

# Namibia's Labour Movement after 25 years of Independence

Written by Herbert Jauch, published in Friedrich Ebert Stiftung 2015. *Working for Social Democracy in Namibia.* Windhoek: FES.

## 1. The situation at independence - a brief history

The Namibian labour movement has played a particularly prominent role in Namibia's liberation struggle. Namibian contract workers were a central component of the anti-colonial resistance and formed the backbone of SWAPO in the party's formative years. Thus the history of Namibia's labour movement and politics are closely intertwined. As pointed out by Cronje (1979: 77):

*"Industrial action by black workers in defence of their rights has a long history in Namibia, despite the great risks to individuals and their families, inherent in a confrontation with the authorities. While being denied the right to organise themselves into trade unions, workers were united by their common oppression and, in the case of migrants from the north, their hatred of the demeaning contract. Strikes or threatened stoppages have occurred throughout the colonial period, although poorly documented or virtually ignored by the white population. As early as December 1893, workers went on strike at a mine operated by the South West Africa Company at Gross Otavi. An account of the events... revealed that workers from different tribal groups joined together to make it effective".*

Strikes by Namibian workers during colonial rule were a reflection of the broader socio-economic struggles that Namibian workers waged over the past century. The contract labour system, known as *okaholo*, played a particular role in Namibia's labour history. In organisational terms, the plight of contract workers – mostly from northern Namibia – was first taken up by the Ovamboland People's Congress (OPC) that was founded in Cape Town in 1957 mainly by students and intellectuals. Migrant workers in the Namibian compounds widely supported the OPC, which expressed their aspirations and in 1958 was transformed into the Ovamboland People's Organisation (OPO). Its key demand was to abolish the contract labour system. The OPO's political demands for "political, social and economic emancipation of the people" reflected the needs of the workers in the compounds. Its message was also spread to the rural areas through returning migrant workers. In 1960 the OPO was transformed into a national liberation movement – SWAPO. Its aim was to establish a unified, independent and democratic Namibia, free from colonial exploitation and oppression (see Katjavivi 1988; Moleah 1983; Peltola 1995).

Following SWAPO's consultative congress in Tanga, Tanzania, in 1969/70, several new departments were established within the party, including a Labour Department. Although the congress documents did not mention the formation of trade unions, a decision to establish the NUNW in exile was taken on 24 April 1970. Its function was primarily to represent Namibian workers at international fora such as the International Labour Organization (ILO). Another

aspect of its work in exile was to train trade unionists under the name of the NUNW in the Soviet Union and Angola (Peltola 1995).

### **The general strike of 1971-72**

At the time it was virtually impossible to establish trade unions inside Namibia due to the extremely repressive conditions. This however, did not prevent one of the most significant strikes in Namibia's history, the famous general strike which shook the colonial regime and brought the plight of black Namibian workers to the attention of the outside world. It lasted from 13 December 1971 until 20 January 1972 and involved over 13 000 migrant workers. It brought the mining industry to a halt and seriously affected farming, commerce as well as communications and transport systems. It demonstrated the potential of workers to take organised action in defence of their rights.

The general strike was triggered by the oppressive political and economic conditions that Namibian workers, especially the migrant workers from the north, were facing. Migrant workers were examined in a dehumanising way to determine their health and physical strength and classified accordingly by the colonial South West Africa Native Labour Association (SWANLA). Breaking a contract was a criminal offence and workers were not allowed to bring their families with them. They had to stay under appalling conditions in the so-called "single-sex hostels". The general strike was thus caused by the appalling working conditions but it was also politically motivated as it expressed long-standing grievances against the contract labour system. In addition, there were three key events that contributed to the strike:

- 21 June 1971: The International Court of Justice declared South Africa's occupation of Namibia as illegal.
- 30 June 1971: Two of the largest churches in Namibia sent an open letter to the South African Prime minister complaining about South Africa's failure to uphold human rights in Namibia as declared by the UN in 1948.
- 15 November 1971: The Bantu Commissioner Jan de Wet denied the church leaders' statement and described the contract labour system as "voluntary" (see Bauer 1998; Peltola, 1995; LaRRI 2010).

These developments fuelled workers' anger against the continued colonial occupation, racial discrimination and the inhumane treatment of contract workers. Although the strike was not planned and organised by a trade union, it was aided by student activists in the north who had been expelled from schools due to their political activities. After their expulsion, these young SWAPO activists moved south, joining workers in Windhoek, Walvis Bay and elsewhere. They linked the workers' resentment of the contract labour system to political demands for liberation (*ibid*).

The strike occurred largely spontaneously under the slogan *odalate naiteke* (let's break the wire). It started in Windhoek and then spread to Walvis Bay and further to workplaces throughout the country, involving about 13 500 workers (about 25% of all migrant workers), bringing 11 mines and 23 other workplaces to a standstill. Some estimates put the number of striking workers as high as 20 000.

When the striking workers were deported to "Ovamboland", they engaged in running battles with the "security forces". Angry workers destroyed about 80 km of the border fence with Angola and they attacked collaborators of the colonial regime. The deported workers formed a "Contract Committee" and elected Johannes Nangutuuala as chairperson. A mass meeting of striking workers approved a pamphlet setting out their demands which included the abolition of the contract labour system and freedom for workers to choose their own employment without police interference; the right to live with their families; payment of salaries according to merit and according to the work done, regardless of the person's colour; abolition of the pass law system; sufficient payment so that workers can buy their own food and pay for their own transport etc (ibid).

The state responded with a dual strategy. It attempted to replace striking workers with scab labour from the southern and central regions of Namibia. The state also resorted to increased oppression and brought in additional police and the army from South Africa to suppress the uprising. A state of emergency was declared in "Ovamboland" which was only partially relaxed in late 1977. The workers' hostels in Katutura were put under siege by the police and detention camps were set up all over "Ovamboland" for those detained (and tortured) under emergency regulations (ibid).

The greatest impact of the 1971/72 strike was the increased militancy and confidence among workers. They had sent a signal that there would be no longer "business as usual" and that they regarded their strike as part of the wider struggle against colonial occupation and for national liberation. The general strike resulted in some (although largely cosmetic) improvements in working conditions and in the first public acknowledgement (by parts of business and the colonial state) of the need for trade unions for black workers. Some companies set up liaison committees to consult with their workers. Some employers even supported the establishment of trade unions as bodies that they could negotiate with. Pressure to allow for the formation of trade unions also came from the ILO and the colonial administration had to acknowledge that the plight of Namibian workers could no longer be ignored (ibid).

The general strike set in motion a contradictory process of labour and political reforms alongside intensified war and repression. In 1976, for example, new and even tougher "security laws" were passed and the emergency regulations were extended to the Kavango and Caprivi regions in north-eastern Namibia. A "shoot to kill" order was given in most areas of "Ovamboland" where arbitrary arrests, detentions and torture had become the security forces' way of operation. On the other hand, the colonial regime used a strategy of labour and political reforms (e.g. the formal end of wage discrimination on the basis of colour and the adoption of the principle of equal pay for equal work) to appease the popular rebellion. In 1978, the interim government ("Transitional Government of National Unity") which had no public support and legitimacy changed the 1952 Wage and Industrial Conciliation Ordinance to expand the definition of "employees" to include black workers. This was the first legal basis for black Namibian workers to 'legally' form and join trade unions (Bauer 1998). Unions were, however, still prohibited from entering into political affiliations with political movements. Strong trade unions did not emerge inside Namibia until the mid-1980s when several industrial unions were launched under the umbrella of the NUNW.

