

Civil Society and Democracy in Namibia

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DPMF Policy Brief Series, No. 6



DPMF

**Development Policy
Management Forum**

Addis Ababa

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Printed in Ethiopia

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Policy Brief

Since 1990, Namibia has been hailed as one of the functioning democracies in Africa. The Constitution is among the most democratic in the world. Since most of the older democracies had their constitutions written decades or even centuries ago, one hardly finds any gender balance in such constitutions. The Namibian constitution is the first one in the world to be written in a gender-neutral language.

Enshrined in the constitution is the bill of rights. The same constitution curtails the powers of both the President and Parliament from tampering with fundamental human rights and freedoms. Existence and participation of civil society organisations in Namibia is a constitutional right. For this reason, a number of civil society organisations have mushroomed since independence. Today, after 12 years of independence, one can count not less than 500 active civil society organisations in the country. Due to the immense underdevelopment experienced at independence, most of these organisations are involved in development-related activities. A few of them are specialised interest groups and have had a greater impact on Namibia's functioning democracy. Over the years, some of these organisations have been a thorn in the eye for the government.

Serious confrontational incidents have occurred, for instance, between the government and the Legal Assistance Center (LAC) on the construction of the Epupa Hydro Electric Power plant on the Kunene River. The Legal Assistance Center had supported the Ovahimba's objection to building the hydropower plant in the area, as the whole scheme would submerge their ancestors' graves. Although the Legal Assistance Center, as a professional legal organisation, saw it fit to assist the Ovahimba people in their fight, it was, however, denounced by the government as unpatriotic and its motives emanating from across the borders where most of its sources of support come from. It is important to note that prior to this incident, the Legal Assistance Center has had a cordial relationship with the government. Relations worsened after the secessionist attempt in the Caprivi Region and the Legal Assistance Center deplored the human rights violations that occurred during the state of emergency declared at the time. The tension that arose between the two led to the emigration of one of the LAC senior lawyers.

The Society for Human Rights has been active in Namibia since independence. The basis for its formation is sufficient for it to be at odds with the current SWAPO government. Its founder members are mostly ex-SWAPO detainees, who claim that their human rights have been violated during the liberation struggle. Although the Society for Human Rights is quite active, some of their

claims could not be corroborated. This aspect has reduced its credibility among the population. Nonetheless, the organisation has thus far kept the human right spirit alive in Namibia.

The other types of civil society organisation in Namibia are those that have a normal working relation with the government. Such organisations as the NUNW have particular leverage over the government and could, therefore, afford to disagree with it on several policy issues. The NUNW has been quite critical of the government policy on land reform and that of privatisation. Surprisingly, the government rarely responds to these and if it does, it is in the most modest way. The reasons are varied. The NUNW has an alliance with the ruling party, SWAPO. Its membership cuts across all sectors of both the private and public sectors. The union movement is, therefore, a formidable force in Namibia's economic development program. Due to the NUNW's strategic political alliance with SWAPO, most national policies are not in direct conflict with the union.

As for development-related organisations, these mostly maintain a good working relationship with the government and mostly for financial reasons. Most development work depends on donors and usually falls within the government's general economic development program. Their function is, therefore, to lobby for funds and to ensure development in their respective areas.

In examining the political development and the process of democratisation in Namibia, one would expect to find a pluralist and tolerant society. These are the values many Namibians fought and died for. On the other hand, the country still experiences severe democratic deficiencies. Civil society organisations that disagree with the government are severely castigated and marginalized. Civil society in general is still viewed with suspicion and is seen as foreign controlled. Despite its abnormal relationship with civil society organisations critical to its policies, the government has not impeded the activities of such organisations. The fact that the programmes of the LAC and those of the Society for Human Rights have continued unabated signifies the entrenchment of fundamental human rights and freedoms in the Namibian constitution. In order to strengthen democratic practice in Namibia, there is need for tolerance. Namibia has already democratic structures in place and has the capacity to enforce and uphold the law. As a young democracy, Namibia tends to emphasise a spirit of patriotism and in the process neglects the fundamental democratic principles. Once Namibia has internalised pluralism as one of its accepted values, the differences in opinion perceived to be normal will further witness an era of robust democracy.