

**NATIONAL ASSEMBLY
ASSEMBLY CHAMBERS
WINDHOEK
20 NOVEMBER 2018**

The Assembly met pursuant to the adjournment.

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

HON SPEAKER: Welcome back. It is beginning to look as if we might have the number. The number has been yes, let us keep you here for a while for the reason that is well known to all of you why we should be here to deal with the matters that has been assigned to this House, any petitions, reports of standing and select Committees, other reports and papers, Deputy Minister of Finance.

TABLING: REPORTS OF THE AUDITOR-GENERAL

HON DEPUTY MINISTER OF FINANCE: Honourable Speaker, Honourable Members, I lay upon the table report of the Auditor-General on the account of-

- (i) Regional Council of the Kavango West for the Financial Year ended 31 March 2016;
- (ii) Land Acquisition and Development Fund for the Financial Year ended 31 March 2017; and
- (iii) Regional Council of the Khomas Region for the Financial Year ended 31 March 2017.

I so move Honourable Speaker.

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**TABLING OF REPORTS
HON ALWEENDO**

HON SPEAKER: Thank you, notices of questions, yes, Honourable Tom Alweendo.

HON MINISTER OF MINES AND ENERGY: Honourable Speaker, I lay upon the Table:

- (i) Annual Report of NAMDIA, for the Financial Year 2017; and
- (ii) Annual Report of National Energy Fund (NEF) for the Financial Year 2015-2016.

I so Move, Honourable Speaker.

HON SPEAKER: Thank you, it is very interesting report, notices of Motions, messages from the Head of State, Ministerial Statements, yes, Honourable Tom Alweendo.

**MINISTERIAL STATEMENT IN TERMS OF RULE
98 OF THE STANDING RULES AND ORDERS**

**REACTION TO A NEWSPAPER
ARTICLE OF 8 NOVEMBER 2018**

HON MINISTER OF MINES AND ENERGY: Honourable Speaker I want to make a short Ministerial Statement. Two weeks ago on the 8th of November the Namibian newspaper carried a headline article that says

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that I as the Minister of Mines and Energy did not know that NAMDIA was owned by the State. Now this is certainly an upset plan and so for obvious reason. Now Honourable Speaker ordinarily and given the deduce nature of the media at times I would have left this matter to rest. However, I was taken aback when I saw a television interview clip on this issue by one of the Honourable Members of this August House.

The Honourable Nico Smit was being interviewed by NBC Journalist. He said and I quote 'it is so mind boggling. It is total crazy because the Board member of NAMDIA are being appointed by the Cabinet of which he is a member referring to me since 2015 before NAMDIA was started and now he say he does not know'. Now Honourable Speaker he therefore then suggest that a person must appoint a Commissioner of inquiry to among others look into the case of the Minister of Mines and Energy not knowing that NAMDIA belong to the State. Now Honourable Smit unfortunately is not her. Had I been in your position, I certainly would have been equally aggrieved and very angry at the Minister who is so irresponsible and so thoughtless not to know that NAMDIA is owned by the State.

That is now if it was indeed true that he did not know such a basic details. Honourable Speaker it is the case that we have a number of challenges facing us as a nation, challenges that requires us as elected leaders to bring our wisdom to bed to show that those who have elected us to this August House did not make a mistake. It is therefore disheartening and I find it rather unacceptable when one of us attempts to trivialize serious efforts being made at improving governance issues at some of our state owned institutions. Honourable Speaker I know that we are about to enter a period where some political parties once again start to make themselves attractive to the electorates.

This is a period where some politicians start to trade in publication and deception. They become immune to facts. They tried so hard to make their political opponents the bath of their smart in renduce. They start to shoot from the hip and to them the end justifies the needs. Honourable Speaker such action undermine the intelligence of the electorate and I believe that electorates deserve better treatment from their elected leaders. I was to

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HON SANKWASA**

assure that Honourable Smit that I certainly you know that NAMDIA is owned by the State and that we as Government will continue to do everything ensuring that all state owned companies do serve a purpose for which they were elected for and therefore I thank you Honourable Speaker.

HON SPEAKER: Thank you. Clarification noted, thank you very much. We will talk about the minds some other time not now. Let us go ahead with our agenda before us.

The Honourable Member my list of the membership for the entire House that I have here before me do indicate that the Honourable Lucia Ipumbu was born on this day and let us offer her our congratulations and happy birthday, many more happy returns.

The second notice of a Motion is the one of the Deputy Minister of Works and Transport. Does the Honourable Deputy Minister move the Motion?

HON DEPUTY MINISTER OF WORKS AND TRANSPORT: Yes, I so move Honourable Speaker.

HON SPEAKER: Who seconds the Motion, any objection, agreed to. The Honourable Deputy Minister you have the floor.

RATIFICATION OF THE AFRICAN ROAD SAFETY CHARTER

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**RATIFICATION OF THE AFRICAN ROAD
SAFETY CHARTER
HON SANKWASA**

HON DEPUTY MINISTER OF WORKS AND TRANSPORT: Thank you Honourable Speaker and Honourable Members of this August House. It is my distinct honor and privilege to inform this August House that Cabinet through its decision number 13 of May of the 5th of September 2018 approved Namibia's assertion to the African Road Safety Charters and authorized this tabling in the National Assembly for purpose of ratification. Namibia just like the rest of the continent is experiencing an upsurge in the road safety fatalities to the level where it is becoming a crisis. Based on the 2017 figures, the country recorded about 700 fatalities and more than 5 000 injuries.

This figure gives us a capita rate of road fatalities above the continental average of 26. According to the World Health Organization report 2017 Namibia's death threat due to road traffic accident has reached 3.76% of the country's total birth with the adjustable death rate standing at 27.96%. On the strength of these figures, Namibia is now ranked 45th in the whole world when it comes to road traffic death. Out of the listed cases, 50 cases of death road accident fatalities are ranked at number 8. With the current rate of which both the vehicle and human population is increasing, these figures are likely bound to increase to level that it may overtake the number of coronary heart disease related death in the country.

It is common knowledge and the fact that the current fatality rate is placing a substantial burden on the country to limited financial capacity, health care and social systems. In monetary terms road crashes exactly hit bad on the Namibian economy. According to a study commissioned in 2016 by the National Road Safety Council and carried out by Earnest and Young it was established that the cost of road crashes of the Namibian economy amounts N\$1.3 Billion per year. Honourable Speaker, Honourable Members in this time of scarcity these figures could have been put to good use than taking care of social issues.

The Road Transport subsector, is without any shed of hesitation essential for the country's drive to reducing poverty and boosting prosperity. Transportation provide extended access to jobs, education and health care.

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It also connects goods and services to markets and is the key drive of economy especially here in Africa where 90% of the people and goods are moved by road. Given the above factors, we cannot be complacent in our efforts to find a lasting solution our road safety problems or our quest of improving our people's living standards may dismally fail to yield the desired results.

Honourable Speaker, Honourable Members Article 6 of the Constitution places the responsibility to protect human life on the State especially to this legal obligation that the Ministry of Works and Transport deem necessary for Namibia to accede the African Road Safety Charter as doing so would provide a conducive policy environment for drafting of a new Road Safety legislation. That will repeal and replace the outdated and archaic National Road Safety Council of 1972 which is Act number 9 which by the way became applicable to independent Namibia by virtue of Article 140(1) of the Namibian Constitution.

Furthermore the main objective of the Charter is to serve as Africa's principle policy framework on road safety and an adjustment instrument for the creation of enabling environment for the improvement of road safety on the continent. The ratification of the Charter will ensure the realization of the following specific objectives:

- a. Formulation of comprehensive road safety policy and the laws at country and continental level,
- b. Speedy and effective implementation of national, regional and continental road safety programs,
- c. Improved governance and structured coordination of road safety work at country, regional and continental level,
- d. Foster better coordination and involvement of development partners in the country and continent's road safety interventions.

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- e. Enhance multi-sectoral involvement that would foster participation inclusive of the private sector, civil society and Non-Governmental Organizations (NGOs)
- f. Harmonization at continental level of road safety data collection, treatment and dissemination

Honourable Speaker, Honourable Members on the basis of reasons herein stated it is recommended that this August House considers and approves the ratification of the African Road Safety Charter as presented. I thank you.

HON SPEAKER: Thank you. Any further discussion, in the absence of further contributions, does the Honourable Deputy Minister of Works and Transport wish to reply?

HON DEPUTY MINISTER OF WORKS AND TRANSPORT: I wish to thank the August House for being positive for the sake of this country. Thank you.

HON SPEAKER: Thank you very much and I put the question that the ratification be agreed to. Are there any objections, then it is agreed to. Thank you.

The third notice of a Motion is the one of the Honourable Deputy Minister of Justice. Does the Honourable Deputy Minister move that the Bill be now introduced?

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THE REPUBLIC OF NAMIBIA BILL
HON SHAPWA**

HON DEPUTY MINISTER OF JUSTICE: I so move Honourable Speaker.

HON SPEAKER: Who seconds the Motion, is there any objection, it was entered in our books before so it is quite in order. I call for who seconds, is there any objection, then it is agreed to. Will the Honourable Deputy Minister please table the Bill?

The Secretary will now read the Bill a First Time.

**FIRST READING – NATIONAL SYMBOLS OF
THE REPUBLIC OF NAMIBIA BILL [B.22 – 2018]**

SECRETARY: *National Symbols of the Republic of Namibia Bill [B.22 – 2018].*

HON SPEAKER: Does the Honourable Deputy Minister of Justice move that the Bill now be read a second time?

HON DEPUTY MINISTER OF JUSTICE: I so move Honourable Speaker.

HON SPEAKER: Any objection, who seconds, agreed to. The

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Honourable Deputy Minister you have the floor.

**SECOND READING – NATIONAL SYMBOLS OF
THE REPUBLIC OF NAMIBIA BILL [B.22 – 2018]**

HON DEPUTY MINISTER OF JUSTICE: Honourable Speaker, Honourable Members the Namibian constitution under Article 2 which is titled national symbols states the following:

1. Namibia shall have the national flag the description of which is set out in schedule 6 hereof.
2. Namibia shall have a national coat of arms, national anthem and the national still to be determined by the Act of Parliament which shall require the two thirds majority of all the Members of the National Assembly for the adoption and amendment
3. The national seal of the Republic of Namibia shall show the coat of arms circumscribe to be the word Namibia and the moto of the country which shall be determined by the Act of Parliament as aforesaid
4. The national seal shall be in the custody of the President of such person whom the President may designate for such purpose and shall be used on such official documents as the President may determine.

Honourable Speaker indeed schedule 6 of the Namibian Constitution defines the Namibian flag and perhaps there may not be a need to further define it although it fails to provide for its emblem with specifications as to the colours of the Namibian flag which is why flags from China and elsewhere look differently from other sources. There is no specified colour pattern. Furthermore, the national coat of arms of the Republic of Namibia

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Act 1990 Act number 1 of 1990 was indeed promulgated in accordance with Article 2(2) of the Namibian Constitution to articulate the national coat of arms.

The question then arises if the above is the case, why then do we need this Bill. The answers are simple and hence this motivation on the national symbols Bill today. There are errors in the said national coat of arms of the Republic of Namibia Act 1990 for instance where it reflects anua it ought to reflect assua and there are omissions in the said national coat of arms of the Republic of Namibia Act 1990 while no embosom is provided to articulate the particulars of the coat of arms. It also seem that through the cracks of history no national anthem registration was ever promulgated as required under Article 2 of the Namibian Constitution.

Furthermore it also seems that no national seal legislation was ever promulgated as required under Article 2 of the Namibian Constitution. In accordance with the provisions of the Namibian Constitution, the purpose of the Bill is therefore to make provisions for:

1. An embosom of the coat of arms of the Republic of Namibia
2. An ambosom of the national seal of the Republic of Namibia
3. An Ambosom of the Presidential flag of the Republic of Namibia
4. The national anthem
5. Matters relating to the use of the national flag, the court arms, the national seal, the national anthem and the Presidential flag.

I trust therefore that the Honourable Members will be in full support of the accurate legal recordings of our Namibian heritage and symbolism and I thank you.

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HON DIENDA / HON SHAPWA**

HON SPEAKER: Thank you, any further discussions? Well, in the absence of any further contributions, yes, please.

HON DIENDA: I would like to ask the question to the Deputy Minister. Deputy Minister I just want to know I saw in other countries constitutions that you are not allowed to make a dress with the colours of the national flag. Is it right or not that colours, thank you Honourable?

HON SPEAKER: Thank you. Yes, Deputy Minister please.

HON DEPUTY MINISTER OF JUSTICE: Yes, I think the Honourable Member is right to say in other countries constitutions. Our constitution does not say that so therefore but again, our national flags, colours are our own heritage, our pride so therefore for as long as it is used properly, it is not prohibited by our constitution. Thank you.

HON SPEAKER: Thank you very much. Well, with that if no further discussion, does the Honourable Deputy Minister wish to reply?

HON DEPUTY MINISTER OF JUSTICE: Honourable Speaker, Honourable Members I thank this House for supporting the Bill. Thank you.

HON SPEAKER: Thank you very much. I now put the question that the Bill be read a second time, any objection, agreed to.

The Secretary will now read the Bill a second time.

**SECOND READING – NATIONAL SYMBOLS FOR
THE REPUBLIC OF NAMIBIA BILL [B.22 – 2018]**

SECRETARY: *National Symbols of the Republic of Namibia Bill [B. 22 – 2018]*

HON SPEAKER: The fourth notice of a Motion is the one of the Honourable Deputy Minister of Justice. We will continue with you. Does the Honourable Deputy Minister move the Bill be now introduced?

HON DEPUTY MINISTER OF JUSTICE: I so move Honourable Speaker.

HON SPEAKER: Who seconds the Motion, is there any objection, then it is agreed to. Will the Deputy Minister please table the Bill? Does the Honourable Deputy Minister of Justice move that the Bill be now read a second time?

HON DEPUTY MINISTER OF JUSTICE: I so move Honourable Speaker.

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**FIRST READING EXTRADITION
AMENDMENT BILL
HON SHAPWA**

HON SPEAKER: Sorry, sorry, introduced. We have done that.

HON DEPUTY MINISTER OF JUSTICE: I so move Honourable Speaker.

HON SPEAKER: The Secretary will read the Bill the first time.

**FIRST READING – EXTRADITION
AMENDMENT BILL [B. 19 – 2018]**

SECRETARY: *Extradition Amendment Bill* [B. 19 – 2018].

HON SPEAKER: Does the Deputy Minister of Justice move that the Bill be read a second time?

HON DEPUTY MINISTER OF JUSTICE: I so move Honourable Speaker.

HON SPEAKER: Any objection, who seconds, agreed to. The Honourable Deputy Minister has the floor.

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**SECOND READING – EXTRADITION
AMENDMENT BILL [B. 19 – 2018]**

HON DEPUTY MINISTER OF JUSTICE: Honourable Speaker, the world has become one small village so much that our citizens are found in various places within the globe. As humans as we are some may intentionally or unintentionally commit offences while in foreign countries and come and take refuge here at home. In undesirable situations like that, our citizens maybe extradited to central in foreign jurisdictions. Namibia being a peaceful country, it is likely that many foreign nationals may come and hide from prosecutions of crime they commit in their countries or elsewhere. Again such offenders maybe wanted to centre in the countries where they commit crimes.

To cater for the abovementioned situations this August House passed the Extradition Act 1996 Act 11 of 1996 in order to provide for the extradition of persons accused or convicted of certain crimes within the jurisdictions of certain countries. Namibia being a state party to the United Nations Convention against corruption was reviewed in terms of that convention in 2016. That review found that the Extradition Act 1996 Act 11 of 1996 does not comply with some of the provisions of the convention and the international standards on extradition process.

In addition to the review, the Supreme Court of Namibia also found that the section relating to bail procedure in the Extradition Act to be unconstitutional. In the case *State versus Coash*, the court also found that the requirements of *prima facie* evidence which is provided in the Act places a heavy burden on the State and on the resources of the State. In other words what is supposed to be relatively simple and speedy procedure because it is only an inquiry and not a trial, it developed into a full trial where the accused and his defence lawyer will attempt to avoid the consequences of criminal behavior from another country?

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HON SHAPWA**

In this battle, the State is disadvantaged because it must mainly rely on evidence based on affidavit drawn up in another country which may not always be conducive or strong evidence in terms of our laws. The court voice its concern that because of complicated inquiry procedures which need to be followed as provided for in the Act, this will lead Namibia to be a safe haven for fugitives who are wanted in other countries. Therefore, because of the review and court findings, the Ministry has decided to amend certain section of the Extradition Act, Act number 11 of 1996. Honourable Speaker, Honourable Members the followings are the proposed amendments to the Extradition Act 1996, Act 11 of 1996.

1. Section 4 of the principle Act is amended to provide for the Extradition of persons from Namibia to any country based on the international agreement to which Namibia and that country is a party to.
2. The amendments of section 6 was necessitated to make it permissible for Namibian citizens to be prosecuted and punished in Namibia in accordance with the laws of Namibia for any extricable offence which such Namibian citizen may have committed or is accused of having committed within the jurisdiction of a country other than Namibian.
3. The amendments of section 8 was necessitated to provide for the acceptance of the certificate from the appropriate authority in charge of the prosecution in the foreign state as *prima facie* evidence to the inquiring Magistrate which was not provided for in the principle Act
4. The amendment of section 14 was done to provide for the requesting state to appeal to the Supreme Court which was not provide for in the principle Act.
5. The amendment of section 16 was necessitated to provide for a time period within which the Minister should make a decision to issue a written order for the return of that person to the requesting state concerned.

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AMENDMENT BILL
HON NAMOLOH**

6. Section 18 is also being amended to provide for a proper methodology or procedures of authentication of documents from the requesting state
7. The amendments of section 21 was done to allow for a person who is arrested and in custody waiting to be extradited to apply for bail which the principle Act did not provide. The said section was found to be unconstitutional in the Supreme Court in the case of *Jacob Alexander versus Minister of Justice and others*.
8. The amendments of section 26 was necessitated due to the introduction of a new schedule dated by section 18(1)(c) which deals with authentication of foreign documents

I thank you Honourable Speaker.

HON SPEAKER: Thank you. Any further discussions, yes, Honourable Charles Namoloh.

HON MINISTER OF SAFETY AND SECURITY: Thank you Comrade Speaker. I just want to ask the Deputy Minister a very simple question possibly in the Extradition Bills. For instance if somebody commits a crime in a country some countries for instance when you deal into drugs, you would be executed or if you kill somebody, you would be killed again and Namibia is against that. Are we also going to extradite those people to those countries which have got a death penalty knowing that this person will be executed or there are some views in the law? Thank you.

HON SPEAKER: Thank you very much, yes, Honourable Jennifer Van Den Heever.

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**SECOND READING – EXTRADITION
AMENDMENT BILL
HON VAN DEN HEEVER**

HON VAN DEN HEEVER: Thank you Honourable Speaker. I would like to beg for indulgence for postponement on this Bill until next week Tuesday.

HON SPEAKER: Let us exhaust those who wish to make contribution. Any further contributions, well, I will ask the Deputy Minister to respond to this specific question I think so we can dispose of that. Would you mind responding? Thank you very much.

HON DEPUTY MINISTER OF JUSTICE: Yes, thank you Honourable Speaker I thank Honourable Namoloh for the question and Namibia does not.

HON SPEAKER: Sorry, sorry, yes. Can we just get a quick respond?

HON VAN DEN HEEVER: Honourable Speaker I am just lost.

HON SPEAKER: No, no, we will not deal with the discussion.

HON VAN DEN HEEVER: Is it procedural, alright.

HON SPEAKER: I just wanted a quick respond to that and then we can

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**SECOND READING – EXTRADITION
AMENDMENT BILL
HON SCHLETTWEIN**

put the subject to some other time. Can I have some sort of clarity? You want to postpone the debate until next week or Thursday, Tuesday, fine? In the absence of any further contribution, we will do that but in the meantime I just because he wanted a quick response and there is no harm in providing that, Deputy Minister.

HON DEPUTY MINISTER OF JUSTICE: Thank you Honourable Speaker once again and I thank the Honourable Minister of Safety and Security for the question. Namibia does not prescribe to death sentence. Therefore, we cannot send people to countries where we think or believe that there would be executed and again, related to that if our citizen is found guilty in a country where they are likely to be executed, we can actually ask for the extradition of that person to be extradited and serve their sentences at home. I thank you.

HON SPEAKER: Thank you very much, yes, Minister of Finance.

HON MINISTER OF FINANCE: Honourable Speaker thank you very much. I just am getting worried if we postpone these Bills to Tuesday next week. We will create a bottleneck because we must still go to Committee Stage to pass it so can I ask the Honourable Member to postpone it to maybe to tomorrow or to Thursday maybe during this week.

HON SPEAKER: This week, thank you very much.

HON MINISTER OF FINANCE: If not, then I will postpone it until tomorrow. Thank you.

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**FIRST READING – INTERNATIONAL
CO-OPERATION IN CRIMINAL
MATTERS AMENDMENT BILL
HON SHAPWA**

HON SPEAKER: Yes, can we compromise. We continue the discussion tomorrow? Thank you very much for the understanding that will give you an opportunity to deal with the Bill on Tuesday. Honourable Minister of Finance it is so agreed. We will take it up tomorrow. Well, let us continue.

The Sixth Notice of a Motion is the one of the Honourable Minister of Finance. Does the Honourable Member move the Motion? Oh I jumped the gun. It tells you that I am in a hurry.

The fifth notice of a Motion is the one of the Honourable Deputy Minister of Justice. Does the Honourable Deputy Minister move that the Bill be now introduced?

HON DEPUTY MINISTER OF JUSTICE: I so move Honourable Speaker.

HON SPEAKER: Thank you. Who seconds the Motion, is there any objection, then it is agreed to. Will the Deputy Minister of Justice please table the Bill?

The Secretary will now read the Bill the first time.

**FIRST READING – INTERNATIONAL CO-OPERATION IN
CRIMINAL MATTERS AMENDMENT BILL [B. 20 – 2018]**

SECRETARY: *International Co-operation in Criminal Matters*

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**SECOND READING – INTERNATIONAL
CO-OPERATION IN CRIMINAL
MATTERS AMENDMENT BILL
HON SHAPWA**

Amendment Bill [B. 20 – 2018].

HON SPEAKER: Does the Honourable Deputy Minister of Justice move that the Bill now read a second time?

HON DEPUTY MINISTER OF JUSTICE: I so move Honourable Speaker.

HON SPEAKER: Any objection, who seconds, agreed to. Honourable Deputy Minister you have the floor.

**SECOND READING – INTERNATIONAL CO-OPERATION IN
CRIMINAL MATTERS AMENDMENT BILL [B. 20 – 2018]**

HON DEPUTY MINISTER OF JUSTICE: Thank you once again Honourable Speaker, Honourable Members. Namibia is a state party to the UN Convention against corruption. As a state party, Namibia was reviewed in terms of the convention and it was found that the International Cooperation Criminal Matters Act 2000 Act 9 of 2000 does not comply with some of the provisions of the Convention and international standard on mutual legal assistance. Therefore the amendments to the International Cooperation Criminal Matters Act 2000 Act number 9 of 2000 was necessitated by Namibia self-assessment review on the implementation of the United Nations Convention against corruption to align the legislation

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in accordance with the provisions of the United Nations Convention against corruption and the model law on mutual legal assistance in criminal matters. Honourable Speaker the following sections are the proposed amendments to the International Cooperation Criminal Matters Act number 9 of 2000.

1. The inclusion of the central authority in the amendment Bill was necessary due to the fact that in the principle Act there was no office designed as the central authority neither did the principle Act defines the word central authority and its functions
2. The insertion of section 2(a) which provides for the non-disclosure of confidential request for mutual legal assistance was introduced because the principle Act did not provide for non-disclosure of confidential request for mutual legal assistance
3. The amendment of section 4 was necessitated to make provisions for the request of the mutual legal assistance to be in conformity with the domestic laws of the requested state and that it should be instituted in accordance with the procedures specified in the letter of request
4. The insertion of section 7(a) was necessary to provide grounds for refusals of request for the mutual legal assistance in criminal matters. The principle Act did not provide for grounds of refusal of mutual legal assistance.
5. The amendment of section 11 was necessitated to indicate which state should be responsible to cover the cost of the witness attending the proceedings in the foreign state
6. The insertion of section 11(a), 11(b) and 11(c) was necessary to provide arrangements for the persons that are in custody to give evidence or assistance in the investigations in the foreign state. It

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MATTERS AMENDMENT BILL
HON VAN WYK**

provides for the attendance of a witness in Namibia from a foreign state for purpose of giving evidence or assistance in Namibia

7. To provide procedures for persons detained in Namibia who are wanted as witnesses in the requesting state and also to provide for the use of video conferencing technology in rendering assistance to a requesting state.

With these few words, I thank you Honourable Speaker.

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MATTERS
AMENDMENT BILL**

HON SHAPWA

HON SPEAKER: Thank you. Any further discussions, in the absence oh, yes.

HON VAN WYK: Honourable Speaker I would like to beg for the indulgence of the House to postpone the debate until 27th of this month next Tuesday 27th.

HON SPEAKER: Do you mean on Tuesday?

HON VAN WYK: Yes.

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HON SPEAKER: Yes, Deputy Minister you want to come back.

HON DEPUTY MINISTER OF JUSTICE: Yes Honourable Speaker I am not here on Tuesday 27th and I would rather if the Honourable Member can bring it to tomorrow.

HON SPEAKER: Can we try Thursday you are not around? Tomorrow you are not around. We have a deadlock. Can we try Tuesday, yes, please?

HON DEPUTY MINISTER OF WORKS AND TRANSPORT: Comrade Speaker we cannot accommodate because one person is not around. This Parliament has so many Members. Let us compromise and discuss this Bill tomorrow and we disburse of it.

HON SPEAKER: The request is for next Tuesday and if there are other Members who would like to contribute, we can even continue tomorrow while we are allowing the Honourable Member to come with his contribution on Tuesday the 27th but is anybody who would like to make a contribution tomorrow or today? I need to have offers, yes, please.

HON IIVULA-ITHANA: Honourable Speaker meanwhile the Honourable Member on the other side of the House is preparing himself for the 27th, may I adjourn the debate till tomorrow?

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**APPOINTMENT OF MEMBERS OF THE
PUBLIC PRIVATE PARTNERSHIPS COMMITTEE
HON SCHLETTWEIN**

I so submit.

HON SPEAKER: Thank you very much, so decided. We will certainly do that. We welcome your contributions.

Let us move on to the sixth notice of a Motion being the one of the Honourable Minister of Finance. Does the Honourable Member move the Motion?

HON MINISTER OF FINANCE: I so move Honourable Speaker.

HON SPEAKER: Who seconds the Motion, any objection, agreed to. Honourable Minister of Finance you have the floor.

**APPOINTMENT OF MEMBERS OF THE
PUBLIC PRIVATE PARTNERSHIPS COMMITTEE**

HON MINISTER OF FINANCE: Thank you Honourable Speaker for giving me the floor and I want to thank for the opportunity to address this August House that I am about to announce the Members of the Public Private Partnership Committee to amongst others review and provide transactional approvals for all PPP projects in Namibia. Honourable Speaker as per Section 5 of the PPP Act a Committee to be known as the PPP Committee is to be established. The PPP Committee is established with the principle objective of appraising projects of implementation at various stages of a Public Private Partnership project life circle and

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PUBLIC PRIVATE PARTNERSHIPS COMMITTEE
HON SCHLETTWEIN**

depend on transactional approvals in respect of such PPP projects.
Other functions of the Committee are they are four:

- a. Provide for transactional approvals in respect of PPP projects
- b. Develop best practices guidelines in relation to all aspects of Public Private Partnership projects
- c. Advise the Minister of policies relating to Public Private Partnership projects and
- d. Exercise powers imposed on and perform functions assigned to the PPP Committee in terms of the Public Private Partnership Act.

The tenure of the Public Private Partnership Committee and its members is three years. Comrade Speaker in terms of section 8(1)(2)(b) the Public Private Partnership Act of 2017 the PPP Committee shall consist of seven members appointed by the Minister who are suitably qualified, fit and proper persons having knowledge and experience relevant to the functions of the Public Private Partnership Committee.

Additionally as per section 8 of the PPP Act, the Minister has a mandate to appoint seven persons to serve on the said Committee. Furthermore as per section 9 of the PPP Act the Minister may also appoint an alternative member for each member of the Committee. This process will be conducted at a later stage. Honourable Speaker, Honourable Members as the Minister of Finance I directed that a transparent process be followed for the appointment of the members to serve on the PPP Committee. This process was done through adverts placed in the respective newspapers New Era on 19th September 2017, the Republican 20th September 2017 as well as through other communications platforms such as website of the Ministry of Finance.

The deadline for the submission of applications was on half past four pm on Tuesday the 2nd October 2017. A total of 41 applicants were received

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**APPOINTMENT OF MEMBERS OF THE
PUBLIC PRIVATE PARTNERSHIPS COMMITTEE
HON SCHLETTWEIN**

and 12 applicants were shortlisted as per the attached shortlisting criteria for interviews. The interviews took place on Monday 19th March 2018. After several consultations with Cabinet and the Cabinet Committee on overall policies, the issue was then presented to Cabinet on the 25th of September 2018 and was referred back for further consultations. On 2nd of November however, the names of the members were approved by Cabinet in terms of Section 5(a) of the Public Private Partnership Act, Act number 4 of 2017. I am to announce to the National Assembly the names of the appointed members of the Public Private Partnership Committee. Honourable Speaker, Honourable Members after a Cabinet endorsement, I intend to appoint the Public Private Partnership Committee and hereby submit the names of persons to be appointed as members of the Committee as required by the Act.

The first is the Deputy Permanent Secretary of the Treasury the position is at the moment vacant. I will inform the House once that post is filled but it is an *ex officio* appointment. Second Ms Helen Amupolo, thirdly Ms Nangula Wandja, fourthly Ms Annie Julia Haifene, fifth Mr Steve Galoway, sixth Mr James Wenupe and seventh Mr Michael Mukete. Of these three are from the public sector that is the Deputy Secretary of Treasury and Madam Amupolo who is in the National Planning Commission and Ms Annie Julia Hafene. The rest that is the majority of the members are from the private sector.

I so submit Honourable Speaker. Thank you.

HON SPEAKER: Thank you. Any further discussions, well in the absence of further contributions, does the Honourable Minister of Finance wish to reply?

HON MINISTER OF FINANCE: Honourable Speaker, Honourable

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**COMMITTEE STAGE – BASIC
EDUCATION BILL
HON NGHIPONDOKA**

Members I just want to thank you for having listened to my introduction and we of course pledge that this Committee will live up to its functions and mandate as per the given Act. I thank the Members of Parliament very much.

HON SPEAKER: Thank you. I now put the question that the Motion be adopted. Are there any objections, then it is agreed to.

I move on to the seventh notice of a Motion is the one of the Honourable Venaani. Well, he is not in the House. We will skip that and we go to the next item.

The Secretary will read the first order of the day.

**RESUMPTION OF COMMITTEE STAGE –
BASIC EDUCATION BILL [B. 4 – 2018].**

SECRETARY: Resumption of Committee Stage – *Basic Education Bill* [B. 4 – 2018].

HON SPEAKER: Does the Honourable Deputy Minister of Education, Arts and Culture move that the Assembly now goes into Committee?

HON DEPUTY MINISTER OF EDUCATION, ARTS AND CULTURE: I move so Honourable Speaker.

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**COMMITTEE STAGE – BASIC
EDUCATION BILL
HON NGHIPONDOKA**

HON SPEAKER: It is oved that I leave the chair, any objection, who seconds, agreed to. I now call on the Deputy Chairperson of the Whole House Committee to take the chair.

HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: The Whole House Committee is called to order. The Committee has to consider the Basic Education Bill, [B4-2018]. When progress was reported on Tuesday 13th November 2018 clause 1, clause 3 and 12 as amended by the Deputy Minister of Education, Arts and Culture were put and agreed to and clause 2, 4 to 11 were put and agreed to. Clause 13 was put and tabled for discussion. Any further discussion to Clause 13, any objection, agreed to.

I put Clause 14. Any discussions? Any objection? Agreed to.

I put Clause 15. Any discussions? Any objection? Agreed to.

I put Clause 16. Any discussions? Any objection? Agreed to.

I put Clause 17. Any discussions? Any objection? Agreed to.

I put Clause 18. Any discussions? Any objection? agreed to.

I put Clause 19. Any discussions? Any objection? Agreed to.

I put Clauses 20, 21 and 22. Any discussions? Any objection? Agreed to.

I put Clause 23. Deputy Minister, do you wanted to suggest on clause 23.

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**COMMITTEE STAGE – BASIC
EDUCATION BILL
HON NGHIPONDOKA**

HON DEPUTY MINISTER OF EDUCATION, ARTS AND CULTURE: In clause 23 substitute paragraph (a) for sub-clause 4 for the following paragraph (a) before the learner is charged with misconduct under subsection 1 and investigation or and (b) substitute the following sub-clause of sub-clauses 6, a learner maybe suspended if the behavior of such a learner is of such a nature that it is putting the lives of learners, teachers and other staff members at risk or poses a threat to their safety (b) the possibility exist that the learner may interfere or temper with witnesses for evidence (c) poses a threat to the safety of property of the school or hostel or (d) is determined or possibly detrimental to the good order and discipline of the school or hostel and the progress of other learners and then (c) substitute the following sub-clause in sub-clause 9.

The disciplinary hearing on a charge of misconduct in terms of sub-section 1 is led by a broad performer complainant appointed as prescribed and is held before the school Board within 20 days from the date the learner was charged which may upon the finding that the learner is guilty of misconduct.

HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Thank you Honourable Deputy Minister. Table the amendments. Any further discussions as per the amendment tabled by the Deputy Minister, any objection, agreed to.

I put Clause 24. Any discussions? Any objection? Agreed to.

I put Clause 25. Any discussions? Any objections? Agreed to.

I put Clause 26. Deputy Minister.

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**COMMITTEE STAGE – BASIC
EDUCATION BILL
HON NGHIPONDOKA**

HON DEPUTY MINISTER OF EDUCATION, ARTS AND CULTURE: In clause 26 substitute the following sub-clause for sub-clause 4, the learner of staff member at a state school or hostel may attend religious observance but will not interfere with the normal school programs or any period as maybe prescribed.

I so submit.

HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Can you table the amendments Honourable Deputy Minister? Any further discussion on clause 26? Any objection? Agreed to.

I put Clauses 27, 28, 29 and 30. Any discussion? Any objection? Agreed to.

I put Clauses 31, 32, 33. Any discussions? Any objection? Agreed to.

I put Clause 34. Any discussion? Any objection? Agreed to.

I put Clause 35. Honourable Deputy Minister.

HON DEPUTY MINISTER OF EDUCATION, ARTS AND CULTURE: In clause 35 substitute the following sub-clause for sub-clause 14, the Minister with the consent of the Minister responsible for Health must.

I so submit.

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EDUCATION BILL
HON NGHIPONDOKA**

HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Can you table the amendment Honourable Deputy Minister? Any further discussions of the amendment as tabled by the Honourable Deputy Minister? Any objection? Agreed to.

I put Clause 36. Any discussions? Any objection? Agreed to.

I put Clause 37. Honourable Deputy Minister.

HON DEPUTY MINISTER OF EDUCATION, ARTS AND CULTURE: In clause 37(a) substitute phrase Permanent Secretary for the phrase Regional Director in sub-clause 1. (b) substitute the following sub-clauses for sub—clause 2, a person who seeks to obtain approval to conduct the activities mentioned in subsection 1 at a school must in the prescribed manner and form submit a request for such approval through the Principal to the Regional Director or directly to the Regional Director (c) add the following sub-clause after sub-clause 3 a person who is aggrieved by the decision of the Regional Director in subsection 1 may appeal against such decision to the Permanent Secretary and the decision of the Permanent Secretary is final.

I so submit.

HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Can you table the amendment Honourable Deputy Minister? Any further discussion on Clause 37? Any objection? Agreed to.

I put Clause 38. Any discussions? Any objection? Agreed to.

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EDUCATION BILL
HON SCHLETTWEIN / HON NGHIPONDOKA**

I put Clauses 39, 40 and 41. Any discussions? Any objection? Agreed to.

I put Clauses 42, 43 and 44. Any discussions? Any objection? Agreed to. Yes, Honourable Minister of Finance.

HON MINISTER OF FINANCE: Honourable Chairperson I just seek the clarification on 42 I have raised it in discussion it says that at state schools is not a restrict person and does not have legal capacity to exercise or perform the powers or functions contemplated in this Act. Does that include a function of owing immovable or movable properties? Will that cause a problem if you are not a juristic person you may not own anything if the Act provides for ownership or things to the school.

HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Thank you Honourable Minister for that seeking of that clarity. Honourable Deputy Minister you want to provide the clarity.

HON DEPUTY MINISTER OF EDUCATION, ARTS AND CULTURE: Thank you Deputy Chairperson. Yes, the school being not a juristic person whatever immovable or movable properties owns is Government property.

HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Further discussions, yes, Honourable Minister of Education.

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HON MINISTER OF EDUCATION, ARTS AND CULTURE: I think my Deputy Minister is correct maybe just addition to the response of my Deputy Minister. Juristic person is a person that can send in the right of can sue and can be sued. In this instance why a school not be a juristic person is that the ultimate accountable person of that Ministry under which the schools falls would be the Minister. Therefore schools not being the juristic person. Thank you.

HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: With that clarity, any further discussion Honourable Minister of Finance.

HON MINISTER OF FINANCE: I just want to belabor the point that I understand what Honourable Minister is saying but if you go back to section 40(2) it says subject to section 51 a state school which occupies immovable property owned by the state has the right for the duration of the existence of the school to occupy and use immovable property for the benefit for the school for the educational purpose at its connection with the school. So I perceive that that is responsibility of a juristic person to see and take the user rights of that property of the state under its umbrella but if you may not be sued or not sue, you cannot exercise that right to use, section 40.

HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: The Minister or the Deputy Minister can you provide then clarity on that observation from the Honourable Minister of Finance, yes, Honourable Deputy Minister of Education.

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HON DEPUTY MINISTER OF EDUCATION, ARTS AND CULTURE: I think we are still consulting.

HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Honourable Deputy Minister of Education yes, you have the floor.

HON DEPUTY MINISTER OF EDUCATION, ARTS AND CULTURE: Honourable Deputy Chairperson it seems we do not seem to really catch the question of the Minister of Finance because his initial question was to ask if it is the juristic person. It is not a juristic person if should own property and you are saying the property is the state property. It is not the school properties because the school falls under the Minister but now in that case I did not really catch his explanation but he is busy talking to my Minister. Maybe there is more clarity.

HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Yes Honourable Minister of Finance maybe you wanted to repeat the question.

HON MINISTER OF FINANCE: Honourable Chairperson I will rephrase the question definitely. If any type of right is conferred to a state school then that state school must be a juristic person. You cannot infer a right to a non-entity. Who is the holder of the right and who is then responsible to exercise that right and how can you then challenge that if the right is misused or not used at all. So that is, yes, I hear that the juristic person is the Government but you confer rights to state schools not

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Government. So the principle question is how can you confer the right to an entity that is not a juristic person? I do not see that that is possible.

HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Yes the question or the observation is now clear. Can the Deputy Minister now provide an answer a clarity on that concern?

HON DEPUTY MINISTER OF EDUCATION, ARTS AND CULTURE: Honourable Deputy Chairperson the right for the duration of the school to occupy and use and not to own but this is the right to occupy and use but you are using something that you do not have the juristic towards but if you are to sued with regard to those buildings or whatever, it goes higher than the school. This is what it means not the right to own.

HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Yes, Honourable Deputy Speaker.

HON DEPUTY SPEAKER: I do not have a copy of the Bill and in the absence of the Attorney General and the Minister of Justice, can perhaps the Minister of Finance propose the amendment to that. Do you have some phrase which you think will solve the situation in addition to what the Minister and Deputy Minister have said?

HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Yes, Minister of Education.

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HON MINISTER OF EDUCATION, ARTS AND CULTURE: I will clarify further. It is subsection 2 and I am going to read the clarification. Subject to section 50(1)(a) state school which occupies immovable property owned by the state has the right so the ownership is with the state but the right is like use you know, the right to use for the duration of the existence of the school to occupy and use the immovable property. The schools have only the right to use but the ownership clearly is stated that the property owned by the state so the owner is the state but the schools have got the right to use. That is it. So that is why it is correct to say to be sued and not to be sued. To be sued is the state and not the school.

**HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE
COMMITTEE:** Any further discussion Honourable Minister of Finance? Are you satisfied with the explanation?

HON MINISTER OF FINANCE: Well, Honourable Chairperson I think we then if that is the explanation do away with the section 42 which says they are not the juristic person because they do not exist as a right and then that can be taken away. The explanation is you see I do not dispute that the school cannot own the land but if you have user rights, they are a different sets of rights and there are conditions to the user rights and who does the state then talk to? Who does the state hold responsible to when these conditions are not met? There is nobody if there are no juristic persons and we cannot sue them. Then we cannot hold them responsible if they have sold it or if they have misused it or if they have not received a compliance order by the environmental Commissioner. There is no inter-mutual, no institute, no juristic person that you can go to and that is the principle.

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**HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE
COMMITTEE:** Yes, Honourable Minister of Environment.

HON MINISTER OF ENVIRONMENT AND TOURISM: Thanks a lot Deputy Chairperson. I am trying to understand what is exactly the question of the Minister of Finance because he said a juristic person is an entity and the entity can only be an entity if it is registered as such in accordance with the law.

The property occupied by that specific school is a property belongs to the state and a school as itself cannot be a juristic person because it is not an entity. So it is something that if you want to have a juristic person, that juristic person has to be registered accordingly so it is not registered as juristic so it cannot be sued and it cannot also not sue. If a school has to be sued, it is the Minister who sued ensue not a school itself. That is why who is going to stand there is the Minister. Now you have a school Board for instance.

The school Board serves as a representative of the community of that panel so the person who is going to because we are talking about a state school so they do not own that particular property. So who owns the property is the state.

**HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE
COMMITTEE:** Yes, Honourable Deputy Minister of Education.

**HON DEPUTY MINISTER OF EDUCATION, ARTS AND
CULTURE:** I just wanted to say in the same line we stand by that schools the more than 2 000 schools we have got in Namibia are not juristic

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persons but whatever property is at those schools and institutions, the properties belongs to the state and the state remains the juristic person but not the schools.

**HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE
COMMITTEE:** Any further discussions? Any objections? Agreed to.

I put clause 46, any discussion, any objection, agreed to.

I put clause 47, any discussion, any objection, agreed to.

I put clauses 48, 49, 50, any discussions, any objections, agreed to.

I put clauses 51, 52, 53 and 54, any discussions, any objection, agreed to.

I put clause 55, 56 and 57, any discussion, any objection, agreed to.

I put clause 58, 59 and 60, any discussions, any objection, agreed to.

I put clauses 61, 62, 63 and 64, any discussions, any objection, agreed to.

I put clauses 65, 66, 67, 68, any discussion, any objection, agreed to.

I put clause 69 Deputy Minister you have the floor.

**HON DEPUTY MINISTER OF EDUCATION, ARTS AND
CULTURE:** In clause 69 substitute the following sub-clause for clause 2, the school development fund consist of money appropriated by Parliament for the benefit of the school development fund, money raised by or on the authority of the school Board in accordance with section 70, voluntary contributions made to the state school by any person and such

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contributions may include fund raising, campaigns, or official school related activities approved by the Principal and the school board (c) money received from the donations request or any other source provided at the school or school Board may not actively engage in soliciting any donation or request and money derived from any other lawful source including interest on any investment made by the state school under subsection 4.

I so submit.

**HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE
COMMITTEE:** Thank you Honourable Deputy Minister. Can you table the amendments? Any further discussions? Any objection? Agreed to.

I put clause 70, 71 and 72, any discussions, any objection, agreed to.

I put clauses 73, 74 and 75, any discussion, any objection, agreed to.

I put clause 76 any discussions, any objection, agreed to.

I put clauses 77, 78, 79, 80, any discussions, any objection, agreed to.

I put clause 81, 82 and 83, any discussions, any objection, agreed to.

I put clause 84, any discussions, any objection, agreed to.

I put clause 85, 86, 87, 88, any discussions, any objections, agreed to.

I put clause 89 and clause 90, any discussions, any objection, agreed to.

I put clause 91, Honourable Deputy Minister you have the floor.

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HON DEPUTY MINISTER OF EDUCATION, ARTS AND CULTURE: In clause 91 substitute the following sub-clause for sub-clause 2, the monitoring and evaluation of a private school apart from compliance with this Act are directed and matters as determined by the terms and conditions of registration of the school.

I so submit.

HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Can you table the amendments Honourable Deputy Minister? Any further discussions, any objections, agreed to.

I put clause 92, 93 any discussions, any objection, agreed to.

I put clause 94 any discussions, any objection, agreed to.

I put clause 95 and 96, any discussions, any objection, agreed to.

I put clause 98 and 99 any discussions, any objection, agreed to.

I put clause 100 and clause 101, any discussions, any objection, agreed to.

I put clause 102, any discussion, any objection, agreed to.

I put clause 103, any discussions, any objection, agreed to.

I put clauses 104, 105 and 106, any discussions, any objection, agreed to.

I put clause 107, any discussion, any objections, agreed to.

I put clauses 108, 109, 110, 111, 112, 113 any discussion, any objection, agreed to.

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EDUCATION BILL
HON SCHLETTWEIN**

I put clause 114, any discussions, any objections, agreed to.

I put clause 115, 116 and 117. Any discussions? Yes, Honourable Minister of Finance.

HON MINISTER OF FINANCE: Honourable Chairperson I have raised also this matter during the general debate and I think the Honourable Minister in her answer made mention of it that this fund should be subject to TAR rules and the provision of the Finance Act. I just see it is not accommodated here but I just recall that the Honourable Minister made that statement and I was happy with that. Thank you.

HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Yes, Honourable Minister of Education.

HON MINISTER OF EDUCATION, ARTS AND CULTURE: The submissions that have been by the Honourable Finance Minister has been taken into due considerations. Thank you.

HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Thank you. Any further discussions, yes, Honourable Minister of Finance you have the floor.

HON MINISTER OF FINANCE: Thank you. I think the Minister just informed that they are still in the considerations and we will address them at a later stage. Thank you.

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EDUCATION BILL
HON NGHIPONDOKA**

HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Thank you Honourable Minister of Finance. Any further discussions, any objection, agreed to.

I put clause 118, 119 and clause 120. Any discussions? Any objection, agreed to.

I put clause 121, any discussions, any objections, agreed to.

I put clause 122 any discussions, any objections, agreed to.

I put clause 123 any discussions, any objection, agreed to.

I put clause 124, Honourable Deputy Minister of Education.

HON DEPUTY MINISTER OF EDUCATION, ARTS AND CULTURE: In clause 124 substitute the following sub-clause for sub-clause 1, the Minister may by notice in the Gazette delegate any power conferred upon the Minister by or under this Act including the power to make regulations and to determine any appeal under this Act to (1), the Permanent Secretary and (2) any staff member in the Ministry or (b) in writing assign any function imposed upon the Minister by this Act to the Permanent Secretary or any staff member in the Ministry and then in (b) substitute paragraph (b) of sub-clause 2 for the following paragraph, in writing assign any duty or function imposed upon the Permanent Secretary by or under this Act to a Regional Director or to any staff member in the Ministry.

I so submit.

HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Thank you Honourable Deputy Minister. Can you table

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EDUCATION BILL
HON NGHIPONDOKA**

the amendments? Any further discussions, any objection, agreed to.

I put clause 125 Honourable Deputy Minister.

**HON DEPUTY MINISTER OF EDUCATION, ARTS AND
CULTURE:** In clause 125 delete paragraph (f) and renumber the rest of
the paragraphs.

**HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE
COMMITTEE:** Thank you Honourable Deputy Minister. Can you table
the amendments? Any further discussions, any objection, agreed to.

I put clause 126, any discussions, any objection, agreed to.

I put clause 127, any discussions, any objections, agreed to.

I put clause 128 any discussions any objections, agreed to.

I put the title, any discussions, any objection, agreed to.

I shall report the Bill with amendments.

ASSEMBLY RESUMES

Bill reported with amendments.

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**THIRD READING – BASIC
EDUCATION BILL
HON NGHIPONDOKA**

HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Honourable Speaker the Committee had gone through the Bill [B4-2018] as set forth in the accompanying copies and agreed to it with amendments

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

The Secretary will now read the Bill a Third Time. Deputy Minister I would have thought where we are I need to call upon you to reply to thank the House.

HON DEPUTY MINISTER OF EDUCATION, ARTS AND CULTURE: Thank you Honourable Speaker. Myself on behalf of my Minister we would like to thank the House for in-depth deliberation on this Bill. It is just a clear indication of how education is not for granted called the education for all. I mean there interest therefore shown clearly indicates how important education is to all of us and we promised to follow up on all the amendments and everything and we promise to implement it to the best of our ability after it is passed. I thank you Honourable Speaker.

HON SPEAKER: Thank you. Does the Honourable Deputy Minister of Education, Arts and Culture move that the Bill now read a Third Time?

HON DEPUTY MINISTER OF EDUCATION, ARTS AND CULTURE: I so move Honourable Speaker.

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**THIRD READING – BASIC
EDUCATION BILL
HON NGHIPONDOKA**

HON SPEAKER: Any objection, who seconds, agreed to. Any further discussion, none, does the Honourable Deputy Minister of Education, Arts and Culture you have responded already, replied. All what is left for me I am now improvising. All what is required now for me it so put the question that the Bill be now read a third time and ask for any objection, we have agreed to that.

The Secretary will now read the Bill a third time.

THIRD READING - BASIC EDUCATION BILL [B.4 – 2018]

SECRETARY: *Basic Education Bill* [B. 4 – 2018].

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

**COMMITTEE STAGE – CRIMINAL
PROCEDURE ACT REPEAL BILL [B. 17 – 2018]**

SECRETARY: Committee Stage – *Criminal Procedure Act Repeal Bill* [B. 17 – 2018].

HON SPEAKER: Does the Honourable Deputy Minister of Justice move that the Assembly now goes into Committee?

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**COMMITTEE STAGE – CRIMINAL
PROCEDURE ACT REPEAL BILL
HON SHAPWA**

HON DEPUTY MINISTER OF JUSTICE: I so move Honourable Speaker.

HON SPEAKER: It is now moved that I leave the chair, any objection, who seconds, agreed to. I now call on the Chairperson of the Whole House Committee to take the chair.

ASSEMBLY IN COMMITTEE

HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: The Whole House Committee is called to order. The Whole House Committee has to consider the Criminal Procedure Act Repeal Bill [B.17-2018].

I put clause 1, any discussion, any objection, agreed to.

I put clause 2 any discussion, any objection, agreed to.

I put the title, any discussion, any objection, agreed to.

I shall report the Bill without amendments.

ASSEMBLY RESUMES

Bill reported without amendments.

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**THIRD READING – CRIMINAL
PROCEDURE ACT REPEAL BILL
HON SHAPWA**

**HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE
COMMITTEE:** Honourable Speaker the Committee has gone through the Bill [B.17-2018] as set forth in the accompanying copy and agreed to it without amendments.

HON SPEAKER: Thank you. Does the Honourable Deputy Minister of Justice move that the Bill be now read third time?

HON DEPUTY MINISTER OF JUSTICE: I so move Honourable Speaker.

HON SPEAKER: Any objection? Who seconds? Agreed to. Any further discussions? Certainly not judging from the silence of the House. Does the Honourable Deputy Minister of Justice wish to reply?

HON DEPUTY MINISTER OF JUSTICE: Thank you Honourable Speaker, Honourable Members. I thank everyone for the support of the Repeal of the Criminal Procedure Act 2004. Thank you.

HON SPEAKER: Thank you very much. I now put the question that the Bill be now read a third time, any objection, agreed to. The Secretary will now read the Bill a third time.

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**COMMITTEE STAGE – APPROPRIATION
AMENDMENT BILL
SCHLETTWEIN**

CRIMINAL PROCEDURE ACT REPEAL BILL [B. 17 – 2018]

HON SPEAKER: Let us move on. The Secretary will read the third order of the day.

**COMMITTEE STAGE – APPROPRIATION
AMENDMENT BILL [B.16 – 2018]**

SECRETARY: Committee Stage – *Appropriation Amendment Bill* [B. 16 – 2018].

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

HON MINISTER OF FINANCE: I so move Honourable Speaker.

HON SPEAKER: It is moved that I leave the chair, any objection, who seconds, agreed to. I now call on the Chairperson of the Whole House Committee to take the chair.

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**COMMITTEE STAGE – APPROPRIATION
AMENDMENT BILL
SCHLETTWEIN**

ASSEMBLY IN COMMITTEE

HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: The Whole House Committee is called to Order. The Whole House Committee has to consider the Appropriation Amendment Bill [B16-2018].

I put clause 1, any discussions, any objection, agreed to.

I put clause 2, any discussion, any objection, agreed to.

I put the schedule, any discussion, any objection, agreed to.

I put the title, any discussion, any objection, agreed to.

I shall report the Bill without amendments.

ASSEMBLY RESUMES

Bill reported without amendments.

HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Honourable Speaker the Committee has gone through the Bill (**B16-2018**) as set forth in the accompanying copy and agreed to it without amendments.

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**THIRD READING – APPROPRIATION
AMENDMENT BILL
HON SCHLETTWEIN**

HON SPEAKER: Thank you very much. Does the Deputy Minister of Justice move that the Bill be now read a third time?

HON DEPUTY MINISTER OF JUSTICE: I so move Honourable Speaker.

HON SPEAKER: Yes, Minister of Finance.

HON MINISTER OF FINANCE: Honourable Speaker we are dealing with the Appropriation Amendment Bill which is the Minister of Finance who move it and not the Honourable.

HON SPEAKER: We are?

HON MINISTER OF FINANCE: We have dealt with the Appropriation Amendment Bill and that falls under the Ministry of Finance and not the Honourable Minister of Justice. So can you repeat the question to the Honourable Minister of Finance please?

HON SPEAKER: I made an error somewhere. Then let us be on the same page. I thought we are dealing with the table office, yes, we are going to that is the third order of the day so we are done, thank you, thank you.

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**THIRD READING – APPROPRIATION
AMENDMENT BILL
HON SCHLETTWEIN**

The Secretary will read the third order of the day. I have lost my page. Yes, yes, yes, so I was on the wrong page. I big thank you to the Minister of Finance. Does the Honourable Minister of Finance move that the Bill be now read a third time?

HON MINISTER OF FINANCE: I so move Honourable Speaker.

HON SPEAKER: Any objection, who seconds, agreed to. Any further discussions, obviously not because we have gone through everything. Does the Honourable Minister of Finance wish to reply?

HON MINISTER OF FINANCE: Honourable Speaker, Honourable Members I also want to take this opportunity to thank the Members of the House for its supporting of this Appropriation Amendment Bill. We all know that the going is tough and that we all have issues but I think the support that we got is the right thing. Thank you.

HON SPEAKER: Thank you very much. I now put the question that the Bill be now read a third time. Any objection, agreed to.

The Secretary will now read the Bill a Third Time.

**THIRD READING APPROPRIATION
AMENDMENT BILL [B.16 -2018**

20 November 2018 **COMMITTEE STAGE – RECONSIDERATION –
SEED AND SEED VARIETIES BILL
HON SHIWEDA**

HON SPEAKER: Well done Honourable Minister of Finance for keeping me in order.

The Secretary will now read the fourth order of the day.

**RECONSIDERATION – SEED AND SEED
VARIETIES BILL [B. 1 – 2018]**

SECRETARY: Reconsideration – *Seed and Seed Varieties Bill* [B. 1 – 2018].

HON SPEAKER: Does the Honourable Minister of Agriculture, Water and Forestry move that the Assembly now considers the Bill?

**HON DEPUTY MINISTER OF AGRICULTURE, WATER AND
FORESTRY:** I move so Honourable Speaker.

HON SPEAKER: It is moved that the Assembly goes into Committee and I will leave the chair. Who seconds, any objection, agreed to.

ASSEMBLY IN COMMITTEE

20 November 2018 **COMMITTEE STAGE – RECONSIDERATION –
SEED AND SEED VARIETIES BILL
HON VAN DEN HEEVER / HON SHIWEDA**

HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: The Whole House Committee is called to order, yes, Honourable Van Den Heever.

HON VAN DEN HEEVER: Honourable Deputy Chief Whip and Chairperson of the Whole House Committee or Deputy Chairperson of the Whole House Committee, can I please ask for a quorum if we are going to Committee Stage.

HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Just to answer for your question we have 45 Members in the House so we are supposedly been 49 Members in the House. Now we have 45. Yes, you asked the question and I am answering your question. Yes. Can we just wait the Honourable Members those who are coming for two minutes for them to come in and then we continue. We are only short with one Member then we continue. Thank you. Now we have a quorum we can continue.

The Committee has to reconsider the Seed and Seed Varieties Bill as passed by the National Council. [B1-2018].

I put clause 1 any discussion, any objection, agreed to.

I put clause 2 the Honourable Minister or Deputy Minister.

HON DEPUTY MINISTER OF AGRICULTURE, WATER AND FORESTRY: In sub-clause 3 of 2 substitute the word act with the Act with capital.

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SEED AND SEED VARIETIES BILL
HON SHIWEDA**

HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Can you table the amendments Honourable Deputy Minister of Agriculture? Any further discussions, any objection, agreed to. I put clause 11 any discussions, oh Deputy Minister you have the floor.

HON DEPUTY MINISTER OF AGRICULTURE, WATER AND FORESTRY: In sub-clause 11 of clause 11 substitute the word both the fine and imprisonment with the word both such fine and such imprisonment.

