

**NATIONAL ASSEMBLY
ASSEMBLY CHAMBERS
WINDHOEK
30 SEPTEMBER 2015**

The Assembly met pursuant to the adjournment.

HON SPEAKER took the Chair and read the Prayer and Affirmation.

**ANNOUNCEMENTS IN TERMS OF RULE 20(a)
OF THE STANDING RULES AND ORDERS**

HON SPEAKER: Honourable Members, I would like to inform you that today is the last official working day of Mr Jakes Jacobs, as the Secretary of the National Assembly – that is, functioning in the position of Secretary of the National Assembly. Jakes as he is popularly known, has been serving as a Secretary of the National Assembly since the 1st of April 1996 a period or not less than 19 years. However, all is not lost, because we are going to retain him for a period of six months as a Technical Advisor to the new incoming Secretary who will hopefully start on the 1st of November 2015 – in other words, helping to pave the process to make it as smooth as possible.

In view of this change, I have requested Mr Findley Harker the Deputy Secretary to act as a Secretary for the next one-month or so, before the new Secretary is appointed.

Honourable Members, let me take this opportunity to sincerely thank Mr Jacobs on behalf of this House and on my own behalf, for the way he has served this House with distinction and total commitment. Thank you very much. All that we wish you now while you are still with us and beyond the period you are going to be with us, is simply to wish you good health and all the best as you move on eventually. Thank you. (*Applause*)

I know he has one or two things to do with the usual long list of things to be done and let me just offer him an opportunity to bid you farewell.

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**ANNOUNCEMENTS
MR JACOBS**

FAREWELL REMARKS

SECRETARY: Thank you, Honourable Speaker. Honourable Deputy Speaker, Right Honourable Prime Minister and Honourable Members, it is an honour and privilege to have been of service to you and I will continue to be of assistance wherever I can.

Just a slight correction – I was not the Secretary for all the 19 years. I came here in 1996 and was first the Director of Committee Services, then Director of General Services, and from 2009, I have been serving as your Secretary.

Thank you very much for you honour and privilege, I really appreciate it. Thank you. (*Applause*)

HON SPEAKER: Thank you. Honourable Members, I have asked the Secretariat to distribute copies of the Code of Conduct and Declaration of Members' Interest Form and the Draft Standing Rules and Orders for your perusal and inputs.

The House will discuss the Code of Conduct on Wednesday, the 7th of October this year (2015), and hopefully adopt the said document. It is indeed overdue and I think we must do our duty and act upon that important document.

On Wednesday, the 14th of October 2015, the House is expected to discuss the draft Standing Rules and Orders and adopt the same accordingly. That Standing Rules and Orders, is basically the realignment, taking into account the new Ministries that have been adopted and make sure that they are allocated to appropriate Committees, is a very simple job which I hope Honourable Members would be able to act upon that accordingly. I am thus, kindly requesting the Honourable Members to peruse those

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documents so that you are ready to take them up when the time comes according to the respective dates. Your support and cooperation is much appreciated.

The further announcement is that the Honourable Members are invited to a workshop on Concentrated Solar Power Technology jointly organised by the United Nations Development Program (UNDP) and Global Environment Facility (GEF) in partnership with the Ministry of Mines and Energy. This workshop will take place on Friday, the 2nd of October 2015, at Gross Barmen near Okahandja, from 08:00 am to 13:00 pm. The same day.

The departure for Gross Barmen is tomorrow, the 1st of October 2015 at 17:00, I am assuming after the Session of this House, to return on Friday, leaving Gross Barmen at 14:00 after the workshop. The workshop, I am informed, is fully sponsored. All that you need to do is to make yourself available. You are thanked in anticipation.

Honourable Members, I would like to recognise the presence of 40 learners and their accompanying teacher in the Public Gallery in front of me here. They are all from the Collin Foundation Secondary School in Arandis, in the Erongo Region.

Learners and teachers, you are warmly welcome to the House of the people, the Chamber where Laws are made for the Republic of Namibia. We wish you well and have a good day. (*Applause*)

HON SPEAKER: Having said all that, we will return to our Agenda for the Day.

Any Petitions? Reports of Standing or Select Committees? Chief Whip.

**TABLING: DECLARATION ON THE FORUM
OF THE SADC GOVERNMENTS CHIEF WHIPS**

HON !NAWASES-TAYELE: Thank you, Honourable Speaker. Honourable Speaker, I lay upon the Table the Luanda Declaration on the Forum of the SADC Government Chief Whips, but before I do so, I need to give a brief background on how this Declaration came about and it reads as follows:

- We the SADC Government Chief Whips, the Chairpersons or their Representatives, having recognised the need to establish, preserve and strengthen cooperation and integration in SADC, both at political and development levels, taking into consideration the exercise of political power through free, fair, peaceful and democratic elections in the SADC Region and having common goals in the creation of a basis for dialogue and conjugation of synergies leading to the exchange and experience of parliamentary practice and maintenance of peace, which is conducive to a favourable environment towards SADC's economic, social and cultural development.
- Moved by the need for permanent cooperation amongst the Parliamentary Groups of the Majority Parties in the SADC Region on issues of common interest as expressed in Article 9(2) of the SADC Treaty and Associated Protocols.
- Encouraged by the spirit of the first meeting of the SADC Government Chief Whips held in Windhoek, Namibia, on the 27th and 28th of February 2014; having recognised and emphasised the development of policies and strategies aimed at enhancing democracy, good governance, respect for the Rule of Law; Human Rights, as well as free movement of people and goods within the Region, peace and security; and to facilitate the adoption of Agreements and Protocols, which require ratification by our Parliaments.

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We, therefore, hereby signed this Declaration for the institutionalisation of the Forum of the SADC Government Chief Whips and/or Chief Whips of the Majority Parties or Parliamentary Whips to be held annually on a rotational basis amongst Member States subject to the approval of Terms of Reference, which shall be presented at the next meeting for the members' approval; and further agree that the hosting State will be the Chair of the Forum and shall provide the Secretariat support.

Done in Luanda, the Republic of Angola, on the 7th May 2015, signed by the Government Chief Whips or the Representatives of the following countries, the:

- Government Chief Whip of the Republic of Angola;
- Government Chief Whip of the Republic of Botswana;
- Government Chief Whip of the Democratic Republic of Congo;
- Government Chief Whip of the Kingdom of Lesotho;
- Government Chief Whip of the Republic of Madagascar;
- Government Chief Whip of the Republic of Malawi;
- Government Chief Whip of the Republic of Mauritius;
- Government Chief Whip of the Republic of Mozambique; and
- Government Chief Whip of the Republic of Namibia;
- Government Chief Whip of the Majority Party of Republic of Seychelles;
- Government Chief Whip of the Majority Party of South Africa;

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- Government Chief Whip of the Kingdom of Swaziland;
- Government Chief Whip of the United Republic of Tanzania;
- Government Chief Whip of the Republic of Zambia;
- Government Chief Whip of the Republic of Zimbabwe.

I so Move, Honourable Speaker.

HON SPEAKER: Thank you very much. Yes, Honourable Maamberua.

HON MAAMBERUA: Thank you, Honourable Speaker. I just want to clarify something from the Report very briefly. I think it is a very important Report.

It looks like at the SADC level, they have moved on from the traditional divide between the Ruling Party and the Opposition or Opposition Parties, because they are talking about Majority Party and Minority Party. Since at the regional level, they are already a step ahead of us, can we attempt to endeavour aligning our Rules and our positions, so that we do away with this parlance of Opposition?

I am just making a suggestion, because, after all, SWANU is not an Opposition Party. We are a Government in waiting, as you know.
(Laughter)

HON SPEAKER: Thank you. I was expecting Honourable Maamberua to say that these innovative ideas started here in Namibia and it then extended to Angola, and it pleases me so much that it is developing

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HON JAGGER**

further, incorporating Whips from the Minority Parties etcetera. There is always a beginning to everything you do in life and I think we can choose our words carefully, depending on who is taking the Floor. As the Speaker. I will fully understand, regardless whether you use the terminology of a *Minority* or use the terminology of *Opposition*, it will be understood in the context.

With that understanding (*interjection*)

HON MAAMBERUA: Or the Government in waiting!

HON SPEAKER: Or the Government in waiting, as the case maybe. Can we move on to the next Report? That is from, Honourable Jagger.

**TABLING: REPORT ON THE SOUTHERN AFRICA
REGIONAL PARLIAMENTARY CONSERVATION WORKSHOP**

HON JAGGER: Thank you, Honourable Speaker. Honourable Members, I rise to lay upon the Table the Report on the Southern Africa Regional Parliamentary Conservation Workshop that was held in Lusaka, Zambia, on the 20th of July 2015.

Before I lay this Report upon the Table, Honourable Speaker, Honourable Members, I just want to highlight some of the recommendations that came out of that workshop.

These are all matters pertaining to cross-border illegal deforestation and poaching, illegal wildlife trafficking that must be policed and dealt with

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using Joint Permanent Commissions comprising of security representatives from various countries. Hearings should be held frequently and parliamentary capacities should be strengthened to deal with such matters. Also, there should be sharing of Laws amongst Line Institution, including Security Agencies.

Honourable Speaker, Honourable Members, we all know that of late, we as a country we lost a number of wildlife. At present, Namibia is faced with a couple of challenges in that regard that can best be addressed in Parliament through the Caucus Models. I would, therefore, urge the Honourable Members to think in the direction of establishing a Parliamentary Caucus on Conservation, where we cross political lines, political borders and that all Members of the Executive, all Members of the Legislature be part of such a Parliamentary Caucus.

We as Namibia's delegates also requested that the Honourable Stephen Kampyongo and his Deputy, Honourable Getrude Imenda, amongst others, visited Namibia on a time suitable for them, to come and address Parliament on how they have established their Parliamentary Caucus on Conservation, which is such an important model that we could copy from.

I so Move, Honourable Speaker.

HON SPEAKER: Thank you. We move on. Other Reports and Papers? Yes, Honourable Tjongarero please.

HON DEPUTY MINISTER OF SPORT, YOUTH AND NATIONAL SERVICE: Honourable Speaker, mine is about this document we were given just now. I am confused. The Honourable Speaker said we must read and go through this document, but some of the pages and chapters are not there. How are we going to go about it?

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HON SPEAKER: Which document is it?

HON DEPUTY MINISTER OF SPORT, YOUTH AND NATIONAL SERVICE: The Code of Conduct – some pages and chapters are is not there. The document the Speaker announced – the Code of Conduct and Declaration of Members' Interest.

I am just asking before somebody goes out without knowing what happened to the pages and chapters that are not there.

HON SPEAKER: We will help you. Our staff will give you a complete copy if that one is incomplete

HON MEMBERS: All of them are incomplete!

HON SPEAKER: Is it all of them? You know what they have done, they submitted the complete and properly done copies on this side and the other side is affected. We will deal with them. Thank you for sharing that with us, now we know. Something will be done to rectify that. Notice of Questions? Honourable Dienda, you have the Floor.

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**NOTICE OF QUESTION
HON DIENDA**

QUESTION 60:

HON DIENDA: Thank you, Honourable Speaker. Honourable Speaker, I give Notice that on Thursday, the 8th of October 2015, I shall ask the Right Honourable Prime Minister the following:

Honourable Speaker, I acknowledge and appreciate the meetings and public consultations that His Excellence President Hage Geingob is currently engaging in, in order to familiarise himself with relevant issues on the ground and to grant citizens a direct communication channel with the Office of the President. However, Honourable Speaker, I have to inquire why the same cannot be done with Public Servants, particularly those who deal directly with members of the public.

