

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 Iilonga	<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 Ulunga	<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 *(Deputy Whip)*

MONITOR ACTION GROUP

Mr J Viljoen *(Chief Whip)*

NATIONAL UNITY DEMOCRATIC ORGANISATION OF NAMIBIA (NUDO)

Mr A Mbai
Mr K Riruako *(Party Leader)*
Mr A Tjihuiko *(Chief Whip)*

REPUBLICAN PARTY

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

SWAPO OF NAMIBIA

Mr B Amathila *(Government Chief Whip) – Resigned on 18 April 2007*
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 Booys *(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)	<i>(Minister)</i>
Mr L Jooste	<i>(Deputy Minister)</i>
Mr J Kaapanda	<i>(Minister)</i>
Mr Kaiyamo	
Mr R Kamwi	<i>(Minister)</i>
Ms L Kasingo	
Mr I Katali	<i>(Deputy Minister)</i>
Dr A Kawana (Mr)	<i>(Minister)</i>
Mr K Kazenambo	<i>(Deputy Minister)</i>
Rev W Konjore (Mr)	<i>(Minister)</i>
Ms S Kuugongelwa – Amadhila	<i>(Minister)</i>
Ms L Lucas	<i>(Deputy Minister)</i>
Mr N Mbumba	<i>(Minister)</i>
Ms A Muharukua	<i>(Deputy Minister)</i>
Ms M Mungunda	<i>(Minister)</i>
Mr P Mushelenga	<i>(Assistant Whip)</i>
Ms T Mushelenga	<i>(Deputy Minister)</i>
Mr J Mutorwa	<i>(Minister)</i>
Mr T Nambahu	
Mr J Nambinga	
Mr A !Naruseb	<i>(Minister)</i>
Ms E !Nawases-Taeyele	
Mr I Ngatjizeko	<i>(Minister)</i>
Ms N Nandi-Ndaitwah	<i>(Minister)</i>
Ms R Nghidinwa	<i>(Minister)</i>
Mr E Nghimtina	<i>(Minister)</i>
Mr U Nujoma	<i>(Deputy Minister)</i>
Mr J Pandeni	<i>(Minister)</i>
Mr P Shifeta	<i>(Deputy Minister)</i>
Mr G Shihepo	<i>(Deputy Minister)</i>
Mr V Simunja	<i>(Deputy Minister)</i>
Ms D Sioka	<i>(Deputy Speaker)</i>
Dr N Tjiriane (Mr)	<i>(Minister)</i>
Mr P Tsheehama	<i>(Minister)</i>
Mr T Tweya	<i>(Deputy Minister)</i>
Mr R /Ui/o/oo	

UNITED DEMOCRATIC FRONT (UDF)

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

**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
11 SEPTEMBER 2007**

The Assembly met pursuant to the adjournment.

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

ANNOUNCEMENTS

HON SPEAKER: Honourable Members, I welcome you all back to the House. I trust that the recess has afforded you an opportunity to reflect on matters of national interest and also having the opportunity to reach out to far-flung communities, settlements and individual citizens of our Republic, and that with that reinforcement through interaction and exchange, this Session of the House would be pro-people, a pro-patriotism and a pro-work Session. I hear the Prime Minister saying a pro-time Session, now that is not in the hands of the Speaker, that is in the hands of the Whips of the Parties and particularly the Chief Whips.

Today, 11 September 2007, marks the commencement of the Sixth Session of the Fourth Parliament of our country. The Session will continue until the end of November 2007. A detailed calendar for the business of the House will be distributed during this Session and in good time.

I would like to remind the House that the following Motions were referred to Parliamentary Standing Committees and their reports are expected to be tabled during this Session:

The Standing Committee on Economics, Natural Resources and Public Administration:

- (a) Motion on properties in communal areas;
- (b) Motion on financing of SMEs;
- (c) Motion on road accidents;
- (d) Motion on ratification of the Trade Agreement between EFTA States and SACU States;

The Standing Committee on Constitutional and Legal Affairs:

Motion on self-representation by law of people with disabilities.

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**ANNOUNCEMENT
HON SPEAKER**

The Standing Committee on Human Resources, Social and Community Development:

- (a) Motion on conditions of cemeteries in Namibia;
- (b) Motion on the state of the Nation's morality with regard to respect of elders and social obligation of younger members towards them;

I have been informed further by the Chairman of the National Council that the Council, in terms of Article 75(2) of the Constitution, considered and confirmed the Electricity Bill without Amendments. I shall, in accordance with the standing practice, forward this Bill to His Excellency the President for his consideration.

I have further been informed by the Chairman that the Council, in terms of Article 75(2) of the Constitution, considered and confirmed the following Bills with Amendments:

- (a) Combating of the Abuse of Drugs Bill
- (b) Labour Bill.

These Bills will be placed on the Order Paper for reconsideration by the House during this Session.

Lastly, Announcement 3, a well-known Company, *Pfizer* Company, has offered to set up facilities in Room 35 near the lobby of the Chamber on 12 and 13 September 2007 and running from 09:00 in the morning to 15:00 in the afternoon and the services that they offer, which I will identify, are open to all the Members of Parliament and the parliamentary staff. If the Honourable Members and the staff so wish, they have offered voluntarily to test our blood pressure and level of cholesterol. I would personally encourage the Honourable Members to take advantage of this offer. It will do us a lot of good, no harm. Politicians are not known to be honest about their health status. I discovered unexpectedly that I too am a candidate for hypertension. That is how the doctor put it to me when I disputed him, and he pointed to the machine and he said, "*go and see a family doctor.*" It does not hurt, you do not feel pain, you do not bleed, it has no symptoms. Now that I am a candidate I have discovered that when you have some kind of sneaky headache, it might be a signal, but I used to go and take headache tablets. Do not be like me, go and test your blood pressure and cholesterol level. So much for that.

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**NOTICE OF QUESTIONS
HON VILJOEN**

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

NOTICE OF QUESTIONS

QUESTION 80:

HON VILJOEN: Honourable Speaker, I decided to start this Session with a surprise by asking a question to every Minister. I give Notice that on Thursday, 20 September 2007, I shall ask the Honourable Minister of Gender Equality and Child Welfare the following questions:

This Government envisages to revive and expend Early Childhood Programmes to all the political Regions in the country.

1. Due to the fact that the implementation of ECP is meant to equip learners for the primary school phase, is the Ministry satisfied that the so-called care-givers who are responsible for pre-primary education are up to standard?
2. What academic qualifications are required when potential care-givers apply for posts?

QUESTION 81:

HON VILJOEN: I give Notice that on Thursday, 20 September 2007, I shall ask the Honourable Minister of Justice the following question:

Rape is one of the most serious offences against women and it is very prevalent in Namibia. According to the present judicial system, a woman who was the victim of rape can claim that the police bring the guilty person to justice in a court of law. However, it is also common practice that before the court could deal with such an offence, the plaintiff withdraws the case. It normally happens because the plaintiff is bribed, threatened or rejected by family members. Is it

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**NOTICES OF QUESTIONS
HON VILJOEN**

possible to amend the law in such a way as to make it imperative that all rape cases be dealt with by the court or at least be subjected to an evaluation by the Prosecutor-General before it can be withdrawn?

QUESTION 82:

HON VILJOEN: I give Notice that on Thursday, 20 September 2007, I shall ask the Honourable Minister of Mines and Energy the following questions:

Since the establishment of REDs they erected a building of N\$1,2 million in Henties Bay and appointed 8 new employees. Why was it necessary to increase electricity at Henties Bay with 49% over the past two years while NamPower made a profit of N\$146 million?

Consumers of electricity in Henties Bay, making use of pre-paid cards, pay more per unit than the consumers of the neighbouring Omdel Township. Is the Minister aware of this practice and is it justified to make a difference between the inhabitants of the same town?

QUESTION 83:

HON VILJOEN: I give Notice that on Thursday, 20 September 2007, I shall ask the Honourable Minister of Local Government and Housing the following questions:

There is a general perception amongst the people in the various Regions that they voted for the Regional Councillors whom they never see and who do nothing for the specific community. Due to the fact that these officials are not performing at all to give attention to the needs of the communities, they are not satisfied with the Government-at-large.

1. Is the Minister aware of the situation?
 2. Are there necessary instruments in place to monitor the effective performance of these officials?
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**NOTICE OF QUESTIONS
HON VILJOEN**

QUESTION 84:

HON VILJOEN: I give Notice that on Thursday, 20 September 2007, I shall ask the Honourable Minister of Local Government and Housing the following questions:

Regular newspaper reports on the behaviour and functioning of some officials of the Local Authority of Henties Bay is an embarrassment for the Government and causes damage to the image of the Ministry of Local Government and Housing. Is the Minister aware of these allegations and why is the Ministry reluctant to investigate rumours of misdemeanour and discipline the officials?

QUESTION 85:

HON VILJOEN: Honourable Speaker, I give Notice that on Thursday, 20 September 2007, I shall ask the Honourable Minister of Local Government and Housing the following questions:

A question was asked in this House regarding three Local Authority officials of Henties Bay who received loans from the Build-Together Programme. It was also reported that the officials are prepared to pay the money back.

1. In light of the fact that the name list of people who qualified for the Build-Together Programme loans at Henties Bay was approved by your Ministry and was later altered by the Local Authority of that town to add the names of the mentioned officials, do you not think that this is fraud and should be reported to the Anti-Corruption Commission?
2. The Town Councillor and the treasurer are the only two people who sign cheques. They approved the mentioned loans and made the money available, knowing that it is a fraudulent transaction. Should it not be reported to the Anti-Corruption Commission?
3. Can the Minister indicate what the amount of loans for every official was and how much has already been paid back? One of the officials has already left the service of the Local Authority and if the other two are not being re-elected for another term, how is the Local Authority going to recover the outstanding amount?

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**NOTICE OF QUESTIONS
HON VILJOEN/HON VENAANI**

4. Is the Minister aware of the fact that the Town Councillor in person bought five low-cost erven with numbers available which were meant for the applicants of the Build-Together Programme. Is this not a case for the Anti-Corruption Commission? How does your Ministry envisage to deal with the abovementioned fraudulent transactions?
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QUESTION 86:

HON VILJOEN: I give Notice that on Thursday, 20 September 2007, I shall ask the Honourable Minister of Local Government and Housing the following questions:

The new Regulations of 1st February 2005 on the Local Authorities Act (Act 23 of 1992) was never approved. According to the Local Authorities Act (Act 23 of 1992), Regulations of the Act should be approved by the Minister of Local Government and Housing. The Regulations of the mentioned Act was completed on 1 February 2005, but was never approved by the Minister. Despite this irregularity, the housing allowance of the Town Councillor of Henties Bay and other officials was increased by 30% by themselves. Can the Honourable Minister please shed light on this dark picture and also indicate how the problem should be rectified?

HON SPEAKER: I thank the Honourable Member. Honourable Venaani.

QUESTION 87:

HON VENAANI: Honourable Speaker, I give Notice that on Thursday, 20 September 2007, I shall ask the Minister of Trade and Industry the following:

In view of the current Debate around the European Union and the United States of America about the recipients of goods from mainly China and other countries that are of sub-standard nature and that may cause illnesses to citizens be it toys or tyres, I want to ask the following:

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**NOTICE OF QUESTIONS
HON VENAANI**

1. Have our markets and country ever received goods or commodities that are of sub-standard nature, latent defects and may cause serious damages to human consumption from China or any other country?
 2. A few years back we legislated for the creation of our country's own bureau of standards. Has this bureau of standards come into operation as of yet?
 3. How many products were rejected from entering our markets because of poor quality?
 4. How effective is the monitoring of standard of goods entering our markets?
 5. How does the Ministry envisage to address this world phenomenon?
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QUESTION 88:

HON VENAANI: I further give Notice that on 20 September 2007, I shall ask the Minister of Agriculture, Water and Forestry the following:

In a recent statement the Ministry announced the N\$100 million drought emergency fund to be spent this year in assisting farmers hit by this calamity – and I want to thank the Minister and the Government for having done so. However, I have the following questions:

1. How many boreholes are going to be drilled or rehabilitated in the following Regions, as people are currently drinking from wells that are dangerous for human consumption: Kunene, Omusati and Erongo.
2. Has the Ministry decided to subsidise fodder for animals as we proposed and at what percentage and which farmers, whether communal or commercial farmers, are going to benefit from the drought aid?
3. When would the aid commence, since many farmers are in dire straights already?

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**NOTICES OF QUESTIONS
HON VENAANI**

4. Will communities that are affected by the drought be recipients of food rations and in which areas and Regions would this exercise be started?
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QUESTION 89:

HON VENAANI: Mr Speaker, I give Notice that on Thursday, 20 September 2007, I shall ask the Minister of Health and Social Services the following:

A year ago I moved a Motion in this august Assembly discussing the state of our health sector that has reached a crisis point, which was vehemently denied by the Honourable Minister of Health and Social Services.

Recently His Excellency, President Pohamba made a surprise visit to the Katutura State Hospital and bemoaned the state of our health sector.

Subsequently surprise visits were also undertaken by the Honourable Minister.