I so submit.

HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Can you table the amendments Honourable Deputy Minister?

I put clause 12 Honourable Deputy Minister.

HON DEPUTY MINISTER OF AGRICULTURE, WATER AND FORESTRY: In sub-clause 6 of clause 12 substitute the word both the fine and imprisonment with the words both such fine and such imprisonment.

I so submit.

HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Can you table the amendment? Any further discussion clause 12, any objection, agreed to.

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SEED AND SEED VARIETIES BILL
HON SHIWEDA**

I put clause 16 Honourable Deputy Minister.

HON DEPUTY MINISTER OF AGRICULTURE, WATER AND FORESTRY: In sub-clause 3 of clause 16 substitutes the words both the fine and imprisonment with the words both such fine and such imprisonment.

I so submit.

HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Can you table the amendment Honourable Deputy Minister? Any further discussion clause 16? Any objection, agreed to.

I put clause 22 Honourable Deputy Minister you have the floor.

HON DEPUTY MINISTER OF AGRICULTURE, WATER AND FORESTRY: In sub-clause 2 of clause 22 substitutes the words both the fine and imprisonment with the words both such fine and such imprisonment.

I so submit.

HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Can you table the amendments? Any further discussion clause 22? Any objection, agreed to.

I put clause 25(1) Honourable Deputy Minister.

20 November 2018 **COMMITTEE STAGE – RECONSIDERATION –
SEED AND SEED VARIETIES BILL
HON SHIWEDA**

HON DEPUTY MINISTER OF AGRICULTURE, WATER AND FORESTRY: Deputy Chairperson of the Whole House Committee with clause 25(1) we are not in agreement with the proposal from the National Council to delete the brackets and to insert a comma after section 26. We are therefore rejecting this proposal.

HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Can you table the rejection? My apology you cannot table the rejections.

I put Chapter 8 in the Bill Honourable Deputy Minister you have the floor.

HON DEPUTY MINISTER OF AGRICULTURE, WATER AND FORESTRY: Substitute the heading Chapter 8 with the heading Chapter 7.

I so submit

HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Can you table the amendments?

I put clause 48(13) Honourable Deputy Minister.

HON DEPUTY MINISTER OF AGRICULTURE, WATER AND FORESTRY: Clause 48(13) Deputy Chairperson we are also not in agreement with the proposal from the National Council to delete the brackets and we are therefore rejecting their recommendation or their proposal.

20 November 2018 **COMMITTEE STAGE – RECONSIDERATION –
SEED AND SEED VARIETIES BILL
HON SHIWEDA**

**HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE
COMMITTEE:** Thank you.

I put again clause 48(16).

**HON DEPUTY MINISTER OF AGRICULTURE, WATER AND
FORESTRY:** In sub-clause 16 of clause 48 substitute the word state with
the word State with capital.

I so submit.

**HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE
COMMITTEE:** Can you table the amendment Honourable Deputy
Minister?

I put clause 48(16).

**HON DEPUTY MINISTER OF AGRICULTURE, WATER AND
FORESTRY:** Deputy Chairperson clause 48(16) we are also not in
agreement with the proposal from the National Council to delete the
brackets and to insert a comma after the word Board and we are therefore
rejecting this proposal.

I so submit Deputy Chairperson.

**HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE
COMMITTEE:** Thank you. I shall report the Bill with amendments.

20 November 2018 **SECOND READING – PUBLIC ENTERPRISES
GOVERNANCE BILL**

ASSEMBLY RESUMES

Bill reported with amendments.

**HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE
COMMITTEE:** Honourable Speaker the Whole House Committee has
reconsidered the Bill [B.1- 2018] as passed by the National Council and
agreed to it with amendments.

HON SPEAKER: Thank you. Having reconsidered the amendments the
Assembly have now finally passed the Bill with amendments and
therefore concluded the business on this item.

I shall now in terms of Article 75(3) defer the Bill to the President to deal
with it under Article 56 and 64 of our Constitution.

The Secretary will read the fifth order of the day.

**RESUMPTION OF DEBATE ON SECOND READING – PUBLIC
ENTERPRISES GOVERNANCE BILL [B. 15 – 2018]**

SECRETARY: Resumption of Debate on Second Reading – *Public
Enterprises Governance Bill* [B. 15 –2018].

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**CONSIDERATION OF THE COMMITTEE
REPORT ON THE FIRST WHO
GLOBAL MINISTERIAL CONFERENCE**

HON SPEAKER: When the Assembly adjourn on the 14th November 2018 the question before the Assembly was a Motion by the Honourable Minister of Public Enterprises that the Bill be read a second time.

The Honourable Minister of Public Enterprises replied last week Thursday and I now put the question that the Bill be read a second time. Any objection, then it is agreed to. We have agreed to that.

The Secretary will read the Bill a second time.

**SECOND READING – PUBLIC ENTERPRISES
GOVERNANCE BILL [B. 15 – 2018]**

SECRETARY: *Public Enterprises Governance Bill [B. 15 –2018].*

HON SPEAKER: The Secretary will read the sixth order of the day.

**RESUMPTION OF CONSIDERATION OF THE
COMMITTEE REPORT ON THE FIRST WHO GLOBAL
MINISTERIAL CONFERENCE ON ENDING TB IN
THE SUSTAINABLE DEVELOPMENT ERA**

SECRETARY: Resumption of Consideration of the Committee Report on the First WHO Global Ministerial Conference on ending TB in the Sustainable Development Era.

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**SECOND READING – NAMIBIA DEPOSIT
GUARANTEE BILL
HON ALWEENDO**

HON SPEAKER: When this Assembly adjourned on Thursday the 15th of November 2018 the question before the Assembly by a report by Honourable Hoffmann that the report be adopted. The Honourable Hoffmann replied last week Thursday and I now put the question that the report be adopted, any objection, agreed to. The Secretary will read the seventh order of the day.

**RESUMPTION OF DEBATE ON SECOND READING –
NAMIBIA DEPOSIT GUARANTEE BILL [B. 14 – 2018]**

SECRETARY: Resumption of Debate on Second Reading – *Namibia Deposit Guarantee Bill* [B. 14 – 2018].

HON SPEAKER: When this Assembly adjourned on Wednesday the 14th November 2018 the question before the Assembly was a Motion by the Honourable Minister of Finance that the Bill be read a second time.

The Honourable Minister of Mines and Energy adjourned the debate and I now have the pleasure to give him the floor.

HON MINISTER OF MINES AND ENERGY: Thank you very much Honourable Speaker. Honourable Speaker I wish to contribute to the discussion on the Namibia Deposit Guarantee Bill that has been tabled before this August House by the Honourable Minister of Finance and at the same time congratulate the Honourable Minister of Finance and his staff for bringing this Bill to Parliament. Honourable Speaker although Namibia has relatively strong well-regulated and high capitalized banking sector, there is still a need for some measure of deposit of protection in the

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**SECOND READING – NAMIBIA DEPOSIT
GUARANTEE BILL
HON ALWEENDO**

event of a bank failure. An explicit deposit insurance system remains the topical and important subject matter those at the national and international levels. As we all know our banking industry recently had to negotiate the liquidation of the SME Bank.

The liquidation of the SME Bank affected numerous depositors and it is yet to reach its logical conclusion. Similarly across the border in South Africa we are aware of the restructuring of the African Bank that occurred in 2014 that has spilled over effect here at home with impact on portfolios on several institutions. Also a few weeks ago the South African Reserve bank released a report on the failure of the BBS Bank again we are all familiar with the BBS Bank because at some point the SME Bank funds were invested in this institution. This incidents are but a few examples have been like the one before us matters.

These events bring the subject of deposit insurance into the spotlight and also illustrate the importance of the lottery mechanism to protect ordinary depositors. Honourable Speaker as a country we need to ensure that we have a comprehensive banking framework that does not only minuses the potential excessive social and economic cost of failing banks but also protects taxpayer funds. In a developing country like ours a rather significant share of the population list below the poverty line making them vulnerable and economically insecure. At the same time we have as a society pursued several policy measures to grow the bank segment of our population and ensure broad base financial inclusion.

Against this background Honourable Speaker the onus is therefore on us to create mechanism to guarantee the safety of deposits of ordinary people and the marginalized among us in the event of bank failure. It is our responsibility to protect the most vulnerable members of society as we pursue the noble goals of poverty alleviation, economic growth and development. Honourable Speaker we need to ensure that members of the public have access to their hard earned deposits in the event of the liquidity and or solvency crisis affecting a particular banking institution. Failure to guarantee this creates a grave situation for both individual and

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GUARANTEE BILL
HON ALWEENDO**

also prospect customers alike.

As illustrated in the case of the SME Bank frozen customer deposits while the liquidation process unfolds sabotages much needed economic transactions and financing activities while the impact of the SME Bank was muted probably the bank was relatively small and the number of depositors limited, one can imagine the potential spillover effect from a similar event in one of the largest bank in our banking sector. The risk effect can potentially have far reaching consequences for the economy at large. Honourable Speaker the Bill before us aims to contain the potential impact of such events. It outlines the mechanism to protect deposits of ordinary people from all walks of life. It propose that the amount covered per individual be kept at N\$25 000 per depositor. Now for some this may sound like a small amount. However, empricode research has determined that this threshold will accommodate more than 90% of all depositors. Sure than 10% of all depositors in our banking sector had more than N\$25 000 in deposit with their banks.

As such the Namibia Deposit Guarantee Act will provide a safety net for small depositors and also enable them to continue with day to day transactions even in the event of turmoil in any banking situations. Honourable Speaker I am convinced that introducing a formal and explicit deposit guarantee scheme will bring Namibia on par with good practices in financial communities across the world. Furthermore, the presence of a deposit guarantee scheme for small depositors will also give depositors peace of mind to place their hard earned savings with any bank of their choice without fear of losing it. Overall the scheme will therefore make our banking industry more secure and resilient which is the welcome development.

I believe this Bill will contribute to increased consumer production in our financial sector and enhance the stability of a financial system as a whole. With these words Honourable Speaker, I support the Bill and I thank you.

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**SECOND READING – NAMIBIA DEPOSIT
GUARANTEE BILL
HON NEKUNDI**

HON SPEAKER: Thank you, Honourable Nekundi.

HON DEPUTY MINISTER OF PUBLIC ENTERPRISES: Thank you very much Honourable Speaker. I took the floor to contribute to this important Bill. This Bill is not only important to the depositors in my view but to the entire national economy of our country. It also increases the rate of Namibian banking sector stability.

We must be aware that when market values of customers of the failed banks are adversely affected it has serious spillover effects and can quickly strap throughout the economy and possibly result in a failure of other banks whether or not those banks were solvent at the time as the marginal depositors try to take out cash deposit from these banks to avoid suffering losses thereby the spilled over effect of the bank pending or systematic risk has a multiple effect on all banks and financial institutions leading to a greater effect of bank failure in the economy.

Therefore banking institutions must be subject to rigorous regulation including depositors insurance. As such our sober Government must be applauded for this approach by way of the introduction of this Bill. Last week Honourable Speaker I was listening to some Honourable Members when they were contributing to this very same Bill. Unfortunately, their argument at most were centred on a wrong premise and understanding of the bank failures.

It cannot be correct and it cannot be presented for the populace to be made to wrongly and misleadingly accept that bank failure is only and I stress the word only a derogative of poor management and of poor governance regrettably to be hanged on the head of the Government. Honourable Speaker such propositions are absolutely ad probe of the highest order and pure political hypocrisy. The fact is bank failures are affixed to insolence or absolute illiquid whereby a variety of factors which could by millions of miles not be a fact of governance neither management only but could

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HON NEKUNDI**

equally be viewed from pure market drive be it wholly or solo.

Above all, these sectors could even be virtual imports from external markets either direct or indirect, controllable or uncontrollable. Honourable Members to be specific usually banks at most economically fail when the market values of the assets decline to a value that is less than the market values of the respected abilities and surely this proposition cannot be fenced on governance or management as some Members stand here to proliferate. This Bill is critical and we must collectively review it as such as bank failures could be catastrophic because of the inter-connected and fragilities the banking institutions. Honourable Speaker the failure of a bank is relevant not only to the country in which it is headquartered but for all other nations that it conducts business with.

This dynamic could be recalled in the 2008 financial crisis during which the failures of major much bracket investment banks failed dire consequences for local economies throughout the broader global markets. The high degree to which markets are integrated in the global economy merges a near unavailability. I suggest that the proposed authority be monitored separately from the Bank of Namibia but as a subsidiary of the Bank of Namibia with a skeleton yet effective personnel. This suggestion will be second shield when bank failures occur. In addition, to ensuring the deposits, the Bank of Namibia act as a receiver of the failed banks taking control of the bank assets and deciding how to settle the debt.

The Bank of Namibia and the authorities in the event of a bank failure must also ensure that advance notices are given to the public. Therefore this proposed approach will ensure that bank failure should not place customers in the position of losing assets to their funds at any point neither permitting destruction in the customers' ability to access and utilize their cash. As such customers from a personal feeling and experience a bank failure should be a none-event. Further to a greater extent, the proposed Bill and the suggestions hereinto should be designed to discourage bank that might cause economic damage on a wider scale.

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GUARANTEE BILL
HON NEKUNDI**

The authority should facilitate the selling of accounts from the failed banks to another bank at a comparative bid of which such revenue from the bid stream into the authority for its operations. Accounts not sold on bid, the authority should facilitate the smooth transfer of the accounts to the bank of a customer's choice. Honourable Speaker I am just wondering whether the depositors insurance will be mandatory on all financial institutions that administers deposit or by choice. I am just wondering if it is not mandatory, I suggest that it need be mandatory by this law. I am cognizance of the fact that some bank failures come out of nowhere and cannot be predicted by outsiders.

However, I suggest that the proposed authority or the Bank of Namibia should be mandated with a responsibility by regularly analyze each bank strength, business model and exposure to various risk and offer some banking rating services as a measure to help one avoid abrupt bank failures. Honourable Speaker nothing of the good intention of this Bill there is also a concept that says there is no free lunch. Now with the proposed establishment of the authority there are possibly four scenarios.

1. Depositors to pay for the insurance of their deposits thereby banks will increase their bank charges,
2. Bank of Namibia reduced the mandatory reserve requirement and the reduction margin cater for the insurance of the depositors insurance.
3. Banks compromise of their profit margin it eventually dividends to their stakeholders
4. Government stand in as a guarantor and thereby we create zobby banks which is detrimental to our economy.

Therefore it is imperative that prior to the actual implementation of the proposed legislation a clear financial model of the fund should be formulated to determine the financial implication of establishing these funds to ensure that the final business model is able to function profitably

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**SECOND READING – NAMIBIA DEPOSIT
GUARANTEE BILL
HON NEKUNDI**

and or sustainably without constant funding request from the Government. I am saying this notion with a clear principle that the key thing is building institutions which are sustainable and in a manner that promote easy governance and salvation from Government perspective to avoid what some of the public enterprises have run into over the past years.

In conclusion I hope the fund will be permitted to take out insurance to increase the protection coverage margin to depositors. Like I have stated before, in order to avoid excessive cost, the authority should be established as a subsidiary of the Bank of Namibia and with a small Board and complimentary staff with key skills. Let us avoid create (incomplete).

HON SPEAKER: On a point of order.

HON MINISTER OF MINES AND ENERGY: Point of information, Honourable Nekundi do you know that the Bill actually does say that to avoid exactly what you said, the Bill does not provide for a staff. It actually have Secretariat to be run by the Bank of Namibia. The only difference is that the Board is different to avoid having conflict of interest between the Board of the Bank and the Board of the Agency but all the staff members are provided by the Bank of Namibia.

HON SPEAKER: That is a very important point of information.

HON DEPUTY MINISTER OF PUBLIC ENTERPRISES: And I love that. We are in agreement.

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GUARANTEE BILL
HON SCHLETTWEIN**

HON SPEAKER: Thank you. You may continue.

HON DEPUTY MINISTER OF PUBLIC ENTERPRISES: Let us avoid creating another public enterprise with a bigger structure. I think with your intervention, I appreciate that Comrade Minister and I will just say I support the Bill. Thank you Comrade Minister. Thank you Comrade Speaker. Thank you very much.

HON SPEAKER: Thank you very much. Any further discussion? In the absence of further contribution, does the Minister of Finance wish to reply?

HON MINISTER OF FINANCE: Thank you Honourable Speaker. Let me start with thanking all the Members of the House that contributed to the debate and for the unwavering support. It is somewhere I think we appreciate that the support that this Bill will give is aimed at helping the low end depositors to have in surety that whatever they have deposited will not be lose in a case of a failure. That is why the deposits that are covered are only 'up to 'N\$25 000' but as Honourable Alweendo has said that covers over 90% of all depositors. The second important point that I want to make is that the payment method as Honourable Nekundi has queried is the following.

The Board will establish the premium and the purpose of that is that the Board as an independent body must make sure that the sources that they are to avail of the guarantee scheme are enough to cover what the Act obliges it to do. Once the Board has determined the premiums, it is the responsibility and the obligation of the Commercial Banks that take deposits, all deposit in banks to pay these premiums. So it is not public

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GUARANTEE BILL
HON SCHLETTWEIN**

money that is going there. It is private money from the bank sector itself that sources the guarantee schemes and that is correct because the Act does not only have in its intent to secure deposits. As you quite rightly said the secondary principle of this Act is to stabilize the whole financial sector and that is to the advantage of all commercial banks.

You will recall that and it is an interesting debate that the collapse of Layman Brothers in America was not the fault of the state for bad governance as some members wanted to state. It is not. It was a combination of events that brought about because of low interest rates and higher risk take up by the state were allowed within the regulations that are made in that company and in fact on all banks. So it is not correct to assume that a private bank that is licensed and that is subject to the potential requirements of the regulator that is the Bank of Namibia that it is to assume if such bank fails that it is the Government who is to found at fault and I think that is a wrong assumption.

That be as it may, in the case of the SME Bank one must recognize that in spite of the fact that the state was the majority shareholder, we agreed by not challenging the regulator to do what it is required to do by its law in order to protect the financial sector. So it was not the Government that stood in its way in fact by not challenging it recognize that the regulator is fully mandated to do what they have to do to protect the banking sector and to protect requirements that are subject to the licenses that the banks gave. It is always a difficult thing to intervene and create the demise of private run or publicly run institutions but if we are strong regulators like we have in the Bank of Namibia, we have security that risk can be mitigated as was shown in the case of the SME Bank.

Comrade Speaker Honourable Alweendo is also quite correct that the prime purposes as a consumer protection element. We are an economy that is very skew. Up to recent we have only just over 65% of the total population the bank rest of the population is not bank so they do not make use of financial services that are offered by banks. This scheme can help those entities those individuals that have some savings to go to the bank

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GUARANTEE BILL
HON SCHLETTWEIN**

without any further risk to lose and I think that increases the trust in the financial sector to everybody to enter it and make use of it. So the protection of consumer is important but as I said is second aspect as the overall enhancement of the stability of the financial sector and with that, it is an important tool in our quest to maintain the very high level that our financial sector indeed enjoys.

We have a very sophisticated well-capsulized and liquid financial sector that ranks in the top ten of the world so I think we are up to standard with bubble free almost fully with barman tool. So we are in a very favourable situation when it comes to how well our financial sector is operating. There was however that risk that depositors especially the low were not enough protected and this piece of legislation fills that gap. With those remarks and again reiterate of the spot, I submit.

HON SPEAKER: Thank you very much. With that now I put the question that the Bill be read a second time. Any objection, then it is agreed to. Thank you very much.

The Secretary will read the Bill a second time.

**SECOND READING NAMIBIA DEPOSIT
GUARANTEE BILL [B. 14 – 2018]**

HON SPEAKER: Now when we started the session, the Prime Minister was due to appear in the course of the first notice of a Motion. With the time I have at my disposal, the first notice of a Motion is the one of the Right Honourable Prime Minister. Does the Right Honourable Prime Minister move that the Bill be now introduced.

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**FIRST READING – PUBLIC SERVICE
AMENDMENT BILL
RT HON DR KUUGONGWELWA-AMADHILA**

RT HON PRIME MINISTER: I move so Honourable Speaker.

HON SPEAKER: Who seconds the Motion, is there any objection? Then it is agreed to. Right Honourable Prime Minister please table the Bill?

The Secretary will now read the Bill the first time.

**FIRST READING – PUBLIC SERVICE
AMENDMENT BILL [B. 18 – 2018]**

SECRETARY: *Public Service Amendment Bill* [B. 18 – 2018].

HON SPEAKER: Prime Minister does the Right Honourable Prime Minister move that the Bill now read a second time?

RT HON PRIME MINISTER: I move Honourable Speaker.

HON SPEAKER: Any objection, who seconds, agreed to. Prime Minister you have the floor.

**SECOND READING – PUBLIC SERVICE
AMENDMENT BILL [B. 18 – 2018]**

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**SECOND READING – PUBLIC
SERVICE AMENDMENT BILL
RT HON DR KUUGONGWELWA-AMADHILA**

RT HON PRIME MINISTER: Thank you very much Honourable Speaker for indulging me and thank you for this opportunity. I rise to introduce the Public Service Amendment Act Bill and I would like to indicate at the onset that the Public Service Act of 1995 is currently undergoing a comprehensive review to enhance the professionalization of the Public Service by bringing it on par with global trends in developments in the public service management. The current Act as indicated was promulgated in 1995 but while Government is working on a comprehensive review of the Public Service Act, we found it necessary to introduce this Amendment Bill as a first phase to kick start the reviews needed in the Public Service Act urgently.

First is the appointment of the Executive Directors on fixed term contract. These are currently called Permanent Secretaries. As part of the Public Service reforms, Government introduced various service delivery instruments to facilitate the achievement of our developmental objectives. One of these tools is the performance management policy. With the implementation of the performance management system the realization of set targets and outcomes has become the basis for performance monitoring and evaluation. It has become standard practice in employment arrangement to link performance of an organization to the leadership of the institution to ensure achievements of agreed deliverables.

Performance agreements are based on the deliverables in each of the annual plan and serve as a critical indicator of progress towards achieving the strategic plan. As part of further promoting this culture of performance, this Bill proposes the appointment of Permanent Secretaries on a fixed term contract. A fixed term contract arrangement will serve to promote the culture of performance on the highest level of the Public Service. It is important to indicate that the current or the recent appointment of Permanent Secretaries were done already on fixed contract in line with the spirit of this Amendment. However, the current Public Service Act does not make it mandatory for such appointments to be made on a fixed term contract. These amendments will make it imperative that all appointments at that level would be made for a fixed term that is not

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SERVICE AMENDMENT BILL
RT HON DR KUUGONGWELWA-AMADHILA**

more than five years at a time.

I need to emphasize however that the five years is not a guarantee of employment for the appointee until the expiry of the contract. Performance will still be managed and disciplinary procedures as per the Public Service Act and Regulations will still apply where deemed necessary. So if a person is not performing, they can still be subjected to disciplinary hearing and discharged from the Public Service two years down the line or three years as the case maybe. Under the new Act Permanent Secretaries who are currently on an indefinite term of contract would be given an opportunity to choose whether to continue on such indefinite term or to move to a fixed term contract. That is because their existing benefits cannot be taken away without their consent according to the Labour Act.

Such a choice must be exercised within twelve months after the commencement of the Public Service Amendment Act. So another change that is being proposed under this Bill is the one that was implied when I introduced the first change and that is to change the designation of Permanent Secretary to Executive Director. The changing of the designation will first align the designation with the already established terminology whereby the term Director is indicative of a position in the management cadre.

1. You have a Deputy Director, a Director and you now have a Deputy Executive Director and Executive Director instead of Deputy Permanent Secretary and Permanent Secretary.
2. It will support the proposed appointment on a fixed term contract in that the perception of permanent in the current designation will be removed and the person will be constantly reminded of the fact that they will remain in employment only for as long as they meet the expectation of the employer.

With these few remarks Honourable Speaker, Honourable Members, I

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**SECOND READING – PUBLIC
SERVICE AMENDMENT BILL
HON SCHLETTWEIN**

have the honor to table the Bill to amend the Public Service Act of 1995 and request this House to support the proposed amendment while we are finalizing the comprehensive review which we expect to finalize early in the next year and bring to this House for promulgations of a new law. Thank you Comrade Speaker.

HON SPEAKER: Thank you very much. I know we are over the time but that was important to bring that in. I will not call for any further discussions. Maybe a Member who wishes to contribute can postpone the discussion of this important item so that we can continue. Otherwise, yes, please, Honourable Minister of Finance.

HON MINISTER OF FINANCE: Honourable Speaker can I propose to or can I request that the Bill be discussed tomorrow.

HON SPEAKER: Thank you very much. We will continue with the Bill tomorrow, so decided and since we are over the time, the House stands adjourn until tomorrow the usual time.

HOUSE ADJOURNS AT 17:50 UNTIL 2018.11.21 AT 14:30

**NATIONAL ASSEMBLY
ASSEMBLY CHAMBERS
WINDHOEK
21 NOVEMBER 2018**

The Assembly met pursuant to the adjournment.

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

**ANNOUNCEMENT IN TERMS OF RULE 20(B)
OF THE STANDING RULES AND ORDERS**

HON SPEAKER: Welcome back. Honourable Members I have a great pleasure to introduce to you this afternoon a son of this country, someone who is known to many of us perhaps some of you have not seen him you only heard about his contribution to music and in particular as having been the author of the Namibian National Anthem. Axalie Doeseb is the gentleman who is here whom I have the pleasure to introduce you to and as I said that some of you might have heard about him, he is a son of Namibia who contributed immensely in crafting our National Anthem that we sing every day. Welcome to Parliament of Namibia. Welcome this afternoon particularly so that we have an opportunity to remind ourselves of your contribution to the development of this country.

We will be delighted to have you to come down here. The security people will guide you to find your way and enter from this point. Honourable Members it is very important to acknowledge the contributions that some of our people have made to the development of our country. It is also very important to acknowledge them while they are still around. Perhaps this would warrant recognition in the form of award, acknowledgement that we normally do nationally but I am not a Member of any of those Committees some of you are. Could you just come just here I want you to stand up so that everybody can see you. Do you recall those exciting moments in our history when we were putting together the National

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**ANNOUNCEMENT
MR DOESEB / HON PROF KASINGO**

Anthem? Maybe you want to say one or two things about how you went about, maybe not today but do you want to say something about that experience, you can use that microphone there.

MR DOESEB: Oh yes we must learn these things. Good afternoon Honourable Members. As was said my name is Axalie Dauseb, I am the author and also the composer of the National Anthem of this country. It was a lot of work to do. The people of this country have contributed to the lyrics of the National Anthem meaning that I was moving around and wanted to hear from those whom I met what he/she would want to hear and sing in the National Anthem one day and that is how I came to the words. I acknowledged that from the bottom up to the top of the contributions which were made. Then the melody came and was established by myself when I was playing in the memorial service of the late Antony Leboski and the melody just came in my idea and I decided to play what I had at that moment. The two things came to life in that way.

HON SPEAKER: Thank you very much. Deputy Speaker a quick one before we escort our guest.

HON DEPUTY SPEAKER: Yes I just want to cement the congratulations to Mr Dauseb that these are the people who are supposed to be honoured every year whenever we have the most important events like the Opening of Parliament and see to it by next year he will be one of the VVIPs to be invited. Thank you congratulations.

HON SPEAKER: Thank you very much. I was a Member of that Committee and I remember listening to the National Anthem that to make

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**TABLING OF REPORTS
HON SCHLETTWEIN**

the final decision and we were all overwhelmed and I remember there was a unanimous decision, 'That is the one, that is the one' I remember those words then as Members of that Committee. Your contribution is highly appreciated and we would like future generations to remember once upon a time in our history there was this son of Namibia who made this contribution, it is something that will last from generation to generation. We want to thank you and to acknowledge your contribution, well done, thank you.

Thank you very much Honourable Minister of Justice the Honourable Sacky Shanghala for your thoughtful initiative, well done.

HON SPEAKER: Any Petitions? Reports of Standing or Select Committees? Other Reports and Papers? Minister of Finance.

TABLING – REPORTS OF THE AUDITOR-GENERAL

HON MINISTER OF FINANCE: Comrade Speaker, I lay upon Table, Reports of the Auditor-General on the Accounts of:

- (i) National Youth Council for the financial year ended 31 March 2017;
- (ii) Meat Board of Namibia for the financial year ended 31 March 2018;
- (iii) Karakul Board of Namibia for the financial year ended 31 March 2018; and

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**TABLING OF REPORTS
HON JAGGER**

- (iv) Village Council of Divundu for the financial years ended 30 June 2016 and 2017.

I so Move, Honourable Speaker.

HON SPEAKER: Thank you. Notices of Questions, sorry, yes Honourable Deputy Minister.

ANNUAL REPORT OF THE NAMIBIA WILDLIFE RESORTS

HON DEPUTY MINISTER OF ENVIRONMENT AND TOURISM:
Thank you Honourable Speaker, I lay upon Table The Annual Report of the Namibia Wildlife Resorts for the years 2015/2016 and 2016/2017.

I so move Honourable Speaker.

HON SPEAKER: Notices of Questions? Notices of Motions? Messages from the Head of State? Ministerial Statements? Good let us move on. Oh yes Minister of Economic Planning.

**MINISTERIAL STATEMENT IN TERMS OF RULE
98 OF THE STANDING RULES AND ORDERS**

**FIRST VOLUNTARY NATIONAL REVIEW OF
THE UNITED NATIONS ECONOMIC AND SOCIAL
COUNCIL ON THE IMPLEMENTATION OF SDGS**

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**MINISTRIAL STATEMENTS
HON DR KANDJOZE**

**HON MINISTER OF ECONOMIC PLANNING COMMISSION
AND DIRECTOR-GENERAL OF THE NATIONAL PLANNING
COMMISSION:**

Thank you Honourable Speaker, Honourable Members. Allow me from the outset to register my profound gratitude for this opportunity to report to Parliament and through Parliament our people beyond these walls that at the occasion of the 2018 Ministerial segment of the United Nations Economic and Social Council Namibia not only stood amongst 46 other nations but stood resolutely, tall and proud in showcasing its commitment to the strategic development goals otherwise known as the SDGs.

As part of the follow up and review mechanisms for the implementation of the sustainable development goals Namibia through the National Planning Commission under the able tutelage of all those before me today inscribed a self styled country to voluntarily share our experience in terms of successes, challenges and strategies along the journey we have embarked on to deliver a more prosperous world by 2030. This commitment is born out of an appreciation of the time of adopting the SDGs in 2015 that given the very comprehensive nature of the new agenda a dynamic and robust global partnership for the delivery is a requisite necessity and therefore regular platforms where countries would share bad practises so as to learn from one another must be an integral part of the follow up and review mechanism. Accordingly, Namibia is a front campaigner on African Region for this new agenda, took up the burden and chose to lead the pack and for that I must turn to the former Minister and wholeheartedly thank him and the team before me are now with me for the tenure here at National Planning Commission (NPC) for their fore far sightedness that puts us on a pedestal and weigh ahead of the pack.

Honourable Speaker, Honourable Members, the Voluntary National Review or otherwise known as the VNR on the implementation of the SDGs in Namibia for which I led the delegation of capable men and women to share with the family of nation that by the way as a consequence of a deliberate harmonization policy aimed at ensuring that Namibia retains a single implementation track is fully aligned with our development instruments such as the NDP5 and the Harambe Prosperity.

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**MINISTRIAL STATEMENTS
HON DR KANDJOZE**

It is a summation of inputs from across the length and breadth of our country.

In formulating this report the National Planning Commission (NPC) team joined by officials from few other sectors selected on the basis of their direct contributions to SDGs and the resident United Nations Development System hosted multiple consultative meetings to produce a document that truly and fully reflects the character of a nation and the way we are doing along the implementation of Agenda 2030 through our own national vehicles called the NDP5 and Harambe Prosperity Plan.

Subsequent to consolidating inputs sourced from across the vastness of our land to ensure that we have truly had the many representatives of various interests and segments of our society, we called a National Validation Meeting towards the end of April 2018 where further views and all inputs on how best to improve the National Voluntary Review were provided. Above and beyond that exercise appreciating that development as it pertaining to the amelioration of the general welfare of the populous local and/or global is inherently a matter for broader society and not merely a monopoly of the State. We reached out to civic organizations by facilitating a two day deliberative workshop where the civil society organizations enjoyed maximum liberty in discerning what their views spend and role in the SDGs Namibia landscape are.

The outcome of these deliberations were captured into a position paper mostly owing to our appreciation of the critical role civil society organizations play as an actor living among the people mostly the vulnerable and downtrodden and thus a decision to have their representatives joined the Namibian Voluntary National Review Delegation and formed their numerous interventions in New York that positively enriched our VNR exercise. It was only when we were fully satisfied that what we were about to share with the world is amply reflective to the views provided to us by those who mud their hands in the business of pushing our agenda forward the Honourable Members and your teams and that it is of a quality instinct with the ethos and values of our dignified and proud people.

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HON DR KANDJOZE**

Honourable Speaker, Honourable Members, the 2018 Ministerial segment of the United Nations (UN) Economic and Social Council opened on July 16th 2018 and enroute to the United States of America, New York there was a stopover dialogue in the ancient city of Cairo on the banks of the majestic Nile River in the Arab Republic of Egypt to participate in the Sixth Session of the high level policy dialogue under the theme, I quote, “Financing the SDGs, strategies for planning and resource mobilization”, speaking to the means of implementation for Sustainable Development Agenda 2030.

The thrust of our engagement in Cairo centred around the undeniable truth that the success and/or shortcoming of the sustainable Development agenda is well and truly a matter squared with our own countries for its official development assistance fast rise up for our economies and transition. The main point and/or perhaps only pool of resources available for financing this agenda is increasingly becoming only those source within our national borders and as such it is critically important that all national efforts along exploring new streams of resources but also strengthening existing internal systems and processes of resources mobilization and deployment thereof recognizes that our agenda which embodies the full aspirations of our people is all and solely hinged on accessibility and effective application of these internal resources.

Whilst in the United States of America out of a total of 46 countries voluntarily presenting their national views or reviews of SDGs implementation 11 countries were from the Africa region and these are Benin, Cape Verde, Congo, Egypt, Guinea, Mali and **Namibia**, Niger, Senegal, Sudan and Togo. Namibia Voluntary National Reviews presentation began with a video clip which first sow case the contrasting duty in a desperate landscape of our country. Te long and violent history of our revolutions our people waged to achieve liberation bears no linguistic makeup of Namibia, the structure of our economy, the pivotal role in Namibia as a Member of the African Union High Level Committee on the post 2015 Development Agenda placed in the Africa region in mobilizing the masses around a robust input the new agenda packaged in what was called the cap then the single most influencing input into the

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SDGs efforts undertaken at home in terms of popularizing agenda 2030 and fundamentally the local deliberate alignment efforts that yielded full and complete alignment between SDGs and Namibia's own development planning tools namely NDP5 and its accelerator Harambee Prosperity Plan both anchored solidly on Vision 2030.

Preceding the hearing of the sad introductive video clip on a sober note Namibia through its permanent representative to the United Nations took the floor to share with the family of nations the sad news at the time on the passing of one of our most illustrious sons who in the language of permanent representatives almost single handedly embodied the nuances encounters of Namibia's foreign practices spinning over five decades to the early days of galvanizing world opinion around the speedy and orderly resolution of the Namibian question in New York through the United Nations system where they accomplished late Dr Theo-Ben Gurirab and may his soul rest in internal peace, spend much of his youth and as Namibia's first Foreign Minister would return to serve the world as a millennium's luck President of the General Assembly and oversee the conceptualization of the Millennium Development Goals adopted at the Millennium Summit chaired by his mentor and President Founding President His Excellency Dr Sam Nujoma.

The permanent representative further informed Council that Namibia had conferred a heroes status to the late Dr Gurirab and had moreover resolved to dedicate his voluntary national review presentation to its fallen gallant son and as such called for an observance of the moment of silence in honour of his life which was acceded to and observed by Council.

Honourable Speaker, following those remarks and announcements within the confines of the following fifteen minutes presentation are not meant to Namibia. Minus five minutes already expended on hearing the introductory viscous I presented the key messages of the Namibian Voluntary National Review and amongst other things touched on the following thematic areas. Along structural economic transformation and inclusive growth I informed Council that whilst Namibia has since sustained economic growth over the last decade averaging 3.7% annually

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because of the rigidity of the structure of the economy manifested in a jobless growth from a highly mechanized extractives where much of this growth is so strong and therefore stubbornly high levels of unemployment there had been significant buttons of wealth redistribution and consequently only marginal reduction inequality from point 5.6 in fact from point 5.8 to point 5.6 has been observed over the last five years.

I, however, reported that as part of the positive harvest from the sustained moderate to high levels of economic growth over the last decade public revenues have significantly grown and this inversely increase the State's capacity to expand the value of social protection grants. Namibia has therefore over the last ten years observed one of the fastest reduction of poverty levels in our region from 28.8% to 17.4% over the last 10 years. In relation to those who are yet to be reached by the current interventions aimed at poverty reduction I informed Council that Namibia has multiple strategies around the expansion of Social protection systems in terms of both value and rich of social grants to ensure that safetiness are extended to all who need them particularly the orphaned children, the elderly, marginalized minority, disabled persons and other vulnerable people.

In terms of equity and broad participation in an economy the team related that Namibia is implementing numerous policy instruments amongst others the affirmative action policy which seeks to broaden the participation of the black majority through access to productive assets such as land for agrarian production and gainful employment at all levels but importantly managerial levels. Moreover I underline that in Namibia Education Skills Development are key to ensuring that those on the margins of society are brought to the fore and in facilitating ease access to education at all levels. Tuition free education has been introduced for all basic education levels.

In the area of gender equality through the empowerment of women and girls I informed Council that Namibia has sailed well along political representation, 43% of Members of Parliament are women from a mere 25% in 2010. Employment and career upward mobility 43% of all Public Service Managers are women and in Government where its represented by the National Executives 22 occupants are women the equivalent of about

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40%. To ensure that identified gaps in this area are closed I also reported to Council that Namibia has numerous empowerment instruments for women and girls not zebra-quota system for political representation championed by the Government Governing Party SWAPO which dictates that the zebra quota system must be applied at all levels of leadership. I trust the minority leaders will learn from this one.

In the area of education I informed Council that Namibia had under the MDGs met all targets around universal access to primary education and gender parity in access across all levels but the challenges persist in so far as the quality of education outcomes is concerned. We, sector wise reform programme remain ceased with this matter. In terms of Health and the well being of old people Namibia celebrated her commendable work around the stabilization of the HIV/AIDS pandemic and informed Council that new infections had reduced significantly as testimony to the laudable work done at home, I too informed Council that life expectancy had risen from 58 to 65 years but **(SEE SPEECH TO 3:27:07)** Thank you very much and let us continue building our country.

HON SPEAKER: Thank you very much. That was indeed a comprehensive briefing noted with interest which we had time to discuss but there you are and I actually have taken note of the two officers you acknowledged since I know them both. It is very encouraging to see that there is growth and development in that sector. Well done. We move on.

The Secretary will read the First Order of the Day.

**COMMITTEE STAGE – PUBLIC ENTERPRISES
GOVERNANCE BILL – [B.15 – 2018]**

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**COMMITTEE STAGE – PUBLIC
ENTERPRISES GOVERNANCE BILL
HON JOOSTE**

SECRETARY: Committee Stage – *Public Enterprises Governance Bill*
[B. 15 – 2018].

HON SPEAKER: Does the Honourable Minister of Public Enterprises move that the Assembly now goes into Committee?

HON MINISTER OF PUBLIC ENTERPRISES: I so move Comrade Speaker.

HON SPEAKER: It is moved that I leave the Chair. Any objection? Who seconds? Agreed to. I now call on the Chairperson of the Whole House Committee to take the Chair.

ASSEMBLY IN COMMITTEE

CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: The Whole House Committee is called to order. The Committee has to consider Public Enterprises Governance Bill.

I put Clause 01. Any discussions? Any objections? Agreed to.

I put Clauses 02 to 08. Any discussions? Any objections? Agreed to. Honourable can you pay attention please?

I put Clauses 09 to 13. Any discussions? Any objections? Agreed to.

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**COMMITTEE STAGE – PUBLIC
ENTERPRISES GOVERNANCE BILL**

I put Clauses 14 to 23. Any discussions? Any objections? Agreed to.

I put Clauses 24 to 29. Any discussions? Any objections? Agreed to.

I put Clauses 30 to 36. Any discussions? Any objections? Agreed to.

I put Chapter 7, regulations mainly Clauses 38 to 42. Any discussions?
Any objections? Agreed to.

I put the Title and commencement namely Clause 43. Any discussions?
Any objections? Agreed to.

I put the schedule, any discussions? Any objection? Agreed to.

I put the title, any discussions? Any objection? Agreed to.

I will report the Bill without amendments.

ASSEMBLY RESUMES

Bill reported without Amendment.

CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:

Honourable Speaker, the Committee has gone through the Public Enterprises Governance Bill and has gone through it without amendments.

Progress reported and leave given to sit again.

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**THIRD READING – PUBLIC
ENTERPRISES GOVERNANCE BILL
HON JOOSTE**

HON SPEAKER: Thank you very much. Does the Honourable Minister of Public Enterprises move that the Bill be now read a Third Time?

HON MINISTER OF PUBLIC ENTERPRISES: I so move Comrade Speaker.

HON SPEAKER: Thank you. Any objection? Who seconds? Agreed to. Any further discussions? In the absence of any further discussions does the Honourable Minister wish to reply?

HON MINISTER OF PUBLIC ENTERPRISES: Thank you. Comrade Speaker, Colleagues in the House just briefly to thank everyone for the speed processing. My colleagues in Cabinet for supporting us, former Deputy Minister, current Deputy Minister, Permanent Secretaries, Officials then Comrade Speaker there are always some people who play a part in these processes and we do not always acknowledge. In the Office of the Attorney General there were two ladies who worked endlessly and tirelessly on formulating this Bill a lady called Rosewita and another one called Jackie. So I just want to thank them, the office of the Minister of Justice Mr Baker for hard work beyond the normal to help us to conclude this. So with that Comrade Speaker I thank you.

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

The Secretary will now read the Bill a Third Time.

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**COMMITTEE STAGE – NAMIBIA
DEPOSIT GUARANTEE BILL
HON SCHLETTWEIN**

**THIRD READING - PUBLIC ENTERPRISES
GOVERNANCE BILL – [B.15 – 2018]**

SECRETARY: *Public Enterprises Governance Bill* [B. 15 – 2018].

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

**COMMITTEE STAGE – NAMIBIA
DEPOSIT GUARANTEE BILL [B.14 – 2018]**

SECRETARY: *Namibia Deposit Guarantee Bill* [B.14 – 2018].

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

HON MINISTER OF FINANCE: I so move, Honourable Speaker.

HON SPEAKER: It is moved that I leave the Chair. Any objection? Who seconds? Agreed to and I will call on the Chairperson of the Whole House Committee to take the Chair.

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**COMMITTEE STAGE – NAMIBIA
DEPOSIT GUARANTEE BILL
HON SCHLETTWEIN**

ASSEMBLY IN COMMITTEE

CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Once more the Whole House Committee is called to Order. The Committee has to consider Namibia Deposit Guarantee Bill.

I put Clause 01. Any discussions? Any objections? Agreed to.

I put Clauses 02 to 49. Any discussions? Any objections? Agreed to.

I put Part 10 General Provisions namely Clauses 50 to 58. Any discussions? Any objections? Agreed to.

I put Clauses 59 to 61. Any discussions? Any objections? Agreed to.

I put the Short Title and Commencement namely Clause 62. Any discussions? Any objections? Agreed to.

I put the Title. Any discussions? Any objections? Agreed to. The House is so quiet.

I report the Bill without amendments.

ASSEMBLY RESUMES

Bill reported without Amendment.

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**THIRD READING – NAMIBIA
DEPOSIT GUARANTEE BILL
HON SCHLETTWEIN**

CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:

Honourable Speaker the Committee has gone through the Deposit Guarantee Bill and gone through it without amendments.

HON SPEAKER: Thank you. Does the Honourable Minister of Finance move that the Bill be now read a Third Time?

HON MINISTER OF FINANCE: I so move Honourable Speaker.

HON SPEAKER: Any objection? Who seconds? Agreed to. Any further discussions? In the absence of any further contributions does the Honourable Minister of Finance wish to reply?

HON MINISTER OF FINANCE: Honourable Speaker, Honourable Members I am grateful that the Bill was accepted as is and hope that it will play its stabilizing role for the depositors to sleep well. Thank you.

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.

NAMIBIA DEPOSIT GUARANTEE BILL [B. 14 – 2018]

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**COMMITTEE STAGE – NATIONAL
SYMBOLS OF THE REPUBLIC
OF NAMIBIA BILL
HON SHAPWA**

SECRETARY: *Namibia Deposit Guarantee Bill* [B. 14 – 2018]

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

**COMMITTEE STAGE – NATIONAL SYMBOLS OF
THE REPUBLIC OF NAMIBIA BILL [B. 22 – 2018]**

SECRETARY: *National Symbols of the Republic of Namibia Bill* [B.22 – 2018].

HON SPEAKER: Does the Honourable Deputy Minister of Justice move that the Assembly now goes into Committee?

HON DEPUTY MINISTER OF JUSTICE: I so move Honourable Speaker.

HON SPEAKER: It is moved that I leave the Chair any objection? Who seconds? Agreed to. I now call upon the Chairperson of the Whole House Committee to take the Chair.

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**COMMITTEE STAGE – NATIONAL
SYMBOLS OF THE REPUBLIC
OF NAMIBIA BILL
HON NAMOLOH**

ASSEMBLY IN COMMITTEE

CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: The Whole House Committee is called to order and the Committee has to consider the National Symbols of the Republic of Namibia Bill.

I put Clauses 01 to 05? Any discussions?

HON MINISTER OF SAFETY AND SECURITY: 04?

CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: I said 04 and 05, any discussion? Any objection? On 05, I recognize the Minister of Safety and Security.

HON MINISTER OF SAFETY AND SECURITY: Thank you Comrade Deputy Speaker. As we are now working on a Bill I thought we would be able to give more emphasis on the symbols of the Bill. Number 05 is the Presidential standards. I would have thought that the history of Presidential Standards in many countries from those old countries has been changing with Presidents, when a President takes power his presidential powers is changing depending on how he wants to perform as a President of a country. But then nowadays sometimes there is only one.

In our Presidential Standards I thought now would it not be able to improved on it because the Presidential Standards is a flag of the Commander in Chief and there are no symbols of this command in the

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**COMMITTEE STAGE – NATIONAL
SYMBOLS OF THE REPUBLIC
OF NAMIBIA BILL
HON NAMOLOH**

Presidential Standard it is just plain like that. I would have wanted that possibly we would find a place to put those as a Commander in Chief. If we look at the other Presidential Standards, those Instruments of power as a Commander in Chief are depicted somewhere here or there. So I would want this because this was a starting point and we have not improved on them. I thought now it is time that we need to improve on them.

Also on the, well, we have eagle, if my child asks me, why is the eagle facing left when you watch it, will I be able to explain or it is just a bird put on top between the Oryx and so forth. Can we not work more to find something to say, what is in the symbol of an eagle and why facing left and not right possibly? We said okay the eagle is faster and high elevation of flight and so forth. Possibly we would want to improve on that and I would want the Deputy Minister especially on the Presidential Standards to make some insertions to indicate, to denote this is the Commander in Chief of the Armed Forces because the current one is just plain besides the Court of Arms and it is flat.

On 05 also and where is it? Oh, no maybe when we come to 06 I will take it.

CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Very important intervention but where was the Minister during the Second Reading?

HON MINISTER OF SAFETY AND SECURITY: I was not there (not on microphone).

CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Who, I

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**COMMITTEE STAGE – NATIONAL
SYMBOLS OF THE REPUBLIC
OF NAMIBIA BILL
HON SHAPWA / HON SHAGHALA**

recognize Honourable Deputy Minister, you have the floor.

HON DEPUTY MINISTER OF JUSTICE: Thank you Honourable Deputy Speaker. I think the Minister of Safety and Security maybe has a point. However, I will hand it to my Minister to come in to explain further but he was here yesterday when we did this.

CHAIRPERSON OF THE WOLE HOUSE COMMITTEE:
Honourable Minister.

HON MINISTER OF JUSTICE: Thank you Comrade Deputy Minister and Chairperson. First let me just give a little background of what a Standard is. In the European context of Royal Families when somebody becomes either rigid or assents to the rigor position of head of the kingdom and sometimes they carry similar names. Then seal and their flag that standard that they bear is different to indicate who which individual you are talking of. So for example you could have King So and So the First, King So and So the Second. You would tell the difference between the seal and the standard that this is the individual so it is a personalized way of identification that I am the person who is bearing authority. When you see that and when you see they are encamped for war then you can see that this flag is the one who is commanding personally. Then you have Knights for instance or you have Jukes that are given various respects. When they command that flag shows that this is the Division and the Romans brought this through, they were the ones who started this.

When we came to the Republic and we are still part of the Commonwealth

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**COMMITTEE STAGE – NATIONAL
SYMBOLS OF THE REPUBLIC
OF NAMIBIA BILL
HON SHAGHALA**

you will find that the Queen's standard is different from her father's standard after she assumed the throne. You will find that the one to succeed her already has a standard. The difference is that these standards are normally small triangular with the base of the triangle away from what is called, hold on I will give you the word now. Ha?

CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Yes, what is now your comment on the proposal by the Minister? Are you likely to consider it?

HON MINISTER OF JUSTICE: Away from the hoist. No it is just for us to understand what is the Presidential Standard. So when we became the Republics and we are all part of the Commonwealth and much of the Roman and English practise carried on, the Union of South Africa President, the State President had, the President and then State President had a Standard. If you look at our Standard it is very much similar to that of the South African one and it is not coincidence because the designers basically took from that particular design. You will see the colour that brandish that the green that is in there and the way if you look at the South African Standard at the time.

Now if we intent to insert in the regalia that represents Commander in Chief status that is all fine, well and possible, it will have to be done by an amendment to the Schedule. The purpose however, was initially just to make sure that it is protected because if you then do not protect it and it was not protected then any use of it other than the intended use would not be penalized. There is a simple principle of law *sine crime sine logo* without a law there is no crime. So *sine pune sine logo* no punishment without a law. So that is the purpose that is being brought here and I think those can be done because as well the regulations will allow in the next

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**COMMITTEE STAGE – NATIONAL
SYMBOLS OF THE REPUBLIC
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Section the ability for the Military Flags to be properly gazetted because although there was a gazette meant the addition on were including the one on the hat being won by the General are not yet presented. Thank you.

CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Thank you for that. Honourable Minister? You said it will be considered under regulations?

HON MINISTER OF SAFETY AND SECURITY: He just told me about the United Kingdom (UK) and what a view. What I was saying in the Presidential Standard as a Commander in Chief, that is what I was saying maybe we could find that we put in those saying it is going to be gazetted but they should be reflected this is the Commander in Chief. As he correctly said Presidential Standard is a personal something. As your term come to an end it is given to you to take it to indicate that your term of Presidency has come to an end, back home and this one brings his. Normally it is still done, other countries still do that but some do not do but what I am saying is that we should improve on the Commander in Chief's colours as they indicate some instruments of being a Commander in Chief.

CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Okay in the meantime we can pass this and then you can consult maybe you will come up with amendments under regulations?

HON MINISTER OF JUSTICE: No, Honourable Chairperson we fully

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agree with what the General is saying but I gave the answer and I said that what could happen is that an amendment to this Schedule would happen because yes after it is gazetted and it is designed an amendment will be brought to this House because in any event as I said including what he is wearing it has to still be done. So they will be done but we are just protecting.

CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Yes, consult him there.

HON MINISTER OF JUSTICE: But I now want to address another issue here is, we do not with this Bill want to create what is done elsewhere where the individual persona becomes the owner of the standard. We are saying that this is the design that will be for A President the occupant of the office. So whether you get one that you take home no further new designs will be made for President 4, 5 and 6 *adseriatum* this is the design for the Republic and it will stay that way. That is the proposition being made by this Bill.

CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Thank you. I put Clause 05. Any objection? Agreed to. I put Clause 06. Any discussion? I recognize Honourable Minister of Safety and Security.

HON MINISTER OF SAFETY AND SECURITY: Thank you Comrade Deputy Speaker. Clause 06 being the National Flag must be raised as the sun rise and lowered at sunset. There should be no time so

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that our flags are lowered to be same time or raised at the same time because if you say sunrise, maybe what sunrise if there is no timing so that our flags are raised at the same time and lowered at the same time instead of saying sunrise and sunset. Can we not indicate time maybe 07:00, 08:00 or whatever and so forth, thank you?

CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Honourable Minister of Justice?

HON MINISTER OF JUSTICE: Thank you very much. The General is quite correct. You will see that Clause 71 reads and I would like to quote. The Minister may make regulations: (a) In relation to the flying of the National Flag. I end there. Those regulations will be made but it was, I found it a bit difficult to put it into legislation because if we put it in the legislation we have to be very circumspect as to where, Greenwich where, whatever so that we have same time type of and that is going to be done in a more detailed regulation. Thank you.

CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Thank you. Any objection to Clause 06? Agreed to.

I put Clause, Regulation then Clause 07 to 09. Any objections? Agreed to.

I put Schedule 01. Any discussions? Any objections? Agreed to.

I put Schedule No. 2 any discussions? Any objections? Agreed to.

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I put Schedule No.03. Any discussions? Any objection? Agreed to.

Then I put Title No.04, any discussions? I recognize Honourable Minister of Safety and Security.

HON MINISTER OF SAFETY AND SECURITY: Thank you Comrade Deputy Speaker. In the Schedule here, colours, the colours of the Presidential Standard must be the same as that of the National Flag of Namibia. It will change from this one. Will it change from this one or will it be the same because if you say 'same colours' this one has got a different colour it is not the same as the national Flag. Would it change from this to the National Colours now to this one or what do we mean here when we say the Presidential Standard should be the same colour as the National Flag?

CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Yes Honourable Minister.

HON MINISTER OF JUSTICE: Comrade Deputy Speaker it is a pity that we could not include the National Flag in this Bill because of its already elaboration in the Constitution which will then require constitutional amendment which requires a different process for coming up with the Bill. But the answer lies in Part A1 the orientation in there where we define we say that a take, trade, triangle or then the National Court of Arms pointing away from the hoist. So the O has a colour. Two smaller triangles talk as zero and bottom vet. These colour as UN vet are the colours of the flag and this consistency is what is contained if you go to Schedule 1 Part A Arms. *A kiest prebendsinesta fambrieted agent as*

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here galas en vet a ban sinister galas an indexta Chief a son with 12 triangular raise or charged with an angulated at zero. So these colours as U O and vet are what is being referred to. Those are the colours that are being brought. So whether it is the gold in the sun it is a singular gold wherever it is differently placed or as is placed differently or vet is placed differently but the Panton of the colour remains as similar to the flag so that when you have the flag and you have the Presidential Standard you can see that they relate to one country and therefore the Panton is the same. That is the intention so that the Panton that is the technical description of the colour is similar to the same as the flag. Thank you. And with that we intended to cure the fact that this specification is not in the Constitution. So we are sort of trying to enlarge the flag to be defined by reference here because we could not do it by amending the Constitution if you get what I am saying.

CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Any objection to Schedule No.4? Agreed to.

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

I report the Bill without amendments.

ASSEMBLY RESUMES

Bill reported without Amendment.

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**THIRD READING – NATIONAL SYMBOLS
OF THE REPUBLIC
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HON SHAPWA**

CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:

Honourable Speaker, the Committee has gone through the Bill of National Symbols of the Republic of Namibia Bill.

HON SPEAKER: Thank you. Does the Honourable Minister of Justice move that the Bill now be ready a Third Time? Deputy Minister, I am sorry.

HON DEPUTY MINISTER OF JUSTICE: I so move Honourable Speaker.

HON SPEAKER: Any objection? Who seconds? Agreed to. Any further discussions? None. Does the Honourable Deputy Minister of Justice wish to reply?

HON DEPUTY MINISTER OF JUSTICE: Thank you Honourable Speaker. Let me thank the House for supporting the National Symbols of Republic of Namibia Bill particularly Honourable Namoloh who brought out a lot of issues which are very important and I think we are going to look at that as the Honourable Minister of Justice has just said and I hope that all of us as leaders especially from this House will be able to educate our people on the proper use and correct colours of our National Symbols. I thank you.

HON SPEAKER: Thank you. I now put the question that the Bill be now

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read a Third Time. Any objection? Agreed to.

The Secretary will read the Bill a Third Time.

**NATIONAL SYMBOLS OF THE
REPUBLIC OF NAMIBIA BILL [B. 22 – 2018]**

SECRETARY: *National Symbols of the Republic of Namibia Bill [B. 22 – 2018]*

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

**RESUMPTION OF DEBATE ON SECOND READING –
PUBLIC SERVICE AMENDMENT BILL [B.18 – 2018]**

SECRETARY: Second Reading of the *Public Service Amendment Bill [B.18 – 2018]*.

HON SPEAKER: When the Assembly adjourned yesterday the 20th November 2018 the question before the Assembly was a Motion by the Right Honourable Prime Minister that the Bill be read a Second Time. The Honourable Minister of Finance adjourned the Debate and I now call upon him. You have the floor.

