



# REVIEW OF THE GOVERNMENT OF THE REPUBLIC OF NAMIBIA CIVIC ORGANISATIONS PARTNERSHIP POLICY (GRN- COPP)

## Final Report

**“Enhancing Participatory Democracy in Namibia” (EPDN),  
a Partnership Programme of the Government of the  
Republic of Namibia and the European Union**

**EUROPEAID/139-435/IH/SER/NA, Ref. No. NL2410-35598**

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**November 2022, Windhoek**

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## Acronyms

CBO	Community Based Organisation
COAC	Civic Organisation Advisory Committee
COS	Civic Organisation Scorecard
COPP	Civic Organisations Partnership Policy
CS	Coordination Secretariat
CSFN	Civil Society Foundation of Namibia
CSO	Civil Society Organisation
EDF	European Development Fund
EPDN	Enhancing Participatory Democracy in Namibia
EU	European Union
GII	Gender Inequality Index
GRN	Government of the Republic of Namibia
GRICE	Governance, Responsive Institutions, and Civic Engagement
ICT	Information Communication Technology
IPPR	Institute for Public Policy Research
KII	Key Informant Interview
MP	Member of Parliament
NCSSP	Namibian Civil Society Support Programme
NANGOF	Namibia Non-Governmental Organisations Forum
NDP	National Development Plan
NDS	National Dialogue Secretariat
NGO	Non-Governmental Organisation
NKE	Non-Key Expert
NPC	National Planning Commission
OMAS	Government Offices, Ministries and Agencies
SDGs	Sustainable Development Goals
UN	United Nations
UNDP	United Nations Development Programme
UNFPA	United Nations Population Fund
UNICEF	United Nations Children’s Fund
UN-VNR	United Nations’ Voluntary National Review

## Executive summary

The Government of the Republic of Namibia (GRN) Civic Organisations Partnership Policy (COPP) grew out of an understanding that civil society organisations (CSOs) play a key role in national development. The position is articulated in Vision 2030, which celebrates the fact that “There is hardly a policy of government in which the role of civil society is not mentioned”. From this perspective “Government recognises that development has to be bottom-up and include active participation of citizens and their organisations, thus ‘democratising development’<sup>1</sup>. The philosophy outlined in Vision 2030 chimes with accepted development practice where communities striving to overcome social and economic challenges are positioned as the drivers of their own development and fully participate in the decision-making process. It helps to define the equal relationship between “rights holders” and “duty bearers”, in which government (duty bearer) plays its role as an enabler of human development outcomes which are defined, designed and implemented through community action and citizens (rights holders).

In this context the GRN-COPP focused on strengthening the cooperative relationship between CSOs and the government development agenda. Initiated by the National Planning Commission (NPC), it emerged from a desire to optimize the working partnership and improve the quality and coordination of service provision by more efficiently targeting scarce resources. Pursuit of the policy will contribute to a coherent approach towards the realization of national development objectives.

The overall goal of this report is to review the GRN-COPP and its implementation. As requested by the terms of reference the review underscores “the role that CSOs and their partnership with Government and the private sector can play in the implementation of the SDGs”. The review identifies factors that have shaped the implementation of the COPP since 2006 and describe the policy’s impact. This review has taken place against a particular background where some prominent Windhoek based civic organisations have questioned the value of the GRN-COPP, while also being suspicious of the government’s motives in pursuing the process to review the policy. This anxiety has been fueled in recent years by examples in other African countries where government legislation has resulted in squeezing the democratic space for CSO operations. One of the most contentious dimensions of the GRN-COPP was the proposal in the policy to create a mechanism for voluntary registration of civic organisations, hosted by the NPC. In 2008 a draft Bill on this registration was rejected by the civil society leaders; a main argument being that voluntary registration could be used as a back-door to squeeze the democratic space in which civic organisations operated. Sixteen years later a range of contentious issues around the policy, including voluntary registration, continues to elicit strong reactions from several civil society representatives.

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<sup>1</sup> Namibia Vision 2030 Policy Framework for Long-term National Development, 2004, p.11

Namibia's civil society scene is broadly comprised of two kinds of organisations. On one hand, there are organisations who position themselves as "watch-dogs" and are focused on holding government accountable for actions and omissions. On the other hand, the majority of Namibia's civic organisations are based on service delivery, particularly at the local community level. There are several major organisations which operate in both areas and successfully link their service delivery to advocacy and policy influencing activities. Many of these organisations have good working relationships with government bodies and provide a vital service to government development agendas. Unfortunately, such good models are the exception rather than the rule and most CSOs operating in local development do not have the same technical capacity or resources, even though these are the organisations which are at the forefront of delivering development to underserved communities.

### ***Review of the Government of the Republic of Namibia Civic Organisations Partnership Policy (GRN-COPP)***

The review process included workshops in 5 regions of the country: Ondangwa (10 October); Swakopmund (13 October); Keetmanshoop (17 October); Windhoek (24 October) and Rundu (1 November). In total, 123 participants from 96 civic organisations attended the workshops. Twenty key informant interviews took place in addition to the extensive review of documents. Since the COPP's impact had never been monitored or evaluated, the workshops were a venue to encourage participants to assess the current state of government and civil society relations and the relevance of the GRN-COPP. Data from the workshops was collected using a scorecard system, which helped provide some level of empiricism to the exercise.

The review concluded that the GRN-COPP contained some key structural weaknesses, which served as barriers to its implementation. First, it lacked a detailed operational plan and second it had no budget. These components were later embedded in the Guidelines for the Policy Making Process, issued by the NPC in June 2018. Although requests were made, the consultancy team were not provided with any reports pertaining to the implementation of the GRN-COPP, and there is no evidence that the policy was ever implemented. In this regard, it is clear that the policy was bound to fall short of original expectations. The absence of a clearly defined implementation strategy with concrete milestones and measurable performance targets attached to predictable budget lines meant that from the outset the policy was simply not implementable. At best the policy met a need to deepen the philosophy of partnership between the government and civic organisations. It took the aspirations of Vision 2030 to another level of appreciation and promoted civil society's indispensable role in supporting national development. On the other hand, the policy was hobbled by four major barriers.

- First, a failure to carry out an extensive validation exercise (following the initial round of consultation) of the policy's content which would have tested its proposals. This could have provided an opportunity for the NPC and civic organisations to jointly assess whether

the policy was fit for purpose. Such a collaborative process could have potentially addressed the legitimate concerns of civic organisations, especially around the issue of voluntary registration.

- Second, there is no evidence that the NPC dedicated adequate time and resources to translate the policy into an operational framework for government-civil society cooperation. Institutional inertia and lack of funding ensured policy implementation, if it was ever to be realized, would have to be supported by others.
- Third, the generic quality of the GRN-COPP meant that it was quickly overtaken by the more targeted and relevant design of sector policies in a variety of areas, which were championed and funded by different line ministries. These ministries did not need a generic partnership policy to guide their actions in identifying and developing working relationships with relevant civic organisations.
- Fourth, deficiencies in the operation of local government structures impede civic organizations' access to local decision-making and curtail their ability to establish partnerships with local authorities.

### ***Framework of Engagement to Strengthen the Relationship between the Government of the Republic of Namibia and Civic Organisations in Support of National Development***

The internal evidence of the review points to a need to retire the existing GRN-COPP. While the “spirit” of the policy remains relevant, the modality of government-civil society cooperation, and the role played by NPC in this relationship, should focus on a **Framework of Engagement**.

The most significant change since 2006 affecting the nature of government-CSO relations is Namibia's embrace of the Sustainable Development Goals (SDGs) and Agenda 2030, adopted by member states of the United Nations in 2015. The GRN quickly committed to “domesticating” the SDGs and bringing these ambitious goals to the local level. More broadly, the adoption of the global development agenda affirmed the role of citizens in shaping development outcomes, based on the principle of inclusive growth. SDG 16 which encourages governments to “Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels”, is the fulcrum for the delivery of all 17 goals due to its emphasis on citizen action, while capturing the relationship between rights holders and duty bearers.

The reference to duty bearers and rights holders in this Framework of Engagement places human rights at the heart of the delivering the SDGs at the local level. In this regard, the government and civic organisations both have duty bearing and rights holding responsibilities.

It's only through this nexus of government-civic organisation-local SDG action that local service delivery and local democracy can be improved to fulfil the promises of the country's National Development Plans and Vision 2030. All of the SDGs have targets directly related to the responsibilities of local and regional governments, and this is why local and regional governments must be at the heart of the 2030 Agenda. But this can only work if service delivery civic organisations and local government are working in partnership.

Reaching this goal requires work and the Framework of Engagement proposed here is intended to provide some direction to building on existing capacities and building new capacities for GRN-CSO partnership. The Framework is made up of **five principles, five pillars** and **five cross-cutting themes**.

## **Five Principles**

### **Principle 1: Promote local leadership**

The partnership between government and civic organisations must work at all times to strengthen local actors in ways that advance locally led development.

### **Principle 2: Improve equity and inclusivity within partner relationships**

The premise underlying the relationship between duty-bearers and rights holders is the proactive search of opportunities to engage more equitably and increase inclusion in operations and programming, particularly for those communities that traditionally have been overlooked or which are underserved.

### **Principle 3: Demonstrate accountability to constituents**

All duty-bearing entities, be they government bodies or civic organisations endowed with a mandate to act, need to be equally accountable to the people and communities they serve or represent.

### **Principle 4: Seek innovative approaches**

Achieving the SDGs in Namibia depends on cooperation between the government, civic organisations and the private sector. Tapping into the global marketplace of innovative ideas has never been easier. Duty-bearers and rights holders have a collective responsibility to create the venues for innovation which capitalize on the talent and energy of citizens across society. This will focus on collaborative approaches to social innovation and problem solving.

### **Principle 5: Lower barriers to partnerships**

While a responsibility of government is to safeguard the fiscal space and prevent the illicit use of public and private resources, accommodating the needs of grass-roots CSOs should be a priority when devising procurement processes intended to build local partnerships.

## Five Pillars

### **Pillar I: Coordination**

This concerns coordination between the government and civic organisations and is considered a desirable dimension of this Engagement Framework by the NPC and civic organisations. Given the history of the original partnership policy the NPC is deemed to be the most appropriate point of entry for this coordination and a CSO Help Desk was created to support this objective. It is recommended that coordination is built on a) strong and self-regulating CSO sectoral networks b) establishment of a Civic Organisation Advisory Committee (COAC) c) the establishment of a Coordination Secretariat hosted in NPC and which absorbs the existing CSO Help desk d) the inclusion of the COAC into the national budgeting process e) support to efforts to lowering barriers to grass roots civic organisations seeking to access funds from government and donors and e) strengthening and expanding the existing civic organisation information portal hosted by Civic +264.

### **Pillar II: National Dialogue**

The dearth of institutionalised dialogue between the government and citizens, local communities and their civic organisations is an impediment to localizing the SDGs. Launching a National Dialogue process geared to SDG localization will help bring local community voices into the national debate and better position local civic organisations in both their service delivery and policy influencing roles. For consideration, the components of the National dialogue could be a) a National Dialogue Secretariat b) Regional dialogues which would be supported and convened by Regional Councils in the 14 regions c) an annual National SDG conference, which brings together regional representatives with senior regional and national political figures and d) the formulation of SDG priority action plans which can be presented for funding.

### **Pillar III: Local Structures**

The effectiveness of government programmes reaching the intended target beneficiaries and the ability of the government to come closer to the people through more partnerships involving civic organisations is poor. The process of decentralization is a work in progress and in certain areas is stalled. While there are myriad moving parts to addressing the existing challenges of local civic engagement, this Framework of Engagement should focus on building local authorities' knowledge of the benefits of partnership with civic organisations in support of the SDGs, while simultaneously building the capacity of civic organisations to understand how to work with local authorities, including knowledge of the local government structures and how to navigate them through effective advocacy and policy influencing work. Placing a competent and dedicated resource for supporting local civic organisations in the Regional Council should be considered.



#### **Pillar IV: Political Engagement**

The role of civic organisations in the national political discourse seems to be generally misunderstood and there has been a history of politicians publicly criticizing civic organisations and their leaders. Engaging parliamentarians is going to be essential in the process of localizing the SDGs. On the other hand, the opportunities afforded to civic organisations to engage parliamentarians is not used. The Speaker of the House is supportive of more civil society involvement in the parliamentary process, while civic organisations should learn from past successful public engagement events in Parliament. In this regard there is an equal responsibility of civil society leaders and parliamentary officials to create the spaces for constructive dialogue. With the support of donors and the NPC a programme of action should be considered which initiates a series of Parliament fact-finding missions to local regions, with those involved obliged to report back to Parliament and civil society.

#### **Pillar V: Regulatory Coherence**

Legal experts have said that the main vehicles for establishing a civic organisation's legal personality are all functional, well used in practice and relatively easy and inexpensive to access. On the other hand, many of these laws pre-date Namibia's independence and many small organisations would welcome the simplification of the legal instruments. Launching a nationwide consultative process which explores options for reforming the existing legislation and bring it into the 21st century has traction and should be pursued. This process can be initiated by the COAC in collaboration with the Coordination Secretariat, and possibly implemented as a chapter of the National Dialogue process. This also offers an opportunity for Namibia to shape legislation which strengthens the charitable status for eligible civic organisations.

### **Five Cross-Cutting Themes**

#### **Building Trust**

There remains a good deal of mistrust between the government at different levels and Namibia's civil society. The mistrust goes both ways. Many civil society leaders are automatically suspicious of government motives, while the politicians have a history of being wary of the motives of civil society leaders who are outspoken about the government. A fundamental currency of partnership is trust, and the capacity to transform mistrust into partnership is well understood, particularly in southern Africa. Nelson Mandela famously said: "If you want to make peace with your enemy, you have to work with your enemy. Then he becomes your partner." Although all pillars of this Framework require the currency of trust, the National Dialogue process and especially its application at the local level has special resonance in this regard.

## **Language**

English is the sole official language in Namibia but only 3.4 percent speak it as a home language. The use of English, while a practical route to producing and distributing government communications to the population, is not the optimal method for giving access to all communities to the decision-making process. Looking forward, all the tools and activities implemented under this Framework of Engagement should be calibrated to meet the language needs of the specific target community. This includes the use of braille for people who are visually impaired.

## **Electronic communication**

Namibia has a relatively high level of connectivity, and the information communication technology sector is developing at a pace. Currently, Internet penetration is 51 percent, while television and radio coverage is almost 80 percent. The overarching ICT Policy (2009) is focussed on facilitating the growth of ICT in Namibia, whilst striving towards universal services for all Namibians. In this regard the commitment to open and accessible communication spaces should be used to ensure civic organisations of all sizes and in all regions can access the information they need to facilitate their work.