## **Formation of unions inside Namibia**

In 1985, the South African apartheid government was spending R3 million per day on the war in Namibia. During this time of repression, community activists started organising at the grassroots level. Community organisations emerged in response to the crises in housing, employment, health, education and social welfare. Community organising surged inside Namibia from 1984 onwards, focusing on the crisis in housing, employment, health, education and social welfare. In the absence of trade unions, workers began to take their workplace problems to social workers at the Roman Catholic Church and the Council of Churches in Namibia (CCN). At that time, the umbrella of the churches provided political activists with a shield under which they could start organising workers. Unlike trade unions, which had been crushed by the colonial state, churches were able to operate across the country. By 1985, workers and community activists had formed a Workers Action Committee in Katutura, which became the forerunner of trade unions (Bauer 1997).

The NUNW unions were formally established from 1986 onwards and provided workers with an organisational vehicle through which they could take up workplace grievances as well as broader political issues, which were always seen as linked to the economic struggle. This occurred firmly within the SWAPO fold as the NUNW unions openly declared their allegiance to the liberation struggle and to SWAPO as the leading organisation in the fight for independence. The exiled and internal wings of the NUNW were merged during a consolidation congress held in Windhoek in 1989. At that time, the NUNW unions inside Namibia had already established themselves and were a formidable force among grassroots organisations. They enjoyed huge support even beyond their membership and played a critical role in ensuring SWAPO's victory in the elections of 1989 (Jauch 2007).

The NUNW played a prominent role during the liberation struggle and its history is in many ways similar to that of Congress of South African Trade Unions (COSATU), as both were key agencies in terms of mass mobilisation against apartheid and colonial rule. Like their sister unions in South Africa, the NUNW unions linked the struggle at the workplace with the broader struggle for political independence and formed links with other social and political organisations such as women and students organisations. The NUNW understood its role as that of a social movement, which could not address workers issues separately from those affecting the broader community. Exploitation at the workplace was thus linked to the broader struggle against racial and political oppression (*Ibid*). Thus the trend in Namibia conformed to that observed in many African states where trade unions played a key role in the democratisation process. Sidibe and Venturi (1998) attributed this to 3 major factors which enabled trade unions to play that role: Firstly, their long history of struggle; secondly their massive potential for organisation and action; and thirdly their expectation that democracy will benefit workers and trade unions.

For Namibian workers inside the country the class struggle was intertwined with the struggle against racial discrimination and minority domination. The class struggle waged by workers was seen as one and the same as the liberation struggle waged by SWAPO (Peltola 1995). Thus class differences were blurred and the NUNW unions (membership and leadership alike) regarded themselves less as representing a particular class rather than as an integral part of a broader national liberation movement opposed to apartheid-colonialism. This explains in part why the unions outside the NUNW were rather insignificant at the time and did not enjoy a comparable

following. Some operated as “apolitical” staff associations such as the Government Service Staff Association (GSSA) which was the preferred organisation for the colonial administration. Others operated within a racist paradigm such as the white South West Africa Mineworkers Union (SWAMU) and some smaller unions refused to join the NUNW because of its political link with SWAPO (Jauch 2004).

### **Colonial labour legislation**

In terms of the legal provisions, a wide range of legislation regulated labour in Namibia. The major act affecting industrial relations in Namibia was South Africa’s Wage and Industrial Conciliation Ordinance No. 35 of 1952. Domestic, farm and public service workers were all excluded from this legislation. It was only in 1978 that black workers were included within the framework of the legislation and were allowed to form registered trade unions for the first time. Despite this legal provision, workers could still be prosecuted for union activities as Ordinance No. 35 reflected the general imbalance between workers and employers, rather than encouraging formal collective bargaining (Jauch and Karuuombe 2002).

The conditions of Employment Act No. 12 of 1986 covered a range of matters concerning basic conditions of employment, although again certain categories of workers were excluded from the legislation. Under this Act, labour inspectors were appointed to deal with complaints of workers although a shortage of personnel and cumbersome enforcement procedures hampered their effectiveness. Under colonial legislation, asserting and protecting workers’ rights, organising trade unions, and challenging the autonomy and prerogative of management were very difficult. While in theory the right to lawful strike existed, striking workers had no protection against dismissal and no right to picket at employer premises (*Ibid*).

## **2. Changes after independence: new government policies and social partnership**

The achievement of independence in 1990 had a significant impact on the role that trade unions wanted (and were able) to play. The function of political mobilisation, which had taken centre stage for the NUNW in the years before independence, was taken over by SWAPO, whose exiled leadership had returned to Namibia in 1989. Given the close structural links between the NUNW unions and SWAPO and their common history, there was a widespread expectation among workers that the SWAPO government would address workers’ problems. A few years before independence, leading SWAPO intellectuals like Kaire Mbuende had still argued that the interests of workers and peasants constituted the dominant position in SWAPO (Mbuende 1986). However, the ideological shift in SWAPO in the 1980s coupled with the collapse of the Soviet Union led towards the acceptance of a capitalist order once SWAPO became Namibia’s ruling party. Notions of revolutionary working class politics were simply dropped while the capitalist structure of the economy was maintained and the notion of social partnership was introduced into labour relations. Trade unions were expected to define a new role within this framework and although the NUNW had previously called for more radical change, it accepted the new framework with little resistance.

After Independence, there was a gradual demobilisation of militant trade unionism and decision-making power shifted decisively towards party structures. As the leaders of the liberation

movement entered the corridors of state power, arranging themselves with the interests of both local and international capital, they encountered little resistance to their chartered course of establishing a stable environment for non-racial capitalism in an independent Namibia. The subordinate role allocated to trade unions and working class interests was reflected in the way tripartism became the cornerstone of labour relations after independence.

The new SWAPO government was determined to reform Namibia's colonial labour relations system and to move towards a new system of "social partnership" governed by the Labour Act of 1992. Tripartite consultations and collective bargaining were seen as the cornerstones of the new labour dispensation with improved living and working conditions of Namibian workers to be brought about by a combination of successful economic policies and successful trade union engagement with the private sector. The government regarded itself as a kind of "referee," trying to create a level (and enabling) playing field for collective bargaining between business and labour (Jauch 2007).

Unlike in post-war Western Europe where social partnership was introduced as a class compromise, granting workers improved living and working conditions in return for acceptance of the capitalist mode of production and industrial peace (Bergene 2005: 104), Namibia's version of social partnership was essentially a reward by the SWAPO government for the role played by workers in the struggle for independence. Labour did not receive a special status as could already be seen in the way the consultative process took place that culminated in the Labour Act of 1992. Government played the dominant role and decided on the scope of consultation with both business and labour. Unlike in a corporatist, institutionalised arrangement where capital, labour and state jointly formulate socio-economic policies (Sycholt and Klerck 1997), social partnership in Namibia was (and still is) based on consultations only.

### **A new legal framework: The Labour Act of 1992**

Following extensive consultation by the Ministry of Labour with employers and trade unions, Namibia's Labour Act was passed in parliament in November 1992. It constituted a significant improvement compared with the previous colonial labour legislation. It extended its coverage to almost all workers, including domestic workers, farm workers and the public service. However, the army, policy service and prison service were excluded from the law's coverage. The new Labour Act encouraged collective bargaining, entrenched basic workers' and trade union rights, set out the procedures for legal strikes and provided protections against unfair labour practices (Bauer 1993). However, the Act fell short of some of the expectations of trade unions, which felt that employers had unduly influenced the law through "behind the scenes" lobbying. The act did not make provision for minimum wages (as SWAPO had promised in its 1989 election manifesto) and it did not guarantee paid maternity leave. Payment during maternity leave was only introduced with the Social Security Act of 1996. Other key demands of the NUNW that were not accommodated in the 1992 Labour Act were the 40-hour working week and 21 days of annual leave for all workers (Jauch 1996).