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HON MINISTER OF FINANCE: Thank you Honourable Speaker. My intervention will not be a long one, just to reiterate what the Honourable Prime Minister has indicated in motivating statement and that is that the amendments before us are and not wholesale amendments of the Public Service Act which was to come but it is a start of amendments which tries to bring about financial efficiency gains in the Public Service by introducing performance management measures and we are starting at the Accounting Officer level which is a matter that I hope you all can support. The Civil Service is that institution or that component the budget that takes most of our resources. We are aware that there are efficiency gains possible and interaction of performance management and the introduction of an accounting system that allows a system to evaluate especially senior management numbers of the civil service to judge them on the strength of their performance so as to make sure that we get our monies worth return in term so performance is a crucial matter that forms part of Government's agenda to become more efficient to become more transparent and to become more accountable. I therefore feel that it is important that we take the step and therefore I wholeheartedly support the Prime Minister and the proposed Bill. I thank you.

HON SPEAKER: Thank you. next is the Honourable Erkki Nghimtina.

**HON MINISTER OF LABOUR, INDUSTRIAL RELATIONS AND
EMPLOYMENT CREATION:** Thank you Honourable Speaker. In supporting this Public Service Amendment Bill I thank our Right Honourable Prime Minister for bringing up this issue which was discussed several times here even in the Parliament. The new terminologies of or remaining of the Permanent Secretaries to Executive Director is in good direction but there are some issues copied to this one which needs also to be worked out. In the all time we had Under Secretaries which means they were representing the Departments within the Ministries but soon

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after maybe two/three years ago it came up only that all those Under Secretaries become only Deputy Permanent Secretaries making it very difficult even for you if you come in a Ministry for the line-up authority if the Permanent Secretary is not in but there are five or seven Deputy Permanent Secretaries, I do not know now how we are going to call them. are they going to be called still Deputy Executive Directors and what is the authority going to be raised so that you know exactly who is the proper Deputy Executive Director in the Ministries because if the Permanent Secretary is not in then automatically the ten of them who is the one now to take authority at that particular time or is it then if the Permanent Secretary is not in then you appoint one but there was supposed to be one straightforward only so that you do not have a lot of people. But they are representing the Departments in the Ministry that is one issue.

The other one is, most of our Ambassador some of them not all were Permanent Secretaries and most of the time now because they are now going to sign a contract I do not know how it is going to be, they will come back again as Executive Directors and then they are in the Ministry of International Relations and Cooperation or are they going there only for that particular term and once they come back unless they apply again. That is one issue.

The last is the rights of the Executive Directors in terms of transferring them to another Ministry if it is required because now they have signed the contract, they have expertise in that particular field but now you want to transfer them to say now you go to another Ministry. I think this is also to be worked out properly so that there is no quarrel to come to say no I came here as a Medical Doctor or something but now you want me to become Executive Directors in the Ministry of A or B. I am not talking this one in negative form but I am talking even in promotion areas. That is all what I am having Comrade Right Honourable Prime Minister, thank you very much.

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HON SPEAKER: Thank you. Honourable Sacky Shanghala.

HON MINISTER OF JUSTICE: Comrade Speaker, I also support the Bill and I just want to say that sometimes people are not appreciated and the reason I stand is to simply say that Permanent Secretaries perform a very difficult function and sometimes we put all our frustrations on Permanent Secretaries unduly. Sometimes they may even feel laws as this to target them. I do not think that is the purpose. This is not to target them. This is simply to say we are turning a page to a new dispensation and we want it to be a mind note and a change that is also going to be reflected in attitude and conduct that people do not consider themselves permanent and why do we do that? They already have a labour law that makes it difficult to fire. We know that publicly there is no firing on the spot in Namibia. I fire you go, instant dismissal, there is a procedure and the Public Service Act is even a betterment of the basic labour law. So time and again it is important to say we have entered a new dispensation, a new page we want you to think differently. The same with the Public Procurement Legislation, people have misrepresented that the problem with the Tender Board of Namibia Act was the Permanent Secretaries were the members, it is simply just not true in law, they are not members. They are appointed and an appointee could be anybody but nowhere in that Act it says Permanent Secretary shall be members of the Tender Board, nowhere and then when we blamed we blamed the Permanent Secretaries that they have been bad apples of Permanent Secretaries who were members but it cannot be clothed on everybody.

So mine is to say Permanent Secretaries, Executive Directors your function is important but if we really are to change the system and the mindset of public servants to know that we render a public service we need to start with their leaders and the leaders are the Permanent Secretaries. Those Executive Directors can execute their function with the knowledge and mind that we are here to perform a function and if you are viable you stay for a period you leave and you go and do something else

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and you allows for regeneration and young people to come through particularly young people who carry the Public Service.

Lastly, I wish that when the reform of the entire Public Service Act comes through there is some rule that if you are at a certain level you cannot be promoted to a certain level and you have people who work for 20 and above years in technical positions where some Ministries are so technical that you cannot just bring somebody with very good face, look and dress style and laughter because laughter and dress code do not make the world go and yet these people are ignored time and again but yet on the counter side of it is that if somebody has been in the institution for so long sometimes it is also difficult to see where we go wrong and that when you bring in a new person it helps rejuvenate and bring in new thinking. So you have this give and take and I hope that that holistic reform that will come will take into account these just positions which are necessary I think in dynamite in the Public Service but all in all the Bill is welcomed, it is high time and I support it. Thank you.

HON SPEAKER: Thank you. Next is the Honourable Shapwa.

HON DEPUTY MINISTER OF JUSTICE: Thank you Honourable Speaker. I too rise to support the amendment to the Public Service Act of 1995 especially to the amendment of the title of Permanent Secretary to the Executive Director. I hope this will take away the misconceptions this very important men and women consider themselves permanent and that they are untouchable and I want to follow suit of my Minister, Minister of Justice that really is a position that is carrying a very important function in the Offices, Ministries and Agencies (OMAs) and (intervention).

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HON SPEAKER: Is that a point of order?

HON DEPUTY MINISTER OF JUSTICE: I have not started.

HON DEPUTY MINISTER OF PUBLIC ENTERPRISES: Tiny one. The Honourable Deputy Minister was a Permanent Secretary I just want to find out when you were Permanent Secretary were you feeling permanent (laughter)?

HON SPEAKER: Please continue.

HON DEPUTY MINISTER OF JUSTICE: I never felt permanent and that is what I am saying that we take away that misconception. Honourable Speaker, the Executive Directors is proposed in this Amendment Bill are carrying out a very important task. Actually all the OMAs are on their shoulders and they assist the Ministers in their running of their Ministries on daily basis if they are properly used and it is my emphasis on that. I hope that we can also look at them and care for them because at the time of course, Honourable Nekundi has already said I was a Permanent Secretary yes and at the time I was there I can tell you it is not easy to be in that position because the Permanent Secretaries are not rendered assistance.

If we go to our neighbours Zimbabwe for example the Permanent Secretaries including Directors are assistants to the point that even they have drivers even the Directors to make sure that these people actually while they are carrying out their official functions they are not trying to

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bother about who is going to pick up my children, who is going to drop my children at school at so on because their duties are very tasking and I hope we will start looking at that. I hope I hear that now they are given drivers when they are travelling for official duties and I hope we look more into the assisting of this group of officials because they are really working under pressure and if we are not taking care of them we are not going to get out of what we want from them. I support the Bill, thank you.

HON SPEAKER: Thank you very much. That is a very interesting observation you made there but it is not just a question of changing the title but we are also reinforcing the capacity of the role of Permanent Secretaries otherwise known as Executive Directors. Anyway any further discussions? In the absence of that does the Right Honourable Prime Minister wish to reply?

RT HON PRIME MINISTER: Honourable Speaker, I do wish to reply and I want to start by thanking the Honourable Members who have spoken for their comments that they have shared. I have taken note of them and I also want to thank them for supporting the proposed amendments that have been put forward.

I thank especially those who have emphasized the point of course that the need of a comprehensive review of the legislative framework for managing our Public Service is fully acknowledged in Government as I indicated in motivating the Bill and that is receiving attention. As I have indicated we are hoping that early next year we should be able to come with a proposal that would address the range of issues that require our attention to ensure that public sector is governed in a manner that are aligned to best international practises and that those that serve in the Public Sector are motivated to serve optimally.

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I want to emphasize of course that this motivation should not only be seen from a point of view of finance because as the Minister of Finance has said when it comes to the actual amounts of money that we use on our public servants, given the size of our economy and the resource envelope we are actually more generous than these other countries that we are citing because as we are speaking now projections are that even without a salary increments the Wage Bill will take up 55% of the public revenue. So I think really in whatever we do we have to take cognizance of that fact that as a Government we cannot be seen to administer the affairs of the State in a manner that puts the interests of ourselves as public servants above the interests of the rest of the nation. I think there is only one way to go when it comes to apportioning of public funds between the public servants and the rest of the nation be they politicians or civil servants and that is downwards it can never be upwards but we can find efficiency gains as the Minister of Finance has said and if eventually our efforts work out to reduce the size of the Public Service and we improve performance we would hopefully grow the economy and improve revenue and we will be able to remunerate our public servants better without the Wage Bill taking up a disproportionate share of the budget of the Government.

There was a comment made about what would happen to the Deputy Permanent Secretaries. The Deputy Permanent Secretaries as per the Bill would now become Deputy Executive Directors and because the Deputy Permanent Secretaries are currently employed until pensionable age assuming that they are not dismissed for one reason or another as is the case with some of the Permanent Secretaries they would continue to enjoy that privilege unless if they opt to go on contract as I have indicated. The only thing that would change in their case would be the designation that would be Deputy Executive Director as opposed to Deputy Permanent Secretaries.

Now with regards to Under Secretaries having been replaced by Deputy Permanent Secretaries, that was part of restructuring the organizations of regarding of the Public Service. There were strong views in favour of what we have now and there were strong views against what we have now

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but we eventually opted for the system that we have now. The idea really was to say that people who are assisting administrative heads in Ministries should have to focus on specific issues so that we have a Deputy Permanent Secretary for this aspect within the Ministry. Instead of having one Deputy Permanent Secretary that oversees Under Secretaries for different Departments you have a Deputy Permanent Secretary for a specific function. But as I have indicated there are pros and cons for either of the options but in the end the system that we have adopted is the one that enjoys the favour of the majority of those of us that were involved in the process and there were wide consultations with all the stakeholders and this is what we have now. Now what will happen if the Executive Director is not in the office, who would then ask in the place of the Executive Director? The Executive Director would have to designate one among these persons of equal rank and definitely looking at the one who is most suited to serve in that capacity.

Ambassadors who were Permanent Secretaries, if they were Permanent Secretaries when they come back they will be Executive Directors. If they were not on contract they would continue to enjoy the dispensation that they are currently having as I indicated unless if they opt to come on to the new dispensation. We have some of them that are coming home now and we would have to look at how we can make use of them. I think many of them have very useful skills that would be beneficial to the country and you would find work that justifies the payments that they receive for them to do it for our country.

The law also makes provision for what would happen in case of transfers. First and foremost a person would be employed as Executive Director to be the head of administration in that Ministry but there is a provision in the law that that person can be transferred to another Ministry because Executive Director's job is actually a management position. It is difficult really to say that as an Executive Director you can only be an Executive Director at the Ministry of Finance otherwise we would probably not find you to be suitable to be employed in that position in the first instance because you really want to have somebody that would be able to add value

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to the system because as Executive Director you are not only a staff member of that Ministry you are a member of the Public Service and when you interact with others in the system you should be able to understand what is happening to the rest of Government and be able to add value to the overall governance of the Public Sector as I have said and it should be possible for you to redeploy if it serves the best interests of the country to do that so there is provision for that. The law of course says that to the extent that you are transferred before your contract expires you do not start anew when you are deployed to another Ministry your contract in that Ministry would be only for the remaining portion of the contract.

Yes Permanent Secretaries perform very important and very difficult tasks I agree and I also agree that it is unfair. I think I am on record to have said that several times that when things happen that are not good at the Ministries people are quick to apportion blame on Permanent Secretaries and sometimes in a collective manner as it used to happen during the time of the Tender Board. People at the Tender Board are corrupt for example, just because one person may have done something and that person has not even been subjected to a process and found to have been guilty but people continued to insist, 'Permanent Secretaries are corrupt' and insist that a new Procurement Board should not have any of them. Eventually we have to accommodate a few that were dominant few in our society but I agree that was not fair.

Unfortunately, there were also some of the Permanent Secretaries who, although they made up the majority of the Tender Board would also blame the Tender Board for things that they are responsible for. For example you ask a Permanent Secretary why has it not been done bureaucratic tender procedures and then I will ask them now, who is in the Tender Board that is bureaucratic? It is you and the other one and the other one so if all of you are complaining about bureaucracy at the Tender Board why can all of you not put together who make up 95% of the Tender Board actually resolve the issue? So I think with the performance I do not think but I am expecting that with the Performance Management System that we have adopted people would really now be held accountable for how they

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perform individually on the dates of performance, benchmarked the milestones and we are not just going to make generalized statements to condemn people or to credit them when they do not deserve the credit.

We are also hoping that with this evaluation system and Performance Management System we will also be able to subject them to disciplinary procedures as I have indicated a five year contract does not mean that you stay there even if you are not performing. So if there are annual plans with targets that are to be made and you do not meet these targets and there is no accessible justification for not performing you will be held accountable and that accountability can include you losing your job.

Some people remaining in same positions for long without being promoted, we have talked about the importance of considering the records of current employees of the same when we are promoting people because now too much emphasis is put on performance during the interview. A person who otherwise does not perform would come and put p a good show in terms of answering questions and they are code very high. So every three years they are promoted but everywhere where they have been they have nothing to show for the work they are supposed to have been doing there. So we are saying now that we would now, even when we are appointing Permanent Secretaries look at if you were a staff member either in a Government Ministry or you were working for a Municipality or SOE or wherever you are coming from we want to look at your performance records. We would also want to look at your records in general, are you under some kind of investigations for unearthical conducts or what else is important for us to consider in appointing this person because you are going to be a leader and you are going to need to have the respect and admiration of the people that you lead. So we will look at that but we have acknowledged also the importance of injecting new blood because we also do not want this chance of entitlement because sometimes when you for example try to groom people by saying you counterpart a person they want that they are giving the assurance that when that person is not there anymore you are just handed the position. It cannot work like that. You have to compete with the others for the

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position otherwise people will become too comfortable and they would no longer strive to excel.

Yes the last comment I think on the need for the benefit package, as I have indicated I believe that within the resource envelope, within the means that are available to the Namibian Economy we are paying our civil servants well. Be they Permanent Secretaries or others. We know that the cost of living is high and they struggle to afford some of the thing that they deserve to have but we can only give what is available. The point I have made and I am making now is that we take up 65% of the revenue of the State and we cannot really contemplate to improve the packages of any person in the Public Sector otherwise we are also giving a raw end of the deal to our public. We have heard Comrade Kandjoze telling us the areas where we need to improve in as much as we have made a lot of progress he is pointing out to the fact that there are many areas where we need to do better and when you look around even Windhoek here we can say where we need to do a lot of work including in the housing sector so we cannot start to think about improving our own remuneration at this point in time while we are still in the kind of situations that we are sitting in. But otherwise as Prime Minister really and the former Minister of Finance I am amongst the people who are supposed to understand better the importance of the work that Permanent Secretaries do. They do very important work. They do many of them very good work although there are many areas also where they need to improve and we will work with them to make sure that they realize their full potential. Thank you very much.

HON SPEAKER: Thank you and I put the question that the Bill be read a Second Time. Any objection? Then it is agreed to.

The Secretary will read the Bill a Second Time.

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**DEBATE ON THE DRAFT NATIONAL
CONSUMER PROTECTION POLICY
HON IIPUMBU**

**SECOND READING PUBLIC SERVICE
AMENDMENT BILL [B. 18 – 2018]**

SECRETARY: *Public Service Amendment Bill* [B. 18 – 2018]

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

**RESUMPTION OF DEBATE ON THE DRAFT
NATIONAL CONSUMER PROTECTION POLICY**

SECRETARY: Resumption of the Debate on the Draft National Consumer Protection Policy.

HON SPEAKER: When the Assembly adjourned on Thursday the 15th of November 2018 the question before the Assembly was a Motion by the Honourable Deputy Minister of Industrialization, Trade and SME Development that the Policy be adopted. I now give the floor to the Deputy Minister of Industrialization, Trade and SME Development to reply.

**HON DEPUTY MINISTER OF INDUSTRIALIZATION, TRADE
AND SME DEVELOPMENT:** To the policy I should single out Honourable Nico Smit in absentia for the comments made especially the correction on the grammar and the language of the Policy which we have

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taken note of positively. He has also then raised a concern in terms of expansion of the structure of the institution responsible for that of which one can comment that the scope of work is the one that determines the structure. If the scope of work to be covered needs extra human resources in terms of the duties and responsibilities and functions to be carried out it is the one that should determine in terms of how big or how small would be the structure. On that note we are thankful and we are happy that we received the overwhelming (off microphone). Thank you Honourable Speaker.

HON SPEAKER: Thank you. I now put the question that the Policy be adopted. Any objection? Agreed to.

The Secretary will read the Sixth Order of the Day.

**RESUMPTION OF DEBATE ON THE ESTABLISHING
OF THE AFRICAN CONTINENTAL FREE TRADE AREA**

SECRETARY: Resumption of the Debate on the establishing of the African Continental Free Trade Area.

HON SPEAKER: When the Assembly adjourned on Thursday the 15th November 2018 the question before the Assembly was a Motion by the Honourable Deputy Minister of Industrialization, Trade and SME Development that the Motion be adopted. And I now give the floor to the Deputy Minister to reply.

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HON DEPUTY MINISTER OF INDUSTRIALIZATION, TRADE AND SME DEVELOPMENT: Thank you Honourable Speaker and Honourable Members. I should also continue to thank the Honourable Members for supporting this very important piece of legislation. If I have to go back into the comments that were made, to start with the *Honourable Calle Schlettwein* who has called on us to upscale our manufacturing in terms of us producing more finished products that would compete in the African markets. We have taken note of that and I also want to use the platform to call on all of us especially from the economic sector to make sure that our production in terms of the volume of the finished products that we need to produce and manufacture in the country increase so that we would have enough volumes to compete at that level. It is one thing to open up the market for others and for yourself also to be ready to compete with offering some products into the mainstream.

We also want to take note of the comments made by *Honourable Jerry Ekandjo* in terms of the harmonization of the laws that are currently regulating our regional bloc SADC and now trade facilities whether in Africa or outside the continent for us to make sure that this agreement stole and speak to all those Clauses and we will have an integrated practise in terms of applying the policies. We have taken positive note of that and it is our hope that this agreement would be applied together with all others as we are moving forward.

Honourable Speaker there was a question that was raised by one of the Honourable Members during the debate. Of course this question was not in order if I may say so because it was asking about whether Namibia has a Trading Agreement with China. I believe the question was raised by *Honourable Dienda* who is not here today but we are ready to respond to that. Namibia had an agreement that was crafted between us and China two decades ago and the two countries signed the agreements on trade and economic cooperation in 1994. However, the cooperation between the two have fostered through a joint commission on bilateral economic and trade. This Joint Commission is a platform where the two countries

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strengthen their cooperation through trade commercial relations because this is still a platform where we discuss issues of mutual interest.

The agreement was signed like I said in 1994 and it was focusing on the following areas:

- 1) Trade
- 2) Investment
- 3) Infrastructural development.
- 4) Agriculture
- 5) Development Cooperation
- 6) Technological Development
- 7) Exchange of technical trainings.

Most of the Namibian officials have benefitted through setting up these joint ventures between the two countries and during the first session of this Commission which was held in May 2018 Namibia proposed to the Chinese Government to consider innovating the current bilateral relations to a comprehensive cooperative partnership by establishing a Buying National Commission as a new and sustaining mechanism to strengthen bilateral cooperations for the mutual benefits between the two countries. The proposed Buying National Commission would cover the political economic and social as well as Defence and Security sectors.

Honourable Speaker and Honourable Members, the cooperation between these two countries is still maintaining the status quo of the Joint Commission on Bilateral Economic and Trade and it is facilitating trade and investment to and relative issues. Furthermore, Honourable Speaker and Honourable Members, the Commission is coordinated by the Ministry of International Relations and Cooperation and I thank you.

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HON SPEAKER: Thank you. I put the question that the Motion be adopted. Any objection? Agreed to.

The Secretary will read the Seventh Order of the Day.

**RESUMPTION OF DEBATE ON THE
FORMALISATION OF THE INFORMAL SECTOR**

SECRETARY: Resumption of Debate on the formalization of the informal sector.

HON SPEAKER: When the Assembly adjourned on Thursday the 15th November 2018 the question before the Assembly was a Motion by the Honourable Agnes Kafula that the Motion be adopted. The Honourable Dienda adjourned the debate on behalf of the Honourable Nico Smit and the Honourable Member is not present. Any further discussions? Yes please. Oh okay, yes let me take the Honourable Erkki Nghimtina and then I will revert back to the Chief Whip.

**HON MINISTER OF LABOUR, INDUSTRIAL RELATIONS AND
EMPLOYMENT CREATION:** Thank you very much Comrade Speaker. Honourable Speaker, Honourable Members, I rise to support the Motion of Honourable Agnes Mpingana Kafula on the Social Protection of the Informal Economy.

All women and men who are able to work should have the opportunity to realize their potential to perform productive work under safe conditions as to earn income and support a decent standard of living for themselves and

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their families. The required among other things, that they are protected against the risk of loss of income throughout their working lives and upon retirement. It also requires that workers and their families are able to enjoy a decent standard of living in which respect to their health, sanitation, access to proper nutrition, education, housing and access to electricity. All of these objectives can fit within the rubric social protection.

The Social Protection Core Team chaired by the Ministry of Poverty Eradication and Social Welfare of which my Ministry is a Member is of the view that social protection is composed of social assistance, social insurance, social welfare services and in some cases, labour market policies as well as a broad range of public and sometimes private instruments to tackle the challenges of poverty, vulnerability and social exclusion through managing related risks”.

The importance of ensuring social protection to persons working in informal sector has been recognized world-wide. An inclusive and multi-dimensional approach to social protection and decent work can be found in key policy documents of the African Union, SADC and the Millennium Development Goals and ILO Recommendation 202 on National Social Protection Floors (2012):and Recommendation 204 on the Transition from informal to formal economy 2015.

The Principles of State Policy contains Article 95 of Namibian Constitution also provides important policy directives for the State in the area of Social Protection.

The many facets of social protection contribute to the goal of decent work and decent standard of living. The Social Security Commission, maternity, sickness old age and death benefit fund and the employees of the pension Fund often a measure of social protection to those employees covered by Social Security as to the basic conditions of employment contained in the Labour Act. The scope and coverage of these existing measures do not fulfill the directives and the principles of State policy

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notably there is no National Health Insurance Scheme nor do the existing measures reach the majority of workers particularly those in vulnerable and informal employment. Through non compliance non enforcement or limitation in their design this protection and benefit are limited to the workers in the formal sector. Therefore the workers through arguably need the protection the most are not covered. This means that as a person the majority of eligible Namibian workers lack health and safety protection, medical cover, maternity benefits, unemployment, insurance and salary related disability benefits. Moreover a large number of workers and their families will not, under the present circumstances enjoy decent housing including sanitation and electricity, decent health care and adequate nutrition.

Extension of social security and employ compensation coverage to these workers and compliance with the Labour laws can protect workers and their dependants from loss of income due to sickness, maternity, unemployment, disability, old age and death. I have asked the Social Security Commission to device strategies to existing coverage to the informal economy workers. Although they have taken some incentives over the years to extend coverage more can be done. I can also inform you that I have insisted that the design of the National Pension Fund which the Social Security is working hard to put into operation should also cover informal workers. The Social Security Commission has also conducted a research on the introduction of the Unemployment Insurance Fund and a return to work programmes for persons injured at the work. However, more is needed.

There are alternative measures that can be considered by Government to extend social protection. Social assistance can also supplement wages and living standards of the working poor by providing the same or equivalent benefits to workers and their families in the form of grants or other benefits such as maternity grants, child grants or basic income grants or the provision of children for elder care.

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Labour Market Measures such as Public Works, health and safety protection, minimum wage and training skills can also contribute to the decent work. I must take note also to the considerable number of unpaid care workers who are unable to enter the labour market because of their responsibilities to look after the children and elderly family members. Unpaid workers primarily women also contribute to family work in the area of subsistent farming. In some countries such work is recognized for the purposes of social security coverage. Namibia should explore the possibility of such approach.

Namibia Tripartite Alliance consisting of the Government employer and the workers organizations and the ILO will finalize the details to implement Namibia's new and ambitious 2018 – 2025 (intervention).

HON SPEAKER: Honourable Minister have you got a long way to go?

**HON MINISTER OF LABOUR, INDUSTRIAL RELATIONS AND
EMPLOYMENT CREATION:** No.

HON SPEAKER: Because the time is up. You might want to continue tomorrow

**HON MINISTER OF LABOUR, INDUSTRIAL RELATIONS AND
EMPLOYMENT CREATION:** No problem.

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HON SPEAKER: You still, he has got, is it half a page or a page? Ha? A page? Can you finish then?

**HON MINISTER OF LABOUR, INDUSTRIAL RELATIONS AND
EMPLOYMENT CREATION:** Okay Namibia's tripartite and alliance consisting of Government employers and the Workers' Organizations and the ILO will finalize the details to implement Namibia's new and ambitions 2018 – 2025 decent work country programme. The programme includes the development of a strategic to facilitate the transition from informality to formality will be developed. The intention will include:

- Extending coverage of labour administration and social protecting system to the formal economy,
- Conducting a national diagnostic on the informal economic which takes account of the gender.
- Building the capacity of constituency and stakeholders to effect the transition to formality.
- Creating incentive for informal operators to formalize for example tax incentives
- Integrating the informal economy into value chain.

At the same time the programme will promote the integration of SMEs into the mainstream economy. This programme will identify challenges and opportunity for enterprises, transform-alization and design capacity development programmes including skills training for informal enterprises and their workers. Provide capacity development to establish SME to increase productivity and enterprises growth through improvements in working conditions and improved environmental management practise.

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Another aspect of the decent work country programme hire relevant into the informal economy, workers in the plan to develop a strategy aimed at eliminating violation and harassment of work including the conducts of situational analysis on violence and harassment at work and the drafting of Code of Conduct on violence and harassment in the world. The plans that I have reported upon require implementation across Ministries, sectors and branches of the State.

If implemented they will contribute not only to the well being of individual workers and their families but also to the strengthening of economic development particularly the expansion of productivity and employment. I support the Motion wholeheartedly. I recommend that the matter be referred to any appropriate Committees to concretize and prioritize actions that the Parliament, Regional or Local Authority and elected official at the various levels can contribute to the upgrading of the informal economy and into workers and there including in the mainstream economy, I thank you.

HON SPEAKER: Thank you. Well, we are over the time and we cannot call for any further discussions because I think we are almost there. I would like the mover, do you wish to reply, I just want you just to indicate so that we can continue with you tomorrow?

HON MPINGANA KAFULA: Yes Honourable Speaker, I would like to reply now because I am likely not to be here tomorrow. I would like just to reply Honourable Speaker, yes.

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HON SPEAKER: Okay, yes please.

HON KAFULA: Honourable Speaker, Honourable Members it is with my understanding that Parliamentary Motions are a vital and frequently used element of political control in a democratic such as ours. It allows us in this august House irrespective of political affiliation as a Government to ventilate the most pressing issues facing our people.

We made a promise to the people in our campaign manifesto to deliver the means through legislation by which our people may better their living conditions properly debated with a multitude of contributions these Motions found their ways into our statute at laws governing the conduct of our people despite their high incidents and potential impact on the political fate of our Government and our policies acceptance or rejection constitute our decisions. It is my hope and indeed the hope of these Honourable Members that made efforts to contribute to this Motion that the alternative route shall come to fruition the life of the Parliament.

With this I would like to, Honourable Speaker, express my sincere thanks and appreciation of the professionalism with which the Honourable Members contributed to the Motion openly or in silence after a thorough scrutiny of this fruitful deliberations I would like to propose that this task be given to the relevant Ministries that should look into the concerns as they alluded to in the Motion. That is now the Ministry of Urban and Rural Development being the custodian of Local Authorities, Ministry of Industrialization, Trade and SME Development for small and medium businesses, Ministry of Labour, Industrial Relations and Employment Creation and the Ministry of Safety and Security being the Ministry of maintaining law and order. I trust that they will fast track the process in a shortest time to address the plea of our citizens in the informal economy. Once again many thanks and thank you Honourable Members.

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**ADJOURNMENT
HON PROF KATJAVIVI**

HON SPEAKER: As per the mover the Motion is to refer to the Inter Ministerial sort of mechanisms. The Ministries have been identified. Can we agree to that? So decided. Thank you. It is time. The House stands adjourned until tomorrow the usual time. Thank you.

HOUSE ADJOURS AT 17:55 UNTIL 2018.11.22 AT 14:30

**NATIONAL ASSEMBLY
ASSEMBLY CHAMBERS
WINDHOEK
22 NOVEMBER 2018**

The Assembly met pursuant to the adjournment.

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

HON SPEAKER: We will get there to the final day but for now, we will continue to work to that point. Honourable Members I have exciting news and the news is simply to say to you during tea time we will have a break for tea and we will have the launching of the National Budget Process booklet and it is a very exciting application that every Parliamentarian must have his or her copy. This will be done on time within the limited time at our disposal as we are at the same time having a cup of tea or coffee as the case maybe and we will be right back here to continue to make sure that we finish the work before us.

Any Petitions? Reports of Standing or Select Committees? Other Reports and Papers? Deputy Minister, Honourable Siwedha.

TABLING - REPORT OF THE NAMIBIAN AGRONOMIC BOARD

HON DEPUTY MINISTER OF AGRICULTURE, WATER AND FORESTRY: Honourable Speaker I lay upon the table the annual report of the Namibian Agronomic Board for the year 2016-2017.

I so move Honourable Speaker.

HON SPEAKER: Thank you.

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**TABLING OF REPORT
HON SHIWEDHA**

HON DEPUTY MINISTER OF AGRICULTURE, WATER AND FORESTRY: And I am to request for the presentation of the short report on the annual report.

HON SPEAKER: Yes, indeed.

HON DEPUTY MINISTER OF AGRICULTURE, WATER AND FORESTRY: Honourable Speaker, Honourable Members, it is my privilege this afternoon to have been afforded this opportunity to table to this August House the Namibia Agronomic Board annual and financial report for the year 2016-2017. The Ministry of Agriculture, Water and Forestry is mandated to promote, develop, manage and utilize agriculture, water and forestry resources sustainably to the benefit of all Namibians. The Namibian Agronomic Board was established on the 1st of April 1985 as a statutory board in terms of the Agronomic Industry Proclamation AG11 and 12 of 1985 which was later replaced by the Agronomic Industry Act, Act 20 of 1992 and partly administered under the State Owned Enterprises Governance Act, Act 2 of 2006 with the objective of assisting the Ministry of Agriculture, Water and Forestry to fulfil its mandate in terms of regulating and promoting the Agronomic sector of our country. Therefore the mandate of the Namibian Agronomic Board is to promote the agronomic industry and to facilitate the production, processing, storage and marketing of controlled agronomic products in Namibia namely maize, mahangu which is millet and wheat.

The State Owned Enterprises Governance Act mandates the Minister of Agriculture, Water and Forestry to table the annual report and financial statements of the public enterprises under its mandate including the Namibia Agronomic Board. In line with this mandate I will now like to present the annual report and financial statements of the Namibian Agronomic Boards as follows.

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**TABLING OF REPORT
HON SHIWEDHA**

The year 2016-2017 experienced poor rainfall performance at the onset of the production season which normally starts early November. The poor rainfall performance was later followed by a dry spell which stretched from January to early February 2017. This resulted in poor dry land crop production that was brought about by low yields. The maize angle was also afflicted by a prolonged dry spell resulting in a below average harvest in that area. Despite this, the rain fed white maize and mahangu production at the national level was better compared to that of the previous year which is 2015-2016.

The total white maize marketed in 2016-2017 was 43 940 tonnes and improvement from the 38 900 marketed in the previous year. The total quantity of mahangu harvested in 2016-2017 was 57 600 which was a remarkable improvement from the 22 278 tonnes produced in 2015-2016. This good harvest resulted in the decrease of 9.1% of mahangu imports into the country compared to the previous marketing year. In addition about 9 822 tonnes of wheat were produced which resulted in the reduction of imported wheat of 7.5% during the same year. Wheat is a winter crop and is produced under irrigation in Namibia at the eight green scheme irrigation projects in at few private owned farms.

Furthermore, production of horticultural products has been constant throughout the year. This could be attributed to the Namibian market share promotion initiative. It is important to highlight that market share promotion was set at 5% in 2005 when it started and has been increasing since then up to 44% during the 2016-2017 Financial Year. This means that under this model imported of fresh produce are compelled to source 44% in real monetary terms of local fresh produce in order to qualify for an import permit. The Namibia Agronomic Board annual report for the Financial Year 2016-2017 also includes the audited financial statements.

These financial statements were audited by the Auditor General who in his opinion expressed that the financial statements were presented fairly in all material respect and that the financial position of the NAB that is the financial performance and cash flow for the year 2016-2017 were recorded and presented in accordance with the State Finance Act of 1991

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HON ESAU**

Act 31 of 1991. Honourable Speaker, Honourable Members with this short presentation, I now present this financial statement for consideration, discussion and approval.

I so submit Honourable Speaker and I thank you.

HON SPEAKER: Thank you. We move on. Notices of questions, notices of Motions, messages from the Head of State, Ministerial Statements, yes, Honourable Bernard Esau.

**MINISTERIAL STATEMENT IN TERMS OF RULE 98
OF THE STANDING RULES AND ORDERS**

**CONDITIONS OR CRITERIA WHEN DETERMINING THE
AMOUNT OF FISHING QUOTAS OF RIGHT HOLDERS**

HON MINISTER OF FISHERIES AND MARINE RESOURCES:

Thank you very much Comrade Speaker, Honourable Members. In line with our Cabinet directive on a measuring criteria to allocate fishing quotas, I hereby issue a Ministerial Statement on the implementation of a scorecard as follows.

1. The annual allocation of commercial fishing quotas to right holders after a TAC total allowable card has been set in the six quota marine fishery species is an important factor that affects our fisheries economic development and financial sustainability of the fishing companies in our marine fishery subsector

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2. The allocation of fishing quotas represents a transfer of wealth from a collective ownership by all Namibians to right holders who depending on the ability to catch the fish, lend the fish, process the fish and sell the fish, the state in return benefits for sure in the process from taxes, resource then payments such quota fees and levies and we also benefit in the process in terms of job creation and other indirect economic benefits from this very activities.

Since our independence, right holding companies have become accustomed to being allocated certain amounts of fishing quotas which have been adjusted from time to time in cases such as the promotion of value addition, investments made by those very companies, the promotion of local consumption, market diversification instead of just selling to one European market and also Governmental objectives on the entry of new right holders as was the case in 2011.

Every year right holders are required to submit some information to the Ministry of Fisheries and Marine Resources which is used in determining the amount of quota allocation to them. This process is however complicated because quota allocation to the initial right holders after independence was not aligned to a measurable criteria. Many existing right holders consider their current quota allocation levels as an entitlement and hence find it difficult to accept a reduction in their quotas especially when new right holders are added to a particular fisheries. Honourable Speaker, Honourable Members this entitlement mentality may explain some of the comments in the print media associated with some companies that have held rights since our independence. Our analysis at the Ministry indicates that these companies have not sufficiently Namibianised their shareholding structures or invested in value addition for job creation. They however complain the loudest when Government in line with the Marine Resources Act of 2000 which was passed by this August House introduced new right holding companies in the fisheries or allocates fishing quotas for Governmental objectives of value addition or job creation.

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For the past two years the Ministry of Fisheries and Marine Resources has been working on a scorecard for evaluating performances of all right holders and ultimately allocate them with fishing quotas in accordance with their performances. Section 39(3) of our Marine Resources Act of 2000 as amended by the Marine Resources Amendment At of 2015, Act number 9 read together with section 33(4) of the same Act prescribed conditions under which the Minister may allocate fishing quotas to right holders. The current quota allocation is based on the Act but does not evaluate performances of right holders against measurable criteria. This means that most quota allocations are based on historical quota allocations. This form of allocation which has been the *modus operandi* since independence,

1. Has no mechanism to increase Namibianisation of the fishing industry once fishing rights have been issued.
2. It does not have a clear reward system for job creation or investments in the sector and
3. It does not have a clear mechanism of discouraging quota trading especially by Namibian right holders who are expected to develop capacity and contribute to a broad base participation of Namibians in the sector.

In summary the Act provides criteria that is now the Marine Resources Act for evaluating applications for fishing quotas as follows:

1. When considering an application for a right and quota as per section 39(3) the Ministry may have regard to
 - (i) Whether or not the applicant is a Namibian citizen
 - (ii) Whether the applicant is a company to extend the extend to which the beneficial control of the company is vested in Namibian citizen

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**MINISTERIAL STATEMENT
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- (iii) Whether the beneficial ownership of any vessel which will be used by the applicants is also vested in Namibia or not
 - (iv) The ability of the applicant to exercise right in a satisfactory manner
2. The advancement of persons in Namibia who have been socially economically or educationally disadvantaged by discriminatory laws or practices which were enacted or practiced before our independence and who are also looking at regional development within Namibia whenever an applicant applies for quota, whether cooperation with other countries especially those in Southern Africa SADC is taking place, whether the conservation and economic development of marine resources is also taking place, whether the applicant has successfully performed under an exploratory right in respect of the resources applied for and whether there were any social economic concerns

There is also a criteria which talks about the contribution of marine resources to food security. What has they don't to that extend and any other matters that maybe prescribed by the Minister of Fisheries and Marine Resources in consultation with fishing right holders and other stakeholders determine that except for three of the criteria, all other conditions are applicable when determining the amount of quota to be seasonally allocated to the right holders. Maybe you want me to repeat the three. The three it is one which have now taken out.

- 1. The cooperation with other countries especially those in the SADC region one which we have also tried to discount on was
- 2. The conservation and economic development of our marine resources and third one was
- 3. Whether the applicant has successfully performed under the exploratory right in respect of resources applied for.

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All other conditions are applicable which I have read before when determining the amount of quota to be seasonally allocated to right holders. Now the scorecard for right for fishing quotas determination is therefore not some new criteria as it is already established in the Act. Rather this scorecard introduced measurability to already existing criteria. The implementation of the scorecard is anticipated to result in the following benefits.

1. A transparent and a predictable determination of amounts of fishing quotas for each right holder
2. There will also be a predictable investment environment for all right holders based on an anticipated amount of possible quota allocation
3. There will also be a promotion of job creation as a benefit in the sector since right holders will be evaluated on the number of jobs created they may become of quota allocated and the quality of that
4. There would ensure that there is a broad base participation of Namibians in the sector
5. Companies which currently have significant foreign shareholding may as a way of increasing their scores open up their shareholding to Namibians since the criterion provides for scores on the percentages of shares in the right holding companies and vessels owning companies held by Namibian citizens and especially those previously disadvantaged Namibians who are women, who are youths, who are liberation war veterans, who are people from economically marginalized communities, those liberation war veterans and the workers trust, whether the workers trust participating in this very sector.

So this scorecard this criteria will have really to make sure after gazetting that this is happening. It will promote as a benefit industrialization for sure, it will promote growth and investment by fishing right holders in the fishery sector because if you do not invest, tough luck. If you do not

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contribute to growth tough luck since the criteria requires right holders to demonstrate the ability to catch fish for the right holders to add value to our raw material for the right holders to local and preferentially procure our goods and services here in Namibian and also to ensure that there is enterprise development that our SME are also benefiting from this very resource.

Enhance as a benefit will also enhance Government revenue collection from fisheries because the criteria provides for scores to companies depending on the amount of income tax that they are paying, the relevant fees and levies paid per metric tonne allocated. That is what we want to see and the scorecard is being in provision for this. During our consultations as a Ministry with the fishing industry and other stakeholders that is the works in the sector the need to balance the legitimate objective of maximizing profits on the part of the private sector and the need to maximize social economic benefits on the part of Government were discussed extensively and considered in the scorecard formulation.

This scorecard has been incorporated into a questionnaire to be filled annually by all right holders. This questionnaire which has been mocked tried, there was a trial that we did across the industry for twelve months contains measurable factors which once completed by right holders can be used to measure their performances. The performance is measured as a percentage score which then applied within a particular fishery and that can be used to determine how much quota each right holder should be allocated.

Honourable Speaker, Honourable Members I submit that the implementation of this scorecard will give meaning to the urgent need to ensure that our fisheries benefits all Namibians and that there is a genuine empowerment of Namibians in the fisheries through ownership and the ability to exercise their rights. I further submit that the scorecard does not discourage foreign direct investments in our fishery sector but seeks to encourage genuine partnerships in the fishing industry whilst protecting the legitimate rights of Namibians to control ownership of fishing rights.

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I am convinced Honourable Speaker, Honourable Members that there is an urgent need to implement similar measurable initiatives in all our renewable and non-renewable resources so that we may give meaning to economic empowerment of Namibians and ultimately we could be economically liberated.

I will therefore be gazetting and implementing regulations governing the implementation of a measurable criteria for allocating fishing quotas that are approved by Cabinet within the next six months. I wish to state that in light of the scorecard owning a fishing right will no longer imply that the company or a person will be automatically allocated a fishing quota annually. The amount of fishing quotas allocated to each right holders shall depend on their performances against the eight criteria outlined in the scorecard and compliance to other aspects of the Act. In this regard there will be annual evaluation of performances of fishing right holders and depending on their scores, it is possible that some right holders will receive enhanced quotas while others may receive little or no quota allocations. I hope that this statement provides clarity to Honourable Members on the fishery scorecard which has been in the public domain for some time now and I thank you Comrades.

HON SPEAKER: Thank you. The role of the scorecard seems to be quite something special very important and I am just saying this because obviously the Parliamentary Committee that oversees the activities of the Ministry of Fishery Members of that Committee should familiarize themselves in order to offer a better support and understanding.

I am sure the Members themselves they will know exactly what this is all about, yes, Honourable Charles Namoloh.

COMMENTS AND QUESTIONS ON MINISTERIAL STATEMENT

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**COMMENTS AND QUESTIONS ON
MINISTERIAL STATEMENT
HON NAMOLOH / HON MUHARUKUA**

HON MINISTER OF SAFETY AND SECURITY: Thank you Comrade Speaker. I am not going to speak on the scorecard or a Ministerial Statement. I just want something like a credit to this august House possibly the Speaker the Professor will be able to give. Tomorrow is Black Friday and something associated with black is always bad. Now I want there are rumours surrounding this Black Friday. They were saying slave traders in those years on that Black Friday they sell slaves to the plantation owners for them to work and then prepare for winter. That is some of the rumours. If this is true, then why are we excited with Black Friday if we were being sold on sale?

Why are glorifying this Black Friday if this nation has got truth in it why is it Namibian being glorified unless other rumours which are there when market clash and what a view but market clashed only very recent in 1920s and so forth but those which happens in 16 something and so forth and when the blacks were being sold on sale to help the plantation owners? Why are we tomorrow if you could in Parliament tomorrow will not see Parliamentarians here early in the morning because they would be in the shops doing Black Friday? What is it? Maybe somebody can explain to us to give us a true picture of this. Thank you very much Comrade Speaker.

HON SPEAKER: Yes, Honourable Muharukua you want to provide an answer. Thank you.

HON MUHARUKUA: Yes, Honourable Speaker I was pondering about the same question and I have an answer for you General. Two things, one because blacks generally do not own those shops and two the blacks do not have the economy. That is why.

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**TABLING OF REPORTS
HON DR KANDJII-MURANGI**

HON SPEAKER: Alright, I think we should move on because of time. We will deal with this matter during tea time over a cup of tea will find the answer to that question. Honourable Minister of Higher Education you have something to sum it. You have an opportunity to do so.

**TABLING – ANNUAL REPORT OF
THE UNIVERISTY OF NAMIBIA**

HON MINISTER OF HIGHER EDUCATION, TRAINING AND INNOVATION: Thank you Honourable Speaker, I lay upon the table the annual report of the University of Namibia for the year 2016 and the annual report of the Namibia Qualifications Authority NTA for the year 2017.

I so move Honourable Speaker.

HON SPEAKER: Thank you very much. In view of the time we will break for tea on time 3:40 and back at 4 sharp. Literally we have got 20 minutes and we will be back at 4 sharp. Thank you.

HOUSE ADJOURNS AT 15:28

HOUSE RESUMES AT 16:15

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**RESPONSE TO QUESTION BY
HON VAN DEN HEEVER
RT HON DR KUUGONGELWA-AMADHILA**

HON SPEAKER: Honourable Members I think let us deal with these few questions before us. Question number 96 by the Honourable Nico Smit. I am sure the Whip will put the question.

QUESTION 96:

HON VAN DEN HEEVER: Puts the question.

HON SPEAKER: Thank you, directed to the Minister of Works and Transport. The Deputy Minister is not here. Question number 114 you put the question the same thing. Question 115 from the Honourable Jennifer Van Den Heever. You put the question.

HON VAN DEN HEEVER: Puts the question.

HON SPEAKER: And the question is directed to the Prime Minister. Prime Minister you have the floor.

QUESTION 115:

RT HON PRIME MINISTER: Honourable Speaker we were just caucusing with the Honourable Member before we resumed with the session and as you would recall the question was put I think by one of the colleagues from the PDM Members of Parliament in the absence of the Honourable Member the other time and I did respond to the questions but she explained to me that she had specific concerns that she wanted to have

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**RESPONSE TO QUESTION BY
HON VAN DEN HEEVER
RT HON DR KUUGONGELWA-AMADHILA**

address that she was familiar with the responses that I provided and those responses are actually as provided under Rule number 66 of Rules and Orders book which practically says that reports of Committees approved by Parliament would be followed up on by the Secretary of the National Assembly through correspondence send to the respective Offices, Ministries and Agencies in order to establish the status of implementation of this recommendation and that the Standing Committees would report to National Assembly from time to time on the status of implementation but she indicated that she has specific concerns in regard to specific issues and what I advised her and I believe that is the consensus that I would like to share with the House is to say that we can start by following this procedure to get our reports recorded so that we know the reports that we have adopted.

We follow the Motion of getting the Secretary to the National Assembly write to Ministries to follow up and then there is a proper record of that, receive the report that is now the Parliamentary Standing Committees would receive the report and if we find through this report that the progress is not satisfactory, then all our attention would be drawn to that and then we can see how we can cooperate as state institutions to make sure that we do what needs to be done in order to address those issues. If it is a matter of something is already being done, then we look at what is being done and agree whether that is adequate or it needs to be adjusted in order to enable us to achieve whatever objective that we want to achieve but she specifically talked about gender base violence and she talked about the issue of hygiene products and these are issues that we all agree are important. Unfortunately, both the Minister and the Deputy Minister are not in the House but within Government there are also issues that are receiving our attention and although the rule say otherwise, I take note of that and I would also use the internal procedures of the office of the Prime Minister to bring these issues to the attention of the Minister and the Deputy Minister and hopefully they will be in a position to appraise the House for progress.

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**RESPONSE TO QUESTION BY
HON MBAI
HON TJONGARERO**

HON SPEAKER: Very well, thank you very much. I think we should follow that mechanism as you have outlined it. It is not something new. I think we had an earlier discussion about this. We need simply to strengthen this kind of mechanism to make sure that we respond accordingly. Thank you very much and I am sure you did this over cup of tea is it not.

Question 134 the Honourable Mbai is not in the House and the question is I suppose if the Deputy Minister is ready to respond to that question, we can entertain that, Deputy Minister are you in a position to respond to question number 134. I am just conscious of the fact that we are moving towards closing and we might as well and since it is written it might be in the best interest of the Ministry if you are able to.

HON DEPUTY MINISTER OF SPORT, YOUTH AND NATIONAL SERVICE: I am ready but the person who put the question is not here.

HON SPEAKER: Alright so we will skip that. We will skip that alright thank you. Question number 135 the Member is not in the House. Can we also basically skip that? So we are done. The first notice of a Motion is the one of the Honourable Vanaani. Does the Honourable Member move the Motion?

HON VAN DEN HEEVER: Thank you. Honourable Speaker I would like to defer this Motion to next week please according to the rules, yes.

HON SPEAKER: Next week Tuesday. Thank you very much so

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**REPEAL OF OBSOLETE LAWS BILL
HON SHANGHALA**

decided. The second notice of a Motion is the one of the Honourable Minister of Justice. Does the Honourable Minister move that the Bill be now introduced?

HON MINISTER OF JUSTICE: I so do.

HON SPEAKER: Who seconds the Motion, is there any objection, then it is agreed to. Will the Honourable Minister please table the Bill?

The Secretary will now read the Bill the first time.

REPEAL OF OBSOLETE LAWS BILL [B.21 – 2018]

SECRETARY: *Repeal of Obsolete Laws Bill* [B. 21 – 2018].

HON SPEAKER: Does the Honourable Minister of Justice move that the Bill be now read a second time.

HON MINISTER OF JUSTICE: I do so Honourable Speaker.

HON SPEAKER: Any objection, who seconds, agreed to. Honourable Minister you have the floor.

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**REPEAL OF OBSOLETE LAWS BILL
HON SHANGHALA**

HON MINISTER OF JUSTICE: Thank you Honourable Speaker. I am so happy to have the honor of tabling this Bill having been the Chairperson of the Law Reform Commission. I was put under pressure by the Parliamentary Committee on Constitutional and Legal Matters chaired by our Chief Whip at the time and I am happy that she is in the House as well to witness that we are finally doing something about some of these old clause. By virtue of Article 140(1) of the Namibian Constitution laws applicable in the Republic of Namibia at the date of independence continue to be applicable until repealed by legislation passed by the Parliament or until they are declared unconstitutional by the superior courts.

There are still laws in force that stem from the pre-independence regime aimed at managing so –called native affairs. I specifically this derogatory term to indicate the nature of most of the laws that are to be repealed by this Bill. Namibia is a rule of law country which means laws that are in force must be strictly abided by. However, the laws identified by this Bill are still in force but cannot be applied due to the racist discriminatory nature. This situation is contributory to the rule of law principle. Therefore under the mandate given to the Law Reform and Development Commission a Directorate in the Ministry of Justice, the entire body of 557 laws enforced in Namibia were reviewed in order to reform and develop the Namibian law in an independent Namibia.

As seen from the schedule to the Bill 144 laws are listed for repeal. Intensive research and consultation has been undertaken before listing the obsolete laws to ensure that repealing the law will not be the gap in the legislative framework of the country but I must say one important thing Honourable Speaker. The age of the law alone was not a yardstick used to determine whether a law should be repealed. For instance the interpretation of Laws Proclamation of 1920 Proclamation number 37 of 1920 has not been repealed because it still serves the purpose for which it was promulgated and all law is not automatically an obsolete law.

I keep using the example of the common law which states do not kill. We cannot pass a law to repeal this law just because it is an old law. The

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name of the Bill Obsolete Law Repeal Bill 2018 do not say the laws are either no longer necessary or are outdated and have been overtaken by more recent legislation or the laws are both unnecessary and outdated. For ease of reference to the repeal laws the schedule to the Bill lists the Acts and Ordinances chronologically beginning with the oldest from 1915 and ending with the latest obsolete law in 1992. The majority of the identified statutes for repeal include Acts, Ordinances and Proclamations stemming from the pre-independence and only the Assistance Fund of South West Africa Repeal Act is an obsolete law from after independence. It was promulgated in 1992 Act number 13 of 1992.

Although these statutes may have some sentimental and historic value to the history of Namibia, however the laws serve a useful purpose to modern Namibia. As a side note it is interesting to note that the pension gratuities for former members of the National Assembly and of the legislature and Executive authority proclamation of 1990, Proclamation number 8 of 1990 was issued on the eve of independence on 20th March 1990. It was quickly replaced by the Members of the National Assembly and other office bearers Pension Act of 1990, Act number 21 of 1990 issued on 8th December 1990 in an independent Namibia.

With this Bill we are starting a large scale process of neatening the Namibian books and so doing making the law simpler and more accessible to all Namibians. Mr Speaker allow me to just read some of the names of the Bills here. The Treaty of Peace and South West Africa Mandate Act of 1990, we no longer need this. We have a Republic constitution. Vacancy Proclamation of 1920 the one that would punish Honourable Nekundi if he was walking down Independence Avenue and any native so-called crossing a farm without any supervision on the spot and you did not have a pass and they were notorious.

The Lord Day Observance Proclamation, then there is something called the Silver Coin Control of Importation Proclamation. It controlled how many coins you could bring into the area of the Republic. Then there was the Trespass of Donkeys Proclamation of 1941 so it is a donkey strayed onto your property for more than three days it is yours. Then there is this

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one Dried Pease Control Ordinance of 1957. Then there was also something called the Reservation of State Land for Naked Ordinance. This created the homelands and the Bantustans. Somehow it just remained. Then there is something called the Ex-Checker and Audit Act 1975 which was carried in by the Namibian Constitution and should be effectively removed but was not removed by the State Finance Act.

Then there is something called Housing Levy Ordinance so that you come and live in town. You have to pay a levy so you needed to work and the Huts or covered thereunder and there is something called the Development Fund of South West Africa Namibia but the majority are Bantu laws Act, the Native Reserve Trust Fund Administration Proclamation, Nama Land Consolidation and Administration, the Ovamboland Affairs Proclamation, Okavango Native Territories, the Many Okavango I do not know what they were doing, Fugitive Offenders and Neighboring Territories Evidence Proclamation which no longer function because we have the Extradition Act and it is covered in the Criminal Procedure Act.

This was just to give you a flavor of the type of laws that we are talking about that required to be cleared and removed. The Ministry of Justice is fully committed to upholding the rule of law and through this process of removing obsolete laws, confusion is removed and the law in force can be strictly applied. As I was saying at Ongwediva Dennis Park to the Chamber of Commerce in the north ignorance of the law should not be anyone's excuse. We are cleaning up the law books. It is your duty to know what the law says. The requirements of the law are that the law must be published in the official gazette.

Once it is published in the Gazette, it is your duty to go and read it. If you do not read it, we cannot be heard to say I am sorry I did not know that when I drive, I must have a driver's license so the same I was saying do not say oh, oh, remove the Environmental Management Act because it is making it difficult for me to mine sand. The law is the law and if you do not follow the follow, we will enforce it to the teeth. Lastly let me end with some information about our laws.

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As I said before once there are 557 laws on our books. Of that amount 121 are pre-independence laws. 173 are post-independence laws but I have taken out those appropriation and those statutes that do not create any penal provision. So Transfer Proclamation I have not mentioned as well. Now there may still be further statutes which maybe identified for repeal yet it is like peal and onion. After one layer there is another layer. Once we find the law, it points us to another law and another one and so forth. Therefore this effort would be continuous for the LAVC and I urge all members of society including Members of this August House to communicate to the LAVC or myself so that we can look into the law you may have come across or may come across in which you feel need to be repealed so that perhaps another obsolete laws can be prepared to repeal further obsolete laws.

The reason I say this is that we have had legislative power in Namibia at one point concentrated in the following personalities and bodied.

1. The Parliament of South Africa which was supreme
2. The State President of South Africa
3. The Administrative General
4. The Parliament of South West Africa and in 1989 in the case of Bishop Kauluma and others versus the Interim Cabinet of South West Africa.

The Supreme Court rules that it had never diversity itself in South Africa Parliament and the President but it is function of making laws for South West Africa. So you could have for instance and in this case you have the Native Administration Proclamation 15 of 1928 but you also have the Native Administration Act of 1927 all applicable to the same thing in one country and there is a confusion. At times there are sectors that we only end up discovering when an issue comes up. So in that respect when something comes up, please feel free to contact us. With those few remarks Mr Speaker, I thank you.

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HON !NAWASES-TAYELE / HON NAMOLOH**

HON SPEAKER: Thank you, Chief Whip.

HON !NAWASES-TAYELE: Thank you Honourable Speaker. Honourable Speaker I am simply rising to pass for the indulgence of the House to take the floor on Tuesday next week in this debate.

HON SPEAKER: Thank you. I have got few names. As soon as we exhaust that, we will adhere to your request, Honourable Namoloh.

HON MINISTER OF SAFETY AND SECURITY: Thank you Comrade Speaker. Hopefully I would want to applaud the Minister of Justice for bringing these laws and some of them were meant particularly for us native laws and what a view. I just want to ask him on page 6 the Act number 49 of 1970 second Bantu Laws Amendment Act and the third Bantu Laws Amendment Act and any other Bantu Laws Amendment Act because he has just said repeal section 4, 5, 6, 7 and what, what. Certain sections are being amended. Do you still have something Bantu there as we are only amending section sections leaving others and old Bantu there? I have seen just amend section what and what and what and so forth. So I would want him possibly to explain that but finance we understand are certain sections is amending but the Bantu one. How are we leaving the others? Maybe you will explain to me. I thank you Comrade Speaker.

HON SPEAKER: Thank you very much, Honourable Nekundi.

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HON NEKUNDI**

HON DEPUTY MINISTER OF PUBLIC ENTERPRISES: Thank you very much Comrade Speaker and Comrade Minister of Justice. I think the first one is covered by Honourable General that side. My second one I just want to check with my good Comrade Shanghala whether these laws that are repealed certainly that they do not leave any vacuum not the one the General referred to but others such as Finance Act and other Act that some of them may be applicable in the independence Namibia. Are we possibly just that assurance that we do not leave any vacuum and we find ourselves in a legal battle or in a crime committed ought to but now there is now law that then negate the crime in the current Namibia independence? Thank you very much.

HON SPEAKER: Thank you very much. I am assuming that the Honourable Minister respond after various questions have been put so let us leave it at that and when you have a moment to reply, you then cover all those questions whether there is life after Bantu. We move on.

The third notice of a Motion is the one of the Honourable Minister of Justice. Does the Honourable Minister move that the Bill be now introduced?

HON MINISTER OF JUSTICE: Yes, I do so Comrade Speaker.