Honourable Speaker, many problems and frustration that people encounter with many Ministries and Governmental Agency can be ironed out if there are proper and easily accessible communication channels. Due to a lack of these, people are forced to vent out their frustration in the newspapers, via readers' letters and in the SMS columns.

1. Honourable Speaker, is it possible for the Government to have suggestion boxes available at all Ministries and Government Agencies for public intervention and suggestions?
2. Is it also possible to have suggestion boxes available for Public Servants input about improving internal procedures in order to avoid intimidation and victimisation by their superiors?

I so Move, Honourable Speaker.

HON SPEAKER: Thank you, next on my list is Honourable Nauyoma.

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QUESTION 61:

HON NAUYOMA: Honourable Speaker, Honourable Members, I give Notice that on Thursday, the 8th of October 2015, I shall ask the Honourable Minister of Lands and Resettlement, (*interjections*) Honourable Utoni Nujoma the following questions:

Honourable Minister, how come that after 25 years of our Independence we still have an office, which is very important in our land occupied by a foreign national, and that is the Office of the Surveyor-General.

Is it true that after 25 years of our Independence, we cannot find a suitably qualified Namibian to deal with matters regarding our land?

How come that even at international or border institution sends a foreign national to represent us at this very crucial discussion?

I so Move, Honourable Speaker.

HON SPEAKER: Thank you very much. Honourable Muharukua.

QUESTION 62:

HON MUHARUKUA: Thank you, Honourable Speaker. Honourable Speaker, I hereby give Notice that on Thursday, the 8th of October 2015, I shall ask the Minister of Environment and Tourism the following:

During 2002, Mike Griffin who was working for the Directorate of Scientific Services at the Ministry of Environment and Tourism, compiled a list of Namibian Reptiles in a Report titled – *Annotated Checklist and Provisional Conservation Status of Namibian Reptiles No. 1*. This Report was submitted to the Ministry and Mr Griffin has since resigned.

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Maintaining accurate and up-to-date records of these creatures is important, not only for tourism, but also in a development of anti-venom.

I thus ask:

1. Does the Government currently have personnel that consistently and regularly update the database/checklist? If so, when was the database last updated since Mr Griffin's departure from your Ministry?
2. Which animals have been added or removed from the database and where can the members of public access these records.

I so Move, Honourable Speaker.

QUESTION 63:

I hereby give Notice that on Thursday, 8th October 2015, I shall ask the Minister of Home Affairs and Immigration the following:

With reference to Article 10, 19, 20(1) and (2) of the Namibian Constitution and further, keeping in mind that the Oludhimba community is one of the communities who live on both the northern and southern side of the Namibian-Angolan border. Similar to the Ovahimba, Mbandja's and Ovakwanyamas. Consequently, as a sizeable number of Namibian citizens are derivative from the Oludhimba community -

I thus ask-

1. if the Oludhimba speaking community recognised as a tribe in our Republic? If not, what is the reason behind such discrimination?
2. How many Oludhimba speaking are Namibian identity card holders? If it is not known, why not?

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HON MUHARUKUA**

QUESTION 64:

HON MUHARUKUA: With the similar background, I hereby give Notice that on Thursday, the 8th of October 2015, I shall ask the Minister of Basic Education the following:

1. Is Oludhimba Language formally taught in our schools? If so, up to what level is it taught?
2. Further, which schools are teaching Oludhimba as a subject, if none at all, what are the reasons behind such failure and does the Government has any plan to redress such failure and in what timeframe?
3. Are there any plans to introduce Oludhimba as part of our school curriculum up to Grade 12 level? If not, what are the reasons therefore?

QUESTION 65:

HON MUHARUKUA: Again, using the similar background, I give Notice that on Thursday, the 8th of October 2015, I shall ask the Minister of Information and Communication Technology the following:

Given that the Minister remarked that the Right to information is a Human Right, and further, given that the Oludhimba community has no Radio Station of their own: Are there any plans to allow the Oludhimba community the enjoyment of their Right to information through affording them Oludhimba Radio Station like all other Namibian tribes?

I so Move, Honourable Speaker.

HON SPEAKER: Are you referring to Ovahimba?

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HON MUHARUKUA: Ovazemba.

HON SPEAKER: Ovazemba?

HON MUHARUKUA: Ovazemba, yes.

HON SPEAKER: Oh, I see. Thank you. We move on. Notice of Motions? Messages from the Head of State? Ministerial Statement? I call upon the Minister of Works and Transport.

**MINISTERIAL STATEMENT
ANSWERS TO QUESTIONS POST
DURING THE BUDGET OF 2015/2016**

HON MINISTER OF TRANSPORT AND WORKS: Thank you Honourable Speaker, Sir. Honourable Members, it is actually not a Ministerial Statement *per se*, but an avenue that the Minister of Works and Transport wants to use to give feedback on outstanding issues that were raised during the Budget Debate on the 2 Votes that I am responsible for.

I will not venture into reading out the complete response that is prepared, but I want to make use of the opportunity to probably just highlight one or two issues and then the complete responses would be put at the disposal of Honourable Members, with your indulgence, Honourable Speaker. Thank you.

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It is indeed an honour and privilege to present to you, Honourable Members, the answers of questions posed during the Budget Debate of 2015/2016 Financial Year for which I was not able to provide adequate responses then. As you can recall, I promised that I will do some research internally at the Ministry and then come back with relevant responses. I particularly want to focus on the two schools to wit Petrus !Ganeb and Dibasen Junior Secondary School in the Daures Constituency of the Erongo Region.

Now, it was asked that the current status of the two schools namely, Dibasen and Petrus !Ganeb are in a bad state for obvious reasons. The answer is that:

The Dibasen School and Hostel complex is in the Okombahe area and consist of an administration block, three classroom blocks and five hostel blocks. During the year 1987, a portion of one classroom block, that is, six classrooms, and three hostel blocks caught fire and burned down beyond normal maintenance repairs. The remainder of the complex remained intact and continued to function since then. The burnt down classroom block has the effect that it prevents the school of offering education up to Grade 12 and currently it provides only to Grade 10.

The Petrus !Ganeb School and hostel complex is in the Uis area and consist of an administration block, three classroom blocks and six hostel blocks. The classroom block, which was burned down before Independence, needs major repairs and renovations. Three of the four hostel blocks attached to this school also need major repairs and renovations. The foundation of the fourth hostel block has subsided into the ground due to collapsing soil, and has created structural problems to such an extent that demolition and complete rebuilding of the structures would be the most preferred step.

Attending to such burned down facilities and structural failures entails reconstruction, and funding has to be provided for – sorry to say that – by the user of the facility, in this case the Ministry of Education Arts and Culture, under the Development Budget that caters for construction,

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additions, rehabilitation, alterations and renovations to new, as well as existing facilities.

Although cost estimates were submitted to the user at the time and at certain intervals thereafter, the Ministry was informed – that is now the Ministry of Works – that funding on the programme catering for the rehabilitation of schools and hostels remained limited ever since and were channelled to Regions according to determined priorities. The demand to accommodate learners to Grade 12 is apparently not so high in the Erongo Region. As the Office of the Regional Director of Education in the Region still has confidence that funds will be made available by their Ministry in future, the demolition of the burned down structures was not recommended by the Ministry of Works and Transport yet.

I trust that the Honourable Minister of Education, Arts and Culture might be in a better position to shed light on this matter and whether there is a need to provide education in Okombahe up to the level of Grade 12.

Honourable Speaker, like I said initially, as much as I would have liked to individually deal with all the outstanding questions, I beg your indulgence and indeed the indulgence of Honourable Members and by so doing, your appreciation that owing to time constraints, I shall instead opt to distribute relevant responses for your further attention and perusal and I thank you.

HON SPEAKER: Thank you very much. Your Colleague's light is not. Honourable you have the Floor.

**REMEDIAL ACTION TO ADDRESS
NON-COMPLIANCE OF PUBLIC ENTERPRISES**

HON MINISTER OF PUBLIC ENTERPRISES: Thank you

Honourable Speaker. Honourable Members, I also rise today to deliver a Ministerial Statement.

On Thursday, the 24th of September 2015, the Amended *Public Enterprises Governance Act* was finally gazetted. During my Motivation, I mentioned that this amended legislation would be a temporary legal solution to enable the Ministry of Public Enterprises to become functional. I also said that in spite of the temporary nature of this legislation we will, nevertheless, be implementing it in its current form.

The Ministry of Public Enterprises has used the first six months of its existence to prepare for this implementation while also addressing the various immediate challenges at the same time. We have also virtually finalised a complete database to capture the status of compliance of Public Enterprises to assist us now and in future.

Honourable Speaker, the purpose of this Ministerial Statement is to inform Parliament of the Ministry of Public Enterprises' remedial action to address the serious non-compliance of a number of Public Enterprises. I sadly, Honourable Speaker, have to confess that I am astounded by the poor quality of governance in most of the Public Enterprises. My expectation is that by us addressing the various non-compliance issues, we will expose a number of financial and operational deficiencies, which once rectified, should yield immediate results.

The first item we will address is the matter of Governance Agreements with Boards as per Section 17 of the *Public Enterprises Governance Act*, which read as follows and I quote –

“(1) The Portfolio Minister must within one month of being constituted and with due regard to any directives laid down by the Minister under Section 4, enter into written Governance Agreement with the Board of the Public Enterprises in relation to the following–

(a) the State's expectations in respect of the Public Enterprises scope of

- business, efficiency and financial performance and achievement of objectives;*
- (b) the Portfolio Minister's obligation in relation to any of the functions conferred or imposed by the establishing Act of the Public Enterprise;*
- (c) the principles to be followed by the Public Enterprise for business planning;*
- (d) the measures which are necessary to protect the financial soundness of the Public Enterprise;*
- (e) key performance indicators in terms of which the Public Enterprises performance will be evaluated;*
- (f) the structure of the business and financial plan;*
- (g) the principles to be followed at the end of each Financial Year in respect of any surplus in the accounts of the Public Enterprise; and*
- (h) any other matter relating to the performance of the Public Enterprise's function under any Law,*
- (2) The Portfolio Minister and the Board of the Public Enterprise may in writing amend the Governance Agreement from time to time."*

An important item number "(3) *A copy of this Governance Agreement must be opened to inspection by the public at the Head Office of the Public Enterprise during business hours.*"

The second matter deals with performance agreements with individual Board members as per Section 80 and that read as follows:

"The Portfolio Minister must within one month of appointing a person as a member of a Board enter into a performance agreement with such member, with due regard to any directives laid down by the Minister

under Section 4. Without limiting the directives which may be laid down by the Minister under Section 4 in relation to the Performance Agreements, the following conditions apply to every member of the Board of a Public Enterprise as if they were contained in the relevant Performance Agreement entered into by that member in terms of Subsection (1) namely;

- (a) the member must at all times act honestly in the performance of the functions of his or her office;*
 - (b) the member must at all times exercise a reasonable degree of care and diligence in the performance of his or her functions;*
 - (c) the member, including after he or she has ceased to be a member of the Board of a Public Enterprise, must not make improper use of information acquired by virtue of his or her position as such a member to gain directly or indirectly an advantage for himself or herself, or for any other person or to cause detriment to the Public Enterprise;*
 - (d) the member must not make use of his or her position as a member to gain directly or indirectly an advantage for himself or herself, or for any other person or cause detriment to the Public Enterprise.*
- “
- (3) If a person contravenes, referred to in Subsection (2) or any other conditions of the Performance Agreement entered into by him or her in terms of Subsection (1), the Portfolio Minister, in the name of the relevant Public Enterprise may recover from the person as a debt due to the Public Enterprise by action in a competent Court the following:*
- (a) if that person or any other person made a profit as a result of the contravention, an amount equal to the profit;*
 - (b) if the Public Enterprise has suffered any damage or loss as a result of the contravention, an amount equal to that damage or loss.*

(4) Subsection (2) and (3) are applicable, in addition to, and not in derogation of any other Law relating to the criminal or civil liability of the member of a Board, and do not prevent the institution of any criminal or civil proceedings in respect of such liability. A contravention referred to in Subsection (3) by a member of the Board of a Public Enterprise constitutes ground for the removal of that member from his or her office by the Portfolio Minister.

