Decentralisation and State-building
at the Local Level

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Local democracy ensures that one must not be master of another, but rather oneself and one’s life. It is in this sense that democracy is accurately defined as self-government, not government by the other.
(Themba Sono 1993:117)

Introduction

Successful democracy in Africa will, to no small extent, depend on an intensive and effective decentralisation process which involves the empowerment of people at local State level. Decentralisation entails a process of dividing and distributing authority, power and responsibility for programmes and policy implementation to subunits, as well as reassigning decision-making responsibilities to lower governmental units on a geographical basis.

Africa is in dire need of democratic local governance that harmonises the sharing of responsibility between Central Government and local State level, and that empowers people, democratises society, and shares the responsibility of deciding on policies which affect people’s daily life.

After a history of colonisation, Namibia committed itself to cooperative democracy. The local State had to be redefined, and Bantustans replaced by a new regional dispensation within a unitary State. Namibia’s history of decentralisation is still in its infancy: any value judgement on its possible success would be premature.

This chapter deals with the policy of democratisation as well as its content, intentions, objectives, feasibility and obstacles, within the context of Namibia.

Local Democracy and Empowerment

Localising democracy implies, among other things, developing – at local level – an operative and effective capacity to control power at central level. Localising democracy has gained in relevance following the increased momentum of democratisation in many African States. Government to the people at grass-roots level is increasingly being considered as one of the most important pillars for stabilising and sustaining democracy in African society. In formerly highly centralised States in particular, people at grass-roots level were either ignored or neutralised in political decision-making.
Local Government must constitute the institutionalised form of local democracy. A fully democratic system for local government can be highly successful if such system is created by the community for the community.

The ultimate goal should be open, responsible and effective local government, and the enhancement of community-based citizen participation. Active public participation on particularly socio-economic matters at local level, as an integral part of mobilisation politics, presupposes an effective socialisation programme by means of which the citizen is made aware of his/her powers and co-responsibility in local governance. It also involves the development of a culture of democracy at local level. The local citizen should be encouraged to claim co-ownership of local institutions and be prepared to be elected to represent the community’s interests.

Active public participation and involvement – whether at public meetings, in the public media or by means of public enquiries, thereby demonstrating an inquisitive and challenging mind – are all important elements of the dynamics of local participatory democracy. Such participation can constitute input by individuals or via civic-based organisations. One of the greatest challenges in African States remains how to ensure people at local level, particularly in the rural areas, participate in local politics. The low turnout at Local Government elections in many African countries is a matter of concern, whatever the reasons.

Participation can, thus, take different forms. It may comprise –

- the articulation of problems and needs (e.g. housing, electricity, roads, sewerage, etc.)
- participation in decision-making
- participation in the execution of decisions
- participation as a control function, or
- most importantly, being an active and integrative participant in the community.

The latter involves the obligation to take part actively in local authority elections at regular intervals. Participation as an integral part of local democracy will become a farce if it is practised only as a privilege for the few and not as a right for all.

A workable democracy at local level presupposes the institution of stable local representative systems, characterised by a productive working relationship among all local players. Usually, such process involves the development of authoritative capacity and structures, efficient in decision-making and administration, capable of finding answers to questions regarding the nature and standard of services required, the priorities in a given community, the viability and affordability of services demanded, and the financial means to satisfy them. This will involve effective working relations with higher levels of Government, due particularly to resource scarcities in most local areas.
What is needed is a local system or structure that is sensitive and receptive to the community’s needs. Local Government should correspond to community identities and interests. Popular interests should be institutionalised within a consultative and participatory framework. The methods of participation instituted by a local body such as a Local Government institution (e.g. a village council, a town council, a municipality) should not only include consultative meetings but also the improvement of the quality of citizenship.

It is often argued that the ultimate goal of localised democracy is to establish an elected representative body. Such authority can only be instituted once an entity has been identified and organised: one which possesses at least the minimum organisational capacity itself as well as the minimum power required to act on behalf of the community.

In a nutshell, it can be argued that a local authority can justify its existence when it –

- administers a clearly-defined geographical area and a sizeable population which elects its local representatives (e.g. a council, an assembly) on a regular basis
- is supported by an administrative body
- operates as a separate legal entity with some degree of legal independence
- has the power of rule adjudication
- can make decisions and implement them
- has access to property and ownership thereof
- can at least partly raise its own revenue
- can allocate all revenues
- has the power of recruitment
- has been assigned legally entrenched functions, and
- implements its assigned functions cost-effectively.

Local communities argue that, once more powers are allocated to local governance either by decentralisation or devolution, the greater the incentive will be for people and representative organisations to become actively involved in local governance and to take on co-responsibility for decisions. The more powers are devolved, the more authoritative a local council tends to become. Centralised control has been shown to affect the pace and intensity of development as well as service at local level. Red tape, priority decisions and overruling decisions of local authorities at central level often have a negative impact on the operation of such local bodies. The demand is, thus, for maximal devolution of power from higher levels of Government, which should be matched by minimal administrative control. To justify its independent existence, a local authority cannot function as the administrative extension of the Central or Regional Government.

Civil society and Local Government reinforce each other. An active and well-organised local community will expect Local Government to deliver and will hold
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it accountable for its performance, both in its role as the voting constituency and as citizens acting in other situations concerned about their society (Kahane 1998:6). It is not argued that Local Government can exist totally separately from Central Government. On the contrary, Local Government as a form of government forms an integral part of the total governance of the State. Thus, it operates within the total structure dispensation of the State, its political dynamics and its economic, social and legal order. Central Government performs a dual role as promoter of change and insurer of stability and consensus. It stimulates change and innovation while maintaining stability.

Strong Local Governments, allowed to generate resources locally and responsible for administering adequate resources for local needs (e.g. primary education, housing, road construction, water and power supply, informal markets), could lessen possible resentment against a Central Government that monopolises all the power and intervenes in all aspects of local governance. Local entities have a greater knowledge of local needs which must be attended to immediately. They will only credit Central Government its status if it allows enough scope and allocates sufficient power and resources to local authorities to handle such matters locally.

Most local authorities in Africa function in communities with low incomes, insufficient housing and employment opportunities, underdeveloped infrastructure and services, and a weak economic base. They are faced by growing demands on scarce financial, managerial, administrative and planning resources. In an environment marked by deprivation, poverty and underdevelopment, it is certainly not an easy task to formulate and implement development projects, to determine priority when needs must be satisfied, to mobilise resources whether in the public or private sector, as well as to mobilise the support and active participation of the community, particularly when involved in cost recovery.

Despite all the stated problems to which local communities in Africa are exposed, local initiative should always be encouraged. Many of the problems with which African local communities are faced can only be solved through a cooperative and integrated approach to development, covering economic, social, human, technical, financial, institutional and administrative issues. Closely related to such approach is the urge for capacity-building.

In African societies, a problem-solving capacity at local level is as important as an overall capacity-building. Such capacity is seriously lacking. Technical and managerial human resources are limited. Africa also suffers from insufficient expertise in formulating and implementing development plans; poor transportation and communication networks; unresponsive leadership; inadequate financial, material, and human resources; a lack of transparency and accountability; destabilisation resulting from Government intrusion; statutory laws placing needless parameters on local self-governance; and over-centralisation of decision-making (cf. Rothchild 1994:6).
Often neglected is the relevance of the standard of training, capacity and professionalism with which the councillors and administrators of a local authority responsible for the efficient working of such body are endowed. An inefficient local council and administration retards local democratisation and can even put it in jeopardy.

Elected bodies should not function in isolation. They need to reconcile democracy and representation. A dichotomy between the two is counter-productive. It is claimed that once councillors have been elected to their positions, the rest of the local community is virtually excluded from participatory democracy. Local councillors in African societies bear a special responsibility, therefore, to closely interlink with community-based and other organisations and their leaderships, in order to consult with them on the relevant problems and needs in a holistic way. What is needed is a culture of democratic partnership with the community at large: the business and labour sectors, religious and traditional leaders, and other decision-making bodies and spokespersons in the cultural and economic spheres, particularly during the transition period from monistic rule to pluralistic democracy.

Such a process involves fundamental constitutional and socio-economic reconstruction and reconciliation, the intensity and quality of which will determine the success or failure of the ongoing democratisation process. The primary need is for democratic local governance that harmonises representation and participation. The combination of both, and the interlinkage between the two, may be the best guarantee for localising democracy effectively.

**Decentralisation and the Parameters of National Policy**

Decentralised powers refer to those which have been devolved in order to allow a sub-national-level entity to act according to its own discretion within certain prescribed limits – and to do so through officials appointed by itself. It entails some form of political devolution – weakening the degree of political control exerted by higher-tier bodies. Decentralisation shifts decision-making power, of no matter what degree, to sub-national administration and political units.