Although the post-independence labour legislation constituted a significant improvement for labour, it also served to reduce worker militancy by shifting the emphasis away from workplace struggles to negotiations between union leaders and management. Bargaining issues in Namibia were (and still are) narrowly defined and usually deal with conditions of employment only

(Klerck and Murray 1997). The trade unions' main function was thus narrowed to being the representative of workers in a tripartite arrangement.

Trade union militancy certainly declined after independence while improvement of living and working conditions through collective bargaining only benefited the well-organised industrial workers like those in the mining and fishing industries as well as those in the public service, while the vast majority of the working class – the unemployed, informal sector workers, casual workers, domestic workers, etc. – did not benefit significantly from collective bargaining and thus still experience high levels of poverty. Even in sectors where minimum wages were formally introduced, like those for farm workers and security guards, workers remained exposed to highly exploitative practices (Jauch 2007). However, unions managed to extend the groups of workers covered by gazette industry minimum wages to agriculture, security and construction, with the latter having achieved the highest entry level minimum wage of over N\$ 13 per hour. Following the report of a wage commission on domestic workers, the Namibian Cabinet is expected to announce a minimum wage for this sector in 2014.

### **The Labour Act of 2007**

After several years of intense and at times heated debates, Namibia's new Labour Act (Act 11 of 2007) was finally passed and signed into law. The process of reforming independent Namibia's first Labour Act (Act 6 of 1992) had started in the late 1990s and took the form of discussions within the tripartite Labour Advisory Council. It was then decided that instead of merely amending the 1992 Act, a completely new Labour Act should be drafted. This resulted in the Labour Act of 2004 (Act 15 of 2004), which was passed in parliament, signed into law but never fully implemented. Government, employers, unions and the ILO identified several shortcomings in the 2004 Act. As a result, debate continued and a new Labour Bill was drafted and tabled in Parliament in 2007. After being passed and signed into law, this Bill became the Labour Act (Act 11 of 2007) to guide labour relations and working conditions.

Given the different interests and perspectives at play, it was hardly surprising that it was impossible to reach consensus on all aspects of the new law. Employers on the one hand and trade unions on the other represent very different constituencies with different interests. Thus trade unions welcomed the ban on labour hire in the Act while employers decided to challenge the constitutionality of the ban in court which resulted in the ban being overturned. Consequently, government introduced strict regulations for the use of labour brokers through the Labour Amendment Act of 2012 as discussed below. However, large sections of the 2007 Labour Act were agreed to by consensus such as the ones introducing a new system of dispute prevention and resolution. All parties (unions, employers and government alike) expected the new system to result in a better and faster resolution of industrial disputes.

### **Labour's influence on policy: EPZs and SOEs**

Trade unions found it increasingly difficult to influence broader socio-economic policies in favour of its working class base in the face of an onslaught by the neo-liberal ideology that both business and the Namibian government portrayed as the only practical policy option for Namibia's economic policy direction. When Namibia passed the Export Processing Zones (EPZ) Act in 1995, the government argued that both local and foreign investment in the first five years of independence had been disappointing and that EPZs were the only solution to high

unemployment. The EPZ Act offered a host of special incentives to foreign investors and went as far as suggesting that the Labour Act should not apply in the EPZs. The Namibian government expected the creation of 25 000 new jobs in the EPZs within 5 years but a study by Namibia's trade union based Labour Resource and Research Institute (LaRRI) found that only about 400 EPZ jobs had been created although millions of dollars had been spent on promoting the policy and on developing infrastructure with public funds (Endresen and Jauch 2000).

Government argued that the EPZ regime needed more time to show the expected results. Reference was frequently made to the example of Mauritius which in the 1960s and 1970s had created thousands of jobs in the electronics and textile industries through its EPZ programmes. However, the particular circumstances of Mauritius and the global environment at the time were very different to those faced by other African countries since the 1990s. The Mauritian success could not be replicated anywhere else on the continent and even those countries which managed to create a significant number of EPZ jobs for a couple of years (like Uganda) found it impossible to convert those jobs into permanent, decent jobs. The competitive pressures of a ruthless global economy in search for the most profitable low cost investment locations proved an insurmountable hurdle. It thus was hardly surprising that Namibia's EPZ policy had little success with Ramatex in particular showing the human and environmental costs associated with such a policy (see Jauch and Shindondola 2003; Jauch 2008). The views and concerns of workers and their trade unions were, however, largely ignored by policy makers.

Another example of unions' attempts to influence government policy is provided by the debate on state-owned enterprises. Namibia currently has over 70 SOEs and most of them are either regulatory or service-rendering with some being self-funding while others are entirely reliant on state funding. They are governed by the State-Owned Enterprise Governance Act (No 2 of 2006) and the Namibian government plays a multiple role as SOE owner and shareholder, policy-maker and regulator. By 2001, there was a proposal prepared by Deloitte & Touche that argued for the privatisation of several SOEs. In response, the NUNW met President Nujoma and proposed the establishment of a single controlling board for all SOEs consisting of representatives of all "social partners" to formulate policies to regulate SOE's, and to monitor and evaluate service delivery and performance. The federation emphasised the importance of safeguarding affordable services for the poor. It pointed out that the impact of commercialisation has been very harsh for the poor. "We have seen that recently with Telecom Namibia which increased local calls by 80%. Namwater increases the water price by 20% each year and NamPost increase its rate by over 40% recently. This means that the services of these companies become unaffordable for the poor." The NUNW thus proposed tariffs ceilings to be set by the overall controlling board according to the social goals (NUNW 2001).

The NUNW further proposed a system of cross-subsidisation from the wealthy to the poor at all SOEs involved in service delivery. It also suggested to group SOE's into different categories according to the functions they perform and the services they provide. "This will enable the drafting of guiding policies for each group of SOEs in terms of regulation, performance monitoring and service delivery. This is essential for the controlling board to ensure maximum public benefits from SOEs". Regarding management packages, the NUNW called for a review to make them sustainable: "Management packages need to be reduced while the management

structures need to be streamlined... The packages need to be performance based and in line with the economic realities of our country" (ibid).

The union federation called for transparency and accountability as basic principles according to which SOEs should have to operate. Salary structures and financial reports of SOEs should be public documents and instead of seeing privatisation as the answer to the SOE challenges, the NUNW proposed "a thorough investigation to find out how the performance and efficiency of SOEs can be enhanced while retaining them under public ownership. Namibia cannot afford to leave socio-economic development to the market alone and we believe that it is government's responsibility to direct development in favour of the poor" (ibid). As with the case of EPZs, the union proposals were largely ignored.

### **Labour hire**

A more successful policy intervention by Namibian trade unions occurred on the issue of labour hire, that is the usage of labour brokers. This had been a topic of heated debate in Namibia since the late 1990s, when workers demonstrated against labour hire companies in Walvis Bay. Research undertaken by the Labour Resource and Research Institute (LaRRI) in 1999 provided a first picture of labour hire practices in Namibia. It pointed to some of the reasons why companies use labour hire workers and to the conditions of employment offered at such companies. Trade unions and some politicians called for legislation to outlaw such companies and during the congress of the NUNW in 2006, union leaders as well as President Hifikepunye Pohamba stated that labour hire was reminiscent of the colonial migrant labour system and should therefore be abolished.