The third item we are addressing deals with the critical requirements of Public Enterprises to submit business and financial plans as per Section 19 of the Act, which reads as follows:

“Every Public Enterprise must annually, at least Ninety (90) days before the commencement of its next Financial Year, submit a business and financial plan to the Portfolio Minister. The business and financial plan of a Public Enterprise must encompass all the business and activities, including investments of the Public Enterprise and its wholly owned subsidiaries, if any.”

Section 20 then deals with the approval of the Annual Budget of Public Enterprises, which once submitted, allows for the Minister of Public Enterprises and the Portfolio Minister to make comments and request Amendments, if necessary. The completed approved Amendment or Budget must then be submitted to the Minister of Public Enterprises and the Portfolio Minister within two months after the commencement of the Financial Year end.

Section 24 says – *“a Public Enterprise must not incur any expenditure, except in accordance with an estimate of expenditure approved under this Section.”*

Honourable Speaker, it is clear that adherence to the above mentioned, will result in a controlled and a predictable corporate process where the shareholder will not be caught off-guard as has become the norm. This will also result in a more coordinated and accurate budgeting process to aid the Minister of Finance.

The fourth item is something which should be rather straightforward, and that is the matter of outstanding Annual Reports of Public Enterprises. There is no reason why Public Enterprises should not conform to the Provisions of Section 26 of the Act, which states that, and I quote – *“the Board of the Public Enterprise must as soon as possible, but in any case not later than six months after the end of each Financial Year of the Public Enterprise, submit an Annual Report on the operations of the Public Enterprise.”*

The Section further describes the minimum information that should be included in the Reports. The failure to submit Annual Reports timeously unfortunately raises suspicion and the question arises – what are you hiding?

The fifth item will deal with the remuneration of the Boards of Public Enterprises as per Section 22(1). I have reason, Honourable Speaker, to believe that there may be samples of Public Enterprises capitalising financially from the position as Board members. I, for instance, heard of Board holding more than 20 meetings per annum; that clearly exposes the failure of that particular entity.

It further exposes the failure of corporate governance and the blurred separation between the fiduciary duties of the Board and the executive functions of the management. It should not be necessary for the Board of any well-managed Public Enterprise or any company or entity for that matter to meet more than four times per annum. I have, therefore, prepared letters to all Chairpersons of Public Enterprises to request the CEOs to provide my office with the detailed total cost to company of the Boards of Public Enterprises. I also want copies of existing Board remuneration policies and will request the formulation of such policies where they do not exist.

Honourable Speaker, I am by nature someone who prefers to avoid confrontation and it has always been my intention to cultivate a conducive relationship between the Ministry of Public Enterprises and our Portfolio of Public Enterprises. I have, however, taken the oath to uphold and

defend the Laws of the Republic of Namibia to the best of my ability.

Having mentioned the above, I want to refer to Section 24 of the Act, which deals with the duty to furnish information, and I quote – “*the Minister may in writing request the Chief Executive Officer of a Public Enterprise or a person acting in that capacity to furnish the Minister any information or documents required by the Minister.*”

The Act further reads as follows under Section 24(3) – “*a Chief Executive Officer who –*

- (a) refuses or fails to furnish information requested by the Minister in terms of Subsection (1) or furnishes information which is false or misleading, knowing that it is false or misleading, commits an offence and is liable of conviction to a fine not exceeding N\$20,000 or to imprisonment for a period not exceeding two years or to both such fine and such imprisonment.*”

Honourable Speaker, my previous attempt to gather other information from Public Enterprise was a rather arduous and painful exercise and I want to declare publicly before Parliament that I will not hesitate to invoke the Provisions of Section 24 when forced to do so.

My desire and expectation is that this will not be necessary and that we would be able to reach a stable situation with all Public Enterprises complying with the Provisions of the legislation and all directives when issued without any undue conflict. The steps mentioned today are by no means the last, but they are firm coordinated and calculated measures to put the shareholder in charge of Public Enterprises to the ultimate benefit of the Nation. I thank you, Honourable Speaker.

HON SPEAKER: Thank you very much. Yes? Can I just speak before you, because it is about teatime and I just want to have consensus that we carry on? Any objection?

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HON MAAMBERUA**

HON MEMBERS: No!

HON SPEAKER: Do we carry on?

HON MEMBERS: Yes!

HON SPEAKER: Thank you. Yes, Honourable Maamberua.

COMMENTS AND QUESTIONS ON MINISTERIAL STATEMENT

HON MAAMBERUA: Thank you, Honourable Speaker. I would also like to thank the Minister of Public Enterprises for that detailed vision and the steps that the Minister is envisaging in order to improve on the situation.

I have, however, a question or two for some clarification, and that basically emanate from the Statement of the Minister that poor quality of governance is actually found in most of the State-Owned Enterprises, and I underline in most. Mathematically speaking, most means more than 50% and that is very serious. If poor quality in terms of governance is found in most or in more than 50% Public Enterprises – and it could be 80% possibly – then that is very serious.

As I said, the steps or the vision is in order, but we have to be informed by the past – what actually has caused the governance quality at our Parastatals to be so poor? Was it a question of oversight? Was it a

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question of Government Policy? Was it a question of Government's lack of vision?

The next question is, Honourable Minister, this poor state of affairs – for how long has this poor state of affairs been in our system? Are we talking about, that since Independence, we have actually not managed our State-Owned Enterprises properly, have we been experiencing poor governance in our State-Owned Enterprises since Independence?

Honourable Minister, Honourable Speaker, (*intervention*)

HON SPEAKER: Make it short please.

HON MAAMBERUA: Yes, very short indeed. On the framework that the Minister has shared with us, including the vision and so on – my question is; is there enough capacity to monitor and to evaluate, so as to ensure that things are actually going to change? Capacity in terms of human resources in your Ministry, because if that is not available, I think you deserve to be given that capacity either through this House or by another Institution.

Honourable Speaker, since you were very fast in changing to the other Minister, I had a question to the first Minister of Works and Transport, particularly about the two schools were some classes – and I do not know – some other buildings burned down already in 1987:

Really, 1987 – three years before Independence – up to now is about 28 years ago that we have not been able to repair a school and it is not just one school that we are talking about, we are talking about these two schools, and I can show that the Okakarara hall has also burned down for the past 20 years or something like that with no repair at all.

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HON MEMBER: What is the question?

HON MAAMBERUA: The question is – and the statements that it appears as if the Ministry of Education – of course, in the beginning Honourable John Mutorwa was the Minister of Basic Education at the time and then there was no concern about Grade 12 in that part of Dauras somewhere there, Uis and so on; subsequent Ministers and policy in terms of education, but really no concern about Grade 12, plus the gutted schools? *(Intervention)*

HON SPEAKER: Yes, on a Point of Order.

HON MINISTER OF AGRICULTURE, WATER AND FORESTRY:
Honourable Speaker, I just want to inform the Honourable Member that ours is a Parliament, is a country that is ruled by Laws and Rules and Regulations.

In the Standing Rules and Orders there are specific Rules that guide how to handle Ministerial Statements. The Minister of Works and Transport made a Ministerial Statement, he gave very important information, and so did the Minister of Public Enterprises as well.

Could the Honourable Member who is a veteran of this House be advised to stick to the Rules and ask those questions that will require factual responses from the two Ministers, and not John Mutorwa as the then Minister of Basic Education? What is this? *(Laughter)*

Thank you, Honourable Speaker.

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HON SPEAKER: I think Honourable Mutorwa is right, because by referring to Honourable Mutorwa now, you really deviated. I am sure you know that yourself, but I would like you to be precise, to solicit specific information.

If the Minister does not have the information, he will be the first person to say – *well, I will come back to you with a proper answer*. Can you just round up? Are you done with your questions?

HON MAAMBERUA: Yes, I take the concern of the Minister. You see, when you hear some of this information, you tend to believe that you are not in Namibia. You tend to believe that this is not the kind of poesies that you normally hear during the elections campaigns, the Manifestos and all these other things.

How can you have a school that has not been repaired for 25 years? It is a statement of fact that the Minister was a Minister of Basic Education, therefore, I am just being factual. Thank you.

HON SPEAKER: Let us come to the point, I have a list of many items. Let me give the opportunity to the two Ministers, if they have any responses to give, then I am going to move on.

I will start with Minister !Naruseb. Do you want to take Honourable Maamberua on?

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HON MINISTER OF WORKS AND TRANSPORT: I do not really

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have much to say. It is a fact that the schools, for whatever reasons good or bad were befallen by the fate that has transpired at the two schools. Fire caused the damage to the blocks of the two schools, we would probably not go into the merits and demerits thereof.

It is also a fact that the schools, since then, have not been repaired or renovated. Over and above that, I do not want to venture into giving reason to my Good Friend to carry on with this campaign of trying to garner support for the upcoming Regional and Local Authority elections. *(Laughter)* Thank you.

HON SPEAKER: Thank you. Honourable Jooste please.

HON MINISTER OF PUBLIC ENTERPRISES: Thank you, Honourable Speaker. The first question was poor governance in most Public Enterprises and why.

The short answer is that, there is not a single answer. These entities are all unique. Remember that in the commercial enterprises, we are exposed to most Sectors of the economy. Non-commercial Enterprises are regulatory bodies serving all Sectors of the economy. There are service providers like the Educational Institutions, which are also Public Enterprises. There is no single answer to that. That is why, one of the things we have started is to do a proper diagnosis like the doctors do, on each one of them individually in order to exactly understand why each one of them is suffering for one or another reason, if they do.

We like to generalise, and Honourable Speaker, I must tell the House that it is not the rule, many of these entities are very well run and in a good shape. They are not necessarily up to our standard, but I do not think we should ever be completely dissatisfied, things can always improve.

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You asked for how long it has been, again, there is not one answer to that. Some of them started off well, went a bit bad and are doing well again. I want to remind you, Honourable Member, that these Public Enterprises are a challenge in all countries. Even the most sophisticated economies are finding multiple layers of challenges in managing Public Enterprises because they are not normal entities. It is not unique that we are finding it a challenge in Namibia.

Then you asked – and I am happy that you are concerned about the capacity of the Ministry – obviously, it is a new Ministry, so we are building capacity. You will recall – and if you refer to my Budget Statement and the Motivation for the Amendment to the Legislation – you will see that I mentioned the creation of a Specialist Unit in the Ministry. Now, that unit will give us the competitive edge to perform the functions that are required. We are populating that unit and my expectation is that most of that unit would be fully populated before the end of October and then we will have, without a doubt, the capacity to deal with the Public Enterprises. Thank you, Honourable Speaker.

HON SPEAKER: Thank you very much. Honourable Hanse-Himarwa, you have been waiting for too long. You have the Floor.

**EDUCATION SECTOR POLICY ON THE
PREVENTION AND MANAGEMENT OF LEARNER
PREGNANCY SAFETY AND SECURITY AT SCHOOL**

HON MINISTER OF EDUCATION, ARTS AND CULTURE: Thank you, Honourable Speaker, Honourable Members, the Ministry of Education, Arts and Culture in recent weeks witnessed various media statements related to the two matters above that have invited strong public

debates.