## **Gender parity**

Women's social, political and economic participation and representation is central to equitable and sustainable development, and civic organisations are among the most important democratic institutions for promoting and nurturing such participation. For this reason, ensuring gender parity and inclusion is a crucial goal in the implementation of this Framework of Engagement and achieving the SDGs. This must ensure that women, especially in underserved communities, are given the "discourse space", to influence the decisions that impact their lives.

## **Innovation**

Thinking outside the box is going to be a crucial ingredient for the successful application of this Framework of Engagement. Globally, a recognition that old ways of thinking need to be supplanted by fresh and often audacious approaches has given rise to a growing movement in the social innovation landscape. This is bringing hope for a better future through the use of social innovation labs. These labs concentrate imaginative and new thinking in a single space aimed to tackle societal challenges and bring about scalable and sustainable positive change. The approach could present an interesting and valuable space for civic organisations, the private sector and local government. As convening platforms innovation labs could be geared to bringing together relevant stakeholders across different sectors to work on specific real-life challenges in Namibia. This would be a powerful tool for partnership building at the regional level with the support of Regional Councils.

# **REVIEW OF THE GOVERNMENT OF THE REPUBLIC OF NAMIBIA CIVIC ORGANISATIONS PARTNERSHIP POLICY (GRN-COPP)**

# 1. Background

## *What is the Government of the Republic of Namibia (GRN) Civic Organisations Partnership Policy (COPP)*

In 2005 the Government of the Republic of Namibia (GRN) formulated a Civic Organisations Partnership Policy (COPP). The policy grew out of an understanding that civil society organisations (CSOs) play a key role in national development, and despite a successful transition to an independent democratic state, strengthening the relationship between government and non-state actors would benefit society at large. The GRN recognises the historic contribution of CSOs during the national liberation struggle and has worked to safeguard the civic space for citizen-led organisations to operate. The 2020 CSO mapping study affirms that “despite the economic and political turbulence” of the past few years, the civic space for civil society activity remains open. CSOs are able to form and operate largely without impediment”<sup>2</sup>. The COPP describes the contribution of CSOs in some detail. For example, Foreword by Helmut K. Angula, Director General of the National Planning Commission (NPC) in 2005 states:

*“NGO’s, Community-Based Organisations (CBOs) and other civic organisations play a vital role in providing links to local communities and increasing social capacity through the interventions they sponsor. They have undertaken commendable work since independence in funding and implementing development programmes and projects in specific and cross-cutting sectors, at local, regional, national and international levels. Thus, their valuable contribution to national development is widely recognised”<sup>3</sup>.*

The government’s commitment to this partnership was underlined in the foreword to the Namibia Vision 2030 Policy Framework for Long-term National Development, and where President Sam Nujoma states:

*“One of the major principles upon which our Vision is based is ‘partnership’. Partnership is recognised as a major prerequisite for the achievement of dynamic, efficient and sustainable development in the country. This involves partnership between government, communities and civil society; partnership between different branches of government, with the private sector (the business community), non-governmental organisations, community-based organisations and the international community; partnership between urban and rural societies and, ultimately, between all members of Namibian society”<sup>4</sup>.*

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<sup>2</sup> Civil Society Mapping Report, Enhancing Participatory Democracy in Namibia (EPDN) Project, Graham Hopwood and Rakkell Andreas, October 2020, p.5

<sup>3</sup> Government of the Republic of Namibia civic organisations partnership policy, December 2005, Office of the President – National Planning Commission

<sup>4</sup> Namibia Vision 2030 Policy Framework for Long-term National Development, 2004, p.11

The section of Vision 2030 dedicated to civil society celebrates the fact that “There is hardly a policy of government in which the role of civil society is not mentioned”. From this perspective “Government recognises that development has to be bottom-up and include active participation of citizens and their organisation, thus ‘democratising development’<sup>5</sup>. In this context the government identified key actions which need to be taken, including the formalisation of civic organisations’ role in decision-making and implementation, on issues affecting the nation through the implementation of a Government-Civic Organisations Partnership Policy and Strategy. The strategy would address issues of capacity and sustainability of civic organisations across the country. This would seek to overcome the weakness of civil society, their low level of delivery and poor coordination, while improving the active participation of citizens. In this context things to avoid included the prescription of “top-down” solutions, making communities wait for solutions from outside and treating communities as recipients of development.

The philosophy outlined in Vision 2030 chimes with accepted development practice where communities striving to overcome social and economic challenges are positioned as the drivers of their own development and fully participate in the decision-making process. It helps define the equal relationship between “rights holders” and “duty bearers”, in which government (duty bearer) plays its role as an enabler of human development outcomes which are defined, designed and implemented through community action and citizens (rights holder). The enabling duty bearer role relates to creating the right kind of structures and providing the resources and capacities that allows communities to thrive and grow in a sustainable manner. The operation of rights holders and duty bearers comes from human rights and UN literature which juxtaposes citizens’ rights to participate in decisions affecting their lives with the “duties imposed — without fail — on specified persons or agents who would make sure that these rights are fulfilled”<sup>6</sup>. This concept of agency, which bears a duty to fulfil rights, usually by the state, establishes legal entitlements of rights holders (usually citizens). This concept will feature throughout this report.

The rationale for the GRN-COPP, as it was articulated in 2005, focussed on strengthening the cooperative relationship between CSOs and the government development agenda. In this regard the GRN acknowledged that the operational modalities and legislative framework governing CSO-government relations was not optimal. Thus, the overall goal of the GRN-COPP is to create a working partnership which would encompass all the country’s citizens, their civic organisations, and the government. According to the GRN this reflects the ambitions of Vision 2030 that foresees CSO-government partnership in development, while improving the quality and coordination of service provision by more efficiently targeting scarce resources. Thus, pursuit of the policy will contribute to a coherent approach towards the realization of national development objectives.

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<sup>5</sup> Ibid, p.131

<sup>6</sup> Human Development Report 200, UNDP, New York: United Nations Publications, p.24

Since its public launch in 2006, little progress has been made in translating the policy's aspirations into action. Some of the challenges described in the GRN-COPP are listed below<sup>7</sup>.

- Government structures have limited capacity to reach all sectors of the population with services, which has increased pressures on CSOs to fill the gap, particularly in addressing marginalised and hard-to-reach communities.
- CSOs have had to adapt from being allies of the ruling party during the liberation struggle to becoming watchdogs over government business.
- The capacity of CSOs to serve as career options for talented professionals has been curtailed by limited resources and sustainable job opportunities.
- CSOs are often unable to attract high quality personnel, while the phenomenon of qualified staff leaving the CSO sector undermines CSO organisational capacity.
- The fragmented legal framework under which CSOs operate imposes unmanageable pressures on organisations, which are already fragile, while the burden of navigating ever more complex bureaucratic obligations hinders effective operations.

### *Context of the review process*

The overall goal of this report is to review the Government of the Republic of Namibia Civic Organisations Partnership Policy and its implementation. The review will identify factors that have shaped the implementation of the COPP since 2006 and describe the policy's impact. **The GRN-COPP review is expected to inform the National Planning Commission (NPC) and CSO partners in their efforts to develop and roll out new partnership frameworks and structures, with functional, operational, and legislative considerations.**

This report has been drafted against a particular background where some prominent Windhoek based civic organisations have questioned the value of the GRN-COPP, while also being suspicious of the government's motives in pursuing the process to review the policy. This anxiety has been fuelled in recent years by examples in other African countries where government legislation has resulted in squeezing the democratic space for CSO operations. The 2020 Civil Society Organization Sustainability Index referred to government attempts to revive the GRN-COPP and the creation of an umbrella CSO coordinating body as "pressure" on CSOs, driven by a foreign development agency. Some civic organisations are deeply uncomfortable with the current review process, believing the intention is to revive the partnership policy despite their misgivings. At the same time there is concern that they will not be included as equal partners, while the effort to advance the GRN-COPP is overly

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<sup>7</sup> Terms of reference for the review of the Government of the Republic of Namibia civic organisations partnership policy (GRN-COPP), "Enhancing Participatory Democracy in Namibia" (EPDN), a Partnership Programme of the Government of the Republic of Namibia and the European Union EUROPEAID/139-435/IH/SER/NA, Ref. No. NL2410-35598, 2022

rushed.<sup>8</sup> In a similar vein, several leading CSOs lost trust in a process to potentially reform the legal framework for the sector in 2020. Discussions held under the auspices of the Ombudsman's Office, which addressed the linkage between a possible partnership agreement with the government and the official registration of recognized CSOs failed as CSOs felt they were being pressured to finalize an agreement with unrealistic speed<sup>9</sup>.

The CSO Mapping report from 2020<sup>10</sup> describes in some detail the historic development of Namibian CSOs. Notably, the report points to the World Bank's decision in 2009 to categorise Namibia as an upper-middle income country, which had a dramatic impact on the level of foreign funding that came to the country through donors. This came on the back of changed donor patterns which up to 2000 had seen donors directly funding NGO staff salaries, office rents and infrastructure costs. By the time of the World Bank decision most donors working in Namibia had switched to funding projects only, which made it difficult for CSOs to maintain permanent staff and office bases. It is reasonable to assume that until the mid-2000 donor patterns had inadvertently created a level of CSO dependence on foreign aid, making the impact of changed donor policies acute.

Another significant highlight in the historic development of the CSO sector was the creation of the Namibia Non-Governmental Organisations Forum (NANGOF), which founded in 1991 was transformed into a Trust in 2007. Thereafter the NANGOF Trust received considerable funding from the European Union including under the Namibian Civil Society Support Programme (NCSSP). Under the 10<sup>th</sup> EDF Namibia the NANGOF Trust was financed alongside the newly created Civil Society Foundation of Namibia (CSFN), which was set up as a basket fund collecting resources from both public and private donors and channelling them to CSOs. The NANGOF Trust served as an umbrella body for CSOs across the country and was at the forefront of efforts to oppose the GRN-COPP. According to the 2020 Civil Society Mapping Report rejection of the policy was due to mistrust of the government's intentions and NANGOF Trust members felt the COPP could be a forerunner to attempts to control civil society<sup>11</sup>. On the other hand, the Final Evaluation of the NCSSP (2016) states the "policy was largely rejected by Namibian CSOs under the leadership of the NANGOF Trust, as the consultation with CSOs fostered by NPC in such framework was considered inadequate<sup>12</sup>.

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<sup>8</sup> 2020 Civil Society Organization Sustainability Index, Namibia, USAID, FHI360, International Centre for Not-For Profit Law, October 2021

<sup>9</sup> Ibid, p.6

<sup>10</sup> Civil Society Mapping Report, Enhancing Participatory Democracy in Namibia (EPDN) Project, Graham Hopwood and Rakkell Andreas, October 2020

<sup>11</sup> Ibid, p.6

<sup>12</sup> Final Evaluation of the 10th EDF Namibia Civil Society Support Programme, Gianfrancesco Costantini, 2016, p. 14

As requested by the terms of reference the review underscores “the role that CSOs and their partnership with Government and the private sector can play in the implementation of the SDGs”<sup>13</sup>. The SDGs serve as a “pole star” for the review due to the government’s commitment to their domestication and civil society’s own support in this direction. The 2018 NANGOF Trust Supplementary Report presented at the United Nations’ Voluntary National Review (UN-VNR) on the Sustainable Development Goals (SDGs) highlighted the need for Namibian civil society “to be better organized in order to keep abreast with the government planning as government responds to both local and international expectations as stipulated in the SDGs”<sup>14</sup>. The preamble of the same report states: “Civil society formations are thus currently in conversation to redefine and reposition themselves under one substantive organization to respond, not only to the Sustainable Development Goals as such, but to work in unison with the Namibian Government as a sounding board, a counterforce and catalyst for sustainable development across the sectors in Namibia in pursuit of Vision 2030, National Development Plans (NDP) 1-5 and the current Harambee Prosperity Plan”<sup>15</sup>.

It is clear the adoption of the SDGs in 2015 by UN member states introduced a new dynamic into the discourse on the partnership between Namibian CSOs and the GRN, which did not exist during the GRN-COPP formulation process. From this perspective the 2022 GRN-COPP review process offers an opportunity to propose options on how civil society can organise themselves in support of the SDG agenda and identify the kinds of processes which could strengthen the CSO-GRN partnership in the context of domesticating the SDGs. There is a global consensus that the successful domestication of the SDGs depends on the effective role of the third sector, which in turn requires a robust partnership with national governments.

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<sup>13</sup> Terms of reference for the review of the GRN-COPP, p.3

<sup>14</sup> Supplementary report from the Namibian civil society organisations/NANGOF Trust 2018. p.2

<sup>15</sup> Ibid



## 2. Methodology

### *Structure of the review process*

The review process was managed through two phases during the period 12 September to 12 November 2022.

#### **Phase One: 12 – 21 September 2022**

The Consultancy Team conducted a desk review of relevant documents including, but not limited to GRN development policies and programmes frameworks and CSO related reports to generate background understanding of the COPP process. This exercise was supported by a set of initial stakeholder consultations including discussions with the National Planning Commission, development partners and civil society leaders in Windhoek. This resulted in the formation of a Task Team and the production of an Inception Report. The Inception Report described the Consultants' understanding of the assignment and the methodologies for operationalising the terms of reference. The process received support from the Technical Assistance Team of the EPDN project.

#### **Phase Two: 3 October – 12 November 2022**

The meeting of the Task Team was convened on 26 September to discuss the Inception Report, where no specific amendments were proposed. Some initial preparations for phase II were undertaken by the Non-Key Expert 2 (national expert) during the period 26-30 September. The Task team assigned representatives from the NPC and civil society to participate in the workshops in the regions. In total five workshops were convened in Ondangwa, Swakopmund, Keetmanshoop, Windhoek and Rundu. The International expert resumed his duties on 3 October. The key informant interviews (KIIs) were scheduled during the review period and the final list of KIIs is described in annex 3. The Task Team was provided with updates on the workshops and a meeting of the Task Team was convened on 8 November to discuss the principal findings of the consultancy team. This meeting provided an opportunity for the consultants to receive feedback on their recommendations and as appropriate, incorporate these into the final report. The final report was delivered to the Technical Assistance Team of the EPDN project on 12 November 2022.

### *Desk Review*

The review of key documents and reference materials were an ongoing process throughout the assignment. See annex 8 for reading list.

