

# **INSTITUTIONAL REFORM MEASURES WITHIN THE NAMIBIAN PUBLIC SECTOR TO ENSURE ACCELERATED SERVICE DELIVERY**

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## **ABSTRACT**

**D**uring 2006 Namibia not only celebrated 16 years of independence, but the people of Namibia also witnessed a smooth transition of presidential power in a peaceful, democratic and constitutional manner. The newly elected President Hifikepunye Pohamba committed himself and his government to accelerated service delivery. In contrast to all these positive developments within Namibia the people of Namibia has also witnessed an increase in corruption, maladministration and poor service delivery over the last few years. In this regard this paper will briefly focus on public service delivery within Namibia, as well as the positive and negative developments regarding service delivery that have taken place over the last 16 years. Thereafter a brief discussion will follow which identify the measures the Government of the Republic of Namibia has implemented on institutional level to address these maladies and ensure accelerated service delivery. The measure put in place is the principle of ministerial accountability in accordance with the Namibian Constitution, addressing corruption directly; ensuring that public enterprises operate effectively and efficiently as socio-economic development catalysts; and to establish sound labour relations. The need to maintain good communication lines between all social partners was recognised and amendments were made to the Public Service Act, 1995 (Act 13 of 1995) to streamline the disciplinary procedures under the Act.

## **INTRODUCTION**

**O**n 21<sup>st</sup> March 2006, Namibia witnessed historic events in its relative short existence as an independent and sovereign republic. Not only did Namibia celebrate 15 years of freedom, peace, progress and social stability, but the people of Namibia also witnessed a smooth transition of presidential power in a peaceful, democratic and constitutional manner. This smooth transition has demonstrated that Namibia has moved

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from the stage of the consolidation of democracy towards its institutionalisation. Besides all the positive developments within Namibia the people of Namibia has also witnessed an increase in corruption, maladministration and poor service delivery over the past few years. Various Presidential commissions and commissions of inquiry were set up to investigate these maladies in the state. However, until now the people of Namibia have not seen most of the recommendations of these commissions implemented or actions taken against culprits within Namibia. The newly elected President Hifikepunye Pohamba, has committed himself and his government to deal with these issues, and ensure that the citizens of Namibia get value for money (Republic of Namibia, 2006b).

## PUBLIC SERVICE DELIVERY IN NAMIBIA

**D**u Toit and van der Waladt (1992:22) state that ample proof exists that service delivery to all citizens originated thousands of years before the birth of Christ. Due to the fact that people live in close proximity with others and they are therefore subjected to a form of governing body gave rise to public service delivery. Not only did it result in service delivery as such, but it more and more required effective, efficient and economic accelerated service delivery.

*The Constitution of the Republic of Namibia*, 1990 (Act 1 of 1990) sets the statutory framework for service delivery in Namibia. At the highest level is the national government. At the regional level thirteen regional authorities have been established. Each of these regional authorities has its own jurisdiction over a specific area of the country. Closer to the inhabitants of the country are a large number of local authorities that provide service to the local inhabitants under their jurisdiction. Although the Namibian Constitution determines the physical structure of the three levels of government, it is important to notice that the statutory framework is more comprehensive than just the physical structural framework. Other legislation also contributes towards the statutory framework for service delivery.

The efficiency of the Namibian public service is integral to the country's economic, social and ecological progress. Equal participation by all Namibian citizens, economic stability, effectively combating poverty, an independent and just judicial system, and excellent performance in the educational and health sectors can only become a reality if all public officials on all levels of government fulfil their duties and responsibilities according to the principles of good governance.

The Namibian Constitution, 1990 made an important contribution to a new attitude amongst public officials and citizens regarding service delivery. The intention of certain sections in the Constitution is to emphasise the importance of the narrative guidelines according to which public officials must deal with their clients. The origins of these narrative guidelines are the body politics, societal value systems and legal rules. Besides the Namibian Constitution the principles of good governance have been laid down in the Public Service Charter of the Republic of Namibia, the Customers Service Charter for each government office, agency or ministry and the public service code of conduct.