I will, Honourable Speaker, Honourable Members, dwell on these two subjects to respond to concerns raised by the public and the media. I will start off with the *Education Sector Policy on the Prevention of Learner Pregnancy*.

Honourable Speaker, ever since I became the Minister of Education, Arts and Culture, the Policy on Learner Pregnancy in the Ministry has been attracting a lot of attention. The Ministry has been bombarded with questions on the philosophy around this policy. There have been areas of misinterpretations and misconceptions as to what this policy seeks to achieve at the end. I, therefore, rise before you, Honourable Speaker, Honourable Members, as the Minister of this Ministry to provide perspectives on the policy in the Ministry of Education by responding to the growing misconceptions on the said policy.

As history has it, the Policy on the Prevention and Management of Learner Pregnancy was approved by Cabinet in October 2009 for implementation by the then Ministry of Education. The circular, which is dated 25th January 2010, highlighting important issues about the policy, was issued to all schools with clear instructions to schools across the country to implement this policy. The goal of the policy is to improve the prevention and management of learner pregnancy with the ultimate aim to decreasing the number of learner pregnancies and increasing the number of learner-parents who complete their education. The policy is based on some guiding principles namely:

- The Right to education for the girl-child;
- The need for prevention;
- Information;
- Respect;
- Support; and
- Respect for cultural and family values.

The policy is divided into two sections, which are Prevention and

Management.

Honourable Speaker, the provision of measures to prevent and reduce the number of learner pregnancies is a critical component of the policy. These measures, includes schools providing education on sexual and reproduction health, focusing on increasing learner responsibility by providing the environment where they are fully informed and have the information they need to make responsible decisions. Furthermore, a holistic Life Skills Programme is being implemented in the schools and the Ministry has created the positions of full-time life skill teachers to provide learners with guidance and skills they need.

Additional programmes to supplement life skills have been encouraged wherever possible. Since 2013, Honourable Speaker, all Grade 8 learners have been required by the end of each Academic Year to complete the programme called *My Future is My Choice*. A further aspect of prevention is the promotion of safe leisure activities by schools and the implementation of gender specific support and mentoring for learners to ensure female learners are empowered through the achievement of equal opportunities with their male counterparts.

Additional to this Honourable Speaker, Honourable Members, as part of the policy, schools are encouraged to invite social and health workers to make regular presentations on reproductive health issues; endeavour to improve family and community involvement through various strategies; strive to ensure that the school environment is safe and learners are free from sexual harassment or abuse by learners, teachers or other staff, and school staff should be positive role models to learners.

Honourable Speaker, the Management Section of the policy is necessary for where prevention measures fail and learners become pregnant. The guiding principle of the Management Section is to support pregnant learners, expectant fathers and learner-parents to combine continuation of their education with the responsibilities of parenthood without compromising the best interest of the infant or the learner. This process should be collaborative between the school, the pregnant learner, the

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expectant father and their families and should involve participatory decision-making. Each situation is assessed and evaluated individually with sensitivity to the learner's health, financial situation, options for childcare, family support or lack of support, timing of delivery in relation to the school calendar and the needs of the newborn child. The Management Section is further subdivided to address issues pertaining to female learners, male learners, the families of the affected learners, the school and the Government. This section provides guidelines on health, education before and after giving birth, school assignment, breast feeding, examinations and hostel boarders.

To make this information more accessible to pregnant learners and learner-parents, the Ministry, in conjunction with the Legal Assistant Centre has developed an information package to be given to the learners. This package serves as an informational guide on all the aspects of pregnancy and birth, including prenatal care, adoption, maintenance grants available, responsibilities with regard to school work and responsibilities of expectant fathers, to name but a few.

The policy focuses on the promotion of openness to support early disclosure so that learners are informed of the importance of antenatal care, as we have seen the importance of the first 1,000 days of the life of a child.

Honourable Speaker, let me for now dwell on the perception and misconceptions of the policy since its inception. The Ministry had to deal, and continues to deal with mounting misconceptions on the policy both from the members of the community and even the Members of this august House. These concerns have in many cases been stumbling blocks to the effective implementation of the policy, some of which are:

1. A pregnant learner may give birth at school, which would upset other learners.

I have this to say, this concern has been addressed in the policy by providing for verification of the approximate due date and for a leave of

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absence beginning four weeks before the anticipated due date, of course, consistent with current Labour Laws on this topic. Giving birth at school is actually more likely to happen in a situation where a schoolgirl has taken pains to hide the fact of pregnancy, and we are now saying that pregnancies got worse in the schools. Obviously, it will create that perception, because in the past and in the absence of this policy, girls were hiding and just vanished silently. We could, therefore, not know what the actual number of the learners falling pregnant was.

Furthermore, the learner-parent is not forced to stay at school until the four weeks before her expected due date. The learner may stay in school until four weeks before her expected due date as specified by a healthcare provider or choose to take a leave of absence earlier, if this is advised by a healthcare provider on medical grounds, or if she feels unable or unwilling to continue attending to school at any time during her pregnancy.

The viewpoints of parent and caregivers of the learner and the school should be respected when considering how long a learner should continue at school. If no medical certificate is provided to verify the health of the learner, the school may require the learner to leave school at an early date. The policy supersedes any other rules on absence.

The other concern is:

2. Seeing a pregnant learner in the school may encourage other learners to become pregnant or have a detrimental effect on the moral standards of Namibia.

Honourable Speaker, at all regional consultations held with learners, an overwhelming majority of learners were not in support of this suggestion that seeing a pregnant learner would encourage them to also fall pregnant. Many felt that seeing a pregnant learner would have quite the opposite effect on them. Several pregnant learners interviewed for this and other Namibian studies indicated that they would become actively involved in efforts to persuade other learners not to make the same mistakes, rather.

The other concern is that:

3. Learners return too soon after the birth of the child. Honourable Speaker, the policy clearly says that the learner may not return to school until such time as the health of the learner-parent and the health of the infant has been established and cleared by a healthcare worker. Further, the policy states that learners may only return to school when the care of the infant by a responsible adult has been arranged and has been established and verified by a social worker or the principal, if no social worker is readily available. The learner-parent and her parents, primary caretaker or guardian must also provide a signed statement with an exposition of how the infant will be cared for and an undertaking to maintain open communication with the school.

The learner may choose to return to school as soon as she can supply the specified documentation or she may choose to take a longer period of leave for up to a maximum of one calendar year from the date on which she left school before, because of pregnancy. She may take longer leave, but then her place at the school will not be reserved. The learner, however, does have to indicate her intention to return to the school in order to reserve her place. The learner is also entitled to the option of transferring to another school, irrespective of age and without special authorisation provided that space is available at the other school.

Another concern is:

4. A policy on learner pregnancy should be punitive to provide a deterrent.

Honourable Speaker, this position has been advocated by many stakeholders, however, this position violates International Law and the Namibian Law as well. The treatment of pregnancy as a disciplinary offence undermines accessibility to education. Furthermore, data shows that learner pregnancies are frequently the result of forced sexual intercourse.

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If a learner is asked to leave school because of her pregnancy, this amounts to punishing a schoolgirl for a situation over which she may have had no control. Blaming the victim is not an acceptable policy provision.

In the area of School Safety and Security, the Ministry brings to the fore the fact that the recent developments and incidents at St George Diocesan College did not go unnoticed and it is by no means an acceptable occurrence to happen in our schools. Admittedly, the Ministry needs to critically look into the issue of security and safety of learners and teachers in our schools. We are also cognisant of the fact that many children in our schools are exposed through internet and other electronic media on what happens everywhere in the world. Although ours is a small population of learners, the reality is that our learners are vulnerable, inquisitive, adventurous and thus, open to external influences.

One of my priorities as per my Ministerial Declaration of Intent that has been submitted to His Excellence Dr Hage Gottfried Geingob is the provision of ICT in our schools. As we now enter an era of the Post 2015 Sustainable Development Goals (SDGs), I see ICT as an important paradigm in the provision of education in the 21st century. This calls for clear guidelines on the usage of electronic devices meant for the purposes of teaching and learning in our schools. It is pleasing to note, Honourable Speaker, that many schools in Namibia have introduced eLearning. I believe this is the way that education is going. However, this well intended mode of education is sometimes abused thus, my call for schools to implement clear rules and guidelines on the usage of e-Learning.

Honourable Speaker, although no incident happened at the school in question, the reality is that such violent threats to life cannot be allowed in our System of Education. The learners are in many cases exposed to programmes that they watch at home on television and on the internet. The incident at St Georges College has awakened us to the extent where we have recommitted to make schools a safe environment for both our teachers and learners. We also plead with parents to ensure that children are guided while at home and ensure that cellular phones, iPads and all

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computers are used for educational purpose and not used irresponsibly, as irresponsible usage may cause irreparable damage to our children and our society.

The current *Education Act* review has taken this matter up through provision of guidelines in order to ensure that we establish a safe, disciplined and purposeful school environment dedicated to the improvement and maintenance of the quality of learning and teaching and to create a caring and nurturing environment for the learners to also develop into caring, honest and responsible adults.

The Ministry within the provision of this Act will strengthen the fact that children must respect the dignity, person and property of teachers; learners and members of the public; and that a learner may not bring onto the school or hostel premises or have in his possession, any firearm, bow or arrow, *panga*, knife or any other dangerous weapon.

Against this background stated above, the Ministry will strengthen the security measures at our schools to ensure maximum safety of all learners and teachers through the building of fences and the provision of security services in schools, which are already in place, at some schools. I also urge teachers to be vigilant at all times and address issues of bullying and excessive teasing before it escalates and leads to psychological and physical harm.

In conclusion, Comrade Speaker, I am proud to put it on record in this august House that Namibia is the only country in the SADC Region to have developed this inclusive and deliberate policy to allow re-entry of girl-children in schools after pregnancy or during pregnancy – *omake, omake!* (applause) My Constituency up here is very happy. It is something we need to celebrate as an achievement. This position has been taken in line with the Namibian Constitution that puts education as a Right and not a privilege and our President's clarion call that – ***no Namibian must be left out***, and pregnant girls are Namibian. The Ministry of Education, Arts and Culture takes learner pregnancy in a very serious light where the perpetrators of pregnancy are men of all walks of life who prey

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on innocent and vulnerable girls. In as far as, this Ministry is concerned, it sees this policy as articulate, responsive and relevant to the situation in Namibia. We may not be the only Sector that should solve this problem in the long run, as we are aware that this requires a multi-disciplinary and multi-sectoral approach to resolve it.

The Ministry of Education, Arts and Culture will endeavour to engage all stakeholders in order to effectively implement this policy. Equally, we call on parents to ensure that while at home, children are guided on what they watch on television and how they utilise electronic devices that are meant for the purposes of teaching and learning. The parents also have a major role to play in assisting and complementing the efforts by the Ministry of Education, Arts and Culture. Equally, all members of society have a prominent role to play in addressing matters of sexual exploitation of our girls at all critical and relevant platforms, including this august House. I thank you, Mr Speaker.

HON SPEAKER: Thank you very much, Minister. We are behind you, the Nation is behind you for the sake of the future of our young people. They are the Leaders of tomorrow, so we need to do everything possible that they are protected and cared for in order to guarantee their future.

Honourable Minister of Home Affairs do you want to come in? Sorry, the system was down here. Yes, Honourable Dienda, you have the Floor.

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HON DIENDA: Thank you, Honourable Speaker. Honourable Speaker, as much as I appreciated this Ministerial Statement, I would like to make

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one thing clear. I would have liked for the Honourable Member to bring this matter as something that has to be discussed in this Honourable House.