Decentralisation is only possible by means of politically and institutionally decentralised structures at either or both the Regional and Local Government levels. For this it needs a good local infrastructure, an elected body and political support from above – within the framework of political competition. Decentralisation, thus, involves a process of dividing and distributing authority and responsibility for programmes to administrative subunits as well as reassigning decision-making responsibilities to lower units on a geographical basis.

Decentralisation is often equated with maximum grass-roots participation, equality of opportunity, and reform. It is defined as a means of ensuring wider representation of legitimate interests and accountability to local communities, and should instil the feeling that ordinary citizens have a stake in the Government.
is that decentralised units are more acquainted with the problems and demands prevailing within their domain and range and, thus, lend more weight to them.

The deconcentration of powers refers to the transfer of responsibility for implementing some of the activities of Central Government to regional and local authorities, who act as administrative agencies on the former's behalf. Functions are performed by officials who are appointed by, responsible to, and controlled by the Central Government. The motivation is to reinforce regional and local capacity. Deconcentration is, thus, an administrative process, particularly applicable to highly centralised systems in geographically extensive countries. In summary, deconcentration involves modes of transferring or assigning commitments to a unit to be executed under the control, supervision and direction of Central Government. Principal decision-making still occurs at the centre.

Deconcentration is often used as a device by Governments in undemocratic countries to provide them with greater penetration into and control over lower-level arenas and civil society (Manor 1995:81). Adam (1993:378) is of the opinion that decentralisation processes generally do not proceed further than deconcentration processes, i.e. the extension of central institutions. Thus, they remain within the context of vertical political structures and depend on central decisions.

The concepts of decentralisation and centralisation have become fundamental in the debate on Local Government worldwide, and especially in less-developed countries. While there has already been a centralising trend in many African countries, greater decentralisation is presently contemplated. Decentralisation has become part of reorganising the State. It implies devolution: the sharing and transfer of power from the top to the lowest level. It is taken to mean the sharing of part of the governmental powers of central authority with other levels of authority, such as regional or local authorities, each having its assigned responsibilities for specified functions within given administrative and political areas. This is more easily decided in a federal State than in a unitary State, where the constitution does not specify which, or whether at all, powers should be decentralised or devolved.

During the 1993 Kampala conference on strengthening African local initiative, local self-governance, decentralisation and accountability (Rothchild 1994:v-vii), effective devolution of power and resources from the central to the local level of Government and administration, within the ongoing democratisation process in Africa, was considered as a prerequisite for peace and stability in African societies and States. Local self-government and devolution, it was argued, entailed recognition and a capacity of problem-solving, reconciliation, and conflict resolution at the local level, both through “traditional” methods of seeking consensus, and restructuring and balancing budgets throughout the State hierarchy.

Another premise which has been put forward for successful decentralisation is the emphasis on the necessity for a significant transfer of financial and human resources from central to local level. There must be a clearly defined and constitu-
tionally guaranteed functional and structural relationship between the two, if devo-
ution of power and local self-governance are to function.

Decentralisation has many dimensions, such as democratic decentralisation
(elected bodies) and political decentralisation (creating political systems relating
to lower levels of Government). *Decentralisation*, in effect, means granting a par-
ticular form of self-governance, whether at regional or local level, but within the
parameters of the State and prevailing laws. Such decentralised bodies have a
separate legal existence, their own budgets, the right to raise their own revenues
(at least in part) and to allocate resources, as well as other decision-making pow-
ers with respect to staff appointments and promotions, for example.

**Forms of Decentralisation**

**Political Decentralisation**

All the sub-national level Governments at regional and local level are governmen-
tal in nature and are corporate bodies. Their status and role are legally defined.
Their autonomy is determined in terms of their status and financial dependency on
Central Government. Councillors gain office through direct elections. The posi-
tion of the mayor is a ceremonial one. The main executive officer at Local-Gov-
ernment level is the town clerk or, alternatively, the village secretary. At regional
level, the governor is the political head while the chief administrative official is
the regional officer.

**Financial Decentralisation**

It is easier to decentralise political power than financial resources. No agreed
definitive position exists as yet regarding financial arrangements and transfers
under decentralisation. If delegation is used as an interim measure, the centre
continues to provide the funds for the delegated functions, both recurrent and
development-oriented. It has been agreed in principle that, under devolution, funds
would have to follow functions.

Intergovernmental fiscal arrangements under decentralisation can be considered
under three categories, all of which must be fully backed by the power of the law, namely –

- assignment of expenditure responsibilities (functions are devolved to sub-na-
tional Governments, e.g. regional and local authorities)
- tax responsibilities (of both Central and sub-national Governments), and
- the availability of grants to Local Governments to run decentralised services,
as well as for addressing fiscal imbalances.

While Local Governments may raise revenue either locally or by virtue of Cen-
tral Government grants, the practice and reality under decentralisation indicate
that, for effective decentralisation to occur, amongst other things sufficient au-
thority must be transferred in order to mobilise financial resources at these sub-
national levels of Government. The transfer of authority is to be complemented by adequate physical infrastructure, transportation and communication linkages to facilitate resource mobilisation. It is also imperative that a sound financial management system be in place, as well as financial supervision and watchdog institutions to ensure transparency and accountability in the use of financial resources.

At present, the main sources of revenue for local authorities are by way of specific service charges, levying of licence and other fees, local taxation and borrowing. Revenue collected through the provision of specific services such as the supply of water, electricity and sewerage, should be based on the principle of full or partial cost recovery, in line with the benefit principle. Fees and licences constitute the most important resources of local revenue, but the rates charged must not defeat the purpose of the activity, namely the rendering of a service. The most common form of local taxation is property tax. Borrowing can also be a source of local revenue, but for good reason it is subject to Central Government control.

It is essential that new legislation currently being proposed should provide for regional and local authorities to generate their own sources of revenue. To mobilise and increase regional and local authorities’ sources of revenue is particularly important under the decentralisation policy, especially where financial self-reliance is being emphasised, which is closely related to greater autonomy and responsibility. The success of the decentralisation policy, thus, depends significantly on strengthening the regional and local authorities’ capacity to generate revenue.

**Personnel Decentralisation**

According to the decentralisation policy, regional officials tasked with delegated functions are to be placed under the overall charge and supervision of regional officers. They become Regional Government employees. Central Government employees seconded to a regional office by a line ministry remain in the service of such ministry and cannot be controlled by the regional officer.

Personnel decentralisation is one of the key aspects of decentralisation. Such decentralisation can help to ease the pressure on the Central Government’s bloated establishment. It saves the Central Government from retrenching excess staff and can help to build capacity at local and regional level.

**Local Authorities in Namibia**

**Before Independence**

**Municipalities**

Local authorities in the form of municipalities have been in existence in Namibia since German colonial times. They were instituted for a given community within a determined geographic area proclaimed by law. The body’s powers and functions were determined by legislation. Municipalities were administered by Municipal
Councils acting under the provisions of the South West Africa Municipal Ordinance No. 13 of 1963, as amended. The Ordinance essentially applied to the then “white” and “coloured” segments of urban areas. Municipal Councils consisted only of elected white councillors, varying from seven to twelve, depending on the size of the municipal area and its population. Only whites could vote in municipal elections. Voters had to conform to prescribed residential and fixed property qualifications.

The so-called black townships within municipal areas were administered by Municipalities on an agency basis for the Central Government in terms of the Urban Areas Proclamation No. 56 of 1951, and other statutes. Local Government and administration had to comply with the South-African-imposed policy of separate development according to ethnic and racial criteria. Accordingly, each Municipality had separate residential areas for whites, coloureds and blacks.

The white-composed Municipal Councils were advised by “elected” black Advisory Boards (according to the Urban Areas Proclamation) and, where applicable, by nominated coloured Consultative Committees. The latter were established according to the Ordinance on the Establishment of Local Government in Coloured Townships No. 34 of 1965 and the Regulations Relating to Consultative Committees for Coloured Townships in Government Notice No. 15 of 1966. The two bodies could only act in an advisory capacity to the Municipal Council of a town in respect of budget proposals, resolutions, streets, housing, social welfare and the general development of the respective areas. As the white Municipal Council held the ultimate responsibility and financial authority, the two advisory bodies remained powerless. They could only make non-building recommendations to the Management Committee of the Municipal Council. Such recommendations could under no circumstances conflict with the interests of the latter. In the black and coloured communities, the advisory bodies were justifiably considered as lackeys of white interests.

Only after the inauguration of a non-representative Transitional Government of National Unity in 1978, were some apartheid measures made redundant. Despite the opening up of all residential areas and related legal changes, a high degree of de facto segregation persisted, especially outside Windhoek. Separate bodies for the racial groups remained in all municipal areas. The status and powers of these bodies were not changed. The white-composed Municipal Councils still retained overall control.