## POSITIVE DEVELOPMENTS OF SERVICE DELIVERY WITHIN THE NAMIBIAN PUBLIC SECTOR

With reference to the positive developments of service delivery within Namibia over the past 16 years, this paper will briefly focus on the three main areas of successful service delivery, namely, the economic, the health and educational sectors. Since independence, the Namibian economy has been registering a positive economic growth. During the *National Development Plan 1* period from 1995 to 2000, the economy grew by 3,8 per cent on average. The recent mid term review of the National Development Plan 2 from 2001 until 2006 indicate that the economy grew by 2.7 per cent during the first three years of its implementation (Republic of Namibia, 2006a). The economic performance of the country has been higher than that of the pre-independence era. The performance of the economy is vital in the efforts of the GRN to improve the living standards of Namibians and to place the country on a steady path towards the realisation of Vision 2030 and meeting the United Nations Millennium Development goals. According to an analysis of the Bank of Namibia (2004) it offers good news in some areas, while it also offers difficult insights that highlight the challenges that are faced. The Namibian economy is projected to stabilise at 3,8 per cent in 2005, moderately below the estimated rate of growth of 4,4 per cent in 2004. This growth will be supported by an increasing production of offshore diamonds and a higher output in base metals such as copper and zinc. The medium term growth prospects are likely to stay the same with economic growth remaining in the region of 3 per cent (Bank of Namibia, 2004).

In the area of health, infant mortality has decreased from 67 deaths per 1000 live births in 1992 to 52 deaths per 1000 in 2003. The proportion of rural households with access to safe drinking water increased from 45 per cent in 1992 to 80 per cent in 2003, while the proportion of rural households with access to basic sanitation increased from 15 per cent in 1992 to 21 per cent in 2003 (Republic of Namibia, 2006a). However, the HIV/AIDS pandemic remains a major challenge for the country as it affects all other sectors and sections of the Namibian society. Despite a relative small population of 1,8 million, Namibia is ranked amongst the countries with the highest infection rates in the world and HIV/AIDS is now the leading cause of hospitalisation and deaths in the country. Currently 21 per cent of the Namibian population is infected with HIV/AIDS. The Government of the Republic of Namibia (GRN) has introduced nationwide programmes to deal with the pandemic (Republic of Namibia, 2006a).

With reference to the educational sector notable progress has been made over the last 16 years. Currently more than 80 per cent of adult Namibians are literate and more than 90 per cent of eligible children are in primary school. Enrolments in vocational and technical education have increased twelve-fold since 1992, and tertiary enrolments have increased by more than 50 per cent in 1991 (Republic of Namibia, 2006a). Despite these efforts and related gains, many challenges still remain, such as to produce more sufficiently skilled and educated citizens for the workforce and the improvement of the quality of education. Due to these reasons, the educational sector undertook a comprehensive analysis of the education system currently in place. The analysis identified the need for

sector-wide reforms to improve quality, responsiveness, effectiveness, internal efficiency, and to address the lingering inequalities within the educational sector. This has led to the development of the Education and Training Sector Improvement Programme (ESTIP). The strategic framework and road map for the period 2005 to 2020 was adapted by Cabinet earlier in 2006 (Republic of Namibia, 2006a).

Namibia is experiencing a serious problem with unemployment, especially amongst school leavers. As a result, the *Presidential Commission on Education, Culture and Training Report* recommended that entrepreneurship should be strengthened in the school curriculum in order to equip the Namibian youth with the necessary skills. The Ministry of Education, therefore, decided to introduce Entrepreneurship as a subject in the Junior Secondary phase as from 2007 (Republic of Namibia, 2006a).

## **NEGATIVE DEVELOPMENTS IN TERMS OF SERVICE DELIVERY WITHIN THE NAMIBIAN PUBLIC SECTOR**

Besides all the positive developments that have taken place since independence in 1990, the Namibian citizens continue to experience ineffective and poor service delivery. Two of the major concerns raised by citizens in this regard is the management of State-Owned Enterprises (SOEs) and the increase of corruption and unethical behaviour on behalf of public officials within the Namibian public sector.