May the Minister, under his constitutional obligation as the Minister of Health, appraise this august Assembly with the current state of our health sector and which reform measures his Ministry envisages to implement to rescue the collapsing sector?

HON SPEAKER: Will the Honourable Member table the Questions?
Honourable Kaura.

QUESTION 90:

HON KAURA: Honourable Speaker, I give Notice that on Thursday, 20 September 2007, I shall ask the Right Honourable Prime Minister the following, as the Leader of Government Business.

1. Namibia has been enjoying peace for the last seventeen years and the only war confronting Namibia is the heinous crimes perpetrated against our citizenry and the Namibian Police Force seems to have its hands full.

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**NOTICES OF QUESTIONS
HON MOONGO**

2. In view of this problem, why can members of the Namibian Defence Force not be seconded to the Namibian Police to act as deterrent to patrol the streets of our citizens and to put up road blocks to deter stock theft?
 3. In all major cities the world over, policemen walk the beat. Why is this practice not used in Namibia?
 4. In big cities like New York or London, you see police patrols on horseback. Why are our patrols only confined to patrolling with cars?
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HON SPEAKER: Will the Honourable Member table the Question?
Honourable Moongo.

QUESTION 91:

HON MOONGO: Honourable Speaker, I give Notice that on Thursday, 20 September 2007, I shall ask the Honourable Minister of Health and Social Services the following:

1. Is it true that Government changed the policy of right-sizing?
 2. What is the good reason that Onandjokwe Hospital is to be downgraded to the level of a clinic?
 3. Is the Minister aware that such hospital served thousands of patients before Oshakati Hospital was built? Can the Minister explain?
 4. Is it true that there are a lot of people in Namibia who need kidneys and liver donations? What is the policy towards organ donors to save lives?
-

QUESTION 92:

HON MOONGO: Honourable Speaker, I give Notice that on Thursday, 20 September 2007, I shall ask the Honourable Minister of Defence the following:

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**NOTICES OF QUESTIONS
HON SCHIMMING-CHASE**

Is it true that if a member of NDF dies, the deceased's family has to come to Windhoek to claim pension money? When will the pension offices be decentralised so that the deceased's family can get easy access?

HON SPEAKER: Will the Honourable Member table the Question?
Honourable Nora Schimming-Chase.

QUESTION 93:

HON SCHIMMING-CHASE: Thank you, Honourable Speaker. Mr Speaker, I give Notice that on Thursday, 20 September 2007, I shall ask the Minister of Safety and Security, alternatively the Honourable Minister of Regional and Local Government and Housing the following questions:

During the past few months the public has been disturbed by the reports in the media, indicating there seems to be conflicting interpretation of the traffic laws by members of the police as well as City Police officers. In view of this, I would like to ask the following questions:

1. Is it true, as stated by a Police Officer, that it is the democratic right of an individual to refuse to undergo a breathalyser test?
2. If it is indeed the case, I would like to know whether this applies throughout the country and if it does, why it is not applied in all cases?
3. Is the Minister aware that according to reports in the newspapers, certain individuals driving under the influence are released while others are locked up?
4. If the answer is in the affirmative, does the law allow discretion in such cases and along what basis is this discretion granted?
5. If not, what is being done to ensure that the constitutional provision that all Namibians are equal before the law is upheld?

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**NOTICES OF QUESTIONS
HON SCHIMMING-CHASE**

6. Is the Honourable Minister aware that in certain cases of culpable homicide, certain individuals are detained and charged almost immediately, whilst others are treated differently, that means not being charged for months on end, if at all.
7. If this is indeed the case, what efforts are undertaken by your Ministry to ensure that all Namibians are equal before the law according to the Constitution?

QUESTION 94:

HON SCHIMMING-CHASE: I give Notice that on the 20th of September 2007, I shall ask the Minister of Justice and Attorney-General, Honourable Pendukeni Iivula-Ithana the following questions:

On the 14th of February 2007, I put certain questions regarding the search for the missing ODC and AVID millions to the Ministry. On the 22nd of February 2007, when asked to put the questions, I stated the following: *“Honourable Speaker, I have been advised by the Acting Minister of Justice that the search for the ODC and AVID millions has had some progress and that the investigations are now at a very sensitive stage. In view of that, I do not want to interfere with the investigations at the moment and would wish to allow these investigations to be completed so that the Ministry can come and report progress back to the House.”* Mr Speaker, with that explanation by the Honourable Minister, I withdrew my question for the time-being.

Since seven months have now passed with no further information, I therefore resubmit as promised the following questions:

1. Can the Honourable Minister confirm or deny that her Office or Ministry has received a report by the local South African Police Military Liaison Officer on the missing AVID and ODC millions?
2. If the answer is in the affirmative, would the Honourable Minister and Attorney-General please explain to this august House why said report has not yet been tabled?

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**NOTICES OF MOTIONS
HON KAURA**

3. Is it true that the South African Crime Intelligence Unit has managed to trace all payments between the various bank accounts and certain beneficiaries have been identified?
 4. If all of the above is true, can the Honourable Minister and Attorney-General appraise this august House as to the true state of affairs regarding the AVID and ODC missing millions?
-

HON SPEAKER: Will the Honourable Member table the Question? Any Notice of Motions? Honourable Kaura.

NOTICE OF MOTIONS

HON KAURA: Honourable Speaker, I give Notice that on 25 September 2007, I shall Move –

That this House discusses procedures implemented during elections on Local, Regional and National levels. To prevent claims of electoral fraud and court cases after elections, the Government must provide the following:

1. All Presiding Officers must be drawn from the registered participating Political Parties and remunerated by Government.
2. All election agents from Participating Political Parties must be remunerated by Government.
3. All accounting officers from participating officers must be remunerated by Government.
4. Transport must be provided by Government to participating Political Parties so that the election agents can accompany mobile units.

I so Move.

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**NOTICE OF MOTIONS
HON GURIRAB/ HON DR KAMWI**

HON SPEAKER: Will the Honourable Member table the Motion?
Honourable Gurirab.

HON GURIRAB: Mr Speaker, I give Notice that on Thursday the 13th of September, I shall Move –

That this Honourable House debates the concept practised in our experience since Independence of national reconciliation with a view to develop guidelines for the policy on the same.

I so Move.

HON SPEAKER: Will the Honourable Member table the Motion?
Honourable Minister Kamwi.

HON MINISTER OF HEALTH AND SOCIAL SERVICES: Thank you, Honourable Speaker, Honourable Members. I give Notice that on Thursday, 13 September 2007, I shall Move –

That leave be given to introduce a Bill to amend the Medicines and Related Substances Control Act 2003, so as to amend and delete certain definitions; to provide for a period within which the Council must be appointed; to provide for the appointment of chairpersons of committees established by the Council; to amend provisions relating to the classification of medicines and other substances as schedule substances; to amend provisions relating to the manufacturing, packaging and selling of specified Schedule 3 and specified Schedule 4 substances; to delete references to “*generic substitutions*”; to substitute references to “*Schedule 1, Schedule 2, Schedule 3 or Schedule 4 medicines*” by references to “*Schedule 1, Schedule 2, Schedule 3 or Schedule 4 substances*”; to insert provisions relating to the registration of premises engaged during the manufacturing of medicines; to amend provisions relating to offences and penalties; to amend provisions relating to the distraction of forfeited medicines; schedule substances of other things; to provide for the making of regulations in relation to medicines; to amend provisions relating to the exclusion of medicines from the operations of the Act; to amend the transitional provisions; to amend

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**NOTICE OF MOTIONS
HON VILJOEN/ HON ULENGA**

provisions relating to the repeal and amendment of certain laws; and to provide for matters incidental thereto.

I so Move, Honourable Speaker.

HON SPEAKER: Will the Honourable Minister table the Motion?
Honourable Viljoen.

HON VILJOEN: Honourable Speaker, I give Notice that on Tuesday, the 2nd of October 2007, I shall Move –

That this Honourable House discusses and considers the extension of beneficiaries of affirmative action to include all Namibians who started their school career in 1990, irrespective of gender, race and colour.

I so Move.

HON SPEAKER: Please table the Motion. Honourable Ulenga.

HON ULENGA: Honourable Speaker, I give Notice that on Tuesday, the 18th of September 2007, I shall Move –

That this House,

1. Having duly noted the socially destructive manner in which some Municipalities, including the Windhoek City Council and others, have forcibly evicted poor residents, the unemployed and elderly pensioners from their houses and sold the same houses on auction on the excuse of those residents' indebtedness to the Municipalities;
2. Duly aware of our duties, functions and powers as provided for in Article 60 and 63 of the Constitution;

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**NOTICE OF MOTIONS
HON ULENGA**

Debate and condemn the socially offensive practices of the Windhoek City Council and others of forcibly evicting poor residents and pensioners and auctioning their properties;

Take the necessary action, including legislative action, to ensure the protection of the poor, the unemployed and the pensioners from such anti-social action.

I so Move, Honourable Speaker.

HON ULENGA: Honourable Speaker, I further give Notice that on Tuesday, 18th of September 2007, I shall Move –

That this House –

In the light of Government's proclamation of many new towns, like the Helao Nafidi town, Nkurenkuru, Okahao, Ruacana, Oshikuku, etcetera, in the rural areas in recent years and the many detrimental and destructive effects these proclamations have had on the local communal farming communities:

1. Debate the socially, economically and psychologically insensitive and destructive manner in which resident farmers in newly proclaimed towns, such as the Helao Nafidi town in Ohangwena Region, are robbed of their property and forcibly evicted from their homesteads and *Omapya* to marginal lands by the local Town Councils;
2. Debate the developmental value of many of the newly proclaimed towns in the country, such as Helao Nafidi town;
3. Critically consider the negative effects of forced urbanisation as experienced in newly proclaimed towns such as Helao Nafidi town, Nkurenkuru, Oshikuku and others; and
4. Refer the matter to the Parliamentary Standing Committee on Economics, Natural Resources and Public Administration for public consultation and further appropriate action.

I so Move.

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**MINISTERIAL STATEMENT
HON IIVULA-ITHANA**

HON SPEAKER: Will the Honourable Member table the Motion?
Honourable Deputy Prime Minister, Amathila.

HON DEPUTY PRIME MINISTER: Honourable Speaker, I give Notice
that tomorrow, 12 September 2007, I shall Move –

That this august House ratifies the United Nations Convention on the Rights of
Persons with Disabilities and its Optional Protocol.

I so Move.

HON SPEAKER: Will the Honourable Member table the Motion?
Honourable Ngatjizeko.

HON MINISTER OF TRADE AND INDUSTRY: I give Notice that on
Thursday, 13 September 2007, I shall Move –

That leave be given to introduce a Bill to amend the Companies Act of 2004 so as
to relocate certain provisions in Section 82 to the appropriate places; to make the
application of certain conditions in that section clearer; and to provide for
incidental matters.

HON SPEAKER: Will the Minister table the Motion? Any further Notices of
Motions? None. Any Ministerial Statements? Minister of Justice.

MINISTERIAL STATEMENT

HON MINISTER OF JUSTICE AND ATTORNEY-GENERAL: Thank you,
Honourable Speaker. Honourable Speaker, Honourable Members, I feel a sense
of completeness when I see that the majority of us are already seated in our
benches as this last Session of Parliament in 2007, of the Fourth Parliament in the
history of an Independent Namibian Nation commences. Homecoming is perhaps
the best phraseology I can use to describe the euphoria.

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Let us, therefore, bring back to the National Assembly our renewed sense of duty to the people of Namibia and our zeal to serve the public which we represent, no matter the political affiliations we belong to.

However before I continue with my Ministerial Statement, let me take this opportunity, Comrade Speaker, to congratulate you and your team of officials for at least giving the National Assembly a qualitative type of records of this Assembly. This is the first time that we are receiving something done in this fashion.

Comrade Speaker, while we were on recess we were able to join in with the Namibian people to commemorate Heroes' Day at Eenhana; we attended Trade Fairs both in the North of the country and in the South; we celebrated life and we observed death. We gave thanks whenever we escaped death on our roads; we have celebrated the achievements of our sportsmen and women – like the participation of Namibia in the Rugby World Cup or the return of Namibian soccer into the African Cup of Nations; we spent time with our loved ones and whatever we may have been doing, it is important to note that as a Nation we live in peace and stability born of a bitter struggle for liberation.

During the recess, Namibia was also publicly embroiled in deep debates and discussions on various fora, on the reported International Criminal Court submission made by Mr Phil ya Nangolo of the Namibian Society for Human Rights.

According to media reports, the submission, which I have not had the privilege of perusing, seems to apparently seek to have Namibia's Founding President, Dr Sam Nujoma and some other Namibians, tried by the International Criminal Court for certain alleged crimes, specifically the following:

1. The alleged instigation, planning, supervision, abetting, aiding, defence and/or perpetuation of the disappearance of unnamed and unquantified persons under the care of SWAPO in the early 1970's.
2. The killing of 370 PLAN fighters during April 1989 by the apartheid forces in Namibia at the time, but which crime is attributed by the NSHR submission to Dr Nujoma and his co-accused persons.