**Village Management Boards**

Village Management Boards were established south of the so-called Red Line, a line that formerly separated the northern part of Namibia from the rest of the country. These Boards were controlled by the Village Management Boards Ordinance No. 14 of 1963. Any area situated outside a municipal area could be pro-
claimed a Village Management Board Area, and a Board would accordingly be appointed by Central Government. The rights and duties of a Village Management Board were, generally speaking, similar to those of a Municipality. For a number of reasons (e.g. a lack of income, staff and efficiency) all these Boards were eventually taken over by the Peri-Urban Development Board.

Generally, the Ordinance made provision for a Board consisting of the magistrate of the district, who acted as ex officio chairman and treasurer, and not less than two and not more than four other members. In earlier times, the latter members were appointed by an Administrator and successive central authorities.

Village Management Boards were assigned to provide for the maintenance of good governance and law and order, as well as the health, convenience, comfort, protection and safety of the inhabitants. These Boards, like the Municipalities, were subject to overriding Central Government control in respect of the appointment of senior officials, estimates of annual expenditure, drafting of regulations, and the purchase, acquisition or hiring of fixed property.

**The Peri-Urban Development Board**

The Peri-Urban Development Board was instituted in terms of the Peri-Urban Development Board Ordinance No. 19 of 1970. It consisted of seven members appointed by the Government for a term of five years. The Board had the right to formulate policies and to exercise defined executive powers.

In most proclaimed peri-urban areas, Advisory Councils were instituted by way of local elections. However, the appointment of persons nominated to serve on such Advisory Councils was subject to Cabinet approval. The purpose and functions of Advisory Councils were to advise the Board on all matters related to the management and administration of the respective peri-urban areas.

The kind of services provided by the Board ranged from the whole spectrum of municipal services to the mere supply of water, and included the tasks previously assigned to Village Management Boards. In some areas the Advisory Councils were assisted by Advisory Boards representing black interests and by Consultative Committees representing so-called coloured interests.

**Local Government in the “Homelands”**

No Local Government was ever instituted in the so-called homelands (communal areas) in Namibia, thereby depriving more than 70% of the total population participation in third-tier Local Government. Especially in the North, a number of urban settlements developed over time but no village or municipal status was granted to them and, thus, they enjoyed no formal system of Local Government. The second-tier ethnic administration bodies in the homelands were given the responsibility for administering urban areas in these entities on behalf of the Central Government. As these peri-urban areas had not officially been declared villages or
towns, and no private land ownership was allowed, formal Local Government could either not be instituted or was considered impracticable.

The responsibility for the performance of third-tier functions in the homelands was split between the Central Government and the second-tier ethnic administrations. Only since Independence and, consequently, the disappearance of the second-tier ethnic administrations, has Central Government taken over full responsibility for administering the former homelands on all levels of government.

**Since Independence**

Article 102 of the Constitution states that, for the purpose of Regional and Local Government, Namibia will be divided into regional and local units, which will be governed by elected councils. Local authorities range from those which are independent and autonomous, to those which are fully dependent on Central Government support. The Constitution does not refer to any degree of autonomy for local authorities, nor to any powers to be allocated to and exercised by such bodies.

The promulgation of the Local Authorities Act, 1992 (No. 23 of 1992) provided the parameters in terms of which towns and villages could formally be constituted across the country. The Act provides for the establishment of local authority councils, and determines their powers, duties and functions.

The main responsibilities of Central Government towards local authorities are to –

- assist them to perform their duties and functions efficiently by providing the necessary resources and training
- formulate, direct and coordinate overall national policies
- control town planning, and survey land leading to the proclamation of towns
- devise and develop a national town-development strategy, and
- provide for the establishment of local authority councils and control the administration of such councils.

Although local authorities are independent bodies, certain actions such as budgeting and decisions on regulations and assessment rates can only be taken after consultation with the Ministry of Regional and Local Government and Housing.

The Local Authorities Act makes a distinction between a *municipality*, a *town* and a *village*. Municipalities represent the highest level of local authority and are divided into –

- Part I Municipalities (larger towns, including the capital, Windhoek), and
- Part II Municipalities (medium-sized towns).

Municipalities classified as “Part I” have more autonomy in their administration and more councillors (up to 15) than those listed as “Part II” (which have a maximum of seven councillors). At present, villages are permitted to elect seven councillors, but once the ward system is introduced in 2002, this number will decrease to five councillors.
Municipalities

A municipality is a legal body with its own assets and land. Municipalities consist of proclaimed town layouts, including town extensions with proclaimed municipal boundaries, and normally also own town lands for future extension.

A municipality is, according to law, an approved township. The Municipal Council, as a municipality’s governing body, is able to exercise and perform the powers and duties conferred on it by law. It is capable of settling, out of its own funds, any debt it incurs in the exercise of its duties. A Municipal Council has to comply with all other liabilities and obligations so incurred as well. Although it is virtually independent from Regional and Central Government, the latter provides loans for development purposes, as well as subsidies for the construction of streets, the control of traffic and the operation of fire brigades. Such loans have to be repaid with interest over a period of 20 to 30 years. Subsidies are paid for functions that Municipal Councils perform on behalf of the Central Government.

All the municipalities are located in the more developed part of Namibia and are, as indicated previously, an inheritance of the colonial past. Namibia is marked by a totally skewed local authority development which, in the past, benefited only the more well-to-do white population in the developed and commercialised areas of Namibia. It was only in 1992, with the holding of the first Local Authority and Regional Council Elections, that the total population had an opportunity to elect their own local and regional representatives. Since then, local authority development and the establishment of new towns and villages has progressed considerably.

Towns

According to the Local Authorities Act, a town is an area where an approved township exists and where a Town Council is able to exercise and perform the duties and functions conferred and imposed upon it in terms of the provisions of the Act. A Town Council has to settle, out of its own funds – whether or not these are supplemented by financial or other assistance from Central or Regional Government – any debt it incurs in the exercise of its powers, duties and functions. A Town Council is also obliged to meet all its other liabilities and obligations so incurred, whether or not it receives other Government assistance.

The Ministry of Regional and Local Government and Housing (MRLGH) is encouraged to apply to the Namibian Planning Advisory Board for the establishment of towns, in order to obtain the latter’s recommendation to Cabinet on the desirability and necessity or otherwise of the establishment of a proposed town. Thereafter, the matter is submitted to the Township Board for recommendation.

Section 9 of the Townships and Division of Land Ordinance of 1963, as amended, provides that, once Cabinet has accepted the recommendation of the National Planning Advisory Board, the President can grant permission for the establish-
ment of the proposed town. Thereafter, a general plan, approved by the Surveyor-General, is to be submitted to the Registrar of Deeds in terms of section 11(1) of the Ordinance. The Registrar is then required to open a register for the proposed town, and on completion thereof, the President declares, by proclamation, the area concerned a proclaimed town. Currently, the decisions taken on the establishment of towns are done largely ad hoc, i.e. as the need arises.

Villages

A village is at the beginning stage of local management on a very small scale. It has little infrastructure and a small community. According to the Local Authorities Act, a village is an area comprising a community which, in the opinion of the President, is in need of the services which are required to be rendered or may be rendered in terms of the provisions of the Act by an elected Village Council. Also in the opinion of the President, the Village Council should be able to exercise and perform – whether with or without assistance by the Government or any Regional Council or other local authority council – the powers, duties and functions conferred and imposed upon it in terms of the Act.

Settlement Areas

The Regional Councils Act, 1992 (No. 22 of 1992) makes provision for an informal tier of local administration, that of settlements. A settlement is the embryo stage of a local village. It usually consists of a number of informal dwellings, but possibly also a number of properly structured buildings. Standard infrastructures are, however, non-existent and need to be developed with the assistance of the Regional Council.

The Regional Council will take the initiative in establishing, managing, and controlling settlement areas. The relevant Council and its supporting administration will look after the interests of such informal settlements. Settlements can, in cooperation with the Regional Council, nominate spokespersons from their own ranks to represent their interests.

As long as settlement areas are managed by the relevant Regional Councils, the assets of such a settlement as well as any rights, liabilities and obligations associated with such assets are vested in the Regional Council concerned. The Regional Council manages a settlement in the same way as Village Councils manage village affairs.

Strengthening Local Authorities

Since Independence, major changes have been brought about in the administration and financing of Regional and Local Government. With the acceptance of the Local Authorities Act and the Regional Councils Act in 1992, representative bodies have been elected in 45 local authority areas and 95 regional constituencies.
The Peri-Urban Development Board was abolished in 1992, and its former responsibilities delegated to the local authority bodies.

According to Article 129 of the Namibian Constitution, the National Planning Commission (NPC) is responsible for planning the priorities and direction of national development. The NPC Secretariat comprises a Directorate of Development Planning, a Regional and Strategic Planning Division, a Regional Planning Subdivision, and the Central Statistics Office. The main functions of the Directorate of Development Planning concern the implementation of macro-economic planning, integrated sectoral development planning, and the maintenance and management of a special database. The NPC is, thus, responsible for development and the coordination of development on a national scale and relies on plans provided from lower levels of authority. However, it needs to be stressed that the role of the NPC is restricted to an advisory capacity, assisting the MRLGH and Regional Councils in matters related to regional planning in Namibia.