Honourable Speaker, our country, Namibia – when this policy was adopted in Cabinet in 2009, I was a Member of Parliament in this House and as a lawmaker, my concern is – I feel I have the Right to give my input on the policies, which needs to be implemented in our organisations and Ministries.

Therefore, as a Member of Parliament, I feel that we have to debate and discuss this policy. As a teacher by profession, it is my call that this policy be debated in this House so that we can give our inputs. Our inputs were not given by the Members of Parliament, but only by the Cabinet and there is where my problem lies, Honourable Minister. If the Minister is saying that there is an outcry in the newspapers where the people are talking about this policy, whether it is perceptions or misconceptions, whatever it is, it means that there is a problem and that problem needs to be addressed.

It seems that this policy was not thoroughly discussed with other stakeholders – stakeholders were not involved.

HON MEMBER: What about the Legal Assistance Centre?

HON DIENDA: Hallo! The Legal Assistant Centre is not the only Institution in this country that can come and make decision which we just have to follow, but all of us as parents – as a mothers, as a teacher by profession and as a Lawmaker my input is needed, so I am requesting the Honourable Minister, with all due respect – I have a lot of questions to ask – this is a Ministerial Statement and I feel that my input needs to be given

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thoroughly this House where I am a Member of Parliament and a Lawmaker. Thank you.

HON SPEAKER: Thank you very much. Honourable Minister, do you wish to reply briefly to that comment, whether there is a room for further inputs?

HON MINISTER OF EDUCATION, ARTS AND CULTURE: Comrade Speaker, there is no problem, if the policy (*intervention*)

HON SPEAKER: Sorry, let me take all the comments first.

HON MINISTER OF EDUCATION, ARTS AND CULTURE: Okay.

HON SPEAKER: Yes, Honourable Deputy Speaker please. You have the Floor. I am sorry. I did not see you.

HON DEPUTY SPEAKER: I just support the idea to bring the policy here so that we can debate it. Thank you.

HON SPEAKER: Thank you very much. Any further comments

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or questions before I ask the Minister to respond? I see none. Minister of Education, Arts and Culture you have the Floor.

HON MINISTER OF EDUCATION, ARTS AND CULTURE: Thank you, Honourable Speaker. Any Policy or any Law in this country is not cast on stone and I am of the belief that when we are making Laws and Policies we are making them to serve the people and if we realised that our Laws and Policies are not serving the people that they need to serve, then there is a need for us to collectively revisit such. I am most willing to bring it back. It can come back. *(Applause)*

HON SPEAKER: Good. There you have it. I am not going to ask Honourable Ithana to take the Floor.

**CIRCUMSTANCES SURROUNDING
A GROUP OF 82 TRAVELLERS WHO
WERE REFUSED ENTRY INTO THE COUNTRY**

HON MINISTER OF HOME AFFAIRS AND IMMIGRATION: Thank you, Honourable Speaker. Honourable Speaker, Honourable Members, I rise today, to make a Ministerial statement aimed at properly informing this august House of the circumstances surrounding a group of 82 travellers who were refused entry into the country by the Immigration Authority of the Ministry of Home Affairs and Immigration.

As a background, on the 24th of September 2015, the Ministry of Home Affairs and Immigration received a letter from a Mr Andreas Shafombambi, writing in the capacity as National Chairman for Johane

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Masowe WeChisanu Apostlic Church. The letter was dated the 22nd September 2015. The letter was to inform the Ministry that there would be a Baptism Convention from the 27th of September to the 14th of October 2015, in Windhoek and that there would be delegates arriving from South Africa, Zambia, Botswana, Zimbabwe and the United Kingdom to attend the said Convention. Note must taken that no application forms for Permits or Visas were attached.

On the 25th of September, this year (2015), the Permanent Secretary in my Ministry responded to the said letter and informed Mr Shafombambi that permission was not granted for the intended travellers to enter Namibia. The contents of our letter were ignored and on Saturday 27th – Sunday I think – 27th of September 2015, a group of 82 people arrived at Hosea Kutako International Airport to attend the said Conference. All of them were refused entry for not being in possession of Visas or Permits to enter the country as required by the *Immigration Control Act, 1993 (Act 7 of 1993)*.

Comrade Speaker, I pause to mention here that in that group 12 are children under the age of 13. On Sunday 28th of September 2015, an Urgent Court Application was brought against me and my Permanent Secretary, challenging the refusal to allow the group in the country. The matter was heard by the High Court on an *ex parte* basis, that is, in the absence of the Respondent, which is a very unusual situation or circumstance and an order was granted against us. It was ordered that the travellers could not be denied entry on the basis of our letter dated the 25th of September 2015.

Honourable Speaker, Honourable Members, I can inform this august House that our officials worked around the clock for the past two days to interview the travellers one by one and determine whether or not they indeed meet the entry requirements set by the Law. The interviews were concluded last night, and all the travellers were again, denied entry into the country on the basis that they have no sufficient means of sustenance and others required employment permits for the activities they wish to conduct in the country.

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Air Namibia, the carrier that brought them into the country takes the responsibility and arrangements have been made that all the travellers will be out of the country by the end of today. (*Applause*)

I can just add, Comrade Speaker, that until this moment, not a single one of them has lodged an application for permission to be allowed entry into the country. As per their own information, some of them are coming to preach and baptise. Therefore, employment permits are required for this. Others allege to just come and attend the Conference and they require visitors entry permits for purposes of attending a Conference.

Honourable Speaker, Honourable Members, I want to make it categorically clear to those who wish to travel to Namibia that our Laws must be adhered to. (*Applause*)

The *Immigration Control Act* sets out the requirements to be met in no uncertain terms although our Constitution, ranked one of the best in the world, permits people to approach our Namibian Courts for relief. I want to caution the world over, that as a sovereign country we have a duty to administer our Laws. I thank you.

HON SPEAKER: Thank you, Honourable Minister. Honourable Minister, the countries you have listed where these people came from – it so happen we have Embassies and High Commissions in all those countries, there is thus, no justification for someone to say, they could not access the necessary Visas, Permits etcetera. I just wanted to reinforce your message. Thank you.

Yes, Honourable Dienda. You have the Floor.

HON DIENDA: Thank you, Honourable Speaker. I just have a question

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to the Minister of Home Affairs.

Honourable Minister, do you not think it is time for us to regulate Churches in our country? We are circular State, there is no Law in this country that regulates Churches and the Council of Churches does not regulate Churches in this country.

Do you not think it is time for us to bring in a Law to make sure that we regulate our Churches?

HON SPEAKER: I think it is not just the Law, but I think even at the Church level, there must be a system, mechanism for Church Institutions to belong to a certain body, so that there is a kind of system of accountability, etcetera, however, it is maybe not for now, we should direct the question to the Namibia Council of Churches.

Otherwise, Honourable Minister, you have the Floor to respond.

HON MINISTER OF HOME AFFAIRS AND IMMIGRATION: Honourable Speaker, the question is relevant, yet the answer can be really wide because regulating Religion or Churches is not just a domain of Home Affairs. The people who are going around claiming to be Religious Leaders come in the country through dubious means. Some come as Welfare Organisation Representatives, others as traders through the Ministry of Industrialisation. At the end of the day, you are faced with a plethora of people calling themselves Church Leaders, yet they do not even belong to the Council of Churches. You just do not know where to touch, but probably the Inter-Ministerial Committee comprising of Ministers or Ministries concerned – Home Affairs, Industrialisation, probably even Education, you never know – we need to come together and look at this matter. It is not purely a matter of Home Affairs and Immigration.

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HON SPEAKER: Yes, indeed. Thank you. Honourable Chief Ankama.

HON DEPUTY MINISTER OF FISHERIES AND MARINE RESOURCES: Thank you very much, Comrade Speaker. I just stood up to thank the Minister of Home Affairs and to express my feelings about the way they handled the whole issue.

Well, you see – the first instance is that when you have people coming up like this – in actual fact, it is anarchy to just go to another country or someone's country like that – simply picking up your bag and then you get into the plane is anarchy, it is unheard of.

The way the Ministry had handled this whole issue should be commended, and I believe even if they have Churches here, their God is not probably bigger than ours is, therefore, there should be some kind of understanding. *(Interjection)* We also pray, we are believers. How can they just decide their God is much bigger than ours is?

HON MEMBER: So, how many Gods are there, according to you?

HON DEPUTY MINISTER OF FISHERIES AND MARINE RESOURCES: What I am trying to say is, Comrade Minister, you remain steadfast. Stay where you are and do what you think is appropriate for our country.

The question I have is – who footed the bill? Where did these people stay? Who is footing the bill in actual fact? Maybe it is already settled, I do not know, but who kept these people here? I am concerned, because these people came here and they did not come by foot, they travelled by

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HON NAUYOMA**

Plane, and when you come by plane, you should have some insurances and all the other requirements. Did they meet the requirements to enter by plane? That is the only concern I have. Otherwise, I really support you wholeheartedly.

HON SPEAKER: Thank you. I have a few more hands. Honourable Minister, you attracted a lot of questions. Honourable Nauyoma please.

HON NAUYOMA: Honourable Speaker, I also want to come in on this very patriotic job that our Ministry of Home Affairs have done, but my question is – we are taken for a ride by this world. I cannot imagine somebody who all along, comes here as a teacher and next week he or she is a preacher. I do not know how these permits are working, because you cannot apply as a businessman today and then the next morning you are a preacher. I do not know – how does this really work?

I think our Authorities need to pull up their socks – because there are a lot of disturbance around this country now, since I do not know what qualifies a person to be preacher. To be teacher you need some qualifications, to be a nurse, you need some qualification, but to be a preacher you can just wake up in the morning and say – *I am a preacher hallelujah, amen!* And all that (*laughter*) I think we are being taken for a ride. People are coming from everywhere and Churches are mushrooming all over the place, every *kambashu* is now a Church and all sorts of things are happening. It is as if we do not have Authorities.

Our liberal system should not be abused. We really need to improve our Laws. We are not stopping Churches, but things must be in order. The preachers must apply to come to this country as preachers not as something else and then change. They need to be arrested for that, because they are fooling us. If you are businessman, you are

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Businessman, and if you are a teacher, you must be a teacher, you cannot be both on one work permit. That is very serious. I think the Ministry has done well and we must continue to sniff out some of these permits that are being accepted in this country. Thank you.

HON SPEAKER: Thank you, Honourable Muharukua.

HON MUHARUKUA: Thank you, Honourable Speaker. I was just seeking clarity from the Minister, partly the reason for that is that I do not want the Ministry to be misunderstood – that is why I am seeking clarity. I heard the Minister saying that in the *ex parte* application, the Court has ordered that these people be allowed into the country.

HON MINISTER OF HOME AFFAIRS AND IMMIGRATION:
Could you please repeat that?

HON MUHARUKUA: I heard the Honourable Minister to have said – the Court had ordered that the people be allowed into the country, but I have also heard the Minister to have said that what the Ministry has done is, it went back and applied due procedures to see whether these people should be allowed into the country or not. The letter, I believe, would have been the right course to follow, because they have that responsible toward the people or us.

What I want to seek in terms of clarity is – was the Minister being accurate when she said that the Court has said that the people must be allowed in, because it would seem as if the Ministry was in contempt of

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the Court order. I am just saying, perhaps she was just mentioning it as a broad order, that is – *do what you are supposed to do to see to it that those who should come, should come and those who should not, should stay out.* I just want that clarity.

HON SPEAKER: Thank you. The Minister will respond to that. Honourable Dr Haufiku please.

HON MINISTER OF HEALTH AND SOCIAL SERVICES: Thank you very much, Comrade Speaker. Mine is just a technical question to the Comrade Minister, but first of all, let me also congratulate her and the team for the job well done.