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3. The alleged disappearance of 1 600 people during the period 1994 to 1996 who were allegedly handed over to the Angolan Government by the Government of the Republic of Namibia, then led by Dr Sam Nujoma; and
4. The alleged grave breaches of human rights allegedly committed by the Namibian Security Forces in the aftermath of the August 2, 1999 secessionist attack in the Caprivi Region of the Republic of Namibia.

By implication, Comrade Speaker, the NSHR attempts to instigate the Prosecutor to commence an investigation in accordance with the Rome Statute of the International Criminal Court, called in brief Rome Statute.

Comrade Speaker, I have observed from the public Debate surrounding the matter that there is perhaps a certain degree of insecurity being sowed into the Namibian society.

As Attorney-General of the Republic of Namibia, duly appointed in terms of the Namibian Constitution and charged with the duty to take all necessary actions for the protection and upholding of the Constitution, I feel duty-bound to address the National Assembly from a legal perspective and offer some clarity to the elected leaders and the Nation at large on the policy of national reconciliation and on the provisions of the Rome Statute relevant to us.

Therefore, Comrade Speaker, I request that the Honourable Members view my statement today as a statement being made by the Attorney-General in the upholding and the protection of the Namibian Constitution as per Article 87(c) of the said Constitution.

Comrade Speaker, Honourable Members, according to Article 63(1) of the Namibian Constitution, the National Assembly has the function and powers stated as follows:

“The National Assembly, as the principal legislative authority in and over Namibia, shall have the power, subject to this Constitution, to make and repeal laws for the peace, order and good Government of the country in the best interest of the people of Namibia.”

Article 63(2)(c) of the said Constitution further provides that:

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“The National Assembly shall further have the power and function, subject to this Constitution, to take such steps as it considers expedient to uphold and defend this Constitution and the laws of Namibia and to advance the objectives of Namibian Independence.”

Comrade Speaker, Honourable Members, we are all aware that for Namibia, all laws which were in force when the Namibian Constitution came into force, are in terms of Article 140(1) to remain in force until they are repealed or amended by Act of Parliament or until declared unconstitutional by a competent court.

One of the laws that were in force when the Namibian Constitution came into force is AG Proclamation No. 13 of 1989, better known as the Amnesty Proclamation.

The purpose of this proclamation is to ensure that for those persons who were exiled and resident outside of the territory, who were referred to as terrorists and as such, susceptible to criminal action in the courts of the territory of South West Africa, present day Namibia, that no criminal proceedings would be instituted or continued in respect of any criminal offence committed by such persons in the territory or elsewhere. In particular I would like to read from the same Amnesty Proclamation, Section 2(2) thereof. It reads:

“No criminal proceedings shall, after the date of commencement of this Proclamation, be instituted or continued in any court of law against any person referred to in subsection (2) or in respect of any criminal offence committed by such person in the territory or elsewhere at any time before the said date.”

This amnesty, Comrade Speaker, was at the core of the constitutional drafting process, and is recorded in the Preamble of the Namibian Constitution which provides as follows:

“Whereas we the people of Namibia –have finally emerged victorious in our struggle against colonialism, racism and apartheid; are determined to adopt a Constitution which expresses for ourselves and our children our resolve to cherish and to protect the gains of our long struggle; desire to promote amongst all of us the dignity of the individual and the unity and integrity of the Namibian Nation among and in association with the nations of the world ;will strive to achieve national reconciliation and to

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foster peace, unity and a common loyalty to a single State; committed to these principles, have resolved to constitute the Republic of Namibia as a sovereign, secular, democratic and unitary State securing to all our citizens justice, liberty, equality and fraternity.

Now therefore, we the people of Namibia accept and adopt this Constitution as the fundamental law of our sovereign and Independent Republic.”

Comrade Speaker, Honourable Members, it has been suggested by commentators in the media that Namibia has not engaged in a process similar to that of the Truth and Reconciliation Commission in South Africa, and as such, we have not reconciled and because we have not reconciled, we cannot build a Nation.

Legally, I must disagree and correct that perception, because while we have not engaged in publicised and interrogative TRC type approach, Namibian leaders at the time, the founding mothers and fathers, made a value proposition which was in fact born of Resolution 435 of the United Nations Security Council of 1978, which sought to have a settlement of the Namibian situation. Part of that settlement included an amnesty to the belligerents so that they may return or stay in Namibia to sit together and carve out a future without fear of being sought after for crimes, actions and deeds committed in our out of Namibia.

The policy of national reconciliation is a constitutionally laden principle, forming in my view, the bedrock upon which our constitutional order is built.

Should any interpretation of the Namibian Constitution be engaged, seeking to repeal the amnesty and grant retribution that is perhaps not included in Article 23(2), such interpretation will face difficulty, as a historical and teleological interpretation will ensure that the context of the coming into being of the Namibian Constitution is considered, failing which, I would opine that the National Assembly would have to act in terms of Article 63 to take steps expedient to uphold and defend the Constitution and advance the objectives of Namibian Independence and make the necessary laws for the peace and best interest of the people of Namibia.

Comrade Speaker, Honourable Members, reconciliation is a complex concept with different meanings and subtle nuances. The etymology of the word, like

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many English words, reveals that it derives from the Latin word *reconciliare* which means “to make good again, to repair or to call together.”

Black’s Law Dictionary 1983 defines “reconciliation” as follows: “*The renewal of amicable relations between two persons who had been at enmity or variance; usually implying forgiveness of injuries on one or both sides. In law of domestic relations, a voluntary resumption of marital relations in the fullest sense. Also, a statement showing the consistency of two or more other financial statements.*”

Reconciliation can, therefore, mean different things to different people. My submission is that Namibia’s form of reconciliation and approach to such is not necessarily served by what some have sought in the form of the Truth and Reconciliation Commission approach. In fact, Namibia’s liberation struggle has merits and demerits which were considered, weighed and a decision was taken, leading to the Administrator-General gazetting AG Proclamation 13 of 1989.

Assuming that such a Truth and Reconciliation Commission approach was conducted in Namibia, would we have Doctor Death in attendance? Would all the South African TRC pardoned members of the South African and South West African Territory Force be subjected to the process? Or is it simply an inquisition into alleged SWAPO detainees? Is it an inquisition only between the Namibian warring parties whom themselves were victims of apartheid? What happens to the emotions which we conjure up with this halfway measure? Who is to be held accountable if persons are defamed and perhaps injured by emotional sons, daughters, brothers, mothers, relatives of dead and missing persons? What is the quantum sufficient to compensate for the trauma, for the loss of life, for carrying scars throughout one’s life of the horrors of our war?

We do understand that we have had a war in which siblings and neighbours fought one another. Where do we end in the guilt chain? Is the villager who provides protection and information to PLAN fighters as guilty as the other villager doing the same thing to SWATF and Koevoet?

Comrade Speaker, Honourable Members, because national reconciliation is a constitutionally based policy, it is the duty of all Namibians, it binds all of us, Political Parties, civil society and individuals alike, to actively seek to promote peace and unity, to guard against any action that has the potential of disrupting our peace and stability and to build a Nation which places value in the words, “*their blood waters our freedom.*” The past should not become an obstacle for

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the future. We have the capacity to move beyond the tension of dichotomy between compromise and the radical notion of justice. Jelin, drawing on Greek works sees this tension as *“logic of mourning and remembrance versus political lobby.”*

A Nuremberg model of reconciliation waged more on retributive justice, imposing a positive duty on successive Governments to dispense justice for past crimes as against the pragmatic focus on the common good. In Namibia we compromised and our positive efforts at achieving national unity and reconciliation are fundamental to our emergence as a Nation at peace with itself. Was that compromise not morally justified for us to enjoy this peace and stability and full amplitude of our fundamental freedoms?

Many have said it, that reconciliation is only possible in Namibia. We have amazed and inspired many across the world. We owe it to our heroines and heroes, we owe it to our communities who lived with wanton fear and death. We owe it to our citizens of our neighbours and countries of our Region who were victims of apartheid, aggression and destabilisation. We owe it to the international community which supported our efforts for freedom and ultimately, a better world for all.

We owe it to our children and the emerging generations not to be overcome by petty vengeance and compromise the greater good to be gained from sacrifices.

Has it not been said that an eye for an eye creates less vision? Do we not want to act as fostering a national identity in which all of us can draw pride and strength from the diversity of our colours, our cultures, our languages, religion and perspectives? Do we not want to progressively foster fraternity and an equitable society, shun of the antagonisms of the past?

Comrade Speaker, Honourable Members, I think we do. Let us also remember that we hold today in the trust of tomorrow's generations. Are we utilising our strength and resources with due regard to their interest or are we gratifying painful selfish urges steeped in a different past from today which will be alien to tomorrow?

Comrade Speaker, Honourable Members, before I address the merits of the particular referral by the NSHR to the International Criminal Court, I felt it was

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necessary to make those remarks and henceforth contextualise just why it is that His Excellency the President made input into the public discussion.

I have not had sight of the submission in the referral and as such I will not attempt to address that which I do not know, safe to say that it may very well suffice to refer to my just completed remarks on national reconciliation in addressing the matters reported as submitted to the International Criminal Court for adjudication.

Comrade Speaker, Honourable Members, for anyone to be tried by the International Criminal Court, the crime for which he or she is being tried must be a crime under the Rome Statute. The Rome Statute recognises the most serious crimes of concern in the international community and under Article 5 of that Statute lists the crimes of genocide, crime against humanity, war crimes and the crimes of aggression as crimes over which it has jurisdiction.

Article 11 and 24 of the same Statute limit the International Criminal Court's jurisdiction on those crimes which I have just mentioned, which have occurred or were committed after the entry into force of the Rome Statute. That means, for crimes committed before the Rome Statute came into force, the International Criminal Court can not adjudicate upon such.

Comrade Speaker, Honourable Members, please be informed that the Rome Statute entered into force on the 1st of July 2002. Namibia signed the Statute on October 27, 1998 and this august House ratified the same Statute on the 25th of June 2002. Consequently, Namibia is a party to the Rome Statute of the International Criminal Court.

I would like you to be further informed that the Republic of Namibia has not yet received a request from the International Criminal Court related to the referral made by the NSHR or Mr Phil ya Nangoloh. The Ministry of Justice is the central authority for all incoming and outgoing extradition requests and all incoming and outgoing requests for mutual legal assistance. In this regard, my Ministry has dealt with the International Criminal Court and up to date we continue to render all possible assistance to the International Criminal Court in matters that it refers to us for execution.

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I am constrained to opine that it would indeed surprise me to receive any possible request for assistance with regard to what has been reported as submitted to the International Criminal Court for adjudication.

It may please you to note, Comrade Speaker, Honourable Members, that the International Criminal Court recognises the duty of States to exercise their criminal jurisdiction for both domestic and international crimes and it is on this basis that the International Criminal Court is complementary to national criminal jurisdictions. Under International Law, States such as the Republic of Namibia enjoy sovereignty which is a principle granting the State the right to deal with any issue that may arise within the *de facto* or *de jure* territory. For Namibia, Article 80 of our Constitution places original jurisdiction in criminal matters with our High Court. The Prosecutor-General has full powers to make the determination whether to prosecute or not to prosecute.

With regard to the Caprivi secessionism alleged human rights abuses, such has not been reported to denote that such meets the requirements of it being one of the most serious crimes of international concern, complementarity notwithstanding.

With regard to the alleged missing 1 600 people handed over to the Angolan Government, notwithstanding that my Office has enquired with the Namibian Police, there is no known record of such report ever being lodged with it of that stated number of people ever going missing and I urge the NSHR to place all evidence at their disposal with the Namibian Police in the Kavango Region or wherever it is they allege that such missing people resided or were last seen.

Honourable Comrade Speaker, Honourable Members, with this clarification I trust that we are in a position to offer responses to those questions we face as we travel across the country and the world at large. Whether we like it or not, whether we would like to theorise or simply face facts across the country, it is disturbing news for the populace to hear that the icon of the liberation struggle, the Founding President and the Father of the Namibian Nation could soon be put in chains and escorted off to some court for some crime.

While we as Parliamentarians may be endowed with the wisdom to see clearly past the deliberate tactics aimed at sowing confusion, some of us may actually be inspired by such confusion, which could energise our urge for retribution and the next thing you know, we may have a problem at hand. As public figures we have

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a responsibility not to manipulate those that follow us. We have a duty to guide them. We have a duty to our Nation and we have a duty towards those that have paid the ultimate price for Namibia. I trust that we may now put to rest these calls for a TRC and concentrate on nation-building.

Comrade Speaker, Honourable Members, with these few words, I thank you for your attention.

HON SPEAKER: I thank the Honourable Minister of Justice and Attorney-General for her statement and that brings us to the end of the business scheduled for today. I shall now ask the Right Honourable Prime Minister to adjourn the House until tomorrow.

RT HON PRIME MINISTER: Thank you, Honourable Speaker. With the reassuring prayer of the Minister of Justice, I would like to propose that we adjourn now to go and think over and to return here tomorrow at 14:30.