SOEs' are set up with state funds/monies which are often misallocated because of the lack of timely reporting, monitoring and scrutiny and often due to the limited enforcement of basic corporate governance principles. At independence in 1990 Namibia had only 12 SOEs. However, by the end of 2005 there were more than 50 SOEs. Whilst the number of SOEs is rising, sound financial performance remains elusive for most (Motinga, 2004:1). Aside from the occasional allegation of resource misappropriations followed by commissions of inquiry, such as the Social Security Commission, the Roads Authority, the Offshore Development Corporation, and others, there is indeed a lack of consistent and regular evaluation of SOEs performance and service delivery in Namibia.

During a study conducted by Deloitte and Touche (2001: 45) on the functions and performances of SOEs, it revealed negative trends, namely:

- increasingly high state financial allocations mainly to sustain the high current expenditures related to the over-sized organisational and personnel structures of state owned enterprises;
- monopolistic practices that have resulted in uncontrollable prices to the concern of the general public;
- low productivity and contribution towards the achievement of rational development goals;
- high exposure to unsustainable debt;
- poor leadership at both Board and Management levels;
- lack of intra-agency co-ordination, planning and linkages, including promotion of local industries through preferential procurement of goods and services; and
- remuneration at both management and Board levels not linked to productivity and the ability of the enterprises to carry the expenditure burden.



These findings confirm the concerns of the public at large that urgent remedial action is needed. The study also confirmed that the Namibians have learnt about corrupt practice in some SOEs as revealed by different Presidential commissions of inquiry. These commissions have revealed disturbing and shocking malpractices, misuse of funds, corruption and misappropriation of assets in some SOEs. An example in this regard is the Social Security Commission (SSC) where an amount of N\$30 million that was invested in a private company called Avid, subsequently disappeared because of gross negligence on behalf of the senior financial manager of the SSC. In another example the Managing Director of the Namibia Development Corporation invested N\$55 million with the Offshore Development Company (ODC). The money that was transferred to the ODC later disappeared after it was transferred to a non-existent company called Great Triangle Investments (Insight Namibia, 2006: 36).

The second major concern raised by Namibians is the increase in corruption and unethical behaviour amongst public officials within the Namibian Public Sector. According to the 2006 Transparency International Corruption Perceptions Index (CPI) Namibia is ranked as the 47<sup>th</sup> most corrupt country in the world out of a total of 159 countries. Namibia shares its ranking with countries like the Czech Republic, Greece and Slovakia. In 2000 Namibia was ranked the 30<sup>th</sup> most corrupt country out of a total of 90 countries. Namibia's current CPI score is 4,3. According to the CPI ranking 0 implies highly corrupt while 10 implies highly (Graf, 2005:1). These scores indicate that Namibia currently has a corruption problem, and that corruption has a damaging impact on the human and economic development of Namibia.

Over the last 16 years Namibians have seen the destructive impact corruption had on the economy, the welfare of the Namibian citizens and the international image of the country. Namibians have seen and heard about officials who are engaged in corrupt practices to enrich themselves or benefit only a few individuals at the expense of the majority of the people. These culprits use and abuse public resources for personal and private gain. The end result is the diminished ability of the state to deliver crucial services to the public. It also leads to the erosion of public confidence and trust, as well as public contempt for state and private institutions.

Various reports of the Public Service Commission (2004), the Office of the Auditor-General (2004), the Office of the Ombudsman (2004) and commissions of inquiry reveal the shocking increase of corrupt practices amongst Namibian public officials. The public saw little action on behalf of the GRN, thus feeding the perception that corruption was positively condoned. The public has never experienced a serious effort by the GRN to root out corruption.