## Task Team

In accordance with the terms of reference a Task Team was constituted and coordinated by the Technical Assistance Team of the EPDN project. The Task Team supported the work of the consultancy team by providing substantive and strategic insights into the process. This included identifying the civil society actors in Windhoek and in the regions, who were invited to participate in the consultation workshops and provided feedback on the key findings of the review in the meeting of 8 November.

### Task Team members

#	Name	Organization
1	Ms. Anna Amoomo-David	Internet Society, Namibia Chapter – ISOC Namibia
2	Anthony Tsekpo	Technical Assistance Team
3	Ms. Eva Awases	Forum for the Future
4	Mrs. Ester /Nanus	National Planning Commission
5	Ms. Ivy Muituti	National Planning Commission
6	Mr. Matheus Hashoongo	National Federation of Persons with Disabilities in Namibia
7	Mr. Paul Vleermuis	RISE Namibia
8	Mr Ronny Dempers	Namibia Development Trust
9	Mr. Sylvanus Nambala	National Planning Commission
10	Ms. Taleni Mabakeng	National Planning Commission

## Workshop consultations

A central feature of the assignment was the conduct of consultation workshops with key stakeholders. Five workshops were convened, which was attended by 123 participants representing 96 civic organisations.

### Workshop schedule

Date	Venue	Catchment communities
10 October	Ondangwa	Outapi, Helao Nafidi, Eenhana, Oshakati, Ongwediva, Rundu, Zambezi/Katima Mulilo, Tsumeb, Grootfontein, Otavi
13 October	Swakopmund	Walvis Bay, Henties Bay, Usakos, Arandis, Karibib, Khorixas, Opuwo
17 October	Keetmanshoop	Mariental, Tses, Gibeon, Koës, Bethanie, Maltahöhe, Aroab, Lüderitz, Karasburg, Berseba
24 October	Windhoek	Otjiwarongo, Okakarara, Otjinene, Gobabis, Okahandja, Rehoboth
1 November	Rundu	Zambezi, Kavango East, Kavango West

Workshops outside Windhoek included participants from local civil society organisations and as feasible, community-based organisations, with CSO representatives invited to travel from surrounding communities to join the nearest workshop. The Task Team meeting of 26 September discussed participants for workshops, and the NKE2 solicited the names of participants from different sources, including liaising with Civic +264 which hosts an online database<sup>16</sup> of civic organisations. The EPDN Technical Assistance Team issued invites to participants and the NKE2 supported the process by directly contacting invitees to help secure their attendance. The civil society Task Team representative assigned to join the workshops also served as a note-taker and recorded the main workshop messages (see annex 5).

The rationale for the workshops was to exercise the key principle of inclusion in the COPP review process and to the extent possible solicit the diverse opinions from as broad a spectrum of Namibian civil society. The workshops were also used as an opportunity to share the key features of the COPP with stakeholders, and there was an expectation that Windhoek-based CSOs would provide information about the COPP review process to their respective networks in the regions ahead of the workshops.

### ***Key informant interviews***

Key informant interviews (KII) were conducted during the process. The selection of KIIs was based on advice and recommendations and in line with the expectations of the terms of reference. This included representatives from civic organisations, government agencies, the international community and people who had special knowledge of the GRN-COPP design process.

### ***Civic Organisations Scorecard (COS)***

The civic organisations scorecard (COS) was administered during each workshop. The COS is a method for collecting data which can assess attitudes and opinions and is an often-used methodology applied by development practitioners in diverse contexts. The goal is to provide a quantitative dimension to the assignment, which can help evidence the level of support for different propositions expressed through the COPP review process. In this regard the COS is a structured questionnaire format which was distributed to focus groups formed within each workshop. Each focus group was made up of between four to six members, while attempting to ensure a balanced and inclusive approach to the participation of women. Although language barriers were not problematic, it was important to ensure all participants felt comfortable discussing issues in chosen language of the group. To ensure this Namibians from the local area were selected as group facilitators and as necessary interpretation was used to ensure a level playing field in comprehension.

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<sup>16</sup> <https://www.civic264.org.na/cso-namibia/full-list>

The questionnaire is split into several macro questions. Each macro question is sub-divided into 4 to 5 sub-questions. The macro-questions represented a specific dimension of the review process, while the sub-questions explored a more detailed aspect of the proposition. All the sub-questions followed the Likert scale methodology: 4 options are available for the respondents to specify their level of agreement or disagreement on a symmetric agree-disagree scale (the score for the options go from 1 to 4). The groups deliberate to reach a consensus about a unique score for each sub-question. Groups were encouraged to find a consensus score, but the score of minority opinions which could not fit into a consensus position were recorded on the questionnaire. Once completed the scores agreed on the 4-point scale is converted into a score out of 10. The questionnaire also includes single statements which participants are asked to score on a 10-point scale. These statements reflect the intended outcomes of the COPP. Generally, any score under 7 is considered to denote a poor performance.

### *Public awareness and outreach*

During inception phase of the COPP review process, stakeholders raised concerns that civil society organisations across the country have not been adequately informed about the partnership policy nor the current review process. Everyone involved agreed that raising awareness of the COPP review exercise was key for transparency and accountability. This would help participants in the workshops fully engage with the content of the consultative process. With the support of the EPDN Technical Assistance Team, the NPC and Task Team rolled out information activities, starting 26 September 2022. This included buying advertising space in newspapers and exploiting social media and websites to raise the profile of the exercise. CSOs in Windhoek were encouraged to send information about the review directly to their partners through email and by word of mouth. Each stakeholder was encouraged to raise awareness about the COPP review process in the way which best suited their network and style of public engagement.

### 3. Civic Organisations Scorecard results

The Civic Organisation Scorecard (COS) is a simple method for quickly soliciting the opinions of workshop participants. The method is borrowed from mainstream development practice often used by organisations to understand community needs through focus group discussions<sup>17</sup>. Although the method solicits a quantitative score for different opinions which provide some level of empirical understanding of people's attitudes, the most valuable feature of the method is small group discussion on key development issues which provides a space for participants to develop a consensus on propositions that reflect their situation. While participants were encouraged to come to a consensus on propositions in the Namibia COS, a flexible approach was also adopted allowing groups to record minority opinions. However, the exercise required groups to reach a consensus, and it was only possible to use scores which indicated a group consensus. Building consensus and constructive dialogue is the most relevant and essential currency of the work of civil society across the world and the skill sets required for its practice were strongly encouraged during the review process.

The COS questionnaire was designed to get participants to discuss the key aspirations of the COPP, articulated through its four objectives and 17 anticipated outcomes. Since the COPP's impact had never been evaluated or monitored, the intention of the COS exercise was to encourage participants to assess the current state of government and civil society relations. In this regard the objectives and intended outcomes of the COPP were used as the principal basis for the COS assessment, while at the same time allowing civil society representatives to discuss the wider issues around the COPP's key aspirations. The COS was administered in the morning session of each workshop and in most cases workshop participants enthusiastically embraced the process and fully engaged in the discussion forums. The COS assessment process provided the basis for the afternoon's future-looking discussions about how to shape a constructive relationship between civil society and the government bodies in Namibia.

COS findings are based on workshops which took place in Ondangwa (10 October), Swakopmund (13 October), Keetmanshoop (17 October), Windhoek (24 October) and Rundu (1 November). The key findings of the COS exercise are described below.

#### *Awareness and understanding of the partnership policy*

The COS exercise confirmed the assertion of many civil society representatives that the COPP was not known. This was particularly true among participants outside Windhoek. In Ondangwa only 6 out of 22 people had heard of the COPP before the workshop, while in Keetmanshoop no-one had heard of the policy. Even in Windhoek about 15 participants said they had not heard of the policy before being invited to attend the workshop.

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<sup>17</sup> For example, The mini-Social Cohesion Barometer: A tool to assess and strengthen social cohesion in divided communities, Catholic Relief services, 2019

**Table 1: Awareness of the Government’s intention to strengthen the partnership between civic organisations and government bodies for development in Namibia.**

<i>Values are scored on a scale of 1-10, where 1 is the lowest score</i>	Ondangwa	Swakopmund	Keetmanshoop	Windhoek	Rundu	5-region average
To what extent were you familiar with the Government of the Republic of Namibia Civic Organisations Partnership Policy (GRN-COPP) which was launched in 2006?	4.4	3.4	2.5	4.2	3.0	3.5
Have you experienced or been part of any government led process or activities to raise awareness about the importance of civic organisations in development?	3.1	5.0	3.1	4.2	4.0	3.9
Have you experienced or been part of any National Planning Commission (NPC) led process to raise awareness about the importance of civic organisations in development?	3.1	3.4	2.5	4.4	3.0	3.3
To what extent has the government (including the NPC) raised public awareness about the Sustainable Development Goals (SDGs)?	5.6	4.1	6.9	5.6	6.5	5.7
Have you come across any information about how countries can “domesticate” the SDGs?	5.3	4.4	4.1	4.7	3.8	4.4
<b>Overall score for all regions</b>						<b>4.2</b>

Table 1 above demonstrates the very low level of understanding among civil organisations of the GRN-COPP and efforts made by government to build awareness of partnership with civil society. Most scores for any region remain below 5.0, while some knowledge of the SDGs is apparent across the country. In consultations with workshop participants it became clear that

knowledge about the civil society help desk hosted by the National Planning Commission is generally poor and those who do know about its existence are either unaware of its activities or have the impression these activities are irregular and not sustained.

### Assessment of GRN-COPP objectives

**Table 2: Assessment of the four GRN-COPP objectives**

<i>Values are scored on a scale of 1-10, where 1 is the lowest score</i>	Ondangwa	Swakopmund	Keetmanshoop	Windhoek	Rundu	5-region average
Have you witnessed an increase in the promotion of active citizenship in order to encourage a greater commitment to civic participation?	5	5.9	5.3	8.1	4.0	5.7
Do you believe that citizens have faith in the process of civic participation through civic organisations?	7.5	8.1	7.2	7.8	8.0	7.7
Do you believe that the government has come closer to the people through more partnerships involving the government and civic organisations?	5	5.6	4.7	6.3	3.5	5.0
Has the capacity of civic organisations and the government (i.e. local/regional/national) to enter into partnerships for responding to development challenges improved?	5	6.6	5.0	5.6	5.0	5.4
<b>Overall score for all regions</b>						<b>6.0</b>

Table 2 shows participants' assessment of the objectives in the COPP. The COS re-articulated these objectives as questions which broadly addressed the substance of each objective. The strongest response in all regions was the notion that local communities trust civic organisations to shape efforts to intensify civic participation. In Windhoek participants ranked the promotion of civic participation highly (8.1). On the other hand, the capacity of civic organisations and government to develop partnerships was moderate, while government coming closer to local communities was not particularly high; only in the capital did the ranking rise above 6.0.

## Assessment of GRN-COPP outcomes

Each of the four GRN-COPP objectives is broken down into a series of anticipated outcomes. Although the partnership policy articulates in its annex a set of performance indicators for measuring progress to each intended outcome, the format does not include baselines or targets, while it appears monitoring of these indicators has not taken place since the policy was launched in 2006. The indicator matrix also fails to indicate the strategy of how each outcome is to be achieved – in short an implementation plan which links activities to outputs and to intended results. Such an implementation framework is well articulated in the NPC **Guidelines for the Public policy Making Process** (June 2018). Although requests to the NPC were sent, no information and progress reports on the implementation of the GRN-COPP were shared with the consultancy team. In the absence of official data, the COS was used as a tool to assess progress made towards the intended outcomes, providing an indicative snapshot of the performance of the GRN-COPP’s operational dimensions underpinning the respective objectives.

**Table 3: Objective 1- To create a greater commitment for civic participation through the promotion and encouragement for active citizenship.**

Intended outcome	5-region average score
Development partners promote and support indigenous approaches of civic participation and organisation.	3.5
Development partners learn from local and international best practices.	6.4
Development partners adopt effective mechanisms to promote, recognise and reward voluntary action and active citizenship.	3.5
Local and international development partners network to achieve a high level of exposure and transfer of Knowledge for civic participation and voluntarism	3.6
<b>Overall score for outcomes under objective 1</b>	<b>4.3</b>

*Values are scored on a scale of 1-10, where 1 is the lowest score*

Across all regions the operational capacity to deliver on the first objective of the GRN-COPP is weak, with the exception of development partners learning from local and international best practices. This possibly reflects the continuing dependence of civic organisations on foreign funding and assistance. It seems all the more probable since the score for promoting local approaches is so low (3.5). The scores related to voluntarism are also very poor, putting the spotlight on the country’s nascent volunteer culture. Although the National Policy on Volunteerism<sup>18</sup> (May 2014) is unequivocal about the value of volunteerism in society, the

<sup>18</sup> <https://www.npc.gov.na/wp-content/uploads/2022/06/National-Policy-on-Volunteerism-May-2014.pdf>



shortcomings and challenges of the sector help explain the poor assessment of the volunteer-related outcomes.

**Table 4: Objective 2 - To enhance the environment for civic participation and partnership.**

<b>Intended outcome</b>	<b>5-region average score</b>
Citizens have high levels of trust in civic participation through their respective COs and are prepared to invest voluntary time, skills and leadership.	<b>6.2</b>
Voluntary registration of the 'Civic Organisation data base' of NPC provides enhanced recognition of civic organisations and establishes a sound foundation for development partnership.	<b>6.3</b>
Voluntary registration for partnership will enhance the credibility of COs, leading to increased access to funds and opportunities.	<b>6.8</b>
<b>Overall score for outcomes under objective 2</b>	<b>6.4</b>

*Values are scored on a scale of 1-10, where 1 is the lowest score*

Although not shown in table 4, participants' attitude towards voluntary registration differ across regions. While the aggregate score in the capital is 5.0 (i.e a poor level of support), the workshops in Ondangwa and Keetmanshopop embraced registration more proactively, producing scores of 7.8 and 8.8 respectively. Participants in Swakopmund and Rundu were less enthusiastic about registration, producing the same score of 6.0. However, this must recognize the fact that the GRN-COPP presents voluntary registration as a route to improved recognition for civic organisations and access to better funding opportunities. In reality there is no evidence that the GRN-COPP was ever used as a tool to create CSO funding opportunities.

