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CONTENTS

Page

GOVERNMENT NOTICE

No. 272 Promulgation of Conferment of National Honours Act, 2012 (Act No. 11 of 2012), of the Parliament 1

Government Notice

OFFICE OF THE PRIME MINISTER

No. 272

2012

PROMULGATION OF ACT OF PARLIAMENT

The following Act which has been passed by the Parliament and signed by the President in terms of the Namibian Constitution is hereby published in terms of Article 56 of that Constitution.

No. 11 of 2012: Conferment of National Honours Act, 2012.

Act No. 11, 2012

CONFERMENT OF NATIONAL HONOURS ACT, 2012

ACT

To establish a National Honours Advisory Committee to advise the President of the Republic of Namibia when exercising his or her discretion to confer honours, and to provide for incidental matters.

BE IT ENACTED by the Parliament of the Republic of Namibia, as follows:-

Definitions

1. In this Act, unless the context otherwise indicates –

“Committee” means the National Honours Advisory Committee, established in terms of section 5;

“friends of Namibia” means persons who contributed immensely to the betterment of the Namibian people in the economic, social, scientific, academic, public administration, security or any other field of human endeavor, before or after Namibia’s independence, and who are not Namibian citizens or Namibian residents;

“hero or heroine” means a person who has done a heroic deed for public good or has made an outstanding contribution or achievement for Namibia, and honoured as such by the President;

“heroic deed” means an outstanding or extra-ordinary act or achievement or demonstration of exceptional courage or bravery for the benefit of the Namibian people;

“honour” means an official recognition, status or award conferred by the President in terms of this Act upon any person contemplated in Article 32(3)(h) of the Namibian Constitution, and includes the conferring upon such person of any honour;

“Minister” means the minister responsible for veterans affairs;

“sub-committee” means a sub-committee established in terms of section 6;

“this Act” includes any regulations made hereunder; and

“veteran” means a veteran as defined in section 1 of the Veterans Act, 2008 (Act No. 2 of 2008).

Objective of the Act

2. This Act –

- (a) serves as guidance to the President of the Republic of Namibia when exercising his or her discretion to confer honours on certain persons as contemplated in Article 32(3)(h) of the Namibian Constitution; and
- (b) establishes a Committee to advise the President on the conferment of national honours.

Act No. 11, 2012 CONFERMENT OF NATIONAL HONOURS ACT, 2012**Conferment of honours by President**

3. (1) The President has, under Article 32(3)(h) of the Namibian Constitution, the power to confer upon citizens, residents and friends of Namibia, such honours as he or she may consider appropriate and such honour may be bestowed upon such recipient during such recipient's lifetime or posthumously.

(2) For the purpose of subsection (1), where the President wishes to confer any honour, regarding heroism or leadership or act or achievement meriting recognition of national status, upon a person set out in that subsection, he or she may –

- (a) do so after consultation with -
 - (i) the Committee, which Committee must advise the President as set out in section 9; or
 - (ii) where applicable, any other interested and relevant persons and institutions, as contemplated under Article 32(3)(h) of the Namibian Constitution; and
- (b) when applying his or her mind to such conferment, take into consideration whether the person on whom such honour is to be conferred –
 - (i) is a veteran and whether such person exhibited or exhibits qualities, actions and achievements of heroism for the betterment of the Namibian nation;
 - (ii) is a person who has made significant contributions to the betterment of the Namibian nation in the economic, social, scientific, academic, public administration, security or any other field of human endeavor in Namibia; or
 - (iii) is a person who has provided a noteworthy service in the national security forces or notable service in international peace-keeping duties as a representative of Namibia to the betterment of the Namibian people.

(3) The President may, subject to the provisions of subsections (4) and (5), revoke any honour conferred upon a person in terms of this Act or, where the level of honour is erroneously conferred upon a person, the President may substitute such honour with a higher honour or lower honour, as the case may be.