I am just thinking, mathematically you have about four countries that are basically sharing the border with us, which are Members of the Southern African Development Community and that we interact with, almost on day-to-day basis. Then you have such a large number of people from these countries landing at our Airport at the same time and all of them taking our Laws for granted, saying – *we can just go to Namibia.*

What are the chances that these fellow Africans committed the error simultaneously and they all took a decision that – *whatever comes, we are going to go to Namibia?* Could it be that either within our Embassy or within our country, one person possibly transmitted wrong information to all these people? Which one is mathematically most likely? That is why I said it is a technical question. I am not defending them. I am just trying to probe the scientific nature of it. What are the probabilities that the Church in Zambia, the Church in Malawi or Zimbabwe and the group in South Africa – all these Churches just forced their way and decides to ignore the Namibian Law – all of them, at the same time? In technical terms, what are the chances that this was the case?

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The last point is that – it is really a victory, but perhaps not that big for us to celebrate since these things are ongoing in our country. We already have a lot of people here who not only spread false information, they are actually exhort money from our poor people in the name of the Church and basically conduct their businesses, not necessarily from the country from which these people were arrested.

What I am suggesting is that – the battle is not really over, it may just have started in order to clear our society from unscrupulous people. From my side as a health professional, I am battling with these people, because many of them are claiming to be traditional healers or prophets who even tell people to stop taking their medicine, because they pray for them. Therefore, the battle is not over – I was just probing and throwing this in for a discussion.

HON SPEAKER: Thank you very much. Honourable Maamberua.

HON MAAMBERUA: Thank you, Honourable Speaker. This is actually not the first time that people have travelled using some Airlines without proper documentation, most probably also including Air Namibia, and would have been held at the Airports.

I have to make that statement because from my own experience, there are Airlines in Africa where you will not board their aircraft unless if you show proof that you have the necessary documents – either a visa or relevant documents to the country of destination.

What I have experienced is that an Airline like the Ethiopian Airline, you will never get onto that aircraft unless if you can show proof of that. During my venturous youth days, I have done it and I had to remind behind in several other countries just to take a lift in other more relaxed or

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flexible airlines to reach that same destination, that Ethiopian Airlines would not allow. The crux of the matter is – is Air Namibia really stringent enough with these rules, because I would imagine these are international rules that oblige airlines not to just board anybody to just go to any destination, without making sure that those passengers are properly documented.

The next question, therefore, is maybe to just encourage the Minister of Public Enterprises to check with Air Namibia, because that is now a cost to the taxpayers as that they have to carry these people back to their destinations – they would probably have to foot the bill for what these people have been eating at the Airport, because they are now responsible according to what we have just heard – just avoid this from happening again, otherwise we are going to lose a lot of money, because of lack of stringent rules by our own airline. Thank you.

HON SPEAKER: Thank you. Honourable Attorney-General.

HON ATTORNEY-GENERAL: Thank you, Right Honourable Speaker. I want to first, declare that I am a son of a Bishop. (*Interjection*)

HON MEMBER: Which Bishop?

HON ATTORNEY-GENERAL: He is a retired Bishop. Therefore, when I speak, I am not speaking as the household member (*interjection*)

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HON MEMBER: Are you a priest?

HON ATTORNEY-GENERAL: I am not a Priest, I just wanted to make that declaration first.

Honourable Speaker, I am actually very delighted that since we took off with our discussions this year, this is one of the first where there is concurrence across the Floor and hopefully this reflects the thinking of this society that – *enough is enough* – where you see happy clappy overnight Bishops and people, who, when you call them tell you – *I am blessed*, as if there are those who are not blessed.

One of the comments made in asking the Minister, made reference – I think it was Honourable Ankama – where some of these things are coming from – it is quite surprising that in our homes, in our society, in our Ministries and in our offices we read in the papers how, for instance, a woman is conned of money or in Brazil a Pastor believes that milk comes out of his male organ, and he is arrested – it is a case, they are in our society. The time has come, and I agree that those who have hobbies of moving Motions, like my Friend Honourable Dienda, can perhaps commence, engaging her hobby and put it on the Floor.

However, I just want to make a factual correction. Honourable Muharukua in asking, made mention of an *ex parte* application and an *ex parte* application is where a party, without notifying other parties may have an interest and apply to the Court for an Application or an order to be granted, it was not the case in this instance, this was an Application which was made, but was not served on the Government. Sometimes we want to behave as if, when things are happening, I will be in my home and I will be happy and safe – *it is going to happen to those Government people*. It is they *versus* us and I do not know at what point a sense of patriotism encroaches into the minds of those who just go to Court to apply for such a thing (*interjection*)

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HON MEMBER: On a Sunday.

HON ATTORNEY-GENERAL: On a Sunday, the holiest of their days. *(Interjection)* It is fine, but what I am saying is, even if you are lawyer, when Boko Haram or some Religious Sect infiltrates, they could infiltrate the mind of your very child or daughter. All I am saying is, it was not an *ex parte* Application, I am correcting you on a Point of Information that it is an application that was not served on the Government. I would think that Honourable Muharukua who joined in the discussion here is also concerned as a Leader, he is also concerned as a Lawyer for the wellbeing of this Nation and would, therefore, agree with me that it should not be the case that when you bring an applications against a Government Institution with such a responsibility – and maybe it could be Youth and Sport – that responsibility is still big, because it is a responsibility handed over by the State to that Institution – you should at least at the least serve those who should represent the Government. I hope I can have your concurrence and also hope that you will be the one to speak in the way you are speaking here in this House, and you tell those who are *lawyers by tribe*, as Dr Kawana said – you do not have to agree with the Government, but give them the opportunity, otherwise, it would have been an opportunity for Government to state the case that, notwithstanding the fact that you would like to come and pray – and I do not know whether there is a difference between praying and preaching – it is important that *(intervention)*

HON SPEAKER: I will give you an opportunity. Let the Attorney-General complete his statement. You can go ahead.

HON ATTORNEY-GENERAL: As I was saying, I did not rise on a Point of Order and while I am responding to that – just to correct you – I

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wanted to implore upon his professional patriotism and national sense of being that we have to agree that we may disagree that to do things just on the corner and then come out and say – *I have a Court Order*, and now we are faced with this situation – questions are being asked about who is feeding them, and when it comes, I hope Honourable Maamberua will not say in that Committee – *it was an unauthorised expenditure to buy them apples and oranges*. These things impact the whole society and not just those you think – *they, they, and they*. If the ship sinks, we all sink. Thank you, Honourable Speaker.

HON SPEAKER: Thank you very much. I think we should really thank the Honourable Minister, Honourable Iivula-Ithana for briefing the House – the discussions so far and the question raised were all positive, and I can see why Honourable Muharukua is little bit taken aback. Is there something that was said that you want to correct?

HON MUHARUKUA: Yes. Honourable Speaker, I want to correct – in fact, not the words, but the understanding of my Learned Colleague, the Attorney-General.

I think the art of listening is very important so that when we interpret the information that enters our ears and our heads, we do not impart wrong information. I believe that I have commended the Ministry for doing what they are supposed to be doing, because – yes, I will perhaps not go as far as the fact that it has a lot to do with our security, but it does, you are right.

My Brother or my Learned Friend there is one important thing to the tribe of lawyers, as you now wish to call it in Namibia and it is that we are allegiant to the Law – I am sure you are alive to that fact. We are the people who make the Laws, we do not just apply them. If you get instructions to

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take any person to Court, including the Government at a given time, you are allegiant to the Law and the Court interprets the Law. Let us, therefore, not crucify the lawyers for doing what we have assigned them to do. However, all in all, the service is not always possible and you know that. Yes, you wanted to say – *AR* at the last minute, so we all know that (*intervention*)

HON SPEAKER: Let us leave it there.

HON MUHARUKUA: However, let me conclude by saying the following:

Perhaps just to clarify to the House for those who misunderstood me – I sought clarity from the Minister to clarify so that the Ministry do not to look bad or perhaps, if it did indeed happen like she explained – to explain to the House why the Government acted as they did, why it was not necessary. I did not necessarily say they did anything wrong, because I am not alive to the full facts and in fact, thank you for the fact that you are informing us that it was not an *ex parte* application so you partly assisted the Minister in that regard.

HON SPEAKER: It is on that point where I want to thank both of you because I think the Attorney-General, actually clarified the legal position, which was quite useful for the record.

With that said and done, I now ask the Honourable Minister, whether she want to reply. Honourable Kawana, I do not know how I missed you –you have the Floor please.

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HON MINISTER OF JUSTICE: Honourable Speaker, I rise to add my voice to the Ministerial Statement of my Senior Colleague, the Honourable Minister of Home Affairs and I thank her for informing the Nation through this Chamber.

I am not going to join my fellow *lawyers by tribe* because of those procedures, I believe the Debate does not really belong to this Chamber. It is something that can be taken up at a different forum in the Court of Law through the capable hands of my Learned Colleague, Honourable Attorney-General.

However, what I really wanted to add my voice to is this thing of Churches. Honourable Minister, my advice would maybe be to approach the Council of Churches of Namibia (CCN) and see what can be done. I support those Colleagues who say we need a Law in Namibia that will guide the process so that we follow that process. Our people are dying. Honourable Minister, during the 90s, before this life-saving drugs were introduced, I recall that we were facing a problem, not only here in Namibia, but especially on the African Continent and more so, in the Sub-Saharan Africa.

With the mushrooming of this so-called “Churches” – I put them in quotation marks because I do not really recognise them as Churches. You find that they are advising our people, as Dr Haufiku has said, not to take their medication and today, we are, in fact, experiencing the resurgence of funerals, principally because of this problem and whenever we are faced with this, it has an economic impact on the Government although there is Freedom of Religion as provided for in the Constitution. However, because of some of the conducts the burden really comes to the society; the burden comes to Government; the burden comes to the State; and I think it is high time that we approach and address this issue.

Sometimes, some of the so-called “Churches,” as it was said – even bring poverty. Sometimes people are even required to arrange for a stop order where every month, 20% of your salary must go to this so-called

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“Church.”

Comrade Minister, I think the time has come to take action and when we take action, let us involve the CCN in this regard. I thank you.

HON SPEAKER: Thank you. This point has been well covered and I need to ask whether the Minister would like to share one or two comments.

HON MINISTER OF HOME AFFAIRS AND IMMIGRATION: Thank you very much, Comrade Speaker. I am pleasantly surprised that the whole House is in agreement with how we have handled this matter. Your show of patriotism and nationalism is really appreciated by us.

We may not have handled the matter the way it was supposed to be handled initially, and that is on the basis of which the Court found that our letter was not relevant and cast it aside, but then the issue is – when somebody writes a letter to a Permanent Secretary and is not even applying for any Permit or Visa, he is providing information that we are coming to do *a, b, c, d, e, f, g*. That is why, in the mind of – I want to get to the mind of the Permanent Secretary, he must have felt that the authority of the State is being challenged – this when Mr Shafombambi instructed the Permanent Secretary that – *we are coming to do our Baptism Convention*.

Now, the questions that have been asked are that these people have lived at our International Airport since Sunday and, obviously, they must have been served in one way or the other. The ablution facilities that are meant for passengers who come through and go wherever they are going were now permanently occupied. It is an expense in itself where the Namibia Airport Company must incur some expenses, the bulk of it would be

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carried by Air Namibia itself. Lucky enough, all these passengers had return tickets; all of them, but they might be some shortfalls here and there, which Air Namibia itself must just carry it, there is no other way. That is a lesson too. It is a lesson to our national carrier and for those of you who have not been here longer, I have been an advocate for Air Namibia – I was an advocate for this Airline both here and at the Ministry, every time. However, they ended up doing this kind of sloppy job, costing them money, costing the State money that the State does not have and they themselves do not have either. It is amazing – the size of the suitcases these travellers had – you might have seen them on the television, they were huge, and I asked myself what the content was. Obviously, we did not go into the content of their suitcases, but we are putting the State at a security risk.