THE HOUSE ADJOURNS AT 16:55 UNTIL 2007.09.12 AT 14:30

**ASSEMBLY CHAMBER
WINDHOEK
12 SEPTEMBER 2007**

The Assembly met pursuant to the adjournment.

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

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

NOTICE OF QUESTIONS

QUESTION 96:

HON VILJOEN: Honourable Speaker, I give Notice that on Thursday, 20 September 2007, I shall ask the Honourable Minister of Home Affairs and Immigration the following questions:

Identity documents are in many cases compulsory to have. You cannot apply for pension without an ID. You cannot register a project for orphans and vulnerable children without producing ID documents.

After visiting remote places like Tsumkwe and Gam by a Parliamentary Committee, we became aware that there is a big need for offices or mobile teams in the country.

1. Is it not possible to establish temporary offices in remote areas to assist the poorest of the poor to get hold of these documents?
 2. Is it possible to re-evaluate the ID documents of some Namibians who qualify for pension but who are in possession of IDs where an estimation of the date of birth was erroneously done?
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HON SPEAKER: Will the Honourable Member table the Question? Honourable Kaura?

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**NOTICE OF QUESTIONS
HON KAURA/MBAI**

QUESTION 97:

HON KAURA: Thank you, Honourable Speaker. I give Notice that on Thursday, the 20th of September 2007, I shall ask the Honourable Minister of Finance, Honourable Kuugongelwa-Amadhila, the following:

Honourable Minister, when do you expect your Ministry to consider an increase of old-age pension to N\$500 or at least an automatic 20% increase annually, unless you expect me to table the traditional Motion to request an increase in old-age pension? If you neglect to do something, I shall do just that, introduce a Motion.

HON SPEAKER: Will the Honourable Member table the Motion? Honourable Kaura is not doing anybody else a favour, he is doing it as an elder in his own right. Honourable Mbai.

QUESTION 98:

HON MBAI: Honourable Speaker, I give notice that on Thursday, the 20th of September 2007, I shall ask the Honourable Minister of Health and Social Services the following questions:

1. Taking into consideration the number of patients and the vastness of the area, why is the Ministry not considering upgrading the Bethanie Health Centre into a fully-fledged hospital?
2. Aussenkehr is without a clinic for some time now, but during harvest time approximately 20 000 people, including orphans and vulnerable children, find themselves in and around Aussenkehr. What is the Ministry doing in order to provide health facilities for Aussenkehr?
3. The state of hygiene and system of cleaning in several hospitals and clinics all over the country is a major cause for concern. Otjiwarongo Hospital is the dirtiest hospital I have ever come across. What is the Ministry doing in order to rectify this situation?

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4. Many hospitals and clinics are operating without the services of security guards, more specifically clinics in the far remote area of Karas Region. Can the Minister explain why there are no guards at some of these health centres?
 5. Honourable Minister, what is the Ministry's policy and procedures when it comes to the provision of ambulances and vehicles? For instance, Keetmanshoop Hospital, a big hygienic and clean hospital, which also serves the communities of Tses, Koës, Aroab, Berseba and Bethanie only has a Nissan pickup as an ambulance and operational vehicle. Keetmanshoop Hospital was supposed to have a fleet of 9 cars, but it has only 1. When is the situation going to be rectified?
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QUESTION 99:

HON MBAI: I give Notice that on Thursday, 20 September 2007, I shall ask the Minister of Home Affairs and Immigration the following question:

Honourable Minister, now that many constituency offices are completed and Councillors are operating from these offices, when is the Ministry intending to decentralise the issuing of national documents to constituency offices in order to avoid long distances that people have to travel to obtain national documents?

HON SPEAKER: Will the Honourable Member table the Questions?
Honourable Moongo.

QUESTION 100:

HON MOONGO: Honourable Speaker, I give Notice that on Thursday, the 20th of September 2007, I shall ask the Honourable Minister of Regional and Local Government, Housing and Rural Development the following:

1. Is the Minister aware that Churches, communities, businesses and individuals around Ondangwa, Olukonda and Oniipa who pay water bills at Onethindi for the Oshikoto Municipality are up in arms because they

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feel that they are exploited and that their water bills are deliberately doubled?

2. Can the Minister agree or deny that there are acute malpractices and mismanagement of the computer system in the Municipality of Tsumeb and Onethindi to provide accurate amounts paid monthly. It includes last month's amount as if you did not pay. Will the Minister explain or will the Minister condone corruption of Oshikoto Municipality?

HON SPEAKER: Will the Honourable Member table the Question? I want to say, Honourable Members, I am not dealing with the substance of the questions, the Cabinet Members will deal with them and I know there are answers to be provided, but I am glad as the Speaker to see the results of the Outreach Programmes. Every now and then I see the Honourable Members of the House, the backbenchers, in very remote areas and perhaps in some cases for the first time, and that is good for the Parliament if the news agencies that are funded by the State could do more – NBC Television and Radio and the print. People will be able not only to see how far the Members of Parliament are trying to reach out to engage the communities, but also witness the outcome of such engagements. Continue the good work, particularly the backbenchers, but I know Ministers and those affected would respond to the questions. Any Notice of Motions? Any Ministerial Statements? Minister of Health and Social Services.

MINISTERIAL STATEMENT

HON MINISTER OF HEALTH AND SOCIAL SERVICES: Honourable Speaker, Honourable Members, I rise to share some information on an important subject before I can be asked questions by the other side, that is the important subject on male circumcision as an intervention for HIV prevention in the World Health Organisation, African Region.

Namibia is a member of the World Health Organisation. Nearly two-thirds of the people living with HIV reside in sub-Saharan Africa. Namibia ranks in the top seven countries in terms of the HIV prevalence rate for pregnant women at 19.9%. New HIV infections are occurring at alarming rates despite a range of

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prevention efforts. Prevention of new infections remains the only realistic hope for stemming the HIV epidemic in the African Region, including Namibia.

The recent World Health Organisation and UNAIDS international expert consultation on male circumcision and HIV prevention held in Montreux, Switzerland from the 6th to 8th March 2007, concluded that there is strong evidence from randomised controlled trials undertaken in Kenya, South Africa and Uganda that safe male circumcision reduces the risk of heterosexual transmission of HIV infection from women to men by approximately 60%. The trials also showed that male circumcision performed by well-trained medical professionals in properly equipped facilities is safe.

Safe male circumcision is, therefore, a new additional intervention for HIV prevention that needs to be given due attention. Implementation should take into account a number of specific considerations outlined in the WHO/UNAIDS policy and programme recommendations.

Honourable Speaker, Honourable Members, male circumcision provides only partial protection against HIV. Due to its partial protective effect, male circumcision must be considered as part of a comprehensive package of HIV prevention interventions. Other known effective preventive interventions against sexual transmission of HIV remains abstinence and the delaying of sexual relations, correct and consistent use of male or female condoms, reduction in the number of sexual partners, and effective and prompt treatment for sexually-transmitted infections.

Circumcised men can still become infected and men who are HIV-positive can infect their partners. There is no evidence that male circumcision in men who are already HIV-positive has any protective effect on their female partners. Preliminary data from the Ugandan trial suggests that recently circumcised HIV-positive men who resumed sexual activity before certified wound-healing could be more likely to transmit HIV than those who waited until complete wound-healing.

Also, HIV-negative men who engage in sexual activity before wound-healing is certified are also at increased risk of acquisition of HIV-infection. Therefore, all men who undergo circumcision should be counselled to abstain from sexual activity until complete wound-healing and therefore, use condoms correctly and consistently.

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Introduction and expansion of safe male circumcision service in Africa needs to take into account local socio-cultural, religious and traditional values to ensure acceptability by communities and build on existing cultural practices. There is a need to ensure that careful assessment and necessary dialogue involving key stakeholders takes place in order to scale up safe male circumcision services in Regions where circumcision is not widely performed. The Regions, I make reference to our 13 Regions.

We, therefore, are planning to embark upon some focused research studies to obtain more clarity on different knowledge, attitudes and perceptions regarding circumcision in various Namibian communities. Of course, we know that in some communities circumcision is a well-established traditional practice, but there are those communities where HIV prevalence is very high and circumcision is not practised at all. These are the ones we need to research further.

Honourable Speaker, Sir, because male circumcision is a surgical intervention, safety must be ensured and the service should be integrated within the context of existing health care services, including the involvement of a range of Government, private and NGO partners. Scaling up safe male circumcision in the context of HIV prevention should also provide an excellent opportunity for integration with other HIV preventive and sexual and reproductive health services and for reaching groups such as adolescent boys and young men who rarely have contact with health services.

Scaling up safe male circumcision requires well-trained health workers, such as medical doctors and certified paramedical staff. Task shifting will need to be considered given the human resource constraints in our country. In addition, the necessary equipment needs to be in place. Sterile and safe operating environments are needed and staff must be able to perform a safe, clean and surgically correct procedure.

At this stage, our health service is not geared to cater for large numbers of potential clients requesting circumcision. We have, therefore planned to embark on an assessment that will ensure that we determine our shortcomings and address them properly before we embark on this new service.

Honourable Speaker, Honourable Members, the World Health Organisation emphasises the need to have effective communication strategies to ensure that earlier and consistent messages are disseminated. It is important to ensure that

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circumcised men do not develop a false sense of security that could cause them to engage in higher-risk behaviour which could undermine the partial protection provided by circumcision.

Furthermore, inclusion of male circumcision in our prevention and service package requires additional resources.

Therefore, we are approaching the topic with great care and good preparation. We need to ensure that patient safety is warranted, that our hospitals can cope with the demand, that our communities are ready and fully understand all implications and finally, that the necessary resources are in place.

May I on the last note assure the Honourable Members that all these issues are currently being given the necessary attention by my Ministry. I thank you for your kind attention.

HON SPEAKER: I thank the Minister for his very important statement, but I wanted to say that in one of my previous incarnations, the then Minister of Health, our Deputy Prime Minister together with Ambassador Stephen Lewis, the Special Envoy of the UN Secretary General Kofi Annan, brought this matter to our attention and we shared. Cabinet has been sitting on this information awaiting ongoing studies and verifications and I am therefore grateful to the Minister for sharing this information with the House, but to ask the Deputy Minister of Information and Broadcasting to ensure that as much as possible the very State-sponsored media agencies that I mentioned earlier, do their level best to give full dissemination countrywide in all possible languages to our communities, and it is the point about – and you know why I am repeating this – circumcised men should not develop a false sense of security that they are immune to infection and affection.

HON SCHIMMING-CHASE: Honourable Speaker, just as a question of clarity to the Honourable Minister. Just to say firstly I welcome the statement of the Minister and all it entails, but I wanted to know from the Honourable Minister, in all the research that is conducted and fully aware of the cost that may arise if people start wanting to have mass circumcision, does the Ministry consider possibly applying what is happening in many countries, that at birth

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parents can decide to have their male children circumcised, which might in the long run end up being much cheaper while this child is still in hospital.

Secondly, is one considering possibly that the impact of this information might bring down the rape of children or virgins and deal with the fallacy that still pertains in this country that having sex with a virgin is prevention, but that one should look rather at circumcision than rape? Thank you.

HON MINISTER OF SAFETY AND SECURITY: Thank you very much, Comrade Speaker. I would like to thank the Honourable Minister of Health for the information provided and I just wanted to advise that when they finally start embarking on the dissemination of information, they must make sure that a distinction has been drawn between circumcision and castration, because a mistake was done by a country – there are the two vocabularies I have just mentioned and apparently this man went to the doctor and he has forgotten the word circumcision and he said, “*doctor, I want to be castrated*” and he was finally castrated. Therefore please, disseminate the information. Thank you.

HON SPEAKER: I thank the Minister for that scary story. Honourable Minister of Health.

HON MINISTER OF HEALTH AND SOCIAL SERVICES: Thank you, Honourable Speaker. First of all, I wish to thank you in person for the emphasis that you made on this very important subject. Indeed, I wish to thank *Honourable Nora Schimming-Chase* for the brilliant intervention that she made.

Just for your information, I wish funds were something to go by. We would seriously engage this. Just as I said earlier, that the results emanating from the research papers we have at hand are quite encouraging, but resources, both financially and human, remain our key obstacle.

Yes, indeed, the other area, that of circumcision at birth is one of those being considered. As I have just addressed the Chamber, we already have a team and the Health Ministries’ teams of the whole SADC Region are meeting in Harare to again look at this same subject and come up with strategies at which age should people start with circumcision and then of course, the cut-line in terms of age.

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HON KAURA/HON RIRUAKO/HON NUJOMA**

Indeed, the most unfortunate area and concern for all of us is this false statement that if one goes for a virgin, it will automatically heal. It is something that I call on all who are concerned to please assist us in condemning this unfortunate statement being made by scrupulous witch-doctors or whatever they may be termed.

The last one, Mr Speaker, I took note.

HON KAURA: Thank you, Honourable Speaker. I just want to find out from the Honourable Minister, given the fact that in some of our sectors there are traditional circumcisions, in order to assist in this process, is it not possible to bring them and test them at clinics and test their proficiency and maybe use them to assist in this process? They practised it without any harmful effects coming to the young people that are circumcised and maybe to bring them in more sterile conditions at our clinics and hospitals so that they can perform this job. Is it not maybe possible?