Namibia's labour hire practices conform with global trends to a large extent. The country's labour hire industry is dominated by one large company, which originated in South Africa and now operates across Namibia. In addition, there are several smaller labour hire companies most of whom are limited to serving a few clients, mostly in one particular town. They all supply mostly unskilled and semi-skilled workers to client companies in various industries, including mining, fishing, and retail. Their clients include private companies but also state-owned enterprises (SOEs). Almost all labour hire companies retain a substantial part (15-55%) of workers' hourly wage rates as their fee (Jauch and Mwilima 2006).

LaRRI's study revealed that companies mainly use labour brokers to reduce the impact of strikes, to cut costs and increase flexibility, to avoid having to deal with disciplinary cases to be able to replace "unproductive" workers easily and to avoid having to deal with trade unions. The owner of a construction company stated that: "*I started using labour hire because of the unreasonable requests and foolishness of the trade unions. You have to deal with unreasonable requests for very high salary increases. The problem with unions is that they don't request, they demand for these increases and they always want to have meetings... As a one-man business I did not have the time to sit in meetings with the unions all the time....*" (ibid)

Workers employed through labour brokers are paid significantly less than permanent workers and they usually do not enjoy any benefits. Many workers suffer from violations of the provisions of the Namibian Labour Act and do not receive any paid leave and not even severance pay in case of retrenchment. Even if they worked for the same labour broker and the same client

company for several years, they have no job security and are employed on the basis of “no work – no pay”. Their employment contract with the labour broker is terminated as soon as the commercial contract between the labour broker and its client ends. Although the legal provisions on employment termination apply (in theory) to labour brokers as well, the usual practice is to hire and fire workers at will. Client companies can request the removal of any worker by the labour broker at any time. The broker then provides a replacement which further advances the “commodification” of labour as an easily exchangeable and replaceable commodity.

When Namibia’s new Labour Act was passed in 2007, lawmakers inserted clause 128 which stated that: *“No person may, for reward, employ any person with a view to making that person available to a third party to perform work for the third party”*. Trade unions welcomed this amendment while employers opposed the clause and argued that the Bill would not only outlaw labour hire but also other practices such as outsourcing and sub-contracting. The biggest labour hire company in Namibia, Africa Personnel Services (APS), which has its head office in South Africa, went a step further and took the Namibian government to court, claiming that the ban on labour hire was an unconstitutional infringement on its right to do business. A High Court decision of November 2008 upheld the ban on labour hire but the Supreme Court decided otherwise and declared the ban unconstitutional in December 2009.

The Ministry of Labour then prepared amendments to the Labour Act with the aim to severely limit or prevent labour hire companies from operating in the country. The Labour Amendment Act of 2012 thus states that any employer who recruits staff through labour broker may not offer employment conditions that are in any way worse than those offered to permanent staff in comparable positions. Also all legal provisions regarding workers’ rights and retrenchment procedures have to be upheld and labour brokers may not be used to replace striking workers. Government and unions hope that these strong legal requirements will deter employers from using labour brokers. Unions enjoyed full government and parliamentary support in the battle against labour hire. However, any new regulations will only be as effective as their implementation and in an environment of mass unemployment and a severely under-staffed labour inspectorate, the battle against labour brokers might not yet be over.

### **The Labour Advisory Council**

Perhaps the most prominent statutory body that allows some stakeholder participation is the tripartite Labour Advisory Council (LAC) that was established through the Namibian Labour Act of 1992. The LAC and its sub-committees have been the organisational expression of tripartism since the enactment of the Labour Act. Initially its main purpose was to advise Government on labour legislation and other labour-related matters. Whilst the composition and administration of the Council have remained unchanged, its powers and functions have been extended to support the new dispute prevention and resolution system introduced by the Labour Act of 2007.

The LAC brings together government, employer and labour representatives to investigate and advise the Minister of Labour and Social Welfare on labour-related issues, including, *inter alia*: collective bargaining; the prevention and reduction of unemployment; and issues arising from the ILO. The LAC has two permanent statutory committees, namely the Committee for Dispute Prevention and Resolution (CDPR) and the Essential Services Committee. In addition, the LAC may establish other committees to assist it, which must comprise at least 2 of its own members.

In recent years both business and labour expressed their dissatisfaction with the limited powers of the LAC. A study commissioned by TUCNA found that the LAC is inadequate for achieving a social contract and that it is a limited value in its current form even as a mechanism for meaningful consultations between the Ministry and its social partners. The report notes that the LAC satisfies the technical requirements of ILO recommendations 138 and Convention 144 rather than the spirit and intent of these instruments. The advisory nature of the LAC and its focus on just one Ministry undermine the chances of reaching consensus by the social partners on broader socio-economic issues. The report further notes that the LAC has failed to build greater trust and understanding between the social partners and that it suffers from a number of operational problems. The report thus recommends “strong interventions” to address the institutional and constitutional features of social dialogue in Namibia “while at the same time facilitating stronger cooperation amongst and within the (social) partners. The report urged government to take the lead and to use the current challenges to deepen and better integrate social dialogue processes as enabling factors towards inclusive job rich growth and pro-poor development (Koen and Bahadur 2013).

### **3. Unions and politics today**

The NUNW maintained its links with SWAPO after independence through an affiliation accord. This link has led to heated debates both within and outside the federation. Internally, the affiliation to SWAPO was debated at the 1993 and 1998 congresses with some NUNW affiliates arguing for stronger union independence. At both congresses, the majority of NUNW believed that a continued affiliation would be beneficial, helping the federation to influence policies. A strong emotional and rhetorical question was repeatedly raised: “SWAPO is the mother of our struggle, how can we divorce our mother?”

Those arguing for a different relationship between the federation and the party pointed out that a continued affiliation would undermine the independence of the labour movement and that it would wipe out prospects for trade union unity in Namibia. Trade unions outside the NUNW have repeatedly stated that they differed fundamentally from NUNW over the question of political affiliation. They charged that NUNW could not act independently and play the role of a watchdog over government as long as it was linked to the ruling party (Jauch 2007).

Divisions between the NUNW and other unions were already visible before independence but have grown more pronounced over time. In 1992, the Namibia Christian Social Trade Unions reconstituted themselves as the Namibia People’s Social Movement (NPSM) which formed an umbrella for 5 industrial trade unions with a combined membership of around 15 000. It received outside support from the World Confederation of Labour (WCL) and the Democratic Organisation of African Workers Trade Unions (DOWATU) (Jauch 2004).

In 1998, the Namibia Federation of Trade Unions (NAFTU) was formed consisting of 5 industrial unions with the bulk of the overall members drawn from the public service. In May 2002, the NPSM and NAFTU merged to form a new federation known as the trade Union Congress of Namibia (TUCNA) (*ibid*). Today, TUCNA has 18 affiliated unions with a combined membership of over 40 000. TUCNA unions are strong in the fishing industry, sections of the

retail industry and the public sector. Their core difference with the NUNW is the question of union independence from political parties.