The Government is involved in a number of development projects such as rural electrification in cooperation with the parastatal, NamPower, and the privately-
owned Northern Electricity. The Government, through the MRLGH, is also in the process of providing infrastructure services to towns, villages and settlement areas, including town planning, surveying and servicing. The establishment of towns, villages and settlement areas is integrated into regional and planning systems through the MRLGH to provide improved coordination between local communities, and Regional and National Government. Projects that have already been completed include the provision of new services, and the upgrading of existing services such as water supply systems, sewerage systems and ponds, power stations and power lines.

Much progress has been made in the training of regional and local councillors and administrators with the assistance of various development partners such as the German Foundation for International Development, the Friedrich-Ebert-Stiftung, the United Nations Centre for Regional Development, the United Nations Development Programme, the Namibia Institute for Democracy, and the Centre for Public Service Training at the University of Namibia. Training is also initiated and supported by the Office of the Prime Minister. Attention is given to both in-service and formal training. The priority areas of such training are to establish a clear understanding of regional and local authorities’ powers, duties and functions, as well as financial planning and management, data collection, development planning, policy-making and implementation, procedures, control, the council-customer relationship, councillors’ roles, and involvement of the community in local and regional matters. The emphasis is on capacity-building.

The Government, in cooperation with the MRLGH and the NPC, is committed to accelerating the proclamation of towns, villages and settlement areas. To this end, the Government has decided on a town planning policy to assist urban areas who are under pressure from constant rural-urban migrants, in creating employment opportunities and promoting economic development. Urbanisation and internal migration are inextricably linked in the process of social change. The Government considers it an obligation to develop new, and upgrade existing, service extensions in towns, villages and settlement areas, based on comprehensive needs surveys. New erven\(^1\) are constantly identified and established as soon as a need assessment has been made, focussing on providing smaller plots to enable more people to have their own privately-owned land. Infrastructural services are provided before building commences.

The problem of financial autonomy, which is presently limited, is constantly being addressed. The structural legacy of the colonial Administration left a distorted pattern of resource allocation. Municipalities have in the past built up huge reserves while the new local authorities lack financial resources. The Government

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\(^{1}\) South African English term for an urban building-lot or stand; one *erf*, two *erven* (Afrikaans, from Dutch *erf*, “land”, “inheritance”) (Branford & Branford 1993).
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has also been accused of not fully understanding the desperate financial position of local authorities. Some redistribution of resources needs to be considered to normalise the anomalies that have been inherited.

Most local authorities still depend heavily on Central Government funding through the MRLGH. The recurrent budget of the Ministry increased from N$53,1 million in 1992 to close on N$252,2 million in 1998/99 to cover the constant expansion of Local Government in Namibia.

At local level, information and education campaigns are conducted to encourage consumers to accept responsibility for full payment of services. Huge debts have been accumulated by local authorities as many citizens refuse or cannot afford to pay for essential services such as water and electricity. The MRLGH is currently considering a system of co-financing for the upgrading of services to acceptable standards, with Central Government providing loans to local authorities for half of the costs so incurred.

Regional Government

Regions are defined spatial areas within a given territorial entity, the State. Factors relevant to the delimitation of regions can be demography, ecological considerations, climate, geographical features (e.g. farm lands, relief, drainage, rivers, dams, the sea), economic considerations (e.g. resources, economic activities, industry), other resources (e.g. social, human), homogeneity of a region (e.g. socio-cultural, economic, geographic), functional criteria (e.g. infrastructure, communication), inter- and intra-dependency, administration (e.g. types of administrative and government bodies), and historical factors.

Regions have to be viable and administratively governable, as well as constitute an area with which its inhabitants can consciously identify themselves. This implies that any sub-national unit (i.e. a region or a local authority area) should be people-based and people-oriented. A region is, thus, considered as a dynamic spatial concept with particular potential for and with an emphasis on development, whether administrative-political, economic, human, social, infrastructural or any other. One important objective in the Namibian regional context is the achievement of socio-economic justice and equal opportunity to all citizens.

Creating New Structures

Soon after Independence, Government set up a Delimitation Commission to eliminate the Bantustan policy of the colonial regime, which was founded on ethnic/tribal/racial criteria. In its report of 1991, the Commission recommended the subdivision of Namibia into 13 Regions, based predominantly on geographic and economic factors. In the Proclamation that instituted the Commission, it was unambiguously stated that ethnic, racial and tribal criteria could not be used in the regional division of Namibia.
Article 102 of the Namibian Constitution deals with the structures of Regional and Local Government. It states, inter alia, that “for purposes of regional and local government, Namibia shall be divided into regional and local units which shall consist of such region and local authorities as may be determined and defined by act of Parliament”. Namibia has, thus, adopted decentralisation as a State policy.

The Constitution further stipulates that “every organ of regional and local government shall have a council as the principal governing body, freely elected” in accordance with the Constitution and subsequent Acts of Parliament. Such body will then be entrusted with executive and administrative powers to carry out all lawful resolutions and policies of such council, subject to the Constitution and any other relevant laws.

Article 105 pays attention to the composition of Regional Councils, while Article 106 relates to their election. The Constitution also stipulates that each Region be divided into constituencies, the boundaries of which are to be determined by the Delimitation Commission. Provision is further made for no fewer than six and no more than twelve constituencies in each Region. Each constituency elects one member to the Regional Council for the Region in which it is situated.

Article 108 identifies the powers of a Regional Council. In most general terms the Article states that the Regional Council shall elect the members of the National Council, and shall exercise such executive powers and perform such duties as may be assigned to it by Act of Parliament and as may be delegated to it by the President.

Regional Councils can also raise revenue, or share in the revenue raised by the Central Government within the Regions for which they have been established, as may be determined by Act of Parliament. They can also exercise powers, perform any other functions and make such by-laws or regulations as may be determined by Act of Parliament.

Article 109 of the Constitution deals with the establishment of Management Committees elected from Council members in each Region. Such Management Committees are to be vested with executive powers in accordance with the provision of an Act of Parliament. The Committee is presided over by a chairperson elected by the members of the Regional Council at the same time the Management Committee is elected. The chairperson and other members of such Management Committee hold office for three years and are eligible for re-election.

The main functions of the Management Committee are to –

- ensure that the decisions of the Regional Council are carried out
- advise the Regional Council on any matter entrusted to it
- prepare estimates of revenue and expenditure for the Regional Council
- control the expenditure of monies available to the Regional Council, and
- report to the Regional Council on the exercise of its powers and functions.
Subject to certain exemptions, a Regional Council may delegate, in writing, any of its powers to its Management Committee, its regional officers or any of its employees. It can also authorise its Management Committee, again in writing, to perform any of its functions on its behalf.

The Constitution deals with the administration and functioning of Regional Councils (Article 110) as well. In most general terms it states that the holding and conducting of Regional Council meetings, the filling of casual Regional Council vacancies and the employment of officials by Regional Councils, as well as other matters dealing with or incidental to the administration and functioning of Regional Councils, will be determined by Act of Parliament.

The first Regional Council Elections were held in 1992. Of the 95 constituencies, 71 were won by the SWAPO Party of Namibia, 21 by the DTA of Namibia and three by the UDF of Namibia. Each Regional Council elects two of its members to simultaneously serve on the Regional and National Councils.

The thirteen elected Councils are each chaired by a Governor, elected from their own members for a period of three years. The Governor is re-electable for another term of three years. The chief executive of a regional administration is the Regional Officer appointed by the MRLGH.

A Regional Council, as the principal governing body in a Region, has executive and administrative powers to carry out lawful resolutions and policies of the Council, subject to the Constitution or any other law.

**Linking the Regions and the Centre**

As the Regional Councils fall under the authority of the MRLGH, they remain responsible to that Ministry for all their actions. As regards planning in the Region, the MRLGH acts as a facilitator of any such proposals, bringing them to the attention of sectoral ministries and/or the NPC. All planning proposals for the Regions require MRLGH sanctioning.

The direct link in the MRLGH for Regional Councils is the Directorate of Regional/Local Government and Traditional Authorities Coordination, and the Directorate of Professional Services Coordination. The two Directorates are further subdivided as shown in Figures 2 and 3 below.

Three further Directorates in the MRLGH are the General Services and Personnel Directorate, the Housing Habitat Coordination Directorate, and the Decentralisation Coordination Directorate. Figures 4, 5 and 6 below detail the Divisions and Subdivisions within these respective Directorates.