HON RIRUAKO: Honourable Speaker, circumcision at its best, that skin comes back. As you grow it will wrap around the penis. Then another second circumcision will take place. At least if you take after eighteen, at least you can see something else and I think surely after birth it is dangerous. That person is going to get pain twice.

HON DEPUTY MINISTER OF JUSTICE: Thank you very much, Honourable Speaker. I welcome the statement of the Honourable Minister and I support it fully. I think this is the right thing to do under the current circumstances where our population groups are being decimated by this horrific disease.

I know that in those countries where the research was done the tendency of female genital mutilation is highly prevalent and I want to know whether research was also done with FMGD and this can also prevent the transmission of HIV/AIDS. We should also be very careful, Honourable Minister, so that we make it clear that the circumcision we are going to embark upon is not linked to FMGD. That is the only distinction and the message must be made very clear.

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**QUESTIONS ON MINISTERIAL STATEMENT
HON RIRUAKO**

Female genital mutilation is practised in North Africa and maybe also in South Africa. That is what I want the Honourable Minister to make clear and equivocal that we are not going to allow that. Thank you very much.

HON SPEAKER: This is a Ministerial Statement and I see interest in discussing it. We should allow the Minister's statement to sink in here and outside and on that basis the Minister would have a way to gauge and if need be, he can bring a substantive Motion and open up the discussion here and, if need be, to refer it to a Standing Committee dealing with this matter. Chief Riruako is insisting, he is the last speaker.

HON RIRUAKO: Genital circumcision is not allowed here, we are not that jealous. In those countries they do it purposely for their wives not to be touched, but discipline cannot be applied that way by force, whereby you can cut some part of another person in order to obtain discipline of your wife.

HON MINISTER OF HEALTH AND SOCIAL SERVICES: Thank you, Honourable Speaker. I wish to thank *Honourable Kaura* for his intervention. Yes, it is true, all WHO Member States work with traditional healers and as you are aware yourself, there are some people in your area who are doing it, who are experts in this subject. The team which I mentioned earlier on would engage all those with the necessary knowledge to assist us. It is well-documented in South Africa, especially among the Xhosas who are doing it extremely well. It is something that we will engage.

Honourable Nujoma, rest assured, as a Member State of WHO, there is no way that we will allow female genital mutilation to be exercised in this country. Namibia joins with the rest of the progressive WHO member states in condemning this most unfortunate exercise being done elsewhere.

As for *Honourable Riruako*, I take note. Thank you very much indeed.

HON SPEAKER: The Notice of Motion is one by the Honourable Deputy Prime Minister. Does the Deputy Prime Minister move the Motion? Who seconds? Any objection? Agreed to.

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HON DR AMATHILA

**RATIFICATION: CONVENTION ON THE
RIGHTS OF PERSONS WITH DISABILITIES**

HON DEPUTY PRIME MINISTER: Thank you, Honourable Speaker, after this wonderful discussion of castration and circumcision. That is actually a true story, I can confirm that a colleague saw a colleague who was washing in the river who was circumcised and he said, *“who did that for you?” No, I went to the doctor, you say circumcision, but do not use the word castration.* That is what the colleague said. When he went to the doctor, the word circumcision disappeared and then castration stayed on. The doctor sent him away three times, he insisted that he wanted to be castrated and he was castrated. When the colleague came to watch him, he said, *“but what is this thing doing outside, why are they bandaging you down there, you still look the same, what did you say to the doctor?” “I said castration.” “I told you circumcision!”* That is what happened.

Honourable Speaker, Honourable Members, I rise to motivate for consideration and ratification by this august House the United Nations on the Rights of Persons with Disabilities and its Optional Protocol.

Honourable Speaker, in order to put the matter in proper context, allow me to state the following:

The United Nations’ General Assembly Resolution 56/168 of 19 December 2001 decided to establish an *Ad Hoc* Committee to consider proposals for a comprehensive and integral international convention to promote and protect the rights and dignity of persons with disabilities. A draft text was forwarded to Member States for wide national consultations to enrich the final convention document.

The Office of the Prime Minister, as overall coordinator of disability concerns in Namibia, forwarded the draft text of the convention to relevant Ministries and stakeholders, such as the then Ministry of Lands and Resettlement and Rehabilitation, Ministry of Health and Social Services, Ministry of Education, Ministry of Justice, Office of the Attorney-General, National Federation of People with Disabilities in Namibia, etcetera, for their inputs and comments.

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Their comments and inputs form the basis of Namibia's position in the negotiation of the convention that included 130 UN Member States, regional conferences and the Disability Convention was held and the Africa Regional Consultative Conference took place in Johannesburg, South Africa in May 2003. Namibia was then represented by the Office of the Prime Minister.

On the 27th of March 2007, Cabinet approved the Disability Convention and mandated me to table it to the august House for ratification.

On 27th of April 2007, the Ministry of Foreign Affairs, through the Namibian Mission to United Nations, signed the Convention. Today I am seeking your support to ratify the Disability Convention and its Optional Protocol.

Honourable Speaker, Honourable Members, Namibia has made progressive strides in mainstreaming the legitimate concerns of people with disabilities. For example, the august House passed the National Disability Council Act (Act No 26 of 2005). The Continental Plan of Action for the African Decade of Persons with Disability – and the decade is from 1999 to 2009 – was approved by Cabinet and ratified by the august House in February 2005. These are all steps in the right direction and many more should come to ensure the full protection and promotion of the rights and dignity of people with disabilities.

The purpose of the Convention is the protection of the rights of around 650 million people with disabilities globally and more than 85,000 people with disabilities in Namibia. The Convention seeks to underpin the fundamental freedoms and human dignity of persons with disabilities. Some of the general principles of the Convention are respect for inherent dignity, individual autonomy, non-discrimination, full and effective participation and inclusion in society, respect for different and acceptance of persons with disabilities as part of human diversity and humanity. Equally, equality of opportunities and gender equality, to mention but a few.

In our context, the Convention does not create new rights, it merely reaffirms and guarantees existing rights and freedoms under the Namibian Constitution. This Convention expects people with disabilities to be treated as equal citizens who must contribute to national development.

Honourable Speaker, the Convention demonstrates that many years of public policy and merely accommodating people with disabilities proved to be

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insufficient. Much has recently now taken place. The old approach is now giving way to a much stronger emphasis on identifying and removing the various barriers to equal opportunities and full participation in all aspects of life. It is now about mainstreaming disability issues in developmental and economic activities in countries.

Therefore, a human rights approach is favoured under the provisions of the Convention. To this end the Convention establishes international standards regarding the human rights and freedoms of people with disabilities, clarifies human rights principles with regard to people with disabilities, provides an authoritative model for Governments to use in shaping national laws and policies, facilitates the initiation of a process of integrating this Treaty into existing legislation and adopting and changing laws that are not in accordance with the Convention and finally, advocates for greater social inclusion and participation of people with disabilities.

It should be noted that the implementation of the Convention will be progressive, but minimum measures to respect basic human dignity as well as long term goals to achieve full integration of people with disabilities are set out.

Honourable Speaker, I also propose that SADC approves and ratifies the United Nations Convention on the Rights of Persons with Disabilities and its Optional Protocol. In SADC, only Mozambique, Namibia, South Africa and Tanzania have signed the Convention so far.

Honourable Speaker, Honourable Members, I urge this august House to speedily ratify the United Nations Convention on the Rights of Persons with Disabilities and its Optional Protocol and thereby secure Namibia's continued leadership in disability issues in SADC and in Africa as a whole. I am confident that this august House will not lack the new-found momentum in mainstreaming disability issues and that this House will speedily ratify the Convention.

Honourable Speaker, Honourable Members, I now table the Convention on the Rights of Persons with Disabilities and its Optional Protocol for your consideration and your ratification. I thank you.

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HON GURIRAB**

HON GURIRAB: Thank you, Honourable Speaker. I rise to support the speedy ratification of the Protocol tabled by the Honourable Deputy Prime Minister. Honourable Speaker, the protection of all Namibians and residents within our country is a constitutional matter. Our country has a progressive Constitution where non-discrimination is a core principle of our national values.

I am simply rising to do what I normally do when international instruments are being brought for ratification, because the moment we ratify these instruments, there are implications on us as a Nation State and I have a few of the articles that I want to make reference to.

The first one is Article 8 of the Protocol which has been tabled and in terms of that, we are undertaking as a Nation State to have a programme of awareness-raising in terms of the undertakings which we are committing ourselves to in terms of the Protocol that we are being asked to ratify.

The next one that I want to refer to is Article 31 of the Protocol in terms of which again the Government would be expected to have statistics and data collection in terms of the undertakings which we have committed ourselves to today. I am raising Article 31 because next year I shall be coming back, as all of us will be monitoring the compliance with the Protocol, but I will be coming back to ask the Office of the Prime Minister what statistics we have collected and what data we have collected in terms of the undertakings which we are committing ourselves to in terms of Article 31.

Honourable Speaker, I also wish to make reference to Article 34 in terms of which we will be expected to establish a Committee on the Rights of Persons with Disabilities. Again, next year I will come back and ask whether the Committee has been established in terms of the commitment which we are committing ourselves to.

The same with respect to Article 35, that as a contracting party we will be expected to submit two-yearly reports to the United Nations in terms of what we are doing, in terms of the Protocol to which we have committed ourselves to.

Therefore I am rising to do two things, one to express our support for the rapid ratification of the Protocol, but also to flag what I said earlier, that there are obligations which we are undertaking in terms of accession to the Protocol and that from our side we shall ensure that all obligations that we commit ourselves to

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HON VENAANI**

will be complied with and that we will be here next year to ensure by way of Questions and Motions that indeed we are implementing the agreements which we are committing ourselves to.

We support the rapid ratification of the Protocol. I thank you.

HON VENAANI: Thank you very much, Honourable Speaker. The previous speaker has just taken a few of my notes. I rise to submit our support for the speedy ratification of the Convention on the Rights of Persons with Disabilities and I, first and foremost, want to support the notion that says that SADC as a Regional Block should speedily ratify this because many disabilities, especially in the SADC Region, has been caused by war.

When you go to countries such as the DRC, probably one-third of Kinshasa's population are people living with disabilities and if you look at the conditions in which they are living, there are more orphans with disabilities living on the streets of Kinshasa and many parts of the DRC, and I think it is also the same situation in southern Angola, the Kabinda area. It is therefore important that SADC as a whole and Africa in general also ratify this Protocol.

I think the importance of such a universal Protocol is that it creates a higher benchmark of responsibility by many Member States of humanity in general and one issue that I want to raise, coupled with this qualification, is how we as a society treat people with disabilities, because it is one thing to abide and ratify Protocols and agree to standards, and it is another thing to see whether those standards are met. I think the greatest culprit will not be the Government, the Government can only monitor the situation, but I think society in general has the sole responsibility of making sure that these protocols are being adhered to socially.

What you see, especially in our country, are people living with disabilities amongst families, probably they are mentally impaired and so forth, and the money that they are receiving from the State, is not going towards the upkeep of these people. You will find that a hut has been built outside for the person, he must not even be seen by society and the money is just being spent on other goods by the family and there is no proper upkeep of these persons. I think that our Ministry tasked with rehabilitation should play a very active role in trying to monitor the upkeep of the people with disabilities.

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One area that is also a matter of great concern is accessibility to schools. You would find that many children with disabilities that are at schools are those that come from wealthier families rather than those from poor families, because people do not see the need to take a person to school and the more we do not take people to schools, the more they are going to be stuck with this problem of people not helping themselves. If you talk about equal opportunities on employment but if you do not educate people to be able to have skills to participate in the mainstream of employment creation, then it could also be a problem.

I however think, in essence, it is in the interest of humanity that we ratify this Protocol, it is not a choice that we have, it is a choice that God has made for us and I think we should take it as such and make sure that we comply to this Protocol and speedily ratify it. Honourable Speaker, I thank you.

HON RIRUAKO: Mr Speaker, the previous speaker has done well, but we do not see the monitoring of the department concerned as far as people with disabilities are concerned. We do not see them, we do not have the evidence nor the witness. Why? Usually they are good, you know your performance, you know what you ought to do. You are not here to wait to be told how it should be done. Why?

Those people who take care of those people with disabilities must know that we are after them, not after those with disabilities. You have been given a chance to act properly and you could not, and for that matter, there are good speeches here without following-up our speeches. That is why I am supposed to put it quite straight. Even if it is not the Department of Health, why not Local Government and Housing? This money has been taken away from them, we know that, but no reaction or action. Why?

I am not here to say that because I hate other people, I want everything we do to be perfect and clear. That performance must be done, that money must go where it belongs. All those incidents have taken place, no reaction. Why? Go and think on it, look at this kind of statement and change yourself. If you do not, next time you are going to change your attitude. Thank you.