**Table 5: Objective 3 - To bring the government closer to the people and create partnership opportunities that benefits the government, civic organisations and civil society.**

<b>Intended outcome</b>	<b>5-region average score</b>
Government programmes reach the intended target beneficiaries and are sustainable.	<b>3.1</b>
Partnership opportunities between the government and civic organisations are identified and effectively communicated.	<b>2.3</b>
Civic organisations recognise the value of partnership and compete for involvement in government development programmes.	<b>5.9</b>
Government actors, civic organisations and target beneficiaries are informed about the value of partnership.	<b>4.1</b>
Development partners are able to measure the impact of partnership programmes and communicate the outcome.	<b>3.8</b>
<b>Overall score for outcomes under objective 3</b>	<b>3.8</b>

*Values are scored on a scale of 1-10, where 1 is the lowest score*

Table 5 shows the extent to which government has been unable to reach down to the community level and effectively decentralise service delivery. Success stories of government-CSO relationships at the local level, while they exist, are exceptions rather than the rule. The overall five-region aggregate score of 3.8 for outcomes under objective 3 represents a particularly low ranking among the GRN-COPP’s four objectives. The weakness in bringing government closer to the people is analysed more fully in the following section. Government programmes reaching intended beneficiaries only score 3.1 in the 5-region average, while civic organisations are mostly not informed on government funding opportunities, reflected in the score of 2.3. The capacity of government and civic organisations working together to measure development results is also incredibly weak and ranked 3.8.

**Table 6: Objective 4 - To enhance the capacity of partners (government and civic organisations) to enter into partnerships and jointly respond to development challenges and opportunities in an efficient, effective and sustainable fashion.**

Intended outcome	5-region average score
Horizontal and vertical linkages between development partners achieve high levels of synergy and avoid overlap and duplication.	2.8
Development resources are shared to enhance the capacity of both civic and public organisations and to create financial and technical sustainability.	1.7
Development partners have access to a range of instruments that assist them with entering into effective and efficient partnership arrangements.	4.6
<b>Overall score for outcomes under objective 4</b>	<b>3.0</b>

**Values are scored on a scale of 1-10, where 1 is the lowest score**

Finally, the performance of outcomes intended to strengthen the capacity the government and civil society to secure relationships in response to development challenges is poor with an aggregate outcome score of 3.0. A cautionary note is the fact that there are several civic organisations which **do** have strong and durable relationships with the government in their specialized sectors, but once again this seems to be the exception. At the grass-roots level the wider civil society sector is unable to navigate relationships which will lead to funding and project opportunities. In this regard avoidance of duplication and good coordination is ranked at 2.8, while modalities for sharing resources that would sustain civic organisations has a score of 1.7, indicating structural barriers to CSO-government relationships. Finally, civic organisations perceive that the range of instruments, including the current GRN-COPP, is limited and inadequate to support government to CSO partnerships; receiving a 5-region score of 4.6.

## 4. Analysis and discussion

### *A flawed process*

The consultancy team was directed to “review the GRN-COPP and its implementation so far, including to ascertain any changes in the Policy and to identify any other conditions that may affect the implementation, outcomes and expected impact of the Policy”<sup>19</sup>. **It is clear that the GRN-COPP was never implemented in any meaningful way. From this perspective the consultancy team were asked to assess something which is not “assessable”.** However, it is possible to untangle, to some extent, the narratives behind this gap between policy and practice.

This begins with looking at why the policy was roundly rejected by civil society actors which coalesced around the NANGOF Trust in the years following the launch of the GRN-COPP. Consistently, prominent civil society representatives claim the consultation process with civil society leading to the formulation of the GRN-COPP was inadequate. Testimony from people involved in drafting the policy describe a two-year process (2002-2004) in which a three-person consultancy team (two Namibians and one Australian) visited numerous locations across the country. In addition to convening focus group discussions and key informant interviews, an ‘Advisory and Steering Committee for the Partnership Policy’ was established at the NPC in the middle of 2002. There were numerous meetings which guided the process, while the Steering Committee established several working groups that dealt with specific issues. The NPC convened two national consultative conferences to review the process and drafts of the policy, which was followed by a strategic workshop to discuss the policy’s operationalisation.

There is credible evidence that the formulation of the GRN-COPP was anchored in an extensive consultative process across civil society and government. However, it is very unclear how the NPC managed the process of validation post-2004, and it appears that civil society representatives were not given sufficient space and time to provide input to the policy before it was eventually launched in 2006. This cast a shadow over the legitimacy of the GRN-COPP from the outset and the resulting discord among civil society leaders was deepened when the draft Partnership Bill was presented one year later.

### *A policy without traction*

The absence of a well-articulated policy implementation plan, as later described in the 2016 Policy Making Guidelines of the NPC, denied the government a clear operational framework

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<sup>19</sup> Terms of reference for the review of the Government of the Republic of Namibia civic organisations partnership policy (GRN-COPP), 2022

for carrying forward the GRN-COPP. The consultancy team interviewed different government officials and although most acknowledged the existence of the policy, not a single person was able to confirm that it ever played a role in planning their respective cooperation arrangements with civic organisations.

There are two dimensions to this government approach to the GRN-COPP. The first relates to the capacity of NPC to carry through with its commitment to host a civil society help desk and to ensure that the policy was widely understood by civic organisations across the country. Former senior NPC officials confirm that at the time there were many other priorities which took attention away from operationalising the GRN-COPP. After the Official launch of the GRN-COPP in 2006, it was felt that a CSO help desk could promote the policy with civic organisations and across government line ministries. However, it appears that institutional indifference characterised discussion about how to finance this help desk and it took three years of negotiations within government and with donors before the EU agreed to fund one help desk position in collaboration with the EU-funded NANGOF Trust project. The financial commitment to implement the COPP was limited, and extended to only disseminating hard copies of the policy to government ministries, regional councils, the private sector, some civic organisations, bilateral and multilateral development partners and UN agencies in the country. The same budget helped fund some capacity building activities identified by the NANGOF Trust and the Council of Churches in Namibia, including celebrations to mark select international days, such as International Volunteer Day and Refugee Day. The policy was also showcased at several international forums, shows and exhibitions where the NPC had a stand. The absence of a strategic outlook and a joined-up operational plan targeting improved development outcomes ensured the policy was overtaken by events.

The second dimension relates to the actions being undertaken by sectoral government ministries, which had already recognized the need to deepen and strengthen partnerships with civic organisations operating in their line of vision. Many sectoral policies already embed cooperation with civic organisations and are appropriately targeted towards the specific needs of the sector. For example, the 1998 Decentralization Policy accommodates civic organisations in their various forms (NGOs and CBOs) through development committees at the regional, constituency, local authority, village and settlement levels. Although in practice these arrangements do not operate with the effectiveness that would afford meaningful partnerships between local government and civic organisations. In theory, however, each of these development committees are responsible for the coordination of the planning and development of the region at that level of competence, with the policy specifically requesting civil society representation in that process. In this regard the list of responsibilities is extensive, from identifying community needs and communicating these to the regional council to supporting the maintenance of law and order.

In another example the revised National Food and Nutrition Security Policy (FNSP) was formulated with inputs from NGOs and CBOs. The governance structure of the policy specifically works through the development committees mentioned above with the regional development committee serving as the over-arching supervisory body for the food and nutrition security stakeholders in the region. Furthermore, the policy requires the direct role of community decision-making encompassing CBOs, community leaders, community health workers, community members and faith-based organisations, with these community actors reporting directly to the constituency development committee<sup>20</sup>. The overall coordination structure required to carry the policy forward is complex and requires a specific civil society platform; a role played by the Nutrition and Food Security Alliance of Namibia (NAFSAN). NAFSAN is a non-profit alliance which serves as a platform for civil society organisations, academia, private sector organisations and committed individuals to improve nutrition in Namibia and support government through coordinated efforts. In this regard it provides direct technical support to the Food and Nutrition Security Inter-Agency Steering Committee, which is chaired by Secretary to the Cabinet. The FNSP specifically refers to NAFSAN and its predecessor, the Namibia Alliance for Improved Nutrition (NAFIN).

These two cases are not the only examples of embedded civic society constructs in government policymaking and delivery. Other examples include the Education Act of 2001; the Sector Policy on Inclusive Education (2013); the National Policy on Community Based Natural Resource Management (2013); the Forestry Policy (2014); and the Namibia Agriculture Policy (2015). In addition, and as stated in the introduction to this report, Vision 2030 provides an overarching commitment to strengthening the relationship between civic organisations and government policy making and delivery of development results. However, bridging the gap between policy and practice remains an ongoing challenge for all stakeholders.

### **Voluntary registration**

One of the most contentious aspects of the GRN-COPP is the provision for voluntary registration of civic organisations with the NPC. The GRN-COPP states:

*“It is clear that all the principles of the partnership policy cannot be realised under the existing registration and regulatory framework for COs. Thus, a major feature of the policy is its call for the formulation of a new Bill, leading to the establishment of a voluntary, parallel system of registration for those wishing to enter into partnership with government. The new system will not replace, but rather would complement existing provisions for current legal forms of COs. The detailed of the proposed Act will be developed in a highly participated manner”<sup>21</sup>.*

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<sup>20</sup> Revised National Food and Nutrition Security Policy, 2021, pp.34-35

<sup>21</sup> Government of the Republic of Namibia Civic Organisations Partnership Policy December 2005, p.ii

From the NPC's perspective the principal rationale for voluntary registration concerned the need to understand the panorama of diverse civic organisations which exist in Namibia. This conception of civic organisations goes beyond formalized NGOs, and extends to informal entities which are nevertheless highly organized. Examples of this dynamic approach to community-led self-help and civic action includes informal savings groups which exist under the Shack Dwellers Federation. In this context the intention of registration was to help the NPC keep abreast of these developments in the civic space, while the registration process would give visibility to such grass roots community-based entities and establish a process to identify the complementary and overlapping visions of government and civil society.

The GRN-COPP was drafted at a time when the government wanted to step into the funding gap left by donors which were reducing their foreign assistance to Namibia. In response the voluntary registration process was designed to structure a cooperative relationship allowing government to channel funds from the national budget to civic organisations on the basis of a common agenda, the intended outcomes of the cooperation, the prioritization of development objectives and agreement on what kind of government assistance would optimize development outcomes. Collectively, the process of registration would formalize relationships between the government and civic organisations allowing for transparency and accountability in the use of public funds. Registration would also help the government to better identify those credible civic organisations which had capacity to steward public money and deliver development results, at a time when Namibia experienced a proliferation of so called "suitcase" NGOs, often created with the sole purpose of generating income for the directors while not being grounded in any form of legitimate constituency<sup>22</sup>. Finally, a registration process was intended to serve as a framework for exercising due diligence in the process of providing public funds to civic organisations and ensuring recipients had the capacity to manage the funds according to the rules of the funder. This would require a capacity assessment of potential fund recipients – a process common to all international funding institutions. For example, USAID's process to fund implementing partners in Namibia from Note of Funding Opportunity to the Award stage takes up to 18 months. A suitable process for engaging civic organisations would need to assess organizational capacity, relating to the legitimacy of an organisation defined by its mandate and relationship with constituents, and the organisation's institutional capacity relating to the ability to manage funds and deliver programmes in a professional and accountable manner.

Under the umbrella of the NANGOF Trust voluntary registration was unequivocally rejected by civil society. The introduction of a draft Partnership Bill in 2007 sought to legislate the registration provision described in the GRN-COPP. The NANGOF Trust's response to the Bill, dated September 2008, states that the "Bill will only succeed in damaging the relatively good

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<sup>22</sup> The phenomena of briefcase NGOs in Namibia was cited by a number of key informants.

working relationship between government and civil society organisations in Namibia”. In this regard objections to the Bill are based on the following observations<sup>23</sup>.

- Fails to provide a definition on partnership and its propositions fall short in enhancing partnership, thus reducing, confusing and limiting registration to partnership.
- Does not provide added value to the current legal registration process through which many organisations are already registered, thus the Bill is becoming an unnecessary burden to the already weak civil society organisations.
- Fails to build and enhance the current partnership arrangements within the country between government and civil society organisations.
- Does not provide an enabling environment for very small but useful initiatives as these initiatives usually will not seek to register and thus can never be seen to be working in partnership because of lack of registration process in terms of the current draft bill.
- Denies recognition to those who may opt not to register to still work in partnership with government.
- Lacks clear incentives and benefits for registration.

The NANGOF Trust held a directors’ forum on 27 June 2008 where it was agreed that the existing framework for partnership with government is satisfactory and there is no need for the passage of a Bill to govern partnerships between government and civil society. It was also agreed that “there is a need for a partnership agreement, but such partnership agreements should be tailor made and should define amongst other [things] roles and responsibilities of each of the partners...”<sup>24</sup>.

The Legal Assistance Centre circulated a paper at the Windhoek workshop on 24 October 2022, entitled: Civil Society Registration Laws: Malign or Benign?<sup>25</sup> The paper argues that in “Namibia there are already numerous legal safeguards in place to address mis-appropriation of funds, and to prevent money laundering and terrorism financing – wrongs which are often cited to justify NGO registration requirements”. The LAC also asserts that “The main vehicles used to establish NGOs in Namibia...are all functional, well used in practice and relatively easy and inexpensive to access”<sup>26</sup>. Opponents of voluntary registration in Namibia draw parallels with the state of civil society in other African countries where legal instruments are used by governments to close down the civic space. The inference is that the GRN, if given the opportunity, may well emulate this practice of using a registration statute to similarly restrict the operations of civic organisations and violate the right to freedom of association.

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<sup>23</sup> Email from [nangof@iway.na](mailto:nangof@iway.na), dated Tuesday, October 14, 2008, Subject: CSO Response to GRN-COs Partnership

<sup>24</sup> Ibid.

<sup>25</sup> Civil Society Registration Laws: Malign or Benign? Input on the draft Civic organisations Policy, October 2022, Legal Assistance Centre

<sup>26</sup> Ibid, p.15

These differing interpretations of the intention of the voluntary registration provision in the GRN-COPP can hardly be reconciled. After some 15 years of stalemate one can only conclude that there has been insufficient discussion on the issue, and it is very probable that the NPC has been challenged in its duty-bearing responsibilities to clearly articulate its case. From this perspective the consultancy team have the following observations on the matter.

