



*The Gateway to Endless Opportunities*

**MEDIA BRIEFING BY CLLR NDESHIHAFELA LARANDJA,  
CHAIRPERSON OF THE MANAGEMENT COMMITTEE, ON  
THE RECRUITMENT OF THE CHIEF EXECUTIVE OFFICER**

**MONDAY, 25 JULY 2022**

**10:00**

**COUNCIL CHAMBERS**

Your Worship, Cllr. Sade Gawanas, Mayor of the City of Windhoek,

Your Worship, Cllr. Joseph Uapingene, Deputy Mayor,

Hon. Councillors of the City of Windhoek,

Mr. O'Brien Hekandjo, Acting Chief Executive Officer,

Strategic Executives and Officials, present,

Windhoek Residents,

Members of the Media,

Ladies and Gentlemen,

**Good morning,**

Namibia is a unitary democratic republic with three spheres of government which are the national, regional and local government. The regional and local government are enshrined in Chapter 12 of the constitution, and the main governing legislation for local authorities consists of the Local Authorities Act 1992. It can go without saying that the local authority environment is highly regulated and Local Authorities cannot do any else, except what the law permits it to do. Members of Council are bound by their oath under section 10 of the Local Authorities Act 23 of 1992, which states that *"I ....do hereby swear and solemnly and sincerely promise to be faithful to the Republic of Namibia, to uphold and defend the Namibian*

*Constitution and the laws of the Republic of Namibia and to perform my duties as a member of the Local Authority council of..... diligently, honestly, fairly and to the best of my ability....so help me God".* As a public body, the Municipal Council of Windhoek is required to uphold the rule of law and adhere to the precepts of the law.

Surely, this oath must be binding to members of council and it should be the guiding principle when we execute our duties as Councilors. Our time will come and pass as councilors, but the archives will remain to serve as testimony to our history, just like our predecessors. We shall be bound by the values as set by the precept of our founding laws. We have no intention of leaving our residents with dilapidated infrastructure, unaffordable services and permanent scars due to corrupt and unlawful decisions. We as councilors will subscribe to fairness, opportunities for all and the rule of law when serving our residents. We will refuse to succumb undue and self-serving interest of a few for as long as we serve. That is how we as councilors are required to serve, that bar cannot be lowered.

The position of Chief Executive Officer is critical to the success of Council. The Chief Executive Officer executes his duties subject to the control of the local authority council and is responsible for carrying out of the decisions of the local authority

council and for the administration of the affairs of the local authority council. It is indeed a crucial position that is at the apex of every efficient functioning local authority council. The position ensures the implementation of Council Resolutions and service delivery to the residents of Windhoek. We would like to assure that this role is been carried out by a competent designated staff member.

The position attracts interest from the public and other stakeholders within Council. This has been demonstrated by the extensive media coverage on the status of the filling of the position of the Chief Executive Officer. Unfortunately, there has been inaccurate reporting that warrants that those facts should be put in the proper context. The purpose of this media briefing is to shed light on the status of the filling of this position and to outline the legal process involved in filling of the position of the Chief Executive Officer. It is also imperative that the residents of Windhoek and the nation at large are kept abreast of matters transpiring within Council. The Chief Executive Officer is appointed by the “*a municipal council on the recommendations of the Management Committee with a prior written approval of the Minister*”.

The Recruitment and Selection Regulations of Local Authorities promulgated by the Minister governed the recruitment and selection process of the Chief Executive Officer (CEO). The

regulation empowers the Management Committee to review the outcome of the recruitment process before making a recommendation to the Council for the appointment of the Chief Executive Officer. The recruitment process is further governed by the Act, as a result, the recruitment process for the position of Chief Executive Officer is regulated by law.

In 2021 the position of Chief Executive Officer was advertised, and it yielded great interest as stated earlier. As stated earlier, the Chief Executive Officer is appointed by Council on the recommendation of Management Committee with the prior written approval of the Minister. Simply put it means that before a candidate can be appointed, Management Committee should make recommendation to Council. Council should thereafter obtain approval from the Minister before an appointment can be made. The recommendation by Management Committee is a pre-requisite for appointment by Council with the approval of the Minister.

Management Committee is established by section 21 of the Local Authorities Act. The powers and functions of the Management Committee are set out in section 26 of the Local Authorities Act. Section 27(1) of Local Authorities and the Recruitment and Selection Regulations empower Management

Committee to recommend the appointment of the Chief Executive Officer to Council. It is therefore apt to state that Management Committee has a statutory duty in relation to the appointment of the Chief Executive Officer. This duty as stated earlier should be exercised within the prescripts of the law. Management Committee is empowered to re-start the recruitment process if it has reason to believe that the interview panel has not been transparent or that there have been irregularities in the recruitment and selection process or that the recommendations made by the interview panel are not in the best interest of Council. Management Committee should base its decision on written reasons. At its meeting held on 02 November 2021 Management Committee in the exercise of its statutory duty and after due consideration of the recommendations made to it by the interview panel, invoked Regulation 27(8) (a) which empower it to request the Acting Strategic Executive: Human Capital and Corporate Services to restart the recruitment process as it found irregularities in the recruitment process. The reasons are summated as follows:

- Firstly, Management Committee is not convinced that the Acting Chief Executive Officer, should have served in the Shortlisting Committee representing as the Strategic Executive of the Department of Human Capital and

Corporate Services while an Acting Strategic Executive is appointed to serve in the same portfolio.

- Secondly, the advertisement that was published was not complied with in line with Regulations 16(4) reading as follows: 16(4) The shortlisting committee must at a meeting shortlist the candidates using the requirements specified in the advertisement.
- Thirdly, the candidates that applied are not tallying since the long list of applicants provided by the Department of Human Capital and Corporate Services indicates sixty-one (61) applicants; whilst twenty-five (25) met the requirements of which only five (5) are shortlisted, whereas the submission under discussion indicates sixty-eight (68) candidates.
- That it be noted that there are many grey areas and mismatches of which the Management Committee members are not comfortable with, hence the referral of the matter is supported.

In addition, Regulation 28 (3) of the Recruitment and Selection Regulations provides as follows:

*Before appointing a Chief Executive Officer in terms of section 27(1), the local authority council must make a written submission*

*to the Minister and the submission must be accompanied by inter alia:*

- (a) The relevant resolution of the local authority*
- (b) The relevant recommendation of the management committee, in the case of the municipal council and town council.*

In strict adherence to the relevant and applicable law, there is no recommendation made to the Council for consideration for the reasons as explained above in the resolution of the Management Committee.

In conclusion, it is imperative to reiterate a few things. The position of Chief Executive Officer is cardinal to Council. The importance of the position is highlighted by the manner in which the appointment is made. The legal framework has created safeguards to ensure that there are relevant checks and balances. This ensures that neither Management Committee, Council or the Minister enjoys too much power. The various functionaries ensure that the process is in accordance with the prescripts of the law.

Finally, it is apposite to state that Management Committee has not made a recommendation to Council for appointment. Instead Management Committee relying on the Recruitment and Selection Regulations requested the relevant department to re-start the recruitment process. On that basis, the decision of the Management Committee was taken with the view of protecting



the interest of the Council and exercising their statutory powers and those conferred on it by the Recruitment and Selection Regulation.

**Thank you**