

**LIST OF MEMBERS OF THE
NATIONAL ASSEMBLY**

SPEAKER

Dr T-B Gurirab (Mr)

**DEPUTY SPEAKER AND CHAIRPERSON OF THE
WHOLE HOUSE COMMITTEE**

Ms D Sioka

THE CABINET

MINISTERS

(21 March 2005 – Elected in terms of Article 133 of the Constitution)

Mr N Angula	<i>(Prime Minister)</i>
Dr L Amathila (Ms)	<i>(Deputy Prime Minister)</i>
Dr N Tjiriange (Mr)	<i>(Minister of Veterans Affairs)</i>
Dr A Kawana (Mr)	<i>(Presidential)</i>
Mr P Tsheehama	<i>(Safety and Security)</i>
Mr J Mutorwa	<i>(Youth, National Service, Sport and Culture)</i>
Dr N Iyambo (Mr)	<i>(Agriculture, Water and Forestry)</i>
Mr J Kaapanda	<i>(Works, Transport and Communication)</i>
Rev W Konjore (Mr)	<i>(Environment and Tourism)</i>
Ms S Kuugongelwa-Amadhila	<i>(Finance)</i>
Dr A Iyambo (Mr)	<i>(Fisheries and Marine Resources)</i>
Mr M Hausiku	<i>(Foreign Affairs)</i>
Dr R Kamwi (Mr)	<i>(Health and Social Services)</i>
Ms R Nghidinwa	<i>(Home Affairs and Immigration)</i>
Mr N Mbumba	<i>(Education)</i>
Mr C Namoloh	<i>(Defence)</i>
Ms N Nandi-Ndaitwah	<i>(Information and Broadcasting)</i>
Ms P Iivula-Ithana	<i>(Justice and Attorney-General)</i>
Mr A !Naruseb	<i>(Labour and Social Welfare)</i>
Mr J Ekandjo	<i>(Lands and Resettlement)</i>
Mr E Nghimtina	<i>(Mines and Energy)</i>
Mr J Pandeni	<i>(Regional and Local Government, Housing and Rural Development)</i>
Mr I Ngatjizeko	<i>(Trade and Industry)</i>
Ms M Mungunda	<i>(Gender Equality and Child Welfare)</i>

DEPUTY MINISTERS

(21 March 2005 – Elected in terms of Article 133 of the Constitution)

Mr G Shihepo	<i>(Safety and Security)</i>
Mr P Shifeta	<i>(Youth, National Service and Culture)</i>

Mr P Smit	<i>(Agriculture, Water and Forestry)</i>
Mr L Jooste	<i>(Environment and Tourism)</i>
Mr T Tweya	<i>(Finance)</i>
Ms L Lucas	<i>(Foreign Affairs)</i>
Ms P Haingura	<i>(Health and Social Services)</i>
Ms T Mushelenga	<i>(Home Affairs and Immigration)</i>
Dr R Ndjoze-Ojo (Ms)	<i>(Education)</i>
Mr V Simunja	<i>(Defence)</i>
Mr R Dinyando	<i>(Information and Broadcasting)</i>
Mr U Nujoma	<i>(Justice)</i>
Mr P Ilonga	<i>(Labour and Social Welfare)</i>
Mr I Katali	<i>(Lands and Resettlement)</i>
Mr K Kazenambo	<i>(Regional and Local Government, Housing and Rural Development)</i>
Mr B Esau	<i>(Trade and Industry)</i>
Ms Muharukua	<i>(Gender Equality and Child Welfare)</i>

SECRETARY

Mr S N Goabab

DEPUTY SECRETARY

Mr F S Harker

LIST OF MEMBERS AND PARTIES WHICH THEY REPRESENT

CONGRESS OF DEMOCRATS (COD)

Ms E Dienda	
R K Gertze	
Mr T Gurirab	<i>(Deputy Whip)</i>
Ms N Schimming-Chase	<i>(Chief Whip)</i>
Mr B Ulenga	<i>(Party Leader)</i>

DTA OF NAMIBIA

Mr J De Waal	<i>(Chief Whip)</i>
Mr K Kaura	<i>(Party Leader)</i>
Mr P Moongo	
Mr M Venaani	<i>(Deputy Whip)</i>

MONITOR ACTION GROUP

Mr J Viljoen	<i>(Chief Whip)</i>
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NATIONAL UNITY DEMOCRATIC ORGANISATION OF NAMIBIA (NUDO)

Mr A Mbai

Mr K Riruako *(Party Leader)*
Mr A Tjihuiiko *(Chief Whip)*

REPUBLICAN PARTY

Mr H Mudge *(Chief Whip and Party Leader)*

SWAPO OF NAMIBIA

Mr B Amathila *(Government Chief Whip)*
Dr L Amathila (Ms) *(Deputy Prime Minister)*
Dr M Amweelo (Mr)
Mr N Angula *(Prime Minister)*
Dr S C Ankama (Mr)
Ms L Basson
Mr H Boois *(Deputy Chairperson of the Whole House Committee)*

Ms H Christian
Mr Dinyando *(Deputy Minister)*
Mr J Ekandjo *(Minister)*
Mr B Esau *(Deputy Minister)*
Dr H Geingob (Mr)
Dr T-B Gurirab (Mr) *(Speaker)*
Ms P Haingura *(Deputy Minister)*
Mr H Hamutenya
Mr M Hausiku *(Minister)*
Mr P Ilonga *(Deputy Minister)*
Ms P Iivula-Ithana *(Minister)*
Dr A Iyambo (Mr) *(Minister)*
Dr N Iyambo (Mr) *(Minister)*
Mr L Jooste *(Deputy Minister)*
Mr J Kaapanda *(Minister)*
Mr Kaiyamo
Mr R Kamwi *(Minister)*
Ms L Kasingo
Mr I Katali *(Deputy Minister)*
Dr A Kawana (Mr) *(Minister)*
Mr K Kazenambo *(Deputy Minister)*
Rev W Konjore (Mr) *(Minister)*
Ms S Kuugongelwa – Amadhila *(Minister)*
Ms L Lucas *(Deputy Minister)*
Mr N Mbumba *(Minister)*
Ms A Muharukua *(Deputy Minister)*
Ms M Mungunda *(Minister)*
Mr P Mushelenga *(Assistant Whip)*
Ms T Mushelenga *(Deputy Minister)*
Mr J Mutorwa *(Minister)*
Mr T Nambahu

Mr J Nambinga
Mr A !Naruseb (Minister)
Ms E !Nawases-Taeyele
Mr I Ngatjizeko (Minister)
Ms N Nandi-Ndaitwah (Minister)
Ms R Nghidinwa (Minister)
Mr E Nghimtina (Minister)
Mr U Nujoma (Deputy Minister)
Mr J Pandeni (Minister)
Mr P Shifeta (Deputy Minister)
Mr G Shihepo (Deputy Minister)
Mr V Simunja (Deputy Minister)
Ms D Sioka (Deputy Speaker)
Dr N Tjiriange (Mr) (Minister)
Mr P Tsheehama (Minister)
Mr T Tweya (Deputy Minister)
Mr R /Ui/o/oo

UNITED DEMOCRATIC FRONT (UDF)

Mr J //Garöeb (Party Leader)
Mr M Goreseb
Ms G Tjombe (Chief Whip)

APPOINTED BY THE PRESIDENT IN TERMS OF ARTICLE 32(5)(c) OF THE CONSTITUTION

Mr R Diergaardt
Ms I Hoffmann
Ms A Manombe-Ncube
Mr C Namoloh (Minister)
Dr R Ndjoze-Ojo (Ms) (Deputy Minister)
Mr P Smit (Deputy Minister)

**ASSEMBLY CHAMBER
WINDHOEK
27 JUNE 2007**

The Assembly met pursuant to the adjournment.

HON DEPUTY SPEAKER: Took the Chair and read Prayers and the Affirmation.

ANNOUNCEMENT

HON DEPUTY SPEAKER: Announcement from the Speaker's Desk. Yesterday an invitation to attend the opening reception and the opening ceremony of the Commonwealth Women Parliamentary Conference at the Country Club Resort on the 2nd and 3rd of July 2007, respectively, was distributed to all the Members in the Chamber. I would like to bring to the attention of the Members that this event has been postponed until further notice.

HON DEPUTY SPEAKER: Any Petitions? Any Reports of Standing or Select Committees? Other Reports and Papers? Any Notices of Questions?

NOTICE OF QUESTIONS

QUESTION 80:

HON KAURA: Honourable Deputy Speaker, I give Notice that on Thursday, the 05th of July 2007, I shall ask the Honourable Minister of Justice, Pendukeni Iivula-Ithana, the following:

Cognisant of the heinous crimes perpetrated against the defenceless members of our society, for example the following:

Juanita Mabula, aged 21, murdered October 29, 2005; Melanie Janse, aged 22, August 22, 2005, Viola Swartbooi, aged 18, December 28, 2005, the discovery of the dismembered body along B1 road which is still unidentified, the rape of twin babies with the subsequent death of one, the execution of a boy aged 12, May 27, 2006 in Walvis Bay;

Honourable Minister, is it a crime, is it an abomination for this august House to apply its democratic mind to rethink the possibility of finding a way to bring back the death penalty?

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**CONVENTION: MARITIME SEARCH AND RESCUE
HON KAAPANDA**

HON DEPUTY SPEAKER: Table the Questions, Honourable Member. Further Notice of Questions? Any Notice of Motions? Honourable Hans Booy's.

LEAVE OF ABSENCE

HON BOOYS: Honourable Deputy Speaker, I Move without Notice that leave of absence, due to his own illness, be granted to the Minister of Safety and Security, Honourable Tsheehama, until the 18th of July 2007. I so Move.

HON DEPUTY SPEAKER: Table the Motion, Honourable Member. Notices of Motions? Message from the Head of State? Any Ministerial Statements? The first Notice of Motion is the one of Honourable Minister of Works, Transport and Communication. Does the Honourable Minister move the Motion? Who seconds the Motion? Any objection? Agreed to. Honourable Minister, the Floor is yours.

**RATIFICATION: CONVENTION ON MARITIME SEARCH AND
RESCUE**

HON MINISTER OF WORKS, TRANSPORT AND COMMUNICATION: Honourable Deputy Speaker, Honourable Members of this august House, I would like to, first of all, inform you that Namibia has signed this Agreement on the 29th of March 2007.

Namibia is party to the International Convention on Maritime Search and Rescue of 1979 and is also a signatory to the Florence Resolution of 2000. The two documents call for cooperation between the Maritime Nations and Regions on Search and Rescue Services.

At the Florence Conference, countries agreed on the establishment of Sub-regional maritime rescue coordination centres, including the South-African Region, covering Angola, Comoros, Madagascar, Mozambique, Namibia and South Africa.

Honourable Deputy Speaker, at this Florence Conference, the Republic of South Africa was also entrusted to lead the process by establishing the Maritime Regional Coordination Centre in Cape Town to coordinate search and rescue operation services in the Region. Each coastal state is required to put up their own Rescue Coordination Centre which will liase closely with the one in Cape Town as the regional centre.

As the host country, South Africa initiated a number of activities to realise the

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establishment of such a centre. Several meetings were held and a draft agreement was developed and finalised. At the time of negotiating this agreement, Namibia was already in the process of purchasing the necessary maritime communication equipment for its own national rescue centre at Walvis Bay. Early this year the Ministers responsible for Transport in the five Regional countries, namely South Africa, Madagascar, Comoros, Mozambique and Namibia signed the agreement. The parties to such agreement are required to cooperate as follows:

- To render mutual support by pooling search and rescue facilities appropriately for operations within their respective search and rescue Region;
- Respond to requests for such rescue operation assistance between the Maritime Rescue Coordination Centres and the Maritime Rescue Sub-Centres of the parties to the extent of their respective capabilities;
- To utilise standard of search and rescue procedures and communications used to respond to distress incidents at sea;
- To apply the guidance of the International Aeronautical and Maritime Search and Rescue Module regarding search and rescue operational procedures and communications;
- To apply standard agreed SAR procedures which takes into account the sovereignty issues related to save lives at sea. This means that the entries by various states of SAR units from other state parties into the territory of other parties shall exclusively be for SAR operation purposes only;
- To enter into other collaboratively SAR efforts which may include but not limited to mutual visits by SAR personnel of the parties joint training and other exercises;
- The exchange of pertinent search and rescue communications or information;
- Cooperation in the development of search and rescue procedures, techniques equipment and facilities; and
- To establish a joint search and rescue committee to provide the means for ongoing cooperation and improve search and rescue effectiveness.

I, therefore, recommend that Parliament's ratification of this agreement be supported and that the Minister of Foreign Affairs notifies the depository States on behalf of Namibia, as provided in Article 13(2) of the Mutual Agreement. I thank you, Comrade Deputy Speaker.

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HON GURIRAB/HON DR AMWEELO**

HON GURIRAB: Honourable Deputy Speaker, I rise to express our support for this important protocol. We have looked through the document, it is one with which we have no disagreement. It is a protocol of standard requirements for a country like ours which has a vast continental coast and it is only important that we collaborate with countries in our Region on this important issue of search and rescue.

I rise to do something which I always do when international instruments are brought here for ratification. We hope that at domestic level, in Namibia, we have put everything in place that we have to institutionalise. Further, that we have the necessary resources, financial and manpower to participate successfully and effectively in the commitments that we are undertaking in terms of the instrument that is being ratified.

Honourable Deputy Speaker, finally and as a footnote, I notice on Page 12 where the signatories have appended their signatures, that the document that has been circulated – at least my copy – has neither the date, nor the place where this Agreement was entered into. I am not a lawyer, but I presume that the fact that that has not been entered into does not invalidate the document. We support this Agreement.

HON DR AMWEELO: Thank you very much, Comrade Deputy Speaker. I would also like to thank my Colleague, Comrade Kaapanda, for bringing this very important Protocol to Parliament. As we all know, maritime incidents and accidents are happening all over, including our territorial waters. We all remember in 2002 three shipping vessels sunk in our territorial waters and in 2006 there was another incident with regard to the ships drowning after a fire started in the engine room. All these accidents caused loss of lives of seamen. Therefore, this Protocol which is dealing with the rescue of the personnel on board of ships is very important.

I am just going to emphasise two points and one is training. For this exercise to rescue personnel in case of distress you really need capable and qualified personnel who can deal with these rescue operations. Normally when distress starts, the ship has equipment, with this equipment we can send signals to the INMARSAT and INMARSAT immediately sends an alert distress to the station on earth through the Rescue Co-ordinator Centre (RCC), which Comrade Kaapanda mentioned. The Rescue Coordination Centre in turn distributes the information either to the search and rescue units or the ship which is in distress. The personnel I am talking about, need to direct the information to three places. One, the information from shore to ship or ship to ship or from ship to shore in all sea areas. The information that goes from ship to ship is very effective, when it is received those ships in the vicinity of the distress, goes to the place where the incident happened in order to rescue the personnel.

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It is therefore very important for the personnel handling these sophisticated equipment to be well trained. Not only the people on board of the vessels, but also the people on shore manning the radio stations, who receive the information.

The other point I want to mention is maritime communications. Sometimes the information comes from the Meteorological Services who, once they notice something, warn all the ships and aircraft. They send the warning as soon as possible and if those people are qualified, they will react as soon as possible, perhaps before the incident or accident happens in order to rescue the colleagues on board the ship which is in distress.

Otherwise, I fully support the Protocol, it is a very good Protocol and this coordination and cooperation is commendable. I thank you, Comrade Deputy Speaker.

HON DEPUTY SPEAKER: Thank you very much. Any further discussion? Does the Honourable Minister of Works, Transport and Communication wish to reply?

HON MINISTER OF WORKS, TRANSPORT AND COMMUNICATION: Honourable Deputy Speaker, I would like to thank the two Honourable Members who made comments on this treaty. I want to thank them for their support of the treaty and also to ensure them that the observations made, particularly on training and the availing of resources as to make this venture useful in carrying out its mandated, are well taken.

He also made a valid observation on the page where the signatures of the participating countries appear. Maybe that was an oversight by the officials, but yet, this document remains valid.

Honourable Amweelo, thank you very much, you have eloquently pointed out all the important aspects that need to be taken into account, especially equipping personnel with the skills and expertise in order to be able to carry out their required function efficiently. Definitely, training will be regarded as a priority for all the participating countries individually as well as collectively. As you are aware, this is a Regional venture where the participating countries collaborate in order to maintain the standard that is required in training or in the performance of the rescue operations. Therefore, training will be a priority in order to reach and maintain that required standard.

Once again, thank you very much and I would also like to thank the Honourable Members who support this Motion in silence. I thank you.

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HON !NARUSEB

HON DEPUTY SPEAKER: Thank you very much. I now put the Question, that the Agreement be ratified. Are there any objections? It is agreed to. The Secretary will read the First Order of the Day.

COMMITTEE STAGE: LABOUR BILL

HON DEPUTY SPEAKER: Does the Honourable Minister of Labour and Social Welfare Move that the Assembly now goes into Committee Stage?

HON MINISTER OF LABOUR AND SOCIAL WELFARE: I so Move, Comrade Deputy Speaker.

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

ASSEMBLY IN COMMITTEE

DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: The Whole House Committee is called to order. The Committee has to consider the *Labour Bill*.

Clauses 1 to 23 put and agreed to.

Clause 24 put.

HON MINISTER OF LABOUR AND SOCIAL WELFARE: On Clause 24 I would suggest that the following be effected:

Substitute Sub-clause (1) for the following Sub-clause:

“(1) During any sick leave cycle an employee is entitled to sick leave as follows:

- (a) Not less than thirty-six (36) working days if the employee ordinarily works five days during the week;

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HON !NARUSEB**

- (b) Not less than thirty-six (36) working days if the employee ordinarily works six days during the week; and
- (c) Not less than the number of working days calculated on a *pro rata* basis if the employee ordinarily works fewer than five days during a week, but an employee is entitled to one day sick leave for every 26 days worked during the employee's first year of employment."

DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Can the Minister please table the Amendment? Any discussion on Clause 24, as amended? Any objection? Agreed to as amended.

Clauses 25 to 27 put and agreed to.

Clause 28 put.

HON MINISTER OF LABOUR AND SOCIAL WELFARE: Thank you, Honourable Deputy Chairperson of the Whole House Committee. On Clause 28, insert the following Sub-clauses after Sub-clause (3):

"(4) An employer who terminates the employment of an employee who is required to live at the place of employment or to reside on any premises owned, leased or provided by the employer, may not require the employee to vacate the said premises or place unless –

- (a) In the case of an employee residing on agricultural land, the employer gives to the employee three months written notice to vacate; or
- (b) In the case of all other employees the employer gives to the employee at least one month written notice to vacate.

(5) If an employee has referred a dispute to the Labour Commissioner alleging an unfair dismissal within thirty days following the termination of the employment, the employer may not, despite Sub-section (4), require the employee to vacate the place or premises until the dispute is resolved in terms of Part G of this Chapter or otherwise disposed of."

DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Can the Minister please table the Amendment? Any discussion on Clause 28, as amended? Honourable Deputy Minister of Lands, Resettlement and Rehabilitation.

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HON KATALI

HON DEPUTY MINISTER OF LANDS AND RESETTLEMENT: Thank you, Honourable Deputy Chairperson of the Whole House Committee, I have a concern with Paragraph (a) of this Amendment which says that the employee must be given three months notice if the person is residing on agricultural land, which means on a farm. Sometimes the dispute is not really between the employer and the employee. Maybe it is two employees who are fighting or one wants to harm the other one. If there is such a relationship where the employer feels that one of the employees must actually leave the farm, the law will immediately require that the person be given three months' notice. Who will then supervise those people in order to avoid that they create problems which led to one of them being removed from the farm? If anything happens, Comrade Minister, who will then be responsible for that?

In case it is a dispute between an employer and an employee, he is either killing the livestock of his employer and for the next three months that employee continues killing the livestock, how do you see that, Comrade Minister?

DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Any further discussion? Does the Minister wish to reply?

HON MINISTER OF LABOUR AND SOCIAL WELFARE: Colleagues, the mischief that we want to address here is the well-known phenomenon of farm workers being dumped in the corridors, evicted farm workers. That is the mischief that we want to address as the Government.

If other issues are coming in, like someone taking ownership of cattle that does not belong to him or her or end up killing cattle, then we have the police to deal with that phenomenon. However the mischief we want to address is farm workers being dropped along the corridors after they become useless to the farm owner.

If we give a basic requirement of three months, it gives sufficient time for the so dismissed or resigned employee to try to find alternative housing and also, by implication, grazing for his or her animals. I think three months is reasonable, that is the mischief we want to address. If other things crop up, let it be dealt with by the relevant authorities. Thank you.

DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Any further discussion on Clause 28?

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HON !NARUSEB**

HON VENAANI: Honourable Deputy Chairperson of the whole House Committee, I think we should be very cautious with what we are trying to address with this Clause, because I do not think that the question of farm evictions can be addressed by Labour Law. It needs to be addressed by Ministries such as Ministry of Lands and Resettlement and so forth.

Be that as it may, what I am trying to say is that the Ministry of Labour and Social Welfare is trying to address a problem that is not so much of labour relations. The question of farm evictions is perpetuated by the buying and selling of land, he does not want those former labourers there, therefore he ends up dumping them. That is the scenario, so it is not a labour issue why people are dumped on the corridors of farms.

You have farmers who are employing more than thirty people on the farm and if you tell me that if I have a dispute with an employee who either did whatever he did or he is no longer performing his duties and you want me to keep him for three months on my land, on my premises, you are asking just a little bit too much and for the record, I want my opposition to be recorded on this Clause. I thank you.

DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Any further discussion? Does the Minister want to respond?

HON MINISTER OF LABOUR AND SOCIAL WELFARE: I fully agree with the sentiments expressed by Honourable Venaani in so far that we have to find a solution for so many people out there who need land to settle. That is a totally different issue. But if we as farmers would want to speed up the process of dealing with the problem of someone that is not working for us anymore and we seem to be having views that this person will cause problems on our property, we could assist the individual to find alternative means where he can keep his stock and where he can erect his new house by assisting the individual. All we are saying is, let us not just dump people in the corridors because they are no longer working for us. Let us give them a grace period, that is simply what I am saying and that would be the quest of the whole Government, because we cannot perpetuate the phenomenon that people, after having spent their entire lives on a given farm and cannot work anymore, to be told to get off the property and that is the end of the whole story. That is what we want to prevent. Thank you.

DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Any further discussion?

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HON RIRUAKO/HON TJIHUIKO/HON KAWANA**

HON RIRUAKO: Honourable Chairperson, I think the Honourable Minister fails to understand the aftermath. When two people are separated from one another, you cannot keep them together because they are bound by a law.

The law can be applicable and look for a place where you are going to keep these persons. The quarrel has already started and you cannot mend it and, for that matter, you look for other options.

One, the Government has a lot of farms where they can keep those people and if possible to take care of the farm labourers until you find a place where he is going to be settled. You cannot force the owner of a farm to accommodate him because you said that. You put the law in place and you go and the two people are going to remain together, fighting one another and who is going to be responsible for that?

To make things easier is for you to come up with options; options where you are going to keep this particular person until you find a place where he is supposed to go. Thank you.

HON TJIHUIKO: Thank you very much, Honourable Deputy Chairperson. I concur with the Colleagues who have spoken before me, because my concern is that when you have somebody working for you and because of one reason or another you decide to end the relationship and this person, because of reasons known only to him or herself, declares a dispute, saying it was unfair dismissal or whatever and this person has to remain on my farm for three months, question number one is, who is going to be responsible for this person until such time that we are going to solve the problem and what will happen to this person if the problem is not solved in three months? Would the person remain on my farm or would the person now have to go, and if the person has to go, where is the person going to?

The second concern – and I think Honourable Venaani touched on that one – is that we are talking about a Labour Law and this problem that we are looking at now is an issue that could easily be dealt with through the Ministry of Lands, because the person is landless, there is the potential for this person to be dumped in the corridors. This cannot be resolved through the Labour Law, it can easily be dealt with through the Government.

HON MINISTER OF PRESIDENTIAL AFFAIRS: Thank you very much, Honourable Deputy Chairperson of the Whole House Committee. I rise to commend my Colleague for coming up with this solution to what is really a National problem, as all of us are aware. I, however also hope that the Government will look into this issue wider than what is provided for here.

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HON KASINGO**

Contrary to what some of my Colleagues have said, my understanding of this Clause is that there must be an employer and employee relationship in this case. Then it might also happen that there might be families, as we have heard, pensioners who are dumped by the roadside who are not covered by this law because there is no employer and employee relationship. I hope that aspect would be covered somewhere at a later date, maybe by the Ministry of Lands, but this is an area which Government definitely has to address.

My only concern is that maybe after the coming into force of the new Labour Law, labour cases will be speeded up. When I was Minister of Justice these cases, particularly at the District Labour Courts, dragged on for years and once this provision is put into effect, it would mean that these people would be on the farms for years and they cannot by law be evicted unless the subject matter of the dispute is resolved. However, at least I know that in the new Labour Bill procedures are put in place to fast track some of these labour disputes.

Otherwise I support the Amendment.

HON KASINGO: Thank you, Comrade Deputy Chairperson of the Whole House Committee. I rise in support of the Clause as proposed by the Minister of Labour and Social Welfare and I strongly feel that the duty of the Minister of Labour and Social Welfare is to regulate the relationship between the employers and the employees and by coming up with this Clause will enable him to implement his terms of reference, and to also look into the welfare of the workers on the farms who are dumped on the roadsides on a daily basis. At the same time I see this Clause as a deterrent to the farm owners who are just dumping workers on the corridors and they do not know where to go.

To say that it probably does not fit here, it fits within the Ministry of Lands, I thought the Ministry of Labour and Social Welfare has done its level best. At the same time, if we have that provision in this Labour Law, then it would probably also assist the Ministry of Lands and Resettlement to come up with similar legislation, so that when you are faced with problems, you should devise the different strategies to solve those problems. Thank you.

HON VENAANI: Honourable Deputy Chairperson, I only want to ask one question to the Minister. If tomorrow we discover uranium in a village called Onyaanya and we open up a mine there and offer jobs to landless Namibians. Let us say after 5 months one employee gets into a dispute with the employer and he goes through all the motions, warning letters, and he is ultimately fired, would you expect this mine to keep people on the business premises for three months because they are landless, until they find another place? In the meantime you have to provide him/her with accommodation. A farm is a business and you have ten

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HON TJIHUIKO/HON RIRUAKO**

houses and now you are saying this person should be there. What would happen to the new person that must replace that one? Where is he going to sleep or what would be the situation of the new person and who is going to deal with those extra costs of accommodation?

HON TJIHUIKO: Honourable Deputy Chairperson, I do not have a problem with the principle itself, my concern is that I think it is misplaced. That should be the responsibility of the Ministry of Lands and Resettlement. When you want a Clause of that nature, it could be inserted somewhere within the operations of the Resettlement Programme. I however do not think that it fits into a Labour Act.

Let us look at the following scenario: If you have somebody who has been working at NAMDEB for 25 years, with three kids who were born there and because of one reason or another, they decide to fire this person. He has been there for the last 25 years, would this person be given a grace period of three months to pack up his things and go look for school places in Okamatapati, what will happen? Practically speaking it is not going to work. Farm workers are workers just like anybody else and, therefore, I believe that yes indeed, the Minister is right, but I think the proposal is misplaced by trying to bring it in a Labour Law.

**HOUSE ADJOURNS AT 15:40
HOUSE RESUMES AT 16:20 PURSUANT TO ADJOURNMENT**

DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: The Committee is called to order. Honourable Riruako.

HON RIRUAKO: A human being is entitled to his rights and he cannot be deprived because of somebody's luxurious way of life. He is a worker but if he ceases to be the worker of somebody else, he is a citizen of this country and he is entitled to be protected under the Constitution. Arrangements cannot be made as to where he is supposed to go if anything happens, but to be left at the mercy of the farm owners. That is out.

We have a lot of land for resettlement. Sometimes we resettle people who are not supposed to be resettled, who do not take care of the land. I cannot even name them and you know that these kinds of people are there and Honourable Katali can tell you in black on white. I have been travelling to inspect all these lands and I know what I am talking about.

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DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: This is Committee Stage. Let us stick to detail and to the Labour Bill.

HON RIRUAKO: I know it is the Labour Bill.

DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Chief, please listen to me. Honourable Chief Riruako, this is the Committee Stage, let us stick to the detail of the Labour Bill.

HON RIRUAKO: The detail of the Bill is to protect a person who is out of the farm, that is the detail and it is for me to place him where he is supposed to be.

Now let the Minister approach Honourable Katali. He is supposed to come up with a proposal to this House how they are going to protect those people who are in the corridors.

HON MINISTER OF LABOUR AND SOCIAL WELFARE: Honourable Chairperson of the Whole House Committee, I do not really have anything more to say than what I said in my initial responses when certain questions were raised on the Amendment. It is clear that we are in agreement that we have to do something to protect the farm workers and that is exactly what this Clause is all about. Thank you.

DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Any further discussion? Any objection? Agreed to as amended.

Clauses 29 to 70 put and agreed to.

Clause 71 put.

HON MINISTER OF LABOUR AND SOCIAL WELFARE: Thank you, Honourable Chairperson of the Whole House Committee, in Clause 71(3)(d) delete phrase "*in the prescribed form*".

DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Will the Minister please table the Amendment? I put Clause 71, as amended. Any discussion? Any objection? Agreed to.

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Clauses 72 to 127 put and agreed to.

Clause 128 put.

HON MINISTER OF LABOUR AND SOCIAL WELFARE: In Clause 128, substitute Sub-clause (2) for the following Sub-clause:

“(2) For all purposes of this Act, an individual whose services had been procured for or provided to a client by an employment hire service is deemed to be the employee of that employment hire service and of that client and both the employment hire service and the client are deemed to be individual employers.”

DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Can the Minister please table the Amendment? Any discussion on Clause 128, as amended? Honourable Tjihuiko.

HON TJIHUIKO: Honourable Minister, the language is becoming too difficult. Is the Minister saying that this person will be employed by two respective companies? The hire service will be regarded as an employer and I will also be regarded as an employer or what is the Minister really trying to tell us?

RT HON PRIME MINISTER: Yes, I would also like the Minister to assist me to understand this whole provision, employment hire services. Are we legalising the labour hire or what are we attempting to do here? I just want to understand whether we are doing that.

DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Any further discussion? Does the Minister wish to respond?

HON MINISTER OF LABOUR AND SOCIAL WELFARE: Let me start with *Honourable Tjihuiko's* question. What we are trying to do here, with the concurrence of the Honourable Members of this House, is simply to prevent that whatever source is used to get a human being to do duty for another human being, that that human being does not end up being abused. If I have registered that company, because of the liberties of the Constitution, to register an entity to recruit human beings, get paid for it and then pass them on to another human being who has the means to employ them, what we are saying is that whatever the mechanism

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in between, at the end of the day that person hired must be the co-responsibility of the recruiting company and the person that that employee ends up working for. There would not be any room for anyone of the two entities to manoeuvre themselves out of the equation and to claim that “*I just got you from Clara’s company. Clara’s company would be responsible for whatever happens to you.*” That is what we want to prevent.

Coming back to the question of the ***Right Honourable Prime Minister***, we are not trying to unduly legitimate the existence of service rendering companies. They are there, whether we have certain views about them or not. They exist in our country and if we look in the global context, they are also there. All we are saying is that we want to regulate so that the treatment that has been meted out so far to the employees at least takes cognisance of the basic conditions of employment.

The other issue that the Ministry has also embarked upon is to work on the project creating the Employment Services Bill. That would be the context within which we would be broadly looking holistically into how to control, if we can at all do it, the phenomena of service rendering companies. That is really all I can say, Right Honourable Prime Minister. Thank you.

DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:

Thank you very much, Honourable Minister. Any further discussions?
Honourable Chief Riruako.

HON RIRUAKO: Honourable Deputy Chairperson, I am merely saying that another SWANLA is underneath the carpet and they make human beings becoming production commodities that go to some individual here. What is that?

Today we are in the 17th year of our Independence and we still have another SWANLA in existence and you even have the guts, Minister, to tell us you tried to avoid that. We have it here but you could not tell us ahead of time what you tried to do. What have you been trying to hide all these years? Who benefits from another human being? It is a disappointing factor to be kept in the dark on this point. Could you reveal everything of that kind to this House that is still in existence?

I hope the Minister got my point.

DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Does the Minister wish to say something about SWANLA?

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HON MINISTER OF LABOUR AND SOCIAL WELFARE: Thank you, Comrade Deputy Chair of the Whole House Committee. We all live in this country, we see and observe things happening. We also know that there are companies which are called different names, but they are actually service rendering companies in one way or another. It is just unfortunate that some of them are catching more attention than the others. They are legally registered in terms of our enabling legislative framework. It is incumbent on us as a country to take a decision and deal with the issue.

All that we are doing as the Ministry responsible for labour-related issues is to regulate that the treatment that gets meted out to the employees is taking cognisance of the basic conditions of employment. That is all we want to do.

Thank you.

DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Any further discussions? Honourable Chief.

HON RIRUAKO: We have come to the point where we are supposed to scrutinise this. People are standing in a queue every morning and we do not know who employs them and why they go to work and we as Government are observing that and support that too. Take note of that. (Interjection). I do not want to hear from my cousin, it is not a family game, I want to hear from the horse's mouth.

We want to hear about those people in the queue every morning, and who is responsible for that. It is not partisan, I must be heard that way. It is something I can call national. It is for you and me. Both can however also be dealt with because this is unacceptable and you cannot tolerate this nonsense anymore.

HON TJIHUIKO: It is not that I am trying to get into any kind of argument, I really want to understand the Act.

If you look at the arrangements the way the Honourable Minister has explained, you have a company that would employ me to sell me to another company to make a profit from selling me for a service to another company.

Now, the company that would buy me will not make a loss at the end of the day. They will get their money by either reducing what they would have paid me if I was directly employed by them, to pay the other company. They are not going to add something additional on top of my salary. They would definitely take something from me and pay the contractor, the SWANLA.

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Therefore, I am saying that, whether we are trying to legalise SWANLA today, the principle remains the same, you are selling human beings and if you look at the farm workers, if you look at the people who are going through this process, they are the lowest paid people, the most desperate people. At one hand we are talking about a living wage, at the same time the people who are trying to help them get a living wage are the very same people who are paying money to another institution for them to get employed. I have a problem with the principle itself.

Honourable Minister, I cannot see anything wrong in outlawing something that is not acceptable. It was not acceptable yesterday and that is the reason why we are saying that people were brought in from the North with tickets on their necks, saying that they are going to be sold to another company and people were making money out of that. There is no difference at all. The only difference is that today we are in 2007 and we are talking about the 1950s.

I am appealing to you, Honourable Minister, that this is not right. There are certain things that we cannot legalise. There are certain things that, as a matter of principle, we should really look at and say, "*yes, we are in a democracy but this is not right.*" I appeal to you to reconsider this Clause. Let people be employed directly. Those who are making money out of selling human beings should not have room in our society. I thank you.

DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:

Thank you, Honourable Tjihuiko. Honourable Prime Minister.

RT HON PRIME MINISTER: As a person who was born in the year when SWANLA was formed, I have some difficulty with this Clause.

DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:

Honourable Prime Minister, on which page is SWANLA?

RT HON PRIME MINISTER: I am referring to Clause 128. If it is right to participate in labour exchange, why can the Government not create a mechanism to facilitate labour exchange, rather than allowing it to be a kind of service company? I really have a problem, I would have liked this issue be studied a bit deeper so that we can really with full conscience agree to this.

DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Does the Minister wish to respond?

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HON MINISTER OF LABOUR AND SOCIAL WELFARE: The Minister really does not have anything more to say than he has said initially, but maybe I just need to add a caveat to what I said initially.

Honourable Members, what we have done with the Labour Bill 2007 is simply to clean it up. This Clause 128 was already provided for in the Act No 15 of 2004 which was passed by this very august House. What we have simply done was to strengthen the provisions thereof. There is no intention on the side of the Ministry of Labour and Social Welfare to legalise unlawful things – never. We are however merely trying to regulate what is there.

The very companies that we are referring to are registered through one of the agencies of our Government. Let us holistically as a Government deal with the phenomenon while we allow the process of regulating hardships from the workers, in terms of at least dictating minimum terms of conditions for the workers. That is all I can say. Thank you.

DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Any further discussion?

HON RIRUAKO: The Act of 2004 was brought to this House but it was not thoroughly explained and interpreted. It was under cover and today it is out in the open. I am sorry to say that. I heard you say that this company belongs to Government. What is the name of the company? If the company has a name associated with the Government, we would like to know, probably tomorrow if you can do that.

Chairperson, we would like to know this. We know about it and we have been working and hurt because of them in the past. Now something comes here indirectly without our knowledge and it is established as a method of working.

As the Prime Minister has said, we want to go deeper than what you are saying now. We assign people to thoroughly investigate this and do a lot of research when it comes to the nitty-gritty of it and get hold of those who are involved behind the scene. I thank you.

HOM DEPUTY MINISTER OF LABOUR AND SOCIAL WELFARE: Honourable Chairperson of the Whole House Committee, I would like to add to what my Comrade Minister has said. What we put in this Clause 128 is the first attempt to deal with labour hire which, as the Minister put it clearly, is already registered with the Ministry of Trade and Industry.

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Currently workers are taken off the street, as the Chief said, they are in the queue, they are sold to a certain person where they are insulted and where there are no health and safety standards and all those are at the client company. If anything happens, they just say, “*sorry, that is the door, go, you were given to me by lilinga*”, as an example.

We are saying that we will come up with a law on labour hire. If you read Sub-sections (6) and (7), you will find that we say we want to start and we are working on the Employment Service Bill under my chairmanship. We will come to this House with that Bill. You cannot just say do this or that, we have no law to outlaw it. Wait for the law which is in draft form, we are going to bring it here and we are going to do what we want to do.

If you read Sub-section (6) of Clause 128 it says:

“For the purpose of this section, any individual procured or provided for employment must be regarded as an employee even if that individual works for periods which are interrupted by a period when work is not done or work is not made available to the employee.”

We know what these people do. Read that and see how serious we are with this labour hire. Currently, when a person is sacked by the client company, they just say, “*I have given you work, you are lazy and you are dismissed.*” By this law we say you have to pay that person because he is your employee.

In the last section:

“Any employment hire service or a client company which contravenes or fails to comply with this section commits an offence and is liable on conviction to a fine not exceeding N\$80,000 or to imprisonment for a period not exceeding five years or to both such fine or imprisonment.”
(Intervention)

HON TJIHUIKO: On a Point of Information. This person who is going to be employed by two companies, which of the two companies would be responsible for paying his Social Security, his medical aid and pension? Which of the two companies, because he is employed by both companies.

Would I be able to claim my Social Security from Company A and Company B, my pension from Company A and Company B? Is that what the law is trying to say?

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DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:

Comrade Deputy Minister, this one is a question and I was told it is Information. Do therefore not answer it, just continue.

HON DEPUTY MINISTER OF LABOUR AND SOCIAL WELFARE: I just want to refer the Colleagues to what we want to do with this labour hire.

If you look at Sub-section (3)(a), (b) and (c), you will see that currently the company which receives people through labour hire does not implement Chapter 2 on fundamental rights. Workers have no fundamental rights and that is why we make them pay the N\$80,000 fine on the basic conditions of service and remuneration, these people are not remunerated accordingly.

Comrades, these are temporary measures, which is the first action to try and address this monster. All your concerns are our concerns and we will come with a law which will deal with this. Currently that is the measure we can take and I hope there will be a difference from what they are doing now.

RT HON PRIME MINISTER: I have listened very carefully, both to the Minister and Deputy Minister and it sounds to me like that time of the abolitionists' struggle against the slave trade, that you are trying to regulate the slave trade to make it a bit humane.

The fundamental problem here is that an employee asks the question directly with his or her employer and you are now treating a worker like a child, that there is an intermediate in between, this labour hire company. The employee will never talk to the employer, even if it is in terms of safety. This Clause is troubling. It is flawed.

If you however want to ameliorate slavery, fine, go ahead.

DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:

Honourable Prime Minister, as the Leader of the Government Business, what are you proposing on this Clause?

RT HON PRIME MINISTER: I was saying that if we want to facilitate labour mobility, why can that not be done by Government, to create some kind of bureau where people can go and register and employers register? Then the employer and the employee negotiate directly, not through an intermediary.

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HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:

Does the Minister wish to respond to the further queries?

HON MINISTER OF LABOUR AND SOCIAL WELFARE: Well, the Minister really does not have anything to say than stating that we took this very Bill that we have here through the Motions and like I said, Deputy Chairperson of the Whole House Committee, there is an Act, although it has not been implemented, Act No 15 of 2004, which has similar provisions and that Act was passed by this House after it went through CCL, Executive and so many things.

I am proposing, if at all I have the mandate, that we withdraw this Clause and we caucus on it, because I do not see my way clear where I can develop a difference of opinion with my Prime Minister in this august House.

RT HON PRIME MINISTER: I have said what I have said, but I am not going to block the Bill to pass. The Bill can pass, but I have said what I have said. That is what my conscience is telling me. Thank you.

DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:

Honourable Chief, we have given you three times to speak on this Clause and the Parliamentary Rules only allow one person to take the Floor three times. Let me hear from the Minister of Finance.

HON MINISTER OF FINANCE: I believe that the discussions in this Chamber are intended to enrich whatever proposals we bring to the Table. I think that the views expressed by the Prime Minister are shared by a number of people out there and the acknowledgement from the side of the Minister that he would want these issues raised here to be further investigated, so that we can try and come up with a solution that would be acceptable to all of us and would sufficiently address the concerns that we have. If it is not against the procedures of the House, I do not think that there would be anything wrong with the proposal that is put by the Minister, that maybe this provision stands over.

I know that from the Ruling Party's side we have organised a consultative meeting amongst ourselves where we can look at this issue, and if there are proposals from the other side of the House, they can also be looked at. Then we try to see how we can move forward with the issue.

I just want to say that it is really a serious issue and if there is a way for us to look at it and emerge from this Debate with one mind, I think that would be the best way to proceed.

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DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:

Thank you, Honourable Minister of Finance. We have gone through most of the clauses and can I ask the House for this Clause 128 to stand over for further consultations? Then we continue with the rest of the clauses. We have two options. Either we let this Clause stand over and we continue or the Minister withdraws. What does the Minister prefer to do?

HON MINISTER OF LABOUR AND SOCIAL WELFARE: Thank you, Deputy Chairperson of the Whole House Committee. The Minister is simply a public servant, I am carrying out duties entrusted to me and I carry them out in cohort with my Colleagues and the Party I serve. Therefore, if we are developing a difference of opinion, it is only fair that the issue that prompted the difference of opinion not be discussed further. That is what I said and I am repeating it.

DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: The Clause stands over.

Clauses 129 and 130 put.

HON VENAANI: Honourable Deputy Chairperson, it is just a technical matter. It is on a Point of Order.

DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: You are out of order. I am asking for any discussions on Clause 129 and 130.

HON VENAANI: How would you pass all the other clauses if you left this one open and come back to this?

DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Honourable Members, the Chair will only report progress. It has been done for the past seventeen years. We only report progress and we do not pass the Bill.

HON RIRUAKO: This Bill derives from wrongdoing, the establishment of it. It is the wrong direction. For us to make sure that it meets the requirements of this House, we can discuss it further. It is nothing big.

Mr Deputy Chairperson, this path where this Bill comes from has now made us

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sceptical. Since 2004 it was crooked and it was in this Parliament. Now in 2007 you tell me that we have pass something, that is not fair. I do not want you to crook the whole House.

DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Any further discussion? Any objection? Agreed to.

Clauses 131 to 141 put and agreed to.

Clause 142 put.

HON MINISTER OF LABOUR AND SOCIAL WELFARE: Honourable Deputy Chairperson of the Whole House Committee, in Clause 142, substitute Sub-clause (5) for the following Sub-clause:

“(5) Section 1 of the Social Security Act (Act No 34 of 1994) is amended by the substitution for the definition of “*employee*” with the following definition:

“Employee means any person younger than 65 years other than an independent contractor who –

- (a) Is employed by or working for any employer and who is receiving or entitled to receive any remuneration in respect thereof; or
- (b) In any manner assists in the carrying on or the conducting of the business of an employer for more than two days in any week and who is receiving or entitled to receive any remuneration in respect thereof and includes in the case of an employer who carries on/conducts business mainly within Namibia and if such natural person so employed or working for such employer outside Namibia or assisting such employer in the carrying on or conducting of such business outside Namibia, if such person is a Namibian citizen or lawfully admitted to Namibia for permanent residence therein and employment, shall have corresponding meanings.”

DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Can the Minister please table the Amendment? Any discussion of Clause 142, as amended? Honourable Tjihuiiko.

HON TJIHUIKO: The last part, Honourable Minister, where you are saying “*for more than two days in any week and who is receiving or is entitled to receive any remuneration in respect thereof,*” are we saying that if over the weekend you

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get some of the comrades who are standing at the street corners to help you in the garden Saturday and Sunday, would this person now, according to this Act, be regarded as your employee? Is that what the law is saying? He is coming every Saturday and Sunday to help me in the garden. According to this it means that if I have somebody like this, it means this person should also, because he is now my employee, qualify for the necessary benefits provided for by the Labour Act. Is that what you are really saying?

HON RIRUAKO: Chairperson of the Whole House Committee, really, we will end up in confusion. The laws cannot be separated from one another if it is meant to be one law applicable to everybody. If it is that way we cannot scrutinise it thoroughly. We give you options, let us sit down and discuss. (Interjections). I do not want to hear from you. This person is listening, he knows what he heard here.

Deputy Chairperson, give this to us as Parliamentarians, we are going to sit down, thoroughly analyse this and come back to you. You can allow us to have that kind of meeting to take place. That is the only way. But these kinds of things are haphazard.

RT HON PRIME MINISTER: I also need to be assisted here by the Honourable Minister on this age. An employee means any person younger than 65 years. I know a 15 year old is younger than 65 years old and I also know that there are people who are in this House who are employees of the Government who are 70 years old and I just want to understand exactly what this means.

DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Any further discussion? Does the Minister wish to respond?

HON MINISTER OF LABOUR AND SOCIAL WELFARE: Thank you, Comrade Deputy Chairman of the Whole House Committee. The Minister cannot give meaning to any other thing other than what the law is stipulating. If the Bill reads that if any person would be used as an employee, whether he comes to clean your yard or whatever task you would assign that individual and you would make a practice of getting the same person every Saturday and Sunday and maybe an additional third day, as long as it is more than two days, then that person needs to be protected and that is simply what we are saying, nothing more, nothing less.

On the question of the Right Honourable Prime Minister, I think we make Acts to be read in conjunction with other existing Acts. That is my understanding. If there would be another Bill that would be making provision that children younger

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than a certain age must not be regarded as employees or cannot work, then it is simply that. I think 65 is probably the cut-off age for people for retirement and the Bill is simply trying to be consistent with that provision.

HON VENAANI: Honourable Minister, I listened to your explanation just now, but if you legislate and say that a person who will be considered an employee is a person younger than 65, for example you would have a person aged 70 working as a consultant for a company, by legislating that a person who would be considered to be an employee should be 65, then you are in fact discriminating.

I think it is legally correct to say that our country's Supreme Law has an entrance age for employment, that is older than 16 if I am not mistaken, but in Government and other institutions a person may retire at 65, but at other institutions, such as the one that we are serving in, you can even become 100 and still be a good old fellow.

I do not understand the logic why we have to have a capping rather than an entrance, because the entrance is the child labour.

HON RIRUAKO: To begin with, I am 72, you are 65, mentally we are not at the same level. Why? I repeat what I said, I am 72, you are 65 but mentally we are not on the same level. Our IQs do not correspond.

When you go to Japan, those people aged 72 sweep the streets, they take care of the cleanliness of Tokyo. You will never find a young person cleaning those things, they are somewhere else. Early in the morning Tokyo is clean. At what age? Sixty-five, seventy-five, eighty they are still working.

HON MINISTER OF AGRICULTURE, WATER AND FORESTRY: On a Point of Information. Honourable Deputy Chairperson of the Whole House Committee, I only want to inform the House that the Chief and myself and others are protected.

DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:
Thank you very much. Honourable Katali.

HON DEPUTY MINISTER OF LANDS AND RESETTLEMENT: Comrade Deputy Chairperson of the Whole House Committee, I would just like to amplify on the 65 or beyond 65, that Government and probably other institutions do not

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allow people to work after 65, but really, there are people who have been working somewhere and then they retire. After retirement their pension is not enough and some will actually go to a shop and then they are the ones who, as the people are coming in, will make sure that all the things that were bought correspond with the receipt. Those people are being paid. Somebody there was mentioned as an example, but I do not want to mention the person.

However truly, Comrade Minister, there are people who are receiving remuneration after they had turned 65 and if we are to say they cannot be employed, maybe we have to reconsider this.

DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: I call on the Minister to clarify some of these issues.

HON MINISTER OF LABOUR AND SOCIAL WELFARE: Thank you, Comrade Deputy Chair of the Whole House Committee. My limited understanding of a consultant is someone who is doing things for himself on a contract basis. Let us leave it at that.

Honourable Members of this august House, the purpose of this Clause 142 is simply an attempt to harmonise the provisions of the Social Security Act with the provisions of the Labour Bill and as I said initially, whatever Act we are passing should be able to talk to the existing legislative framework. We cannot just make Acts in isolation. Acts must be able to talk to each other and that is simply what we are doing. There is a cut-off period for someone to be a beneficiary from the Social Security Commission and that is the framework within which we are trying to harmonise issues.

If we however have strong feelings about this provision, then let us say so. We are simply to harmonise the issues. Thank you.

DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Thank you, Honourable Minister. Any discussion? Honourable Minister of Lands.

HON MINISTER OF LANDS AND RESETTLEMENT: Thank you, Comrade Deputy Chair. On this one "*employee*" means any person younger than 65, I just want to know where did we get this 65. Is it from the previous dispensation or is it something that is international? If it is that, we, the lawmakers, can go up to 80. I would say that this would cause many people to change their age, many people

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who are working today are 70. When people go to Oranjemund or wherever, they give their age as ten years younger. It is because of this 65. I would say that as long as somebody can work and as long as he is fit.

DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Does the Minister wish to add something?

HON MINISTER OF LABOUR AND SOCIAL WELFARE: Colleagues, I am simply repeating that this provision has been in the Labour Act of 1992. We are simply continuing with the *status quo*.

DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Any further discussion? Honourable Riruako.

HON RIRUAKO: Chairperson of the Whole House Committee, we know there are Bills which have not been abolished in our Constitution and in our land. It is not because we do not want to abolish them, we want to, but the time cannot allow us to do everything we want. Sometimes we have to agree on what we are discussing.

All the former South African Bills are still in existence. All these laws have not yet been abolished or erased. It is better for us to scrutinise what we have and find out what we need and what we do not want. That is the way to handle it rather than argue about nothing.

HON TJIHUIKO: Honourable Deputy Chairperson, I just want to use the opportunity to ask the Honourable Minister perhaps to refer this Clause to be treated together with Clause 128. The reason why I am saying that is because I have listened to the explanation of the Honourable Minister, which is very clear, that he is really trying to harmonise the Acts, but I am seeing that if we are doing it under normal circumstances it would be fine. I think our situation is quite abnormal in the sense that if you are talking about the age of 65, we have some of our Colleagues who have just returned. I am saying "*just returned*" because it is 17 years after Independence. When they came into the country they were over 50 and this is now the time for them to try and make a living. If you cut it off, there will be a lot of people that are going to be affected. It is a fact. These people are going to be affected whether we like it or not. For now we should make a provision for them by providing social security. These people are capable of helping themselves.

27 June 2007

**COMMITTEE STAGE: LABOUR BILL
HON !NARUSEB**

Let us refer this Clause to be considered together with Clause 128.

DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:

Honourable Members, I hope we have read this sentence, 'an employee means any person younger than 65'.

Honourable Katali.

HON DEPUTY MINISTER OF LANDS AND RESETTLEMENT: Actually I have the same request as Honourable Tjihuiko for this Clause to stand over with the other one.

DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Is it agreed, Honourable Minister, that this also stands over?

HON MINISTER OF LABOUR AND SOCIAL WELFARE: As I have said, I am at the disposal of this Nation.

DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:

Agreed to, the Clause will stand over.

Clause 143 put and agreed to.

Schedule put and agreed to.

ASSEMBLY RESUMES

DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:

Reports progress and asks leave to sit again.

HON DEPUTY SPEAKER: Leave to sit again granted. The Secretary will read the Second Order of the Day.

**COMMITTEE STAGE – VOCATIONAL EDUCATION AND TRAINING
BILL**

27 June 2007

**VOCATIONAL EDUCATION AND TRAINING BILL
HON IILONGA**

HON DEPUTY SPEAKER: Does the Honourable Minister of Education move that the Assembly now goes into Committee? It is moved that I leave the Chair, any objection? Who seconds? Agreed to. I now call on the Deputy Chair of the Whole House Committee to take the Chair. Honourable Booy.

ASSEMBLY IN COMMITTEE

DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: The Committee has to consider the *Vocational Education and Training Bill*.

Clause 1 put.

HON DEPUTY MINISTER OF LABOUR AND SOCIAL WELFARE: Thank you, Honourable Deputy Chairperson of the Whole House Committee. I rise to raise a concern for us to have consistence in our dealings. If we look at Clause 1(b) under the definition of “*employee*”, I propose that, if possible, that the three words, “*and for remuneration*” be deleted and under (a), “*employer*”, be added “that individual or”. Then the definition of “*employee*” will read as per the Labour Act. I advise the Colleagues to look at that.

DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Any further discussion? Does the Deputy Minister wish to say anything?

HON DEPUTY MINISTER OF EDUCATION: As we discussed the Labour Bill some implications came out of what the definition of an “*employee*” or “*employer*” is and I do not want it to interfere with this. If the Labour Act is taking care of that, automatically this Bill will be taken care of within the framework that is going to be provided for by the Labour Bill. I would not want to belabour the details as to who is an employee, how old they are, because it will be taken care of. That is my contribution to that.

DEPUTY CHAIRPERSON OF THE WHOLE HUSE COMMITTEE: Any further discussion? Any objection? Agreed to.

Clauses 2 to 8 agreed to.

Clauses 9 to 12 put.

27 June 2007

**VOCATIONAL EDUCATION AND TRAINING BILL
HON DR NDJOZE-OJO**

HON DEPUTY MINISTER OF LABOUR AND SOCIAL WELFARE: There is the issue of the National Training Authority. In the Act it is indicated that there is a Labour Advisory Council. The Labour Advisory Council is a tripartite body and I think the best approach would be for this to read five members nominated by an employers organisation registered in terms of the Labour Act (Act No 6 of 1992) and then (b), instead of this Labour Advisory Council, two members nominated by trade unions registered in terms of the Labour Act. If we accept it that way, then it is not the Labour Advisory Council who needs to nominate, because the Labour Advisory Council is a tripartite body. How could they be the ones to nominate? That is my proposal I want to forward and if it is not accepted, so be it.

It is however for this body to nominate and then the Minister to appoint.

DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Any further discussions? Honourable Kaiyamo.

HON KAIYAMO: Mine is on Clause 9. When the Deputy Minister was responding yesterday, my advise on gender was ignored. I want to see gender in this Bill, especially in this Clause 9. Gender should come in here.

DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Any further discussion? Does the Minister wish to respond?

HON DEPUTY MINISTER OF EDUCATION: I thank you very much, Honourable Deputy Chairperson of the Whole House Committee.

The gender issue is a Government policy issue and in fact, the Information Minister emphasised gender in her contribution and we said some of these things are procedural. We are trying to look for a regulatory mechanism which is the framework, the law. You do not necessarily have to put all the procedural things that you are going to follow in a law. A law is the framework.

I was not present, I was in Dar-Es-Salaam when *Honourable Kaiyamo* contributed and I actually assured all the Honourable Members yesterday when I replied that gender will not be left out in the Bill and all other issues that were raised. I thank you.

27 June 2007

DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Any objection? Agreed to. I shall report progress and ask leave to sit again.

ASSEMBLY RESUMES

DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Reports progress and asks leave to sit again.

HON DEPUTY SPEAKER: Leave to sit again granted. The House stands adjourned according to Rule 90, automatic adjournment, until tomorrow 14:30.

HOUSE ADJOURNS AT 17:45 UNTIL 2007.06.28 AT 14:30

**ASSEMBLY CHAMBER
WINDHOEK
03 JULY 2007**

The Assembly met pursuant to the adjournment.

HON DEPUTY SPEAKER: Took the Chair and read Prayers and the Affirmation.

ANNOUNCEMENT

HON DEPUTY SPEAKER: The Ministry of Information and Broadcasting will be broadcasting a video on HIV/AIDS. The Minister is, therefore, inviting all Members to the viewing of the video to be screened on Thursday, the 5th of July 2007 at the auditorium of the Government Office Park at 18:00. Refreshments and dinner will be served. You all are welcome.

HON DEPUTY SPEAKER: Any Petitions? Reports of Standing or Select Committees? Other Reports and Papers? Notices of Questions?

NOTICES OF QUESTIONS

QUESTION 82:

HON ULENGA: Honourable Deputy Speaker, I give Notice that on Thursday, the 12th of July 2007, I shall ask the Honourable Peter Tshirumbu, Minister of Safety and Security, the following questions:

1. How many police reservists are at the disposal of the Ministry of Safety and Security?
 2. What amount of training do the police reservists receive as compared to police officers?
 3. Do they get any remuneration after duty?
 4. Why does the Ministry of Safety and Security not first consider the police reservists for full services when they recruit police men and women?
-

03 July 2007

**NOTICE OF QUESTIONS
HON ULENGA**

QUESTION 83

HON ULENGA: Honourable Deputy Speaker, I further give Notice that on Thursday, the 12th of July 2007, I shall ask the Honourable Netumbo Nandi-Ndaitwah, Minister of Information and Broadcasting, the following questions:

1. Is it true that the Southern Times, the newspaper that is a joint project of the Namibian and Zimbabwean Governments aimed at rehabilitating the tarnished image of Zimbabwe, has not been on the shelves of Zimbabwean shops for several months?
2. If this is true, what might be the reasons?
3. In which countries of Southern Africa is this newspaper sold and what are the total amounts of sales in the entire Southern Africa of this newspaper?
4. What are total profits or losses of the newspaper since the project started?
5. Is there a turnaround strategy?

HON DEPUTY SPEAKER: Table the questions, Honourable Member. Further Notices of Questions? Notices of Motions? Honourable Schimming-Chase.

NOTICES OF MOTIONS

LEAVE OF ABSENCE

HON SCHIMMING-CHASE: Honourable Deputy Speaker, I move without Notice that leave be granted to Honourable Elma Jane Dienda until the 12th of July 2007 due to a party business trip. I so Move.

HON DEPUTY SPEAKER: Further Notices of Motions?

HON ULENGA: Honourable Deputy Speaker, I give Notice that on Tuesday, 10th July 2007, I shall Move –

That this House –

03 July 2007

**NOTICES OF MOTIONS
HON ULENGA**

Having taken note that many municipalities, especially the City of Windhoek pursues that despicable, insensitive, anti-poor and contra-development policy and habit of evicting poor families from their properties

Noting that municipalities auction the houses of poor citizens indebted to the municipality in terms of water, electricity and other municipal charges;

Noting that the practice flies in the face of social development and the achievement of the United Nations' Millennium Development Goals as proclaimed by the United Nations Organisation in 2000:

1. Therefore debate critically the many disadvantages of taking away and auctioning the houses of the poor indebted citizens.
2. Explore ways to prevent the dispossession of poor citizens by the municipalities and other local Government institutions.
3. Advise Government and the Minister of Regional and Local Government, Housing and Rural Development on how best to root out this very anti-social practice.
4. Refer the matter to the Standing Committee on Economics, Natural Resources and Public Administration for public consultation and further appropriate action.

I so Move.

HON DEPUTY SPEAKER: Honourable Member, before you table your Motion, on the 26th of June the Speaker announced that there will be no more items tabled to be discussed. The deadline was on the 28th of June. Honourable Member, I think you can re-table your Motion next Session. Ministerial Statements?

I am hereby requesting the Honourable Members that we move to Motion number 3 of Honourable Ncube, due to the fact that the gallery is fully packed by our Colleagues to listen to the introduction of the Motion. The first Notice of Motion is the one of Honourable Ncube. Does the Honourable Member move the Motion? Who seconds the Motion? Any objection? Agreed to. Honourable Ncube has the Floor.

**MOTION ON THE SELF-REPRESENTATION BY LAW OF PEOPLE
WITH DISABILITIES IN PARLIAMENT AND OTHER LEVELS OF
GOVERNANCE**

HON MANOMBE-NCUBE: Honourable Deputy Speaker, Honourable Members, I have the pleasure to present this Motion whose objective is to ensure that the national spotlight remains focused on disability as both a development and a human rights issue. From the onset it is crucial to address the matter of why there is so much attention on disability across the world, and why disability as an issue of difference and social exclusion has become so important. The Department for International Development, UK Government Note on “How to Mainstream Disability” explains the reasons as, among others, the fact that disability:

- Is a human rights issue, which provides the basis for the United Nations Convention on the Rights of People with Disabilities, approved by the UN General Assembly last December and currently open for signature and ratification by the UN Member States was made necessary as a result of the failure of the existing International Human Rights Instruments to serve the human rights of people with disabilities across the globe;
- Is both a cause and result of poverty (disabled people are disproportionately represented among the poorest at the bottom, and if it is not addressed, the Millennium Development Goals are unlikely to be achieved). The World Bank estimates that 20% of the world’s poorest people are disabled, and tend to be regarded in their own communities as the most disadvantaged. It impacts on both the disabled individual and the other family members, keeping them in poverty. The greater the poverty, the greater the risks of disability become through malnutrition, disease, unemployment, etcetera;
- Marginalizes up to 10% of the world’s people of 650 million people who suffer discrimination on account of having impairments. This figure is increasing through population growth, medical advances and the ageing process, says the World Health Organisation.
- The social and economic costs of this marginalization and exclusion are enormous. Women with disabilities are recognised to be multiply disadvantaged, experiencing exclusion on account of their gender and their disability.

Honourable Deputy Speaker, Honourable Members, in Namibia we have built a strong foundation upon which to implement policies and programmes in favour of people with disabilities. Examples of important milestones include the following:

- The National Policy on Disability (1997);

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HON MANOMBE-NCUBE

- The National Council on Disability Act No 26 of 2004;
- The ratification of the Continental Plan of Action concerning people with disabilities by this august House back at the beginning of 2005, following the Plan's approval by Cabinet;
- Recent signature by Namibia of the UN Convention on the Rights of People with Disabilities;
- Affirmative Action Employment Act, 1998 (Act No. 29 of 1998).

It is incumbent on us as the current leadership to ensure that this policy environment converts to benefit not only necessarily the current generation of people with disabilities who may be ageing already, but those who may be children and youth today but will be our leaders tomorrow.

We should recognise that Namibia in this SADC Region and elsewhere in the continent is one of few countries that provide a leading example in terms of proactive and forward-looking policies aimed at advancing the position in society of people with disabilities. We should be rightly proud of this reputation, while at the same time we should not sit back in complacency, but continue to build on the progress we have already made.

An important cap to Namibia's inspirational role is that the process towards the formal declaration of the African Decade for People with Disabilities was kick-started from our country in 1999.

It would however be negligent on my part, Honourable Deputy Speaker, Honourable Members, if I ignored the fact that in spite of the foundation that has been laid over the years to advance disability issues, there is very little evidence of implementation of the policies and law that have been passed. The lead Ministry in this case is the Ministry of Health and Social Services. It remains unclear to people with disabilities why implementation of commitments and decisions taken concerning disability at the highest levels in our country appear to have stalled. One suggestion alludes to the risk that health issues do not sit comfortably with disability issues, and that the two may be dangerously associated and thus may be confused to the detriment of the groundwork already done as indicated earlier above.

Reference to the Continental Plan of Action on the African Decade of Persons with Disabilities provides a worthwhile suggestion concerning the need to locate responsibility for disability issues in either the Office of the President or the Office of the Prime Minister. This is suggested in order to give sufficient visibility, as well as to enable effective coordination and monitoring of disability policy implementation.

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HON MANOMBE-NCUBE

The foregoing, however, brings me to another crucial factor and this is the necessity for all to realise that disability is a cross-cutting issue. This means that all Government Ministries, Agencies and Offices have a responsibility to drive implementation of their sector plans in relation to disability.

The National Council on Disability Act No 26 of 2004 is in fact very clear about this diffused responsibility, by requiring each Ministry of Government to produce annual reports on what they are doing to implement the National Policy on Disability. This is what “*mainstreaming of disability*” means in practice. Mainstreaming means that disability should be a concern of all across the board, if we are truly to build an inclusive society, which is the overarching principle of the National Policy on Disability. Implementation, therefore, cannot just be an exclusive responsibility of one Ministry, as the issues of disability cut across different sectors, such as education, transport, health, gender, labour and employment, skills development, accessibility of all public services, information and the environment, participation in policy planning and self-representation, for example.

Honourable Deputy Speaker, Honourable Members, a further concern I must express relates to too much lip service only being paid to disability issues. Leaders should not just talk about disability when they are invited to disability specific events in the glow of TV cameras. If we have truly understood and internalised disability issues, then as leaders we should be able to identify many opportunities where the disability agenda can be advanced at our own initiative. I am here thinking of all Political Parties having a clear disability policy as well as leaders taking responsibility for promoting disability-friendly policies and practices in both the private and public sectors.

To all Political Parties, in particular the Opposition represented in Parliament, the question I pose to you is: How are your Parties ensuring the meaningful and effective representation of people with disabilities in this august House? I am not talking about theoretical intentions or failed attempts to achieve this objective. I am talking about real commitments to do this. People are there in your Parties. The question is whether you have enough understanding and commitment to cross the bridge when you come to the river. From now on, we must see more people with disabilities representing different Parties in this House. Please, in the same vein, I am urging people with disabilities not to wait for charity or favours, but to take the fight to all Political Parties and to test their commitment in this regard.

This Motion does not seek to extend the charity mentality, or even to increase the number of those who at times are referred to as the “*wheel-barrowed*”. Instead, the proposed legislation seeks to extend the principle of participation and self-representation into a realizable right, by assisting to jumpstart the inclusion and participation of people with disabilities in governance.

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HON MANOMBE-NCUBE

It may appear to be easier to suggest, rather ironically and sarcastically, that people who have suffered social exclusion must come via the normal political route, but we must also not ignore the persistent obstacles and prejudice that prevent their effective involvement in the first place.

Honourable Deputy Speaker, Honourable Members, as Parliament we are still far from meeting the accessibility challenges arising from having as Members of the House people with different impairments. We must be ready as Parliament to accommodate all manner of accessibility challenges, including sign language, Braille and other forms of alternative communication medium, not just physical and environmental obstacles should be considered. Tomorrow we have people with visual, hearing and other forms of impairment, including multiple impairments, representing the constituency of people with disabilities and coming from different political parties.

For instance, DTA may bring a deaf/blind Member of Parliament, which is a multiple disability, NUDO may bring a visually impaired Member of Parliament, UDF a hearing impaired Member of Parliament, CoD a Member of Parliament with an intellectual impairment, MAG a wheelchair user and RP a double-amputee and SWAPO a woman on crutches – as I am already the example. This may sound funny, we must learn to be light-hearted and not always to be too serious and frightened when disability is raised. Actually, disability is a natural human phenomenon that will always accompany our lives. We could throw all size of resources to programmes of disability prevention, but I can assure you that we shall never eliminate impairments, so we need to be at ease with disability and not be always fearful of it as we are all potential candidates for discrimination and exclusion on the basis of disability.

In fact, we could ask the question: “*What is disability?*” The DFID Note states and I quote:

“There are lots of myths about disability that we will try to clarify...Disability is nothing to be feared and it is certainly not something that should be left to specialists. The first point to make is that disability is normal. It is part of the diversity of society. It is the historical, religious and cultural fears of difference and social structures that have grown up over the centuries that reinforce these that we have to address. The problem is that difference often carries with it stigma, prejudice and negative attitudes. This inevitably leads to discrimination, unequal treatment and social exclusion.”

We must be ready to accommodate the different challenges such representatives may bring in their efforts towards contributing to the development of Namibia.

Honourable Deputy Speaker, Honourable Members, this brings me to the core of this Motion, which is about ensuring that disability never again descends into

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obscurity and complete marginalization. By taking the decision to appoint as a Member of this House a representative of the disability movement, His Excellency, the State President, firmly raised the profile of disability in our country to a level never before reached. His vision of disability and the courage of his conviction clearly identify him as a champion of our cause, which in the eyes of people with disabilities make him a legend in his lifetime. He saw the need for disability issues to be championed right here in this House. His Excellency has done what he has done after people with disabilities have not been recognised for a long time as an excluded sector in our country. For the community of people with disabilities and the entire Namibian Nation, His Excellency's actions relive the meaning of his name, "*Hifikepunye*".

Honourable Deputy Speaker, Honourable Members, I am mindful of my role as a national leader with a responsibility for undertaking a variety of tasks and functions. My appointment, however, was also based on my status, skills, experience and expertise in the field of disability. On this basis, therefore, it is my responsibility to act on my initiative to champion disability issues, among others, in this august House.

Following my appointment, it was such a wonder for many people, Honourable Deputy Speaker, Honourable Members, when questions were asked, such as, "*what is Pohamba trying to do?*" Some suggested that he was bringing along his entourage from the Ministry of Lands and Resettlement and Rehabilitation, while others even thought that perhaps he has done this to attract blessings for himself by inviting the attention of angels above and of the ancestors below. Yet still others in this House even think that they were responsible for inspiring what Pohamba did.

The fact remains though that His Excellency has merely done what he did in honour of recognised global human rights instruments, such as the United Nations World Programme of Action Concerning Disabled People (1983-1992), the UN Standard Rules (1993), the UN Convention on the Rights of Persons with Disabilities (2006) and locally, in response to the findings of the Population and housing Census of 2001 concerning the incidence and prevalence of disability in Namibia.

We all have seen what he is made of through his crusade against corruption, in his actions in favour of women and children, people with disabilities and other marginalised groups. He is equally committed to all these issues. This is the human being that he is.

Honourable Deputy Speaker, Honourable Members, looking into the future, the issue though is that we are unlikely to have another Pohamba anytime soon. It is possible that the spotlight brought on disability could shift away, not because of success with implementation of policies passed, but perhaps because it ceases to

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be seen as a priority due to any number of reasons. It is sufficient to point out that in order to turn the corner in terms of creating a conducive environment for the promotion of the human rights of people with disabilities, and to view them beyond being mere objects of pity and charity, we need dedicated political commitment and that of resources over the long term.

Honourable Deputy Speaker, Honourable Members, the essence of this Motion is to seek the passing of a law which provides for the State President to appoint at least one person with disability to Parliament in addition to any who might come through political parties. Additionally, such a law should also provide for representation of people with disabilities at all levels of governance. These levels of governance should include national and Local Authorities, such as Municipal Councils, Regional Councils, National Council, Diplomatic Missions, Boards, Commissions, the Pan African Parliament, among others.

Full participation, consultation and self-representation of people with disabilities in order to ensure that both their experience and perspective is understood and direct voice heard provides the underpinning principle in all major instruments promoting disability as both a development and a human rights issue. As already indicated, these instruments include the:

- DFID Note on How to Mainstream Disability
- Continental Plan of Action for the African Decade
- UN World Programme of Action Concerning Disabled People
- UN Standard Rules
- UN Convention on the Rights of Persons with Disability.

This Motion takes the view that to depend on a presidential prerogative alone in terms of appointments does not provide enough security that it will always be done, as such appointments will be dependent on each State President's personal decision.

In moving this Motion, I am mindful of comparative experiences from elsewhere in our continent. Uganda provides an example where the self-representation of people with disability is guaranteed by the Constitution, in addition to which a raft of different laws also reinforce what the Constitution guarantees, to the extent that Uganda today is generally regarded as a leader in the field of disability, having achieved extensive representation of people with disability at different levels of National and Local governance. Other important examples of the same representation via Political Parties can be seen in South Africa. Malawi, for example, has a Ministry for Disability Affairs, whose Minister must be a person with disability.

Honourable Deputy Speaker, Honourable Members, I must appreciate the support of the Prime Minister, the Deputy Prime Minister, for building on the foundations

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already laid and for continuing to show the direction forward to all of us and for maintaining the focus on disability issues; the second Prime Minister and now Speaker of the National Assembly, Dr Theo-Ben Gurirab, for his sterling efforts to obtain Parliament's ratification of the Continental Plan of Action on the African Decade of Persons with Disabilities and for spearheading the initiative to make Parliament accessible from a physical point of view; the former SWAPO Chief Whip, Comrade Ben Amathila and other comrades for their tireless support, political will and commitment to disability issues. In particular, the efforts of the founding Prime Minister, Dr Hage Geingob, for placing the spotlight on disability issues at the highest office of Government coordination, the Office of the Prime Minister in which the Disability Advisory Unit is located. The entire disability community forever appreciates your championship in this regard.

Honourable Members, I would feel that I am short-changing our leaders if I do not acknowledge this important aspect of our history.

On the issue of the access ramp, Honourable Deputy Speaker, Honourable Members, it will be noticed that this new facility of our Parliament has provided a welcome convenience to a whole range of users, who include pregnant women, elderly persons, men with gout and people with disabilities, among others. Planning to include people with disabilities builds an inclusive society that ultimately benefits everyone at the end.

Last but not least, I acknowledge the Founding Father's efforts in laying the foundation upon which we are now building. He launched the public spotlight on the early efforts to mobilise the national disability movement in Namibia. May the line of champions of the cause of people with disabilities continue to grow.

History must also record the pioneering work of the entire staff of the then Ministry of Lands and Resettlement and Rehabilitation in supporting the emergence of the disability movement.

As I move towards the end of my Motion, there is a group of people without whom the disability movement would have not come to pass. These are people who have withstood the true test of discrimination, marginalization and extreme levels of chronic poverty. These are my Colleagues in the struggle for our basic human rights. I salute your tenacious commitment to fight in the face of all adversity. The policy environment we have created in Namibia today is a result of your steadfast resolve to stay the course.

Honourable Deputy Speaker, being a product of different cultures, I would say, "*nomakanjani*", "*xare ka Nau khoea*", "*Tai-Iqui-iga ixabe*", "*kusha nande oshike*", "*no matter what*", "*cwani kapa cwani*", "*nandarire tjike*", "*al is dit wat*", *Aluta Continua!*"

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Finally, I must not fail to recognise the committed support of our parents who bore and continue to bear the brunt of raising us as children with disabilities. In particular, our mothers were the first line of defence of our rights to survive, while at the same time they suffered untold discrimination and segregation from others around them, including their own husbands, in some cases. But you remain our pillars our strength. I salute you, mothers.

Honourable Deputy Speaker, Honourable Members, could I draw the attention of this august House to an issue concerning terminology that is acceptable to people with disabilities. As we respond and debate this Motion, can we use the terminology that people with disabilities prefer? A trend has emerged in Namibia where the language, “*people living with disabilities*” is coming to common usage mainly by our political leaders. This is not our language in Namibia, neither is it recognised at the United Nations level among the terms considered as appropriate to refer to people with disabilities, who otherwise are also referred to as disabled persons or people. Disability is the marginalization and exclusion that people with impairments suffer on the basis of their impairments. In Namibia, people with disabilities prefer to be referred to as such and not as living with disabilities. They want to be part of society, thus they want to live with other human beings and their families, not with disabilities.

Honourable Deputy Speaker, Honourable Members, I table this Motion for serious discussion and consideration, at the end of which I recommend that it be referred to all relevant stakeholders for appropriate scrutiny and processing and that it possibly be adopted and developed into legislation, as proposed in this Motion. I thank you.

HON DEPUTY SPEAKER: Thank you very much, Honourable Ncube for your motivation which was very much touching. Any further discussion? I recognise Honourable Venaani.

HON VENAANI: Thank you very much, Honourable Deputy Speaker. Let me from the onset rise to congratulate a Member of Parliament amongst us who has proven beyond doubt that even due to her own impairment, she is a capable leader of our people and country and let me thank her for having brought this very important issue strongly to this very august Chamber.

It is true that the world has seen leaders with physical impairment that have led many nations to great victories and who never stood back because they had an impairment in their lives. One of them is Franklin Delano Roosevelt, who is the only President of America to have run three consecutive terms while he was physically impaired. The other one was Moshe Dayan, the Israeli Prime Minister, who also played a very important role in the politics of the Middle East.

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I want to say from the onset that it is true to support the saying that says “*disability is not inability*” and any person who can prove beyond reasonable doubt that he or she can do a certain task, should be given that opportunity without fear or favour. It is our conviction that we support all those efforts, internationally and nationally, that would fight against any form of discrimination against people with physical impairment, as they would like to be called.

However given this Motion’s emotional Debate, I am very glad that at the end of the motivation the Mover of the Motion raised a very important facet to perhaps send this Motion to the relevant Standing Committee, because what she is technically speaking is for us to amend the national Constitution of the country, because the powers to appoint Members of Parliament given to the President is enshrined in the Constitution of the country and if we want to make that provision, then you would need a constitutional Amendment to require the President by law to appoint a person with disability to any structure of power.

I agree that there is some technical language to be ironed out at the Committee level, that we look at the thing holistically and see how best we can address it. I however think the message that we need to support our people with physical impairment is very important.

Just in conclusion, also from a cultural background as a product of culture, in my own family some few years back in 1875, if I am not mistaken, a great-grandfather of mine was born with a leg of an ostrich and during those years in the Herero culture, a baby born with physical impairment would be killed the next morning. He was called *Ngapetje*, meaning, “*let the sun rise tomorrow*” and he was not killed. For one or the other reason he survived and many children of his generations continue to have toes that are similar to an ostrich. He was one of those few people that survived a cultural onslaught to kill people with physical impairments.

I feel one issue that we need to address is our own society and I think paying tribute to our mothers is something very honourable, because it is always the mothers who would protect whatever they bring to life. However, generally our society, and especially the men folk, through many generations have been victimising some of these births. I think we can only interrogate our society’s moral values to accept people with physical impairments, as they would like to be called, with all necessary respect that they deserve.

The issue even goes much deeper than that. There is also a big debate in the world about gay rights and a lot of debates on people demanding rights, and I think you would be called in a very short time of life that you have pioneered a very worthwhile struggle in the interest of humanity and I once more want to congratulate you and support the premises of your Motion with the technicalities that need to be ironed out at a later date. I thank you.

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HON P MUSHELENGA: Honourable Deputy Speaker, I move that the Debate be adjourned until tomorrow.

HON DEPUTY SPEAKER: Any further discussion? The Motion stands adjourned until tomorrow, Wednesday. The Secretary will read the First Order of the Day.

**RESUMPTION OF DEBATE ON THE FORMATION OF THE AFRICAN
UNION GOVERNMENT BY 2015**

HON DEPUTY SPEAKER: When this Debate was adjourned on Thursday, 21st June 2007, the Question before the Assembly was a Motion by the Honourable Dr Geingob, that the Motion be adopted. The Honourable Minister of Presidential Affairs adjourned the Debate and he now has the Floor.

HON MINISTER OF PRESIDENTIAL AFFAIRS: Thank you, Honourable Deputy Speaker. I rise to add my voice to the Motion before this august House.

First and foremost allow me, to take this opportunity to congratulate the Right Honourable first Prime Minister, Dr Geoffrey Hage Geingob, Member of Parliament, for introducing this very important Motion.

Before I directly address the Motion, allow me, Honourable Deputy Speaker, to briefly go back into the history of the African Continent.

The African people had their share of slavery and colonial oppression. It is universally accepted by most historians and political scientists that there is no parallel in the cruel system of slave trade and the suffering endured by the people of African origin south of the Sahara. Millions perished during the 300 years of slave trade. Those Africans who survived the physical bodily harm were dehumanised, turned into movable property that could be exchanged for cash. Those who enslaved Africans could do whatever they wanted with their human property. Deaths were recorded in their balance sheets as merely a loss of profit and property. Human emotions were expressed by the slave owner not because there was loss of life of a human being, but because the balance sheet showed a negative loss as opposed to a positive gain.

After the dehumanising period of slave trade, the African people who survived the most cruel and inhuman act perpetrated against another human being endured a period of colonial oppression. During the colonial period the enjoyment of fundamental human rights and freedoms depended on the origin and the skin

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colour of the beneficiary. The colonised victim was forced to toil and assist the coloniser to loot the natural resources of the colony for the benefit of the metropolitan country in Europe. Those colonised victims remained destitute and desperate.

It is a historical fact that in spite of the pain and suffering imposed on the oppressed and colonised people of Africa, those who colonised Africans justified colonial oppression and exploitation as a sacred trust of civilisation of the so-called African savage.

Those who resisted colonial oppression were branded as terrorists and trouble-makers. In most cases, more severe oppressive laws were enacted to deal with so-called African savages and to the oppressed African people the word "*freedom*" was a distant dream.

Today the overwhelming majority of African countries are founded on the principles of the rule of law and democracy. This democracy was brought about after a bitter and long national liberation struggle for national Independence. It is against this background that Independence did not come on a silver platter. It came about through the sweat and blood of the African people themselves.

It is common knowledge that the main aim of the continental liberation struggle was for the people of Africa to determine their own destiny – a destiny to live in freedom, a destiny to live in peace, a destiny to live in economic prosperity, a destiny of equal opportunities for all, a destiny of gender equality, a destiny of freedom of expression, a destiny of freedom of association and a destiny of sovereign control over our natural resources.

To most Africans the word "freedom" is a shrine. It is a sacred word that came about after enormous sacrifices. No wonder that no outsider could teach the oppressed and colonised people of Africa that fighting for freedom was a good thing. Today the people of Africa are free, the African Continent is free thanks to our heroes and heroines of Africa, the African freedom fighters who inspired us to fight for the total liberation of Africa.

HOUSE ADJOURNS AT 15:40

HOUSE RESUMES AT 16:10 PURSUANT TO ADJOURNMENT

HON MINISTER OF PRESIDENTIAL AFFAIRS: Thank you, Honourable Deputy Speaker. Before tea-break I said, we pay tribute to the African freedom fighters. Allow me, therefore, to pay tribute to the apostles of African freedom such as Dr Kwame Nkrumah of Ghana, Dr Julius Nyerere of Tanzania, Dr

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Kenneth Kaunda of Zambia, Dr Augustine Neto of Angola, Dr Sam Nujoma of Namibia, Dr Kamuzu Banda of Malawi, Jomo Kenyatta of Kenya, Muammar Ghaddafi of Libya and many others. Once again I salute them for their continental vision.

Honourable Deputy Speaker, the said brief history I have outlined above has a direct effect on what is happening today on our Continent. The pride of Africa lies in the fact that today we are able to sing our national anthems, hoist our national flags and use our coats of arms. Unfortunately this is not enough. We as leaders of this Continent have a lot to do in order to address the socio-economic plight of our people. Today the overwhelming majority of the African people live a hand-to-mouth existence. Some of our people, especially the African youth, do not hesitate to brave the rough seas of the Atlantic and Indian Oceans to go to Europe and North America for a better life.

Each year 350 to 500 million cases of malaria occur worldwide and over one million people die, most of them young children in sub-Saharan Africa. According to the World Health Organisation, every thirty seconds a child in Africa dies from malaria. Overall, more than ninety percent of malaria deaths occur in Africa.

In 2004, about five thousand people died from tuberculosis worldwide every day. Most of these deaths occurred in Africa. If prevention measures are not intensified or if no cure is found, some African populations will be 44% smaller in 2050 than it would have been with the HIV/AIDS pandemic.

I believe that if we put our heads together and forge continental unity, Africa can move forward. We must learn from history. It was disunity that resulted in the slave trade of millions of Africans. It was division that enabled Africa to be colonised by a handful of Europeans. We remember their slogan, "*divide and rule*".

As a result of this policy, some African countries were physically occupied by colonisers who numbered no more than a plane load of passengers. Indeed, even today there are those failed politicians who are still dramatising tribal politics of division in Namibia. What a shame! There are those failed politicians who are advocating secession though some continents are moving forward to continental unity. What a shame!

It is time for us as Africans to stop being used by outside interests at the expense of our people. Why do we allow outsiders, who come to Africa in rags and leave the continent as multi-millionaires at the expense of our people, why do we allow Africans to be treated like minors in their own countries as well as outside the

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continent regardless of their status? Why are we always regarded as beggars, illiterate and diseased?

The time has come for Africa to rise up and to be counted as equals among the human race.

Given the African Continent's historical background, no one can teach us the value of freedom. We, the African people, were the victims who were denied fundamental human rights and freedoms. The perpetrators who denied us these freedoms cannot today claim to be apostles of freedom and human rights. After all, the African heroes and heroines had to shed their blood so that today we can enjoy these freedoms. Therefore, it should be our duty as African leaders to protect and defend these freedoms. Our citizens deserve a right to enjoy them.

These facts show that all the rest of the world is moving forward. Africa has been in reverse gear since its inception. This picture must be addressed by our generation. The 21st century should be a century for Africa. It is us, the current generation, who should take Africa from reverse gear and put it in top gear so that we catch up with the rest of the world and, indeed, even to overtake the rest of the world. We can do it. We are a rich continent, endowed with both natural and human resources, like the Nkrumahs. The Nkrumahs gave us wonderful ideas. It is incumbent upon us to put these ideas into action. Let us learn to do something for ourselves instead of constantly live on handouts.

The world has become a village of globalisation. It has been reduced into a parish.

One country's voice or, indeed, even regional voices will be meaningless in the era of globalisation. Let us go continental and achieve this objective during our lifetime.

This is my humble contribution to the grand Debate on the United States of Africa.

Once again, I thank the Right Honourable first Prime Minister, Comrade Hage Geingob, for introducing this very important non-partisan Motion and I support it. I thank you for your attention.

HON DEPUTY SPEAKER: Thank you very much. I now recognise Honourable Mutorwa, followed by Honourable Kaiyamo.

HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE: Thank you, Comrade Deputy Speaker of our National Assembly, Honourable Members of the National Assembly.

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Permit me, first of all, to commend and thank the Honourable Dr Hage Geingob, for the timely tabling of the Motion dealing with the issue of political union and eventually continental Government for Africa in this Honourable House.

Honourable Geingob's scholarly and factual analysis of the subject matter is quite both refreshing, stimulating and intellectually enriching as well as thought-provoking. True to style and character of believing in consultation, the Honourable Geingob on page 2 of his speech articulates the reasons for raising the issue on the Floor of this Honourable House as follows:

“Next month the African Union Summit will be held in Accra. The agenda item for this meeting is the discussion on the Union Government of Africa.”

In a way, therefore, we as Honourable Members of this Assembly are afforded the opportunity through this Motion to express our views on the matter publicly in this Honourable Chamber.

The Government's policy position and thinking on the issue has been clearly, eloquently and factually articulated by the Honourable Marco Hausiku, Namibia's Foreign Affairs Minister on the 21st of June 2007 in this august House. That view is still being articulated at the Summit by our Head of State, His Excellency President Hifikepunye Pohamba.

As I am also a member of the Cabinet, Honourable Hausiku's statement represents our collective policy stance and official position on the matter.

Comrade Deputy Speaker, I am rising simply to make some humble contributions as an individual and not necessarily as a Cabinet Minister. Let me start off by making some references to what other prominent and eminent personalities at one point in history said about the issue under discussion.

In his speech delivered at the founding conference of the Organisation of African Unity on the 25th of May 1963 in Addis Ababa, Ethiopia, the then revered President of Ghana and one of the respected and greatest Pan Africanist, Dr Kwame Nkrumah, amongst others said:

“We must, therefore, not leave this place until we have set up an effective machinery for achieving African unity. To this end, I now propose for your consideration as a first step, Your Excellencies, a declaration of principles uniting and binding us together and to which we must all faithfully and loyally adhere and lay the foundation of unity. And this should also be a formal declaration that all the independent African states here and now agree to the establishment of the Union of African States.”

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This is quoted from the New African of June 2007 on Page 11.

At the end of the 25th of May 1963 meeting, African leaders indeed agreed on the establishment or formation of the OAU, an organisation that played a very critical role in the decolonisation process of our great continent from Cape to Cairo, from Dakar to Mombassa. As such, a foundation of unity was surely firmly laid. I am not very sure though whether a formal declaration, committing all independent African states to agree to a Continental Union Government was also adopted then in 1963. If not, then I strongly argue in this Chamber that the 1963 proposal of Dr Nkrumah needs to be urgently and seriously considered by the forthcoming Accra Summit as a matter of principle, first and foremost. I am talking about the late President Nkrumah's plea and proposal to first adopt the declaration of principles towards the eventual formation of a Union Government for Africa.

Comrade Deputy Speaker, the aforementioned is absolutely important, because even the current Constitutive Act of the African Union, as it currently stands, does not specifically and directly mention the establishment of a Continental Government for Africa as one of its main long-term objectives among the fourteen objectives that it has set for itself to achieve.

Indeed, Article 4 of the African Union's Constitutive Act, which deals with the organisation's principles, is surprisingly absolutely silent on even mentioning the words "*Union Government.*"

To what extent, the question may be posed, has Africa progressed to face and address the challenges that the late Mwalimu Julius Kambarage Nyerere, the then President of the United Republic of Tanzania, referred to already in 1973 when he argued as follows:

"It is not surprising that the necessary degree of African cooperation and unity is difficult to achieve. Leaving aside the internal difficulties which many African states experience, each of our independent nations has different economic and social circumstances to contend with and we, none of us can afford to ignore our people's immediate need for progress in order to concentrate on the fundamental long-term need of unity."

The question, therefore, is, where is Africa today with the ideal and idea of political union or Union Government for the continent in 2007, 34 years after President Nyerere made the quoted speech?

It is true, indeed it is indisputable that Africa does have a political union in the form of the African Union presently. In my view, that is both progress and success. Africa, of course, does not have a Union Government yet and some

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people may feel discouraged, disillusioned and frustrated. I am arguing that we should not and must not feel discouraged yet, for as the great Mwalimu Nyerere advised thirty-four years ago:

“We need to remember a few facts of world history, for Europe’s present progress towards unification comes after centuries of destructive wars. Latin America has less unity than Africa, although its nations achieved their Independence some 150 years ago. Even the United States of America found unity difficult to achieve, although the then thirteen colonies were inhabited by peoples of common stock and common history who had fought a war of Independence.”

To this, Honourable Members, I would like to add the following facts:

Africa is the second largest continent in the whole world. It has at least 53 sovereign independent nation States. The challenges and problems are thus much more complex, they are much more tricky and intricate.

Also, as the Honourable Dr Hage Geingob correctly argued:

“In essence, the whole idea of a union is the last stage in the process of regional or continental integration.”

Much is still to be done and to be accomplished towards the successful completion of the regional and continental integration processes before the practical realisation of a Union Government for the entire African Continent.

Simply stated, the concept, “*Government*”, in my view, essentially refers to an elected people or leaders, including all the institutions, the organs, the infrastructures, the systems and so forth, that are created and thus made available to Government, to administer the country or the State. Therefore, the concept is more practical than theoretical or philosophical in both scope and meaning. Unavoidably, therefore, any discussion of forming any Government structure at both, in our context, the local, the regional, the national, the sub-regional and continental levels, must in the end deal with the real concrete, tangible bread and butter issues. In other words, such a discussion must of necessity enter the realm or the world of what is commonly referred to as “*real politik*”, which is a 19th century German term referring to the adoption of policies of limited objectives, but which had a reasonable chance of success. In other words, it must be policies based on realism as opposed to mere idealism, sloganeering and populism.

Of course, in the final analysis and by way of concluding, Africa must not despair for again President Nyerere advised:

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“Indeed, when one considers all those and any other differences, the amazing thing about African Unity is the degree of cooperation and unity which has already been achieved. The African people will continue to be ignored or exploited unless we make much faster the progress towards unity than we have been doing.”

It is also vitally important to make some reference to what the Right Honourable Prime Minister, Comrade Nahas Angula, *inter alia* had to say on the issue of African unity yesterday when he officially opened the 19th All-Africa Students Conference which is currently in session at the Polytechnic of Namibia, when he stated:

“If Africa was going to pull itself out of its social and economic morass, it should embrace the idea of the unity of the African people. The unity of the African people should be based on shared values and common interests. The shared values are grounded in the African historical experiences, culture and ethics. They include democratic popular participation in governance, in social justice, respect for human rights and fundamental freedoms, public accountability and transparency and adherence to the rule of law.”

Comrade Prime Minister, I also support the sentiments that you have articulated.

Comrade Deputy Speaker, once again, thank you very much for allowing me to participate in this very important Debate on the future of Africa. Thank you.

HON KAIYAMO: Comrade Deputy Speaker, Honourable Members, from the onset I would like to agree with the Motion and add that unity must be worked for and it should be a primary task for every citizen in Africa.

In the light of this, Namibia must show interest in the Union Government, because Namibia has been part and parcel of this process. We should be involved because the general wellbeing of Africa is also the wellbeing of Namibia. Namibia must not allow the outside world to tear us apart in Africa.

When one country in Africa is on fire, every country should feel it is on fire and should help to extinguish the fire. However, if a Union Government is ever to be achieved in Africa, all Member States should design and align themselves politically towards that endeavour. Of course, we would not have to debate this issue, we can have different opinions, but the danger is if we differ with what we agree or we hide behind very wide statements, supporting unity but tackle the problem differently.

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Honourable Deputy Speaker, Honourable Members, African unity, African Government must mean the Government of the people of Africa, for African States, must mean a transfer of some sovereignty from national unity to a new single unity which will form part of Africa, a process that goes slowly. (Intervention)

HON VENAANI: May I ask the Honourable Member a question? Honourable Kaiyamo, I have been listening very attentively to your intervention. There is a country called West Sahara bordering Morocco. Would you support this country's claim not to be a sovereign state because it is occupied by another country? What is your view regarding that country and how can we work before that country gains political sovereignty?

HON KAIYAMO: Comrade Deputy Speaker, with all respect to my young brother here, the position of Namibia and of SWAPO is on record on this. I would like him to take some of the young people to go and do some research in the library on the position of the Government of Namibia on this issue.

Honourable Deputy Speaker, Honourable Members, African unity must mean a Unity Government of African States, a transfer of power to Africa to which all States and Governments have to surrender some of their powers. There must be one Government which can speak for Africa to the outside world. There must be one organ responsible for defence and so forth. I have in mind here the issue of European Union. At the moment Namibia is receiving assistance from the European Union approved by the old European Union Member States, which means every Member State is supporting that assistance.

When Namibia was tasked by SADC to help in the DRC during those years, some people were not in favour of that, because there was no unity on that route. There must be one body to coordinate economic development and the well being of African countries and have one currency. It may be a difficult task to do but the start must be done.

Only when we have reached the position that Africa comes on equal terms with any other country in the world, the 53 countries of Africa have to do some basic work at their respective countries. When great events happen in the world, we need an African stand, we need an African position on issues so that we can speak as a united people of Africa.

Honourable Deputy Speaker, Honourable Members, economically Africa suffered greatly as a result of division and lack of continental unity. Each of us are separately competing with each other for the favours dished out by the rich nations for more capital investment, more aid, for more exports. I am not criticising

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anybody in this regard. It is inevitable as everybody in Africa must look after its interest and its own people, but we suffer collectively if we are not united in this process.

Only a single unity can help to overcome these difficulties in Africa. To try to buy favours from the outside world and the State of Africa would not do us any favour.

Honourable Deputy Speaker, Honourable Members, but it is not all, no African state is large enough to become economically independent. We depend on each other economically and we have to move together on this process.

Honourable Deputy Speaker, it is my opinion that we have to solve these problems in Africa if we have to go as a Government and we have to settle our differences on the ground. It may not take us one week, it may take us a hundred years to achieve the Union Government, but the process must be started as a challenge to all of us.

The development of Unity will not solve the problems of Africa, it will enable them to be solved by Africans. By the Union Government we shall have certain problems in Africa, problems of border conflict, for example.

Honourable Deputy Speaker, Honourable Members, unity between Sovereign States or even between areas is not easy. There will be conflicts of interest between different areas. There will be problems arising from the size of the problems. There will be problems of adjustment and confusion as to who has power in what field. All these and more exist, but they have existed in the past, they still exist in the European Union and in other parts of the world and we have to challenge these problems.

Honourable Deputy Speaker, Honourable Members, we have to state the objectives and translate the emergency in most of our problems. However, we will see the following three important things: God is not going to descend from heaven and say "*let there be unity*" – we can forget – the way He once said "*let there be light*", nor would any African State agree to the virtue of any unity by contest. If there is to be unity it must be unity by the Africans themselves.

As Honourable Marco Hausiku said, unity in Africa must be unity of free people who have decided to take up the challenge on their own terms. We have 53 Sovereign States in Africa who are free in their own respective areas who in some cases are developing a national pride. Indeed, every day that passes takes us further along the road to nationalism which ignores Africanism.

Namibia is different from other countries in the light that we all salute our national flags, teach our children about our own countries and the institutions and to attain unity we also need to create new symbols for loyalty that meets the African

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feeling. Thanks to the visionary leadership of the Founding President, Comrade Sam Nujoma and his able team of leaders, these are realities. All patriots of Namibia should be proud about these realities. What I mean is that in Africa, Namibia so far is the only country where the African Union flag is flying high and we feel proud about that.

Honourable Deputy Speaker, Honourable Members, the road to attain African unity is not as simple as it is. We have to work very hard for that and, therefore, the pre-condition is unity in diversity. We have to keep the course of Africa as one unity before our people at all times. In our schools we must teach our children that they are Africans as well as Liberians, Tanzanians, etcetera. We must share our dances and our songs, our literature and our music.

In short, we must help our people to get to know each other and understand each other's history and development. There are a few books I want to advise every African to read, "*Dark days in Ghana.*" Honourable Mutorwa was quoting from the speeches of Honourable Nkrumah. There are five collective volumes of Kwame Nkrumah's speeches which are available in our libraries. I would like every Namibian and Parliamentarian to read those speeches.

We must continue to obtain unity in Africa wherever possible, whether it is political or economical. We have to improve the gap between our respective countries in terms of unity. (Intervention)

HON MINISTER OF VETERAN AFFAIRS: I am extremely sorry. I just wanted to ask a minor question. Comrade Kaiyamo, I am listening very carefully and I have been listening when Comrade Hage was introducing this Motion and I would like to find out what actually the magnetic field is that will bring us together. What is that which unites us? I am asking this because I am getting more concerned.

For example, so that you can see my problem, Europe was divided into West and East Europe. They united in the Western Europe because of their ideological similarities and they could not accommodate the East Europeans because they were socialists. Now we have semi-socialists, we have semi-capitalists and monarchist who can also be capitalists. What is that magnetic point which pulls us to unite in this diversity?

Secondly, how do you control dictators that may be rotating on power in the African Government if they are not controlled by their own people?

HON KAIYAMO: Comrade Minister, this is a process that might still take us ages. I am convinced what should unite us is education. At the moment we have

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'Education for All' that was introduced in 2000 and every Minister of Education in Africa signed that agreement. We only need to coordinate this process. At the moment the donors are obliged by this *'Education for All'* to contribute a certain amount to this education process, but at the moment it is only Namibia in the SADC Region which is doing relatively well together with Lesotho, Botswana and South Africa. These are the countries which are doing well in this field. Everybody in Africa wants unity for our children.

I have an understanding on the issue of ideological stand, but as you know, some of those former socialist countries are now part of the European Union. So this is a process where people want stability, people want peace in their countries. If everybody wants that in Africa, then we will be on the right track, Honourable Minister. (Intervention)

HON MOONGO: May I ask a tiny question? While the Colleague is doing well, I would like to know, some of the Parties in Namibia are democratic, some are semi-communist, but while SWAPO has a two-third majority they do not have... (Interjections). Will the Colleague propose one day that on National days of Independence the SWAPO flag has to be hoisted with all other Opposition flags? Will he dream about that, to be hoisted on National days?

HON KAIYAMO: Comrade Deputy Speaker, all the people of this country, including the Parliamentarians, decided on one National flag and that flag is for all of us. When we have a National day, we hoist the Namibian flag together with the African Union flag. I think that is enough. (Intervention)

HON MOONGO: What about the Parties? When are they going to be together? You are talking about Unity of Africa.

HON KAIYAMO: I have no problem if the DTA or whatever Party hoists its flag at its own rallies, but when it comes to the National days, it is the National flag together with the African Union flag.

Let me give an example from the East African experience. When Tanzania and Zanzibar decided to form the present United Republic of Tanzania, only the most basic questions or principles were settled between the Governments. The detailed negotiations about unification of tariffs, the division of tax, etcetera, were carried out at a later stage. As the Honourable Minister Mutorwa was quoting from Nkrumah's speech, we need to make a commitment to African unity, African Government, so that the process can continue.

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In the case of the East African Community all these detailed discussions have taken place without a decision on political unity. They have settled for something less than federation because they were not ready to take the decisions. My point is that the same work has to be done through whatever road the Unity Government is approached with, there is no shortcut on this road.

Comrade Speaker, in 1963 Namibia was part and parcel of the OAU. Our Founding President was part of this. After the formation of OAU the African leaders, not Namibia, were acting like they were at the end of the road. Namibia was still not independent, but they were part of the team. Fellow leaders of that team were however feeling it is the end of the road, it was Christmas, but Christmas was still to come. By 1966 we despaired too much, we reached too much setbacks. The coup in Ghana in 1966 was a setback of this African dream of African unity. Now Africa has recovered to make the process going.

With these few words, I believe that Namibia can continue on this road and make a Unity Government. I thank you.

HON RIRUAKO: I do not need a paper, Honourable Chair, I was in that school and I taught my Colleagues the way to do things here, but God is there and I asked Katjukururume seated there to select them one by one and ask them questions. (Intervention)

RT HON PRIME MINISTER: May I ask a question? Honourable Chief, what is "*consciousism*"?

HON RIRUAKO: I will tell you. "*Consciousism*" is to trust and to believe in yourself and out of that you can give to others. I went through that school. Nobody else went through that school. It was not just the kind of school the others went through.

Let me say this, if I am not of the conscious, I am an unaccepted and unrecognised leader of the Hereros in this House, the people who shaped the Independence of this country. With the name I just mentioned, but we are the last. Thank God that we have that power to control ourselves and be tolerant and compassionate to you. That is the example. I did not mention anyone. Whoever has that kind of mentality must get it.

The point is this, Nkrumah was killed, was deposed by the very people you mentioned one by one here, all those leaders. I was there, told at gunpoint to get out of the house and I know that. Now, after several years the people told them this person is a communist, he is a devil, he is going to be destroyed by his

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“isms”. They have taken the “isms” and they have united in front of you in Europe, the very same thing they avoided you to touch, they implemented in Europe and now you follow as secondaries. Is that not a shame? It is a shame. Today we are talking about African Union. Who were the first to talk about that? And you say our leader does nothing because our bosses told us he is nothing, he is a communist. Now the journey of “isms” is on show, the buyers are gathered to buy the stock. I am sorry to say that.

That is what it is, but I am not ashamed of that and I am not ashamed of you. I know Rome was not built in one day. (Interjection)

HON MEMBER: Why not Namibia, why always Rome?

HON RIRUAKO: It can be Rome because of the example of first comes first served. We were supposed to be first with this African Union and African Common Market and African Bank and African High Command. The Europeans were first and we are the secondary. This is a shame of ourselves and thank God that we have survived, some people are there to guide us. (Intervention)

RT HON PRIME MINISTER: Honourable Chief, may I ask a tiny question? What is the highest form of capitalism?

HON RIRUAKO: Marx said “*Das Kapital*” and it was in German, “*Das Kapital*” and the highest form of capitalism is that you may own your body, your soul, your thoughts. You are monopolised by other human beings, as you are as usual. (Intervention)

HON MINISTER OF EDUCATION: May I ask my Honourable Chief a question? I am so happy to see that one of our traditional leaders is a Nkrumaist and Pan Africanist. When is this Pan Africanist who is in a position because of his traditional roots going to unite all of us, so that when we join Africa, we join as one people and not be segmented into chief of this and chief of that?

HON RIRUAKO: I am not just a Herero Chief if you look at my background. Look at your background and if you want to change me away from that kind of privilege, it is you, it is not the history. I leave that for the time-being. (Interjections). Some are not recognised, that man is my cousin and you too have a cousin from your mother and father.

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To unite us together is this: I thought I came to an independent country whereby I can also apply all the methods of understanding to my Colleagues and fellow Namibians, but I could not. Why? They believe in that, not in the right '*isms*'. The problem lies just there.

People went through the school of feudalism, communism, capitalism and socialism and scientific socialism, not ordinary socialism. You believe in yourselves, you do not believe in collective leadership or collective thought, you believe in materialism. The matter comes first to you. It is where you fail there. You cannot run away with this matter. The matter comes first, materialism comes first to you. For a human being to you to come first you want to own them alone and I am a born socialist. Why? We believe in collective leadership and sharing of our resources with our family. It is our norm of survival and we have been shifted away from our principle to something new. (Intervention)

RT HON PRIME MINISTER: May I ask the Honourable Chief a question? What is the highest form of imperialism?

HON RIRUAKO: The highest form of imperialism is that they own you within their empire and you will never detect that you are owned by somebody else. That is what it is. (Intervention)

HON MINISTER OF VETERAN AFFAIRS: The Chief said something very interesting; I just wanted to be clear. May I ask a question? Honourable Chief, you have mentioned that we as African people share what we have and we have common ownership of what we have. When you are talking about this unity of Africa we are talking about now, does it imply that at the end of the day we have to share what we have with people who have run down their economies irresponsibly. They had wonderful countries, they have run them down and in the African spirit they have to come here and we share?

HON RIRUAKO: NEPAD has already started if you do not know. NEPAD has already started, it is sharing. They share with you what they have. They have machinery and technology which are owned by someone else outside these parameters and they come with their technology and you are going to own peanuts and they own everything. That is why you do not have that kind of technical know-how. That is one point.

Another part is that those people will be taught and trained to catch up with the momentum of the day economically and socially and also materially. We are not going to unite for the sake of uniting; we are going to unite for the sake of creating

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a kind of understanding in order to form a kind of unity that we have to give up something on our part in order to accommodate other people in one shell and control these together.

The United States created that kind of habit 230 years ago, but today they reap the fruits. Everybody suffered in the beginning and now they have become our boss. Europe did not even think about coming together, because of the United States threat they came together in order to defend themselves economically and in defence too. The Europeans felt this is Europe out of unity and now they felt this is Europe. Are you not really aware of that? That is a fact.

Here we are not going to say no, whether some of you are not really in favour of this. Some people read whatever comes across their eyes and in that kind of Government things can be taken care of, what were you supposed to own properly. That is far away. (Intervention)

RT HON PRIME MINISTER: The Honourable Chief said the highest form of imperialism is when the imperialists own you without you knowing that they own you. Would you not say that this is what is called neo-colonialism?

HON RIRUAKO: Neo-colonialists went out but they came back behind doors still owning you. That is the answer. I did not want to say that openly, but now you came up with the answer and the book is on the shelves, buy it and read it. That is what it is and we allowed these things to happen for almost fifty years. We did not understand it because we were being so selfish and without even understanding how we survived this, rather than to think about how we can come together and defend ourselves. This is where the failure comes from.

Now let me give an example: Here we have /Ui/o/oo, Honourable Royal, and we are talking about his people, he is a Member of Parliament of the Ruling Party and our Minister... (Intervention)

HON DEPUTY SPEAKER: Honourable Chief, where are you now?

HON RIRUAKO: The Honourable Ministers of the same Party have to travel alone without /Ui/o/oo and he is here, wondering if his people are going to be rescued, "*am I not a member of SWAPO as the Honourable Minister concerned?*" If we take the horse to the water, it can go and drink the water by itself some time, you cannot just let it stay and drink the water for itself. That is the point. You have to be straightforward and honest, not a gimmick.

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Honourable Dr Kawana was talking about tribalists here. Him and Honourable Kaura were looking at one another, I could observe that. I am here as a Chief, today is my day when I was elected as the Chief of the Hereros. Today is the 3rd of July and I was elected today. I have to tell you but you do not want to hear what God created. It was the 3rd of July 1978, 29 years today. (Interjection). I did not overstay, it is good leadership. If you are a good servant of the people, you are going to serve them and they are going to serve you. If you are not serving the people, you will have to go. (Intervention)

HON MINISTER OF PRESIDENTIAL AFFAIRS: Honourable Deputy Speaker, I am very sorry, I am a traditionalist and normally I do not interfere when the chiefs are speaking, but I am tempted by the statement made by the Honourable Chief there. Therefore, may I ask the Honourable Member Chief a question? Honourable Chief, you said you were elected by the Herero-speaking Namibians to be the Paramount Chief on the 3rd of July. Are you still applying for 48 additional Herero Chiefs or are you satisfied that only one chief will suffice among the Herero community?

HON RIRUAKO: That is a trick, Honourable Minister. I did not apply for 46, you know that I applied for one and you tried to twist the cards before God and one day God will ask you, “*are you correct or wrong?*” Stay with what I applied for, do not create your own mischief.

I may say, African Unity is not a joke, you have to sacrifice. We are not going to be able to get everything on a silver plate. You must first study your principles, your selfishness, your ego before you go to this area. All these things you must decide, then you can be recognised as such. But do not come with the old-fashioned way of thinking to the African Unity. They will not accept you. You will try because you are coming from Namibia for the time being until Namibian lessons become the past. Now they are asking questions, why are you behaving this way, why are you this way? And you must be courageous enough to answer the questions. (Interjection)

HON MEMBER: In conclusion.

HON RIRUAKO: You cannot make me conclude, you never made anyone here conclude. That is what it says, the ego urges him to say “*in conclusion.*” He does not want to hear, it is the ego.

Please, let us be down to earth. If we do what Iyambo said, we must be honest to ourselves and our fellow Namibians first. Charity begins at home. You cannot

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make the African states know that you are this, you are that. You tell them, “*here I am, what about the other African States?*”(Intervention)

RT HON PRIME MINISTER: Honourable Chief, were you in Ghana in October 1965? If so, what happened there?