1. Many of the objections raised by the NANGOF Trust to the draft Partnership Bill are valid. The focus on voluntary registration in the Bill under the ambit of the wider partnership policy is reductionist in nature and sends the message that partnership between civic organisations and the government exists only through the lens of the technical exercise of registration. There are good reasons for formalizing the relationship between civic organisations and the government when it comes to pre-qualifying competent and suitable organisations for specific projects. In hindsight an approach which explored modalities for partnership through a process of engagement and aimed at building the institutional and organizational capacity of CSOs could have led to a better outcome. This would have certainly helped to establish clear and transparent competitive procedures for awarding projects to civic organisations in their areas of competence. This approach seems to echo the LAC's recommendation: "It is certainly acceptable for government to see partnerships with civil society groups with which it has common ground or shared objectives. But eligibility for a government partnership need not be dependent on any form of generalized registration. Government could easily acquire appropriate documentation from a group it wished to partner with on an ad hoc basis, purely for the purpose of eligibility for the partnership in question..."<sup>27</sup>.
2. The civic organisations scorecard tested the premise of voluntary registration in the regional workshops, and the results showed an ambivalent attitude to the prospect. When asked if the existing regulatory framework was fit for purpose COS results indicate that while they were functional, there is room for improvement. The most notable observation from the workshops was that different organisations are at different levels of understanding and capacity to navigate the various registration tools. While many civic organisations can access these different instruments and understand how to comply with their statutes, other organisations are confused about which of the different instruments best suits their needs. With this in mind, participants at the Windhoek workshop were asked to respond to the following question: **"If civic organisations were widely consulted nationwide and their opinions meaningfully integrated, would you accept a process to develop a single NGO law that could potentially unify existing legal instruments and government-civic organisation partnership policies?"**

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<sup>27</sup> Legal Assistance Centre, p.16



The result showed an almost equal split between those who rejected the premise and those who indicated they would accept such a process. The response given by one prominent civic organisation was accompanied by the following comment: “Only if consultation is properly inclusive and in good faith”. The results of this straw poll do not reject new approaches to modernizing the existing regulatory framework. Combined with comments from the regional workshops, which proactively called for actions to improve the existing regulatory framework, a case for exploring options towards a more streamlined NGO legislative framework is considerable.

3. It is difficult to substantiate the inference, embedded in the rhetoric of some civil society leaders, that the GRN could be tempted to squeeze the democratic space in which civic organisations operate. For every voice that argues this scenario in relation to the dangers of voluntary registration, there are several which dismiss it. The evidence suggests that overall Namibia is making good progress in democratic governance, affirmed by the African Peer Review Mechanism<sup>28</sup> and supported by the country’s good standing in several global good governance and democracy indices, demonstrated in table 7 below. This does not deny the country’s political and development challenges in a variety of areas, while the presence of international development organisations demonstrates the need for improvement.

For example, the Parliament has still not passed the Access to Information Bill, while several NGOs continue to challenge the government in the High Court over the Research, Science and Technology Act (2011). The fact that the Economic Intelligence Unit classifies Namibia as a “flawed democracy”, indicates that strengthening democratic norms is a work in progress. Corruption, human rights abuses (particularly violence against women and children), and other governance related problems continue, and according to 2020 CSO Mapping Report “appear to be worsening”<sup>29</sup>. This is why advocacy and policy influencing initiatives by civic organisations remains crucial. Evidence from the review process points to significant deficits in local democratic structures which most threaten the operation of civil society.

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<sup>28</sup> Namibia Review Report, APRM, African Union, 2022

<sup>29</sup> 2020 CSO Mapping Report, Hopwood and Andreas, p.10

**Table 7: Namibia’s global standing**

Indicator	Value	Ranking	Year
World Press Freedom Index <sup>30</sup>	81.84	18 (out of 180 countries). Second highest ranked country in Africa	2022
Fragile States Index <sup>31</sup>	62.9*	109** (out of 179 countries)	2022
Ibrahim Index of African Governance <sup>32</sup>	65.1	7 (out of 54 countries)	2020
Freedom in the World Index <sup>33</sup>	77 out of 100	One of only 4 countries in Africa ranked Free	2022
Economist Intelligence Unit Democracy Index <sup>34</sup>	6.52***	Flawed Democracy Global ranking = 55 Ranking in Sub-Saharan Africa = 5	2021

\*The score out of 120, where a lower score denotes more stability.

\*\* Ranking goes from 1 to 179, where 1 denotes the most unstable state.

\*\*\*Flawed democracies denoted by scores greater than 6, but less than or equal to 8.

### *Local structures*

The majority of the participants attending the regional workshops (outside Windhoek) represented community based civic organisations. Workshop consultations clearly show that these civil society leaders outside the capital do not have access to the information which would have helped them understand the GRN-COPP and how it’s existence could have supported their work with local authorities. Indeed, the few people who acknowledged that they were familiar with the GRN-COPP before the workshops often said that they became aware of it during the last few years. This lack of information reflects the deeper structural challenges facing civic organisations. Given that the NPC distributed copies of the policy to Regional Councils following the launch in 2006, it is reasonable to assume that local government officials did not take actions needed to ensure civil society operators in the regions were engaged on the policy and its implications for working with government bodies. In hindsight distribution of the GRN-COPP to Regional Councils offered an opportunity for local government authorities to engage with civic organisations in the respective region and

<sup>30</sup> <https://rsf.org/en/index?year=2022>

<sup>31</sup> <https://fragilestatesindex.org/country-data/>

<sup>32</sup> <https://mo.ibrahim.foundation/iiag>

<sup>33</sup> <https://freedomhouse.org/report/freedom-world>

<sup>34</sup> <https://media2-col.corriereobjects.it/pdf/2022/esteri/eiu-democracy-index-2021.pdf>

work out local actions plans on how to make the best use of the national government's overarching mandate to encourage government-civil society cooperation.

Participants in the workshops hinted at why this probably didn't happen. First, the GRN-COPP provides a theoretical and quite abstract notion of partnership. The intention of setting out all encompassing principles and objectives ensures that the framework remains at the level of generalities. In this regard the idea of a framework for cooperation was embraced by most participants, but it had to be a framework which was practically relevant to civic organisations. While workshop participants were strongly inclined to support the idea of a framework to guide relationships between civil society and the government, they were less in favour of the existing GRN-COPP. When asked "Do you believe that the government and civic organisations need a policy to govern their relationship in development," two-thirds of workshop participants across all five regions chose the option: **"Yes, we need a policy, but not the existing COPP, as it has failed to deliver anything. I would accept a new full public consultation process over several months which led to a new partnership policy which is widely owned by civic organisations."**

The second main reason for the policy's failure to gain traction at the local level, can be found in the dearth of knowledge among local government officials about a) the role of civic organisations and b) the nature of personal and political relations in local areas. The lack of knowledge among local government officials is compounded by the fact that periodic politically driven appointments to administrative and technical positions in local government means there is a turnover of staff and the loss of institutional memory which would underpin relationships between the local authorities and civic organisations. Numerous participants indicated that regional council representatives often ignored approaches by civic organisations, and on occasions CSOs were branded as "troublesome". Often only a personal connection with someone in the Regional Council or other local authority would potentially open doors to consultations in which civil society representatives could discuss issues of community concern.

These characteristics are underpinned by a structural weakness in the manner in which the decentralization policy is being implemented. In particular the linkage between the various development committees and the Regional Council is not functioning in manner envisaged by the policy. Although including civic organisations representatives, the development committees are mostly used as a perfunctory mechanism to relay information to the Regional Council; a far cry from how they should operate. According to the decentralization policy development committees are responsible for the effective coordination of the planning and development of the region, including substantive management and issues such as:

- Facilitate the establishment of a sound management information system in the region.
- Prepare and evaluate development proposals/plans for the region for approval by the Regional Council.

- Supervise/oversee, monitor and evaluate the implementation of the development plans as approved by the regional council.
- Discuss, evaluate and monitor implementation of regional projects, which are funded by the central government.
- Coordinate the development planning of the region and integrate all the development proposals / plans from the Constituency Development Committees for presentation to the Regional Council.

Apart from the fact that the development committees do not function in this manner, there is no dedicated regional civic organisation platform which allows civil society operators to talk directly with the Regional Council and other local government bodies. From a legislative perspective the Regional Council Act and the Local Authorities Act do not speak to each other and are not integrated, while work on the local authority reform policy has not been completed. The overall picture is that civic organisation voices do not get heard at the Regional Council level or the ministerial level where funding decisions could be made. One notable exception includes the partnership between the Ministry of Urban and Rural Development and the Shack Dwellers Federation, based on a specific point of interest. However, in most cases localized political preferences of government officials usually filter who and who cannot gain access to key people, while limited access to information in rural areas means community organisations are usually unable to access the knowledge, they need to be effective policy influencers.

### *Concluding Observations*

Insofar as this analysis has reviewed the GRN-COPP and its implementation, it is clear that the policy was bound to fall short of original expectations. The absence of a clearly defined implementation strategy with concrete milestones and measurable performance targets attached to predictable budget lines meant that from the outset the policy was simply not implementable. At best the policy met a need to deepen the philosophy of partnership between the government and civic organisations. It took the aspirations of Vision 2030 to another level of appreciation and promoted civil society's indispensable role in supporting national development. On the other hand, the policy was hobbled by four major barriers which were a product of a flawed design process and structural factors outside the scope of the policy and NPC.

- First, there was a failure to carry out an extensive validation exercise (following the initial round of consultation) of the policy's content which would have tested its proposals, including the acceptability of voluntary registration. This could have provided an opportunity for the NPC and civic organisations to jointly assess whether the policy was fit for purpose.

- Second, the NPC did not dedicate adequate time and resources to translate the policy into an operational framework for government-civil society cooperation. Institutional inertia and lack of funding ensured policy implementation, if it was ever to be realized, would have to be supported by others. Arguably, the 10th EDF Namibia civil society support programme (NCCSP) which supported the NANGOF Trust and the Civil Society Foundation of Namibia (CSFN) was an attempt to operationalize the policy. However, the final NCCSP evaluation<sup>35</sup> describes in detail how this experiment was unable to secure the sustainability of civil society capacities and action nationwide.
- Third, the generic quality of the GRN-COPP meant that it was quickly overtaken by the more targeted and relevant sector policies in a variety of areas, which were championed and funded by different line ministries. These ministries did not need a generic partnership policy to guide their actions in identifying and developing working relationships with relevant civic organisations.
- Fourth, deficiencies in the operation of local government structures impede civic organizations' access to local decision-making and curtail their ability to establish partnerships with local authorities.

**The internal evidence points to a need to retire the existing GRN-COPP. While the “spirit” of the policy remains relevant, the modality of government-civil society cooperation, and the role played by NPC in this relationship, should focus on a framework of practical engagement.**

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<sup>35</sup> Final Evaluation of the 10th EDF Namibia Civil Society Support Programme, Final Report, Gianfrancesco Costantini, October 25th, 2016, p.9

**FRAMEWORK OF ENGAGEMENT  
TO STRENGTHEN THE  
RELATIONSHIP BETWEEN THE  
GOVERNMENT OF THE REPUBLIC  
OF NAMIBIA AND CIVIC  
ORGANISATIONS IN SUPPORT OF  
NATIONAL DEVELOPMENT**

## 5. Preamble

Since Namibia gained independence in 1990 a range of government bodies have taken the lead in delivering policies that promote participation and are supportive of local communities' active role in shaping the decisions which affect their lives. Indeed, the role of civil society is mentioned in virtually all government policies, while government bodies recognise that development must be a bottom-up process. Only by consulting people and encouraging the active participation of citizens and the organisations which represent them, can Namibia realise the aspiration of 'democratising development'. Therefore, civic organisations offer an essential service to Namibia, and their value is celebrated by the government and citizens alike. Bridging the gap between "haves" and "have nots" remains a national priority, and the government understands that service-delivering civic organisations serve as essential and indispensable building blocks of development and national cohesion. Additionally, civic organisations are an important source of independent information to government and citizens, while helping to hold government accountable.

Starting with Vision 2030, the government recognises the indispensable role civil society plays through its individual members, groups and organisations that are highly resourceful and which co-operate with the government and its agencies at local, regional and national Levels. This respectful partnership strives to consolidate democratic ideals, and advance social and economic development for the benefit of all. Indeed, Vision 2030 sees the partnership between the government and civic organisations as a means to making development work better for people and ensuring that citizen voices are an integral part of the decision-making processes.

The Government of the Republic of Namibia Civic Organisations Partnership Policy (GRN-COPP) was launched in 2006 and intended to strengthen this overall mandate by formalizing the government's commitment to cooperate with civic organisations based on a set of core values of mutual respect, trust and equality. The GRN-COPP envisaged the creation of synergies in development efforts by increasing collaboration between the state and civic organisations, while fully respecting the independence of civic organisations. Developed through the National Planning Commission the policy represented a "whole of government" recognition that government alone cannot meet the demands of social and economic development in Namibia. A review of the Partnership Policy in 2022 concluded that the time has come to consolidate a strategy of engagement which would better align the "spirit" of the policy with the current development realities in the country.

The most significant change since 2006 affecting this debate is Namibia's embrace of the Sustainable Development Goals (SDGs) and Agenda 2030, adopted by member states of the United Nations in 2015. The adoption of the global development agenda affirmed the role of

citizens in shaping development outcomes, based on the principle of inclusive growth. SDG 16 which encourages governments to “Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels”, is the fulcrum for the delivery of all 17 goals due to its emphasis on citizen action, while capturing the relationship between rights holders and duty bearers.

From this perspective development is a human right that belongs to everyone, individually and collectively. Everyone is “entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized,” as stated in the UN Declaration on the Right to Development (1986)<sup>36</sup>. The 2000 UNDP Human Development Report further frames the role of citizens to engage with leaders and decision-makers in policymaking, by juxtaposing the right to participate in the body politic with the ‘duties imposed — without fail — on specified persons or agents who would make sure that these rights are fulfilled’<sup>37</sup>. This concept of agency, which bears a duty to fulfil rights, usually in the form of the state (Government of the Republic of Namibia), establishes legal entitlements of rights holders (usually citizens). In this setting the concept and practice of ‘duty bearer’–‘rights holder’ relations demands that both parties have the requisite capacities, willingness and skills to fulfil their respective roles. In certain situations, duty-bearers can also claim rights from rights holders, while rights holders are not immune from fulfilling their duty-bearing responsibilities. Taken from the 1986 Declaration on the Right to Development, the principles underpinning this relationship are described in the following manner<sup>38</sup>.

- **People-centered development.** The Declaration identifies “the human person” as the central subject, participant and beneficiary of development (art. 2).
- **A human rights-based approach.** The Declaration requires that development be carried out in a manner “in which all human rights and fundamental freedoms can be fully realised” (art. 1).
- **Participation.** The Declaration insists on the “active, free and meaningful participation” of individuals and populations in development (art. 2).
- **Equity.** The Declaration highlights the importance of the “fair distribution of the benefits” of development (art. 2).
- **Non-discrimination.** The Declaration allows no “distinction as to race, sex, language or religion” (art. 6).
- **Self-determination.** The Declaration requires the full realisation of the right of peoples to self-determination (art. 1).