HON SPEAKER: Who seconds the Motion, is there any objection, then it is agreed to. The Honourable Minister kindly table the Bill?

The Secretary will now read the Bill the first time.

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**ADMINISTRATION OF ESTATES
AMENDMENT BILL
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**ADMINISTRATION OF ESTATES
AMENDMENT BILL [B. 23 – 2018]**

HON SPEAKER: Does the Honourable Minister of Justice move the Bill be now read a second time?

HON MINISTER OF JUSTICE: I do so Mr Speaker.

HON SPEAKER: Any objection, who seconds, agreed to. Honourable Minister you have the floor.

HON MINISTER OF JUSTICE: Once again thank you Mr Speaker, Honourable Members of this August House. As the Minister responsible for Justice the guardian fund falls within my administration and I have taken note of specific challenges and shortcomings in the exiting legislation. Amendments have been made to certain parts of the Administration of the Estate Act 1965 Act number 66 of 1965 but did not address issues relating to the administration of the Guardian Fund and safe custody and record keeping of the offices of the Master. These provisions are outdated and not in line with current best practices. The Guardian Fund is administered by the Master of the High Court in terms of the provisions of Chapter 5 of the Administration of Estates Act 1965. Some of you maybe asking what is the Guardian Fund. The Guardian Fund is a Fund created to administer funds which are paid to the Master on behalf of various persons known or unknown such as minors, persons incapable of managing their own affairs, unborn heirs, missing or absent persons or persons having an interest in the monies or the user factory of

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fideicomestry nature.

Those I will explain so for example, people work at a certain work place not a Government company. So the GIPF is not involved for example it is a Mine. They have the pension fund and the person who works and contributes to that fund perishes interstate, has made no testamentary provision for how the estate would evolve. All those funds need to be taken to the Guardian Fund so that if there are children the court being the upper guardian of the children will then have the Master operating this fund normally on parameter set by Cabinet under the control of the court. So it is not Government fund. It is not like GIPF funds.

When we say *user factory* it sounds very complicated but it is actually very easy term. It compose of two terminologies *usus* which is use and *fructus* which is fruit so the use of fruit *user factory* so it creates a right for you to use but not to own and *fide commisari*, fide is trust and commisari is to delegate. So you have put trust in somebody to do something one side. So I can create a will and say I am creating a *fide commisari* and I want Natangwe to look after my assets and to do something at a given day as opposed to when I die I want my children to use or my wife to use the assets until she dies that she can never own them and sell them. So it is short of the rights of will right of ownership. There are also real rights but there are rights encumbering a certain asset. It sounds very complicated but it is easy.

So the monies consist mainly of inheritances and death benefits. You know normally when you pull out an insurance and you say if I die, I want my estate to be paid N\$10 Million and therefore every month I contribute N\$350 to that policy. So when you die and you are not a Government employee you are just Abuku living from somewhere and you have your own business and you have not made provision what happens. The Master then takes over your estate and these monies, inheritances and death benefits are normally due to beneficiaries from a deceased estate or a pension fund.

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Now we also have what we call the law of succession which is what I would be bringing next year a very comprehensive succession law. By that what do I mean? I mean who takes over your assets when you die? How do they devolve? Remember we live two lives. Jacobo Kawana lives a life of a modern person in town but also in the village so we need to harmonize this customary law rules for the devolution of assets interstate and testate. Interstate and testate means when you are interstate you did not leave a will. When you testate your estate is run on the basis of a will. I would urge Members of this House to write down their testamentary provisions but I hear us black people will say if you write a will, you are summoning your death but I can assure you none of us are going to live life alive. We are going to live life dead so prepare your will. I have prepared my will. Go and even pay for your cemetery erf. Prepare your affairs. The Bible says for you do not know. I have my erven ready. You are afraid of dying but you are going to church every Sunday. I have prepared everything. I know what I want, ready at the cheapest one there. Do not waste money on a coffin. I want you to have a drink a nice drink after you bury me. You can have a drink. I am serious. The Guardian Fund currently administers at present about N\$1.4 Billion for more than 40 000 beneficiaries.

Payments to the amounts of N\$65 Million have been made to beneficiaries during the 2017-2018 Financial Year and if you divide that amount by 12 you get to see the appropriate type of amount per month. There are several urgent issues that need to be addressed in particular to ensure effective governance. It is a pity that the Honourable Kavekatora is not in the House because he is the Chairperson of the accounts Committee and he has been time and again making some references to issues. Speaker although he is not here, I feel a sense of guilt the other time when he was talking about things that I felt he did not really know about. I got a bit agitated and I want to apologize even in absentia. I do not like people who talk about things they do not know.

There is no provision in the existing Administration of Estate Act 1965 to determine the standard of bookkeeping. We are talking about N\$1.4

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Billion. It must be accounted for. The Administration of the Estate Act of 1965 must be aligned to the newly developed integrated financial and case management system because this would link to the court system and it would link to the taxation system and it would also link to the Ministry of Home Affairs system. Applications would be done electronically so what happens now is that people have to fill out certain documentation and it is a tedious process. We would like it to be done electronically, captured electronically and the Guardian Fund will operate 95% paperless.

We cannot do away with paper totally but in as much as we can, we want to move to a paperless world. All the existing documents would be scanned and stored electronically because right now if you know John Minert Street across the clinic Robert Mugabe Clinic, the building in which they are and they have moved to Indongo building as well is not adequate and when you go down because it is behind the High Court and encroaches upon the High Court and some areas where the Prosecutor General's offices are. When you go down there somehow there was some seepage of water and destroyed some files historical files but you never know when you need to get in there.

So we want to be able to have these documents paperless and stored elsewhere. We also would like to have a situation where once a beneficiary has been accorded a card is issued so we can control funds. The Minister of Finance has already announced from what the Bank of Namibia has indicated to do which is that checks would be extinct so we need to find a way to disburse funds to these beneficiaries and we want to be able to do it in a way that is timeous and I will explain some of the problems being experienced but we also want to be able to control so that they do not go and take that money and go to the duke box and start playing music and start gambling because you can limit these cards and monitor where they are and generate reports and be able to follow through and control also abuse by those who are apparently guardians. Although Guardian Fund is audited currently by the Auditor General, the Administration of Estate Act 1965 does not provide for a compulsory annual audit and it is only being done so because the Audit Committee

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that is chaired by Honourable Kavekatora and his predecessor have made the score. The proceeds the policies which are due to a minor are paid by the insurance companies to either the guardian or held in a fund administered by the insurance company.

What happens is that I have a policy with Sanlam, I die. They then get the death certificate, they do not take the funds to the Guardian Fund. They have created a little account for themselves there and they have now these funds and the books look good but it is not their money. The promise they made is that when Sacky Shanghala dies, they pay X amount of money into an account well, for the benefit of my people. What they do they put in their account because I am dead? You are dead. The person is dead. We do not know it is in this account and their books look good and in the meantime the beneficiaries are not getting the money or a clever guardian goes there. One thing I am sure is that nobody is leaving planet earth alive and there is no order. The relay machine come and choose when it wants be prepared Comrades.

As I was saying many complainants are lodged with the Master by minors that never receive such money from their guardian. The clever guardian goes there, get the money, then you next seem him he is driving Land Cruiser with nice shiny reams. The thing is for the farm but driving it in town and then he is bumping our cars when he is parking there in town and then the poor children are not getting the benefit of what was prepared for them by their parents. When and if the minors receive those monies, the guardian or the insurance company have already deducted monies for all sorts of purposes.

The administration and trustees fees payable on money kept in trust by private institutions are not currently registered and regulated. Trust administered by insurance and financial institutions in most cases charge an acceptance feed and an annual administration fee or commitment fee and other administrative charges and acceptance fee is the percentage of the capital amount that is immediately deducted upon receipt of the funds by the institution. So there are certain institutions that say like banks I

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know many of you have this so-called trust with the banks or wills with the banks.

Then what the bank does it says do not worry. When you die, we will look after your monies so they will create then a trust immediately there is deduction of breaking of a trust. Then there is cost of moving the funds into that trust. Then there is the annual commitment fee to working on the trust. Then there is the cost of dieting with the account. Then there is the cost of etc, etc and then there is acceptance fee by the way which is a percentage. For example when a capital amount of N\$100 000 for a minor is paid to that institution from this policy now an acceptance fee of 1% depending on the fee structure and it can go high which amounts to N\$1 000 the percentage is immediately deducted from the capital amount and it continues now.

The minors investment will therefore start with a negative an amount less than the capital amount the minor received. Section 28 of the Administration of the Estate Act 1965 provides that Executor shall pay monies due to a deceased estate into a bank account open in the name of the estate unless the Master direct otherwise but they do not do this. They put it in their own structures and they can have gold days and they can have trips of the Executives to exotic places using the interest being derived from these funds and the income they make from these funds.

There are several cases where executors and sadly where is HonourableMuharukua? HonourablePohambaShifeta is here and sadly it includes admitted legal Practitioners who transfer monies due to an estate late from the estate late bank account into their own law firm bank account for their own use. I do not want to talk about names but if you provoke me, I will. These are real cases. Recently we all know regrettably of a senior lawyer who took his life. I do not want to continue because some of them are alive and I am saying if you cooperate we will not be harsh with you but if you do not want to cooperate, you will force us to be harsh with you and really I will deal with you because I know how it feels to be a person with the parent deceased and you need those monies for your

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upbringing.

It is personal to me. Let me declare my interest. The Master will only detect the misuse of estate monies once the liquidation and distribution account is lodged and examined. It is usually too late to recover the funds.

Now what is an LND account liquidation and distribution account, basically they take so again using an example of when I die you take now the balance sheet of SackyShanghala. You take the assets and you take the debt and then you look. Once you now settle all the debts of my estate, what will be remaining and somebody then have to compile this, make sure that has made arrangements for the payment of all the creditors and then signed or give it to the Master.

The Master will then go through and check is it correct true here, was tax paid, was that paid, was that done, whatever and then signed it off. Then the estate is closed. So if there was a car which was given to you, it must be listed there. A pen and remember there are those disposition they are done interview those which is while we are alive among living people and there are those that are done by testament. Some wills for example will create a trust that when I die, a trust is created and my properties migrate into that trust. People do this because HonourableCalle and Honourable Natangwe will not charge you transfer cost and tax cost by moving a property of the late estate into the hands of the person to whom it is between or the heir or the legacy.

It is a clever way because remember transfer costs are 8% so you take the value of your house if it is N\$3 Million you take 8%. You want to create a trust you have to put it in there but if you wait and you make it while to come into being when you die, then it will help you. It further came to light that many legal Practitioners do not pay interest earned to an estate monies to the beneficiaries. Now look at here in the Legal Practitioners Act you are allowed when you give money to a lawyer they put in their trust account. It can either earn an interest and you have to tell them for you the client or if you say nothing it earned interest for the Fidelity Fund

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the law society is Fidelity Fund.

Now I am dead. Where am I going to tell the lawyer it must earn interest for my people? I will not. There when you are in Pioneers Park there or Karamadula's where you are, there is no network coverage to the law firm even if you speak, they will run away. So they take this money and they misuse it some of them. Not all are bad apple. Some of them and they are more few than I thought they were. It is unfortunate to see an increase in these matters and these amendments are a measure necessary to safeguard estate monies. Funds need to be paid directly into the account of beneficiaries and creditors with interest earned thereon from the Guardian Fund.

Lastly, the Administration of Estate Act 1965 does not provide for clear and transparent investment processes. The proposed amendments do not adversely affects stakeholders as it meant to strengthen the already existing protection provided for in the Administration of Estate Act 1965. In fact there are result of complaints from stakeholders particularly the beneficiaries. There are no financial implications in the process of the amendment neither as a result of the amendment. Honourable Speaker to conclude I will be coming to the National Assembly next year God willing with a complete overall of the law of succession in Namibia. Should the good Lord keep me alive and should I continue to enjoy the confidence of the President my appointing authority, in my stewardship of the Justice sector in the portfolio of justice industry, the point I am trying to make is to you Colleagues is that prepare your estate.

Let us not leave people with problems when we die. At this level we should be able to prepare our estates. We are at an advanced stage of completing the succession Bill which will merge interstate and testate succession into one law so I am saying we are going to have one succession law. Succession deals with how your assets are devolved with and will merge the interstate law and testate law into one. So we will merge the law that deals with people who die without wills interstate and testate people who die with wills into one law. Consultations will be

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conducted with relevant institutions. Therefore this amendment is not the end of the reform of the succession law. It is intended to assist need me to go and make those changes that would streamline with good governance.

The proposed amendments are therefore add into and stop gap measures to ensure a more transparent and effective governance of the operations of the Master of the High Court and the Administration of Estate in Namibia whilst we complete our work on the succession Bill. I must also say that I am being disappointed with the office of the Master in some respects. Sometimes people are coming with problems. They have nowhere else to go but they are turned away simply because the Master says I do not help the public like that. I will not deal with beneficiaries or those who are I have appointed to provide LND accounts. So I think we need to really ensure that this assist the public.

The Auditor General and external auditors have time and again pointed out in their findings the lack of transparency in the current investment decision making process and this is what prompted us to crop this Administration of Estate Amendment Bill 2018. I thank you Mr Speaker.

HON SPEAKER: Thank you. Any further discussion, yes, Honourable Jennifer Van Den Heever.

HON VAN DEN HEEVER: Thank you Honourable Speaker in the absence of any other speaker, I would like to postpone on behalf of HonourableMuharukua till Tuesday. He will get to you Honourable.

HON SPEAKER: Thank you very much so decided.

The Secretary will read the first order of the day.

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**REPORT ON PETITION OF NAMIBIA
WAR VETERANS TRUST
HON !NAWASES-TAYELE**

**CONSIDERATION OF THE COMMITTEE REPORT ON THE
PETITION OF THE NAMIBIA WAR VETERANS TRUST**

SECRETARY: Consideration of the Committee Report on the Petition of the Namibia War Veterans Trust.

HON SPEAKER: Does the Honourable Karupu move that the report be considered? The Chief Whip will be able to help us.

HON !NAWASES-TAYELE: Thank you Honourable Speaker. Honourable Speaker I then just want to postpone this motivation until next week also and I will do that on his behalf.

HON SPEAKER: Thank you very much. This issue has been with us for quite a while and I am happy that we can deal with it next Tuesday.

The Secretary will read the second order of the day.

**COMMITTEE STAGE – PUBLIC SERVICE
AMENDMENT BILL [B.18 – 2018]**

SECRETARY: *Public Service Amendment Bill* [B.18 – 2018].

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**COMMITTEE STAGE – PUBLIC
SERVICE AMENDMENT BILL
HON DR KUUNGONGWELA-AMADHILLA /
HONVAN DEN HEEVER**

HON SPEAKER: Does the Right Honourable Prime Minister move that the Assembly now goes into Committee.

RT HON PRIME MINISTER: I move so Honourable Speaker.

HON SPEAKER: It is moved that I leave the chair, any objection, yes.

HON VAN DEN HEEVER: It is actually what I want to call. Honourable Speaker I rise under Rule 17 please ask for a quorum. We cannot do it illegally.

HON SPEAKER: Yes, let us check. We will ring the bell. 40 so we need another 9. Let me share with you. We are missing at least 9 Members to be able to proceed 9 Members so can I skip this item and move to the next item?

The Secretary will read the third order of the day the same, the fourth.

**RESUMPTION OF DEBATE ON LISTING OF CLIENTS BY
CREDIT PROVIDERS AND FINANCIAL INSTITUTION**

HON SPEAKER: When the Assembly adjourned on Tuesday the 16th October 2018 the question before the Assembly was a Motion by the

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Honourable Muharukua that the Motion be adopted. The Honourable Minister of Fisheries and Marine Resources deferred the debate on behalf of the Minister of Finance and now I will offer the floor to the Minister of Finance.

HON MINISTER OF FINANCE: Thank you Honourable Speaker and thank you for the indulgence. I was not there when I have a statement that I can share. Honourable Speaker the Namibian financial sector strategy has recognized credit Bureaus as platforms instrumental for determining the credit worthiness of borrowers thereby achieving its dual objective of improving access to finance and avoiding over indebtedness. Due to the gaps in the credit regulations here the Credit Bureau regulations was introduced as interim measure and was gazetted in 2014 ending the legislation that will regulate all aspects relating to consumer credits in this case the Consumer Credit Bill.

The credit bureau regulations I call now allegations is administered by the Bank of Namibia and applies to all credit bureaus, credit information providers, data subject to all persons who engage in the business of sharing credit performance information in Namibia. Currently there are two Credit Bureaus companies that operate and are licensed by the Bank of Namibia mainly Trans-Union Credit Bureau and Compuscan Credit Bureau. With regard to blacklisting matter credit bureaus are not supposed to blacklist consumers or share negative relation about them. The word blacklist is a negative connotation that is even strongly discouraged. The fact that information is provided to credit bureaus itself does not mean that a person is so listed.

It just means that all the persons credit information both positive or negative is available for any credit provider to access in case that person applies for credit at a bank or another credit provider. Credit bureaus are obliged in terms of regulation to share both favorable and unfavorable

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credit performance information on data subjects. Therefore credit providers must share both positive and negative information with the credit bureaus. It is also important to note that some data subject both individuals and small medium size enterprises do not have collateral required by lending institutions to access credit facilities. Therefore the most important aspect that guarantees them convincing lending institutions is their good and favorable credit record which is contained in the credit bureau database. Regarding the length or period for which this information should be kept and stored by the credit bureau in Namibia this issue regulations under section 31 clearly states that 'negative data should only remain on the credit bureau for a period of two years. Civil court judgement five years'.

Payment proper history has also reported for five years and not more than that. Also my understanding is that the purpose of the retention period especially for consumers with unfavorable information is not aimed at penalizing the consumer individuals or the entities concerned but mainly is aimed to assist consumers by providing some rehabilitation and allow some grace period while they are normalizing or fully recovering. While the retention of favorable information would enable consumers to be viewed positively and benefit through better access finance and credit base on their conduct.

Honourable Speaker let me emphasize that the listing of borrowers by the credit bureaus should always be done within the framework of the regulations. In this regard any person that feels that they have not been procedurally treated as the right in terms of regulations to challenge information contained in the credit bureau database. The dispute resolutions are clearly outlined under section 24 of the regulation where credit bureaus are challenged for issuing credit report containing inaccurate information. The regulation allows for a maximum of 20 days for the matter to be addressed with the credit provider. Failure to have this matter or finding credible evidence in support of the challenging information within 20 days, the credit bureau must remove information

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and or records from its files.

Honourable Speaker I am glad to share with you that the consumers have a recourse mechanism when they feel that the information about them is not correct and may appeal to the Bank of Namibia for the investigation of the disputed information. The Bank of Namibia in turn will investigate the considered appeal in terms or in the terms any information under dispute are flagged as dispute information in all credit reports until the appeal is finalized. In the efforts to assist in improving the protection of customers in the credit environment I will soon table in this House a Financial Services Adjudication Bill. This Bill is expected to address some of the shortcomings which relates to consumer protection in the banking and financial services area including the so-called blacklisting.

While the existing two credit bureaus both Trans-Union and Compuscan operates on a habit spoke system where the data is hosted in South Africa, the regulations however and a provision that caters for the data hosted abroad to ensure that the sovereignty of the Namibian data is secured and maintained at all times. The regulation will speak to credit bureaus on the type of information that need to be contained on the credit bureau system and on the usage credit information. As such credit bureaus are also compelled to the necessary quality controls for the management of the data. To satisfy ourselves with this requirement, the Bank of Namibia do carry out regular inspections on credit bureau system to ensure compliance with regulations. From a mammoth economic point of view, we need to recognize that the sharing of credit information may bring about implications of higher credit growth rates for businesses and individuals and therefore boosting the economy through for example increasing credit lines to those who wish to borrow.

Credit bureaus also allow for greater information sharing which allows members to review how much and at what rate they lend to borrowers. As such through the credit bureaus for matters to consider:

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1. Good borrowers can negotiate and access credit at more beneficial interest rates
2. Lenders make use of credit information to make better lending decisions
3. Consumers and businesses utilize credit information to gain access to credit whilst
4. Government and Central Banks use credit information to help manage consumer and business over indebtedness.

In my conclusion Honourable Speaker, the sharing of credit performance information should be viewed within the broader context of financial inclusion particularly by enhancing access to finance and maintaining financial stability by limiting and avoiding borrowers over indebtedness. Credit bureaus operations are confined within the ambit and purpose of the regulations. On that basis the credit bureaus are required to adhere and comply with the provisions of these regulations failure of which it will constitute a non-compliance the necessary remedial action and intervention measures can be taken against the perpetrators by appealing to the Bank of Namibia. I trust that the above information provides some clarified questions as required and I thank you.

HON SPEAKER: Thank you very much. Any further discussion, we are at the point in the absence of any further contributions the Honourable Muharukua is not here to reply. Can we take him up next Tuesday? Thank you. Now the fifth order my understanding is that we do not have a quorum.

HON DEPUTY MINISTER OF JUSTICE: Honourable Speaker I think we skipped the third order.

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YOUTHS RESOURCES CENTRES
IN THE COUNTRY**

HON SPEAKER: We skipped the fifth order. So we go to the seventh the Honourable Members is not there so we go to nine.

The Secretary will read the ninth order of the day.

**REPORT ON THE VISIT TO THE MULTIPURPOSE
YOUTHS RESOURCE CENTRES IN THE COUNTRY**

SECRETARY: Consideration of the Committee Report on the Visit to the Multi-Purpose Youth Resources Centres in the Country.

HON SPEAKER: Are you in agreement or you have a reservation?

HON DEPUTY MINISTER OF JUSTICE: Honourable Speaker the third order on the second reading on Extradition Amendment Bill it was the Minister of Finance who moved.

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HON NAMUPALA**

HON SPEAKER: Yes, indeed we will love to do so but we do not have a quorum. The first one was postponed. So does the Honourable Namupala moved that the report be considered?

HON NAMUPALA: I move so Honourable Speaker.

HON SPEAKER: Thank you, who seconds, any objection, then it is agreed to. The Honourable Member you have the floor.

HON NAMUPALA: Thank you Honourable Speaker, Honourable Members. I rise to motivate the report on the familiarisation visit to the multipurpose youths resource centres in the country falling under the Ministry of Youth, Sport and National Services in Ohangwena, Oshana, Omusati, Kunene, Otjozodondjupa and Erongo regions the Standing Committee on Human Resources and Committee Development. Honourable Speaker, Honourable Members the report is with the Honourable Members in the House. I think the last past three weeks is where it was distributed and there was also giving space to the Ministry concerned

I would like to thank and bid my profound appreciation to the Ministry of Sport, Youth and National Service the entire staff here in the Headquarters and regional staff for their assistance in facilitating and coordinating the regional visit to the Committee. Apart from fulfilling its legislative mandate of oversight as it is in Article 59 of the Namibian Constitution, the Committee visit were aimed at finding solution to the precarious situation of youth development projects in the regions. There is a lack of adequate youths facilities to enable youth development in the region such

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as youth training centres, sport stadium and youths projects for income generating purposes.

Honourable Speaker, Honourable Members the discussion intending in the report of the views, comments and recommendations from the stakeholders visited by the Parliamentary Standing Committee, we are convinced that it is the process of decentralization of youth services in the region can take place, service delivery will speed up. The Committee also observed that lack of proper funding for the full implementation of youth programs in the region is of sad in the region visited. The Committee noted that supervisors are based in Windhoek and therefore asked the supervisors to visit all youth centres on a frequent basis to gain first-hand experience on how the centres are performing. Constant monitoring will lead to the improvement of service delivery to the youths they are attending to the challenges the centres find.

Improvement of the coordination of youths credit facilities organization for greater impact is critical in youths upliftment. Without proper facility in the regions, the youths may resort to crime, alcohol and drug abuse. The Standing Committee further find that all the multipurpose youth resource centres are under operate in the region visited. There is a lack of interest in the many attributed to the broken equipment which are not maintained and replaced on time. The centres are dilapidated due to non-maintenance. The Committee also find that most of the computers and tailoring machines has been dysfunctional or broken or sometimes and piled up at the centre without any repair done.

Some of the cleaners and laborers complain that they are also used as security guards at the centers. Honourable Speaker, Honourable Members the report contains a number of critical recommendations in conclusion remarks in terms of new approaches towards improvement of youth facilities. I encourage the Members of this August House to consider this during the discussion. Honourable Speaker, Honourable Members in conclusion although some of the recommendations maybe has been

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attended to I would like to encourage the Ministry of Sport, Youth and National Service to seriously consider implement the recommendations contained in this report for the sake of youths development in the country. I also request fellow Honourable Members of this August House to firstly debate and make input on the secondary to approve this report.

I so move Honourable Speaker and I thank you.

HON SPEAKER: Thank you very much. Any further discussion, in the absence of any contributions, does the Honourable Member wish to reply, your mic?

HON NAMUPALA: As I mentioned earlier in my motivation that this report has really a very important challenges and have also recommendations that really need to be looked at, I am urging especially the Ministry of Youth and Sport to really take this matter as a matter or urgent because these people are really crying in the regions.

With silence in the Chamber, thank you.

HON SPEAKER: Thank you very much. I am sure the message is noted and the attention of the Ministry of Youth and Sport is drawn to the report. We will make sure that the Secretary will formally present the report to that particular Ministry as per the recommendation. Now you noted that I am not putting the question for obvious reasons. We will do that when we have the necessary quorum and then we act on your report formally. The next two reports the Honourable Member is not in the House so we have gone as far as possible and we almost on time. Right Honourable Prime

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ADJOURNMENT
RT HON DR KUUGONGELWA-AMADHILA

Minister would you adjourn the House?

RT HON PRIME MINISTER: Thank you Honourable Speaker on this note that I believe is really rather disgracing that we have lost the quorum and were thus unable to dispense of some very important items on the agenda, I move that the House adjourn until next week Tuesday with the hope that there would be a better turn out from next week onwards and that we will then be able to fully deal with the agenda for the House. I therefore really appeal on all the Members of Parliament to be present on Tuesday so that we can exhaust this agenda and I move. Thank you.

HON SPEAKER: Thank you very much. That appeal is directed to the two major parties in the House and the two ladies, Colleagues. We hope to do better at the beginning of next week. The House stands adjourn until next week.

HOUSE ADJOURNS AT 17:31 UNTIL 27.11.2018 AT 14:30

**NATIONAL ASSEMBLY
ASSEMBLY CHAMBERS
WINDHOEK
27 NOVEMBER, 2018**

The Assembly met pursuant to the adjournment.

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

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

HON SPEAKER: Honourable Members, welcome back. I would like to take this opportunity to introduce to you Honourable Members, Professor Kenneth Matengu who is with us this afternoon up in the gallery. I believe he is not necessarily a stranger to some of you sitting in this House. Professor Matengu was a student at the University of Namibia during the time when I served there as a founding Vice Chancellor of the University of Namibia. It is an important milestone to the University and the country at large that University of Namibia (UNAM) has come of age to have one of its former students taking the helm of its leadership (*ululation*). It makes us all proud to acknowledge that Namibia can now be led by its own young people. Leaders not only of tomorrow but today, the outcome of his dedicated work and its commitment have seen him grow through the ranks to become the third Vice Chancellor of the University of Namibia.

Professor Matengu you are most welcome to the National Assembly as you are observing the lawmakers, the leaders of the country in terms of lawmaking please feel free from time to time to visit us, touch base with individual Parliamentarians as you shape the affairs of our National University. Congratulations, and welcome. Keep up the good job we are with you we can assure you that we will certainly assist in whatever possible way and of course the responsibilities are in the hands of the

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**TABLING OF REPORTS
HON PROF KASINGO**

Minister and her team but for now I just wanted to welcome and to feel at home any amount of time you can spare to listen to the debates you will be most welcome but I am also aware that you are up against time and you have other duties to attend to. Do feel free to move on when you feel that you have to do so. Thank you.

One more piece of information Honourable Members I would like to bring some exciting news to you from none other than yet another former University of Namibia (UNAM) student who is currently sitting in this House as a Minister but who does not rest. He continues to enrich himself through academic training, the Honourable Dr Peya Mushelenga has recently obtained Masters of Business Administration from Eastern and Southern African Management Institute based in Arusha. His thesis, the topic of his thesis analyzing the impact of inflation on the development of financial sector of Namibia and of course he was not only acknowledged by acquiring the qualification in terms of Masters Degree he was also acknowledged as having been the best performer. He received a best performer's award for his contribution and so we congratulate him and we wish him well.

That said and done any Petitions? Report of Standing and Select Committees? Other Reports and Papers? Deputy Speaker?

**TABLING - ANNUAL REPORT OF THE
ELECTORAL COMMISSION OF NAMIBIA**

HON DEPUTY SPEAKER: I lay upon the Table in terms of Section 10 Sub Section 2 of the Electoral Act 24 of 1992:

- 1) The annual report of the Electoral Commission of Namibia for the year 2017/2018 and

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**TABLING OF REPORTS
HON ITHETE**

- 2) The 2018 Regional Council of Muyuni Constituency By Election held on the 28th of March 2018.

I so submit.

CHAIRPERSON: Thank you. Honourable Deputy Minister of Finance.

TABLING - REPORTS OF THE AUDITOR-GENERAL

HON DEPUTY MINISTER OF FINANCE: Honourable Speaker, Honourable Members, I lay upon Table the following reports:

- (i) Delay in business registration within the Ministry of Industrialization, Trade and SME Development for the Financial Year ended 2014/2015, 2015/2016, and 2016/2017.
- (ii) Report of the Auditor General of the account of the National Heritage Council for the Financial Year ended 31 March 2018.
- (iii) Village Council of Kalkrand for the Financial Year ended 30 June 2017.

I so move Honourable Speaker.

HON SPEAKER: Thank you. Notice of Questions? Yes Honourable Nauyoma.

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**NOTICE OF QUESTIONS
HON NAUYOMA**

NOTICE OF QUESTIONS

ORAL QUESTIONS

QUESTION 33:

HON NAUYOMA: Honourable Speaker, I ask for your indulgence to ask the oral question directed to the Honourable Minister of Agriculture, Water and Forestry? I did and the Deputy Minister is here I did not see the Minister on an urgent issue that is prevailing in our media.

HON SPEAKER: Can you give then the gist of it?

HON NAUYOMA: Now the gist of the question is regarding the harvest of timber especially in the Kavango Regions.

HON SPEAKER: Yes.

HON NAUYOMA: We are hearing that the Honourable Shifeta has stopped people who were busy cutting timber in view of the environmental procedures that were not followed. Now my question goes to the Ministry of Agriculture, Water and Forestry how do they issue permits for people to start harvesting without consulting the proper

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**RESPONSE TO QUESTION
HON SHIFETA**

Ministry that has to give the clearance. Now all of a sudden people have spent money that is invested in this project. Some have even cut down the trees already. Some have hired trucks to go and collect the timber from the forest and then all of a sudden all this must stop. What will happen now to the people who are involved in this process, will the Ministry be able to refund the money that is spent or what is the situation look like? I thank you Honourable Speaker.

HON SPEAKER: Thank you very much. Deputy Minister would you provide an answer to that question?

HON DEPUTY MINISTER OF AGRICULTURE, WATER AND FORESTRY: Thank you very much Honourable Speaker. I have listened to the question of Honourable Nauyoma and it is a valid question. It is true. This matter has been appearing in the print media and it has invited quite a lot of criticisms from all corners. It is a matter that the Ministries attending to hence in consultation with the Ministry of Environment and Tourism that I do not think it is a very urgent question for now. The matter has been in the media. Action has been taken so that we attend to it and I think the results of the action will be made available to the Members and to the public. Thank you Honourable Speaker.

HON SPEAKER: Thank you very much. Actually it is an urgent question. I would characterize it as an urgent question because if the Honourable Member is saying there are people out there who are in a particular dilemma not knowing what is going to happen in the near future it simply implies that the Ministry should provide some information through the media rather than the individual relying on speculation because that is what is happening. The media is actually speculating so it is absolutely necessary that there is a proper explanation as to what people

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**NOTICE OF QUESTIONS
HON VENAANI**

should do. So Honourable Nauyoma you heard the answer from the Deputy Minister. You wait to hear from the Ministry after the necessary consultation. Can we leave it at that? Thank you.

Notices of Motions? Oh yes Honourable Venaani?

QUESTION 34:

HON VENAANI: Honourable Speaker I crave for your indulgence under Rule 92 to ask an urgent oral question to the Minister, Deputy Minister now of Mines and Energy on the sale of Rossing Uranium Mine.

HON SPEAKER: It is another matter that is currently in the media. Can you pose the question then?

HON VENAANI: We are reading in both the electronic and printing media that Rossing is up for sale. We are very well aware that Rossing is one of the most important mines that we have in our country. Has the process of due diligence been completed for such a transaction to take place? How do we ensure that the new buyers are going to add value or addition to the commodity that they are buying? Are we to ensure that jobs are being saved at that mine? So where are we standing with that saying? We know that we are a country of free market economy but of course we need to protect jobs, we need to protect families that. What will be the impact of this sale be on the communities that have been living off from Rossing Uranium Mine? What is the longevity of the mine now that it is being sold to new owners how long will the mine be able to extract the positive uranium in that part of the country and what would the impact be to the economy when that sale goes through?

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**RESPONSE TO ORAL QUESTION
HON SHIWEDA**

HON SPEAKER: Thank you very much. The question is directed to the Deputy Minister.

HON DEPUTY MINISTER OF AGRICULTURE, WATER AND FORESTRY: Thank you very much Honourable Speaker and let me also thank the Honourable Member, Honourable Venaani for this very important question. It is always appreciated when the Members and even Members of the Public to be very observant of what is happening around. We at the Ministry of Mines and Energy have deliberated on this issue and we are already in the process preparing the report that we will table in this House that we will give all the details of the sale. I so submit Honourable Speaker.

HON SPEAKER: Thank you very much. So we await that report to update us on progress being made in this matter. Can we move on? Notices of Motions? Deputy Chief Whip.

NOTICE OF MOTIONS

MOTION ON BUSINESS OF ASSEMBLY

HON HAMBYUKA: Honourable Speaker, I move without Notice that the proceedings on the business on the Order Paper be in terms of Rule 99(c) of the Standing Rules and Orders not interrupted if still under consideration at 17:45. I so move Honourable Speaker.

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**NOTICE OF MOTIONS
HON HAMBYUKA**

HON SPEAKER: Thank you. Messages from the Head of State?

HON !NAWASES-TAEYELE: There is another one Honourable Speaker.

HON SPEAKER: Yes, Deputy Chief you may continue.

LEAVE OF ABSENCE

HON HAMBYUKA: Honourable Speaker, I move without notice that leave of absence due to other commitments be granted to the Minister of Industrialization, Trade and SME Development Honourable Tjekero Tweya and also to the Deputy Minister of Home Affairs and Immigration, Honourable Maureen Hinda until further notice. I so move Honourable Speaker.

HON SPEAKER: Thank you. I can see everybody is smiling that they got the news than some of us, yes. Messages from the Head of State? Ministerial Statements? Minister of Environment and Tourism?

**MINISTERIAL STATEMENT IN TERMS OF RULE 98
OF THE STANDING RULES AND ORDERS**

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**MINISTERIAL STATEMENT
HON SHIFETA**

**THE IMPLEMENTATION OF THE
ENVIRONMENT MANAGEMENT ACT, 2007**

HON MINISTER OF ENVIRONMENT AND TOURISM: Thank you very much Honourable Speaker, Honourable Members I just have a very brief Christmas Message. Let me but I want to thank you Honourable Members for this opportunity to address this august House on the challenges we are facing with regards to the implementation of the Environmental Management Act, Act No. 7 of 2007.

Honourable Members, the Environmental Management Act is a vital piece of legislation for this country. Its main objective is to promote a sustainable management of the environment and the use of natural resources by establishing principles for decision making on matters affecting the environment and to provide for processes of assessment and control activities which may have its significant effects on the environment. This process of assessment and control takes the form of proponents and organs of State applying for environmental clearance certificate for activities that are listed both in Act and its regulations. The provisions of Environmental Management Act apply to all citizens, organs of state and proponents that are undertaking activities that impact on the health of our environment.

It is therefore a key piece of legislation to give effect to Article 95(l) of our Constitution which commits the state in ensuring the” maintenance of eco systems and ecological processes and (interruption).

HON SPEAKER: It is okay. I think we will deal with that after the Honourable Member has finished with his Ministerial Statement.

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**MINISTERIAL STATEMENT
HON SHIFETA**

HON MINISTER OF ENVIRONMENT AND TOURISM: Honourable Members I want to repeat this one again. In accordance with the Article 95(l) the State has to ensure because it mentions a State not a Government a State which is inclusive of individuals, associations and institutions and has to ensure the maintenance of eco systems, essential ecological processes is biodiversity of Namibia and the utilization of natural resources on sustainable basis for the benefit of all Namibians both present and future.

Honourable Speaker, one of the founding principles of Namibia as a Republic in terms of Article 1 Sub Article 1 of our Supreme Law is the Rule of Law hence it is undoubtedly essential that citizens of Namibia and also residents who find themselves here in Namibia adhere to this Constitutional imperative. This means it requires concerted efforts by both the Government and a general public observes the laws and policies to protect our environment. Failure to do so, our generations to come will severely condemn our commissions or omissions to serve Mother Nature.

Honourable Speaker, as a Ministry we continue to experience a number of challenges in implementing this Act which I would herewith wish to bring to your attention and as lawmakers. Section 27 of the Environmental Management Act, Act No.7 of 2007 provides a list of activities that may not be undertaken without an Environmental Clearing Certificate and the list is further elaborated in the Environmental Impact Assessment Regulations which were gazetted in February 2012.

This list as per S27(2) of the same Act covers range of activities that are likely to have significant effects on the environment. These are for example the land use and transformation, water use treatment and disposal, resource removal including all natural living resources, resource renewal, agricultural process and the aqua culture, industrial process, transportation, energy generation, distribution, forestry activities, tourism development activities, service disposal, various substances, treatment or chemical treatment, storage and transportation of hazardous substances, recreation, mining, quarrying, infrastructural developments such as public roads, oil, water, gas, railway, airport, airfield, communication, network,

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**MINISTERIAL STATEMENT
HON SHIFETA**

other waste management, treatment and handling and disposal of both liquid, solid or the mixture among others.

Sub Section 3 created illegal norm that and I read a quote on that one, “That despite any other law to the contrary a person might not undertake a listed activity unless the person is a holder of an Environmental Clearing Certificate in relation to that specific activity”. Sub Section 4 further created both greener norms and also greener functions and that I quote, “Any person who contravenes Sub Section 3 commits an offence and that is a criminal law” and it further continues to create a criminal function and I quote again “It is on conviction liable to a fine not exceeding N\$500,000 or to imprisonment for a period not exceeding 25 years or both such fine and such imprisonment”.

It is a concern Honourable Members and a challenge to us in the Ministry that the listed activities are still being undertaken without proponent having an Environment Clearance Certificate or even having applied for such. In some cases the proponent may be in possession of a permit, a licence or authorization from a Traditional Authority for example in the case of sand mining or in the case of logging or timber harvesting from the Ministry of Agriculture, Water and Forestry that for harvesting for the purposes of commercial purposes but that space still requires to have Environmental Clearance Certificate.

However, this is not enough. Section 31 of the Environmental Management Act is very clear that the proponent must also have obtained any Environmental Clearing Certificate prior to granting of permits from the competent authority that means the competent authority cannot give the permit or licence or authorization before referring that person to the Environmental Commissioner’s Office and then to show proof that that person has got the Clearance Certificate in order to be granted that permission or licence or authorization to go and undertake that activity.

Honourable Members, the process of acquiring an Environment Clearance Certificate is very fundamental and important for ensuring that protection of environment is upheld. The undertaking of Environmental Impact

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**MINISTERIAL STATEMENT
HON SHIFETA**

Assessment or scoping allows for the process of identifying, predicting, evaluating and mitigating the biophysical, socio and other relevant effects of development proposals prior to major decisions being taken and commitment made. It is very important that this process is carried out as it allows us to better understand and put in place mitigation measures to minimize the impacts of development projects on environment.

If these projects have been proved properly in the past I am of the view that we would not have been sitting with some of the challenges that we are currently faced with today. I would wish to highlight a few challenges, a challenging situation that we are currently faced with and how this could have been avoided, the widespread of and the uncontrolled damage from commercial sand mining activities in the communal areas is one of such. If in the past sand mining companies and operators and applied for Environmental Clearance Certificates it would have been possible for restricting that industry to certain areas and to avoid it infringing on people's homestead and crops as well as damaging the environment. In addition it would also have been possible to impose conditions to the Environmental Clearance Certificate that would have compelled the companies or whoever undertaking that to undertake some rehabilitation measures once they have exhausted the resources. The location of a number of green schemes farms and migrate roads of elephants is another challenge that could have been avoided. This could have been placed and the proper environmental impact assessment being carried out.

The recent case of CVF damage being caused by elephants to these farms is regrettable and a considerable set back to our efforts to enhance food security and boost socio economic development through green schemes. Another such example is that of small farming units in communal areas was good. This one is a good initiative but human wildlife conflict could have been avoided had the Ministry responsible as a proponent as Ministry of Land Reform as competent authority has obtained Environmental Clearance Certificate and also Environmental Management Plan for all these activities.

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**MINISTERIAL STATEMENT
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Furthermore, we are also aware of the exploitation of our forestry resources in the Kavango West, Kavango East, Zambezi, lately Ohangwena Region from where higher value timber is being exported with almost no left local little value addition or benefaction. Upon receiving reports from the public and media around the timber harvesting activities the Ministry of Environment and Tourism had engaged the Ministry of Agriculture, Water and Forestry he is a competent authority to address the issue and inform the Ministry of Agriculture, Water and Forestry also to withdraw all this timber harvest without Environmental Clearance Certificate.

I am happy to announce today that the Ministry of Agriculture, Water and Forestry promptly acted and complied and all timber harvest licences have been withdrawn as of yesterday 26th November 2018. It is of equal importance that the policies, plans and programmes of the Government do not have significant adverse impact on the hands of our environment in order to impose the Environmental Management Act and Compliance with its regulations the Ministry of Environment and Tourism as part of its mandate has to take serious measures to protect the environment from further damage. One of those measures to have taken is the decision to name and shame those who are doing this and also those who have invalid authorization and also are granting this, officials who are granting all this on behalf of competent authorities.

Honourable Members I therefore call on all organs of State that are granted invalid licences, permits, authorizations to promptly to the proponents to undertake listed activities as per Environmental Management Act to unconditionally and unreservedly withdraw them with immediate effect. The next step from now is to expose them for the public to know those officers involved in such shameful acts.

The Office of the Environmental Commissioner requires proof of withdrawal before the 1st of December 2018. Failure to withdraw such authorization is tantamount to furtherance of the Commissioner of Crime by those proponents who are carrying out these activities without valid documents. I am glad that some competent authorities that complied and

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withdrawn those authorizations unconditionally.

S31(1) reads that and I quote, “Despite any law to the contrary a competent authority might not issue any authorization unless the proponent that means the applicant has obtained an Environmental Clearance Certificate in terms of this Act. Sub Section(2) states further that any authorization issued contrary to Sub Section (1) is invalid”.

This announcement serves to give last chance to those officers who have violated the law by permitting proponents to carry out these listed activities without proof of possession of Environmental Clearance Certificate and also Environmental Management Plan. We know that a health and well functioning environment is the basis of our economy as the pillar of our economy particularly for Fisheries, Agriculture and Fisheries. All this depends on this environment they have environment.

This is why Part VI of the Act requires that the preparation and submission of environmental plans to the Environmental Commissioner by organs of State as part of coordinating and regulating the undertaking of listed activities in terms of Section 24(1) of the Act the list of 23 organs of State that are exercising functions that may affect the environment were identified and announced in the Government Gazette No.249 of 2016. Every organ of State so identified and so listed in terms of this Section must prepare an environmental plan in the prescribed form and manner.

To date it is regrettable that no organ of State has submitted an environmental management plan to the Environment Commissioner that we are now working with the focal persons from these different listed organs of State to see how to address this situation.

Capacity of staff in our Ministry also lack of awareness among stakeholders which we have been addressing for these couple of years and also systematic inefficiency are other challenges placed in the implementation of this Act. I am pleased to report to you that the Ministry continues to take measures to address these challenges but I have capacity to impose this Act through on ground, on the ground inspection in the

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regions remains a concern with the declining budget available our capacity to carry out-on-the-ground inspection and to ensure regional presence to reach all corners of the country is a major challenge.

This is essential for us if we are to identify culprits undertaking listed activities without environmental Clearance Certificate as well as the roles that are implementing activities not in compliance in the conditions listed in their Environmental Clearance Certificate and Environmental Management of Plans.

I would like to thank the public and media who brought and exposed some of the illegal activities to our attention. The Environmental Commissioner is duty bound to investigate every illegal activity and I am advised that each of these reported cases of legal undertaking of listed activities have been investigated on their merits and demerits and action has been taken. I urge the public to continue reporting suspicious activities to the Environmental Commissioner for prompt action. The Environmental Commissioner is under instruction to act on those non compliance persons without fear, favour or prejudice and work with the Namibian Police and the Government Attorney to bring those culprits to book.

Lastly, I humbly urge all Members here in this august House to render support in the fight against environmental damages in the plundering of our natural resources. With these few words, this was few words for Christmas. I thank you for your humble attention.

HON SPEAKER: Thank you. Honourable Sacky Shanghala.

HON MINISTER OF JUSTICE: I cannot match the marathon that was presented by the Minister of Environment so I will be short but in doing so congratulations to those who have won in court today. Immense confusion Mr Speaker was created by the media yesterday specifically the

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New Era Newspaper with the publication of an article titled, “Northern couples must divorce and remarry to benefit from the new law”. The Article was published following a Press Conference held by the Permanent Secretary and the Deputy Permanent Secretary of the Office of the Judiciary. I rise to clarify the confusion and explain the three pieces of legislation that were haphazardly with reference to in the media. There are three Bills at various stages of completion between the Ministry of Home Affairs and Immigration and the Ministry of Justice. The Marriage Bill and the Uniform Matrimonial Property Bills fall under the administration of the Minister of Home Affairs and Immigration Honourable Franc Kapofi and the Divorce Bill falls under the administration of the Minister of Justice to ensure absolute clarity. I ask the House to indulge me just for a second and give me a moment to explain the purpose and functioning of each Bill. The Marriage Bill will repeal Chapter 7 of the Births, Marriages and Deaths Registration Act of 1963, Act No.81 of 1963 and the Marriage Act of 1961, 25 of 1961 will also be covered.

This Bill has been rafted to combat marriages of conveniences which are a blatant abuse of Namibian law since they have become a danger to the safety and happiness of Namibian women and men. The Uniform Matrimonial Property Regime Bill, now where is this Journalist? They run away and then they go and write things. It was an article by that one particularly. The Uniform Matrimonial Property Regime Bill seeks to provide redress to couples affected by the discriminatory provisions of the Native Administrative Proclamation of 1928 Proclamation No. 15 of 1928. Under this Legislation couples married within the Police Zone, this area within the Police Zone, if you do not know then I cannot help you. Were automatically subjected to the Matrimonial Property Regime defined as being married in community of property.

The fact that couples were not given a choice as to the regime as with other citizens is discriminatory and will be corrected through the process set out in the Uniform Matrimonial Property Regime. So those outside the Police Zone had a default out of community unless they declared a month before that they want to be in community and many people did not do that.

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And those who were this side in the Police Zone were automatically and are automatically still today in community. You had to sign an anti initial contract to be out of community.

I wish to make this abundantly clear that couples will not be required to divorce and remarry under the Uniform Matrimonial Property Regime Bill. Couples will be given a specific period of time to alter the erroneous Marriage Certificate to reflect the Matrimonial Property Regime of their choice. You remember that I brought where examples and I showed you where some of them said marriage was good. Those people do not know where they stand and sometimes it happens that the forms that were dispensed to the area known as 'beyond the Bantustans' that those forms were supposed to be used within the Police Zone and a problem was created. So if it says with or without usually it should have said just was there a declaration and that problem created many mistakes. So people are living with Marriage Certificates and they do not know what regime they are in. They will be given an opportunity to correct so when they all agree we are meant to be in we are meant to be out, it is a simple Clause. But when the one party disputes there will be a process for that. But nowhere will be people required to remarry. I want to correct that, 'to divorce to remarry' that is wrong.

The last Bill under the administration of the Ministry of Justice is the Divorce Bill. The Bill provides for one ground of divorce namely Irretrievable Breakdown instead of having an attribute of fault to one of the parties the process of divorce will be made easier by allowing couples to divorce in designated Magistrates Courts which has the potential to make the process cheaper and faster. No you can go on your own there will be forms, we are trying to make it as simple as possible.

It becomes difficult and complicated when there are property disputes, when there are child custody disputes and where there is an issue of maintenance where the one part says I want to be maintained then there you may probably need the matter to be, yes that is the Divorce Bill now. That is the Divorce Bill so there are three, there is the Marriage Bill that is being dealt with by the Honourable Kapofi Minister of Home Affairs and

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Immigration. That Bill will allow a process which will be defined to get married and we are also trying to cut out these marriages of convenience.

Then there is the Uniform Matrimonial Property Regime. So when you get married you can choose whether you want to be in or out. Currently there are two regimes in one country. In the area north of the Police Zone you are automatically out of community of property until and unless you have, before the solemnization of the marriage, signed the declaration which says you want to be in community. It is the declaration that makes that marriage in community and you have to do it within a period of a month prior to the marriage. This side in the Police Zone, the former Police Zone, you then have a marriage automatically in community of property unless you sign up to an ante actual contract that says I want to be out. Now both of them are ante actual but we are distinguishing the two because the law calls one a declaration and the other one is deliberately called an ante actual.

Then the third one is a Divorce Bill. I am now handling and it is being consulted with. The Divorce Bill will allow that you have one ground for divorce. Currently you must have either a desertion which is either constructive or what is thereon, actual desertion the constructive and?

HON MEMBER: (Not on microphone).

HON MINISTER OF JUSTICE: Yes okay, the one where you say you force me to leave the house therefore I left or the one where you actually leave and the person has lived in the house. Then there is adultery where the confines of the marriage have been abused by third parties. Then there are the other two statutory which is if you have gone loco, the mind has, yes and you are a mental patient or you have been convicted of a crime and you have been given a sentence of over how many years? You are the lawyers, how many years?

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HON MINISTER OF ENVIRONMENT AND TOURISM: (Not on microphone).

HON MINISTER OF JUSTICE: You see so (intervention).

HON SPEAKER: Honourable Member, please, please we want to make progress.

HON MINISTER OF JUSTICE: Yes, so the point which will happen now is that there will only be one ground. The reason Honourable Speaker is that not only in Social Media but the Newspapers which are circulating not only in Namibia but also international. They have mixed up I think the parts of the Bills that are available for consultation. So the reason to stand was just to say and apologize to the public for the confusion by this erroneous reporting and clarifying and request that media and news outlets improve fact checking mechanism because some of these things are technical and they can always call us. They always call us for other things but never when they need to clarify. So that is the purpose of the Ministerial Statement. Thank you very much.

HON SPEAKER: Thank you very much. I actually just wanted to say this that information of this kind must be provided in writing. So there is no room for misinterpretation, etcetera or speculation so I am very happy that you actually clarified the matter. Honourable Muharukwa.

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HON MUHARUKUA: Thank you Honourable Speaker and Honourable Minister for the Ministerial Statement. Indeed we have a problem I agree and the Minister is not listening. He wants to comment adultery. Indeed we have a problem and it is a problem that must be fixed but I think you have mentioned the process I was hoping that you would elaborate a little bit on that and that is when two parties are actually married so it is also the red line and are assumed out but they have lived all their lives like they are married in community of property because that was the intention although we did not have the actual contract. Now when this period is given for people to rectify you will have a situation to the following effect, the Honourable Venaani is married to his Himba woman or wife, yes or someone from Onyula for that matter (intervention).

No I mean it can be from Onyula or Himba or wherever. For 20 years they have lived as if they are married in community of property. Now this window opportunity comes to make that concrete, of course as a men they have accumulated everything and he has accumulated his things all on his name and now the dispute is he is saying no actually we are married our of community of property the law is correct and the wife is saying no, we have lived all our lives and I have invested my whole life in our property now, common property. You mentioned a process, I would love to hear what is in mind in terms of that process because you will have a problem, we will actually go ahead and create artificial divorces yes, where people who were actually cohabiting and living are now actually saying, so all of a sudden all the cars belong to him even the one that I put my money to, so I might as well just let go this relationship and start on other things because this man has taken everything from me. No, I want to hear what the process is I think when the time comes and the Bill comes we will definitely engage in the process but it will be good to hear what is in mind.

Secondly, it is on the grounds of divorce. I have it or I thought that the sole grounds for divorce is the irretrievable breakdown of a marriage and everything else be that the desertion or actual desertion or adultery would be factious leading to that irretrievable breakdown and you now talked of we will have one ground for divorce. It will be very interesting to hear

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what is due to come. What is that one ground for divorce if it is not a retrievable breakdown of it with all the other factors that leads towards?

HON SPEAKER: Can you provide a response but a brief one please. We will have time to deal with this.

HON MINISTER OF JUSTICE: Honourable Speaker, let me start with the second question, I think he misheard me. The ground will only be irretrievable breakdown there will only be one ground. So if you say I do not love you which is currently not a ground is covered. If you say I need, this marriage has irretrievably broken down because the person has cheated on me, same thing. So it is this one ground you can then particularize the divorce basis. So it is this one ground. Then the process you are quite right the Bill will come with time but we have anticipated that there will be a situation where some of them saying *haikona* I never intended to marry you this way or that way". For that the process will be a hearing and evidence that is normally excluded will probably be allowed and we have relied on cases that have been tried already. You know there are four cases that have already determined even pendent elite some of the outcomes of those cases. So we have borrowed from that juris prudence and will provide for that hearing to happen but I want you to be comforted by the fact that we have actually tried over the years because it started a long time to do scenario planning and see where one could go wrong. The real thing we want to address is remove the discriminatory nature of go long and also help the people who really do not know where they stand and banks do not know where they stand and when the person dies the marriage certificate needs to be looked at or a divorce or some of them. I do not want to get into this issue because we will have enough time to look at the millions of problems that are there but be satisfied that you will have time to look at it and we have looked at. Thank you Speaker.

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HON SPEAKER: Thank you very much. Honourable Billy Mwaningange.

HON DEPUTY MINISTER OF DEFENCE: Thank you very much Comrade Speaker. I thank the Ministry of Justice and bringing up this Bill in the right time. However, it is a hard time as we are clocking now as we are discussing this Bill next time as it is coming. It is coming we are going to discuss it but there are urgent questions and concerns as we are here now. Next weekend there will be more than hundred marriages over those lines, red lines, young people are getting married next week. Now the question is there are Pastors of recognized churches recognized to officiate the marriages and they are also already questioning these questions next week what will they do because presumably they are allowed to officiate marriages in community of property or out of settlement community of property but it is outside the redline. What is happening there? I know the Bill will elaborate everything as we are discussing but it is very urgent question, thank you Comrade Speaker.

HON SPEAKER: Thank you very much. I do not know where we are getting to know but Honourable Kapofi please.

HON MINISTER OF HOME AFFAIRS AND IMMIGRATION: Comrade Speaker, there is no necessarily a vacuum the law is there. It provides what must be done, when so if the vacuum is not there what is there now is simply ignorance to the law. We are now trying to simplify that. We have tried to explain here what should happen if you turn marrying in community of property or outside of it wherever you are in Namibia. The provisions are there and those who are appointed as Marriage Officers know exactly what to do. So even tomorrow, today or

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after tomorrow or yesterday if they wanted to follow the law, yes, I have said it here before. There are forms that you must feel that you intent to express your intention when you register to get married. The law is there it says you must feel in a form and you make that form available before the Marriage Officer. So it is there. Marriage Officers are appointed according to law. So we must just wait there is really no vacuum and there is no such urgency of any kind because the law is very clear. What has not been clear is simply the explanation. People did not follow the law and some Marriage Officers did not really advise people accordingly but so far there is no vacuum. Thank you.

HON SPEAKER: Thank you very much. I think we leave it at that. We will still have time to deal with that important topic but I just wanted to bring to the attention of the House. Some of you might recall when the Honourable Tweya walked in, there was kind of special greetings extended to him and because there was a Motion earlier confirming his absence but he walked in here and according to our rules if you look at Chapter 1 under the provision for Leave of Absence 6(f) it says, “A Member who has leave of absence for faith same if he or she attains the sitting of the House”. So that is as simple as that, we welcome him back and that leave basically falls away because he is in attendance. So that being disposed of we will continue with our business.

The Secretary will read the First Order of the Day.

**CONSIDERATION OF THE COMMITTEE REPORT
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RESOURCE CENTRES IN THE COUNTRY**

SECRETARY: Resumption of Consideration of the Committee Report

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on the Visit to the Multi-Purpose Youth Resources Centres in the Country.

HON SPEAKER: When the Assembly adjourned on Thursday the 22nd of November 2018 the question before the Assembly was a report by the Honourable Namupala that the Report be adopted. The Honourable Namupala had made her reply and I now put the question that the report be adopted any objection? Agreed to.

The Secretary will read the Second Order of the Day.

**CONSIDERATION OF THE COMMITTEE REPORT ON THE
PETITION OF THE NAMIBIA WAR VETERANS TRUST**

SECRETARY: Consideration of the Committee Report on the Petition of the Namibia War Veterans Trust

HON SPEAKER: Does the Honourable !Nawases-Taeyele move that the Report be considered?

HON !NAWASES-TAEYELE: Yes.

HON SPEAKER: Who seconds? Any objection? Then it is agreed to.

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The Honourable Chief Whip you have the floor.

