initiatives being administered by various Ministries or Agencies. However, there is no major programme that covers unemployment. Notably, the APRM conducted a targeted review on youth unemployment at the request of the government in December 2019, and a policy was launched by government in November 2021.
505. Namibia has many social assistance programmes, including non-contributory pensions, such as Old Age Pensions, War Veteran's Allowance, Blind Person's Pension, Disability Pension, as well as Child and Family Allowances. In 2015, 44% of Namibians had access to social protection and labour programs. Although the groups mentioned above qualify to receive such social assistance through legislation, Stakeholders suggested to the CRM that there is need for more social safety nets, including micro-financing, skills development, and unemployment insurance for youth and informal business owners.
506. The CRM noted that revenues from the South African Customs Union (SACU), taxes and royalties from the mining sector contribute significantly to the funds used by government to finance social protection programs. However, since these revenue sources are now in decline, there is urgent need to better manage the schemes and looks for new revenue sources. Discussions are underway to increase contributions to government revenue from of the mining industry and from land taxes⁶⁹.

Access to potable water

507. The main sources of water in Namibia are border rivers, dams on ephemeral rivers, ground water, fountains, seawater, desalination and recycled water. Boreholes are drilled in communities based on the size of their population. It was indicated that the number of boreholes is not determined by Regional and Local councils, but by decision of the sectoral Minister. Indeed, decentralisation or devolution of authority and responsibility has not fared well, and has hampered service delivery that is tailored to the specific needs of the rural people.
508. While commending the fact that the monthly service charges for water supply is very low, the CRM observed that allocation of boreholes for household use is more common than those for irrigation. It was also pointed out that farmlands are located far from the villages, making it difficult to cultivate basic crops like vegetables for daily consumption. In addition, lack of irrigation has made it difficult to cultivate crops in all seasons. Most farmers plant crops only during the rainy seasons, which are unpredictable. This is a threat to food security in the medium to long term, and may aggravate poverty and lead to socioeconomic difficulties in the vulnerable communities.

69 file:///C:/Users/USER/Downloads/53959(1).pdf

509. The lack of clarity in determining which communities in some regions should benefit from borehole allocations has not only aggravated the inadequate supply of potable water, it has also made it impossible to have a database of existing boreholes in each Region. For instance, the urgent need for water forced communities to seek support from nongovernmental organisations, pressure groups and individual or private donors for the construction of boreholes that are not accounted for the existing database. Another problem faced by rural populations is powering of the boreholes. A few are powered by solar energy, while the vast majority are powered by generators, exacerbating the cost of maintenance.



COMMENDABLE PRACTICE 5.1

Namibia's Telecommunications: Driver of National Development Transformation and Link to Africa

Namibia has every reason to boast of its exceptionally well developed communications and transport infrastructure, which are prerequisites for development. Indeed, the success of any country and the welfare and socioeconomic development of its people can be measured in terms of the quality of the communication and transport infrastructure it has put in place. In Namibia, the comprehensive development of these systems is all the more remarkable as the long distances, the wide dispersal of the population and the natural obstacles make the construction and maintenance of communication and transport infrastructure extremely expensive.

Direct telecommunication links with 33 countries were possible as from 1980. In the 1980s, there were telecommunication links with the then Owamboland regions in the north, dOpuwo and Katima Mulilo. In 1983 Namibia had 60 telephone lines for approximately 1.3 million inhabitants living on more than the double surface of Germany (14 manually, 45 automatically and 5 farm lines). (I. G. Deutschsprachiger Südwest, 1985, p. 483).

In 2019, the ratio stood at 5.6 /100 inhabitants; fixed broadband subscriptions stood at 63,314 as against 134 in 2005, showing an average annual growth rate of 162.65%. Fixed internet subscriptions per 100 inhabitants increased from 0 per 100 inhabitants in 2005 to 2.5 per 100 inhabitants in 2019, growing at an average annual rate of 157.97%.



Mobile cellular subscriptions in Namibia increased from 82,000 in 2000 to 2.82 million in 2019 growing at an average annual rate of 22.05%. There were 1.28 million internet users in Namibia in January 2020. The number of internet users increased by 24 000 (+1.9%) between 2019 and 2020; and Internet penetration stood at 51% in January 2020 (<https://datareportal.com/reports/digital-2020-namibia>).

However, in some of the rural parts of the country, outside the main cities and villages, telecommunication facilities are poor, and the services provided do not meet standards.

Namibia has played a key role as “transit country” to link land-locked countries in southern Africa to the outside world. This is not only advantageous for Namibia but also for Namibia’s neighbours. A number of telecommunication links helped in this important undertaking to strengthen regional integration , namely:

- The Caprivi Link Interconnector that links Namibia with Botswana, Zambia, and Zimbabwe;
- The Trans-Kalahari Communication connection that links Namibia with Botswana, but also improves communication between Namibia and Zimbabwe. This optical fibre links Windhoek with Ghanzi in Botswana via Gobabis which provides direct access to the “Pan African Telecommunication System” (PANAFTEL); and
- The Namibia-Angola Communication connection that links the Northern regions of the country with Lubango in Angola via an optical fibre.

As far as the telecommunication sector is concerned, Namibia is one of the most developed countries in Africa. It was the first priority for the Government to maintain, upgrade and optimise the telecommunication systems of the country. For historical reasons physical infrastructures were always unbalanced to the disadvantage of indigenous Namibians. This imbalance was addressed after the Namibia’s Independence and visible changes have been made since then. The technical progress was supplemented by robust institutional reform. Today, Telecom Namibia can legitimately be considered as one of the success stories of the country given its pioneer role and the great strides it has made to develop an efficient and modern telecommunications network, which is proving to be a real engine for regional integration.

Sources: CRM adaptation from <https://tradingeconomics.com/namibia/telephone-lines-per-100-people-wb-data.html>, <http://www.klausdierks.com/Telecommunication/>

Access to energy

510. Access to affordable energy was one of the major concerns of stakeholders, especially in the rural areas. The CRM learnt that most rural communities are connected to the power supply grid, and the service charges are affordable. However, the costs of connecting houses to the grid are prohibitive and poor households cannot afford them. Although, a few houses have installed solar panels, the initiation cost of this alternative energy source is huge and can only be afforded by those who have a high income.

Sanitation

511. Sanitation helps to prevent, reduces or eradicate most communicable diseases and opportunistic ailments. The CRM took note of the Rural Sanitation Programme, which aims to “to promote sanitation and hygiene as well as to create employment opportunities in rural areas through the construction of toilet facilities. From 2012 to the present, more than 3,920 rural jobs (mostly youth) have been created through this programme”⁷⁰. However, the CRM noted that access to sanitation is limited and improvement in the provision of this critical service has been modest. Stakeholders informed the CRM that less than 50% of communities have access to decent sanitation. They also suggested that only about 17% of the population in the Zambezi Region have access to decent sanitation facilities. The situation is similar in the other Regions, but worse in the Kavango West that is over 95% rural. Although, the CRM saw evidence of interventions, especially with assistance from partners and non-governmental organisations, these interventions have not been able to address the gaps in the provision of this service. To that extent, the CRM underscored the urgent need for increased sanitation services in Namibia.

⁷⁰ Document issued by Executive Directors in various ministries in reply to questions submitted by the CRM on socioeconomic development thematic area





BOX 5.1 Solid Waste Management

The Republic of Namibia has a good solid waste management system in many cities and towns at the national, regional, and local levels. Public spaces, including beaches, urban parks, and roads are clean and safe. Solid-waste management is implemented under the National Solid Waste Management Strategy, by the Ministry of Environment and Tourism. The strategy, which was revised in 2019, has as objective to:

- A. Strengthen the institutional, organisational, and legal framework for solid waste management, including capacity development;
- B. Develop a culture of waste minimisation and expand recycling systems.
- C. Implement formalised solid waste collection and management systems in all populated areas, including those under the administration of Regional Councils.
- D. Enforce municipal waste disposal standards.
- E. Plan and implement hazardous waste disposal systems, including healthcare waste.

Source: CRM

Access to healthcare

512. The CRM observed that healthcare for Namibians is governed by the National Health Act 2 of 2015. Indeed, many Regions and communities have state-of-the-art healthcare facilities, equipment and practitioners. Regions such as Khomas, Oshana, and Zambezi have the best and most efficient healthcare facilities.
513. However, healthcare is not evenly distributed in all the geographical areas of the country. Only three regions have enough healthcare. The country has 431 public healthcare facilities, 27 of which are hospitals, with the Windhoek Central Hospital serving as the national referral hospital along with the Katutura Hospital which is also in Windhoek. Rundu in the Kavango-East Region, Onandjokwe in Oshikoto Region, and Oshakati in Oshana Region, only have intermediate hospitals. The country has 37 healthcare centres, and more than 280 clinics and a few mobile clinics to serve the rural communities.

514. However, the rural population still has to travel long distances to access health facilities. Some health facilities in the rural areas do not operate round the clock, and access to them is not often possible in an emergency.
515. The CRM was informed that to promote quality healthcare in public facilities, the Government through the Ministry of Health and Social Services has adopted measures to:
- Deploy skilled health care workers to all parts of the country;
 - Provide access to healthcare including in the remote areas through the deployment of community health care workers and implementation of outreach programs;
 - Train and deploy Clinical Mentors and Coaches in regions and districts to strengthen implementation of National Standards of care;
 - Establish Quality improvement and Infection Control Committees in all facilities;
 - Integrate Patient Safety into the different public health programmes such as immunization, infection prevention and control (IPC) and WASH, PEP & PreP, Blood, Radiation, Injection safety;
 - Register all health professionals with relevant associations or councils; and
 - Ensure adequate supply of drugs and equipment for service delivery, the optimal use and management of healthcare equipment, personnel and facilities, and the streamlining healthcare processes.
516. The Government recognizes the challenges in providing quality healthcare in public health facilities. These challenges include outdated health technologies and equipment and shortage of personnel. This has also seen the overuse of the existing equipment in the attempt to serve the patients.⁷¹
517. The CRM commends the Government's efforts to meet the challenge of the Covid-19 pandemic, including setting up the Covid-19 Data Hub, as illustrated in Commendable Practice 5.2.

⁷¹ Document issued by Executive Directors in various ministries in reply to questions submitted by the CRM on socioeconomic development thematic area





COMMENDABLE PRACTICE 5.2

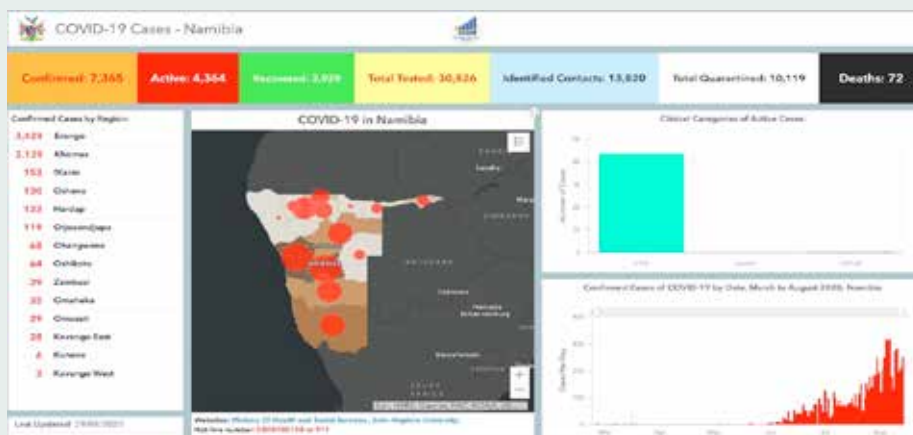
Strategic Partnership to Boost Namibia's Health System: The Innovative COVID-19 Data Hub

To ensure that Namibians are protected from Covid-19 and to further strengthen the country's health system, the Namibia Statistics Agency (NSA), together with the Ministry of Health and Social Services, the United Nations Economic Commission for Africa (UNECA), the Environmental Systems Research Institute (ESRI), Global Partner for Sustainable Development Data (GPSDD) and GRID3 started a new partnership in September 2020 to provide decision-makers and the general public with real-time Covid-19 and health data. The information will serve high risk groups and help identify the most effective Covid-19 prevention and response policies.

To make the crucial geospatial data available universally, findings are freely accessible on the hub, which allows for easy interaction and interpretation between experts and users. The interactive online repository was produced in collaboration with GRID3 and ESRI, supported by GPSDD and UNECA. The platform came at the right time to enable the country to optimally monitor the pandemic, especially as there had been calls from the public for a one-stop shop, that would make it possible to monitor the effects of the pandemic and to better inform decision-making on ways to overcome its challenges nation-wide.

In addition to Covid-19 case numbers, recoveries, and deaths, the site contains data on the health risks that can make Covid-19 particularly dangerous. The location of people suffering from ailments like diabetes, heart conditions, respiratory illnesses, or cancer are also mapped, including other risk factors like population density.

The Covid-19 hub is the first major outcome of the partnership between the Government of Namibia and GRID3, in collaboration with ESRI. All partners are today convinced of the need to strengthen this partnership and accelerate efforts to ensure the availability of up-to-date data, to better inform health policy formulation, implementation and monitoring.



Source: CRM/ Namibia Statistics Agency

Access to education

518. The CRM took cognizance of Article 20 (1 and 2) of the Namibian Constitution, which provides that: “all persons shall have the right to education. Primary education shall be compulsory, and the State shall provide reasonable facilities to render effective this right for every resident within Namibia, by establishing and maintaining State schools at which primary education will be provided free of charge”⁷². By virtue of this constitutional provision, access to education is considered as a prerequisite for the socioeconomic emancipation of the historically disadvantaged communities, and as a driver for inclusive socioeconomic development through capacity building and empowerment.

519. Although considerable progress has been made by the Government to provide quality, free and accessible basic education throughout the country, the number of schools is still below the accepted average. Many children in rural areas have to travel many kilometres to school, which is a challenge for access to education, including for disabled children, vulnerable pupils and girls. The situation is made more difficult by the fact that schools in some rural areas are severely understaffed. It emerged from the stakeholder meetings that classrooms are generally overcrowded – with a ratio of 50 to 70 students per teacher. The transition between secondary schools and tertiary education is considerably low, essentially because of the costs associated with university education and the inadequate number of vocational schools to accommodate graduates from secondary schools that may not be able to access university education.

iii. Recommendations

520. The African Peer Review (APR) Panel recommends the Government of Namibia should:

- Revisit the “willing seller, willing buyer” land redistribution approach to improve access to land, especially for the historically disadvantaged people [Ministry of Agriculture, Water and Land Reforms];
- Improve equitable access to water and allocate boreholes more equitably, especially to rural communities in need [Ministry of Agriculture, Water and Land Reforms];
- Study the possibility of adopting renewable energy as an alternative source of energy for household and farming purposes, especially in rural areas [Ministry of Mines and Energy; Ministry of Finance];

⁷² The Constitution of the Republic of Namibia



- Increase sanitation facilities and improve capacity in health facilities in rural communities [Ministry of Urban and Rural Development; Ministry of Health and Social Services]; and
- Increase the number of schools and reduce distances between school locations in rural areas, and establish fully equipped boarding schools and hostels for special-needs pupils in each local authority [Ministry of Education, Arts and Culture; Ministry of Finance];



OBJECTIVE TWO



ENCOURAGE BROAD-BASED PARTICIPATION IN DEVELOPMENT

Summary of the CSAR

521. The CSAR examines existing policies, strategies, and incentives to stimulate participation from public servants, the private sector, civil society, and local communities in Namibia's development process. It contends that the role of different stakeholders is key in this process and underlines in particular the participation of the private sector and civil society- among other key players- in policy formulation and implementation, as recognised by the Government.
522. The CSAR indicates that the NDP 5 framework has four pillars (economic progression, social transformation, environmental sustainability, and good governance), and aims, among others, to improve public service performance and service delivery and to empower, and build capacity of regional and local authorities. According to the CSAR, Government intends to achieve these by accelerating decentralisation.
523. The CSAR acknowledges that difficult access to information for the SMEs is compounded by the lack of financial assistance, weak governance, and corruption, all of which inhibit effective participation in the development process. The CSAR gives the example of the SME Bank that the Government founded in 2012, after the dissolution of the Small Business Credit Guarantee Trust. The bank shut down prematurely in 2017 due to mismanagement and poor governance, making it even more difficult for SMEs to participate in job creation, poverty alleviation and development.
524. The CSAR further highlights the policy frameworks and mechanisms set up to promote broad-based participation in development, namely the Black Economic Empowerment (BEE) Policy, which promotes the equitable participation of all who had previously been excluded on the basis of race, ethnic origin, colour, gender, political beliefs, disability, or social status. Another mechanism is the New Equitable Economic Empowerment Framework (NEEEF) - a programme which is expected to run from 2011 to 2036 and covers many different sectors of the Namibian economy.
525. The CSAR describes the bottom-up planning approach adopted by the Government to improve public participation, and to especially involve people at grassroots level in the planning of regional development policy and in the implementation of sectoral projects that address local needs. The government



puts the same emphasis, the CSAR noted, on the capacity building component and has mainstreamed it in its regulatory frameworks and mechanisms such as the Human Resources Development Policy to promote broad-based participation in development. Additionally, the government has put in place policy reviews and improvement mechanisms and programmes to ensure effective stakeholder inclusion and engagement in the development process.

526. Line ministries are also involved in the collective commitment to encourage broad-based participation in development as is amply demonstrated by the CSAR. The Ministry of Mines and Energy (MME), for example, has developed a strategic plan (2017/18 - 2021/22) to this effect. Also, the Ministry of Gender Equality and Child Welfare (MGEWCW), submitted a five-year strategic plan (2017-2022) to operationalise its gender strategy and attain its gender equality goals. For its part, the Ministry of Labour has applied the “Tripartism Plus Principle” of engaging social partners when developing labour and employment policies.

527. The CSAR analyses the level of the private sector and civil society involvement in the design, formulation, and implementation of development policies. It insists that their influence on sectoral policies and strategies is minimal, as sectors are not directly accountable to them. Also identified as constraints are lack of integration in urban and rural development planning and decrease of socioeconomic development in rural areas. Additionally, the CSAR stresses the need for the private sectors and civil society to enhance their collaboration in the formulation and implementation processes. The imperative of increased collaboration between stakeholders and the need for strengthened contribution to investment, entrepreneurship, job creation and social responsibilities is also mentioned in the CSAR.

i. Findings of the CRM

528. The CRM observed that with regard to broad-based participation, Namibia’s approach hinges on two major priorities: stakeholder engagement, and decentralization. It noted with satisfaction the enabling environment nurtured by the government and the emphasis it has put on the role of public servants, the private sector, civil society, and local communities in Namibia’s development process. It also took cognizance of various national instruments and frameworks, namely the Harambee Prosperity Plan, the NDP5 (2017-2022) and Vision 2030, which all stipulate that “the participatory process should be stimulated to bolster socioeconomic development and address poverty and social inequality”.⁷³

73 CSAR

Stakeholder contribution to the Broad-based Socioeconomic Development Process

529. Through the NDP5, the government has instituted 'Smart Partnerships' with civil society and Community-Based Organisations (CBOs), Non-Governmental Organisations (NGOs) and charities. Religious, and faith-based organizations have also played their role in this enabling environment to influence governance decisions, such as in 2017, the Lutheran World Federation's (LWF) Assembly called for climate change action from member churches. Other mechanisms set up to promote broad-based participation in development include The Black Economic Empowerment (BEE) Policy, aiming at ensuring the equitable participation of all those excluded, as well as the New Equitable Economic Empowerment Framework (2011-2063). In addition, though they often lack resources, civil society organisations participate in various initiatives and programmes targeting vulnerable communities (such as establishing orphanages and organising soup kitchens for the needy, monthly grants for orphans and single parent children).
530. The CRM acknowledged the various initiatives to involve the private sector in formulating and implementing sectoral policies. For instance, when the government was developing the National Employment Policy, it established a committee of key stakeholders from Tri-partite Plus to spearhead the strategies for formulation and implementation of the process. Also, the Ministry of Labour, Industrial Relations and Employment Creation identified an "apprenticeship programme by employers," spearheaded by the private sector and the Namibia Training Authority. Further, Mobile Tele-Communication (MTC) is funding an internship programme for graduates and students as part of its social responsibility. However, as observed by the CRM, the participation of the private sector remains modest and episodic in certain regions, especially when it is not formally organised and when these regions do not have an official platform like the Namibia Chamber of Commerce and Industry (NCCI) for example.
531. The CRM also observed that to ensure broad-based participation in economic policy implementation, the government and policy makers are laying emphasis on a small number of focus areas, including the promotion of Small and Medium Enterprises (SMEs) - as stated in the National Policy on Micro, Small and Medium Enterprises in Namibia (2016- 2021), to help address unemployment.
532. However, the CRM noted through stakeholder interactions and visits to the various regions that very often, initiatives taken to this effect are not well publicised. This makes it difficult for stakeholders like the SMEs to have access to timely and well packaged information on such initiatives, to define the nature of their potential contribution, participate and fully benefit from their outcomes.



Stakeholder Participation Mechanisms

533. Practicing efficient public participation in governance and stakeholder engagement implies the direct and regular involvement through representatives of concerned stakeholders in decision-making related to policies, plans or programs in which they have an interest. It is an ongoing process that denotes a certain degree of dialogue and consultation, an exchange of ideas, information, experiences, and opinions between different parties.
534. Based on this understanding, the CRM noted the efforts deployed by the Government to stimulate stakeholder engagement in the development process, especially the example of Karas region, where the municipality created a Platform to run Public-Private and citizen's dialogues on the development of the town. Another example identified in Oshikoto was the joint activity programme implemented by the local government with the parastatals and the private sector.
535. Additionally, the CRM welcomed the various Platforms put in place by the Government to inform and engage stakeholders in the country, including Town Hall meetings and visits to all the regions by Ministers and officials; Questions and Answers sessions hosted through the national broadcaster; Citizen satisfaction surveys conducted by the Government for adjustment and corrective measures (the latest of which was done in 2017 and the next survey to take place in 2022/2023)⁷⁴.
536. The CRM acknowledges the constant effort the Government is deploying to intensify public consultation and engagements with stakeholders including the civic society with relation to policy formulation and implementation of national development plans. The government informed the CRM that "Governance structures of public institutions and bodies often have members drawn from the Government and non-government or non-State organisations... Advisory councils that have been set up by/ and to advise the President or the Government on issues of national interest often consist of representatives from the private sector and civil society as well"⁷⁵.
537. Besides, the Government has a tradition of consulting with the private sector and civil society and taking on board their proposals prior to the tabling of national budgets and mid-term budgets. One of the examples cited to illustrate

74 Document issued by Executive Directors in various ministries in reply to questions submitted by the CRM on socioeconomic development thematic area.

75 Document issued by Executive Directors in various ministries in reply to questions submitted by the CRM on socioeconomic development thematic area.

such consulting process is the proposal made by the Namibia Savings and Investment with Association (NaSIA) – which government positively considered during the 2021/22 mid-year budget review- for the supply of sanitary pads to be VAT zero-rated to enhance affordability by the girl child. Another example is the proposal for an increase in the tax deductibility on pension fund and educational policies contributions from the current N\$40,000 to a maximum of N\$150 000.00.

538. Similarly, the CRM learnt that civil society participation in the APRM process accelerated the preparation of the CSAR, and that they could constructively shaped and drove implementation of the outcomes of the review. Nevertheless, the CRM noticed that the CSAR did not use many of the submissions of CSOs. The experience of CSOs in Namibia in contributing so decisively to the APRM process in their country can serve as a model for CSOs in other countries.



COMMENDABLE PRACTICE 5.2

Namibian Civil Society- Advancing APRM Ownership

As soon as Namibia became the 36th African Union Member State to voluntarily accede to the APRM in January 2017, its vibrant civil society expressed its commitment and started examining ways in which it could play an impactful role in the review process and join efforts with government and the private sector to diagnose governance strengths and weaknesses, and to develop appropriate and applicable remedies. It saw in the country's accession to this Africa-centred mechanism as an important opportunity to boost the country's participation in the process and to highlight a wide range of governance issues that they considered crucial, through evidence-based submissions. Such commitment and enthusiasm for APRM led CSOs to mobilize to garner support for the national review process by organizing sensitisation and training activities, collecting data and leading a collective effort to prepare CS submissions on different governance issues

In this context, a multi-stakeholder Civil Society Working Group on the APRM (WGA) was formed in February 2018. Namibian CSOs also benefited from the APRM Sensitisation Project in Namibia (ASPIN), which was launched in April 2018 and facilitated by the Institute for Public Policy Research (IPPR), with technical support from the South African Institute of International Affairs (SAIIA).

A practical session to identify key governance issues in the country was also held, and Namibian CSOs were encouraged to be active in the WGA that was in charge of collectively writing an evidence-based submission on the most pressing governance issues for Namibia's national APRM process, including unemployment, inequality and poverty, education, health and corruption.



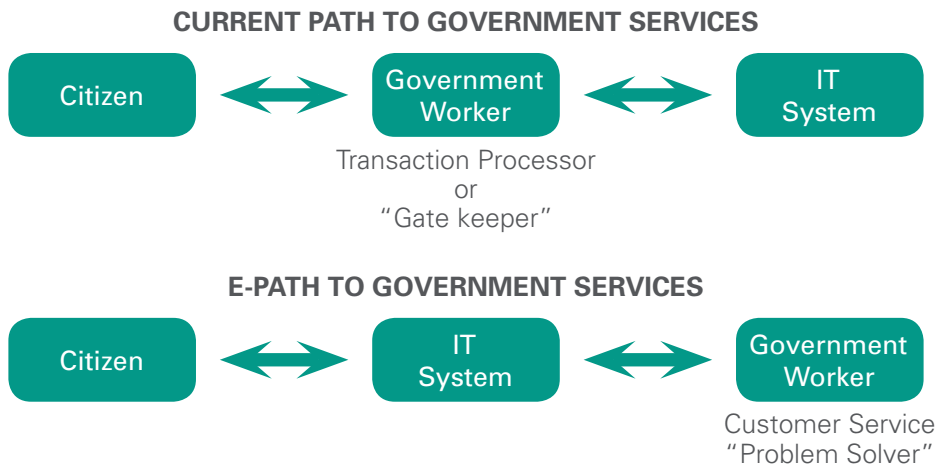
The Namibian Civil Society was actively involved throughout the process, starting with a meeting with the APRM's Advance Mission to Namibia in September 2018. Its efforts were brought to fruition towards the end of October 2018 during the validation workshop that was held to finalise the civil society submission. The submission was subsequently shared with the APRM Country Support Mission and the Namibian APRM National Governing Council in June 2019.

Arising from the APRM experience, a new information hub for civil society called Civic +264 was launched. It is a voluntary association managed jointly by The Institute for Public Policy Research (IPPR), Namibia Media Trust, Namibia Institute for Democracy, Legal Assistance Centre and Citizens for an Accountable and Transparent Society. Civic +264 intends to become a vital conduit for future and stronger engagement with the APRM process, and a means of drawing in the wider civil society for a constructive engagement with the government.