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<sup>36</sup> United Nations Declaration on the Right to Development, Article 1, 1986

<sup>37</sup> Human Development Report, United Nations Development Programme, 2000, p.24

<sup>38</sup> <https://www.ohchr.org/en/development/development-and-human-rights>



The understanding of the partnership between duty-bearer and rights holders in advancing the SDGs was further elaborated by the United Nations' Call to Action for Human Rights (2020), otherwise described as the *Highest Aspiration*<sup>39</sup>. One of the guiding principles is that "human rights are anchored in national ownership yet linked globally. It requires broad and sustained engagement with states, civil society and other stakeholders, and is intrinsically linked to the 2030 Agenda for Sustainable Development"<sup>40</sup>. This is why human rights permeate the 2030 Agenda for Sustainable Development, while Namibia's pursuit of the SDGs is underpinned by economic, civil, cultural, political and social rights, as well as the right to development. Therefore, placing rights at the heart of development depends on a durable cooperative partnership between duty-bearers and rights holders based on strategies for bringing the SDGs down to the local level; what development practitioners refer to as "domesticating" or "localizing" the SDGs".

The GRN is committed to localizing the SDGs, with the understanding that this will help accelerate SDG delivery in settlements, villages, towns and cities across the country. In turn this ambition can only be made a reality through the cooperative working relationship between local authorities and civic organisations at all levels. It's only through this nexus of government-civic organisation-local SDG action that local service delivery and local democracy can be improved to fulfil the promises of the country's National Development Plans and Vision 2030. All of the SDGs have targets directly related to the responsibilities of local and regional governments, and this is why local and regional governments must be at the heart of the 2030 Agenda. But this can only work if service delivery civic organisations are operating in tight unison with local government. The government has made efforts in this direction with the publication of two iterations of the 'Sustainable Development Goals and Fifth National Development Plan Indicator Framework (SDGs-NDP5-IF) for 2019 and 2021<sup>41</sup>. This goal of aligning the indicators of the NDP5 to the localised SDGs Indicators is a good start but more needs to be done to ensure this valuable information can be operationalised through the lens of robust local government-civic organisation cooperation.

Against this statement of intent, the following sections outline a **Framework of Engagement to Strengthen the Relationship between the Government of the Republic of Namibia and Civic Organisations**. The Framework comprises five pillars of engagement in support of SDG localization and focuses on a) Coordination b) national dialogue c) local structures d) political engagement e) regulatory coherence.

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<sup>39</sup> The Highest Aspiration: A Call to Action for Human Rights, United Nations, 2020

<sup>40</sup> Ibid, p.4

<sup>41</sup> <https://www.npc.gov.na/wp-content/uploads/2022/07/Sustainable-Development-Goals-and-Fifth-National-Development-Plan-Indicator-Framework-Namibia-2021.compressed.pdf>

## 6. Framework principles

The Framework of Engagement and its application will be based on a set of principles which are integral to each of its five pillars. The principles are intended to hold the framework together as a cohesive and integrated approach to strengthening the relationship between duty bearers and rights holders in Namibia's journey towards 2030.

### **Principle 1: Promote local leadership**

The partnership between government and civic organisations must work at all times to strengthen local actors in ways that advance locally led development.

### **Principle 2: Improve equity and inclusivity within partner relationships**

The premise underlying the relationship between duty-bearers and rights holders is the proactive search of opportunities to engage more equitably and increase inclusion in operations and programming, particularly for those communities that traditionally have been overlooked or which are underserved.

### **Principle 3: Demonstrate accountability to constituents**

All duty-bearing entities, be they government bodies or civic organisations endowed with a mandate to act, need to be equally accountable to the people and communities they serve or represent.

### **Principle 4: Seek innovative approaches**

Achieving the SDGs in Namibia can only be achieved through cooperation between the government, civic organisations and the private sector. Tapping into the global marketplace of innovative ideas has never been easier. Duty-bearers and rights holders have a collective responsibility to create the venues for innovation and which capitalizes on the talent and energy of citizens across society. This will focus on collaborative approaches to social innovation and problem solving.

### **Principle 5: Lower barriers to partnerships**

While a responsibility of government is to safeguard the fiscal space and prevent the illicit use of public and private resources, processes, norms, and regulations potentially prohibit partnerships with civic organisations. Identifying mechanisms that balance the government's regulatory instruments with the other guiding principles of this framework, especially with regards to local ownership of development programmes through grass-roots action, is essential.

## 7. Pillar I: Coordination

Coordination between the government and civic organisations is considered a desirable dimension of this engagement framework. Given the history of the original partnership policy the National Planning Commission is deemed to be the most appropriate point of entry for this coordination. The position of the civil society organisation Help Desk in the NPC structure helps to substantiate this arrangement. However, coordination through the NPC does not imply anything which interferes with partnerships that civic organisations currently have or will secure with other government entities, foreign donors or the private sector. Coordination does not translate into any kind of oversight of these direct relationships, regardless of the level of operation, and civic organisations will have no obligation to inform the NPC of their activities. The sole purpose of coordination will be to create a space for strategic discourse which will support the following.

- Assess the state of development in Namibia on an ongoing basis.
- Bring to the attention of the NPC the challenges faced by civic organisations across the country and discuss options for removing bottlenecks to the effective operation of Namibia's third sector.
- Provide the strategic entry point for civil society to influence government policymaking in the areas of relevant competence.
- Advise the government of the priority areas for financial assistance in relation to the delivery of Agenda 2030.
- Support the dissemination of information about civil society in Namibia, including potential funding opportunities.
- Periodic review of the Framework of Engagement and as necessary initiate adjustments to the framework to ensure the modalities of collaboration remain relevant to the realities of the country's national development and democracy.

The coordination mechanism will host six inter-connecting components described below.

**Sectoral networks:** The Framework of Engagement depends on the formation of sectoral networks of civic organisations which cluster organisations working in a particular thematic area. This modality of networking is already a best practice and with several strong examples, it has a track record in Namibia. These networks are self-regulating, free from government involvement and managed according to the internally designed governance structure which best suits members. This includes a "network coordinator" which serves to keep the business of the network on track. Examples of existing networks working in close partnership with relevant government ministries demonstrates the well-established utility of government-civil society cooperation. Membership of an existing network is voluntary, and in cases where there is no existing network in a particular sector, organisations working in that sector should

consider forming a new network. It is essential that sectoral networks seek to connect with civic organisations at all levels and in all regions of the country, ensuring that “network coverage” is as inclusive as possible.

**Civic Organisation Advisory Committee (COAC):** The network coordinators will form a Civic Organisation Advisory Committee (COAC). COAC will be self-forming and its internal governance will be decided by its members. COAC members will represent the views of their respective networks and have a “duty-bearing” responsibility to ensure the needs of network members are properly understood and communicated. As required other leading civil society representatives, who are not network coordinators may be invited to join COAC. Regular meetings between COAC and the NPC will serve as the principle venue for coordination.

**Coordination Secretariat (CS):** The NPC will host a civic organisation Coordination Secretariat. The CS will absorb the existing civil society help desk and pull in additional resources to ensure it can serve the needs of COAC-NPC coordination. This includes, at a minimum, hosting coordination meetings, managing meeting agendas and meeting minutes, communicating with COAC members, communicating decisions of meetings and recommendations to relevant officials in the NPC and other government organisations as necessary and managing relevant business processes and workflows. The CS will produce quarterly reports on its activities which will be shared with the COAC and other relevant government offices, ministries and agencies (OMAS). It is recommended that the minimum staffing of the CS is one NPC professional and one professional selected from civil society. The cost for both positions will be borne by the NPC. In addition, the CS will be provided with an annual operating budget to cover core running costs.

**National budgeting process:** Past practice shows that the coordination and preparation of the annual national budget by NPC does not allocate funds to civic organisations. In large part this is because budget submissions from different government departments do not include request of funds for civil society. The Parliamentary Handbook section on the National Budgeting Process in Namibia makes provision for citizens to be involved in the budgeting process, although currently this opportunity is rarely utilized. More specifically, the handbook states: “Through various lobby groups, citizens have a direct duty to ensure (oversee) that all the other players in the budget process act in their best interest. Citizens have the opportunity to participate and generate budget proposals. More importantly, they should ensure that budget implementation is monitored in accordance with their benefit”<sup>42</sup>. Civic organisations have a duty-bearing responsibility to work within this framework and as a result the COAC should be invited to participate in the NPC’s annual national budgeting process. Facilitated by the Coordination Secretariat, this could take the form of a workshop where the COAC and NPC financial advisers can discuss the priority needs of civic organisations. In turn, the NPC

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<sup>42</sup> The Parliamentarian’s Handbook: National Budgeting Process in Namibia, Unit 2, Key players in the budgeting process, p.14

will discuss these needs with the relevant government departments, and through this process sectoral ministries could establish relevant CSO-only budget allocations. This process will remain separate from regular or pre-determined budget allocations which government OMAS may commit to specific projects or partnerships with civic organisations.

**Lowering barriers to grant-based partnerships:** Although the NPC is not an operational unit of the government and projects are initiated through the relevant sectoral ministries, there is a need for the NPC to encourage efforts to lowering barriers for civic organisations accessing funds. NPC's position at the convergence of donor coordination, coordination of the budget process and serving as a point of entry for civic organisations, means it is well placed to facilitate efforts to help the expansion of opportunities for grass roots civic organisation to access government grants. The bureaucratic goal will be to help ensure sectoral ministries consider innovative routes to reaching communities directly through community-based organisations (CBOs). Though such CBOs may not qualify for direct grants from the government or donors due to weak track records and demonstrated capacities, adapting processes to support these kinds of organisations will help strengthen partnerships for service delivery. In this case the NPC and other government departments can borrow best practice procedures from international donors. Depending on the programme objective the most appropriate modality for soliciting proposals should be designed in such a way that does not create unreasonable barriers to civic organisations' participation in the competitive process. This will include the use of a range of tried and tested tools such as:

- soliciting expressions of interest
- pre-qualifying organisations through competitive solicitation processes and conducting capacity assessments
- formation of coalitions which led by well-established NGOs, include grass-roots organisations as a mandatory Call for Proposal criteria
- embedding capacity development into programme delivery for small organisations
- sub-contracting of small grants to grass-roots organisations and de-risking financial compliance by providing stewardship to the grant-management process.

**Civic organisation information portal:** The NPC and Civic +264 should establish a joint civil society information portal, based on the existing digital information centre<sup>43</sup>. The portal should still be hosted by Civic +264, but its running costs and expansion should be subsidized by NPC through the Coordination Secretariat. The portal should be further developed to provide information and access to all the activities of the coordination mechanism in this Framework of Engagement, including the activities of the Coordination Secretariat, minutes of COAC meetings, all calls for proposals and other funding opportunities and provide links to other relevant information sources.

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<sup>43</sup> <https://www.civic264.org.na/>

## 8. Pillar II: National dialogue

Namibia is at an important development crossroads, and with eight years remaining until 2030 the country has much to do to address key development challenges. The United Nations Partnership Framework for 2019-2023 states: “Despite achievements, pockets of poverty, unemployment and inequalities persist as development challenges in Namibia. These are exacerbated by the negative impacts of climate change characterised by recurring drought”<sup>44</sup>. The country’s vast area and widely distributed population adds to the challenges of making sure the benefit of development reaches all citizens. In this context Namibia is one of the most unequal societies in the world with a national Gini Coefficient of 0.572 and characterised by urban/rural wealth disparities. The ratio of rural to urban poverty stands at 27 percent to 9.6 percent, while poverty nationwide is 18 percent. Access to quality social services, especially in rural and remote areas, remains difficult. Forty-six percent of the population does not have access to toilet facilities, while only 47 percent of households have electricity. Twenty-two percent of new-born children are not registered and therefore do not have national identity documents to claim access to services<sup>45</sup>.

An accelerated path to achieving the SDGs in Namibia requires community level participation and targeted action to create locally owned solutions to development bottlenecks. One of the main findings of the 2022 review of the GRN-COPP was the lack of institutionalised dialogue between the government and citizens, local communities and their civic organisations. The most telling deficit in public consultation is at the local level where the need for accelerated progress on the SDGs is most critical. For this reason, Pillar II of this Framework of Engagement requires a concerted effort to establish an ongoing National Dialogue which will bring ordinary people into direct contact with the SDG debate and the civic organisations and government bodies responsible for structuring and delivering solutions to development challenges.

The concept of National Dialogues is well understood, with numerous dialogues ongoing across the world today. In summary these are nationally owned political processes aimed at generating consensus among a broad range of national stakeholders. Typically, they have been used in times of deep political crisis, such as post-war situations or during far-reaching political transitions. However, there is no specific formula to justify a national dialogue process, while Namibia’s confrontation with thorny development challenges provides a sound basis for launching a National Dialogue process which seeks to connect citizens to the decision-making processes which shape their lives. Their ambition is to move away from elite level deal making by allowing diverse interests to influence the process of negotiation. Although Namibian stakeholders have initiated national dialogues on specific themes at

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<sup>44</sup> United Nations Partnership Framework (UNPAF), 2019-2023, United Nations in Namibia, p.22

<sup>45</sup> Ibid, p.23

specific points in time<sup>46</sup>, there is no national dialogue with a dedicated focus on how to achieve the SDGs. The key feature of a National Dialogue is its process (instead of outcome) orientation, its level and span of participation (connecting different layers of society), and its national organization and facilitation (external actors focusing only on support functions)<sup>47</sup>.

### **Food for thought concerning a possible approach**

The design and format of the National Dialogue should be a standing agenda item of the COAC in its discussions with the NPC. The creation of a National Dialogue Planning Committee should be considered. This Committee should prepare a full concept note on how the National Dialogue process and present this to the COAC and the Coordination Secretariat, whereupon NPC should seek to mobilise funds to support the first 24 months of the dialogue process.

Based on the five Framework Principles described above, the National Dialogue design could integrate the following components.

- **A National Dialogue Secretariat (NDS):** The COAC and Coordination Secretariat will appoint an organisation to serve as the National Dialogue Secretariat (NDS). This could be a member of the COAC, or it could be another competent organisation or institution such as a university.
- **Regional dialogues:** The NDS will work with the Regional Councils in the 14 regions of the country to organize the regional dialogue process. The respective Regional Council will take the lead in bringing together local civic organisations, local authority bodies, local private sector interests and businesses and citizens. The regional dialogues will be a rolling process, with the number and periodicity of the dialogues decided jointly by the NDS and the relevant Regional Council.
- **National SDG conference:** Regional representatives will be selected to attend the annual national SDG conference. The conference will be organized and managed by the National Dialogue Secretariat and will be attended by senior government officials. The expectation is that government Ministers responsible for delivering SDG-related programmes and policies will participate in the national conference.
- **SDG priority action plans:** The aim of the dialogue process will be to produce national and regional priority action plans. The priority plans will be used to guide decision-making across government at both the regional and national levels.