HON !NAWASES-TAEYELE: Honourable Speaker, since the Deputy Chairperson of the Committee is back I shall give the mandate over to the legitimate leadership to the matter so Honourable Emilia Amupewa is around so she will take charge of it. Thank you Honourable Speaker.

HON SPEAKER: Thank you very much. Honourable Member you have the floor to present the report.

HON !NAWASES-TAEYELE: Thank you very much first of all Chief Whip for facilitating that important process. Thank you Honourable Speaker, Honourable Members. I rise to motivate the report of the Parliamentary Standing Committee of Constitutional and Legal Affairs on the petition of the Namibian War Veterans Trust (NAMVET). Namibia War Veterans Trust also referred to as NAMVET is an organization comprising of Namibians who served in the South African Forces of occupation in Namibia, South West Africa then before Namibia attained its independence. These forces report to a South West Africa Territorial Forces (SWARTF) South West Africa and Crowbar anti counter Police the KOEVOET.

They were formed in the 1970s and 1980s by the South African Occupational Regime in Namibia with the purpose to fight SWAPO and its Wing Plan endeavours to liberate Namibia from a yoke of apartheid minority white South African regime. Namibia War Veterans Organization is led by Mr Ndeunyema Frans Jabulani.

SWAPO being the only liberation movement established a military wing

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known as People's Liberation Army of Namibia known as PLAN which fought alongside the political and diplomatic leaders close to thirty (30) years against South African occupation.

In year 2008, about nineteen (19) years after independence the Government of the Republic of Namibia purposely crafted a law which was passed in this august House to help sustain and facilitate Namibians who fought for the freedom and liberation of Namibia namely Namibia War Veterans Act, Act 2 of 2008 as amended. The same process of enacting the statute applied in this case that is by debating and consulting relevant stakeholders including different political parties which were present in this august House by that time hence the Act is legally instituted.

It was established by the Committee that Section 27(2) of this Act, the Veterans, Act No.2 of 2008 states that a Veteran is a person who

- Was a Member of the Liberation Forces provided the person was above 18 years of age on the 21st of March 1990.
- Is a person who consistently or persistently participated or engaged in any political diplomatic or underground activities in furtherance of the liberation struggle up to the date of independence?

Honourable Speaker, Honourable Members, on the other hand the Namibia War Veterans Trust (NAMVET) is questioning the legality of the Veterans Act, Act No.2 of 2008 and referring to it as illegal and it is in contravention with the Constitution of Namibia. They demanded its replacement with the Act which will include former fighters who fought from both sides during the war of the liberation of Namibia.

They also demanded the remaining money the then apartheid South Africa Government gave to them (SWARTF and KOEVOET) members as demobilization allowances to be paid to them by the Namibian Government. They further demanded that the Government of Namibia

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should provide pension to all eligible War Veterans including them. They also asked for health care and counseling services, education, training skills development.

NAMVET further informed the Committee that approximately 3,885 former SWARTF and KOEVOET members are without limbs and suffering from war related diseases.

In view of the above the Committee therefore recommended that:

- (i) The former SWARTF and KOEVOET do not fall under the definition of Veterans Act No.2 of year 2008 as amended. Therefore they cannot be recognized as Namibian Veterans of the Liberation Struggle.
- (ii) That ex-SWARTF and KOEVOET members like all citizens of Namibia should register themselves for social services the Government is providing already.
- (iii) That those in cities and towns should register with the food bank.
- (iv) That those who qualify for social grants should register for social grants just like any other person or Namibian.
- (v) That those suffering from war related diseases should seek assistance from the Ministry of Health and Social Services. And if necessary humanitarian assistance can be provided to those in need for it.

Honourable Speaker, Honorable Members I ask this Assembly to discuss, debate and approve the report of this Committee. I so move. I thank you Honourable Speaker.

HON SPEAKER: Thank you. Honourable Jan Van Wyk.

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HON VAN WYK: Thank you Honourable Speaker. Honourable Speaker if there is no one to take the floor I would like to beg for the indulgence of the House to postpone the debate until Thursday.

HON SPEAKER: Thursday, I have got few names of Members who are ready to partake in the debate and when we are done with that we will revert back to your request. Honourable Namoloh.

HON MINISTER OF SAFETY AND SECURITY: Thank you very much Comrade Speaker. I would like to thank the sender of the petition of the NAMVET Report not a petition, it is a report. The background sometimes and history should be given of some of these forces. As she said SWARTF was created in 1977 as an auxiliary force of the South African Defence Force because when SWARTF became commissioned officer literally you become a member of the South African Defence Force and on the premises it should become literally South African except none commissioned officers who were left here those could not go to South Africa. These SWARTF were young people recruited to serve in the auxiliary force with a lot of commands in most of the areas. When the result were leaving in 1989 some were left here, the SWARTF were left here but those who were commissioned officers were back into South Africa. Some of them were brought back to come and form the next Defence Force like General Colonel Endjopa we had to call him back to come and help us to identify those who can go into the new Namibia Defence Force.

The NAMVET Chairman Mr Ndeunyema is one of those who were integrated in the first battalions of the Namibian Defence Force. I was responsible for integration, he was there and he was posted in Rundu. Why he left, ask him. He knows why he left. Ask him why he left the Namibian Defence Force. He knows himself it is his own making that he

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left the Namibia Defence Force. Possibly he could I do not know maybe he could be charged or so. He must tell you why. He could still be, the others are still there as Members of the Namibian Defence Force, he could have become a senior officer like the others they are there. Senior officers but he left from Rundu he must just tell you and tell us why he did that.

KOEVOET, we have nothing to do with KOEVOET because KOEVOET is a Police counter insurgents unit and most of them when disbanded went back to Police services because they were police trained already. So they went back to Police services. Most of them are Police there. Those who did not join Police amongst some of them also SWARTF who ran away to South Africa they thought they were afraid that there will be reparations or because of what they were doing. Some ran to South Africa, some (indistinct) and joined the game. The Police there that is KOEVOET and it is part of the Police it is not part of the Defence Force.

So those also who are there must tell you why they were not integrated. You guys ask them they must tell you why they were not integrated. Where were they when people were being integrated? He should know (dialogue).

HON SPEAKER: Let us continue.

HON MINISTER OF SAFETY AND SECURITY: No we want to tell you whoever comes crying foul you must understand. The truth must be told so that you are not lied to. You must understand this because when we tell you who were there you think (interruptions).

HON SPEAKER: No dialogue please.

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HON MINISTER OF SAFETY AND SECURITY: Can I tell myself something I know happened, I was there? Then I tell myself. Tell those who will speak for them especially you Honourable Muharukua.

HON SPEAKER: No, no, we need to finish this. No dialogue please.

HON MINISTER OF SAFETY AND SECURITY: There are camps in your property there.

HON MUHARUKUA: They are coming (not on microphone).

HON MINISTER OF SAFETY AND SECURITY: Coming where, you know nothing? Those who are KOEVOET Members were supposed to be integrated in the Police Force. Their colleagues are there in the Police Force as well as SWARTF their colleagues are there in the Defence Force. Of course when they formed this NAMDEB and NAMDEB is something they formed later on. There is something called Amampundu which is in South Africa they want to join those in South Africa. Now when they saw that there is nothing coming out of that they think there are many things siphoned out of them and got nothing. Some are still there who are calling themselves generals, General Amampundu in Zambezi there, in Kavango there and now they thought they would be getting something from South Africa they were lying to the others. They were lying to the others saying if you pay you get a card and in your card you will get a number and then you will get pension from South Africa. After they saw that they cannot get anything from there then they shoved to NAMDEB and now they are asking us to recognize them as War Veterans.

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There is a difference in war. It is not only war veterans it is on the side you were fighting also. On the side you were fighting because you could be a mercenary in the war so the conflict and you cannot be recognized as a veteran of the war. You cannot be recognized. It is not done in many countries where you recognize those who were your enemies who were fighting you. They were fighting a just cause and siding with the enemy. Even in Germany I think after the Second World War those who were there with Hitler are being hunted even today. If they are found they will be prosecuted and we cannot ask that because they were in that war they are war veterans of the Second World War. Does he want it to happen in Namibia? Ha?

HON MEMBER: (Not on microphone).

HON MINISTER OF SAFETY AND SECURITY: You must take your time to make your own speech. I want to tell you what the truth is. You cannot be a war veteran especially liberation struggle of what the Act says. You must have been there persistently and consistently. You must have been there for you to qualify to be a veteran. Therefore what I see also Comrade Speaker is these guys that they are permitting petitions to everyone in this country from the First Citizen to you and they want to every office, to the parties also yes they have also brought some petitions to you and also this one I think the last is the threat to the Speaker of the National Assembly. Nothing occurred innocently and empty promises have consequences, this is what they also wrote to the Speaker on the 17th November, very recent.

If you give a petition you are given an answer. The President gave them an answer. It will never be done from President Pohamba he mentioned it. President Hage Geingob met you. Whom are you going to force, the Parliament? The Speaker gave you the answer, whom are you going to

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force to do it? Ah no.

HON MUHARUKWA: (Not on microphone).

HON MINISTER OF SAFETY AND SECURITY: What did you tell them from DTA because they do not want to associate themselves with OPM they want DTA still because it is the original what (laughter). Yes the original one they do not want to be associated with (intervention).

HON DIENDA: Do not tell us that, they are not DTA.

HON MINISTER OF SAFETY AND SECURITY: They are, all they said you are betraying them (laughter). You are betraying them because you used them to achieve what you have achieved now and now you drop them, they said so. They said so.

HON DIENDA: Honourable Speaker on a point of information?

HON SPEAKER: Yes point of information.

HON MEMBER: What information? That is fake.

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HON SPEAKER: You can move to this one.

HON DIENDA: Just a point of information. I am so glad the Honourable General said this part that they said they are not part of DTA because DTA does not exist we are PDM. The DTA are in SWAPO. They refuse to be PDM and they referred to join SWAPO so Honourable General all these questions ask your Comrades there in SWAPO they can answer you, they are there, they are your special advisors, they are your everything ask them the questions.

HON SPEAKER: Let us continue together please.

HON MINISTER OF SAFETY AND SECURITY: Okay (intervention).

HON MUHARUKUA: (Not on microphone).

HON MINISTER OF SAFETY AND SECURITY: I have not said anything.

HON MUHARUKUA: The Honourable Van der Walt was (not on microphone).

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HON MINISTER OF SAFETY AND SECURITY: I have not said anything.

HON MUHARUKWA: (Not on microphone).

HON SPEAKER: Okay let us get on with the job please.

HON MINISTER OF SAFETY AND SECURITY: Comrade Speaker also I think the Parliament also as Parliamentarians, as custodians of peace and stability in our country, Honourable Muharukwa (intervention).

HON MUHARUKWA: (Not on microphone).

HON MINISTER OF SAFETY AND SECURITY: Some of these things what we have seen in the (indistinct) of the NAMDEB especially from Mr Jabulani (intervention).

HON MUHARUKWA: I thought they said (indistinct).

HON MINISTER OF SAFETY AND SECURITY: Threats, okay fine but what we are reading is the author of the letter.

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HON MUHARUKUA: (Not on microphone).

HON MINISTER OF SAFETY AND SECURITY: Okay the author of these letters, the threats, even this one has got a lot of threats. The threats to the State, the Government and the people of this people they threatened us with war that is what they are saying. We have been in meetings and they have threatened that they will take up arms. Can I read something here so that you know it is a threat?

HON MUHARUKWA: Yes.

HON MINISTER OF SAFETY AND SECURITY: Honourable Speaker, empty plan is consequences, swearing and ignoring can only fuel tension between the former soldiers and the law enforcement agents which could lead to unrest, what do you mean? It is not saying between the former soldiers and the civilians. Before law enforcement agencies, these people do not box do you understand that, they do not box they shoot and this is a threat they are posing. You cannot interpret it because you have never been a soldier.

HON DIENDA: Who said so?

HON MINISTER OF SAFETY AND SECURITY: Oh yes friend of mine, I am talking to this one he was never. He was never and he was too young. And you?

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HON DIENDA: (Not on microphone).

HON MINISTER OF SAFETY AND SECURITY: You were KOEVOET okay so Comrade Speaker I think we need to express ourselves in this manner. They have given a “We are geared up to act and demonstrate our unhappiness at Parliament within ten days”. Today is, they wrote it on the 17th, it is today possibly because it is 27th and they have given all this. So I think we need to express ourselves as people, as law abiding citizens to these guys.

We must tell them the truth what is true and what they are trying to falsify. So thank you Comrade Speaker.

HON SPEAKER: Thank you very much we move on. Honourable Sacky Shanghala please you have the floor. Let us make progress.

HON MINISTER OF JUSTICE: Honourable Speaker, I am very happy that this matter has come to the floor of Parliament because Comrade Speaker I think time and again we need to remind ourselves that we come from a history that was a very bad tumultuous history which picked brother against brother. Family members could not speak. An esteemed Member of this House my uncle is no longer and it made the family difficult but we have attained peace and peace is expensive. So when we talk about the budget of Defence, of Police of whatever people are paying, the people of Namibia are paying for the maintenance of that peace and I know that there were those maybe who were away who did not experience what we experienced and to the extent that I remember Honourable Kafula was talking here about the therapy that people need because of what has happened in the war and taste for yourself if you are just walking and a

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carpel starts moving that you have not seen just that sound what it does to you then you know you have been affected and there are very few people who are not affected. When these threats are being made I have nothing about somebody saying what will you do for me and answers can be given, but the threats. That means that people are maybe not tired and are still bloody thirst because what General said is true these are not people who came to box they came to shoot people. They came to terrorize so much so that the South African Government would turn its eye and say I am not responsible for this unit but all the vehicles, all the uniforms, all the armory, all the bullets were being supplied by them and therefore these people with due respect should go and get their pension from their former employers because unlike the others these people were employed.

When they were injured there could be casualty evacuated in helicopters brought to hospitals, treated but now you want to be treated the same way. This other person was not getting a salary. Communities' houses were destroyed. You will see the pictures and like in Nazi Germany I do not know what is wrong with these people when they commit these heinous crimes, they like to take pictures. The pictures are available. We can identify some of them. They are in Army uniform today. Because of national reconciliation we forgive but we have not forgotten let us move ahead but when you go and continue now you want to be treated specially there I have a problem Comrade Speaker. It is a real problem and I am appealing to the consciousness of these people.

HON SPEAKER: Is that a point of order?

HON DEPUTY MINISTER OF FINANCE: Honourable Minister of Justice just a small question. These people, the former KOEVOETs are demanding (intervention).

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HON MEMBER: Former KOEVOETs?

HON DEPUTY MINISTER OF FINANCE: Yes they are no longer KOEVOETs, yes it is former KOEVOETs. They are demanding to be compensated and we are arguing that, which is equally also argued that we cannot compensate former killers, they were killing our people so we cannot compensate them. But then the small question is why do we compensate former stealers people who stole our land? Now when we get the land back we are compensating them, what is the difference between those two?

HON SPEAKER: Can I please, I really want us to discuss logically but we should also be conscious of the fact that our time is also limited. We have got two days left to finish the agenda before us.

HON MINISTER OF JUSTICE: I was just about to sum up Comrade Speaker but this is a very important issue and it keeps coming up but I am just trying to say please appealing to the inner hearts if there is any heart left of those people because the things we have seen these people do will make you question if these people were maybe on some stupefying ego uttering and drugs because you cannot believe some of the things that were done. But I am appealing to the inner consciousness that it is still there that we have built a nation, we are building a nation, we are reconciling a nation, we are trying to build a foundation for tomorrow please you have full access to any hospital you are not treated differently. Your children can even get and have received even NASFAF bursaries or scholarships or grants equally to any other child. When you go to the elections to register you are not told you delayed independence whatever, you are a citizen like anybody else. When you go to the hospitals you are

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treated like anybody else even if you do not work. We have unified our people. Why do we want to go and appropriate for ourselves more than what is necessary? In doing so Comrade Speaker there are those who feel who were against this reconciliation to say but how can we reconcile with these people, rightly so. They felt that this cannot be allowed and some of them and I know we treated them badly even in our families. Some of them have even gone to commit suicide because they felt rejected.

I am saying we have embraced one Namibia. We embraced them. They were at the President's office in front of the President. Can you imagine? Cabinet Members and we spoke and engaged them and explained. So I really want to say Comrade Speaker I am happy that the Committee has looked at it. It has come here. I hope that we can find a way in which even the specific thing that they require maybe to say that they have been treated unfairly that is something but to categorize special treatment for this group I feel the death of the people I know moving in their graves and that causes me to feel very bad because you may shake your head but you have never been in a situation where you think this is my life this is my dad at the hands of the KOEVOET and tomorrow the person is in Police we are one Namibia. Oh my goodness, thank you very much.

HON SPEAKER: Thank you. Honourable Hambyuka, let us really wind up.

HON HAMBYUKA: Thank you Honourable Speaker mine will be very brief. Honourable Speaker, Honourable Members of this august House I would like to join other Members who spoke before me on this very matter before this august House. As much as I appreciated the Committee work and the trust that is the Veteran Trust that I have in the Veteran Trust (NAMVET) equally I would also like to express my observation, concerns, on the report that needs to be brought to the attention of the

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Committee Members. I would like to stress that this Parliament comprises of elected Members from various Political Parties who took oath before the Chief Justice as per the provision of Article 44 of the Namibian Constitution meaning that this is an organ of State which is entrusted with legislative power to pass laws with the assent of the President where applicable, to the powers and functions of National Council as set out in this Constitution.

As representatives it is therefore not appropriate for us to be directed by none members of this august House to amend the War Veterans Act, Act No.2 of 2008. My conviction is that those who are not satisfied with the provisions of the current War Veterans Act should express their discontent through their political representatives in this House. It is not proper to allow none Members of this House to move and table a Motion for us to deliberate on it. Similarly unwarranted master plan Mr Jabulani to refer to the War Veterans Act as Pohamba Otjiriange Illegal Law I read it in the report or the petition.

The War Veterans Act is a legal framework which is passed by the National Assembly and National Council and signed by His Excellency the President of the Republic of Namibia. Those kinds of behaviours for me is tantamount to insubordination and insult the Namibian nation that gave the overwhelming mandate to the lawmakers to enact this particular legislation.

In reference to page 2(d) of the report I personally do not see any wrongdoing for the SWAPO Party led Government to appoint or to employ former KOEVOET or SWARTF in the Namibian Government as senior employee as alluded in the report. To me those, the employment are probably those who accepted the policy of national reconciliation and demonstrated their willingness and deals to work in unity with the SWAPO led Government. I believe that those who are complaining are among those who ran away from Namibia to follow their former masters and unfortunately when they came back we had closed the opportunity for them.

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Honourable Speaker, Honourable Members of this august House the Parliament has enacted a law to pave the way for the provision of social grants to some Namibians who fall under the category of vulnerable people. Therefore it is upon every Namibian citizen who is classified as a vulnerable person to register and apply for such benefits from the line Ministries hence there is no justification to register people for social grants in a pool or in a group.

As I conclude my contribution on this matter I would like to find to as to why only 65% of the Members of this Committee signed the report and 35% could not put their signatures or to sum up the report, signatures not one signatures that is what I am saying? It is appropriate to inform this Chamber what transpired at the Committee meeting and whether their names were put on this report by default. I support the report with its recommendations and I thank you Honourable Speaker.

HON SPEAKER: Thank you. Honourable Eunice Iipinge please let us move on.

HON IIPINGE: Very quickly Comrade Speaker, thank you very much. I rise to also put a word on this matter under discussion and first I would like to congratulate and thank the Committee for presenting this report to the floor of this august House. This issue has been in the public and I think it is very important that we clear this in this august House.

As speakers before me have said, there were two forces fighting, opposing each other one is for Independence and another is against independence. The one that is for independence has won the independence, the others have lost and then now they are demanding to share the cake for those who have fought for the independence of this country. It is unfair and

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unjust and the War Veterans Act is very clear. They are citizens of our country we know that but these specific ones is meant for those who fought for the independence of this country. Those sons and daughters, who spent their youthful years in the struggle for this independence without pay, some have died for the independence of this country that even this group enjoyed. Some of them have been maimed they are still here limping, some of them have lost parts of their bodies for the independence of this country, so if it was not for them, they were paid, they were employed and they also got. They should demand their pension as the one given their pension by their bosses but not from this Government. I think support the report, recommendations and conclusions thank you.

HON SPEAKER: Thank you. Honourable Muharukua.

HON MUHARUKUA: Thank you very much Honourable Speaker, Honourable Members. I am one of those Committee Members who serve on that Committee who refused to sign the report. The Honourable Hambyuka I think they should make you Speaker next term, you make a very interesting Parliament.

HON HAMBYUKA: Speaker of where?

HON MUHARUKWA: Speaker of Parliament. You wanted to know why and that is what I will answer. Why, are you afraid of my eyes, why are you afraid when I am looking at you, now I want to look at you. yes two reasons for that but before I get to those two reasons I want to, (1)

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thank the Members that spoke before me for the following reasons maybe to start with the Honourable Charles Namoloh.

The extraction or the taking away of emotions in a debate that should be really emotive. I for one have never been part of a war situation consciously. I do not know (intervention).

HON MEMBER: (Not on microphone).

HON MUHARUKUA: Yes that is why I said consciously. Yes so I do not know how it feels I cannot emphasize with either sides. Yes, so those who were there to speak with sound minds and it should be commendable but I in my analysis of the understanding of these individuals or the case they seem to want to present has two aspects that I deem pretty fundamental that the report does not answer and for that reason one without the proper interrogation of those and as to why the cause is not justified one cannot attest to such report. I will move to the first part of that.

The first, it is being said that these individuals or group is first and foremost requested to be accorded the same veteran status as those of PLAN. Yes that is what is being said. In fact it is one of the demands they are making but the report fails to answer the second part the other tear because it is a two pronged demand the other demand is this and fundamentally no one, not just the Committee, not the previous President, not this President has answered the second part of the argument and this is the second part of the argument and I will hope that those who were in Government at the time those the likes of General who were part of the integration process would be able to give us that answer and why that argument from then is closed and this is the argument.

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The argument is this that yes when we were disbanded South Africa gave us money (intervention).

HON MINISTER OF NATIONAL PLANNING COMMISSION:

Were you there yourself?

HON MUHARUKUA: No, I am saying that is what they are saying, please Honourable Kandjoze do not let the debate denigrate because it can very easily do that.

HON MEMBER: South Africa did what?

HON MUHARUKUA: South Africa gave us money, Honourable Speaker please protect me because if the other Members are unruly I will be unruly.

HON SPEAKER: Continue but let us hear him out.

HON MUHARUKUA: So South Africa gave us money. This money was taken by Government and how much ever the money is (interruption). This money was taken by Government. It was shared between the two enemies former enemies if it were. So if we cannot be accorded the Veterans status for whatever reasons being advanced I do not want to get

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into the reasons, out of those reasons let us get our money back because then the money that was taken by Government (intervention). Honourable Speaker, may I be protected please, okay on the point of order?

HON MINISTER OF SAFETY AND SECURITY: Comrade Speaker, these people who are talking these Jabulani and so forth (intervention).

HON DIENDA: No but we are not Jabulani.

HON MINISTER OF SAFETY AND SECURITY: No, not you I mean those who are claiming their money they do not know how this money was given. It was not money given to SWARTF it is the South African Government itself which gave that money and was divided equally. They gave it in part, this is for SWARTF this is for ex-PLAN who are not employed so it was not given to anyone, those who were unemployed PLAN. PLAN who were not employed were given this money and also the SWARTF who were not employed were given this money. Ha? It is not that they were given their money (intervention).

HON MUHARUKUA: They did not receipt that money.

HON MINISTER OF SAFETY AND SECURITY: Listen, it was not that they were given this money and money was taken by the Government. It is the Government of South Africa which gave that money I think in 1991 or 1992 around there. Ha? 1991/1992 there. If you want to listen

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you can listen to know and know the truth but if you want to listen to go and make rumours you can still do it.

HON SPEAKER: Thank you very much. Honourable Muharukwa please.

HON MUHARUKUA: Thank you very much Honourable Speaker. Now that, I said I am answering as to the reasons why I did not sign the report in fact in essence why I oppose it and it is because fundamentally that is one of the tears that these people are talking about that up until this point no one has answer. Now General has now preferred somewhat of an answer unfortunately I do not debate on issues that I am not well versed with so I cannot engage on that. But that is one of the reasons.

The second part of it is the following, *hela, hela* Honourable Hambyuka pratt.

HON SPEAKER: Honourable Muharukwa just continue please.

HON MUHARUKUA: I said two reasons, one reason is two prone now Honourable Hambyuka you cannot counter that.

HON MUHARUKUA: Now okay, Mr Hambyuka we have slow learners in the class let me go slowly. I have dealt with one argument and it is two tears and now I am moving to the next argument, are we together

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Honourable Hambyuka? Okay thank you. The second argument Honourable Speaker is this, no please.

The second thing that I need to understand is this that the report does not address and what was raised by this group or individuals. It is that yes we are integrated, yes we have two forces or two enemies but what they are seeing proliferating is the following is that we have a Bantustan Government here, we have a Battalion 101 in the North that is what they are saying. In fact I am paraphrasing it because of course we can never believe in the same way.

HON SPEAKER: Please, please.

HON MUHARUKUA: They are seeing the individuals remember that these native administrations were taken not all at once I know for one that the administration that was supposed to be apparently be for the Hereros was taken the last out of all in fact 1981 after Kakuwe had long died. But they are saying we have individuals who were part of that Government, the Bantustan Government in fact individuals who accepted first the Bantustan Government in Namibia who are currently veterans

HON SPEAKER: Okay.

HON MUHARUKUA: They do not understand that, that is why the Honourable Shanghala has talked about it is people's money and people's money must be used responsibly, I agree. I agree but the question that Parliament or this Committee that I am part of should have interrogated

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them answered this report is that disparity to say that these people that actually sent these people to the forces today just because they are occupying certain positions in Government have veteran status and are getting veterans money who were the decision makers at the time. Who first assumed the Bantustan Government, there is a reason why there were two serious, strong bases in the North, Ondangwa and Oshakati there were reasons for that. There is a reason why that State Hospital that is Oshakati was not built in Outavi there is a reason. These people are asking those questions that if we are not worthy of being veterans the people that sent us to become fighters to fight their interests why are they today veterans.

HON MEMBER: (Not on microphone).

HON SPEAKER: Please I want some order. I want Honourable Muharukwa to continue. Continue please.

HON MUHARUKWA: Let me continue and conclude. You see they cannot ask that from their masters because the masters are not the ones who recognize their bosses so that is what we must understand. That is the truth part of it. Now I want to come to the final argument (intervention).

HON SPEAKER: Please let there be order. Please let us have some order.

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HON MUHARUKUA: No General you had the floor. (No Order).

HON SPEAKER: No your microphone is not yet on.

HON MINISTER OF SAFETY AND SECURITY: Listen here I have an answer for you for all this.

HON MUHARUKUA: Okay but not now let me finish.

HON MINISTER OF SAFETY AND SECURITY: The war is a very intricate system.

HON MUHARUKWA: I will not (indistinct).

HON MINISTER OF SAFETY AND SECURITY: You may have people you think they are working for you but they are working for the others and they will be recognized as such because they have worked with us for a long time. That is possible, they would not know so they will question it and you will question it.

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HON SPEAKER: Yes then you very much. That is actually a profound statement. I will leave it to you to conclude.

HON MUHARUKUA: Honourable Speaker, no General must not make excuses of puppets period. Yes the point that I want to raise is this if you want me to attest to a report these answers must be given. Unfortunately it was not. If you told me that X person who is currently a, b, c and do was actually an informer and therefore we have recognized that that is a different story. These people have actually raised individuals with names and that was not answered so I will never attest to that. Let me come to the nation building and then I will see it.

HON SPEAKER: Please, please.

HON MUHARUKUA: It is quite correct that we must build a nation but it is also true that we must also true that we must build (Otjiherero). We must build a nation based on truth not deception very real. Now when you talk and Honourable Hambyuka has said one side won and the other side did not win, the Honourable Minister of Lands said no one will be compromised so which is which (interventions).

HON SPEAKER: I think, can we allow the Honourable Member to conclude now?

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HON MUHARUKUA: Yes I am concluding. So when we tell the history we must actually tell the truth. We must not do what Namibia has done with the genocide history all over the years buried under the carpet for the truth to serve itself like clear wood. We must build a history based on truth. We create this impression that the PLAN fighters were, yes I concede, a huge part of the serving grace of Namibia, a huge part of the liberty that I have to say but definitely not the sole part. But they were also not angels. These things not wanting to provoke and not wanting the emotions to run high I will not cite examples but there are realities that must be told, atrocities that must be accepted. I have my own father who almost died, yes but the people today that have been reporting him of being SWAPO are the people today that are getting (intervention). But my father has never been SWAPO, that are getting Veterans money. So some of these things when we interrogating (intervention).

HON MEMBER: So he is not getting?

HON MUHARUKUA: No he is not getting he was never SWAPO but the people that were reporting him to the Boers as what was going on today are veterans. So some of these things we must be very careful.

HON SPEAKER: Thank you very much. Really these are the sort of things that ought to be ironed out in the Committee but again you had an opportunity. Yes the Honourable Dr Peya Mushelenga. Let us make progress.

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HON MINISTER OF URBAN AND RURAL DEVELOPMENT:

Thank you very much Honourable Speaker, Honourable Members. I rise to make my contribution. Me I just want to put things in their proper context because we say things in this House, they are recorded, they go out, public is listening and they are not corrected and wrong perceptions will be out there. Was the issue of trust, no one is prevented to establish a trust that takes care of people who belong to a particular association whatsoever. Soon after independence SWAPO established the SWAPO Veterans Trust for the members of the party that were involved in the liberation struggle and need assistance. This trust was not funded with money from Government but by the private persons. Likewise if X SWARTF members would want to trust to take care of the former SWARTF members they can to and establish a trust and lobby for funds from private entities to make contributions to that trust to take care of the peasants who would have served in the South West African (indistinct).

Honourable General Namoloh has explained the issue of money from South Africa. They were provided for by the South African Government to the Namibian Government on agreed terms. It was provided on agreed terms and these terms have not been violated by either parties. Unless one tells me that there were terms of agreements for providing this part that was violated that is a given issue. It is not for SWARTF members to say X members to say this was our money that the Government received for us and they ended up giving to PLAN fighters. I have heard of these claims several times and it is very much misleading. I think it is high time that also as leaders we must act responsibly when we provide information.

The issue of the current veterans under the Ministry of Veterans Affairs that issue is regulated by the Act that has been passed by this Parliament. I was a Member of this august House when this Act was passed. First you look to the purpose of the Act. These money served as a reward for people's participation in the liberation struggle and this reward come when they have a certain income that cannot really sustain them is when they receive this money. Now reward and it is said for their contribution consistently and persistently contributing to the core favouring the course

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of Namibia's independence and some Honourable Members who argue saying is discriminating I have asked a question in this august House one day and said, what does reward mean and I was saying we all know what ex-SWARTF members were doing and now in terms of this Act and I am just citing the Act will you now reward them for what they were doing that follow us lowly? Is that what we are saying that they should be rewarded? Rewarded for the activities that they have committed? I ideally think that we must differentiate these issues and try not to score cheap political course because these are fundamental national issues.

The issue of nation building is not depending on and does not depend on the money paid to veterans. There are people who also contributed who have not even been registered and they are not the loud speakers until the loud speakers whose activities do not qualify to be rewarded under this Act. I really think that as leaders we must speak responsibly. That question was already altered by General Namoloh to say there are people, war is complex, liberation struggle go and even read. Go and read intelligence books all over in every war including South Africa Intelligence books I have read more than five of them. In every situation you will have people who are planted on the side of the energy in order to serve the cause of the other party and you cannot exclude these people from rewarding for gathering that information. So with these words Honourable Speaker, I really think that we should refrain from misinforming and dis-informing the public, I thank you.

HON SPEAKER: Thank you very much. I think we have a share, it is a very lively discussion. The Honourable Jan Van Wyk requested that we continue with the discussion on Thursday, can we agree to that? Thank you very much.

The Secretary will read the Fifth Order of the Day. Sorry the Third Order of the Day.

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**COMMITTEE STAGE: PUBLIC
SERVICE AMENDMENT BILL
HON //HOEBES**

**COMMITTEE STAGE – PUBLIC SERVICE
AMENDMENT BILL – [B.18 – 2018]**

SECRETARY: Committee Stage – *Public Service Amendment Bill* – [B.18 – 2018].

HON SPEAKER: Does the Deputy Minister, what I have is the Right Honourable Prime Minister move that the Assembly now goes into Committee?

HON DEPUTY MINISTER IN THE OFFICE OF THE PRIME MINISTER: I so Move, Honourable Speaker.

HON SPEAKER: It is so moved that I leave the Chair, any objection? Who seconds? Agreed to.

I now call on the Chairperson of the Whole House Committee to take the Chair.

ASSEMBLY IN COMMITTEE

CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: The Whole House Committee is called to order. the Committee has to consider Public Service Amendment Bill.

I put Clauses 01 to 03. Any discussion? Any objections? Agreed to.

I put Clauses 04 to 06? Any discussions? No I did say 01, 02,03 now we

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go to 04,05 and 06 any discussions? Any objection? Agreed to.

I put Clauses 07 and 08. Any discussions? Any objections? Agreed to.

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

I shall report the Bill without Amendment.

ASSEMBLY RESUMES

Bill reported without Amendment.

CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:
Honourable Speaker, the Committee has gone through the Public Service Amendment Bill and the parties as set forth by accompanying the Bill.

HON SPEAKER: Thank you very much. Does the Right Honourable Prime Minister move that the Bill now be read a Third Time? Deputy Minister, any objection? Who seconds? Agreed to.

Any further discussions? None. Does the Deputy Minister wish to reply?

HON DEPUTY MINISTER IN THE OFFICE OF THE PRIME MINISTER: Honourable Speaker I would like to thank the House for the unanimous support of the Bill. Thank you.

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AMENDMENT BILL
HON SCHLETWEIN**

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

The Secretary will now read the Bill a Third Time

**THIRD READING - PUBLIC SERVICE
AMENDMENT BILL – [B. 18 – 2018]**

SECRETARY: *Public Service Amendment Bill – [B. 18 – 2018].*

**RESUMPTION OF DEBATE ON SECOND
READING – EXTRADITION AMENDMENT BILL**

HON SPEAKER: When the Assembly adjourned on Tuesday the 20th November 2018 the question before the Assembly was a Motion by the Honourable Deputy Minister of Justice that the Bill be read a Second Time. The Honourable Minister of Finance adjourned the debate and I now give him the floor.

HON MINISTER OF FINANCE: Thank you Honourable Speaker. I rise to support this Amendment Bill and my comments will be very brief. I do believe that in a world that is more and more intimidating aspects of how we treat crime and how we protect our law needs to be equally integrated and this piece as well as of such pieces that facilitates that those that stand accused or those that have been sentenced need to be integrated

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and to be as a State must take our responsibility in that respect. For that reason and this is a good piece of law that amendments are asked and then maybe to amend that we can now utilize to do exactly that. I support the Bill. Thank you.

HON SPEAKER: Thank you. any further discussion? Does the Deputy Minister of Justice wish to reply? Well the Minister is here. The question is that does the Minister of Justice wish to reply to the debate?

HON MINISTER OF JUSTICE: Yes, Honourable Speaker.

HON SPEAKER: Thank you very much. I now put the question that the Bill be read a second time. Any objection? Then it is agreed to.

The Secretary will read the Bill a Second Time.

**SECOND READING – EXTRADITION
AMENDMENT BILL [B.19 – 2018]**

SECRETARY: *Extradition Amendment Bill* [B.19 – 2018].

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

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AND FINANCIAL INSTITUTIONS
HON MUHARUKUA**

**RESUMPTION OF DEBATE ON LISTING CLIENTS BY
CREDIT PROVIDERS AND FINANCIAL INSTITUTIONS**

SECRETARY: Resumption of Debate on listing of clients by credit providers and financial institutions and the impact that such practice has on the lives of the Namibian people.

HON SPEAKER: When the Assembly adjourned on Thursday the 22nd November 2018 the question before the Assembly was a Motion by the Honourable Muharukwa that the Bill be adopted. The Honourable Jennifer Van Den Heever adjourned the debate on behalf of the Honourable Muharukua for his reply and I now offer him the floor.

HON MUHARUKUA: Thank you Honourable Speaker. Honourable Speaker, firstly I want to thank the Members who contributed to the Motion, it was a Motion. The Motion in its conclusion or the motivation in its conclusion sought that the Motion be referred to a Parliamentary Standing Committee in other words Parliamentary Committee for various issues to be interrogated. One of the things and I am taking the reply at some point. One of the things that was specifically spelt out for the Committee to investigate and interrogate is the standard terms of these contracts by financials where the debtor really has no hand whatsoever and besides it is the contract to take it or leave it.

The *Honourable Nekundi* took issue with the fact that yes Namibians information is given to South African companies or companies in other countries with a concern because that is what the contract spells out. Now the Motion seeks to interrogate those standard terms because it is incumbent on Parliament or on us to assist and to protect the Namibian

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people where they are being infringed if at all it is an infringement that is up to the Committee to decide. The Honourable Nekundi I think in all his and yes he first agreed that the Motion can be referred but all his recommendations I think is pretty much very similar to the issues that are raised.

I must apologize to the *Honourable Schlettwein*, I was very keen on hearing what his contribution would be as the Finance Minister or as the Minister whose Ministry a Motion like this touches but unfortunately I was on leave not leave (intervention).

HON DEPUTY MINISTER OF PUBLIC ENTERPRISES: It must have been (indistinct).

HON MUHARUKUA: No I was on duty. I was still on duty I was not in the country. So I did not quite get what he said however, I briefed that he indicated that there was something that they were busy doing from the Executive side. That notwithstanding I feel that it would be the correct way for the Parliamentary Committee to go out there to really know how the Namibian people feel or how they are affected by this and to best know how to convey the Honourable Nekundi proposed that there must be consumer education pursued. How best it would be to convey the information to the public. I do not think this is a Motion that would really cost Parliament that much because I think the broad information can be obtained within the proximity of the Ruling Party.

HON MEMBER: Yes.

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HON MUHARUKUA: Of Windhoek, of the Capital City that is what I wanted to say. Get out of here. Yes of the proximity of Windhoek or the big localities I think information on how this thing, the listing and credit bureaus affects Namibians adversely or positively whatever the situation is can be attained at a very minimum cost and I am still of the opinion that whilst the Government has the duty to do the balancing act between the Financial and Creditors for protecting the populous Parliament still has to hear from the people and we still have to come up with recommendations from the Government to include whatever they are going to bring forth as to what people think and as to what we think as a legislative branch, thank you.

HON SPEAKER: Thank you. Well the mover of the Motion basically has asked that the Motion be referred to the relevant Parliamentary Committee. So decided. Thank you.

The Secretary will read the Sixth Order of the Day.

**RESUMPTION OF DEBATE ON SECOND READING –
INTERNATIONAL CO-OPERATION IN CRIMINAL
MATTERS AMENDMENT BILL [B.20 – 2018]**

SECRETARY: Resumption of Debate on Second Reading –
International Co-operation in Criminal Matters Amendment Bill [B.20 – 2018].

HON SPEAKER: When the Assembly adjourned on Tuesday the 20th November 2018 the question before the Assembly was a Motion by the

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Honourable Deputy Minister of Justice that the Bill be read a Second Time. The Honourable Pendukeni Iivula-Ithana adjourned the debate and she is not in the House.

HON MEMBER: Silence in court.

HON SPEAKER: Oh in court, I did not know that. The next on my list is the Honourable Jan Van Wyk.

HON VAN WYK: Thank you Honourable Speaker. Actually I think it was just a mistake I actually requested for the adjournment until today so maybe just (intervention).

HON VAN WYK: Until today that was my request yes. Okay Honourable Speaker, I rise to contribute on the (indistinct) for us. I just had a few questions Honourable Minister. Maybe just a concern, the first one is about the continued creation of new positions in the Public Service while we are complaining about our Wage Bill. I have noted that all the Bills that are coming are creating new positions.

On page 4 of the Bill Honourable Minister, Section 5 it talks about records keeping. I would like to find out Honourable Minister very recently two cases were dismissed in the High Court because of the unavailability of Court records. It was actually were two cases involving corruption and people were acquitted because of our poor records keeping. Now I want to find out from the Honourable Minister what we will do to improve on

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our records keeping when it comes to our documents and our cause?

On the same page Section 7(a) Ground for refusal, I would like to find out Honourable Minister if a person is going to be sent to a foreign State there are certain grounds for us to refuse to send the people outside but nowhere do we make sure that a person sent from this country to another State will not be given the death penalty when found guilty there. We know that in some countries death penalty is legal so what are we saying? Are we in for a death penalty if we send a person over there and a person is found guilty and the person is executed, are we happy with that?

On the next page that is on page 5 it talks about an agreement between the two States Namibia and a foreign State. I would like to find out Honourable Minister because we also have inter Extradition Amendment Bill, we also have an agreement. Do we have two separate agreements and if yes how do these two agreements talk to each other?

On page 6 Section 11(b)1 the Central Authority may, I just wanted to find out should we not replace the word may with must if we look at the terms here I would suggest that we should rather consider the word must. Honourable Speaker with those few words I support the Bill. I thank you.

HON SPEAKER: Thank you. Any further discussions? Does the Honourable Deputy Minister wish to reply? Sorry Minister.

HON MINISTER OF JUSTICE: I wish to reply Comrade Speaker. I wish to reply.

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HON SPEAKER: Thank you.

HON MINISTER OF JUSTICE: May I? Speaker I did not take into account the comments made previously by the last week so if I have forgotten something please remind me and I would like to start with Honourable Van Wyk's questions. The first is yes in this particular one we are not creating a position we are creating an authority, a Central Authority. In the Ministry of Justice there is a department that deals with these types of things which is it deals with the Convention Statutes, it deals with the authentication of documents and so forth. I forgot the technical term now and this is the body that we would like to have some statutory authority to deal with these under the international framework in which we are a member. So currently it is just done by a department and I have designated the Permanent Secretary and the Registrar of the High Court and then I have to go to and fro the Ministry of Foreign Affairs so this will be sorted out. So not creating positions, the positions were created in the Witness Protection and Whistle Blowers Legislation that was how it was preferred but we do not intent to create positions with this it is just the authority.

Then on the issue of record keeping we have had problems but it has become better. We have had dockets that would just get lost. A docket is lost it is gone. What we have done now is we have e-filing at the High Court. As we are filing you may not think it is as what a basket should be but we have e-filing and we are trying to move and cascade all the way down to the High Court but what we have at the Lower Courts. What we have in the Lower Courts right now is Namibia Court Information System (NAMCIS). It has its challenges yes and you will find that at every Court there is a machine when you speak it records as well so it makes it easy for the transcription of the Witness testimony. Challenges are that it is not interlinked so I do not know what my colleague in Outavi what happened we need to connect it and it will make a lot of things easier because if we

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have that information it is easy to ten equip police officers for instance who devices that over the holiday you pay your traffic fine there. Current we cannot but I can tell you from Windhoek centrally what is happening in the Circuit court but we needed to interpret.

Then there is also the issue of its portability so that even an inscription, portability and inscription which will make it safer so that it is also easier to go and work in the Circuit Courts so we have challenges but we are working on it. I am aware of the two cases you are talking about and hopefully I believe and you would ask the Anti Corruption Commission to get involved. I believe it is an inside job. Yes we do have problems with transcription services they are not always on time and just because people are litigating and then asking for appeals and you know the Judges have now timelines in which they must work so it gives a lot of stress on the transcription services to make the record available so there are mistakes. So do you go for it being quicker with mistakes or slower with more accuracy it is just difficult but we have procured new services and I hope it will improve that is now in the Superior Courts.

Refusal for extradition is in the Extradition Act. This is the agreement that deals with cooperation and criminal matters. So for example we can cooperate on investigating certain crimes and on prosecuting them together but then extradition is where somebody must be removed from one jurisdiction to the other to stand trial. So that has its own requirements and in that you have the requirement that you cannot take somebody to go and stand trial in a jurisdiction that they are likely to face the death penalty for that offence if yourself do not have the death penalty. So in that perspective and it applies not only to Namibians but also to those who run over the border and gives themselves to the police and say, "You know I am from Botswana and I stole diamonds. I am here please look after me. So they can face trial here and will probably not extradite them.

Then the agreements, yes there are various types of agreements and they

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cover various issues although overlapping somewhere they are complimentary. So you find that the extradition one relates to the processes of the extradition. In fact the threshold of the decision that must be taken by the Court should they have been testimony etcetera those are done there and then this is again cooperation and the execution of the functions of crime fighting.

May and must: May and must we have moved on to a new drafting style original where we do not use shall, we do not use must that often we use may but then it is deliberate where there is a 'may' and where there is a 'must' so sometimes you say may but you are actually compelling the person depending on the other words utilized. Sometimes you want to make it explicitly clear that this person must perform a function and then you use 'must'. In the context that you referred to because with the CCO we discussed this and they gave us an explanation. The Legal Drafters are saying they are comfortable with the way it is. To be honest tomato/tomato.

HON MEMBER: Were you not honest before?

HON MINISTER OF JUSTICE: Excuse me, I was honest before but now I am trying to give interest to say, yes what I am trying to say is I know it is a new convention, it is a Legal Drafting Convention, the explanation that they have given me yes let me just say it is their trade I am not an expert I was not convinced but this is how they do it and for conformity I want to keep it the way it is because some of them the exceptions may change the world and it affects interpretation. So with those few remarks (intervention).

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HON SPEAKER: Thank you.

HON MINISTER OF JUSTICE: I want to thank (intervention).

HON SPEAKER: Thank you very much.

HON MINISTER OF JUSTICE: Yes thank you very much.

HON SPEAKER: Thank you, that was the reply. I now put the question that the Bill be read a second time. Any objection? It is agreed to.

The Secretary will read the Seventh Order of the Day. Sorry the Secretary will read the second time.

**SECOND READING - INTERNATIONAL COOPERATION IN
CRIMINAL MATTERS AMENDMENT BILL [B.20 - 2018]**

SECRETARY: *International Co-operation in Criminal Matters
Amendment Bill [B.20 – 2018].*

HON SPEAKER: I am sorry I am in a haste and I sincerely apologize for rushing you.

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**SECOND READING - REPEAL OF
OBSOLETE LAWS BILL
HON !NAWASES-TAEYELE**

The Secretary will read the Seventh Order of the Day.

**RESUMPTION OF DEBATE ON SECOND READING –
REPEAL OF OBSOLETE LAWS BILL [B.21 – 2018]**

SECRETARY: Resumption of Debate on Second Reading – *Repeal of
Obsolete Laws Bill* [B.21 – 2018].

HON SPEAKER: When the Assembly adjourned on Thursday the 22nd November 2018 the question before the Assembly was a Motion by the Honourable Minister of Justice that the Bill be read a Second Time. The Honourable Chief Whip adjourned the debate and I now give her the floor.

HON !NAWASES-TAEYELE: Thank you Comrade Speaker, thank you Honourable Members. I rise to make my contribution on the Repeal of Obsolete Laws Bill, Bill No.21 of 2018 that provides for the repeal of certain obsolete laws and for incidental matters. I would like to thank the Honourable Minister of Justice Comrade Sacky Shanghala for tabling this important Bill in Parliament.

In a research done by Ms Angelique Groenewaldt with the assistance of support of the Office of the Ombudsman and Konrad Adenauer Foundation on discriminatory and outdated legislation in Namibia twenty years after independence and it states as follows, and I quote, “*When Namibia became independent in 1990 Namibians did not only obtain their freedom but at the same time a paradigm shift has become effective with the advent of independence. The Constitution of Namibia has become the*

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Supreme Law. Be that as it may, this assessment (research study) is crucial in that a plethora of laws enacted by the former apartheid administration remain in force after independence by virtue of appropriate constitutional provision Article 140 of the Constitution of Namibia. Consequently it is imperative to assess these laws against the principle and values of Namibia's democratic Constitution".

Comrade Speaker, I am standing here today in support of the initiative of the Minister of Justice to get rid of obsolete laws. When we speak of obsolete laws we are referring to laws that are outdated and no longer responsive to the needs and aspirations of our people.

Honourable Speaker, Honourable Members, the introduction of this Bill marks a historic event I would say. We expected this important piece of legislation to be brought to Parliament long ago and I am aware that to take upon such a project of this magnitude is not an easy task. It requires thorough research by the legal staff in the Ministry of Justice and LRDC – that is the Law Reform and Development Commission they have to research whether the Proclamation Ordinance Act is in conformity with the Constitution, whether it is still useful and whether it should be repealed as a whole or only some sections that need to be amended. If my calculations do not fail me I have counted that intent of this Bill is to improve 143 Proclamations, Ordinance and Acts from our Statute books. Through this repeal of Obsolete Laws Bill indeed it is a very welcome move, Honourable Minister, job well done.

Many of these laws, by-laws, regulations, proclamations and ordinances are discriminatory on the grounds of sex, race, colour, ethnic origins, religion, creed and social and economic status. Furthermore, it impacts negatively on the public service delivery adversely impacts on the efficient and effective administration of justice and access to justice, widens the gap between the rich and the poor and delays economic and industrial developments in our country. As I can note the obsolete laws that this House wants to repeal started being implemented from 1950 which was the year the then British Rule Union of South Africa followed

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Germany's losses in the World War I.

The first one South Africa was given the mandate by the League of Nations to administer the territory so most of these laws were crafted with the intention to import apartheid white supremacy to instill racial segregation, divide and rule our people based on ethnic lines and to dehumanize our people.

If my memory does not fail me we had many deliberations about outdated laws in this august House. During 2010 to 2015 I served as the Chairperson of the Constitutional and Legal Affairs Committee. This is where I became aware of all sorts of laws which are no longer relevant. Some of these laws are very old laws

that were parked then to meet particular emergencies and then just stayed in place. I believe that the Ministry of Justice and LRDC will be best placed to inform this House as to why we have taken so long to bring these laws to this House and get rid of some of these discriminatory laws.

During this term Comrade Shanghala was the Chairperson of the Law Reform and Development Commission. I must state here that indeed there was regular collaboration between the LRDC and the Standing Committee on Constitutional and Legal Affairs. Honourable Minister made reference to that effect in his motivation speech and I thank him for sharing that good relationship that we had during those days and is still continuing.

In 2010 the Standing Committee on Constitutional and Legal Affairs conducted regional consultations in various regions of our country. The regional consultations focused on the accessibility of our legal and justice system. Concerns and frustrations with regard to obsolete and outdated laws also emanated from those public consultations. In its final report tabled in June 2011 the Committee made specific recommendations requesting the Law Reform and Development Commission to review, amend and/or repeal the following outdated pieces of legislation. The laws that were identified then were the following ones:

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- Administration of Estate Act No.66 of 1965
- The Wills Act No.7 of 1953
- Intestate Succession Ordinance No.12 of 1944. You see look at that how outdated they are.
- Schedule 2 of the Administration and Estate (Rehoboth Gebiet) Proclamation No.36 of 1941.
- Laws regulating marriages north of the Red Line.
- Pension Fund Act and Divorce Law.

The Committee recommended that, can I have the attention of the Members that are talking here?

HON SPEAKER: Yes please.

HON !NAWASES-TAEYELE: The Committee recommended that the Ministry of Justice must expedite the enactment of the Schedule dealing with divorce proceedings and provide for a no-faulty ground system. I am made to understand that this process is underway. Further divorce proceedings can be expensive as it was already addressed by the Minister in the previous discussion we had and endure for lengthy periods of time which is an issue that touches on access to justice and that equally requires urgent attention.

Honourable Speaker, Honourable Members, the tabling of this Bill proves the candid relationship between the Committee on Constitutional and Legal Affairs and Law Reform and Development Commission during this

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term. Therefore and I must maybe pose here Honourable Speaker. I want to make a point that this is a good example in the point where we see the recommendations that have emanated from the reports that were tabled in the House are taken on board by our Executive and is coming back to the House in a different form that we have recommended to ensure that we enact it in such a way that it betters the living standards of our people and it meets the needs and aspirations of our people. That is what SWAPO Party Government can do.

So I urge the Chairpersons of the Committee (intervention).

HON SPEAKER: On a point of order.

HON MUHARUKWA: Honourable Speaker, if the Chief Whip of the Ruling Party says SWAPO takes 28 years to deal with obsolete laws is that what she said?

HON !NAWASES-TAEYELE: Comrade Speaker, I have just touched on that issue and we are happy. I told you that this is not an easy task and you as a lawyer must know better what it takes to arrive at this stage where we are. So Honourable Speaker, I shall proceed and I do not want to miss my point.

I want to continue to say that the lawmaking process is in action that is what we are seeing here and this should continue with the Chairpersons of the Committees that we have and in particular the Members of the Committees to continue conducting the outreach programme do their oversight function that they are not limited by anybody to do so which we are already doing and on the other hand also for the executive Members to

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ensure that this good idea that is coming from this isle of the House is taken on board and it comes in the form of the law or the Bill which we are the lawmaking House and these are the results that we are yielding now out of that exercise and I still ask for doing that Comrade Speaker.

I am happy to see that we have started that process. The administration of Estates Amendment Bill {B23-2018} currently on the floor of this august House too. We compliment the Law Reform and Development Commission and Ministry of Justice for the progress.

These were just examples of few laws that requires amendment or repeal. Today we are witnessing a list containing 143 Obsolete Laws. I am also grateful that we have passed the laws and regulations regarding town, urban and regional planning through the Urban and Regional Planning Act No.5 of 2018 as another example.

The Ministry or Minister of Justice rightly informed this House that and I quote, "*Ignorance of law is not an excuse*". During our regional consultations in the Fifth National Assembly the Committee found that general knowledge on the legal rights of person and legal procedures which includes the understanding of laws are very limited. Therefore it is important for our citizens to understand the laws governing a particular issue.

Comrade Speaker, this is very important I want Members to concentrate on this part. Therefore, it is important for our citizens to understand the laws governing a particular issue which will then end the legal uncertainty. In this regards I call upon the Ministry of Justice to provide civic education and create more awareness to our people if possible even to translate these laws into our own vernaculars which affect the daily lives of our people. The two neighbours here I will ask you a question now and if you do not understand you are out (laughter).

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HON SPEAKER: Order! Order! Please order.

HON !NAWASES-TAEYELE: Honourable Speaker, Honourable Members, in terms of Article 44 of the Constitution and I quote, "*The legislative power of Namibia shall be vested in the National Assembly with the power to pass laws with the assent of the President as provided in the Constitution subjects were applicable to the powers and functions of the National Council as set out in the Constitution*".

Therefore, it is our duty to ensure that the laws we pass here first and foremost are within the parameters of our Constitution. They are none discriminatory. They must be inclusively and secondly in the best interests of our people.

Honourable Speaker with these few remarks I wholeheartedly support this Bill and I thank you for your attention.

HON SPEAKER: Thank you. I am assuming that we are all on the same page in terms of time. We are continuing uninterrupted as you know. Are you aware of that? Thank you very much. Honourable Muharukwa.

HON MUHARUKUA: Honourable Speaker, I do not have much to say save for a few things. I will start here I do not know whether to be proud or disappointment, proud because you have a youthful Minister of Justice who brings these important things to Parliament for us to deal with that were supposed to have come a long time ago or because that will prove that in fact I have, I think in Namibia we have imperative evidence that where the youth are heading things because we are thinking about the future, things are changing I support Honourable Nekundi would say

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maybe it is time for the Tanganyika group to go (laughter). But also he said to me it is a problem yes, so these, so the Honourable Sacky Shanghala is a good job. But I would also be disappointed in the following sense, why would such an important Bill come at the 11th hour? Yes it is a host of laws that are being, (intervention). Speaker am I protected?

HON SPEAKER: Please order.

HON MUHARUKUA: It is a host of laws that must be changed. Now we are using the word obsolete (intervention).

HON MINISTER OF JUSTICE: (Not on microphone).

HON MUHARUKUA: Yes what did you say potato/potato upper apple tomato/tomato in fact semantics. We are using obsolete laws. Now what is to say that these laws have absolutely nothing in them that is relevant today that we can use today and therefore must be repealed in total? Is that really the case? I think the job for Parliament is to determine that question. It is for Parliament to decide to extract from these laws that things that are good even when we are repealing them to tap from these laws things that are good and turn them into modern laws? Of course the discriminatory laws would never be good. In fact some time during 2009 I read a law that said, an ordinance that said it is illegal to ride a horse on the streets of Windhoek with pluckies, that is obsolete I think.

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HON MINISTER OF JUSTICE: (Not on microphone).

HON MUHARUKUA: No it is in my head I am reading them ahead. I am talking about those that are going, yes General, Speaker protect me from the General because I do not have gun.

HON SPEAKER: Please continue. Continue please.

HON MUHARUKUA: Yes now when we are saying obsolete Parliament must really be confident and show that indeed it is obsolete. What the Minister of Justice is asking of Parliament to do by bringing the Bill in such a short time is for the Legislative Body to rubber stamp to trust that indeed it is so. It is so obsolete. Of course he has no reason not to tell us the reality but the truth of the matter is that he is taking the job from legislative body and making that his own but other than that I am glad that at least we are moving somewhere because I think this, at least I am giving example something concrete is being done because all of us have been complaining about these laws. At least I am happy but I am not happy about the timing. So yes that is my short contribution that if things like these are coming we must have it in time so that one can have time to peruse them.

HON SPEAKER: Thank you. Any further discussion? In the absence does the Honourable Minister of Justice wish to reply?

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HON MINISTER OF JUSTICE: Honourable Speaker there were two questions asked previously one by General Namoloh, one by Honourable Nekundi and then the comment by Honourable Muharukwa. I would like to respond to them quickly. The one by Honourable Nekundi is similar to the Honourable Muharukwa's question to say are we sure these are the right ones to be removed.