Source: CRM

539. The CRM observed from the reality on the ground in different Regions that the participatory mechanism is not working to its full potential despite Government's efforts to promote broad-based participation in the development process. Many stakeholders in Ohangwena region highlighted this when, for example, they said the process was mere "window dressing;" and that it was inefficient and unrepresentative. Further, in its stakeholder interaction in Oshana region, the CRM noticed the same reservation regarding the relevance of the participatory system as there is no participation from grassroots. Some stakeholders suggested "the Governor should use the media to announce meetings and policy review activities and inform - or invite various stakeholders in a timely manner so that they can attend and contribute."
540. In the context of planning engagement activities and improving citizen's participation in the development process, the CRM noted the commendable E-government measures taken by the Namibian government to overhaul the way it delivers services, shares information, and engages citizens and stakeholders. Indeed, back in 2005, the government launched the E-Governance policy for the Public Service of Namibia to increase the efficiency and transparency of government services and bring government closer to citizens. The CRM was impressed by the online integration of services, which represents a big step for many Namibians, and solves many of the challenges people experience in obtaining services.

Figure 5.2 Namibia's E-Governance Approach to Government Services



541. The CRM learnt that the Government also uses public libraries in the offices of Governors, Regional Councils and Local Authorities, as well as community meetings, public announcements over the radios in the official language (English) and local languages, as well as social media to engage with the people. The CRM hailed the existence of a network of sixty-five public and community libraries across the country which was visited by at least 924,492 people during the period 2019 - 2021, together with ICT and e-resources at libraries.⁷⁶

542. In spite of these commendable initiatives and achievements, the CRM noted the persistent digital divide between rural and urban populations and cautioned against the effects of such divide on the Government's endeavour to expand delivery and access to basic services to underserved communities, especially in times of crisis as during the Covid 19 pandemic. The CRM recommends that the government should ease access to E-Governance for citizens, civil society, and the private sector for them to be able to make use of on-line public services and keep track of the implementation of various decisions and policies. This will lead to greater transparency and accountability to which the Namibian government is committed.

⁷⁶ Document issued by Executive Directors in various ministries in reply to questions submitted by the CRM on socioeconomic development thematic area.

Decentralisation

543. The CRM noted that Chapter 12 of the Namibian Constitution provides for the establishment of sub-national government structures in the form of local authorities and regional councils. The Namibian Parliament enacted the Regional Councils Act (No. 22 of 1992), and the Local Authorities Act (No. 23 of 1992) to give effect to governance at local and regional levels. These laws require ministries to transfer certain government functions and services to these entities. The Ministries of Education, Works and Transport and Agriculture have all decentralised a number of functions, but the central government has retained the ultimate responsibility and accountability for all delegated functions.
544. The CRM found that The Namibian government launched its “Decentralisation Policy” in March 1998 to enhance and guarantee participatory democracy, improve rapid sustainable development, and increase the capacity of the government to plan and administer the development process. The following year, new local committees were established at regional and local levels, and some of the planning and decision-making functions of the central government were transferred to these new local structures.
545. The Decentralisation Enabling Act (No. 33) passed in 2000 regulates the decentralization to regional councils and local authority councils of some of the functions of line Ministries. Decentralisation is intended to make Regional Councils responsible for overall coordination of development initiatives in the regions, with input not only from Local Authorities and the Line Ministries, but also from the local populations in their urban and rural constituencies.
546. The CRM also observed that through legislation, the Government has instituted reforms to promote inclusive development. During the period, 2017 to 2018, the government tabled two Bills in the Parliament: the first determined the requisite local administration systems for decentralised governance and defined the responsibilities and authority of governors and governorates in the delivery of social services. The second Bill empowered local governments with the authority to prepare and implement development plans and mobilize financial resources.
547. The CRM learnt during stakeholder interactions in the Regions that the regional and local governments had very limited institutional capacity for the new functions being delegated to them, as most of them do not have the requisite expertise to execute regional development planning and management. This is because they mostly lack suitably qualified and experienced staff in key areas such as finance and accounting, in addition to inadequate revenue sources.

548. It also emerged from interactions with stakeholders and regional/local authorities that that corruption, mismanagement of funds, client politics, nepotism and favouritism were the other factors hampering decentralisation. Some of these challenges were observed in the Ohangwena Region, for example which, like all the other regions with decentralised functions in the areas of gender, water supply, education, maintenance, and land reform, has inadequate capacity and resources, and further suffers from non-alignment of its budget cycle with that of the central government.

549. The CRM also noted the concerns of stakeholders and regional authorities in Oshana and Oshikoto, who said that “many ministries have delegated their functions to the regional authority but with no funds... In many cases, we have to give them our regional budget initially earmarked for our regional activities, namely in the sectors of education, works and transport, gender, child protection, social grants, etc. But we are not prepared at the regional level to welcome all these functions. We need more budget and planning ...”⁷⁷

550. The stakeholders implored the Government to rethink decentralisation and opt for an effective devolution with adequate budgets instead of delegation of functions with limited budgets in many instances, as this will lead to effective governance in the regions. The CRM has highlighted the need for more capacity building to enable regional and local authorities to contribute more efficiently to policy planning, implementation, and monitoring.

iii. Recommendations

551. The African Peer Review (APR) Panel urges the Government of Namibia to:

- Restructure and strengthen the national-local planning system to achieve an effective multi-level planning framework that can support broad-based development (National Planning Commission); and
- Enhance the capacity of all the stakeholders involved in policy development and planning at regional and local levels (National Planning Commission).

⁷⁷ CRM notes from field visits to the Regions



OBJECTIVE THREE



POVERTY, UNEMPLOYMENT AND INEQUALITY

i. Summary of the CSAR

Institutions and Structures

552. The CSAR notes that there are many institutional initiatives to eradicate poverty, create jobs and reduce inequality. It also notes that Namibia relies heavily on imported food, with about 60% of food items imported. Although, agriculture is a major sector in the country's economy, the sector is dominated by smallholding farmers that suffer from insufficient access to land and inadequate supply of rainwater or irrigation. The CSAR points out that although the country is renowned for its efficient water resource management, potable water is not available in all parts of the country, with rural areas generally underserved. The CSAR identifies drought as another notable hindrance to agricultural productivity, in addition to lack of technical knowhow and farmland.

553. The CSAR mentions government's efforts to decisively address challenges to food security as well as legislative initiatives to address the historical components of the problem. The CSAR also describes the various initiatives to advance gender inclusiveness in socioeconomic emancipation, with special emphasis on equal access to education for pupils at all levels to enhance capacity development and improve employability.

554. The CSAR also identifies Vision 2030 as a pivotal instrument for poverty alleviation, job creation and reduced inequality. It notes that Namibia has made considerable progress in poverty reduction, bringing it down from 28.7% in 1990s to 17.4% in 2016. However, the pace of poverty reduction among women has been slower (from 22% to 19% over the same period). Namibia has also made considerable strides in reducing inequality in the country. The country was also able to reduce its Gini-Coefficient from 0.58 to 0.56 over a five-year period.

Policy Formulation

555. The CSAR indicates that the 2001 Education Act and the Education for All (EFA) National Plan of Action that was implemented between 2001 and 2015 are instruments for the implementation of the Universal Primary Education initiative. These instruments are also reinforced by the "Education for All" policy that prescribes a walking distance of about 5km between home clusters/dwelling communities and location of primary and secondary schools. The CSAR also

describes some projects that the government has implemented to improve healthcare system.

556. On reduction of inequality in the society, the plight of women, especially married women, was documented. According to the CSAR, family law reform (such as laws on marriage, divorce, recognition of customary marriage, marital property regimes and inheritance/property grabbing) is lagging, although a number of reforms have been adopted by the Parliament.
557. The CSAR further indicates that Namibia still applies some outdated and ill-adapted laws that have negative impacts on socioeconomic peacefulness. For instance, some provisions in the Native Proclamation Administration Act of 1928 still punish women, especially those living in the Northern part of the country. The Divorce Law is built on a “fault-based system,” which tends to discriminate against the more vulnerable person in an unbalanced power relationship.

Food Security

558. According to the CSAR, Namibia depends heavily on food imports, “... with 61% of local consumption imported into the country”. It also identifies a series of policy interventions that are designed to reduce this potential socioeconomic problem. These initiatives include increased food production through a broad-based farming intervention. Indeed, the fifth National Development Plan (NDP 5) has set up a system to galvanise expansion of agricultural production, provide access to water resources and enhance youth employment to boost rural economic development.
559. The CSAR further indicates that regulatory efforts have been initiated to unlock the potentials of smallholder and subsistence farming, especially among rural farmers in the communal areas across the country. Some of these efforts include financial support to and land redistribution/resettlement initiative in favour of these farmers. Unfortunately a number of challenges have hampered the success of these interventions. For instance, subsistent farmers that contribute about 54% to the Namibia’s agricultural production do not have the technical capability to use modern agricultural approaches and systems that can improve yield.
560. The CSAR also points out that access to land and water for irrigation is still a major challenge, while natural disasters (such as flooding and drought) have consistently hurt production. Worse still, about 15% of the already insufficient farm produce is wasted as a result of poor transportation and storage. This waste has tamed the efforts of the government to reduce poverty from 34% to about 25%. This is why, according to the CSAR a good proportion of the



rural population is still lagging behind in income generation, access to basic necessities, and productive assets.

i. Findings of the CRM

561. As indicated above, the government has implemented many initiatives to eradicate poverty, reduce unemployment and ameliorate inequality across the country. The CRM identified some of these initiatives during the field interactions with the community members. To eradicate poverty, it will be necessary to ensure food security, promote equal job opportunities across the board, and reduce unemployment, especially among the teeming youth.

Poverty eradication

562. The government of Namibia should be commended for the determined efforts it has made to reduce the incidence, depth, and prevalence of poverty since independence, especially among the previously disadvantaged people. However, these efforts have not achieved the expected results, especially among the rural population and the unemployed youth.

563. One of the reasons for the prevalence of poverty, especially among the rural population, is lack of access to mainstay markets. For instance, the Red Line, also referred to as the Veterinary Cordon Fence (VCF), is a highly guarded imaginary line with roadblocks that has separated the Northern part (beyond Police Zone) from the rest of the country (Police Zone) since 1897. The colonial government erected the veterinary line ostensibly to prevent the spread of veterinary diseases from the Northern native territories to the central and southern parts of the country occupied by settlers. The real reason behind this line was to implement the colonial segregation policy

564. The socioeconomic implications of this imaginary line have been grave. Most farmers in the Northern part of the country are unable to sell their livestock in the lucrative and high-end markets in the central and southern parts of the country, let alone the export markets. By implication, livestock is cheaper in the North, while the cost of rearing the animals is comparatively higher in the hitherto settlers' community. This discriminatory line is a brutal reminder of dehumanising experience during the apartheid regime, its preservation 31 years into democratic governance a source of anger for Namibians who have reaped little socioeconomic benefits from the hard-won independence.

565. Another dimension to the socioeconomic implications of the VCF is that it furthers inequality and sustains the status of racially charged socioeconomic divides in the country. There is need therefore for urgent and strategic

interventions to address the income gaps that favour the privileged few and are highly racialized, gender biased, and spatially concentrated below the Red Line (Police Zone), considering the depth of the anger being nursed by the rural population. Many respondents suggested that the removal of the Red Line would not only help to unlock farming potentials and stimulate prosperity in the Northern part of the country, it will also create jobs for most of the low-income workforce. Evidence from the interactive sessions also suggests that the teeming unemployed youth will turn to farming if the sector becomes lucrative. Creating jobs for the youth will drastically reduce the social ills that are associated with idleness, such as drug consumption

566. The exclusion of rural women from economic opportunities and inaccessibility to fertile farmland are other reasons for the prevalence of poverty among the rural population. Women are heavily disadvantaged when it comes to allocating serviced lands, since traditional leaders are the official custodians of customary lands. As a result, the emancipation of rural women from poverty requires improvement in equitable distribution of serviced lands between men and women. Participants at the regional interactions were of the opinion that the government should intervene more to reduce poverty that is caused by unequal access to productive assets.

Food Security

567. The government has implemented many programmes to ensure supply of nutritious food. One of these is the Green Scheme project which the government introduced to boost food production, ensure food security, and promote export-based farming through an irrigation-based approach. Currently, there are eleven of these mega-farms in the country and their optimal utilisation varies widely across regions. But the general feeling is that privately managed farms perform far better than those managed by the government.

568. One of the major weaknesses of the project is underfunding, as respondents repeatedly underlined that Agribusdev, the government agency that coordinates the project, is underfunded. The agency has not received financial support for years, even before COVID-19 outbreak that prompted reprioritisation of government spending. Because of poor funding, some Green Scheme projects have run aground, while a few others are merely struggling to survive. It should be noted that the inability of the farming community to produce sufficient food for the country is a potential source of crisis, especially when government revenue is not enough to support the importation of the requisite quantity of food items.



Housing

569. Article 95 of the Namibia constitution (Promotion of the Welfare of the People) makes generic provisions for housing and welfare support. Notably, the annual percentage increase in the housing prices in Namibia is only second to that of Dubai, which is the third richest country in the world with an estimated per capita income of nearly US\$ 58,000. The stakeholders at CRM's meetings not only considered that the associated costs of housing in Namibia were excessively high, they also expressed dissatisfaction with the slow pace at which government is addressing this injustice that often leads to homelessness.
570. Recent statistics from the official website of the Community Land Information Program (CLIP) indicate that there are 282 informal settlements in the country. These informal settlements, according to this website, collectively host 228,423 shacks that provide accommodation for about 950,000 people. By implication, 2 in every 5 Namibians live in a shack. The figures also show that about 4 in every 5 urban dwellers live in a shack. These confirm the CRM's findings during interaction at Katutura in Khomas Region, where a two-room shack was said to be accommodating as many as five family members. The congestion is even worse in some cases where as many as ten family members are living in a single medium-sized shack.
571. It is generally acknowledged that the government has made considerable efforts to improve access to housing. However, government needs to do more to make a meaningful impact. For instance, the backlog in housing persists despite existing interventions such as the Mass Housing Development Programme (MHDP) which government launched in 2013. The prices of small houses are still too high, with the average price of a single unit exceeding N\$ 1.2 million (as mentioned in the FNB Residential Property report, third quarter, 2020)⁷⁸.
572. According to the same report, the southern region of the country recorded a 27.7% annual increase in house price between 2019 and 2020. However, the response of Namibia to the United Nations General Assembly Special Rapporteur on housing issues in 2016 suggests that households would have to earn as much as US\$10 500 (N\$70 743) to afford a small house, while a medium house would cost as much as N\$38 700 (US\$2 989) (Government of Namibia, 2016:5). The report further indicates that 93% of the population earn a monthly income of less than N\$7 000, which is far too low to qualify for any kind of mortgage in the urban areas.

⁷⁸ file:///C:/Users/USER/Downloads/HousingIndexSeptember2020.pdf

ii. Recommendations

573. The African Peer Review (APR) Panel recommends that the Government of Namibia should:

- Initiate action to remove the Veterinary Cordon Fence (VCF) in order to unlock job opportunities and reduce poverty among farmers in the Northern part of the country (Office of the Prime Minister; Parliament of Namibia; Attorney General and Ministry of Agriculture, Water and Forestry);
- Boost food security by revamping Green Schemes with adequate funding (Ministry of Agriculture, Water and Forestry; Ministry of Finance); and
- Increase and accelerate the supply of affordable houses to low- and middle-income earners to reduce the skyrocketing housing prices in the urban and semi-urban areas (Ministry of Urban and Rural Development).



OBJECTIVE FOUR



PROGRESS TOWARDS GENDER EQUALITY, PARTICULARLY EQUAL ACCESS TO EDUCATION FOR GIRLS AT ALL LEVELS

i. Summary of the CSAR

574. The CSAR reviews Namibia's commitment to promoting gender equality in socioeconomic development and refers to the legal and institutional framework, whose cornerstone is the Namibian Constitution, the National Development Plan (NDP 5), Harambee Prosperity Plan 2 and Vision 2030. In this context, the Namibian Government has signed, and ratified many standards and codes, treaties, and conventions that deal with gender equality and the empowerment of women and the girl child.

575. To put this into context, the CSAR recalls that after independence, the Namibian Government created the Ministry of Gender Equality, Poverty Eradication and Social Welfare; developed and adopted its first National Gender Policy (NGP) in 1997 to redress the socioeconomic, political and cultural inequalities experienced by the Namibian society; developed a National Gender Plan of Action in 1998 to implement this policy; and set up the following monitoring mechanisms:

- Gender Focal Points, to ensure that policies and programmes developed in the Ministries and other institutions at national, regional, and local levels are gender sensitive;
- Gender Sectoral Committee, to advise the Ministry of Women Affairs and Child Welfare in their areas of focus; and
- Gender Network Coordinating Committee and the National Information-sharing Forum.

576. The CSAR underlines that the National Development Plan (NDP5) launched in 2017, which is the governing framework to reform gender structural imbalances, achieve inclusive development and engage all stakeholders from all sectors in this collective process, reiterated commitment to achieving gender equality. NDP 5 also makes provision for allocating resources to promote gender equality as a requisite condition for development, and sets a number of targets including the reduction of gender-based violence by 2022.

577. The National Gender Policy supports efforts aimed at sensitising policy makers, planners, development agents and the public on the provisions of the Constitution regarding gender equality and the roles of women and men as equal partners in the country's development process. Additionally, as noted by the CSAR, a Coordination Mechanism for the Implementation of the National Gender Policy was set up, which gathers all stakeholders from government, civil society, nongovernmental organisations, faith-based organisation and development partners.
578. To implement this national gender policy, a National Gender Plan of Action was formulated and includes specific activities and programs to promote gender equality and combat discrimination against women, mainstream the gender perspective into policies and programs advocate for gender sensitive legislation and monitor progress towards empowering women economically and increasing their role and participation in politics and decision-making.
579. Regarding the regional and international instruments calling for the promotion of gender equality and the advancement of Women, the CSAR observes that Namibia has ratified CEDAW and acceded to the Protocol on the African Charter on Human and People's Rights of Women in Africa, as well as the Solemn Declaration on Gender Equality in Africa. The country has also signed and ratified the SADC Protocol on Gender and Development, as well as the Agreement Amending the SADC Protocol on Gender and Development.
580. Additionally, Namibia's legal framework is strongly supportive of furthering gender equality and encouraging women's participation in political governance and decision-making. In this context, the CSAR sheds light on a number of measures and initiatives the government has put in place to accelerate progress towards gender equality and facilitate women's participation in key areas of economic, social, and political life. It recalls that a review of the first Namibian National Gender Policy was conducted in 2010 and showed that progress was predominantly in education, as well as in the legal and economic domains. Subsequently, the National Gender Policy (2010-2020) was formulated to accelerate and further consolidate the progress achieved.
581. The CSAR reveals that the government's support for a 50/50 representation of women in decision-making positions (introduced in 2013 by the SWAPO party) encouraged such progress. It expounds in this context other examples of gender policies, milestones, and programmes such as the adoption of Gender-responsive Budgeting (GRB) in all government ministries at regional and local levels, and a series of capacity building programmes for senior finance officials from line ministries. In addition, the Ministry of Gender Equality and Child



Welfare (MGECW) issued in 2015 the Gender-Responsive Budgeting Guidelines to mainstream gender into the budgeting process.

582. The CSAR also highlights other policy and advocacy initiatives to raise awareness on the need for gender parity and the need to address gender inequality and its implications on women's rights and role in development. They include mentoring young women and men to be champions of gender equality, women's empowerment, and women's participation in decision-making. In this regard, the Ministry of Gender Equality, Poverty Eradication and Social Welfare (MGEPESW) held several workshops on capacity-building targeting women, men and youth in politics and decision-making to enhance women's political participation and representation. Likewise, the CSAR underlines the efforts made by the MGEPESW to disseminate information, advocacy material and legal literacy on gender equality and women's rights in the fourteen regions of the country, including remote rural areas.
583. Regarding girls' access to education at all levels, the CSAR outlines the progress attained by Namibia and notes that the government introduced the universal primary education in 2013, while the universal secondary education was effective as of 2016. Likewise, it removed payment to the school development fund which was in effect then. The equal treatment of female and male learners led to the achievement of gender parity in primary level by 2012. The CSAR affirms that the ratio of enrolment rates at primary level for female to male is 260,380: 261,791 in 2019.
584. The same trend is seen with regard to secondary education, with a slight advantage to girls (in 2019 for instance, the ratio of female to male was 112,412: 98,140). The CSAR concedes however that a substantial number of girls still drop out of school due to several reasons including poverty, peer pressure, lack of parental guidance, limited access to reproductive health education and family planning services and high teenage pregnancy rates (36% among teenagers aged 15- 19).
585. On the other hand, the CSAR points to the variety of gender-awareness measures taken by the government to encourage girls' school enrolment and retention, such as the periodic production and dissemination of Information, Education and Communication (IEC) material for the media campaigns on the prevention of teenage pregnancy; the launch of seven youth friendly clinics and cervical screening for adolescent girls at selected health centres; the abolition of the value added tax (VAT) on sanitary pads; and the introduction of sexuality education and life skills in school curricula and community programmes to reduce and eliminate gender-based violence. .

586. As to the tertiary education level, the CSAR notes that the transition from secondary to higher education remains extremely low at 19% of the Grade 12 learners. Nonetheless, higher education enrolment has increased since the late 2000s to almost 44 000 in 2013; and this applies also to female enrolments, which have increased from 4397 in 2007 to 10389 in 2012. Likewise, the female percentage of total university graduates has increased to represent 56.3% in 2015.
587. Despite the great strides, the CSAR recognises however that equal access to education for girls at all levels in Namibia keeps experiencing many challenges, namely decreasing retention rates from primary to secondary levels, high teenage pregnancy rates, difficult access to financial assistance for girls in rural areas, lack of funds to train teachers on sexual and reproductive health rights and lack of sex-disaggregated data.
588. Regarding women's access to health services, the CSAR highlights the government's efforts to address health challenges through a few measures such as increasing accessibility for vulnerable women and creating mobile clinics in all regions, which cater for the communities including the indigenous women in remote rural areas. It also points to the Programme for Accelerating the Reduction of Maternal and Child Mortality and confirms the government is making progress to achieve its targets, with a maternal mortality ratio of 385 per 100 000 live births.
589. In the section dedicated to women's access to employment, the CSAR touches vaguely on the issue, but in Objective 3 on Poverty, Unemployment and Inequality, it recognizes that there is still a marked bias against women, as in 2018 for example, unemployment among women stood at 38.3 per cent compared to 29.8 per cent among men; and labour participation for women was estimated at 55% compared to 65% for men.
590. Similarly, on women's empowerment, the CSAR concedes that results achieved are moderate as per the outcomes of a household survey launched by the government to introduce women empowerment programmes in several communities. The CSAR observes however that, despite traditional perceptions and cultural atavism, there has been progress to promote women in leadership and decision-making thanks to the unofficial inclusion by the government of the 50/50 representation.
591. Regarding women's and girls' greater access to information and communication technologies (ICTs), the CSAR recognises that although government and the private sector have been fostering access to and use of the internet across the



country, gaps and disparities persist as a significant percentage of women are either still unaware of ICT facilities in their areas, or not interested in using the ICTs, or acquiring the related skills.

ii. Findings of the CRM

592. The CRM welcomed the great strides Namibia has made towards strengthening women's empowerment and narrowing the gender gap, as an unavoidable pre-requisite for broad-based socioeconomic development. The government's efforts to empower women by addressing the root causes of gender inequality are commendable. These efforts include: (i) The institutional and legal frameworks, (ii) Equal access to education, (iii) Access to land, (iv) Housing, (v) Agriculture, (vi) Poverty eradication, Social protection and social services, (vii) Health, (viii) Employment, (ix) Financial inclusion, (x) Entrepreneurship, and (xi) Access to ICTs.

The institutional and legal framework on gender equality

593. The CRM noted that the government has taken many measures to strengthen the institutional and legal framework, pursue the advancement of women and progress towards gender equality. The ones most relevant to APRM Objective 4 under review include constitutional and legal frameworks, including laws to promote women's human rights, gender sensitive budgeting, and mechanisms for regular dialogue on gender issues between Government and civil society.

Constitutional and legal frameworks

594. The Namibian Constitution provides the foundation for principles of gender equality in Namibia. Article 10 of the Constitution states that "All persons are equal before the law. No persons may be discriminated against on the grounds of sex, race, colour, ethnic origin, religion, creed or social or economic status." The Namibian Constitution is one of the few constitutions in the world that use gender-neutral language throughout. It forbids discrimination based on sex, provides for equality in all aspects of marriage, and puts special emphasis on women in the provision on affirmative action.

595. Furthermore, it explicitly states that customary law survives only to the extent that it does not conflict with the Constitution, meaning that customary law may not entail any form of gender discrimination. The Constitution also puts men and women in an identical position with respect to citizenship, including the acquisition of citizenship by marriage.

596. Other laws whose provisions remain in force include:

- Married Persons Equality Act (No. 1 of 1996);
- Combating of Rape Act (No. 8 of 2000);
- Combating of Domestic Violence Act (No. 4 of 2003)
- Maintenance Act (No. 9 of 2003);;
- Prevention of Organised Crime Act (No. 29 of 2004)
- Children Status Act 6 of 2006; and
- Child Care and Protection Bill.

Selected laws for the protection of women's human rights include

- Married Person's Equality Act (Act No. 6 of 1996);
- The Communal Land Act (Act No. 5 of 2002) ;
- Co-operatives Act (Act 23 of 1996;
- The Inheritance Bill;
- Legal Literacy Training Programme.

Gender Sensitive Budgeting

597. Namibia is amongst the earliest African countries to pursue gender responsive budgeting; and its efforts in this regard brought the first gender-sensitive budget to fruition.

Mechanisms for Regular Dialogue on Gender Issues between Government and Civil Society

598. Namibia has put in place a National Coordination Mechanism for the Implementation of the National Gender Policy (2010-2020), which consists of the High-Level Gender Advisory Committee (GAC), considered to be the highest advisory body to coordinate and monitor the implementation of the NGPA; the National Gender Permanent Task Force (NGPTF); as well as the National Gender Plan of Action Clusters. The National Gender Permanent Task Force (NGPTF) is the highest technical consultative body comprised of Permanent Secretaries of line ministries, representatives of higher institutions of learning, key private sector institutions, State Owned Enterprises (SOEs), development partners, Non-Governmental Organisations (NGOs), Civil Society Organisations, Faith Based Organisations (FBOs) and media houses.



The National Plan of Action on Gender Based Violence 2019-2023

599. This is a five-year plan which aims to provide a framework for coordinated national action. The Plan of Action comprises of four Action Areas which support both a long-term movement that targets root causes and short-term goals to improve response systems and ensure that victims no longer feel unsafe or lose faith in protection structures. The Plan also stimulates a culture of care and GBV-watch amongst families, communities and institutions, in addition to promoting early help-seeking to prevent or limit harm.