However, let me also at this point, thank my Comrade, the General, because immediately that situation arose, we called on his forces and they were there 24 hours with our Immigration Officials. I would also like to thank my officials on this score, for having lived up to our expectations.

The other question was how it happens that somebody comes here as someone else and the following day, he or she is a preacher:

That is precisely the loophole, because somebody applies through the Ministry of Trade, for example, to come and invest as a business person, and as such, this person would be given a Business Visa, however, when he or she is here, who will go around checking what this person is actually doing? The majority of them end up doing what they are doing, it is actually business – they are doing business, because our people are so gullible, I must say this. We are so gullible – we are called to throw away our medications, because this person is going to pray for us, we are going to get well, and we really believe it – we believe it! We have been telling ourselves that we are 99%, a Christian Community. Is that the case now? No, that is all gone.

Honourable Muharukua, your question was answered by the Attorney-

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General. Actually, what had happened is that the lawyer of the Applicant went to Court without serving the State, and in the end, they even fabricated a story that they have apparently, called up one of the lawyers on that Sunday and unfortunately, that lawyer was not even in town – which was not even factual. They did not serve us and, therefore, I just used a wrong word when I said – *ex parte*.

Who must have given wrong information to the group? Well, I do not want to attribute blames on anybody, but the representative here is Mr Shafombambi. If there is anybody whom we could be pointing a finger to, it is this person who seemed to be the link between them and ourselves as a National Director. He must have directed them as to what needed to be done and that is why the people came without the necessary Permits and Visas. Yes, it is true that there are unscrupulous people all over and for those who are calling for something to be done, it is also true that the situation is beyond the Ministry. The Ministry is unable to act because we are not the ones giving the authorisation for people to come in the country – when they appear at the airport with the necessary Visas and Permits, we have no reason to keep them at the airport, we allow them in, but the scrutiny elsewhere, is where things are not truly tighten up and I hope from here on, we are going to get together and see what can be done to close the loopholes.

The Council of Churches of Namibia has been seeing us, they are also disturbed. They are also trying to avoid conflict of interest because they do not want to be seen as protecting their turf, yet the turf is really being destroyed. It us from Government who are unable to probably come their aid.

Now that we have this fresh situation on our hands, I hope that we will take proactive action to invite others, so that we sit together and see how we can proceed from here on. I hope I have addressed all the concerns that were raised. I thank you very much.

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**COMMITTEE STAGE – INCOME TAX
AMENDMENT BILL
HON SCHLETTWEIN**

HON SPEAKER: Thank you very much. I now call upon, Honourable Hinda. Your name was on the list and you have been waiting for quite a while.

HON HINDA: No, Honourable Speaker, what I wanted to say was actually overtaken (*intervention*)

HON SPEAKER: By the lengthy questions. Well, the Secretary will read the First Order of the Day.

**COMMITTEE STAGE – INCOME TAX
AMENDMENT BILL [B.9 – 2015]**

SECRETARY: Committee Stage – *Income Tax Amendment Bill* [B.9 – 2015].

HON SPEAKER: Does the Honourable Minister of Finance Move that the Assembly now goes into Committee?

HON DEPUTYMINISTER OF FINACE: I so Move, Honourable Speaker.

HON SPEAKER: Any objection? Who seconds? Agreed to. I now call

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**COMMITTEE STAGE – INCOME TAX
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upon the Deputy Speaker, who is also the Chairperson of the Whole House Committee to take the Chair.

ASSEMBLY IN COMMITTEE

HON CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:

The Whole House Committee is called to order. The Committee has to consider the *Income Tax Amendment Bill B.9 – 2015*].

I put Clause 1, 2, 3 and 4. Any discussions? Any objection? Agreed to.

I put Clause 5, 6, 7 and 8. Any discussions? Any objection? Agreed to.

I put clause 9, 10, 11 and 12 any discussion, any objection, agreed to.

I put the Title. Any discussions? Any objections? Agreed to.

I shall report the Bill without Amendments.

Honourable Speaker, the Committee has gone through the Bill [B.9 – 2015], as set out in all the accompanying documents and agree to it without Amendments.

ASSEMBLY RESUMES

Bill reported without Amendments.

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**THIRD READING – INCOME TAX
AMENDMENT BILL
HON ITHETE**

HON SPEAKER: Thank you. Does the Honourable Minister of Finance Move that the Bill is now read a Third time?

HON DEPUTY MINISTER OF FINANCE: I so Move, Honourable Speaker.

HON SPEAKER: Any objection? Who seconds? Agreed to. Any further discussion?

Does the Honourable Minister of Finance wish to reply? the Deputy Minister has the Floor.

HON DEPUTY MINISTER OF FINANCE: Yes, Honourable Speaker. I would like to thank the Honourable Members for handling this process in a very mature and speedy manner. Thank you very much.

HON SPEAKER: Thank you. I now put the question that the Bill be read a Third Time. Any objection? Agreed to.

The Secretary will now read the Bill a Third Time.

**THIRD READING – INCOME TAX
AMENDMENT BILL [B.9 – 2015]**

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**SECOND READING – PUBLIC
PROCUREMENT BILL
HON DIENDA**

SECRETARY: *Income Tax Amendment Bill* [B.9 – 2015].

HON SPEAKER: The Secretary will read the Second Order of the Day.

**RESUMPTION OF DEBATE ON SECOND
READING – PUBLIC PROCUREMENT BILL [B.8 – 2015]**

SECRETARY: Resumption of Debate on Second Reading – *Public Procurement Bill* [B.8 – 2015].

HON SPEAKER: When the Debate was adjourned on Tuesday, the 29th of September 2015, the question before the Assembly was a Motion by the Honourable Minister of Finance that the Bill be read the Second Time.

The Honourable Deputy Minister in the Office of the Vice-President, Honourable Manombe-Ncube adjoined the Debate and I see she is not with us here. Is there anybody who might have been briefed by the Honourable Deputy Minister? Yes, you have the Floor.

HON DIENDA: Thank you, Honourable Speaker. Honourable Speaker, I need to clarify something with the Deputy Minister, so I would like to ask the House if I could please adjourn this Debate until tomorrow. There is something quite urgent that I need to discuss.

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AMENDMENT BILL
HON DIENDA**

HON SPEAKER: Well, I suppose, it will now be between the two of you. Can we give the two of them that opportunity until tomorrow?

HON DEPUTY MINISTER OF FINANCE: I would further propose that we adjourn until Tuesday.

HON SPEAKER: So, there will be enough time. Can we agree to that? The discussion on this will be deferred until Tuesday, next week. Thank you very much.

The Secretary will read the Third Order of the Day.

**RESUMPTION OF DEBATE ON SECOND READING –
REGIONAL COUNCILS AMENDMENT BILL [B.11 – 2015]**

SECRETARY: Resumption of Debate on Second Reading – *Regional Councils Amendment Bill* [B.11 – 2015].

HON SPEAKER: When the Debate was adjourned on Thursday, the 24th of September the question before the Assembly was a Motion by Honourable Minister of Urban and Rural Development that the Bill be read a Second Time. Honourable Dienda adjourned the Debate and she now has the Floor.

HON DIENDA: Thank you, Honourable Speaker. Honourable Speaker,

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AMENDMENT BILL
HON DIENDA

Honourable Members, the *Amendment Bill* seeks to add an additional requirement in order for someone to be electable as a Member of a Regional Council or states that in order to be elected as a Regional Councillor, a person must be able to communicate, read and write in English the Official Language of Namibia, this is on Page 4.

Honourable Speaker, I do not have any problems with this requirement, but I have strong reservations about the practical implementation of this Provision. How will this be monitored and controlled? Will individuals who were democratically elected and the people believe will best serve their interest, be removed from office after it is found that they do not meet that requirement? Will the removal of a democratically elected official in such circumstances be constitutional? Will there be tests that are required to be written by all candidates who are nominated, to see whether they possess the necessary skills. I understand and I support the requirement, however, Honourable Speaker, I doubt it can be realistically implemented in practice.

Honourable Speaker, I also do not see us, as Members of Parliament making Laws which affect other people, but we do not make Laws that also affect us, because Regional Councillors, or people who want to contest as Regional Councillors might ask – *why do the same requirement of reading, writing and speak English not also apply to the Members of Parliament?*

Honourable Members, Honourable Speaker, the Bill proposes that in order for Regional Councils to appoint a Chief Regional Officer who is effectively the CEO of any Regional Council, the Regional Council will need the prior written approval of the Minister. Honourable Speaker, I think that it is dangerous to make the appointment of an individual who will work directly with the Members of the Regional Council and not with the Minister subject to the approval of the Minister. What happens in those instances where the Regional Council cannot get the authorisation of the Minister for a particular candidate as the Minister prefers another candidate? Does the position remain vacant until the Regional Council

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AMENDMENT BILL
HON DIENDA

gives up?

Additionally, Honourable Speaker, how conducive and effective will a working relationship between such an individual and the Regional Council be? Honourable Speaker, the current requirement is that the Regional Council must consult the Minister prior to the appointment of the Chief Regional Officer, but the Bill now makes the appointment directly subject to the written approval of the Minister. I believe that the current requirement is sufficient in that it allows engagement and consultation with the Minister, but does not subject the Regional Council to the authority of the Minister as this can create problem when there is any disagreement about who would the suitable Chief Regional Officer should be. Honourable Speaker, I propose that the reasons for this change be set out in detail in order for this august House to understand what has brought about this proposed change and the need for the Minister to try and micromanage the appointment of staff members of the Regional Council.

Honourable Speaker, Honourable Members, the most important and significant Amendment to this Bill intends to bring about the prohibition of the sale of land in settlement areas to people who are not Namibians, foreigners – both individuals and foreign owned companies. The DTA supports all legislative and statutory measures that seek to bring about long overdue redress and create greater equality in land ownership in Namibia. It is our contention that a firm stance needs to be taken on this issue. It is, therefore, regrettable that aside from the acceptable exceptions in cases of, for example, deceased estates and mortgage bonds, the Minister is granted additional powers to grant a blanket exception that paves the way for foreigner to own immovable property in settlement areas in such other circumstances as the Minister prescribes.

Honourable Speaker, if we are truly serious about decreasing the amount of foreign owned land in Namibia then we cannot leave so much leeway for exemption and exceptions to this prohibitant. The exemptions included in the Bill are sufficient and there is no need for the Minister to be granted additional powers to identify other classes of foreigners to

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AMENDMENT BILL
HON JAHANIKA

who land maybe sold or transferred.

Honourable Speaker, Honourable Members, the proposed prohibition will hopefully ensure that foreigners, non-Namibians and companies owned by foreigners do not buy land in future. My question is – and this is not addressed in this Bill – what statutory measures would be put in place, if any, to ensure that the massive land currently owned by foreigners is eventually owned by Namibians? The willing buyer - willing seller approach has failed or alternatively, it does not have the desired effect at the required speed.

Honourable Speaker, if anything, the exception in the *Amendment Bill*, which states that the prohibition does not apply to the administration of deceased estates only serves to further and strengthen the issue of the succession purchase of farms where many commercial farms in this country pass from one generation to the next in one family – many a times Honourable Speaker, this benefits foreigners without there ever being an option for the Government or a Namibian citizen to purchase those farms.