Honourable Nekundi, was asking if we remove these laws are we not create a vacuum? And I wanted to say no we will not create a vacuum because particularly the law he referred to was the Finance Act in the Bill here. It was the Finance Act of 1969 that is reflected at the top of page 6. What I want to explain is that in the Namibian Constitution.

What I want to explain is that, in the Namibian Constitution there is a provision dealing with the State finances that is Chapter 16 Article 125. Now in there already you have a repeal of the Exchequer and Audit Proclamation of 1979 credit by proclamation 85 of 1979 and Section 31:1 of the Proclamation R101 of 1985 which were continued until the State Finance Act of 1991 of Namibia was brought into force. That State Finance Act repealed certain State Finance legislations. It forgot that one of 1969 which does not apply neither in South Africa or Namibia. So there will be no gap I can assure you and I want to assure you that this is a process done. First we wrote letters to every Ministry to indicate redundant laws, we did that. Then we went into every legislation and looked at its applicability. Once we had done that we then brought and produced a report. The Commissioners also checked. We had a skeletal ended group as I said it was like an onion then the Bill was scrutinized by the Legal Drafters in the Ministry of Justice and grew further. Then it was scrutinized by the Attorney General's office and they produced some opinion to clip in though. They indicate more but as I said it is like an onion you cannot just keep. So we have done that part.

The question asked but *General Namoloh*, was a very interesting question to say if you look at the Native amendments there is one for example such as the, on the same page 6, amendment of the Native Reserves Trust,

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OBSOLETE LAWS BILL
HON SHANGHALA**

Third Bantu Law amendment of 1970 and then you repeal only for example Section 12 or section whatever but some of them you repeat the whole while we retain, the question is why are we retaining those parts then we are somewhere repealing the whole.

The explanation I want to give is for example the Proclamation 15 of 1928 the Native Administration Proclamation. The only surviving sections in the Section 17 so we target that Section that survives and by repealing that Section we have killed the applicability of the legislation. So that is the case with all of them. so those Sections are the only surviving Sections that were nowhere somehow back in the crakes whenever repealed. So we are removing them. once you remove them you remove the whole law.

Please remember as well that these legislations sometimes when they were repealed in South Africa they deliberately said we are repeating it but Section whatever remains applicable. Remember, when we had for example let me give an example of Walvis Bay, we had a legislation in Namibia Transfer of Walvis Bay. They had a legislation in South Africa Transfer of Walvis and sometimes the languages in congruous so you may find that you may come back with certain laws to try and clean that up.

Lastly, Comrade Speaker it has been said that why coming at the 11th hour. What we try and do in the Ministry of Justice is we service in other Ministries and Offices so we allow them to present their Bills and we askew our Bills to the last. By ours I mean those administered by the Ministry of Justice. So you will find that we are the last so we first give client service to the other Ministries and we are the last.

Why did it take 28 years? Comrade Speaker Law Reform began day one. Law Reform began with the Constitution. You will find that in the Namibian Constitution there is a schedule, Schedule 8 Repeal of Laws and

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HON SHANGHALA**

it started repealing many laws and as we went on there are laws that were being removed being repealed I mention the State Finance Act, it repeals the Exchequer and whatever legislation that was applicable at independence. Yes it repealed R101 of 1985 etcetera so it is a continuous process and if you do not need to see laws coming in the form of obsolete laws legislation you need to say that there has been a repeal of laws. But law reform is happening all the time and when we have or a new legislation you will see the letter Act and the new letter Act so it is ongoing. It is a continuous effort but with these few remarks Speaker I think we have done justice to this Bill another one may come as I have indicated it is like peeling an onion but thank you for the comments and input.

HON SPEAKER: Thank you. I now put the question that the Bill be read the Second Time, any objection? Then it is agreed to.

The Secretary will read the Bill the Second Time.

REPEAL OF OBSOLETE LAWS BILL [B. 21 – 2018]

SECRETARY: *Repeal of Obsolete Laws Bill* [B. 21 – 2018]

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

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**ADMINISTRATION OF ESTATES
AMENDMENT BILL
HON MUHARUKUA**

**RESUMPTION OF DEBATE ON
SECOND READING – ADMINISTRATION
OF ESTATES AMENDMENT BILL [B.23 – 2018]**

SECRETARY: Resumption of Debate on Second Reading –
Administration of Estates Amendment Bill [B.23 – 2018].

HON SPEAKER: When the Assembly adjourned on Thursday the 22nd of November 2018 the question before the Assembly was a Motion by the Honourable Minister of Justice that the Bill be read a Second time. The Honourable Jennifer Van Den Heever adjourned the debate on behalf of Honourable Muharukwa and I now offer him the floor.

HON MUHARUKUA: Thank you Honourable Speaker. Honourable Speaker, I think this is a very short Bill there is actually nothing to it. The Minister in his speech that I read indicates that there is another comprehensive or other comprehensive amendments that will becoming relevant laws. I believe that it would have been prudent only to speak when those come and at this stage there is really nothing to comment.

HON SPEAKER: Thank you very much for your understanding. Any further contribution? Being none, does the Honourable Minister of Justice, oh yes Honourable Jan Van Wyk.

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AMENDMENT BILL
HON VAN WYK / HON SHAGHALA**

HON VAN WYK: Thank you Honourable Speaker. I also rise to support the Bill and I agree with Honourable Muharukwa we would really like to see more meat when the other legislation has come. I just have one question Honourable Minister on page 2 of the Bill that is on Section 2(b) which talks about, there is reference to a question where, 'has not attained the age of 21 years'. Now the question here is you know people are allowed to vote at 16 years or 18 years in some cases people are (intervention).

HON SPEAKER: Not 16, 18 years.

HON VAN WYK: 18 years so why should they wait for their inheritance until the age of 21? Those are the questions. And then Honourable Minister on page 3, when it comes to the investments Section on page 2 Section 2(a) it talks about the investing this money after consultation between the Minister and the Master of the High Court. How sure are we that these moneys will be invested at the right places? How sure are we that this money will not get lost? Thank you.

HON SPEAKER: Thank you very much. Without any further delays, Minister would you reply?

HON MINISTER OF JUSTICE: Thank you very much Honourable Speaker. Honourable Van Wyk I was expecting the question that you normally ask but even though you have not asked me I think I just need to say because it is a relevant issue. The issue of the former Baster Succession Law will also be covered in the omnibus reform that will

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AMENDMENT BILL
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happen. So that we will now have the Baster Laws of Succession, we have the Common Law of succession and we have Customary Law of succession, so we will try and put a standard that applies to all so that we have uniformity. I think it is important for Namibians to know that.

Let me start with your first question. We have different ages for different tastes. For anyone who wants to be President of this Republic you must attain 35 and above. For anybody who wants to be elected to public office you must attain the age of 21. For anybody who wants to vote you must be 18 years. The age of consent for a child, a girl child to have sex is also stated 16 and a girl child.

HON MEMBER: Not 12?

HON MINISTER OF JUSTICE: Not 12, no, please that is child abuse. It is 16 years.

HON MEMBER: (Not on microphone).

HON MINISTER OF JUSTICE: No, no please.

HON DEPUTY SPEAKER: No they are just joking, just joking.

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HON MINISTER OF JUSTICE: Yes but people are listening. The point I am trying to make is there are different age requirements set for different things and the reason in this case that the age is at 21 is because of the experience that the Master's office has picked up that young as and like it is when they receive money they splash it and sledge it. They drive expensive cars suddenly they are drinking bottles of moiré and champagne and three years later they are drinking conics that they never dreamt of. Three years later the value that has been prepared for them by their deceased parents or people who bring the estate is gone the kids are destitute and the Master is left with a problem. So we are looking at that to say the age of 16 for instance is too young and they are still probably in school and the money becomes destruction. That the money would be in the care of the Master so that there can be and the contracting capacity, you were right Honourable Muharukwa and even a capacity contract and then they get swindled by people who act for them. So that what we are saying for that period those moneys will be in the care of the Master. They will be looked after.

When they come of age the Master would then be able to hand them over. I am actually even considering as part of the regulations a mandatory, a compulsory, a session where they must have a sit down and be told you know how to invest money etcetera because a windfall like that coming to anybody actually may end up destroying the person and the person losses the money. That is one.

HON MEMBER: It is like winning a lotto.

HON MINISTER OF JUSTICE: It is like winning a lotto yes and you are not prepared of it. The story told of people in America where they win a lot actually let me not go far. In South Africa some Professor from the

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University won the lotto, left Academia went to live in Sandton and everyday he wore a new suit.

HON DEPUTY SPEAKER: Every day?

HON MINISTER OF JUSTICE: Every day he wore a new suit and then after a couple of years actually two and half years the Receiver of Revenue came to ask for their cut then he had to pay the creditors and the hotel had to tell him, "*Menier your card is bouncing*". He went back to Academia. So you see when you get a windfall and you are not prepared you just go bizeck. The issue Honourable Speaker of the investment of the moneys currently I do not think you were in the House that they are introduced one of the things I said was the difficult we have is when somebody passes on and the head of Police so the Police pays out they do not normally put that money straight to the Master or give it to the heirs.

The issuance company keeps it. They then have moneys that they can look good with on the balance sheet and all the sorts of things. Then they start charging accounting fee, commitment fee, administration fee, annual something fee all sorts of things. By the time the money gets to the person it is already minus. Or there are those people who are then to wind up the Estate they get the money and then they start doing all sorts of things and then the kids here are either suffering or so and then by the time if at all they find money it is diminished.

So what we were saying is and currently there is no framework we need to put up a Governance Framework and I need to consult the Ministry of Finance because the Ministry of Finance has expertise and can say perhaps this way perhaps not that way and then I regulate against this Master and then the Master follows these regulations. Then how do we check is the next one now which is we add that the Auditor General if I may just read

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it, must annually not later than a date to be determined by the Master audit the books of accounts accounting statements and annual financial statements of the Guardians Financials to the copy of the report on the audit to the Minister and the Master. So there is some responsibility there.

I want to add in a regulation as well or quarterly reports that are made available at least to the Minister of Justice and the Minister of Finance so that at least we can check what is happening. The difficult now is that because the person is a Master appointed still by the Cabinet and Cabinet also moving those things is to allow us to be able to check and (interruption).

Excuse me, well currently the Registrar is appointed by the Minister of Justice so are Magistrates, so are Court zones, districts I do not understand if that is a problem but what we are trying to do is infuse in a sense of governance. So your concern Honourable Van Wyk is going to be taken care of by both the process in which the regulations are framed but also expo facto by the auditing that is done and in those regulations the processing which you have the second sense of reporting and we have had experiences as well. It is also good for us. Banks also know how to treat us in a way that sometimes it does not make us happy.

I can give you an example of what has been passed here is the Prevention of Organized Crime Act (POTA), it creates a fund in there and those assets those moneys administered by a bank, on the permission of the Cabinet moneys can be utilized to fight further crime. So once when requested money out of the Fund the bank hits us with a heavy penalty out of the account and we have to negotiate with them until they drop because this is in the public interests. So all these things we need to check and govern. So I think I have answered you and I would like to thank the Honourable Members for the support thus far.

27 November 2018 **PUBLIC ACCOUNTS COMMITTEE REPORT
ON CENTRAL GOVERNMENT**

HON SPEAKER: Thank you. I now put the question that the Bill be read a Second Time. Any objection? Then it is agreed to.

The Secretary will read the Bill the Second Time.

**ADMINISTRATION OF ESTATES
AMENDMENT BILL [B.23 – 2018]**

SECRETARY: *Administration of Estates Amendment Bill* [B. 23 – 2018].

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

**RESUMPTION OF CONSIDERATION OF
THE PUBLIC ACCOUNTS COMMITTEE
REPORT ON CENTRAL GOVERNMENT**

SECRETARY: Resumption of Consideration of the Public Accounts Committee Report on Central Government Audited Reports for the Financial Years ended 31 March 2013 to 2014.

HON SPEAKER: When the Assembly adjourned on Wednesday the 31st October 2018 the question before the Assembly was a report by the

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ON CENTRAL GOVERNMENT
HON KAVEKOTORA**

Honourable Kavekatora that the report be adopted. Any further discussions? Does the Honourable Mike Kavekatora wish to reply?

HON KAVEKOTORA: Thank you Honourable Speaker. I am a bit in an awkward position because I was out on official duties and I did not really know what happened to the report but I am sure that because the report is more quantitative in nature and has highlighted something that is a derogative of the financial statements audited by the Auditor General I am sure that everybody contributed in a very positive way and some of the requested we put there as recommendations are trying to really sort of attack some of the issues that are being faced by Government and I think that it is about time for us to basically do something about that.

My main concern is that if report has been approved to the liking of the Honourable House I would really urge the House also and the respective Ministries also to do something about it. I want to highlight one particular issue and that is the issue of unauthorized expenditures. That is an event that is occurring on a regular basis. An unauthorized expenditure has got the possibility of even hiding some fraudulent activities within those unauthorized expenditures or if Parliament and the respective Members of the Executive take note of those recommendations and heed to them I would like to thank them very much for the contribution if anybody contributed to that report and basically thank them for whatever recommendations that they have made to this effect. Thank you.

HON SPEAKER: Thank you. I now put the question that the report be adopted. Any objection? Agreed to.

The Secretary will read the Tenth Order of the Day.

27 November 2018 **PUBLIC ACCOUNTS COMMITTEE REPORT
ON STATE-OWNED ENTERPRISES
HON KAVEKOTORA**

**CONSIDERATION OF THE PUBLIC
ACCOUNTS COMMITTEE REPORT ON
THE STATE OWNED ENTERPRISES**

SECRETARY: Consideration of the Public Accounts Committee Report on State Owned Enterprises for the Financial Years ended 31 March 2005 to 2014.

HON SPEAKER: Does the Honourable Kavekatora move that the report be considered?

HON KAVEKOTORA: I so move Honourable Speaker.

HON SPEAKER: Who seconds? Any objection? Then it is agreed to. The Honourable Member has the floor.

HON KAVEKOTORA: Honourable Speaker thank you very much. The report on the accounts on State Owned Enterprises was actually motivated in conjunction with the previous report. I did the motivation already so it has already been motivated because the report and I actually combined the two and did the motivation at the same time.

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ON STATE-OWNED ENTERPRISES
HON KAVEKOTORA**

HON SPEAKER: Wonderful, thank you very much. That will save us the time. Any further discussions? Does the Honourable Kavekatora wish to reply?

HON KAVEKOTORA: Honourable Speaker I would wish to reply in a similar fashion as the previous reply that I just did. On the issue of, I just want to draw one specific attention to the Honourable Members of this august House and that is the issue of reports where the Auditor General is giving opinion to be adverse or a disclaimer. In that report we have requested a very drastic way of trying to address this matter to say that if a State Owned Enterprise is continuously and consistently getting an adverse opinion or a disclaimer than something drastic must be done and perhaps a budgetary allocation must be held from them until they give us a clear indication as to how they are going to utilize the resources more efficiently and more effectively because continuing giving money to those types of State Owned Enterprises is almost like throwing money into a bottomless pit and I do not think that it is a prudent way of managing our finances, but having said that I would like to thank those who contributed if any for their contributions, thank you.

HON SPEAKER: Thank you very much. I now put the question that the report be adopted. Any objection? And it is agreed to.

The Secretary will read the Eleventh Order of the Day.

**CONSIDERATION OF THE PUBLIC ACCOUNTS COMMITTEE
REPORT ON THE INTERNATIONAL CONFERENCE ON
TACKLING ILLICIT FINANCIAL FLAWS**

27 November 2018 **PUBLIC ACCOUNTS COMMITTEE REPORT
ON INTERNATIONAL CONFERENCE
HON KAVEKOTORA**

SECRETARY: Consideration of the Public Accounts Committee Report on the International Conference on Tackling Illicit Financial Flows.

HON SPEAKER: Does the Honourable Kavekatora move that the report be considered? Who seconds? Any objection? Then agreed to. The Honourable Member you have the floor.

HON KAVEKOTORA: Thank you Honourable Speaker. I delegated this responsibility to my Deputy Chairperson of Public Accounts but engaging him he reverted back to myself so I will try to be as brief as possible.

Honourable Speaker, African countries are facing a new phenomenon called illicit financial flows. I am saying new in the sense that we are only now waking up to try to do something about it and there was a conference that was held in Cameroon on the 24th to the 26th of May 2017. That Conference was attended by some of our Members of the Committee, Honourable Kandumbu and Honourable Kafula. The aim of this Conference was not only to enable participants to develop a shared and a common understanding of illicit financial flows but also to become aware of actions undertaken by other actors in the fight against illicit out flow of money and reaffirm the commitment to good financial governance.

Honourable Speaker, illicit financial flows has got an impact of derailing economic development of a given country and has got an impact of also enhancing corruption or corrupt activities in that particular country. It has been estimated that N\$50,000,000,000 is getting out of Africa on a year basis and that is money that is almost equal to the in-flows of money through aides and donor assistance. Now if you take that thing and you

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ON INTERNATIONAL CONFERENCE
HON KAVEKOTORA**

start to think about it we are actually saying that Africa if it was not for illicit financial flows if it was not for corruption Africa would have enough resources of its own to develop our respect countries but it is not happening because illicit financial flows is a reality which happens in different ways some of them is things like tax avoidance or tax evasion or mis-invoicing and these types of things.

The idea here is trying to make sure that we understand as a country what illicit financial flows is and the impact of illicit financial flows so that at least something can be done to try to curb the outflows of resources from our continent and specifically from our country so that at least we can have a situation where resources are kept in-house and resources are utilized for internal purposes. Therefore the Public Accounts Committee made the following recommendations that Namibia should ensure that domestic legislations are brought in line with international Treaties, establish bilateral agreements to standardize, harmonize legislation, strengthen cooperation between Public Accounts Committee and Auditing institutions, law enforcement agencies, Customs and tax compliance agencies within our country. Use effective communication to build a political wheel and create awareness to strengthen capacity and to build capacity and training for all those engaged in financial, legal and judicial matters and strengthening the institutional investment leadership so as to serve as role models or others.

These are the recommendations that we came up with after we had gone through the conference that took place in Cameroon and I must also say that illicit financial flows has become one of the critical areas that has been adopted by AFROPAC the African Continental board that is responsible for the continental supervision of all our regional bodies to make sure that Africa does not just understand what illicit financial flows are that must also action plan, action must be taken to ensure that we curb the outflow of money from our continent and from our country specifically. So I think with time Honourable Speaker I will also submit

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ON INTERNATIONAL CONFERENCE
HON SCHLETTWEIN**

another report where resolutions have been taken as to how to come and address this disease that is also hampering economic development in our respective countries. With these remarks I thank you.

HON SPEAKER: Thank you very much Honourable Kavekatora, that is an issue that we do share with other sister Parliaments. It will be good for you to share with us at later stage the experience of other countries, other Parliament particularly looking to positive actions that are being contemplated. Honourable Minister of Finance.

HON MINISTER OF FINANCE: Thank you Honourable Chairperson. The report is one at least to supporting recommendations just two pieces of information that we can share. I think Honourable Kavekatora is correct, the report on illicit outflow in Africa is quite clear that over 60% of that illicit outflow is actually tax evasion and not practically in drugs and things like that or money laundering and it is tax evasion and hence our efforts to strengthen the transport pricing and the like the legal provisions that we have and it is an important issue in our drive to be self financing on the continent but also as a country 60% is a lot of money that is leading which can be kept in the economy.

Secondly, I just want to share information with you that we just today received information from the EUD that Namibia has gone from the illicit to being a low risk country in terms of money laundering financing terrorism and those are the efforts that we have done through the same like being now a country that is not anymore pure reviewed but we are south reviewing so our status as a country that is listed as being risky for purposes of money laundering and financing terrorism is not the case and that we are now a low risk country which is an achievement. Thank you very much.

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ON INTERNATIONAL CONFERENCE
HON NAMOLOH / HON KAVEKOTORA**

HON SPEAKER: Thank you very much. Honourable Charles Namoloh.

HON MINISTER OF SAFETY AND SECURITY: I wanted to ask Honourable Kavekatora on a lighter note if he knows this and he does not tell us so that we can arrest these ones (laughter) or we will arrest you yourself because you have not given us the information.

Honourable Kavekatora I just wanted if the Committee, Public Accounts Committee looked at the new currencies which are coming like big coins. Have you looked at that also for future purposes? I know we are seeing all these things coming in the flaw will come, these big coins technology and have you looked at this also or you are only looking at the physical Nam dollars and other currencies? Thank you Comrade Speaker.

HON SPEAKER: Thank you very much. Well, in the absence of any further contributions does the Honourable Kavekatora wish to reply?

HON KAVEKOTORA: Thank you very much, Honourable Speaker. Let me also thank the Honourable Minister of Finance for quantifying some of the effects and what would be the main sources of outflow of resources is concerned. I concur with him that tax evasion is one issue and I think that is why we also need to strengthen our legal framework to make sure that things like tax evasions are actually being tackled effectively and transfer pricing and so on and so forth because we are an economy where those issues of transfer pricing will always continue to be as long as we have subsidiaries of bigger organizations in Namibia that have got a link between them and the foreign companies are all over the show.

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ON INTERNATIONAL CONFERENCE
HON KAVEKOTORA**

I am also happy to hear that we have been now cleared from that axe that was hanging on us to be classified now as a low risk country when it comes to these unwanted things which I also believe that the issue of classification was not justifiable. I concur with that.

As far as the question by Honourable General, all was concerned, no at this point in time we have not looked into that we are trying to apply what we call the 2018 principle because of our budgetary constraints and everything else we had to utilize our meager resources to try to have most impact and I think two particular issues have been identified and that we have started to own those two issues. One is the illicit financial flows and the other one is fighting corruption making sure that we curb the negative impact of corruption but if these big coins and so on, become really an issue we will, I am glad that you brought it up because we will start looking at it and if it has got a material impact on us, on our economy and so on obviously we will also look into it and try to own it and do something about it bringing the awareness and making sure that the Namibians are aware of the impact of some of these new technological advancement that are coming to our country. Thank you very much for the contribution.

HON SPEAKER: Thank you. I now put the question that the report be adopted. Any objection? Then it is agreed to.

The Secretary will read the Twelfth Order of the Day.

**CONSIDERATION OF THE COMMITTEE REPORT
ON THE VISIT TO THE MINES AND TO
THE FISHERIES FACTORIES**

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**ADJOURNMENT
HON PROF KATJAVIVI**

SECRETARY: Consideration of the Committee Report on the visits to the mines and to the fishery factories.

HON SPEAKER: Does the Honourable Swartz move that the report be considered? Can that stand over, yes the Secretary will read the Thirteenth Report? The same thing? Well those are the only two items that we were not able to deal with. Well thank you very much we have come to the end of the road.

The House stands adjourned until tomorrow the usual time. So decided.

HOUSE ADJOURNS AT 18:37 UNTIL 28.11.2018 AT 14:30

**NATIONAL ASSEMBLY
ASSEMBLY CHAMBERS
WINDHOEK
28 NOVEMBER 2018**

The Assembly met pursuant to the adjournment.

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

HON SPEAKER: Welcome back. I just want you to calm down. This is the time or the year when we need to be on the lookout for things like that. It is really serious. Living your door open will permit one of those guys to creep in and the rest I do not want to say much since you would be told later on. Any petitions, reports of standing and select Committees, other reports and papers, notices of questions, yes, Honourable Alweendo.

TABLING - REPORT OF NAMPOWER

HON MINISTER OF MINES AND ENERGY: Honourable Speaker I lay upon the table the annual report of Nampower for the year 2017.

I so move Honourable Speaker.

HON SPEAKER: Thank you, Honourable Doctor Haufiku.

HON MINISTER OF HEALTH AND SOCIAL SERVICES: Honourable Speaker I lay upon the table the annual report of the Namibia Medicine Council for the year 2016-2017.

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**NOTICE OF QUESTIONS
HON DIENDA**

I so move Honourable Speaker.

HON SPEAKER: Thank you. Notices of questions, oh yes, Honourable Dienda you have the floor.

NOTICES OF QUESTIONS

ORAL QUESTION

QUESTION 35:

HON DIENDA: Thank you Honourable Speaker I have an oral question to the Minister of Health.

HON SPEAKER: Minister of Health.

HON DIENDA: Yes.

HON SPEAKER: It is an urgent one.

HON DIENDA: Very urgent.

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**RESPONSE TO ORAL QUESTION
HON SHANGULA**

HON SPEAKER: Can you give us the gist of it so that we can tell?

HON DIENDA: Yes, Honourable Speaker I would like to ask the Honourable Minister to inform us whether it is true or not that our students who are studying in Russia did not receive any money and they are stuck there in Russia without food. The accommodation is not paid. The study is not paid and what is the way forward for those students. Thank you.

HON SPEAKER: Thank you very much. Honourable Minister can you help us?

HON MINISTER OF HEALTH AND SOCIAL SERVICES: Thank you very much Honourable Speaker and Honourable Member for the question but we did touch on the question there informally and I was rather caught off side because I did not come to Parliament with this information but I did explain that without going into specificity that we are experiencing problem financially with a couple of aspects in the Ministry so I would not be surprised to hear that students in Russia are also affected. All I can do is to promise to go and look back into our human resource and development Directorate to tell me how many students, how are they affected and over what period and perhaps also to give feedback as to what the Ministry is planning to do. I thank you.

HON SPEAKER: Thank you very much. Notices of Motions, messages from the Head of State, Ministerial Statement and in that regard Deputy Minister of Poverty Eradication. You have the floor.

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**MINISTERIAL STATEMENT
HON KAPEWANGOLO**

**MINISTERIAL STATEMENT IN TERMS OF RULE 98
OF THE STANDING RULES AND ORDERS**

SHARING OF CONTENT OF THE BLUEPRINT

HON DEPUTY MINISTER OF POVERTY ERADICATION AND SOCIAL WELFARE: Honourable Speaker, Honourable Members I rise this afternoon to share with this August House some key activities carried out by the Ministry of Poverty Eradication and Social Welfare to date. The Ministry started with the implementation and coordination of the blue print on the wealth redistribution and poverty eradication. I shared this content of the blue print with this August House in 2017 as my Bishop Emeritus S.I. The following key strategic priorities areas are implemented under the blue print.

1. Strengthening of social protection systems, the Ministry continued to administer the social grants to our pensioners and people with disabilities. This amount stands now at N\$1 250 an increase from N\$600 since 2015
2. The Government social cash transfer including grant administered by other Ministries have been proven statistically to have a significant role in the reduction of extreme poverty.
3. The Ministry have further embarked on an expensive reform of countries social protection systems including the development of a national social protection policy. Although Namibia is one of the best social protection systems in Africa, our systems are fragmented and exclusive.

In this regard the Ministry hosted a number of consultative experts' workshops and seminars in order to make the social protection system

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**MINISTERIAL STATEMENT
HON KAPEWANGOLO**

effective and inclusive. Subsequent to this process, I am pleased to share with this August House that the first ever draft policy on social protection is now available. It will be shared with the stakeholders for comments and validations before tabling to Cabinet and then Parliament respectively. The main aim of the special protection policy is to create a comprehensive social protection system that is efficient and effective in addressing risks and vulnerabilities that people face at different stage of their lives.

In hunger the Ministry is providing food to the most needy and vulnerable people in urban and peri-urban areas through their distribution of dry food parcels as part of its food bank program. To date the Ministry is distributing food to about 17 000 beneficiaries in the Khomas, Karas, Hardap, Kavango East and Kavango West regions. By the end of this Financial Year the Ministry will cover the Ohangwena, Kunene and Zambezi regions during this Financial Year. In order to improve the efficiency of the food bank processes, the Ministry in partnership with the United Nations World Food Program have launched the scope system on Wednesday 21st November 2018.

Scope is a computer base system that which is used for the registration of beneficiaries, identification of beneficiaries when collecting food parcels reporting and monitoring and evaluation. As part of Namibia's commitment to the implementation of United Nations sustainable development goal zero hunger, the Ministry is coordinating the country's zero hunger strategy. By coordinating the implementation of the zero hunger strategy, the Ministry ensures that sustainable food provision and food production systems are put in place and are effectively implemented.

The implementing stakeholders for the zero hunger strategy growth map has submitted action plan and a monitoring and evaluation framework have been developed. Additional to this, a food and nutrition security draft policy is available and ready for validation. The policy will assist the implementation of a holistic food and nutrition security and a holistic

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**MINISTERIAL STATEMENT
HON KAPEWANGOLO**

program on infant and young child feeding within the existing food safety nets programs. Under the blue print, the Ministry is coordinating the implementation of the following strategic priority areas with the relevant Government offices, Ministries and Agencies as essential poverty eradication interventions.

- a. Access to basic services
- b. Education, training and skills development
- c. Employment creation and
- d. Gender equality and women empowerment.

An implementation plan has been developed and all implementing OMAS are expected to provide quarterly reports on the progress made. The Ministry has further developed comprehensive reporting tools for each strategic priority area to be implemented by each OMAS. Allow me at this juncture to thank all the implementing OMAS for their continued support and cooperation in the implementation of poverty eradication programs under the respective mandates. I am equally pleased to announce that significant progress was made in the implementation of activities under these strategic objectives including the elimination of bucket system, building of environmental friendly toilets for rural communities, acceleration of rural electrification, upgrading of and construction of new vocational training centres and the adoption of the empirical program which aims at providing entrepreneurship training and develop guideline on project management to the youths.

This is to mention but a few and details reports on the achievements and challenges are available at the Ministry. Honourable Speaker, Honourable Members the poverty situation among our people especially in rural areas is critical. Although there are long term Government policies and interventions that are aimed at ensuring that every Namibians have access to basic social services such as food, housing, water, sanitation and education, the majority of the rural population and those living in informal settlements of our cities and towns are deprived of this basic of live and thus living in extreme poverty.

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HON KAPEWANGOLO**

The Ministry of Poverty Eradication and Social Welfare have therefore established a donation account where generous organizations and individuals can donate money to address what is often known to as law hanging fruits. I am pleased to announce that since the establishment of this donation account the response from the public including the Embassies, local and international NGOs, local business and even individuals have responded positively to this noble initiative of the Ministry. The donation account is linked to the special programs of the Ministry and its aim is two folds.

1. It is aimed at addressing the immediate needs of those who might find themselves in desperate situations for example our people in informal settlements who are confronted with losing their belongings due to fires and floods
2. The donation account is aimed at assisting more long term sustainable poverty eradication initiatives with minimum bureaucracy as much as possible.

These projects range from agricultural food production projects, income generation projects, water provision, education and provision of the essential to those living in extreme poverty. The Ministry have to date assisted the Oshikoto Regional Council with the drilling of two boreholes for impoverished communities and has paid tuition fees for vulnerable students at various tertiary institutions who did not secure any study laws. By the end of this Financial Year the Ministry through the donation account will assist three water provision projects in the Ohangwena, Kunene and Omaheke regions respectively.

Two agricultural projects in the Kunene region and the construction of a decent shelter for a destitute family in the Khomas region. I therefore want to take this opportunity to thank those who have contributed and are still contributing to these funds and to give my assurance that your gesture of goodwill will contribute the wellbeing of those in need. I further want to call upon Members of this August House and the public at large to extend a hand of goodwill to your fellow citizens in need.

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HON MUHARUKUA**

Honourable Speaker, Honourable Members allow me to conclude by reiterating that all Government offices, Ministries and Agencies and state owned enterprises are by law tasked with the promotion and maintenance of the wellbeing of the Namibian people. Therefore we are all being called upon to ensure that all Namibians have access to the basic social necessities of life which is the eradication of extreme poverty. Fellow Namibians let us all join hands and have faith that indeed together we shall see a Namibia where no one goes to bed hungry and that each Namibian has access to a decent shelter, clean drinking water and proper sanitation. With this I submit Comrade Speaker, Honourable Members and I wish you all a best festive season and prosperous 2019. Thank you.

HON SPEAKER: Thank you very much and thank you very much for that update. Now we are going to try and manage, yes, please, yes, Honourable Muharukua.

COMMENTS AND QUESTIONS ON MINISTERIAL STATEMENT

HON MUHARUKUA: Thank you Honourable Deputy Minister for the statement. I think it is the wish of all Namibians that we live one day in a Namibia that where no one Namibian goes to bed hungry very, very important words that you almost close with. Thank you for those words. Just a number of things that I want to find out. Unfortunately it is about this statement. It is loaded with information so I have to ask you a number of questions. Firstly, I want to talk about the account, the bank account. I learn from the statement that it is a bank account of course is to help the populace but more so to do so efficiently. That is through bypassing normal bureaucracy. Now that in its own has its problems in that the normal rules that applied to normal public funds are bypassed.

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**COMMENTS AND QUESTIONS TO
MINISTERIAL STATEMENT
HON MUHARUKUA**

What measures are in place to ensure that this account does not actually, is not used for wrong ends and that it is not loaded with corrupt activities? That is one, two, you highlighted a number of projects that the Ministry has embarked on. What is the criteria used for these beneficiaries because if you look at our populace almost in every corner of our community people are suffering? So who is the worthy beneficiary if poverty is all over as we can see it? Two, what is the control that Treasury have over this particular account either overseeing thereof, signature or whatever it is? Should we expect an auditor's report whether it is now the Auditor General of this account and when? Secondly Honourable Deputy Minister I am still battling with this question and I am going to ask you this question. You have highlighted the project for vulnerable children school fees. What is basically the duties of the Ministry of the Honourable Sioka? You have mentioned a project that is supposed to be done by the office or the Ministry of the Honourable !Naruseb water and in your statement I was waiting for a move or a transition.

Your key words that I have highlighted is plan, framework, there was still one but all of it policy. All of these refers to paper hardly transient into alleviating poverty. Why should it not be seen that the creation of this Ministry is the worst policy failure from Government since independence in that we are spending money in administration which money could have gone towards the stomach of people. Thank you.

HON SPEAKER: This is a Ministerial Statement. I am going to ask the Honourable Deputy Minister to respond. You characterize the Ministry as the worst creation or really, I think it was a statement. How did you phrase it?

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MINISTERIAL STATEMENT
HON KAVEKOTORA**

HON MUHARUKUA: That the creation of this Ministry is the worst policy failure since independence in that we are using so much money in administration which money could have gone directly to the stomach of people. I would have elaborate on the question if you want but it is a question. It is not a statement.

HON SPEAKER: No, no, it is alright. I understood it to actually to be a statement but you expressed it in a form of a question but it is actually loaded one. Can I say this? It is not the first time your views I think with respect to this particular Ministry is equally known. I am sure the Deputy Minister will not be surprised but I will allow her to respond as briefly because we need to do it within a limited time, Honourable Kavekatora.

HON KAVEKOTORA: Honourable Speaker mine is not to the Deputy Minister. It just it so happen that these two reports were submitted after the reports were tabled and I just wanted to have a comment on these two reports. Can I make the comment now?

HON SPEAKER: Yes, please.

HON KAVEKOTORA: Thank you very much. Honourable Speaker we just received two reports annual reports one is Nampower for the Financial Year ended 2017 and the other one is from the Namibia Medicine Regulatory Council. Now I just want to make a brief comment on both these reports. First of all look at the volume of these reports and how glossy this report is and it is almost like a Bible containing everything. One just wonder how much went into the production of this report and I

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am also not surprised because when I was travelling the past month when we had our financial difficulties, the Members of management of state owned enterprises were either travelling first class or business class when some of us are stuck somewhere in economy class just you know based on the reality of our economic situation but this is a report that is produced under the current circumstances which is affecting everybody and I would want to know how much did this cost to produce this report.

Maybe the Minister of Mines and Energy can give us the figure. There is another report here. Both of them are annual reports. If you look at these reports briefly Honourable Speaker there is no financial information, nothing and I am sure that the Medicine Regulatory Council is getting money from Parliament through the appropriation to the Ministry of Health and Social Services. Now what I do not understand is that is there another report to be submitted to this House that went through the (incomplete).

HON SPEAKER: Is that a point of order?

HON DEPUTY PRIME MINISTER: Sincere apology to the Honourable Member on the floor. I just really want us to be clear for the integrity of the House on how we are discussing the issues because we have a procedure. The Honourable Minister now is at Ministerial Statement and a Ministerial Statement has been made. Members want some clarification but then in between Honourable Speaker, then you are discussing two different reports and now maybe if the Ministries concern might want to respond I do not know how we are going to record our proceedings. I am just worried about that Honourable Speaker and maybe we must decide in the future that reports should be introduced and then be discussed. Otherwise, the recording would be not helpful for the researchers. I thank you Honourable Speaker and once again my apology.

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MINISTERIAL STATEMENT
HON EKANDJO**

HON SPEAKER: Thank you. Let me explain. I find myself find a particular problem. We had a Ministerial Statement from the Deputy Minister of Poverty Eradication. The first question came from Honourable Muharukua. While he was on the floor, Honourable Kavekatora's light was on so I gave him the floor on the basis of the discussion on that Ministerial Statement for quick question, normal quick question only to find myself he is dealing with other reports. Now that place, yes, please have sympathy with me as well because basically that is what actually transpired but the Honourable Deputy Prime Minister you are absolutely correct because that raises confusion which is what. So now usually on this kind of intervention it is a quick comment but if it is going to be a lengthy explanation etc, it places us in a very awkward situation. So could you wrap up as quickly please?

HON KAVEKOTORA: I really appreciate what the Honourable Deputy Prime Minister have said because it is exactly what should have happened. Unfortunately, Honourable Speaker the document is submitted after it was tabled. In other words we move the document was just recently submitted to the House and then when I went through it.

HON SPEAKER: Now I am trying to sort if I do not know Honourable Jerry Ekandjo I hope you are going to help the Speaker. I am not sure.

HON EKANDJO: I am helping the Speaker Comrade Speaker. Comrade Speaker I think we must first dispose of with the Ministerial Statement before we come to other matters because there was a question on the floor regarding the Ministerial Statement and in between other things come. Is the Deputy Minister still going to respond or are we going to bring other things in between? Thank you.

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HON KAPEWANGOLO**

HON SPEAKER: I attempted to explain. I gave the floor to the Honourable Kavekatora on the basis of the Ministerial Statement not knowing that he was raising a different subject matter. That is how it led to the confusion and since he was already on the floor halfway, I thought he could wrap and we complete so we can revert back to the Ministerial Statement.

HON KAVEKOTORA: Thank you Honourable Speaker my question basically on this report is simply that are we going to get the financials in another report to be tabled here or not.

HON SPEAKER: Alright, thank you very much. I think we concluded, yes, please.

HON MINISTER OF HEALTH AND SOCIAL SERVICES: I do not know now could you maybe just finish the Ministerial Statement that I have to respond to?

HON SPEAKER: I am going to do that and then you could come back. Thank you very much. Deputy Minister you have the floor please.

HON DEPUTY MINISTER OF POVERTY ERADICATION AND SOCIAL SERVICES: Honourable Speaker, Honourable Member I invite you to our office please for cup of tea with the Bishop Emeritus. I am wondering really perhaps I think you have not even read the blue print

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and even our Swapo party manifesto. It is always speak about the poverty eradication even your party President. It was around 2014 I see him from the shacks there. He is speaking about poverty. When our President put the Ministry, he would say again whatever. My dear young one repent of your attitudes. I thank you.

HON SPEAKER: Alright, Honourable Muharukua, yes.

HON MUHARUKUA: Honourable Deputy Minister be rest assured that when we vote, I can guarantee you that when we vote I vote for what I think is the best. So I have read each and every manifesto of each and every party in this country so that I can vote correctly. That is all the other elections not this past one.

HON SPEAKER: Alright, but the invitation stands. Thank you, Honourable Doctor Haufiku.

HON MINISTER OF HEALTH AND SOCIAL SERVICES: Thank you very much.

HON SPEAKER: Please, please, please, let us listen to each other.

HON MINISTER OF HEALTH AND SOCIAL SERVICES: Thank you very much Honourable Speaker just a little bit of information in a

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point of order sort of regarding the Honourable Kavekatora's question. We did capture the finance perhaps not in a formal expansion layout like one would maybe expect but if you look on page 5 executive summary, it say something and then we go to page 8 where the budget exclusion is laid out in a table form and those who like drafts on the next page, page 8. Maybe not as formal as the Honourable Member and others may expect it but at least we say something on the finances of the Council and remember this is not a statutory independent body. It is a Council within the Ministry. The rest of the finances are still captured within the Ministry's budget. So I hope this clarifies the question.

HON SPEAKER: Alright, thank you very much. I think the point maybe in future when we present some of these important reports it should be motivated on the basis of allowing a discussion so that Members could fully review them and do justice to them, Honourable Kavekatora.

HON KAVEKOTORA: Honourable Speaker I would appreciate if the Honourable Minister is saying that the figures that are taken up here in this report is actually been audited in another consolidated report that I would understand but to say that these are the financials. The financials according to generally accepted accounting principles are specific items. It is your income statement, it is your balance sheet, it is your cash flow and these types of things. These are your financials and they are also subjected to auditing. That is what I am referring to. I am not referring to figures incorporated in a report because that is not acceptable at all. Thank you.

HON SPEAKER: Thank you very much. I think you want to come back, yes, Honourable Doctor Haufiku.

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HON DR HAIFUKU**

HON MINISTER OF HEALTH AND SOCIAL SERVICES: ...of the Ministry. It is not governed by an Act. In fact that is what we are trying to do now. The full financing of the Ministry does stretch on what we spend especially on the country.

HON SPEAKER: So in other words the audited reports are not necessarily in there but they are somewhere.

HON MINISTER OF HEALTH AND SOCIAL SERVICES: Yes, there are not necessary because (microphone off).

HON SPEAKER: Alright, I think we are beginning to understand each other I think. Honourable Kavekatora you were right in saying the full audited accounts are somewhere this might be just a kind of a summary. Let us leave it at that. It is your part of responsibility and I can understand why you are insisting on that. That said and done, we move on and may I suggest we have a very important presentation to come from the Minister of Health and Social Services but I would like to request the House that we take up the first notice of the Motion before we get back to the Honourable Doctor Haufiku to introduce the very important topic that we are going to deal with but I would like to do that after we have done one or two items.

The notice of a Motion is one of Honourable Venaani. Does the Honourable Member move the Motion?

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**COMMITTEE STAGE - EXTRADITION
AMENDMENT BILL**

HON MUHARUKUA: Honourable Speaker, Honourable Member is not here. For that reason it shall be duly withdrawn and shall be reintroduced in the next sitting.

HON SPEAKER: Thank you very much for that understanding. We will certainly look back to that Motion being brought back to the House.

The Secretary will read the first order of the day.

**COMMITTEE STAGE – EXTRADITION
AMENDMENT BILL [B.19 – 2018]**

SECRETARY: Committee Stage – *Extradition Amendment Bill* [B. 19 – 2018].

HON SPEAKER: Does the Deputy Minister of Justice move that the Assembly now goes into Committee, the Minister yes?

HON MINISTER OF JUSTICE: I do Comrade Speaker.

HON SPEAKER: The question is that Minister does the Minister move? The Minister just move that the Assembly now goes into Committee, yes.

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**COMMITTEE STAGE - EXTRADITION
AMENDMENT BILL
HON SHANGHALA**

HON MINISTER OF JUSTICE: I do Comrade Speaker.

HON SPEAKER: It is moved that I leave the chair, an objection, who seconds, agreed to. I now call on 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 Extradition Amendment Bill.

I put clause 1, 2, 3, 4, 5, any discussions, any objections, agreed to.

I put clause 6, 7, 8, 9, 10 and 11, any discussions, any objections, agreed to.

I put schedule 2, do you have 12 Honourable Minister of Finance, any discussions, any objections, agreed to.

I put short title and announcement, any discussions, any objections, agreed to.

I put the title, any discussions, any objection, agreed to.

I shall report the Bill without amendments.

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**THIRD READING - EXTRADITION
AMENDMENT BILL
HON SHANGHALA**

ASSEMBLY RESUMES

Bill reported without amendments.

HON CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:
Honourable Speaker the Committee has gone through the Bill Extradition Amendment Bill and have gone through it as set forth in the accompanying copy and agreed it without amendments.

HON SPEAKER: Thank you. Does the Minister of Justice move that the Bill be now read a Third Time?

HON MINISTER OF JUSTICE: Honourable Speaker I do.

HON SPEAKER: Any objection, who seconds, agreed to. Any further discussions? In the absence of that does the Minister of Justice wish to reply?

HON MINISTER OF JUSTICE: I wish to do so briefly by thanking the Members for the support and ensuring then that this Bill will soon once it has been signed into law coming to force. Thank you.

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**COMMITTEE STAGE - INTERNATIONAL
CORPORATION AND CRIMINAL
MATTERS BILL**

HON SPEAKER: Thank you. I now put the question that the Bill be now read a third time, any objection, agreed to.

The Secretary will now read the Bill a third time.

**THIRD READING - EXTRADITION
AMENDMENT BILL [B.19 – 2018]**

SECRETARY: *Extradition Amendment Bill* [B.19 – 2018].

HON SPEAKER: The Secretary will read the second order of the day.

**COMMITTEE STAGE – INTERNATIONAL CO-OPERATION
IN CRIMINAL MATTERS AMENDMENT BILL [B.20 – 2018]**

SECRETARY: Committee Stage – International Co-operation in Criminal Matters Amendment Bill [B.20 – 2018].

HON SPEAKER: Does the Minister of Justice move that the Assembly now goes into Committee?

HON MINISTER OF JUSTICE: I do Honourable Speaker.

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**COMMITTEE STAGE - INTERNATIONAL
CORPORATION AND CRIMINAL
MATTERS BILL**

HON SPEAKER: It is moved that I leave the chair, any objection, who seconds, agreed to. I now call on 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 and the Committee has to consider International Corporation in Criminal Matters Amendment Bill.

I put clause 1, 2, 3, 4, 5, 6, 7 and 8, any discussions, any objections, agreed to.

I put clause 9, sorry, I put the short title mainly clause 9, any discussions, any objection, agreed to. I put the title, any discussions, any objection, agreed to.

I shall report the Bill without Amendments.

ASSEMBLY RESUMES

Bill reported without Amendments.

HON CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:
Honourable Speaker the Committee have gone through the International

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**THIRD READING - INTERNATIONAL
CORPORATION AND CRIMINAL
MATTERS BILL
HON SHANNGHALA**

Corporation and Criminal Matters Bill and have gone through it as set forth on the accompanying copy and agreed to it without amendments.

HON SPEAKER: Thank you. Does the Minister of Justice move that the Bill be now read a third time?

HON MINISTER OF JUSTICE: I do Honourable Speaker.

HON SPEAKER: Any objection, who seconds, agreed to. Any further discussions? In the absence of further discussion, does the Minister of Justice wish to reply?

HON MINISTER OF JUSTICE: I do Honourable Speaker and in short I would like to say much appreciation and thanks to the Honourable Members for the support and this Bill with the previous one is important for us to fight crime transnationally. It will be brought into force as soon as it is signed into law. Thank you.

HON SPEAKER: Thank you. I now put the question that the Bill be now read a third time, any objection, agreed to.

The Secretary will now read the Bill a third time.

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**COMMITTEE STAGE - REPEAL OF
OBSOLETE LAWS BILL
HON SHANGHALA**

**THIRD READING - INTERNATIONAL CO-OPERATION
IN CRIMINAL MATTERS AMENDMENT BILL [B.20 – 2018]**

SECRETARY: *International Co-operation in Criminal Matters
Amendment Bill [B.20 – 2018].*

HON SPEAKER: The Secretary will read the third order of the day.

**COMMITTEE STAGE – REPEAL OF
OBSOLETE LAWS BILL [B.21 – 2018]**

SECRETARY: Committee Stage – *Repeal of Obsolete Laws Bill [B.21 –
2018].*

HON SPEAKER: Does the Minister of Justice move that the Assembly
now goes into Committee?

HON MINISTER OF JUSTICE: I do Honourable Speaker.

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**COMMITTEE STAGE - REPEAL OF
OBSOLETE LAWS BILL**

HON SPEAKER: It is moved that I leave the chair, any objection, who seconds, agreed to. I now call on the Chairperson of the Whole House Committee to take the chair.

ASSEMBLY IN COMMITTEE

HON CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:

The Committee is called to order and the Committee has to consider Repeal of Obsolete Law Bill. I put clause 1 and 2, any discussions, any objection, agreed to.

I put schedule column 1, 2 and 3, any discussions, any objection, agreed to.

I put the title, any discussions, any objection, agreed to.

I shall report the Bill without amendments.

ASSEMBLY RESUMES

Bill reported without amendments.

HON CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:

Honourable Speaker the Committee has gone through the Bill Repeal of Obsolete Laws Bill as set forth in the accompanying copy and agree to it without amendments.

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**THIRD READING - REPEAL OF
OBSOLETE LAWS BILL
HON SHANGHALA**

HON SPEAKER: Thank you. Does the Minister of Justice move that the Bill be now read third time?

HON MINISTER OF JUSTICE: I do Honourable Speaker.

HON SPEAKER: Any objection, who seconds, agreed to. Any further discussion? In the absence of such, does the Minister of Justice wish to reply?

HON MINISTER OF JUSTICE: I do Honourable Speaker and in so doing would like to thank first and foremost the Parliamentary Standing Committee on Constitutional and Legal Matters which was then chaired by the current Chief Whip for the initiative they took and alerted us at the Law Reform Commission at the time into the need. The initial work that they did has laid the basis for this work that the Commission completed. I would also like to thank posthumously late Professor Efa Aukupa who availed students from the University of Namibia's law faculty who did the research countless hours in the libraries of the national archives, the Supreme Court, the High Court, the Ministry of Justice and UNAM to find legislation and the pieces of legislation that would be referred. I would also like to thank very much my Deputy Minister even though she is not here for having taken the lead on these projects that we were working on or these legislations and particularly the legal drafters who have worked so hard to verify and ensure that these pieces of legislation being repealed are in fact correct and that others that have risen out of this would be forthcoming as the second stage of the Repeal of obsolete Laws. With these few remarks I would also then lastly thank Honourable Members for their interests, their comments and their support for the Bill. Thank you very much.

28 November 2018 **COMMITTEE STAGE - ADMINISTRATION OF
ESTATE AMENDMENT BILL**

HON SPEAKER: Thank you. I now put the question that the Bill be now read a third time. Any objection, agreed to.

The Secretary will read the Bill a third time.

**THIRD READING – REPEAL OF
OBSOLETE LAWS BILL [B.21 – 2018]**

SECRETARY: *Repeal of Obsolete Laws Bill* [B.21 – 2018].

HON SPEAKER: Does the Honourable Swartz move that the report be considered, sorry, sorry, I thought I am done.

The Secretary will read the fourth order of the day.

**COMMITTEE STAGE – ADMINISTRATION
OF ESTATES AMENDMENT BILL [B.23 – 2018]**

SECRETARY: Committee stage – *administration of estates amendment Bill* [B. 23 – 2018].

HON SPEAKER: Does the Minister of Justice move that the Assembly now goes into Committee.

28 November 2018 **COMMITTEE STAGE - ADMINISTRATION OF
ESTATE AMENDMENT BILL
HON SHANGHALA**

HON MINISTER OF JUSTICE: I do Honourable Speaker.

HON SPEAKER: It is moved that I leave the chair. Any objection, who seconds, agreed to. I now call on the Chairperson of the Whole House Committee to take the chair.

ASSEMBLY IN COMMITTEE

HON CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:
Once more the Whole House Committee is called to order and the Committee has to consider Administration of Estate Amendment Bill.

I put clause 1, 2, 3, 4, 5 and 6, can I repeat again?

I put clause 1, any discussions, any objection, agreed to.

I put clause 2, any discussions?

HON MINISTER OF JUSTICE: Chairperson thank you. I was just alerted by the Attorney General that there is an error in paragraph 2(b) in that the sentence has the first mention of the word Master ought to be replaced with the word Minister and that this mistake will have to be corrected when the Bill returns from the National Council if not corrected there that it is apparently a mistake.

28 November 2018 **COMMITTEE STAGE - ADMINISTRATION OF
ESTATE AMENDMENT BILL
HON SHANGHALA**

HON CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:

So what are we going to do? We are going to pass it through. We are not going to amend anything now?

HON MINISTER OF JUSTICE: Yes because I do not have the amendment to table. I was advised to enter it into the record so that we can recall that there is a mistake. Thank you.

HON CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:

Alright, any objection to clause 2, agreed to. Clause 3, 4 and 5, 6, any discussions, any objection, agreed to.

I put the title, any discussions, any objection, agreed to.

I shall report the Bill without amendments.

ASSEMBLY RESUMES

Bill reported without Amendments.

HON CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:

Honourable Speaker the Committee have gone through the Bill Administration of Estate Amendment Bill and the Committee have gone through as set forth in the accompany copy and agree to it without amendments.

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**THIRD READING - ADMINISTRATION OF
ESTATE AMENDMENT BILL
HON SHANGHALA**

HON SPEAKER: Thank you. Does the Minister of Justice move that the Bill be now read a third time?

HON MINISTER OF JUSTICE: Honourable Speaker I do.

HON SPEAKER: Any objection, who seconds, agreed to. Any further discussions? In the absence of further discussion, does the Minister of Justice wish to reply?

HON MINISTER OF JUSTICE: Honourable Speaker in doing so in replying, I would like to thank those that have worked and made suggestions to the Master of the High Court particularly the Master herself Ms Beukes, the drafters and the report initially drafted by the Law Reform Commission during the Chairpersonship of our Diplomat now our former Ombudsman Comrade Beans Govenus so has taken that long but the product would be coming finally and this is just a first step to that evolution. Thank you very much for the support and I trust that this Bill will be then corrected when we return to the National Assembly. Thank you.

HON SPEAKER: Thank you. I now put the question that the Bill be read a third time, any objection, agreed to.

The Secretary will read the Bill a third time.

28 November 2018 **CONSIDERATION OF COMMITTEE REPORT
ON THE VISIT TO THE MINES AND
TO THE FISHERY FACTORIES
HON KANDUMBU**

**THIRD READING - ADMINISTRATION OF
ESTATES AMENDMENT BILL [B.23 – 2018]**

SECRETARY: *Administration of Estates Amendment Bill [B.23 – 2018].*

HON SPEAKER: The Secretary will read the fifth order of the day.

**CONSIDERATION OF COMMITTEE REPORT ON THE VISIT
TO THE MINES AND TO THE FISHERY FACTORIES**

SECRETARY: Consideration of the Committee Report on the visits to the mines and to the fishery factories.

HON SPEAKER: Does the Minister Swartz move that the report be considered and I note she is not in the House, the Deputy Chairperson?

HON KANDUMBU: Yes, I do Honourable Speaker.

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ON THE VISIT TO THE MINES AND
TO THE FISHERY FACTORIES
HON KANDUMBU**

HON SPEAKER: Who seconds, any objection, then it is agreed to. Honourable Member you have the floor. You are expected to motivate the report. I am sure you say one or two things about the report.

HON KANDUMBU: Honourable Speaker let me ask the indulgence of the House to postpone the report until tomorrow.

HON SPEAKER: You defer the report until tomorrow.

HON KANDUMBU: Yes both two reports.

HON SPEAKER: Both reports.

HON KANDUMBU: Yes.

HON SPEAKER: Wonderful, wonderful, thank you very much. I think I am now turning to the time has come to present the Honourable Doctor Haufiku Minister of Health and Social Services who has been extremely kind to this House and to the nation to alert us on one or two important issues that we should be made to be aware of. I want us to turn the board

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**PROTECTIVE MEASURES TO
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HON DR HAUFIKU**

in front of you so that he could introduce the subject matter. It is really sharing of information on a topic that he is going to introduce you to. This is not live. It is just a video. Honourable Members can we reassure you there is no snakes have been brought in to the Chamber Doctor Bernard Haufiku will introduce the subject and explain to us why it is essential that we should be provided with information relating to snakes and what we should be watching out for particularly this time of the year when it is a little bit warm. Honourable Minister you have the floor.

HON MINISTER OF HEALTH AND SOCIAL SERVICES: Thank you very much Honourable Speaker and Honourable Members for agreeing to briefly listen to one of the subjects we consider in health environment as one of the most misunderstood subject and as a result has been for a long time one of the neglected subject as far as health and environment is concerned and as far as hormonal relationship between other living being and human being is concerned but more than that Honourable Speaker there is also a subject that inflicted quite significant damage to human being because of misunderstanding, mismanagement of the environment and other things that share with us the environment.

I was invited in July no, no, in June this year to a scientific company in Amsterdam called Naturalist together with international academic and scientist to be a key note speaker at a snake's conference. Obviously I was a little bit uncomfortable but I have been fortunate that I came from Namibia the land of the brave of course but blessed with not only snakes but at least some people who can help us understand snakes in our environment not only understand but help us manage conflict between human and this serpent and also educate the community at large but we thought it is much better to start with the lawmakers.

We did not even start with the Executive but the lawmakers. Again, we should have Council maybe here National Council Members because we want the lawmakers to be our messengers to your respective

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constituencies. So in brief just as an estimate in Namibia alone we have about between 5 000 and 10 000 snake bites every year.

HON SPEAKER: Per year.

HON MINISTER OF HEALTH AND SOCIAL SERVICES: Per year, the good thing and the fortunate thing is that these are not all in-vernominations snakes. Some are just scratch, lucky escape but the best told is unfortunately we do not have the hard data yet. We are working on that but something between 50 and 100 people die from snake bite and the reason for that is that almost those that are bitten in the city are well-managed so they do not die. It is mostly the subsistent farmers, cattle herders, people in informal settlement and distant away from health care services. Those are the ones who succumbed. With reference to what happened I think a few weeks here around and I do not want to dwell much on that it is probably one of the very unfortunate case because the patient received some of the best care but despite that we have lost that patient?