In-country, bilateral, sub-regional and regional cooperation

600. Namibia launched the SADC and Namibia Chapters of the African Women's Decade (2010-2020) and the SADC Africa UNITE Campaign to end Violence against Women and Girls on 2 June 2011.

Education

601. Namibia introduced the Universal Primary Education (UPE) in 2013 and Universal Secondary Education (USE) in 2016 which removed payment to the School development fund. The implementation of the Universal Primary Education has led to a drastic increase in the number of learners enrolling in school, as illustrated in Table 5.2. The total number of students attending primary school increased from 443 249 in 2015 to 545 075 in 2018, while Secondary enrolment has also been on the rise since 2015, with total enrolment increasing from 196 013 in 2015 to 210 868 secondary learners in 2018, which is a 23% increment in UPE and 8% in USE respectively.⁷⁹

Table 5.2 Annual Enrolment for both male and female

Year	Total	Male	Male (%)	Female	Female (%)
2015	25137	14579	58	10558	42
2017	26800	15544	58	11256	42
2017	27000	15660	58	11340	42
2018	32120	18630	58	13490	42
2019	754501	375573	49.8	378928	50.2
2020	774987	386212	49.8	388775	50.2

Source: NTA 2019 and Government of Namibia

⁷⁹ EMIS, 2012 & 15th day's statistics 2018

602. The policy initiatives that have contributed to the retention of learners in schools include:

- The Namibian School Feeding Programme launched in 1990 and taken over by the government in 1996, and is currently operational in 1531 Primary and combined schools;
- The Prevention and Management of Learner Pregnancy Policy of 2009 which enables girls to stay in school before delivery and come back after delivery;
- The introduction and expansion of hostel accommodation facilities for learners who come from homes far away from their school;
- The introduction of reusable sanitary pads targeting girls from impoverished homes;
- Integrated School Health and Safety Programme;
- Integrated Physical Education and School Sports (IPESS) Programme.
- The National Safe School Framework;
- Removing inequality in education through programmes to reduce stereotyping such as disability, cultural and religious prejudices; and
- Including Life Skills as a subject in the curricula to help fight against Gender-Based Violence.



COMMENDABLE PRACTICE 5.3

Enabling adolescent girls to continue their education in the event of pregnancy and motherhood

To encourage learners who are mothers (and fathers) to complete their education and be good parents, these measures allow pregnant learners to remain in school until four weeks before their due date, encourage learners to keep up with their lessons and homework, and allow the mother to return to school as soon as the school is satisfied that both she and the baby are in good health and have a plan for the baby's care, while allowing for absence from school for a maximum of one year.

Source: CRM



Table 5.3 STEM Graduates (2014 - 2018)

Academic Year	2014		2015		2016		2017		2018	
Faculty Name (STEM)	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male
Computing and informatics technology	46	54	44	56	45	55	42	58	37	63
Engineering	27	73	31	69	35	65	28	72	23	77
Health and Applied Sciences	64	37	62	38	60	49	60	40	68	32
Natural Resources and Spatial Science	49	51	52	48	48	52	48	52	51	49
Total	45	55	46	54	46	54	45	55	44	56

Source: NUST 2018 Annual Report

603. In tertiary education, the percentage of female students in Namibia stood at 67.01% in 2017, according to the World Bank's development indicators. In 2017, the ratio of female to male students in tertiary level education was 1.49%. For comparison, the world average in 2017 based on 119 countries was 1.14 %. More female students have been graduating at the University of Namibia (UNAM) than male students. The highest number of female graduates was recorded in 2016 with 2 592 female students compared to 1.337 of their male counterparts.

604. In terms of percentages, there has been a steady increase in the number of female graduates from 2014 to 2017. Male graduates have averaged 33.25% while female graduates accounted for 66.75% on average. This shows that there are more female students graduating at UNAM compared to male students. For the past 5 years, on average, 45% of graduates in the STEM field have been female, as illustrated in Table 5.3, while UNAM recorded an average of 60% female graduates in the same field. However, the number of female graduates in the "engineering field" ranges between average of 29% at NUST and 26% at UNAM respectively.⁸⁰

⁸⁰ Beijing+25 National Evaluation Report from https://archive.uneca.org/sites/default/files/uploaded-documents/Beijing25/namibia-beijing25_report.pdf

Access to land

605. The government has designed various deliberate policy and legal instruments and interventions to broaden and enhance access to land and credit in the country in general. The CRM noted with satisfaction the Government efforts to rectify the restrictions on access to land women have been facing. Since the enactment of the Land Reform Amendment Act 5 of 2005, there has been a steady increase in the number of women accessing customary land rights. Statistical data provided to the CRM show also that Communal land rights owned by women stood at 33 451, representing 28% of all communal land rights registered. In addition, 1,464 women benefited from the National Resettlement Programme that was customarily meant for men as of 30 September 2018, representing 27.4%.

Access to housing

606. Women have access to Government Affordable Housing facilities such as the Mass Housing Development Programme and the National Housing Programme “Build Together.” The government is also subsidising non-governmental community group housing initiatives such as the Shack Dwellers Federation of Namibia which constructed 219 houses countrywide and the Namibia Housing Action Group. Given that a sizeable percentage (75%) of its members are women who are in the ultra-low-income groups, the grant funding that is provided by the Government to the Shack Dwellers Federation of Namibia contributes significantly towards increased access to credit and decent shelter for women in the country. The Federation has received grant funding totalling N\$ 91.8 million from the Government since 2001 and has, to date, built some 2,866 quality low-income housing units countrywide⁸¹. According to the Namibia Statistics Agency (Namibia Household Income and Expenditure Survey of 2015/2016), 239,816 of the total female population (765,567) aged sixteen and above in 2017 (31.3%) had access to housing.⁸²

Agriculture

607. Women make up 59% of the 70% of Namibia’s citizens that participate in the agricultural sector, but they also comprise a disproportionate number of citizens who are self-employed. As women play a leading role in agricultural productivity, policies that assist this sector can only help boost their economic opportunities.

81 Document issued by Executive Directors in various ministries in reply to questions submitted by the CRM on socioeconomic development thematic area.

82 Document issued by Executive Directors in various ministries in reply to questions submitted by the CRM on socioeconomic development thematic area.



In this context, the CRM was able to appreciate the government's efforts to pursue a 'One Namibian, one farm' policy" that encourages people to own individual farmlands. Since the start of the programme in 2016, "around 5 231 individuals were resettled, of which 27% were women who were allocated land in their own right" (Namibia Rural Women's Assembly 2018).

608. In addition, as noted by the CRM, the government is implementing a programme which provides agricultural extension services (seed, fertiliser, tractor, training) targeting male and female small-scale farmers. A total of 42 316 small scale farmers benefited from Income Generating Support Programme (2017-2022) designed to accelerate the process of supporting beneficiaries with equipment.

609. In this regard, the CRM welcomed the decision taken by the Government to adopt a support ratio of 70% women and 30% men per funding cycle. Further, the CRM took cognisance of the implementation by the Government of quick impact projects including rural based cooperatives to create employment and drive economic growth. During the period under review, the Programmes reached about 56 012 beneficiaries across the country as shown in Table 5.4 below.

Table 5.4 Number of rural women and men beneficiaries of quick impact projects.

Financial Year	Number of Female beneficiaries	Number of Male beneficiaries	Total Year
2014/15	6800	5373	12173
2015/16	5097	2250	7347
2016/17	9932	5343	15275
2017/18	8801	6955	15275
2018/19	2949	2512	15756
TOTAL	33 579	22 433	56012

Source: Beijing+25 National Evaluation Report



COMMENDABLE PRACTICE 5.4

The BBB Programme to Empower Women Through Urban Agriculture

The Build Back Better (BBB) programme is a multi-stakeholder programme funded by Japan and jointly implemented by the Ministry of Agriculture, Works and Land Reform, four municipalities and UNDP Namibia. It focuses on sustainable interventions that support the most vulnerable, including women, youth and people living with disabilities, by providing allotments, seedlings, training and capacity. The BBB programme is being implemented through urban garden schemes across four regions: Hardap, Khomas, Erongo and Kavango-East.

Its merit is that it integrates gender equity and the empowerment of marginalised groups such as women into its implementation framework. This has already helped absorb part of the shock of the Covid-19 pandemic and achieve a food-secure future for Namibia. The programme aims to improve the production of high-value produce such as vegetables and fruits, and therefore help address nutritional deficiencies in urban and semi-urban households. Female beneficiaries are at the heart of this programme, their role is crucial in making it sustainable and commendable.

Source: UNDP/CRM



Poverty Eradication, Social Protection and Social Services

610. The CRM commended the various Government Safety Protection Schemes meant to alleviate poverty. Particularly commendable are the following programmes that the CRM has observed given their impact on people's lives in the Regions it visited:

- Old Age Pension: Currently, 175 816 people are benefiting from this universal programme, out of whom 108 579 are female representing 62%;
- Disability Grant: The grant supports disability prevention and rehabilitation, and currently benefits 42 432 people, of whom 21 074 are women (50%);
- Children's Social Grants: The overall number of children on childcare grants are 379 611 of whom 195 941 are girls representing 52%; and
- War Veterans' Grant: given to 12 578 women representing 41%.

Health

611. The CRM noted that Namibia has made significant progress in eliminating mother to child transmission of HIV/AIDS. Over 95% of eligible women received antiretroviral therapy for prevention of mother to child transmission; and the country has reached the UNAIDS 90-90-90 targets among women and, nationally, by attaining 86-96-91 among adults. The CRM appreciates the progress achieved in reducing maternal mortality, as the annual reduction rate has accelerated to 3.9%.

612. The CRM noted the efforts to keep the proportions of women who deliver in health facilities at a high level (87%), while 88% of the deliveries are attended to by skilled birth attendants. Likewise, it commended the government's efforts to keep providing free antenatal care in all public health facilities in the country as well as family planning services and contraceptives in all public health facilities. The CRM advises, however, on the need to address the reduction it has noticed in the proportion of women who received antenatal care from 86% to 73.6% over the past years, as well as the average contraceptive prevalence rate (50% only); and underlines the need for additional medical units and or health centres in rural and remote areas.

Employment

613. The CRM took note of the efforts the Government of Namibia has been deploying to strengthen the implementation of Affirmative Action Act (AAA) 29 of 1998 and contribute towards addressing occupational gender discrimination in the public sector, while achieving equal employment opportunities in accordance

with article 10 and 23 of the Namibian Constitution. The AAA also allows for the application of affirmative action related to the promotion of women and other designated groups such as people living with disability and the San people. According to the 2015-2016 compilation made by the Employment Equity Commission (which monitors the implementation of affirmative action measures under the Labour Act 11 of 2007), there were 763 affirmative action reports covering 199,126 employees across all industrial sectors. Women seem to have made some progress in management-level positions, but their gains are more significant in the category “specialised/ skilled/senior supervisory”. However, stakeholders told the CRM of the paucity of information on women in the public sector since only a few public bodies submitted affirmative action reports, out of approximately 130 000 civil servants. Table 5.5 notes the significant presence of women on the boards of economic decision-making national bodies.

Table 5.5 Number of women and men on the boards of Economic Decision-Making Bodies

	Total Number	Male	Female	Female (%)
Business and Intellectual Property Authority (BIPA)	7	3	4	57
Bank of Namibia	8	5	3	38
National Planning Commission (NPC)	8	5	3	38
Ministry of Finance	40	21	19	48
Development Bank of Namibia	9	4	5	56

Source: MGEWCW 2019/Beijing+25 National Evaluation Report

614. While the Namibia Labour Force Survey 2014 indicates the existence of gender pay gaps in a number of sectors (NGOs, private enterprises and subsistence/ commercial agriculture), it reflects that on average, female employees in Government reportedly earn slightly more than their male counterparts⁸³, as noted in Figure 5.3, which indicates that the gender gap has reduced over time.

83 file:///C:/Users/USER/Downloads/wcms_368595(1).pdf



Figure 5.3 Gender Pay Gap

KEY FINDINGS



615. To address gender-based inequalities in all forms including in pay, government is employing a mix of corrective measures at different levels, namely prosecution in cases where such infringements come to the attention of the authorities. The Office of the Employment Equity Commission is also beefing up its capacity to verify the information contained in affirmative action (AA) reports, which are mandatory, that employers submit to the Commission.⁸⁴

Financial inclusion and access to credit

616. During its various interactions and visits, the CRM also took cognizance of the government's efforts to ensure the delivery of financial services and products to all segments of society to combat poverty. The government has initiated a few financial inclusion schemes including the development of the financial inclusion agenda under the Namibia Financial Sector Strategy 2011-2021. According to the Bank of Namibia figures, there are slightly more men financially excluded at 23.9% compared to women at 20.2%. More than 80% of banked adults have or use savings products, while 55.7% have or use the bank for remittances. Over half of the banked population (52.0%) also use the bank to receive their income.

⁸⁴ Document issued by Executive Directors in various ministries in reply to questions submitted by the CRM on socioeconomic development thematic area

Entrepreneurship

617. The GEM Namibia Report (2012) shows that women are as likely as men to be involved in early-stage entrepreneurship (18% and 19%, respectively), though their motives can be different. Whereas 32% of male entrepreneurs cite necessity as having driven them into business, the figure rises to 43% for women, suggesting that they see setting up their own business as a survival strategy. However, women experience more challenges than men, namely access to capital, getting credit lines to start business, reconciling between work and family.
618. It is against such a backdrop that the CRM noted the ongoing initiative of the Ministry of Gender Equality, Poverty Eradication and Social Welfare to give Income Generating Activity (IGA) grants to several entrepreneurs from different regions. Recently, in Erongo region, fourteen women entrepreneurs and two businessmen benefited from the initiative, as they received different equipment like fridges, gas stoves, pots, microwaves, electric drills, and more worth N\$137 000. Further, the Government has approved the Operating Guidelines for the Income Generating Support Programme (2017-2022) to accelerate the process of supporting beneficiaries with IGAs material and equipment. The guidelines stipulate the support ratio of 70% women and 30% men per funding cycle. The CRM lauded this move as a deliberate intervention to catalyse women's economic empowerment by ensuring their equitable access to and control of means of production.
619. Further, the CRM underscored the interest the Government pays to rural areas and its consistent efforts to promote their population socioeconomically. More than 57.9% of the Namibia population (2 324 388) of which 52% are women live in rural areas (The Namibia Institute for Democracy -NID 2016); therefore, the rural development programme is vital as most farming and tourism activities take place in rural areas.
620. The CRM noted the ongoing implementation by the Ministry of Urban and Rural Development (MURD) of projects including rural based cooperatives to create jobs and drive economic growth, which reached about 56 012 beneficiaries across the country, including 33.579 women (MURD).
621. In this regard, the CRM took note of the encouraging impact of the Micro-Finance Scheme, which aims at promoting entrepreneurship in rural areas by providing start-up capital for small self-help business initiatives such as poultry production, community gardens, carpentry, welding, repair workshops, etc. From 2012 to the present, the Scheme has supported 851 small businesses



in rural areas. These businesses have created over 4,431 permanent jobs, of which 2,474 of the beneficiaries are women. In addition. The Government has also launched the SME Financing and Youth Entrepreneurship Strategy, which comprises a venture capital fund, a credit guarantee scheme as well as a training and mentorship programme. This strategy is targeting both men and women youth entrepreneurship⁸⁵.

Access to ICTs

622. The CRM observed that only 47% of women in Namibia have access to the Internet according to a report published in 2020 by the Internet Society (ISOC) Namibia Chapter, despite the government's efforts to provide resources and implement programmes to increase women's access to ICT resources and knowledge, as stipulated in Sustainable Development Goal five. This goal aims at enhancing the use of enabling technology, in particular ICTs, to promote the empowerment of women.

623. Furthermore, it is noted that despite opportunities that exist for implementing policies to support women's rights on and through the web, there is little relevant statistics on women and ICTs, and none of the major gender equality indices incorporates access to and use of ICTs.

624. The CRM observed also that there is no national policy that recognises information and communications technologies (ICTs) as a tool for fighting gender inequalities; and no clear targets at any level of governance for using ICTs to empower women, nor for generating sex-disaggregated ICT data.

iii. Recommendations

625. The African Peer Review (APR) Panel recommends that the Government of Namibia should:

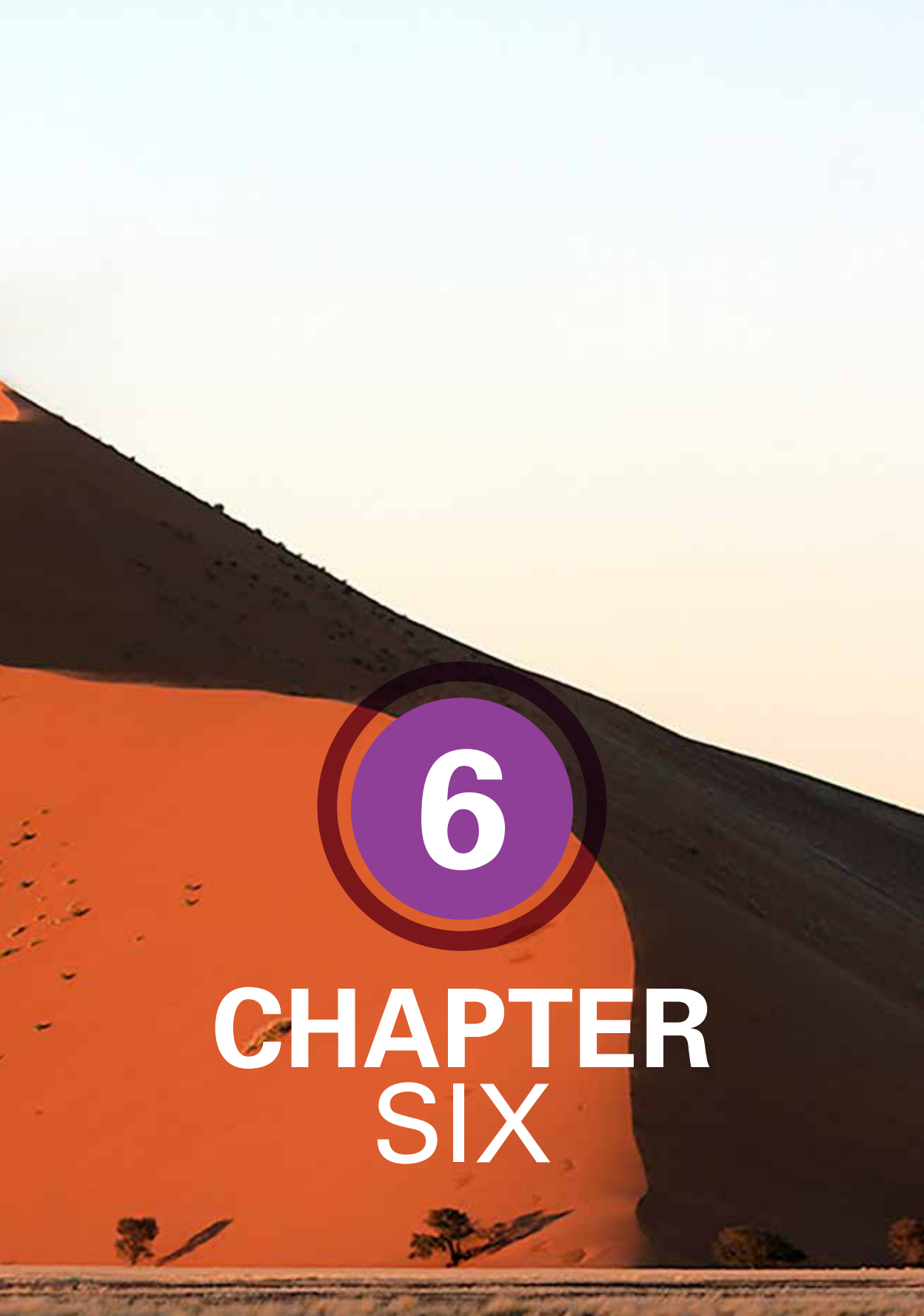
- Rationalise and merge the different social assistance schemes and build a unified national social protection Database to be managed and maintained by one purpose-designed entity that will also take responsibility for the centralised registry (Office of the Prime Minister);
- Commit additional financial and human resources to address school abandonment among girls at primary and secondary levels and increase vocational training for job creation (Ministry of Education, Arts and Culture, Ministry of Higher Education, Innovation and Technology as well as Ministry of Finance);

⁸⁵ Document issued by Executive Directors in various ministries in reply to questions submitted by the CRM on socioeconomic development thematic area.

- Set up and operationalise a National Committee on Gender Statistics, design a strategy for the collection and generation of sex-disaggregated data including ICT data, to support gender sensitive policymaking (Ministry of Information, Communication and Technology and Ministry of Gender Equality and Child Welfare);







6

CHAPTER SIX

6. CROSS-CUTTING ISSUES AND GENERAL CONCLUSION

6.1 OVERVIEW

626. This chapter itemises the challenges of a cross-cutting nature, that are of a persistent and recurring nature, often relevant to some or all four APRM thematic areas discussed in the previous four thematic chapters.

6.3 CROSS-CUTTING ISSUES

627. Four Cross-cutting Issues have been identified:

- Decentralisation;
- Land reform;
- Corruption; and
- Implementation Issues.

6.3.1 DECENTRALISATION

628. Namibia is a huge country (825,600 sq. km), richly endowed with natural resources and a brave and optimistic population. At independence, the leaders inherited a legacy of poor or non-existent infrastructure, a society devastated by the travails of the liberation struggle, and a political system based on segregated politics. A major challenge that the new Government faced was how to balance the necessity of forging a strong, united nation out of the ruins of civil war with the desire to immediately share the fruits of independence to the regions and their localities.



629. At independence, Namibia adopted the policy of decentralization as the most appropriate approach to decongest central government, involve the people in governance, take services closer to them, and inculcate the values of participatory democracy. The Government conceived decentralization as devolution, which would be approached pragmatically through gradual transfers of administrative responsibility for service delivery to the regions and local authorities (delegation), followed by deeper assignment of control over the delegated functions in terms of the regional and local authorities autonomously making decisions on planning, budgeting, taxing their citizens to execute the functions transferred to them (devolution). The Government would, of course, support them with subventions, if not for anything else, to equalize resources because the recipient sub-national authorities would have unequal tax bases. It is important to emphasize that “own revenue” (assigned taxes), holding the cheque book (spend decision-making), and political control (representative regional/local leadership) are key ingredients of decentralization and devolution.
630. The decision to decentralize was a bold strategic choice given that the Government was contemporaneously revamping national administrative capacity. Therefore, Government hedged the decentralization plan with caveats. The minister responsible for driving decentralization would, in consultation with decentralizing line ministries, identify the functions to be decentralized and the timelines and agree on the appropriate time to move to the second stage of devolution, with the cabinet exercising overarching authority to approve.
631. As noted in chapter 2, Objective 5, eight ministries – Works and Transport; Information and Communication Technology; Land Reform; Agriculture, Water and Forestry; Gender Equality, Poverty Eradication and Social Welfare; Education, Arts and Culture; Health and Social Services and Labour, Industrial Relations and Employment Creation – have delegated certain functions to the regional councils⁸⁶.
632. So far, there is a gap between the yearnings for and the actual pace of decentralization in Namibia due to a number of reasons. The most important obstacle is the issue of capacity. The regional councils have not demonstrated unquestionable capacity to administer the delegated functions let alone assume deeper responsibility which devolution entails. But this problem is not peculiar

⁸⁶ Kitty McGirr, *Regional Government in Namibia: Is Decentralization A Reality?* (Briefing Paper, September 2021, pp. 14-15, and additional government information with respect to inclusion of the Ministry of Labour, Industrial Relations and Employment Creation received as of 19 December 2021.



to the regional councils. It pervades the entire machinery of government. Observers see it in delays in passing legislation by the National Assembly, weak budget implementation by the offices, ministries, and agencies of the government (OMAs), and in poor service delivery by the local authorities due to delays of approval from line ministries.

633. Another aspect of the capacity issue is limited financial resources to do the job. While both aspects of the problem are critical, they are not insurmountable. The Government has been working on the human capacity drawback with various reforms. It needs to conduct a review of the curricula of training institutions and higher education to modify them to the needs of the country; it is imperative to make institutions of learning meet the demands of the country for knowledge and skills as a primary responsibility. The issue of financial resource shortage is partly structural, depending on the performance of the economy which, therefore, will impact the central government too. What it means is that the ebb and flow of services will fluctuate in tandem with the country's economic performance, which is susceptible to the global economic shocks.
634. The fundamental political impediment to decentralization is the challenge which centrifugal forces pose to national unity and cohesion. This is a historical dilemma that leaders of plural, multi-ethnic countries face after independence. Usually, the Government is torn between the urge to excessively centralize power or share governing responsibility through decentralization. The negative view is that the latter could give a fillip to dissidence and separatism. On the positive side, decentralization could dispel the tensions created by a feeling of marginalization because the aggrieved group(s) enjoys a measure of local governance.
635. The Government of Namibia has successfully kept the country united and the elite cohesive, despite elements of dissidence in areas where the people feel marginalized. The Government of Namibia must stay the course on decentralization and evolve more boldly to the next stage of devolution. The people, and the Regional Councils are ready since they have exercised it in a limited form. One of the values of devolution that Governments usually underestimate is the inculcation of leadership – being responsible both in the sense of respectability and accountability, developing empathy towards those in similar positions of leadership because of one's experience, and appreciation of the dilemmas national leaders face in allocating scarce resources across sectors, geographical, ethnic, and demographic divisions within a state. The lessons or experience would more likely be sobering than provoke an insurrection.

636. The Government should establish a special commission to recommend how to implement devolution more decisively. The responsibility for consultation with ministries on what functions and when to devolve them should move up higher the ladder of government either the office of the Prime Minister or the Vice-President, not for any invidious reasons, but because the ministry currently driving the process has coordinate authority with other ministries.
637. The APR Panel recommends that the government of Namibia should:
- Establish a special commission to recommend how to implement devolution more decisively;
 - Consider moving responsibility for driving devolution from the MURD to the Office of the Prime Minister or Vice-President.

6.3.2 LAND REFORM

638. The CRM identified access to and ownership of land as a national security, financial, policy and developmental issue that government needs to address as a priority. Notably, stakeholders consistently raised the issues of land reform as it relates to communal, commercial, and ancestral land during the CRM stakeholder engagements. The CRM further notes that there is consensus that land reform policies have not yielded the intended results of optimal access to land and its resources to ordinary citizens. Although communal land, as defined in the Communal Land Reform Act (2002), has provided access to land, land ownership remains limited. In contrast, an increasing urban population that includes youth, low-income working class, and first-time homeowners, seek opportunities for freehold tenure rights, which remains unattainable to them. Such rights ensure that proprietors or owners of land acquire a multitude of entitlements that may lead to poverty alleviation through private and economic activities.
639. Despite the National Land Reform Programme of Namibia, the CRM heard that previously advantaged persons still owned the majority of commercial (private freehold agricultural) land. The CRM noted issues of exploitation of marginalized communities living in and around such areas, like the San people. People also raised the challenges of violation of human and labour rights of employees and 'generational' farm workers to the CRM, which need government's response.
640. Stakeholders informed the CRM that, the 'Willing buyer, willing seller' approach to land redistribution is not working. Despite the government securing land for resettlement purposes and resettling black farmers on land bought for



redistribution, the CRM observed significant discontentment as the number of beneficiaries remains small. Those who interacted with the CRM raised the issue of lack of transparency in selecting the beneficiaries, with stakeholders proposing that the government should release the list of beneficiaries to the public to avert perceptions that the process is only benefiting the elite and individuals politically connected to the government.