HON KAURA: Thank you Honourable Speaker. Honourable Speaker, I would like to start off by saying that we all have the potential of becoming physically

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HON NUJOMA

disabled either through accidents or debilitating diseases such osteoporosis or rheumatism, etcetera. We should however not ratify a protocol only to be fashionable, but not have the ability to implement it in practice.

Under Article 4(g), for example, it states the following: *“To undertake or promote research and development of, and to promote the availability and use of new technologies, including information and communications technologies, mobility aids, devices and assistive technologies, suitable for persons with disabilities, giving priority to technologies at an affordable cost.”* I think this is a tall order, in particular for the Ministry of Health, because we have situations where people with disabilities cannot find wheelchairs in hospitals or they must pay for it and many cannot afford to pay for it.

If we are seriously committed to assisting our physical disabled, we must make it possible and implement programmes where we can provide wheelchairs to our people with disabilities.

I have another example and experience of a young man who stepped on a landmine during our incursion into the DRC. He had his foot blown off. He was brought back to Namibia, taken to a hospital in Katutura. He had to be fitted with an artificial limb, but only the foot was blown off but the requirement was, in order for him to be fitted with an artificial limb, they had to amputate the leg below the knee. This young man was saying, *“only my foot is blown off, why can you not provide me with an artificial shoe or something?”* The hospital was saying, *“we do not have such a device, the only thing we can do is to amputate your leg below the knee and give you an artificial limb.”*

It happened that he somehow had some medical insurance, so he had to go somewhere and was measured and an artificial shoe was put on him, but our hospital could not provide that.

What I am trying to say is, if we are ratifying these protocols, we must not ratify them to be fashionable, but we must have the means to implement them. Thank you very much.

HON DEPUTY MINISTER OF JUSTICE: Thank you very much, Comrade Speaker. First of all I would like to thank the Honourable Deputy Prime Minister

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for introducing this Convention and her request for us to rapidly ratify this Convention. I only have something on Article 4(2) which states: *“With regard to economic, social and cultural rights, each State Party undertakes to take measures to the maximum of its available resources and, where needed, within the framework of international cooperation, with a view to achieving progressively the full realisation of these rights, without prejudice to those obligations contained in the present Conventions that are immediately applicable according to international law.”*

Honourable Speaker, I am a bit comfortable with this Article 4(2) because it calls for the progressive realisation of these rights within the framework of international cooperation and within the resources available of a particular State. Therefore this gives me comfort that it is a good thing, continuously and ideally we would like to reach that stage where we can fully provide for our people with disabilities. However within the framework of constraints of resources, we have to tackle this problem progressively.

With that I am very comfortable and I thank you, Comrade Speaker. I therefore support the ratification of this important Convention.

HON SPEAKER: I thank the Honourable Member. Does the Deputy Prime Minister wish to reply?

HON DEPUTY PRIME MINISTER: Thank you, Honourable Speaker, Honourable Members, thank you very much for those of you who took part and those who supported the speedy ratification in silence.

The question by *Honourable Kaura* has been adequately responded to by *Comrade Nujoma*, because we have to move progressively and where we have financial capabilities. If somebody is disabled in a way that we cannot afford – you saw the other time this young man who has no lower limbs who is running on those spikes. It is extraordinary equipment which Namibia does not have. For example, if we do not have those types of equipment, we have our international stakeholders to assist us. I think he has adequately responded to that question.

We will never be without wheelchairs because every time when we have an accident we need a wheelchair and a lot of international communities are giving

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us wheelchairs. We can get assistance from international communities to be assisted in getting wheelchairs.

We have a lot of people with disabilities who are still in Oshakati Hospital, not because they are sick, but because they cannot use wheelchairs on the roads. Therefore, there are a lot of progressive things we have to do in order to cater for our people with disabilities, particularly those who have lost their limbs.

Honourable Riruako, the Office of the Prime Minister has a Disability Unit and the work of this unit is to monitor whether all the Ministries have a Disability Desk and what they do with people with disabilities in their own Ministries. This is a process we are following to be able to monitor the situation of our people with disabilities.

We have also undertaken a study with the University, that is why we know that we have approximately 85,000 people. I think I did bring the Report here some time ago, where they have made studies to tell us what are the causes of disability in the country. There are percentages of road accidents, etcetera. We have done our research and the research will continue.

The other Members were supporting and we will monitor the situation and we will be able to report back in two years' time to the Main Commission of the United Nations' Secretary-General of our activities and how Namibia as a country has followed the Convention.

I want to congratulate us as Members of the Parliament that we have already installed a lift and a ramp to enter this House. That is already a huge beginning from ourselves.

Finally, how do we inform the people? I think Article 4 talks about conscious rights, that we have to inform the communities. Our units are going to go out there to explain to the people to change their mindset about people with disabilities, because as somebody said here correctly sometimes families are still hiding people with disabilities and it is still taboo, that perhaps God has punished you to have this disabled child. These are things we need to inform our community, as we are doing with everything. Awareness campaign is very, very important and our Office, with my team and other Ministries, should take up this issue and raise awareness among our communities, so that we stop the idea of marginalising people with disabilities.

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I have tried to respond in general, basically it was mainly support and my Office will undertake to make sure that we carry on the Convention so that we give a proper report in two years' time.

With these few words, thank you very much.

HON SPEAKER: I thank the Deputy Prime Minister for her reply and I now put the Question that the Convention be ratified? It is thus so decided.

Honourable Members, I want to let you know, that the National Federation of People with Disabilities of Namibia is fully represented here and over there. I spared you, not announcing them at the beginning, so that you would freely express your views on the Motion. They are here, led by their Chairperson, Martin Shigwedha and also in the company is our neighbour, Ms Bekkie Mbele from South Africa. We welcome you, Honourable Neighbour. The Prime Minister is also represented by the very hard-working Tjiueza Tjombumbi. They have heard you and they are grateful, I believe, by the action you have just taken.

I now kindly request the Honourable Prime Minister to adjourn the House until tomorrow.

RT HON PRIME MINISTER: Thank you, Honourable Speaker. At the end of this business-like operation, I propose that we adjourn until tomorrow, Thursday, 13 September 2007 at 14:30.

HOUSE ADJOURNED AT 16:01 UNTIL 2007.09.13 AT 14:30

**ASSEMBLY CHAMBER
WINDHOEK
13 SEPTEMBER 2007**

The Assembly met pursuant to the adjournment.

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

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

NOTICE OF QUESTIONS

QUESTION 101:

HON MOONGO: I give Notice that on Thursday, 20 September 2007, I shall ask the Honourable Minister of Education the following questions:

1. Can the Minister agree or is it a deliberate tactic to delay the paying of loans of students who study medical profession and other professions in foreign countries?
 2. Is the Minister aware that frustration can hamper studies and also as to whether this lack of commitment from the side of the Government will invite lower passing rates?
 3. How many medical students are accepted?
 4. When is the Minister going to pay?
-

HON SPEAKER: Will the Honourable Member table the Question?
Honourable Goreseb.

QUESTION 102:

HON GORESEB: Thank you very much, Honourable Speaker. I give Notice that on Thursday, the 20th of September 2007, I shall ask the Honourable Minister

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**NOTICES OF QUESTIONS
HON GORESEB**

of Information and Broadcasting, Honourable Netumbo Nandi-Ndaitwah the following:

Communication in this dynamic world of us and in particular in a young democracy like Namibia where we are battling with issues such as national reconciliation and nation-building, educating the public, etcetera, is imperative and the key to success. However, Honourable Minister, places like Sesfontein, Aus, etcetera, are not islands in this Independent Namibia without any radio services, not to speak of MTC. No communication, no information of national interest reach the said communities.

1. Is the Honourable Minister aware of the sad state of affairs facing these communities since Independence?
 2. How long are they going to wait for the vital services rendered to them or are they regarded as *persona non grata*?
 3. Honourable Minister, do you have any immediate plans to remedy the situation in the said areas and countrywide?
-

QUESTION 103:

HON GORESEB: I further give Notice that on Thursday, 20 September 2007, I shall ask the Honourable Minister of Agriculture, Water and Forestry, Dr Nickey Iyambo, the following:

1. When last did the Honourable Minister visit the area of Sesfontein?
 2. Is the Honourable Minister aware of the Green Scheme or the agricultural activities practised by those communities in yesteryears due to the abundance of underground water resources?
 3. How can the Minister assist the community of Sesfontein to revive the said Green Scheme or agricultural activities to be self-reliant with much-needed fresh food production?
-

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**COMPANIES AMENDMENT BILL
HON NGATJIZEKO**

HON SPEAKER: Will the Honourable Member table the Questions? Any further Notices of Questions? Any Motions of Motions? Any Ministerial Statements?

The Notice of a Motion is the one by the Honourable Minister of Trade and Industry. Does the Honourable Minister move that the Bill be now introduced?

**COMPANIES AMENDMENT BILL:
INTRODUCTION AND FIRST READING**

HON MINISTER OF TRADE AND INDUSTRY: I Move the Motion.

HON SPEAKER: Who seconds the Motion? Any objection? Agreed to. Will the Honourable Minister please table the Bill? The Secretary will now read the Bill a First Time.

COMPANIES AMENDMENT BILL

HON SPEAKER: Does the Honourable Minister of Trade and Industry Move that the Bill be now read a Second Time?

**COMPANIES AMENDMENT BILL:
SECOND READING**

HON MINISTER OF TRADE AND INDUSTRY: I so Move, Honourable Speaker.

HON SPEAKER: Any objection? Who seconds? Agreed to. The Honourable Minister has the Floor.

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COMPANIES AMENDMENT BILL
HON NGATJIZEKO

HON MINISTER OF TRADE AND INDUSTRY: Thank you very much, Honourable Speaker, Honourable Members. As you have no doubt noticed, this is a very short Amendment Bill and thus warrants a very short speech.

In 2004 this august House approved the Companies Act of 2004 which was published in that same year in *Government Gazette No 3362*. However, a typo slipped into Section 82(4) during the printing process, which meant that the Companies Act could not be put into operation until this typo has been rectified. The explanation of this rectification is somewhat technical, so please bear with me.

This is a small amendment which relates to the premium account of a company. As premiums are regarded as share capital of a company, premium accounts are strictly regulated in terms of what the company may use such premiums for. The Companies Act 2004 (Act No 28 of 2004) specifies what a premium account may be used for. This new Companies Act 2004 added two more restrictions on what the premium account may be used towards.

However, since these restrictions are new, they must not apply to redeemable preference shares issued before the commencement of the Companies Act of 2004. If the latter is not excluded, it will render all such transactions prior to commencement of the 2004 Act invalid. It is thus necessary to change this section before the Companies Act 2004 can be promulgated.

At the time when the Act was taken through the legislative process, it was not appreciated that there was a provision in the Act which provides that the restrictions on what premium accounts may be used for would be excluded, as the Act will not operate retrospectively. Such exclusion would have immeasurable economic consequences and as such needs to be rectified by this amendment and there is much pressure from the Namibian legal and business community to bring the long-awaited Companies Act of 2004 into operation as soon as possible so that Namibian commercial law is again in step with the rest of the world. Your support for this Bill is therefore, much appreciated.

HON SPEAKER: I thank the Honourable Minister. Any further discussion?
Honourable Venaani.

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**MEDICINES AND RELATED SUBSTANCES
HON DR KAMWI**

HON VENAANI: Honourable Speaker, I Move that this matter be adjourned until next week Thursday.

HON SPEAKER: The discussion on this Motion stands adjourned until Thursday next week. The Second Notice of a Motion is the one by the Honourable Minister of Health and Social Services. Does the Honourable Minister move that the Bill be now introduced?

**INTRODUCTION AND FIRST READING: MEDICINES AND RELATED
SUBSTANCES CONTROL AMENDMENT BILL**

HON MINISTER OF HEALTH AND SOCIAL SERVICES: I so Move, Comrade Speaker.

HON SPEAKER: Who seconds? Any objection? Agreed to. Will the Honourable Minister please table the Bill? The Secretary will now read the Bill a First Time.

**MEDICINES AND RELATED SUBSTANCES CONTROL AMENDMENT
BILL**

HON SPEAKER: Does the Honourable Minister move that the Bill be now read a Second Time?

**SECOND READING: MEDICINES AND RELATED SUBSTANCES
CONTROL
AMENDMENT BILL**

HON MINISTER OF HEALTH AND SOCIAL SERVICES: I so Move.

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MEDICINES AND RELATED SUBSTANCES
HON DR KAMWI

HON SPEAKER: Any objection? Who seconds? The Honourable Minister has the Floor.

HON MINISTER OF HEALTH AND SOCIAL SERVICES: Honourable Speaker, Honourable Members, the Medicines and Related Substances Control Act, No 13 of 2003, was already approved by this august House in the year 2003. The Act provides for the control of all medicines and related substances available in the country and ensures high quality standards.

However, during the drafting of regulations to operationalise the Act, we encountered a number of technical problems which, if not addressed, would make the enforcement of the Act cumbersome. These issues necessitated the Amendment of the Act.

Honourable Speaker, I will highlight some of the proposed Amendments contained in this Bill.