Namibian political analysts Lindeke, Du Pisani and Hengari suggested that politics had a major role to play in the growth of corruption. In this regard they blame the GRN for the appointment of poorly qualified people, the saturation of boards of directors of SOEs with the same faces, and a lack of transparency at state institutions have all created an atmosphere for corruption to flourish. Du Pisani argues further that what is worrying in Namibia is that we have corruption that is politically connected and induced. In this regard he argues that under the Nujoma government the ruling political elite developed

a network with the business and economic elite. Many cases that should be classified as corruption involving the elites had then developed into a "culture" that came to be regarded as legitimate and was tolerated as empowerment (Insight Namibia, 2005: 23). Corruption is detrimental to the goals of socio-economic progress and should therefore be fought at all levels and in all spheres of the Namibian society including the private sector.

## **MEASURES TO ENHANCE SERVICE DELIVERY WITHIN THE NAMIBIAN PUBLIC SECTOR**

**T**he next section will briefly focus on some of the measures the GRN has implemented to address the problems identified.

### **Enhancing ministerial accountability**

The public resources at the disposal of the GRN is limited. Therefore, in order to effectively, efficiently and economically use the resources to its disposal it is imperative that public officials who use these resources on behalf of the citizens is been guided by prudent financial management guidelines. This implies that strict financial discipline will in future be enforced. In order to achieve this objective the President mandated the Prime Minister to closely coordinate and supervise all activities of ministries, offices and agencies in order to minimise and eventually abolish an overlap, duplication and wastage of public resources.

In future the principle of ministerial accountability will be strictly enforced in accordance with the Namibian Constitution. In this regard, Article 41 of the Namibian Constitution, clearly states that all ministers shall be accountable individually for the administration of their own ministries and collectively for the administration of the work of the Cabinet, both to the President and to Parliament in the management and performance of their portfolios and execution of their duties. This implies that all members of Cabinet must become fully versed with the affairs, responsibilities and functions of their respective ministries, offices and agencies. This will enable them to supervise and monitor the implementation of government programmes and projects as contained in the ruling party election manifesto (SWAPO Party Election Manifesto, 2004).

All ministries, offices and agencies are to drastically reduce the number and frequency of international travels and to drastically reduce the size of delegations attending conferences and meetings outside Namibia. Furthermore, the Ministry of Foreign Affairs has been directed to ensure that the Namibian Embassies and High Commissions abroad represent Namibia at international conferences and other meetings. This directive forms part of the overall strategy to eradicate wastage of taxpayers money and duplications of efforts. Lastly, also a clear directive was issued, whereby the international travels by ministers and other senior political office bearers must receive approval by the President before they can embark on their journey (Republic of Namibia, 2005).



## Dealing with corruption

President Hifikepunye Pohamba in his address at the opening of Cabinet on 28 March 2006 indicated that the GRN is fully committed to addressing corruption with a sledgehammer (Republic of Namibia, 2006). In this regard the Anti-Corruption Commission (ACC) which is provided for by the Anti-Corruption Act, 2003, (Act 8 of 2003) has been established and became functional.

In liaison with existing structures, such as the Namibian Police, the courts, the Ombudsman and the Parliament, the anti-corruption machinery will in future forcefully deal with corruption with a view to root out corruption within the Namibian society. The functions of the commission are spelled out in article 3 of the Anti-Corruption Act, 2003 (Act 8 of 2003), namely:

- to receive or initiate and investigate allegations of corrupt practices;
- to consider whether investigation is needed in relation to an allegation;
- to consult, co-operate and exchange information with appropriate bodies or authorities;
- to assemble evidence obtained in the course of its functions and to furnish to the prosecuting authority or any other suitable authority of another country, upon a formal request;
- to investigate any conduct of a person employed by a public or private body which in the opinion of the commission may be corrected with or conducive to corrupt practices;
- to take measures for the prevention of corruption in public and private bodies;
- to disseminate information to the public about the functions of the commission; and
- to do anything else that the commission is required or authorised to do under the act or any other law.

The ACC does not report to any ministry. It is only accountable to Parliament in terms of the annual report that has to be submitted. Therefore, there is no interference from any ministry as far as the functions of the Commission are concerned.

One of the concerns raised regarding the rooting out of corruption is the absence of legislation that provides for the protection of whistle-blowers – so that when people report they could do so with confidence. Another concern raised is that there are no legislation currently in place on the access of information. When there is no legislation on the access to information it may also hamper some sectors from doing their work that could assist the ACC. However, the ACC has committed itself to work together as a team with the public and the media in order to address the concerns raised.