641. Regarding the issues identified in the report of the commission of inquiry into claims of ancestral land rights and restitution, stakeholders called on the government to make statutory provision for Ancestral Land Claims, in addition to the requirements called for in the Communal Land Reform Amendment Act (2013).
642. Unequal land distribution has resulted in thousands of land claims since independence. Stakeholders proposed that there should be improved strategies and a shorter lead-time for resettlement processes. In some cases, frustrations caused by the government's delays in providing land have led to communities mobilizing to illegally settle or 'grab' State land.
643. The APR Panel recommends that the government of Namibia should:
 - Expedite access to land, including related services, through a phased and transparent approach;
 - Adhere to time-bound targets for land redistribution.

6.3.3 CORRUPTION

644. Namibia's score on the Corruption Perception Index (CPI) of Transparency International, which gauges citizen's perception about corrupt practices, has been in decline every year since 2018 going from 53 points to 51 points in 2020. Even though the CPI describes corruption in Namibia as 'moderate', its impact on socioeconomic development and political and economic stability could be devastating if necessary institutional guardrails are not put in place to combat its spread.
645. The efforts in the country to combat corruption in State and non-State organisations are guided by legislative and regulatory frameworks where public leadership and directors are expected and urged to conduct themselves ethically. Additionally, key organs have been established with the mandate to fight corruption, abuse, and maladministration, namely the Anti-Corruption Commission, Office of the Ombudsman, and Office of the Auditor General. These are designed to improve accountability and manage mechanisms for

the investigation of corruption cases brought to their attention. However, there are concerns that these institutions are not empowered enough to fight corruption and administrative malpractices in the public service. The CRM's interaction with State and non-state actors in the country also points to this worrying trend, that corruption is on the rise in the country. This therefore calls for a concerted effort on the part of anti-corruption agencies and institutions in the country like ACC, FIC, NAMFISA, the Ombudsman, NAMPOL and the OPG to swing into action to fight this cancer.

6.3.4 IMPLEMENTATION ISSUES

646. There was a general understanding that policy inconsistency within functional structures of the State will require urgent strategic and proactive attention. For instance, a substantial number of participants at the interactive sessions identified sub-optimal alignment between policies enacted by various government departments. Stakeholders mentioned policy inconsistencies in the various institutional interventions of regulatory instruments. Though evidence from the field shows that there is need to address the sub-optimal policy implementation, stakeholders in the regions pointed out that Namibia has great potential for good governance, considering the quality of policies that the country has successfully adopted. However, there was general dissatisfaction with the poor implementation of policies as a result of inadequate commitment. It was also observed that due to capacity and educational challenges, it would be necessary to clarify key terms to minimise misconceptions and misunderstandings.
647. Specifically, it was suggested that guiding implementation of existing policies would not only improve efficiency within the governance architecture, it would also smoothen service delivery and boost economic growth and inclusive development. Resolving policy inconsistencies and reversing sub optimal implementation would require adoption of performance standards and interventions such as periodic assessments of agreed milestones and committed change champions that are able to constructively work toward the desired State and inspire other stakeholders to inclusively stay the course⁸⁷. Charan (2009) in the book *Leadership in the era of economic uncertainty: new rule for getting the right things done in difficult times* listed six essential leadership traits for hard times, as follows: (1) honesty and credibility, (2) the ability to inspire, (3) realism tempered with optimism, (4) real time connection

87 Charan, R. (2009). *Leadership in the era of economic uncertainty: New rules for getting the right things done in difficult times*. New York: McGraw Hill. [p 24 – 26]



with reality, (5) managing with intensity and (6) boldness in building for the future. To trigger effective implementation of policies, structures, processes, human capacity and platforms are required for the nation to derive the full benefits of its various policies.

648. In terms of *structures*, the National Planning Commission (NPC) of Namibia is responsible for planning national priorities and directing national development, while the Namibia Institute of Public Administration and Management (NIPAM) is responsible for transformation of the public service in Namibia through improved management, leadership and competency. The NPC will therefore set up an inter-ministerial committee to identify and rank policies that are still not being implemented and designate Ministries, Departments and Agencies for their implementation. Each policy will need a designated Policy Implementation Project Custodians, made up of NPC Project Managers, the Regional CEOs, the relevant Directors that work with Supervising Ministers and Relevant Agencies in the relevant policy areas. In addition to the qualification and personality of potential Project Custodians, attention should be given to transformational leadership potential, coordination and performance tracking, as well as presentation skills.
649. In terms of *processes* and *human capacity*, the NPC, NIPAM and Namibia based Professional Services Firms will need to collaboratively develop a curriculum for capacity building that is case and practice based in areas like Project Management, Change Management, Change Communication, Performance Tracking, Transformational Leadership and Self Awareness. Such capacity building interventions may be implemented by NIPAM in collaboration with professional services firms, under the guidance of the NPC. Target participants should be the designated Project Custodians in charge of project implementation. These may be Technical Assistants to Ministers, Directors within OMAs, Regional CEOs, NPC Project Monitoring Staff from existing structures of government. The Namibia Performance Management System Framework (2005) should be updated and transformed into a Monitoring and Evaluation tool for the Public Civil Service to complement the Namibia Public Enterprises Governance Act 2019 to enable the country to achieve the aspiration of Namibia Vision 2030 aspiration.
650. In terms of *platforms*, the NPC will need a platform that enables public participation accountability, reviews and reporting of progress towards milestones at national and regional levels. At regional level, a monthly review meeting, chaired by the Regional CEO and a National quarterly review meeting, chaired by the NPC, with prior reporting on status to the NPC's

oversight role. The NPC can give a press conference at the end of each quarterly review meeting, which should be open to the media, the civil society organisations and public. Format of review meeting and reports to the public at Region and National levels should include name of the policy, the initiative, milestones, status, next steps, challenges and quick wins. The budget for this implementation may also be part of the NPC's Project Management Budget.

6.4 GENERAL CONCLUSION

651. The APR Panel is confident that Namibia has all the tools, capacities and political support necessary for implementation of the NPoA to improve governance and contribute to the attainment of the objectives of the sixth NDP, Harambee Prosperity Plan, and Vision 2030, as well as the AU Agenda 2063, Africa's long term plan for socioeconomic development.
652. The APR Panel is grateful to the Government and People of Namibia for their active implementation of the APRM programmes, including the Targeted Review on Youth Unemployment and the Country Review Mission, and for their true African hospitality and commitment from all stakeholders including at the highest levels. The Panel commends the Namibian Government and People for their openness and transparency, and looks forward to implementation of the APRM National Plan of Action.







GOVERNMENT'S RESPONSE TO THE NAMIBIA REVIEW REPORT



1.0 EXECUTIVE SUMMARY

Historical Background

1. The Governance system is the choice of the Namibian People and not that of the UN system, and was not imposed on Namibians.

Democracy and Political Governance

2. Under the section on Intra and Inter State Conflict, kindly note that there is evidence that the gap between the rich and the poor has been narrowed. Furthermore, the land rights of indigenous people were discussed at the Second Land Conference and resolutions included various measures and strategies to address this.
3. Under the section on civil and political rights, the Government is in the process of passing the Access to Information Bill.
4. Under the section on decentralisation, Namibia has adopted a phased path to decentralization which comprises both delegation and devolution, while taking into account the values and principles of a Unitary State, which are enshrined in the Namibian Constitution. Neither the Namibian Constitution nor the Regional

Councils Act, 1992 as amended and Local Authorities Act, 1992 as amended speak of “self-governance”. The powers, rights, duties and functions of sub-national government are to be exercised with due regard for the Constitution in general and especially Article 1. The phased approach to decentralisation was a policy decision that had nothing to do with the lack of trained or experienced personnel.

5. Government has adopted a phased approach to decentralisation, to systematically introduce regional and local authorities to their new role (decentralised functions) by including a phase (delegation) during which decentralising line ministries would closely support them (mentoring) in the performance of decentralised function before they assume full responsibility through devolution.
6. Under the section on the promotion and protection of the rights of vulnerable groups, despite efforts by Government to popularize disability grants, some beneficiaries, seem not to be aware of the support grant for the disabled.
7. Namibia has one refugee settlement, located in Osire in Central Namibia, in the Otjozondjupa region which is 240 km from Windhoek. New arrival asylum seekers are received and registered at Reception Centre in Katima Mulilo, Zambezi Region before they are transported by officials of the Ministry of Home Affairs, Immigration, Safety and Security to Osire Refugee Settlement where they undergo refugee status determination processes. Upon arrival in the Osire Refugee Settlement, they are inducted on rules and regulations of the Settlement and provided with shelters and foodstuff (they receive food rations on a monthly basis. The Government of Namibia provides protection, basic education and primary healthcare to the asylum seekers and refugees in the settlement. Refugees who wish to go to nearby towns of Otjiwarongo, Okakarara, Okahandja and Windhoek or to other towns in Namibia are given exit permits by the Settlement Administrator indicating reasons and areas to be visited.
8. The number of refugee camps in a Country is determined by the number of refugees. It is not practical to have a lot of camps if refugees are few. Osire Camp is located next to other communities. Therefore, it is not isolated as being stated. There are towns such as Okahandja close to Osire.
9. Under colonialism communities were affected differently. Despite the interventions by Government to address this, it was noted that the San people are still far behind. Hence, a special project was initiated in the Office of the President to fast-track development.



Economic Governance and Management

10. Under the section on budget decentralisation, Regional and Local Authority Councils have the power to budget and collect revenue from assigned revenue sources in their jurisdictions in accordance with their mandated functions as provided for in the Regional Councils Act and Local Authorities Act, as amended. The subsidies and grants from Central Government are meant to supplement their sources of revenue. Central government continues to provide subsidies and grants for targeted development interventions as well on an annual basis to both regional and local authorities. Government is also in the process of developing an Intergovernmental Fiscal Transfer Policy to further define funding mechanisms for sub-national governments.
11. When funds are returned to treasury at the end of the financial year, the projects that were not implemented are carried over to the next financial year for implementation. Treasury regulations offer flexibility to redirect funds to other priority areas during the same financial year. The funds availed to sub-national government are dependent on the availability of financial resources and there is no deliberate withholding of funds.
12. Under the section on corruption and the anti-corruption institutions, during the Review Mission consultations, this issue of duplication of functions between the Anti-Corruption Commission and the Office of the Ombudsman was extensively discussed, and clarity was provided as to why there is no duplication. There is need for expansion on this phrase to include historical context. The historical shortcomings were addressed with the establishment of the ACC and Office of the Ombudsman handling civil and human rights cases. The two institutions are complementing one another. There is cooperation between the two institutions based on their mandates. However, there are concurrent jurisdictions or overlaps in some aspects of the mandates and functions of the ACC and Ombudsman, which are complementary in nature in that they work together and complement each other in investigating and addressing the issues relating to maladministration, misuse of public resources and/or corruption.
13. As a matter of practice and by virtue of their statutory and constitutional responsibilities, each of the above institutions has a clear mandate which requires that they coordinate and cooperate with each other to fight corruption. For example, the ACC, the Police, Ombudsman and the FIC play an investigating role and thereafter hand over their findings to the Prosecutor General who decides on whether or not to prosecute.

14. It is important to point out that the Office of the Prosecutor-General is vested with constitutional power in terms of Article 88(2) of the Namibian Constitution to decide on whether or not to prosecute all criminal cases, and it does so independently on its own and is only subject to the Constitution.
15. With regard to the institutional framework to protect whistle blowers, there are current processes in place to ensure full operationalization of the Whistle Blowers Act. The objective of the law is to protect the identity of individuals. In this manner, they will be encouraged to report. Rewards would lead to false reporting.
16. With respect to the risk of losses in public revenue due to potentially aggressive tax planning by Multinational Enterprises (MNEs), Government continues to closely work with the FIC and other relevant stakeholders to ensure that tax evasion does not occur.

Corporate Governance

17. Under the section on the “Conceptual and Operational Independence and Autonomy of key institutions”, during the Review Mission consultations, this issue was extensively discussed, and clarity was provided as to why there is no duplication of function between the key anti-corruption institutions. There is need for expansion on this phrase to include historical context. The historical shortcomings were addressed with the establishment of the ACC and Office of the Ombudsman handling civil and human rights cases.

Socioeconomic Development

18. Under the section on Education, Namibia also conducted an analysis of over and understaffing of teachers, which actually indicated that we are overstaffed in terms of the ratio of learners to teachers. With respect to the “inadequate number of vocational schools”, it is critical to note that the provision for practical skills subjects for learners with special needs and disabilities was made as part of the curriculum reform. This introduced the Basic Pre-Vocational Skills Course in Resource Schools and other selected schools. The requirement is for learners to complete the five core or compulsory subjects (Communicative English, Functional Numeracy, Fundamental Information Communication Technology, Entrepreneurship, Work orientation) and one elective (either Motor Mechanic, Bricklaying, Woodwork, Fashion and Clothing, Food Preparation, Hairdressing, Housekeeping, Educare, or Office Practice: theory and practical).

Cross-Cutting Issues

19. Under the cross-cutting issue on decentralisation, kindly note that decongestion was not the motive for decentralisation.





2.0 CHAPTER 2: DEMOCRACY AND POLITICAL GOVERNANCE

Under the Summary of the Country Self-Assessment Report (CSAR) section in Objective 1 on Constitutional Democracy:

20. As per Section 4 of the Electoral Act, the recruitment process of the ECN Commissioners is conducted by a Selection Committee set up under the auspices of the National Assembly, which makes its recommendations to the President, who then appoints the Commissioner only after approval by the National Assembly. Therefore the process is transparent, competitive and there are enough checks and balances. This process is also provided for in Article 94B of the Constitution.

Under “Findings of the CRM”, Objective 1 - Constitutional Democracy:

21. Namibia has a progressive constitution which provides sound guiding principles for a constitutional democracy and an entrenched Bill of Rights that are not subject to amendment. Amending the Constitution falls outside the scope of the BOR and other amendments require a vote. As an additional safeguard, the Namibian Constitution provides for a national referendum.

22. With respect to the criticisms of the 2014 constitutional amendments that grant powers to the president, including the power to appoint regional governors and no more than eight members of parliament, it is important to state that these appointments are meant to bring government closer to the people and ensure direct oversight and efficient execution of the Government mandate and projects in the Regions. The Chairman of the Management Committee of the Region is an elected regional council member; therefore there are checks and balances. Before the amendments, Governors were also Chairpersons of Management Committees. With the new amendment, this is now not the case. A Governor is appointed as a representative of central government to the Region.
23. With respect to funding of the Electoral Commission of Namibia (ECN), in terms of enabling acts, all State entities are subject to the State Finance Act. The ECN cannot be exempted. In terms of the State Finance Act and Article 12 and 125 and 12 of the Constitution the power to regulate State finances are entrusted to the Ministry of Finance and Parliament. Therefore, all State institutions i.e. the Judiciary, parliament, and OMAs are subject to the same process.

Under “Findings of the CRM”, Objective 2 - Separation of Powers:

24. The review reports notes that *“Article 57(1) of the Namibia Constitution, enshrines the power of the president to dissolve parliament ‘if the Government is unable to govern effectively,’ which gives the president additional powers in his/her relationship with parliament,” and that “it is crucial that Namibian political actors debate this aspect of presidential power, and the effect it may have in case there is no dominant party in parliament.”*
25. This provision is indeed a mechanism that may only be used under extreme circumstance and in particular where Government is unable to govern effectively. It may only be invoked out of necessity rather than convenience. It is not only unique to Namibia; it is common in even the well-established democracies.
26. With respect to the administrative processes for the judiciary, despite the separation of the Office of the Judiciary, established under an enabling statute since 2015, the Ministry of Justice remains responsible for capital projects, such as the maintenance and construction of court infrastructure.

Under “Findings of the CRM”, Objective 3 - Prevention and reduction of intra and inter-state conflicts:

27. The review reports notes that *“Though there are few contests over natural resources, like forest and rivers, there is no major or immediate threat of intense interstate conflict between Namibia and any of its neighbours.”*



28. There are border issues between Namibia and Botswana. However, the governments are engaged to resolve the matter.

Under the Summary of the Country Self-Assessment Report (CSAR), Objective 4 - Promotion and protection of civil and political rights:

29. The review report notes that *“The CSAR states that due process and access to justice are undermined by a shortage of judges and magistrates.”*
30. There is an ongoing comprehensive reform process to address the shortage. The establishment of periodic courts is one of the efforts to respond to equal access to justice.
31. The review report notes that *“While the CSAR asserts that alternative dispute resolution exists under the Arbitration Act, 1965, it was not sure whether the New York Convention for the Enforcement of Foreign Arbitral Awards was applicable in Namibia.”*
32. Namibia is neither a signatory to the New York Convention, nor has it adopted legislation based on the UNCITRAL Model Law. The enforcement regime in relation to foreign arbitral awards is derived from the common law. The standard enforcement procedure in Namibia involves bringing an application to the High Court in accordance with the Rules of the High Court of Namibia. The application must be brought within three years of the foreign award being obtained.
33. An award creditor bringing such an enforcement application will be required to show that:
- The award is related to entities based in Namibia or events that took place in Namibia;
 - The relief granted in terms of the arbitral award is capable of being enforced and given effect to in Namibia;
 - The arbitrator did not exceed his or her powers, per the arbitration agreement between the parties, in making the award;
 - The award was obtained validly, in accordance with the laws under which the arbitration was governed;

The award will not be enforced if the enforcement is contrary to Namibian public policy, was obtained fraudulently, or if the defendant was not duly notified of the arbitration proceedings.

Under “Findings of the CRM”, Objective 4 - Promotion and protection of civil and political rights:

34. The review report notes that *“access to the courts is an issue as there are not enough courts in the country, especially in the rural areas because of lack of resources and trained personnel.”*
35. Establishment of Periodical Courts in rural areas is another measure to address shortage of courts.
36. The review report states that *“Namibia’s Alternative Conflict Resolution mechanism, the CRM learnt, encourages litigants to settle disputes out of court.”*
37. In particular, the High Court through its Case Management System encourages mediation as a preferred method of dispute resolution.
38. The review report observes that *“Civil society organizations confirmed to the CRM that some organizations are closing due to lack of funding... Many CSOs at the regional consultations complained of not having support from the government to subsidise some of the work they do.”*
39. The Government of Namibia has provided subsidies to CSOs in the past and continues to do so.

Under “Recommendations”, Objective 4 - Promotion and protection of civil and political rights:

40. The APR Panel recommends that the Government of Namibia should *“Provide subsidies for CSOs to support institution building and sustainability and that this funding should be managed in an independent way to not interfere with the independence of the supported organizations.”*
41. The Government of Namibia has taken a decision to subsidize programs that are aligned to government policies.

Under the Summary of the Country Self-Assessment Report, (CSAR) in the section on Objective 5 - “Ensuring accountable, efficient and effective public service delivery at the national and decentralized levels”:

42. The review report notes that *“By the Namibian Second Amendment Act 2010, the Anti-Corruption Commission became independent. However, the Director-General of the Commission has no control over the staff of the Commission who remain civil servants; he cannot appoint or discipline them, nor can he deal independently with the finances of the Commission, a situation the CSAR regards as subversive of the Commission’s independence.”*



43. The ACC has always, as per its enabling law, been independent in terms of exercising its statutory substantive power and mandate. The mandate to hire and fire staff is an administrative function that is left to the Public Service Commission and the Office of the Prime Minister (OPM) under the terms of the Public Service Act and the Constitution.
44. The review report observes: *“the CSAR points out that the efficacy of the Financial Intelligence Act could be enhanced through stronger cooperation between the commercial banks and the Bank of Namibia, but does not explain why this is not the case. It also regards the predominant focus of the Anti-Corruption efforts on the public sector ill-advised considering that the public perceives private business executives as more corrupt than public servants. The overlapping powers of the anti-corruption institutions, especially between the Anti-Corruption Commission, the Namibian Police and the Office of the Prosecutor General, also create loopholes. ”*
45. During the consultations, this issue was extensively discussed, and clarity was provided as to why there is no duplication. There is need for expansion on this phrase to include historical context. The historical shortcomings were addressed with the establishment of the ACC and Office of the Ombudsman handling civil and human rights cases. The roles of NAMPOL and ACC in investigation of corruption cases were also clarified. Moreover, the ACC does not prosecute, because, as part of separation of power, the Office of the Prosecutor General handles the prosecution, hence there is no overlap of functions.
46. The Anti-Corruption Act equally makes provision for probes in both the public and private sectors.
47. Each of the institutions performs its functions and mandate according to the provisions of its enabling statute to ensure that there no conflicts in terms of operations. The ACC and Nampol have investigative powers whilst the Prosecutor General has prosecutorial powers. Therefore, their roles are complementary. The investigating agencies investigate and handover the cases to the PGs Office to decide and prosecute, and this is also to prevent too much concentration of State power in one entity for purposes of checks and balances.
48. The above statement from the Report suggests a disregard of Article 1(1) of the Constitution which states: *“The Republic of Namibia is hereby established as a sovereign, secular, democratic and unitary State founded upon the principles of democracy, the rule of law and justice for all.”*
49. The review report states: *“The Regional Councils have limited capacity to undertake regional development planning and the management of settlement*

areas which the government has assigned to them because of lack of experienced personnel and expertise in the regional administration. They also lack adequate financial resources."

50. This assertion is incorrect as it overlooks the fact that the decentralisation of functions to regional councils is in every case accompanied by skilled and knowledgeable staff members, financial resources, and other requisite resources and assets to enable sub-national governments to effectively perform their functions.
51. Furthermore, various capacity building interventions are in place to empower regional councils through NIPAM as well as training initiatives budgeted by regional councils and line ministries.

Under "Findings of the CRM" on Objective 5 - "Ensuring accountable, efficient and effective public service delivery at the national and decentralized levels":

52. The review report states that *"Looking through the list of successfully concluded cases handled by the ACC from 1 April 2018 to 31 March 2019, not a single one involved a politically exposed person (PEP). At stakeholder meetings with government officials in Windhoek and the regions and with non-state actors, the CRM consistently asked whether any PEP had fallen foul of and been caught in the ACC net. The CRM received no such evidence. The ACC's anti-corruption net seems to only have caught minor officials."*
53. The selective reference to a particular period of the work of the ACC and then make an assertion that the ACC only targets the so-called small fish is lopsided. The appropriate method would have been to provide a representative sample for assessment and analysis of the work of the ACC to form a balanced and objective conclusion.
54. At the time of the meeting with Government officials in November 2021 there had already been widely reported cases of PEP (Cabinet ministers) some convicted under the corruption charges and some arrested and charged with corruption and some are still in custody awaiting trial. Therefore, the observation made herein is not a true reflection of the facts on the ground.
55. It is important to point out that as a matter of principle, the success and work of the ACC cannot simply be judged and assessed based on the number of PEP arrested or convicted during a period of 12 months even when the evidence may not be sufficient to warrant such arrest or conviction. This may create an impression that the institution was simply set on a witch-hunt which will undermine the integrity of the ACC.



56. The review report notes that *“Some stakeholders in the regions argued that the decentralisation process could proceed more smoothly and quickly if it was driven from the Prime Minister’s Office or the Office of the President, instead of the Ministry of Urban and Rural Development, as these offices of higher authority could coordinate and persuade ministries to devolve functions more effectively.”*
57. This view is misplaced because government finds the Ministry of Urban and Rural Development to be the most suitable institution to be responsible for regional and local government matters.
58. The review report finds that *“Decentralisation, even in its current form of delegation, is marred by delays in the release of budget allocations caused by the different budget cycles run by the state government and the local authorities.”*
59. The difference in the fiscal year of central government and local authorities has no observed effect on the operations of the latter.
60. The review report observes that *“In Kunene, where the regional council and local authorities are controlled by an opposition political party, the feeling that administrative delays in receiving budget allocations originate from political considerations to undermine the standing of local authorities with the electorate was palpable at the stakeholders’ meeting.”*
61. In the event where there are delays in transferring funds to any region, it can only be purely for administrative reasons, but not political reasons as alleged.

Under “Recommendations” in Objective 5 - “Ensuring accountable, efficient and effective public service delivery at the national and decentralized levels”:

62. The APR Panel recommends that the Government of Namibia should *“Consider moving responsibility for driving decentralisation to the Office of the Vice-President or the Prime Minister to ensure greater responsiveness of the ministries in implementing decisions on delegation and devolution of functions.”*
63. This view is misplaced because government finds the Ministry of Urban and Rural Development to be the most suitable institution to be responsible for regional and local government matters.

Under the Summary of the CSAR Objective 6 - Promotion and protection of the rights of women:

64. The review report states that *“The Domestic Violence Act covers a range of forms of domestic violence, including sexual violence, harassment, intimidation, economic and psychological violence. The recent amendment to the Act allows*

for the laws on gender-based violence to be tightened to allow for harsher prison sentences and to make it easier to secure convictions. However, the Act falls short in that it excludes certain groups from equal protection under it.”

65. The Act has gender neutral language and sufficient text to respond to any form of sexual violence. This act is also under review to provide additional safeguards for the protection of women and children against sexual violence.
66. The review report observes that *“Despite the efforts by the Government of Namibia to fight GBV, there are still a many challenges due to Family law reforms that have lagged (such as laws on marriage, divorce, recognition of customary marriage, marital property regimes and inheritance/property grabbing) or are inadequate or outdated ”*
67. This phenomenon is due, amongst others, to unemployment, drug and alcohol abuse, patriarchal ideologies, some societal norms, and slow progress in reforming certain laws which are inadequate or outdated.

Under the Summary of the CSAR, Objective 7 - Promotion and protection of the rights of children and young persons:

68. The review report states that *“various Acts have been passed in the interest of protecting children, namely: the Children’s Act; the Children’s Status Act; the Child Care and Protection Act; the Combating of Immoral Practices Act; and the Basic Education Act (No.3 of 2020). The CSAR notes that despite these Acts pertaining to the rights of children and the progress made thus far, there are still deficiencies and loopholes that need to be attended to.”*
69. Historically, children were protected primarily through the Children’s Act of 1960 and subsequently the Children’s Status Act of 2006. Both these instruments were repealed and replaced by the Child Care and Protection Act. There is other additional legislation that protects children.
70. The review report observes that *“With regard to juvenile justice, resources have not been devoted to meeting the minimum standards of responsibility to children in detention, including the fact that children’s courts have not been operational in all regions, the CSAR notes the lack of dedicated juvenile or youth correctional facilities in the country, even though the Correctional Services Act of 2012 (Act No. 9 of 2012) provides for separate detention quarters for juvenile offenders.”*
71. The Child Justice Bill will address issues which pertain to children in conflict with the law. This Bill is at an advanced stage and is expected to be tabled in the National Assembly in 2022.