HON RIRUAKO: I was overthrown together with Nkrumah. They chased me back to the African Affairs Centre and the next morning again at gunpoint just outside I was looking where I was supposed to go. I went to Mr Muamba, the Ambassador of Zambia to Ghana and he is the person who gave me shelter that day. I do not want to be long, that is why I just shortened my answer. (Intervention)

HON MINISTER OF LANDS AND RESETTLEMENT: May I ask a question? Honourable Chief, in 1966 when the first President of Ghana was overthrown and I know the Chief was there, how did the Chief escape from Ghana to Ethiopia and then from Ethiopia to Zambia and ending up in Pretoria?

HON RIRUAKO: If you want to satisfy your curiosity I will let you know. I am not the type of person who can be sent to a prison and bring other prisoners or freedom fighters into the hands of the Boers. He knows what I am talking about.

I went to Ethiopia, I had a Zambian visa. I was arrested at the Lusaka Airport and jailed in Zambia and then I found myself in Livingstone and the British immigration officer put me on a plane to Shisheke, from there on a truck to Kasungula and then by air to Pretoria. I am not like, you know who. Fly back to stay away for the time-being until everything was settled. He knows. Any other questions? (Laughter). (Intervention)

HON MINISTER OF LANDS AND RESETTLEMENT: I have a second question to the Chief. Chief, at what age does a person become a chief, in view of the fact that the Chief became a chief in 1978? Was it fair in terms of age?

HON RIRUAKO: Honourable Minister, I was not there, I was doing campaigning during my absence, only the name in that campaign. I was between 42 and 43. It is old enough to lead. Are you convinced? (Intervention)

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HON MINISTER OF VETERAN AFFAIRS: On a Point of Order. I need some guidance, Deputy Speaker. Are we discussing the African Unity or the chieftainship, because I thought we were discussing the Motion, but the Motion does not include any paragraph to discuss Honourable Riruako. Unless I did not read it properly.

HON DEPUTY SPEAKER: Honourable Minister, what you are saying is true, we are not discussing chieftainship. There are questions which are drawing the Chief to be out of order and he is trying to answer because he is a Chief. Let me remind the Honourable Members that we still have 18 items on the agenda which we have to finish before the 12th of July. Let us try to give a chance to others, let us not be selfish. Let us not speak for one hour instead of considering others.

HON RIRUAKO: The point is this, these people have something in the bush which cannot be touched, according to them.

The AU is for us all and those of us who do not benefit anything, benefit from the truth and the truth alone. We are ready to say yes. Those who benefit materially are in a very awkward position to say yes for Africa unity. I thank you.

HON DEPUTY MINISTER OF JUSTICE: Thank you, Comrade Deputy Speaker, I rise to make a contribution on this important Motion introduced by the former Prime Minister, Comrade Hage Geingob, SWAPO Chief Whip, first Prime Minister of the Republic of Namibia on the formation of the African Union Government.

Honourable Deputy Speaker, Honourable Members, African history, as we all know, is undoubtedly affected and linked to the infamous Berlin Conference of 1884 when the powers-that-be, that is the Western countries Britain, Germany, decided to arrogate themselves the right to cut Africa into pockets of interest and influence and, of course, so agreed to exploit its human and natural resources, which is today one of the major contributing factors to the underdevelopment of its economic, political and cultural diversity. The European powers succeeded to destroy this rich cultural diversity through the slave trade where hundreds of thousands of Africans from west, east and southern Africa found themselves en route to the Americas and they passed through slave centres such as Liverpool, Sao Paulo, the United States and the Caribbean states, taken to cultivate the sugar plantations, for building of roads, bridges and the infrastructure of major industrialised countries such as Britain, the USA, Brazil, just to mention a few. It was this greed and ruthless exploitation, accompanied by massive human rights violations by European slave traders and later also by the Arab slave traders who came all the way to Zimbabwe – we all know the famous Zimbabwe ruins.

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As European mercantilism progressed, European powers at the time conquered the African Continent through the force of arms and seized large portions of our ancestral lands, colonised our people and exploited our natural resources. This naked brutality and notorious cruelty of colonialism led to the almost annihilation of our African populations.

Thank God, the African leaders on the continent nevertheless took up the challenge, pursued the ideals of Pan Africanism and mobilised the African people into a formidable anti-colonial resistance to eradicate colonialism, leading to various countries achieving Independence in the fifties and early sixties.

With the advent of Independence in Ghana in 1957, African hopes were rekindled when the President of Ghana declared, "*the Independence of Ghana is meaningless without the Independence of all African countries.*" At various regional and international forums President Kwame Nkrumah demonstrated his commitment with vigour to liberate the African States, followed by the commitment to establish the Independent States of Africa. This challenge was taken up by Pan Africans, such as Gamal Abdel Nasser, Sekou Touré, Amilka Gabral, Augustino Neto, Robert Mugabe, Sam Nujoma, Samora Machel, Fidel Castro, all those African heroes and heroines who worked tirelessly until the last colony, Namibia, achieved its Independence on the 21st of March 1990.

Comrade Deputy Speaker, Honourable Members, we would like to salute all our African revolutionaries, such as Emperor Haile Selassi, Ahmed Sekou Touré, Modibo Keita, Patrice Lumumba, Ahmed Ben Bella, Mwalimu Julius Kabarake Nyerere, Jomo Kenyatta, David Kenneth Kaunda, who displayed extraordinary courage and resolve to arrest the further decimation and genocide of Africans in various African countries, such as the Belgium Congo and of course, the Nama-Herero communities in the former German South West Africa, now the Independent Namibia.

Honourable Deputy Speaker, Honourable Members, in 1963 twenty-three African states met in Addis Ababa, Ethiopia to sign a historic charter establishing the Organisation of African Unity (OAU). As Africans we should be proud that throughout the continent our people took up bows and arrows, machetes and knobkerries and fought the forces of colonialism and foreign oppression.

After the establishment of the United Nations in 1954, the African struggle against colonialism reached new heights. Pan Africanism became the philosophy of African political emancipation, economic recovery and cultural revival. Some of these leaders met with young African students and future leaders at universities and protest gatherings and inspired them to join the struggle. We have a lot of them even in this House here.

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It is these pioneers from the Diaspora who defied the dictates of white supremacy and gave us trust and confidence in Africa's future, destiny and progress towards self-determination. Therefore, it would also be fitting to salute the pioneers of Pan Africanism from the Diaspora, among them Marcus Garvey, Dr W. E. B Du Bois, George Padmore, Sylvester Williams, Rosa Park, Toussaint L'oeuvre of the Republic of Haiti. In fact, the Republic of Haiti was the first Independent State in the whole of the Americas after the United States of America.

Honourable Deputy Speaker, Honourable Members, among the aims and objectives of the OAU was to promote unity and solidarity of the African States, defend the sovereign territorial integrity and eradicate all forms of colonialism and apartheid from the face of the African Continent. Immediately after its formation the OAU established the Coordinating Committee for the Liberation of Africa which became popularly known as the Liberation Committee. Though Tanzania had just attained its Independence, the Government and people of Tanzania, under the visionary leadership of President Julius Kambarage Nyerere who offered the Liberation Committee premises to establish its headquarters in Dar-Es-Salaam and further provided shelter and training bases and facilities at Kongwa and Nachingwea to various national liberation movements in Africa.

Today Africans stand tall among the people of the world as free and independent people charting their own future. As Dr Sam Nujoma used to say:

“As we embark upon the second phase of the struggle for economic Independence, let us all as Africans on the continent and those in the Diaspora, rededicate ourselves to the genuine economic freedom and in so doing create a brighter future for our continent and enhance the welfare of our peoples. Let us take a vow to carry and build on the legacy of our forebearers and unite to defend our hard-won freedom and Independence, the sovereignty, territorial waters integrity and the airspaces of our beloved continent.”

At the 1999 Extraordinary Summit of the OAU in Sirte, Libya, the Assembly took a decision to establish the African Union. This was followed by the adoption of the Consultative Act of the Union in 2000 in Lomé, Togo. The Implementation Road Map for the AU was drawn up at the Lusaka Summit in 2001 and the AU was launched at the Durban Summit in 2002. These historical milestones reflect the determination of the African people to fulfil their vision of the founding fathers and mothers of the OAU, with the ultimate aim of creating a stronger and united continent.

Comrade Deputy Speaker, Honourable Members, the quest for unity, economic and social development under the auspices of the AU is our long-cherished dream. Today the organs of the AU, such as the Assembly, the Executive Council, the Pan African Parliament, the African Court of Justice and the African Commission on

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Women and People's Rights have been established and we also have the Regional groupings, such as SADC, ECOWAS, the Maghreb Union, etcetera, and I am of the belief that we need to strengthen all these institutions as we are moving towards the fulfilling of the dreams of our founding fathers and mothers to establish the African Union Government. I think it is time and there are two proponents of this big idea and two thoughts of thinking, the one thought of the gradual approach, strengthening the institutions and the others which are led by Libya. They believe that we must establish the African Union now and move towards strengthening it while we have created it, instead of trying to resolve our political economic and ideological differences.

Therefore, I think the challenge is for the African people themselves to move towards establishing the African Union Government and I support the Motion by the first Right Honourable Prime Minister and I thank you.

HON DEPUTY SPEAKER: Thank you very much. Any further discussion?
Honourable Mushelenga.

HON P MUSHELENGA: Honourable Deputy Speaker, in view of the ongoing Debate in the AU Heads of State Summit, I would like to adjourn the Debate until next week, Tuesday, the 10th.

HON DEPUTY SPEAKER: The Debate is adjourned until next week Tuesday. The Secretary will read the Second Order of the Day.

RESUMPTION OF COMMITTEE STAGE – LABOUR BILL

HON DEPUTY SPEAKER: Does the Honourable Minister of Labour and Social Welfare move that the Assembly now goes into Committee?

HON MINISTER OF LABOUR AND SOCIAL WELFARE: Honourable Deputy Speaker, given the fact that the certified version of the Amendment on Clause 128 was only distributed when we commenced proceedings this afternoon, I thought that it would not be fair, unless otherwise indicated, to subject the Honourable Members to go through the Motions today. However if they are ready we can do that. Otherwise I would have thought that we could continue tomorrow.

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HON DEPUTY SPEAKER: Any objection to that? The Bill stands adjourned until tomorrow. The Secretary will read the Third Order of the Day.

**VOCATIONAL EDUCATION AND TRAINING
BILL: RESUMPTION OF COMMITTEE STAGE**

SECRETARY: Resumption of Committee Stage – *Vocational Education and Training Bill*.

HON DEPUTY SPEAKER: Does the Honourable Deputy Minister of Education move that the Assembly now goes into Committee? It is moved that I leave the Chair. Any objection? Who seconds? Agreed to. I now call on the Deputy Chairperson of the Whole House Committee, Honourable Hans Booy, to take the Chair.

ASSEMBLY IN COMMITTEE

DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: When progress was reported on Wednesday, 27 June 2007, Clauses 1 to 12 were put and agreed to.

Clauses 13 to 32 put and agreed to.

Clauses 33 to 38 put.

HON MINISTER OF FINANCE: Clause 37(3) talks about the total amount of collection costs referred to that may not exceed a certain percentage, but the sentence seems incomplete, because it does not stipulate the percentage, nor does it say the percentage would be determined at a later date by some person. It just says it may not exceed percentage of the total amount of levies collected by the designated agent. I thought maybe it needed to proceed and say “*as the Minister may determine in the Gazette*” or something like that.

The other comment I have is on Clause 38 which talks about interest on late payment of levy and it says that: “*If an employer fails to pay a levy or any portion of a levy on or before the due date for payment, interest is payable.*” The problem is before the date of payment, interest cannot become payable before the date of payment, nor can it become payable on the date of payment. It can only become payable after the date of payment, which is what is the case actually with Clause

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39 which is correctly formulated. in Clause 38 that “*on or before*” would need to go and be replaced by “*after date of payment.*”

DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Does the Honourable Deputy Minister wish to respond to the question?

HON DEPUTY MINISTER OF FINANCE: Honourable Chairperson of the Whole House Committee, I have been very anxious to let this Bill pass because there are a lot of things in the pipeline and I think the kind of technical and procedural recommendations could be taken care of once the Bill is passed and I have taken note of the two clauses that the Finance Minister has just mentioned. It is more typographical and adjusting, so that people will not be charged interest before.

DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Any further discussion? Honourable Deputy Minister of Lands and Resettlement.

HON DEPUTY MINISTER OF LANDS AND RESETTLEMENT: Thank you, Honourable Deputy Chair. I do not really understand. If we agree that there is something that is wrong or not correct in the Bill and we are asked to pass it in an incorrect form, I thought the practice is that if something is detected, an Amendment is moved before the Bill is passed.

HON RIRUAKO: We discussed that last week, we came to the Motion saying that once we open the Pandora’s Box we are going to limit the implementation of vocational schools. For that matter, all the technical people must come together to solve that problem and report back to us here.

HON DEPUTY MINISTER OF EDUCATION: I suggest we defer the whole Bill until tomorrow.

DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Clauses 37 and 38 stand over until tomorrow.

Clauses 39 to 50 put and agreed to.

Schedule and Title put and agreed to.

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ASSEMBLY RESUMES

DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:

Reports progress and asks leave to sit again.

Leave to sit again granted.

HON DEPUTY SPEAKER: In terms of Rule 90 of our Standing Rules and Orders, the House stands adjourned until tomorrow, 14:30.

HOUSE ADJOURNS AT 17:45 UNTIL 2007.07.04 AT 14:30

**ASSEMBLY CHAMBER
WINDHOEK
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The Assembly met pursuant to the adjournment.

HON DEPUTY SPEAKER: Took the Chair and read Prayers and the Affirmation.

HON DEPUTY SPEAKER: Any Petitions? Reports of Standing and Select Committees? Other Reports and Papers?

TABLING: ACCRA DECLARATION

HON DEPUTY MINISTER OF FOREIGN AFFAIRS: Honourable Deputy Speaker, I lay upon the Table, Accra Declaration from the recent concluded AU Summit done in Accra, the 3rd of July 2007 for note taking.

HON DEPUTY SPEAKER: Please table the Report. Other Reports and Papers? Notice of Questions? Notice of Motions? Message from the Head of State? Ministerial Statements? The first Notice of Motion is the one of Honourable Venaani. Does the Honourable Member move the Motion? Who seconds the Motion? Any objection? Agreed to. Honourable Venaani has the Floor.

**MOTION ON WATERBERG WATER
SUPPLY SYSTEM**

HON VENAANI: Thank you, Honourable Deputy Speaker. We could start from that note, the Okakarara note, I am raising a very important issue that has affected a lot of farmers on the water carrier called the Okakarara Water Carrier and I want to start with a small story once told in Uganda.

There was once a man lying on his sickbed, attached to oxygen pipes keeping him alive and this person could not speak but communicated only through writing of notes. He asked his family to call a pastor to pray for him and the family complied with his request. The pastor came to him and bent towards him, started praying and he accidentally stepped on one of the oxygen pipes, unknowingly. The man wrote a note, telling the pastor, "*pastor, you are standing on one of the oxygen pipes and I cannot breathe.*" After the death of the man and at the burial place, the pastor took the note and read the note for the first time as the last words of the deceased. When he opened the note he read that, "*pastor, you are standing on the*

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oxygen pipe and I cannot breathe” and the pastor realised that he caused the death of this man.

Honourable Deputy Speaker, let me from the onset state it very clearly that the problem of high water prices is a problem experienced throughout the whole country, especially by many farmers in the Omusati Region. After I moved this Motion, many of them called me and also raised this issue. However every case has its own merit and, therefore, should be dealt with in its own context.

We are all aware that NamWater was created by an Act of Parliament. This means that NamWater must generate its own revenue through the sales of water to consumers. The Directorate of Rural Water Supply was created as an agency of Government responsible for water supply to the end-consumers in the communal areas on the twin principles of cost recovery and community-based management.

In practice, for the water carrier in question and under discussion, the Directorate of Rural Water Supply initially purchased water from NamWater on behalf of the community, but hastily handed over this responsibility to the end-consumers themselves, organised through community-based associations called Local Water Committees.

The Local Water Committees are in turn responsible for collecting money for water consumed from water points and individual consumers and have to pay this money over to NamWater. This was the genesis of many problems of water debts since very few persons paid and the Local Water Committees lacked collecting mechanisms and paying over to NamWater never materialised.

Of course, many consumers living in rural areas never knew the implications of this poor understanding of payment, since for the last thirty years generations in these communal areas that were using this water carrier never paid for water, hence the very slow conceptualisation of this transition.

Apart from the Local Water Committees, some individuals also entered into water supply contracts with NamWater for water supply to their households. This category of consumers is referred to as “*private off-takes*”. These consumers somehow escalated their debts as they saw the Local Water Committees were not paying.

Honourable Deputy Speaker, attached to this problem of Local Water Committees, there were also very serious leakages between the water points and the consumers and most of these leakages were also billed on these farmers.

Currently, as we speak – and this is the thrust of my argument – the farmers in the area of Okakarara-Okapanda-Okamatapati pipelines and the Otjituuo-Okapanda branch lines owe, as at the end of May 2007, over N\$43,837,000 to NamWater,

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comprising of N\$39 million old debt and a continuous monthly debt of N\$5.4 million.

Honourable Deputy Speaker, we are talking about a principal debt of N\$44 million that is outstanding and I am not directly or indirectly lobbying for consumers not to pay for their water and I further want to thank the Cabinet of our Republic for having decided to take a decision that the historic debt should be stripped off all interest and that these consumers will not pay VAT. That is a very laudable exercise that the Cabinet decided to strip off all interest on this principal debt. Although this gesture is laudable, the material facts surrounding the matter is the following:

In the area under discussion there are currently 77,000 large stock units in the area, according to information obtained from the state veterinarian in the Department of Agriculture of the Ministry of Agriculture, Water and Forestry on a survey done in 2006 of livestock.

One can make a simple calculation and give the very blunt argument, as proposed by Honourable Utoni Nujoma, "*sell the cattle*". If you sell 77,000 large stock units today in that area, you are going to end up having an amount of N\$22 million if you sell each head of cattle at a maximum price of N\$3,200. The problem is, it is not that the people in the area do not want to pay for the water, but the number of cattle would not commensurate with the amount of debt. If they sell their cattle, they will not even cover the whole principal debt, and I am not talking about an escalating monthly debt of N\$6 million.

Honourable Deputy Speaker, I am thus pleading for much greater debate and understanding of this issue, that even if you tell the farmers to pay for water, one solution is that the water is just too expensive. The farmers in those communal areas cannot afford the water, because if you ask them to pay off their debt, they are not going to take their children to school, they are not going to take care of their families because the number of cattle available is only 77,000 herds of cattle and I am not talking about the calves that were born yesterday.

I am just pleading to our Cabinet for a much greater understanding to look into this matter and put in place better measures. I understand that the problem is the liquidity of NamWater. If we say that NamWater must write off the debt, then they would be owing money because it is a service that they have provided. But I think the Ministry of Agriculture should look at the possibility to bail out these farmers and to write off these debts, so that the people can start with new principal debts.

It is very unfortunate that the Motion was moved only for one water carrier problem, because I was not really aware of the Omusati problem, but they have a similar problem. If you look at the number of cattle in that area and if you ask

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farmers today to sell their cattle – and their debt is only N\$7 million...
(Intervention)

HON DEPUTY MINISTER OF LANDS AND RESETTLEMENT: May I ask the Honourable Venaani a question?

HON VENAANI: I am motivating a Motion. (Interjection). I am not abusing, I am on record raising very important issues that you agree with. It is just that you do not want to vote with me, but you agree with the issues that I bring to this House.

This issue is very important and it is our further submission that the Government must write off these historic debts, to allow farmers to farm productively without the hassle of their water points being cut off because of this principal debt.

Honourable Deputy Speaker, with these few thoughts I would wish for a very positive Debate in this regard and I thank you.

HON DEPUTY MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: Honourable Deputy Speaker, I have to speak on this Motion right away for obvious reasons.

Unfortunately, whether you like it or not, in this country one cannot run away from the issue of tribalism, whether it is a disguised one or a coated one.

Tribalism in this country, whether you like it or not, is a reality and the water issue in the Okamatapati area is unfortunately one of those silent tsunamis. It is being used as a tribal weapon by certain political figures. Therefore, since I know Herero tribal politics, which also goes with either a SWAPO, DTA, NUDO, but unfortunately, being a SWAPO politician competing for votes on an issue which was not supposed to be politicised, which unfortunately is being politicised, I have to give my comments just right now, because I know that because of the comments that came from this side, such as “*sell the cattle*”, we will be told “*Owambo mwari amamu vezuu kutja mavetja ngatu randise Ozongombe*”. Whether it was being said jokingly across the Floor here, the reality is that that will be the talk. Therefore, let me address the issue. (Interjection).

Yes, you heard them saying that, “*let us sell the cattle*”, so the politics of hypocrisy in this country is given. We do it, we promote tribalism, but when the people are saying this is tribalism, we pretend that those who are raising these issues are tribalists themselves. No, we must start building this Nation.

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Surely I would agree and I will share the sentiments that water in Okamatapati and Okakarara areas is an issue of concern. It is an issue of concern to the farmers themselves, it should be an issue of concern to the Government and it should be an issue of concern to the parastatal or the directorate which is providing water. This issue should be one of those issues which should be treated as a non-partisan issue. It is a matter which should be treated on a non-partisan basis when you are at national platforms like Parliament here and it is a matter which should be treated as a non-partisan matter when we are at funerals, when we are at weddings, when we are at whatever gathering. It should be a non-partisan matter because it affects household life. It deals with the issue of human security, provision of food, because you are dealing with livestock on which these people are dependent.

Therefore, it becomes unfortunate when sometimes we turn this issue into either a partisan matter along tribal lines and, therefore, you do not know how to tackle it, because it is decorated with partisan cream in order to win votes. But the victims will be the consumers themselves.

Yesterday somebody called me about the issue of roads and the issue that was raised by Honourable Kaura, although I was not here, which had an insinuation of tribalism and then this caller also raised the issue of water in Okamatapati area and the issue of roads. Even if they do not talk on a partisan basis, they say they have biological relatives in Okamatapati and I was saying the fellow has a point, but when he started expounding his tribal position, it was stinking, it was bad, because he was trying to say that people in some other parts of the country do not have a problem with roads, it is only in the Okamatapati area where the Government is killing the people.

At one time I drove from Okahao, going to Onesi and I was comparing that road to the road between Tsumkwe and Gam, a beautiful road. If you go to Gam there are Hereros, Ovambos, Damaras, Kavango's and the Hereros will be in the majority, but there is a smooth gravel road from Tsumkwe to Gam. When this fellow was talking on National radio yesterday, saying that the reason the people in the North are quiet is because they do not have a problem with roads, I lost sympathy because we cannot build a Nation on that basis.

Please, let us not score cheap political points and I am not saying that Honourable Venaani is trying to score cheap political points, but coming from the Herero political environment, you may speak here as a Nationalist but when you retreat to the funerals, you will start speaking in another language and there I am not supporting you. (Intervention)

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HON VENAANI: May I ask the Honourable Kazenambo a question? Are you aware that the person that you are trying to accuse at funerals, that I attend funerals in all the Regions of this country, even in your village?

HON DEPUTY MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: Honestly speaking, to respond to the question of Honourable Venaani, despite the fact that Honourable Venaani is from the DTA, he is one of those Namibians who is really a Namibian by excellence – make no mistake. I have been at an event where I saw Honourable Venaani defending Namibianism, not like some hypocrites here who are just Nationalists but typical tribalists by excellence. Not Honourable Venaani. Therefore, I cannot doubt him when he says he attends funerals across the country, but that was not the issue.

The issue is water in Okamatapati and I am glad that Honourable Venaani has commended the efforts which Government has made in addressing this issue. The problem is that when he talks at funerals – and I am not specifically referring to Honourable Venaani – when you hear people talking at funerals and weddings outside this platform, they do not acknowledge that Government is also concerned about this issue. They will just make an overall statement that this is a problem of discrimination.

Having made that observation, please let us separate partisan politics from issues that are affecting our people and issues that are affecting our Nation. Let us acknowledge what Government is doing, because Government also has a moral duty to develop this country. For example, we know very well who is handling the water in Okamatapati and sometimes the behaviour of our parastatals, going for profit maximisation, puts the Government in a bad light.

Some of us who are foot soldiers – and maybe I have now graduated from being a foot soldier because I am a Member of Parliament and Deputy Minister and a person would say, “*you are defending yourself because you are paid*”, but really, sometimes the colleagues in the parastatals and the so-called consultants are insensitive. Even the water leakages is not an issue for them sometimes, they are just recording the water meters and they do not listen to these poor farmers who are in those areas.

Therefore, somewhere, somehow either a joint commission should be established to investigate these issues, because when it comes to Etosha increasing tariffs at the resorts, you would see those communities who are tourists press the issue and when it comes to water in Okamatapati, those of us who are peasants and farmers will become concerned and when it comes to the issue of transformers, the elite of our society will become concerned – the elite, including Honourable Venaani, the commercial farmers will become concerned.

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What I want to say here is that it should not be seen that maybe one is taking a tribal line *per se* on these issues and we should divorce tribalism from these issues, because the issue of water in Okamatapati affects citizens of this country, irrespective of their tribe, irrespective of their party orientation.

Therefore, I am supporting this Motion if it is really – no, you cannot clap hands because you think that I am supporting DTA. No, I have nothing to do with your Party. Do not get the wrong impression, I will support this Motion provided it is so innocent and holy that it is aimed at addressing the plight of the people. Coming from the person whom I know, despite the fact that he is a DTA member, I hope he is bringing this Motion here for Government to investigate further than the surface of the ground as to where the problem lies. I will however condemn this Motion if it is meant to attract votes, when it is meant to continue with the notorious language like the one that I heard... (Intervention)

HON RIRUAKO: How do you know it is going to attract votes? How are you going to demarcate which part of these votes are going to be in your favour?

HON DEPUTY SPEAKER: It is a question. Will you accept that question?

HON DEPUTY MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: I accepted the question already from my Honourable Chief. Honourable Chief, I am saying that I will support the Motion if it is innocent, if it concerns the plight of the people, but I condemn the Motion if it tailored in the spirit of the caller who was saying that only in Okamatapati the roads are bad and the people in other areas are silent because their roads are not bad. That is sectarian, it is tribalism. I have never driven in rural Katima or rural Caprivi... (Intervention)

HON RIRUAKO: On a Point of Order, I am not asking a question. Honourable Kazenambo, you taught us tribalism here, you. Now what are you talking about tribalism? You are the one who lead the tribalists here, the very one who coined the word “*tribalism*” and many who mentioned, “*there is the President, he is Owambo, the Vice-President is Owambo, the Prime Minister is Owambo.*” What is that? I know you are a Namibian but who is who? That is for your information, you must know that.

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HON DEPUTY MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: I will proceed, I was about to conclude. Can I answer my Chief? (Intervention)

HON MINISTER OF FINANCE: May I ask a question to the Honourable Member? Is the Honourable Kazenambo aware that the ethnic diversity in the Political Party of the Honourable Chief is very, very poor in this House? Does the Political Party that is led by the Honourable Chief in this House reflect the ethnic diversity of the Namibian people? (Intervention)

HON RIRUAKO: On a Point of Order. I have Angulas and others, but they are leaders, they are not semi leaders. You have a name called Amadhila, but he is just told he must say this, but not this. It is not fair.

HON DEPUTY MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: When you plant seeds in the sand, I do not know what the outcome will be. To answer the Chief and the Chief asked a very serious question and it was followed up by the Minister.

I made a statement in this very Parliament that I am in SWAPO, aware of the fact that the President of SWAPO is an Owambo-speaking person, the Vice-President of SWAPO and the current President of this country is an Owambo-speaking person and I was saying that these are not entitlements, it was because of actions in SWAPO. You can have a wife and husband occupying leadership positions, but the problem is that it is not their entitlement, it is their actions. They are married and they have votes, not tribal votes, not on the fact that they are husband and wife, I will not have a problem. (Intervention)

HON DEPUTY SPEAKER: Honourable Kazenambo, do not allow yourself to be drawn into something which will make your Colleagues feel bad because of the question of Chief Riruako.

HON DEPUTY MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: Unfortunately my Colleagues here may feel uncomfortable, but the reality of politics outside there is based on those types of talks and for how long they are going to sustain it. Let us speak about these realities.

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HON DEPUTY SPEAKER: It should be in the Political Party, not in the Chamber. Please, I request you....

HON DEPUTY MINISTER OF FINANCE: I am extremely sorry, Honourable Deputy Speaker, I did not mean to interrupt you as the Chair. May I ask my Honourable neighbour here a very tiny question?

Honourable Kazenambo, you made a statement that you support the Motion if the intention is to address the National issue. Would you then agree that the way the Motion reads here may concern the issue that you do not want to address, of tribalism, because this specific Motion asks this House to Debate on only the Okakarara Water Carrier and that this, by the way it is being put to the House, would exclude other areas which are also experiencing exactly the same problem and that this may be a ticket to tempt this House to address a tribal issue instead of addressing the issue which is experienced elsewhere? Just the way it is put here, would you agree that this may be a temptation for this House to deal with a tribal issue instead of a National issue if it was reformulated otherwise?

HON DEPUTY MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT:
Honourable Tweya, that is why I pinned my statement. (Intervention)

HON SCHIMMING-CHASE: May I ask Honourable Kazenambo a small question?

HON DEPUTY MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: Honourable Deputy Speaker, there are many questions that I have not answered. When I am answering someone stands up. Can I be allowed to answer some? (Interjection).

HON DEPUTY SPEAKER: Honourable Chief, withdraw the word “*lying*”, there is no Honourable Member who can lie. You said “*lie*”. If you are talking in an angry mood, you can say something that you cannot hear yourself.

HON RIRUAKO: I said, “*you mentioned a lot of things.*”

HON DEPUTY SPEAKER: The statement is too short, it was a long statement. Proceed, ask the question.

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HON SCHIMMING-CHASE: Honourable Kazenambo, after so many years of resettlement and Affirmative Action, after a history of inter-marriage amongst Namibians, is the Honourable Member trying to say that there is only one ethnic group that farms in that Region? Because if that is the case, then the Honourable neighbour may be right, but I would be very careful, as leaders of this country, to say there is an area in Namibia where only one ethnic group lives. Is that the case?

HON DEPUTY MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: Honourable Deputy Speaker, I wish Namibia could have been at the stage where we are making hard efforts to be a Namibia which is one Namibian Nation and a Namibia which is tribally blind, which is ethnically blind, a Namibia which walks its talk. Unfortunately, the reality outside there... (Intervention)

HON RIRUAKO: On a Point of Order. I am talking to you, my in-law is Honourable Ekandjo, who is your in-law? That is a question. How do you know that you are superb? I can name them here, name a few there. What makes you to come up to standard? If you talk about issues, do it, do not tell me something you do not even do. Do it while I am here and we have time while we are here. Teach us how you are going to do it.

HON DEPUTY MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: To answer some of these questions that were raised, I said I will support the Motion with the hope that it is presented to address the plight of all the Namibian people outside there and if it is not that way, I will not support it.

However, on the question which was asked, I would beg the Honourable Deputy Speaker to allow me to address it. Our statements here subject ourselves to certain risks outside there when we are out of this immunity and we are human beings who exist here.

Honourable Riruako, the issue which you have raised and I have already faced the music on it and I am prepared to face it tomorrow, your Party, Honourable Riruako, is the biggest culprit of tribalism in this country. You talk double-talk. The main reason why you have pulled NUDO out of the DTA, is because they have the likes of Honourable Moongo, because you have been questioning the number of votes that DTA gets from the North and what is the justification to have the likes of Moongo. Your Party is true fact of your statements outside there.

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NUDO is composed of the Okakarara clan on the basis of superiority, because you believe that you are challenging Honourable Kaura in his territory. (Intervention)

HON DEPUTY MINISTER OF EDUCATION: On a Point of Order. May I ask Honourable Kazenambo to please take time and just go and prepare a presentation and address the Motion once it has been adopted?

HON DEPUTY MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: I am a politician, my sister, I am not an academic and I am a political animal who is being hunted by issues, my friend. (Intervention)

HON RIRUAKO: On a Point of Order. Who is my best friend in Owamboland? I slept there. How many Hereros are in Owamboland, but I do not go to them when I sleep there. Prove to me who you are.

HON DEPUTY MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: This is the crux of the matter. (Intervention)

HON DEPUTY MINISTER OF GENDER EQUALITY AND CHILD WELFARE: May I ask my brother a question? Honourable Kazenambo, are you aware that some of the Herero traditional leaders are troublemakers or tribalists. Are you aware of that?

RT HON PRIME MINISTER: I am rising on a Point of Information. I want to read from Article 60 of the Namibian Constitution.

“Duties, Privileges and Immunities of Members”. Clause 1(a): “The duties of the Members of the National Assembly shall include the following: all members of the National Assembly shall maintain the dignity and image of the National Assembly both during the sittings of the National Assembly as well as in their acts and activities outside the National Assembly.”

That is my Point of Information.

HON DEPUTY SPEAKER: I think the Members will understand what the Right Honourable Prime Minister is trying to say. The behaviour in this House is now

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becoming tribalism. I told you that we should address those issues with our parties outside, not inside here. You will get no solution here. If the Chief is tribal or the Colleague there is tribal, there is no solution. Go to your parties and solve your problems. Proceed, Honourable Member and conclude, please.

HON DEPUTY MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: As I was concluding and as these talks continue to haunt us, surely on the Point of Information given here, that is what I was saying, that I support the Motion if it addresses the plight of the Namibian people outside there and it is not specific. I also said people in the House speak a different language and they do not subject themselves to the same action outside. Therefore, we negate the Constitution here and that was really the basis of my understanding. That is why the Chief is asking me who I am. Honourable Tjihuiko spoke in this House, saying that I am from Botswana and I was not supposed to be a Deputy Minister in this country.

Now to explain the question being asked, who am I? I am a Herero born in exile, a Namibian who does not vote for NUDO. NUDO is voted for by Hereros in Gam who came from Botswana. Just like you did with me you will also go and ask who are those Hereros who voted for you.

I support the Motion if it is National and I condemn it if it is not. I rest my case.

HON MOONGO: Thank you, Honourable Deputy Speaker. I wholeheartedly support the Motion, but I just wanted to put something in the correct perspective.

It is not only people from that area that has a burden, but that one is very much disturbing. The communities can no longer afford to pay for that water. Also the people in the Omusati, Oshana and Oshikoto Regions... (Intervention)

HON DEPUTY MINISTER OF FINANCE: May I ask the Honourable Member a very tiny question? Is the Honourable Member aware that in the Oshikoto Region a community or area called "*Omahenene*" have exactly the same problem. The water was cut for cattle and schools, for that matter, and they have exactly the same problem as this one. As I sit here and participate on this Motion the way it stands, I may be called out of order because I do not address the Motion.

How do we, by participating in this Motion, include the other communities that experience exactly the same problem if we want to represent the entire Namibian Nation?

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HOUSE ADJOURNS AT 15:40

HOUSE RESUMED AT 16:10 PURSUANT TO ADJOURNMENT

HON MOONGO: Before we adjourned, I was saying that this experience of huge debts is not confined to certain areas, it is also in Omusati, Oshana, Oshikoto, Kavango and Caprivi. Let us therefore not hide behind tribalism, let us face the reality.

The present problem is the huge debts which the communities cannot overcome and, therefore, I appeal to all of us, especially the Government, to understand that the pressing problem now is the huge debts which the communities cannot afford to pay. (Intervention)

HON DEPUTY MINISTER OF GENDER EQUALITY AND CHILD WELFARE: On a Point of Information. I support my Chief there, but I think the things we are talking about now should not be brought to the Chamber, but we have to talk to the Ministry of Agriculture. If the Ministry refuses, we can bring it to the Chamber. It is however not good to bring the issue to the Chamber before speaking to the Minister.

HON MOONGO: I do not want to be forced to participate in tribal conflicts and Debates. What I want to say is that we already know that the majority of the people living in Okakarara are Hereros and Omusati is dominated by Owambos. Everywhere it is like that. Let us accept our situation, that is the Namibian situation.

Allow me to congratulate the Government for a very good move, because we already have Article 23 which prevents discrimination of any kind. (Intervention)

HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: May I ask the Honourable Member a question? Honourable Moongo, I fully agree with you that this is a National problem facing all of us, but are you aware that in some other areas where they were faced by these skyrocketing amounts, they came together and agreed to share some of the livestock they have, selling them in order to pay some of the debts. That has prevented the amount from going higher and higher. Are you aware of that?

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HON MOONGO: I think the Colleague was not here when I said that the communities cannot afford it anymore. It is so huge that it is a burden they cannot overcome by themselves. That is the reason we rescued Air Namibia here. (Intervention)

HON NAMBAHU: On a Point of Information. It is a pity that this Debate is actually taken out of context. The Honourable Minister of Agriculture, Water and Forestry and his Deputy are not in the Chamber and cannot provide information as to how this debt came about. It is true that we are facing this kind of situation in the whole country, but as far as the specific area is concerned, that debt came about as the fruit of political interference and motivating and encouraging people not to pay. As a result we are now reaping the fruits of our political seeds. So many times there was political interference in that area, "*do not pay the Government of so and so*", a very tribal speech. It is very much known.

Therefore, Honourable Moongo, if you are not aware that these things were being done behind your back as the Vice-President of the DTA, please you have to learn more and find out how these amounts came about in the areas where the members of the community are unable to pay. The farmers are now supposed to find out from these politicians why they told them not to pay and the amount has skyrocketed and now we are coming to Parliament to ask Government to scrap the debts. I think that is not fair and if we are doing things behind each other's backs as members of the same Party, I think you need to find out how this debt came about. The Department of Rural Water Supply. It has a long, long history, there is a whole history around this, "*do not pay the Wambo's Government*" and the Honourable Minister is not even here.

HON MOONGO: Thank you very much. I do not want to respond to that question, but thank you. (Intervention)

HON KAURA: Honourable Deputy Speaker, let us not play with a serious matter like this. In 2002 the statistics pointed to 150,000 herds of cattle that were in that area. They were reduced to 77,000 due to the payment of water bills. When somebody comes with an asinine statement like that, that there was political intervention, these are the things that are taking us to areas which we do not want to tread.

HON MOONGO: Thank you, I am here not to learn today from past experience and past rumours, I am just motivating on the current situation. I know many people have been blamed for what they have never done, we know this already,

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and we already know that when South Africa was here, the minority was much more mature. When they took over Namibia, they put Affirmative Action for whites only. However, the Namibian Government failed, they introduced Affirmative Action without teeth. They are supposed to take away those debts.

HON MINISTER OF FINANCE: I would just like to inform Honourable Moongo that what happened during the colonial era was not Affirmative Action for whites. That was discrimination and apartheid, preferring a certain segment of the population and treating it more favourably than the rest of the society. That was not Affirmative Action, because Affirmative Action means to redress a wrong that was done to somebody in order to bring them on par with the other people. How can it be Affirmative Action to favour a certain segment during the apartheid system?

HON MOONGO: Affirmative Action is supposed to assist a community which has a serious burden and the Government is supposed to establish a commission on integration and true integration should solve many of the smaller problems before it becomes bigger and bigger. Now the debts are huge and the community cannot afford to pay it. Let the Government introduce a commission of integration in order to avoid that Omusati is not dominated by too many Owambos, that Okakarara is not dominated by Hereros.

HON DEPUTY SPEAKER: Honourable Members, I am not going to entertain any tribal language here again. If anybody here mentions another tribe, I will rule you out of order... (Interjection)

HON MOONGO: I condemn it.

HON DEPUTY SPEAKER: That is what I am saying, do not encourage that.

HON MOONGO: I gave a good proposal to the State, not only to allow Article 23 to prevent discrimination, but we need true action on integration. A commission of integration should be established, which can integrate the communities. But first of all, let us face the crisis, the debt burden. Colleagues, let us not hide behind tribalism and hide behind tribal backgrounds, let us just solve the problems countrywide and then from there we march to unity. However a commission on integration could be established to see to it that corrective methods are used to integrate communities, and not only that, to check also that the political parties are not tribal, so that we do not go back to tribalism again.

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HON DEPUTY SPEAKER: Again you are becoming tribal.

HON MOONGO: No, this is a proposal. Government has to see to it that everything is done according to the law of unity. (Intervention)

HON DEPUTY MINISTER OF LABOUR AND SOCIAL WELFARE: On a Point of Order. It is not allowed for a Member to argue with the Chair and to point a finger to the Chair. That is not parliamentary.

HON MOONGO: I maybe pointed it at one of the Members, but if you are too tribal I must point a finger at you.

HON DEPUTY SPEAKER: Honourable Member, so you are pointing a finger at me that I am tribal, because you were looking at me.

HON MOONGO: I withdraw that. I thus appeal to the Government to be serious and eradicate the tribal tendencies and eradicate those tendencies of people who want to continue with tribalism. Let us not hide behind tribalism, let us solve the problem countrywide. I do not only support one side and I said that is why we are here, we can amend the Motion to say all Regions.

I support my President when he said it was too tribal to put four Councillors in one Region while the people of that affected area were forgotten. The affirmative law does not allow that. (Intervention)

HON DEPUTY SPEAKER: Talk about water, Honourable Members, do not go to Keetmanshoop.

HON MOONGO: He was correct, the people of that area were neglected and they picked up some other disadvantaged community from another area and installed them in the other area while others are there. I think he gave good advice.

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HON DEPUTY SPEAKER: No, you cannot come with the speech of somebody else which he gave somewhere else, which is questionable and come up with it here.

HON MOONGO: It was mentioned here. (Intervention)

HON DEPUTY SPEAKER: No, that is why I am saying we should stop involving tribal issues here.

HON MOONGO: With these few reasonable arguments, I support the Motion.

HON DEPUTY MINISTER OF LANDS AND RESETTLEMENT: Thank you very much, Comrade Deputy Speaker. I will try to avoid expressing any opinion, because I do not have one. However, I see this issue of water just the same as I consider the land, which is a very important resource in our country.

The Motion is talking about Okakarara only, but I am not going to limit myself to Okakarara, simply because this problem is elsewhere.

Honourable Venaani, in his motivation, really did not inform this House and the public out there what was the cause of the escalating debts. We know for sure that the payment of water did not only apply in the area being mentioned, it also applied in other areas and I think the debt did not escalate in the other areas because they maybe did something. If the Honourable Member could have told us what caused this, maybe it could have helped us in understanding why the debt has escalated. (Intervention)

HON KAURA: May I ask the Honourable Deputy Minister a question? Honourable Deputy Minister, can you explain to us what is the reason why Air Namibia is continuously in debt and it has to be bailed out by this House? Why can they not come out of that debt?

HON DEPUTY MINISTER OF LANDS AND RESETTLEMENT: Comrade Deputy Speaker, I was saying that I do not want our people just to be there, waiting to be bailed out. I am speaking under correction as to whether the people mentioned in the Motion are really trying to pay off these debts.

If we are to Debate here and consider to take away these debts, what about the other areas? Are we going to make a piecemeal Motion for every area or should it

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apply to everybody? That is why I urge Honourable Venaani to really broaden this Debate, so that we include all the people and all the areas that are struggling to pay off the debts. I think Government would be sympathetic when somebody is trying to do something, but if you are just using the water for a certain number of livestock and you are not paying off until the debt has escalated, I think we should not allow our people to do that. They must do something and the Government could meet them halfway.

As I said earlier, I am not only talking about the people of Okakarara, but the whole country that is experiencing problems not only with water, but also other debts, be it electricity or maybe other services that they are getting. We must really inculcate a culture that once you are getting a service, you must pay for it and yes, if there are difficulties, those difficulties can be looked into. (Intervention)

HON DEPUTY MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: On a Point of Information. I would support the broadening of the Motion, but the Point of Information is that it should not be taken that all the people from that area are sitting idly and not paying. Some people in that area are paying their dues, but the magnitude, the size of the debt needs to be addressed in a very sober manner. These families are dependent on livestock and not only in that area, but all over the country. Families differ in terms of wealth, especially those dependent on primary wealth like livestock. It changes, it is a question of fortune. Last year you had a hundred, this time you have less. Therefore, it should not be understood in the sentiment of Honourable Kaura on Air Namibia, the two comparisons are not the same.

I am saying the people there are really trying. I understand where it is coming from and I understand the enquiry, but I wanted to provide the information that some people are paying.

HON DEPUTY MINISTER OF LANDS AND RESETTLEMENT: Yes, what I was saying, Comrade Deputy Speaker, Honourable Members, is just that we really need to inculcate a culture into the Namibians to pay for the services. Yes, there are difficulties and I think difficulties have been there and the Government has been helping the people. Let us not try to make this a unique area in Namibia.

I now understand that there are people who are paying, but maybe we need to look into who are the people who are paying, who are the people who are not paying and believe you me, you will find that even those people who are able to pay, are actually the ones not paying and those who are struggling, are the ones who are

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paying. Therefore, it should not be one-sided, just to ask Government to come in while we leave the people to be either paying or paying a little or not paying at all because they feel that there is a Member of Parliament who is trying to bail them out.

With that, Comrade Deputy Speaker, I indicated that I am not going to express any opinion, but this is what I had to say and I thank you.

HON SCHIMMING-CHASE: Thank you, Honourable Deputy Speaker. From the onset, Honourable Deputy Speaker, I think we are making a mistake of trying to address the problem and not the cause of the problem.

When we started talking about parastatals and the privatisation of various things in this country, I opposed the privatisation of water. I believe that water is life and that water should not be privatised. I used an example then and I will use it again.

My water bill, since Independence, has increased by more than a thousand percent. If you look in the country, and I support those who say we should not just talk about one Region and I do not believe we should talk just about farmers, because if you travel in the country, there are old-aged pensioners today sitting on the street, because they have not been able to afford their water bills and their houses have been sold. There are areas where there is absolutely no water and small-scale farmers, resettled farmers whom we thought we would help to eke out at least a subsistence existence for themselves, cannot do so today because they cannot afford to pay the exorbitant water bills.

One thing that has become clear, and this discussion was part of the discussion on parastatals, the people who have benefited most by the privatisation of water, are the people who work for the parastatals. If you look at their salaries, if you look at their benefits, it is incredible in comparison with what the municipality took at the time when the municipality took care of water.

I do not want to say much more than that, except to say that the root cause of the problem is privatisation of water. The beneficiaries are those who work for NamWater. Those who suffer are the poor throughout Namibia, be they farmers, be they pensioners, be they even employees who receive such small salaries that they cannot afford the constant increase in water bills.

I think that I would request Honourable Venaani to try and change his Motion to incorporate all the problems that have been caused by the privatisation of water and to seek for a National conference to discuss how this can be changed so that the people of Namibia do not become poorer because of the privatisation, but that they can have water in order to eke out a living in all sectors of their living and throughout the whole country. I thank you.

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HON NDJOZE-OJO/HON DR AMWEELO/HON KAWANA**

HON DEPUTY MINISTER OF EDUCATION: Thank you very much for giving me an opportunity. I am not contributing, but I am just craving the indulgence of the Mover of this Motion, if he could take some of the suggestions I would like to suggest to modify the Motion in line with what has been discussed in this House and I am just wondering whether it will help to suggest that, as he had put it:

That this Assembly discusses, and uses it as a case study, to address similar situations countrywide and thereby the effect of privatisation of public utilities with a view to allow the recalculation and softer repayment periods to avoid water or public utilities suspension.

I am just suggesting a modification so that when we are deferring this Motion for discussion later, we would take this suggestion into consideration. I thank you.

HON DR AMWEELO: Thank you, Comrade Deputy Speaker. Mine is almost similar to that of the Honourable Deputy Minister of Education, because I know and I believe that we really have a problem, not only in one Region but in all the thirteen Regions. My suggestion is that maybe something needs to be done before we blame each other.

Some people are saying privatisation is a problem. Maybe it is not a problem. Why do we not conduct research so that we could really identify the problem, identify the cause of the problem. We cannot say it is privatisation, others say it is caused by something else, no, we have to identify the problem through research.

I know many things need to be considered when we really want clean water.

They use a lot of chemicals and those chemicals have to be bought, they do not get them for free. They cost money and the water in our Region cannot be freely supplied, because it needs a lot of chemicals to be treated in order to supply clean water.

Therefore, we need to pay for water, but we do not know what the problem really is and we are just guessing here that it is privatisation. Maybe privatisation is not a problem. Let us conduct a study, let us do research to identify the real problem. Thank you very much.

HON MINISTER OF PRESIDENTIAL AFFAIRS: Thank you very much, Comrade Deputy Speaker. I rise to contribute to the Motion on the Floor. Indeed, I agree with some of the previous speakers that this issue is a National issue and we should consider it as such.

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HON NUJOMA**

At one point some of us were not very keen to commercialise water. At the moment politicians are saying the next wars will be fought over access to water. Definitely, water is life and Namibia, in terms of southern Africa, is the driest country, followed only by Botswana. I think we need to reflect in terms of policy over access to water, particularly in our rural communities, because it so happens that sometimes even the water tariff of those who are next to the river is more expensive than those who live in Windhoek. I think the time has come to really reflect as Government, as a Nation, as policy-makers, National leaders in this House, maybe to plead with Government to re-look into this issue at a wider scale than the Motion before this august House.

This is really my contribution, that we definitely need to reflect insofar as water is concerned and to maybe come up with a National tariff, instead of people in rural areas paying more than people living in urban areas, as is currently the case. I think we really need to reflect on that one.

We also have to find ways and means of alleviating the plight of the poorest of the poor when it comes to access to water and also our pensioners. That I would definitely support. Otherwise my conclusion is that Government definitely needs to reflect on this aspect. Thank you very much.

HON DEPUTY MINISTER OF JUSTICE: Thank you very much, Comrade Deputy Speaker, I also want to make a contribution to the Motion on the Table, but since a lot of my Colleagues have spoken and I agree entirely with them that water is life, it is a National problem, we have privatised, we need to look at the cost and address the symptoms and the disease, therefore I support the previous speakers who said we need to broaden this issue, we must not approach it from a sectarian point of view but address it holistically because it affects the whole population of Namibia.

Even if you go to Katutura here in Windhoek, people do not have water, their water has been cut off because they cannot pay their debts. People all over the country are crying and water tariffs are going up. It is important that we have a sober approach to this issue and critically look at it.

There was a perception thrown on the Floor here which I wanted to correct and that is when somebody said people must sell their cattle if they have too many. I think the Minister of Agriculture made a proposal, a request to our communities, that those who have excess cattle should please sell their cattle. Let us sell these cattle so that we can settle our debts. Let us sell the cattle so that we reduce the overcrowding.

I know that in most of our rural areas some people have more than 800 cattle and they do not pay for the water and the people who have less are the ones who are

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paying. That is why it is important that we have to look at this issue and the Minister has emphasised that we are approaching drought, let us sell some of the cattle. I know my uncles have cows and they just want to see the number and they keep saying; “*ozondo zeya*”. They pride themselves in the numbers. When the drought comes, we all suffer.

Therefore, it is important that we also have to educate our people to please sell some if you are in difficulties and I agree with Honourable Katali that we must also inculcate a culture of responsibility. We cannot just expect to get services free of charge. These things are being paid for, the chemicals are imported and so on.

That is my small contribution. Thank you very much.

HON MINISTER OF FINANCE: Honourable Deputy Speaker, I would state once again the point that I have made on numerous occasions during the Debates of many Motions that have been discussed in this House and this is the point that it cannot be right that we would come to Parliament with an *ad hoc* proposal that says Government should fund this or Government should write off that debt. It can never be right to do that. First, it is *ad hoc* in nature and it would never really truly address the problem that we are seeking to address.

If we want to have a long-lasting solution to the problems that we face, we should learn to address issues in an integrated manner, looking at the causes in all their diversities and trying to come up with a solution that addresses all the causes.

Secondly, and as important, we should actually determine the costs that are involved in addressing an issue and identify the sources of funding the measures that we want to agree upon. If we agree today that we are going to write off debts for the farmers that use this water pipeline, that does not address the issue. We actually have to look at why is it that this debt was accumulated, how is it that that problem can be addressed and how do we raise funds to be able to do that and still be able to continue with the investment in the water supply infrastructure.

Unfortunately I have to state that sometimes we lose sight of the fact that we are the only ones, however poor we are, we Namibians are the only ones that can finance our own development. There can be no way that we can classify all of us too poor to afford anything and still expect that we should be able to implement programmes in order to realise development, because no one can do it for us. We can say NamWater should write it off and the Government should finance it, but the Government gets its revenue from taxes. These taxes come from companies and from individuals and when the going gets tough, as it did one year, we came to this Parliament and we increased corporate and PAYE rates.

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I remember that at one time the highest income tax rate was 40%, it was actually even 42% at one time. That shows you that we are the only ones that can pay for our development.

Therefore, it is a matter of you take it from this hand and put it in the other hand, but we will have to come up with that money in any case. We can decide to go and borrow, but borrowing does not substitute for one's own income. Borrowing is only a cash flow management instrument and you eventually have to pay back your debt and you can only pay it with your own income.

Therefore, when we look for solutions, we should look at how much they cost and how we can raise these funds and how doing so would impact on the bigger picture. I am not saying that we do not help people that need to be assisted in a way, what I am saying is that we should not overlook some realities and just say things that may be ideal, but may not be practical.

I would rather go with the view that says, if we think that a policy is not serving us well, maybe we can come with a proposal that we look at it again in its entirety. We however have to understand that when we change the approaches, we have to look at the cost implication and how we are going to meet those costs. Thank you.

HON BOOYS: Thank you, Honourable Deputy Speaker. My contribution will be very short.

Honourable Deputy Speaker, the issue which we are discussing of Okakarara Water Carrier is under NamWater and NamWater, as I understood, is a parastatal. They can say Government, but history taught us that parastatals are on their own.

We have in the past in this House discussed issues affecting our communities, such as electricity. I remember during a Budget Debate how eloquently we argued on electricity, but at the end of the day we still come back with bills for parastatals which show that we are not in charge of those parastatals.

I do not know whether it really makes sense to ask this House or through this House, the Government, to write off debts and do what. If I were the Mover of the Motion, I would have asked the Government to drill boreholes. I know that one is a Government responsibility. The Mover of the Motion could also maybe request the Government to drill boreholes, because I come from an area where people drill boreholes and do not have NamWater lines passing through their farms. I cannot even express myself properly on this Okakarara Water Carrier... (Intervention)

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HON KAURA: May I ask the Honourable Member a question? Is the Honourable Member aware of the fact that all the boreholes in the Okakarara area have been sealed, all the engines have been taken off, the whole infrastructure has been removed and people are forced to depend only on the pipelines provided by NamWater?

HON BOOYS: Honourable Deputy Speaker, I am talking about Government to take over the responsibility for providing water and I am referring to boreholes. I am sure boreholes already resort under the Ministry and not under a parastatal which you have to go and beg and if they say no, then it is finished. We can come there and have a nice talk on parastatal activities.

What I am saying is that we rather request the Government, through its Ministry, if there are boreholes that have been sealed, to look into it. Okakarara is a communal land, it is not commercial and we know that we have a Ministry dealing with rural development and they are responsible for providing water in rural areas and communal land is referred to as rural areas.

Let us rather as Government intervene to provide water, instead of bringing in NamWater and trying to have nice talks on these parastatals which we know will only be a talk show here and nothing further. Thank you.

HON DEPUTY SPEAKER: Thank you very much. Any further discussions? Honourable Mbai.

HON MBAI: Honourable Deputy Speaker, if there is no further contribution on the Motion on the Table, I would like to adjourn the Debate until next week, Tuesday.