During a public panel discussion on 7 August 2013, the fundamental differences on the question of unions and politics once more emerged as the dividing line between Namibia's trade union federations NUNW and TUCNA. Mahongora Kavihuha, TUCNA's general secretary said: "*We are an independent block of trade unions. We write our own chapter. We walk our own path. We find our own ways to fulfil our own destiny. That is what I want to say, and that will underline my presentation... before independence we had one common enemy. That common enemy was the apartheid regime. We fought together until we attained our independence in 1990. From independence, many workers sat back and asked: what is our new role in independent Namibia? What is the best approach that we can take to tackle our issue head on?....Many people say that when you become independent, you are against the government. You are against A, against B. What we're saying is that we are constituting our own identity. And I remember well: in issues that we worked closely with the government, we supported government*" (Delgado and Jauch 2014: 71).

Alfred Angula, the acting general secretary at the time defended the affiliation of the NUNW to the ruling party as a strategy to influence policies: "*the role of the federation is to address policy matters, be it economic, be it environmental, be it general politics. Now, if a federation does not address policies, it doesn't address the matter; if it shies away from this role, you are not a federation... Let us put an example: we say, the process of land reform in this country is very slow. We are always discussing this, but how do we change this if we are not at the fora where the policy can be changed? Now you want to be a spectator outside the field and you want to score goals, you can't! [...] You have to be in the field to score that goal. That's why it's important for us to deal with politics, and you mustn't shy away from that...* (Ibid: 72-73).

The divisions within Namibia's labour movement grew further following internal splits within the NUNW during the past decade. The NUNW's 2006 congress was overshadowed by the battle for the national presidential succession as some unionists supported President Nujoma and his chosen successor Hifikepunye Pohamba while others supported Hidipo Hamutenya. The divisions grew further and emerged again during the NUNW's 2010 congress. At that time the dividing line was drawn between those supporting the general secretary Evilastus Kaaronda and those aligning themselves with the NAPWU general secretary Peter Nevonga. Kaaronda had strongly pushed for strong action on the dubious "write-off" of N\$ 650 million of loans given by the Government Institutions Pension Fund (GIPF) while Nevonga as a GIPF trustee had opposed any such move. A second key issue was the federation's position on the proposed Basic Income Grant (BIG) and the congress decided that the NUNW must rejoin the BIG Coalition and that the BIG should be part of a broader initiative to fight poverty and to effect structural economic transformation (Jauch 2010). Congress also elected a new leadership but the infighting continued, virtually paralyzing the NUNW. Towards the end of 2012, the elected president Elias Manga was suspended by the NUNW's CEC and the elected general secretary Kaaronda was dismissed. In a subsequent arbitration case, the dismissal was found to have been unfair and the NUNW was ordered to pay N\$ 700 000 in compensation (The Namibian, 9 September 2013; Jauch 2014). Kaaronda then proceeded to establish a new trade union federation under the name of Namibia National Labour Organisation (NANLO) which was registered in 2014.

#### **4. International linkages and partners**

Before independence and in the immediate post-independence era, the NUNW unions received support from various international organisations who supported Namibia's liberation struggle. This included the Italian trade unions who financed the complex in which the NUNW is still housed today. The NUNW is affiliated to the Southern African Trade Union Coordination Council (SATUCC) and to the International Trade Union Confederation (ITUC) as well as the Organisation of African Trade Union Unity (OATUU). These international bodies provide support in the form of capacity building programmes, targeting union leadership. The NUNW currently seems not to have taken a decision whether to align themselves politically more with OATUU (which receives substantial support from China) or with the ITUC which is more influenced by Western unions.

Industrial unions on the other hand, work mostly with Global Union Federations (GUFs) who support a host of programmes, including projects on women and youth, organising, leadership development, HIV/AIDS etc. Furthermore, there are bilateral relations and support programmes between sister unions for example the Finnish metalworkers union and MANWU or the British public sector union UNISON and NAPWU. However, most support today is channelled through the GUFs to which Namibian industrial unions are affiliated.

One of the most remarkable examples of international workers solidarity occurred during the operations of the Malaysian textile company Ramatex in Namibia. Most of the company's workers had joined the Namibia Food and Allied Workers Union (NAFAU) which was affiliated to the International Textile, Garment and Leather Workers Federation (ITGLWF). The ITGLWF organised a workshop in 2003 bringing together shop stewards and union leaders from Ramatex' global production sites (including Malaysia, Mauritius and South Africa) to discuss strategies how to jointly tackle the company and how to achieve common minimum conditions across production sites. In addition, the ITGLWF head office wrote letters to the Namibian government and Ramatex in early 2004 demanding workers rights and decent working conditions to be respected. When news about the possible Ramatex closure in Namibia spread in 2006, the ITGLWF general secretary wrote to the company again, urging it to rescind the decision to pull out of Namibia and indicating that ITGLWF would start procedures to place Ramatex on the list of dirty companies if it failed to meet workers' demands.

Other campaigns of Namibian unions in collaboration with GUFs included resistance to privatisation and the promotion of quality public services by the Namibia Public Workers Union (NAPWU) and Public Services International (PSI) as well as the global campaign against G4S security company organised by the Namibia Transport and Allied Namibia Workers Union (NATAU) with the International Transport Workers' Federation (ITF).

In addition, there are some international NGOs that support particular trade unions such as the Belgian Fund for Development Co-operation (FOS) which has supported the Namibia Farm Workers Union (NAFWU) for more than a decade. Likewise, the Rosa Luxemburg Foundation (RLS) has supported the trade unions' research and education institute LaRRI for the past 15 years.

Before the merger that lead to the establishment of TUCNA, the NPSM received support for educational activities from the World Confederation of Labour and the Democratic organisation of African Workers Trade Unions (DOWATU) (Jauch 2004). After its formation, TUCNA received assistance from the Christian Trade Union Federation in the Netherlands (CNV) as well as the Christian Trade Union Federation in Brazil (Iipumbu 2009). Today, TUCNA is affiliated to SATUCC, ITUC and ITUC Africa and fully participates in their activities, thus benefitting from leadership development programmes. In addition, TUCNA received some project-specific support from the former DED (German Development Service Agency) and in recent years from the German Society for International Cooperation (GIZ) (M. Kavihuha, personal communication, 6 August 2014).

Inside Namibia, there are very few organisations that support trade union activities. These include the FES Namibia office which supported mostly NUNW education activities as well as several union seminars and conferences between 1990 and 2011. The FES' initial focus was exclusively on the NUNW but in recent years, the FES broadened its target group by including programmes for industrial unions and by working with TUCNA as well.

During the past few years, the GIZ has worked with NUNW, TUCNA as well as MANWU on programmes to deal with HIV/AIDS in the workplace. These programmes included the development of training materials as well as workshops across the country on HIV/AIDS, including how to develop workplace programmes and how to incorporate HIV/AIDS matters into collective bargaining.

The organisations that usually support Namibian trade unions have their own priorities and are thus focusing on particular aspects. Likewise, the support rendered by GUFs to their Namibian members is in line with global priorities, for example the focus on strengthening women and youth in the unions. Namibia's labour movement thus needs to align its own activities with those of its co-operating partners but in addition can still implement its own particular programmes independently through the use of its own resources, largely derived from membership fees.