3.0 CHAPTER 3: ECONOMIC GOVERNANCE AND MANAGEMENT

Under the Overview:

72. The review report states that *“In its efforts towards addressing the challenges in the economy, the government introduced and implemented its development vision through medium term National Development Plans (respectively NDP1 to NDP5,) and Harambee Prosperity Plans (HPP 1 and 2). The later were specifically developed to address growing unemployment, high poverty and inequality and unstable economic growth.”*
73. The challenges in the economy have nothing to do with the development of the NDPs. The development plans were already in existence prior to the challenges being referred to.

Under “Findings of the CRM” under Objective 1 - “Design and implement economic policies for sustainable development”:

74. The report states that *“The Namibia Household Income and Expenditure Survey conducted in 2015/16 recorded a further drop in national poverty level to 17.4% (NSA). However, the 2021 report on the Multidimensional Poverty Index (MPI) which also measures some level of individual interests noted that 43.3% of the population of Namibia are multidimensionally poor and that the poor face 19.1% of the possible deprivations (NSA).”*

75. The poverty levels measured in the previous surveys were monetary and food-based poverty while the MPI is a non-monetary measure of which some have to do with the level of interest such as someone who might not want to attend school but are food self-sufficient. Therefore, these two measures (monetary and food poverty vs. MPI) cannot be compared.

In “Findings of the CRM” under Objective 2 - “Encourage ownership and participation of key stakeholders in policy formulation and implementation”:

76. The review report states that *“The CRM was informed of a number of major projects that have suffered from lack of adequate funding. One of these projects is the Household Income and Expenditure Survey 2020, which should provide data to measure the living conditions of the Namibian population using actual patterns of consumption and income, as well as a range of other socioeconomic indicators. This statistical information is key to inform planning and policy making processes at national, regional and international levels in the implementation of policy and its effectiveness. Another major project was the National Census, which because the challenges of Covid-19, was deferred because of lack of funding. There is no guarantee that the census will be conducted as the budget has not yet been made available.”*
77. Provisions are now being made in the 2022/2023 budget to ensure that the National census is conducted.

In the Summary of the CSAR) under Objective 3 - “Promote sound public finance management”:

78. The review report states that *“the CSAR also talks about how the Namibian government came up with a decentralization policy which led to the passing of the Decentralization Enabling Act. 33 of 2000 in 2000. This act provided for the regulation and decentralization to Regional Councils and Local Authorities functions vested in line Ministries. The Regional Councils Act 22 of 1992 provided for the establishment and structure of regional governments and defines the powers, duties and the functions of Regional Councils. The Local Authority Act (1992) speaks to all issues pertaining to appropriated funds to these entities such as levies, loans, interest and dividends, fines imposed should the Local Authorities fail to comply with the act amongst others. According to the CSAR, as it pertains to the process of decentralization, the Cabinet should be consulted before the decentralization of any functions, the dates for implementation of these functions, and their likely effects.”*
79. The Minister responsible for Regional and Local Government, in consultation with the Minister responsible for a specific decentralising line Ministry, and Cabinet,



has the power to decentralise any function to sub-national governments, and such functions are gazetted specifying the functions, line ministry from which it is decentralised, the regional or local authority to which it is decentralised, and the effective date.

Under “Findings of the CRM”, Objective 3 - “Promote sound public finance management”:

80. The review report states that *“The CRM observed that Namibia’s decentralization programme launched in 1998 according to stakeholders is a good idea. They see it as the aim of the Central government to bring government closer to the people as most of the country’s population lives outside the capital in rural areas. The promulgation of the decentralization-enabling act of 2000 provided for the decentralization of functions vested in line Ministers to Regional governments and Local Authority Councils. However, these Regions and Municipalities are still financially and logistically dependent on the National government to be able to carry out their respective mandates. In the interactions with State and non-state actors, the CRM found that, the fiscal decentralization to Local Authorities has not yet been fully implemented. Local Authorities in Namibia control less than three percent of public expenditures.”*
81. Regional and Local Authority Councils have the power to budget and collect revenue from assigned revenue sources in their jurisdictions in accordance with their mandated functions as provided for in the Regional Councils Act and Local Authorities Act, as amended. The subsidies and grants from Central Government are meant to supplement their own sources of revenue. Central government continues to provide subsidies and grants for targeted development interventions as well on an annual basis to both regional and local authorities. Government is also in the process of developing an Intergovernmental Fiscal Transfer Policy to further define funding mechanisms for sub-national governments.

Under the “Recommendations”, Objective 3 - “Promote sound public finance management”:

82. The APR Panel recommends that the Government of Namibia should *“Harmonise the financial year of the Central government with that of the Local authorities.”*
83. Harmonisation, if at all, is between the financial years of the Central Government and Local Authorities. Regional Councils use the same FY as Central Government.



4.0 CHAPTER 5: SOCIOECONOMIC DEVELOPMENT

In the “Findings of the CRM” under Objective 1 - “Promote and accelerate broad-based sustainable socioeconomic development”:

84. The review report states, under Land redistribution, that *“It is noteworthy that 31 years after political emancipation, substantial segments of the rural population are still excluded from earning decent and sustainable income, especially through their dominant farming activities. Most Black farmers cultivate farmlands on a subsistence basis, with limited possibility of expansion and improvement of yield. There was wide agreement amongst participants at the Regional and Local Authority town hall meetings that the income gap along racial lines has persisted. Evidence suggests that most of the productive farms are owned and controlled by White farmers who are located in the South and Central parts of the country, while Black farmers are largely confined to infertile smallholding farmlands in the North.”*

85. There are also black or non-white farmers in other parts of the country beside the North and a good number of them are farming as commercial farmers.
86. The review report observes that *"Although, a number of the respondents at the town hall interactions commended the government for its 'one Namibian, one Farm' policy, the initiative has been criticised on the ground that government officials and highly connected elites are now classified as 'historically disadvantaged people,' which enables them to benefit from land resettlement initiatives."*
87. Land allocation is granted on the basis of set qualification criteria, and every Namibian who meets such criteria is eligible and entitled.
88. The review report notes that *"There are also indications that some farmlands that were re-allocated to Black farmers have been destroyed through neglect and lack of skills/capacity to manage the farmlands in a productive and profitable manner. In particular, the stakeholders mentioned Ongombo West farmland in Khomas Region, which was the first farmland to be appropriated and allocated to Black farmers."*
89. These were allocated to previously disadvantaged persons for resettlement and farming purposes.
90. The report states under Access to Potable Water that *"the complexity of determining which community in some regions should benefit from borehole allocations does not only aggravate inadequate supply of potable water, it also makes it almost impossible to have a single database for existing boreholes in each Region. For instance, the desperation of people for water supply and government's relative inability to meet this important demand, communities have turned to nongovernmental organisations, pressure groups and individual/private donors."*
91. Nowhere in the world is the government alone able to finance all development needs. Other role players such as these non-State parties have a place in national development.
92. The review report states, under Sanitation, that *"the CRM noted during the field interactions that access to sanitation is limited and improvement in the provision of this critical service has been modest. Responses generated through field interactions suggest that less than 50% of communities have access to decent sanitation. More specifically, stakeholders suggested that about 17% of dwellers in the Zambezi Region have access to decent sanitation facilities. The situation is similar in the other Regions, but worse in the Kavango West that is over 95% rural. Although, the CRM saw evidence of various interventions,*

especially by development partners and non-governmental organisations, these interventions are inadequate in addressing the identified gaps in the provision of this service. To that extent, the CRM underscored the imperative need for increased sanitation services in Namibia.”

93. Our national approach to sanitation combines government and community (community-led total sanitation) efforts. The write up suggests reliance on the Government, which is not sustainable.
94. The review report states under Access to Education that *“although, notable strides have been achieved by the Government to ensure quality, free and accessible basic education across the country, the number of schools remain inadequate. In addition, most rural children have to travel many kilometres, sometimes through game reserves that harbour dangerous animals, to access education. This scenario is particularly disadvantageous to disabled children, vulnerable pupils and girls. Apart from inadequate number of schools in the rural areas, the existing schools are largely under-resourced with teachers. It was gathered from interactive meetings that classrooms are generally overcrowded – with a ratio of 50 to 70 students per teacher.”*
95. EMIS 2019 and EMIS 2020 indicate a learner to teacher ratio of 24.1 to 1 in 2019, and 26.1 to 1 in 2020, although this distribution is not evenly spread throughout the country. The staffing audit also revealed that, in accordance with the number of learners, the schools are overstaffed with teachers. Average class size was 30.6 learners per class in 2019 and 30.8 in 2020.

In the “Recommendations” under Objective 1 - “Promote and accelerate broad-based sustainable socioeconomic development”:

96. The APR Panel recommends that the Government of Namibia should “Study the possibility of adopting renewable energy as an alternative source of energy for household and farming purposes, especially in rural areas.”
97. This is already being done and actual measures in support of renewable energy are in place e.g. the Fund, etc.

Under “Findings of the CRM” in Objective 2 - “Encourage broad-based participation in development”:

98. The report states under Stakeholder Participation Mechanisms that *“based on this understanding of participation, the CRM noted the efforts deployed by the Government to stimulate stakeholder engagement in the development process, especially the example of Karas region, where the municipality created a Platform to run Public-Private and citizen’s dialogues on the development*



of the town. Another example identified in Oshikoto was the joint activity programme implemented by the local government with the parastatals and the private sector."

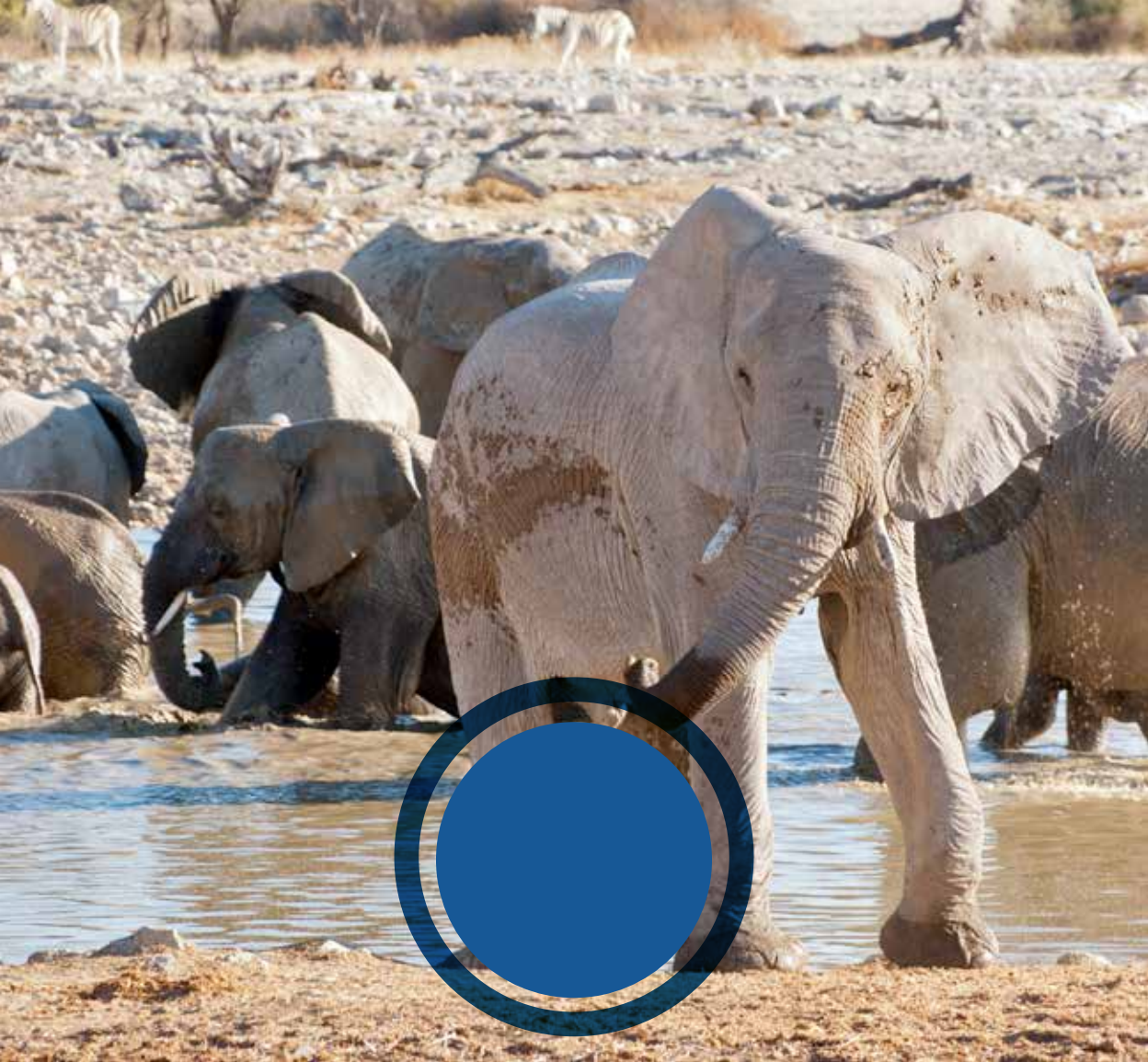
99. Public-Private Dialogues (PPDs) are a strategy of the Government's LED policy, and local authorities are supported by the Government through the Ministry of Urban and Rural Development (MURD).
100. Under Decentralisation the report states that *"the CRM noted that Chapter 12 of the Namibian Constitution allows for the establishment of sub-national government structures in the form of local authorities and regional councils. The Namibian Parliament enacted the Regional Councils Act (No. 22 of 1992), and the Local Authorities Act (No. 23 of 1992) to give effect to governance at local and regional levels. These laws mandated ministries to transfer certain governmental functions services to these entities. The Ministries of Education, Works and Transport, Agriculture and Water Supply and Sanitation have all decentralised designated functions, but central government has retained the ultimate responsibility and accountability for all delegated functions."*
101. The nature and extent of the powers assigned to and being exercised by Regional Councils (RCs) and Local Authorities (Las) have been well covered in the preceding paragraphs.
102. It is admitted that during the delegation phase of decentralisation, the functions that are decentralised or delegated to RCs are being performed on an agency basis and the decentralising line Ministries (DLMs) remain ultimately responsible for their execution overall. The RCs however assume responsibility over such delegated functions at operational level, and periodically provide accountability reports to the DLMs as per agreed performance standards, targets, outputs and outcomes
103. Moreover, once delegated functions are devolved, greater accountability and responsibility will shift on RCs and LAs as provided for under section 5 of the Decentralisation Enabling Act, 2000.
104. The process of evolving from decentralisation to devolution has to follow a defined process, and is highly dependent on, or takes due regard to, assessed level of readiness and demonstrated effective execution on the part of RCs.
105. The review report notes that *"The CRM found that the Constitution does not explicitly spell out which functions or State powers the Government should allocate to such bodies."*

106. There is no justification given as to why it is necessary for the decentralisation of functions to sub-national Governments to be spelled out in the Constitution.
107. As is the case with the establishment of Regional Councils and Local Authorities, the Constitution only has a broad provision on the establishment of these sub-national Government bodies and allows for details pertaining thereto to be set out in legislations (Regional Councils Act, 1992 and Local Authorities, 1992 both as amended).
108. The process of decentralisation is in our view adequately guided by the Decentralisation Policy of 1997 and the Decentralisation Enabling Act, 2000, and is undertaken in line with, among others, Article 1 of the Constitution. We do, therefore, not see the purported legislative gap.
109. The review report observed that *“The CRM became increasingly aware of the limited institutional capacity of regional and local government. The regional councils face challenges of inadequate capacity and lack of expertise to execute their functions of regional development planning and management of settlement. The major factors accounting for the institutional incapacities of regional councils include lack of suitably qualified and experienced staff in key areas such as finance and accounting, in addition to inadequate revenue sources.”*
110. The issue of capacity and revenue sources of sub-national governments have been commented on in chapter 2 of this report.
111. The report states that *“In the case of local authorities, the stakeholders mentioned to the CRM that issues of corruption, mismanagement of funds, client politics, nepotism and favouritism were the major factors that hamper decentralisation.”*
112. These more general governance challenges are not necessarily the reasons why decentralization is slow.
113. While it is acknowledged that there are incidents of alleged or reported irregularities in the governance or administration of local authorities, inference or reference to *“corruption, mismanagement of funds, self-enrichment, nepotism and favouritism”* tends to somewhat denote occurrence in all local authorities, which is not true. And where maladministration or irregularities have been identified and reported to competent authorities, such as the Anti-Corruption Commission (ACC), the Courts, the Regional Councils and the Line Minister, appropriate action has been taken against the culprits on the strength of the evidence provided.



114. The review report observes that *“The CRM noted also the concerns of stakeholders and regional authorities in Oshana and Oshikoto, who insisted that “many ministries have delegated their functions to the regional authority but with no funds... In many cases, we have to give them our regional budget initially earmarked for our regional activities, namely in the sectors of education, works and transport, gender, child protection, social grants, etc. But we are not prepared at the regional level to welcome all these functions. We need sufficient budget and planning.”*
115. There is no function decentralized without funds. The truth is “with limited funding.” This is an admission by RCs of their lack of readiness to take over more functions from the centre.





**NATIONAL
PROGRAMME OF
ACTION FOR THE
COUNTRY REVIEW
REPORT FOR NAMIBIA**



1. INTRODUCTION

The National Programme of Action (NPoA) contains recommendations emanating from the Country Review Report (CRR) for Namibia as peer reviewed by the African Peer Review Forum of Heads of State and Government in February 2022. In the development of the NPoA, the APRM National Structures and the National Planning Commission (NPC) hosted the training workshop on the development and harmonization of the NPoA in April 2022. The workshop which immensely benefited stakeholders from the expertise of the APRM Continental Secretariat had the objective of strengthening the implementing capacities of Government Offices, Ministries and Agencies (OMAs).

The NPOA is an integral part of the CRR that not only outlines recommendations contained in the CRR but most importantly guides the process of implementation of the recommendations of the CRR by the Government's implementing OMAs. Doubtlessly, Namibia will be expected to present progress reports to the APR Forum on the implementation of the NPoA. These progress reports will highlight successes and challenges encountered in the implementation of the NPOA.

In developing the NPoA, the stakeholders were clustered into Four (4) Thematic Areas of the APRM, namely:

- i. Democracy and Political Governance (DPG)
- ii. IEconomic Governance and Management (EGM)
- iii. IICorporate Governance (CG)
- iv. Socio-Economic Development (SED)

2. METHODOLOGY

In the development of Namibia's NPoA for the CRR, stakeholders were consulted through various meetings which were held as follows: (i) April 4th - 8th 2022, stakeholders' consultations in Swakopmund; (ii) June 15th, 2022, stakeholders' consultations in Windhoek; (iii) 22 August 2022, a virtual meeting was held by the Secretary to Cabinet with all the Executive Directors to accord them an opportunity to provide further inputs into the draft NPoA; and (iv) between the 22 September and 7 October 2022, validation sessions were conducted in Windhoek with stakeholders to provide their final inputs.

3. STAKEHOLDERS CONSULTATIONS

The findings and recommendations contained in the 2020 CRR which formed the basis of the NPoA, are the outcomes of wide-ranging countrywide consultations with the stakeholders such as Private Sector, Government, OMAs, Traditional Authorities and civil society organizations (CSOs). The stakeholders are listed below.

- Office of the President
- Office of the Prime Minister
- National Assembly
- National Council
- Ministry of International Relations and Cooperation
- Ministry of Justice
- Ministry of Urban and Rural Development
- Ministry of Sport, Youth and National Service
- Ministry of Mines and Energy
- Ministry of Works and Transport
- Ministry of Education, Arts and Culture
- Ministry of Higher Education, Technology, and Innovation
- Ministry of Information, Communication and Technology
- Ministry of Agriculture, Water and Land Reform
- Ministry of Labour, Industrial Relations and Employment Creation
- Ministry of Finance and Public Enterprises



- Ministry of Gender Equality, Poverty Eradication and Social Welfare
- Ministry of Industrialization and Trade
- Ministry of Environment, Forestry and Tourism
- Ministry of Home Affairs, Immigration, Safety and Security
- Ministry of Health and Social Services
- Local and Regional Authorities
- Office of the Attorney-General
- Office of the Prosecutor-General
- Office of the Judiciary
- Office of the Auditor-General
- Office of the Ombudsman
- Anti-Corruption Commission
- Namibia Chamber of Commerce and Industry
- Namibia Trade Forum
- Namibia Statistics Agency
- Bank of Namibia
- Namibia Revenue Agency
- Namibia Investment Promotion and Development Board
- Namibia Stock Exchange
- Namibia Tourism Board
- Namibia Financial Institutions Supervisory Authority
- Namibia Water Corporation
- Namibia Institute of Corporate Governance
- National Planning Commission
- Namibia Chamber of Mines and Energy
- Namibia Civil Society Organization
- Traditional Authorities
- Development partners
- O/M/A's

4. SUMMARY OF THE COST OF NAMIBIA NATIONAL PROGRAMME OF ACTION (NPOA) 2023-2027

Firstly, from the inside it should be noted that not all activities within the NPoA requires financial resources for implementation. The NPoA expenditure is expected to supplement the country's annual budget as well as increase its overall capacity to implement its National Development Plans (NDPs) and Harambee Prosperity Plan II (HPPII). The NPoA was evaluated and costed during the development and harmonization with stakeholders such as Private sector, Development Partners, and Civil Society. The aggregated indicative cost of the NPoA is estimated at 9 007 000 000 billion Namibia Dollar and is broken down as follow: Democracy and Political Governance (1 million Namibia Dollar); Corporate Governance (0 Namibia Dollar); Economic Governance and Management (6 million Namibia Dollar); and Socio-Economic Development (9 billion Namibia Dollar), respectively.



AFRICAN PEER REVIEW MECHANISM (APRM) NATIONAL PLAN OF ACTION (NPOA)

THEMATIC AREA: DEMOCRACY AND POLITICAL GOVERNANCE										
Issues to be addressed	Activities to be undertaken	Monitoring Indicators	Means of Verification	Ongoing Activity	Expected Results / Outputs	Implementing Agency	Key Stakeholders	M&E Agency	Time frame	Est. Cost
APRM objective 1: Principles, Codes and Standards										
Sign, ratify, domesticate, and popularise democratic principles codes and standards	Identification of relevant codes and standards to be ratified	# Of codes and standards identified	Quarterly/ Annual Reports	Signing of standards and codes	A Namibia which is compliance with the regional and international standards	MIRCO, AG, Affected OMA	Cabinet, Parliament, OMA	Parliament, MoJ, NPC, APRMNS	2 years (2023/24-2024/25)	
	Domesticate the relevant codes and standards.	# Of codes and standards domesticated	Quarterly/ Annual Reports	Ratification of standards and codes	Codes and Standards domesticated	MIRCO, MOJ	Affected OMA, Cabinet, AG, OMA	Parliament, Affected OMA, NPC, APRMNS	2 years (2023/24-2024/25)	
	Create awareness and popularise codes / standards	# Of Namibian citizens aware of the relevant codes and standards	Quarterly/ Annual Reports	Ongoing activity	Citizens informed about Namibia's engagement in various regional and international bodies, and Namibia's subsequent obligations and responsibilities as outlined in the codes/standards.	Affected OMA, MICT	NSA, CSOs, NGOs, Academia, OMA, RCs, LA	Parliament, MIRCO, MoJ, NPC, APRMNS	2 years (2023/24-2024/25)	
		# Of events organised to create awareness of relevant code and standards	Quarterly/ Annual Reports	Ongoing awareness activities	Awareness events held.	Affected OMA, MIRCO, MoJ, MICT	NSA, CSOs, NGOs, Academia, OMA, RCs, LA	Parliament, MIRCO, NPC, APRMNS	2 years (2023/24-2024/25)	



THEMATIC AREA: DEMOCRACY AND POLITICAL GOVERNANCE										
Issues to be addressed	Activities to be undertaken	Monitoring Indicators	Means of Verification	Ongoing Activity	Expected Results / Outputs	Implementing Agency	Key Stakeholders	M&E Agency	Time frame	Est. Cost
APRM objective 2: Upholding the separation, checks and balance of powers										
Inadequate capacity in the Office of the Speaker of the National Assembly	Creation of new posts in the office of the speaker for additional staff	# Of additional posts created in the Office of the Speaker of the National Assembly	National Assembly HR Department Reports		Posts created	NA	PSC	NPC, NGC, APRMNS	2 years (2023/24-2024/25)	
	Recruitment of legislative capable staff	# Of new staff recruited in the Office of the Speaker of the National Assembly	Quarterly/ Annual Reports		Competent staff recruited.	NA	PSC	MoF, NPC APRMS	2 years (2023/24-2024/25)	
	Training and mentoring of staff in the Office of the Speaker in legislative drafting processes.	# Of staff trained in legislative drafting	Quarterly/ Annual Reports	Ongoing in-service training	Knowledgeable staff in legislative drafting.	NA	NIPAM, Relevant Partners (EU)	NPC, APRMNS	4 years (2023/24-2026/27)	
		# Of mentoring Attachés hosted in the Office of the Speaker	Quarterly/ Annual Reports		Mentoring Attachés Hosted	NA	NIPAM, Relevant Partners (EU)	NPC, APRMNS	4 years (2023/24-2026/27)	
Delays in passing of bills	Amend NA Standing Rules and order to include time frames during which bills should be finalised	% Progress made towards amending SROs to include timeframes	Quarterly/ Annual Reports		Expedited enactment of bills	Parliament	Cabinet	NPC, SRO SC (Standing Committee), APRMNS	2 years (2023/24-2024/2025)	