(4) Subject to subsection (5), the President may revoke any honour conferred upon a person, where such person shows disaffection towards or acts contrary to the national interest; commits a dishonorable act or omission to the detriment of national interest; acts contrary to the considerations used by the President when considering such person for an honour, or where an honour was fraudulently obtained or erroneously conferred upon such person.

- (5) Notwithstanding subsections (3) and (4), the President may not revoke–
- (a) the conferment of the honour of a State Funeral; or

Act No. 11, 2012 CONFERMENT OF NATIONAL HONOURS ACT, 2012

- (b) the conferment of the honour of interment at the National Heroes Acre, where such State Funeral or interment has already taken place.

Conferment of honour of State Funeral

4. (1) Where the President conferred the honour of national hero or heroine upon a person during such person's lifetime or posthumously, the President may, subject to section 3, further confer the honour of a State Funeral.

(2) A State Funeral may be conducted at the National Heroes Acre or at any other burial place in Namibia.

Establishing of National Honours Advisory Committee

5. (1) There is hereby established the National Honours Advisory Committee, comprising of the following fifteen members appointed by the President from nominations received in accordance with section 8:

- (a) one member, to serve as chairperson of the Committee, appointed from nominations received from the Minister;
- (b) one member, to serve as vice-chairperson of the Committee, appointed from nominations received from the minister responsible for defence;
- (c) three members who the President considers to be relevant and interested persons, as contemplated in Article 32(3)(h) of the Namibian Constitution;
- (d) one member appointed from nominations received from the minister responsible for safety and security;
- (e) one member appointed from nominations received from the minister responsible for justice;
- (f) one member appointed from nominations received from the minister responsible for regional and local government;
- (g) one member appointed from nominations received from the Council of Traditional Leaders;
- (h) one member appointed from nominations received from the Council of Churches in Namibia or from any other religious group within Namibia;
- (i) one member appointed from nominations received from an association of Namibian veterans;
- (j) one member appointed from nominations received from the Namibia National Chamber of Commerce and Industry;
- (k) one member appointed from nominations received from the Namibia National Youth Council;

Act No. 11, 2012 CONFERMENT OF NATIONAL HONOURS ACT, 2012

- (l) one member appointed from nominations received from the National Union of Namibian Workers; and
- (m) one member appointed from nominations received from the National Disability Council established in terms of section 2 of the National Disability Council Act, 2004 (Act No. 26 of 2004),

to serve as a member of such Committee for a period of five years.

(2) Notwithstanding subsection (1), the Committee must consult widely with organizations dealing with academic and professional affairs, regarding the conferment of national honours.

(3) A member of the Committee, whose term of office has expired, is eligible for reappointment as member of that Committee for a further period of five years.

Sub-committees

6. (1) The Committee may establish one or more subcommittees –
- (a) consisting solely of members of the Committee, to carry out any function of the Committee delegated or assigned to it by the Committee; or
 - (b) consisting of members of the Committee and such number of other persons, as the Committee may decide, to make recommendations to the Committee on any matter referred to it by the Committee.

(2) The Committee designates a member of the Committee to be the chairperson of the sub-committee.

(3) The chairperson of the Committee may attend a meeting of a sub-committee of which he or she is not a member, and may take part in the proceedings thereof, as if he or she were a member of the sub-committee concerned.

(4) The Committee is not divested of its powers and functions, which have been delegated or assigned to a sub-committee.

(5) The Committee may or may not accept a recommendation of a sub-committee.

Secretariat of the Committee

7. (1) The Minister must establish a secretariat of the Committee, hereinafter referred to as the “Secretariat”, consisting of –

- (a) one staff member of the ministry responsible for veterans affairs or any other ministry set out in Schedule 2 of the Public Service Act, 1995 (Act No. 13 of 1995), designated by the Minister, as Secretary of the Secretariat; and
- (b) such other staff members of the ministry responsible for veterans affairs or any such other ministry as the Minister, in consultation with

Act No. 11, 2012 CONFERMENT OF NATIONAL HONOURS ACT, 2012

the minister responsible for such other ministry, may appoint to the Secretariat.