1. Definitions

Act No 13 of 2003 referred to the definition of “animal” as it was defined in the Animal Diseases and Parasites Act No 13 of 1956, but it is necessary to update this definition to make it clear and unambiguous. A number of other definitions are included as well.

2. Membership to the Medicines Control Council

Act No 13 of 2003 makes provision for current Medicines Control Council members to complete their term of office which expires only in 2009. However, the Amendment proposes that a new Council be appointed within six months from the date that the new Act is in operation. The appointment process of Council members in the Amendment Act is also made much more transparent.

3. Medicine Schedules

There are fewer schedules in Act No 13 of 2003 compared to the ones in the old Act, Act No 101 of 1965. This Amendment clarifies how the schedules of the two Acts, that is Act 101 of 1965 vis-à-vis that of Act No 13 of 2003, correlate and how the new schedules will be phased in.

4. The registration of premises and persons engaged in the pharmaceutical business

In order to properly control the use of medicines in the country, it is necessary to know the people and businesses involved in the manufacture, distribution and the sale of these medicines. Act 13 of 2003 does not make adequate provision for the registration of people involved in these activities. It is a known fact that those who are under the ambit of the pharmacist profession are registered with the Pharmacist Council. This Amendment provides for the registration of practitioners, such as dispensing doctors, dentists, veterinarians and nurses with the Medicines Control Council.

5. Repeals and Amendments

Act No 13 of 2003 provides for the repeal of certain Acts, including Act No 101 of 1965 and the Amendment of some sections of the Fertilisers, Farm Feeds, Agriculture Remedies and Stock Remedies Act No 36 of 1974. However, these Amendments to Act No 36 of 1974 could complicate matters considerably. Therefore, this Bill repeals the Amendments to the said Act.

Honourable Speaker, Honourable Members, the abovementioned are the main Amendments that this Bill contains. I should like to point out that this indicates that the drafting of the regulations are at a very advanced stage. The passing of this Amendment Bill will expedite the implementation of Act No 13 of 2003. I, therefore, recommend to this august House that this Bill be passed expeditiously. I thank you.

HON SPEAKER: I thank the Honourable Minister for his statement. Any further discussions? Honourable Nora Schimming-Chase.

HON SCHIMMING-CHASE: Thank you, Honourable Speaker, if nobody else wishes to take the Floor, I would like to adjourn this Debate until next Wednesday.

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**MEDICINES AND RELATED SUBSTANCES
HON DR KAMWI**

HON SPEAKER: The discussion of this Motion stands adjourned until Wednesday next week. The third Notice of a Motion is the one of the Honourable Gurirab. Does the Honourable Member move the Motion?

HON GURIRAB: Honourable Speaker, I pray for your indulgence to have the motivation of this Motion done on Tuesday next week. I am still consulting.

HON SPEAKER: The consideration of the Motion stands adjourned until Tuesday next week. Right Honourable Prime Minister, I request you kindly to adjourn the House until Tuesday.

RT HON PRIME MINISTER: Honourable Members, I Move that we adjourn now, to return to this House on Tuesday at 14:30. I so Move.

HOUSE ADJOURNED AT 15:10 UNTIL 2007.09.18 AT 14:30

**ASSEMBLY CHAMBER
18 SEPTEMBER 2007
WINDHOEK**

The Assembly met pursuant to the adjournment.

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

HON SPEAKER: Any Petitions? Any Reports of Standing or Select Committees?

**TABLING: PROGRESS REPORT ON
EFTA/SACU AGREEMENT**

HON P MUSHELENGA: Honourable Speaker, I rise to report on the progress made by the Standing Committee on Economics, Natural Resource and Public Administration on the ratification of the EFTA/SACU Agreement.

On the 20th of June 2007 the Honourable Minister of Trade and Industry Moved:
“That this august House ratifies the Free Trade Agreement between the European Free Trade Association and the Southern African Custom Union.”

After discussions in the House, a follow-up Motion was tabled whereby the Minister of Trade and Industry requested that this Agreement be referred to the Standing Committee on Economics, Natural Resources and Public Administration for further scrutiny and report back to this Assembly by 19 September 2007, which is tomorrow. This request by the Minister was done on the 10th of July 2007 and the First Session for 2007 ended on 12 of July 2007, two days after the Minister’s request.

This is a very important agreement which would have a wide impact on all levels of the Namibian economy and the Committee would like to beg the indulgence of the House to extend the deadline for reporting back to a later date, which will enable the Committee to liase with the technical team with the Ministry of Trade and Industry on the impact of the ratification on the economy of the country, as well as the Economic Partnership Agreement between the European Union and the African-Caribbean-Pacific countries. I so Move, Honourable Speaker.

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**TABLING OF REPORTS
HON KUUGONGELWA-AMADHILA**

HON SPEAKER: Can the Honourable Member table the Report? Other Reports and Papers? Honourable Minister of Finance.

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

1. Office of the Auditor-General for the Financial Year ended March 31st, 2006;
2. National Council for the Financial Year ended March 31st, 2006;
3. New Era Publications Corporation for the Financial Years ended March 31st, 2003, 2004 and 2006;
4. Regional Council of the Karas Region for the Financial Years ended March 31st 1998 and 1999;
5. Regional Council of the Karas Region for the Financial Years ended March 31st 2000 and 2001;
6. Regional Council of the Karas Region for the Financial Years ended March 31st 2002 and 2003;
7. Regional Council of the Karas Region for the Financial Year ended March 31st 2004 and 2005;
8. Regional Council of the Oshana Region for the Financial Years ended March 31st 2000, 2001 and 2002;
9. Regional Council of the Oshana Region for the Financial Years ended March 31st 2003, 2004 and 2005.

I so Move, Honourable Speaker.

HON SPEAKER: Will the Honourable Minister table the Reports? Any further Reports and Papers? Minister of Labour.

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**TABLING OF REPORTS
HON !NARUSEB**

**TABLING: ANNUAL REPORT: MINISTRY OF
LABOUR AND SOCIAL WELFARE**

HON MINISTER OF LABOUR AND SOCIAL WELFARE: Thank you, Honourable Speaker, Sir. I lay upon the Table the Annual Report of the Minister of Labour and Social Welfare for the year 2005/06.

HON SPEAKER: Will the Minister table the Report? Any further Reports and Papers? Any Notices of Questions?

NOTICE OF QUESTIONS

QUESTION 104:

HON SCHIMMING-CHASE: Honourable Speaker, I give Notice that on Thursday, the 27th of September 2007, I shall ask the Honourable Minister of Regional and Local Government and Housing the following questions:

Some residents of Uis have appealed to their elected representatives to seek clarity regarding the sale of properties on which they reside to a private and non-resident person. In view of this, would the Honourable Minister please inform this august House, the inhabitants of Uis and the Nation at large regarding the following issues:

1. Is it true that the Ministry was not only aware of the sale but in fact authorised same?
2. Is the Ministry satisfied that the price paid for the property was market-related?
3. Did the Ministry inform people living on the land that the land on which they were living was up for sale?

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**NOTICE OF QUESTIONS
HON SCHIMMING-CHASE/HON MOONGO**

4. Was any effort made to enable the inhabitants to buy the properties on which they lived?
 5. Did they advise the people with regard to the Land Policy and resettlement opportunities to enable the inhabitants of Uis to seek financial support to buy the land of their ancestors?
 6. Were their traditional leaders informed that the land was up for sale?
 7. Would the Ministry be prepared to look into the matter and ensure that the land is returned to the people in keeping with the slogan of the liberation struggle, which says "*give the land back to the people?*"
-

QUESTION 105:

HON SCHIMMING-CHASE: I further give Notice that on Thursday, 27 September 2007, I shall ask the Honourable Minister of Labour and Social Welfare the following questions:

1. In view of the Affirmative Action Act, can the Honourable Minister please inform this august House as to what measures are taken to enforce this Act?
 2. Will the Ministry take any action against the Cell One company which has just appointed an Executive Management team consisting of 7 men and not one single woman?
-

HON SPEAKER: Any further Notices of Questions? Honourable Moongo.

QUESTION 106:

HON MOONGO: Mr Speaker, I give Notice that on Thursday, 27 September 2007, I shall ask the Honourable Minister of Regional and Local Government, Housing and Rural Development the following:

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**NOTICES OF QUESTIONS
HON VILJOEN**

1. Can the Minister confirm or deny that this is the right time to allocate money in the forthcoming Budget of 2008/09 in order to cater for a lack of money and adjustment of salaries of traditional Headmen and sub-Headmen and officials?
 2. Will the Minister take note and be advised to allocate the money while the Budget is being prepared?
-

QUESTION 107:

HON MOONGO: I give Notice that on Thursday, 27 September 2007, I shall ask the Honourable Minister of Regional and Local Government, Housing and Rural Development the following:

1. Is the Minister aware of the exorbitant price of N\$15,000 demanded by Ruacana Village Council from the community who live in the houses and have been paying rent since 1975?
 2. Is that exploitations for houses which was built in 1975? Similar houses in Uutapi were sold at N\$1,000 and similar houses in Oshakati and Ondangwa were sold at N\$100 each.
 3. What is the correct value of the abovementioned houses in Ruacana?
 4. Can the Ministry consider withdrawing the outstanding debts accumulated during the colonial time? Let us close the dark chapter and start at Independence.
-

HON SPEAKER: Will the Honourable Member table the Questions?
Honourable Viljoen.

QUESTION 108:

HON VILJOEN: Honourable Speaker, I give Notice that on Thursday, 27 September 2007, I shall ask the Honourable Minister of Youth, National Service,

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HON VILJOEN**

Sport and Culture the following questions, backed up by a verbatim speech that I am going to refer to.

This question originates from the enquiry into the alleged fraud and misconduct by the President of the Namibian Rugby Union regarding the allocation of tickets for the Rugby World Cup 2007 in France.

On Friday, 14 September 2007, the President of the Namibian Rugby Union was interviewed live on Namibian public radio. He resorted to a hate speech and was inciting racial disharmony. He stated publicly that he will never again allow a white man to be part of the management of the Namibian Rugby Union. He also implied that this is a punitive action for the wrongs of the past. His speech was an embarrassment and disgrace for Namibian rugby. I, therefore, refer to the Racial Discrimination Prohibition Amendment Act (Act 26 of 1998): *“No person shall publicly use any language or publish or distribute any written letter or display any article or do any act or thing with the intent to threaten or insult any person or group of persons on the ground that such person belongs or such persons belong to a particular racial group or cause, encourage or incite hatred between different racial groups or persons belonging to different racial groups”*.

In light of the aforementioned and in light of our pride as a Nation on the performance of the Namibian national rugby team:

1. Is such hate speech and racial remarks made by a president of a national sport union acceptable?
2. Is it acceptable and in the spirit of national reconciliation that a president of a national sport union empowers himself and his management to exclude members on a racial basis from the management of such a sport union?
3. How is the Ministry going to deal with the blatant aggression of the Racial Discrimination Prohibition Act and will this contravention be submitted to the Prosecutor-General for a ruling?

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**NOTICES OF MOTIONS
HON DIENDA / HON KONJORE**

HON SPEAKER: Will the Honourable Member table the Question? Any further Notices of Questions? Any Notices of Motions?

NOTICE OF MOTIONS

HON DIENDA: Thank you, Honourable Speaker. I give Notice that on Wednesday, 26 of September, I shall Move –

That this Honourable House debates the issue of the dumping of babies and what impact it has on our society.

HON DIENDA: I further give Notice that on Thursday, the 27 of September I shall Move –

That this Honourable House debates the issue of school development funds and tertiary education fees, whether these fees are affordable for the Namibian Nation and secondly, whether the doors of learning are really being opened for the learners in Namibia and this Motion be referred to the Standing Committee of Human Resources, Social and Community Development. I so Move.

HON SPEAKER: Will the Honourable Member table the Motion? Honourable Minister of Environment and Tourism?

HON MINISTER OF ENVIRONMENT AND TOURISM: Comrade Speaker, I give Notice that on Thursday, 20 of September 2007, I shall Move –

That leave be given to introduce a Bill to promote the sustainable management of the environment and the use of natural resources by establishing principles for decision-making on matters affecting the environment; to establish the Sustainable Development Advisory Council; to provide for the appointment of the Environmental Commissioner and Environmental Officers; to provide for a process of assessment and control of activities which may have significant effects on the environment; and to provide for incidental matters.

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**MOTION ON NATIONAL RECONCILIATION
HON GURIRAB**

HON SPEAKER: Will the Honourable Minister table the Motion? Any further Notices of Motions? Any Ministerial Statements?

The first Notice of Motion is the one of the Honourable Tsudao Gurirab. Does the Honourable Member move the Motion? Who seconds the Motion? Any objection agreed to. Honourable Gurirab has the Floor.

MOTION ON NATIONAL RECONCILIATION

HON GURIRAB: Honourable Speaker, Honourable Members, I rise to briefly motivate the Motion on national reconciliation.

Honourable Speaker, six months ago, on March 21, this year, we were 17 years down the road called Independence and sovereignty – that is 17 summers behind us in the process of nation-building.