That is in urban area but in rural areas some of them we do not even know because I was talking to the young man outside there who is coming to give us a snap shot of the power point presentation that in the last two weeks or so we had 15 already so we need to be aware as lawmakers and spread the message. So that is for that reason that I want now to call in Francha is a young man that I went with to Amsterdam to Laden in Netherlands and obviously he did embraced internationally and that is why I like calling him to do the presentation. Just lastly to mention that of all the deaths and the bites 40% of them are children so it is a serious problem that we hope when we hold this conference of snake bite next year here hopefully then we have the support of lawmakers. So may I now

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call Francha and his colleague just to run through for about five or ten minutes and then we can ask questions to him.

HON SPEAKER: Thank you very much. Where are they? Welcome.

MR FRANCOIS: ...a subject that I did not touch at all and I see most Members started running away though I had a snake in my pocket. This is actually not the case so today we are here to give a voice to the victims of snake bite. This is not about snake consolidation. This is specifically about the burden that we face in Namibia. Unfortunately, it is something that lawmakers not only in our country but across Africa and across the world have not paid a lot of attention. Now some of you in this House I do recognize because I have been in your houses to snakes. May the Honourable Minister of Finance over there that there was a snake in his garden and you know so today we want to educate you people about the burden we face in our country and what we want specifically is your support to take us forward and definitely be able to make a change in our country. So it is not only about boring presentation and we quickly going to run through.

So just quickly to touch base on this again. You know the burden of snake bite in Namibia is a major, major issue. At this point in time we do not have any accurate data on snake bites in Namibia. We cannot tell you the exact statistics and the reason for this is because snake bite is not considered to be a notifiable disease in this country unlike HIV and TB. Unfortunately, snake bite is not recorded in our hospitals in this country. The other issue we have is that specifically there is not conservation management plan for snakes either and snake park is not considered to be at this point in time to be part of human wildlife conflict. Now what we are going to show you people today there is a couple of very, very

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gruesome pictures but this will hit home and hopefully this will change your perceptions on the burden we face in this country.

So for those of you I would love everyone to pay full attention to what we say. Otherwise, I might just come to your office to release a snake so let us hope that we can convince you people to come on board with what we have been working on for the past couple of years. So the first thing I am going to show you is just a short introduction of snake bites and the problem it causes worldwide. So this is the video that was shot specifically on this issue so I do not know whether we are going to have sound.

MR FRANCOIS: I will send a link to this full documentary to everyone and would love you people to watch it and please give feedback on it as well. In any case moving on from this so this gives you people, gives everyone in this House a good idea of what the real issue is. No funding, nothing is being done at all and we need to address this issue very quickly as well if we want to make a difference. Now we have been working with this issue every single day. Now just before I actually step into the House, I was at another snake bite up in Grootfontein actually. The gentleman is stable and it is under control. Now this is some of the other issues we see on a day to day basis. This little boy was bitten way back in the 70s by a western bite spitting cobra as you can see it caused incredible amount of narcotic tissue. It cause a lot of tissue damage. What basically happened this boy was bitten on his hand and the venom spread underneath the plain of the skin and popped up on random on his body.

This is the gentleman a couple of years later. He made a full recovery thanks to good and adequate management that was given to him. Now as you might know the western bite spitting cobra or zebra snake at this point in time unfortunate there is no effect of anti-venom. This is also another issue that we do tend to deal with on a fairly regular basis. Children get bitten at night while they are asleep usually within the facial region. This

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was again caused by a zebra snake. What you would see over there is a pathera bite gentleman was walking in the bush barefoot and unfortunately what happened at this point in time is he was bitten.

Over there is just a surgical procedure in order to have a chance to save this person's limp. Now if we are looking at snake bites in general and the biggest misconception there is worldwide is that anyone in this room would be affected by snake bite. None of us sitting in this room will have the burden of snake bite while it does happen from time to time the people that are affected from snake bites come from disadvantaged backgrounds and they are usually from the rural communities and informal settlements around the country. The other issue that we typically do tend to have with people that end up with snake bites is up in the north when you are the breadwinner of the family and usually use a limp and what can happen at this point in time is that it can have major socio economic impact on that family.

You are not going to be as productive as you used to be and unfortunately what is going to happen you are going to lose a lot of money not to mention the medical bill that might follow a snake bite. So this is again a gentleman that was bitten by a western bite spitting cobra as you can see he lost his finger and this was again a little child that was bitten. So this is what is happening on almost a daily basis in our country without any attention being paid to it. So this was another young boy that was bitten on the knee while he was asleep. Unfortunately, this does happen on a very regular basis with zebra snakes. So how do we treat these snake bites? Well, basically for zebra snakes because there is no anti-venom we manage them symptomatically and from that point on we remove all of the non-viable tissue until the person is healthy again. Vitalities from the snake thankful is quite rare. They do occur especially in young children but this is the picture we see especially in Katutura Hospital we see this on a daily regular basis.

So the presentation was set up by one of my mentors and one of Africa's leading snake bite specialist Doctor Christopher Stein. In 1976 already he

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identified the problem of snake bites in Namibia. At that time he was basically an intern at the hospital and he went away to specialize in the 1980s, came back and started to work on zebra snakes and other snake bites. Throughout his career, he is 42 years career. He has dealt with over 3 000 cases of snake bites and he has never lost a single patient. This is a man that is more than willing to help and to push this even further. It is nice to finally have someone that is willing to listen to us and allow us to open the eyes of our politicians to see what the issue might be.

So next step. The one thing you would notice is on this map it show cases where data is available on snake bite throughout the world. One thing you will notice is that Namibia is empty. We do not have any accurate statistics on vitalities. We do not have statistics on bites and without these statistics, ladies and gentlemen, we will not be able to identify problematic areas and address this issue and other thing that you need to pay close attention to is the low income groups. Some of the poorest people in this country are the ones that are really going to be impacted by snake bite.

So if we are looking at statistics globally, we see round about four and half million in venomations every single year or four and half million snake bites every single year. Now this is not contending venomations. About two million are injected with venom. Now the mortality rate of snake bite varies but again these statistics are not accurate because a lot of people did not reach hospitals unfortunately. So we are looking at between 81 and 150 000 snake bite vitalities every year double this number and left with mobility's. So these are people that often lose limbs and this is a major, major issue that we have in Namibia.

Now as the Honourable Minister mentioned 40% of these cases are children that are involved in snake bites. In Africa alone 20 000 people die every single year from snake venomations. So what is the problem in Namibia? As you can see we have a little confused snake out there. We do not know the true extend of the issue in this country. So we have estimated between 50 to 100 cases, why, this is largely due to a rural population we have. Our country is spicily populated up in the north

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people struggle with inadequate transport and communication and medical facilities are often scarce. So lot of people do not have the luxury of going to a clinic, going to a proper hospital equipped to deal with a snake bite venomation.

There are other factors which we are not going to go into too much detail but the biggest issue is the lack of reporting. So what we have done from our side? Now in 2015 at the World Health Organization in some snake bit activists, actively called us and said to us look we are going to the World Health Organization and we want to get snake bite back on the list of notifiable diseases in order to address this issue across the world. So this is immediately when we started to work with the Honourable Minister of Health and in 2016 we drafted a document which pretty much gain Namibia support you know for the snake bite burden.

Again, in 2018 the Motion was finally passed thanks to the support from Namibia and a lot of other countries around the world and snake bite was finally listed as a neglected tropical disease and this will assist us a great deal in addressing this issue in the future. So we do require immediate reaction from the House and we do ask support from everyone involved in this country. Remember this is about the snake bite victim. This is not about doctors. This is not about us as snake conservationist and researchers. So the majority of the snake bites occur in rural and informal settlements as I mentioned. The reason why this tend to happen is human dwellings especially is easily accessible by snakes.

Most of the people affected live and work closer to nature of course our agricultural sector can be affected by this as well and inefficient communication means is another big issue. Lack of transport once again and facilities. Now one thing that is also lacking at this point in time is just the fact that we do not have any awareness and knowledge regarding snakes first aid and snake bite prevention aid. Now this is once again where the Ministry of Education can get involved in and we can start working on a program and exporting this to every single school in our country to get them on board with the problem and certainly MET needs

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to get involved in this as well because we need to train some rangers on how to handle dangerous snakes and to mitigate conflict.

So because of this scarce distribution in our country in a statistic on none existent in rural areas another issue we have is lot of people tend to traditional leaders. So we need to address traditional leaders as well. We need to involve them in this issue so we cannot work alone. Traditional healers play a key part in our society. So without accurate statistics, we cannot identify the problems and it cannot be addressed and rectified. So once again you know what we would like is a prompt implementation, sorry about that. So once again what we would like is the implementation of declaring snake bites as a notifiable disease in Namibia.

This is of utmost importance and urgency to obtain accurate snake bites statistics. Without this we will not be able to identify snake bites hot spots in our beloved country and we will not be able to specifically use our resources wisely so this is needed in order to address this issue in the future. Now in 2016 we started something called the Namibia snake bite interest group which set out to creating the very first snake bite guideline for Namibia and this guideline is available for every single medical doctor free of charge. This was done completely with our own funds and all that. We want to make a difference. We do not care about anything else. It is about the people. The other thing that happen was this Board was started or this group was started and we are training doctors on a daily regular basis as well sharing information and making sure patients whenever we get or whenever they get to us get the best adequate treatment. That is the plan moving forward declaring snake bite as a notifiable event in Namibia. We need or we are currently busy working on the Namibia Snake Bite Management Advisory and Technical Committee at the request of the Honourable Minister of Health as well. So you know this is a working progress. We should have it up and running quite soon as well.

We need education and training program whether this is done through a rectal park, whether this is done by travelling throughout the country showing people snakes and educating them about the basics of snake

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safety and probably we would need to invest in as well is research and I am currently busy with this. My paper would be out later this year on human snake conflict specifically in Namibia and the main aim of this would be to come up with the management plan which would be submitted to the Ministry of Environment and Tourism once it is done and we want a snake bit management research protocol as well. Statistics is obviously very important and in our jurisdiction or executive miles to help us to improve snake bites in Namibia in the future.

Now I am also proud to announce that since we actually attended the conference in Laden in the Netherlands, everyone was so impressed with what we have been trying to do and obviously with the backing from the Namibian Government that they agreed to host the renounced snake bite conference next year in Namibia. A hundred thousand Euros was donated to this cause and certainly if anyone is willing to help or if there is any way that anyone can assist us, then we would like to ask for that. What we want to do with the snake bite conference is this will give us the unique opportunity to have the top experts and doctors from across the world at our disposal and this can lead to more research and certainly to better outcome in the future.

Now ladies and gentlemen just before I close off that is me. I was also a victim to snake bites. I was bitten by a black mamba on the 13th of December 2016. I got adequate anti-venom and I had the protocols in place. Unfortunately not a lot of people have this luxury. So this is a T-shirt that was bought for me. So what does truly make it stronger except for mambas so it does not seem like a lesson and I am still continuing with mitigating human snake conflict along with my good colleague over here Mr Greden Bernard? So if we get your support ladies and gentleman and one thing that would be fantastic is that if snake bit is listed as a notifiable disease in Namibia, we would be the first country in the world to have done this. No one else have done this not Australia, not the US, no one. So I would like to plead to you people to please consider this and to think about this. I am open for any questions. Thank you.

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HON SPEAKER: Thank you very much. I hope you permit us to ask some few questions and we will then after questions, we are going to pronounce ourselves in terms of your request what we can do. Can we have the lights because now we, yes, Honourable Shifeta.

HON MINISTER OF ENVIRONMENT AND TOURISM: Thank you very much. Francha maybe one thing that you left you have not mentioned that is to just touch on the issue of just to enlighten or to give information to the Members here that when you approach a snake for instance suddenly you dump yourself in their snare, what, how do you react and also how do you deal with it to avoid the bite. Maybe that just on that one.

HON SPEAKER: I will take several questions and then we ask our dear friend to, yes, Honourable Hambyuka.

HON HAMBYUKA: Thank you Honourable Speaker. Thank you for the opportunity. Mine is the information circulated on the contact numbers. I was trying to follow it properly that I realize that the regions of the red light is cut off, why. Are we saying that we do not have snakes in regions where is red line or what is happening because I am seeing that the Kavangos and all 4 regions are not having contact numbers when we are bit by the snake we cannot contact that including Opuwo is not there. Now what happened?

HON SPEAKER: No, no, we will deal with that, Honourable Namoloh.

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HON MINISTER OF SAFETY AND SECURITY: Thank you Comrade Speaker. I spent quite a number of years living with snakes in the bush and with a lot of Comrades also in those thick bushes. Snakes normally are not aggressive. The 15 years we spend there the snake bite fatalities are very minimum with a lot of people more than 10 000 people and you see how many fatalities we have had. There are not many but also I would want the presenter to look at the traditional snake bite treatment also because people are treated in the rural areas by tradition and they are also maybe when I said you lack but there is also an improvised treatment on a snake bite in the farms. If we have petrol you put in your car and you have a snake bite and you take a lint a tot you survive to go to hospital.

Maybe scientifically you will say no it is not but it is. It has worked. The traditional snake bite treatment also I also live in in India for some years and in Delhi for instance we talk of snakes in Windhoek. There are not snakes in Windhoek. Snakes are in Delhi because Delhi is a forest. Even when you fly into Delhi you do not see the lights because Delhi is under trees and snakes are there. They follow in your yard. We have my two and half years in Delhi I think we had more than ten snakes in our yards and what we do, you call a snake charmer and only snake charmer one time the snake charmer came. I was at the office. My wife was home and the snake charmer was bitten by this snake and my wife respond please call the doctor to come and pick up this person. He is going to die here. The snake charmer told her no, no, we will treat him and they give him some leaves to chew and this man they did not go to hospital. Tomorrow this snake charmer was there. So these are some of the traditional snake bite treatment. I think it is very important in the rural areas possibly if we can also enlighten people as you said traditional healers they must be not only traditional healers, traditional people who have lived in the rural areas with snakes and so forth. Of course nobody likes you know when I was at school, my teacher talked about snakes many years ago, more than 45 years ago and he said I hate a snake. He said no, no, you do not say I hate a snake. Snake we uphold snake. Whenever you see you must kill it. Thank you very much.

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HON SPEAKER: Thank you, Honourable Doctor Kawana.

HON DR KAWANA (ATTORNEY GENERAL): Thank you very much Honourable Speaker. Let me join my Colleagues to comment my dear brother and Comrade Honourable Minister of Health for this very important topic. At least for some of us who grew up in rural areas, this is a familiar subject and we are also aware that we lost quite a number of relatives through snake bites. During my time of the struggle, one of Comrades when we were in mission was bitten by a black mamba. We had to bury him so I am speaking from experience. What I want to know Comrade Speaker to the presenters maybe some mirth.

I do not know some people call it a mirth. Some people call it maybe factio I do not know scientifically from maybe a scientific point of view some people are saying if you are bitten by a snake on your leg for example, you have to get something to tie so that the blood cannot go to the heart and so forth. How accurate scientifically is that? Secondly, some say you must cut that part so that it can bleed so the poison can come out. Scientifically how accurate is that? Then there is this other issue Comrade Speaker normally when you are bitten by a snake, you go to the nearest clinic or hospital. They will ask you what kind of snake bit you even if it was at night you do not know. Sometimes you just saw it maybe but not so well. It was dark.

I do not know whether there is an anti-dot because I know why they ask those questions because some snake poison they make your blood like water so they have to give you medicine which reverse that process. Some snakes poison make your blood thick so that it cannot circulate so they have to give you something to release that process. So I do not know in terms of anti-dot whether there is a combination of both. Otherwise, Comrade Speaker once again, thank you very much.

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HON DR MUSHELENGA**

HON SPEAKER: Thank you very much, Deputy Speaker.

HON DEPUTY SPEAKER: Let me also join others of thanking the presenters and also the Minister of Health. I have just to add to what Honourable Namoloh have stated the traditional methods of treating when you are bitten. Apart from or I have also learnt it was in Rwanda Kigali that when you are bitten before you reach the hospital, apparently you can also take your own urine and drink, yes, urine. Is it not you are to drink? It can neutralize apparently I did not know up until you reach the hospital and another comment is on the research. I should think in Namibia like any other country there are also some bushes you plant and the snakes are afraid of. Maybe it has got a certain smell some bushes. I have planted it in my mother's village there. It works somehow.

HON SPEAKER: Thank you, Honourable Doctor Peya Mushelenga.

HON MINISTER OF URBAN AND RURAL DEVELOPMENT: Thank you very much Honourable Speaker. Let me join the four speakers who spoke to thank Honourable Minister and the team for the presentation. I am not necessarily a student of hepatology. Hepatology is a study of snakes but I have basic knowledge. I have read basic hepatology. There are snakes that easily get scared so when you meet, they would run away so but if you meet in a close environment, they are not able to run away. The only defence that they have is to attack you and mamba is one of such snakes. Secondly, female snakes if you walk between that snake with its ex or the smaller snakes, baby snakes, it is quick to defend its ex or the baby snakes. That is the only time that you will even see a snake chasing you.

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It means where you are you are standing between a snake which is either its ex or baby snakes. So you must run to a different direction so that you get out of that danger zone but also there are many traditional methods of keeping snakes away as the Attorney General was saying here or was it the Deputy Speaker. One of them is to bent tyres. You may say it is not scientific. You may think it is not scientific. When you burnt tyres the smell snakes cannot stand and these are proven things. Where I came from I grew up next to a forest full of snakes and these are some of the methods. Once you burn tyres, the smell keep snakes away and in addition to what the Attorney General was saying that what he was asking that when you tie yourself, fresh milk is also one of the medicine costing at least trying to neutralize poison. So this is my limited methodology knowledge that I wanted to share with Honourable Members. Thank you.

HON SPEAKER: Thank you, Honourable Muharukua.

HON MUHARUKUA: Thank you very much. Honourable Doctor Mushelenga I think next year we will hear that he has a Degree in this field. Yes, thank you just four things two amiss or I perceive them to be mirth. Maybe you can help us I do not know whether the community that I am from are the only community that have this or it is the only community that have this or is it Namibians in general that apparently in Namibia we have a snake that has a light, yes, in the north so it is everyone. Now there is another one with a mirror from the south apparently. Now this snake apparently when you it somehow has power to take off its light, leave it somewhere, yes, the light. I do not know we say it is a light maybe it is that, yes, so if it leave it somewhere, the only way you can catch it is if you come with a black pot, this try pot to come and cover it. It will not see where it is going. Is that a mirth or is it true?

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The other thing is the place where the Honourable Mike Kavekatora is coming from. There is a fountain. Now apparently there is a snake in this fountain that gives the water and I know of many numerous places. There is a fountain that gives water, yes, there is a snake in the fountain which is the source of water. Do we have such snakes in Namibia or are they just mirth because the story is that if you kill that snake the fountain will never ever give water again? Now funny enough today I met a welder because I am struggling with the very same issue at the humble place where I am farming. I have had ten animals bitten only two have survived so I was asking this guy to design a trap for me or various traps for snakes because I just ten animals that I could have lost. Luckily I have eight and that is a lot of cattle. Where can we find and how do you trap these things?

That is one. Two, some people say that we heard of tyres now but someone said to me that you can buy things, you can spread it around the parameters of your house. Now in the event that you are leasing a land that is 3 000 hectares or with a big parameter, how do you keep them away is impossible? What can we buy?

HON SPEAKER: Thank you, Honourable Calle Schlettwein.

HON MINISTER OF FINANCE: Thank you Honourable Speaker and I want to start off thanking Doctor Haufiku and the two persons for this very interesting presentation which actually focusses on snake bites and not snakes. What we are talking about are snakes. Well, Honourable Speaker there are many cultures are fascinated by snakes and make snakes important symbols of either evil or good or intelligent and you will find it all over the world. I believe Chinese believe snakes are very intelligent and smart. Indians have them as holy animals so it is vary but the fact of the matter is that they do bite. Some of them are venomous and I had that

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nasty experience and it was actually Doctor Francha who helped me and I do believe what he said my hand where I was bitten partly.

It was not a big snake. It was one of these southern later snakes but it is and terribly painful and it is causing necrosis in the tissue if not careful you can lose a finger or so. I suffer for about three weeks and then it was alright so thanks to an expert that we have and I think it was never life threatening but it was very, very painful so do not tie it. The topic that we are discussing is snake bite and therefore also we must be probably looking into why do snakes come into our houses and why do we find them. I do believe that how we keep out yards, how we construct doors to keep them out and what pets do we keep is an important consideration. Most of the snakes look for warm places. They called bloodied animals so they like warm places but snakes are hungry and they look for food. So when you have mice or birds or any animals stuck along in the house, snakes will find them and they will go and look for it. So I think it is an important consideration. Honourable Namoloh mentioned Delhi. Delhi is not only the city of snakes. It is the city of rats and that is why the snakes are, well I saw it on BB. It is just showing that snakes are I want to show that they look for prey and if the prey is around, snakes will come.

Now snake bites are so bad and so dangerous because of the venom and venom is very varied in many different species. The poisonous action that the bodies experience is quite different. The painful ones are the ones where the snake venom is actually having the effect of digesting the victim while it is eating and that is why your tissue rots away. It is digested actually. That is the pythons and the stiletto snakes and the snake that you saw. Then there are the other snakes like the mambas and the boom slungs so that they have neurotoxic effect that just paralyzes you but it is very simplified. May snakes have many baring effect on what I want to say is that snake poison is these days attracting lot of interest because of its chemical potential and it is interesting to know that most of the poisons if you reduce the dosage, it can actually be having a leading effect and many of the snake poisons are investigated whether one can actually use them for medicinal purposes.

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HON EKANDJO**

It is an interesting science but the surety I can give you any snake bite the dosage is much too high to be favourable. It is not but in Namibia we have a number of poisonous snakes so there is an industry that these young people that are not afraid of handling snakes can venture into and look whether one can make something positive out of. Well, some people eat snakes. Now the last point I want to make and was a suggestion that snakes and the effect of snakes should be part of the wildlife conflict debated here.

Of course snake bite is a dangerous thing and sometimes bite threatening but so is a mosquito bite and so is a scorpion sting so is driving a car and so are many things that could have the consequences of death so I just want to caution that we should not make any threat that we actually think is alive the responsibility of the state and so you must make resources available to do that. We are our own masters of our own life and you can often avoid conflict by behaving in a certain way instead of promoting or provoking and conflict and the consequence is very, very negative one. So if the debate is in that direction, I think it is an important debate. If the snake bite is a reported then it is a good step because then we know what is going on and how large or small the problem is. I think it is larger than we believe so let us go there but do not make it a money making racket. That is the message. Many of these things become quickly the schemes where you work for money. Thank you very much for the interesting presentation.

HON SPEAKER: Thank you, Honourable Jerry Ekandjo.

HON EKANDJO: Thank you Honourable Speaker. I have got two questions. One is directed to the young man the presenter and then I do not know the one the request to the Honourable Minister. Will there be other platform or can I just do it? Alright, some two-three years ago I have

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got a plot here at Brackwater and there was a snake and I contacted the Municipality. They send a young man to come and look for it. I do not know whether it was you. He is a snake catcher and he was saying that whenever we find a snake we must kill it. We must call him so that he take it so I do not know where do you take those things? They say they release it in the field so that they can live. I just remember it, alright. Mine is now to the Minister.

Honourable Minister since most of the victims are the rural people especially on the farm and the cattle herders. Is there no way where people can be exempted from paying any hospital fees whenever they are bitten by a snake because that is an emergency? Instead of somebody is bitten by a snake, taken to hospital and then poor guys. I do not say the work guy I learnt the word guys, that poor guy must now pay N\$9 or whatever. Is there no way that in the whole of the country if a person is taken to a hospital, clinic or wherever regarding a snake bite, he must just be treated free of charge? Is it not possible? Thank Honourable Speaker.

HON SPEAKER: Alright, we can look into that. Thank you very much Honourable Jerry Ekandjo. Next is Honourable Mahoto, yes, Honourable Dingara you have the floor.

HON DINGARA: Thank you very much Honourable Speaker. I think thank you very much for this topic. Thank you for the team and the Minister. I was just wanting to make a contribution because the majority of those who have contributed did not touch that the part of prevention of snake bite. I have learnt I think now is 15 years that in the shops we have medicine that prevent snake so they are called snake repellent. At the beginning I could not even touch it because there is a snake picture on the bottle. I could not touch it. I could ask only other people to take it to the teller and they put it in a plastic but now I am also used so this repellent

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and some of them are in a powder. Some of them they are in spray. There is a guarantee for 30 days. Every time you spray the majority of the tourists use that when they make their tents, camping. So they make a line around the tent and spray on that line.

No snake will cross that line for 30 days no snake will come closer. So I used this at my house and at the farm and everywhere where I go. You find it in Built-It. You find it in Agra and many other places. So if you spray your fence, at the beginning of every month there would be no snake inside the fence guaranteed so which means no snake would be in the house. So everywhere is, I wanted just to make that contribution that people must go to these shops and to buy this medicine. It is very, very important. I have seen it because the place where I come from at Mayara, there are too many snakes. I have seen ten years ago I felt very, very bad when one of my neighbor's wife was bitten by a snake and died and it was very, very bad situation. I have seen that that time when I was a small boy the hospital was at Endara. There were no clinics. Now there is 30 kilometers between us and the hospital and there was no road. So no one could be taken to the hospital for a snake bite so the traditional people have also helped and there is this mawuni the one which you see yellow things at the road popular in Kavango. When it is still green if a snake has bitten, then you take you eat some of it. It will also protect your heart so that you can die from the snake bite. So thank you very much. That is my contribution.

HON SPEAKER: Thank you very much. Let us move on, Honourable Nambahu.

HON DEPUTY MINISTER OF LABOUR, INDUSTRIAL RELATIONS AND EMPLOYMENT CREATION: Thank you very much Comrade Speaker. I missed part of the presentation but I came in really it was really towards the end. I just would like to comment the Minister for bringing such a topic. Maybe we can emulate his example

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and organize maybe something like public lectures with topical issues such as this and also that one. There are issues like lightning that is really terrorizing and killing people all over. These kind of topics could be useful. Those who are privy and having information I think they can really help our people somewhere out there. Now just as a matter curiosity I do not know how many specialties in the area of snake handling profession. There are snake catchers. There are snake charmers.

Is there some academy where you go and you get some of these skills already you can maybe you know scare off like some of these guys who are afraid of snakes that instead when you want to fight, we are just telling no, there I a snake here? You know something, how does one come around you know, go about getting these kind of skills snake charmers, snake catchers all these kind of things? The last one is really to say you know all these skills like both in handling they can also be abused and you know it is there documented that people have used in the war snakes in the areas of interrogation and extract information out of people. Have you come across such type of abuse and how can it be avoided? Thank you very much.

HON SPEAKER: I noted that we have still half a dozen names. Can I allow our guest to respond quickly because there has been so many questions? Please you have the floor. You can speak from your seat.

MR FRANCOIS: Thank you Speaker. Ladies and gentlemen thank you so much for the questions. My apologies I see the Minister is wrote me now. I do want to apologize if I said anything ladies and gentleman or you guys. I am not a politicians so therefore I do apologize Honourable Members. So I am a researcher so I did spend quite some time in the bush so I apologize in advance again. So we have some very, very interesting questions

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and some very good questions and I would just like to first and foremost just address the Honourable Minister of Finance's question regarding finance with regard to this topic and I think he made a very, very important point with regards to you know this thing must not get out of hand and all that when it comes to human wildlife conflict. What I think should be a priority when you are looking at human wildlife conflict it should be reported in the conservancies more or less. You know I do not think it would be financially sustainable you know to reimburse the people financially. That is not going to work and obviously we are going to see abuses with that as well but typically what we need to do is in order just get reports from these people and identify the issue regarding snake conflict. This is what I think doing in Windhoek with all the snakes that I have removed and released.

Right the next question we had is snake catches in other regions. Now this is once again something where I think the Ministry of Environment and Tourism needs to get involved in because most of the guys that are removing snakes in the regions are more specifically people that are volunteering their own time. These are private people. They are not you know, they do not work for anyone or anything to that extend so we do not have handlers in other regions at this point in time. This is the only region we know. We recently train someone from Oshakati which would be removing snakes from that general area. What I do think is very important is that we get the Ministry on board you know and the Ministry actually has some form of control over the people that do tend to remove the snakes.

We have issues with a lot of people running around specifically within the city that are removing snakes that are not doing it in a responsible manner and obviously you know that can cause issues. I am working according to the permits and I am working through the Namibian University of Science and Technology. So I think if we can get that on board that would also be a very, very good thing and then we can get more snake removers in different regions. So that is a very important issue to address as well and

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once again, this can lead to conflict being mitigated between people and snakes.

One thing that did touch my eye from all the questions would be with regards to more specifically the first aid treatment that should be applied tradition medicines, snake repellent and all that. Now just to respond to all of the request from all of the Honourable Members you know what I think when it comes down to snake repellents and we have done research on this excessively we have used the ones you buy at Agra. We have used every single snake repellent on the list and what we basically did is we took a random snake a couple of them, spread a line on the floor, release the snake and we would actually look out what is the snake reaction what would happen in most cases they will just move straight so snake repellent and all that is not effective. It does not work unfortunately.

So the reason for this is because snakes then typically smell white people smell you know they use their fork time so necessarily what is going to smell shot to us or quite strong is not really going to bother a snake. Now often when people see a snake down a hole and they pour petrol in you know when the snake comes out, that is pretty much what happens at this point in time is that petrol burns the skin of the snake and this is often why it would come out. Getting traditional healers and specifically getting to the Honourable Member that mentioned India. Just to touch on that point, India is the country with the highest fatality rate of snake bite in the world. 50 000 people died every year of snake bite in India and well, quite a few of them are snake handlers as well. That is quite a big issue within that region. Now getting to treatments and traditional healers you know we do not want to disrespect these people because a lot of stuff that our traditional healers do work but when it comes to a snake bite it is a completely different story.

Unfortunately, nothing neutralizes snake venom except for the anti-venom. In order to understand how this entire thing works is snake venom binds to velemphatic vessels wherever you have been bitten and you can try and cut or you can try and suck as much as you want, it is not going to

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get the venom out firstly and secondly, you can actually cause more issues with regards to secondary infection and you know neutralizing the stuff petrol on that will not work. Typically if you are going to drink petrol or milk, that is not really going to touch the venom. Again, it is in the body it binds to certain vesicles and would mainly be neutralized specifically by a decent anti-venom.

But once again the reason I touched on traditional healers and you know why it is important to get them on board is a lot of our people in rural settlements prefer to go to a traditional healer first. Now if this traditional healer can potentially ask this person or tell this person go to a medical facility, unfortunately I cannot deal with this, that again is going to save a lot of lives and with regards to people surviving a lot of snake bite, it is worth mentioning again on this topic that a lot of the time and 50% of the cases, snakes do not inject venom so it is potentially a dry bite or potentially the person was not bitten by a venomous snake. So this is once again snake bite by simply to the desired results.

Snake bites is very, very tricky because everything snake bite is going to be different and every person is going to react differently to a snake bite. It is not because I react in a certain way to mamba bite that the Honourable Speaker is going through the exact same way. You now so this is something that is quite tricky. Now traditional healers will play intricate parts in this program and they need to be involved from the get go. No one needs to be left out of this. So getting into you know anti-venom that was also very interesting question that pops up was with regard to the tiny case binding off the leg and anti-venom and all that.

Now when we are looking at tiny case or there was recently a research paper published on this and what they have actually found is that there is no real benefit of utilizing a tiny cure or binding off the leg that is not going to make a real difference within a snake bite and certainly it can actually cause more damage than good. If you have nothing else at your disposal by all means but you need to know for what snake to apply this tiny and specifically it is going to be very painful and it can lead to other

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complications like loss of a limb and going to anti-venoms and more specifically the different types of venoms we have.

There is a quite a common mirth floating around that you need to take the snake to hospital when you have been bitten. This is not always the case that this is necessary and if there are people are consulted with regards to a snake bite, we can identify what snake was responsible for this particular bite. You know you can look at symptoms and you can more or less say this is a mamba, this is a python, this is a zebra that bite this person. Every symptom is going to be different. Anti-venom in Namibia we are getting a product from South Africa at this point in time called a polyveiler so poly meaning more than one and this anti-venom is effective for about ten different snakes' species. It works well but there are issues with regards to adverse reactions where people might potentially be allergic to it.

We have one specific anti-venom for the boorsma so that is a monoveiler and it only works for that snake in general you know and I think when it comes down to this, we have anti-venom within the country. I think a very good point that was made and I am not quite sure whether this will work but you know snake bite victims whether or not they should be treated free of charges is something that I would suggest but I do not know financially whether that is going to be sustainable. It is going to be very, very difficult and anti-venom is not cheap. It is very expensive. It is about N\$2 000 for one mil and for the very severe snake bite we need anywhere from 8 up to 10 mils and sometimes up to 20 mils. So again it is going to be very, very difficult and certainly it is not going to be that easiest thing.

So what we need to be what everyone in this House need to understand certainly Honourable Members I think that we need to be realistic about what we can do and certainly what we can achieve with this. So, getting to the snake with the lights that was quite an interesting one to me and getting with a snake and water and all that now I have been removing snakes and I have been doing research on snakes for approximately, I have

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catching snakes for 12 years. I have been involved for the research for the last five years with Namibian University of Science and Technology and certainly I have not seen a snake that uses a light in order to move around at night.

Yes, I did and again this is when it comes to as Honourable Minister of Finance also mentioned you know snakes are the significant cultural reference you know. There are going to be a lot of mirth that tend to float around in this regard. Now there is a snake that the Oshivambo should know which is a fairly similar methods called ilela so most probably every know I was in Katutura one time when I removed the snake and what happened was the lady was quite upset that this snake was in the house and she knew her roommate was naughty. Apparently she is going to get pregnant once that snake is finally found so there are a lot of many cultural references to snakes.

Sometimes I think Honourable Members so remember if you do tend to find that particular snake in the house, there might be issues waiting for you. So getting to the snake and water there is another cultural reference towards this snake and one thing that I heard there not necessarily with the fountain but certainly with the rainfall so there was interesting conversation I had with a gentleman way back and he mentioned to me that the one like which is one with the stripes going down the body apparently they kill the snake, you can have a bad rainy season so this might be with this particular one came from. So when it comes to trapping snakes that can be quite difficult in most cases. Now if you want to trap a snake, you need a source of food and that would often either a rat of chicken or something that a snake will eat and you will need a trap where the snake can fit into. That is not always easy because snakes are like difficult. They can get out or very, very peculiar situations as well. So it is not going to be that easy and snakes do tend to move around a fair bit you know so they can end up and stick around in one area for a very long time.

The other question that did pop up with regards to snakes and nest that is once again another common mirth. Now I have removed a lot of snakes

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and I have worked with them for many, many years and certain snakes do not really have nest. So as soon as a female will lay a set of eggs, what will happen is they will disburse. They are going to move away. They are not going to hang around in one general area for a very long time and certainly snakes are shy creatures that they are not going to shoot out and come and attach themselves to your neck biting you. They would rather move away from people.

It is unfortunate when you are looking at the bigger picture of snake bites but you know I think it is also important that we look at conservation of snakes. I do know since I did show the clip and the brutality of snake bites and you know the problem we have. Snake conservation is also needed you know eradicating the problem is not going to solve it and from literature what we do know is that you are not going to solve a problem by eradicating it but you can actually worsen it. So conservation is also needed for snakes and this is again where snakes catches and release both come in.

With regards to where the snakes are released, that just depends on whether my Ex-girlfriend was nice to me or not. So it is in all seriousness when we are looking at release but we are working according to the permits and I think you know the Honourable Minister of Environment could also tell you specifically that we are not allowed to just go up and release snakes wherever we feel like releasing them. So as researchers and conservationist we follow our guidelines so we first and foremost we go to a farmer that is willing to accept you know a bunch of snakes being released on his property and then we proceed from that point but it is again this is going to lead to other potential issues and this is where this research which I am working on is coming in at the moment.

So the next project that we will start we will focus on translocating dangerous snakes and more specifically we will focus what happens if that snake is moved you know and what are the impact going to be on certain population receiving populations. So it is very important. It is a very tricky subject to be involved in because we do not advance to everything

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yet because you know we work a bit late so we are starting to invest more time and efforts into research right now. Again, Honourable Members I think that make a snake bite a disease will help us in addressing a lot of issues. I do not know what is the financial implications of this would be but certainly we will have the data sheets. We already have the data sheets and this can be distributed to every single hospital in this country and definitely I think what we need to do from our side is and this I something we need to focus on as well and also get backing from the private sector in order to fund some of these projects because I cannot stand in this House and look into Government's eyes and reckon everything must all of a sudden go out of the air. It is not how it is going to work and I think you know it is important that everyone whether it is our lovely friends from the opposition over here or the ruling party but all of us must take a stand and we must work together to address this issue. Thank you.

HON SPEAKER: We are in it together.

MR FRANCOIS: We are in it together, exactly, thank you very much.

HON SPEAKER: I just want to take few hands the Honourable Kandjoze.

**HON MINISTER OF ECONOMIC PLANNING AND DIRECTOR-
GENERAL OF THE NATIONAL PLANNING COMMISSION:**

Honourable Speaker thank you for the opportunity and thank you Comrade Minister of Health. I am greatly scared of snakes so was my mum and so was my father so it is a heritage thing and somehow being scared of snakes I got myself a property next to the border with Botswana in the Kalahari and there are four major types of snakes. It is the puff

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adder, it is the green and black mamba, it is the zebra snake. Then there is, you find it typically in a Kalahari Desert. It has an orange colour and it stands up on its back tail half its size so quite often when you drive you go to make sure that your windows are closed and these things are plenty. So there are several things I have done.

I am just sharing. One of them was I double fenced my homestead and created a corridor around the inner fence so I used a bigger mash wire and created a concrete base all around half a football size field. Then in the second yard I actually created a much bigger basement, created a wall and a fence running between these two big walls from the ground about that height. I concreted it all around. Then I used both the bigger mash and the smaller mash so just to really make sure. So one morning after having done this, I wake up and then I saw the snake having it find its way in the first fence then into the second fence. It was actually trapped between the smaller size mash and the bigger one.

Then between the two years I run shepherd dogs and they are good defenders of their territory so that is one of the tricks. I have not had a snake in my house in the last ten years. I have not had them. Then the second thing is protective clothing to employees and it so happen that the snakes are so plentiful and so I keep telling my guys on the farm please the gumboots these things are good protectors of you being bitten so these guys ignored me for a long time except one or two guys out of five. So this particular day we went off to the field. I downed mine with an overall tucking to the gumboots and my head and stuff. So we went on. We had bumpering season that year so about this one fellow who refused to have these gumboots on. So we went into the field and we were herding cows in and off the car off the horse and so on. So what then happened this very same fellow was walking and the grass was about to my waist size. I mean we really had a bampering season. Then the next thing I heard this man shouting slung, slung, slung, slung.

So what the snake did it bite him right at the cuff muscle but that was the precisely the height of the gumboots. So we said look the snake was

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struck in the structure of the boot and could not dislock itself and then this man was running, running shouting so ever since that day about eight years ago, he has never gone to the field without gumboots. So there are very simple methods to really protect yourself but the way one other thing I want to suggest is people believe firmly that snakes can charge down to you to bite you but I think we all know. I think you know better I have seen snakes as they hear your vibrations on the ground, snakes run away. So they do not really charge to human beings. I just wanted to share my experience with snakes.

HON SPEAKER: Thank you very much, Honourable Sacky Shanghala.

HON MINISTER OF JUSTICE: Comrade Speaker we will not thank the Minister enough. Now the gentleman will know that apparently Namibia is the 99 or 90% Christian country. That is what we say but when we read the Bible, there is nothing nice about the snake. You know I am going through all of this here and they say for they cast down every man his rod and they become serpents and iron rods swallowed up their rods Exodus and I can go on. In the Bible the snake is not in good favour. Why then do these Christians not kill these snakes because we are Christians? Let us kill them. Now that is on a lighter note but what I want to know is if they become extinct, what is the problem because is there no other predator in its class that can take? What about the owls and the eagles can it increase that population breed more eagles and then we kill these ones?

Alright, just a question. Question two, is it true that the snake the one you were showing has a colour that goes around the body not from head to the toe. Is it true that the one that is more poisonous is the one with the colour that is going around the body and not from head to toe? I was told this by some PLAN Combatants who used to come in the house there. They found one of these brown one. They said this one leave this one. If it has only

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one colour or these colours go like this, then you must be very careful but I do not know if it is true. Then I want to ask a question.

Since you are at the University we have also Council of Science and Technology Comrade Minister of the Higher Education and Comrade Minister of Health. Is it not possible that maybe Namibia can put itself on the map? You said there is a snake that there is no anti-venom or something. Can we not genetically engineer this snake so that it has not more venom because I hear that apparently mosquitoes are genetically engineered released into the community and then they go. They are no longer breeding the malaria disease castrate whatever they call it but can we not do it and we catch all of them? When you see it kill it or you take in and then we reintroduce them with a new genetic mapping? What is wrong with this thing is dangerous killing people?

Then the last question I have is I heard there it was a shepherd dog. I do not know what is a shepherd dog is it maybe a Germany shepherd or whatever shepherd which is the best cat and which is the best dog to have? Should I get the big buru buru or should I get this small gograsel or I do not know. Please advice. Thank you very much.

HON SPEAKER: Thank you very much. I am conscious of time and can I please plead with you we have to finish by 17:45, Honourable Eriki Nghitimna please.

**HON MINISTER OF LABOUR, INDUSTRIAL RELATIONS AND
EMPLOYMENT CREATION:** Thank you whether we have a quorum, thank you, thank you. Honourable Speaker thank you very much to give me this chance to say something. My problem is on my father side is a lion. On my mother side is a snake two powerful animals but what I want to tell you is issues which happens to me. That one was I went to a

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country which I do not want to say the name and they say for the VVIP you have to eat scorpions. They were two. I have to eat that one because on behalf of my country to say if I die no problem as long as and the whole year I only had what we call the electrical pulse within my body the whole body but after two years is when it went off.

1991 my nephew was bitten by a snake very young five years old in the area where the hospital is very far Odibo where the Headman is here but there was a blind old man. They said we should take the kid there was only alive nothing, no dressing, nothing but when we went there, the blind man came to see oh my god who bite you, no, what, what, what. Then soon after only trying to do something and then the boy was already moving little bit. I say oh my God and it is an old man now. That is assisted by blind person who knows how the whole thing can be done. It is one issue.

The other issue which I know is that if you kill a snake it might be as a prey or anything like that, then you pull it to somewhere. I think there is a magnetic a vibration probably to others. Snakes will come tomorrow again at that same place but if you get it out totally without pulling it on the ground, they will not come but once you pull them, tomorrow you will find another one there again. If you have the sympathy to come and have a look at what happened etc, etc. The last advice I have which I know. I am a farmer also is that take all engine oil little bit around your yard. They will not get to you whatsoever only little bit circling you not a problem but I have a problem which I wanted all along to say in this Parliament. The Minister have (indistinct) by a snake because my partner is a snake person. He did not give me up to now. I do not know why. Thank you very much.

HON SPEAKER: We will soon find out, Honourable Shifeta the last one and then we must wind up.

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HON MINISTER OF ENVIRONMENT AND TOURISM: I would be very brief Honourable Speaker. I want to thank the Minister here and also the team. One thing that I wanted to say Honourable Shanghala said about it, talked about it. We should do research about this. We can even get or come up with our anti-venom. If you go and inquire from the san community there, they have very good traditional knowledge and in Okongo area all those areas when people got bitten by snake even black mambas, they go to them. That is their take. The only thing is that sometimes we do not want to refer to people that are not registered is that there are also those fake ones but they are real ones that in a set-up of san communities there were different dedicated people. That is real who treat different diseases and even bites of snakes and different types of bite by snakes and the people survive just to go there and I want us to team up with those people.

While they have traditional knowledge, we can now see what type of plan or medicinal plan they use to treat people who are bitten by snake but I know sometimes they are very stingy to give information like that but if we can really do something with the Act that we passed last year the Access and Benefit Sharing, that is a greatly one thing that we can do. You access this knowledge and you team up but you at least these people must have the copy rights. Every animal I mean wild animals have got the instinct. That is why maybe the General he is talking about bullying snake and then others coming. They just have their instinct even to feel that there is no food this time. They must migrate to another side. They have their own natural instinct.

The other thing is that snakes are part of our echo system. That is what we need to admit and accept. Getting rid of snakes create another problem. It creates another problem because snakes are there to balance the whole echo system. If you take them away there were some areas where they were letting snakes literally to translocate some snakes there because we have problem with rats. We will have problem with many other things and it caused more other things because as Sacky said as Honourable Shanghala said because the Bible say crash the head. We just hate the

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snake for nothing but snakes are there for a purpose so what we need to do is now how do you react for instance in order to prevent snakes in your yard.

You must clean your yard. You must not have there are some cultural practices that you can do. This year in my house in the village a snake came a black mamba came in my house. It passed through the door. I heard those black mambas have been there since my grandfather and they never bite anybody and we used to see them. There have been already there. Can I have in the area there, it was more bushes. It was a forest but now they are still trees there but there are lot of black mambas and those black mambas survived big trees and many just a little bit of forest. Those mambas are still there but for all those years we have never had somebody bitten by mambas there. We used to see them when you are under the tree, you will see the mamba there. Let me tell you what I did when a snake came in my house. I have not seen it. Lastly it came from somewhere and then came in the house. It went through the door and then under the curtain because it could not normally snake cannot move in the tiles. It is very slippery. It is a black mamba but not really a fully grown up black mamba. It is one point something meters. So I found it under the curtain.

When I came I was coming out of the house in the lounge I see the curtain moving. I thought maybe the window was open so I wanted to close the window and I saw it is just moved a bit like this. So we just went back. We just took a rack. You catch it like this with a rack, put it here and you throw it away. So that is what we did. Now the other, lastly, because you know why a snake it cannot run in the tiles. The tiles are very soft it is crippling. It cannot run so you can easily catch with a rack and then throw it away but now from there what I have done is that I have decided to get cats in the yard. So cats with a snake you will never find snakes there if you have a cat in the yard normal cat. They are very, very good with

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snake so that is one thing that you can do if you do not want snakes around. Thank you.

HON SPEAKER: Thank you very much. Honourable Members and our distinguished guests it has been quite a while. I think we had an opportunity to learn from each other and to ask questions and our two distinguished visitors to Parliament made a very useful contribution. I want to recall when you came here the question you put to us is this that you are looking for support and understanding of this important subject matter. That is number one. It involves around getting us as lawmakers to be in the forefront of raising awareness and creating mechanism around which we can build some kind of an understanding in terms of statistics you mentioned to join the rest of the world in doing something, doing research, creating a network within the country and particularly our academic institutions.

I remember many years ago when I was at the University of Namibia, we had a link with Italian research institution specializing in the very subject we are talking about. So all I am trying to say is simply to say you have very energized us. We are extremely interested in the subject matter for various reasons that you outlined and shared with Members of Parliament. We are also looking forward to this major event that you are going to be part of in 2019.

It is something that I hope the Minister of Health and Social Services will come back to the House after consulting you maybe with a kind of an outline I a form of paper in terms of the way forward again to properly inform us in terms of your plans, in terms of your engagement within the country as well as with the rest of the world as you prepare yourself to host that important event in 2019. So more importantly awareness. Snakes are here to stay. We cannot wish them away. All what we need to do is to coexist with them in a manner that would prevent us from losing

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lives and to reconcile with the fact that we had to deal with them simple methods that you could use keeping the door closed particularly on farms, villages at a particular time and using some of the chemicals that are used to keep snakes at bay. All that I think are the sort of things that we could utilize but I am simply want to underscore one thing that this is not the last day of us talking about snakes. I would like through the Minister of Health to come back after further consultation with you to kind of share some kind of an outline about your activities. I want to emphasize research undertaking. The question of networking with other Namibian institutions in terms of research, in terms of kind of establishing kind of a framework that we will underscore your willingness and your preparedness to work with other institutions in the country as well as beyond the Namibian borders. Maybe if you speak to your colleagues at the University of Namibia we will identify research institutions outside Namibia that are engaged in this important filed. A quick word from you and then we finish.

MR FRANCOIS:this one but Honourable Speaker I would honestly like to thank everyone in this House today for the patients and the perseverance of listening and certainly we have already started on this topic. It is very, very close to being done so we have been putting in hard work. Now it is just about getting this policy fast if we can get this fast, it is going to change the lives of a lot of people and we can really let at the bigger picture and you know we can use our resources more wisely and more costly effectively. So I hope that you are going to consider this and I do hope that every single Member in Parliament today will back this Motion. We are holding plans and once again from our side from our leading snake part of the side of the Crystal Base, we would like to thank all of the Honourable Members for taking the time out and for listening to the plight of what we have been working for. Thank you.

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**ADJOURNMENT
HON PROF KATJAVIVI**

HON SPEAKER: Thank you very much. We will continue with that conversation beyond today. That said and done what is left is to adjourn the House. The House adjourn until tomorrow the usual time. Thank you.

HOUSE ADJOURNS AT 17:45 UNTIL 29.11.2018 AT 14:30

**NATIONAL ASSEMBLY
ASSEMBLY CHAMBERS
WINDHOEK
29 NOVEMBER, 2018**

The Assembly met pursuant to the adjournment.

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

ANNOUNCEMENT

HON SPEAKER: Welcome back, slowly we will get there. Today is the 29th of November and some people were born on this day and one of those people born on this day is the Honourable Asser Mbai. We join you and wishing you happy birthday and wish you all the best for the future. Happy birthday.

HON MEMBER: How old are you now?

HON SPEAKER: I think you will be told over a cup of tea. Any Petitions? Reports of Standing and Select Committees? Other Reports and Papers?

The Honourable Minister of Finance.

TABLING - REPORTS OF THE AUDITOR-GENERAL

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**TABLING OF REPORTS
HON SCHLETTWEIN**

HON MINISTER OF FINANCE: Honourable Speaker, I lay upon the Table Compliance Audit Report on the Auditor General on the Implementation of:

- (i) Compliance Audit Report of the Auditor-General on the Implementation of Child, Spousal and Parental Maintenance for the financial year ended 31 March 2017; and
- (ii) Report of the Auditor-General on the Accounts of the – Namibia Central Intelligence Service for the financial years ended 31 March 2007 – 31 March 2014 and 31 March 2015 – 31 March 2017.

I so move, Honourable Speaker.

HON SPEAKER: Thank you. Notice of Questions? Notice of Motions? Honourable Kasuto, Honourable?

HON KANDUMBU: Kandumbu.

HON SPEAKER: Honourable Kandumbu yes, the name that appears here?

HON KANDUMBU: Mine is not functioning.

HON SPEAKER: Honourable Kandumbu you have the floor.

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HON KANDUMBU: Honourable Speaker, I move without Notice that the first and second item on the Order Paper be withdrawn in terms of Rule 30(b) Subject to Rule 24(b) of the Standing Rules and Orders. I so move Honourable Speaker.

HON SPEAKER: Thank you.

HON SPEAKER: I do not know Honourable Kandumbu I think you have to explain why people are so excited about your report. Messages from the Head of State? Ministerial Statements? So we are done, thank you very much. I think we have to go straight to dealing with questions or we take this report and do away with it. Can we take the report?

The Secretary will read the Third Order of the Day.

**RESUMPTION OF CONSIDERATION OF THE
COMMITTEE REPORT ON THE PETITION OF
THE NAMIBIA WAR VETERANS TRUST**

SECRETARY: Resumption of Consideration of the Committee Report on the Petition of the Namibia War Veterans Trust.

HON SPEAKER: When the Assembly adjourned on Tuesday the 27th November 2018 the question before the Assembly was the report by the Honourable !Nawases-Taeyele on behalf of the Honourable Karupu that

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the report be adopted. The Honourable Jan Van Wyk adjourned the debate and I now give him the floor.

HON VAN WYK: Thank you Honourable Speaker. Honourable Speaker, Honourable Members I rise to make a contribution on the report of the Standing Committee on Constitutional and Legal Affairs regarding the Petition of the War Veterans Trust the NAMVET. I did not sign the report as a Member of the Committee as I am not in support of Section 4 of the said report. I would like to state that the Veterans Act No.2 of 2008 is unconstitutional as it clearly violates Article 10 of the Namibian Constitution. I would like to remind the Honourable Members and Members of the Committee that other legislations such as the Namibian Citizens Act, Act No.14 of 1990, the Anti Corruption Act, Act No.08 of 2003 and Stock Theft Amendment Act of 2004 just to mention a few went through the same processes that could not stand the test of time when tested in the High Court. The argument of the Committee that the Veterans Act, Act No.2 of 2008 went through all stages until its enactment and is therefore constitutional is ridiculous. I can promise you that the Veterans Act, Act No.2 of 2008 when tested before a competent Court will not survive the test of time.

Furthermore, Honourable Speaker, Honourable Members, Act No.2 of 2008 define the word War Veteran as a person who was a member of the liberation forces. The international word will define the word War Veteran as a person who served in the armed forces. I suggest that we revisit this legislation to rectify these mistakes.

Honourable Speaker, Honourable Members, much was said about SWARTF and KOEVOET and I would like to use the word former soldiers instead the reason being to include also the victims of the Lubango Dungeons. Our people were there. Honourable Speaker, Honourable Members as a former soldier myself I can testify that we were recruited by the then South African Defence Force under the Defence Act

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No.44 of 1957. We served under that legislation until demobilization in 1989. About 22,000 members were demobilized over a period of time and were left to the mercy of others including the South African Government. Information suggests (intervention).

HON MINISTER OF SAFETY AND SECURITY: (Not on microphone).

HON VAN WYK: The South African Government. Information suggests that 30% of former SWARTF members and 70% former PLAN fighters were recruited into the Namibian Defence Force after independence. However, the very same information suggests that the NDF number at 7,500 members at the end of 1991 which makes this information very questionable. If this information is correct it is clear that about 20,000 former SWARTF members were left out of the reconciliation process. It is further alleged that the former SWARTF members who were recruited into the Namibian Defence Force were posted far from their families under difficult conditions and had to endure victimization, discrimination and constructive dismissal. This might explain (intervention)

HON SPEAKER: On the point of order?

HON MINISTER OF SAFETY AND SECURITY: Point of order to correct something he said there. When we stand up, I know you were very low in rank you would not know what was agreed during what you call recruitment, it was not recruitment it was integration because there were two forces being integrated. The scenario used was not one to one and

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was agreed by your masters and ourselves, you would not know because you were too young and you were not in the process you only found yourself being integrated (laughter). It was not one to one and the PLAN was not 7,000 the numbers you are saying these are rumours. It was far much bigger number than the 22, 000 you are saying of ex-SWARTF and so forth. So it was not one to one. If you were not taken in on one to one go and ask your masters, this is what they agreed. Okay thank you.

HON SPEAKER: Thank you. You may continue please.

HON VAN WYK: General you can give us the correct figures there, let me continue. Former SWARTF members were recruited into the Defence Force and were posted far from their families under difficult conditions. Discrimination (intervention).

HON SPEAKER: Is that a point of information, point of order?

HON !NAWASES-TAEYELE: Honourable Speaker I am not so sure what the Rules of this House say but I am a little bit worried because the Honourable right at the beginning of his speech indicated that he was part and parcel of these deliberations being a Member and having had his reservations during our deliberations when we were to come up with the recommendations to this House. The same Honourable Member is threatening us here that the Act that is part in this House, lawfully so is unconstitutional and he will take us to the Court. Now is it fair for us to sit and listen to the Honourable Member that will in any case though and protest or test the interpretation of that law in the competent Court of

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Law? Honourable Speaker I have really my reservations on whether we should even allow the Member who had abstained from the report. What is he contributing to the report? This is not fair Honourable Speaker. The Honourable Member must just stop his deliberations and debate and we proceed with other Members who were not even Members of the Committee.

HON SPEAKER: Thank you very much. Honourable Member you have the right to speak. Place your views on record, let us hear you.

HON VAN WYK: Thank you Honourable Speaker. Discrimination and constructive dismissals were part of the action against them and that is why many of them have decided to leave the Namibia Defence Force. Honourable Speaker, Honourable Members, it is a known fact that N\$36,000,000 or Rand were taken over from South Africa to Namibia of which N\$24,000,000 was allegedly shared between former soldiers. We still want to have an official explanation as to what happened to the remaining N\$12,000,000. We do have some information on it but we want the official information from Government.

It is not clear who received the N\$12,000,000 allegedly paid to the former SWARTF members as many claims not to have received any payments.

HON MEMBER: We (indistinct) receive it because it was for all.

HON SPEAKER: Is that a point of order?

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**HON DEPUTY PRIME MINISTER AND MINISTER OF
INTERNATIONAL RELATIONS AND COOPERATION** : Yes
Honourable Speaker on a point of information. Honourable Speaker
(intervention).

HON SPEAKER: Your microphone is not yet on.

**HON DEPUTY PRIME MINISTER AND MINISTER OF
INTERNATIONAL RELATIONS AND COOPERATION**:
Honourable Speaker your ruling is right that the Honourable Member has
the right to express himself and make his position recorded. The
unfortunate is only that the Honourable Member is making things to be
recorded which are full of untruths. That issue of the N\$36,000,000 keeps
coming up including the so called N\$12,000,000 or N\$11,000,000 and it
has been explained. May his soul rest in peace, Comrade Hidipo
Hamutenya explained this issue that money was not even made available
to the Government and why it keeps coming up to be asked from the
Government is just unacceptable so that should also be recorded that you
are recording unfaithful information. So the record be closer to one
another.

HON SPEAKER: Thank you. please continue.

HON VAN WYK: Thank you Honourable Speaker, thank you for the
information. Honourable Speaker former SWARTF members also made
contributions to insurance policies at various companies but have

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apparently lost everything due to the reluctance at the side of the South African Defence Force to Address the issue.