## 5. Challenges and Perspectives

### **Workers' control and labour's ideology**

As the political conditions changed, so did the character of Namibia's labour movement. The trade union activists of the 1980s who organised workers under extremely harsh conditions, including threats to their lives, were gradually replaced by union leaders who regarded trade unionism as a career option or as a springboard to "greener pastures" in government or the private sector. Notions of worker democracy, worker control and social transformation that had just emerged in the late 1980s but had not developed into a coherent concept within the labour movement at the time of independence were gradually replaced by more hierarchical and bureaucratic forms of organisation in the post-independence era. This trend weakened accountability and workers' control of their organisations. Unions also focused increasingly on workplace issues only and played a far less prominent role in terms of broader socio-economic issues. However, there are signs of some unions beginning to address once more burning social and economic matters that affect their members. For example MANWU expressed itself on the

housing crisis while TUCNA is in the process of developing its own proposals on key socio-economic policy areas.

Ideologically, the Namibian labour movement seems to have accepted its role as one of the social partners with little resistance. However, the notion of social partnership as advanced by the Namibian government is more of an ideological construct than a reflection of the country's social and economic balance of power. The threat of a socialist revolution certainly does not exist in Namibia at present and thus there is no need for capital to make substantive concessions towards labour. Referring to global experiences, Wahl (2004) pointed out that capital pursues an increasingly confrontational policy towards labour once the foundation for the class compromise disappears. Any hope for a national "social pact" under such conditions is illusionary and based on a lack of a proper understanding of the current power relations (Cited in Bergene 2005). As elsewhere, Namibia's increasingly neo-liberal approach to economic policy was reflected in supply-side economics, free trade and intense competitiveness. Economic growth and competitiveness have become the key goals while social progress (including employment creation) was relegated to a "trickle-down" position. Thus Namibia conforms to Bergene's observation that policies are often driven by business interests, that is, by the rationale of ensuring competitiveness and profitability rather than the general welfare of the population (Bergene 2007).

In order to effectively counter this dominant discourse, Namibia's labour movement will have to develop its own coherent positions based on ideological clarity. This seems to be a major challenge at present as there are signs of deep-seated ideological contradictions. Sentiments of radical nationalism and liberation, for example on the land issue, were mixed with an acceptance of neo-liberalism as the ideology of the "free market." This contradiction was sharpened when union leaders entered company boards as part of a poorly defined union investment strategy. Consequently, their views (and interests) increasingly converged with those of government and business. Thus there is a lack of clarity regarding the working class base of the labour movement and whose interests it is meant to serve. Nationalist and "populist" sentiments are dominant and trade unions hardly advance positions based on a coherent class analysis.

Namibia's labour movement hardly debates the question of economic systems any longer and thus does not challenge the principle of private property. Unions' economic struggles are thus confined to collective bargaining within a capitalist framework. Such an approach is, however, insufficient to address Namibia's huge socio-economic inequalities and there is currently no material or political base to win significant concessions for labour through the existing social dialogue arrangements.

### **Whom do unions represent?**

The Namibian labour market presents particular challenges for trade unions. Table 1 reflects employment by economic sectors as well as the proportion of formality and informality of employment.

**Table 1: Employment by economic sector and formality of the sector**

Industry	Total no of employed	Percentage of those in
		informal employment
Agriculture& fishing	215 311	83.4
Mining	13 558	*
Manufacturing	32 769	23.5
Utilities	4 743	*
Construction	47 859	23.1
Trade	105 051	39
Transport & communications	5 591	*
Hotels & restaurants	36 767	39.7
Financial services	14 609	*
Real estate & business	42 941	8.9
Public admin, education & health	90 320	*
Other services	17 952	48
<b>TOTAL</b>	<b>685 651</b>	<b>47.1</b>

*Source: Labour Force Survey 2013*

About half of all employed persons in Namibia are in informal employment and this is particularly pronounced in agriculture and the services sector which are characterised by the predominant employment of women. The 2013 Labour Force Survey indicated that 64% of women are employed informally and that informality is predominantly a rural phenomenon (NSA 2014). Informally employed workers have hardly been reached by trade unions which are focusing their recruitment activities on about 280 000 workers in formal employment. Based on available union membership figures, there are about 130 000 unionised employees which translates into a unionisation rate of around 46% amongst formal sector workers.

Another group of workers that is poorly unionised are those in precarious forms of employment. Like trade unions elsewhere, the Namibian labour movement was confronted with a threat of a dwindling membership base due to the increasing “casualisation” of work, the increase in “flexible” forms of employment and a growing informalisation of the economy. In an attempt to cut labour costs and to curb trade union influence, employers in various economic sectors, including retail, fishing, mining, hospitality and manufacturing, resorted to temporary and casual work contracts for low-skilled workers. The emergence of labour hire companies (labour brokers) in the late 1990s in particular, highlighted the threat of “casualisation” to workers’ incomes, job security and benefits.

Available statistics as reflected in table 2 show that since 2004 between 11% and 15% of Namibian employees were affected by precarious types of employment, with women far more affected than men. The year 2013 recorded the lowest rate of precarious types of work but

workers in the service sector are significantly more affected than those in manufacturing, and even those in agriculture.

**Table 2: Workers in precarious types of employment, 2004-2013**

Proportion of paid employees in precarious types of work (temporary, part-time, and seasonal workers), in % of all paid employees <sup>1</sup>	2004	2008	2012	2013
Total	13	15	14	11
Male	8	10	11	8
Female	20	22	18	15
Urban areas		14	11	10
Rural areas		18	20	13
Agriculture	10	14	13	9
Manufacturing	4	7	8	4
Services	16	17	16	13

*Source: Labour Force Surveys 2004-2013*

By 2006, over 12,000 workers had already been employed through labour hire companies, which retained a significant part of workers' earnings as their fees and deprived them of the benefits enjoyed by permanent workers. Due to the insecurity of their contracts and their shifts between different workplaces, trade unions found it very difficult to recruit and represent labour hire workers (see Jauch and Mwilima 2006). Thus trade union membership has become increasingly narrow in focus, covering permanent workers in "traditional" sectors such as the public service, mining, fishing, construction and retail, while unions are unable to reach tens of thousands of workers in precarious working conditions on farms, in private households, at labour hire companies and in the informal economy.

Namibia's labour market can be conceptualised as consisting of five layers:

1. a small elite enjoying a standard of living comparable to first world countries;
2. a significant group of formal-sector workers with permanent jobs and low to middle incomes;
3. a growing group of casual workers and "labour hire" workers who are the victims of a labour market that virtually forces them to accept any job under any conditions;
4. a growing number of workers in the informal economy engaged in survivalist activities; and
5. unemployed workers who turned to sex work, crime etc. as a last resort.

Namibia's trade unions organise mainly amongst the second group of workers and thus represent only a section of the working class. High levels of union density exist in mining, the public

sector and the fishing industries while domestic and farm workers as well as those in the informal economy and precarious forms of employment are hardly unionised.

### **Youth unemployment**

Trade unions face a particular challenge regarding the recruitment of young workers. Although the membership records of most unions do not allow for a disaggregation by age and gender, unions widely acknowledge that they struggle to convince young workers to join them. In addition, young workers and especially young women, are the hardest hit by unemployment as can be seen from table 3. Regarding unemployment data, it needs to be pointed out that due to methodological changes in the Labour Force Surveys over time, the figures suggest a large reduction in unemployment between 2008 and 2012. This, however, is not based on the creation of new jobs during that period but was caused largely by the methodological changes as shown by Mufune (2014). The statistics reveal clearly that youth unemployment has remained very high during the last decade. In 2013, the overall unemployment rate stood at 29.6% but reached 56% amongst those of 15-24 years of age. Women in that age group were even more dramatically affected as 62% were unemployed.