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<sup>46</sup> For example: Namibia: National dialogue to strengthen planning, coordination, and alignment of health financing, <https://p4h.world/en/event/namibia-national-dialogue-strengthen-planning-coordination-and-alignment-health-financing> and Namibian national consultations of the UN Food Systems Summit Dialogue, 2021, <https://www.youtube.com/watch?v=tJv6ps44y10>

<sup>47</sup> National Dialogue Handbook: A Guide for Practitioners, Federal Republic of Germany Foreign Office & Berghof Foundation, [https://berghof-foundation.org/files/publications/NDH\\_Executive\\_Summary\\_englisch.pdf](https://berghof-foundation.org/files/publications/NDH_Executive_Summary_englisch.pdf)

## 9. Pillar III: Local structures

Decentralisation brings services and decision making closer to citizens and opens a wide window for active community participation that is essential to empower transparency at the local level through enabling a role for the community in public oversight. The 2022 GRN-COPP review concluded that the effectiveness of government programmes reaching the intended target beneficiaries and the ability of the government to come closer to the people through more partnerships involving civic organisations was generally poor. One of the barriers in this regard concerns the lack of knowledge among local political leaders of the role of civic organisations and a level of political bias which often excludes some civil society leaders from fully engaging with different local government authorities.

Decentralisation in Namibia remains an ongoing process, and there is still a long way to go for government, if devolution is the final aim.<sup>48</sup> There are several examples where the decentralization policy is falling short of expectations and some international observers<sup>49</sup> indicate the time has come to update and revise the decentralisation policy and its implementation plan. From the perspective of duty-bearers and rights holders' obligations, successful decentralization requires local authorities to possess the requisite technical capacities, while citizens and their representative civic organisations require the knowledge and access to play their part.

Grassroots civic organisations clearly indicate that their platforms for consultation with local authorities are scarce, while the dearth of knowledge among local government officials about the valuable role that civic organisations can play in the development space is an obstacle to partnership. Despite the amendment to the Local Authorities Act in 2018, which promoted public consultations as a tool for empowering for community participation, the frequency of public engagement remains poor and infrequent due to lack of financial resources<sup>50</sup>. The results of the 2018 citizen satisfaction survey confirmed the poor level of service delivery by government institutions<sup>51</sup>. The poor performance of local government is tied to the financial governance system which often excludes underserved communities. Critically, this translates into limited capacity for financial planning and budgeting at the local and regional levels, which in turn is a major barrier to localizing the SDGs<sup>52</sup>. Connecting improved civic participation to SDG priority-setting and better local financial planning and budgeting for delivering SDG outcomes, while raising the level of knowledge and technical competence of local duty bearers and rights holders, will help create a more responsive local SDG-oriented governance system.

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<sup>48</sup> Governance, Responsive Institutions, and Civic Engagement (GRICE), UNDP, 2022, p.6

<sup>49</sup> Ibid. p.6

<sup>50</sup> Ibid, p.7

<sup>51</sup> Public Perception Survey 2018. <https://www.namibian.com.na/174625/archive-read/Government-fails-delivery-test>

<sup>52</sup> Grice, UNDP, p.8



International organizations and donors are already working in this area to build the capacities of civic organisations and modernise responsive governance. Of particular note is the UNDP-supported Governance, Responsive Institutions, and Civic Engagement (GRICE) portfolio which will run between 2022 and 2026. GRICE result 3 which will work towards “Enhanced civic and media engagement for improved governance”<sup>53</sup> is particularly relevant for this Framework of Engagement, with key actions that focus on the following.

- Develop and implement a community participation strategy that includes mechanisms for participation in national, regional and local planning and prioritization.
- Develop capacities of CSOs on citizens’ budgeting to actively participate in decentralized and gender sensitive budget formulation and execution.
- Enhance citizen engagement and CSOs capacities to engage with the authorities on service deliveries, especially in the health sector.
- Develop public oversight tools for the community to use in monitoring the performance of national and subnational authorities with focus on transparency and accountability.

At the time of writing Result 3 of the GRICE portfolio is not funded, and given its importance resource mobilization efforts including government cost-sharing should be considered. An action plan for Result 3 can accommodate project modalities to build the capacity of local civic organisations in each of the country’s 14 regions and the mirror capacity of the respective Regional Councils and other local authorities. The goal will be for civic organisations and local authorities to work together and pursue a constructive dialogue about how to localize the SDGs in their particular region. The initiative will seek to:

- Build local authorities’ knowledge of the benefits of partnership with civic organisations and build capacities for identifying and securing such partnerships.
- Build the capacity of civic organisations to understand how to work with local authorities, including knowledge of the local government structures and how to navigate them through effective advocacy and engagement.
- Connect these processes to Pillar II and the regional SDG dialogues which are part of the National SDG Dialogue.

The theory of change would be: **IF** local authorities and civic organisations learn about each other’s comparative advantages in delivering SDG-related outcomes and how those benefits could be leveraged through collaborative engagement, **THEN**, the quality and efficacy of public service delivery will improve while expanding local democratic spaces for inclusive and participatory decision-making, **BECAUSE**, trust and confidence in government-civil society partnerships will embed itself as a currency for local governance.

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<sup>53</sup> Ibid, p.18

In this regard the NPC and COAC mechanisms described under Pillar I and the launch of a National Dialogue under Pillar II should be oriented to support the goals of the GRICE programme in all its areas, and particularly in relation to Result 3. Government partners involved in GRICE include the Office of the President, Office of the Prime Minister, Ministry of Urban and Rural Development, Ministry of Finance and the Anti-Corruption Commission. The National Planning Commission signed the GRICE programme with UNDP, and therefore provides the ideal entry point for the NPC to support the portfolio through this Framework for Engagement.

Building local government capacity in support of this Framework for Engagement requires competent personnel and the NPC is encouraged to explore options for recruiting a **Senior Civic Organisation and SDG Engagement Adviser** in each Regional Council. This post will be at a director level and be responsible for coordinating the relationship between civil society and local government at the local level. The post-holder will be the focal point for the SDG capacity development initiative mentioned above, the Pillar II regional dialogue process and ensuring that bottlenecks and barriers to collaboration between local authorities and civic organisations are effectively removed. Advisers will report to the Regional Council and to the Coordination Secretariat in the NPC described in Pillar I. The scheme could be piloted in a few regions and based on lessons learned expanded over time as funds become available. During the first two years these posts should be at least 50 percent funded by the government, and as necessary matched by donor funds. From year three any donor funding should be phased out.

The overall design of this NPC-led initiative should follow a human rights based approach to programming, with the concept of duty bearers and rights holders at the core of the project. At a minimum this could follow a design process which:

- a. identifies the most important duty bearers responsible for localizing the SDGs.
- b. identifies the most important rights holders.
- c. understands the rights holding and duty bearing responsibilities that each category owns. As already stated, it is not unusual for actors to be both duty bearers and rights holders. In each case each one will have a different kind of duty bearing responsibility or a different set of claims on duty bearers.
- d. explores the capacity gaps which prevent duty bearers and right holders fulfilling their duty bearing or rights holders responsibilities.
- e. identifies actions that can be taken to resolve these capacity gaps.

## 10. Pillar IV: Political engagement

The political engagement considered under Pillar IV relates to strengthening civil society's engagement with parliamentarians, and in particular through the Parliament's Standing Committees. There has been a history of government criticism of civic organisations, with civil society leaders being classed as "failed politicians"<sup>54</sup>. A major critique reported by the Institute for Public Policy Research (IPPR) in its 2019 report says "Officials often seem to be under the impression that civil society is overly critical of government efforts and policies, holds vested interests pushed by donors, and is itself not accountable to an electorate. As a result, the government seldom engages openly with CSOs"<sup>55</sup>. However, in 2021 IPPR reported that the situation had improved: "Unlike in previous years, government representatives rarely attacked CSOs publicly in 2020. Although the relationship between some media houses and the office of the president deteriorated, CSOs were able to communicate constructively with the government and voice criticism of its actions. This more tolerant attitude on the part of the government probably resulted in part from its recognition of CSOs' contribution to the pandemic response"<sup>56</sup>.

Engaging with policymakers is a critical feature of the role of civil society and is particularly important for those organisations whose mandate is policy influencing and holding the government accountable in the spirit of SDG 16. There are examples of civic organisations which have a strong relationship with government agencies in their service delivery work, but as necessary also feel empowered to constructively criticize the government. It would be useful for the COAC (described under Pillar I) to explore the anatomy of these successful relationships and learn the lessons so that civic organisations can build their capacities to play their essential role as a "critical friend".

Engaging parliamentarians is going to be essential in the process of localizing the SDGs. One challenge is that many civic organisations either appear to lack sufficient knowledge about how to engage lawmakers or do not believe their engagement will have any impact. Overall, there is no evidence that civic organisations are taking full advantage of the existing mechanisms to present issues to the Parliamentary Standing Committees. There are exceptions such as the public engagement on "Tackling Climate Change in Namibia" hosted by the Parliamentary Standing Committee on Natural Resources, held on 2 November 2021. On 20 May 2022 Members of Parliament attended another Parliamentary Public Engagement event on Tackling Climate Change, which focused strengthening the Namibian Governments' work in addressing the unsustainable use of timber resources and uncontrolled deforestation.

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<sup>54</sup> 2019 Civil Society Organization Sustainability Index, Institute for Public Policy Research, 2020, p.8

<sup>55</sup> Ibid.

<sup>56</sup> 2020 Civil Society Organization Sustainability Index, Institute for Public Policy Research, 2021, p.8

The Speaker of the House is supportive of more civil society involvement<sup>57</sup>, while civic organisations should learn from the public engagement events mentioned above. In this regard there is an equal responsibility of civil society leaders and parliamentary officials to create the spaces for constructive dialogue. Some 65 newly elected Members of Parliament (MPs) and support staff have been trained on development plans, budgets, laws, national initiatives, and governance reforms, which supported by UNFPA, UNICEF and Konrad Adenauer Stiftung, was geared towards improving parliamentary oversight of services to the public. Training also aimed to enhance capacity to promoting gender equality principles and employment within national budgets<sup>58</sup>. But training is not enough, and civic organisations and the Parliament need to translate the Speaker's aspiration for cooperation, into a more practical plan of action. This should seek to connect the parliamentary work to the realities on the ground. Activities could include organized visits to local communities to see first-hand examples of where civic organisations and local authorities are cooperating. Parliamentarians should then be requested to report back to Parliament on these "fact-finding" missions and use the experience to convene public engagement events like those described above.

The UNDP-supported GRICE portfolio offers an umbrella framework for this set of activities. NPC is encouraged to use its coordinating authority to initiate a dialogue with counterparts from across government, civil society, the donor community and parliament to promote a programme of action in this direction.

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<sup>57</sup> Meeting with Hon. Prof Peter Katjavivi, Speaker of the House, 25 October 2022

<sup>58</sup> GRICE, UNDP, p.16

## 11. Pillar V: Regulatory coherence

Box 1 below summarises the existing regulatory instruments available to civic organisations in Namibia to formalise their legal personality. One key informant during the 2022 GRN-COPP review described this set of regulations as a “museum of apartheid legislation”. Today, the expressed desire among many civil society leaders to modernise this regulatory framework is not unreasonable.

### Box 1: Current legal and regulatory framework under which civic organisations can register

- **Voluntary Associations (VAs)** (under common law) with every regulatory requirement. All such VAs has to be membership based, and this must be reflected in their constitutions and by-laws.
- **Trusts and Foundations** (Trust Money Protection Acts No.34 of 1934) where the trust deed is a more formal legal document, which is registered with the Master High Court. Trusts are never membership organisations, but are governed by the Board of Trustees, appointed by the Trust.
- **Section 21 of Companies Act** No.28 of 2004 (Companies not for gains, not having a share capital, as part of Companies Act) where the most formal legal document defines the rights and obligations of members, and more public reporting about the management and finances of the organisation is required. It should be noted that all VAs would in principle have the opportunity to establish and register as a Section 2 of Companies Act, No: 28 of 2004
- **Welfare Organisations** (Welfare Act No.12 of 1979, granted by the Ministry of Health and Social Services). This arrangement relates more to the special recognition of an organisation as a welfare organisation in addition to being set up under any of the three possibilities above.
- Registration and/or incorporation within the framework of Acts of Parliament, official Government policy or Cabinet decision, Co-operatives, (under Cooperative Act No.23 of 1996), Trade Unions, and Councils, such as the Sports Council and Youth Council, School Boards are all examples.

Although legal experts have publicly stated that the “main vehicles used to establish NGOs in Namibia...are all functional, well used in practice and relatively easy and inexpensive to access”<sup>59</sup>, organisations operating in local rural areas do face challenges. Larger and well-established organisations who have access to legal expertise and long-standing experience

<sup>59</sup> Civil Society Registration Laws: Malign or Benign? Input on the draft Civic organisations Policy, October 2022, Legal Assistance Centre, p.15

will undoubtedly be able to navigate the legislation; this may not be the case for the smaller civic organisations who are at the forefront of SDG-related service delivery. Launching a nationwide consultative process which explores options for reforming the existing legislation and bringing it into the 21<sup>st</sup> century has traction and should be pursued. This process can be initiated by the COAC in collaboration with the Coordination Secretariat. It could be implemented as a chapter of the National Dialogue process and seek to include local authorities. This approach will help ensure that local government actors are also fully involved in the discussions and kept fully abreast of the nature and scope of the thinking surrounding any new legal framework for civic organisations. In this regard the process should:

- a. Undertake specialized work to understand best practice examples from around the world on not-for-profit laws.
- b. As appropriate present examples to a wide range of Namibia stakeholders in the CSO sector, government, Parliament and business.

This also offers an opportunity for Namibia to shape legislation which strengthens the charitable status for eligible civic organisations. According to the 2020 Civil society Organization Sustainability Index “Charitable, religious, and welfare organizations are exempt from taxes on income, including funds from donors”<sup>60</sup>. In 2020, several civic organisations, reported that the government took too long to refund Value Added Tax (VAT) payments and the delays were undermined their financial viability<sup>61</sup>. The government also appears to be drafting legislation to tax any income that charities derive from commercial activities.

