



Republic of Namibia

**STATEMENT BY
DR PEYA MUSHELENGA, MP
MINISTER OF URBAN AND RURAL DEVELOPMENT
ON THE STATE OF AFFAIRS AT THE MUNICIPAL
COUNCIL
OF OKAHANDJA**

16 MARCH 2020

OKAHANDJA, OTJOZONDJUPA REGION

Hon. Otto Ipinge, Governor of Otjozondjupa Region,
Hon. Chairperson of the Otjozondjupa Regional Council
Hon. Councillors of Okahandja Municipality
Management and Staff members of Okahandja Municipality
Members of the Media
Ladies and Gentlemen

In keeping with the oversight role assigned to the Minister in terms of the Local Authorities Act, 1992 (Act No. 23 of 1992) as amended, the Ministry of Urban and Rural Development has, for some years now, been closely monitoring the state of affairs in Okahandja in terms of governance and service delivery.

From our assessment and the ongoing complaints from the residents, it is my conclusion that all has not been and is not well. The specific reported and noted problems are mismanagement, lack of accountability and general poor governance and service delivery.

In recognition of the statutory powers, duties and functions that have been conferred on the Municipal Council in terms of sections 6(1) (b), 11, 21 (1)(a) and 30 of the Local Authorities Act, 1992 (Act No. 23 of 1992) as amended, the Ministry allowed the Council space put its house in order, and the Ministry largely limited its role to that of arm's length support and guidance. In this regard, the Minister, past and present, intervened on many occasions and in many ways with the hope of bringing about the needed change on the part of the Council.

Some of the specific interventions, which have been undertaken, are:

- Commissioning of an investigation as well as the fielding or stationing of a team of officials from the Ministry in Okahandja from March to June 2016 to conduct a detailed assessment into the affairs of the Council and to provide on-the-spot guidance, advice and remedial measures to Council and management on the identified irregularities or shortcomings;
- The findings and recommendations from the investigation referred to above were presented to the Municipal Council of Okahandja, and Council was directed by the Minister to identified irregularities and fully implement all and recommended corrective measures, and to report back to the Minister on the action taken or planned;
- On 27 July 2016, the Minister convened a meeting with the Council (Councillors and management) to discuss the general state of affairs at the Council;
- On 7th July 2017, the former and current Ministers jointly hosted a face-to-face meeting with members of the Okahandja Municipal Council for them, as a Council, to present proof of any remedial action that they or Council have/has taken to correct the situation in general and specifically the issues that have been raised in the Investigation Report; and

- The issuance by the Minister of various directives in line with the powers of the Minister as provided for in the Local Authorities Act, 1992 (Act No. 23 of 1992), as amended and the Constitution;

In general, the situation in Okahandja can be summed up as a case of a Council failing to exercise the powers and perform the duties and functions assigned to a local authority Council in terms of Section 30 of the Local Authorities Act, 1992 (Act No. 23 of 1992) as amended. The situation is characterised by:

- Poor or lack of requisite level of leadership in general as well as a division or lack of teamwork within the governing Council and between the Councillors and Management;
- Persistent non-adherence and compliance to the provisions of the Act and directives from the Minister in almost all aspects and areas of the affairs of Council. Among other this refers to compliance to the provisions of the Local Authorities Act, 1992 (Act No. 23 of 1992) on the constitution of the mandatory Council structures namely the Chairperson/Mayor, Deputy Chairperson/Deputy Mayor and Management Committee) as well as governance the legal requirements of holding Council meetings and submission of minutes of Council meetings to the Minister; and
- Mismanagement and/or lack of accountability for public resources entrusted to Council (monies paid to Council by residents and/or allocated by the Central Government) as well as revenue related to

services rendered by bulk utility providers such as NamWater and NamPower;

The combined effect of the above-mentioned instances of non-compliance, poor management and maladministration is that the Municipal Council is unable or failing to perform its powers, duties and functions that have been conferred and imposed on and required of it in terms of sections 6(1)(b), 11, 21 (1)(a) and 30 of the Local Authorities Act, 1992 (Act No. 23 of 1992) as amended, which ultimately is to provide the requisite governance of the Municipality and services to the residents.

Given the absence of tangible evidence of an improvement in the governance of Okahandja Municipality and in the public interest, in terms of Section 92(2) of the Local Authorities Act (Act No. 23 of 1992), I am here to announce my decision as published in **Government Gazette Notice No. 82 issued on 16 March 2020**, which reads as follows and I quote:

SUSPENSION FROM OFFICE OF MEMBERS OF MUNICIPAL COUNCIL OF OKAHANDJA

Under Section 92(2) of the Local Authorities Act (Act No. 23 of 1992), I

(a) declare that all the powers, duties and functions of the Municipal Council of Okahandja vest in the Minister; and

(b) Suspend all the members of the Municipal Council of Okahandja from office, with effect from the date of publication of this notice in the Gazette.

(Signed Dr P. Mushelenga, Minister of Urban and Rural Development)

In view of the suspension of the Municipal Council of Okahandja as just announced, I am also hereby announcing my decision to put in place an interim Council governance structure at the Municipal Council of Okahandja as follows:

- The appointment of Mr. Linus //Garoeb to exercise all the powers, duties and functions of the Minister;
- Mr. //Garoeb assumes duty with immediate effect and will be supported by Management led by Chief Executive Officer. Among others, Mr. //Garoeb is tasked to thoroughly investigate without fear, favour or prejudice, the allegations of misconduct that have been levelled against the CEO by the suspended Council, and to institute the necessary disciplinary action if the outcome of the investigation provides evidence of wrong-doing on the part of the CEO.

I wish to take this opportunity to point out and emphasise the following: Firstly, that our country is governed on the basis of policies, laws and regulations, which must at all times be complied with, failing which there is will be consequences and the culprits will be called upon to reckon.

In terms of the Local Authorities Act,1992 (Act No. 23 of 1992) as amended, I, as the Minister of Urban and Rural Development have a duty and obligation to ensure that the above-mentioned legal instruments are implemented and adhered to the latter at all levels of local government. Where these legal instruments are violated, ignored or contravened, I, in the public interest, am duty bound to ensure compliance, including through penal actions.

As far as I, the Minister and the Ministry in general is concerned, it is immaterial as to which political party the Local Authority Councillors belong to or what party has the majority of Councillors in an area. As it is self-evident, my action or intervention is not based on any political considerations or influence but is merely aimed at ensuring the requisite level of governance and compliance to the Law as well as the protection the public interest.

It must be clear to all local authorities that the Ministry in general and the Minister in particular will continue to monitor performance and will not hesitate to take swift action against any local authority whenever discipline, order, harmony and service delivery is at stake and in the interest of the public.

I thank you for your attendance and attention.