**Table 3: Youth unemployment (broad definition)**

<b>15-24 years, in %</b>	<b>2004</b>	<b>2008</b>	<b>2012</b>	<b>2013</b>
<b>Total</b>	<b>64</b>	<b>72</b>	<b>50</b>	<b>56</b>
Male	57	67	42	49
Female	71	77	58	62
Urban areas		62	50	55
Rural areas		79	50	58
<b>25-34 years, in %</b>				
<b>Total</b>	<b>28</b>	<b>39</b>	<b>20</b>	<b>23</b>
Male	25	32	17	23
Female	31	47	23	23
Urban areas		32	22	37
Rural areas		50	16	27
<b>15-34 years, in %</b>				
<b>Total</b>	<b>57</b>	<b>67</b>	<b>43</b>	<b>50</b>
Male	50	62	36	44
Female	64	72	51	56
Urban areas		59	42	50
Rural areas		74	41	49

**Source:** Labour Force Surveys 2004-2013

Unions thus need not only to device particular organising strategies to attract young workers as was done with significant success by the Metal and Allied Namibian Workers Union (MANWU) but they also need to engage much more forcefully in the economic policy arena around the question of job creation. Otherwise, Namibia's labour market will continue to be shaped by business interests and the neo-liberal ideology which underpins Namibia's economic policies to a significant extent.

### **The price of division**

The dilemma of a divided labour movement's ability to represent workers effectively is shown by the large groups of workers (even in the formal economy) who are still not unionised and thus not covered by collective bargaining. Petrol station workers may exemplify this problem. A LaRRI study into the conditions of petrol station workers in 2008 revealed that they endured long working hours – in many cases significantly more than the 45 "ordinary" hours per week plus 10 hours of overtime as stipulated in the Labour Act. Working days of 11-15 hours were common and the requirements for overtime payment as set out in the law were often not adhered to. Service station workers enjoyed few benefits and issues of health and safety are not considered adequately. At least 5 different industrial unions from both the NUNW and TUCNA were organizing petrol station workers (LaRRI 2008).

Wages paid at service stations differed significantly between towns and ranged from about N\$ 300 – 2 000 per month. Wages were usually determined by the service station owner primarily based on the wage rates at neighbouring stations but also dependant on the station's turnover. Collective bargaining was virtually absent in the industry. The study found that the multitude of trade unions organising in the industry was detrimental to the interests of the workers employed and concluded: "*A single, dedicated union to this industry seems to be the best vehicle to achieve centralised, industry-wide bargaining that will set minimum standards of employment. This should include a minimum wage as supported by all trade unions as well as hours of work and health and safety measures. Agreeing to one strong union for service stations would require an agreement between the unions currently organising the industry. This might prove difficult due to the entrenched divisions between various unions and their federations. Based on our research findings, we would still recommend that such trade union unity should be sought in the interest of workers at petrol stations. We hope that the relevant unions will show the necessary political will and maturity to find a solution in the interest of the workers they are meant to represent. In case that trade unions cannot find sufficient ground to agree to one common union for the industry, they could negotiate as a group of unions as was done by South Africa's public sector unions last year...*

*Determining a minimum wage for an industry where payments and conditions of employment differ significantly is a challenge. Service station owners rely on the "dealer's margin" from the sale of petrol as their source of income from which they need to cover all their expenses. Thus their income is directly linked to the turnover, that is, the amount of petrol sold. Petrol stations with a large turnover are thus in a much better position to pay decent wages than those in outlying areas and those with small service stations where turnover is low. Most service stations have established shops and fast food outlets on their premises to diversify their income. Workers employed as petrol attendants and those employed in shops usually have the same employer and trade unions should thus cover all employees irrespective of the actual work they do.*

*An increase in the dealer's margins could pave the way for better wages and trade unions might use this link strategically. For example, they could support ASSO's call for a higher dealer's margins on condition that ASSO agrees to a national minimum wage for workers at service stations" (ibid: 38-39).*

As Namibia's trade unions could not overcome their differences and negotiate jointly for an industry-wide bargaining agreement, workers remained exposed to poor working conditions. In July 2014, the Namibia Fuel and Allied Workers Union (NAFAWU) announced a strike following failed negotiations over wages and working conditions with the Association of Service Station Owners (ASSO). The main bone of contention was what the union called ASSO's "deliberate refusal to negotiate in good faith with regards to a minimum wage" which NAFAWU had proposed to be set at N\$ 4500 per month. Although worker expressed their determination to continue with the strike until their demands were met (The Namibian, 23 July 2014), their strike did not conform to the procedural requirements of a protected strike which left striking workers exposed to disciplinary action and possible dismissals. At the end of July, ASSO and NASAWU agreed to continue negotiations on the minimum wage (Allgemeine Zeitung, 28 and 29 July 2014) and in early August several unions and ASSO agreed to form the Namibia Fuel Retail Industry Labour Forum (NFRILF). This forum paves the way for 4 different unions from 2 federations to jointly negotiate with ASSO for better conditions of employment, including the minimum wage (New Era, 8 August 2014). This could be a breakthrough in terms of building unity of purpose around common workers' interests. Union mergers, on the other hand, are unlikely to occur in the years to come.

### **Social protection**

Given the precarious nature of employment, Namibian trade unions would be expected to play a leading role in advocating for a comprehensive social protection system. In the aftermath of the global financial and economic crisis that started in 2008, social security systems have been widely recognised as important economic and social stabilisers. There is an emerging global consensus that social security as a basic human right is affordable and implementable even in developing countries. It is widely accepted that social security systems cannot be restricted to formal sector workers but must be extended to all, including to workers in the informal economy and those in the communal, rural economy (Jauch and Kaapama 2011).

In recent years, the ILO developed the concept of a basic floor of social security benefits which were affordable also for developing countries. The Social Protection Floor (SPF) Initiative is broadly supported by the various UN agencies and seeks to guarantee access to essential goods (defined in a national context), social services and income transfers. It is based on the logic that countries cannot unlock their full productive potential without basic social security systems. Only people that are healthy, well-nourished and educated are able to realise their productive potential. Effective poverty eradication (or at least significant poverty reduction) through social protection programmes will enable people to move from the informal to the formal economy and thus migrate towards higher levels of productivity. Furthermore, there is also a direct and immediate local economic benefit from increased incomes in poor households. As they tend to spend their income on basic consumer goods which are usually locally produced, the additional income circulates in the local economy, increasing the demand for essential goods and services.

Thus, effective social protection programmes do not only lead to improved social conditions but also have an economic multiplier effect in terms of creating local demand and encouraging local supplies and production (*ibid*).

However, Namibia's labour movement has thus far not played a very prominent role in pushing Namibia's social protection further. Besides the informal security networks located in extended families and communities, Namibia currently has a number of contributory and non-contributory social protection schemes as reflected in table 4. These include means tested social transfers, food-for-work programme and access to services programmes that target certain vulnerable groups (Chiripanhura and Nino-Zarazua, 2013).