HON DEPUTY SPEAKER: The Debate stands adjourned until next week, Tuesday. The second Notice of Motion is the one of Honourable Viljoen. Does the Honourable Member move the Motion? Who seconds the Motion? Any objections? Agreed to. Honourable Viljoen, the Floor is yours.

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HON VILJOEN: Honourable Deputy Speaker, to qualify my Motion, I wish to distinguish between two groups of people affected negatively by Affirmative Action.

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The first group is the previously advantaged group, those who were born before the Independence of Namibia. My Motion is at this stage not about this group, although Government should take the initiative to address the plight of these Namibians, because this situation cannot go on until the end of eternity.

The second group involves those who at Independence were too young to be held responsible. I wish to call them "*the innocent*". They are the group who started their education careers in January 1990 only. I wish to concentrate on this group and I appeal to the Honourable Members to stick to Motion by referring only to this group in the discussion.

I tabled this Motion as a Namibian citizen requiring consideration thereof by fellow Namibians. I tabled this Motion, knowing that every Member in this House could bring forth arguments that would declare my reasoning null and void. I also did not bring along the Affirmative Action law of 1998 or any other clever regulation to strengthen my Motion or to convince you with facts to vote in favour thereof.

Instead, I come to you with a request from my heart, earnestly pleading for the specific group captured by my Motion. This Motion is not just another one to be discussed, but of utmost importance because the outcome of what we decided will be taken note of not only in Namibia, but also far outside our borders.

I admit that the past was full of imbalances as well as discriminatory laws and practices. I am convinced that all of the Honourable Members can compile a very long list to prove it. I cannot defend or apologise for what happened in the past. (Intervention)

HON KAURA: On a Point of Order. Is it permissible for an Honourable Deputy Minister to say in this House, "*those white people that were beating us up, what is she talking about?*" That is Honourable Muharukua. Is that permissible?

HON DEPUTY SPEAKER: Did the Honourable Member say so? I did not get the words of Honourable Muharukua.

HON KAURA: She was saying it in Otjiherero.

HON DEPUTY MINISTER OF GENDER AND CHILD WELFARE: I did not say that.

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HON DEPUTY SPEAKER: Please proceed, Honourable Member. Let us listen to one another. The Honourable Member is motivating his Motion, let us listen to him so that we have points to put in once we are in the main Debate. Proceed, Honourable Member.

HON VILJOEN: Thank you Honourable Deputy Speaker. I think I cannot defend or apologise for what happened in the past. However, what I know is that other groups of Namibian people have also something in their history which they wish they could erase or forget. If we were objective, we would agree that some of the ethnic groups in Namibia and in some instances, even Political Parties, committed some sorts of injustices against other groups.

Let me state that by making this statement I am not busy excusing anyone for the wrongs of the past. History cannot be changed because it is an irreversible story of what happened in the past.

It is now seventeen years after Independence and the vast majority of the youth, both black and white, knows no other Government except the current Ruling one. (Interjection)

HON MEMBER: We will forgive but not forget.

HON VILJOEN: Foreign countries are willing to assist Namibia in many different ways, because they see that the Government of the day is trying its best to rule the country in an effective, responsible way. Namibia receives many awarding plusses for many positive actions taken. For example, the American Millennium Project. One of the criteria to qualify was that the Government should be found to rule justly. It also means that none of its citizens should be discriminated against.

During the past seventeen years, Governmental policy and resource allocation made quality education achievable to those that did not have it before. I admit that some white learners who started their school careers during the year of Independence may have had the advantage of pre-primary schools and better-qualified teachers. Nevertheless, a large percentage of black learners also had access to these privileges.

As the years progressed, these discrepancies subtly diminished and children began entering into the system on equal ground. Many learners of all races have completed their whole school career from Grade 1 to Grade 12 successfully during the pre-Independence period. It took place under an education system which was the choice of the Government of the day. These learners should not be cut from

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equal opportunities and rights by Affirmative Action. This is a so-called new generation, born free from and only after an apartheid past. By imposing Affirmative Action on the ground of the wrongs of the past violates their human dignity.

There is a perception among the white community in general that Affirmative Action is not there to alleviate poverty, but used as a tool to deprive them of equal opportunities. The white youth say that they had nothing to do with the previous dispensation and now they are the ones bearing the brunt of a policy which was in place even before some of them were born. They are being accused of something they were not part of.

It was said in this Honourable House, without proof, that the white dropouts get jobs because their parents own the businesses. It is not my intention to bring documentation to prove the opposite, but if this Honourable House is interested, I can submit it.

Honourable Deputy Speaker, we receive information through various church communities that many young white people are also unemployed today. When I discussed this issue some years ago with His Excellency President Pohamba, his question was: "*Why are there no white people on the street corners begging for jobs?*" I think that different cultures behave differently under various circumstances, because he is Oshiwambo-speaking, I said that *I have never seen an Oshiwambo-speaking child begging for food or money.*" It is part of their tradition or culture.

Some of our children have to leave the country for others in search of decent jobs. We thus also lose expertise that could have benefited our economy, as many of these qualified Namibians seldom or never return to their country of birth since jobs are hard to find here. These young people and we do see ourselves as part of the democratic dispensation and hardly as people isolated from the harsh realities that the country faces. No, we are devoted to make a contribution to this country and its economy because it is also our country that we are proud of and Government should allow us to do so.

In other parts of the world there are campaigns by pressure groups when they think they are discriminated against. These groups organise all sorts of activities to express their dismay with the Government of the day. The Namibian youth I referred to has never embarked on such practices and, therefore, I wish to plead and appeal to the Honourable Members of this House, the Ruling Party and Opposition Members, to consider this request as a gesture of goodwill. Allow the youth to work in their country of birth, the only one they know, love and treasure without the shackles of Affirmative Action. Allow them to love and serve this country and its people because this is the only path to true reconciliation.

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In conclusion, my Motion is that this Honourable House considers the expansion of beneficiaries of Affirmative Action to include all Namibians who started their school careers in 1990, irrespective of gender, race or colour and I thank you.

HON P MUSHELENGA: Honourable Deputy Speaker, I rise to make my contribution to the Motion by Honourable Viljoen of MAG.

First I would like to draw the attention of the Honourable Member to Article 23 of the Namibian Constitution which talks about apartheid and Affirmative Action. It says:

“The practice of racial discrimination and the practice and ideology of apartheid from which the majority of the people of Namibia have suffered for so long shall be prohibited and by an Act of Parliament such practices, and the propagation of such practices, may be rendered criminally punishable by the ordinary Courts by means of such punishment as Parliament deems necessary for the purposes of expressing the revulsion of the Namibian people at such practices.”

Sub-section (2) reads:

nothing contained in Article 10 hereof shall prevent Parliament from enacting legislation providing directly or indirectly for the advancement of persons within Namibia who have been socially, economically or educationally disadvantaged by past discriminatory laws or practices, or for the implementation of policies and programmes aimed at redressing social, economic or educational imbalances in the Namibian society arising out of past discriminatory laws or practices, or for achieving a balanced structuring of the public service, the police force, the defence force and the prison services.”

Then Sub-section (3) broadens this quote to include women:

“... it shall be permissible to have regard to the fact that women in Namibia have traditionally suffered special discrimination and that they need to be encouraged and enabled to play a full, equal and effective role in the political, social, economic and cultural life of the nation.”

Earlier Honourable Kuugongelwa-Amadhila has just explained what Affirmative Action is. It is to redress the imbalances of the past, to correct the wrongdoings of the apartheid and discriminatory laws. That is what we are doing.

Honourable Viljoen is trying to miss the point, saying young whites should not be

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accused for the sins of their ancestors. This is not what Affirmative Action is all about. When this Constitution was adopted by the Constituent Assembly, MAG by that time was ACN and it was party to this Constitution.

Last year a Motion was introduced by CoD in this House to take stock of the implementation of the Affirmative Action programme and there has been concurrence that not much has been done to achieve what it has been for, and before we even address Affirmative Action, while we have not made any progress, the Honourable Member is now coming to dilute and reverse. (Intervention)

HON VILJOEN: As I said, I did not come with an Affirmative Action law or any documents and it is a pity, with all respect, that the action, according to me, is driven by hatred.

HON P MUSHELENGA: Thank you very much, Honourable Deputy Speaker. It is a pity that the Honourable Member comes up with such statements, otherwise I would equally say that his own Motion is motivated by hatred, to see that those who were previously disadvantaged advancing to be like those that were previously advantaged. If this is the case, then his own Motion is motivated by hatred, to see blacks and women who were traditionally disadvantaged advancing.

Also, to talk about racism, white women are covered by Affirmative Action because they are regarded as previously disadvantaged. The Honourable Member should not miss the point, it is nothing of racism. White women are also covered by this Affirmative Action.

Now he is talking about young whites becoming unemployed, but does this mean that the Honourable Member is now only concerned because he is seeing young whites becoming unemployed? Is this the real motive for him to come up with such a Motion?

Honourable Deputy Speaker, I really think that this Motion is out of order, is ill-advised. Contrary to what the Honourable Member is saying, it is a gesture of goodwill, I regard it as a mockery and I reject it with the contempt that it deserves.

HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE: Thank you, Comrade Deputy Speaker. If there was a sector that was so politicised before Independence by the then Government that was ruling this country, it was the sector of education. Number two, if there was a sector where after Independence, with the foresightedness of those that were in charge, in particular our current Prime Minister, where visible progress was made in terms of

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reconciling people, in terms of bringing people together, it is again the sector of education.

What happened after Independence was the dismantling of the discriminatory system of education that was here and the policy of the Government was and still is: Let the doors of education and learning be opened to all and must remain open to all irrespective of colour, race, gender, religion, as it is articulated in Article 20 of the Constitution which deals with education.

The Honourable Member who has introduced this Motion comes from a teaching background like myself and others here. For many years we were tasked with the responsibility to implement these policies of Government successfully. If you go to our schools today, some of our children who were so young do not even remember what the situation was before Independence. They are friends, they play together, they eat together, they sleep together, but we, as leaders who are sent here to educate them further even on the provisions of the Constitution, are the ones who are trying to open up those past practices of apartheid. I am saying this because I analysed what the Honourable Viljoen is saying. Let us just look at it factually.

He is saying that we should expand the benefits of Affirmative Action to those learners who have started their schooling in 1990. Children who started schooling in 1990, let us say they were six or seven years in 1990, are today 21, 22 years old. In schools, in terms of the policy of Government, there is no discrimination and Government did not implement policies of reversed discrimination, to say that those who benefited from apartheid education must give their facilities or whatever. That never was the case and Honourable Viljoen knows it very well.

Furthermore, when these children went to school, Government did not even implement a policy of saying that those from the advantaged communities must pay more to the school development fund contribution, for example, and those from the disadvantaged communities must pay less. All pay the same and you know it, Honourable Viljoen. There is no discrimination there. No discrimination – same books, same facilities, same teachers, no Affirmative Action, same examination papers.

At the end of the school system when the children have to go to tertiary institutions it is again the same in terms of applying, whether for bursaries or study loans. There is no discrimination to say that those that were previously advantaged cannot apply. All apply and their applications are considered on merit. (Interjection). Yes, you know it, you know it very well.

HON KAURA: May I ask the Honourable Minister a question? Honourable Minister, I think a question was raised here in Parliament about the Private

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Schools that number about 140 or 150. Who are the beneficiaries of these private schools? Is it those who were previously advantaged or were previously disadvantaged? And if it is the previously advantaged, is this not a perpetuation of advantages for the previously advantaged?

HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE: Comrade Deputy Speaker, to answer that question, Article 20(4) has the following to say about private schools:

“All persons shall have the right at their own expense to establish and to maintain private schools or colleges or other institutions of tertiary education provided.”

Then there are certain conditions. We also know the history of some of the private schools. When Government introduced a policy of saying all schools must be open to all, some communities, because of the issue of them regarding themselves as advantaged, they do not want to share with others, the superior complex, they were the ones who stood up and said we cannot share the facilities with others. That is how some of the private schools came into being and that cannot be regarded as discrimination. That cannot be regarded as discrimination.

I agree with Honourable Mushelenga that this particular Motion, honestly speaking, does not have a basis at all. Let us address the issue of employment, at least in the public sector, advertisements are publicly made for positions that become available. I have not seen any advertisement saying that a specific racial group cannot apply. If the Honourable Viljoen could stand up here and publicly say that in terms of law, in terms of policy there is a policy of Government, there is a law that this House has passed, that bar, exclude certain racial groups not to apply for positions, let us hear them. It is however completely unfair to imply that certain racial groups are excluded from applying and competing with others for positions that become available. It cannot be. (Intervention)

HON VILJOEN: On a Point of Order, I have a lot of respect for the Education Minister, but I was on some of the Committees dealing with applicants in education or cleaners or whatever services and I know exactly, I was part of those Committees. Any person can apply. I can apply for a loan, but it will probably not be granted. Anyone can apply for a bursary, but they will not get a bursary or a post.

HON DEPUTY SPEAKER: Who will not get a bursary?

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HON VILJOEN: My group.

HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE: In conclusion, on a very serious note, we as elected leaders were sent here to make laws for the whole country. We must be honest when we say things. The only request that I would make to Honourable Viljoen, because when he was talking about the unemployed youth he said some people have their own – I do not know what is the word that he used – they do not stand on the streets and so on. I think for you as a leader of the particular group that you are referring to should not lead the young people who have accepted one another, in whose hands the destiny of this country rests, into the old laager mentality, close them in. They must come out.

HON DEPUTY SPEAKER: Honourable Minister, can you assist me? Are we here as leaders of certain groups or are we here as leaders of the Namibian Nation?

HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE: We are leaders of the whole Namibian Nation and when we make laws or policies, these laws and policies are for everybody, all Namibians. There is no basis to expand Affirmative Action beneficiaries to the group that Honourable Viljoen has mentioned, because these are children of whom many are still in the school system and some of them are in the colleges, in the universities. Please, show me where there is discrimination in those schools and facilities they are attending.

In conclusion, therefore, I think we should not send wrong signals, but honestly speaking, if there are specific incidences... (Intervention)

HON MINISTER OF FISHERIES AND MARINE RESOURCES: Honourable Deputy Speaker, may I ask Honourable Johannes Mutorwa a question, please?

HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE: If the question comes from Abraham the patriarch of the Bible, I will accept that question.

HON MINISTER OF FISHERIES AND MARINE RESOURCES: Thank you very much for that answer that is quite biblical. Honourable Minister, at the

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beginning of his Motion Honourable Viljoen said that he is going to talk about those children who were born in 1990 onwards.

HON DEPUTY SPEAKER: Who started school in 1990?

HON MINISTER OF FISHERIES AND MARINE RESOURCES: Then I withdraw my question.

HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE: I was simply concluding by saying that we do not need Affirmative Action benefits to the children who started schooling in 1990, because both the policies and the laws governing the school system have no discrimination and that is the reality. If there are any specific incidences in terms of implementation at specific institutions, we will follow it up and address the issue, because the problem is not with policy, neither with law. However if it is in terms of implementation, we follow up at that institution where these things are happening and we address it there. Thank you.

HON VENAANI: Thank you very much, Honourable Deputy Speaker. Let me from the onset thank the Honourable Mover of this Motion for having boldly raised an issue probably close to his heart. Let me however remind him of what was said by a famous Afrikaner politician, A. H. Du Plessis, the tall, bold son of South West Africa. He said – and I want to say it in Afrikaans: *“In Nigerië kan ‘n witman staak, in Rhodesië kan ‘n witman staak, in Nyassaland kan ‘n witman staak, maar in Suid-Afrika is ‘n witman ‘n staat en ‘n staat kan nie staak nie.”*

Honourable Deputy Speaker, A. H. Du Plessis said that, a white man can quit in Nigeria, a white man can quit in Rhodesia, a white man can quit in Nyassaland, but in South Africa a white man cannot quit because a white man is a state and a state cannot quit.

That is the political mentality of AKTUR – it started with AKTUR and I thought with the process it has transformed to be something else. One reality that you raised is that Affirmative Action cannot be a policy without a time framework, but that time framework would only be determined if the situation changes. It cannot be determined artificially, it must be determined by facts.

Let me tell you one thing that you raised as the thrust of your argument, but before I come to that, let me say boldly, that any citizen of this country, whether formerly advantaged or disadvantaged ... (Intervention)

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RT HON PRIME MINISTER: May I ask Honourable Venaani a question? Honourable Venaani, your argument seems to confirm that somehow there is discrimination against certain groups because of Affirmative Action. Are you sure that if there are, as alleged, some young Namibians of European descent who cannot find work, that it is because of Affirmative Action? Are you sure of that?

HON VENAANI: Let me explain to you, I am not saying that discrimination is practised, but Affirmative Action is a policy drafted to address the imbalances. If, after a 100 or 150 years it would have addressed those imbalances, then the need for Affirmative Action will also cease. That is my argument.

Therefore, I am not saying that it is true that discrimination is practised in applying Affirmative Action, and what I am trying to say is that it is true that each and every citizen of this country experience all the hardships that is experienced by any country and I think that is the basis of nationhood. People should accept the fact that if there is drought, white farmers are touched by it, black farmers are touched by it. When there is any calamity, it touches all of us.

If you however start saying that people that were born after Independence should be given the very same rights as people ... (Intervention)

HON DEPUTY SPEAKER: Not people who were born after Independence, people who went to school in 1990.

HON VENAANI: It comes to the same. (Intervention)

HON VILJOEN: May I ask the Honourable Member a question? Honourable Venaani, are you prepared to convince the Right Honourable Prime Minister about his last question if I give you the names of people who called me. The last one is someone living in Arandis. His daughter got three A's in three subjects, but she cannot find work in Swakopmund due to Affirmative Action.

HON VENAANI: The argument that you are trying to advance, Honourable Viljoen... (Intervention)

RT HON PRIME MINISTER: On a Point of Information. I have a file in my office of letters from young people, some of them who finished their studies at the Polytechnic of Namibia, some at the University of Namibia, who cannot find jobs. They are not necessarily Namibians of European descent, not necessarily. The

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problem we have in Namibia is the mismatch between the jobs available and the qualifications people have. That is number one.

Secondly is the too much use of machinery, capital intensive economy. Number three is the fact that employers prefer to keep old workers, over-aged workers. Those are the three things and those affect everybody regardless of whatever your background. That is the reality. It has nothing to do with colour or anything like that.

HON VENAANI: I just want to tell Honourable Viljoen one thing, if you say that children who started school after Independence should be given the very same rights as formerly disadvantaged Namibians, do you know what will happen to the land question of this country? Currently the land is in the hands of the whites, they control the productive agricultural land and if AgriBank tomorrow says every young son who is 18 years or 21 can have the same right as a young person who was formerly disadvantaged, then you would allow your sons to inherit the land and it will be a continuous perpetuation of the problem that the land is in the hands of a minority.

If formerly advantaged aging farmers give their farms to their sons and you allow them to inherit these farms, how do you address the land question?

Secondly, I do not know whether Honourable Viljoen has ever heard about the gap between the rich and the poor in this country. Currently Namibia has a problem to be classified as a low to middle-income country, because those who used to control the economy forty years ago are the ones still controlling the economy today. People should not be fooled by Affirmative Action that has made a few blacks millionaires, trying to equate it with a situation where you think that the current black elite, of formerly disadvantaged Namibians who form part of the elite group today, would have the same wealth as the people that are formerly advantaged. They are not the same, they cannot equate. The largest employer of the country, besides Government, are the markets which at this point in time are controlled by white people – the lawyers, the doctors, the architects, every sector in this country. All these sectors are still in the hands of the formerly advantaged Namibians. (Intervention)

HON NAMBAHU: May I ask the Honourable Member a small question? Honourable Member, are you implying that the economy is being controlled by the people and all of us are just spectators?

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HON VENAANI: Maybe “*control*” is not the correct word, but they do control the economy. In fact, they control many economies on this continent, do not be fooled.

HON DEPUTY SPEAKER: Rule 90 applies, the House stands adjourned until tomorrow, 14:30.

HOUSE ADJOURNS AT 17:45 UNTIL 2007.07.05 AT 14:30

**ASSEMBLY CHAMBER
WINDHOEK
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The Assembly met pursuant to the adjournment.

HON DEPUTY SPEAKER: Took the Chair and read Prayers and the Affirmation.

ANNOUNCEMENT

HON DEPUTY SPEAKER: Honourable Members are once more reminded about the invitation by the Minister of Information and Broadcasting to attend the viewing of the video on HIV/AIDS to be screened today at the Auditorium of the Government Office Park at 18:00.

Members are further reminded that refreshments and dinner will be served during the screening.

HON MINISTER OF VETERAN AFFAIRS: I ask for your indulgence. At the same time that this event is going to take place, there was going to be another meeting and the same Members are supposed to be attending that meeting of the secretariat of SWAPO. In this case we cancel this one, so that we can attend the video screening.

The SWAPO meeting is cancelled.

HON DEPUTY SPEAKER: Any Petitions? Reports of Standing and Select Committees? Other Reports and Papers? Notices of Questions? Notices of Motions?

LEAVE OF ABSENCE

HON BOOYS: Honourable Deputy Speaker, I Move without Notice –

That leave of absence, due to his own illness, be granted to the Deputy Minister of Defence until the 12th of July 2007. I so Move.

HON DEPUTY SPEAKER: Further Notices of Motions? Ministerial statements? Honourable Minister of Trade and Industry.

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**MINISTERIAL STATEMENT
HON NGATJIZEKO**

**MINISTERIAL STATEMENT:
REGISTRATION OF COMPANIES**

HON MINISTER OF TRADE AND INDUSTRY: Thank you, Honourable Deputy Speaker, Honourable Members. It was almost a year ago when I responded to the complaints with respect to the delays experienced at the registration of businesses in my Ministry. At the time I had indicated that the re-engineering process to modernise the business registries was at an advanced stage. I am happy to report that the automation process has been completed, relevant staff members have received training and we are now busy entering all the existing data on the system. This will take a lot of time before it is completed, taking into account the number of companies and close corporations that have been registered since 1923.

The Integrated Company Registration System, as we call it, has the following modules; filing of documents, name reservation for close corporations and companies, fees monitoring, cancellation or winding-up and cash collection modules.

Upon submission of documents, a reference number is generated and an acknowledgement receipt is issued, indicating the date of submission and the collection date. The system generates reminders and various types of reports, including financial reports.

Once the entering of data is completed, the following services will be available to the public: They will be able to do a name search and online query or perusal of the physical file. Members of the public must submit an identity document, such as a driver's licence or passport. This will be used to access the online services requested by a client. These services will only be provided once all the applicable fees have been paid.

During the next Financial Year we will embark on the second phase of the automation, which is the linking up of our regional offices to the system through Internet connectivity. This will be great, as applicants will be able to download the application forms and apply electronically from every corner of the globe.

It is expected that the system will significantly reduce the time required for processing of documents and it will improve the collection of the much needed revenue.

Madam Deputy Speaker, the World Intellectual Property Organisation (WIPO) has developed an automation programme to register trademarks. Namibia is one of the six African countries in which the new system is being experimented since 2005. So far WIPO has had four assessment and training missions and the reports are

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positive and it will now continue to install the programme in the rest of the countries that are party to the Madrid Protocol and the Madrid Agreement.

Again, Madam Deputy Speaker, we are busy with entering the registered trademarks while capturing the new applications live on the system. The various trade mark agents have been requested to submit the new trade mark applications electronically by using an electronic name.

Madam Deputy Speaker, Honourable Members, it is my sincere hope that I will soon be able to table the Amendment Bill of the Companies Act of 2004, which is currently with the legal drafters for constitutionality check and scrutiny.

I am also hoping to implement the new Companies Act as soon as the Ministry of Justice and Attorney-General's Office has published the administrative regulations of the Companies Act in the Government Gazette.

Madam Deputy Speaker, my Ministry has circulated detailed information to the public through an insert in the newspapers, as well as information which was sent to the regions and embassies through the Ministry of Foreign Affairs, which I also wish to share with the Honourable Members of the House today. I thank you very much for your attention.

HON DEPUTY SPEAKER: Thank you very much, Honourable Minister. It is Thursday, the day initiated by the Opposition. Question 29 is by Honourable Kaura to the Minister of Veterans Affairs. Does the Honourable Member put the Question?

QUESTION 29:

HON MINISTER OF VETERAN AFFAIRS: Thank you, Honourable Deputy Speaker. The question of Honourable Kaura consists of three parts. Part 1 is a statement or a preamble and does not need an answer.

The answer to the question about the range of responsibility of the Ministry of Veterans Affairs is as follows:

Based on the Cabinet directives, highlighting the mandate of my Ministry, the following priorities were identified:

1. To develop a mechanism for the full reintegration of ex-combatants/veterans within the Namibian society in conjunction with elevating the living conditions of other poor Namibians.

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2. To develop a clear and acceptable definition of “*veterans, ex-combatants, freedom fighters*”, etcetera.
3. To develop policy and legal framework to address the needs and aspirations of the veterans as well as their families.
4. To develop the Ministry’s framework for planning, impact monitoring and organisational structure to ensure effective and efficient service delivery.
5. To mobilise assistance from the commercial enterprises and the general public to the plight of demobilised soldiers with the aim of mobilising support for appropriate job creation; and
6. To develop specific plans for long-term economic activities that would benefit the veterans and their families for sustainable livelihood.

Each of these areas will be expanded upon in the strategic plan and plan of action still to be developed so as to cover a broad range of activities necessary for upliftment of standards of living of veterans.

It should be noted that the Ministry is still in the infant stage and is currently in the process of putting up proper structures and develop its first ever strategic plan, which are very important tools that will give the Ministry proper direction to enable it to implement the abovementioned activities and to realise its objectives, working closely with the relevant stakeholders.

Question 2: As to whether the responsibility of the Ministry is confined to the PLAN-fighters only or includes SWATF and Koevoet, I have this to say:

The first step that ought to be taken is a definition of a “*veteran*”, who in actual fact is a veteran. The Ministry cannot start working with people without proper and clear understanding as to which are categories of people who stand to benefit from its activities. Such definition shall also not be done by the Ministry unilaterally. Therefore, the obvious thing to be done is to have an Act of Parliament which will define in clear terms as to who the veteran is.

It is, therefore, logical that when the Ministry is up and running, that is fully functional, the first step is to bring a Bill to this House which will clearly define the veteran as a beneficiary. Once such a definition is in place, the Ministry will deal with those who are covered by the law in such a definition. Therefore, I cannot predict at this point in time whether SWATF and Koevoet will be included in such a definition.

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HON MBUMBA**

I accordingly request the Honourable Member to be patient and wait. The Honourable Member may, however, in the meantime feel free to take this message to his SWATF and Koevoet colleagues. I hope this answers his questions.

HON DEPUTY SPEAKER: Any supplementary question, Honourable Kaura? None. Question 36 is one by Honourable Moongo to the Minister of Education. Does the Honourable Member put the Question?

QUESTION 36:

HON MINISTER OF EDUCATION: Honourable Deputy Speaker, in answer to the query by Honourable Moongo is as follows:

Yes, it is correct that there was a high demand in some subjects at Grade 10 and 12 levels, particularly in English. However, the situation did not only prevail in the northern regions, but also in other regions of the country as well. The problem was acute in English Grade 12, although there were other subjects at the same level where the demand exceeded the supply in all the regions.

In the case of the northern Regions where the Honourable Moongo refers, the following actions were taken to address the situation: The office requested permission from the Directorate of Adult Education and Lifelong Learning to extend enrolment in the Region in order to provide opportunities for learners who were at enrolment point during the last day of enrolment, but could not be enrolled due to shortage of study materials.

The Directorate granted approval and a special enrolment took place on Monday, the 12th of March 2007. The enrolment was open to all learners, including those who were not necessarily at enrolment points during or on the last day of the prescribed enrolment. Several announcements were made through NBC Radio Services and a number of learners turned up for enrolment.

The following table reflects the surplus study materials in the northern regional office at Ongwediva after the special enrolment on Monday, 12 March 2007:

The office managed to acquire additional materials in English Grade 12 from other Regions and from the headquarters in Windhoek. Those additional materials were meant for assisting learners who could not secure materials in the subjects of their choice.

The table will be given to the Honourable Member. Materials in stock before the 12th of March 2007: English: Only 36 copies in stock, only two students enrolled and the

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material in stock after that was 33. There are tables for other subjects, but your concern was basically with the English language.

For Grade 12 there were no materials available at all at that stage, but in all the Regions there were 80 copies of English textbooks. For Grade 12 there were only five copies, but we have reprinted the materials and all students should now be able to study.

Projections for study materials are made for each academic year on the basis of the number of learners enrolled in a given subject in the previous year plus a percentage increase based on the trends of actual learners enrolled for the last four years. It is not possible to project with mathematical precision what the demands in a given subject would be. While it has been possible to turn surplus materials in all subjects after enrolment in 2006, the demand for, for example, English Grade 12 was high and there was a zero return in this subject in this year for all regional offices. The situation in English Grade 10 is different, there are still materials left in that subject.

The high demand in English Grade 12 could be attributed, among others, to the following reasons: Poor performance in that subject during last year; pressure on learners admitted at tertiary institutions to improve their level of English language proficiency; other institutions that offer learners tuition but who are unable to provide study materials to their own students. These institutions enrol learners to encourage learners to enrol with NAMCOL first in order to secure NAMCOL learning materials. Secondly, enrolment with NAMCOL ensures that their learners are eligible for examination registration.

Question 2: Can the Minister confirm or deny that if learners fail to write examination their spirit and willingness will be totally demoralised?

That is a yes and a no, it depends on whether you are easily demoralised or you are a citizen of the Land of the Brave. High demands of English Grade 12 could result in some learners not sitting for the examination this year, but we have addressed that, we have provided the books now. It may be true that if learners do not write the examination, they may be demoralised, but as I said before, it depends on their own constitution. However, every year not all learners who register end up writing examinations despite that examinations are heavily subsidised by Government. As an example, in 2006, a total of 1 966 or 7.2% of part-time Junior Secondary learners who registered to write examination, failed to show up for examinations in the subjects they registered, while 2 859 or 11.25% of IGSCCE part-time candidates also failed to show up for their examinations for several reasons. They had all the materials and received tutorial but did not show up at examination centres. This resulted in the Ministry losing N\$689 370 that were paid but not utilised fully. Of this total, N\$275 904 were paid by learners, while

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the state, through examination subsidies, spent N\$413,000, a waste of scarce resources indeed.

It, therefore becomes speculative to think that the absence of materials alone is the factor that may result in demoralising the learners and, therefore, keeping them away from their examinations. There are also still some materials available in some subjects, as some tables have shown, however there are no guarantees, if students keep coming, that these materials will be adequate and available for English Grade 12, unless fresh attempts are made to have these reprinted, a decision facilitated by the availability of funds and timing of the request.

Lastly, Honourable Deputy Speaker, I am happy that Namibians of all gender and of all ages are interested and motivated to improve their level of education, especially in the English language, which is our country's official language. I thank you.

HON DEPUTY SPEAKER: I thank you very much, Honourable Minister. Any word of appreciation for the accurate answer?

HON MOONGO: I would only like to thank the Honourable Minister for the well-detailed answer. It is not like the other Colleagues who just run through the answers. Thank you very much.

HON DEPUTY SPEAKER: Question 39 is by the same Honourable Member, Mr Moongo, to the Minister of Regional and Local Government, Housing and Rural Development. Does the Honourable Member put the Question?

QUESTION 39:

HON DEPUTY MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: Honourable Deputy Speaker, we got some information on this issue that we want to verify and I ask the Honourable Member to bear with us.

HON DEPUTY SPEAKER: The question stands over until next week. Question 41 is by Honourable De Waal to the Minister of Works, Transport and Communication. Does the Honourable Member put the Question?

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QUESTION 41:

HON MOONGO: I put the Question on behalf of Honourable De Waal.

HON MINISTER OF WORKS, TRANSPORT AND COMMUNICATION:

Comrade Deputy Speaker, I would like to request the Honourable Member to follow what I am trying to answer, because I do not want to repeat the questions that were too long.

Honourable Deputy Speaker, Honourable Members, I would like to take this opportunity to respond to most, if not all, questions raised by the Honourable Member on Telecom Namibia Tender No. TM0047/2006/0.

The company that tendered is TDS Directory Operations (Pty) Ltd, a South African registered company.

The resolute condition is that it should allocate 25% of its shares to a Namibian partner within one year. In this regard, the registered Namibian company is named as TDS Directory Operations Namibia (Pty) Ltd, herein referred to as TDS with registration number 2005/671 for local representation.

The deal plans are progressing well. Discussions are underway with Telecom Namibia and the Namibian Chamber of Commerce and Industry and NCCI. In addition, TDS has met with a number of potential Namibian BEE partners and are all well on track to meeting the conditions and deadlines of the tender.

Failing the awarding of the 25% deal stake within the specified period, the contract will be terminated. This is the resolute condition of the contract.

The shareholders of the Namibian registered company are: 75% TDS Directory Operations (Pty) Ltd, a South African incorporated company, 25% set aside for a company that is yet to be announced as BEE Namibian partner, which is in the process of being identified.

TDS Directory Operations (Pty) Ltd in turn is owned 64.1% by Telecom South Africa, a South African incorporated ICT solution provider and 35.9% by World Directories, a Luxembourg incorporated company that publishes directories in five European countries.

Question 2: In the interim Marlon Loring Hitzeroth and Johan Jacques Myburgh are directors. Both are South African citizens and employees of TDS Directory Operations (Pty) Ltd. Additional Namibian directors will be appointed with the appointment of the 25% BEE stake, as stated above.

Question 3: TDS South Africa brings with it to the Namibian market a wealth of experience via its Namibian company. It is the market leading directional media

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and publishing company in South Africa with the latest products and technologies, distributing 7.4 million directories annually. It publishes the South African version of the Yellow Pages in the phone book for Telecom South Africa.

The tender condition 2.3.1 (xi) requested in general experience and references. The experience requested was not prohibited to be from outside Namibia. Additionally, the tender was open to the whole of the SADC region and the tender conditions did not limit itself to only the Namibian market. Hence, TDS South Africa was eligible to submit its tender, as is the case with any other service and products imported by various Namibian companies from South African registered companies. For example, African Directory Services, a Namibian company, was also awarded a tender to compile the Botswana Telecom Corporation telephone directory.

Question 4: The registration process has started in June 2006, as confirmed by Grant Thornton Neuhaus Chartered Accountants. TDS was then subsequently officially registered with the Social Security Commission on the 28th of February 2007, the reason being that it cannot register itself without first having employed any staff. It has to have staff to register and the staffing was in progress prior to the registration of TDS as an employer.

Question 5: Rate adjustments are done annually as recommended by TDS and approved by Telecom Namibia. The customers are informed before they apply to be listed in the directory for them to make informed decisions. This was done with all other various suppliers. In fact, a red card is presented to the customer, outlining the respective services and respective rates. The 2007 rates, duly approved by Telecom Namibia, were increased by an average of 3.5%, which is well below the Namibian consumer price index. These rates are applicable for the new directory, to be published towards the end of 2007.

Question 6: TDS employs a total of eight Namibians at the moment while Brumbies Publishing Namibia (Pty) Ltd indicated to employ eight Namibians as well. The African Directorate Services indicate to employ 26 Namibians. However, the breakdown of the Namibian staff complement amounted to more than ten personnel.

Question 7: The price list is open and available to customers when applying for the service from TDS, allowing the customers to make an informed decision. No customer will, obviously sign up unless they know what they will be charged.

Question 8: Telecom Namibia advertised the three tenders, namely No 45 for the transportation of the directory, No 46 for the printing of the directory and No 47 for circulation of the directory. TDS submitted tenders for all the advertised tenders, Nos. 45, 46 and 47 and an additional and a separate tender for Tender No 47. All these tenders were received by the 4th of July 2006 which was the closing

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date. The number of tenders were submitted, received and entertained after the 4th of July 2006.

The tender submitted for Nos. 45, 46 and 47 jointly was received and not even considered for evaluation once it was confirmed. The awarding of the contract was thus in no way based on this latter joint tender. Figures relating to any other tenderer was not available to TDS. Telecom Namibia contracted an independent consultant to compile a report on the Directory Department. This report was availed to all the tenderers prior to the closing date. Apart from this report, all the information was availed to the tenderers and no tender was in turn received subsequent to the 14th of July 2006.

Question 9: As stated above, the tender was open to the whole of the SADC region and the tender conditions did not limit itself to only the Namibian market. Hence, TDS South Africa was eligible to tender as is the case with any other service and products imported by various Namibian markets from South Africa.

This tender condition did not require only a Namibian registered company. If it was not a Namibian company, the proof of registration for VAT from its country of origin had to be submitted and TDS did this. TDS, however, started the registration process in June 2006 already as confirmed by Grant Thornton Neuhaus Chartered Accountants. Contrary to the aforementioned, TDS was officially registered for VAT in Namibia on 18 July 2007 and obtained the VAT number 4139753051. It was thus made a condition of the contract that a 25% BEE stake be awarded to a Namibian partner as part of further negotiations with TDS. This is not irregular and did not disqualify TDS from the tendering and evaluation process.

Question 10: Telecom Namibia tender procedures stated clearly that offers shall be opened at the time and on the day mentioned on the *Tender Invitation*. Further, that the tenderer's name and total price (**If Applicable**) shall be announced on the opening day of the offers. The tender secretariat present at the opening of the tenders requested the tenderers who were interested to have the final prices or figures/prices of the different offers to apply in writing within two weeks. The tender secretariat informed the tenderers that the two weeks needed was to allow the Marketing Department to provide the consolidated and correct comparative price schedule which was not possible at the tender opening due to the complexity and different commission structures of all tenders submitted. The tenderers did not object to the latter request.

The comparative commission structure was forwarded on the 14th July 2006 to the only requester, Mr Brian Rubinstein who requested the pricing schedule. Therefore, the aforementioned is in no way a contravention, rendering the tender null and void.

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Question 11: Telecom Namibia denies any improper management and the corruption theory and put any claimant to the proof thereof. Therefore, the contract cannot simply be cancelled without the rules of natural justice having been followed in respect of both Telecom Namibia and TDS. Thus I would like to request that evidence be brought to light for appropriate action to be taken. I thank you.

HON MOONGO: I would like to thank the Honourable Minister and the staff who made it possible that concrete answers were given. I really appreciate it.

HON DEPUTY SPEAKER: Question 42 is by Honourable Kaura to the Minister of Works, Transport and Communication. Does Honourable Kaura put the Question?

QUESTION 42:

HON MINISTER OF WORKS, TRANSPORT AND COMMUNICATION:
Thank you, Honourable Deputy Speaker, Honourable Members. I rise to respond to the questions raised by Honourable Kaura regarding the construction of the State House.

Question 1: The construction of the administration block, guest quarters, grand quarters and staff accommodation has been completed. The remaining work will continue to be executed and these include the following:

- The construction of the heliport
- Landscaping
- Earth works
- Upgrading of power supply
- Purchasing of furniture
- Compensation of the people affected by the project and
- Construction of the Presidential residence.

Question 2: The cost of the completed work mentioned above, which was carried out by a North Korean group of companies cost an amount of N\$396,203,698. This amount includes VAT. The total amount for the construction of the State House will only be known when the whole project is completed. I thank you.

HON DEPUTY SPEAKER: Question 44 is one by Honourable Moongo to the Minister of Veterans Affairs. Does the Honourable Member put the Question?

QUESTION 44:

HON MINISTER OF VETERAN AFFAIRS: Comrade Deputy Speaker, Honourable Moongo asked whether it is not high time that South Africa and the Namibian Government accept responsibility to close the dark chapter by offering compensation and give reparations to the ex-fighters and victims who suffered damages in and outside Namibia during the liberation struggle.

I suppose he does not refer to the apartheid South Africa and I am answering in that spirit.

The Namibian Government, under the Ruling Party, SWAPO, has created a Ministry of Veterans Affairs to look into all problems of ex-combatants and try to find a solution to them. We cannot talk about compensation to people who, as patriots, sons and daughters of this country, fought to liberate themselves from colonial oppression. It was the duty, in fact a sacred duty, of all patriotic Namibians to fight and liberate their country from colonial subjugation. Namibians did not fight in the war and the struggle for national liberation as mercenaries to be paid at the end of the day.

However, the Government of independent Namibia is under obligation to make sure that all Namibians, including veterans of the liberation struggle who have suffered during the war of liberation, are appropriately cared for, so that they lead decent lives. This is exactly what the Ministry of Veterans Affairs is trying to achieve.

As regards the South African Government, I am afraid I have no mandate to speak for that Government.

Question 2: What are the criteria of the Ministry of Veterans Affairs in regard to compensation of ex-fighters and war victims?

The Government of Namibia is not compensating ex-fighters and those who were victims who suffered at the hands of the brutal apartheid regime in Namibia. My Ministry has, a week ago, submitted a draft Bill to the Cabinet, entitled the 'Veterans Bill', in which the term "*veteran*" has been defined. At an appropriate time that Bill will be tabled before this august House. Once the Bill is considered and passed, that definition will then be used as the criteria on which the assistance would be based in addressing the plight of the veterans of Namibia's liberation struggle. That is not compensation, but that is carrying out national responsibility to the citizens of this country.

Question 3: Do we not discriminate against the SWAPO detainees, businesses and houses which were burnt down?

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**RESPONSES TO QUESTIONS - HON MOONGO
HON DR TJIRIANGE**

The assistance will not discriminate against any Namibian who participated in the liberation struggle of this country. Those who will be covered by the definition in the law that will come out of this Parliament will accordingly benefit.

Question 4: Will it include cattle and vehicles taken by South Africa and SWAPO?

I have already answered above, the Government of Namibia and SWAPO cannot speak on behalf of South Africa. South Africa is an independent country and, therefore, its sovereignty must be respected at all cost.

Honourable Moongo was here in Namibia, he must know what the apartheid regime has taken from Namibians and I will, therefore, refer Honourable Moongo to my earlier answer. At the side of SWAPO, SWAPO was not taking the property of the people she was fighting for. This august House should understand that the apartheid regime used Koevoet to dress and behave as if they were members of the People's Liberation Army of Namibia. If the people's properties were taken illegally, let me assure this august House that that was not SWAPO policy. It was either those Koevoet or people who were violating the rules and regulations of SWAPO. SWAPO's constitution, its code of conduct and programme are available for every Member of this House who is interested to read.

Question 5: What about South African Rand which were taken by SWAPO to be changed into Zambian currency? Will it be refunded to some of the owners who are still unemployed?

Let me emphasise that SWAPO policy was never to rob the Namibian people of their property. It should however, be remembered and understood that SWAPO members during the liberation struggle lived in a communal life. Every property was put at the disposal of all members. Thus, if any member has bought a vehicle, for instance, such vehicle was pooled. Some members joined the liberation struggle as early as in the fifties, and surely this august House cannot expect a member to keep the vehicle all those years without depreciation and/or to be in a running condition at the time of Independence.

We also have to remember that SWAPO looked after all Namibians under its jurisdiction, provided free education to them, the necessary means of survival, education, health, etcetera, including Honourable Moongo and none of these things are being asked from you. Therefore, you have to know that fighting for Independence needs sacrifice.

HON DEPUTY SPEAKER: Thank you, Honourable Minister. Any word of appreciation for the accurate answer?

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**RESPONSES TO QUESTIONS - HON MOONGO
HON DR TJIRIANGE**

HON MOONGO: Honourable Deputy Speaker, first of all allow me to thank the Minister because some of the questions were crucial and I hope...

RT HON PRIME MINISTER: On a Point of Order. Is it allowed for somebody to come and advertise his business?

HON MOONGO: No, this is in Christ, not Uukumwe. This is in Christ. Do you not believe in Christ? I would only like to thank the Minister and the staff. It is a new Ministry and they did their best to answer, but I still request the Ministry to represent the communities who are demanding their properties which were taken by South Africa. Thank you very much.

HON DEPUTY SPEAKER: The House stands for tea-break and we have to come back at 16:00.

**HOUSE ADJOURNS AT 15:48
HOUSE RESUMES AT 16:15 PURSUANT TO ADJOURNMENT**

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

RESUMPTION OF COMMITTEE STAGE: LABOUR BILL

HON DEPUTY SPEAKER: Does the Honourable Minister of Labour and Social Welfare move that the Assembly now goes into Committee?

HON MINISTER OF LABOUR AND SOCIAL WELFARE: I so Move, Honourable Deputy Speaker.

HON DEPUTY SPEAKER: It is moved that I leave the Chair. Any objection? Who seconds? I now call on the Deputy Chairperson of the Whole House Committee, Honourable Hans Booy, to take the Chair.

ASSEMBLY IN COMMITTEE:

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**COMMITTEE STAGE: LABOUR BILL
HON !NARUSEB**

DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:

When progress was reported on Wednesday, the 27th of June 2007, Clauses 1 to 23, 25 to 27, 29 to 70, 72 to 127, 129 to 141 and 143 had been agreed to. Clauses 24, 28 and 71 had been put and agreed to as amended by the Minister. Clauses 1 to 18 of the Schedule has also been put and agreed to.

Clause 128 put.

HON MINISTER OF LABOUR AND SOCIAL WELFARE: Thank you, Comrade Deputy Chairperson of the Whole House Committee. Before I put the re-amended version of Clause 128, allow me to state the following briefly:

Honourable Members, after consultation the Ministry of Labour and Social Welfare decided to introduce a new Clause 128. Our intention in introducing this provision is to put an end to the exploitative and abusive system of labour hire whereby human beings are being rented to clients as commodities. The representatives of the Political Parties in this august House who expressed themselves on the issue have called for the abolition of this indecent and immoral system. This echoes the public outcry, demanding an immediate end to labour hire. When the new Clause is put into effect, labour hire would, therefore, be unlawful.

It is not our intention to make unlawful the activities of legitimate employment agencies that refer or place individuals without themselves becoming a party to an employment relationship. Such agencies have a necessary role in national socio-economic development. Nor do we intend to prohibit companies or individuals from providing services on a contractual basis, as long as the contract for services does not perpetuate the outlawed labour hire relations in a disguised form. I needed to say that before I continue with the amended version.

Comrade Deputy Chair of the Whole House Committee, on Clause 128:

Substitute 128 for the following Clause:

- (1) No person may for reward employ any person with a view to making that person available to a third party to perform work for the third party.
- (2) Sub-section (1) does not apply in the case of a person who offers services consisting of matching offers of and applications for employment without that person becoming a party to the employment relationship that may arise there from.
- (3) Any person who contravenes or fails to comply with this section, commits an offence and is liable on conviction to a fine not exceeding N\$80 000 or

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**COMMITTEE STAGE: LABOUR BILL
HON !NARUSEB**

to imprisonment for a period not exceeding five years or to both such fine and imprisonment.

- (4) Insofar as this section interferes with the fundamental freedoms in Article 21(1)(j) of the Namibian Constitution, it is enacted upon the authority of sub-article (2) of that article, in that it is required in the interest of decency and morality.

I so Move.

DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Can the Minister please table the Amendment? Any further discussion? Honourable Mudge.

HON MUDGE: Honourable Deputy Chairperson of the Whole House Committee, I just want to ask the Minister what exactly does it mean in layman's English? Talking about labour hire, Honourable Minister, with the intention not to make it available to a third party, just an example. Something else that I would also like to ask you is about indecent practices and unlawful practices by hiring people to do work in such a way that you are not properly paying for their services. It came to our attention that, for instance, there are people even in Windhoek who get some other people to carry water to the shebeens in areas where there is no running water and then they are being paid in *tombo*. Is that acceptable? What can one do to curb those practices, for instance? I am just asking, I am not trying to catch you out, it is just a straightforward question.

HON MOONGO: Honourable Deputy Chairperson, first of all allow me to congratulate the Minister for the way in which he amended this Clause on labour hire, so that it will never happen again that poor people earn N\$5 per week and our people are relieved from a slavery attitude. With this I support the Amendment.

DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Thank you very much. Does the Honourable Minister wish to say something on what was raised?

HON MINISTER OF LABOUR AND SOCIAL WELFARE: Thank you, Honourable Deputy Chairperson of the Whole House Committee and thank you, Honourable Moongo. On the question by Honourable Mudge, I am repeating what I said initially on the Clause which we debated on, which subsequently led to the revised version thereof.

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HON !NARUSEB**

The mischief we want to address with this Clause is to combat the phenomenon that I, !Naruseb recruit Tjiriange and hand Tjiriange to Angula. Angula pays me, !Naruseb and there is no direct relationship between me, Tjiriange and Angula. Angula is paying me, Tjiriange is working at Angula's farm and Angula pays me N\$5,000 and I give Tjiriange N\$1,000 and I pocket N\$4,000. That is in layman's language what I would say we want to combat. We want the employment relationship to be formed between Angula and Tjiriange, not via !Naruseb. Thank you.

DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Any further discussion? Agreed to.

Clause 142 put.

HON MINISTER OF LABOUR AND SOCIAL WELFARE: On that one we have to disappoint my esteemed Colleagues in the National Assembly, because we have decided against any Amendment to that Clause. I have distributed an explanatory note on that one and I trust that the Members took time to read it. On that basis I have, with all due respect, decided to leave it as is. Thank you.

DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Does it mean that the Honourable Minister is withdrawing the Amendment?

HON MINISTER OF LABOUR AND SOCIAL WELFARE: The Amendment that I have tendered would be the only valid one. We are not going to deviate from the Amendment.

DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Any further discussion? Any objection? Agreed to.

Title put and agreed to.

ASSEMBLY RESUMED

HON DEPUTY CHAIRPERSON OF COMMITTEES: Honourable Deputy Speaker, I report the Bill with Amendment.

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**VOCATIONAL EDUCATION & TRAINING BILL
HON DR NDJOZE-OJO**

HON DEPUTY SPEAKER: Does the Honourable Minister move that the Bill be now read a Third Time?

LABOUR BILL: THIRD READING

HON MINISTER OF LABOUR AND SOCIAL WELFARE: I Move that the Bill be now read a Third Time.

HON DEPUTY SPEAKER: Any objection? Who seconds? Agreed to. Any further discussions? Does the Minister wish to say something in conclusion?

HON MINISTER OF LABOUR AND SOCIAL WELFARE: Thank you, Honourable Deputy Speaker. I most sincerely want to thank the Honourable Members of this House for the understanding and support that they have rendered to our Bill. It is our Bill, it would definitely have an impact on all aspects of our lives and, hopefully, as times goes by, it would be able to withstand the test of time. If not, I shall be relying on your support to make the necessary Amendments to make it workable and applicable in our society. I thank you very much.

HON DEPUTY SPEAKER: I now put the Question, that the Bill be now read a Third Time. Any objection? Who seconds? Agreed to. The Secretary will read the Bill a Third Time.

LABOUR BILL

**RESUMPTION OF COMMITTEE STAGE - VOCATIONAL EDUCATION
AND TRAINING BILL**

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

HON DEPUTY MINISTER OF EDUCATION: I so Move.

ASSEMBLY IN COMMITTEE

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**VOCATIONAL EDUCATION & TRAINING BILL
HON DR NDJOZE-OJO**

HON DEPUTY SPEAKER: It is moved that I leave the Chair. Any objection? Who seconds? Agreed to. I call on the Deputy Chairperson of the Whole House Committee to take the Chair, Honourable Hans Booyes.

DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: When progress was reported on Tuesday, the 3rd of July 2007, Clauses 13 to 36 and 39 to 50 had been put and agreed to. The Schedule and the Title had been put and agreed to.

Clause 37 put.

HON DEPUTY MINISTER OF EDUCATION: Thank you, Deputy Chairperson of the Whole House Committee. Yesterday we passed on a clarification on the clauses deferred and I want to draw your attention to number 2 of that, which reads:

“Clauses 37 and 38: These clauses must be read in concordance with Clause 35 on imposition of the levy and Clause 47(d) on regulations. That means that the percentage the collecting agency is to be paid will be stipulated in a notice in the Government Gazette.

Thus the legal drafters advise that there may be no need for the Amendment of the section concerned.

I thank you.

DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Any further discussion? Any objection? Agreed to.

Clause 38 put.

HON DEPUTY MINISTER OF EDUCATION: On Clause 28 the concern was whether the interest will be charged before the payment was due and if you look at Clause 38, it reads:

“If an employer fails to pay a levy or any portion of a levy on or before the due date for payment, interest is payable on the outstanding amount at the rate prescribed under the Prescribed Rate of Interest Act (Act No 55 of 19775) calculated from the last day of payment to the date that payment is received by the NTA or the designated agent.”

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HON DR NDJOZE-OJO**

What is meant by that is that we have realised that some people may decide to pay on the due date of the NTA levy and some people may also decide to pay before that, but the interest will only be charged after the due date has passed and that is what that sentence said and is still saying and, therefore, there is no need for amending Clause 38. I thank you.

HON DEPUTY CHAIRPERSON OF COMMITTEES: Thank you, Honourable Deputy Minister. Any further discussion? Any objection. Agreed to. I shall report the Bill without Amendment.

ASSEMBLY RESUMED

DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Honourable Deputy Speaker, I report the Bill without Amendment.

HON DEPUTY SPEAKER: Does the Honourable Deputy Minister move that the Bill be now read a Third Time?

**VOCATIONAL EDUCATION AND TRAINING
BILL: THIRD READING**

HON DEPUTY MINISTER OF EDUCATION: Honourable Deputy Speaker, I move that the Bill be now read a Third Time.

HON DEPUTY CHAIRPERSON OF COMMITTEES: Any objection? Who seconds? Agreed to. Any further discussions? Does the Honourable Deputy Minister wish to say something?

HON DEPUTY MINISTER OF EDUCATION: Honourable Deputy Speaker, I thank all the Honourable Members for their invaluable and honourable contributions to this noble Bill, namely Vocational Education and Training Bill.

We at the Ministry of Education acknowledge your valued contributions, your suggestions and shall take them into cognisance at implementation stage.

As I stated when I introduced this Bill, a Bill is a law, it is regulatory and it provides a legislative framework and, therefore, need not necessarily include all

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the procedural details. For instance, those concerned with gender or the youth may argue that the Bill should categorically state how many females or youth would be included when the board of NTA shall be constituted. Such a detailed procedural detailed inclusion may become an inhibiting factor when the environment in the country changes for the better, such that we may need more females and/or perhaps all youth to constitute the board.

It is, therefore, pertinent that a Bill such as this provides a firm, broad but flexible framework to be applied appropriately, when need be. Furthermore, there is a concern on how the board will be appointed to be adequately representative of... (Intervention)

HON DEPUTY SPEAKER: Honourable Member, I think you are not responding to the questions which were raised before. What you have to do is just to say thank you.

HON DEPUTY MINISTER OF EDUCATION: On behalf of the Ministry of Education, my Honourable Minister of Education, Honourable Nangolo Mbumba, I wish to once again thank all the Honourable Members, those who contributed and those who supported the design, formulation and formalisation of this Bill. That will help us at implementation stage at all the strata of our society. I thank you very much for supporting the Bill.

HON DEPUTY SPEAKER: Thank you very much, Honourable Deputy Minister. 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.

VOCATIONAL EDUCATION AND TRAINING BILL

**RESUMPTION OF DEBATE ON THE ROLE OF INSURANCE
COMPANIES AND WHETHER THEY SERVE THE NEEDS OF THE
NATION**

HON DEPUTY SPEAKER: When this Debate was deferred on Tuesday, the 26th of June 2007 by the Minister of Finance, the Question before the Assembly was a Motion by Honourable Dienda that the Motion be adopted. I now give the Floor to the Minister of Finance.