Honourable Speaker, Honourable Members the Bill rightly seeks to prohibit future foreign ownership of land in settlement areas, but it does not address mechanisms to regain the large tracts of land already owned by the same people. We are in the midst of a land crisis brought about by past monopolies and until we fix that, seeking to regulate future ownership, though it is a good intention, I believe will not significantly address the land shortages. This is my worry Honourable Speaker. Thank you very much, Honourable Members.

HON SPEAKER: Thank you. I call upon, Honourable Jahanika.

HON JAHANIKA: Thank you, Mr Speaker, I rise to make my

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contribution to the *Regional Council Amendment Bill* as tabled in this august House by the Minister, Honourable Sophia Shaningwa.

Honourable Speaker, Honourable Minister, I want to know why the Minister who is not responsible for regional affairs, needs to approve the appointment of Chief Regional Officers? I think the approval must be left in the hands of the Regional Council. Can the Minister mention some few circumstances, which will necessitate the Minister to disapprove the appointment of the Chief Regional Officers, because when we talk about approval, there must also be disapproval? As for me, I do not see the need for the Minister's involvement, unless there are complaints about candidates experienced during the interview process. I am afraid that the Minister may use his or her muscle to dictate to the Regional Council which candidates to be appointed for certain reasons.

Honourable Speaker, according to me, this Bill has fallen short of addressing the harmonisation of the two Acts namely, the *Regional Councils Act* and the *Special Advisors and Regional Governors Act*, which created two centres of power in the Region which consist of elected Chairperson of the Regional Council and undemocratically appointed Regional Governors who are the regional political heads and indeed, powerless as it is a well-known fact, even known by the Regional Governors themselves.

Therefore, the *Special Advisors and Regional Governors Act* and *Regional Councils Act* could have been amended along the Constitution of the Republic in order to make provision for the direct election of the Regional Governors and Regional Members of the National Council. If the Regional Governors are elected by the electorate, they will be the Chairpersons of the Regional Councils in their capacity as the Regional Governors – as currently, they may attend the Management Committee Meetings of the Regional Councils, but they may not or cannot propose and vote, however, they are the political heads of the Region.

The Regional Governors must also deliver what I term SORA meaning –

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State of the Region Address. However, how good will their addresses be as they are not involved in the day-to-day Regional Development Planning and Implementation? It is only in Zimbabwe and Namibia where Regional Governors are appointed by the President and contradict the principle of free choice by way of a democratic elections.

Honourable Speaker, (*intervention*)

HON SPEAKER: Point of Order.

HON JAHANIKA: Okay.

HON MINISTER OF JUSTICE: On a Point of Order, Honourable Speaker – I know that the Honourable Member is a new Member of this Chamber, but what he is condemning is in the Constitution and in terms of our Rules – in fact, he is condemning a Provision that is in the Constitution, which is not really allowed.

Factually, it is also not correct to say that the Governors are appointed by the President, only in two countries, Zimbabwe and Namibia. On the contrary, in Botswana they are called Commissioners, and are appointed by the President, because they are Representatives of Central Government – they are Representative of State House, so he must understand it in that context. That is why they are appointed by the President, even in Botswana. He is, therefore, factually incorrect.

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HON JAHANIKA: Honourable Speaker, although it is in the Constitution, I still do not agree that the Regional Governor must be appointed by the President. That is why I said, the *Regional Councils Act* and the *Special Advisors and Regional Governors Act* should have been amended along the Constitution, if that was done, I would not have said anything. Again, even if Botswana, Zimbabwe and Namibia are appointing Governors, it is against the principle of democracy.

Honourable Speaker, the Amendment of the Constitution makes provision for the Regional Councils (*interjection*)

HON MUHARUKUA: Do not intimidate him.

HON JAHANIKA: Sorry Comrade, do not intimidate me please. (*Laughter*) The Amendment of the Constitution makes provision for the Regional Councils to elect or appoint three Members to represent a particular Region in the National Council. And they are elected in their Constituencies on a full-time basis as Constituency Councillors, and now we have to come and stay in Windhoek for a number of weeks, by so doing neglecting their Constituencies and on top of that, some are being appointed as Ministers. Again, they must make sure that their Ministries are performing and, therefore, 42 Constituencies will be neglected for the next five years. The restriction of the eligibility for election as Members of the National Council – if they are Members of Regional Council's Management Committee, it still does not solve the problem of neglecting the 42 Constituencies.

Honourable Speaker, I hope that before the end of the new term of the Regional Council, which will start in the December 2015, our democratically elected Namibian Government, led by SWAPO will come to its democratic wisdom and amend the Constitution, the *Regional*

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Council Act, Special Advisors and Regional Governors Act, the Electoral Act and other related Acts to make provision for the direct election of Regional Governors and Regional Members of the National Council by the regional electorate.

HON SPEAKER: Point of Order.

HON JAHANIKA: I thank you. *(Laughter)*

HON SPEAKER: I think you just manage to complete before Honourable !Naruseb could come in. It is a very interesting intervention that you made because the same Party that led the Amendments to the Constitution is the same Party you are appealing to, to reverse what they have done. Is that what you are saying? Any further discussions? I have exhausted my list.

Let me now call upon, the Honourable Minister and see whether she would like to reply. Honourable Minister, you have the Floor.

HON MINISTER OF URBAN AND RURAL DEVELOPMENT:
Thank you very much, Honourable Speaker and Honourable Members of this august House. I also thank the Honourable Members who have contributed to the proposed ones *.Amendment Bills.*

I am not prepared today, to provide answers to the questions posed. I am, therefore, requesting your indulgence Honourable Speaker and the Honourable House that I be given some time and to prepare so that I can

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provide professional answers to what was posed to me. Thank you, Honourable Speaker.

HON SPEAKER: Is that now for tomorrow or Tuesday?

HON MINISTER OF URBAN AND RURAL DEVELOPMENT:
Tuesday.

HON SPEAKER: Thank you very much. We will conclude
(intervention)

HON MINISTER OF URBAN AND RURAL DEVELOPMENT: I so
Move, Honourable Speaker.

HON SPEAKER: We will conclude and take up the item next week
Tuesday. Thank you.

The Secretary will read the Fourth Order of the Day.

**RESUMPTION OF DEBATE ON SECOND READING –
LOCAL AUTHORITIES AMENDMENT BILL [B.12 – 2015]**

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SECRETARY: Resumption of Debate on Second Reading – *Local Authorities Amendment Bill* [B.12 – 2015].

HON SPEAKER: When the Debate was adjourned on Tuesday, the 24th of September 2014, the question before the House was the Motion by the Honourable Minister of Urban and Rural Development that the Bill be read a Second Time. Honourable Maamberua adjourned the Debate and he now has the Floor.

HON MAAMBERUA: Thank you, Honourable Speaker. I would like to thank the Minister for initiating Amendments to this very important Act, though, of course, with some issues that should have been included.

My first question to the Minister is, who are the stakeholders who were consulted in this process of amending the Act? I am asking this question because you have very important stakeholders who, as an imperative, would have been consulted like ALAN, that is, the Association of Local Authorities of Namibia, Traditional Leaders, the Chamber of Commerce – because here we are talking about land for business and so on.

I am not sure to what extent – I know there is a Section that was basically taken from the *Land Act* into this Act, but I do not know whether the Ministry itself, as an Institution, was part of those stakeholders who were consulted or not because in the Statement of the Minister there is nothing mentioned about who the stakeholders, who were consulted are and what their views were as far as this Amendments are concerned.

Honourable Speaker, we know that Laws are not promulgated for the sake of promulgation. Similarly, they are not amended as an end to themselves, thus it is imperative that, when we propose Amendments to our Laws, we expound and delineate the rationale and context to answer

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the question as to why. Minister in her Motivation Statement said the following, and I quote – *“Rural and urban migration has taken centre stage all over the world, in a few years from now, more than 70% of the world population will live in urban areas. It is, therefore, important that we prepare ourselves in order to ensure that we render adequate municipal services to our people.”* I think it is correct at the global level, however, I would want to see the Minister justifying the Amendment to this on the basis of the Namibian situation and not based it on the global statistics and trends. Therefore, what are the specifics about Namibia? In how many years is the urban population going to be what percentage, for example, of the total population? How critical is the Namibian situation currently, that necessitates Amendment of this Act, and how does amending the Law going to ameliorate the situation that we are facing? These are some of the things that would put us in a better understanding to know why you are amending this Act.

I go on to Paragraph 5 of the Minister Statement which reads as follows, and I quote – *“Honourable Speaker, in the past few two years we witnessed a situation of abuse and greed by some, and I emphasise some Local Authorities Councillors, who were put in the position of trust by the Namibian electorate. We have witnessed corruption in the allocation of urban land. It is partly because of this experience, that a cleanup is necessary. The Ministry and the Minister must be given enough statutory powers to deal with the problem.”*

It is fair. The Minister is seriously concerned. Again, for us to understand what these Amendments are all about, could the Minister give more specifics about these above quoted paragraphs, for example, in which municipalities or Local Authorities have you witnessed corruption in the allocation of urban land, Honourable Minister? In which municipalities or Local Authorities have the Ministry and the Minister witnessed *(intervention)*

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HON SPEAKER: Sorry, sorry, Honourable Member. I am sorry please continue.

HON MAAMBERUA: Yes, thank you. We want to know in which municipalities or Local Authorities have you witnessed corruption in the allocation of urban land, can you get the society of Namibia to understand by actually naming them so that we do not just make blanket statements? How many Local Authorities Councillors have been convicted with a crime of corruption or are you just accusing Local Councillors for nothing? Have they been convicted or why are you saying they have been engaged in corrupt practices? Why have all the preceding Ministers over the past 25 years not been able to deal with what the Minister terms – *witnessed situation of abuse and greed by Local Authorities Councillors* as you have emphasised Honourable Minister? (*Interjection*)

Oh, I see hear preceding Minister talking (laughter) Why have you not dealt with these issues of corruption at the Local Authorities over the past 25 years? (*Intervention*)

HON SPEAKER: Can I call for order, because we are up against time and I want to take in all the questions so that we can then adjourn? The Minister will come back and provide all the answers.

HON MAAMBERUA: Yes. The next question is, are the new powers being sought through this Amendment not going to give any Minister of that Ministry absolute power? It looks like that. Would you not want to

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guard yourselves from the dictum, which says – *power corrupts and absolute power corrupts absolutely?* Why do you want absolute power?

Honourable Speaker, it is important that we clear the air because in the next paragraph, that is now Paragraph 6 of the Minister’s Statement, the Minister states as follows – “The Ministry and I will deal very harshly (*interjection*)

HON MEMBER: Wooh!

HON MAAMBERUA: *With corrupt Local Authorities Councillors.”* Now, Comrade Speaker, one of the synonyms of harsh is *unkind*; so it means that the Minister is going to deal unkindly with them; the other synonym is *cruel* and the other synonym is *uncivil*. Is it really what the Minister intends to do – to deal either unkindly or in a cruel manner, or in an uncivil manner with them? However, when the Minister says that she is going to deal with them very harshly, it means it is even worse than either being unkind, cruel or uncivil. (*Intervention*)

HON SPEAKER: I do not think that I really want to allow interventions, so can you just wrap up please because we are up against time.

HON MAAMBERUA: No, I cannot wrap up, I am going to continue tomorrow because my statement is still there and I still have my time.

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**ADJOURNMENT
HON PROF KATJAVIVI**

HON SPEAKER: Absolutely. Can we stop there and adjourn until tomorrow, at the usual time? Thank you. The House stands adjourn.

HOUSE ADJOURNS AT 17:47 UNTIL 2015.10.01 AT 14:30