**Table 4: Social Protection Schemes in Namibia**

<b>Contributory Social Protection Schemes</b>	<b>Non-contributory Social Protection Schemes</b>
Pension Funds (Government and Private)	Basic Social Grant (old age pension)
MSD Benefit Funds (maternity & sick leave, death benefits)	Disability Grant
	Funeral Benefit
	Place of Safety Allowance
	Special Maintenance Allowance
	Maintenance Grant
	Foster Parent Allowance
	Veterans Grant

*Source: Chiripanhura and Nino-Zarazua, 2013*

The contributory social protection schemes target mainly those employed in the formal wage economy. Many women fall outside the bounds of this category as homemakers, unemployed persons, informal sector worker or traders and as communal farmers. Both the NUNW and TUCNA are represented on the board of the Social Security Commission (SSC) which administers the MSD Fund and currently (2014) deliberates on its mandate to introduce an national pension scheme and a national medical benefit. In addition, the NUNW was part of the Basic Income Grant (BIG) Coalition which advocated for the introduction of a national BIG in Namibia based on the encouraging results of a pilot project in Otjivero (see Haarmann et al. 2009). Overall, trade unions need to play a far more active and visible role if they want to push for more comprehensive social protection and further cash grants as instruments to fight inequality and poverty.

### **Union resources, capacity and investments**

As membership organisations, Namibia's trade unions rely on their membership fees to a significant extent. These fees are usually 1% of members' basic wages and often cover the unions core activities such as running union offices, providing shop steward training and holding meetings of union structures (Jauch 2004). Most unions regard the membership fees as insufficient to provide for all programmes that they want to implement. As a result, unions are looking for additional resources to expand their operations. This is particularly urgent for those unions which face difficulties to have membership fees deducted by employers, for example in agriculture and domestic work.

In terms of strengthening labour's capacity to influence national policies, the labour movement established the Labour Resource and Research Institute (LaRRI) in 1998 to assist with policy-related research and other interventions to strengthen the labour movement. The institute was set up as a trust with trustees drawn from some unions and other organisations. Since its inception, LaRRI has assisted the labour movement with research on EPZs, labour hire, privatisation, the uranium industry as well as the working conditions of vulnerable workers such as farm workers, domestic workers, informal economy workers, petrol station attendants etc. In addition, LaRRI in collaboration with the Workers College in South Africa has developed a union leadership development programme, known as the labour diploma course, which has been run since 2002 and was officially accredited with the Namibia Qualifications Authority (NQA) in 2007.

In terms of direct material support, several Namibian unions are receiving financial support for specific activities from sympathetic organisations as mentioned above. During the past decade, some have turned to union investments as a source of additional income. The first trade union to do so was the Mineworkers Union of Namibia (MUN) which created the Namibia Mineworkers Investment Company (NAM-MIC) in 1997, followed by the NUNW's investment arm Labour Investment Holding (LIH) in the same year. Since then NAM-MIC has grown into a group of companies dealing with property, infrastructure development, engineering, mining, medical aid, communication, travel and transport, financial services and catering. Several other NUNW affiliates have their own investment companies or acquired shares in NAM-MIC. Dividends declared by the union investment companies are paid to the respective investment trusts and then divided according to the objectives of each trust. This can include bursaries for members and their families, training, community projects or housing and health programmes (Sakaria 2009). TUCNA and its affiliates currently have no investment arms but have resolved to establish such structures in the near future.

There are however several dangers when unions venture into investment activities. This has been demonstrated in cases like Ongopolo, Ituyeni Transport and Ostrich Production Namibia where union leaders had to defend company interests against workers' demands for better salaries, housing and other benefits. Also, union investments have at times created the impression that investment arms are more important than the union itself. Union investment managers are paid more than union general secretaries and several key union leaders preferred to venture into union businesses rather than building the union further. Union leadership positions often create access to boards of investment companies and pension funds as a means of earning an extra income.

In the absence of coherent policies on union investments and structures of accountability union members are usually in the dark about union investments and how the money generated is spent. This creates suspicions that union leaders use the investment arms for their own benefit. Members are usually not informed about the reasons for investment decisions, they are not consulted before decisions are taken and they do not receive reports about union investments made in their name. Union investments also tend to cement an acceptance of the current socio-economic order and thus contribute to ideological shifts and contradictions as reflected in the acceptance of the status quo. Finally, union investments lessen unions' dependence on membership contributions and may thus undermine workers' control and accountability.

## **6. Conclusion**

Namibia's labour movement is confronted by several challenges today. Despite having played a very prominent role in the country's liberation struggle, its influence over policy direction waned after independence. Having to define their role in independent and market-oriented Namibia, coupled with organisational constraints and internal divisions meant that trade unions did not enjoy a "special" status. Instead the labour movement was treated as merely one of the social partners with government being in control of tripartite arrangements and business controlling the economy. Labour's demands for better protection of workers rights and improved working conditions were only partly accommodated in the Labour Act and labour's policy proposals were at times seen as not being in line with the "national interest" as defined largely by business. Labour thus faces an uphill battle in its attempts to move beyond the current tripartite arrangement towards joint decision-making structures on labour and socio-economic issues as proposed by TUCNA.

Organisationaly, the Namibian labour movement has been fragmented into almost 40 registered trade unions which collectively represent a total of around 130 000 workers in the formal economy. Although this represents almost half of workers in formal employment, large sections of Namibia's employed population, including domestic workers, farm workers, informal economy workers and those in SMEs are still poorly organised. There are currently no prospects for greater trade union unity and the question needs to be asked if a multitude of unions is in the best interest of Namibian workers? With independence and the adoption of the Namibian Constitution and the Namibian Labour Act, freedom of association became an entrenched fundamental workers' right. Namibian workers thus have the right to freely form or join trade unions and to participate in union activities without being victimised in any way by employers or by the government. This is certainly an important right against the background of a long history of repression of workers' right and the exploitation of labour during the colonial period. It is however, an entirely different question if a multitude of unions is the best way to effectively represent workers' interests at industrial and national level.

It can be argued that the competition between unions creates opportunities for workers to leave a particular union if they are dissatisfied with how that union represents their interests. Ineffective unions and those with an autocratic leadership could thus lose members as there are other options open to workers. There are however, also other and far less progressive reasons for the multitude of unions today. Some union leaders who lost out during leadership elections decided to form their own unions for purely personal reasons. Others refuse to merge with sister unions in the same industry for fear of losing their own positions and sometimes new unions are formed as a result of political or leadership struggles that have little to do with workers' interests. In some companies there are now several unions operating, each one representing only a very specific group of employees as is the case, for example with Air Namibia.

The increasing multitude of unions often makes joint action difficult as a fragmented labour movement is likely to focus on particular workplace issues but may be unable to tackle broader issues affecting the working class as a whole such as a living wage, unemployment, inequality and poverty. Also, small unions are unlikely to be financially self-sufficient and thus lack the ability to effectively represent their members across the country. They tend to be concentrated in

specific towns or regions and often lack national influence. It is for these reasons that the mushrooming of unions might in the end undermine the strength of the labour movement and undermine its ability to speak with a united voice. Workers themselves will need to decide how greater unity of purpose can be built and if a multitude of unions will be helpful in this regard. This is not a question of workers' rights but rather one of the best possible strategy to fight for social and economic changes.

In order to become an effective agent for social change, trade unions will have to revisit their ideological orientation and articulate working class interests beyond the workplace. This requires a dedicated cadre of activists and worker leaders rooted in their constituency who can develop effective strategies to counter business' dominant influence in the economic, political and ideological arena. Linking short-term demands with the long-term goal of social transformation could be a strategy for building solidarity between unionised workers and other groups within the working class who are currently outside the reach of the labour movement. The labour movement will have to consider forming strategic alliances with progressive organisations that represent the interests of socially disadvantaged groups with a view of building a stronger social bloc advancing working class interests in the years to come. After all, it is important to remember that trade unions have structures all over the country and a still significant membership base. Thus they still have the potential to move beyond collective bargaining and play the role of a pressure group to advance the cause of socio-economic justice.

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