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**MOTION ON ROLE OF INSURANCE COMPANIES
HON KUUGONGELWA-AMADHILA**

HON MINISTER OF FINANCE: Thank you, Honourable Deputy Speaker, Honourable Members. The Motion on the role of insurance companies calls for an examination of the role played by insurance companies and the extent to which they live up to their contractual obligations.

That insurance companies are important for any economy is not a subject of dispute. The importance of insurance companies derives primarily from their facilitating role for savings accumulation which promotes business expansion and economic growth. Through insurance policies, individuals and households with excess capital can save their excess capital to take care of themselves when they no longer earn an income or to take care of their dependents when they pass on.

The savings so accumulated is then availed through lending and other forms of financing to businesses whose owners do not have own savings to fund their businesses and are, therefore, in need of capital.

Another way that insurance promotes economic growth is through business risks mitigation which enables businesses to venture into business activities which otherwise would be considered too risky by many companies. Without insurance cover, international trade would be minimal, given multiple risks that face traders and their financiers. Similarly, business growth would be hindered by disruptions caused by losses arising out of insurable incidences which can force such businesses into bankruptcy. With insurance, businesses are able to recover losses to their businesses as a result of different incidences, from accidents to fraud. As a result, financiers also feel safe to extend lending to businesses because of the peace of mind they get that businesses may not be rendered unable to honour their loan obligations as a result of losses resulting from situations beyond their control.

In Namibia, the total assets of insurance companies were reported at just above N\$18 billion at the end of 2006. Of this, N\$8 billion were invested in various instruments in Namibia and the rest outside the country. As to whether the deployment of these assets is fully supportive of local economic growth, I would admit not. This situation is at the centre of the ongoing review of the regulations 15 and 28 of the Insurance Companies and Pension Funds Act and the financial sector charter formulation. The magnitude of the assets amassed by the industry is, however, reflective of the potential and thus the importance of this industry for economic growth. An optimal use of the industry's resources could, therefore, unleash the hitherto untapped growth potential of our economy.

On the social front, insurance cover provides security against damage to or loss of personal property. The destruction of a residential property, for instance, could result in destitution for the concerned family. Similarly, an injury or an illness can force one into poverty as medical costs can create unsustainable debt for the family, depleting its income.

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**MOTION ON ROLE OF INSURANCE COMPANIES
HON KUUGONGELWA-AMADHILA**

In some instances, inability to afford the high costs of medical treatment may result in death or disabilities, even where this is medically preventable.

Insurance cover is intended to provide relief in instances such as these. In a situation of loss or damage to property, the insurance payout would enable the property owner to rehabilitate or replace the destroyed or stolen property, so that one is restored to the initial position or close thereto and disruptions to personal life are minimised. In the case of death, the family of the deceased is assisted to meet the costs of burial of their loved one, while the dependants of the deceased are assisted to meet their maintenance costs in the absence of their deceased member who might have been the breadwinner.

To the extent that insurance cover provides such security, it is indispensable. However, there have been expressed concerns that insurance companies may not be living up to their contractual obligations and that insurance cover has become too expensive that the majority are unable to afford it. Furthermore, the exclusion provisions against certain medical conditions deny some citizens access to cover.

With regards to the reported failure of insurance companies to live up to their undertakings under the issued insurance policies, I want to emphasise that an insurance policy is a legal contract, and like any other contract, it binds both parties to the contract to the undertakings made therein. Therefore, if an insurance company fails to honour an obligation made under the insurance policy, the affected party is entitled to approach NAMFISA for assistance. I must emphasise, however, that NAMFISA can only assist where there is a failure to honour a commitment made under the contract. If, however, there was no commitment under the contract to deliver what is demanded by the insured, then it becomes difficult for NAMFISA to require an insurer to grant what was not promised under the contract.

It is, therefore, very important that clients study their policies carefully before they sign them, so that they are sure about what is covered and what is not covered before they sign them and before they start paying the required premiums. It is also important that they are clear about the options available to them if they no longer wish to continue with the policies.

To help promote consumer education, NAMFISA has decided to intensify its consumer education campaign. This will ensure that the public is aware of the rights and protections extended to them under the law and the recourse available to them in case of abuse by financial institutions.

High insurance premiums are another concern often expressed by the public. The insurance benefits are, however, not commensurate with such high premiums. It is not unusual that the payout of an insurance policy is less than the total premiums paid. An educated public can demand better premiums for better insurance

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HON KUUGONGELWA-AMADHILA**

benefits from the insurers. Further, the financial sector charter is expected to give attention to this important matter as part of addressing the issue of high costs of financial services which is a serious hindrance to accessing financial services.

With regard to medical exclusion clauses in life insurance policies, a survey carried out amongst eight life insurance companies in Namibia revealed that 60 percent of the respondent companies have an HIV/AIDS exclusion Clause in their life insurance policies. Of these, 20 percent have a permanent or total exclusion, while others had an exclusion of between 2 to 5 years. Some insurance companies have policy benefits for HIV/AIDS infected people only if they are part of a group scheme and not on individual basis.

For medical insurance, about 80% of the registered medical aid companies have reported medical cover for HIV/AIDS infected people, with most of them reporting no differentiated treatment between members that are infected and those that are not. However, there is a limit on the medicine members can purchase if they are HIV/AIDS positive and the insurance cover is capped. Only the State Medical Aid Scheme pays 95% of HIV/AIDS medicine, similar to what is offered for all other members.

Most insurance companies provide options to clients to either undergo HIV testing or not at the application stage. The client's option would determine the type of cover provided. When a client opts for a test, the insurance company is required to adhere to the code of conduct set by the Life Assurers Association of Namibia (LAAN) that requires pre and post counselling of potential policy-holders. In the event that the client chooses to undergo an HIV test, then that client can get covered for life and the full insurance benefits get paid out even in the event that such person dies in the future as a result of HIV/AIDS related illness. This is where it becomes important for one to read the small print.

If your insurance policy says, if you test negative for HIV, you are covered and you receive the full benefit, but when you die, the insurer refuses to pay out, your family can then approach NAMFISA. In that case NAMFISA would be able to require that insurance company to pay out, because not paying out would be an abdication of their obligation under the contract.

However, most companies apply a temporary HIV/AIDS exclusion Clause for a period that would generally range from two to five years within which no benefits would be paid if HIV/AIDS related death was to occur. This means that even if you test HIV/AIDS negative, they may say the policy will only pay out if death occurs after two years or after five years. However a lot of times people do not read this, they only listen to the oral explanation given by the broker. That oral explanation may not really address all the details. Therefore, the person leaves, believing that even if they die tomorrow, the family would be able to claim, only

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to find that the policy will not be paid out because there was that limited exclusion in the policy.

In the case that the potential client would choose not to undergo an HIV/AIDS test, most insurance policies will apply a permanent HIV/AIDS exclusion Clause, which is that no benefits would be paid out in the event that the client dies from HIV/AIDS related illness. This is also where the bulk of the problems arise, because you would have a person that might have been contributing for 20 or 25 years, and later on they die of HIV/AIDS and the insurer would refuse to pay. Now they would be saying, "*I have been paying for 25 years*", but the policy was explicit in stating that they will not pay out. It is therefore very important to understand fully what is in the policy, so that you can make the correct choices.

Again consumer education is important here, so that the clients understand the products they are signing for in contracts before they sign them in order that there are no disputes later on and so that they are not cheated out of their benefits.

According to NAMFISA, complaints about non-payment of benefits due to HIV/AIDS exclusion clauses dominated the complaints received by the regulator between January and June this year, as is the case, I believe, at any other time. Given the high prevalence rates of HIV/AIDS in our society, this issue will remain a problem until a solution is found.

In this regard, my office, through NAMFISA, is in contact with the industry to try and get a consensus on ways of addressing the concerns of the public with regard to accessing insurance services by persons infected with the virus. Hopefully, this shall pave the way for a more inclusive approach to insurance cover that will address the diverse needs of the public while also addressing sustainability concerns by the industry. This is extremely important, because you can only get the insurance companies to cover these illnesses if they are guaranteed somehow that that will not erode their company sustainability.

There have been some positive developments in this regard in South Africa, which would result in improved insurance benefits for HIV/AIDS infected persons. We are studying these development very closely to see what lessons can be learnt for Namibia. I thank you.

HON DEPUTY SPEAKER: Thank you very much. Any further discussion? Does the Honourable Member wish to reply on behalf Honourable Dienda?

HON SCHIMMING-CHASE: Honourable Deputy Speaker, on behalf of Honourable Dienda, I move herewith, that the Motion on the role of insurance companies and whether they serve the needs of the Nation be, in terms of Rule

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HON ESAU**

28(a), referred to the Parliamentary Standing Committee on Economics, Natural Resources and Public Administration for further investigation and report back to this Assembly. I so Move.

HON DEPUTY SPEAKER: Any objection to the referral of the Motion? Who seconds? Agreed to. The Motion is referred to the Committee on Economics. The Secretary will read the Fourth Order of the Day.

**RESUMPTION OF DEBATE ON HOW NAMIBIA INTENDS TO
CAPITALISE ON SOUTH AFRICA AND ANGOLA HOSTING THE 2010
WORLD CUP AND AFRICAN CUP OF NATIONS, RESPECTIVELY**

HON DEPUTY SPEAKER: When this Debate was adjourned on Wednesday, 6th of June 2007, the Question before the Assembly was a Motion by Honourable Mbai, that the Motion be adopted. Honourable Deputy Minister of Trade and Industry adjourned the Debate and he now has the Floor. Honourable Esau.

HON DEPUTY MINISTER OF TRADE AND INDUSTRY: Thank you, Honourable Deputy Speaker, Honourable Members.

I am taking the Floor to humbly contribute towards the Debate on the Motion of how Namibia intends to capitalise on South Africa and Angola, hosting the 2010 World Cup and African Cup of Nations, respectively.

This I am doing on the basis of a plethora of interventions around the Government's ability to prepare the Namibian people in benefiting maximally from these events. Our Minister of Sports, Honourable John Mutorwa, has eloquently addressed the aspects of preparations in terms of administrative organisation at regional and national levels.

On the issue of pessimism and negative observations by some Members of the House as regards the preparations in capitalising on South Africa and Angola hosting the 2010 World Cup and African Cup of Nations, respectively, there is nothing we can do. Maybe we can change their perceptions with information on actions taken by the Government. We do not want to go overboard in our expectations, but we want to ensure you that we will surpass the expectations as Namibia.

Honourable Deputy Speaker, Honourable Members, it is the first time that sub-Saharan Africa receives this opportunity to showcase the World Cup, which is a global mega event since its very beginning. This in itself, reflects enormous

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confidence on the part of FIFA and the international community in the progress and development of Africa in general, and South Africa in particular.

At the same time, it presents the host Nations as well as the neighbouring countries, like us in Namibia, with serious challenges in terms of the delivery of first class services on aspects of infrastructure, safety and security, accommodation, transport, telecommunication, medical services and training facilities, among others.

However, as we are aware, the South African and Angolan Governments and their institutions are quite capable to handle the logistics of these events successfully.

On the side of the World Cup, South Africa has indicated its readiness towards the organisation of the event as confirmed by Mr Daniel Alexander Jordaan, Chief Executive Officer of the 2010 FIFA World Cup Organising Committee of South Africa during the World Economic Forum on Africa which was recently concluded in Cape Town, South Africa, which I also attended.

During the World Economic Forum on Africa, it was also disclosed that Host City Agreements are in place ahead of the scheduled event. As Namibian entrepreneurs, I believe that some enterprises are already operating in South Africa in the sectors of construction, safety and security, transport, telecommunication, among other industries and stand to benefit from the arrangements in our neighbouring state. I know that there is quite a number of Namibian transport operators travelling between here and South Africa. You see the buses to Cape Town, you see the buses to Gauteng Province and those business people stand to benefit.

The same applies to the African Cup of Nations which is hosted by the Republic of Angola. There is a lot of movement between Namibia and Angola, especially between Ohangwena, Ondjiva, name it.

The private sector operators should take full advantage of the events by forging strategic business alliances with South African and Angolan business in the construction, safety and security, transport, telecommunications, tourism sectors, among others.

Further, the South African private sector operators have invested more than US\$ 700 million in their economy in preparation towards the 2010 World Cup event. The event is estimated to generate N\$21.3 billion in direct spending and create an estimated 159,000 new jobs.

As neighbouring States, we will embrace this event as an African event and not a South African or Angolan one. We are engaged in the pre-stage through information gathering activities as well as expressing our willingness to host some

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training camp facilities of the participating countries in the World Cup and the African Cup of Nations. It is my understanding that envoys visited our country already to discuss aspects of accommodation and others.

Opportunities in the services sectors, especially in advertising and marketing of the events in our country, we can also benefit the public and private sector entrepreneurs.

In terms of tourism, before, during and after the games, I am of the opinion that our tourism association has taken up issue with their counterparts in South Africa and Angola to participate in their tourism marketing strategies as a Region. I have to add at this point that I also had the honour to attend the unveiling of the tourism marketing strategy of the Limpopo Province. Invitations were extended to Namibians to come and see how we can benefit as a neighbouring state.

It is a fact that the event will turn into a huge tourism gravy train during the four weeks of the World Cup in South Africa. Therefore, appropriate tourist packages and cross-border adventure tours would need to be designed to make sure that the visitors also come to know Namibia in between the games. That is what I would call the spirit of *ubuntu*, sharing what we have with each other, so that all of us could be better off.

As the sector of trade and investment promotion, we are hopeful that we would be able to catch what we refer to as the business tourist or entrepreneurial tourist, who are keen to make use of the World Cup and the African Cup of Nations to scout for business opportunities. In this regard, arrangements are underway for business events to promote and show-case Namibia during and after the World Cup and the African Cup of Nations.

We are aware that it will only be those countries, individuals or businesses which have put sufficient preparatory work in place that will be able to derive meaningful and fruitful results from these events.

In Africa we say, it is only the early risers before the sun is up who will catch the fattest worm. As Namibia, we are not sitting idle and waiting for Angola or South Africa to approach us on the African Cup of Nations or the World Cup 2010.

A delegation of Namibian compatriots went to South Africa to attend the unveiling of the Tourism Marketing Strategy of one of the host cities in the Limpopo Province through which Namibia can benefit in terms of tourism.

It should be clear that attention is given to permanent and long-term benefits for Namibia when millions of people zero-in on South Africa and Angola and receive a new image of the Region and Continent through advertising and marketing campaigns, a glimpse of development, progress, peace, stability and democratic

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credentials which we in Namibia enjoy as well, and the natural beauty of our country can be show-cased, which was the best kept secret of the select few.

Honourable Deputy Speaker, Honourable Members, we are sure that Namibia will pass this crucial litmus test, come 2010, come the African Cup of Nations on our Continent.

Let me reiterate, that we are on track for 2010 FIFA World Cup as well as the African Cup of Nations in South Africa and Angola, respectively. Our public and private sector will maximally benefit from these events in all aspects of our socio-economic fabric.

Finally, thank you for your attention and wait to hear from us again on how Namibia intends to capitalise on South Africa and Angola hosting the 2010 World Cup and African Cup of Nations, respectively. I thank you for your attention.

HON DEPUTY SPEAKER: Thank you very much, Honourable Member. Any further discussions? Does the Honourable Mbai wish to reply?

HON MBAI: Thank you very much, Honourable Deputy Speaker. Thank you once again for the opportunity to reply to this very important Motion I brought to this House.

At one stage I was thinking it was premature to have tabled this Motion in this respected House, but learning from the contributions made in this House from the onset by *Honourable Venaani, Honourable Dr Hage Geingob, Honourable Mutorwa* and my Colleague, *Honourable Tjihuiko* and today the contribution made by *Honourable Esau*, I am so delighted and satisfied by the content of your contributions and above all, the information extended around the topic. I believe all football lovers in Namibia are well aware and stimulated in their expectations and aspirations how our country really intends to capitalise on the 2010 FIFA World Cup as well as the African Cup of Nations in Angola.

Honourable Deputy Speaker, after consultations, I hereby wish to move an Amendment to my original Motion and it reads as follows:

That the Motion be adopted and be referred to the Ministerial Sub-Committee on 2010 FIFA World Cup, chaired by the Honourable Minister of Youth, National Service, Sport and Culture, for his kind consideration and perusal. I so Move.

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HON DEPUTY SPEAKER: Table the Amendment, Honourable Member. Any objection to the Amendment? Who seconds? Agreed to. The Motion is referred to the Committee. The Secretary will read the Sixth Order of the Day.

**RESUMPTION OF DEBATE ON THE EXPANSION OF BENEFICIARIES
OF AFFIRMATIVE ACTION TO INCLUDE ALL NAMIBIANS WHO
STARTED THEIR SCHOOL CAREERS AFTER 1990**

HON DEPUTY SPEAKER: When this Debate was adjourned yesterday, the 4th of July 2007, the Question before the Assembly was a Motion by Honourable Viljoen that the Motion be adopted. Honourable Venaani adjourned the Debate and he now has the Floor.

HON VENAANI: Honourable Deputy Speaker, yesterday before we adjourned under automatic adjournment, I was trying to explain to the House what the dire consequences of supporting such a Motion would be. I was talking about the land question that we are trying to address, that if we allow formerly advantaged Namibians to be treated as Affirmative Action beneficiaries, their fathers and uncles would just allow them to re-inherit the current problem that we are trying to address under Affirmative Action.

Honourable Deputy Speaker, there is a proverb that says that, "*even the wise man cannot see his own back.*" There is also a saying in the Bible – not the Koran – which says that when you are carrying a cross, you tend to think that your problems are much heavier than the problems of others, but sometimes your problems might be much lighter. I just want to premise some of my arguments on those two sayings.

Currently, Honourable Deputy Speaker, thousands of formerly disadvantaged black Namibians are without a flush toilet, a mere human facility of having a flush toilet. It is a dream to many and just to tell you, that if in Kenya you want to be a good in-law to a family, just provide a flush toilet to their daughter. In Kenya that is the best condition for you to be a good in-law and that is the suffering that many of our people are suffering and that is a reality.

Many of our people, in their thousands, are living in shacks. As we are surviving the winter now, thousands of Namibians, black Namibians in particular, are sleeping under bridges, are suffering under calamities because of poverty. If you are telling us that Affirmative Action has played its role and let us expand it, I wonder whether the cross that the others are carrying would be justified by the burdens of others.

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It is a dream for many Namibians not to have three meals per day, but just one single meal per day. I think there is a fallacy when you see Namoloh passing you in a Volvo and living in Olympia and people think when you pass each other around the urban centres of Windhoek, that these fellow have really made it, not conceptualising the broader picture of poverty that confronts our people. It is a reality, Honourable Viljoen, that this fallacy should be exposed, that it is not true that the black Namibian elite are richer than the formerly advantaged Namibians.

Go to the Southern Industrial Area today. Who controls each and every business there? Go to Prosperita, go to the Northern Industrial Area, our people are running by foot from Katutura to go and get jobs there. These are some of the realities and one thing is very clear, and I want to thank you for your boldness, that any hardship that any society is going through, of course the formerly advantaged Namibians are going to be touched by it because they are Namibians.

If you however start comparing and try to make a revolutionary process of saying that let us equate the whole structure today, it is not going to be fair in the interest of history, it is not going to be fair in the interest of reality.

I want to tell you that Kenya gained its Independence as early as 1963, if I am not mistaken, but who dominate the tea plantations on Mount Kenya? (Intervention)

HON DEPUTY MINISTER OF LABOUR AND SOCIAL WELFARE: May I ask a question? Honourable Venaani, are you aware that in the motorcar and motorbike sports here in Windhoek the formerly disadvantaged Namibians are not in a position to afford even a motorbike for them to compete with their fellow white Namibian children who own motorbikes? Is that not really what you want to explain to Honourable Viljoen?

HON VENAANI: I shall also not advance a fallacy, saying that all white people are rich, that is not true and many of us have white friends. It is not true that all white people are rich, there are also poor white people, but in the next hundred years the conditions will not be the same.

In countries where black Africans have gained Independence the conditions are not the same. 40 years after Kenya was liberated the economy of Kenya is still in the hands of those who controlled it. People are just confused when they meet a fellow like Venaani wearing a nice suit and they see this fellow has really made it, but the picture is way broader than the suit or a Volvo that passes by.

However Honourable Viljoen has raised one issue that I want to touch on and I want to be very bold on it, and it is the question of bursaries, that we really have to look at the allocation of bursaries, it is skewed. Many politicians, rightly or

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wrongly, have expressed themselves on various occasions on this skewed allocation of resources to Namibians in general and I think we have to be more pragmatic and one day engage some of these issues that are of serious concern to many Namibian citizens, that it is unacceptable that bursaries are given to certain people or seems to be given to certain people. We need to broaden up the scope... (Intervention)

HON MINISTER OF HOME AFFAIRS AND IMMIGRATION: Honourable Deputy Speaker, may I ask my son a question? The Honourable Member mentioned that there are many business people running the Southern Industrial Area and Prosperita, for example. How are these formerly advantaged people getting loans from the banks to run their companies whereas the disadvantaged people are not getting loans and are always asked more collateral so that they can get that loan? Can you explain to us if you know anything about that?

HON VENAANI: Before I come to the question I want to address the bursary issue. Really Colleagues, no wise man can really watch his own back, but I think we need to pause and reflect on how we allocate resources to one another in this country, and it is a matter of serious concern and it needs pragmatic leadership to address some of these concerns in a way that it would also continue to build nationalism and build a country that we are prepared... (Intervention)

RT HON PRIME MINISTER: May I ask Honourable Venaani a question? Honourable Venaani, on the question of study loans and grants, have you as a young person made an effort to go to the Ministry of Education and satisfy yourself as to what are the official methods of allocating these funds and to go further and study whether those methods are being followed, and if they are not followed, what are the problems in the system? Have you made that effort or are you just coming here with a rumour?

HON VENAANI: Right Honourable Prime Minister, you were the Minister of Education for many years. I can provide you with a list of bursaries that you have allocated for the last thirteen years and I can show you how skewed it is. Let us therefore not go there. (Intervention)

HON MEMBER: Bring it!

HON VENAANI: You brought it here once and it was the same, it is regionalism, it is villages, it is wrong, it cannot be right. Even if you defend it, it

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is not right! I tell you it is not right. The Minister says I should just bring the list. I have a list, I once brought it here and it is a reality. I am not going to be silent about things that are not right. That is not my job. (Interjection). No, it is not a rumour, it is a reality. Go to the Polytechnic and see who got Government bursaries. (Interjections). I am talking about students that got bursaries, I am not asking who is running it. If you want to go there, you may not even equate the whole situation. (Intervention)

RT HON PRIME MINISTER: Some of these things can cause unnecessary problems. Some of these talks are just like the talks on water. Let me give the information I have. Any system can be corrupted, that is true. To get a bursary you must, in the first place, qualify to enter an institution. The qualification to enter a particular institution is determined by that institution. That is number one. Once you have qualified, you must belong to a particular Region, because the money is divided according to the number of students per Region in Grade 12 per year. Therefore, each Region has its own quota according to the number of students in Grade 12.

Thirdly, there are a number of considerations in terms of means testing. Perhaps you come from a very marginalised community such as Tsumkwe or you come from Kaokoland or perhaps you are in the same group or perhaps a woman. If you are competing and you have the same marks and you have a boy and a girl, the girl is likely to win if it comes to whom to choose.

Therefore really, if the system is corrupt, that is a different thing, but there is one system and everybody is aware that it can create an imbalance in the country and it is properly structured. But of course, any system can be corrupted, I am not denying that. However do not make a blank statement. We have schools in this country which do not perform. Go to the schools in Katutura, they do not perform. You will not find people from the Katutura schools at the Polytechnic because they will not be admitted. Go to Okakarara Secondary School, how many passed Grade 12? You do not find them there because they will not be admitted. That is not the problem of the Student Financial Support Scheme.

Please, let us look at these things because they can cause problems.

HON VENAANI: Honourable Minister, if the system is corrupted, then it is the case, but we have to look at it because there is a problem there, whether you have the correct procedures. You can only rely on saying “prove it, prove it”, but I can tell you there is a problem and people are experiencing those problems. They are there and you know they are there.

Honourable Viljoen, this country has accepted a policy of national reconciliation. The past was very harsh. The dichotomy is that you are reconciling with the ones

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that have and the have-nots are saying, “*you, the ones that have, keep it, we are working for it.*” That is what we said in this country.

To come to your question, Honourable Nghidinwa, how these people gained this wealth, it is persons whose forefathers came here and grabbed the land and after grabbing the land, the land is collateral. Tomorrow they can go to banks and it is wealth that is passed on to the next generation. Just one example, very few black Namibians were even made aware that if you die in an accident, there is a Road Fund that can pay for damages. (Interjection)

HON MEMBER: That was after Independence.

HON VENAANI: Just after Independence. A person could be in an accident in 1989 and get nothing, and Viljoen could be in the same accident and get N\$300,000. So, the starting ground was not the same and it will never be the same. I agree with you that Affirmative Action needs a timeframe, but that timeframe can only be realised if the situation has really changed and as of now the situation has not moved ahead and we have to start opening up charters where we want our people to access markets that are currently dominated by formerly advantaged Namibians.

Therefore, it is very difficult for me under those arguments to support the Motion under discussion and I want to thank you.

HON DEPUTY SPEAKER: Thank you. Right Honourable Prime Minister.

RT HON PRIME MINISTER: Thank you, Comrade Deputy Speaker, I want to make a small contribution to this unfortunate Motion, and I want to start by reading from the Namibian bible, the Constitution, Article 60(1)(b):

“All Members of the National Assembly shall regard themselves as servants of the people of Namibia and desist from any conduct by which they seek improperly to enrich themselves or alienate themselves from the people.”

Having said that, this unfortunate Motion is a reflection of the politics of pre-modial sentiments prevailing in this House. The politics of pre-modial sentiments are based on “*us and them*” – very divisive, thinking only about yourself and excluding others. That is very dangerous.

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Honourable Venaani has attempted to do the same with regard to the water, to say that the Herero-speaking cultural community is somehow being punished by somebody who does not want them. That is what he was saying.

HON VENAANI: No.

RT HON PRIME MINISTER: Yes, it is there. The same thing with Mr Viljoen. (Intervention)

HON VENAANI: May I ask the Right Honourable Prime Minister a question? Right Honourable Prime Minister, when Cabinet decided to write off all interest on the debt of the Okakarara Water Carrier, I am talking about the water carrier that ends up at Von Bach, when you decided to write off that debt, were you thinking of the Hereros, trying to alleviate their plight or why did you decide to suspend the interest of the Hereros? Was it not a problem or was it a tribal decision that you took?

RT HON PRIME MINISTER: If you want to hide, you have nowhere to hide. The truth is clear, it is the same thinking like Honourable Viljoen. All of us come from particular places and particular communities and of course, people from the community you come from approach you that is true. So, it is not surprising that young Namibians of Afrikaner descent will naturally go to Mr Viljoen. That I know, it will happen. The point is, Mr Viljoen as a representative of all the people of Namibia, was supposed to investigate whether this phenomenon is only for the young Namibians of Afrikaner descent or are some other people also affected before he raised it on the Floor of the House where he is supposed to be representing everybody. (Intervention)

HON VILJOEN: On a Point of Order. I think the Right Honourable Prime Minister did not understand what I said. He said, think of yourself, exclude others. I do not want to exclude others because my group is... (Interjections). The group that I am talking about is all the learners who went to school in 1990, all the learners irrespective of race or colour. (Interjection)

RT HON PRIME MINISTER: What Point of Order is that? You are going to reply.

HON DEPUTY SPEAKER: He wants to give information on the group.

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HON VILJOEN: I do not want to exclude a group, I want the other group which is excluded also to share in the benefits.

RT HON PRIME MINISTER: The politics of pre-modial sentiments are aimed at inciting this group or this community against the other. That is the idea or to create fear or apprehension that somehow we are being deprived of something by somebody, somewhere. Such politics are not thoughtful.

I know where we came from, we came from apartheid and we always think about us, them no. If we are not careful, we are going to tear this Nation apart. It is true that there are limited opportunities for social mobility, especially in the public service. There are limited opportunities for promotions. Why? Because after Independence most of the people who got the high posts were so young, and they are far from retiring. Thus, to move up the ladder is very difficult, unless somebody dies or resigns. It is a natural progression and it is very difficult because people are so young. Imagine if you want to replace Honourable Abraham Iyambo as Minister. You have to wait for so long for him to retire. Or for Meme Saara you will wait 50 years. That is one problem and it does not only affect Namibians of European descent, it affects everybody.

There are many people who are stagnant who were put there as a Deputy Director and you are still a Deputy Director, because the Director is the same age as yourself and you cannot move up. It is a known problem everywhere in the public service.

Secondly, employment opportunities are very limited because of the nature of our economy. Our economy is too capital intensive. If you want to harvest diamonds, you are using machines on the seafloor, no more people with shovels and picks as they used to do it at Oranjemund. These capital intensive operations are a problem.

The same goes for mines. If you open up your Skorpion Zinc, only a few people are employed. If you open up Langer Heinrich, only a few people are employed and Spitzkoppe the same thing. This problem of a capital intensive economy is a very big problem.

Then you also have a problem of attitude. Many of our employers do not want to employ young people with qualifications because they have to pay more. So, they keep their old guard who do not have qualifications and they can pay them as they used to pay them.

These are the problems which are limiting the opportunities of all young people, regardless of whatever community you come from. It is a reality. If you read the reports of the Employment Equity Commission, they are still complaining that

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there is no employment equity in this country, especially in respect of those who were historically excluded. The reports are available for you. It is not because there were two people competing, one Namibian of Namibian origin and another Namibian of European origin and the selection was made for the Namibian of Namibian origin. I am quite sure if you are asked to give proof, you will have a hard time to find one.

This problem of youth unemployment is universal, even with your qualifications. What you are supposed to talk about as the National Assembly is how to diversify the economy, what we should do to diversify the economy and create more opportunities. For example, in the area of value addition beneficiation so that we create more opportunities. That will help our young people to understand the problem they are faced with. We are supposed to say how do we grow the economy so that the economy expands. Those are the issues we are supposed to talk about. Otherwise, if we do not do that, we are just going to create this mind in our people that the reason that I do not have a job is because somebody has taken it from me. Then we will end up with a blame game and eventually there will be conflict.

Let us as leaders in the National Assembly abide by our Constitution and read that Article 16 through and through. I want to propose that as part of our *Gebed*, as part of our daily Prayer, the Speaker should always read this paragraph to remind us why we are here, so that we do not create situations whereby you are trying to score political points. Yes, you are competing for votes with Mr Mudge and you are talking of the problem of the people who have to vote for you. That is what you are doing. However when you are doing that, you are also creating a conflict because if the reality of our situation does not change drastically, these problems are going to multiply and we as politicians have created a sense among our people that somebody somewhere is robbing them. If somebody is robbing you, of course who likes a robber? You want to resist a robber.

Please, let us look at situations in their entirety before we bring them to the Floor of the House. Then we are building a prosperous, united and peaceful Namibia. Thank you.

HON DEPUTY SPEAKER: Thank you very much. In terms of Rule 90 of our Standing Rules and Orders, automatic adjournment, the House stands adjourned until Tuesday, 14:30.

**ASSEMBLY CHAMBER
WINDHOEK
10 JULY 2007**

The Assembly met pursuant to the adjournment.

HON DEPUTY SPEAKER: Took the Chair and read Prayers and the Affirmation.

HON DEPUTY SPEAKER: Any Petitions? Reports of Standing or Select Committees? Other Reports and Papers?

TABLING: REPORTS OF AUDITOR-GENERAL

HON DEPUTY MINISTER OF FINANCE: Honourable Deputy Speaker, I lay upon the Table, Reports of the Auditor-General on the Accounts of the following:

- Town Council of Ongwediva for the Financial Year ended 30 June 2006;
 - Town Council of Rundu for the Financial Year ended 30 June 2006;
 - Regional Council of the Hardap Region for the Financial Years ended 31 March 2002 and 2003; and
 - Village Council of Stampriet for the Financial Years ended 30 June 2003, 2004 and 2005.
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HON DEPUTY SPEAKER: Table the Reports. Further Reports and Papers? Notice of Questions? Notice of Motions?

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

**RESUMPTION OF DEBATE ON SECOND READING – ELECTRICITY
BILL**

HON DEPUTY SPEAKER: When this Debate was adjourned on Tuesday, 5 June 2007, the Question before the Assembly was a Motion by the Honourable Minister of Mines and Energy that the Bill be read a Second Time. Honourable Minister of Fisheries and Marine Resources adjourned the Debate on behalf of the Deputy Minister of Lands and Resettlement and the Deputy Minister now has the Floor.

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**ELECTRICITY BILL
HON KATALI/HON P MUSHELENGA**

HON DEPUTY MINISTER OF LANDS AND RESETTLEMENT: Thank you, Comrade Deputy Speaker. When I adjourned the Debate on the Electricity Bill I had many concerns that I wanted to raise, but after many consultations, I was made to believe that my concerns were addressed and, therefore, I am only going to address maybe one or two that may not have been discussed in that forum.

The objection that I had to this Electricity Bill is that the companies that were formed under the Companies Act, where the functions and appointments of the members are addressed there, also be part of another law, which is the Electricity Bill. I found that to be very awkward and, therefore, I had a problem with that. But seeing that this is going to be addressed, I only have one issue to raise and that is on Page 4 with regard to the definitions.

There is KVA which means kilo volt amperes. That, to me, is not a definition, it is an abbreviation that is being explained and, therefore, we maybe need a definite definition for this one. The same applies to RMS on Page 5, the route means square. We want to know what the definition of route means square is and not its abbreviation.

Therefore, Comrade Deputy Speaker, with that understanding, I hope that this Bill will go back to the drawing board and that Part 6 of this Bill will be totally removed. If that happens, then I think my concerns would have been addressed. You could have realised, Honourable Members, what came into both the electronic and printed media about this issue of the REDs. The Town Councils and Municipalities are up in arms about this and, therefore, it will be better if it is for the time-being completely removed and we deal with the Electricity Control Board issues separately.

With that, Comrade Deputy Speaker, Honourable Members, I rest my case. Thank you.

HON P MUSHELENGA: Honourable Deputy Speaker, I will also be very brief.

Clause 13 of the Bill provides for levies to be charged. The Electricity Control Board, as the regulator, increased the levies this year from 0.45 cents per kilowatt to 0.60 cents kilowatt per hour. The purpose of these levies is to cover the costs of the regulator. If you make a calculation, the Electricity Control Board has actually increased the levy by thirty percent this year and this is unacceptable, because the way I see it their revenues from the levies had already increased with the increment of units sold, due to an increase in the number of end-users and customers, which means more customers are connected to the grid. This already increased revenues. To now increase it with 30% is in a way a clear violation and contravention of SWAPO Party Manifesto which says:

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**ELECTRICITY BILL
HON NGHIMTINA**

“Access to affordable energy is an essential ingredient for economic development and improved quality of life.”

With this increment I do not know whether it is in line with the principle of social upliftment embodied in the speech of the Minister and the white paper.

I feel that the Electricity Control Board as the regulator should limit themselves to regulating the business of electricity and leave other programmes of social responsibilities to others that can do that.

With these few words, I would like to rest my case.

HON DE WAAL: Honourable Deputy Speaker, I move that the Debate be adjourned until tomorrow.

HON MINISTER OF MINES AND ENERGY: This Bill has been in the Parliament for almost two months and we have agreed that in Committee Stage we are going to delete everything to do with REDs. The legal drafters have everything ready and the rest can go.

HON DE WAAL: Honourable Deputy Speaker, if I understand correctly, everything concerning REDs will be removed from the Bill. In that case I do not want to speak. Thank you.

HON DEPUTY SPEAKER: Thank you. I now revert the Floor to the Minister to respond to the questions which were raised.

HON MINISTER OF MINES AND ENERGY: I thank all the Members who contributed to this Debate. The issue of REDs has been addressed, so that the electricity industry could go ahead as usual. Therefore, tomorrow we will only insert the corrections and then the Bill can be passed.

HON DEPUTY SPEAKER: Thank you very much. I now put the Question, that the Bill be now read a Second Time. Any objection? Agreed to. The Secretary will read the Bill a Second Time.

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**RATIFICATION: FREE TRADE AGREEMENT
HON TJIHUIKO**

**RESUMPTION OF RATIFICATION OF THE FREE TRADE
AGREEMENT BETWEEN THE EUROPEAN FREE TRADE
ASSOCIATION AND THE SOUTHERN AFRICAN CUSTOMS UNION
STATES**

HON DEPUTY SPEAKER: When this Debate was adjourned on Wednesday, 20 June 2007, the Question before the Assembly was a Motion by the Honourable Minister of Trade and Industry, that the Agreement be ratified. Honourable Tjihuike adjourned the Debate and he now has the Floor.

HON TJIHUIKO: Thank you very much, Honourable Deputy Speaker. I rise in support of the trade agreement that was presented by the Honourable Minister of Trade and Industry, Honourable Ngatjizeko.

I am fully aware of the fact that when we are talking about trade agreements, we are talking about issues that would eventually take this country into achieving Vision 2030. In other words, when we are looking at any trade related issues, our minds are being moulded around achieving that objective.

As I was going through the trade agreement, I realised that there are one or two things which are not very clear to me and I think when the Minister motivated this very important agreement, he could have gone a little bit further by telling us as politicians what is there for us as a country, what are the benefits that we as a country would get from this agreement. Otherwise we will ratify this agreement and come back tomorrow and say *we did not know*. Not all of us are economists, therefore in future these types of agreements should be properly motivated, so that we can take a decision on something that we clearly understand.

I am saying this, because when I was looking at the EFTA countries, these are strong manufacturing-based, developed countries and if SACU has to enter into an agreement with a developed country, you need to know exactly what would be your benefits. These were not clearly explained to us in simple language. I know that the Minister will be able to do that when he responds.

Honourable Speaker, I have also noticed that at the present moment SADC is busy negotiating a trade agreement with the European Union at a regional level while South Africa has already entered into an agreement with the European Union. (Interjections). If you listen, you will understand what I am talking about.

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This is a trade agreement that could have benefited a weaker economy like ours. South Africa, a partner in SADC, has entered into an agreement with the European Union. What will happen? The European Union product will find its way into the Namibian market without our consent and we are not going to compete. I am talking about subsidised agricultural products that are coming from the European Union. These are some of the things which could have been explained properly to us, that what would be the benefit of entering into an agreement with a stronger economy and our own neighbour, our own brothers who could have been in a position to defend us, are entering into an agreement, ignoring our existence. What are the benefits to us? These are the things that I wanted the Honourable Minister to touch on so that I, as a politician and not an economist, could understand and go out to my constituency and tell the people that these will be the direct benefits to us as a country. (Intervention)

HON DR AMWEELO: Comrade Deputy Speaker, I just want to ask my Colleague a very small question. Honourable Member, you said that our country is weak and my question is: When do you think our country will become stronger and when will you start thinking bigger rather than smaller?

HON TJIHUIKO: When you are talking about the military and you are saying “weaker”, you are referring to the military. I am talking about the economy, smaller and weaker economy. You cannot compare the Namibian economy with the Swedish economy, can you? This is a basic principle, you can ask a Grade 1 kid and he will tell you.

Honourable Deputy Speaker, we should be very careful when we are entering into any trade agreement, because if you look at what the South African Agreement with the European Union means to us, we will never be able to industrialise this country by 2030. We cannot compete with subsidised products, we cannot compete with products that have been manufactured on a bigger scale and there is no protective mechanism to protect the smaller economies.

That is why at some point there was an agreement in SACU to protect the infant industries for at least eight years in order for them to be able to grow. That was the reason and there is no protective mechanism in this agreement that we are talking about now or maybe you will tell us later on.

This is what I wanted to highlight, that as a politician one would have liked to know that what I am going to do now will be to the benefit of this country. I have one hundred and one questions, that by signing an agreement with a well-developed economy, we will definitely find ourselves in a situation, in which we

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find ourselves now with the agreement between South Africa and the European Union.

With these few remarks, hoping that the Minister will be able to put my concerns to rest, I will in the meantime support the trade agreement.

HON VENAANI: Thank you very much, Honourable Deputy Speaker, I shall be very brief.

I rise to support the very good intentions of the protocol under discussion that wants to link our economies to those of the EFTA countries. However as Honourable Tjihuiko has raised some very important issues that I think need some consideration, I also want to put a spanner in the works by addressing one element that we do not really look into when we are addressing some of these agreements and that is the difference between foreign direct investments and foreign investments into countries.

Most of the time countries sign agreements to see bigger countries exploiting the existing services, rather than bringing investments into new areas to develop skills and training. I would want to caution that it is a good thing for us to talk about foreign investment, but what our country needs so much is foreign direct investment, where we need partners who would create new industries, rather than people putting their money into existing industries. We have foreign investments into the building industry in this country, but it is an industry that is just taken away from our people rather than a new venture.

One would have to hope that when our countries are signing some of these agreements, we would look into expansion areas, that we talk about expanding our economic basis, rather than people just entering our existing markets only because they can produce things cheaper.

With these few remarks, I support the intentions of the protocol under discussion.

HON DE WAAL: Thank you, Honourable Deputy Speaker. I will try to be brief, but I am a little bit concerned about this document, because I do not know how far the Ministry of Trade and Industry has gone with the negotiations with the European Union. Just by glancing through the first few pages, I want to make a few remarks.

Honourable Deputy Speaker, Article 16 on subsidies: It seems that if you have a problem with subsidies being paid in one of these EFTA States, you must notify them that you are going to investigate such a thing. This is a clear recognition of

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the fact that there are subsidies being paid in the EFTA States, just as it is a fact that the Common Agricultural Policy is still in force in Europe.

My question to the Honourable Minister is: If we are prepared to negotiate with EFTA while their subsidies are still being paid, are we also going to be prepared to negotiate similarly with the European Union while the Common Agricultural Policy is still in place? In other words, we must compete with EFTA States on products that are subsidised by those countries, while our Government is not in a position, nor willing to subsidise our products. Is that fair trade in the global market? I do not think so. I am concerned that if we sign this document and ratify it, the European Union will tell us, "*but listen, you have just ratified an agreement with EFTA with this article in it, why not with us as well, what is your problem now?*" We are giving away our negotiating power. That is on Article 16.

Honourable Deputy Speaker, if I move on to Articles 26 and 27, here we are all of a sudden prepared to sign an agreement with EFTA on the so-called Singapore issues, which include the intellectual property rights, which include services and Government procurement. In this document Government procurement is found under Article 29. As far as I remember, the African Union Heads of State decided that we are not going to negotiate with the European Union now on the Singapore issues, that we will not in the Economic Partnership Agreement include the Singapore issues and the Singapore issues are property rights, services and Government procurement. Yet in this document we are now prepared to sign and ratify an agreement with EFTA which includes the Singapore issues. How are we going to negotiate next week with the European Union, saying that we are not prepared to negotiate on the Singapore issues? It does not make sense.

I am very seriously concerned about that part, especially about Government procurement. Here we are saying that, "*the parties shall no later than five years after entering into force of this agreement hold discussions on Government procurement.*" In other words, what we are saying is that for the next 5 years they will not be allowed to tender, but after five years they would want to have the right to tender. Therefore, all the mechanisms that we have put in place to protect our small and medium enterprises against bigger people when it comes to the tendering process will fall away. I honestly have to put a big, big question mark about this document.

Lastly, Honourable Deputy Speaker, I do not find anywhere in this document any Clause saying anything about the rules of origin. (Intervention)

HON DEPUTY MINISTER OF LABOUR AND SOCIAL WELFARE: May I ask Honourable De Waal a question? Honourable De Waal, are you aware that whenever the Europeans are defeated at WTO, when their negotiators fails to

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convince their social partners at WTO, they bring it this way? We as a country really need to understand those tricks.

HON DE WAAL: I am aware of that and the Doha Round was a disaster and the Doha Round was supposed to sort out the Common Agricultural Policy and the subsidies in America. Thus, because they could not agree, they just continued, WTO or not. They just continued to pay subsidies. We, on the other hand, are forced to sign an economic free trade area agreement or an economic partnership agreement by the end of this year while the subsidies are still ongoing and there is no indication even when the subsidies will stop. They talk about decreasing the subsidies in 2013, but in the meantime we as a small, developing economy are now being forced to compete with the subsidised products in Europe, so nothing has changed. Nothing has changed, we are still on the losing side.

What concerns me is that now we are prepared to ratify an agreement with a part of Europe, which is a different part at least, but part of Europe... (Intervention)

RT HON PRIME MINISTER: I am sorry to disturb the Honourable Member who has been absent from the House, drinking wine in Europe and now complaining about the Europeans. May I ask the Honourable Member a question? Honourable De Waal, can you specifically pinpoint the specific Namibian products which are going to compete with European Union products?

HON DE WAAL: I can give you one example. I have heard over the last three weeks that there is a Namibian Company that wants to invest heavily in the dairy industry. They want to really invest in the dairy industry, but big money. Now, what do you find if you go to the Supermarkets here in town? You find Irish butter. We import butter from Ireland. Why? Because it is subsidised. They are in a position to send butter from Ireland, no matter what the transport cost is, all the way to South Africa and all the way from South Africa to Windhoek and still sell it at a profit in Windhoek. That is what I am talking about, Sir.

We must not only look at the products that are there today. We are saying in Vision 2030 that Namibia must be an industrialised country by whatever date after Vision 2030. How are we going to industrialise Namibia if all these products are just flowing in without any protection? There is one small Clause here that you can protect an infant industry for one year. (Intervention)

HON DEPUTY MINISTER OF JUSTICE: May I ask Honourable De Waal a question? Honourable De Waal, thank you for accepting my question. Are you aware that it is not only the Irish butter which finds its way here, we also have

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extremely cheap New Zealand butter in our shops here and recently when one truck overturned, people discovered that this meat was from Argentina. They dump all these things here and it is becoming a problem.

HON DE WAAL: Honourable Deputy Speaker, I know there is a very long Order Paper, but I would honestly ask the Honourable Minister, if this is not a life and death situation, whether we could not leave the ratification of this Agreement until the 12th of September and ask the Standing Committee on Economics to have a discussion with the Minister and the Permanent Secretary in the meantime, so that we can just sort out these issues and make sure that we are not going to face problems.

Honourable Deputy Speaker, we have just listened to the Commissioner of the European Union in Wiesbaden where he was specifically asked: *“The COTONOU Agreements comes to an end on 31 December this year, is there anything else that you are investigating to make sure that the ACP countries will not be in a worse position after 31 December than previously?”* He said no. We asked him, what now? He said, *no, you must sign an economic partnership agreement.* That is it. Then he said, *“next question, please.”*

All I am asking the House, I do not think anything will happen to this Agreement, can we not ask the Standing Committee on Economics to arrange for a meeting with the Minister and the Permanent Secretary, so that we can just sort out these things.

They have been negotiating three weeks ago in Walvis Bay on the EPAS issue and we do not know what happened there, how far they have gone and whether they have reached some sort of agreement or not.

Honourable Deputy Speaker, the last point I want to make, there is no paragraph saying anything about rules of origin, which means the following: If you sign this Agreement with Sweden, they can import the butter from New Zealand into Sweden and then sell it to Namibia, because you have not said anything about rules of origin. There is not a word about rules of origin in this document.

My request to the Honourable Minister is that please, I do not think anything will go wrong if we do not ratify this document now. Let us ratify it in September, but in the meantime let us just sort out our own house. I thank you.

**HON DEPUTY MINISTER OF REGIONAL AND LOCAL GOVERNMENT
AND HOUSING AND RURAL DEVELOPMENT:**

Thank you very much, Honourable Deputy Speaker. I have also read through the document and I would like to wholeheartedly support the proposal made by Honourable De Waal. I am supporting the proposal on the following grounds:

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- This document makes reference to a lot of international agreements, such as the German Agreement on Tariffs and Trade (GATT) and so on. It does however not go on to specify those Clauses.
- It talks about the issue of intellectual property and copyrights and as you have just correctly stated, we are a developing Nation which aims to become industrialised by 2030, and we know a number of countries have developed because of their own technology and aligning themselves with certain partners. Now I do not know whether we will hamstrung ourselves by signing an agreement like this one, because we do not know how we will control our partners. Not that we are suspicious of our partners, they are good partners dating back to the days of the liberation struggle, but global international business interest is a different ballgame.

Therefore, without being non-supportive, I think this document has a lot of technical issues that need to be further investigated. That is why I lend my support to the proposal that this document needs to be deferred for further investigation. It is a technical document dealing with a number of agreements. That would be my comment.

HON DEPUTY SPEAKER: Thank you very much. Any further discussion? I revert the Floor to the Honourable Minister to respond.

HON MINISTER OF TRADE AND INDUSTRY: Thank you, Honourable Deputy Speaker. I have taken note of the feeling in the House concerning this document, and I am prepared to have it taken to the Committee that has been suggested. I however just want to clear one or two things.

Some of the Members might have confused EFTA with the EU. EFTA are those countries that are not members of the EU. Especially *Honourable Tjihuiko* was supposed to know that as an economist. The current agreement that is being negotiated with the EU is about the COTONOU Agreement that is coming to an end at the end of this year and as you know, trade is currently being dominated by the big economic powers. What is not acceded to at the World Trade Organisation, they would try to push through at other levels such as these types of agreements. You are right that we should go and have a look at it.

Of course, this is an agreement between SACU and EFTA and we must understand it in that context. Having acceded to a SACU agreement, we as a Nation have actually taken a SACU agreement as part of our constitutional provisions. That is something we have to remember when we go and consider in at Committee. I agree that we can do that.

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For the further information of *Honourable De Waal*, while you were out there globe-trotting, I circulated some information documents concerning the process of the SADC-EFTA negotiations. It should be on your desk somewhere.

Read through it and get informed. Thank you very much.

HON DEPUTY SPEAKER: There is a general agreement that the Agreement will be referred to the Committee.

RT HON PRIME MINISTER: I have a question, Honourable Deputy Speaker. The request is to take this document to a committee. Is it just for intellectual curiosity or what? Because this is not a Namibian document, this is a SACU document and you cannot amend it. That is the reality.

HON RIRUAKO: Honourable Deputy Speaker, I am quite disappointed. Why SACU?

HON DEPUTY SPEAKER: I think we are now on advice, not on contributions. The Minister has already responded, you cannot contribute. You can just give advice on how we go about it. The Prime Minister has given his view.

HON RIRUAKO: You can change it in your favour if you want to do so and if you do not want to change it, why postpone it and argue on it?

HON DEPUTY SPEAKER: It is not postponed. The Prime Minister said it does not need to be postponed to go to any committee. He said it is a SACU document.

HON RIRUAKO: Then why should we check what is on the Table, to do what?

HON DEPUTY SPEAKER: Ask Hon De Waal.

HON DE WAAL: Honourable Deputy Speaker, I hear what the Right Honourable Prime Minister is saying, but I think in all fairness, Parliament is not a rubberstamp to just stamp everything that comes here. We as Parliament are asked to ratify this Agreement and I am not saying we should not do that, that is not what I am saying. What I am saying is, let us just make sure. There is a number of

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options. We can decide not to ratify it and let it hang in the air for a while, while we are negotiating with the European Union. Once you have ratified this document it is a *fait accompli*. You have signed away your rights, your bargaining chips, everything.

We can say, “*hang on guys, we are fine with this document but we need some time.*” Let us say we need until December, closer to when the COTONOU Agreement comes to an end. I am not saying we should not ratify it; all I am saying is that we should just be careful, just play a little bit and in the meantime, Honourable Prime Minister, if there is something seriously wrong with this document, then I would recommend to this Parliament not to ratify it. Then it must go back to SACU and they must look at the problem and come with a revised version.

HON DEPUTY SPEAKER: The Honourable Minister said that he does not have a problem, he accepts the idea of the document to be referred to the Committee on Economics. Honourable Minister.

HON MINISTER OF TRADE AND INDUSTRY: Honourable Deputy Speaker, that is what I said. I hope that you understood what I am saying by saying that. I mentioned also that this is a SACU Agreement that has been signed and it only needs ratification. By saying that, I am saying this is a document that has been negotiated on by our technical people from the different SACU Member States. If you want to inform yourselves about what is contained in here, it is something different, but the truth is what the Prime Minister has just said, that there is no way that you can do anything about what has been negotiated.

HON DE WAAL: Honourable Deputy Speaker, I would like to propose that anybody who has not spoken just postpones the Debate until tomorrow and tomorrow somebody moves that this Agreement be referred to the Committee and that they must report back to the National Assembly on the 12th of September.

HON DEPUTY SPEAKER: I have a question to the House as I agree with the Right Honourable Prime Minister. Have we ever referred any international agreement to any Committee in this House? Since I have been here I have never seen that.

HON MINISTER OF JUSTICE AND ATTORNEY-GENERAL: Thank you, Comrade Deputy Speaker. At one point about four years ago, I intervened in a debate of a similar nature where I was trying to explain the process of ratification

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of an agreement. What are the implications of ratifying whatever comes before Parliament?

Ratification means accepting whatever comes our way with a view of making it part of our laws and I also do not believe that we can just make anything part of our law that we do not understand. Therefore I have difficulties with us being opposed to an issue standing over for better clarification to be sought. What does it take away from our processes, our laws? Nothing. Even if we eventually ratify this Agreement, we do so with a clear understanding of the pitfalls, of the advantages and the disadvantages, other than just to say because it is an agreement which was already negotiated we should just sign. We are not a rubberstamp as the Assembly.

Therefore, Comrade Deputy Speaker, I strongly feel that the request by the Honourable Member should be granted, for us to get a better understanding of what we are getting into. Thank you.

HON DEPUTY SPEAKER: I am not opening up the discussion, it is only to give advice and very short ones. I think it is clear, the Minister has agreed. I do not know why you are still advising.

HON DEPUTY MINISTER OF JUSTICE: Thank you, Honourable Deputy Speaker. I just want consistency in this House, because at one stage we were talking about the same Agreement, the African Peer Review Mechanism, and we have always been hammered by that side of the House. It is because of similar reasons and I think there is no harm in referring something and have a proper consideration and input for the future. Let us be consistent. Thank you very much.

HON DEPUTY MINISTER OF TRADE AND INDUSTRY: Thank you very much, Comrade Deputy Speaker. I concur with my Minister on the question of referring the document to the Committee, but the issues that were raised are addressed in this document. If you go to infant industry protection on Page xxv, Article 25, it says special treatment for Botswana, for BLNS countries in fact.

The issue of rules of origin is again on Page xiv. Article 20 speaks about exemption from proof of origin. I agree with the Honourable Minister, but I just wanted to say that some of the issues are clear.

HON DEPUTY SPEAKER: Honourable Members, I would like to see one person who would adjourn the Debate and come up with the referral document

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tomorrow or the Minister can do that. Let the Minister do that tomorrow or do it now.

HON MINISTER OF TRADE AND INDUSTRY: Honourable Deputy Speaker, I move that the subject matter of the Free Trade Agreement between EFTA and SACU be referred to the Standing Committee on Economics, Natural Resources and Public Administration for further scrutiny and report back to this Assembly by the 19th of September 2007.

HON DEPUTY SPEAKER: Table the Motion, Honourable Minister. Any objection? Who seconds? Agreed to. The Free Trade Agreement between EFTA and SACU is referred to the Standing Committee on Economics. The Secretary will read the Third Order of the Day.