HON MINISTER OF SAFETY AND SECURITY: So?

HON VAN WYK: It is information that I am giving you we want you to help us. To conclude Honourable Speaker it is clear that former soldiers have become victims of circumstances who are now left to the mercy of God Almighty and in the hands of the Namibian Government and the former occupying forces. I therefore would like to suggest the following.

- 1) That the Namibian Government engage the South African Government in an effort to address the plight of former SWARTF members as a South African Government is willing to address the issue between two states and not to talk to different groups.

HON SPEAKER: On a point of order?

HON DEPUTY MINISTER OF PUBLIC ENTERPRISES: I am trying to seek clarity from the Honourable Member whether he understands the balance of knowing and the balance of forgetting. The Honourable Member is aware that his master then who had given me the employment to kill us are no longer, are not the Government of South Africa. Since 1994 ANC took over power so therefore that master that he is referring to is not in existence in South Africa. In Namibia the leadership that was there during that time led by then DTA is not in Namibia it is SWAPO so the two cannot speak to each other. Does the Honourable Member

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understand what he is implying to say that these are virtual issues that are none existent and to where do we go? Do we go to the guy who died now, the graves of these guys who have died now who were his masters, they are not in Government? So I think he must have been misled, thank you very much.

HON SPEAKER: Honourable Member you may continue.

HON VAN WYK: Honourable Speaker, it is a pity that the Honourable Member does not know that (intervention).

HON SPEAKER: Ha, is that a point of order?

HON VAN WYK: Aah, do not waste my time.

HON DIENDA: They will get into the space (indistinct).

HON MINISTER OF NATIONAL PLANNING COMMISSION:
Dienda we are not talking about you. I have the right to say. Can I ask the Honourable gentleman a tiny whiny question, can I?

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HON VAN WYK: I will allow.

HON MINISTER OF NATIONAL PLANNING COMMISSION: Get your morale pain of your morale misjudgment from which side Namibia should be in your judgment coming to where we are? Only waking up now? Are you only realizing that you made a wrong morale judgment now after 22 years after you have made wrong discussions or decisions? So I think you are morally misplaced with your argument, I support that this Honourable House should not allow the gentleman to speak forward.

HON VAN WYK: Thank you Honourable Speaker.

HON SPEAKER: Honourable please continue. Move on.

HON VAN WYK: Just for the information, we started with the fight for independence long before SWAPO was formed (laughter and noise). Even our forefathers were mistreated by the South African Government.

HON SPEAKER: Okay let us (intervention).

HON VAN WYK: Okay number 2, do not waste my time.

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HON SPEAKER: Yes another point of order?

HON DEPUTY MINISTER OF SAFETY AND SECURITY:
Honourable Speaker can I?

HON VAN WYK: I am not afraid.

HON DEPUTY MINISTER OF SAFETY AND SECURITY: May I
ask Honourable Member a question?

HON SPEAKER: Do you want to answer the question or not?

HON VAN WYK: I will not answer the question.

HON SPEAKER: No, no, please fine (noise). No it is fine continue.

HON VAN WYK: Thank you Speaker.

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HON SPEAKER: Please order. Order please.

HON VAN WYK:

- That independent investigation belongs into the disappearance of the N\$12,000,000 as referred to earlier.
- That proof of payments be provided of former SWARTF members who allegedly received part of the N\$12,000,000 in order to verify claims of none payment. (Noise) Do not be afraid to provide us with information.

HON SPEAKER: On a Point of Order?

HON MINISTER OF FINANCE: Honourable Speaker, I just want to get clarity whether the Honourable Member is making these recommendations on behalf of the Committee because we have a report available or whether it is something else? I think it is important to know because we are now on something report and there are many and starting the commenting report of which he is a Member?

HON SPEAKER: Honourable Jan Van Wyk, is this on behalf of the Committee?

HON VAN WYK: Honourable Speaker, the Committee actually took a decision even before the report was discussed in the Committee, we were not there. They refused to listen and to take inputs that is why I am bringing this to the House.

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HON SPEAKER: Okay.

HON VAN WYK:

- That records be provided by the Ministry of Finance of deductions made to insurance companies in order to locate the money deducted and paid over to insurance companies in South Africa. Allegedly this money is in a fund in South Africa and that is why we are asking the two Governments to talk for us to locate these funds.

Honourable Speaker, it is my humble plea that we should do everything possible to bring (intervention).

HON SPEAKER: A point of order?

HON MINISTER OF SAFETY AND SECURITY: Comrade Speaker at least just to give information. If we continue to discuss this based on rumours and lies (intervention).

HON VAN WYK: It is not rumours.

HON MINISTER OF SAFETY AND SECURITY: Honourable Van Wyk knows very well every Member of the former Defence Forces or the current Defence Forces their pension is paid in an account which themselves know and their families. When they die their families go and

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collect this money. Why is he implying now that their money was deducted into account which they do not know. It is not true. The other former SWARTF when they die how are the families going to be paid out if they did not know their insurance accounts? Who does not know his/her insurance account when in the Defence Force? Do not tell us lies here.

HON SPEAKER: Thank you very much. It looks like that the Honourable Jan Van Wyk and the Honourable Charles Namoloh perhaps should actually find time and consult over this issue (laughter).

HON VAN WYK: You see that is the thing.

HON SPEAKER: Please can you continue. Continue to finish.

HON VAN WYK: Thank you Honourable Speaker, you see that is the problem we do not want to talk to each other to address issues.

HON DEPUTY SPEAKER: Point of order. Did I hear the Honourable Jan Van Wyk correctly when he said the term KOEVOET should not be used? If that is the case who give them, where does this phrase or name come from KOEVOET? Is it not that yourself gave yourself that name KOEVOET (intervention).

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HON VAN WYK: My name is Jan Van Wyk not KOEVOET.

HON DEPUTY SPEAKER: No, I mean the boss, your boss by that time so that probably they can motivate you to be strong to fight the SWAPO PLAN Fighters, I have a problem. I have a problem to say that it should not be used. If it is KOEVOET/SWARTF it can remain like that.

HON SPEAKER: Okay thank you. I think I really want us to make progress. Honourable Jan Van Wyk please conclude.

HON VAN WYK: Thank you Honourable Speaker. I want to conclude but you donot want me to conclude. It is my humble plea that we should do everything possible to bring to rest the plight of former soldiers but therefore would like to request that this report be referred back to the Standing Committee (interruptions) for further consultation. I thank you.

HON SPEAKER: Thank you.

HON VAN WYK: It is in terms of the rules we can do it.

HON SPEAKER: Thank you very much. Honourable Mike Kavekatora. Let us listen to each other please.

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HON KAVEKOTORA: I do not want the General to hide when I am talking. Honourable Speaker, Honourable Members, first and foremost let me acknowledge the work done and the efforts that were made by the Standing Committee on Constitutional and Legal Affairs in attempting to address this very sensitive issue. I am saying sensitive because you can see a commotion that is apparently here including the General.

I just want to highlight Honourable Speaker the duties and functions of the Standing Committee on Legal and Constitutional Affairs as highlighted in the Standing Rules and Orders of the National Assembly, among others reads as follows.

- Ensure that the justice system is accessible to the majority of the population.
- Then promote the culture of human rights in Namibia and it goes on and on.

I just picked up those two because of the relevance of those two on the subject matter. When you consider some of these issues Honourable Speaker you will realize that this Committee has got a very critical role to play and that role cannot be taken lightly. The Committee furthermore is responsible for certain affairs that falls under this Committee and I just want to highlight the type of entities that fall under this Committee:

- Justice, very important one.
- Attorney General.
- Electoral Commission, the heart of our democracy.
- The Ombudsman.
- Petitions like the one that led to this particular report being compiled.
- The Anti Corruption Commission and

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- Human Rights.

These are all the categories that falls under Constitutional and Legal Affairs. I was impressed yesterday Tuesday by the comments that were made by those who contributed to this report on Tuesday. What impressed me most was the emotional maturity in which these contributions were made and I was hoping that this trend will continue and will form part of the way we conduct business in this House, calmly, calm down General (intervention).

HON MINISTER OF SAFETY AND SECURITY: No, but what is the real (indistinct).

HON KAVEKOTORA: When you have that emotional maturity you are not being destructed by anything else. Honourable Speaker, allow me to make a few observations about the report. I am going to focus mostly on the report. This report as alluded to before was only signed by some Members of the Committee and the majority of the Opposition Members did not sign (interruptions).

Hear what I am saying I am not saying majority of the South West African People's Organization I am saying the majority, I know that is why I am hammering on it.

HON MEMBER: Do not talk about Members of the Committee.

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HON KAVEKOTORA: The majority of the Opposition Members did not sign and it is now very clear Honourable Speaker that some of these people who did not sign, I am not going to say all because I did not interrogate all of them. Actually refused to sign, yes on Tuesday Honourable Muharukwa was there he refused to sign and he gave reasons why. I interrogated four additional Members of the Opposition including Madhala Nauyoma they all refused to sign. Some were signing this document under duress (noise). Like Honourable Mbai I am talking about things that have been done recently so the value statement of what I am saying has been proved beyond any reasonable doubt.

HON MINISTER OF SAFETY AND SECURITY: What about (Off microphone).

HON KAVEKOTORA: I am not a Member of that Committee. I need to be protected from the General.

HON SPEAKER: Please order.

HON KAVEKOTORA: Honourable Hambyuka, I would have done the same thing if I was a Member of that Committee.

HON SPEAKER: On a point of order.

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HON IIVULA-ITHANA: Yes, tank you Comrade Speaker. On a point of order, when we talk here there is recording done in the Hansard and if this Hansard is going to reflect what the Honourable Member just said and the Honourable Member being referred to is sitting here, people are going to wonder what was going on. For Honourable Member to attribute such a fact that a Member of standing like Honourable Mbai, President of NUDO was cohearsed really is un-Parliamentary and therefore I thought it was going to be ruled out of order. Thank you I so submit.

HON SPEAKER: Honourable Kavekatora, please can we make progress.

HON KAVEKOTORA: I am not the one who is stopping progress.

HON SPEAKER: No, just continue then but also I want to take just a note. You referred to Honourable Member a colleague sitting in the House. By implication he was forced to sign, is that what you actually meant?

HON KAVEKOTORA: That is what he is saying.

HON SPEAKER: Ha?

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HON KAVEKOTORA: That is what he is saying. Let us hear I am glad that he is standing there, he said he was forced to sign. Now why do you want to crucify me? What is the point of you crucifying me if the Honourable Member is there and he was forced to sign.

HON SPEAKER: Please continue, the Honourable Asser Mbai is in the Chamber when the time comes he can deal with that. Would you continue to do that?

HON KAVEKOTORA: Honourable Speaker, I want to put on record that what I have said I would appreciate that what I have said would have been allocated to somebody who is not here. What I said I was pointing to an individual who is here and he can confirm himself. To say that it is un-Parliamentary I do not understand what is Parliamentary then but let me continue.

HON SPEAKER: Okay thank you, yes.

HON KAVEKOTORA: I just said, on the basis of what I have just said Honourable Speaker (intervention).

HON SPEAKER: Can we have order please?

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HON KAVEKOTORA: I just feel that the Chairperson need to explain to this august House why such a significant number of Members refused to be associated with this Report. Moving on (dialogue)(intervention).

HON SPEAKER: Please no dialogue.

HON KAVEKOTORA: Item 3 of the Report Honourable Speaker is titled, "Findings" but in actual fact note this Section , Section 3, no any other Section I this report contains any single finding. What is contained in this document including this particular item under heading "Findings" are actually deliberations and information gathered during a consultative meeting between the Committee and NAMVET that is what they say it is finding, no it is not findings. You do not understand what finding is. The whole entire Section is effectively about comments made by NAMVET representatives. For that to be findings I do not understand the (intervention).

HON MEMBER: (Not on microphone).

HON KAVEKOTORA: You do not understand. You just ask the Speaker if he will go and correct you. To me Honourable Speaker findings, let me come back to you now. To me it is a process involving the testing, observing, validating of information that is what finding is all about. So for instance this is a finding and I quote, "*The also informed the Committee that the so called disarmament compensation of N\$36,000,000 paid out by the South African Government for former SWARTF and KOEVOET soldiers was not fully given to the reception. They alleged*",

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the report goes on, *“that N\$12,000,000 was given to SWARTF/KOEVOET N\$12,000,000 to former PLAN Fighters and the remaining N\$12,000,000 went to the State which was supposed to have been paid out to them as demobilization allowances”*.

HON SPEAKER: Can I, please, no please can you continue because really, no ii am not going to, please I really want us to get on. Please continue.

HON KAVEKOTORA: The statement that I just read to me is simply just an emotional reaction and the NAMVET validity and the assertions was never tested. They alleged that their validity was not tested. There is the Committee. The validity of what NAMVET said has never been tested whether it is true or not. Just wait.

On Tuesday in this august House we heard that we have valuable information and contribution specifically from now the Honourable Retired General Charles Namoloh about how the N\$36,000,000 was given and what the intentions were. Now that is a piece of information that could have been incorporated in this documentation to make a comparative analysis between two pieces of information but it was not done. Imagine what the outcome could have been in this report has that information had been gathered hence the Committee would have come up with a proper finding derived from authentic information and if what the General said on Tuesday and what if his version of the N\$36,000,000 can be substantiated with documentary proof of what he said but then again today we have another contribution about the N\$36,000,000. So the issue of N\$36,000,000 even if Right Honourable Deputy Prime Minister is saying that it has been fully explained, it is not clear because the version of the Deputy Prime Minister and the version of the General are two different versions about the N\$36,000,000.

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So I think if that is the case then it is also another demonstration that the Committee did not exhaust the information gathering process because we must understand where this document came about, this document came as a result of a petition that came to the National Assembly through the Office of the Speaker. At the end of the day this report will have to go back and put this matter to bed so that everybody can go back to his business at ease.

Again I want to give you another example. The Committee was informed, that is now according to the report that the War Veterans Act, Act No.2 of 2008 is in contravention with the Namibian Constitution, that is what NAMVET has said. The question is, how did the Committee validate that statement? How did the Committee compare that statement to make sure that at the end of the day they can give a proper informed information to those people who think that Act 2 of 2008 is in fact constitutional including a Member of Parliament who is quoting a Section in the Constitution that says according to him that that Act 2 of 2008 is unconstitutional. Even the Committee could not even convince their own Members.

Yesterday on Tuesday Honourable Hambyuka went on to remind us that this law was passed by Members of this House and none Members cannot direct us, that is what he said on Tuesday. What the Honourable Member conveniently ignored is that this House is consistently amending laws made in this House and these laws were passed in this House but at the point in time these laws are also being amended. What does this mean? It means that as human beings we can make mistakes and we have the right to make mistakes but we also have the right to correct our mistakes. So if Honourable Hambyuka fail to understand that laws will be passed in this House and it will be continued to be amended if it was found to be not in consistent or in contradiction with other laws.

Honourable Speaker, Namibia is not the only country in the SADC Region that went through the war of liberation where citizens were fighting on opposing side, you are not the only country I think Honourable Nekundi

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would not know that because he might not have been born by then. Can the Committee appraise this august House how other SADC Countries dealt with the similar challenges and whether efforts by the Committees were made to benchmark our situation with those of our neighbouring countries.

General Namoloh on Tuesday made a comment and he demonstrated that Germany had a similar situation and dealt with their situation in a certain way. This is a very good piece of information of course but why are we saying away from benchmarking our situation and our laws that govern our former fighters with other countries closer home? I can for (a) under the heading the recent and recommendations start with the statement that reads as follows:

“The Committee”, I want the Committee Members to listen very carefully. *“The Committee after consulting various stakeholders”* that is the statement and it went on and on., I want to humbly request Members of this Committee to indicate to this august House the various stakeholders that you are referring to, who are they? In this report there is only one stakeholder that you have engaged and that is NAMVET that is it. But you say after consulting various stakeholders. who are these various stakeholders and why are they hidden from the report?

I do not see anything in this report apart from a visit to NAMVET the proof that other stakeholders were indeed consulted. Honourable Charles Namoloh is a source of information. You did not even bother to go to him to get the right information according to the country's version. Item (iv) states that several ex-KOEVOET members, ex-SWARTF/KOEVOET are indeed for humanitarian assistance. This is captured under the heading in this and recommendation. To me when I read this I felt, yes the Committee now is moving into helping these people from a humanitarian perspective but when I started to look into the document there was no single mentioning of what is meant by humanitarian assistance. Then I start asking myself, was this phrase just placed here for decoration

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purposes under recommendation or how did it get into the report to begin with?

Towards the end of the report Honourable Speaker, the Committee or should I say Members of the Committee who signed the document made five recommendations. The first one says, SWARTF and KOEVOET cannot be recognized as war veterans that is one and that is quite clear and I am glad that even the Minister of Finance is concurring with that, the Deputy Minister. Honourable Speaker, the remaining four recommendations are recommendations that I in my opinion should not have been incorporated in this report at all because this talks about when ex-KOEVOET members, ex-SWARTF members reaches the ages of 60 they must go and get pension money. My goodness, that is known even my six year old boy knows that I must go to report that to get my pension money. What is humanitarian about that? Every single Namibian is allowed to go and get his old age money at the age of 60, do you think these people are really that desperate to come to you for you to inform them to go to Social Welfare and to get their pension money? That is ridiculous.

You are saying the Committee is saying if a SWARTF or a KOEVOET member is sick he must go to the hospital or to the nearest clinic. My goodness are you saying that these people do not know? Are you saying that this is the first time for these people to get sick and that these people will now (intervention).

HON SPEAKER: Honourable Member?

HON KAVEKOTORA: No, Speaker (intervention).

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HON SPEAKER: Please, please I think we are not dealing with the rewriting of the report. You have your own views but you are spending so much time and moving slowly on the report. Could you conclude please? Really I have given you sufficient time. Honestly speaking, everybody has got a copy of that report. Give your views as efficiently as possible but rather than lecturing us, I think that is what is really and you are really exhausting our patience, no.

HON KAVEKOTORA: Honourable Speaker, just be honest and say you are not interested in hearing the truth about this report?

HON SPEAKER: No it does not. It does not.

HON KAVEKOTORA: Honourable Speaker, because I am talking about what is contained in this report.

HON SPEAKER: No it is the pace at which you are continuing really I have a copy and if you say your views on a particular aspect is more than enough. Please continue. Could you please make progress?

HON KAVEKOTORA: I am trying my level best to make progress but I want to demonstrate (interruptions).

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HON SPEAKER: Please, okay.

HON KAVEKOTORA: And I think I have got the right to demonstrate why this report cannot even be submitted in this august House, I need to demonstrate that. Honourable Speaker, you must please allow me to conclude now.

HON SPEAKER: Please.

HON KAVEKOTORA: Yes if it was not for that I would have concluded already. So I do not believe that the four recommendations apart from the fact that from the first recommendation really is fit to be put in this report.

Okay now to conclude Honourable Speaker, you must also take into account that people are destructing me and then I will have to take more time because of the destruction. Honourable Speaker?

HON SPEAKER: Please order, please.

HON KAVEKOTORA: Just tell the colleagues to give me time to talk. This one say I must sit. Okay let me comment on one of the most sensitive issue and then I will conclude. The atrocities that were committed by people during the war of liberation, no one in his right mind would condone what the SWARTF and KOEVOET members have done to fellow Namibians under the South African occupation forces. On the

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other hand atrocities against Namibians during the war of liberation was not the one way street, we must admit if we are mature, if we are emotionally mature that the Ruling Party also has a share in atrocities against fellow Namibians. Books have been written and are being written about what happened to Namibians in exile under the SWAPO leadership (intervention).

HON SPEAKER: No, please I really want him to conclude. If you want to take the floor please indicate I really want him to conclude. Otherwise we will be here and that is so destructive.

HON KAVEKOTORA: In conclusion, Honourable Speaker in conclusion (interruptions and noise). I want all of us to read a verse in the Bible, John 8 verse 5, 6, 7 and 8. It was about a woman who committed adultery and she was brought to Jesus by the Scribes and the Teachers and said according to the law of Moses this woman must be stoned because she committed adultery. Jesus' response was, "*If anyone has not sinned and had no sin let he be the first one to throw the stone to that woman*" what happened? Everybody including Charles Namoloh did not throw a stone. Speaker I rest my case.

HON SPEAKER: Honourable Members, can I have your, please order. you know we get so many reports presented to this House and often not all reports area necessarily signed by Members of given Committees so if there are Members who did not sign for reasons better known to themselves it is not an issue. I do not think we should make it even an issue. I do not think we should make it even an issue really and I think I want to respect those who have not

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signed the report they know themselves and it is not for us to parade them in the Chamber, not at all. Honourable Asser Mbai.

HON MBAI: Honourable Speaker, thank you so much I will be very brief as usual. I am so delighted and I am happy that this report finally was taken to Parliament because I deliberately refused to sign for so many times and from the many times that I refused to sign this report, this report was only moving between the Committee and Standing Rules and Orders. It could not find its way to come to Parliament and I deliberately signed. At the very single moment that I signed the report, the report found its way to Parliament. So I succeeded in my strategy was this report to come to Parliament so that even the opposing views can be heard here in Parliament.

I deliberately did it and secondly I have signed the report only for a particular issue. This is the implementation of the humanitarian perspective but I disagree with the rest of the recommendations (laughter). I thank you so much.

HON SPEAKER: Thank you very much. Honourable Charles Namoloh.

HON MINISTER OF SAFETY AND SECURITY: Comrade Speaker, we wanted to hear from Honourable Mbai whether it is true that he was cohearsed to sign that is what we want the other things is up to him.

HON SPEAKER: It is very clear. He has spoken loud and clear. I do not think we are entitled to judge anybody, we leave it at that. Honourable Dr

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Ankama I kept you low because I wanted really to make progress. You have the floor.

HON DEPUTY MINISTER IN THE OFFICE OF THE PRIME MINISTER: Thank you Honourable Speaker. Honourable Speaker I feel very bad about this that this report has found its way and discussed and entertained in Parliament. This one I have to say. For those who do not know KOEVOET and SWARTF they should ask us better. Now there is a book called KOEVOET experiencing South Africa's badly bush war by Jim Hopper. I think I would want for those who do not know these books to go and buy the book, read it carefully and on top of that there are quite a number of I think three or four websites on KOEVOET activities in Namibia during the war. Now what I want us to look at these there is no way no matter how humanitarian one can be, if one was to ask all those who have got experience with SWARTF and KOEVOET to come and show themselves I tell you that one is a no go area. It is a no go area because the activities, the atrocities of KOEVOET and SWARTF are well know. I am a victim of SWARTF and KOEVOET (intervention).

HON SPEAKER: Honourable Kavekatora?

HON DEPUTY MINISTER IN THE OFFICE OF THE PRIME MINISTER: No, no why should he ask, I did not ask him a question?

HON SPEAKER: On a point of order yes.

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HON KAVEKOTORA: A tiny question to the Honourable Deputy Minister?

HON DEPUTY MINISTER IN THE OFFICE OF THE PRIME MINISTER: No.

HON SPEAKER: The answer is, no. Please Honourable Ankama please continue. He does not want to answer.

HON DEPUTY MINISTER IN THE OFFICE OF THE PRIME MINISTER: I do not want questions because we did not also ask them questions so I was refused. So what it means is in the first instance we should understand that this report is playing on the nails of many thousands and thousands of Namibians. There are issues (*intervention*).

HON SPEAKER: On a point of information?

HON DEPUTY MINISTER IN THE OFFICE OF THE PRIME MINISTER: No.

HON SPEAKER: Honourable Members please on the point of information?

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**HON DEPUTY MINISTER IN THE OFFICE OF THE PRIME
MINISTER:** No, no.

HON SPEAKER: Make it rather quick please.

HON KAVEKOTORA: Thank you Honourable Speaker. On a point of information. I want the Honourable Member for a balanced contribution also to read the book that was written by Oliver Angula then you have a balanced view of the atrocities committed by both sides.

HON SPEAKER: Thank you. Honourable Ankama please.

**HON DEPUTY MINISTER IN THE OFFICE OF THE PRIME
MINISTER:** All what I was sharing is you were bringing up (intervention).

HON SPEAKER: Are you on a point of order?

**HON DEPUTY MINISTER IN THE OFFICE OF THE PRIME
MINISTER:** Yes this one yes.

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HON MINISTER OF GENDER EQUALITY AND CHILD WELFARE: Thank you very much Comrade Speaker. I think Comrade Speaker we should play a fair game. I am not blaming you but really we should play a fair game. Honourable Ankama rose he wanted to give information to Honourable Kavekatora, you said you cannot entertain this and now why should you entertain Kavekatora over Comrade Ankama? Let it be equal.

HON SPEAKER: Okay thank you for that.

HON MINISTER OF GENDER EQUALITY AND CHILD WELFARE: Thank you Comrade Speaker, we should not allow that.

HON SPEAKER: No, this is directed to me directly and I want to deal with it. I would like to deal with it. I am a fair person.

HON MEMBER: No.

HON SPEAKER: Yes I am. I am really, can I have some order. I wanted to make progress. I did not want the continuation of interjection and I did not give the Honourable Kavekatora the floor upon his request to ask a question, that question was denied by the Honourable Dr Ankama. That was tit for tat and that was enough. When he came back for an intervention on a point of information the rule says I must grant that. So it

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is as simple as that. I just want you to also understand the rules for God sake. Honourable Dr Ankama please.

HON DEPUTY MINISTER IN THE OFFICE OF THE PRIME MINISTER:

Thank you Honourable Speaker. Thank you very much. All what I want to put across is that by discussing this report in the House of Parliament we should know that this report is touching the nerves of many Namibians if not maybe more than 90% of Namibians whose families or themselves were subjects to atrocities of either KOEVOET, SWARTF and generally speaking the South African Defence Force.

We are, we should know that PLAN Combatants were fighting a just war and you should know what war is all about. General Namoloh has already alluded to that some time back. What we should understand is there are things that we should discuss behind the scenes and this report should have been a subject of a discussion behind the scenes so that we do not scratch the healing wounds or where it does not itch. I only want to appeal that we do not down play the discussion of this because somewhere somehow people are pained you should understand that so humanitarian grounds that you are talking about with reference to this report is not well articulated from that report's perspective. So let us stop it. It is not acceptable. It is not entertainable so it is not a good thing to do. I submit. Thank you.

HON SPEAKER: Thank you. Deputy Prime Minister.

RT HON DEPUTY PRIME MINISTER AND MINISTER OF INTERNATIONAL RELATIONS AND COOPERATION: Thank you Honourable Speaker, Honourable Members. We are discussing a very

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important report and we need to put it in the context. Yes it is true justice and fairness is one of the elements who are at the centre of our democracy and the management of our State and this is exactly what the Act which is being questioned is addressing.

Honourable Van Wyk talked about those who were fighting on the side of the colonizers were being detected and he went further to say they have money which is in South Africa. It is a common knowledge to everybody that those who were fighting for the independence we are enjoying today and able to talk as much as we want and anything tht we want to say they never received anything and there is no money anywhere where they can withdraw whether as they are alive or when they have passed on for their dependence or relatives to benefit from. Therefore equally Mr Van Wyk and even report before us mentioned what recommendations and informed that there was a fat N\$6,000,000 N\$12,000,000 given to the former PLAN Fighters N\$12,000,000 given to SWARTF and KOEVOET, again that was a balance. The N\$12,000,000 was supposedly to have been paid but I want to mention here and as a day those who have been in charge make it very clear specifically I mentioned the late Hidipo Hamutenya that this money has never found itself anywhere in the Government of Namibia.

So the N\$12,000,000 were shared as they were shared knowing also still I want to remind as Mr Van Wyk said that there is money for those who were working and they can be paid. The same people can still benefit from national social grants in addition to where their families can draw money whenever they are not there. However, those who were fighting for the independence could not, therefore in order to bring a balance Namibians in their own wisdom through their elected representatives they deliberated on the matter and the Veteran Act was passed which will then help them to withdraw by getting what they are getting and allowed by this Act and that is the fairness that we are talking about. If we could leave those who have fought for this independence not drawing from anywhere whether now or when they passed on their relatives will be left vulnerable then you are playing injustice.

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Therefore Honourable Members I think I can say this report the Members have done their work and they are now bringing their recommendations to us which we should consider. I know we can be emotional, we can start exchanging however, the reality remains we cannot compare apples with pears. I thank you Honourable Speaker.

HON SPEAKER: Thank you. Any further discussions? In the absence of any further contributions does the Honourable Chief Whip wish to reply? Yes indeed.

HON NUYOMA-AMUPEWA: Thank you very much Honourable Speaker. First of all let me express my happiness that this report finally has come to this House. I know that this is a painful process that we are going through all of us because what we are discussing here and what has been demanded by these people was not our own making somebody else came into this country and they tried to beat our head together today we are fighting each other, it is not for that purpose. I believe that if somebody could not come where they came from to mix with these whole ideas they had a plan to divide us so that we are not able to unite and some people are outside there, they are happy because that is a trap that they have done to us but we should not push each other away.

I just want to mention few things here when people were discussing making their contributions here I want to say that we are also very lucky to have experts here like *Honourable Charles Namoloh* these are real experts on these issues. They fought on the war itself as we know we had our commanders. He is one of the respected commanders of PLAN and he knows what he is talking about and he is not copying. He did not hear. He personally participated in these exercises and when he is saying this we should not take it as if he is joking. He is not joking.

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The other thing that I want to touch on, these people who have been inside the country, I like to say this, they suffered together with us. The Minister of Rural and Urban Development, Honourable Shanghala (interventions).

No, get this from me please, bear with me. I want to say the *Minister of Rural and Urban Development Peya Mushelenga*, I wanted to put a comma there. I thought when I said Minister everybody knows whom I am talking about and then I wanted now to combine the two *Honourable Shanghala* the Minister of Justice, they shared with us the experiences that they had during that difficult period and it makes sense. Now here comes the small problem that I have. Not small, I just want, there is that one so I just want to talk about few things that has happened in the Committee. I want to give the picture of why people did not sign.

Number one, you know we are from different political parties and everybody is fighting for his or her own interests to gain his/her political points and if you look at the signatures these ones are the second signatures even those who signed on their own on the first one they withdrew because they were influenced by the others so that this report cannot come to Parliament. So the plan was if it does not come those people will stand up and demonstrate and all those kinds of things. Yes that is what was planned so that is why it delayed a little bit also. You know if we have such people in our midst a person who disguise, today I am going to do a, b, c, d and tomorrow morning you find that person saying, "No, no" those are not the people that we can trust, they are not firm and therefore they cannot be entrusted to govern this country. Yes they cannot and I am particularly referring to Honourable Van Wyk who is making arguments here now for him to defend, nice talk to impress people outside there, it is not worth to do so. Yes he is not. Yes I can prove that if you want to but not today, next year (laughter).

Those are the kinds of things that were facing us and through that we succeeded to bring the report here. We have to thank and now there are

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some other Members of SWAPO Party who did not sign. These Members did not do it deliberately, either that person was sick (*intervention*).

HON MEMBER: (*Not on microphone*).

HON NUYOMA-AMUPEWA: No we in SWAPO do not have teams we just have a process. We follow the process to choose whatever we want we do not have teams here and this is not the platform to talk about SWAPO, the Government of, ha what are you saying?

HON VAN WYK: (*Not on microphone*).

HON NUYOMA-AMUPEWA: Come on, I am not interested in that topic. So that is the final words I had. And then the third one I want to talk about are people outside there the SWARTF and KOEVOET people. I know we disabled persons can be abused in one way or the other but you cannot see that people are abusing you now and I want to give them a message but as I speaking standing here I am disabled. I did not receive the special services, I go to the Government Hospital. They have got a Department which is called Othorpaedic Department where every disabled person goes and get this aid that is where I get mine. It is not for those who were outside, it is not for those who were not soldiers, everyone has access to these services and I am encouraging them just to go there and get whatever they want. I do not think we need special treatment here but what we should know is that the two cannot go together, we cannot mix. We know the process that we have gone through but we cannot say the PLAN should be compared with them because theirs was a different

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process that they followed and ours was a different one so that is why we are here today. I think they are very happy because now they can write petitions to a higher office like of the Speaker. They can go to the President's Office and discuss or have a meeting with him of what they want previously we could not including myself I could not go there. It is only SWAPO who made that possible even for you to sit here. Thank you so much I think I just want to thank the people who made their genuine contributions to this report and I hope we will have similar responses in future because we are still going to deal with the genocide Remembrance Day. Thank you so much Comrades and Honourable Members.

HON SPEAKER: Thank you. Well that is it for now we can only go as far as that. I now put the question that the report be adopted. Any objection? Yes the objection on the part of the Honourable Kavekatora is noted and likewise the Honourable Mbai, the Honourable Van Wyk, oh the Honourable Dienda. Otherwise the report we agree to. There is no need to vote. Thank you very much. Okay we are reverting back to the question time. Question Number 96 from the Honourable Smit, do you put the question? Works and Transport, they are not. Question number 104 the same thing. Question number 134 directed to the Minister of Sport, Youth and National Service, Deputy Minister is here you have the floor.

QUESTION 134:

HON DEPUTY MINISTER OF SPORT, YOUTH AND NATIONAL SERVICE: Thank you very much Honourable Speaker. Allow me to say it is very worrisome the manner in which some of our sports codes are being administered. We in the Ministry fully agree with the Honourable Member to share the same sentiments in questioning where we are heading with football in Namibia. As a Ministry entrusted to develop

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sport we are really concerned about the disunity in our sports sector in general.

Honourable Speaker, after learning about the dismissal of the NFA President, we as a Ministry launched an investigation and thereafter called a Press brief to give our views in that regard. Yes, the Press briefing was done with the understanding that Government should not be interfering in the affairs of football with respect to the international affiliations. This was done simply in the spirit to advise the NFA implication. Disunity within NFA and sport sector is creating a stressful environment that not only affects the players but the entire nation. Internal discords create an atmosphere where people are losing competency and trust in the administration of football in Namibia. The current state of affairs is demoralizing especially for the players and sports lovers. Because of the fighting in the NFA and other sport codes we now notice the lack of competency. We could have used that time to identify talents amongst our young players. Potential investors are now starting to question whether their investment will serve the intended purposes.

Honourable Speaker, Honourable Members, instead of sport now is being managed through hatred, anger, nepotism, tribalism and personal interest, instead of sober minds, unity, love for one another and love towards the game of sport, the Brave Warriors are at the door step to qualify for AFCON and the (indistinct) has booked themselves for a seat at the Rugby World Cup. As a Ministry we appeal that we rally forcefully behind them as a nation to support to assist the players in making up big time.

Allow me to take this opportunity to thank the Namibian nation for their enormous support for the past two matches played by these we still need your support so please fill up the stadium and attract sport investment to this country.

Furthermore we read with concern some newspaper reports stating that Government and the Ministry are in support of the sect President. I hereby wish to clarify to the Namibian nation that under no circumstances

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did we choose sides. The Ministry simply gave advice. We are saying (interruption).

HON SPEAKER: Can we have some order?

HON DEPUTY MINISTER OF SPORT, YOUTH AND NATIONAL SERVICE: We are saying that in this country before you take that decision that affects all we have our leadership with strong capabilities starting from His Excellency Dr Hage Geingob as the Head of State, Vice President, Prime Minister, Deputy Prime Minister, Speaker of National Assembly, Ministers, Parliamentarians, Administrators, Religious Leaders and so on. The Ministry is saying that such decision needs proper consultations. The question is whether our leadership at all levels in this country is not permitted to advise anything, clearly not. Truth be told sometimes we as Namibians have a way to belittle ourselves in taking decisions. In this case we have seen a letter from FIFA circulating on social media that served in to tell us what to do. Government in this regard is saying that the decision taken has reflected none favourably in the major sector of society as well as internationally affiliated bodies. Thus our investigations through the Namibian Sports Commission have revealed that some constitutional provisions has been overlooked in the process leading to the dismissal of the incumbent President. The aspects of the investigation were that:

1. The NFA Executive Committee did not comply with its statutes (the Constitution) in the process of administering a verdict of dismissal of their President.
2. There was no factual evidence provided which could have rendered the NFA President worthy of a dismissal.

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Therefore in light of the investigation findings and conclusions the Ministry of Sport, Youth and National Service advises and recommends to the NFA leadership and I repeat, advises and recommends. The NFA Executive Committee should:

- Revisit its decision for dismissing the NFA President,
- That the constitution of the NFA should be amended in line with good governance including rigorous training on governance.
- That the congress be held in line with the decision taken earlier by NFA and that the congress be towards the end of this year.

Honourable Speaker, Honourable Members this guidance as alluded to earlier was made in respect of the autonomy the NFA is entitled to. We go for hope that NDF leadership will consider the advice in the best interests of our sports sector and its development. Surely, any one on the treat with the fairest situation to the words that we say that ‘when the two elephants fight the grass suffers’.

In conclusion allow me to inform the Honourable Members in this august House that the Namibia Premier League was recently officially launched. It is placed that the 2018/2019 Premier League season will be bigger and better. We owe this to the continued commitment of MTC and FNB for a collective N\$20,000,000 in sponsorship towards making the league a reality. As we speak some games have been played already. We continue to look forward to many other exciting games lined up with full participation for this season.

Having said that the Ministry of Sport, Youth and National Service currently hard at work to reform a sport sector, that process we believe can be achieved through revisiting and strengthening the governing tools to tighten the loopholes also unity of purpose in the sport sector is to be reinforced. I thank you.

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HON NANDI-NDAITWAH**

HON SPEAKER: Thank you. Honourable Asser Mbai.

HON MBAI: Thank you so much Honourable Speaker, really I do not have much to say other than to express my profound gratitude and appreciation to the response of the Minister and with the hope that the endeavour and assistance and support that is rendered to Sports and particularly to football in this country is really commendable and I thank the Minister. Thank you.

HON SPEAKER: Thank you very much. We took note of what happened last weekend Ghana versus Namibia. We move on to the next question from the Honourable Mike Kavekatora, do you put the question?

HON KAVEKOTORA: Yes.

HON SPEAKER: Thank you and the question is directed to the Prime Minister.

QUESTION 135:

**RT HON DEPUTY PRIME MINISTER AND MINISTER OF
INTERNATIONAL RELATIONS AND COOPERATION:** Thank you Honourable Speaker. I thank Honourable Kavekatora for posing this question regardless what the intentions are and how it reads to the extent that I even wanted to start with the introduction which reads and I quote,

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“It is alleged”, the words alleged, and “that the Russian Billionaire wanted to donate N \$25,000,000 to Government to get his transactions approved by Government. The Government did the right thing and rejected this donation a donation in exchange for the acquisition of farms is nothing but an attempt to bribe the Government. It effectively means that the Russian was prepared to spend N\$43,000,000 plus N\$25,000,000 for bribing somebody”. Of course before I answer you talk about allegation and it will always be good if one before you talk about allegations you try also to be finding facts and to be factual. Nevertheless I will answer your questions. **The first one you are asking, what happened to the N\$25,000,000 that the Russian Billionaire was willing to extend for bribery?**

This question assumes that Government is responsible for the Russian businessman or fiscas or why are we asked about the finances or the money that belongs to a private person? This question is misplaced to be asked to the Government and I wish to indicate that Government services for which payments are made for services to be rendered are publicly known, prices are public and available in relevant Gazettes and approved by Treasury. When any person is to pay for such services there are Treasury instructions in place that regulate the receipts and custody of such money. All moneys that Government receives for services are accounted for in a transparent matter and the auditor general audits such receipts and brought to this House for scrutiny.

Question 2, what assurances can the Prime Minister give the Namibian nation that the N\$25,000,000 did not end up in somebody's pocket? This question seems to suggest that someone was bribed. Government does not condone corruption fracas and if the Honourable Member has any evidence to support the suspicion contained in his question or if he has reasons to believe that somebody was bribed I advised him to please approach relevant institution that are tasked to deal with cases of bribery and provide the evidence and report such matters to those offices. I am now referring to the Anti Corruption Commission or even to the Office of the Ombudsman those offices are there like the Anti

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Corruption Commission is not far. The address is just a corner of this Magdbach Street and Tara Street in Windhoek very near here. Then, the said question, how many similar transactions went through the Ministry of Land Reform where foreigners obtain land through buying, donating and then leave the same land over 99 years. There is no such information in the Office of the Prime Minister neither any office of the Government of the Republic of Namibia, it means there is no such other case. I thank you Honourable Speaker.

HON SPEAKER: Thank you very much. Honourable Mike Kavekatora.

HON KAVEKOTORA: Thank you very much Honourable Speaker, thank you very much Right Honourable Deputy Prime Minister for a very lengthy response. I first of all the reason why I am using the word alleged is not to make it as factual statement before I do not have the information to make a factual statement that is why I put up the word 'alleged' because it was alleged in the media this is why I came to your office in order to have the confirmation.

On question number 1, Right Honourable Deputy Prime Minister. I know that yes it is not for you perhaps to respond to this question but the basis of that question really is because of how the transaction went and I also want to react to Question number 3 because question number 3 indicates that this is the first time the Government has actually taken that type of route to ensure that the transaction goes through so that is the reason why I posed that question. Then on the second question, it is again based on the fact that the whole process was a smart manipulation of what happened but I am very thankful for the suggestion that if I have any reasons to believe that the fraudulent activities might have taken place I must approach the relevant institution. I will definitely do that, that was my objective after getting a response from you because the point basically

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what I tried to make is that the Russian wanted to do things above board. Somebody in your Government most probably came up with a smart manipulation on how the same transaction can be put through in a manipulative way. So yes that is the reason why I asked this question and my next move is basically to test this with the relevant authority to make sure that nothing fraudulent has taken place because it is a fact that the Russian wanted to expose of N\$43,000,000 plus N\$25,000,000 and what triggered my suspicion is the fact that the transaction one of its kind in Namibia as you just alluded to, one of its kind was actually effected in a very smart manipulative way. Thank you very much.

HON SPEAKER: Thank you very much. Honestly I will leave the matter there because the question you were trying to elaborate on was fully explained in the introduction and the Deputy Prime Minister I think has responded quite well point by point and also recommending that if there are evidences available at your disposal please get in touch with the right institution to take up this issue. I think it is as simple as that and the fact that we are using the word alleged, it is simply being speculative, rumours and we do not operate on the basis of rumours we must have facts. We also do not want to accuse people out here who might concede themselves as themselves as being targeted so can we leave it at that? The Deputy Prime Minister do you want to come back?

**RT HON DEPUTY PRIME MINISTER AND MINISTER OF
INTERNATIONAL RELATIONS AND COOPERATION:** Yes we can leave it but I have really to, as you are saying Comrade Speaker, his appreciation of the response is also lauded when he is citing about manipulating and all these things. So as a Government we are very transparent we are very open and we inform the public exactly what had happened and that is why even in your own introductory statement you said that the Government has done the right thing. You cannot blame the

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Government. The Government of Namibia cannot be bribed and that is why we acted in the manner we have acted and we have acknowledged it and you do not need to get permission from this House neither from the Government to take the matter to where you can take it, this is an advice that you cannot it is your responsibility to decide on how you want to handle the question. So really we answered it fairly, openly as an open Government. Thank you Comrade Speaker.

HON SPEAKER: Thank you very much. Honourable Kavekatora (*interventions*).

HON KAVEKOTORA: Honourable Speaker, I have appreciation for what the Right Honourable Deputy Prime Minister has said. I, in my introductory was very clear. There were two types of interventions, one is the intervention where you as the Government acted prudently by saying no we are not going to allow you to buy the farms or to give the N\$25,000,000 that is what I applauded you on but the second move I did not applaud you on that because as you rightly acknowledged that was the first transaction of its kind to take place in Namibia so it must raise questions. Now my comment is on the following, when I hear something like this I need to test my understanding and that is what I have done to bring this thing to your attention. Then the recourse of where to go from there I just acknowledge and appreciated what you have suggested but that was known to me from the beginning but I just wanted to take step one before I go to step number two because by gathering information I will have an idea of how and what to approach. Thank you.

HON SPEAKER: Let us leave it at that. We are going to repeat ourselves. We are back to where we belong. Honourable Members we

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have exhausted all the items on our Order Paper but I want to share something with you as we conclude the work of this House and that has something to do I think I do not want you to hear rumours and distorted information I want to give you a report of what you have done throughout the year with respect to the number of Bills that were introduced in this House brought to the Chamber that we dealt with. So it is for that reason that I would like to say that it is my particular pleasure to bring to your attention that during this year the following Bills were presented to the National Assembly and all were passed and referred to the National Council for their usual consideration. These are:

- 1) Micro Lending Bill.
- 2) Appropriation Bill.
- 3) Gaming and Entertainment Bill.
- 4) Seeds and Seed Varieties Bill.
- 5) Nursing Amendment Bill. Yes Varieties I said.
- 6) Medical and Dental Bill.
- 7) Social Work and Psychology Amendment Bill.
- 8) Pharmacy Amendment Bill.
- 9) Allied Health Professions Amendment Bill.
- 10) Basic Education Bill.
- 11) Public Enterprises Governance Bill.
- 12) Namibian Deposit Guarantee Bill.
- 13) Appropriation Amendment Bill.

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- 14) Criminal Procedure Act Repeal Bill.
- 15) National Symbols of the Republic of Namibia Bill.
- 16) Public Service Amendment Bill.
- 17) Extradition Amendment Bill.
- 18) International Cooperation in Criminal Matters Amendment Bill.
- 19) Repeal Obsolete Laws Bill and finally.
- 20) Administration of Estates Amendment Bill.

All together we have completed not less than 20 Bills. Now I further want to mention that the Health Professions Bill by the Ministry of Health and Social Services was also presented to the National Assembly during the course of this year but on the instruction of the Honourable Minister of Health and Social Services it was withdrawn as further consultations were still needed with other stakeholders prior to tabling of the Bill in the National Assembly. It is my understanding that this Bill Health Professions Bill is now being planned for re-tabling during the next Parliamentary Session.

I just wanted to give that piece of information to you because you have an idea that to the best of our knowledge all the Bills that were finalized on the part of the Executive and brought to the Chamber were actually entertained accordingly and adopted and I have listed them not less than 20 Bills.

Honourable Members as a custom in keeping with our tradition as we conclude the business of the House for the year 2018 I would like to call on a number of colleagues in the House, representative of our various political parties represented here to say few words. Any best wishes? Can I start with the Honourable Asser Mbai?

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**GOODWILL REMARKS
HON MBAI / HON KAVEKOTORA**

HON MBAI: Thank you so much Honourable Speaker. It is really exciting to have arrived to this extent of wishing farewell to the Honourable Members of all the parties. This is the last day. This is indeed the last day of our deliberations in this House this session of Parliament and whenever you get an opportunity to watch other Parliaments I can cite the examples of Uganda recently, South Africa also recently, the pointing of fingers to each other, the way we deliberated and debated in this House really one would like to take your hats off of the Namibian Members of Parliament.

Not only that we are matured politicians but really we carry the calling that we are here to unite, to stabilize our nation and that is what we have been trying all the way in this House and we try by all means to exercise and perform our duties as Members of Parliament and I believe with these few words and remarks I wish each and every one of us a happy festive season and a prosperous New Year. I thank you so much.

HON SPEAKER: Thank you very much. Honourable Mike Kavekatora.

HON KAVEKOTORA: Thank you Honourable Speaker. We as human beings will always experience conflicts situations. Locally we also as human beings have the capacity to overcome any challenge that comes our way that is a God given gift over human beings. I, in a similar occasion made the following comment and I want to repeat this, we are all in this ship called Namibia together. If it sinks the majority of us cannot swim, it is only myself and the General who can swim (*laughter*). So all of us will sink together in a sea therefore it is not in our nature to put holes in a ship in which we, all of us are. What we have done throughout the session Honourable Members was based on the reality of the situation, it does not mean that for us to be together we have to agree on every single aspect because we have different views we have different backgrounds and we need to disagree that in a much humane professional way so that at the end

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of the day I have seen some of the colleagues on the other side who took it personally when we disagree and I come to you in the corridor and say “Good morning General” you just throw my hand away, that is not emotional maturity. We need to be emotional mature to shake hands even if we have a heated debate in this House and I must thank the General specifically for being that type of example of having that emotional maturity.

Now we have come through a lot of emotions but at least we can still joke we can still talk to one another as a clear demonstration that we are moving towards maturity, I will not agree with Honourable Mbai that you are mature politicians but by the way Honourable Mbai Happy Birthday.

I want, as I said in my report I really believe that any situation we have a culture and if a culture that we can adopt is one of acknowledging that we come from different backgrounds and we are coming from different political parties and we have to stand our positions as politicians then we can really go and get what we call scenage where one plus one on behalf of the Namibian people one plus one should not be equal to two it must have a scenagistic effect so that one plus one is equal to twelve and I hope that that is what we are going to achieve and that is what we are going to strife towards moving into the new station next years. So let me wish you and for those who I have stepped on your toes I apologize including the Speaker but the intention was not to hurt the intention was to learn. There is a difference between hurting and learning, by stepping your toes my idea was to learn and not to hurt so I apologize for those who were emotionally hurt. I apologize but that is the work that I have to do to put ourselves a politicians therefore we have to do politics. I wish you the best for the upcoming festive season and I hope all of us come back health and I hope that 2009 will be a Prosperous Year for Namibia (intervention).

HON MEMBER: 2019 not 2009.

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HON DIENDA**

HON KAVEKOTORA: Oh, I am sorry I remember because the General rigged the elections in 2009 but I hope the 2019 will be a prosperous year where we are going to meet the needs and the aspirations of the Namibian people.

HON SPEAKER: Thank you. Let us be as brief as possible. Honourable Dienda please.

HON DIENDA: Thank you Honourable Speaker. Honourable Speaker every year you forget my birthday also.

HON SPEAKER: When was that?

HON DIENDA: 16 November.

HON SPEAKER: Oh!

HON DIENDA: It is me and Honourable Caley. Honourable Speaker, Honourable Members (intervention).

HON MEMBER: The DTA was (indistinct).

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HON MURORUA**

HON DIENDA: No the DTA is in SWAPO we are PDM. They are there your special advisors. On behalf of my Party the PDM allow me Honourable Speaker to wish all of you a blessed and enjoyable Christmas Season. Yes please enjoy this holiday with your families. Come back fresh and full of energy because I am very tired I do not have energy anymore. May God Bless you all and I also want to apologize to anybody if you feel I have offended you, my humble apologize. I am a Christian that is why I apologize because I cannot call myself a Christian and I do not apologize. I apologize. Honourable Obed next time I will kiss you to make sure that there is no hard feelings. No hard feelings from my side. There is no hard feeling from my side I have no reason not to greet anybody so with these few words please enjoy your Christmas and may God Bless you always. Thank you.

HON SPEAKER: Thank you very much. Honourable Murorua.

HON MURORUA: Thank you very much Honourable Speaker.

HON MEMBER: Are you not (indistinct).

HON MURORUA: I think I am not in your House or farm I am in the Namibian Parliament that is why I am here. Most importantly I am not here on your ticket. This was not the day to say this. Thank you very much Honourable Speaker, Honourable Members. Allow me to first and foremost express my gratitude towards you Honourable Speaker. It has not been an easy year and now being a Presiding Officer it is normally not easy whether you have got rules or no rules people will always find a way of cornering you but I think you have done a very good job.

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HON MAAMBERUA**

Secondly, I would also like to thank all the Honourable Members for a job well done, the Namibian Parliament in my opinion compared to most of the Parliaments is really doing well when it comes to the conduct in the Assembly itself in the House. Therefore I think we need to really applaud ourselves. But it is very important that we as Members of Parliament need to pay attention to what the people on the streets are feeling if they are being heard then probably we are making a few mistakes and as mature leaders of this nation it is very important that we have to look back and see how we can correct that in future. With that Honourable Members, Honourable Speaker, I would like to wish you all a very blessed and Merry Christmas as well as a Prosperous New Year which is full of hope and expectations that we will deliver with great vigour to the nation so that we can take our country and our people forward. I thank you.

HON SPEAKER: Thank you very much. Honourable Maamberua.

HON MAAMBERUA: Yes thank you Comrade Speaker. Allow me to take this opportunity to thank you and the Deputy Speaker as stewards of this very important House for having steered the business of the House up to this day in a professional manner.

I would also like to be cognisant of the fact that we are full time in provisions of the State in terms of the services that we have got to render to the people of Namibia and therefore it is not always that if we beg that it is actually to go into the festivities but rather to continue to serve the Namibian people in our various capacities and constituencies and of course Namibia as a whole. I do recognize that at time of course we have disagreed of course with a purpose of agreeing and to forge the way forward for national unity purposes.

I would like to remind ourselves that there is still one milestone that we have got to cross in terms of attendance that is of national importance and

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that is in the next week and half we are to be commemorating the 10th of December which is also recognized as a Human Rights Day and also Women's Day so I think it is important that we call on the citizenry of the country to take note of that very important day, very sad in our history so that we go there out and must, in remembrance of our Heroes and Heroines who perished on that particular day. Otherwise I thank all of you as Comrades, Colleagues and Members of this House for your cooperation and I hope we come back fresh to meet on the first day of the Opening of this House, thank you very much.

HON SPEAKER: Thank you very much. Honourable Jan Van Wyk.

HON VAN WYK: Thank you Honourable Speaker. On behalf of my Party I also would like to wish you well. May God protect us during this festive season and may the nation enjoy a happy festive season. To the nation please take care of our families, let us not kill our mothers and daughters let us take care of them. When we go on the roads please do not drink and drive and we pray that God Almighty will bless this land with lots of rains as many of us are suffering now. I will be happy to see each other again next year, may God bless us. Thank you Honourable Speaker.

HON SPEAKER: Thank you very much. Deputy Prime Minister.

**HON DEPUTY PRIME MINISTER AND MINISTER OF
INTERNATIONAL RELATIONS AND COOPERATION:** Thank you Honourable Speaker. I am speaking on behalf of SWAPO Party and of course the Governing side.

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HON NANDI-NDAITWAH**

First I want to thank the Speaker particularly today when he summarized the work of our Parliament for the whole year and for the manner in which he has been conducting the business. If it was not you maybe we could not have worked in the manner we have worked when we were able to pass not less than 20 laws and of course you have not mentioned the Motions that we have also got through and International Instruments that we have ratified. So definitely this explains that this has been a very active and very successful session of our Parliament.

I thank all Members of Parliament, if it was not your constructive participation, contribution, understanding one another we might have not been able to pass those laws. I know Members of Parliament have been active running different Committees, going to the public, get their views and good representatives and this should be the way in which we conduct our business having given that responsibility.

Now time has come so that we can make up for our families who have not been seeing us as much as they want due to our Parliamentary work and this we have now to make it a point that we give them that attention. We could not have done anything if our families are not supporting us. It is hard for anyone to succeed at work if it is hot at home therefore the work we have done credit should also go to our families. As SWAPO Party we are asking you to pass these good wishes to your family members and all those who are staying with you. We know we are not going to travel in places where we are isolated, we will be travelling together with others whether we are walking we are driving therefore it is very important that each one of us must be responsible for ourselves and for others.

We were taught before you cross the road look left, look right, look left and then you pass. So let us all be very careful when we are on the roads whether you are walking whether you are driving because we would want each and every one of us to come back energized in one peace and continue the good work. Therefore Honourable Members let me not keep ourselves any longer but to sincerely on behalf of SWAPO Party to wish you all a restful seasonal holiday and happy 2019 a productive year. We know it is also a year of elections we are politicians we cannot run away

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from this and we should then go there and come back refreshed and then be working together as a nation.

Namibia is the only country we have and if we messy it up we cannot blame anybody so I wish you a Prosperous New Year and a Happy Christmas. Take care of your families. I thank you very much.

HON SPEAKER: Thank you very much Deputy Prime Minister, thank you very much for referring to the brief account of the work we have done but I agree with you this is just partial account because we did not refer to Motions, Reports and other activities that we have covered during the course of the year but I am often here after Parliament has gone on recess. People normally say, “What have been doing?” and I decided on this occasion to put together all the Bills at least for now so that the public out there at least have the benefit of knowing what we have done. Having heard from a number of you Honourable Members I would like to say a few words and briefly for myself.

Let me thank all of you for your support and understanding. Understanding really for myself in terms of my role as the Speaker and for the role played by the Deputy Speaker, both of us are serving as your Presiding Officers. That understanding is very important. The fact that you show towards us during the course of the year that sort of understanding helped us to get on with the work of performing our role as Presiding officers. We have on the all done very well to execute the work that brought us all to this Honourable House that is to serve the needs and aspirations of the people of Namibia. As usual there were ups and downs but we jointly managed to navigate our way through. If a particular Member happen to say something to which I as a human being sort of over reacted and showed some irritation it ends there by the time I leave this Chamber it is gone. It is gone and I am extremely proud of all of you individually and collectively the way we conduct our business in this House.

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I think I would agree with the Honourable Asser Mbai when he says there is a sense of maturity on the part of Members of this House. People do talk generally about Parliaments, the role of Parliament on the African Continent and we are often listen among those Parliaments who were progressively making our way gradually in terms of the mandate that we exercise as Parliamentarians. So we are looking forward with confidence with a progressive 2019. I wish you and your loved ones Merry Christmas and all the best for 2019.

I said I wanted to say that you do not need to apologize to me. I have got a thick skin and it is all done under the heat of a particular moment and it is all forgiven. The diverse voices we get in the House is what makes the Namibian democracy to be what it is and I am extremely proud of that, thank you.

Now I know that is not the end of the story, they are simply as we adjourn now, we adjourn until the 12th of February 2019 when Parliament is going to be officially opened by His Excellency the President of the Republic of Namibia. For now we have reached a point where the Parliament stands adjourned until the 12th of February when we resume and the details will be provided to you when the time comes. Thank you and have a good day.

HOUSE ADJOURNS AT 17:06 UNTIL 12.02.2019 AT 14:30