## Improvement of the management of State-Owned Enterprises within Namibia

Article 98 of the Namibian Constitution prescribes the economic order of Namibia which shall be based on the principles of a mixed economy. This type of economic order has

as its main objectives securing of economic growth, prosperity and human dignity of all Namibians. In terms of the Namibian Gross Domestic Product the state and SOEs are the biggest single actor because of other significant buying and spending power. Such is the importance of this sector to the Namibian economy, that it must be managed in the most professional and efficient manner. These SOEs have reduced the GRN workload in terms of diversified responsibilities which are now the responsibility of different SOEs on behalf of the GRN.

The increased complexity of the sector has not been matched by a parallel development of governance policies. Currently, only exists a fragmented policy approach and widespread uncertainty among the various stakeholders over governance procedures and mechanisms.

The Deloitte and Touche's Report on a Governance Policy Framework for SOEs in Namibia (2001), as adopted by Parliament, set in motion the establishment of the State Owned Enterprises Governance Council (SOEGC), with its Secretariat, the Central Governance Agency (CGA). To be supported by lean, focused competent and skilled professional staffing services, the CGA is expected to provide technical advice to the GRN to assist it to take informed decisions on matters germane to the affairs of the SOEGC.

Whilst the SOEGC and CGAs mandate from Government is noble yet daunting, no serious work involving SOEs will be engaged until the enabling legislation is passed by law to ensure that SOEs adhere to the principles of good corporate governance. In the absence of such legislation it is possible to expose the GRN to consequential litigation possibilities from SOEs. However, through the passing of the legal instruments and its comprehensive policy guidelines, the SOEGC will ensure the efficient governance of SOEs, the monitoring of their performance and the restructuring of certain SOEs.

The GRN is committed to reverse the negative trends in the SOEs through appropriate reforms. In this regard the Prime Minister has been tasked to put in place immediately effective legislative measures necessary for the efficient and proper management of SOEs. Currently, the GRN has submitted the proposed State-Owned Enterprises Governance Bill (2005) to the public for input. In terms of the proposed State-Owned Enterprises Governance Bill (2005) the main function of the SOEGC will be:

- to establish common principles governing SOEs;
- to develop a common policy framework for the operation of SOEs including but not limited to, general policies on human resources issues, finance and assets;
- to determine the criteria for the performance and evolution of SOEs and develop appropriate means of monitoring such performance;
- to make determinations in relation to the composition of the boards of SOEs;
- to lay down guidelines in respect of remuneration levels and governance agreements to be entered into between a portfolio Minister and SOE board members, between board members of SOEs and their respective Chief Executive Officers (CEOs), as well as between the CEOs and other senior management staff members;
- to receive and consider the annual budgets and submissions made by SOEs regarding the distribution of profits and the declaration of dividends as submitted for approval to the SOEGC; and



- to submit to Cabinet for decision, any proposed restructuring plan prepared and approved by the SOEGC in relation to any SOE identified for restructuring.

The Management Boards of SOEs will in future consist of not only diligent and dedicated individuals but members with technical know-how and professional acumen. They must also have distinguished themselves in areas connected with the activities of the SOE of which they are board members.

Chief executive officers and top management cadres of SOEs must be individuals who have attained the requisite technical and professional knowledge and experience. The CEOs who do not possess the requisite academic qualification and who have little or no experience in the activities of the SOE in question will be unable to lead, control, supervise and direct their subordinates to achieve the goals of the SOE.

All the noble proposals will not materialise until there is guided political will and consensus among policy makers in cabinet and parliament to swiftly pass the SOE bill into law.

### **Establishing sound labour relations**

The SWAPO Party Election Manifesto (2004: 62) stipulate that the GRN appreciates the importance of sound labour relations in Namibia and the need to maintain sound communication lines between all social partners in labour relations. These are essential for economic development. In this connection the GRN promised to set up alternative dispute resolution mechanisms to ensure a harmonious relationship between the government, trade unions and the business and industrial sectors in order to avoid unnecessary confrontation. In this regard the GRN has tabled a new *Labour Act*, 2004 (Act 15 of 2004) to Parliament for approval.