The modalities of a new enabling law should be decided within a consultative process. Given the sheer diversity and breadth of Namibian civil society, the formulation of a unified not-for-profit law should help to lower barriers to civic organisations’ partnership with the government. As in several countries worldwide a charitable status would exempt legitimate not-for-profit organisations (NPOs) from corporation tax. The public benefit activities of NPOs should also be exempt from VAT. Germany’s approach to NPOs<sup>62</sup> could be a good model to study in this regard. There are some similarities between Germany’s forms of NPOs and the existing Namibian legislation, and includes Associations, Foundations and companies limited by guarantee.

Another example for consideration is the NPO law in England and Wales<sup>63</sup>, where five forms operate in the respective jurisdictions: Companies limited by guarantee; Unincorporated associations; Trusts; Registered societies (formerly known as industrial and provident societies); and Charitable incorporated organizations. An NPO that takes one of these forms

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<sup>60</sup> 2020 Civil Society Organization Sustainability Index, Institute for Public Policy Research, 2021, p.3

<sup>61</sup> Ibid.

<sup>62</sup> <https://cof.org/content/nonprofit-law-germany>

<sup>63</sup> <https://cof.org/country-notes/nonprofit-law-england-wales>

can qualify as a charity, making it eligible for significant tax benefits. Charities are exempt from income tax and corporation tax on grants, donations, and similar sources of income. Certain commercial activities carried out by a charity are tax-exempt below a certain threshold. Membership subscriptions are exempt as well, provided that they are essentially donations and not fees for benefits, which may be subject to tax. Donations of cash by corporations and natural persons to charities qualify for tax relief under the so-called “Gift Aid” scheme. Certain transactions are exempt from VAT, including most grants. Certain goods and services are zero-rated, including those donated to charity for sale or export, and medical and scientific equipment for use in medical research and treatment.

Accompanying the discussion about a unified NGO law, civic organisations are encouraged to continue work on developing a code of ethics. The 2022 GRN-COPP review tested ideas for a code, with most civic organisations supporting this proposal. The discussion is whether a value-based code or a compliance-based code will best suit Namibia’s civil society sector. A compliance-based code of ethics not only sets guidelines for conduct but also determines penalties for violations. On the other-hand, a value-based code of ethics addresses the core value system of Namibia’s third sector and will probably outline standards of responsible conduct as they relate to the larger public good and the environment. This may require a greater degree of self-regulation, but it might be more palatable for civic organisations. The COAC should provide the necessary leadership to take this process forward in a structured fashion and build upon the work which has already been done in past years.

## 12. Management arrangements

The success of this Framework of Engagement will depend on the ability of the NPC and COAC to monitor the progress made in the delivery of agreed actions. The five pillars outlined above serve as entry points into a portfolio of action in supporting national development. **The Coordination Secretariat in conjunction with the COAC should take responsibility for monitoring progress and a comprehensive review of this Framework of Engagement should be conducted during the final six months of the third year after the start of the implementation process.** The review should seek to understand the impact of the actions agreed between the NPC and the COAC and at a minimum assess the following:

- Is the original premise for the Framework and the assumptions upon which it was based still valid?
- Are there contextual factors which have altered the relationship between civil society and the government, and as a result positively or negatively influenced the nature of partnership?
- To what extent have actions implemented under the Framework improved the capacity of service delivery civic organisations to better localize the SDGs in Namibia?
- How effective has the partnerships between the COAC and the Coordination Secretariat been in supporting the objectives of the Framework?
- To what extent have local service delivery civic organisations benefited from the actions implemented under the Framework?
- Has the Framework helped expand the space for civic organisations which focus on advocacy and government accountability to engage constructively with relevant government bodies?

The Coordination Secretariat and the COAC will jointly agree a terms of reference for a consultancy team of national experts to carry out the review process. The consultancy team will produce a comprehensive report of findings and a set of recommendations for revising the existing Framework of Engagement. This will include a recommendation for the next review process.

Table 8 below contains a results framework which can be used to measure key performance indicators for this framework. This results framework serves as a starting point for measuring progress, but the COAC and Coordination Secretariat should work together to adjust the results framework, as may be deemed necessary in the period leading to the 3-year review exercise. The final set of indicators will be used by the consultancy team to provide a quantitative assessment of progress made and serve as evidence which may be used to substantiate their recommendations.



**Table 8: Results Framework**

*All indicators should be gender disaggregated as appropriate.*

Activity	Indicator	Targets		
		Year 1	Year 2	Year 3
<b>Pillar I: Coordination</b>				
Self-regulating civic organisation sectoral networks consolidated.	% increase in the number of active networks.	10	10	10
	% increase of members per network.	10	20	30
	% increase of projects funded per network.	10	15	20
Civic Organisation Advisory Committee (COAC) established and operational	% of sectoral networks which appoint a representative to COAC.	60	80	100
	% of COAC meetings which have a quorum.	50	70	100
A fully funded Coordination Secretariat established.	% of Coordination posts filled.	100	100	100
	% of quarterly reports produced by the CS approved by COAC.	100	100	100
Civil society's priority financial needs for SDG delivery accommodated in NPC budget coordination process.	% of sectoral networks submitting financial proposals to COAC – NPC budget discussions.	40	70	100
	% of COAC budget proposals granted a CSO budget line in the national budget.	10	20	50

<b>A one-stop shop digital portal for civil society expanded.</b>	<b>% increase of funding opportunities for civic organisations posted on the portal.</b>	Baseline year	80	100
	<b>% increase in traffic to the portal.</b>	30	50	70
<b>Pillar II: National Dialogue</b>				
<b>National Dialogue Secretariat (NDS) established and functioning.</b>	<b>% of NDS staff and volunteer positions filled.</b>	40	60	100
<b>Regional Dialogue process launched.</b>	<b>% of Namibia's regions host at least 1 public consultation.</b>	40	70	100
	<b>% increase in grass roots civil society participation in regional dialogues.</b>	Baseline year	40	60
	<b>% of regional dialogues producing a SDG priority action plan.</b>	40	70	100
<b>Annual National SDG conference convened.</b>	<b>% of regions represented at the national SDG conference.</b>	40	70	100
	<b>% of regional delegations represented by local government officials, grass roots civic organisations and local private sector interests.</b>	40	80	100
	<b>% of government ministries represented by the Minister at the conference.</b>	40	70	100

**Pillar III: Local Structures**

Local authorities' and civic organisations' knowledge about how to collaborate on localizing the SDGs improved.	% of Regional Councils recruit a Senior Civic Organisation and SDG Engagement Adviser in each Regional Council	25	60	100
	% of local civic organisations satisfied with their engagement with local authorities.	25	50	80
	% of Regional Councils hosting at least 1 annual public consultation on the SDG priority action plan.	40	70	100

**Pillar IV: Political Engagement**

Parliamentary Standing Committees institutionalise regular engagement with civil society representatives.	% of standing Committees engage civil society representatives at least two times a year.	20	60	100
Parliamentary SDG-fact-finding missions delivered.	Number of fact-finding missions completed.	2	4	6
	Number of fact-finding missions which report back to Parliament and convene a public consultation.	1	2	4

**Pillar V: Regulatory Coherence**

<b>Process to explore the creation of a unified law for not-for-profit organisations launched.</b>	<b>% of members of sectoral networks consulted.</b>	40	70	100
	<b>% of members of sectoral networks satisfied with the process of consultation.</b>	70	90	100
	<b>% of members of sectoral networks accept the outcome of the process.</b>	NA	NA	100

### 13. Cross-cutting themes

There are at least five cross-cutting themes which must be considered in the implementation of this Framework of Entanglement as described below.

#### **Building trust**

There remains a good deal of mistrust between the government and Namibia's civil society. The mistrust goes both ways. Many civil society leaders are automatically suspicious of government motives, while politicians have a history of being wary of the motives of civil society leaders who are outspoken about the government. This mistrust does have some roots in the legacy of colonialism. A fundamental currency of partnership is trust, and the capacity to transform mistrust into partnership is well understood, particularly in southern Africa. Nelson Mandela famously said: "If you want to make peace with your enemy, you have to work with your enemy. Then he becomes your partner." The cross-cutting theme of trust also finds its roots in the African concept of "ubuntu." This provides a uniquely African worldview based on an ancient African code of ethics which emphasizes the importance of hospitality, generosity, respect for all members of the community, and embraces the view that we all belong to one human family<sup>64</sup>. Although all pillars of this Framework require the currency of trust, the National Dialogue process and especially its application at the local level has special resonance in this regard.

#### **Language**

English is the sole official language in Namibia but only 3.4 percent speak it as a home language<sup>65</sup>. Oshiwambo is the most common language spoken, while Afrikaans is the most widely understood national language. The use of English, while observing the official route to producing and distributing government communications to the population, is not the optimal method for giving access to all communities in the country to the decision-making process. Among the plethora of reasons explaining the failure of the 2006 GRN-COPP to gain traction was the fact it was only communicated in English. All the tools and activities implemented under this Framework of Engagement should be calibrated to meet the language needs of the specific target community. This includes the use of braille for people who are visually impaired.

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<sup>64</sup> The State of Social Cohesion in Eastern Africa. A paper presented by Tim Murithi at the 23rd Inter-governmental Committee of senior officials and experts for Eastern Africa, November 2019

<sup>65</sup> <https://biodiversity.org.na/NamLanguages.php>

## Electronic communication

Namibia has a relatively high level of connectivity, and the information communication technology sector is developing at a pace. Currently, Internet penetration is 51 percent, while television and radio coverage is almost 80 percent<sup>66</sup>. The overarching ICT Policy (2009) is focussed on facilitating the growth of ICT in Namibia, whilst striving towards universal services for all Namibians. In this regard the commitment to open and accessible communication spaces should be used to ensure civic organisations of all sizes and in all regions can access the information need. The civil society portal described under Pillar I should be used as one of the main sources of information for civic organisations and the NPC should make the kind of investments that guarantee a robust and well-maintained electronic platform, but this should be connected to the different offline civic spaces. For example, the Senior Civic Organisation and SDG Engagement Adviser in each Regional Council should become the local conduit for civic organisations to be made aware of the different e-information available to them. A further consideration is to make this information, as far as possible, available in local languages.

## Gender parity

Namibia ranks 8<sup>th</sup> out of 146 countries in gender parity in the 2022 World Economic Forum's Global Gender Gap Report<sup>67</sup>. According to UN Women<sup>68</sup> 91.7 percent of legal frameworks that promote, enforce and monitor gender equality under the SDG indicator, with a focus on violence against women, are in place. As of February 2021, 44.2% of seats in parliament were held by women. In June 2022 the Committee on the Elimination of Discrimination against Women congratulated Namibia on the adoption of its first national action plan on women, peace and security 2019-2024<sup>69</sup>. Despite these achievements Namibia it is one of the two countries in the World Economic Forum's top 10 facing a reversal in its overall performance, and work still needs to be done to achieve gender equality<sup>70</sup>.

Women's social, political and economic participation and representation is central to equitable and sustainable development, and civic organisations are among the most important democratic institutions for promoting and nurturing such participation. There is evidence that in practice women face barriers to advancement, and although more than 50 percent of the employed population of Namibia are women, "senior, executive, and board

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<sup>66</sup> Presentation on the National Regulatory Framework responses to Digital Rights in Namibia, Elizabeth Ujarura Kamutuezu, Deputy Director, Ministry of Information and Communication Technology (MICT), 18 September 2022

<sup>67</sup> Global Gender Gap Report 2022, INSIGHT REPORT, World Economic Forum, July 2022. P.26

<sup>68</sup> <https://data.unwomen.org/country/namibia>

<sup>69</sup> <https://www.ohchr.org/en/news/2022/06/experts-committee-elimination-discrimination-against-women-congratulate-namibia>

<sup>70</sup> World Economic Forum. P.26

level roles are still (white) male dominated with only 21 percent of women in top level management positions with a lower representation of black women”<sup>71</sup>. Gender disparities are captured through Namibia’s Gender Inequality Index (GII) value of 0.445, ranking it 111 out of 170 countries in 2021<sup>72</sup>. This shows 44 percent loss in potential human development due to inequality between female and male achievements. For this reason, ensuring gender parity and inclusion is a crucial goal in the implementation of this Framework of Engagement and achieving the SDGs. This must ensure that women, especially in underserved communities, are given the “discourse space”, to influence the decisions that impact their lives.

## **Innovation**

Thinking outside the box is going to be a crucial ingredient for the successful application of this Framework of Engagement. Globally, a recognition that old ways of thinking need to be supplanted by fresh and often audacious approaches has given rise to a growing movement in the social innovation landscape. This is bringing hope for a better future through the use of social innovation labs. These labs concentrate imaginative and new thinking in a single space aimed to tackle societal challenges and bring about scalable and sustainable positive change.

Kyriaki Papageorgiou describes social innovation labs as “permanent entities or short-term projects and events that use experimental methods to address specific social challenges”<sup>73</sup>. With a focus on bringing about positive social transformation, the labs have “rapidly grown in number and popularity alongside the social innovation movement, and have gained the attention of practitioners, researchers and policymakers”<sup>74</sup>. The approach could present an interesting and valuable space for civic organisations, the private sector and local government since as convening platforms social innovation labs are intended to bring together relevant stakeholders across different sectors to work on specific real-life challenges. This would be a powerful tool for partnership building at the local level with the support of Regional Councils. “Everyone can join a social innovation lab as long as they are open to experimental approaches, human-centred design methods and breaking down established silos”<sup>75</sup>. Across the world, social innovation has started to converge on the SDGs, providing a framework for industry, academia, government, civil society and foundations to join forces to make a positive social impact. In this context innovation seeks to break civil society’s current dependence on foreign donors.

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<sup>71</sup> <https://sisternamibia.org/2021/07/09/take-the-lead-journeying-toward-gender-parity/>

<sup>72</sup> <https://hdr.undp.org/data-center/specific-country-data#/countries/NAM>

<sup>73</sup> <https://dobetter.esade.edu/en/social-innovation-labs>

<sup>74</sup> Ibid

<sup>75</sup> Ibid.

## 14. Annexes

**Annex 1:** Terms of Reference - Review of the Government of the Republic of Namibia Civic Organisations Partnership Policy (GRN-COPP)

**Annex 2:** Inception Report, September 2022

**Annex 3:** List of Key Informant Interviews

**Annex 4:** Civic Organisation Scorecard Results

**Annex 5:** Workshop Notes

**Annex 6:** Full list of Recommendations Provided by Workshop Participants

**Annex 7:** Workshop Participants List

**Annex 8:** Bibliography

**Annex 9:** Discussion Guide for Key Informant Interviews