**RESUMPTION OF DEBATE ON THE FORMATION OF THE AFRICAN
UNION GOVERNMENT BY 2015**

HON DEPUTY SPEAKER: When this Debate was adjourned on Tuesday, 3 June 2007, the Question before the Assembly was a Motion by the Honourable Dr Geingob, that the Motion be adopted. Honourable Peya Mushelenga adjourned the Debate and he now has the Floor.

HON P MUSHELENGA: Honourable Deputy Speaker, Honourable Members, at the founding conference of the Organisation of African Unity, President Kwame Nkrumah of Ghana suggested the launch of the Union Government of Africa. Among his proposals were the establishment of the Commission of Foreign Ministers, experts and officials to work on the Constitution of a Union Government of African States. The Commission was to work out a plan for common economic and industrial programme, setting up the following:

- A common market for Africa
- An African currency
- An African monetary zone
- An African Central Bank
- A continental communication system.

The Commission of Foreign Ministers, experts and officials was also to draw up a Common Foreign Policy and Diplomacy, Common System of Defence and Common African Citizenship. These were brilliant ideas, whose ultimate aim was

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to ensure complete Political and Economic Independence of the African States. However, pragmatic circumstances dictated otherwise.

The idea of the African Union Government needs to be put into historical and pragmatic perspective. Africa comprises people of different ideologies, ambitions and schools of thought. When the African Continent mothered leaders like Osagyefo Kwame Nkrumah, Mwalimu Julius Nyerere and Patrice Lumumba, it also mothered others like Jean-Bedel Bokkasa, Idi Amin Dada and Jonas Savimbi.

HOUSE ADJOURNS AT 15:40

HOUSE RESUMES AT 16:20 PURSUANT TO ADJOURNMENT

HON P MUSHELENGA: Honourable Deputy Speaker, I was saying, when the African Continent mothered leaders like Osagyefo Kwame Nkrumah, Mwalimu Julius Nyerere and Patrice Lumumba, it also mothered others like Jean-Bedel Bokkasa, Idi Amin Dada and Jonas Savimbi. Similarly, when the majority of the southern African States formed the Frontline States to ensure the total liberation of the Region, some went to join a rival grouping, the Constellation of Southern African States.

Honourable Deputy Speaker, the variety of the African offspring did not only exist in the past, but a diversity of people on the opposite edges of a continuum still exists within the socio-political spectrum in the continent. It is, therefore, important that when we talk about the African Union Government, we should ponder whether there is like-minded attitude and singleness of purpose in the continent.

Some sentiments expressed from some quarters in our society and continent appear to suggest that we should give green light to the African Union Government proposal expeditiously, if not unconditionally. I am getting cold feet to sign a blank cheque. It is my humble submission to this august House that the proposal for the African Union Government should be subjected to thorough scrutiny and measured against the advantages, disadvantages, possibilities and impossibilities. Attempts to run away from debates on realities will not help this continent and its people. We should reflect on history when we ponder the future, so that we can make improvements and change for the better.

It is my observation that currently, the continent is divided and these divisions should first be addressed. We tend to be united as Africans when we are at world platforms, but when we are on our own platforms, we become divided. Africans allow themselves to be divided. Some of these divisions are, unfortunately, rooted in colonial legacies and external influence from outside the continent. Let us not

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forget history. When the then Namibian Foreign Minister, Theo-Ben Gurirab lost the position of Secretary General of the OAU, it had nothing to do with personalities, but it was more of the division in the continent between Anglophone and Francophone countries. Likewise, in some African countries we read of religious related tensions.

It should be stated that we should be pragmatic when we talk about the African Union Government. We should not run away from pointing out core problematic issues and deceive ourselves with an on-the-surface outlook. We should first condemn repulsive trends of division, ethnicity and tribalism. History is on record that in countries like the Democratic Republic of Congo, Namibia, Nigeria and in Rwanda these trends had nurtured ugly inclinations of secessionism and genocide, respectively.

The type of the Government that we want should be made clear. Currently we have a mixture of administrative hegemonic, pluralist, monarchs and democratic regimes on the continent. We also have different types of parliamentary systems, such as proportional and first-past-the-post system. Consensus should be reached when addressing all these issues. Logically, the African Union Government should benefit all and it should not come into being at the cost of making some better off through making others worse off.

Honourable Deputy Speaker, in conclusion, I would like to state that the beat of the song of the African Union Government and African unity in general... (Intervention)

HON DEPUTY MINISTER OF JUSTICE: Comrade Deputy Speaker, may I ask my young brother a question? You spoke about blank cheques being signed and the issue of the election of our current Speaker, Theo-Ben Gurirab being Francophone and Anglophone. Maybe I did not listen, maybe you can explain what happened at the Anglophone versus the Francophone and the blank cheques. I did not get it.

HON P MUSHELENGA: What I meant when I said that I do not want to sign a blank cheque is that I do not just want to approve something before taking stock of the possibilities, impossibilities, advantages and disadvantages.

In conclusion, Honourable Deputy Speaker, I would like to state that the beat of the song of the African Union Government and African unity in general is of good sound not only to the Africans residing on the continent, but also the Africans in the Diaspora. It should however be cautioned, at the same time, that excitement and emotions are not necessarily the barometer of precision and accuracy of any subject matter. Passionate catch-phrases and rhetoric slogans are not good in

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themselves unless applied with a sense of corresponding behaviour and appropriate actions.

We should first learn in our respective small African countries to agree on issues, after which we can then confidently talk about the African Union Government. In this respect, I support the SADC gradual approach, that we should implement the African Union Government concept with time, after reaching regional integration and after doing some homework to level the playing field.

With these few words, I put my case to rest. Thank you.

HON CHRISTIAN: Honourable Deputy Speaker, Honourable Members, it is my great honour and privilege to stand up to speak on the Motion of the Honourable Member of this august House, Dr Hage Geingob, Chief Whip and the first Prime Minister, and in the process to support the idea of a united Africa through the formation of an African Union Government.

I am supporting this Motion while I am aware of the position taken by the African leaders at the recently concluded summit in Accra, Ghana in general, and the position of the Southern African Customs Union (SACU), Council of Ministers Meeting which concluded recently with support for the formation of an African Union Government.

While articulating the position of SACU, the outgoing SACU Chairperson and Minister of Finance of Swaziland, Majosi Sithola, said that the outcome of the recent African Summit was welcoming since, *“it sought to cement a common understanding of continental integration and identify implications, constraints and challenges for the formation of the United States of Africa.”*

This concept of united Africa started many years ago and different African leaders and leaders in the Diaspora spoke and wrote about their dreams of seeing Africa where all citizens live in unity and prosperity.

Therefore, it will be a dream come true, but we know that it is a process that will go through different stages. As the Chinese proverb goes: *“journey of thousand miles starts with a single step.”*

Namibians should, therefore, see this Motion as one way in which we would like to move into the direction of one Government and one people of this continent.

Honourable Deputy Speaker, the first proponents of Pan Africanism indeed took the first step in the direction of the formation of a United States of Africa. I would, therefore, like to spoil myself by saying that they in fact anticipated that Africa will one day be united.

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Thus, depending on whether we subscribe to the Pan African ideals, it is compelling that we support the formation of an African Union Government as a first step to the total unification of Africa.

As was stated by Honourable Hage Geingob, the concept of a regional or Continental Government is not unprecedented. The Motion by Honourable Geingob was timely and appropriate in the sense that it preceded the discussion of the formation of a Pan African Government in the now ending African Heads of State summit.

Honourable Deputy Speaker, the African Continent once existed as one mass of land without borders. The borders now dividing this continent was set by the colonial masters who demarcated such borders on the basis of a conference they held in Europe to give each other a portion of this continent.

They did the latter to exploit the riches of the continent. Hence, they occupied the portions of fertile land by colonising and subjugating the people of the continent. We should thus agree that the African people never really agreed to live in different countries. Africa became the continent of straight borders.

The very division of the African Continent, the ensuing exploitation of its riches, the subjugation of its people through colonisation and the fragmentation of its Nations are an assault on the dignity of the African people. It, in fact, almost completely eroded their human dignity.

That was the reason for the conceptualisation of Pan Africanism by Kwame Nkrumah, nationalism as first proposed by Marcus Garvey and the black consciousness ideology of Steve Biko in later years. These ideologies, however they might have been conceived by different peoples at different times, certainly hinges on one ideal and that is the restoration of the dignity and unity of Africans.

Honourable Deputy Speaker, Honourable Members, as a result of some of what I mentioned and a manifold of other reasons, Africa over years transferred wealth to the continents in the northern hemisphere and hitherto continues to create jobs in those continents by exporting its raw materials and capital to countries in the developed world. The challenge, therefore is for Africa to reverse this situation.

In conclusion, Honourable Deputy Speaker, Honourable Members, Africa, if she is true to the ideal of restoring the dignity of her children, must start work on the best possible way of regaining control over its wealth and use it for the benefit of her own children. It is, therefore, incumbent on every citizen of this country to wholeheartedly support this Motion and the broader idea of an African Union Government. (Intervention)

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HON MINISTER OF JUSTICE AND ATTORNEY-GENERAL: May I ask my Colleague a small question? Comrade Christian, Africa and her children, how do you view these African children? Has Africa only been able to give birth to one sex of children? And if she has been giving birth to children as we know them in the normal sense, did you see a picture of African leaders when they last met in Accra? What do you read into such a picture of the African children and when you are looking at that picture and where we would like Africa to go, where do you place the other children of the African Continent?

HON CHRISTIAN: Honourable Minister of Justice, I think this is a question for this House, but let me say, I see a very bright future for Africa and it is also a dream to come true for me as an African child. I think I should leave the question by the Honourable Minister to the House.

However, I totally agree with the common position of the SADC Heads of State that the formation of the Africa Union Government/United States of Africa is not a destination, but a journey that needs to be navigated with great circumspection.

I wish, therefore, to be among the first to pledge my support in that respect. Viva Africa!

RT HON PRIME MINISTER: Comrade Deputy Speaker, let me at the very onset say that the African Union is sure to come, it is here and I do not think that anybody can stop it. The only question is how, and that is a question the Heads of State addressed when they were in Accra.

The question is how to synchronise the existing structures with the continental structure of the African Union. For example, the relationship between States, Institutions and the Constitution of the African Union; the relationship between State Legislatures and the African Parliament; the relationship between State Central Banks and the Central Bank of Africa. Those are the particular issues which must be addressed and in addressing them, obviously they have to look at the fundamental issues which bind Africa together. These include the shared values and common interest of the African people. I am talking here about the values of democracy, of justice, good governance, rule of law and so on, that these values must be properly captured into the community charter, so that all of us know our role and relationship among ourselves.

One thing we as Africans share is our deprivation, though Africa is probably the richest continent in the world, our resources are being plundered and giving comfort to others. I believe when Africa is united, we can speak with one voice in these matters of common interest, so that we are able to define ourselves.

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We should not worry too much about difference – difference will always be there. Even in a family there is no way we can all agree, it will never happen, let alone in the Nation State. Take the example of Namibia, in Namibia we are a Republic, but we also have monarchies within the republic. Normally that is supposed to be an anomaly but we accepted it as a reality. We should thus not worry very much about our differences. We should worry more about how to promote our common values and common interests as African people.

The onus is now on our Foreign Ministers who are tasked by our Heads of State to work out the modalities how the continental institutions should relate to Nation State Institutions. That is all that is left. What the Foreign Ministers should do is actually to take one month off and go somewhere and craft out these relationships, so that when the African Union meets next January or whenever it is, it should be able to apply itself to the structures for continental governance and Nation States. That African Union is surely to come. We should position ourselves as to what kind of role we are going to play as a Nation in that kind of union.

Currently we have made some tentative steps as a country. We have the African Union flag, for our citizens it will not be something strange; we do sing the African Union anthem, for our citizens it will not be anything strange. We have made a start. What we have to do now is actually to position ourselves in a way that we shall be able, small though we are, to play a meaningful role in the larger family of Africa. That is what we have to do that. To do that, first of all, is to strengthen... (Intervention)

HON DEPUTY MINISTER OF JUSTICE: May I ask the Honourable Prime Minister a question? My question is indeed a very small one and I am really sorry to disturb you, because you were making a very important statement there. I listened carefully to Comrade Christian when she made her intervention here and she said a journey of a thousand miles starts with a small step. My question is, we know that the proponents of this African Union are powerful, rich countries, headed by Libya and I do not know the position of Nigeria and South Africa now. There are these big countries, particularly Libya with big oil reserves and billions of dollars and I would have thought that countries of this nature will take a small step by making available a few billion to the African Central Bank so that we can push the small countries like Guinea. Maybe that small step will help, instead of saying we must unite just like that. That is my question, Comrade Prime Minister.

RT HON PRIME MINISTER: Yes, brother Libya must obviously be congratulated for courageously pushing the African Union and I am quite sure he is doing that in order for Libya to share its wealth with the other African people.

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The only problem we have is that we do not have institutions to make that happen.

If he can build an institution like the Central Bank of Africa, obviously our contributions would be operated to the strength of our economies and countries like Libya will contribute more and when we share the resources, obviously, the whole continent should be able to benefit.

I think Comrade Christian is correct to say that the journey of one thousand miles starts with the first step. Even if you build the African Institutions, even if you synchronise them and you put up an African Government, it does not mean that the African people are united. It does not mean that, they still have to be united. We still have to discover each other as African people. The only thing we must fight is fear of each other and I do not know where that fear comes from.

If you go to our hospitals, the doctors there are not Namibians. We do not question them when we are sick, but when you see somebody selling something in central Windhoek, you want to say that this person comes from another country. Well, the same way you go to the non-Namibian doctors, the same way you get non-Namibian traders. That is the reality.

Perhaps we should start even with human mobility, that our people can move around. What is wrong with that? We have our state laws, if somebody breaks your law, of course he must answer to the legal processes. However, our problem is our unfounded fear of each other. I know that poor people fear each other. That is one problem because of our poverty. Or perhaps fear is planted by people who continue to divide us. We must guard against this.

The African Union should however be based not only on idealism, but on strong institutional foundations and these institutions must be built and be agreed to by the African people, they should not be forced on them. The African people should agree on these institutions and feel comfortable and feel ownership of these institutions they are trying to put into place.

I am however optimistic that if Africa was united, many of the problems we have right now would not have been there. For sure, we would not have a Somalia, because if the warlords cannot agree among themselves, people will leave them and go to other parts of Africa, just as we did a long time ago with Bantu migration. That is what happened. When differences arose somewhere, somebody moves on and goes to another country, another state. Since you are still a citizen of Africa you are welcome. (Intervention)

HON VENAANI: Honourable Deputy Speaker, it was not my intention to disturb the Right Honourable Prime Minister, but may I ask him a question?

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Honourable Prime Minister, on the question of movement, would you agree with me that, suppose we say tomorrow we form a new Government and we open up borders for free movement of people, that those economies that are seen as growing would be attracting zones for those failed states that you mentioned? Would you agree with me that the next morning when you open up our borders, would our economies be ready to accommodate ten million failed states' citizens in our country? Can our economy handle this capacity?

RT HON PRIME MINISTER: There will not be ten million people wanting to invade Namibia. That is just a figment of your imagination. If they wanted to do so, they could still do it today. Read your Constitution, we protect asylum seekers. If they want to come, they can come now. How many refugees are here? People are mobile, this is globalisation, people move around. It will not happen. In any case, there will be rules. (Intervention)

HON VENAANI: On a Point of Information. Right Honourable Prime Minister, in South Africa today you have close to ten million immigrants. That is the official figure. They are estimated to go up to beyond fifteen million, and yet that economy is not ready to cater for those illegal immigrants that are in that country. Just as information.

RT HON PRIME MINISTER: Fine, according your census South Africa has ten million immigrants. How many does Namibia have? Why did they not come to Namibia if Namibia is so attractive? Why do you think that when there is a union they will come to Namibia when they cannot come now, but they go to South Africa? Why do you think so? Namibia's borders are closed, I can tell you that people move in and out. (Intervention)

HON MINISTER OF LANDS AND RESETTLEMENT: I am very sorry to disrupt my dear Honourable Prime Minister, but I have a small question. Do you remember some years back, maybe in 1997, 1998, there was this church that comes here every now and then with khaki uniforms (ZCC) and they wanted to come to Namibia? They applied for visas and they wanted to put up a tent at the soccer field for a few weeks. They indicated that they would like to send over one million people to Namibia. The Cabinet said no, Windhoek cannot accommodate one million visitors and they were only coming for one week to pray.

RT HON PRIME MINISTER: Yes, that is true, I was also in that Cabinet meeting. That year, in the first place, was a year of drought, we said there was not enough water and there was not enough sanitation to accommodate so many

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people in one go. When people move around, they move around in groups of two or three, not like locusts. Water was the reason. We welcomed them but we said that if they bring their own water it would be fine, but they could not bring water.

Therefore, some of the fears we have are unfounded. To be honest, not too many people want to be homeless. Few people do that. I know the area where people are very mobile is Owamboland, they like to move around, but at the end of the day they will still return to that impoverished place.

New minerals are being discovered everywhere in Africa, new opportunities are opening up and if we want our economy to grow, the unity of Africa is a must, so that we can create a bigger market. Then we can talk about value addition and if our young people want to go and work in Zimbabwe or Zambia, let them go there and vice versa. Why not? There will however be laws governing the way people should behave. It is not that it is just going to be a free-for-all. There is nothing like that. That is why we are talking about relationships between the Nation State Institutions and the African Union institutions. It is actually to regulate the national law with the continental law.

Therefore, as a Pan Africanist I welcome the formation of the African Union. Thank you.

HON DEPUTY MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE: Thank you very much, Deputy Speaker, Honourable Members. I rise to add my voice to this item on the Table. I am a Pan Africanist and what I am going to say should not be construed as opposing the ideal of Pan Africanism, but I just want to pinpoint the practical realities as I see them.

Africa has so many conflicts and wars as a result of sometimes exclusivity, because once people come into power, they have this political arrogance of not allowing diverging views and opinions and also exclusivity in terms of the economy that people do not want others to have access to the economic space and also social exclusion. That is why we have conflicts and wars.

One thing that has to be looked at is how to achieve homogeneity as Africans at the end of the day. We can start from states, how as states we achieve that with our diversities. It is a question that we need to ask ourselves. (Intervention)

RT HON PRIME MINISTER: May I ask Honourable Shifeta a question? Is Namibia homogeneous?

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HON DEPUTY MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE: We are heterogeneous and I asked how we achieve that with our diversities. How do we achieve homogeneity, homogeneity in terms of social, economic and political homogeneity.

How do we achieve that? Of course we are heterogeneous, but we need to achieve a point where we can accept one another and that is where you find that we can achieve homogeneity. That can only come about if you look at many other things – enriching culture and so many other things, because it is not an easy thing to achieve that and I think we will be able to understand as to why we need that.

If we say we want to rush into a Union Government without first creating some kind of homogeneity at a very low level where we have to accept one another first and also create space for others, that is the reality everywhere that that is hard to achieve. If we have to be true to ourselves we have to work towards that.

RT HON PRIME MINISTER: May I ask the Honourable Member a question? The argument of heterogeneity and the lack of homogeneity is the same argument I read in the newspapers that is being used by the Caprivi secessionists and I am only trying to find out what is the difference between what you are saying and what they are saying.

HON DEPUTY MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE: Thank you very much, I think mine differs completely from that one, unless maybe my point is misunderstood. (Intervention)

HON DEPUTY MINISTER OF JUSTICE: May I ask Honourable Shifeta a question? Honourable Shifeta, as I understand, you are suggesting that a country like Namibia is heterogeneous and you want it to move towards homogeneity. Is that what I get from you?

HON DEPUTY MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE: Thank you. Let me put my point this way: I think at one point we have to find a common denominator, and to have a common denominator, you first have to achieve homogeneity. I said, we have to achieve that with the diversities we have. We have diverse cultures, we have social diversities, but that is achievable. I am not sure whether I am understood, if not, you can be rest assured that I am not a proponent of what those standing for high treason are standing for. In fact, that is not my point here.

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I was saying the serious challenge to Africa is to start looking at sharpening its bargaining power. That is very important because power negotiates. As Africans we can forget about being taken seriously if we do not have power and that can only be achieved if we can have economic power at the end of the day. We have resources, Africa is drowning in resources, but the people are poor. Almost all the minerals are in Africa, but some people are just diggers for others. We dig and give to them. (Intervention)

HON VENAANI: May I ask the Honourable Shifeta a question? Honourable Shifeta, did I understand correctly that you said we need to form a Union Government in order to bargain? Do you think that the people of Africa can only bargain better through institutions that we have created?

HON DEPUTY MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE: I thank you for your question. I have not come to that point, I have not spoken about a Union Government yet. Therefore, just wait and see.

We have the resources, we export the raw materials to other continents. (Intervention)

HON TJIHUIKO: May I ask the Honourable Deputy Minister a question, please? Honourable Deputy Minister, do you not think that since it is really becoming clear that some of you guys are supporting this Union Government, Namibia is leading by example, we are one of the countries that is now using the AU National Anthem, do you not think that it would be a better idea for the Namibian Government to lead by example by taking the prevailing fear that people are going to flood into countries, by scrapping the visas, opening our borders and then show my Colleague that people will not be interested in coming to Namibia. It is just a Cabinet decision, saying that as from tomorrow no visas, no immigration officials, everybody who wants to come to Namibia may come to Namibia any time, because there is no chance that people will be coming to Namibia anyway. Do you not think that will be a good way to do it?

HON DEPUTY MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE: I think that is a misattribution. Do not ask questions to a previous speaker through me. I have not said anything about the points that you mentioned.

Really, Africa has to assert herself in order to become a force to be reckoned with, and we can only do that if we start with the integration of institutions and

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consolidate those regional institutions we have. At the same time we can concomitantly work towards creating structures for the African Government.

If the existing regional institutions are not properly consolidated and states are not working in conformity with the requirements of those institutions, forming an African Union Government could also be a mistake. That is one thing that we have to think about. We can do that step by step and I foresee that all of us, including the Colleagues there who are asking questions ... (Intervention)

HON NAMBAHU: May I ask a question? Comrade Shifeta, you are doing very well and I just wanted to ask a small question on what you have said. You are saying we have a lot of resources, but what is your comment on those that say if you share the territorial space with the resources, it does not automatically translate into ownership of those resources and, therefore, you cannot really be correct by simply saying we have uranium, we have diamonds. An example is when you own a farm and they discover diamonds there. What happens after that? Can the Africans really say, "*we have uranium, we have diamonds?*" Do we really own it?

HON DEPUTY MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE: Yes, I think I understand your question although it is very philosophical. Yes, there are laws governing resources in every state. If you have a farm and you discover a deposit of diamonds, the law will deal with that, because if you want to mine those diamonds, you would need a licence to do that. That is definitely because the resources belong to the State that is why they are regulated, you cannot just go and mine. That is clear.

What I am talking about here, is economic inclusion. You have those who previously, before Independence of their States in Africa, had economic power and they still have that. They control the modes of production and they do not want others to get access to those. That is why there are conflicts, because people are not allowed access.

What I am trying to say here is that Africa feels elevated above the other continents because we are a rich continent and we can boast with products, but what we need to do is to work smartly in order for our resources to benefit Africa and not to benefit others. I was saying we are only diggers and toilers of resources and we send them raw and Africa only benefits less than twenty percent from those resources. Others will benefit and the same processed resources come back to Africa. We have to think about that.

I wholeheartedly support the formation of the African Government, but in a step-by-step manner. I do not think we are ready at the moment to do so. I do not

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think so, unless we could first integrate our institutions at the regional level and make sure that those States are working in conformity to the requirements set.

We have so many things that are happening. We can say we in Namibia here, things are well... (Intervention)

RT HON PRIME MINISTER: The Honourable Member said which calls for questions and sometimes it is a problem to resist. I just want to put a small question to Honourable Shifeta, just for clarity's sake. At one time when we were fighting for Independence, we were told that if the Africans achieve their Independence they are going to kill each other, therefore the white man should always shepherd them. Now you are saying that we are not ready for unity and I want the reasons why we are not ready for unity?

HON DEPUTY MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE: Unity and the African Government are two different things. Unity is something we can work towards even before we have a Union Government. That is why I made it clear that I do support an African Union Government. I wholeheartedly support that, but not in the form and way... (Intervention)

HON P MUSHELENGA: May I ask my Colleague a question? In view of the previous intervention, do you not think it is perhaps necessary to repeat that we are not saying we do not want African unity, we are saying we are not united as Africans and we should first unite in order to reach that unity? Do you not think it is perhaps to repeat it?

HON DEPUTY MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE: That is not what I am really saying, I am saying yes, I do support the African Union Government, but we do so in a way that it would not eventually put us in a situation where we cannot do things. We start making configurations from the bottom, unity should be solicited from there and once we are united, once our institutions are integrated and the states are working properly, then a union can be formed. That is my case. Thank you very much.

HON DEPUTY MINISTER OF LABOUR AND SOCIAL WELFARE: Thank you, Comrade Deputy Speaker. I rise to make my contribution to the Motion on the formation of an African Union Government.

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Firstly, I want to thank the visionary and brilliant idea of His Excellency Kwame Nkrumah of Ghana who predicted that Africa will unite and that seed has germinated. We had the Organisation of African Unity, then it came to be the African Union.

I am thankful to contribute on this Motion after the conclusion of our leaders in Africa. The 3rd of July 2007 has opened another page to Kwame Nkrumah's dream. It is true, there are differences, there are fears and these fears are raised from the way we were brought up by the colonisers. They are the ones still standing behind discouraging the African States not to unite, so that they can perpetuate their economic plans in Africa. (Intervention)

HON TJIHUIKO: May I ask the Honourable Deputy Minister a question, please? Honourable Deputy Minister Iilonga, the issue of African Government was discussed in Ghana recently. Gaddafi was pushing for the formation of the Government yesterday and our leaders, the visionary leaders of today, asked for time. Is the Honourable Deputy Minister now telling us that they were convinced or lobbied by what he has referred to as the imperialists and capitalists or what is it that he is trying to say?

HON DEPUTY MINISTER OF LABOUR AND SOCIAL WELFARE: When I started with my contribution I said there were differences and we expect them to be there. Even in this House we have differences, just like Honourable Tjihuiko differs from me already.

The important question here is the fear of rushing. There is no rush. As I said, I am thankful that I can contribute to this Motion after the summit. The important factor here is the realisation and recognition. We have a declaration, but the problem is that we do not read. The declaration paves the way forward towards steps to be taken. First they are encouraging the Ministerial Committee to accelerate the integration of the Regional Economic Communities, so that the Regional Economic Communities start working towards a common position and negotiate and talk with one voice towards the political integration of Africa. Our leaders, with all their differences, agreed that there is a need for Africa to unite and to become one. No one was against it.

HON VENAANI: May I ask a question? Honourable Cousin, how in your opinion, are we going to form this Government? Are you also going to have a SWAPO continental and SWAPO national? How are we going to form this Government? Would it be composed of the governing parties only or how is it going to be formed, in your opinion?

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HON DEPUTY MINISTER OF LABOUR AND SOCIAL WELFARE: We are talking of the formation of the Union Government as a first step towards the final goal, which is the United States of Africa. The DTA will be an African DTA if that comes and they will not have separate states in Parliament, you are still going to play your role in Africa. Do not worry.

Honourable Members, our leaders said and I want to quote: *“We agree to accelerate economic and political integration of the African Continent, including the formation of a Union Government for Africa with the ultimate objective of creating the United States of Africa.”* And then the important point for people to understand that our leaders did not just discuss without consulting. They said: *“The importance of involving the African peoples in order to ensure that Africa Union is a union of peoples and not just a union of states and Governments.”* (Intervention)

HON MOONGO: I would like to ask the Honourable Member a question. Honourable Deputy Speaker, could the Honourable Member maybe propose who would be the first President of African Unity? If we have the attitude of the likes of President Mugabe and others, who will be the first President?

HON DEPUTY MINISTER OF LABOUR AND SOCIAL WELFARE: Honourable Deputy Speaker, I want us to encourage the Ministerial Committee, which is entrusted with that heavy task by our Heads of State and Government, to make sure that they do the auditing which they were given to do, to make sure that the Regional Economic Communities are brought together and to have a common African approach. We want to see that when the audit is finalised, they will come up with recommendations on the first step to a Union Government to be formed.

Lastly, Comrade Deputy Speaker, I want to agree with our Heads of State and Government when they agreed on the importance of involving the African people in order to be part of this process and this is exactly what we are doing now. When Honourable Moongo asked who is going to be the first president, it is involvement. When the people say, *“let us not rush”*, it is involvement. Let us not leave it here, let us popularise this declaration so that we get rid of the misconceptions in our minds.

With those few words, I support the formation of a Union Government with the ultimate goal of the United States of Africa. I thank you.

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HON MINISTER OF JUSTICE AND ATTORNEY-GENERAL: Thank you, Comrade Deputy Speaker. As I was seated here I asked myself whether to postpone the Debate until tomorrow so that I prepare myself properly or whether I should take the bull by the horns and say how I feel about the Motion on the Table.

Comrade Deputy Speaker, the Motion we are debating is very, very important and I was not even going to be bothered whether we are rising on Thursday and this Motion is not yet concluded, because if need be, this Motion must be debated throughout the year. We must inform ourselves, we must examine, we must propose, we must differ and we must agree on how we see Africa by the year 2016. It is very, very important and I would like, in the first place, to congratulate Comrade Dr Hage Geingob, Chief Whip of SWAPO, for having tabled this Motion in our Parliament for us to get the opportunity to express ourselves on a very important issue such as this one. If we do not understand the implications of what we are doing, then we should rather postpone it until we meet next time. (Intervention)

HON DEPUTY SPEAKER: Honourable Minister, we discuss and then it will lapse and then it will be reintroduced.

HON MINISTER OF JUSTICE AND ATTORNEY-GENERAL: This is exactly what I am saying, that I will not bother myself. It can lapse, we can reintroduce it next time and even next year and even the year after next year, because we are trying to craft the future of this continent, a continent that has gone through many, many phases. There is no continent on earth that has been abused by other continents as Africa has been abused. Africa has been inflamed, its human resources have been plundered, taken across the oceans to go and develop other continents.

Africa has been colonised, as a people we have been enslaved on our continent. Africa has been made to even forget its own culture. Africa has been made to even forget its own language. Africa has gone through hell and if we are to recreate Africa as it were, then it should take us as long as it requires.

Today we talk about praising our forebearers, Kwame Nkrumah and others, who were there that time. We are stepping in their shoes today, if we do not realise that. We are at that point of stepping into the shoes of the Nkrumahs and revive their ideas and give life to them and we cannot be rushed. We cannot be rushed into this.

Honourable Deputy Speaker, I have talked about the woes Africa has gone through. The woes have not left Africa intact. We have been divided, ideas have

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been planted in us, we see ourselves in different places and for people to say we do not like each other is a restatement. We are made to fear each other, we are made to disrespect each other.

An Iraqi lady was being interviewed on either Al-Jazeera or CNN last week. This lady, as an Iraqi person, felt that America has invaded their privacy. They never used to talk about their tribes in public, America went in there and started talking about them publicly, you are a Sunni, you are this and you are that. That is what the Iraqi woman was saying, *“even though we knew who we were, this or the other that was never publicly discussed under Saddam Hussein, bad as he was.”* But now people are recruited in this so-called Government according to the tribes and she made reference to what happened in Rwanda when the Belgians went there. They started distinguishing them by their looks: You must be a Tutsi because your ears, your nose, your lips, your height. It is not only there in Rwanda, it also happened here in Namibia. If you are an Owambo, you must be stupid; if you are a Herero, you must be smart, if you are a Damara, you must be lazy, if you are this and you must be this and this. Brainwashing continued and continued to the extent that we were even separated in the institutions of education, so that we really started seeing each other as different.

I am mentioning these for us to see where Africa is and where Africa is coming from and for us to think whether we can just unite as easily as Europe has done within the EU, that *“if they have done it, why can we not do it, let us do it tomorrow.”*

Comrades, there are Heads of State, Ministers like myself, who have no homes in their home countries. They live in Europe, they only fly to their countries if they have something to do there. Immediately it is done, they fly back. Do you know that is happening here on this continent? (Intervention)

RT HON PRIME MINISTER: May ask the Minister of Justice and Attorney-General a question? Africa has gone through all this. How many wars were started and fought in Europe?

HON MINISTER OF JUSTICE AND ATTORNEY-GENERAL: Well, I am not bothered by the number of wars they fought, they knew exactly what they were fighting for. It is their own thing. However, if today you look at the Europeans, you hardly hear that this one is Scottish, this is a what-what. They are all Europeans. If you are to win an election in America, I do not think the question will be, *“which country of origin are you from?”* As long as the pigmentation of your skin is white, you are taken to be an American – period. But with us it is different.

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Comrade Deputy Speaker, Africa must study the mechanisms of creating a truly African Government. The mechanisms must be created with clear minds. Our divisions are deep-rooted politically, culturally, linguistically, economically, socially. (Intervention)

HON TJIHUIKO: Comrade Deputy Speaker, may I ask the Honourable Minister a small question? Honourable Minister, I think I agree with the view of forming this African Government, I do not think anybody really opposes it. The question is, at the stage where we are now, not even united in one single country, do you really think that we should start developing a structure of unity at the level of national Government or at the level of continental Government while even at regional level we have not yet been able to unite? Where do you think we should start? Should we start there and come down or should we start here and build it up to the point where we are saying at the SADC level we are united, now let us unite at the level of Africa?

HON MINISTER OF JUSTICE AND ATTORNEY-GENERAL: Comrade Deputy Speaker, what I am saying is, let us not shy away from issues that contribute to what we are today. Let us not shy away. Let us address those issues because we have a purpose. (Intervention)

HON DEPUTY MINISTER OF LABOUR AND SOCIAL WELFARE: Comrade Deputy Speaker, on a Point of Information. There is no rush. If you look at the declaration, they say we establish a Ministerial Committee to examine the following: Identification of the content of the Union Government concept and its relation to national Governments. That is one Point of Information. The second Point of Information: Identification of the domains of competency and the importance of the establishment of the Union Government on the sovereignty of Member States. Therefore, this is exactly what my Comrades are trying to address and I am still calling that we popularise this declaration.

HON MINISTER OF JUSTICE AND ATTORNEY-GENERAL: Comrade Deputy Speaker, there are issues that are of concern to me as an African, as a Namibian and as a woman.

Comrade Deputy Speaker, the issue of women on the continent is being addressed but not to my satisfaction. I, a minority, small little woman somewhere in my village, but I represent 51%. (Intervention)

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**MOTION ON AFRICAN UNION GOVERNMENT
HON IIVULA-ITHANA**

HON MINISTER OF GENDER EQUALITY AND CHILD WELFARE: I am so sorry, but I just take that from Italy when we brought back our statistics for women in decision-making and at ministerial and managerial levels in parastatals, public sector and the private sector. We were so shy as Africans and they were even so shy, they did not even mention the percentage. They said we are very low and they were impressed by what we are doing as African women. Sometimes we are far above the European people.

HON MINISTER OF JUSTICE AND ATTORNEY-GENERAL: They are just stealing my time, maybe I will continue tomorrow, but I have not said what I wanted to say.

Comrade Deputy Speaker, the issue of women on the continent is being addressed, but not to my satisfaction. We will have women on the African Continent who are being mutilated, the genital mutilation, and when we talk about a United African Government and I think about what the other African women are going through, it sends shivers down my spine. If we are not addressing these issues before we form this Government, when are these issues going to be addressed?

Culturally there are serious things happening on the African Continent, particularly against women. We have some of our males who see themselves as God-given superior beings to the African women. We still have African women suffering from slavery in Mauritania. Comrade Deputy Speaker, if you are black in Mauritania, that small country somewhere in the western corner of north Africa, big territorial wise, but small in population like Namibia... (Intervention)

HON DEPUTY SPEAKER: You can proceed tomorrow. Honourable Members, I would like to ask the indulgence of this House that as from tomorrow, Rule 94 (a) should apply to extend the time.

RT HON PRIME MINISTER: I will suggest to the Deputy Speaker to liaise with the Whips so that we get guidance from them.

HON DEPUTY SPEAKER: In terms of Rule 90 the House stands adjourned until tomorrow, 14:30.

HOUSE ADJOURNS AT 17:45 UNTIL 2007.07.11 AT 14:30

**ASSEMBLY CHAMBER
WINDHOEK
11 JULY 2007**

The Assembly met pursuant to the adjournment.

HON DEPUTY SPEAKER: Took the Chair and read Prayers and the Affirmation.

HON DEPUTY SPEAKER: Before we start, Honourable Members, I would like to request the Honourable Chief Whip of SWAPO Party to give the decision on the rising of the House and the agenda items. What are we going to do with our Order Paper?

HON DR GEINGOB: Thank you, Honourable Deputy Speaker. We gathered here and we looked at the agenda items. We agreed that some will have to lapse. There are four key ones that we are going to put first, including the one for the disabled persons which has to become number one now to be discussed, then the Electricity Bill and the Union Government of Africa. But on all others we have the understanding that should we not dispose of them, they must lapse and they can be reintroduced next time.

HON DEPUTY SPEAKER: Thank you very much. Any Petitions? Reports of Standing or Select Committees? Other Reports and Papers?

TABLING: REPORTS OF AUDITOR-GENERAL

HON MINISTER OF FINANCE: Honourable Deputy Speaker, I lay upon the Table, Reports of the Auditor-General on the accounts of the following:

- Municipality of Okahandja for the Financial Year ended June 30, 2005;
 - Regional Council of the Hardap Region for the Financial Year ended March 31, 2004 and 2005;
 - Regional Council of the Hardap Region for the Financial Year ended March 31, 2000 and 2001;
 - Village Council of Tses for the Financial Years ended 30 June 2003 and 2004.
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HON DEPUTY SPEAKER: Table the Reports, Honourable Minister. Notices of Questions? Notices of Motions? Message from the Head of State? Ministerial Statements? As the Chief Whip has announced, item number 7 is going to be taken first and then number 2 will follow. Is it agreed to? Thank you. The Secretary will read the Seventh Order of the Day.

**RESUMPTION OF DEBATE ON SELF-REPRESENTATION BY PEOPLE
WITH DISABILITIES IN THE PARLIAMENT OF THE REPUBLIC OF
NAMIBIA AND AT OTHER LEVELS OF GOVERNANCE**

HON DEPUTY SPEAKER: When this Debate was adjourned on Tuesday, the 3rd of July 2007, the Question before the Assembly was a Motion by Honourable Manombe-Ncube, that the Motion be adopted. Any further discussion? I recognise Honourable Haingura, followed by Honourable Nambahu.

HON DEPUTY MINISTER OF HEALTH AND SOCIAL SERVICES: Honourable Deputy Speaker, I rise to add my voice to the very important Motion which was brought by Honourable Manombe-Ncube on the self representation of people with disability in the Parliament of the Republic and Namibia and at other levels of governance.

I was really touched when Honourable Ncube mentioned the issue of lip service. As the Line Ministry dealing with people with disabilities we have a lot of activities concerning these people and let me assure you, Honourable Members, we can remove the issue of lip service because we have a lot of plans concerning these people with disabilities. If the people with disabilities feel that they are overlooked, we are planning a lot of programmes.

We have a programme in one of our Regions, called SIA where we are trying to improve on that and yesterday we met with the councillor of Kapako Constituency where we really want to do something for the people with disabilities.

With those few words, I really support this issue of the disabled. I thank you.

HON NAMBAHU: Thank you very much, Comrade Deputy Speaker, for the opportunity to make a contribution to this very important Motion by Comrade Manombe-Ncube. It is very important that even the day she introduced the Motion she was dressed in the Party colours, meaning that it is the Party whose colours she was exhibiting that has really made strides and significant efforts to bring people with disabilities to these kinds of Chambers and to have their voices being heard. I commend and applaud her for doing just that.

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HON NAMBAHU

The term “*disability*” is a very important definition and in a way it is a social construction that most of us should be familiar with. Now that some Members are actually looking at me and talking about disability, they do not seem to have some policies to address that issue. It is probably where the envy comes in that the SWAPO Party has brought them into the fold, the strata that is affected by abilities. Please, just give credit where it is due and emulate us.

Comrade Speaker, one issue that is very much prominent in the area of disability is discrimination; and discrimination mainly stems from our ignorance on disability and impairment and people that are suffering from this kind of situation. We should definitely be ashamed of ourselves if at all we discriminate against these comrades and the sense of discrimination is coming in on the severity of the disability, because most of us actually suffer from disabilities.

If one could say, why is it that we are using sunglasses, reading glasses, it is probably just the beginning of severity that is different. Why is it that we have to use walkers? Is it not because we are suffering from some kind of disability or impairment? The fact that some are more pronounced than others does not make room for us to discriminate because we all have some kind of disability that probably is not as severe as those that we discriminate against. Therefore, it is really a cause for reflection if at all we are still discriminating and we are actually not aware of the kind of impairment that we ourselves have. When you approach your forties, you will definitely one day have to use reading glasses.

Is that an impairment? Is that a handicap? Is that a disability or what is it and should you be discriminated against because of that? These are some of the things that I would like us to reflect on.

The other aspect that we have to look at is the cultural aspect of disability, the culture where we come from. Someone was saying in the culture where they come from, people with disabilities were eliminated at their infancy and when we look at the composition of some of our Parties, the Honourable Members are asking the Nation at large to have policies addressing and accommodating our citizens and compatriots who are living with disabilities. How many of the Parties here represented actually have that policy in place? It is very important for us to reflect and to give the necessary understanding and support to the Motion that was brought here to make us reflect and come up with some initiatives to accommodate the Colleagues.

Another aspect of disability is the one of gender. I am not too sure whether we reflect enough on the aspect of gender, because when sometimes you see that our Government has been proactive in this sphere, we have seen how we changed from the Ministry of Women Affairs to that one of Gender and Child Welfare. I think that was done for some reason, but are the problems and actions really reflecting that change of denomination? Is the replacement of gender only a

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denomination or are we really taking practical steps to make it expressive of the intention that we want to address?

If you look at the definition of “*gender*”, it is very much inclusive of those that are vulnerable in society. Hence the change from “women” and you are sometimes astonished when our female colleagues say they want men to be included in the campaign against violence because gender is not only confined to women. What are the programmes that are there to really address the issues of those who are in a similar situation and that are associated with the gender connotation and social construction?

These are some of the issues which I think we should maybe reflect upon as a Nation and really call upon our Parties, because it is us who come into this House with policies. We must have these policies within our own Parties, because charity begins at home.

When it comes to gender, you will see that the comrades with disabilities are accommodated, but when you look around, why are some of the Parties unisexual? Why are they homo only? Use whatever words you can think of, it is only there and I even have to go further... (Intervention)

HON VENAANI: On a Point of Order. I just want to inform the Member that the DTA is represented by a female Member of Parliament in the National Council.

HON NAMBAHU: Honourable Members, be that as it may, you are even inviting me to be more dramatic. What colour is that woman? What is the point I am trying to make? If there are people who are more discriminated against and not represented, it is why I am now talking about women here and trying to see what the reaction is. Where is the representation of a white woman in this Parliament? If I want to see a white woman’s reaction, I have to look up there.

I have to look up there to see one, because that is the most endangered species here. Where are they, Honourable De Waal? (Intervention)

HON DEPUTY MINISTER OF HOME AFFAIRS: Honourable Deputy Speaker, may I ask the Comrade a question? Comrade Nambahu, you are doing extremely well and you are bringing a very important issue of participation of all members of our society, but speaking on my Party’s behalf, the Ruling Party, we have structures and it is a voluntary organisation where you join voluntarily, participate voluntarily and then through the structures you could easily be identified to be part of the leadership. If we do not have the Colleagues you refer

to as white females in the structures, if they are not voluntarily coming forth, how do you think we can bring them on board so that they can be part of this august House, because we really want them to be part of this august House.

HON DEPUTY SPEAKER: Before you proceed, Honourable Members must consider others, I have seven others who would like to contribute to this Debate. Proceed, Honourable Member.

HON NAMBAHU: That is a very valid concern, because it probably has to be addressed within the structures, because sometimes you have these Colleagues that want to be recognised and to go up the ladder, but do not want to participate from the grassroots. If you call sections, it would probably be Mushelenga, Angula and others and when you have now elected those ones, they ask why you only have the Mushelengas and Angulas and not others. If they are however not participating, that is another aspect.

There are also Parties that are uni-coloured and they are simply leaving these colleagues outside and they are not bringing them here. When you are drafting the Affirmative Action Bill in this country, we will go to all the boards and you find Afrikaner men and the ladies are not there. Where are they? Are they not part and parcel of this country? Why are we not devising mechanisms to bring them on board? (Intervention)

HON TJIHUIKO: May I ask the Honourable Member a question? Honourable Deputy Speaker, the Honourable lawyer is doing fine, but could the Honourable Member tell us the policies that he was referring to are the ones that were approved by the Ruling Party? Is he now referring these defects to the Ruling Party, question 1? Question 2, if the Honourable Member has that concern, why did they fire or kick out the only white Member of Parliament that they had, Hubschle? (Interjection)

HON DE WAAL: She moaned about the Government Garage.

HON NAMBAHU: As it is coming from a uni-tribal, mono-cultural, mono-ethnic Party, I think he has no moral ground to ask me that question and, therefore, I just rest my case without answering that one.

RT HON PRIME MINISTER: Comrade Deputy Speaker, I am rising just to give my full support to the Motion. It is unfortunate that it is a shame to all of us,

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except Honourable Ncube, that none of us thought of introducing a Motion of this nature. It is a shame on all of us.

The point is that we are all potential disabled people. If you just walk out here and trip on one of the steps, your leg is broken. When you drive your car and the car overturns, your back is broken and you are in a wheelchair. Thus this is actually our Motion.

Similarly, all of us do have people in our families or neighbourhoods people with disabilities and this Motion is speaking on their behalf.

What the Motion is calling for is, first of all, the Political Parties to embrace the concept of inclusion, that our Political Parties should go and make an extra effort to include the Namibian diversity in our structures, including people with disabilities. That is the core message and for this core message to be realised, there is a need for political will on the part of political leaders to make sure that if they create a level playing field in their political structures, that people with disabilities will also have an opportunity to be recognised, be elected and be given political responsibilities, so that they may be able to represent all of us at municipal level, regional level, national level or in ministerial positions. That is the moral ground of this Motion.

Political leaders who are here, Honourable Ulenga, Honourable Mudge, Honourable Kaura, Honourable Viljoen, you must answer to this call. People with disabilities do not want favours, they just want to be included like any other person. Thus you have to pick up your political will in your Party structures to make sure that people with disabilities enjoy equal opportunity. (Intervention)

HON KAURA: May I ask the Honourable Prime Minister a question? I just want to find out from the Honourable Prime Minister whether he is aware of the fact that in the Labour Bill which went through this Parliament just recently it states the following under fundamental rights: “*Prohibition of discrimination and sexual harassment.*” The Labour Act prohibits discrimination against an employee or applicant for employment on the following grounds: Degree of physical or mental disability. It is however not discriminatory to do any of the following: To take Affirmative Action measures to ensure that racially disadvantaged persons, women and persons with disabilities enjoy equal employment opportunities at all levels of employment. Was this Bill not passed through this House and it was accepted? Now why is he pointing fingers at us while we have accepted this Bill?

RT HON PRIME MINISTER: The Bill was an initiative of SWAPO and SWAPO has numbers here, you did not have an option but to pass it. We are asking for the political will. (Intervention)

HON VILJOEN: On a Point of Information. If the Right Honourable Prime Minister looks at me and Honourable De Waal, when we walk with a slight limp, the grade of disability is not specified, but we are disabled. (Laughter).

RT HON PRIME MINISTER: Honourable Viljoen, there are people who limp for different types of reasons, some because of “*onyama*”, some because of *brandewyn* and some because of genuine disability. I already said that we are all potentially disabled and we have to accept it as a fact of life.

I was talking about political will to include all shapes of our population in our political structures. That was the first thing.

Secondly, inclusion is not cheap. If one day, if it will happen, a Member of Parliament is elected to Parliament but this Member of Parliament is hard of hearing, this Parliament should be ready to employ somebody who can interpret in sign language. We should be able to do that. This is what the Motion is saying, that we should prepare ourselves to spend some resources in order to promote the concept of inclusion and I believe that all of us agree with this appeal.

Honourable Members, I hope that we will take this message to our Parties and make sure that in the next Parliament ... (Intervention)

HON KAURA: May I ask the Honourable Prime Minister a question? I just want to find out whether a person with a disability was included on the SWAPO Party list, because we know that Honourable Ncube was nominated by His Excellency President Pohamba. Why did you not include a person with a disability on your Party list?

RT HON PRIME MINISTER: We have different types of Party lists. President Pohamba was just fulfilling one type of Party list. That is just one of the lists. The listing of 6 is not different from the listing of others, it is just the same process. I however think next time we will do better. Perhaps we did not exercise our minds at the very beginning, but next time I will assure you that we will take the message to our Party that we should do better on this one.

Honourable Members, I just want to thank, commend and congratulate Honourable Manombe-Ncube for introducing this Motion which is a Motion for all of us and I hope that we are going to support it. Thank you

HON P MUSHELENGA: Honourable Deputy Speaker, Honourable Members, I rise to support the Motion introduced by Honourable Alexia Manombe-Ncube which certainly cuts across Political Party affiliations.

I commend the Honourable Member for speaking for the vulnerable members of our society. The Motion before the august House seeks to address the realisation of human equality and genuine counting of others. It champions the essence of humanity and compassion.

Different forms of disability, such as physical impairment, visual, hearing and intellectual impairment, have befallen upon our fellow human beings, and it is imperative that we should care about them both in our talks and our deeds. I agree with the mover of the Motion that disability is a human rights issue and persons so affected should be treated with reflection and solemnity. Life that knows sensitivity and empathy is hopeful and constructive.

Honourable Manombe-Ncube also talked about Government initiatives like the National Policy on Disability, the National Council on Disability Act (Act No 26 of 2004), the ratification of the Continental Plan of Action concerning people with disabilities, Affirmative Action Employment Act No 29 of 1998 and Namibia's signing of the UN Convention on the Rights of People with Disabilities.

Similarly, in the SWAPO Party Manifesto for the 2004 elections, it is stated that: "*The SWAPO Party Government has sought to pay attention to the needs of our senior citizens and Namibians with disabilities.*" It is further reported in the Manifesto that Government has completed 7 projects in Windhoek, Keetmanshoop, Mariental, Aranos, Uutapi, Sija (Rundu) and Onyaanya. Further, the Orthopaedic Technical Workshop that produces artificial limbs has been upgraded in Windhoek.

The abovementioned milestones are commendable. More importantly, people with disabilities should be brought on board to better chart the course of their destiny. There is a saying that say: "*It is only the pot that knows how hot the fire is.*" It is, therefore, in order to argue that they deserve representation at various levels of governance and there should be legal provisions in that respect.

Former Swedish Prime Minister, Olof Palme, talking about affording people with disabilities job opportunities, stated that: "*If it costs the country US\$40,000 per year to enable a person with a disability to work at a job that paid US\$40,000, the society gained a net benefit, because the society benefited by allowing this worker to participate cooperatively, rather than to be a drain on other people's time and money.*" In fact, in developed countries, the focus is moving from merely a concern about maintaining people with disabilities to the struggle to find effective ways of ensuring their participation and contribute to society in all spheres of life.

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HON P MUSHELENGA

Honourable Deputy Speaker, a number of other vulnerable groups, such as women and children, have been given attention and are well represented at the higher levels of our country's echelon. The Local Authorities Act compels Political Parties to ensure the representation of women by enlisting one-third of them in their Party lists. SADC is vocal on the representation of women in Parliament. The same can, certainly, be done for people with disabilities. They too need to be distinctly represented and assurance in this regard would be better guaranteed when this case is put in black and white and becomes enforceable. People with disabilities should be fully integrated in the society.

In fact, it was my intention to raise the issue of disability representation in the Vocational Training Bill, for which the Second Reading closed while I was away on an official mission. Many of the centres taking care of people with disabilities train these people to do some handwork, some of which are related to vocational training. It is my appeal to the Honourable Minister Nangolo Mbumba that when the National Training Board for vocational training will be appointed one day, due consideration should be given to accommodate representation of people with disabilities.

In recent years, issues of disability, like environmental issues and HIV/AIDS have gained the attention of the world community. Many institutions, the Namibian Parliament included, have made provisions for people with disabilities to access their buildings. An aggressive campaign to reach out more should be employed. Educational institutions, for example, should be made wheelchair-friendly by law. I know, for example, that some lecture rooms at the Polytechnic of Namibia are not wheelchair-friendly and students who register to attend classes taking place in these lecture rooms have to take the pain of making alternative arrangements, and this process takes long, resulting in them losing some academic weeks. This situation needs an urgent intervention.

In the same vein, we should also start talking about accessible tourism and adaptive recreation facilities. Every member of our society should be able to explore tourist centres of attraction without any inconvenience and partake in leisure exercises to enjoy life to the full. Sports for people with disabilities should be encouraged and be equally funded and sponsored like those of people without disabilities.

Honourable Manombe-Ncube also raised an important point of terminology.

Apart from the term "*people living with disabilities*", which she pointed out, other controversial and offensive terms, like "*handicapped*", "*mentally retarded*", "*lame*", "*crippled*" etcetera, are sometimes used when referring to people with disabilities. We should learn to treat others with reverence. After all, every human-being is meaningful to the society in which he or she lives. People with disabilities too are part of the "*ubuntu*" doctrine – "*I am because you are.*"

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Negative attitudes and ideological perceptions on people with disabilities should change. No one has the right to look down upon another person.

I will be guilty if I conclude my speech without recognising the role of the non-Governmental organisation and church institutions which have complemented Government's efforts in caring for and training people with disabilities. There is a moving heartedness and courteousness. Many hands ensure smooth success. I support the Motion.

HON GURIRAB: Thank you, Honourable Deputy Speaker. I rise to add our voice to this very important Motion. Honourable Deputy Speaker, Article 8(1) of the Constitution states: "*The dignity of all persons shall be inviolable*". Article 10(1) on Equality and Freedom from Discrimination states: "*All persons shall be equal before the law.*"

Honourable Deputy Speaker, it is, therefore, our Constitution which enjoins us to treat all equal and that is what this very important Motion that has been brought before this House seeks to remind us all to do. In practice I agree with the Honourable Member who spoke before me that we should not treat this very important issue as one which is politically partisan. To the extent that we speak about partisan politics, my own Party is on record that it is the ultimate zebra visible Party. It is a matter of public record that so far it is the only Party which has put on its list for National Assembly a person with disabilities to be considered for election. We were not successful last time, next time I am sure we will be successful. I therefore think this is a matter so important that it should not be treated as a political football.

Honourable Deputy Speaker, I also wish to state that there are policies which Government has put in place which, for the most part, are positive and which we support in addressing this important question of people with disabilities. (Intervention)

HON DEPUTY MINISTER OF LABOUR AND SOCIAL WELFARE: On a Point of Information. The Honourable Member said that their Party is the only one that has on its list a person with disability. This is not true. For the information of the Member, in the National Council we have Comrade Johnny Hakaye and we have another comrade without an arm. Therefore, we are not starting, we do everything we preach.