THEMATIC AREA: DEMOCRACY AND POLITICAL GOVERNANCE										
Issues to be addressed	Activities to be undertaken	Monitoring Indicators	Means of Verification	Ongoing Activity	Expected Results / Outputs	Implementing Agency	Key Stakeholders	M&E Agency	Time frame	Est. Cost
APRM objective 3: Prevention and management of intra and inter-state conflicts										
Violation of land rights of the marginalised	Enforce implementation of the Communal Land Act with particular attention to the marginalised groups	# Of marginalised people allocated with land	Quarterly/ Annual Reports	Ongoing activity	Communal Land Act enforced to serve the interest of the marginalized communities.	MAWLR	Ombudsman, MoJ, MPEGESW CLBs	NPC, MPEGESW, APRMNS	2 years (2023/24-2024/2025)	
		# Of hectares allocated to marginalised persons	Quarterly/ Annual Reports	Ongoing process	Land allocated	MAWLR	Ombudsman, MoJ, MPEGESW, CLBs	NPC, MPEGESW, APRMNS	2 years (2023/24-2024/2025)	
	Sensitise marginalised groups of their rights	# Of sensitisation initiatives undertaken	Quarterly/ Annual Reports	Ongoing activity	Sensitisation initiatives conducted	MAWLR MPEGESW	Ombudsman CSOs, CLBs	NPC, APRMNS	2 years (2023/24-2024/2025)	
Lack of cohesion amongst various ethnic groups	Implement social cohesion programs amongst all Namibians	# Of social cohesion programs (i.e., One Namibia, One Nation)	Programme Quarterly/ Annual Reports	Nationhood National Pride Campaign	Harmonised society	MICT	OMAs, RC's LA's, CSO's, TA's, NGOs	NPC, OPM, Parliament, APRMNS	4 years (2023/24-2026/27)	
Rise in tribalism and regionalism	Design targeted programs for reconciliation and social cohesion and nationhood in all regions	# Of programmes designed for reconciliation and social cohesion in all regions	Quarterly/ Annual Reports	Ongoing programmes	Harmony achieved among communities in the regions.	OMAs	CSOs, NGOs, TAs	NPC, Parliament, APRMNS	4 years (2023/24-2026/27)	
		# Of programmes designed for nationhood in all regions	Quarterly/ Annual Reports	Ongoing programmes	Increased access to resources for the residents of all regions	OMAs	CSOs, NGOs, TAs	NPC, Parliament, APRMNS	4 years (2023/24-2026/27)	
	Strengthen state services and responsiveness to address the issues of the inhabitants of all regions	% Increase in service provision to all the regions	Quarterly/ Annual Reports	Ongoing Activities	Improved services delivery	MURD	RCs, LAs, TA's, OMAs CSOs NGOs	NPC, APRMNS	4 years (2023/24-2026/27)	



THEMATIC AREA: DEMOCRACY AND POLITICAL GOVERNANCE										
Issues to be addressed	Activities to be undertaken	Monitoring Indicators	Means of Verification	Ongoing Activity	Expected Results / Outputs	Implementing Agency	Key Stakeholders	M&E Agency	Time frame	Est. Cost
APRM objective 4: Promotion and protection of civil and political rights										
Lack of Database and funding for CSOs to undertake activities that supports government initiatives	Registering CSOs implementing programmes aligned to government policies	# Of CSOs registered	Quarterly/ Annual Reports		Data base of registered CSOs developed.	NSA, MPEGSW	CSOs, NGOs, Private Sector	NPC, APRMNS	2 years (2023/24-2024/25)	
	Subsidize implementation of programmes by CSOs in their quest to address issues of national concern	# Of COSs with subsidized programs	Quarterly/ Annual Reports		Government aligned programmes implemented by CSOs	NPC, MoF	CSOs, General Public	MoF, AG, APRMNS	4 years (2023/24-2026/27)	
Lack of Access to information by citizens	Finalise the enactment of the access to the Information Bill	% Progress made towards the enactment of the Access to Information Bill	Quarterly/ Annual Reports	National Assembly debating committee report on the bill	Promulgated Act	MoJ, Relevant OMAs	Parliament, CSOs, NGOs, TAs	NPC, MICT, AG, APRMNS	2 years (2023/24-2024/25)	
Pending Ombudsman bill	Expedite the finalisation of the Ombudsman's Bill for tabling in the National Assembly	% Progress made towards finalisation of the Ombudsman bill	Quarterly/ Annual Reports	Finalization of the Ombudsman bill in progress	The promulgated Ombudsman Act	MoJ, Ombudsman	Parliament, CSOs, NGOs,	NPC, MICT, AG, APRMNS	2 years (2023/24-2024/25)	

THEMATIC AREA: DEMOCRACY AND POLITICAL GOVERNANCE										
Issues to be addressed	Activities to be undertaken	Monitoring Indicators	Means of Verification	Ongoing Activity	Expected Results / Outputs	Implementing Agency	Key Stakeholders	M&E Agency	Time frame	Est. Cost
APRM objective 5: Ensuring accountable, efficient and effective public service delivery at the national and decentralized levels										
Inadequate budgetary allocation and inaccessibility of Ombudsman services in some regions	Provision for adequate budget allocation to Ombudsman to decentralise to more regions and make its offices more accessible to all Namibians	% Change in the budget allocation of the Office of the Ombudsman	Quarterly/ Annual Reports		Increased funding to Ombudsman	MoF, Ombudsman	CSOs, NGOs, RECs, TAs, OMAs	NGC, AG, NPC, APRMNS	4 years (2023/24-2026/27)	
	Undertake organisational restructuring	# Of offices decentralized in regions	Quarterly/ Annual Reports		Visibility of Ombudsman offices in the regions	Ombudsman	MoJ, OPM, MURD RCs, LAs, CSOs, NGOs, TAs	NPC, OPM, APRMNS	4 years (2023/24-2026/27)	
Mismatch of courses with skill needs of public servants and unaffordable costs of training by civil servants	Revise and review curriculum programmes in line with GRN-priorities	# Of curriculum programmes reviewed and revised in line with GRN priorities	Quarterly/ Annual Reports	NIPAM Courses	Revised & reviewed curriculum programmes in line with GRN priorities	NIPAM	OMAs, Academia, Development Partners (EU)	OPM, NPC, APRMNS	2 years (2023/24-2024/25)	
	Review fee structure of NIPAM	% Progress made towards revision of fee structure	Quarterly/ Annual Reports	Ongoing NIPAM fee structuring	Reviewed fee structure	NIPAM	OPM	OPM, NPC, APRMNS	2 years (2023/24-2024/25)	
Slow pace of decentralisation	Review organisational structures of RCs and LAs	% Progress made towards the review of the organisational structures of the RCs and LAs	Quarterly/ Annual Report	Ongoing activities	Reviewed organisational structures.	MURD	OPM, OMA's, RCs, LAs, CSOs, TAs	NGC, NPC, APRMNS	2 years (2023/24-2024/25)	
	Capacity building for OMAs, RCs and LAs and staff	# Of capacity building interventions undertaken	Quarterly/ Annual Reports	Ongoing activity	Staff capacitated	MURD	OMA's, RCs, LAs	OPM, NGC, NPC, APRMNS	2 years (2023/24-2024/25)	



THEMATIC AREA: DEMOCRACY AND POLITICAL GOVERNANCE										
Issues to be addressed	Activities to be undertaken	Monitoring Indicators	Means of Verification	Ongoing Activity	Expected Results / Outputs	Implementing Agency	Key Stakeholders	M&E Agency	Time frame	Est. Cost
	Conduct Review on the national status of decentralisation implementation	% Progress made with the review of with the view of decentralisation policy	Quarterly/ Annual Reports	Ongoing Review of the decentralisation policy	Decentralization policy reviewed	MURD	OPM, OMA's, RCs, LAs, CSOs, NGOs, TAs, MoJ	NGC, NPC, OPM, AG, APRMNS	2 years (2023/24-2024/25)	\$1000000
	Develop an implementation plan	% Progress made with the development of the implementation plan	Quarterly/ Annual Reports		Implementation Plan developed	MURD	OPM, RCs, LAs, OMA's, CSOs, NGOs	OPM, NGC, NPC, APRMNS	2 years (2023/24-2024/25)	
APRM objective 6: Promotion and protection of the rights of women										
Under representation of women in political sphere	Amendment of Electoral Act to provide for mandatory 50/50	% Progress made towards amending the electoral Act.	Quarterly/ Annual Reports		Electoral act and other relevant legislations amended	ECN	Parliament, CSOs	NPC, Parliament, APRMNS	2 years (2023/24-2024/25)	
	Enforce zebra style representation	# Of Political parties in compliance with the zebra style representation as per the amended electoral Act	Quarterly/ Annual Reports	Ongoing based on existing national and regional policies at SADC level	Political parties compliant to amended electoral act	Parliament ECN	OPM, CSOs, OMAs	OPM, NPC, APRMNS	2 years (2023/24-2024/25)	
High prevalence of domestic violence, rape and discrimination against women, children, and men	Create awareness on the existing laws and policies against GBV	# Of Awareness Campaigns Conducted on GBV.	Quarterly/ Annual Reports	Implementation of existing laws and policies on GBV	Low GBV prevalence rate of against women	MGEPSW, NAMPOL,	CSOs, OMAs, Ombudsman, TAs	OPM, NPC, APRMS	4 years (2023/24-2026/27)	
		# Of GBV legislations translated into indigenous languages	Quarterly/ Annual Reports		National legislations translated into indigenous languages	MICT	MoJ, MHAISS, Parliament	OPM, AG, NPC, APRMNS	4 years (2023/24-2026/27)	
	Implementation of the National GBV Strategy and Action Plan (2020-2027)	# Of stakeholder engagements on the implementation of the GBV strategy	Quarterly/ Annual Reports	Ongoing sensitization with stakeholders	Low GBV prevalence rate of against women and men.	MGEPSW	MHAISS, NAMPOL, CSOs TAs, NGOs, RCs, LAs	Parliament, NPC, APRMNS	4 years (2023/24-2026/27)	



THEMATIC AREA: DEMOCRACY AND POLITICAL GOVERNANCE										
Issues to be addressed	Activities to be undertaken	Monitoring Indicators	Means of Verification	Ongoing Activity	Expected Results / Outputs	Implementing Agency	Key Stakeholders	M&E Agency	Time frame	Est. Cost
APRM objective 7: Promotion and protection of the rights of children and young persons										
Continuous practice of child marriage among communities	Enforce legislations on the combating of child marriages	# Of sensitisation campaigns conducted on child marriage country wide	Quarterly/ Annual Reports	Ongoing awareness campaigns.	Girls completed their education.	MGEPEWSW	Parliament, TAs, CSOs, RCs, LAs, NAMPOL, MoJ,	MoJ, NPC, APRMNS	4 years (2023/24-2026/27)	
		% Measurement of the prevalence rate of child marriages	Quarterly/ Annual Reports	Ongoing collating of data on child marriages.	Reduced incidence of Child marriages.	MGEPEWSW	TAs, CSOs	OPM, NPC, MoJ, APRMNS	4 years (2023/24-2026/27)	
Lack of access to education by girls and boys	Sensitive communities on the importance of education for girls and boys	# Of sensitisation campaigns on girl and boys' education conducted country wide	Quarterly/ Annual Reports	Ongoing awareness campaigns	Communities sensitized on importance of boys' and girls' education	MoEAC, MGEPEWSW	Parliament, Academia, TAs, CSOs,	OPM, MHETI, NPC, APRMNS	4 years (2023/24-2026/27)	
Inadequate education infrastructure for children from marginalised communities in the regions.	Construct additional educational infrastructures for marginalized communities	# Of additional infrastructures constructed for marginalized communities	Quarterly/ Annual Reports	Ongoing programmes	Increased educational infrastructures for the marginalized communities	MWT, MoEAC	RCs, LAs, TAs, CSOs Private sector UNICEF MoF	MGEPEWSW, NPC, MoF, APRMNS	4 years (2023/24-2026/27)	
High rate of poverty in marginalised communities	Strengthen the implementation of existing Policies and legal frameworks to raise the standard of living of the marginalised communities	# Of identity documents issued	Quarterly/ Annual Reports	Ongoing activities	Identifications issued.	MHAISS	MGE-PESWTAs, RCs, LAs	OPM, MGEPEWSW NPC, APRMNS	4 years (2023/24-2026/27)	



THEMATIC AREA: DEMOCRACY AND POLITICAL GOVERNANCE										
Issues to be addressed	Activities to be undertaken	Monitoring Indicators	Means of Verification	Ongoing Activity	Expected Results / Outputs	Implementing Agency	Key Stakeholders	M&E Agency	Time frame	Est. Cost
		# Of marginalized people registered for social grants	Quarterly/ Annual Reports	Ongoing activity	Increased access to social grants.	MGEPESW	MHAISSMGE-PESWTAs, RCs, LAs, Relevant OMAs	OPM, NPC, APRMNS	4 years (2023/24-2026/27)	
		% Reduction of poverty level in marginalized communities	Quarterly/ Annual Reports	Ongoing activity	Reduced poverty among marginalized communities.	MGEPESW	MHAISS, TAs RCs, LAs, CSOs	OPM, NPC APRMNS	4 years (2023/24-2026/27)	
APRM objective 8: Promotion and protection of the rights of vulnerable groups										
Underrepresentation in parliament, Limited employment opportunities, Limited access to education and Lack of information on possible financial supports by people living with disabilities	Strengthen implementation of laws and policies for the benefit of persons with disabilities through enhanced capacity	# Of people with disabilities in parliament	Annual and Quarterly reports	Existing laws and policies benefiting persons with disabilities.	People with disabilities represented in Parliament.	ECN	Parliament, MoJ, MGEPESW NDCN, CSO	OPM, MGEPESW, NPC, APRMNS	4 years (2023/24-2026/27)	
		# Of people with disabilities s employed	Quarterly/ Annual Reports	Ongoing activity	People with disabilities employment increased.	MLIREC	All OMAs, CSOs	OPM, MGEPESW, NPC, APRMNS	4 years (2023/24-2026/27)	
		# Of people with disabilities with access to education	Quarterly/ Annual Reports	Ongoing activity	Access to education by people with disabilities improved.	MoEAC, MHET	MGEPESW TAs, CSOs, MoEAC, MHETI, RCs, LAs	OPM, MGE-PESW,Mo-EAC, MHETI, NPC, APRMNS	4 years (2023/24-2026/27)	
		# Of campaign initiatives targeting people with disabilities	Quarterly/ Annual Reports	Ongoing Activity	Increased awareness	MoEAC, MHETI	MGEPESW TAs, CSOs, MoEAC, MHETI, RCs, LAs	OPM, MGEPESW, MoEAC, MHETI, NPC, APRMNS	4 years (2023/24-2026/27)	



THEMATIC AREA: DEMOCRACY AND POLITICAL GOVERNANCE										
Issues to be addressed	Activities to be undertaken	Monitoring Indicators	Means of Verification	Ongoing Activity	Expected Results / Outputs	Implementing Agency	Key Stakeholders	M&E Agency	Time frame	Est. Cost
Lack of reception centres for asylum seekers	Establish appropriate reception centres to accommodate asylum seekers while the authorities process their cases at identified points of entry.	# Of reception centres established for asylum seekers in Namibia	Quarterly/ Annual Reports	Ongoing activity	Reception centres constructed	MHAISS	NRC, RCs, LAs	NPC, MoJ, Ombudsman, APRMNS	4 years (2023/24-2026/27)	
Note: the cost of implementation of the issues to be addressed will be realized within the Government implementing Offices, Ministries and Agencies (OMAs) operational and development budgets										1 000 000



THEMATIC AREA: ECONOMIC GOVERNANCE AND MANAGEMENT										
Issue to be addressed	Activities to be undertaken	Monitoring Indicators	Means of Verification	Ongoing Activity	Expected Results / Outputs (Targets)	Implementing Agency	Key Stakeholders	M&E Agency	Time frame	Est. Cost
Principles, Codes and Standards										
Sign, ratify, domesticate, and popularise democratic principles codes and standards	Identification of relevant codes and standards to be ratified	# Of codes and standards identified	Quarterly/ Annual Reports	Signing of standards and codes	A Namibia which is compliance with the regional and international standards	MIRCO, AG, Affected OMAs	Cabinet, Parliament, OMAs	Parliament, MoJ, NPC, APRMNS	2 years (2023/24-2024/25)	
	Domesticate the relevant codes and standards	# Of codes and standards domesticated	Quarterly/ Annual Reports	Ratification of standards and codes	Codes and Standards domesticated	MIRCO, MoJ	Affected OMAs, Cabinet, AG, OMAs	Parliament, Affected OMAs, NPC, APRMNS	2 years (2023/24-2024/25)	
	Create awareness and popularise codes / standards	# Of Namibian citizens aware of the relevant codes and standards	Quarterly/ Annual Reports	Ongoing activity	Citizens informed about Namibia's engagement in various regional and international bodies, and Namibia's subsequent obligations and responsibilities as outlined in the codes/standards.	Affected OMAs, MICT	NSA, CSOs, NGOs, Academia, OMAs, RCs, LAs	Parliament, MIRCO, MoJ, NPC, APRMNS	2 years (2023/24-2024/25)	
		# Of events organised to create awareness of relevant code and standards	Quarterly/ Annual Reports	Ongoing activity	Awareness meetings held.	Affected OMAs, MIRCO, MoJ, MICT	NSA, CSOs, NGOs, Academia, OMAs, RCs, LAs	Parliament, MIRCO, NPC, APRMNS	2 years (2023/24-2024/25)	



THEMATIC AREA: ECONOMIC GOVERNANCE AND MANAGEMENT										
Issue to be addressed	Activities to be undertaken	Monitoring Indicators	Means of Verification	Ongoing Activity	Expected Results / Outputs (Targets)	Implementing Agency	Key Stakeholders	M&E Agency	Time frame	Est. Cost
APRM objective 1: Design and implement of economic policies for sustainable development										
Implementation of a national Sovereign Wealth Fund	Formulation of the legislative, regulatory and governance framework of the Fund	# Of regulatory frameworks for the Sovereign Wealth Fund developed	Quarterly/ Annual Reports	Trustees / Board quarterly meetings Harambee Goa 1 – Optimisation of stewardship	Sovereign Fund Regulatory frameworks developed.	MOF, BoN, MoJ	OMAs, CSOs, Private sector	Parliament, AG, NPC, APRMNS	2 years (2023/24-2024/25)	
		# Of governance frameworks for the Sovereign Wealth Fund developed	Quarterly/ Annual Reports	Trustees / Board quarterly meetings Harambee Goa 1 – Optimisation of stewardship	Sovereign Fund governance frameworks developed	MoF, BoN	OMAs, CSOs, Private sector	Parliament, AG, NPC, APRMNS	2 years (2023/24-2024/25)	
	Establishment of funding Sources	% Of funds deposited into the Sovereign Fund from: • Asset Sales • Royalties • Additional Profit Taxes • SACU windfall revenues	Quarterly/ Annual Reports	Cabinet Submissions on funding framework	Revenue deposited into the Sovereign Wealth Fund from: • Asset Sales (10%) • Royalties (10%) • Additional Profits Taxes (5%) • SACU windfall revenues (10%)	MoF/DOPE, BoN	NAMRA, PEs, MME, MFMR	Parliament, AG, NPC, APRMNS	4 years (2023/24-2026/27)	



THEMATIC AREA: ECONOMIC GOVERNANCE AND MANAGEMENT										
Issue to be addressed	Activities to be undertaken	Monitoring Indicators	Means of Verification	Ongoing Activity	Expected Results / Outputs (Targets)	Implementing Agency	Key Stakeholders	M&E Agency	Time frame	Est. Cost
Governance of Natural Resources	Reassessment of governance and licensing framework and resource rents	# Of Reassessed governing framework for resources	Ranking tables (e.g., Ease of doing business, competitiveness indices, Frazer Institute reports) Ministry of Finance to validate locals means of verification.	Annual submissions to the ranking institutes	Established Evaluation Committees	MME, MOF, NIPDB, MEFTMFMR, MAWLR, BIPA	Parliament, OPM, NIPDB, CSOs	Parliament, OPM, NPC, APRMNS	4 years (2023/24-2026/27)	
		% Of resources rent paid over to GRN from resources	Quarterly/ Annual Reports		National Sovereign Funds Generated.	MoF	MME, MOF, NIPDB, MEFT, MFMR, MAWLR, BIPA, Parliament, OPM, NIPDB, CSOs	Parliament, OPM, NPC, APRMNS	4 years (2023/24-2026/27)	
	Develop and implement progressive and competitive governance frameworks and policies.	# Of governance frameworks in place	Quarterly/ Annual Reports	Peer-and sector reviews by competent bodies	Agreed upon resource rent accrual to government.	MoF, DOPE, NAMRA, NIPDB, MEFT	NCE, NCCI, EIF, NCCI, CMN, MME, MEFT, MFMR, MAWLR, NIPDB	OPM, NPC, APRMNS	2 years (2023/24-2024/25)	
		% Progress towards the review of the Mineral policy	Quarterly/ Annual Reports	Peer-and sector reviews by competent bodies and Consultations on the Draft Bills	Agreed contributions to GDP, export earnings, employment, local content.	MME	MoF/DOPE, CCTED, CCT, MoF, MoJ	MoF, AG, NPC, APRMNS	2 years (2023/24-2024/25)	



THEMATIC AREA: ECONOMIC GOVERNANCE AND MANAGEMENT										
Issue to be addressed	Activities to be undertaken	Monitoring Indicators	Means of Verification	Ongoing Activity	Expected Results / Outputs (Targets)	Implementing Agency	Key Stakeholders	M&E Agency	Time frame	Est. Cost
	Update and/or develop Mineral-, Oil and Gas- Hydrogen- and Energy	% Progress towards the development of the oil and Gas Policy	Quarterly/ Annual Reports	Peer-and sector reviews by competent bodies	Legislative documents finalised.	MME	MoF/DOPE, CCTED, CCT, MoJ	MoF, AG, NPC, APRMNS	2 years (2023/24-2024/25)	
	Policies, Legislation and Regulations frameworks and policies.	% Progress towards the development of the Green Hydrogen	Quarterly/ Annual Reports	Ongoing consultations	Green Hydrogen Sector Developed.	MME	MoF/DOPE, CCTED, CCT	MoF, AG, NPC, APRMNS	2 years (2023/24-2024/25)	
		# Of Legislation and Regulations updated	Gazetting		Legislations updated.	MME	MoF/DOPE, CCTED, CCT	MoF, AG, NPC, APRMNS	2 years (2023/24-2024/25)	
Governance of state assets (including SOE assets)	Digitalise and institutionalise State Asset register.	% Progress toward the formulation of the Public Asset Ownership policy	Financial statements and Audits	MoF commenced with the exercise of manually creating a public asset register.	Commercially assessed state assets	MoF/DOPE, MWT	Relevant OMAs, PEs	Parliament, OPM, NPC, BoN APRMNS	2 years (2023/24-2024/25)	
	Assessment of all state assets in relation to returns on investments.	% Progress in Digitalising Public Asset Register	MoF database	Harambee Plan to optimise management of SOE	Commercially assessed state assets	MoF and MWT	OMAs PEs	Parliament, OPM, NPC, BoN APRMNS	2 years (2023/24-2024/25)	



THEMATIC AREA: ECONOMIC GOVERNANCE AND MANAGEMENT										
Issue to be addressed	Activities to be undertaken	Monitoring Indicators	Means of Verification	Ongoing Activity	Expected Results / Outputs (Targets)	Implementing Agency	Key Stakeholders	M&E Agency	Time frame	Est. Cost
Welcoming and management of high skilled Namibian diaspora and migrants and, upskilling local workforce based on a skill audit	Removal or ease of bureaucratic processes in the issuance of Employment Permits	# Of days it takes to obtain an Investors Employment Permit in Namibia	Monthly reports/ Quarterly/ Annual Reports	Employment Permits on Arrivals from High Level Economic Panel completed and ongoing relaxation of regional travel requirements.	Improved ease of doing business in Namibia	MHAISS, NIPDB	MLIREC, OPM, MIRCO, MIT	MIRCO, MIT, NPC, APRMNS	1 year (2023/24)	
		# Of Employment Permits Issued	Monthly reports/ Quarterly/ Annual Reports	NIPDB- 5 visas categories – at cabinet approval stage	More and wider range of skills available for the economy	MHAISS NIPDB	MLIREC, OPM, MIRCO, MIT	MIRCO, MIT, NPC, APRMNS	1 year (2023/24)	
Easing of visa requirements for Tourists	Establish various visa classes for Tourists	% Progress towards the establishment of Visa classes.	Monthly reports/ Quarterly/ Annual Reports	NIPDB- 5 visas categories – at cabinet approval stage.	Improved ease of travel by the Tourists	MHAISS	MEFT	MEFT, NPC, APRMNS	1 year (2023/24)	
		# Of days it takes to obtain a Tourist class of visa in Namibia	Monthly reports/ Quarterly/ Annual Reports	Ongoing issuance of Visa on arrivals for Tourists	Revenue generation for the economy	MHAISS	MEFT	MEFT, NPC, APRMNS	1 year (2023/24)	
		# Of Tourists Visas issued	Monthly reports/ Quarterly/ Annual Reports	Ongoing reporting	Eased entry by Tourists	MHAISS	MEFT	MEFT, NPC, APRMNS	1 year (2023/24)	



THEMATIC AREA: ECONOMIC GOVERNANCE AND MANAGEMENT										
Issue to be addressed	Activities to be undertaken	Monitoring Indicators	Means of Verification	Ongoing Activity	Expected Results / Outputs (Targets)	Implementing Agency	Key Stakeholders	M&E Agency	Time frame	Est. Cost
	Establish one stop shop for investors and Tourist visa applications.	% Progress in the establishment of a One-Stop-Shop for Employment Permits and Visa applications.	Quarterly/ Annual Reports		Increased turnaround for ease of doing business in Namibia and Tourism	MHAISS MIT/ NIPDB	MEFT	MEFT, NPC, APRMNS	1 year (2023/24)	
APRM objective 2: Encourage Ownership and Participation of Policy Formulation and Implementation										
Public and private sector participation in policy making at national, regional, and sectoral level	Stakeholder consultations and sectoral focus groups meetings	# Of consultations/ workshops on public finance conducted for public and the private sector	Feedback Surveys from public consultation process	- Regular and interactive consultations and follow up on public finance management related matters	Collaborative implementation of appropriate policies	PPP Unit	All OMA's, NCCI, BON, CSOs, NGOs, Private Sector	NPC, MoF' APRMNS	4 years (2023/24-2026/27)	-
		# Of sectoral focus groups that participated in public finance policy formulation	Workshop Attendance Registers	PFM legislation under review	Collaborative implementation of appropriate policies	PPP Unit	All OMA's, NCCI, BON, CSOs, NGOs, Private Sector	NPC, MoF' APRMNS	4 years (2023/24-2026/27)	
		% Progress toward the review of the State Finance Act	Quarterly/ Annual Reports	The Review of the State Finance Act commenced during the 2021/22 FY	Collaborative implementation of the Act	NPC, MoF	All OMAs, BoN	Parliament, OPM, APRMNS	4 years (2023/24-2026/27)	
Slow Decentralisation of policy/ projects implementation to regional councils and local Authorities	Devolving the Interventions implementation functions to regional council and local authorities	# O O/M/As that devolved intervention implementation functions to: Regional Councils Local Authority	Decen-tralization database	Eight Ministries have partially devolved im-plementations to regional councils by year 2021	Decentralised implementation of public policies, projects, and programmes implementations	MURD	RCs, LAs, OMAs CSOs TAs,	OPM, NPC, APRMNS	2 years (2023/24-2024/25)	