Thus, the MRLGH is responsible for the promotion of close cooperation with regional and local authorities through the provision of the necessary supportive services and the establishment and strengthening of a facilitating Regional and Local Government.
The Functions

The Regional Council is tasked to take care of the needs and development of all areas outside existing municipalities, towns and villages on behalf of the Central Government. Regional Councils, despite their limited power, are important intermediate bodies between Central Government and local authorities. The most important of the Council’s tasks are socio-economic planning, the upliftment of the people in the Region, and encouraging people at the lowest level of Local Government, such as those in settlements and villages, to become actively involved in the administration and development of defined local areas in the Region.
Figure 3: Divisions and Subdivisions within the Directorate of Professional Services Coordination
Figure 4: Divisions and Subdivisions within the Directorate of General Services and Personnel

Figure 5: Divisions and Subdivisions within the Directorate of Housing Habitat Coordination

(State, Society and Democracy)
Planned village development is practically non-existent in the communal areas of Namibia, where the majority of the people reside. Local entities are encouraged to have their own input agenda in local and regional development and to actively participate in its conception and execution.

The communal areas, in particular, have in the past been administratively and economically neglected. The restructuring of these areas and their integration into the total national economy is a task which demands total commitment. In this respect, Regional Councils have a special responsibility.
The practical duties of the Regional Council in the regional planning process include the following major functions:

- the collection of data, including statistics relevant to planning activities
- the identification of development projects, socio-economic potential and problems of the Region concerned
- the preparation of medium- and long-term development plans
- the coordination of development projects in the Region concerned, and the monitoring and evaluation of ongoing projects.

Planning-related functions delegated to the Regional Councils, as stipulated in section 28 of the Regional Councils Act, are –

… to undertake, with due regard to the powers, duties and functions of the National Planning Commission referred to in Article 129 of the Namibian Constitution and any other law related to planning, the planning of the development of the region for which it has been established with a view to –

- the physical, social and economic characteristics of such region and, in so far as any neighbouring region has or is likely to have any effect on the physical development of that region, the physical, social and economic characteristics of any such neighbouring region
- the distribution, increase and movement and the urbanisation of the population in such region
- the natural and other resources and the economic development potential of such region
- the existing and planned infrastructure, such as water, electricity, communication networks and transport systems, in such region
- the general land utilisation pattern, and
- the sensitivity of the natural environment.

Another important task of a Regional Council is to look after the development and effective functioning of Local Government in a Region. A Regional Council has to see to it that decisions by municipalities, towns or villages in a Region do in fact serve the interests and well-being of that particular Region. Thus, Regional Councils have a supervising, initiating, coordinating and implementing task when dealing with Local Government entities.

Development does not only involve improved housing, more clinics, better social pensions, enough schools, winning the fight against illiteracy, and sound infrastructure. Even more important is the empowerment of people through local capacity-building so that they can actualise their potential and live according to their expectations. To achieve this objective, people have to be mobilised and encouraged to become actively involved in issues that affect their daily lives and in community-building.

Although Namibia adheres to the principle of participatory democracy, such democracy cannot flourish if it operates in conditions of absolute poverty. What
needs to be established is an enabling environment – one that can actualise de-
mocracy at regional and local level. To democratise in an environment which is
marked by poverty and poor economic conditions is not an easy task. Regional
Councils can, thus, play a pivotal role in goal achievement.

Regional Councils can assist any local authority council in the exercise or per-
formance of its powers, duties and functions, if so requested. A Regional Council
can make recommendations to the Minister of Regional and Local Government
and Housing in relation to a local authority situated within its Region.

A Regional Council can also exercise its advisory powers. It can advise the Presi-
dent or any Minister on any matter referred to it by the President or a Minister. For
purposes of the preparation of the annual national budget (estimates of revenue,
expenditure and income), Regional Councils can also make recommendations to
the Minister of Finance insofar as the budget relates to matters concerning the
Region.

In addition, the Regional Council may be consulted by and make recommenda-
tions to any Ministry in respect of legislation which may have an effect on the
Region concerned. Furthermore, Regional Councils may enter into cooperative
agreements with any other Regional Council, local authority or the Central Gov-
ernment with regard to the carrying out of its functions or the carrying out of the
function of that local authority or the Central Government. Under such an agree-
ment the Regional Council may carry out functions on behalf of another Regional
Council, local authority body or the Central Government, or those bodies may
carry out functions for the Regional Council. A Regional Council may also enter
into a joint venture with another Regional Council, local authority or the Central
Government in the carrying out of its functions.

Where Regional Councils are obliged to perform functions on behalf of the Cen-
tral Government, the latter has to make the necessary funds available for the per-
formance of such functions. At present, Regional Councils depend heavily on
Government grants, particularly those Regional Councils that do not benefit from
the 5% levy on property in local authority areas, to which they are entitled. Most
Regional Councils in rural areas do not receive this entitlement.

A Regional Council will at all times remain accountable for all its activities and
expenditure to the Central Government. Regional Councils and their supportive
administrative staff face an arduous task: both are challenged to contribute ac-
tively to the development of Namibia. Their quality and abilities will become
crucial in the process of transformation and in the restructuring of Namibian soci-
ety. Regional Councils, as totally new bodies in the constitutional dispensation of
Namibia, can largely determine for themselves how relevant they are in the gov-
erning and administration of the State.
Traditional Authorities

Customary law, as the “living” or unofficial law, has been entrenched in the Namibian Constitution. Article 66 explicitly states that both customary law and common law stay in force on the date of Independence (21 March 1990) and remain valid to the extent to which such customary or common law does not conflict with the Constitution or any other statutory law.

The establishment of Regional and Local Government authorities also affected the political-administrative status of traditional leaders. The main function of these leaders is to act as custodians of inherited culture and tradition. Although their administrative functions will be limited and their political functions minimal, provision has been made for traditional leaders to have particular juridical functions and to serve on Regional Land Boards and Development Committees. If entering the political arena, traditional leaders must relinquish such position. Traditional leaders of different tribes serve on the National Council of Traditional Leaders advising the President on the control and utilisation of communal land and on all such other matters as may be referred to that Council by the President for advice.

The role of traditional leaders in their relationship with governmental institutions is, thus, restricted to advisory, supportive and assistance functions. This is in accordance with the principal statement in Article 1(2) of the Constitution that “all power shall vest in the people of Namibia who shall exercise their sovereignty through the democratic institutions of the State”. This Article makes it unambiguously clear that administrative and political power shall not rest with a particular tribal group or with traditional leaders.

Local Government status is, thus, not assigned to the traditional authority. In this sense, the latter does not constitute a body in competition to Local or Regional Government authorities. The Traditional Authorities Act, 1995 (No. 17 of 1995) stipulates that a traditional authority can assist and cooperate with the organs of Central, Regional and Local Government in the execution of their policies by keeping the members of the traditional community informed of development projects in their area. A traditional authority is compelled to support the policies of all Government tiers and must refrain from any acts which undermine the authority of Central, Regional and Local Government institutions.

Although limited in its functions, a traditional authority performs the role of an informal local authority body. It still allocates land, a practice in conflict with the Constitution but still executed. Regional and local authorities in communal areas to a large extent still depend on the support given by traditional authorities for development plans and projects. It is realised that traditional institutionalised structures can be an obstacle in the decentralisation process when conflicts of interests prevail. Customary law must, thus, be duly considered in the decentralisation process. What needs to be achieved is a symbiotic relationship between traditional
Decentralisation and State-building at the Local Level

systems and modern forms of Government. It is also a matter of synchronising responsibilities.

**Decentralisation within the Namibian Context**

During the Namibian pre-Independence period an important policy document on the governance of an independent Namibia was compiled by the United Nations Institute for Namibia. The document is contained in the publication *Namibia: Perspectives for national reconstruction and development*, published in 1986. In the chapters on constitutional and administrative development in an independent Namibia the concepts of *decentralisation* and *centralisation* figure prominently. The emphasis is on administrative decentralisation at provincial and/or district level and on decentralised planning, but not on political decentralisation, implying political decision-making at decentralised level. Administrative decentralisation tends to extend the reach of Central Government, by moving agencies controlled by the Central Government to a lower Government level.

When deliberating on decentralised planning, it is argued that a centralised system will not allow direct mass participation, while the decentralisation of power and authority provides for the distribution of authority. The latter enhances participation at the local level, which is vital for translating policies into local terms. It is furthermore argued that the ultimate objective for Namibia would be to decentralise, with a view to balancing the requirements of democracy and popular participation with those of viability, efficiency and effective administration.

During the deliberations on the Constitution for an independent Namibia, it was decided to entrench decentralisation within a unitary State as a fundamental principle. Chapter 12 of the Constitution, which deals with Regional and Local Government, provides for institutionalisation and the implementation of decentralisation, but in a different form than originally planned by SWAPO.

Politico-administrative regionalisation and the establishment of Regional Councils was not what SWAPO had envisaged in its pre-Independence programme. The institution of Regions and Regional Councils were the result of a compromise between SWAPO and opposition parties during the constitutional deliberations. All parties emphasised the need to unite and integrate Namibian society. The former division of Namibia into eleven “homelands”, and the selective distribution of limited power to such entities according to ethnic/racial/tribal criteria while the final control was exercised in Pretoria, was still vivid in the memory of the founding fathers of the Constitution. The “homeland/Bantustan” system has since irreversibly been replaced by the thirteen Regions as politico-administrative and socio-economic units.