(2) For the effective functioning of the Secretariat, the Minister may appoint or assign duties and functions within the Secretariat to any staff member seconded from any such other ministry.

Invitation calling for nominations of Committee members

8. (1) The Minister must invite those offices, ministers, councils, organizations, if any, and associations, referred to in sections 5 and required to submit nominations, to nominate two persons each, taking gender into consideration, for purposes of appointment of one of each submission, by the President to serve as member of the Committee.

- (2) An invitation referred to in subsection (1) must stipulate-
- (a) the category or class of persons who may qualify for nomination as a member;
 - (b) the form in which such nominations must be made;
 - (c) the place where and the person to whom such nominations must be submitted;
 - (d) the closing date for the submission of such nominations; and
 - (e) such other particulars or documents, as the Minister may determine, which must accompany such nominations.

(3) Where the Minister has received no nomination or insufficient nominations of persons by the closing date for submission of nominations, he or she may in addition to any nominations received recommend to the President such other persons whom he or she considers suitable for appointment as members of the Committee.

Functions of the Committee

9. (1) Subject to the provisions of this Act, the Namibian Constitution or any other law, the Committee must, where the President intends to confer upon a citizen, resident or friend of Namibia an honour either during such person's lifetime or posthumously, advise the President as to the suitability of persons for conferment of such honours.

(2) Without derogating from the generality of the provisions of subsection (1), the Committee must in particular advise the President -

- (a) on the conferment of the honour of the status of national hero or heroine;
- (b) on the conferment of a State Funeral;
- (c) on the conferment of interment at the National Heroes Acre;

Act No. 11, 2012 CONFERMENT OF NATIONAL HONOURS ACT, 2012

(d) generally on the persons or class or category of persons on whom honours should be conferred;

(e) after being alerted to the fact that an honour was fraudulently obtained or made or that an honour was erroneously conferred upon a person, as to whether such honour was fraudulently obtained or made or erroneously conferred.

(2) The Committee must act on such decisions and orders of the President as he or she may make regarding the conferment of honours upon any person.

Meetings of the Committee and sub-committee

10. (1) A meeting of the Committee or sub-committee, if any, must be held on the recommendation of the chairperson of such Committee or sub-committee or in the absence of such chairperson by the respective vice-chairperson on such date, time and at such venue as the chairperson or vice-chairperson, as the case may be, may determine and at such times as needed in order to comply with the functions and duties of the Committee, as contemplated in section 9, or delegated or assigned to a sub-committee, if any, as contemplated in section 6.

(2) The procedure and quorum at any meeting held by the Committee or sub-committee, if any, must be decided by the relevant Committee or sub-committee, including the number of votes required for a decision.

(3) The Committee or sub-committee, if any, must hold a minimum of three meetings per year.

Remuneration

11. (1) A member of the Committee or a sub-committee, if any, other than a staff member of the Public Service, is entitled to receive travelling allowances determined by the Minister, with the concurrence of the minister responsible for finance.

(2) A member of the Committee or a sub-committee, if any, who is not in the full-time employment of the State must, out of monies appropriated by Parliament for the purpose, be paid a sitting allowance as determined by the Minister with the concurrence of the minister responsible for finance, in respect of his or her services as a member of such Committee or sub-committee.

(3) Any payment made in terms of subsections (1) or (2) may differ according to the offices held or functions performed by the different members of a Committee or sub-committee.

Regulations

12. The Minister may, without detracting from the discretion of the President, make regulations concerning –

(a) the types, categories or class of honours which the President may confer upon persons as contemplated in Article 32(3)(h) of the Namibian Constitution; and

Act No. 11, 2012**CONFERMENT OF NATIONAL HONOURS ACT, 2012**

- (b) generally any other matter necessary for the attainment of the objectives of this Act.

Short title and commencement

13. This Act is called the Conferment of National Honours Act, 2012 and comes into operation on the date determined by the Minister by notice in the *Gazette*.