HON GURIRAB: I would like to thank the Honourable Member, but he can later look at the HANSARD what I spoke about in this Chamber. But be that as it

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may, the point I want to make is that in a country like ours where we emerged from a war, we probably have, on a proportional basis, more people who are disabled because of the war. (Intervention)

RT HON PRIME MINISTER: May I ask a question? Is it true that the CoD presented you as a person with disability because of your hairstyle? (Laughter).

HON GURIRAB: Yes, I think there are some factions who are hostile to me, but the majority will agree that I am not disabled.

What I was saying, Honourable Deputy Speaker, is that in a country like ours, which emerged from a war, which should be more conscious in public policy about integrating people with disabilities. Due to the war we as a country have more to those kinds of citizens and it is for these reasons that, in the execution of public policy and public programmes, we should keep this upfront in our conscience and in our practice.

Honourable Deputy Speaker, because of commitments outside Parliament I was not present when this very Motion was tabled, but I am not quite sure whether the object of the Motion is to seek a representation expressed as a quota at all levels of Government or whether this is simply to bring this issue to the fore, that we are conscious, as enjoined by the Constitution of our country, that all citizens must be treated equally, because that is ultimately what we should be doing, irrespective of gender, colour or whatever form of disability, whether it is too much hair, too less hair, that we should treat all citizens equally. And to that extent we would like to add our support to this very important Motion. Thank you.

HON DR ANKAMA: Thank you very much, Honourable Deputy Speaker, Honourable Members. Disability is not something one applies for like when you are applying for a job. It comes and it stands to come and it can come to anybody, anywhere, anytime.

I am not going to repeat many of the issues that have been repeatedly said by fellow Members, I appreciate that, but what I would like to say is that many people of this country are expecting many more disabilities of various types on a daily basis. As the Right Honourable Prime Minister said, when you travel or a member of your family and the car over turn – disability. Therefore, we have disabilities of different types at different levels and what I want to underscore in my short contribution to this very important Motion is emphasising the educational part of people with disabilities.

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In this country we have very few institutions of education which disabled people can attend. Some disabilities come as a result of accidents or whatever it may be, while a person has already attained his or her qualifications, but I am referring at this point in time to the situation where people were born disabled. In many situations we do not have institutions that would cater for the needs of these people. In many cases where disabled people go to the normal schools, we do not have a friendly atmosphere for, example, use of wheelchairs, etcetera. What I am trying to say is that we probably need to revisit the implementation of our laws and national policies with regard to the alleviation of problems of people with disabilities.

Further, I would also like to talk about employment and social responsibilities of our people towards people with disabilities.

With regard to employment, a lot of people who were born disabled may have acquired some kind of education, but yet they are not in a position to employment. Something must be wrong with our society. Why do we not test them whether they are able to do the work? And if they are able to do the work, are they not bringing income to the company? Seriously, we should look into the aspect of employing people with disabilities, making sure that they are at the level of producing productively and contribute to the development and socio-economic development of the country.

With regard to the social responsibility, our Government is doing a lot, but perhaps not to the maximum, to alleviate the plight and to keep the people with disabilities as full human beings. I think we need to do a lot to create some kind of social situation where people with disabilities are at the level of helping themselves, creating projects for them. I know of Ehafo which is doing tremendous work, but the Ehafo type of project needs to be multiplied or expanded to other Regions.

Further than that, I would also like to appeal that Braille as a language be taken to special schools and in the country in general. There might be people who would want to assist the deaf and the blind to read. These are the people who go to the elections and these people who are like you and me, who would be standing up and address people on HIV/AIDS or any other thing. If they read things for themselves, it would enhance their understanding. I feel Braille and sign language should be introduced seriously into institutions of education.

Last week a competition took place in Oshakati where the people with disabilities were competing socially and having fun. I think such situations should be encouraged at all times and we should keep our people happy just like everybody else.

With these few comments, I would like to support the Motion to the fullest. I thank you.

HON TJIHUIKO: Thank you very much, Honourable Deputy Speaker, I will be brief.

Honourable Deputy Speaker, I rise to support this very important Motion. It is indeed very important in the sense that when we look at it, we should not try to pity the people who are living with disability, but we should look at it from a different angle.

I am deeply disappointed to see that some of the previous speakers were using this very important issue as a joke, trying to compare Political Parties, as to who has how many disabled people in their leadership. These are the things that we are always seeing when the private sector is telling us that they are serious with Affirmative Action. If you look at the people who have been appointed, they are appointing two or three blacks in their top leadership as window dressing and this is what I am seeing here. If I am saying that I have two disabled people in my ranks, it means that now the other Party should come up and say yes, indeed, we have one as well. That should not be the way we are looking at this issue.

I want us to look at how we come up with policies and programmes that would enable people with disabilities to live life the same way we are living. Yesterday I was disturbed when I saw an old friend of mine, called Karuma, in a restaurant. He is very active in the area which I come from, not only addressing the issue of people with disabilities, but addressing issues that concern everybody and that is the way we should be looking at the issue of disability. I saw him when he was coming in and I saw him when he was going out. It was terrible for a person with self respect to find himself in a situation where he cannot be himself. These are some of the critical issues that we have to look at, have we provided the necessary support services at Parliament, to start with, to enable people who are living with disabilities to access even the Chamber? Have we consulted and checked with the Local Authorities whether their rules and regulations comply with ...
(Intervention)

HON MINISTER OF FINANCE: On a Point of Order. We were told just now in this House that we should not refer to our Colleagues as people who are living with disabilities and if the Honourable Member refuses to learn, how can it be expected that he will learn the other things that will be harder if he fails to learn this easy one? Secondly, is the Honourable Member insinuating that the people with disabilities are those without self respect or why should he say a person with self respect finding himself in a situation where they cannot be themselves? What kind of statement is that?

HOUSE ADJOURNS AT 15:40
HOUSE RESUMED AT 16:10 PURSUANT TO ADJOURNMENT

HON TJIHUIKO: Honourable Deputy Speaker, I do not think that it is worth trying to answer what the Honourable Minister of Finance was saying, because it is very clear that she was not listening when I was speaking. I was saying people with disabilities, she misunderstood me as if I said people living with disabilities.

The point that I was trying to make is that if time allows or the Honourable Member could reintroduce this Motion next time, it is a Motion which needs a lot of time. We need to look at not only what is taking place here at Parliament, but to look at all the necessary structures – municipalities, local authorities and even looking at the various rules and regulations of various municipalities, whether they are people-with-disability friendly or not and then come up with a comprehensive recommendation, so that it could be a national recommendation to be applied all over the country.

Therefore, it is very important and I would kindly request the Mover of the Motion that she should also look at the possibility of referring this Motion to the relevant Committee, so that the relevant Committee could do a proper investigation into what I have been talking about.

With those few comments, I support the Motion.

**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,
HOUSING AND RURAL DEVELOPMENT:** Thank you very much, Comrade Deputy Speaker, Honourable Members. I rise to wholeheartedly support the Motion introduced in this august House by Comrade Ncube.

A lot of very good sentiments have been expressed by the previous speakers and the way they expressed it, shows that the Motion under discussion is at the bottom of our hearts.

Comrade Deputy Speaker, this Motion is also trying to call on all of us to review laws and legislations that we have in place that are dealing with, among others, people with disabilities and to check as to whether they are still addressing the social challenges that we are facing as a Nation.

Although some people might not like references to be made to progress which has been made, it is also important for us to recognise where progress has been made. The SWAPO Party Government has made progress in this regard if you look at the various offices and structures. Of course, it is not as we would like to have, but the Motion is also trying to address the issue that people with disabilities in the society should not see themselves differently, but they must be given the necessary assistance in order to see themselves as completely part and parcel of this society and, therefore, there should be no reason for discrimination.

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HON NAMBINGA

When Motions of this nature are addressed, it is in that recognition that not enough is being done, therefore a Motion of this nature is also trying to remind us and keep us reminded that specific mechanisms should be designed in order to fast-track, in order to accelerate the participation of people with disabilities, because in the country we are saying our democracy is a participatory democracy, is a popular participatory democracy where people are participating, irrespective of their status in society or their level of ability or disability.

Comrade Deputy Speaker, this Motion is also trying to push us to address the stigma, not just looking at Parliament or maybe other employment institutions, but it is also trying to remind us to check, as these children with disabilities are growing up, whether they are freely intermingling with the other children or whether there is some form or some level of stigma.

This Motion speaks of self-representation by law of the people with disabilities. Now, obviously, it is very clear that the intention of this Motion was not to have a separate law, because all the laws in the country are the same, but when we are failing to address adequately the plight of all the people, including people with disabilities, there is a need for this type of Motion to come in, so that we are again reminded. I believe the Honourable Members will agree with me that we really need to commend Comrade Manombe-Ncube for tabling this Motion and for making it very clear that the more we might have people with disabilities participating in the various institutions, the better issues dealing with disabilities will be addressed.

Just to conclude my humble contribution, I want to indicate that we should also take note that just as much as there are a number of citizens who, because of discrimination in the past, were left out, there are also people with disabilities that have not enjoyed some of the amenities, such as education. Therefore, we should not only look at the higher levels, but also at those people but also at those people who do not have the skills, but could be engaged in activities that do not necessarily need skills.

With these few words, I would once again like to register my support for the Motion and I thank you.

HON NAMBINGA: Thank you, Honourable Deputy Speaker, for your kindness to allow me to add my voice to the Motion brought here by my neighbour.

Comrade Deputy Speaker, I know it has already been stated that all of us here are potential candidates for disablement. Secondly, I fully support the Motion, particularly that people with disabilities should be included at all levels of governance, because they are in a better position to understand the conditions of people living with disabilities.

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The fact that this Motion is brought by Honourable Ncube is a clear demonstration that inasmuch as we are all sympathetic with people with disabilities, we will never be able to feel exactly the same as people with disabilities themselves. It is like in the case of death. When a colleague of yours has lost a friend or relative and you express your condolences and sympathy, you will never, ever be in a position to feel the same grief that person feels for his partner or relative.

I also feel that as the Central Government we should also recommend to all the structures of Government that they must try to have people with disabilities in their set-ups. I know that most people with disabilities live in rural areas and they experience more problems than people living in urban areas. To give a simple example: Two years ago we discovered that there was an elderly woman living with disability in our neighbourhood, but we never knew until somebody came to the regional councillor and asked, "*do you know there is an elderly woman living with disability in the homestead of Mr X?*" He went there and found this poor woman was looking somewhat purple, because she was just hidden in the hut. This is the degree to which some people living with disabilities, particularly in rural areas, are subjected to hardship.

If there were other people living with disabilities, I am sure they would have reported. That is why I am saying we can be sympathetic, although we are all candidates, but we will never feel the same.

With these few words, Comrade Deputy Speaker, I fully support this Motion. Thank you.

HON MOONGO: Thank you, Honourable Deputy Speaker. First of all, allow me to thank the Honourable Member who introduced the Motion and I support the Motion. I however appeal to the Government to introduce awareness campaigns, as they did with the orphans, to educate the communities on how to treat people with disabilities, how to assist them. As everybody knows, they are in very shaky health situations and I appeal to the Government to create more centres to assist them. Some of them are still living in hospitals and we should create more centres to assist them.

Lastly, I would appeal to the Government to increase the disability allowance.

HON MANOMBE-NCUBE: I am very sorry to disturb the Honourable Member, but I would just like to point out that I really did not know that in this Honourable House we have some people with a learning disability.

HON MOONGO: Of course, disability is common, we accepted it, we live with it. I appeal to the Government to raise the disability allowance especially of the totally disabled people who must have somebody to push the wheelchairs. (Intervention)

HON MINISTER OF FINANCE: We know that the Honourable Headman of Omalaala is very generous, but the Motion is not seeking for any increase in any allowance, it is only asking for equal opportunities for people with disabilities.

HON MOONGO: Even so, the Government has to increase it, in order that those who are assisting them are well taken care of. Otherwise you cannot pay them with little money. Thank you.

HON DEPUTY SPEAKER: Thank you very much. Does the Honourable Member Manombe-Ncube wish to reply?

HON MANOMBE-NCUBE: Honourable Deputy Speaker, I would like to ask the indulgence of the House to reply tomorrow.

COMMITTEE STAGE – ELECTRICITY BILL

HON DEPUTY SPEAKER: Does the Honourable Minister of Mines and Energy move that the Assembly now goes into Committee? It is moved that I leave the Chair. Any objection? Who seconds? Agreed to. I now call on the Deputy Chairperson of the Whole House Committee, Honourable Hans Booy, to take the Chair.

ASSEMBLY IN COMMITTEE

DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: The Committee has to consider the *Electricity Bill*.

Clause 1 put.

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HON MINISTER OF MINES AND ENERGY: Honourable Deputy Chairperson, delete Part 6, renumber the parts accordingly and in Clause 1, delete the definition of “*Regional Electricity Distribution Company.*” I so Move.

DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Will the Honourable Minister please table the Amendment? Any discussion? Any objection? Agreed to.

Clauses 2 and 3 put.

HON GURIRAB: On Clause 2, Honourable Deputy Chairperson, I am just rising to ask your edification. In 2 it reads, “*the Electricity Board is hereby established as a juristic person.*” Honourable Deputy Chairperson, my issue is whether that last part of that sentence is not superfluous. If you establish the Electricity Board by an Act of Parliament it is a juristic person. I am saying the last part of that sentence is superfluous.

DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Any further discussion? Does the Minister wish to say something on the question?

HON MINISTER OF MINES AND ENERGY: That is a legal issue, but the meaning is only the establishment of the Electricity Board, but since it is established by Act of Parliament, then I need advice from the legal advisors, but what I know is that it is going to be a juristic person who can be sued and can also sue.

DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEES: Any further discussion? Agreed to.

Clauses 4 to 12 put.

HON GURIRAB: It is the reference to the State-owned Enterprises Act wherever that appears. This is an Act of 2002. It appears in so many of the clauses which you have just cited. All I am saying is that the year of the Act is wrong, it is an Act of 2002.

HON MINISTER OF ENVIRONMENT AND TOURISM: Honourable Deputy Chairperson, I believe that the Honourable Member would be much more

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helpful if he could indicate which Clause and then request that it be amended wherever it appears. That would be helpful, but just to say wherever it appears is not helpful.

DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: I have detected that the Member who wants to toe a different line today and the Chair does not want to get involved in that type of provocation. I ask the Minister of Mines and Energy to respond to what was said.

HON MINISTER OF MINES AND ENERGY: It would be helpful if Honourable Tsudao could indicate any Clause, because I do not know where he is reading. It is very difficult to say where.

DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Any further discussion? Any objection? Agreed to.

Clauses 13 to 24 put.

HON DEPUTY MINISTER OF LABOUR AND SOCIAL WELFARE: Thank you, Honourable Chairperson of the Whole House Committee. On Clause 23(2) I want to find out how we are going to have somebody for a lifetime, 50 years. Why do we not make it a bit lower so that we see how they do the work? 50 years is a lifetime.

HON MINISTER OF MINES AND ENERGY: Thank you very much. What is mentioned here is that a licence might be renewed from time to time for such further period not exceeding 50 years? It cannot be given for a period of fifty years, it should be 2 years, 3 years or 4 years. Thank you.

DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Any discussion? Any objection? Agreed to.

Clauses 25 to 34 put.

HON DEPUTY MINISTER OF FINANCE: Honourable Deputy Chairperson, this is not an objection, it is clarity on Section 34. The Clause speaks of permission to operate under a licence of a licensee and in 34(2) it says, "*it is deemed that Sub-section (1) has come into operation on 12 July 2003 and (b), that the person specified in column 1 of Schedule 1 has been given the permission and*

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agreement contemplated in Sub-section (1) to operate under the licence of the relevant licensee specified in column 2 of Schedule 1.

The clarity, Honourable Deputy Chairperson, is that I see that this whole section has to do with Schedule 1 and Schedule 1 has to do with the REDs which should have been deleted. Can I have clarity, because the whole Clause 34 and Schedule 1 has a direct bearing on the REDs.

HON GURIRAB: Honourable Deputy Chairperson, I thought that the Minister was going to move an Amendment in terms of the Schedule which was distributed. In terms of the undertaking that the Minister gave yesterday, I thought he was going to move the deletion of the whole Part 6, that is Clauses 34 to 37.

DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Does the Honourable Minister wish to respond to the queries?

HON MINISTER OF MINES AND ENERGY: Honourable Chairperson, I think what happened here is an oversight, because the Act has to come into operation after signed by the President and not 12 June 2003.

The reference to Schedule 1, column 2 is done away with, it is no more there. What we have to do now, is only to skip Clause 34 as it has to be removed.

RT HON PRIME MINISTER: Clause 34 is talking about a corporation under a licence of somebody else and I think these institutions are operating under licences of the institutions mentioned in column 2 and that is what is happening right now. This Clause is trying to legalise that operation which started in 2003. The point is, even if we are not dealing with the REDs right now, the REDs are in existence and it seems they have given licences to a third party, like now we have the Mpacha Power Line, Power CC, etcetera. I think the Minister should really try to investigate this, I suspect this might be illegal.

As long as we have not done away with the REDs, although we have not established them in law, we have to regulate them. If they were given a licence by whoever had these licences and they give that licence to a third party, then that third party must be allowed to operate.

HON MINISTER OF MINES AND ENERGY: I think the explanation by the Right Honourable Prime Minister is valid, because what we are saying is that we

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exclude the REDs from this Bill but they are already established under the Companies Act and not under this law. This is the difference we are talking about. They are not under this Act, but they are already established legal persons by themselves, they can be sued, can sue somebody. They are already there, they are a reality. What we are saying is that we are not including REDs in this Bill.

HON DE WAAL: I have a bit of a problem with this Clause and I would like to ask that Clause 34 stands over until tomorrow and then we can do the Third Reading stage as well.

We must be fair to ourselves. When we approved the Labour Act, we scrapped Labour Hire companies. Whether they were formed under the Companies Act we said we do not want it and we just decided. Now we come and say, *but sorry, these people are there, we must be careful. No Sir, a thing is right or it is wrong.* We agreed yesterday nothing of the REDs in this Bill, that was the agreement yesterday and we must stick to that.

Honourable Chairperson of the Whole House Committee, let Clause 24 stand over until tomorrow so that we have time to discuss it.

RT HON PRIME MINISTER: It can stand over for verification, but it is not right to compare the REDs with labour hire, they are different animals. Labour hire was scrapped because of its indecency, its indecency of making a human being a commodity ... (Interjection)

HON MEMBER: The REDs are also indecent.

RT HON PRIME MINISTER: No, they are not indecent. Let us establish that later.

HON DEPUTY MINISTER OF LANDS AND RESETTLEMENT: Thank you Comrade Deputy Chairperson of the Whole House Committee. I think the Honourable Minister is correct that these companies were established like any other company. The concern here was that a company that was formed under another law cannot again be in this law. They can be in existence, but the Municipalities must not be forced to be in a joint venture with only one company. They can be in existence, but if Municipalities want to make a joint venture with other companies, they must also be free. Therefore, everything that is in the Electricity Bill which has to do with the REDs is removed, but it does not mean that the REDs must not be in existence. Thank you.

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DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:

Honourable Members, my understanding on the REDs is that the whole of Part 6 is deleted. That has already been done. We now have a bone of contention on Clause 34. There have been explanations, but it is not yet clear. We cannot allow the situation to continue and delay the Bill as such. Why do we not rather postpone Clause 34 to tomorrow, as is the custom of this House and then the Minister will come back tomorrow and deal with that specific Clause?

Agreed to. Clause 34 stands over.

HON MINISTER OF ENVIRONMENT AND TOURISM: Just to record that progress will be reported on Clause 34.

Clause 35 put.

HON MINISTER OF MINES AND ENERGY: In Clause 35, delete Clause 35 and renumber accordingly.

DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Will the Minister table the Amendment? Any discussion? Any objection? Agreed to.

Clause 36 put.

HON MINISTER OF MINES AND ENERGY: In Clause 36, delete Clause 36 and renumber accordingly.

DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Will the Honourable Minister please table the Amendment? Any discussion? Any objection? Agreed to.

Clause 37 put.

HON MINISTER OF MINES AND ENERGY: In Clause 37, delete Clause 37 and renumber accordingly.

DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Can the Honourable Minister please table the Amendment? Any discussion? Any objection? Agreed to.

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Clauses 38 to 40 put.

HON GURIRAB: On Clause 39(5), just to point out a typo, reference to Sub-section 28(1) and (a). Just a typographical correction.

HON DEPUTY MINISTER OF LABOUR AND SOCIAL WELFARE: In Clause 39(a) it reads that the Regional Council is subject to this Act and the Regional Councils Act. I want to have clarity on how the Regional Council is subject to this Act, because to my knowledge they are not distributing electricity. How are Regional Councils going to be in a position to distribute electricity except under the REDs? We are taking the REDs out of this Bill and the Regional Councils are not distributing electricity, it is only Local Authorities.

HON DEPUTY MINISTER OF FINANCE: Comrade Deputy Chairperson of the Whole House Committee, in fact the previous speaker has only highlighted one problem, but I actually wanted the Honourable Minister to look at the entire Clause 39 *vis-à-vis* the Regional Councils Act and the Local Authorities Act where the electricity and water supply is in the Local Authorities Act, because I have not seen that in any repeal, just to clarify that within Clause 39, because this one says, despite those other Acts, this Act is supreme over those other Acts. Just clarify that one. What makes this one more superior than the Local Authorities Act or Regional Councils Act? Just clarify that one so that we do not tamper with our own laws and give them status which we may not be able to defend or explain. Thank you.

DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Does the Honourable Minister wish to respond to the queries?

HON MINISTER OF MINES AND ENERGY: This Clause can also stand over for legal interpretation.

RT HON PRIME MINISTER: I have no objection that the Clause stands over. In the first place we are talking about provision of electricity and it is now being regulated. I think Clause 39 should be read in relation to Schedule 1. Schedule 1 indicates regions which are operating under licences of the REDs, but these are Regions mentioned here, Regional Council of Otjozondjupa, Regional Council of Kunene. Therefore, I think these things need to be read together.

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DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEES: We agree that it stands over until tomorrow and I will report progress on Clause 39. Any further discussion on Clause 40? Any objection? Agreed to.

Clauses 41 and 42 put.

HON DEPUTY MINISTER OF INFORMATION AND BROADCASTING:

My question is on the infrastructure mentioned here, which relates to the transformers and the lines, which means that once this becomes an Act, those applying for electricity would pay for the infrastructure, just some clarity.

HON MINISTER OF MINES AND ENERGY: Any power line, meter, fittings and apparatus belong to the licensee and lawfully placed or installed in/or upon any premises, whether or not fixed to any party without permission. What we are saying here is that the utilities are owners of all the equipment. From what I mentioned in our budget it was clear that no person can have electrical equipment unless you have a licence. Therefore, the connection and everything will be done by the utilities and not mentioning any longer about the transformers or anything. It is only by themselves. Thank you.

DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Any further discussion? Any objection? Agreed to.

Clauses 43 to 50 put.

HON DEPUTY MINISTER OF FINANCE: Honourable Deputy Chairperson of the Whole House Committee, I am on Clause 49, referring to the appeal and Amendment of laws and savings. Clause 49(1) refers to Schedule 2 and column 3 refers to the REDs in the context of (b)(i): "*The Management Company shall, subject to the provisions of Sub-section (2) or (5) procure from the Municipality of Walvis Bay and from no other supplier, water for distribution*" and I say and electricity or gas. "*for distribution to export processing.*" Once again this refers to the REDs only and I also seek clarification from the Honourable Minister. I see that Clause 49 is directly related to the REDs. I thank you.

HON MINISTER OF MINES AND ENERGY: Clause 49 can also stand over together with the other two, so that we can come up with something clear tomorrow.

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HON DR ANKAMA**

HON RIRUAKO: Honourable Chair, do you have any idea about this type of company the rest of the House left nothing. Where does this kind of idea come from?

DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: The Honourable Chief is out of order. Any further discussions? Right Honourable Prime Minister.

RT HON PRIME MINISTER: It appears there is an impression from some Honourable Members that the REDs have been outlawed. That is not the case, the REDs are still there, operating as companies. Therefore, if reference is made to the REDs, it is referring to something which is already operating. I do not see the problem, but it is clear to all of us that the removal of those clauses does not mean that the REDs have been banned.

DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: The Minister asked for the Clause to stand over until tomorrow. Agreed to. The Schedule and the Title will stand over automatically. I shall report progress and ask leave to sit again.

ASSEMBLY RESUMED

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

**RESUMPTION OF REPORT OF THE NATIONAL ASSEMBLY'S
STANDING COMMITTEE ON PUBLIC ACCOUNTS ON THE
REFERRAL OF REPORTS OF THE AUDITOR-GENERAL ON
REGIONAL COUNCILS AND LOCAL AUTHORITIES**

HON DEPUTY SPEAKER: Does Honourable Ankama move that the Report of the Standing Committee on Public Accounts be considered?

HON DR ANKAMA: Thank you, Honourable Deputy Speaker of the National Assembly, Honourable Members. At its annual conference held in August 2006, the Southern African Organisation of Public Accounts Committees reaffirmed the

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important role that Public Accounts Committees have to play in achieving their Parliamentary oversight function.

Recently, towards the end of May 2007, the SADC Organisation of Public Accounts Committees, at its annual conference held in Maputo, again reminded members of Public Accounts Committees of the crucial role they have to play.

The Public Accounts Committees should strive to be in advance with the latest development on good governance, especially in the context of ensuring accountability over State funds as well as prudent management of public resources.

The responsibilities of the Public Accounts Committee of this House are widely outlined in Rule 47 of the Standing Rules and Orders of this august House. The Committee has the duty to examine, consider and report on:

- The accounts showing the appropriation of the sums granted by the Parliament to meet public expenditure of the Republic;
- Such other accounts, reports and any other matter or task as may be rendered to the Committee by the House or order in any other law;
- All reports of the Auditor-General in any such accounts;
- All accounts and reports of accounts where the State has interest;
- All State-Owned Enterprises and Parastatals.

A few years back it was experienced that the audit reports of the Auditor-General are tabled in the National Assembly two to three years after the Financial Year end. Now the Office of the Auditor-General has greatly improved with regard to the provision of the reports of Central Government's Offices, Ministries and Departments. The audit reports for the 2004/05 Financial Year were tabled during October/November 2006. The Committee started to review these reports since early 2007. We have just concluded compiling the Committee's report and it will be tabled in this House very soon.

The audit reports for the Financial Year 2005/06 on Central Government's Offices, Ministries and Departments will be tabled, hopefully, as from September 2007. This means that the Auditor-General's Office is fairly up to date with the reports of the Central Government.

Comrade Speaker, Honourable Members, the matter at hand is that the report on the table of this House addresses the predicaments of the Public Accounts

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Committee in the context of providing an effective, efficient and economic service to this august House and the Namibian Nation at large.

As mentioned in the report under paragraph 2.3, the Committee is expected to review or examine about 122 audit reports per annum, if it really wants to do justice to all Audit Reports of the Auditor-General, tabled by the Honourable Minister of Finance. In these reports it could be observed how we are doing and how Government manages its finances and other resources.

The Committee has observed that within many State institutions, accounting officers fail to read the reports of the Auditor-General. As a result, recommendations of the Auditor-General are never attended to in many situations. This is certainly not a good state of affairs. This is, therefore, the reason why the Public Accounts Committee should sharpen up and intensify its oversight function.

Likewise, other portfolio Committees of the National Assembly should do the same, starting with the annual activity reports of all statutory institutions tabled in this august House.

Honourable Deputy Speaker, Honourable Members, the Public Accounts Committee, after careful consideration and in consultation with the stakeholders, the Honourable Minister of Justice and Attorney-General, the Honourable Speaker of the National Assembly, the Standing Committee on Standing Rules and Orders, Honourable Chairman of the National Council, the Public Accounts Committee found it necessary to have the reports of the Auditor-General dealing with Regional Councils and Local Authorities referred to the National Council by its Standing Committee on Public Accounts and Economy.

I am convinced that Honourable De Waal, who chairs the Public Accounts Committee, had informal consultations with the Honourable Minister in this regard. The Honourable Deputy Minister of Finance is, I am sure, informed as he opened our training workshop held at Okahandja Lodge during March 2007. It is not my intention to delve into the details of the report which is before the House today. I believe this Motion is outdated, I hope you have all had a chance to peruse through it.

I expect that Honourable Members have had an opportunity to peruse through the report and are therefore, able to discuss the report in some detail. The procedures as outlined in paragraph 3.6 are fully administrative and should be dealt with via the chief administrators of the two Houses.

Honourable Deputy Speaker, if this House approves the report, it will enable the Committee to share some of its workload with its counterpart Committee, which is currently inactive and will also strengthen professional relations with its counterpart Committee in the National Council. Once this report is adopted by

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this august House, it will be incumbent on the two Houses of Parliament to find ways on how to strengthen the capacity of both Committees. With this I would like to thank you.

HON MINISTER OF FINANCE: Thank you, Honourable Deputy Speaker. I do not have any objection to anything that is contained in the Report, I just want to make a short comment in support of the Report and that comment is to say that it is important for the Public Accounts Committee to extend its duty beyond querying the Accounting Officers on irregular expenditures or over expenditures, to actually follow up with these Accounting Officers on the implementation of the Auditor-General's recommendations under the Audit Report, so that something comes out of the recommendations of the Auditor-General. The Public Accounts Committee is really an important partner of the Ministry of Finance in fully implementing the provisions of the State Finance Act.

If the Public Accounts Committee only queries these Accounting Officers and then the Accounting Officers always say, "*that has been implemented already, that is in the process of being implemented*" and then next time the Committee meets them it is on another Report which most probably highlights the same problems, and then the Accounting Officers say the same thing again, and these hearings become nothing more than a talk shop. Some Accounting Officers would even say they overspent because the Ministry of Finance did not give them enough money, I mean, you cannot do that. If you are not given money, it is because there is no money to give and you cannot just go and overspend. If there is a serious problem, then you have to raise it so that people can see whether additional funds can be found.

The point I am emphasising here is that I do support this report, but I want us to strengthen this process, so that it becomes more than just a hearing, but that we actually follow up and that there are some consequences for those who are not implementing the recommendations of the Auditor-General.

RT HON PRIME MINISTER: Thank you, Deputy Speaker. I am happy that the Minister of Finance raised this issue. Last year the Public Accounts Committee came to see me and expressed their frustration in terms of their oversight. They find all these irregularities, they point them out and beyond that nothing happens.

I think there is a need for this Committee to meet the Minister of Finance and really delineate responsibilities – if something like that happens, who is supposed to take action? Is it the Ministry of Finance or is it Parliament? (Interjection)

HON MEMBER: The Prime Minister.

RT HON PRIME MINISTER: No, the Prime Minister is out because he is also a culprit. I saw the frustration of the Committee, that they find out all these irregularities or problems, they point them out and beyond that nothing happens. Perhaps there is really a need for the two institutions to meet, the Ministry of Finance which administers the Finance Act comes here and asks Parliament to authorise them to spend and those who oversee the expenditures, so that if there are serious irregularities, at least there must be a way of taking the Executive to task, to account. That is my proposal. Thank you.

HON DEPUTY MINISTER OF HOME AFFAIRS: Honourable Deputy Speaker, I would like to concur with what the Minister of Finance has said and also to add to what the Prime Minister has said. However, I also want to add that not only the Office of the Minister of Finance and the Committee concerned, but when I went through some of our Audited Reports and learnt that the Auditor-General's Office is not empowered by law to actually do anything, apart from going through and give advice. There is no mechanism in my view that they can take strong steps to make a person accountable, to ensure that improvements are done. You go through the Reports, the same comment is made again and again, but nothing is actually happening. Therefore, if it is allowed, I request that the Auditor-General's Office should be part of the meetings that take place between the Minister of Finance and the Committee concerned, so that they put up a mechanism that could help Government to strengthen the process of accountability in terms of finance of the Government. I thank you.

**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,
HOUSING AND RURAL DEVELOPMENT:** Thank you very much, Comrade Deputy Speaker. In supporting the issues of the implementation of the recommendations that are contained in these Reports, I think we also have to look at the legal framework, as my Colleague is saying.

When sometimes we are asking these Local Authorities why these reports are not implemented, we can see that these Reports were not even presented to the Council. The Councils do not know, so these officials are sitting with these Reports.

Another aspect is when I sometimes query as to what are the follow-up mechanisms, that they are pointing out that in the Regional Authorities Act or in the Local Authorities Act there is nothing that is binding this Ministry to follow up and force these people to comply. As a result, we are now looking into the law in order to enforce it and I will count on your support in order to enforce that one, because it is really a problem and we would like to be accountable. Thank you.

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**REPORT OF COMMITTEE ON PUBLIC ACCOUNTS
HON IILONGA/HON RIRUAKO**

HON DEPUTY MINISTER OF LABOUR AND SOCIAL WELFARE:

Comrade Deputy Speaker, I support the Report and only want to speak on the issue of enforcement.

I want to give some information to my Senior and Leader of the House. He said that this Committee should take the Executive to task and Article 141 indicates that Ministers are held responsible for their Ministries. However when it comes to the actual administration, the Minister and the Deputy Minister are even considered, you are just told by the accounting officers. I do not want these poor Executive members to be punished for things which they do not know. Honestly speaking if we want things to move from where we are now, the accounting officers must be held responsible and punished.

Take for instance tenders, the Ministers are not allowed and you are the ones who were elected by people, but they say, "*you are not an administrator, you are a political office-bearer.*" This is how things are going and I always say that the farm owners will not let their farm managers decide on the affairs of their farms. This is a problem when it comes to the Government and we must really look at this very seriously and give the Auditor-General power to take to task the people who were given those tasks and give the Ministers powers. We cannot even fire a person. You can recommend and maybe complain and if your complaint is heard, you are lucky. This is the scenario we are facing.

HON RIRUAKO: Honourable Chairperson, what is happening is that the administrators are controlling the Ministers and they have been doing this for many years. I have never heard you saying this openly, but we have been complaining about Town Councils for years. This is a habit and how much is being taken from the Government coffers? Who is controlling the Ministers? Everything is out of control.

The Minister of Finance is an expert, but you can be an expert on your own, you cannot be an expert in Government. Government can tell you what they want, but this is not the case. I am saying this openly, I am not gossiping behind your back. There has to be control and we can tell you this is the way it is supposed to be done and you wonder how an administrator can tell you this way. You knew it first and for 17 years you have been following the administrators' way of doing things. That is the way it is. We want to know how long you want to continue as a Minister controlled by your own administrators. You have to stand up in Parliament and tell us things must be done that way. Control your own office first and come and tell us how far you have controlled it. I thank you.

HON DEPUTY SPEAKER: I now call on Honourable Ankama to respond.

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**REPORT OF COMMITTEE ON PUBLIC ACCOUNTS
HON DR ANKAMA**

HON DR ANKAMA: Thank you very much, Honourable Deputy Speaker of the National Assembly, Honourable Members. I would like to thank everyone who has contributed to this lively Debate.

The Public Accounts Committee is in actual fact happy to hear all these. When we had our last SADCOPAC Conference in Maputo we talked about these issues. There are so many ways we could empower, for example, the Office of the Auditor-General and the Public Accounts Committee itself. However, in the situation that we are we have to work within the parameters of the law and we do not have much power, but we can improve here and there to make things happen. What we are saying is that we appreciate that kind of tripartite consultations to make sure that we strengthen the capacity of the Office of the Auditor-General and the Public Accounts Committee itself and then getting the understanding of the Minister of Finance.

I think we are getting there, we have that desire to move and we are going there with the Minister of Finance and others. What we however really need to do is that the Reports of the Auditor-General are read thoroughly and recommendations are acted upon timely, so that we do not repeat things over and over again.

With this I would like to thank everybody for their contributions to this discussion and we appreciate it. Thank you.

HON DEPUTY SPEAKER: I now put the Question that the Report be adopted. Any objection? Who seconds? Agreed to. The Report is, therefore, adopted. The Secretary will read the Third Order of the Day.

**RESUMPTION OF DEBATE ON THE FORMATION OF THE AFRICAN
UNION GOVERNMENT BY 2015**

HON DEPUTY SPEAKER: When the Assembly adjourned yesterday, 12 July 2007 in terms of Rule 90(a) of the Standing Rules and Orders, the Question before the Assembly was a Motion by Honourable Dr Geingob, that the Motion be adopted. The Honourable Minister of Justice and Attorney-General had the Floor and I ask her to continue.

HON MINISTER OF JUSTICE AND ATTORNEY-GENERAL: Thank you, Honourable Deputy Speaker. Before I was interrupted by the tyranny of the clock yesterday, I was addressing issues that keep Africans divided. I mentioned some of them and today I will add a few more and other factors before I come to my conclusion.

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**MOTION ON AFRICAN UNION GOVERNMENT
HON IIVULA-ITHANA**

Honourable Members, I do not need to remind you of how we on the African Continent and the Diaspora have suffered and continue to suffer. Economically, Africa is said to be a wealthy continent. We list with pride the resources we have, but the question is, how much is Africa benefiting from all these resources we have? Sometimes I find myself in an embarrassing situation when travelling abroad and trying to impress upon potential investors to come to Namibia, mentioning the type of resources we have – diamonds, uranium, copper, gold, name it, we have it, but then shortly before I could finish my elaboration, I would be tempted to talk about the poverty of my people. Then you find yourself in such an embarrassing situation. On the one hand you are talking about the resources of your country, on the other hand you are begging. (Intervention)

HON DEPUTY MINISTER OF LABOUR AND SOCIAL WELFARE: May I ask a tiny question?

HON MINISTER OF JUSTICE AND ATTORNEY-GENERAL: I am sorry, I have only about five minutes.

HON DEPUTY MINISTER OF LABOUR AND SOCIAL WELFARE: On a Point of Information. Is it really true to say Africa has poverty if there is a conference in Libya and you fly to Europe, pass over Libya and come back from Europe? The Honourable Member who is refusing my question is aware of this.

HON MINISTER OF JUSTICE AND ATTORNEY-GENERAL: Comrade Deputy Speaker, what I am trying to say is that Africa is a rich continent. We are talking in terms of turning it into a country. China is a continent, but we are talking about China as a country. When we come up with that Union Government, we will make this continent a country.

Comrade Deputy Speaker, what I am saying is that the resources of this continent are not benefiting the African people. Our colonisers have created such strong strings that even though they have handed over Independence to our countries, they are controlling the livelihood of all of us on this continent. Neo-colonialism is here, we have no control over our resources and my question, when we are talking about the Union Government of Africa, is: What mechanisms are we going to put in place to make sure that at least our togetherness will strengthen our negotiating powers in order to return what ought to be our resources.

We have uranium, we have petroleum, we have gas, we have water, we have everything, but apart from countries like Libya which seem to have control over their resources, we cannot pull strings. They can say let us do it today and many

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**MOTION ON AFRICAN UNION GOVERNMENT
HON IIVULA-ITHANA**

countries will be able to say no. We as African countries are not at the same level where we can negotiate from a position of strength. Therefore, having that at the back of my mind, I feel that a Government for Africa is necessary. That unity needs to be formed so that we negotiate as one strong, big Government with outside partners and that is only if the mechanisms are put in place by the likes of my neighbour here. That committee that is formed to work out the modalities of putting these issues in place must really work harder.

HON DEPUTY SPEAKER: In terms of Rule 90, the House stands adjourned until tomorrow 14:30.

HOUSE ADJOURNED AT 17:45 UNTIL 2007.07.12 AT 14:30

**ASSEMBLY CHAMBER
WINDHOEK
12 JULY 2007**

The Assembly met pursuant to the adjournment.

HON DEPUTY SPEAKER: Took the Chair and read Prayers and the Affirmation.

**ANNOUNCEMENT: APPOINTMENT OF
MEMBERS ON STANDING COMMITTEES**

HON DEPUTY SPEAKER: I hereby announce in terms of Rule 38(b)(vi) that the following Members of SWAPO Party will serve on the following Parliamentary Standing Committee as duly appointed Members:

Honourable Clara Bohitile: Standing Committee on Economics, Natural Resources and Public Administration; Standing Committee on Human Resources, Social and Community Development; Commonwealth Parliamentary Association (CPA).

Honourable Hidipo Hamutenya: Standing Committee on Economics, Natural Resources and Public Administration.

HON DEPUTY SPEAKER: Any Petitions? Any Reports of Standing or Select Committees? Other Reports and Papers?

TABLING OF REPORTS

RT HON PRIME MINISTER: I lay upon the Table, the Annual Report of the Public Service Commission of Namibia for the year 1 April 2006 to 31 March 2007.

HON DEPUTY SPEAKER: Other Reports and Papers? Notices of Questions? Notices of Motions?

**REFERRAL OF AUDIT REPORTS TO
NATIONAL COUNCIL**

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**REFERRAL OF REPORTS TO NATIONAL COUNCIL
HON DE WAAL**

HON DE WAAL: Honourable Deputy Speaker, I Move without Notice, that in terms of Article 74(1)(b) of the Namibian Constitution, the Reports of the Auditor-General for the following Local Authorities and Regional Councils be referred to the National Council:

- Municipality of Swakopmund for the Years 2000 to 2006;
- Municipality of Walvis Bay for the Years 2000 to 2006;
- Town Council of Oshakati for the Years 2000 to 2006;
- Village Council of Kamanjab for the Years 2003 to 2006;
- Regional Council of Erongo for the Years 1999 to 2005;
- Regional Council of Khomas for the Years 1996 to 2005;
- Regional Council of Kunene for the Years 1996 to 2005;
- Regional Council of Kavango for the Years 1998 to 2005;
- Town Council of Rundu for the Years 2000 to 2006.

Honourable Deputy Speaker, on the advice sought from the Office of the Attorney-General in moving this Motion and the referral of these Reports, this august House should expressly set out the procedures to be followed by the National Council.

I, therefore, move that the National Council reviews the abovementioned Reports as follows:

1. The National Council automatically refers the Reports to its Standing Committee on Public Accounts and Economy.
2. The Public Accounts and Economy Committee meets to review page-by-page the Reports with advice from the Auditor-General.
3. The Committee then, with the assistance from the Office of the Auditor-General, request Accounting Officer to respond to the audit observations or audit opinions and questions, review the responses with the assistance from the Office of the Auditor-General, decides to adopt the Report as recommended by the Auditor-General or to call in the Accounting Officer for further clarification; conducts public hearings if and where necessary; prepares its Report and makes the necessary recommendations to the National Council; tables and motivates its Report to the National Council.
4. The National Council considers and adopts the Committee's Report and the National Council refers the fully adopted and motivated Report to the National Assembly.

I so Move, Honourable Deputy Speaker.

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**MINISTERIAL STATEMENT
HON DR KAMWI**

HON DEPUTY SPEAKER: Table the Motion, Honourable Member. Who seconds the Motion? Any objection? Agreed to. Any further Notices of Motions? Message from the Head of State? Ministerial Statements. Minister of Health and Social Services.

**MINISTERIAL STATEMENT:
MOTION ON PERSONS WITH DISABILITY**

HON MINISTER OF HEALTH AND SOCIAL SERVICES: Thank you, Honourable Deputy Speaker, Honourable Members. I rise to make a contribution to the Motion tabled by Honourable Alexia Manombe-Ncube.

Honourable Deputy Speaker, Honourable Members, the main objective of the Ministry of Health and Social Services is, “...to improve the health status of the Namibian population through the provision of relevant preventive, promotive, curative and rehabilitative health and social services, which are affordable and accessible to all Namibians.” To fulfil this objective and to assist in implementing the National Disability Policy, all these services are made accessible to people with disabilities.

The Ministry has the responsibility of rehabilitating persons with disabilities by way of raising awareness and mobilising them to form groups for the purpose of self-employment creation in line with the support strategy for income generating projects.

The overriding role is to improve the quality of life of people with disabilities by ensuring that they are integrated into society through community-based rehabilitation and promoting their human rights.

The specific programmes are within the primary health care context as defined in the “*Alma Ata Declaration of 1978*”. These programmes are promotive, preventive, curative and rehabilitative.

Specific programmes dealt with by the Ministry are:

- Disability Prevention, which includes awareness raising on the prevention of disability, for example, blindness, mental health and deafness and hearing impaired. This is in place.
- Rehabilitative Services: Community-based rehabilitation, Institutional-based rehabilitation and Orthopaedic Technical Services are all taken care of.

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**MINISTERIAL STATEMENT
HON DR KAMWI**

Honourable Deputy Speaker, allow me to share with you the progress made thus far. The Ministry has taken over the mandate of coordinating disability issues in line with the Presidential announcement in March 2005.

First of all, the Ministry established a Reorganising Committee to facilitate the streamlining of disability services. The Committee was tasked to inform management to arrive at an informed decision to place the Division: Rehabilitation within the Ministry of Health and Social Services. The process to place the Division took longer than anticipated due to consultations among stakeholders, for example that of the Office of the Prime Minister, Ministry of Finance, Ministry of Works, Transport and Communication and Ministry of Lands and Resettlement.

Throughout this process the Ministry faced challenges, including the following:

- The delay in the establishment of the National Disability Council due to the lengthy process that preceded the final placement of the Division.
- Negative attitudes of the community towards people with disabilities;
- Lack of inclusive services for people with disabilities;
- Lack of relevant training on disabilities in the country;
- The impact of HIV/AIDS, unemployment and poverty;
- Poor coordination between officials attached to Division: Rehabilitation in my Ministry and the Disability Advisory Unit in the Office of the Prime Minister. The lack of cooperation has led to the confusion of the respective roles.

Honourable Deputy Speaker, Honourable Members, the National Policy on Disability explicitly calls for inter-ministerial cooperation where all Ministries, office and agencies should take immediate steps by including disability issues into their overall development plans in line with designated areas. Despite our designated roles, we are all striving for the "*Creation of Society for All*". If we combine forces, more will be achieved. For this, I appeal to all stakeholders to support my Ministry's efforts in fulfilling this mandate.

I would like to share with you the following achievements to date. My Ministry has now placed the Division: Rehabilitation under the Directorate: Developmental Social Welfare Services. Treasury authorisation has been obtained and all assets have now been transferred to my Ministry.

The Division: Rehabilitation has been supporting income generating projects, Disability Resource Centres and Omusati Vocational Training Centre. Through

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**MINISTERIAL STATEMENT
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consultations with the Ministry of Lands and Resettlement and other stakeholders, it became evident that managing projects is not a core function of my Ministry. Consequently, my Ministry is now facilitating the transfer of these projects and Omusati Vocational Centre to line Ministries.

The following had been undertaken:

- The establishment and adoption of the community-based rehabilitation as a strategy for implementation.
 - The development of Organisations of People with Disabilities is being supported.
 - Capacity-building of rehabilitation of staff members.
 - The establishment of Regional Disability Network Forums, for example, in Kavango, Oshikoto Regions have been facilitated.
 - 20% of people with disabilities have access to services, including employment and education and met targets for NDP2.
 - Development of the Policy on Orthopaedic Technical Services.
- National Community -based Care and Rehabilitation Programme – 2006.
 - Continued membership to and contribution to regional and international organisation concerned with disability issues, for example International Labour Organisation, the African Union, African Rehabilitation Institute, Southern African Federation of the Disabled, etcetera. Staff as well as members from the organisation of people with disabilities was also accessed through capacity-building opportunities offered by the above.
 - Mental Health Policy was launched in 2005;
 - Financial support to four organisations of persons with disabilities during the Financial Year 2006/07, for example, Namibia Association of Differently Able Women, Namibia National Association of the Deaf, were made;
 - Ongoing support to the Namibia Disability Programme in partnership with Voluntary Services Overseas and National Federation of People with Disabilities in Namibia is in place;
 - Subsidies provided to Onyose Trust, Evangelical Lutheran Church in Namibia Rehabilitation Centre at Oniipa, Windhoek Service for the Visually Impaired

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HON DR KAMWI**

which are service providers for persons with disabilities are taken care of since we took over.

Honourable Deputy Speaker, Honourable Members, which is the way forward?

My Ministry intends to work towards some of the following NDP3 objectives:

- Prepare instruments for the ratification of the Convention on the Rights of Persons with Disabilities and Optional Protocol.
- Establishment of the National Disability Council in line with the National Disability Act 26 of 2004.
- Training on the National Disability Act to staff and stakeholders.
- Reorganisation of the Disability Resource Centres.
- Conduct a Knowledge, Attitude and Practice Study on the living conditions of people with disabilities in Namibia.
- Strengthen Community-based Rehabilitation Committees.
- Establish Regional Disability Networking Forums.
- Provide continued support and strengthen Organisation of People with Disabilities.
- Continue to subsidise organisation that render essential services to people with disabilities subject to availability of resources.

Honourable Deputy Speaker, regarding challenges on appointment of people with disabilities to the National Assembly or Council or to ministerial positions, for that matter, this falls within the mandate of the Appointing Authority. Clearly, in terms of legislation, persons with disability are taken care off including recognition in the principal Act. For instance Article 10 of the Constitution of the Republic of Namibia stipulates: *“All persons shall be equal before the law” and “No persons may be discriminated against on grounds of sex, race, colour, ethnic origin, religion, creed or social or economic status.”* This is inclusive of all groups in society including persons with disabilities.

Finally, just a word of advice for the future, the Ministry of Health and Social Services would have appreciated to have been consulted whenever time permits on any matter pertaining to its mandate as long as it is relevant to the Line Ministries

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**MINISTERIAL STATEMENT
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mandated by the Appointing Authority on matters of national concern. I thank you.

HON DEPUTY SPEAKER: I thank you. It is Thursday, the day initiated by the opposition benches to get clarity from Cabinet Ministers. I now put Question 39 by Honourable Moongo to the Minister of Regional and Local Government, Housing and Rural Development. Does the Honourable Member put the Question?

RESPONSES TO QUESTIONS

QUESTION 39:

HON MOONGO: I put the Question.

**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,
HOUSING AND RURAL DEVELOPMENT:** Thank you very much, Comrade Deputy Speaker.

I am really sorry, but I thought it was agreed that the questions were to stand over. That is what I heard, I was not present here.

HON DEPUTY SPEAKER: The question will lapse and the owner of this question should be ready to introduce it next session. Question 53 and 62 will stand over. I put Question 63 by Honourable Dienda to the Minister of Works, Transport and Communication. Does the Honourable Member put the Question?

QUESTION 63:

HON DIENDA: I put the Question.

HON MINISTER OF WORKS, TRANSPORT AND COMMUNICATION: Honourable Deputy Speaker, I wish to seek the indulgence of the Honourable Member to allow the question to stand over until next Session.

HON DEPUTY SPEAKER: Questions 63 and 64 will be reintroduced during the next session. Question 66 is by Honourable Ulena to the Minister of Mines and Energy. Does the Honourable Member put the Question?

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**RESPONSES TO QUESTIONS BY HON ULENGA
HON NGHIMTINA**

QUESTION 66:

HON MINISTER OF MINES AND ENERGY: Thank you, Deputy Speaker. I take this opportunity to give my contribution and to respond to the questions and concerns put forth by Honourable Ben Ulenga.

First let me highlight the fact that the pricing of petroleum products in Namibia is being driven and affected by the changes in crude oil prices, geopolitical tensions and fluctuations in the value of the US Dollar against other major currencies. The abovementioned factors play a very important role in determining the fuel price at the pumps.

During the period of 2002 to 2006, five years back, fuel prices in the Republic of Namibia went up 15 times, with eight decreases recorded. During the year 2003 only, fuel decreases were recorded, leading to stabilising fuel prices in the local market, while 2005 up to 2006 recorded steep increases in fuel prices.

On average fuel prices per products went up from 2002 to date as follows:

Unleaded Petrol 95	39 %
Lead Replacement Petrol 93	41 %
Diesel	44%

Honourable Deputy Speaker and Honourable Members, it is apparent that diesel went up faster than any other product. This is mainly due to the following factors:

The relationship between product prices and crude prices as well as the relative movements in the prices of different refined products varies with world market conditions. The most marked of these movements is that petrol has a seasonal high during the northern hemisphere summer, the “driving season” and distillates, paraffin and diesel, peak in the northern winter. These trends are mildly beneficial to Namibia and South Africa, as our summer driving season coincides with the seasonal low for petrol and peak paraffin usage with the seasonal low for that product.

Our summer rainfall peak usage of diesel by farmers is unfortunately at a time when that product reaches its seasonal high.

For these reasons, refiners are obliged to accumulate unwanted stocks of heating oil and residual fuel oil when they increase runs to meet peak petrol demand during summer and fuel oil diesel during winter. It is this involuntary stocks build by refiners that create the characteristics of seasonal pattern in the level of stocks held by the oil industry and influence the behaviour of prices in the forward and future markets.

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**RESPONSE TO QUESTION BY HON ULENGA
HON NGHIMTINA**

Currently now we have also realised that diesel has become cheaper than other products, selling at N\$6.35.

Honourable Deputy Speaker, Honourable Members, as I have explained before, I think this has also cleared up the issue of the Minister being biased against the diesel consumers as he is not a farmer himself. Farmer or no farmer, I have no influence on what is happening in the world. The fact remains that price and demand as well as supply plays an ambivalent role in determining petroleum product prices in the market. Farmer or no farmer will be affected.

I have recognised the fact that the recent past years had been the most difficult years to the fuel industry and the country at large. During that period the industry has severely been besieged by fuel price instabilities brought about by external factors, such as geopolitical tensions, exchange rate fluctuations and market demand and supply trends in the international market. The aforementioned factors had not only led to excessive crude oil prices at the international markets, but had also directly increased fuel prices in the local market.

As a result of this, the Ministry, particularly the National Energy Fund, was left with a huge negative slate balance to settle due to subsidisation of fuel prices.

This was the first time in the Namibian history that the slate account recorded a shocking balance of over 300 million.

It is very unfortunate that owing to Namibia's diminutive market size against the huge global oil market and the fact that Namibia does not produce oil for herself, there is no other alternative but to accept international market movements. It is for this reason that international market sentiments and strains in oil trading have to be accepted as they arise, and the Government has two choices either to subsidise the consumer or pass on the burden to the consumer by adjusting the prices accordingly.

With regard to helping the poor farmers against the rising cost of subsistence farming as a result of rising cost of diesel, measures had been instituted to alleviate the plight of these communities in a fair way in line with the overall socio-economic objectives of the Government, as reported in the Cabinet submission on 10 December 1996.

The road transport subsidy on controlled petroleum products, mainly petrol and diesel to the rural areas and far outlying areas, was instituted on the 1st January 1997, amended in 1998 and 2002. The system was established with the objective to benefit the poorest segment of the population that lives in the remote areas. This was necessitated due to a fuel distribution system which ensures that the product is available countrywide at full cost of delivery. This was particularly hard on people living in rural areas. These people are generally less affluent, but

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**RESPONSE TO QUESTION BY HON ULENGA
HON MBUMBA**

had to pay higher prices because they reside in far-off destinations, hence the Government is subsidising the transportation of fuel to the rural areas and the far outlying areas to alleviate the cost of transportation.

Honourable Deputy Speaker, I hope that I have sufficiently answered the questions posed to me by the Honourable Ben Ulenga. I thank you.

HON ULENGA: Honourable Deputy Speaker, I thank the Minister for the answer as it seems questions have generally become a burden to the Government side. It is not very pleasing to find that questions are being postponed endlessly until the end of the Session. It is a very important point.

HON DEPUTY SPEAKER: Thank you very much. Question 67 is the one of Honourable Ulenga to the Minister of Education. Does the Honourable Member put the Question?