In November 1996 a policy document on decentralisation, development and democracy was published by the MRLGH. This document was sanctioned by Cabinet at its 37th session on 11 December 1996. On March 1998, the decentralisation
programme for Namibia was officially launched. A Cabinet Memorandum dealing with the decentralisation implementation strategy was issued on 9 June 1998. In this document the Government reconfirmed its commitment to decentralisation. Regional Councils and local authorities were identified as the principal agents for the delegation of functions and services under the overall direction of the centre (through the respective sector’s line ministries with delegated functions/services), with Central Government remaining primarily responsible for policy and financing the costs of the programmes involved. The Government has reiterated that the final responsibility for the supervision of the decentralisation policy rests with the Office of the Prime Minister.

The principal legal bases for the decentralisation policy in Namibia are the Constitution, the Regional Councils Act, the Local Authorities Act, and the Traditional Authorities Act. The Regional Councils and Local Authorities Acts are set to be amended to give effect to decentralisation. The eventual outcome will be new legislation on decentralisation. In this regard, the Decentralisation Enabling Act was tabled in Parliament in 1998 and will come into operation in due course. It provides for a continuous process of decentralisation whereby functions, powers and responsibilities are transferred from Central Government to Regional and Local Government in a coordinated manner in order that governmental decisions are taken down as closely as possible to all those involved.

**Key Elements of the Policy**

Soon after its inauguration, the Government decided that the Namibian unitary State would ultimately devolve responsibility, authority and resources and/or resource bases in accordance with the criteria relating to functions to be decentralised, and the timing and pace of such decentralisation.

The pace and content of devolution will have to take into account political and technical feasibility, system and individual capacity, as well as the national macroeconomic and fiscal environment, and public sector and economic reform policies and activities in the country.

In order for decentralisation to be implemented effectively, the Government will effect organisational and institutional change at national, regional and local level, while identifying the functions and individual, organisational, institutional and system-wide capacities available or requiring to be developed. There will also be legislative and other rationalisation, to bring the law in line with the decentralisation policy.

The Cabinet Memorandum of 9 June 1998 specifies that all delegated functions and services should be administered as a trust by the Regional Councils and local authorities, who would be fully accountable for such trust. The Memorandum also draws attention to the fact that the overall and ultimate responsibility for the delegated functions and services remains with the respective sector’s line ministry.
The “principal agent” strategy will be used to allow the Regional Councils and local authorities to gain a state of readiness to eventually assume ultimate responsibility for the functions under devolution, and it is also meant to enable Central Government to put in place all the institutional measures and capacity required for effecting devolution.

In order to implement decentralisation under delegation, Cabinet requests line ministries to designate their field directorates, divisions and units to Regional Councils and to place delegated regional officials under the overall charge and supervision of Regional Officers. The Regional Councils, thus, become the functional areas for the Officers concerned, while the respective line ministries remain the parent bodies.

Cabinet has also tasked the Office of the Prime Minister, together with the MRLGH and the Public Service Commission, to undertake reviews of the establishment of Regional Councils. These reviews are to aim at streamlining the entire staff position in the Regions, including the status of the Regional Officers. In the meantime Regional Officers, as chief executives of the Regions, assume the overall charge and supervision of all the delegated line ministries’ regional officials.

Line ministries are furthermore requested to identify and list all matters of operation for delegated functions and services for the purpose of offering guidance on them to Regional Councils and local authorities. Guidelines must be provided to both bodies in respect of delegated functions and services, including professional and technical standards. It is also the task of line ministries to establish inspectorates or quality control units for the purpose of ensuring that delegated functions and services are executed according to established professional and technical standards and guidelines to be made available to Regional Councils and local authorities.

In addition, the Cabinet Memorandum states that, under delegation, the activities of line ministries would be focussed on teaching and mentoring processes, to ensure that Regional Councils and local authorities develop the capacity and skills necessary to execute their delegated functions and services according to established standards. It is incumbent upon the line ministries to post professional and technical officers to Regions where they are lacking, and to determine and provide the optimum staff establishment required for a Region to function effectively in regard to such delegated functions and services.

Line ministries were also requested to indicate the amount of funds budgeted and approved for the delegated functions and services, by programme and per Region, for the 1998/99 financial year. However, these figures are not yet available. In the meantime, the Ministries of Finance and Regional and Local Government and Housing are expected to work out the technical details regarding the modality of financial transfers under the delegation and devolution policy. In addition, it is incumbent upon these two ministries to jointly articulate financial regu-
lations prescribing the manner in which the financial business of Regional Councils and local authorities is to be controlled and managed, and they must ensure that supervisory or watchdog institutions are constituted by local and national legislators, for proper financial management in Regional Councils and local authorities.

The key coordinating institutions in the implementation of the policy remain the MRLGH, the Ministry of Finance, the Ministry of Justice, the Public Service Commission, the National Planning Commission and the Office of the Prime Minister. It is believed that decentralisation will become cost-effective once people manage their own resources and once there is a more direct relationship between revenue, expenditure and services. Because the technical cadre for service delivery will be localised, which would imply a decentralisation of personnel, it is expected that services will be cheaper and people more readily prepared to pay their taxes. Even should this assumption prove to be unrealistic the benefit could still be popular control on money generated locally, and spent locally.

According to MRLGH policy (1996a), the assumption on which decentralisation is based in terms of cost-effectiveness is that when people manage their own resources and there is a more direct relationship between revenue, expenditure and service, there will be less wastage and more acceptance of responsibility. Cost recovery will be more feasible. It is believed that the closer to the point of service delivery the technical cadre is, the cheaper the cost of such service; and the more people see of what their money is buying, the easier it will be to raise revenue. The Government argues that, in the long run, decentralisation will be relatively cheaper to Central Government than delivering services from the centre.

To enable Regional Councils to levy taxes and other revenues, the Taxation Act will need to be amended. A suitable amendment would allow for the devolution or delegation of taxing powers to Regional Councils. The same applies to local authorities: an amendment must be made to the Regional Councils Act at the same time, to conform with Article 108(c) of the Constitution on revenue-sharing between Central Government and Regional Councils. As a matter of principle, financial resources or revenue bases related to a decentralised function would be decentralised with the function concerned.

Regions, cities, towns and villages will be encouraged to engage in partnerships with the private sector, both in terms of delivery of services (privatisation of services) as well as the generation of income for the Councils.

The Government has confirmed that, despite objections from some local authorities, it intends to pool the 5% property levy which local authorities pay to Regional Councils into a special fund, from which Regions will be funded according to their needs. The intention is to remedy the historical inequality between Regions, some of which never had local authorities. Cabinet also approved the establishment of a fund for Regional Development and Equity Provision.
Addressing the relationship between Regional Councils and local authorities, which previously lacked sufficient definition, Government’s attitude is that such relationship will continue to be one of mutual autonomy within the requirements of the law. The key functional relationship will be that of collaboration and cooperation, with the Regional Council having coordinative and residual functional responsibilities in lieu of Central Government. It is envisaged that local authorities will be represented, probably in an observatory capacity, at the Regional Council level.

**Powers and Functions to be Decentralised**

Local authorities (municipalities, towns, villages) in Namibia already carry out a broad range of functions in terms of powers assigned to them by the Local Authorities Act. These functions are as follows (Urban Trust of Namibia 1998:25-26):