THEMATIC AREA: ECONOMIC GOVERNANCE AND MANAGEMENT										
Issue to be addressed	Activities to be undertaken	Monitoring Indicators	Means of Verification	Ongoing Activity	Expected Results / Outputs (Targets)	Implementing Agency	Key Stakeholders	M&E Agency	Time frame	Est. Cost
Inadequate funding and capacitation of NSA to deliver on its mandate	Allocate reasonable resources to NSA to execute its mandate of data compilation	% Allocation of NPC total budget to NSA	Quarterly/ Annual Reports		Adequately funded national Statistics agency	MoF	NPC, NSA	NPC, APRMNS	2 years (2023/24-2024/25)	
		# Of NSA programmes funded through Development Partners resources	Quarterly/ Annual Reports		Programmes funded	NSA	NPC, MoF, Development Partners	NPC, MoF, APRMNS	2 years (2023/24-2024/25)	
		# Of partnerships formed with the NSA	Quarterly/ Annual Reports		New Partnerships Secured.	NSA	NPC, MoF, Development Partners	NPC, MoF, APRMNS	2 years (2023/24-2024/25)	
		# Of NSA Human resources capacitated	Quarterly/ Annual Reports		Human Resources Capacitated	NSA	NPC, Development Partners	NPC, APRMNS	2 years (2023/24-2024/25)	
APRM objective 3: Promote Sound Public Finance Management										
Inadequate regulation of audit functions at O/M/As	Finalisation of the Act of the office of the Auditor General	% Progress of the Finalisation of the Auditor General Act	Quarterly/ Annual Reports	The drafting of the AG’s Act is at advanced stage; possible enactment is slotted for 2022/23 FY.	Adequate regulation of Audits of O/M/As	AG, MoJ	AG, MoF, OMAs	OPM, AG, APRMNS	2 years (2023/24-2024/25)	
		# Of public finance management Reforms undertaken	Quarterly/ Annual Reports		Ongoing activity	Informed OMAs on Public Finance Management	MoF	AG OMAs	OPM, APRMNS	2 years (2023/24-2024/25)
Alignment of financial year between the Central government and the local authority	Amending of the Local Authority Act to ensure alignment of the Local Authority financial year to the Central Government	% Progress toward the amendment of the Local Authority Act	Quarterly/ Annual Reports		Aligned financial years of the LAs to Central Government financial period	MURD	LAs	MoF, NPC, APRMNS	2 years (2023/24-2024/25)	



THEMATIC AREA: ECONOMIC GOVERNANCE AND MANAGEMENT										
Issue to be addressed	Activities to be undertaken	Monitoring Indicators	Means of Verification	Ongoing Activity	Expected Results / Outputs (Targets)	Implementing Agency	Key Stakeholders	M&E Agency	Time frame	Est. Cost
Absence of clear standard and guidelines for penalties for non-compliance of the tax system	Reviewing and amending the customs policies, guidelines, and SOPs to clearly include provision of non-compliance and penalties.	# Of customs and Excise legislations reviewed and amended	Quarterly/ Annual Reports	Review of the tax legislation (Customs law, Income Tax Act, NAMRA Bill) programme hosted under the MOF	Increased compliance of the tax system by all taxpayers. Enhanced taxation effectiveness and efficiency	NAMRA	MoF	MOF NPC APRMNS	3 years (2023/24-2025/26)	
	Reviewing the tax legislation to strength compliance and adopt to change	% Of progress towards the reviewing of the tax legislation	Quarterly/ Annual Reports		Tax legislation reviewed.	MoF/NAMRA, MoJ	O/M/As	Parliament, AG, APRMNS	3 years (2023/24-2025/26)	
	Effective implementation of the NAMRA Act	# Of new items in the zero-VAT categories	Quarterly/ Annual Reports		Results based NAMRA Act implemented.	NAMRA	O/M/As	Parliament, MoF, APRMNS	3 years (2023/24-2025/26)	
APRM objective 4: Fight corruption and money laundering										
Inadequately capacitated anti-corruption agency	Equipping the Anti-Corruption agency with skills needed to fight corruption	# Of anti-corruption trainings conducted	Quarterly/ Annual Reports	Ongoing capacity building of staff members	Strengthened anti-corruption Agencies in fighting all type of corruption.	ACC	OMAs, MHAISS/ NAMPOL CSOs	Parliament MoJ APRMNS	4 years (2023/24-2026/27)	
		# Of corruption controlling policies developed and implemented	Quarterly/ Annual Reports		Strengthened anti-corruption Agencies in fighting all type of corruption	ACC	OMAs, MHAISS/ NAMPOL CSOs	Parliament MoJ APRMNS	4 years (2023/24-2026/27)	



THEMATIC AREA: ECONOMIC GOVERNANCE AND MANAGEMENT										
Issue to be addressed	Activities to be undertaken	Monitoring Indicators	Means of Verification	Ongoing Activity	Expected Results / Outputs (Targets)	Implementing Agency	Key Stakeholders	M&E Agency	Time frame	Est. Cost
Increased corruption practices by public servants and private sector	Conduct annual public asset declarations for public servant, private sector and lifestyle audits were appropriate and create the database thereof under the OPM and ACC	Proportion of public servants that declared their assets.	Quarterly/ Annual Reports	Annual Asset declarations of political office Bearers	Increased transparency in the public sector and less corruption cases in public office	OPM	O/M/As, ACC	ACC, APRMNS	4 years (2023/24-2026/27)	
		% Progress towards the creation of Assets declaration database	Quarterly/ Annual Reports	Annual Asset declarations of political office Bearers	Asset Declaration Database developed.	OPM	O/M/As	ACC, APRMNS	4 years (2023/24-2026/27)	
Unresponsive various anti-money laundering legislation that does not address new threats posed by Digital currencies (Cryptocurrencies, Bitcoins, and Ethereum)	Amend and remain abreast of all the anti-money legislations by effective collaboration of law enforcement agencies	% Progress made towards the review of various anti-money laundering legislation	Anti-Money laundering report-FIC official website	Anti-money laundering strategies are being continuously reviewed and amended.	Streamlined and updated anti-money laundering laws.	FIC	CSOs, OMAs, ACC, NAMPOL Business Community	BoN, NAMFISA, APRMNS	4 years (2023/24-2026/27)	
		# Of cases investigated, prosecuted, and convicted related to money laundering.	ACC Disclosed Reports	Ongoing investigations	Reduced money laundering related cases.	ACC, NAMPOL, FIC	CSOs, OMAs, ACC, NAMPOL Business Community	BoN, NAMFISA, APRMNS	4 years (2023/24-2026/27)	

THEMATIC AREA: ECONOMIC GOVERNANCE AND MANAGEMENT										
Issue to be addressed	Activities to be undertaken	Monitoring Indicators	Means of Verification	Ongoing Activity	Expected Results / Outputs (Targets)	Implementing Agency	Key Stakeholders	M&E Agency	Time frame	Est. Cost
APRM objective 5: Accelerate and deepen regional integration in the monetary, trade and investment domain										
Absence of a national Implementation Plan (IP) for the AfCFTA	Solicit inputs into the draft AfCFTA IP from all stakeholders and sensitising the MSMEs on AfCFTA	# Of AfCFTA awareness consultations/ workshops hosted	Quarterly/ Annual Reports / Official website	Ongoing sensitizations	Awareness conducted.	NTF	OMAs, NAMRA, MIT, NCCI, NIPDB, Business Community, Farmers Unions	MIT, APRMNS	2 years (2023/24-2024/25)	
	Finalise the National AfCFTA IP	% Progress toward the finalisation of the National AfCFTA IP	Quarterly/ Annual Reports / Official website	Drafting of the AfCFTA IP- initial stages	A National AfCFTA IP developed	MIT/NTF/ NIPDB	OMAs, NAMRA, NCCI, Business Community, Farmers Unions	MIT, NPC, APRMNS	2 years (2023/24-2024/25)	
Uncompetitive investment climate laws and regulations	Passing/enacting of investment promotion & facilitation Act	% Progress toward the review of the Investment promotion & facilitation Act	Quarterly/ Annual Reports / Official website	Stakeholders' consultations	Amended Investment promotion & facilitation act in place	MIT /NIPDB	NCCI, NIDA, NACC, BIPA, MoJ	AG, MIT, APRMNS	2 years (2023/24-2024/25)	
Efficient one-stop processing of investments applications	Facilitation of all investment processes through NIPDB	# Of Investment processes facilitated by NIPDB	Quarterly/ Annual Reports	Different Investment promotion activities (SACU round table engagement, MSME promotion& financing)	National and International business investments promoted and attracted.	NIPDB	NACC, NSI, MIT, BIPA, Business Community	MIT, APRMNS	4 years (2023/24-2026/27)	
		# Of businesses registered on BIPA's integrated business registry	Quarterly/ Annual Reports	Development of integrated business registry ongoing	Integrated business registry with BIPA.	BIPA	NACC, NSI, MIT, NIPDB Business Community	MIT, APRMNS	4 years (2023/24-2026/27)	



THEMATIC AREA: ECONOMIC GOVERNANCE AND MANAGEMENT										
Issue to be addressed	Activities to be undertaken	Monitoring Indicators	Means of Verification	Ongoing Activity	Expected Results / Outputs (Targets)	Implementing Agency	Key Stakeholders	M&E Agency	Time frame	Est. Cost
		% Progress toward the establishment of one-stop centre for investors applications	Quarterly/ Annual Reports	Ongoing	Sourcing different experts to be hosted under the one-stop investors centre	NIPDB	MoF, NACC, MIT, NCCI, Business Community	MIT, MoF, NPC, APRMNS	2 years (2023/24-2024/25)	
Special Economic Zone regime	Finalising the SEZ incentives and policy regime	% Progress toward the finalisation of SEZ regulatory framework	Quarterly/ Annual Reports	Incentives for the SEZ are being developed and are at advance stage.	Attractive investment incentives for the SEZ approved	MIT/NIPDB	NIPDB, MoF/ NAMRA, NPC, NTF, RCs, LAs, Business community	MIT, MoF, NPC, APRMNS	4 years (2023/24-2026/27)	N\$600 000
Increased Regional and global competitiveness and transparency Indices	Agreements on Competitiveness and transparency indices and application of agreed indices	GCI ranking for Namibia (WEF official website)	WEF official website, and Frazer Institute Quarterly/ Annual Reports	Reporting for the GCI and no activity yet for the Frazer ranking Index.	Namibia ranking in terms of on global Competitive Index	NIPDB	MME, NAMRA, MEFT, MICT, NPC, CSOs, NSA, OPM MoF, MIT, BIPA	MOF, NPC, NSA, MIT, APRMNS	2 years (2023/24-2024/24)	
Transfer pricing abuse (mispricing) in the extractive sector	Equip NAMRA, FIC and others with skills and capacity in transfer pricing	# Of price transferring incidence reported in the extractive sector	Quarterly/ Annual Reports	Strengthening the legislation to curb price transfer	An effective and efficiency Tax system with curbed price transferring incidences	MoF/NAMRA,	BoN, MIT, NTF, NIPDB, Business Community	MoF, MIT, APRMNS	2 years (2023/24-2024/25)	
		# Of staff trained to reduce mispricing	Quarterly/ Annual Reports	Ongoing	Staff trained.	MME	MOF, MME, NAMRA, Extractive Industries	MoF/ NAMRA APRMNS	2 years (2023/24-2024/25)	

THEMATIC AREA: ECONOMIC GOVERNANCE AND MANAGEMENT										
Issue to be addressed	Activities to be undertaken	Monitoring Indicators	Means of Verification	Ongoing Activity	Expected Results / Outputs (Targets)	Implementing Agency	Key Stakeholders	M&E Agency	Time frame	Est. Cost
Undiversified export bases and markets	Integrate local business into FDI activities and develop value chains.	% Change in export volumes including re-exports	National Accounts, WB ease of doing business rankings. NIPDB Quarterly/ Annual Reports	Skills based financing for SMEs in manufacturing, Credit schemes and Joint Ventures mentoring programmes.	Increased Exports.	MIT/NIPDB	MoF/NAMRA, MTF, NSA, NCCI, NMA, Business Community	MIT, MoF/ NAMRA, NSA, APRMNS	4 years (2023/24-2026/27)	
	Fast track the Growth at Home strategy including public procurement	# Of new export markets for Namibian products	Quarterly/ annual Reports	Ongoing	Ratified Trade Agreements	MIT/NIPDB	MoF/NAMRA, MTF, NSA, NCCI	MIT, MoF/ NAMRA, NSA, APRMNS	4 years (2023/204-2026/2027)	
	Increase incentives for SMEs in the manufacturing sector	% Change in MSMEs that benefits from manufacturing incentives	Quarterly / Annual Reports	Ongoing review of manufacturing incentive scheme for MSMEs	Increased manufacturing activities by the MSMEs	MIT/NIPDB	MoF/NAMRA, MTF, NSA, NCCI, NMA, CMA, Business Community	MIT, MoF, MRANSA, APRMNS	Years 2023/2024-2024/2025)	
Lack of National Single Window (NSW)	Fastrack and operationalise NSW	% Progress made towards the development of the National Single Window	Quarterly/ Annual Reports	Ongoing setting up of single window platform.	Single window operationalised	MIT/NIT	BoN, MoF/ DOPE, NAMPORT, NIPDB, NCCI, AMA, Relevant OMAs, Business Community	MIT, MoF, NPC, APRMNS	4 years (2023/24-2026/27)	



THEMATIC AREA: ECONOMIC GOVERNANCE AND MANAGEMENT										
Issue to be addressed	Activities to be undertaken	Monitoring Indicators	Means of Verification	Ongoing Activity	Expected Results / Outputs (Targets)	Implementing Agency	Key Stakeholders	M&E Agency	Time frame	Est. Cost
APRM objective 6: Develop and implement trade, investment and economic policies that promotes economic growth										
Lack of Robust and transparent investment- and incentive environment	Finalisation of investment laws and regulations; Crafting of Agreement on competitive tax and non-tax incentives	% Improvement in Independent rankings of investor competitiveness (year-on-year)	Quarterly/ Annual Reports	Investment Act and Regulations, SEZ framework, Various trade agreements are being ratified, the competitive tax and non-tax incentives still need to be developed	Improved Business Climate.	NIPDB, NTF	MIT, MAWLR/ Farmers Unions, MFMR, MoF/ NAMRA, NCCI, NMA, Business private sector	MIT, MoF, MoJ, APRMNS	4 years (2023/24-2026/27)	
Lack of clear policy framework and performance-based incentives in Special Economic Zones (SEZ)	Develop performance incentives for manufacturers and exporters	% Progress towards the review of existing policy on tax incentives regime for the SEZ	Quarterly/ Annual Reports	Review of the manufacturing incentives and Export Levies	A well-developed SEZ that will encourage investment growth in Namibia	NIPBD	MIT, MoF, NAMRA, BIPA, NACC, NTF, NCCI, NMA, Business Community	MIT, MoF, NPC, APRMNS	4 years (2023/24-2026/27)	
Absence of a cost-benefit analysis for tax incentives.	Conduct cost benefit analysis for tax incentives	% Proportion of Revenue gains compared to revenue loss from tax incentives under the SEZ	Quarterly/ Annual Reports		Weighted tax incentives allocations under the SEZ and reduced revenue loss	NIPDB,	MIT, MoF, NCCI, NMA, Private Business Sector, NTF	MIT, MoF, APRMNS	4 years (2023/24-2026/27)	
Note: the cost of implementation of the issues to be addressed will be realized within the Government implementing Offices, Ministries and Agencies (OMAs) operational and development budgets										6 000 000



THEMATIC AREA: CORPORATE GOVERNANCE										
Issue to be addressed	Activities to be undertaken	Monitoring Indicators	Means of Verification	Ongoing Activity	Expected Results / Outputs (Targets)	Implementing Agency	Key Stakeholders	M&E Agency	Time frame	Est. Cost
Principles, Codes and Standards										
Ratify international principles, codes, and standards	Strengthen enforcement of the ILO codes	# OF ILO Conventions ratified and enforced	MoLIREC Quarterly/ Annual Reports submitted to ILO	Ratification and signing of standards and codes	ILO convention implemented	MoLIREC	Parliament, MoJ, OPM, AG, MIRCO, CMN	AG, APRMNS	4 years (2023/24-2026/27)	
	Commences the processes leading up Namibia's sign up and adoption of the Extractive Industries Transparency Initiative and/or review of relevant laws	% Progress made towards the adoption of the Extractive Industries Transparency Initiative	Quarterly/ Annual Reports		Extractive Industries Transparency Initiative adopted	MME	Parliament, MoJ, CMN, Epangelo Mining Company Namcor, MEFT, MFMR, CSOs	AG, MME, APRMNS	2 years (2023/24-2024/25)	
	Ensures clear adoption and domestication of International Corporate Governance Principles and Conventions in extractive industries	% Progress made towards the adoption of International Corporate Governance Principles and Conventions	Parliament Quarterly/ Annual Reports		International Corporate Governance Principles and Conventions domesticated	MME	Parliament, MIRCO, MoJ, MoF/DOPE, CMN	AG, MoF/DOPE, MME, APRMNS	2 years (2023/24-2024/25)	
APRM objective 1: Promoting an Enabling Environment and Effective Regulatory Framework for Business organisations and other entities										
Inadequate corporate governance principles as contained in NamCode and widen sources beyond King III and IV.	Adoption and implementation of best practices in Corporate Governance	% Progress made in updating the NamCode in line with best practices	NSX A Quarterly/ Annual Reports	Review of the NamCode and benchmarking the best practises in corporate governance	Refined NamCode and widened sources beyond King III for optimized domestication of global best practices in CG	MoF/DOPE	MoJ, NSX, NICG, ICAN, Relevant OMAs, PEs	MoF/DOPE, APRMNS	2 years (2023/24-2024/25)	



THEMATIC AREA: CORPORATE GOVERNANCE										
Issue to be addressed	Activities to be undertaken	Monitoring Indicators	Means of Verification	Ongoing Activity	Expected Results / Outputs (Targets)	Implementing Agency	Key Stakeholders	M&E Agency	Time frame	Est. Cost
Inadequate financial access from the financial lenders by the MSMEs	Develop a funding policy framework for MSMEs	% Progress made towards the formulation of the funding policy framework	MIT Quarterly/ Annual Reports	Build on current efforts on financial literacy programmes etc	Access to funding increased.	MIT/NIPDB	MURD, MYSNS, RCs, BoN, NCCI, MSMEs	MIT, NPC, APRMNS	2 years (2023/24-2024/25)	
	Promote cooperation between government funds, and commercial banking from a government s' perspective	% Change in the national budget allocation to MSMEs development	Bank of Namibia Quarterly/ Annual Reports	Annual review of progress and suggest remedial action.	Diversified MSME financing eco system	MIT/NIPDB	MoF, DBN, Commercial Banks, NAMFISA (Micro Lenders), NICG, RCs, MYSNS, MSMEs, NCCI	BoN, DBN, MoF, MIT, APRMNS	3 years (2023/24-2025/26)	
		# Of MSMEs financed from the MSMEs Financing programme-DBN	Quarterly/ Annual Reports	Annual review of progress and suggest remedial action.	Diversified MSME financing eco system	MTI/NIPDN, MoF	BoN, DBN, MoF, NCCI, MSMEs	BoN, DBN, MoF, MIT, APRMNS	3 years (2023/24-2025/26)	
		# Of MSMEs that received start-up/ scale-up loan from the Commercial banks	Quarterly/ Annual Reports	Annual review of progress and suggest remedial action	Diversified MSME financing eco system	MIT/NIPDB	BoN, DBN, MoF, Commercial Banks, NCCI, MSMEs	BoN, DBN, MoF, MIT, APRMNS	3 years (2023/24-2025/26)	
Lack of compliance enforcement to PEGA 2019 principles	Develop compliance code to be followed by Government and PEs with financial and disciplinary penalties	% Progress made toward the development of compliance codes for GRN and SOEs	Quarterly/ Annual Reports	Ongoing consultations	Optimized monitoring and supervision of PEs.	MoF/DOPE	PEs, Relevant OMAs	MoF/DOPE, APRMNS	2 years (2023/24-2024/25)	
		# Of PEs in Namibia complying to PEGA 2019 principles	Quarterly/ Annual Reports	Carried out through compliance reports	Increased compliance.	MoF/DOPE	PEs, Relevant OMAs, NICG	MoF/DOPE AG, APRMNS	2 years (2023/24-2024/25)	



THEMATIC AREA: CORPORATE GOVERNANCE										
Issue to be addressed	Activities to be undertaken	Monitoring Indicators	Means of Verification	Ongoing Activity	Expected Results / Outputs (Targets)	Implementing Agency	Key Stakeholders	M&E Agency	Time frame	Est. Cost
APRM objective 2: Ensuring Effective Leadership and Accountability of Organisations										
Inadequate transparency in board of directors' appointments	Develop a database for screening of Board directors' potential candidate for appointment.	% Progress toward the development of a board of directors' database	Audit of database Quarterly/ Annual Reports	Ongoing pre-appointment programmes	Transparent process of the appointment of board of directors	MoF/DOPE	NICG, Relevant O/M/ As, PEs	MoF, AG, APRMNS	2 years (2023/24-2024/25)	
	Capacitate board of directors	# Of board of directors capacitated	Quarterly/ Annual Reports	Ongoing induction programmes	Board of Directors competent and capacitated	MoF/DOPE	NICG, Relevant O/M/ As, PEs	MoF AG, APRMNS	2 years (2023/24-2024/25)	
Inadequate consultation with business community and RCs and LAs (regional structures) with respect to Procurement, Planning, Budgeting and Reporting.	Set up and implement regular consultation process.	# Of consultations conducted with business communities at regional levels	Quarterly/ Annual Reports	Annual Reviews with business associations	Enhanced consultation with Business Community.	MoF, NPC	Relevant OMAs, MURD, RCs, LAs, Private Business Sector Representatives, Business Community	MoF, NPC, APRMNS	4 years (2023/24-2026/27)	
		# Of Consultations conducted with regional structures	Quarterly/ Annual Reports	Ongoing activity	Enhanced consultation with the regional structures.	MoF, NPC	Relevant OMAs, MURD, RCs, LAs	MoF, NPC, APRMNS	4 years (2023/24-2026/27)	
APRM objective 3: Ensuring Ethical Conduct Within Organisations										
Insufficient staffing and lack of autonomy by the regulatory bodies	Capacitating regulatory bodies (ACC, Attorney General and Ombudsman)	# OF staff recruited by the regulatory bodies (ACC, Attorney General and Ombudsman)	Websites of regulatory bodies/ Quarterly/ Annual Reports	Ongoing	Fully capacitated & staffed functioning regulatory bodies.	ACC, Ombudsman, AG, and Auditor General	OMAs, CSOs	MoJ, APRMNS	2 years (2023/24-2024/25)	



THEMATIC AREA: CORPORATE GOVERNANCE										
Issue to be addressed	Activities to be undertaken	Monitoring Indicators	Means of Verification	Ongoing Activity	Expected Results / Outputs (Targets)	Implementing Agency	Key Stakeholders	M&E Agency	Time frame	Est. Cost
		% Progress toward development of regulatory frameworks under: • ACC • Attorney General • Ombudsman	Quarterly/ Annual Reports		Institutional capacity strengthened	ACC, Ombudsman, AG, and Auditor General	OMAs, MoJ, CSOs	AG, MoJ, APRMNS	2 years (2023/24-2024/25)	
Less effective Public Sector Performance Management System	Automate the Performance Management System	% Progress towards the automation of the public performance Management System	Quarterly/ Annual Reports	Ongoing improvement of the Performance Management System	Enhanced performance Management System	OPM	O/M/As, PEs	OPM, NPC, APRMNS	2 years (2023/24-2024/25)	
Absence of Environmental, Social and Governance (ESG) frameworks	Develop and strictly apply SOPs guidelines, codes and frameworks	% Progress made toward the development of SOPs guidelines	Integrated Quarterly/ Annual Reports	Annual Surveys of Social Ethics and Sustainability (SES) progress	SOPs Guidelines developed and applied.	OPM	NICG, NSX, AG	OPM, AG, AGPRNS	2 years (2023/24-2024/25)	
		# Of SOPs, codes and guidelines applied	Quarterly/ Annual Reports		Social, Ethics and sustainability Committees/ codes established	OPM	NICG, NSX, AG	OPM, AG, AGPRNS	2 years (2023/24-2024/25)	



THEMATIC AREA: CORPORATE GOVERNANCE										
Issue to be addressed	Activities to be undertaken	Monitoring Indicators	Means of Verification	Ongoing Activity	Expected Results / Outputs (Targets)	Implementing Agency	Key Stakeholders	M&E Agency	Time frame	Est. Cost
APRM objective 4 : Ensuring that Organisations Treat Stakeholders Fairly and Equitably										
Lack of capital market access for the minorities and Weak minority shareholder protection	Promote and support minority shareholder protection through reviews of the investment promotion Act of 2016 and other Company regulating legislations in Namibia	# Of company regulating legislations reviewed	Quarterly/ Annual Reports	Reviewing of the Investment Act and Company Act	Protected minority shareholders who have more access to capital markets protection	MIT/NIPDB	MoJ, BoN, BIPA, MIT, NSX, FLI, NICG, MoF, Business Community	AG, BoN, MIT/ NIPDB, MoF, APRMNS	2 years (2023/24-2024/25)	
		% Progress toward the review of the Investment Act of 2016	Quarterly/ Annual Reports		Investment Act reviewed.	MIT/NIPDB	MoJ, BoN, BIPA, MIT, NSX, FLI, NICG, MoF, Business Community	AG, BoN, MIT/ NIPDB, MoF, APRMNS	2 years (2023/24-2024/25)	
		# Of the previously disadvantaged companies that holds shares on the NSX listed companies	Quarterly/ Annual Reports		Increased participation of previously disadvantaged companies on the NSX	MIT/NIPDB	BoN, BIPA, MIT, NSX, FLI, NICG, MoF, MSMEs	MIT/ NIPDB, MoF, APRMNS	2 years (2023/24-2024/25)	
Inadequate Knowledge and Advocacy in Corporate Governance	Conducting CG training and advocacy	# Of persons trained at the Namibia Institute of Corporate Governance	Quarterly/ Annual Reports	Trainings in corporate governance	Training in the corporate governance and advocacy conducted.	MoF/DOPE	Relevant OMAs, PEs, NICG, Business Representatives, Business Community	MoF/DOPE, APRMNS	4 years (2023/4-2026/27)	
		# Of accredited persons in Corporate Governance	Quarterly/ Annual Reports		Enhanced knowledge and advocacy in corporate governance	MoF/DOPE	NICG	MoF APRMNS	4 years (2023/4-2026/27)	