QUESTION 67:

HON MINISTER OF EDUCATION: Honourable Deputy Speaker, there are three questions: *“How many students were barred from writing their examinations at the Polytechnic of Namibia due to not having paid all their due fees?”* The answer is as follows:

We did ask the Polytechnic to provide us with the number, however the Polytechnic could not provide us with the total number of students barred from examinations for non-payment of study fees, but only that more than N\$11 million is outstanding on study fees. Therefore, if they are N\$11 million in the red, they are forced to do something.

The second question: *“What is Government policy with regard to students who cannot pay for their studies?”*

Government does not have a blanket and uniform policy on this matter, but the institutions of higher learning themselves do have their own policies on issues of this nature. Both the University of Namibia and the Polytechnic of Namibia have independent councils that determine their policies of governance, including study fees. Moreover, institutions of higher learning have been established by Act of Parliament, providing them with a certain degree of autonomy where Government cannot interfere with their businesses, such as cost of studies.

“When is Government going to lower the cost of studying in Namibia?”

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**RESPONSE TO QUESTION BY HON ULENGA
HON MBUMBA**

What a question! Government does not determine the cost of goods, does not determine the cost of services and cannot determine the cost of studies. Institutions of higher learning do independently determine the cost of the studies, according to the economic performance and other factors that determine the cost of studies. They have to pay salaries, they have to pay electricity and water bills and they have to provide security for both their staff members and their institutions.

I am however pleased to say that the National Council on Higher Education, established by an Act of Parliament, is in the process to establish a Funding Formula for all institutions of higher learning, which will, hopefully, provide equitable funding to ensure in turn equitable access to institutions of higher learning. We firmly believe that this will lower the cost of higher education in our country in the near future.

Higher education institutions continue to apply for extra funding, even recently after we have passed the budget. This, in a way, is not the proper way of managing those institutions. We must remember that the number of students with good marks in a position to be admitted to institutions of higher learning is increasing each year. The cost of upkeep is also rising. No wonder that we have a shortage in the money available to support students.

It is thus important that these institutions of higher learning train graduates in those needed fields, such as mining and tourism, that would help us to grow the economy and expand employment opportunities.

I am sorry to say that a number of students are unable to register at this moment and/or continue their studies due to lack of funds. Those members of the public, including Members of Parliament, able and willing to help anyone of those students, please get in touch with either the Polytechnic, UNAM or any other institution of your choice.

The Government of the Republic of Namibia cannot declare false, unrealistic and uneconomic caps on the cost of materials, goods or services. I thank you, Honourable Deputy Speaker.

HON DEPUTY SPEAKER: Thank you very much. Question 70 is by Honourable Kaura to the Minister of Mines and Energy. Does the Honourable Member put the Question?

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**RESPONSE TO QUESTION BY HON KAURA
HON NGHIMTINA**

QUESTION 70:

HON MINISTER OF MINES AND ENERGY: I thank you, Honourable Deputy Speaker. Allow me to thank you for the opportunity to respond to the question asked by Honourable Member Katuutire Kaura. The question reads: *“Many of the villages in the rural areas are provided with mortuaries which are linked to the main electricity grid, but blackouts are experienced frequently, and funerals are arranged hastily because of the blackouts. Is it not possible to put up a backup system by providing solar panels at mortuaries to prevent the remains from decomposing when blackouts are experienced? I received these complaints from far-flung places in Omaheke, Kunene and Otjozondjupa Regions, Tsumkwe in particular.*

First of all, it is important to note that mortuaries, in particular, and hospitals in general are classified under top priority category of electricity consumers and continuous supply of energy is compulsory for this type of consumers. It is expected that all hospitals and mortuaries must have standby generators within their compounds, ready to be used for the supply of electricity in case of emergencies.

It is important that these mortuaries are identified and a list of all their contact details are available to the regional electricity distributors, the REDs, so that those who are in charge of mortuaries can be informed in advance should any operational electricity shutdown be needed by the distributors.

Secondly, it is equally important to note that a standby source of electricity at mortuaries should be of such nature that it is always ready and available for immediate generation of electricity whenever a need arises. Solar energy can be used although expensive, but a diesel generator will be ideal and it will be connected to the main grid. Once it is off, the generator automatically kicks in. Uninterrupted Power Supply technology is what I am talking about. Solar energy could, however, efficiently be utilised at hospitals for water heating, a practice which could considerably reduce the electricity bills at hospitals and other Governmental institutions. I thank you.

HON DEPUTY SPEAKER: Thank you very much. Question 71 is by Honourable Kaura to the Minister of Lands and Resettlement. Does the Honourable Member put the Question?

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**RESPONSE TO QUESTION BY HON MOONGO
HON TSHEEHAMA**

QUESTION 71:

HON DEPUTY MINISTER OF LANDS AND RESETTLEMENT:

Honourable Deputy Speaker, Honourable Members, the answer to the question of Honourable Kaura is as follows:

Yes, the Ministry of Lands and Resettlement is aware of the family that worked for the former owner of farm Otjiku.

The family was informed about the resettlement procedures in order for them to apply whenever a farm of their choice has been advertised.

The Governor of Otjozondjupa Region, being the Chairman of the Regional Resettlement Committee that recommends people for resettlement, is aware of their status, as you correctly put it. He will assist in the consideration of their application forms once submitted.

There is, however, no other assistance from the Ministry of Lands and Resettlement which is outside the laid-down resettlement procedures that we can give to the said family. I thank you, Comrade Deputy Speaker.

HON DEPUTY SPEAKER: Thank you very much. Question 72 is by Honourable Moongo the Minister of Safety and Security. Does the Honourable Member put the Question?

QUESTION 72:

HON MINISTER OF SAFETY AND SECURITY: Thank you very much, Honourable Deputy Speaker.

First and foremost, let me sincerely thank Honourable Moongo for a question which does not only affect police reservists at Oshakati Police Station, but rather other reservists countrywide. The reservists are recruited into the Force as provided for by the Police Act (Act 19 of 1990), as amended. Police reservists are recruited on the basis that they meet certain requirements, *inter alia*, that they are of good character, have no criminal record and are already employed somewhere else.

Therefore, when one joins the Namibian Police Force as a reservist, that person does not expect to be fully employed, neither to be a fully-fledged member of NAMPOL, but rather to be called upon when the station reservist, as per Police Operational Manual Chapter 11, is required to perform ten hours per month, with eight hours devoted to Charge Office or any other duties the Station Commander

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may assign him/her while two hours are normally devoted for training purposes. From the premise reservists are taken on board to complement staff components at a station which may face manpower shortages at any given time.

Honourable Speaker, Honourable Members of Parliament, it is, therefore, against this background that there might be people who are serving at Oshakati Police Station for the past seven years at charge office or roadblocks but have not been absorbed in the mainstream of the Force, simply because of the reasons advanced above.

I, therefore, assume, having provided the Honourable Member with a very elaborative explanation from the onset, that the answer or explanation will suffice for Honourable Moongo to judge as to whether the people he referred to as being omitted in the inclusion of the mainstream of the Namibian Police are duly qualified or not.

May I once again inform the Honourable Member of Parliament of my Ministry's readiness to respond to any enquiries which are aimed at informing and educating the general public?

I hope this time around reservists will have a clear picture of the terms and conditions of their enlistment or attachment to the Namibian Police Force. I thank you very much.

HON MOONGO: Honourable Deputy Speaker, I am really shocked and disappointed, because this is another way of bringing in labour hire within the Police Force. It is another SWANLA.

HON DEPUTY SPEAKER: Question 73 is by Honourable Moongo to the Minister of Defence. Does the Honourable Member put the Question?

QUESTION 73:

HON MOONGO: I put the Question.

**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,
HOUSING AND RURAL DEVELOPMENT:** Comrade Deputy Speaker, may I, on behalf of my Colleague, ask that this question stands over?

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**RESPONSES TO QUESTION BY HON KAURA
HON NANDI-NDAITWAH**

HON DEPUTY SPEAKER: Questions 73, 74, 75, 76, 77 and 78 will be reintroduced during the next session. Question 79 is by Honourable Kaura to the Minister of Information and Broadcasting. Does the Honourable Member put the Question?

QUESTION 79:

HON MINISTER OF INFORMATION AND BROADCASTING: Comrade Deputy Speaker, let me thank Honourable Kaura for posing this question. However, it is really a sad story, Honourable Kaura, that from Karas Region to the Floor of Parliament you are starting tribal politics, thus making one reluctant to respond to your questions. Nevertheless, with a sense of responsibility, I have the following to say to your question:

NBC has a master plan that is aimed at making all languages used on the radio to be accessible in every corner of Namibia. Such a plan became necessary after Namibia's Independence when people could move freely and live where they want to be in the country. Against that background, amongst others, the NBC has installed its equipment at Buitepos tower in order to provide for the broadcasting service in the Kalahari constituency. Due to lack of funds, not all languages can be introduced at the same time, not only at Buitepos tower but at many other places as well.

At the same time, the Corporation has put procedures in place to determine which language should first be used when a radio service is being established in a certain area. The process starts with consultations between the technical department and the radio services to determine which language is mostly spoken in a particular area. Such consultations are done because the radio services do record all the programmes throughout the country.

The next step is the on-site survey done by the technical department, whereby local community leaders and the general public are consulted to establish the preferred language. The process, as mentioned above, was followed in the case of Buitepos.

The Buitepos process ended with a meeting on the 1st of February 2007 between the Director General of NBC, accompanied by the head of the technical department and Omaheke Regional Council. It was at that meeting that those present were informed that the four languages, namely Otjiherero, Oshiwambo, Tswana and English, are going to be introduced with the establishment of the station at the Buitepos tower.

After the presentation by the NBC, those present expressed happiness with the selection of the four languages. The four languages are a result of the only available N\$520 000 which can only facilitate the introduction of four languages

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RT HON ANGULA**

plus a television and NBC is in the process to source additional funds so that additional languages will be added, that may include San and Nama/Damara, depending on the feedback the Corporation will get from the community as to which languages should be added. I thank you, Comrade Deputy Speaker.

HON DEPUTY SPEAKER: Thank you, Honourable Member. That brings us to the end of our questions. The remaining questions will lapse and they can be reintroduced in the next session. I will now allow Honourable Ulenga to put his oral question.

ORAL QUESTION

HON ULENGA: Honourable Deputy Speaker, in the light of some astounding allegations in the local media, particularly in one of the English dailies, I would like to ask the Right Honourable Prime Minister to inform the House as to the true state of affairs with regard to continuous and persistent allegations concerning corruption and self-enrichment schemes, involving a senior Government official whose name I have – although I am not going to divulge it at this stage – who has now allegedly quietly resigned from the Public Service and left the country with several millions of taxpayers' money with him.

As these allegations have gone on in a persistent way for many years, I would like to find out from the Prime Minister why is it taking so long for this issue to be properly taken on by the Government so that these officials are either cleared or are brought to book? One particularly worrying situation, Honourable Deputy Speaker, is that there are even allegations that the Government of Namibia is being blackmailed by individuals involved in this self-enrichment scheme, whereby the Government is told that if it moves and take on these people, they are prepared to go on and divulge the names of some big fish involved in the scheme.

I would like the Right Honourable Prime Minister, Nahas Angula, to take a clear stand on behalf of Government on these allegations of blackmail against the Government. Of course, it would be very good if the Prime Minister could tell us who the names are of the big fish which are being rumoured and how far the Government has gone to deal with this ugly scheme. I thank you, Honourable Deputy Speaker.

RT HON PRIME MINISTER: Thank you, Honourable Deputy Speaker. I thank Honourable Ulenga for his oral question. I must say that the Report in the *New Era* of today is very unfortunate for a number of reasons.

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First of all, it makes serious allegations, it is painting a picture that someone, somewhere is already guilty before this person appears before a court of law and even Honourable Ulenga is convinced that the alleged culprit is guilty. He or she might be guilty or he or she might not be guilty.

Now the newspaper is trying to be the court of law and paints that picture. The newspaper, as a good corporate citizen, had a number of avenues to get this issue investigated. The newspaper could have gone to the Attorney-General and report the matter. If it does not have trust and confidence in the Attorney-General, it could have gone to the Chief of Police and get the matter investigated. If the newspaper does not have trust and confidence in either the Prosecutor-General and the Chief of Police, the newspaper could have gone to the Anti-Corruption Commission. If it does not even have confidence in the Anti-Corruption Commission, it could have gone even to the Head of State, because the allegations are so serious that they need to be thoroughly investigated before they are made sensational.

It is not very difficult to know who this person might be, because there are not too many people who were involved in the building of State House in that Ministry. There are not too many people who have migrated to Cape Town from that Ministry, so it is not very difficult to make some conclusions.

However the unfortunate part of it is that in revealing this kind of information, you are not helping much. You are only creating a situation whereby the public forms an opinion about somebody who might not even be guilty. That is the most unfortunate part of it.

Therefore, I would like to urge the *New Era* as a good corporate citizen to work with the law enforcement agencies and really go down to the bottom of this matter without fear or favour. That is my answer, Sir. Thank you.

HON DEPUTY SPEAKER: Thank you very much, Honourable Member. Due to the discretion of the Deputy Speaker, I am not going to allow a supplementary question under Rule 82. The Secretary will read the First Order of the Day.

**RESUMPTION OF DEBATE ON SELF-REPRESENTATION BY LAW OF
PEOPLE WITH DISABILITIES IN THE PARLIAMENT OF THE
REPUBLIC OF NAMIBIA AND AT OTHER LEVELS OF GOVERNMENT**

HON DEPUTY SPEAKER: When this Debate was adjourned yesterday, 11 July 2007, the Question before the Assembly was a Motion by Honourable Manombe-

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HON MANOMBE-NCUBE

Ncube, that the Motion be adopted. Honourable Ncube adjourned the Debate for her reply and she now has the Floor.

HON MANOMBE-NCUBE: Honourable Deputy Speaker, Honourable Members, I must express my profound appreciation for all the contributions that have been expressed verbally as well as silently to the Motion. I have been touched by each one of those who were able to speak to the Motion, who by name are the following: *Honourable McHenry Venaani, Honourable Petrina Haingura, Honourable Tommy Nambahu, the Right Honourable Prime Minister, Nahas Angula, Honourable Peya Mushelenga, Honourable Tsudao Gurirab, Honourable Chief Ankama, Honourable Arnold Tjihuiko, Honourable Minister John Pandeni, Honourable Jeremia Nambinga, Honourable Philemon Moongo.*

I have particularly been impressed by the degree of openness and honesty with which the Honourable Members spoke to the Motion. I have also been encouraged by the spirit of comradeship that has been shown throughout all contributions.

I must record my very warm appreciation to the Honourable Deputy Speaker for her support of this Motion through the actions she took to prioritise first, the initial presentation of the Motion last week and secondly, by still allowing its first priority in terms of Members' contributions yesterday. I am aware that the Deputy Speaker's prioritisation of the Motion enjoyed the support of the whole House. Thank you very much, Honourable Members.

Now to the substantive comments on the contributions made. Responses will be limited to points which require clarification and comments, as necessary, given the time constraints we are working under.

Where necessary, I will summarise some of the major points contributed.

I will start with *Honourable Venaani* who was the first Member to take the Floor on this Motion. I very much appreciate and value your contribution. The constitutional point you raised was noted and I do confirm that I considered it as well during my research on the Motion. My questions appeared to have been answered, however, when I referred to the provisions of our Constitution.

Honourable Deputy Speaker, Honourable Members, it needs to be noted that the Motion is not seeking a change of our National Constitution, but rather seeks the passing of a law that reinforces what the Constitution provides. Reference to Article 32(3) (ee) reveals that the President may appoint, "*any other person or persons who are required by any other provision of this Constitution or any other law.*" The same Article under Section (5)(c) provides for the appointment by the President of Members of the National Assembly. The law that the Motion

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proposes needs to be explicit about the President's power to appoint at least one person with disability to the National Assembly without changing the Constitution in terms of the six appointees to the National Assembly.

Is it not possible, I ask, to pass a law that requires the State President to appoint out of the six at least one Member of Parliament with disability? Let me be corrected if I am misunderstanding the provisions of our Constitution, given the comments of the more experienced Honourable Member like yourself.

If specific legislation is passed, requiring the President to make an appointment to different levels of governance, including the National Assembly, of people with disabilities, he or she would be obliged to take the provisions of that legislation into account as he or she exercises his or her powers in terms of the Constitution to appoint the six Members of the National Assembly.

I am aware that changing our national Constitution is not a light matter to be taken for granted and for this reason I am not suggesting that it should be done, but I do think that we are unable to pass new laws to initiate transformational change that we require.

Honourable Deputy Minister of Health and Social Services, *Comrade Haingura*, who also happens to be my twin sister, I thank you indeed for being the only woman who contributed. You suggested the removal of the reference to "*lip-service*" when it comes to disability, as the Motion stated. As I suggested, the Motion only recommends that there be more actions than words and this comment was not referring to specific leaders, but rather to all of us, including myself, as the Motion already argued that disability is a cross-cutting issue and I also agree with the Honourable Minister.

The achievements of our Government are acknowledged by the Motion in terms of the policy environment we have been able to create. I am, indeed, also aware of the numerous projects and programmes that continue to be implemented by the SWAPO-led Government, but we should acknowledge the fact that there is still a lot of implementation that remains undone, in particular of key policy decisions. For example, the National Council on Disability, which is prescribed by an Act of Parliament, still only exists on paper in the fourth year after it was passed, despite various consultations and persuasions by people with disability and this is a matter of grave concern for the Disability Movement. Surely you and me, Honourable Deputy Minister, know this to be a fact. I do not need to say more on this occasion as we could create an opportunity for both of us to meet and think this through.

In the same vein, I have taken note of the comments of the Honourable Minister of Health and I can assure you there is still room for consultation and we could sit around the table and have a discussion.

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Regarding *Honourable Nambahu's* comments, your argument for prioritising disability by using comparative examples of progress made with women and children is very welcome and these examples go to show that progress is possible where there is political will and commitment. A most notable contribution you made is the observation of there being a very close similarity between the arguments made in favour of gender, on the one hand, and disability, on the other. Clearly, what is good for women is also good for people with disabilities, in the same way that what is good for people with disabilities, is good for all.

Honourable Members, as the Motion suggested, Comrade Nambahu rightly put your finger to the pulse. You also noted, quite rightly, that disability is widespread, while discrimination affects only certain categories of people as perhaps other impairments are considered more acceptable than some. For example, wearing glasses or spectacles is often considered as a sign of prestige, perhaps even suggesting that one is highly educated.

Right Honourable Prime Minister, thank you for excellently recapping the Motion back to Parliament. Hopefully you assisted to enlighten those who were not present when the Motion was presented. Your support is greatly appreciated. You indicated the key intention of the Motion as being to embrace diversity in our society, while you stated the importance of political will to create a level playing field for all our people. He reminded the august House that inclusion does not come cheaply and that there are cost implications to be taken into account to include all, such as having sign language interpreters in the Parliament along with Braille transcribers. Indeed, the Motion observed the enormous cost in lost opportunities of marginalisation of up to 10% of the population of any country who are people with disabilities.

Right Honourable Prime Minister, in my opinion you were given a couple of points of order, one which I intend to respond to. Honourable Viljoen asked whether the Right Honourable Prime Minister was aware that he and Honourable De Waal are limping slightly. In my opinion, such comments belittle disability, while they are also intended to reduce the weight of the Motion and are, therefore, uncalled for.

As much as I have respect for our senior citizens and being one of the groups close to my heart, with due respect to Honourable Viljoen, he must not confuse disability with old-age.

This Motion is clear in that it seeks to invest in the future generation of our country and if the two Honourable Members are limping as a result of old-age, they must not make an excuse to include youthful people with disabilities in their parties on the pretext that they themselves are already in Parliament. Therefore, please, take note that this Motion is not about frivolity or lack of seriousness. In

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disability vocabulary, the Honourable Member should take note that limping is a concept that does not exist even for a moment.

Honourable Peya Mushelenga identified key sectors of our economy and society which need to be made accessible with people with disabilities. These are among others, tourism, education, sports and recreation. He used the *ubuntu* doctrine to argue for the emplace of difference and diversity, that people with disabilities are an integral part of humanity and they contribute to make each of us who are and can be. He discouraged the use of negative terminology and reference to people who are different on the basis that there is no one with the right to discrimination against another human being. I can only thank you for your strong intervention by arguing to what the Motion may have omitted.

Honourable Tsudao Gurirab, your comments about disability needing to be an across political party issue are welcomed, which is why the Motion appeals to all political parties to adopt policies in favour of disability.

Honourable Ankama reminded us that no one can apply to become disabled and I agree with you, Comrade. You observed that institutions, such as those for learning, must truly become accessible to people with disabilities and that the necessary languages, such as sign language and other means of communication, such as Braille, should be taken seriously. Hence, the effort of the Office of the Prime Minister to launch the National Braille Initiative and the measures which have been taken by the Electoral Commission to ensure that visually impaired persons are able to vote in secrecy for the parties of their choice.

Honourable Deputy Speaker, Honourable Members, I am aware that when the Motion was presented to the Honourable House, *Honourable Tjihuiko* was not in the House. You perhaps need to spend a little bit of time going through the Motion. You have suggested that physical accessibility be given priority, which is a valid point. We are aware of efforts that have so far been made to increase the physical accessibility of this Parliament and perhaps in due course more funds will be invested in this project.

Honourable Member, you need to note that the essence of the Motion is to secure representation of people with disabilities across various levels of governance.

Honourable Minister, *Comrade Pandeni*, you emphasised the necessity for people with disabilities to participate in the forefront of efforts to include them and their issues in all spheres of our Nation. You expressed the collective ownership of the Motion, which is a most welcome gesture of support by this august House. You reminded the House of the need to ensure that implementation follows the commitments that have been made, while also recognising the achievements that have already been made. Thank you very much, Comrade Minister.

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Because people with disabilities know their experience and, therefore, like a pot on fire do understand where the pain is most concentrated, *Honourable Nambinga* suggested that they should be in the forefront of self-representation, including at grassroots community level. Your practical example helped to clarify what you meant and what the Motion is seeking.

As a father figure and a Traditional Leader, I understand your perception and background to these issues, *Honourable Moongo*, which however seems to be largely rooted in charity. I am willing to explain in detail the essence of the Motion to you on a separate occasion. The Motion makes the point clearly that it seeks not to extend the charity mentality and that is why it is not seeking an increase of state grants on this occasion.

In conclusion, Honourable Deputy Speaker, Honourable Members, this is our Motion to further deepen the changes we have sought to make through the favourable policy environment that we have created over the years in Namibia. I am most encouraged by the show of support by all of you as leaders of our people and country.

Honourable Deputy Speaker, I move that the Motion on self representation by law of people with disabilities in the Parliament of the Republic of Namibia and at other levels of governance be referred to the Parliamentary Standing Committee on Constitutional and Legal Affairs for further investigation, after which all relevant stakeholders should be consulted in the process to hopefully develop it into legislation. I so Move, Honourable Deputy Speaker.

HON DEPUTY SPEAKER: I thank the Honourable Member. Please table the Motion. I now put the Question, that the Motion be referred to the Standing Committee on Constitutional and Legal Affairs. Any objection? Who seconds? Agreed to. The Motion will be referred to the Standing Committee on Constitutional and Legal Affairs. The Secretary will read the Second Order of the Day.

RESUMPTION OF COMMITTEE STAGE – ELECTRICITY BILL

HON DEPUTY SPEAKER: Does the Honourable Minister of Mines and Energy move that the Assembly now goes into Committee? It is moved that I leave the Chair. Any objection. Who seconds? Agreed to. I now call on the Deputy Chairperson of the Whole House Committee, Honourable Hans Booy, to take the Chair.

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**COMMITTEE STAGE -ELECTRICITY BILL
HON NGHIMTINA**

ASSEMBLY IN COMMITTEE

DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:

When progress was reported yesterday, Clauses 1 to 33, 35 to 38, 40 to 48 and 50 had been agreed to. Clauses 34, 39 and 49 stood over.

Clause 34 put.

HON MINISTER OF MINES AND ENERGY: Thank you, Honourable Deputy Speaker. Before I move the Amendment on the Clause 34, I need to make the motivation.

Clause 34: Permission to operate under the licence of a licensee. Some time after the establishment of the ECB, it came to our attention that a number of licensees, notably small villages, were operating as independent electricity suppliers notwithstanding that they were not issued by the Minister of Mines and Energy with an electricity licence. Such licences were issued to the relevant Regional Councils in those areas such villages were located. It is thus necessary to include a provision retrospectively validating these unlicensed operations.

Should this not be done, it would continue to expose especially the villages to claims for compensation due to such unlicensed supply, since retrospective allocation of dubious permission in this regard is sufficient.

Similarly, this Clause also has future application. Indeed, it has proven to be necessary sometimes to allow a person for an interim period to operate under the licence of another licensee until such licence can be issued to such a person. It is a procedure that will be applied in emergency situations, since it takes by law a minimum period of 30 days to issue a licence. It is thus necessary that the Minister of Mines and Energy be authorised to allow such operations when there are no alternatives available. For example, in view of Namibia's current electricity supply crisis, it may be necessary to authorise in a short period of time somebody to do electricity generation.

The Amendment to this Clause reads as follows:

Substitute Sub-clause (2) for the following Sub-clause:

“(2) It is deemed that Sub-section (1) has come into operation on 12 July 2000.”

I so Move.

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DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Can the Honourable Minister please table the Amendment? Any discussion? Honourable Tjihuiiko.

HON TJIHUIKO: I need to be guided before I make uncalled for comments. What the Honourable Minister is saying, he is requesting this House to approve this Sub-section retrospectively to the 12th of July 2000. Is that what the Honourable Minister is requesting this House to do, before we go into discussion?

HON MINISTER OF MINES AND ENERGY: What we are saying is that there are villages which got licences before the establishment of the ECB in the year 2000. We have them even in Okahao and others and those licences should continue, because if they cannot continue, they will automatically lose out. This is the reason why we are saying they can continue because they need electricity.

HON DE WAAL: Honourable Chairperson of the Whole House Committee, I have a bit of a problem with this one. Honestly, I think you are creating an incident here which is not correct. I have never seen that you can legislate into the past. I cannot understand why, if those people have a licence for some or other reason and we have to make it retrospective, why we cannot just put a Clause through and do whatever needs to be done tomorrow? Why do we have to go back into the past? I am really not in favour of that, I have a problem with that.

HON MINISTER OF JUSTICE AND ATTORNEY-GENERAL: Thank you, Comrade Chairman of the Whole House Committee. The provision here takes care of instances where certain establishments got licences to supply electricity not in terms of the ECB, because it was not created then, and they have been supplying electricity to the communities, as the Minister rightly pointed out.

If this provision is not included in this Bill, it means these institutions would be taken to have been operating illegally and, therefore, whoever wants to challenge them can challenge them on the grounds that they were not properly licensed. This is really to take care of those instances, as the Minister mentioned, particularly the Village Councils who have been supplying their communities with electricity, but since they were doing so in the absence of a law, we would now like to have this regularised by giving the Minister the power to do so. This is the attempt that is being produced here.

HON DEPUTY MINISTER OF LABOUR AND SOCIAL WELFARE: What I want clarity on is "*licence of a licensee*". If one has a licence, but the owner of

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the licence is leasing it to another person in order to be called “licensee”, is that how it is understood? And if so, where did this licence come from to be given to this one? If that is the case, we do not need to go retrospectively for seven years. We cannot do that. We can pass a law that anyone who was not licensed under this will now apply in the normal way, rather than to favour some. Before the law became a law they were operating. It is just like we banned labour hire here. The labour hire is still operating and will operate until the law is signed by the President and becomes operational.

Therefore, if there is a licence of a licensee, it is the one who is registered the way it was registered before and it is leased to another one to use it. I think we need to be clear there.

DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:

Thank you very much. Deputy Minister of Lands and Resettlement.

HON DEPUTY MINISTER OF LANDS AND RESETTLEMENT: Thank you, Comrade Deputy Chairperson. I also have the same argument, that if these people were already operating under some licences, those licences are supposed to be valid until such time when they are phased out by a new law like this one. However we cannot say because they were not operating under this law, their licences were invalid. Unless we say they did not have licences or some of them did not have licences. It is only maybe that it may not be possible. One would have wanted to know which are these companies that we are talking about that we are saying had licences, but their licences were not covered by this Act. Of course, they could not have been covered, because the Act was not enacted.

Therefore, I will be comfortable with a sentence that says, “*all other companies that were operating under the other licences must now operate under this new law.*” Otherwise there must be something wrong. Either there is one company that did not have any licence at all and we want to cover it with this, which I think is not correct. Otherwise the retrospective Clause to allow the licences that were there does not sound correct.

RT HON PRIME MINISTER: I think the most important thing is to understand the principle behind this. The principle behind this is actually to identify the operator who was operating on a third party licence. If you look at Schedule 1, the right column tells you that the ECB gives a licence to NORED or whatever it is, but since they find that it is not economic for them to operate in Osire, they pass the licence to a third party to operate in that small community of Osire. Of course, now you have to protect that third party operating in Osire and we should accept it as legal that that person was operating there and indemnify that person from

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further operations after the passing of this law and start from the time that person received the licence from another person.

One finds these clauses all over, it is not something new. In fact, in Britain there is not even a constitution, laws are made on tradition and in principle they are just regularising things which were traditionally established. Even if you go to your Constitution, they are deemed. It is normal in lawmaking. You should read this Clause in relation to Schedule 1 if you want to understand it and that is the point I was making yesterday.

The only Amendment the Minister introduced is to change 2003 to 2000, which makes it even more retrospective by three years. That is the only Amendment, but the principle remains the same.

HON DEPUTY MINISTER OF FINANCE: Honourable Deputy Chairperson of the Whole House Committee, the understanding was that everything to do with REDs should go. Schedule 1 is REDs, column 2 is REDs. Is that Amendment still coming? Schedule 1 deals directly with REDs. Is an Amendment still coming?

HON DEPUTY MINISTER OF INFORMATION AND BROADCASTING: Honourable Deputy Chairperson, just a clarification. The current Electricity Act of 2000 was signed on 12 July 2000. Does that mean that under this Act there were no licences issued to those who were involved in the distribution of electricity? If so, I believe that they make it clear to that effect until the Bill can come into operation and whether the Act of 2000 made provision for licences for those companies or institutions. Thank you very much.

HON RIRUAKO: Honourable Chairperson, unfortunately we do not have common law here and everything that happened to exist in this country is business-like, just like in the Deeds Office, if Government appears there it must be modified. The REDs are just not qualified to exist, I am sorry to say this. Without maintenance in the Deeds Office, the Ministry of Trade, therefore you are not entitled to exist. How are we going to collect our taxes and everything without knowing who you are and where you come from? Do your things and go back where you are come from. For that matter, you do not have time to keep it in our business world.

If you want to apply as a new business, you can do so. At this juncture you come through behind the door and for that matter, you are not entitled to the licence you hold and I do not know where the law comes from. We have legality here, we have to talk on these types of things in the Deeds Office. They do not even seem

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to talk about it. Are you aware or not? Those are the people who are supposed to know where these people come from. Why do they just keep quiet? Why do they not talk about it? Do they know where it comes from? Nobody even talks about it in the Deeds Office where there are legal teams. They are required to scrutinise everything there, but they are so silent. We need your comments on how they came to be in existence. Where were you? What is your report? Will you tell us here in this House? I am not talking about our Ministers, the Ministers concerned with the legal affairs have to tell us where the REDs come from, how it came to be. You seem to be silent as if you are at a funeral. We are not burying someone here, we want to know where it comes from. Those senior people are here, they can simply read from their papers and tell us where it comes from. But if it is not the place, it has to go, as simple as that.

HON DR ANKAMA: Honourable Deputy Chair, I have only two basic questions. Number one, I want to understand the logic behind the issue of the third party, a licence given to a third party. I do not understand why that very person cannot just own his own licence and secondly, what is the implication involved in this licence being transferred to a third party? Why do we not just in this new proposed Act ask that those who have licences keep their licences and those who do not have, just apply?

These are three questions, I think it is a matter of understanding. One, a licence-holder leasing his licence to a third party, what is the implications? Two, why can the third party not own a licence if he can operate? Three, can those who have licences keep the licences within the new proposed law and those who do not have, just apply afresh and get their licences?

Those are my questions.

HON NAMBAHU: Honourable Chairperson of the Whole House Committee, I am not going to delve very much into the Amendments, but probably just the principles that are at stake here.

The issue of licences and people operating under licences that are not theirs is actually an acceptable principle within our jurisdiction. That we have seen even with the taxi licences. It is like subcontracting. You are actually in a situation where you are unable to render a service in a situation or perhaps you have economic problems and then someone else buys that title that you have and renders a service under your licence. It is something which is accepted and being practised. There is business going on out there as you have it. (Interjection). It cannot be illegal, because that is how it is done. It is done in the water sector.

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DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:

Order! However irrelevant, everyone has the right to say what he wants to say and the other side also has the right to explain to those who do not understand. You cannot force a voting on this issue. That is why I want you to sort it out by clarifying. Explain to those who do not understand for us to reach consensus. If you want to force it, there will be objections, which I do not want. It is better to reach consensus than to have objections to the Vote. Please continue.

HON NAMBAHU: As we now have a situation going on out there, these people who are operating were authorised to do what they are doing under the licences. What was said here yesterday is that there are so many issues of principles about the REDs that are not clear. Therefore, the best is to take those things out and deal with them in a separate law on a separate occasion when you have all the issues clear and you have educated yourself enough on it. That is when you determine whether you are going to terminate, condemn and ban or whatever. As of now, we are just removing it from this Act, but it is not that you are eliminating it.

What are you going to do with these people afterwards who are operating and conducting business out there? There are people out there who were granted that permission and are practising according to what our law allows in our jurisdiction and it is something that we cannot deny and we cannot put this at par with the labour hire, because that is something that we are very much against in principle. This one of the REDs is something that we still have to investigate, come up with policies and definitely cross the bridge when we get there.

Therefore, I think in the meantime we have to accept that this is the way it is and later on we can come up with the principle. Once we are clear on it, then we can deal with that in a separate piece of legislation.

HON TJIHUIKO: Thank you very much, Honourable Deputy Chairperson. I am really trying to understand this. I have a serious problem, there is a problem of trying to go back. If a company was operating illegally, then it was operating illegally. If a company was operating under a certain law and you are bringing a new law, my understanding is that that law should be amended to fit into the new law, as we have been doing here.

What I now understand is that it seems as if there is a fear that if we regulate as from today, then those who were operating since 2000 will be in trouble because they can be taken to task. At one stage or another they might have been operating under certain unclear circumstances. If that is the case, then it should be said so that we know the reason why we are regulating retrospectively. The way it is being explained now, that it is normal, that is the problem that we have. Let us be open and clear and tell us exactly what the problem is and the reasons why we

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should go back to do something. In the absence of that it would be very much difficult to expect from us as lawmakers and responsible people to agree to something that we do not understand.

I know that there is a reason, obviously there must be a reason to request us to go back to 2000, but that reason has not been totally explained. Tell us exactly what is the problem. We are reasonable people, then we will understand.

RT HON PRIME MINISTER: There is a confusion which is deliberately being created by some people and they want to feed on the lack of information of some people and cause confusion here. Let me go into a bit of history.

The electricity generation and distribution in this country at Independence was a preserve of SWAWEK. After Independence we found that there is a need to liberalise this industry, especially with regard ...

DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Honourable Prime Minister, are you not going back to the Second Reading now?

RT HON PRIME MINISTER: No, it is important to give this background, otherwise we are going to be forced to go to a division for no reason.

In the process of liberalisation the REDs were created, but REDs were created on a policy agreed by Government. By that time nobody knew exactly how these animals called REDs will operate in reality. With hindsight we have found that there are certain things that need to be corrected with the REDs. That is why when we met in the SWAPO Caucus we said there are certain things that need to be cleared with REDs as business units. Therefore, for now, let us not legislate on them. Let them remain companies under the Companies Act while we are going back to consult everybody affected to get a clear picture whether they should operate the way they are operating. However, that does not mean that the REDs are illegal entities, it does not mean that, because they are registered under the Companies Act.

The Electricity Control Board gives licences to a RED, then the RED says the community of Osire is too small for me to operate there, any independent operator can use my licence to supply power there. Then this operator at Osire becomes a third party, given a licence of a licensee, which is the RED. (Interjection)

HON MEMBER: Why can he not get his own licence?

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RT HON PRIME MINISTER: No, that will come later, I am talking about history. This Bill has now given the right to anybody to generate power. It is with this Bill that that can happen. You can generate power, you can distribute. It is in this Bill, read the Bill. It is giving the right to generate power. You can put up your power station and generate power.

(Interjection). That is the history, I am now talking about what the new law is saying, that you can now get a licence to generate power or to distribute power. You can now do that. It was not there before.

What the Minister is simply asking is that let us regularise what was just a tradition. That is all he is saying through this provision. I hope the Members now understand.

HON MINISTER OF JUSTICE AND ATTORNEY-GENERAL: Thank you, Comrade Chairperson of the Whole House Committee. In the footsteps of the Right Honourable Prime Minister I would like to say that, let us not shed out unpolished laws to cause more confusion.

The principle of retrospectivity is authorised by our Constitution. I was trying to get the actual provision in this Constitution which permits retrospectivity. The *proviso* to that retrospectivity is only if it detracts from a vested right. If it detracts from a vested right, then it is not allowed. I was trying to identify the particular article, but I have studied this Constitution, I know there is such a provision in this Constitution. This is not the time now to go into that, but I am just saying the principle is there to protect existing rights. Otherwise, if it was not, then anybody can just go around and do whatever they want to do. (Interjection).

DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Honourable Kaura, let us keep to the traditions of the House. If you have an issue, just raise a Point of Order instead of throwing things into the air. It is not Parliamentary. A Point of Order is allowed.

HON KAURA: On a Point of Order. I only want to say to the Honourable Attorney-General that the Constitution provides that the laws that existed prior to 1990 are legal until Amended. There is however no retroactivity.

HON MINISTER OF JUSTICE AND ATTORNEY-GENERAL: I do not want to go into that argument because it does not help us to get out of this problem we are creating. Let us just face the situation as it is, the holders of electricity licences in many instances are held by Regional Councils. Regional Councils are

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Governments operating over large geographical areas. In these geographical areas there are Village Councils, there are Municipalities, there are Town Councils who, most of them, do not have direct licences of their own, because the Regions under which they operate have licences. Therefore, the Local Authority Councils become third party licensees and they have been supplying electricity to the residents.

For example, I have information here that if this law does not cater for the situation in Maltahöhe, in particular, they will be required to pay over N\$1 million to the Ministry of Mines and Energy, because we are saying they have been operating without a licence of their own. They have however been doing so based on the principle that the Region in which they operate have a licence. They were given a licence by the Electricity Control Board. The concern of the Ministry and many of those who are involved is to cater for instances of this kind. If we do not accept this Amendment as proposed by the Ministry, we are doing a disfavour to these institutions that are supplying electricity through a third party licence or through somebody else's licence.

Honourable Tjihuiko, you were asking the reasons behind this Amendment. The Amendment proposed is to cater for instances of that kind. I know in our minds we are thinking about the REDs, we are fearing that this provision is probably to cater for these animals we want to deal with later on. However our concern is those Village Councils, those Municipalities who are operating under the licence of the Regional Councils and not a licence of their own.

HON MINISTER OF AGRICULTURE, WATER AND FORESTRY: I want to try to give information, if it is possible. What happened is that before Independence and after Independence NamPower was distributing electricity even to the villages. Then the new Local Authorities Act came into being that defined Local Authorities and their functions. Local Authorities include Municipalities, Town and Village Councils and then, by virtue of the fact of their functions, these Local Authorities have the right to supply electricity.

A time came when NamPower said it was no longer economically viable for them to supply electricity to the small villages far away. Then those entities were now, in accordance with the Local Authorities Act and the functions of the Local Authorities, supposed to distribute the electricity. The villages do however not have the capacity to actually do it. You need people who are qualified, electricity is very dangerous. As a result some opted to do it in any case. With others the function was supplied by the Regional Council licences.

Then it was found out that there are Village Councils, although by their functions they have the right to distribute electricity, who did not apply for the actual licence and we are saying that if there are those who are doing it, like what the Attorney-

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General has said, then that must now be made to be deemed, because they themselves did not have the actual licence. However it is their function to distribute power and if they have the capacity they can actually apply to get it. It is as simple as that, ladies and gentlemen.

HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: Thank you very much, Comrade Deputy Chairperson of the Whole House Committee. (Intervention)

HON KAURA: On a Point of Information, Honourable Chair. Article 140: "*The law in force at the date of Independence. Subject to the provisions of the Constitution, all laws which were in force immediately before the date of Independence shall remain in force until repealed or amended by an Act of Parliament or until they are declared unconstitutional by a competent Court.*" This is what is in the Constitution, nothing more, nothing less. (Interjection)

RT HON PRIME MINISTER: Go further.

HON KAURA: "*Anything done under such laws prior to the date of Independence ...*" (Interjection)

RT HON PRIME MINISTER: There is a deeming provision there.

HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: Comrade Deputy Chairperson of the Whole House Committee, as I was saying, I am becoming more confused now and I will explain why I think I am becoming more confused the more people explain or speak.

Firstly, at the beginning I thought we are all in agreement that this practice which has been there of a person operating under a licence of other people is agreeable. I thought we had no problem with that. Then we continue saying it is important for us to recognise the practices that have been there with the new Act that is coming, once it is signed, we should now look at those who were operating under the old law of 2000. We now need to prepare so that they can operate under the new Act.

I thought the problem was the retrospective, meaning going back to 12 July 2000. Those operators were operating under the law of 2000. This law that is coming is intended, once signed, to repeal the 2000 one.

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Maybe the point we have to look at is until when are these operators still legally operating as they have been doing that time before the introduction of this law. Then we say no, the time between July 2000 and the time that this law is signed, we would want to protect that period, so that nobody can now challenge another person and we should now concentrate on that.

However, it now appears as if we are going back and even want to question whether they were operating legally at all. I thought at the beginning when the discussion started we agreed that they were operating legally and they cannot operate legally if this law is signed.

People who are explaining this issue should concentrate on the point the people disagree with, other than just to be broad and confusing us more.

DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:

Honourable Members, we started this discussion exactly ten past four and it is now ten past five. Members were explaining, but the final word is still with the Minister of Mines and Energy. If we cannot agree, we have to come to a conclusion. We cannot continue discussing. Either you object or we pass it. I am going to call on the Minister now and we continue with the process of the House. We cannot continue talking and talking.

HON MINISTER OF MINES AND ENERGY: Honourable Deputy Chairperson, the issue which was explained by Honourable Pandeni is exactly what we are looking at, because we have villages, as he mentioned, which are not under the REDs. We have the Village Council of Khochas, the Village Council of Gibeon, the Village Council of Kalkrand and Maltahöhe, etcetera, which are operating under the licence of the Region. We are saying, let them continue until the time of the signing of this law, so that we can now regularise it. This is what we are saying. We need to protect them.

DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Any objection?

HON KAURA: Objection.

DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:

Honourable Members, when we started to discuss this one, I asked the House to please discuss, agree, disagree, but come to consensus. We are now endlessly making Point after Point, from ten past four to ten past five. Our normal duty is

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that we discuss, you object, we divide the House or we reach consensus. I am asking, finally, any objection?

HON MINISTER OF ENVIRONMENT AND TOURISM: Honourable Deputy Chairperson, I am terribly sorry, but maybe I am one of those confused, but it seems to me at this point in time there is, if not a misunderstanding, a disagreement on the principle of the Bill, whilst we are in the Committee Stage, where we were supposed to only consider the detail of the Bill. Taking the discussion that is going on now, it seems to me there is a disagreement or misunderstanding on the principle of the Bill and then I am afraid for us to conclude the Committee Stage on detail whilst we disagree. I want this to be cleared out, so that there must be clarity that there is no disagreement at this point in time and it is not the principle being discussed. It however seems to me that is what is happening now. I just want guidance on that one.

DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEES: The Members of Parliament know that when it comes to Committee Stage that they have to discuss the detail, but some of them, including the Leader of Government Business took us back to Second Reading. I gave everybody an opportunity to speak, but we cannot continue endlessly, making a Point after a Point endlessly. Honourable De Waal, I will give you a chance. (Interjections). Chief Riruako, I gave others a chance to say something. Honourable De Waal, if what you want to say will lead us to conclude, I shall be happy. But to repeat again this endless discussion will not take us forward. The Floor is yours.

HON DE WAAL: Chairperson, I shall be very brief on what the Minister of Agriculture said about what NamPower said that they can no longer supply electricity to small villages. (Intervention)

DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: No, that is not the point, you are out of order.

HON DE WAAL: The point is, it cannot be true because they are supplying electricity to my farm. I do therefore not buy that argument. Secondly, I have a problem and I say it today here, I have a serious problem because I am getting the impression that we are asked to legalise something which was done illegally. That I cannot do. Thirdly, I may consider going back to 2000 in the case of the Regional Council of Karas, the Regional Council of Hardap and the Regional Council of Erongo. For those three I am prepared to go back to 2000, but the rest, definitely not.

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DEPUTY CHAIRPERSON OF THE WHOLW HOUSE COMMITTEE: Any objection? There is objection and the House is divided.

HON MINISTER OF MINES AND ENERGY: If we object to this issue, Maltahöhe will be in darkness. Do we want our people to be in darkness there? We are saying, let us wait until the signing of the law and then we regulate the issue. This is what we are saying.

DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Honourable Minister, what you have just said you said previously. The Members already heard what you said, but they continue with their endless discussions. Now there is objection and the House is divided. Can those in favour of Clause 34, as amended, rise? Those against, please rise. Those abstaining, please rise.

In favour	-	32
Against	-	8
Abstentions	-	7

Progress on Clause 34, as amended.

Clause 39 put.

HON MINISTER OF MINES AND ENERGY: Before moving the Amendment I want to explain.

The provision of electricity by a Regional Council or Local authority council appears to have some confusion as to the purpose of Sub-clause (1) of Clause 39.

The purpose of the Sub-clause is to confirm the current statutory situation, that a Regional Council and a Local Authority Council are subject to both the Electricity Act and the Regional Council Act as well as the Local Authorities Council Act.

In view of the confusion we have decided to redraft this Sub-clause to more clearly spell out this function, namely that the provision of electricity by Regional Councils and the Local Authorities Council be subject to Clause 39 and it reads as follows:

Substitute the first Sub-clause for the following Sub-clause:

“(1) The provision of electricity by a Regional Council or a Local Authority Council must be done in accordance with the provisions of this section”.

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I so Move.

DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Can the Minister please table the Amendment? Any discussion? Honourable De Waal.

HON DE WAAL: Honourable Chairperson, once again I have a very serious problem. I will support this Amendment. Thank you.

HON RIRUAKO: This House was not divided, you forced it to be divided to your own desire. This must be in the HANSARD.

DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Honourable Chief, you are out of order. Any further discussion? Agreed to.

Clause 49 put.

HON MINISTER OF MINES AND ENERGY: In Clause 49, Repeal and Amendment of the Laws, and savings.

The question has been posed as to the need to amend Section 22 of the Export Processing Zone Act, 1995 in Schedule 2 to the Bill. Currently Section 22 requires the Export Processing Zone management company to buy its electricity and gas exclusively from the Municipality of Walvis Bay and from nobody else. We believe that this is an uncompetitive practice and that this restriction should thus be removed from the Export Processing Zone Act.

The management company should be allowed to buy its electricity from wherever it is available to supply electricity to that company. It was an oversight in the current Electricity Act, 2000 and it needs to be rectified.

I Move an Amendment on this:

Substitute Sub-clause (1) for the following Sub-clause:

“(1) The laws specified in the Schedule are repealed or amended to the extent set out in the third column of that Schedule.”

I so Move.

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In Schedule 2 to the Bill. Currently Section 22 requires the Export Processing Zone management company to buy its electricity and gas exclusively from the Municipality of Walvis Bay and from nobody else. We believe that this is an uncompetitive practice and that this restriction should thus be removed from the Export Processing Zone Act.

The management company should be allowed to buy its electricity from wherever it is available to supply electricity to that company. It was an oversight in the current Electricity Act, 2000 and it needs to be rectified.

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Substitute Sub-clause (1) for the following Sub-clause:

“(1) The laws specified in the Schedule are repealed or amended to the extent set out in the third column of that Schedule.”

I so Move.

DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Can the Minister please table the Amendment? Any discussion? Any objection?

HON DEPUTY MINISTER OF LABOUR AND SOCIAL WELFARE: Honourable Deputy Chairperson, honestly speaking, this Bill was not well prepared. I do not understand this Amendment of Clause 49. The Export Processing Zone is in the territory of the municipality. They are even given that RED by the municipality. Now we make a law and say the municipality is no longer the only one who has that right. Are we really serious? How on earth can we say the Municipality can no longer be the only one to supply electricity? Are we now going to say any rich man in Windhoek can say he no longer needs the municipality to supply electricity to him, he has his own?

Honestly speaking, I cannot understand this.

DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: I will call on the Minister of Mines and Energy to explain and go for division. No further discussion.

HON MINISTER OF MINES AND ENERGY: We passed the Competition Act in this House and we cannot now say you cannot get your supply from somebody else. Where is the competition going to be? It is a violation of the Act

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which we passed here. Let them select their supplier themselves. The Municipality of Walvis Bay could do it, we are not saying they should not do it, but we are saying they should not be compelled to say “only”.

DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Any objection? Agreed to.

Schedules 1 and 2 put.

HON MINISTER OF MINES AND ENERGY: Mr Chairman, the Electricity Bill, B.6-2007, delete the title “*SCHEDULE 1: Persons Operating Under Licences of Licensees*”, the subsequent title becoming “*SCHEDULE: Repeal and Amendment of the law.*”

DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Can the Honourable Minister please table the Amendment? Any discussion? Any objection. Agreed to.

Title put.

HON MINISTER OF MINES AND ENERGY: In the Title delete the following: “*To provide for the restructuring of the distribution industry so as to amend the establishment of Regional Electricity Distribution Company.*”

DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Will the Honourable Minister table the Amendment? Any discussion? Any objection? Agreed to. I shall report the Bill with Amendments.

ASSEMBLY RESUMED

Bill reported with Amendments.

HON DEPUTY SPEAKER: Does the Honourable Minister move that the Bill be now read a Third Time? Any objection? Who seconds? Agreed to. Any further discussion?

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HON IIVULA-ITHANA**

ELECTRICITY BILL: THIRD READING

HON MOONGO: I would only like the Minister to explain a little bit because community members obtained transformers individually, but they are now becoming .. (Interjections). We want to know.

HON DEPUTY SPEAKER: You are out of order. That one can be put as a question to the Minister. Honourable Chief.

HON RIRUAKO: I think that we have finished in a very, very unusual way and at last we come to the end. I thank you.

HON DEPUTY SPEAKER: Any further discussion. Does the Honourable Minister wish to say something in conclusion?

HON MINISTER OF MINES AND ENERGY: Thank you very much for passing this Bill so that we can have sufficient generation capacity in our country for the economic development of our country. Thank you very much.

HON DEPUTY SPEAKER: 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.

ELECTRICITY BILL

**RESUMPTION OF DEBATE ON THE FORMATION OF THE AFRICAN
UNION GOVERNMENT BY 2015**

HON DEPUTY SPEAKER: When the Assembly adjourned yesterday, 11 July 2007, in terms of Rule 90(a) of the Standing Rules and Orders, the Question before the Assembly was a Motion by Honourable Dr Geingob, that the Motion be adopted. The Honourable Minister of Justice adjourned the Debate and she now has the Floor.

HON MINISTER OF JUSTICE AND ATTORNEY-GENERAL: Thank you, Comrade Deputy Speaker. It is on record that I have spoken on this issue for three days consecutively. That shows the importance which I attach to the issue at hand. However, Comrade Deputy Speaker, I was moving towards the conclusion of my intervention and I would like to highlight a few issues, that our neighbours who met in Accra have recognised the importance of involving the African people in the formation of the African Union Government and, therefore, I feel it is important, indeed, for the level of the Debate on the issue to be taken to all strata of our society – National Assembly, National Council, Regional Councils, Municipalities, all of us must share in the Debate of this very important issue.

Our schools must get involved, we must unbundle the assignment given to the ministerial committee, analyse it, word by word, line by line, because I feel we must understand what is meant here. For example, our Ministers are given the assignment to identify the contents of the Union Government concept. What does that mean? We must all understand what this means, what kind of Government are we talking about, what should it deal with? And then secondly, identify domain of competence and the impact of establishment of the Union Government on the sovereignty of Member States. Where are we going to leave our National Governments? Are we going to surrender the sovereignty of our countries or what are we going to do?

If we are surrendering our sovereignty, to whom are we surrendering it? To the bigger Government or to whom? Those are big, important issues we need to understand, analyse and give directives, to then define the relationship between the Union Government and the regional economic communities. Maybe that is easier to do because these structures are already in existence.

What are the highlights of the Road Map that we as sovereign Government have to achieve in order to belong to this Union Government? Are all of us just going to gather in the Union Government with our types of Government, others democratic, others monarchies, others dictatorial, etcetera? Is this what we are saying?

Comrade Deputy Speaker, I would also like to say this list could not be said to be exhaustive. I do not believe the assignment given to these Minister is exhaustive, there are still outstanding issues. The issue of how we remove the barriers that keep us apart, when are we going to talk about it? When are we going to talk about the issue of women? When are we going to address the issue of black Africans who are still being used in other countries as slaves, such as Mauritania? They are not listed here and, therefore, I say this list is not exhaustive, we must add to it and those issues must be discussed and thus also be brought to our national Parliaments to see whether what the Committees have done is in line with the aspirations and wishes of all of us.

Comrade Deputy Speaker, I know that the issue is very important and as I made a

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HON DR AMWEELO**

recommendation right at the beginning, the Debate cannot end with the end of this Session, it must be reintroduced so that we will get enough opportunity to read and inform ourselves and participate further in this Debate.

Having said that, let me save my breath for a while, but I am not done yet. Thank you.

HON DEPUTY SPEAKER: I would like to call on somebody who will just speak for two minutes. Honourable Amweelo.

HON DR AMWEELO: Thank you, Comrade Deputy Speaker. First, I would like to thank Dr Hage Geingob, secondly, I would like to thank Kwame Nkrumah, first President of Ghana for his clear vision, who always had a dream of our African Continent becoming united.

The poorest person or Nation in the world is a person or Nation without a dream. Others say the most frustrated person or Nation in the world is the same one who has a dream or vision or does not know how to make it come to true.

Comrade Deputy Speaker, allow me to hand over my speech to Dr Hage Geingob.

HON DEPUTY SPEAKER: On that note, Honourable Members, the issue is not exhausted yet, this Motion will be reintroduced in the next Session, including all the Motions which have remained. There is still room for them to be reintroduced in the next Session.

Therefore, allow me to call on the Right Honourable Prime Minister to adjourn the House until the 11th of September 2007 at 14:30.

RT HON PRIME MINISTER: Seeing that the Honourable Members are tired, especially mentally, it is important for them to go and rest and come back fresh. I propose that we adjourn until Tuesday, the 11th of September and when you come back, come back with new ideas, no confusion, Honourable De Waal.

THE HOUSE ADJOURNS AT 17:45 UNTIL 2007.09.11 AT 14:30