- Supply of water for household, business and/or industrial purposes.
- Maintenance and carrying out of a system of sewerage and drainage.
- Removal, destruction or disposal of night soil, rubbish, slop water, garden and stable litter, derelict vehicles, carcasses of dead animals and all other kinds of refuse, offensive or unhealthy material.
- Establishment and maintenance of cemeteries.
- Construction and maintenance of streets and public places.
- Supply of electricity or gas to residents.
- Establishment and maintenance of quarries, works for manufacturing bricks and tiles, and disposing of such goods exploited or manufactured.
- Establishment and maintenance of a public transport service.
- Establishment, with the approval of the Minister of Regional and Local Government and Housing and in accordance with conditions set by him or her, of a housing scheme, either on its own or in conjunction with others.
- Establishment and maintenance of markets, and construction of market houses, auction or sale rooms, stalls, warehouses and other buildings for sale or storage of goods at such markets.
- Establishment and maintenance of abattoirs, aerodromes, an ambulance service, bands and orchestras, dipping tanks, a fire brigade, museums, pounds and nurseries.
- Construction and maintenance of buildings or depots for the reception or storage of perishable goods.
- Establishment and maintenance of parking garages and designated areas for the parking of vehicles.
- Beautification and securing of neatness in the local authority area.
- Establishment and maintenance of any building or structure for community requirements.
- Allocation of bursaries and grant loans for educational purposes.
• Conferring of honours upon any person who has, in the opinion of the local authority, rendered meritorious service to its residents.
• Construction, acquisition and maintenance of railway sidings in industrial areas and recovering costs from users.
• Acquisition, hiring, hypothecating or letting of movable property, and selling or otherwise disposing of such property by public auction to any individual or any organ of the State.
• Buying, hiring or otherwise acquiring, with prior approval of the said Minister, in accordance with the provisions set out by him/her, any immovable property for a purpose connected with the powers, duties and functions of the local authority, or selling, letting, hypothecating or otherwise disposing of such immovable property.
• Determining charges, fees and other moneys payable for services rendered.
• With the prior approval of the said Minister, borrowing money by way of loans from any source within Namibia and against the security which the Council deems fit, or under the same conditions, grant advances or loans to any sporting club or association or charitable institution.
• Appointing advisory committees as the local authority deems necessary to assist in the performance of duties and functions.
• Guaranteeing the due fulfilment of contracts and obligations of any person, and entering into surety bonds or deeds of security.
• Opening bank accounts, including savings accounts with building societies and the post office.
• Accepting donations or receiving moneys offered to the local authority by any person in Namibia, with prior approval by the said Minister, and making, in accordance with conditions set by the Minister, grants or loans.
• Performing any other power or function or duties conferred upon the Council by any Act.

Municipalities with the highest grading are expected to assume full responsibility for their communities for all the functions they perform, as defined in terms of the criteria for decentralisation. Tables 1 and 2 provide an overview of the functions to be decentralised in the short and medium term.

From these tables it is evident that different – but sometimes also the same – functions are decentralised to Regional Councils and local authorities. The execution of functions will depend on trained personnel and the funds available. There may be other functions that are decentralisable, but the Government may be hesitant to decentralise a function that would adversely affect the character of the unitary State. Decentralisation will, therefore, be implemented in accordance with the State’s commitment towards national unity and integration within the framework of a unitary State. Central Government will retain the ultimate responsibility and accountability for all delegated functions, while the Regional Councils and
## Functions to be decentralised in the short term

<table>
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<tr>
<th>Functions to be decentralised in the short term</th>
<th>Regions</th>
<th>Part I* Municipalities</th>
<th>Part II** Municipalities</th>
<th>Towns</th>
<th>Villages</th>
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<td>Vehicle testing and licensing</td>
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<td>Traffic control</td>
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<td>Community development (e.g. Early Childhood Development)</td>
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<td>Responsibility and accountability for electricity distribution</td>
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<td>Emergency management</td>
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<td>Liquor licensing</td>
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<td>Pre-primary education</td>
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<td>Primary health care</td>
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<td>Social services (e.g. pensions, orphanages, street children, the disabled, etc.)</td>
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<td>Youth, sport and other recreational activities</td>
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<td>Collection of assessment rates and taxes, excluding income tax, GST and ASL</td>
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<td>Non-personal health services</td>
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<td>Libraries</td>
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<td>Collection of various taxes, levies and tariffs</td>
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<td>Responsibility over personnel, including the payment of salaries</td>
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<td>Management and control of communal lands</td>
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<tr>
<td>Conservation</td>
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<tr>
<td>Resettlement, rehabilitation and housing</td>
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<tr>
<td>Rural electrification</td>
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<td>Responsibility and accountability for water provision</td>
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<td>Repetition check</td>
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<tr>
<td>Refuse collection fees</td>
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</table>
local authorities will be responsible for all operational matters. The MRLGH will be responsible for the overall coordination of the decentralisation policy.

Functions already decentralised to the Regions will be represented by the respective head of those functions at the Regional Council level. This implies that line ministries are to be organised in such a way that their representatives have specific regional responsibilities, and that the Regional Councils know who the relevant representatives are and which Region(s) they are responsible for.

Initially, the Government had planned to have the decentralisation policy implemented by 2000, but realised that implementation will be determined by short-, medium- and long-term goals. How the policy should be implemented, and the sequence of implementation, have now become the cardinal issues.

Efforts are under way to identify the key players in the decentralisation process, delineate their roles and how these are to be played, and clearly examine their normal institutional missions, mandates and objectives vis-à-vis how they would relate to the decentralisation process. It is also important to clearly map the different interfaces and how these are to be managed. In addition, the process will involve the assessment of the individual and collective capacity of all key stakeholders to carry out their own function in the exercise as a whole (cf. MRLGH 1996b:24).

Table 1: Functions to be decentralised in the short term by type of local authority

<table>
<thead>
<tr>
<th>Functions to be decentralised in the short term</th>
<th>Regions</th>
<th>Part I* Municipalities</th>
<th>Part II** Municipalities</th>
<th>Towns</th>
<th>Villages</th>
</tr>
</thead>
<tbody>
<tr>
<td>Budgeting responsibility (with subsidy from Central Government in special cases only)</td>
<td></td>
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<tr>
<td>Sport and recreational facilities</td>
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<tr>
<td>Collection of grazing fees</td>
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<tr>
<td>Recreation facilities</td>
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<td>Water services collection fees</td>
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<tr>
<td>Forest development and management</td>
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<tr>
<td>Physical and economic planning (including capital development projects)</td>
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<tr>
<td>Control of aerodromes</td>
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<tr>
<td>Agency services to villages and settlements</td>
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<tr>
<td>Administration of settlement areas</td>
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<tr>
<td>Rural water development and management</td>
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</tbody>
</table>

* Part I Municipalities are Windhoek, Walvis Bay and Swakopmund
** Part II Municipalities are all other Municipalities

Table 1: Functions to be decentralised in the short term by type of local authority
Decentralisation and State-building at the Local Level

Being the leading agency for implementing decentralisation, the MRLGH has set certain preconditions for its acceptance of the role. In a policy document (MRLGH 1996b:25) it states that, in order to spearhead the policy process, the Ministry needs to have the competence to initiate and develop the policies, advocate for them, and assist the rest of Government in understanding and adopting them. The Ministry aims to achieve this by, among other things, obtaining political commitment at the highest level and by building national political consensus around the concepts and objectives of decentralisation.

To implement this agreed, nation-wide policy, the MRLGH must develop implementation strategies with clear targets, a plan of action, resource mobilisation objectives and approaches, and monitoring and evaluation mechanisms. These are required to enable the MRLGH to –

- assist other ministries and agencies in understanding and carrying out their roles

<table>
<thead>
<tr>
<th>Functions to be decentralised in the medium term</th>
<th>Regions</th>
<th>Part I* Municipalities</th>
<th>Part II** Municipalities</th>
<th>Towns</th>
<th>Villages</th>
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</thead>
<tbody>
<tr>
<td>Regional assets management (currently under the Ministry of Works, Transport and Communication)</td>
<td>•</td>
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<tr>
<td>Small miners development</td>
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<td>Informal trade licenses</td>
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<td>Informal market dues</td>
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<tr>
<td>Rural electrification</td>
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<td>Primary education</td>
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<td>All primary health care</td>
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<td>Policing</td>
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<td>Street vendor levies</td>
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<tr>
<td>Tourism and management of tourist resorts</td>
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<tr>
<td>Museums</td>
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<tr>
<td>Nursery schools and school hostels</td>
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<tr>
<td>Control of small-scale mining</td>
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<tr>
<td>Public transport</td>
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</tbody>
</table>

* Part I Municipalities are Windhoek, Walvis Bay and Swakopmund
** Part II Municipalities are all other Municipalities

Table 2: Functions to be decentralised in the medium term by type of local authority

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set up and facilitate the necessary coordination between all the key players
appropriately sequence the stages of implementation between and within functions, and
influence the channelling of resources for the implementation of the policy for the entire enterprise, not just for the MRLGH’s part in it.

To perform its leadership role at sub-national levels of Government requires that the MRLGH involves Regional Councils and local authorities in the policy process: it needs to explain decentralisation policy decisions to these bodies once they are made, changed or clarified. It is also incumbent upon this Ministry to build the institutions required for implementing the policy, develop the capacity of the institutions to carry out their functions properly, resource them adequately, and monitor the implementation of their functions.

In its task performance the MRLGH will be assisted by the National Planning Commission, which has the key role of initiating national development planning. The Office of the Prime Minister, in its role as the “manager” of Government, is expected to ensure that decentralisation – as Government policy to the extent that it affects the way Government operates – is implemented by all the relevant parties. It also should perform a coordinative function to contribute to the capacity of both the MRLGH and Regional Councils and local authorities to perform their task efficiently.

Cabinet has also resolved that a Decentralisation Policy Implementation Committee should be established and chaired by the Secretary to Cabinet. The Committee will consist of the Permanent Secretaries of the following:

- the MRLGH
- the National Planning Commission
- the Ministry of Justice
- the Ministry of Finance
- the Ministry of Basic Education and Culture
- the Ministry of Health and Social Services
- the Ministry of Agriculture, Water and Rural Development
- the Ministry of Lands, Resettlement and Rehabilitation, and
- the Ministry of Trade and Industry.