The main reason why a new act was submitted to Parliament for approval is because the *Labour Act*, 1992 (Act 6 of 1992) makes provision for a cumbersome process in dealing with labour disputes. In this regard it has taken time, energy and resources to deal with labour disputes. Furthermore, the District Labour Courts were flooded with labour disputes while they do not have the human resources and were not in a position to deal with these cases in an effective and efficient manner. In terms of the new *Labour Act*, 2004 (Act 15 of 2004), the District Labour Courts will in future be replaced by trained arbiters and mediators to speed up the process of labour disputes. The new approach will ensure affordability, ensure equity and accessible to the majority of Namibians and ensure that the taxpayers money will not be wasted.

### **Changes to the *Public Service Act*, 1995 (Act 13 of 1995)**

The *Public Service Act*, 1995 (Act 13 of 1995), Part 1, Section 2, clearly states

*... a Public Service for the Republic of Namibia should be impartial and professional in its effective and efficient service to the government in policy formulation and evaluation and in the prompt execution of government policy and directives so as to serve the people of the Republic of Namibia and promote their welfare and lawful interests.*

The purpose of the public service is to address economic development, social progress and educational upliftment of the nation. Furthermore, public officials must work towards the best interest of the employer, be local and render services without discrimination of any kind. The importance of customer care within the *Namibian Public Service* has also resulted in the development of certain charters. Namibia has developed the *Namibian Public Service Charter* which is in line with the Charter for the Public Service in Africa. These charters have formed the basis of developing several individual customer service charters for each government office, ministry or agency in Namibia. Currently, the Namibia Public Service Charter identifies nine general principles that guide public officials in delivering service to the Namibian public. Besides the various charters, public officials are also guided in their work by the *Public Service Code of Conduct*, the official set of rules of behaviour public officials need to follow in performing their official duties. The Code of Conduct forms part of the Public Service staff rules.

However, besides all above mentioned rules and regulations, the Namibian citizens have noticed problems of inefficiency, corruption, negligence, abuse of government property and other forms of administrative malpractices among some public officials within the Public Service. Section 26 (2) (a) of the *Public Service Act, 1995* (Act 13 of 1995) states that the Permanent Secretary concerned may, on the recommendation of the Public Service Commission (PSC) suspend any staff member at any time before or after he or she is charged with misconduct. The Public Service staff rules state that the purpose of charging a staff member with misconduct and the ensuing disciplinary action is to maintain a good standard of work and the proper behaviour required from a staff member as well as to ensure that the rules and regulations of the public service are adhered to. However, in practice the procedures to take disciplinary action against culprits have taken too long. There is also the tendency to suspend public officials on paid leave for years while disciplinary procedures are taken care of.

The Office of the Prime Minister has been instructed to cause amendments to be made to the *Public Service Act, 1995* (Act 13 of 1995) aimed at streamlining and shortening the disciplinary procedures under the *Public Service Act, 1995* (Act 13 of 1995). The new amendments will make it possible for disciplinary measures to be taken at the shortest possible time without disrupting the work of offices, ministries, agencies. This will also ensure that public officials who are alleged to have misconduct themselves get to know their fate in the shortest possible time. Those public officials who feel aggrieved by decisions of disciplinary committees can take advantage of the dispute resolution mechanisms provided by the new *Labour Act, 2004* (Act 15 of 2004).

## CONCLUSION

Although above mentioned measures have been put in place by the GRN on institutional level to ensure that the resources are being utilised economically, effectively and efficiently to the benefit of all Namibian citizens, the question still remains whether public officials are committed to implement these measures successfully. A lack of professionalism, dedication, commitment, initiative and poor leadership amongst



political leaders and public officials might hamper the success of the implementation of these measures. Only the future will tell whether these measures will ensure that proper service rendering has been achieved.

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