THEMATIC AREA: CORPORATE GOVERNANCE										
Issue to be addressed	Activities to be undertaken	Monitoring Indicators	Means of Verification	Ongoing Activity	Expected Results / Outputs (Targets)	Implementing Agency	Key Stakeholders	M&E Agency	Time frame	Est. Cost
APRM objective 5: Ensuring that Organisations Behave as Good Corporate Citizens										
Vulnerability of communities in the event of large business closure	Conduct awareness campaigns and business closure plans including business rescue as part of the licensing process	# Of companies with Closure plans	Quarterly/ Annual Reports		Resilient communities in the event of business closures	MIT/NIPDB, MoF/DOPE MLIREC, NIPBD	Business Representatives (NCCI), Business Owners, PEs	MoF, MIT/ NIPDB, MoF, APRMNS	4 years (2023/4-2026/27)	
		# OF companies with business rescue plans	Quarterly/ Annual Reports		Resilient companies in the event of business closure	MoF/DOPE	Business Representatives (NCCI), Business Owners, PEs	MoF, MIT/ NIPDB, MoF, APRMNS MoF, MIT/ NIPDB, MoF, APRMNS	4 years (2023/4-2026/27)	
Enhancing inadequate informal sector employment and business opportunities	Integrate the informal sector in supply chain through incentives e.g., tax benefit/ credits	# Of businesses in the informal sector integrated in supply chain through tax benefits/credits	Quarterly/ Annual Reports	Annual surveys activities	Improved community integration in private sector supply chain	MIT/NIPDB, MoF	Resource businesses, Indigenous Business Council, NCCI, MSMEs	MIT, MoF, APRMNS	4 years (2023/4-2026/27)	
Enhance inadequacies in the independent validation of extractive industries, including consideration of Extractive Industries Transparency Index (EITI) benefits	Signing of the EITI	# Of Industries Transparency Initiatives [EITI] Namibia is signatory to	Quarterly/ Annual Reports	Establishment of EITI Committee	Enhanced transparency and global legitimacy	MME	MME, MEFT, MFMR, MIRCO, Extractive PEs, Private Sector Extractive Companies, MoF/DOPE	MME, MEFT, MFMR, MIRCO, APRMNS	4 years (2023/4-2026/27)	
Note: the cost of implementation of the issues to be addressed will be realized within the Government implementing Offices, Ministries and Agencies (OMAs) operational and development budgets										0



THEMATIC AREA: SOCIO – ECONOMIC DEVELOPMENT										
Issue to be addressed	Activities to be undertaken	Monitoring Indicators	Means of Verification	Ongoing Activity	Expected Results / Outputs (Target)	Implementing Agency	Key Stakeholders	M&E Agency	Time frame	Est. Cost (N\$000')
Principles, Codes and Standards										
Sign, ratify, domesticate, and popularise democratic principles codes and standards	Identification of relevant codes and standards to be ratified	# Of codes and standards identified	Quarterly/ Annual Reports	Signing of standards and codes	A Namibia which is compliance with the regional and international standards	Parliament, MIRCO, MoJ, AG, Affected OMAs	Cabinet	Parliament, NPC, Affected OMAs, APRMNS	2 years (2023/24-2024/25)	
	Domesticate the relevant codes and standards	# OF codes and standards domesticated	Quarterly/ Annual Reports	Ratification of standards and codes	Codes and Standards domesticated	Parliament, MIRCO, MoJ, Affected OMAs	Cabinet	Parliament, NPC, Affected OMAs, APRMNS	2 years (2023/24-2024/25)	
	Create awareness and popularise codes / standards	# OF Namibian citizens aware of the relevant codes and standards	Quarterly/ Annual Reports	Ongoing	Citizens informed about Namibia's engagement in various regional and international bodies, and Namibia's subsequent obligations and responsibilities as outlined in the codes/standards.	Affected OMAs, MIRCO, MICT	MoJ, CSOs, Academia, OMAs	Parliament, Affected OMAs, APRMNS	2 years (2023/24-2024/25)	
		# OF events organised to create awareness of relevant code and standards	Quarterly/ Annual Reports		Awareness events held.	Affected OMAs, MIRCO, MICT	OMAs, Academia, CSOs	Parliament, Affected OMAs, APRMNS	2 years (2023/24-2024/25)	



THEMATIC AREA: SOCIO – ECONOMIC DEVELOPMENT										
Issue to be addressed	Activities to be undertaken	Monitoring Indicators	Means of Verification	Ongoing Activity	Expected Results / Outputs (Target)	Implementing Agency	Key Stakeholders	M&E Agency	Time frame	Est. Cost (N\$000')
APRM objective 1: Promote and accelerate broad-based sustainable socio-economic development										
Slow pace on the access to land by previously disadvantaged Namibians	Enactment of the land bill	% Progress made towards the enactment of the land bill	Quarterly/ Annual Reports	Incorporation of legal inputs into the Draft Land Bill by MAWLR as received from the legal drafter at MOJ	Land bill promulgated	MAWLR	Cabinet, Parliament, MEFT, MURD, RC's, Traditional Authorities, General public, Farmers Unions, Agribank, BON, MoJ	NPC, MAWLR, MoJ, APRMNS	4 years (2023/24-2026/27)	500 000
Increased demand for water	Implementation of bulk water Supply and Security capital development projects	# Of bulk water infrastructure constructed	MAWLR/ NamWater - Quarterly/ Annual Reports	Consultancy services awarded for the design of the bulk Water supply infrastructure. Refurbishment of key bulk water supply infrastructure ongoing	Bulk water supply infrastructures constructed: 1. Oshakati Purification Plant extension 2. Rundu Purification Plant extension 3. Ohangwena Aquifer no 2 well field borehole drilling. 4. Abenab borehole development & linking with ENWC 5. Kuiseb collector pipeline rehabilitation	MAWLR/ NamWater	MURD, RCs, LAs, MoF, OPM	NPC, MAWLR, CCWS, APRMNS	4 years (2023/24-2026/27)	4 billion



THEMATIC AREA: SOCIO – ECONOMIC DEVELOPMENT										
Issue to be addressed	Activities to be undertaken	Monitoring Indicators	Means of Verification	Ongoing Activity	Expected Results / Outputs (Target)	Implementing Agency	Key Stakeholders	M&E Agency	Time frame	Est. Cost (N\$000')
					6. Omahenene – Oshakati canal refurbishment 7. Katima Mulilo Purification Plant extension					
	Construction of rural water supply infrastructure	# OF rural water supply schemes constructed	Quarterly/ Annual Reports	- Consultancy services awarded for the design of rural water supply infrastructure - Construction and upgrading of rural water supply schemes	Increased access to potable water through rural water supply schemes constructed and upgraded. 1. Phase 3 & 4 Katima-Ngoma water supply scheme 2. Litapa-Okeeholongongo water supply scheme 3. Ruacana South Water Supply Scheme 4. Otjombinde Water Supply Scheme 5. Katima/Kongola WSS 6. King Kauluma-Omutsegwonime Water Supply Scheme	MAWLR	MURD, RCs, LAs, MoF	NPC, MAWLR, APRMNS	4 years (2023/24-2026/27)	1 059 775



THEMATIC AREA: SOCIO – ECONOMIC DEVELOPMENT										
Issue to be addressed	Activities to be undertaken	Monitoring Indicators	Means of Verification	Ongoing Activity	Expected Results / Outputs (Target)	Implementing Agency	Key Stakeholders	M&E Agency	Time frame	Est. Cost (N\$000')
		# Of rural water supply pipelines constructed	MAWLR Quarterly/ Annual Reports	Construction of key water supply pipelines ongoing	3 rural water supply schemes constructed. 1. Ozondati-Omatjete pipeline construction 2. Ohamaremba to Okangwati pipeline 3. King kauluma to Omutsegwonime pipeline	MAWLR	MURD, RCs, LAs	MAWLR, NPC, APRMNS	4 years (2023/24-2026/27)	59 694
	Rehabilitation of water points infrastructure	# Of water points infrastructure rehabilitated	Quarterly / Annual Reports	Rehabilitation of water points in • Omusati region • Otjozondjupa region • Oshikoto region	23 water points rehabilitated	MAWLR	NamWater, MURD, RC's, LAs	NPC, MAWLR, APRMNS	4 years (2023/24-2026/27)	10 680
	Establishment of a desalination plant	% Progress towards the construction of the Desalination plant	NamWater Quarterly Performance Reports MAWLR Quarterly Reports	Construction of the desalination plant	Desalination plant commissioned to supply water to the Central Coastal areas and Central Northern areas	MAWLR/ NamWater	MoF, MURD, RCs	NPC, MAWLR, NamWater, TCE, APRMNS	4 years (2023/24-2026/27)	3 000 000
	Review of Integrated Water Resource Management (IWRM) Plan	% Progress towards the review of IWRM plan	Quarterly/ Annual Reports	Review of IWRM Plan	Adoption & Operationalization of reviewed IWRM Plan	MAWLR/ NamWater	MURD, RCs, LAs, NPC	NPC, MAWLR, APRMNS	2 years (2023/24-2024/25)	4,500



THEMATIC AREA: SOCIO – ECONOMIC DEVELOPMENT										
Issue to be addressed	Activities to be undertaken	Monitoring Indicators	Means of Verification	Ongoing Activity	Expected Results / Outputs (Target)	Implementing Agency	Key Stakeholders	M&E Agency	Time frame	Est. Cost (N\$000')
	Drilling, installation & rehabilitation of boreholes in rural areas	# Of functional boreholes drilled	MAWLR Quarterly Reports	Drilling of new boreholes	122 Functional boreholes drilled.	MAWLR, NamWater	MURD, RCs, NPC, MoF LA's	NPC, MAWLR, APRMNS	4 years (2023/24-2026/27)	3 020
		# Of boreholes installed	MAWLR Quarterly Reports	Installation of boreholes	124 boreholes Installed	MAWLR	MURD, RCs, NPC, MoF LA's	NPC, MAWLR, APRMNS	4 years (2023/24-2026/27)	57 250
		# Of boreholes rehabilitated	MAWLR Quarterly Reports	Rehabilitation of existing boreholes throughout the country	89 boreholes to be rehabilitated	MAWLR	MURD, RCs, NPC, MoF LA's	NPC, MAWLR, APRMNS	4 years (2023/24-2026/27)	10 680
	Construction of earth dams	# Of earth dams constructed	MAWLR quarterly/ annual report	Construction and rehabilitation of earth dams in Omusati region	5 Earth dams constructed and rehabilitated	MAWLR	MURD, NPC, MoF, RC's, LA's	MURD, NPC, APRMNS	4 years (2023/24-2026/27)	18 000
Slow implementation of electrification in rural areas	Scale-up rural electrification through grid and off-grid technologies	# Of schools and clinics in rural areas electrified	Quarterly/ Annual Reports	Scale-up rural electrification projects and renewable energy generation capacity projects.	100% of schools and health facilities are electrified with at least 30% electrified using solar in rural areas	MME, MURD	MoF, MoEAC, MHSS, RCs LA's	NPC, MME, APRMNS	4 years (2023/24-2026/27)	300 000
		% Of schools in rural areas electrified by solar per region	Quarterly/ Annual Reports	Provision of funding and subsidization of renewable energy		MME, MURD	MoF, MoEAC, MHSS, RCs, LA's	NPC, MME, APRMNS		
		% Of rural clinics electrified by solar per region	Quarterly/ Annual Reports	energy acquisition through the		MME, MURD	MoF, MoEAC, MHSS, RCs, LA's	NPC, MME, APRMNS		
		# Of households in rural areas electrified	Quarterly/ Annual Reports	National Energy Fund and Solar revolving fund		MME, MURD	MoF, MoEAC, MHSS, RCs, LA's	NPC, MME, APRMNS		



THEMATIC AREA: SOCIO – ECONOMIC DEVELOPMENT										
Issue to be addressed	Activities to be undertaken	Monitoring Indicators	Means of Verification	Ongoing Activity	Expected Results / Outputs (Target)	Implementing Agency	Key Stakeholders	M&E Agency	Time frame	Est. Cost (N\$000')
		% Of rural households electrified by solar per region	Quarterly/ Annual Reports			MME, MURD	MoF, MoEAC, MHSS, RCs, LAs	NPC, MME, APRMNS		
Lack of sanitation facilities in the rural communities	Construction sanitation facilities in rural areas	# Of sanitation facilities constructed in rural areas	MAWLR, MURD, quarterly and annual report	- Construction of sanitation facilities - Advocacy for sanitation	Improved access to sanitation (10 000.00 sanitation facilities constructed and maintained country wide)	MURD, MAWLR- RCs	MoHSS, MoEAC, MWT	NPC, MURD, MAWLR, APRMNS	4 years (2023/24-2026/27)	26 395 (MURD N\$20 mil and N\$ 6,395 mil MAWRL)
Lack of healthcare facilities in the rural communities	Construct, renovate and upgrade Health care facilities in rural areas. - Hardap Region, Schlip clinic - Kunene region, Epupa & Serinkop clinics - Otjozondjupa region, Okondjatu clinic - Ohangwena region, Onangulo & Onamafita clinic	# Of rural primary health care clinics constructed per region # Of rural primary health care centres renovated per region	- MoHSS quarterly and annual reports - MWT quarterly and annual reports	Construction and renovation of health facilities	14 Clinics and 3 health centres constructed and renovated	MoHSS, MWT	MURD, MoF, RCs	NPC, MURD, MWT, MoHSS, APRMNS	4 years (2023/24-2026/27)	N\$462,000,000 (N\$252 million for clinics, N\$-140million for Health centres and N\$70million for Staff accommodation at 1 Health centre



THEMATIC AREA: SOCIO – ECONOMIC DEVELOPMENT										
Issue to be addressed	Activities to be undertaken	Monitoring Indicators	Means of Verification	Ongoing Activity	Expected Results / Outputs (Target)	Implementing Agency	Key Stakeholders	M&E Agency	Time frame	Est. Cost (N\$000')
	- Kavango West region, Gcaruhwa clinic - Kavango East, Shamaturu clinic - Zambezi region, Linyanti, malengalenga, Muzii & Muyako clinic - Omaheke region, Tjaka Ben Hur & Du Plessis Plaas clinics - IKaras region, Aussenkehr HC - Oshikoto region, Onyaanya HC - Hardap region, Aranos HC									



THEMATIC AREA: SOCIO – ECONOMIC DEVELOPMENT										
Issue to be addressed	Activities to be undertaken	Monitoring Indicators	Means of Verification	Ongoing Activity	Expected Results / Outputs (Target)	Implementing Agency	Key Stakeholders	M&E Agency	Time frame	Est. Cost (N\$000')
APRM objective 2: Promote and accelerate broad-based sustainable socio-economic development										
Weak national-local planning systems	Strengthen national-local planning systems by enhancing community participation	# OF stakeholders' engagements held at local levels	NPC, MURD & RCs and LAs Annual/ Quarterly Reports	Public Service improvement project; Accelerate decentralisation (SDC; CDC; RDCC)	Strengthened community participation	MURD, RCs and LAs, NPC	O/M/As, OPM, CBOs, NGOs, TAs,	MURD, RCs, LAs, NPC, OPM, APRMNS	2 years (2023/24-2024/25)	500
	Communicate government existing initiatives and programmes	# Of information sessions held (radio interviews, town hall engagement, and newsletter)	O/M/As Annual/ Quarterly Reports	Stakeholders Information Sessions e.g.) radio, TV interviews, community town hall engagements, GRN Information Centre and GRN Newsletters	Well informed community on ongoing GRN initiatives and programme	MICT, MoF	All O/M/As, PEs, RCs LAs	All O/M/As, RCs, NPC, APRMNS	4 years (2023/24-2026/27)	1,000
	Introduce administrative reforms to support broad-based development	# Of PMS reports compiled	OPM Quarterly/ Annual Reports	Cascading of the PMS framework	Effective Performance Management System for planning systems	OPM	O/M/As, OPM, CBOs, NGOs, RCs, LAs	NPC, OPM, APRMNS	4 years (2023/24-2026/27)	
Lack of capacity of stakeholders involved in policy development at regional and local levels	Capacity building on policy development	# Of stakeholders trained in policy development	RCs and LAs - Quarterly/ Annual Reports NPC Quarterly/ Annual Reports	Ongoing capacity building initiatives in RCs and LAs	14 regions trained and capacitated	NPC, RCs, LAs	NPC, O/M/As, NIPAM, NGOs, CBOs	RCs, LAs, NPC, OPM, MURD, APRMNS	4 years (2023/24-2026/27)	



THEMATIC AREA: SOCIO – ECONOMIC DEVELOPMENT										
Issue to be addressed	Activities to be undertaken	Monitoring Indicators	Means of Verification	Ongoing Activity	Expected Results / Outputs (Target)	Implementing Agency	Key Stakeholders	M&E Agency	Time frame	Est. Cost (N\$000')
Lack of Monitoring and evaluation on programmes for disadvantaged groups (youth, women, people living with disabilities, marginalized and war veterans)	Monitor & evaluate programmes aimed at improving livelihood of disadvantaged groups.	# Of Monitoring Reports produced	Project site visit monitoring reports O/M/As Quarterly/ Annual Reports	O/M/As Annual, Bi-annual reports	Monitoring reports	NPC &MGEPESW	NPC, OMAs, RCs, MGEPEs, Women Acton Development groups, NGOs	NPC OPM APRMNS	4 years (2023/24-2026/27)	500
		# Of Evaluation Reports produced	Evaluation reports	Mid-term evaluation HPP2 Review of Vision 2030 Terminal Review of NDP5	Programmes impact assessment Evaluation Reports	NPC & MGEPEW	NPC, MGE-PESWOMAs, RCs	NPC, APRMNS	4 years (2023/24-2026/27)	8,000
APRM objective 3: Poverty, unemployment, and inequality										
Market access for farmers in the Northern part of the country	Review of the Policy on eradication of Transboundary Animal Diseases in the Northern Communal Areas of Namibia	% Progress made towards the review of the Policy on eradication of Transboundary Animal Diseases in the Northern Communal Areas of Namibia	Quarterly / annual reports	Improvement of animal health and marketing in the northern communal areas	Relevant Legislations reviewed.	MAWLR	Cabinet; AG, MoJ, Meat board, AMTA, MIRCO, MIT, NAU, Farmers Unions, Cooperative groups	NPC; MAWLR, APRMNS	4 years (2023/24-2026/27)	350 5 000



THEMATIC AREA: SOCIO – ECONOMIC DEVELOPMENT										
Issue to be addressed	Activities to be undertaken	Monitoring Indicators	Means of Verification	Ongoing Activity	Expected Results / Outputs (Target)	Implementing Agency	Key Stakeholders	M&E Agency	Time frame	Est. Cost (N\$000')
	Negotiation of new markets	Number of new markets accessed	Quarterly / annual reports	Negotiations of duty-free market access to African Continental Free Trade Area (Beef and small stock) Negotiations for Northern Communal Areas (NCAs) to enter the Gulf Cooperation Council Counties (Middle East)	New markets accessed	MAWLR	Meat Board, MIRCO, Namibia Agricultural Union, Farmers Unions, Cooperative groups, MIT, NTF, NIPDB	NPC, MAWLR, APRMNS	4 years (2023/24-2026/27)	
Underperformance of green schemes	Design a new operational model for the optimal functioning of the green scheme projects	# OF green scheme projects operating optimally	Quarterly / Annually Reports	Green Scheme programme tendering process	8 Green Scheme projects refurbished	MAWLR	MURD, RCs, MoF,	NPC', MAWLR, APRMNS	4 years (2023/24-2026/27)	500,000
	Budget allocation increment for the green scheme	% Increase in budget allocation for the green schemes	Quarterly / Annually Reports	Green Scheme programme interim budget allocation proposed for two (2) years to put Green Schemes under production while leasing process is ongoing	Increased funding for green schemes	MAWLR	MURD, MAWLR, MoF, NIPDB	NPC, MAWLR, APRMNS	2 years (2023/24-2024/25)	



THEMATIC AREA: SOCIO – ECONOMIC DEVELOPMENT										
Issue to be addressed	Activities to be undertaken	Monitoring Indicators	Means of Verification	Ongoing Activity	Expected Results / Outputs (Target)	Implementing Agency	Key Stakeholders	M&E Agency	Time frame	Est. Cost (N\$000')
Uncoordinated social assistance schemes	Coordinate various social assistance schemes for coordination purposes	% Progress made towards coordination of various social assistance schemes	Quarterly / Annual Reports	Strengthening social safety net	Various social assistance schemes coordinated	MGEPESW	OPM, MHSS, MLIREC, MURD/RCs	NPC, MGE-PESW, MURD/RCs, APRMNS	4 years (2023/24-2026/27)	200
Absence of a unified national social protection Database.	Develop a National Social Protection Database	% Progress made in the development of the National Social Protection database	Quarterly / Annual Reports	Strengthening social safety net	National Social Protection Database unified.	MGEPESW	OPM MEAC NSA, MoF; MSYNS; MHSS; MURD- RCs. MLIREC	MGE-PESW, NPC, APRMNS	4 years (2023/24-2026/27)	1,000
Inadequate and unaffordable houses	Review the Housing policy to guide and fast track the provision of affordable houses to low- and middle-income earners	% Progress made towards the review of the Housing Policy	Quarterly / Annually Reports	Mass housing development; Massive land servicing; Urban and regional development programmes	Housing Policy reviewed and implemented.	MURD/ NHE	OPM, NPC, MoF, SDA, RCs, LAs, Private Sector, Academia	MURD, NPC, APRMNS	4 years (2023/24-2026/27)	500
		# OF initiatives implemented to accelerate housing delivery to ultra-low, & low to medium income households	Quarterly / Annually Reports	Subsidies to RCs/LAs for land servicing; planning and upgrading of informal settlement areas; Green-field development;	Land and housing initiatives implemented to scale up land delivery and housing provision	MURD	Office of the Presidency, OPM, NPC, MoF, MAWLR, Development Partners (GIZ, KfW, UN-Habitat), RCs, LAs, NHE, SDFN	MURD, NPC, PDU (Office of the Presidency, NCSCTIH, NSA, APRMNS	4 years (2023/24-2026/27)	192 561



THEMATIC AREA: SOCIO – ECONOMIC DEVELOPMENT										
Issue to be addressed	Activities to be undertaken	Monitoring Indicators	Means of Verification	Ongoing Activity	Expected Results / Outputs (Target)	Implementing Agency	Key Stakeholders	M&E Agency	Time frame	Est. Cost (N\$000')
				Mass Housing Development Programme (MHDP); Build together Programme (BTP); NHE Turnkey Projects; Support to CBOs; and CBOs housing saving schemes.						
APRM objective 4: Progress towards gender equality, particularly equal access to education for girls at all levels										
School drop-out among girls at primary and secondary levels due to pregnancy.	Strengthen life skills- based HIV and Health education.	# OF school going girls educated on Life-skills-based HIV and Health education	- EMIS- Quarterly/ Annual Reports 15SDS- Reports	Compilation of the 2022 15SDS report is under way. The Annual Education Census is scheduled in September every year Continued implementation of the sector policy on the prevention & management of learner pregnancies	Reduction in teenage pregnancies among schoolgirls	MoEAC	MoEAC, MHSS, MSYNS, UNICEF, NIED, Global Funds, MGE-PESWRCs,	NPC, MoEAC, APRMNS	4 years (2023/24-2026/27)	1,400

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Issue to be addressed	Activities to be undertaken	Monitoring Indicators	Means of Verification	Ongoing Activity	Expected Results / Outputs (Target)	Implementing Agency	Key Stakeholders	M&E Agency	Time frame	Est. Cost (N\$000')
	Strengthen advocacy campaigns on life skills and career guidance targeting learners	# Of advocacy campaigns conducted	Quarterly/ Annual Reports	Ongoing compilation of the 2022 15SDS report. The Annual Education Census is scheduled for September every year	Improved primary and secondary education completion rates for girls	MoEAC	MHSS, MSYNS, UNICEF, NIED, Global Funds, MGEPESW, MLIREC, RCs, LAs, UNFPA, TAs, CSOs, Academia	NPC, MoEAC, APRMNS	4 years (2023/24-2026/27)	
Inadequate TVET provision for skills development	Build new TVET centres in all regions and expand existing ones	# Of new TVET centres built per region	Quarterly/ Annual Reports	Construction of a new VTC (Nkurenkuru; Keetmanshoop; Khorixas)	Construction of 3 new TVET	MHETI /NTA, MoF, NPC	NTA, NQA, MSYNS, (NYS). MoF	MHETI NPC, APRMNS	4 years (2023/24-2026/27)	+/- N\$60million per VTC and +/- N\$40million for Equipment per VTC (VET Levy used for Construction.
		# Of existing TVET centres expanded	Quarterly/ Annual Reports	Upgrading Existing VTCs Valombola; Zambezi; Okakarara; Gobabis; Nakayale; and Kai//Ganaxab (Mariental)	Expansion of 10 TVET (new Workshops, Hostels, Computer Rooms)	MHETI/NTA	NTA, NQA, MSYNS, (NYS). MoF	MHETI NPC, APRMNS	4 years (2023/24-2026/27)	N\$10Million to N\$ 40million for upgrades



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Issue to be addressed	Activities to be undertaken	Monitoring Indicators	Means of Verification	Ongoing Activity	Expected Results / Outputs (Target)	Implementing Agency	Key Stakeholders	M&E Agency	Time frame	Est. Cost (N\$000')
	Increase funding towards NSFAF to provide grants to all TVET students in the country	# Of TVET trainees receiving grants	Quarterly/ Annual Reports	Vocational Training Providers and Skills Development Centres NAMCOL; Youth Skills Training Centres.	Increased number of youths with vocational and entrepreneurial skills for the job market and self-employment	MHETI/ NASFAF, MOF	NTA/ TVET CENTRES (NAMCOL), PVT & PUBLIC TVETS	MHETI, NPC, APRMNS	4 years (2023/24-2026/27)	
		% Budget allocation towards TVET	Quarterly/ Annual Reports	Loans/Grants for TVET Trainees at Loan funding of TVET students' courses by Namibia Student Financial Assistance Fund (NSFAF)	Budget allocated	MHETI/ NASFAF, MOF	NTA/ TVET CENTRES (NAMCOL), PVT & PUBLIC TVETS	MHETI, NPC, APRMNS	4 years (2023/24-2026/27)	400 million per year (2 billion for 5 years)
	Start-up capital to assist graduates/youth	# Of graduates/ youth supported with start-up capital	Quarterly/ Annual Reports	Micro Small and Medium Enterprise support and youth programmes	Increased number of graduates/ youths with successful SMEs	MIT, MSYNS, RECs, LAs	MoF, NTA, NIPDB, MURD,	RCs, LAs, MIT, MYSNS, APRMNS	4 years (2023/24-2026/27)	



THEMATIC AREA: SOCIO – ECONOMIC DEVELOPMENT										
Issue to be addressed	Activities to be undertaken	Monitoring Indicators	Means of Verification	Ongoing Activity	Expected Results / Outputs (Target)	Implementing Agency	Key Stakeholders	M&E Agency	Time frame	Est. Cost (N\$000')
Absence of a National Committee on Gender Statistics	Establish a National Committee on Gender Statistics to strengthen the collection of sex-disaggregated statistics.	% Progress made towards the establishment of the National committee on Gender Statistics Strengthen existing reporting mechanisms to ensure desegregated data	MGEPSW Quarterly / annual reports	Production and use of spatially enabled economics and social statistics	National Committee on Gender Statistics established	MGEPSW	O/M/As; NSA, MICT	NPC, MGE-PESW, APRMNS	4 years (2023/24-2026/27)	200 000
Note: the cost of implementation of the issues to be addressed will be realized within the Government implementing Offices, Ministries and Agencies (OMAs) operational and development budgets										9,075,522,000 000 (Billions)

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