The Committee is expected, at agreed periodic intervals, to review progress in respect of implementing the decentralisation policy, and to provide guidance on and back-up for the implementation process. The proposed Cabinet Committee has not yet been inaugurated, however.

Meanwhile, a Directorate of Decentralisation Coordination has been established in the MRLGH. The Directorate is tasked with the following responsibilities:

- To review the progress made in the decentralisation process
- To give effect to the decentralisation process
• To develop a national training strategy for decentralisation
• To develop guidelines for Regional Councils on how to manage the separate personnel system
• To develop materials to sensitise Central Government officials, Regional Councillors, Regional Council officials, local authorities and the general public, and
• To tailor and assist with the logistics of intergovernmental transfers associated with decentralisation.

A task force will also be established under the chairmanship of the MRLGH in conjunction with relevant ministries and institutions to tackle implementation issues which are peculiar to specific sectors and services.

**Development Coordinating Committees, and Development Committees**

For effective implementation of the decentralisation policy, community involvement will be institutionalised through the establishment of development coordinating committees and development committees. It is envisaged that regional development coordinating committees will be established, along with constituency development committees, local authority development committees, village development committees, settlement development committees and, after the next local authority election in 2002, ward development committees.

**Regional Development Coordinating Committee**

Each committee will be composed as follows:

• the relevant Regional Officer as the chairperson
• heads of line ministries in the Region concerned
• two recognised traditional leaders, where applicable
• one designated member of each local authority in that Region, and
• one representative of a non-governmental or community-based organisation (NGO/CBO) operating in that Region.

Each committee will be responsible for the effective planning and coordination of development in its Region. It will facilitate the establishment of a sound management-information system in the Region; recommend, prepare and evaluate development plans for approval by the Regional Council; oversee the implementation of development projects; and function as the secretariat to the Regional Council for the purpose of planning and development.

One of the problems envisaged with the regional development coordination committee is how representative the decisions taken by the decentralised Government officials serving on them would be. The risk is that such decisions will not be supported and sanctioned by their superiors in the respective ministries and, thus, may lack credibility, legitimacy and authority.
Constituency Development Committee

Such committee will be comprised of not less than 7 and not more than 17 members. The chairperson will be the respective elected constituency councillor for the area, as well as – where applicable – two recognised traditional leaders, an NGO/CBO representative, a Government representative providing services to the area, three disabled persons, and two youth representatives. At least a third of the members are to be women. Tasks to be performed include the following:

• facilitating a community-based management-information system
• identifying and assessing community needs
• preparing development projects for submission to the Regional Council
• encouraging self-help projects
• monitoring administration and development projects
• providing assistance in the maintenance of law, order and security
• providing assistance during emergencies (e.g. drought), and
• serving as a communication channel between the Regional Council and the people in the constituency.

Local Authority Development Committee

The purpose of this committee is to effectively coordinate planning and development of the local authority. Not less than 5 and not more than 17 members will serve on such committee in a municipality or town. Up to two councillors will also be committee members, while its chairperson will be the mayor. One delegate will represent the local CBOs and NGOs. Others serving on the committee will be two youth representatives, one of which is to be a woman. The town clerk or village secretary serves as secretary to the committee. At least a third of all members are to be women.

The tasks of the local authority development committee correspond with those of the constituency development committee. An additional task is to discuss, evaluate and recommend for approval, any investment proposals for the respective local authority area. It is also charged with carrying out any other duty as may be authorised by the local authority council or any law.

Village Development Committee

The village development committee will comprise not less than 5 and not more than 15 members, with the chairperson of the village serving as the committee chairperson as well. A councillor, a recognised traditional leader, a representative of each line ministry and not more than five members from the community will serve as committee members, whereas the Village Council secretary will be the secretary to the committee.

The tasks of this committee largely correspond with those of the local authority and the constituency development committees. In addition, the village develop-
Decentralisation and State-building at the Local Level

The settlement committee has to monitor and report, to the Regional Council, any possibility that the village may develop into a town. It serves as a communication channel between the Regional Council and the people in the area and generally monitors the delivery of services within its area. The committee reports to the Regional Council.

**Settlement Development Committee**

The officer in charge of the settlement chairs this type of committee. Additional members are drawn as follows: one member of the recognised traditional authority in the area, one representative of each line ministry in the area, where applicable, and not more than five members of the community.

The committee deals with matters related to the management, development and administration of the settlement. Development matters affecting the settlement area are relayed by the committee either to the Regional Councillor in whose constituency the settlement is located, or to the Regional Officer, where applicable. The other functions of this committee are similar to those of a Village Council. It will pay particular attention to initiating, encouraging, supporting and participating in community self-help projects and will mobilise human resources, material, financial and technical assistance in relation thereto.

**Concluding Remarks**

The success of decentralisation will, to a significant extent, be determined by line ministries’ cooperation and willingness – which are currently still partly lacking. It will take some time before line ministries fully grasp the meaning of decentralisation and what it implies in terms of functions, particularly those intended to be decentralised.

Considering the present lack of official funds, as well as regional, economic and social discrepancies, a scarcity of trained and well-equipped officials at sub-national governmental level, a lack of the necessary infrastructure and other imperfections, development agencies such as NGOs and inter-governmental organisations can play a particularly supportive role in capacity-building and in the execution of decentralisation. Such assistance requires a full understanding of the needs of each of the affected parties, and demands consultation with Regional and local authorities and community leaders. Furthermore, development skills are needed, particularly in respect of supporting those who are implementing their own development initiatives – rather than do it for them (MRLGH 1996b:28). Finally, a participatory approach should be fostered among the population.

The goals have been set, the policy of decentralisation has been officially sanctioned: all that remains is the consequential implementation of the process. It should be seen as an extension of Government services and structures.
Preparations for the decentralisation process began in 1997, and basically involved training personnel for their tasks at Regional and Local Government level, with the emphasis on capacity-building. Line ministries were expected to identify immediate functions they wished to decentralise in the short, medium and long term. In 1998, the implementation phase of decentralised tasks was commenced. However, this phase will take longer to complete than originally envisaged.

In the Namibian context, decentralisation is not only related to capacity-building and the empowerment of people at regional and local level: it is also linked to a process of administrative reform. The improvement of administrative services, emphasising participatory administration of the public service, providing for capacity-building and the empowerment of public servants through training and education, offering equal opportunities through a policy of affirmative – and, therefore, corrective – action, and emphasising that equality of opportunity: these are all ingredients and, simultaneously, preconditions for effective decentralisation.

Some observers are concerned about Namibia’s development into a dominant-party State, and express the fear that this might affect decentralisation. Indeed, SWAPO of Namibia, the ruling party, is nationally supported: it gained nearly 73% of all votes cast during the National Assembly Elections in 1994. In a developing society a dominant-party State may have its advantages. It can forcefully combine and implement the best of development and democracy. However, this can only be realised if the dominant party is committed to democracy and can rely on the support of the population. The scars of the colonial past are still evident among the Namibian people. The inherent anti-Government attitude that marked the apartheid era takes time to be converted into trust. Decentralisation can play a functional role to restore this trust. In particular, the participatory nature of a decentralisation process can significantly contribute to a balance of interests, mutual support and reconciliation.

The interrelation and interface between the State, the Government and civil society are, thus, of particular importance in a dominant-party State that is committed to democracy. Such a State, in the absence of any significant opposition in policy-making bodies, is particularly dependent on inputs deriving from within civic society. A decentralisation process can provide, par excellence, the checks and balances required to control the power of a dominant-party State. This is as important as obtaining political support.

The Namibian Constitution guarantees the right to all its people to participate in the polity and running of the State. The Government, as the agent of the State, is committed to the principles of freedom and fundamental human rights as entrenched in the Constitution. The State cannot, however, allow democratic rules to become self-destructive. This is conceivable when the practice of democracy becomes one-dimensional, when the gap widens between democratic empowerment and economic despair.
Decentralisation will suffer and is eventually condemned to fail if politico-administrative empowerment at regional and local level is not matched by economic development. Decentralisation is closely linked to economic (re)distribution. The administrative and political delegation of powers is meaningless if it is not supported by adequate resource distribution that will contribute to socio-economic development. In the final analysis, there should be cooperative governance. Decentralisation should be operative in a single economic space. Economic unity is related to administrative and political unity: they are complementary.

It is incumbent upon the State to create an optimal environment for decentralisation. Favourable conditions are achieved when decentralisation contributes to stability and development, Government responsiveness, self-determination, self-government, autonomy, self-reliance and accountability.

The underlying purpose of decentralisation is to bring Government closer to the people, to empower people, to strengthen democratic values in society, and to contribute to social and economic development. In the end, these are what will determine the survival of democracy, its credibility and functional purpose.

References