It is Article 1 of our Constitution, entitled the “*Establishment of the Republic of Namibia and the identification of its Territory*” which sets out the geographic limits and the character or, if you will, the DNA of our homeland.

In this regard, I wish particularly to cite four of the six Sub-clauses of Article 1.

- “(1) *The Republic of Namibia is hereby established as a sovereign, secular, democratic and unitary State founded upon the principles of democracy, the rule of law and justice for all.*
- (3) *The main organs of the State shall be the Executive, the Legislature and the Judiciary.*
- (4) *The national territory of Namibia shall consist of the whole of the territory recognised by the international community through the organs of the United Nations in Namibia, including the enclave, harbour and port of Walvis Bay, as well as the offshore islands of Namibia and its southern boundary shall extend to the middle of the Orange River.*
- (6) *The Constitution shall be the Supreme Law of Namibia.”*

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HON GURIRAB**

I would like to repeat the Sub-clause which states: *“This Constitution shall be the Supreme Law of Namibia.”*

Honourable Speaker, I stress the centrality of the Republican Constitution in the conduct of the affairs of the Nation, because when all is said and done, it is this Constitution which must remain the bedrock on the nature, order and civilisation we have elected to fashion in this our country.

Seventeen years remain but only the first timid and uncertain steps – a small advance – in moulding a new Nation rising, as it were, from the ashes of colonialism which defined our existence as a people less than a generation ago. But similarly to child-raising, it is the solid foundation laid or alternatively, the missed opportunities of adolescence which may form the main lasting character and fortunes of our Nation.

Honourable Speaker, Honourable Members, the authors of our Constitution were mindful of the bloody and divisive history which *“midwifed”* our march to sovereignty and nationhood. We have in that sense been to the precipice and did not like what we saw. And it is for this and many other reasons that our Constitution unequivocally prohibits the scourge of apartheid and racial discrimination as set out in Article 23 of our Constitution.

Article 23 must, however, be read together with Article 10 dealing with *“Equality and Freedom from Discrimination”* which states in two short paragraphs:

- (1) *All persons shall be equal before the law.*
- (2) *No persons may be discriminated against on the grounds of sex, race, colour, ethnic origin, religion, creed or social or economic status.”*

Last Tuesday, the distinguished Attorney-General shared some background or history on the genesis of national reconciliation with this Honourable House. Her account, not surprisingly, was legalistic.

I should like to add to this that apart from exogenous factors, such as those mentioned by the Attorney-General, or the 1982 Constitutional Principles, it is above all the all-round desire by Namibians to move away from the precipice which is indeed the foundation of our national reconciliation. Namibians have no desire to be dragged to the bloody and divisive past.

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Honourable Speaker, Honourable Members, given the aforesaid, the Honourable Members may wonder why I raise these matters at all. The short answer is because there is an increasingly unhealthy and intolerable tendency to hijack or appropriate national reconciliation for Party-Political ends.

Some, mostly Government and its front organisations, attempt to portray national reconciliation, at best, as an act of benevolence which is within SWAPO's gift to grant or to withhold. Worse still, it is used as a policy of cowardly blackmail which can be dispensed with should Government or SWAPO or its organs be displeased by political or civic actions of Namibians.

Therefore it is shut up or we will close the shop on reconciliation from SWAPO's side, and this is done in the most vituperative language, threatening violence against all and sundry despite the clearly spelt-out Fundamental Freedoms as set out in Article 21 of all Namibians, for example:

Article 21(1): All persons shall have the right to:

- (a) *Freedom of speech and expression, which shall include freedom of the press and other media;*
- (b) *Freedom of thought, conscience and belief, which shall include academic freedom in institutions of higher learning;*
- (c) *Freedom to practise any religion and to manifest such practice;*
- (d) *Assemble peacefully and without arms;*
- (e) *Freedom of association, which shall include freedom to form and join associations or unions, including trade unions and Political Parties;*
- (f) *Practise any profession, or carry on any occupation, trade or business.*

Despite all this, SWAPO structures and leaders go even further. They seek to proscribe certain individuals or instances in our country. This flies in the face of our Constitution which, like all good Constitutions, requires of us that even when "limitations" are imposed on any "fundamental rights or freedoms", any law providing for such "limitations" shall "be of general application, shall not

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RT HON ANGULA**

negate the essential content thereof, and shall not be aimed at a particular individual.”

Thus our Constitution upholds the general sound legal principle that you do not legislate only to disadvantage an individual.

Honourable Speaker, national reconciliation is a constitutional injunction. It is our Constitution which enjoins us, *“to strive to achieve national reconciliation and to foster peace, unity and a common loyalty to a single state.”*

As a consequence of the above, it is us, as the elected representatives of all our people, who must not only live by the prescripts of national reconciliation, but also do nothing to undermine it because the Nation’s Parliament is the ultimate bulwark in defence of the Republican Constitution.

In this regard we must also not hold any brief for any individual or instance and speak unambiguously and act in a non-partisan manner in defence of our Constitution.

For these reasons, we believe that a clearly spelt-out policy of national reconciliation will be in the best interest of all.

Honourable Speaker, let me conclude, with the words of the Founding Father in his address to the Nation on the day of Independence.

“We can and must go forward in the spirit of national reconciliation, unity and progress. I call upon the Cabinet Ministers and civil servants to tackle with energy the burning problems of unemployment, poor housing, the crisis in education and water supply. Now sovereign and independent, we must work together to achieve a society that provides opportunity and prosperity for all.”
Thank you.

RT HON PRIME MINISTER: Thank you, Comrade Speaker. Let me thank Honourable Emmanuel Tsudao Gurirab for his Motion on National Reconciliation.

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This gives the SWAPO Party an opportunity to inform this august House how this policy came about. Yes, it is contained in the Preamble of our Constitution when we, the founding mothers and fathers of the Republic committed this Republic to strive to achieve national reconciliation and to foster peace, unity and common loyalty to a single state.

This Preamble statement did not fall from heaven like manna, it was born out of the experience of SWAPO as a Party and liberation movement and I want to share with you this experience and I want to talk from the bottom of my heart because I lived most part of this experience myself.

As a young man, at the age of twenty, I joined the struggle and for thirty plus years I have been in that struggle and there are experiences I think some of our young people had not gone through and it is very important to share these experiences so that we know the origin of the policy of national reconciliation. It is not an expedient policy, not at all; it is rooted in the history and the ethos of the SWAPO Party or SWAPO of Namibia.

What is that history? Let me take you through:

That history can be characterised as having three phases as far as the question of peace or war is concerned. Let us retrace our steps as far back as 1958 to 1960 and see what were the ethos or the ideals which drove the SWAPO political programme.

The SWAPO political ideals were drawn from two forces: One is the Gandhian philosophy of non-violence and that philosophy upheld the idea of civil disobedience. That is what Mahatma Gandhi started far back in 1906 in South Africa and he went back to India and applied that political strategy, and it was that political strategy which brought about the Independence of India in 1949 or there around. That ideal appealed to many freedom fighters in Asia, Africa and Latin America. SWAPO was not an exception.

The second ideal was drawn from African nationalism, especially the type of African nationalism which was promoted by Kwame Nkrumah in Ghana, based on positive political action, nonetheless non-violent. SWAPO drew its inspiration from there and it was that positive action of African nationalism which brought Independence to Ghana in 1957. These were the ethos which the founders of SWAPO were guided by.

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When SWAPO was founded it had a minimum programme. First the abolition of exploitative contract labour; secondly the placement of the then South West Africa into the trusteeship system of the United Nations. I want you to remember this history, it is very important for you to understand the evolution of the policy of national reconciliation.

SWAPO was petitioning the United Nations to find a peaceful solution of the Namibian problem. SWAPO even proposed that the trusteeship system should put South West Africa under Canada. I am quite sure Honourable Schimming-Chase will remember that because she was around there those days. SWAPO was committed to a peaceful solution of the question of South West Africa, using the methods of civil disobedience and positive action to mobilise the population of Namibia.

SWAPO even went to the extent that if the trusteeship system could not resolve this issue, let us go to the World Court of Justice and seek justice there, because apartheid South Africa imposed apartheid in Namibia in contradiction with its mandated trust of the League of Nations. We were patient enough, meaning the African nationalists in Namibia and SWAPO in particular.

We patiently waited, hoping that the World Court will decide for justice in order to resolve the South West Africa question peacefully through legal means. The disappointment came. In 1966 the Court sat to deliver judgment, in the Court there was a tie and the Judge President, a fellow called Spender from Australia cast his vote in favour of South Africa. All the routes to peaceful solution were closed.

Meanwhile at home, in 1959 South Africa unleashed violence here in the place you now call Hochland Park. It used to be called the Old Location. They unleashed violence there, 10th of December 1959, those of you who do not know the recent history of Namibia. At the end of the day more than ten people were killed and ten scores of others were injured. That violence was not started by SWAPO, it was started by South Africa.

At the same time SWAPO leaders, like Andimba Toivo ya Toivo were perished and put in the hands of the tribal authorities, chained, tortured and what have you, not because they threw a stone to anybody, simply because they talked about the idea of South West Africa to be taken out of the hands of South Africa. They were not even demanding Independence that time, they were just saying that

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South African has abused its trust as a mandate. Therefore, South Africa does not deserve to rule Namibia.

These nationalists ended up either forced into exile, imprisoned or banished. That is the violence perpetrated by apartheid South Africa against the peaceful demand of the SWAPO Movement.

Then the back of the camel, as it were, was broken by the decision of the World Court. There was no any other peaceful route. The United Nations could not see its way through the trusteeship system to place South West Africa into the trusteeship system, the World Court could not see its way to rule justly in favour of the oppressed people. What do you expect the oppressed people to do now? They have to resist.

It is on that basis that today we are commemorating August 26, 1966 when the Peoples Liberation Army of Namibia launched the armed struggle in defence of the interest of the Namibian people. We are talking now of the first phase of the armed struggle, 1966 to 1981. What happened there?

What happened during that period, first of all apartheid South Africa enacted the Anti-Terrorism Act, retrospective back to 1960 to try SWAPO leaders and truly, they were tried and imprisoned. Ya Toivo and his group went to Robben Island, some sentenced to life sentence, some imprisonment ranging from five to twenty years and at home general campaign of terror was waged to silence the voice of freedom.

We are talking here about colonial violence perpetrated against people who were demanding what is just – the return of their homeland and to regain their dignity as a people and freedom. That is what we are talking about.

You will realise now that systematically, especially from 1968 upwards, the country was being militarised and the country became a military state whereby colonial violence reigned supreme. The people of Namibia had to resist to defend their interests, not because violence was their option, simply because there was no any other option. You realise that, you cannot deny that.

Fine, the struggle went on. In 1975, 1976 or there around – Comrade Ben Gurirab or Comrade Hidipo could correct me. The 5 Western Powers decided they had to do something about Namibia, to negotiate some kind of end to

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violence and for Namibia to achieve Independence with less violence. Those negotiations went on and went on until Resolution 435 was agreed to by the United Nations Security Council.

Comes now early 1981, the Contact Group organised negotiations with the purpose for South Africa and SWAPO to sign a ceasefire. The SWAPO delegation went to Geneva with a clear mandate to sign a ceasefire because SWAPO wanted to end the violence. As the SWAPO President stood up to say, “*yes, we are ready to sign the ceasefire*”, Pienaar or whoever was there, Kaura was part of the delegation, they stood up and *said it is premature*. He was part of that colonial violence. (Intervention)

HON MOONGO: May I ask the Honourable Prime Minister a question? It seems he is doing well in motivating the reconciliation, but if there was reconciliation in the minds of SWAPO, why did they want a one-Party Government in exile and they rounded up other Political Parties which were also in exile? Why?

RT HON PRIME MINISTER: SWAPO never had a Government in exile. It never desired for one and it never fought for one, never ever. The only nationalist movement I knew that had a Government in exile was something called GRAE of Angola of Holden Roberto.

However, SWAPO’s struggle was legitimate and SWAPO was recognised as the sole and authentic voice of the Namibian people because of the legitimacy of the struggle. They were prepared to defend and to sacrifice. That is the point, it is not about a Government in exile, there was nothing like that. I was saying, in January 1981 SWAPO was ready to sign a ceasefire to stop violence but this was rejected. Kaura was part of the rejection, led by Pienaar or whoever, one of these so-called Administrators, or was it Van Niekerk? It was one of those. Anyway, it does not matter, it was South Africa in any case. South Africa rejected.

After rejecting that, under the protection of Reagan – that was the same year Reagan came to power – and Reagan was determined to crush what he perceived to be world communism and South Africa got a signal from there, that now they are going to get the support from the Americans and put SWAPO into the groove as a communist terrorist organisation and the Americans believed that and true to

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type, they gave political, material and moral support to South Africa to deal with SWAPO and other liberation movements in South Africa.

Therefore, South Africa had the audacity to adopt a policy of total onslaught. What did “*total onslaught*” mean? That was the highest form of colonial violence against the people. Murder squads were created, neighbouring countries were invaded, false guerrillas were trained, Koevoet was born, the so-called Territorial Force was born, all the evils were born and the massacres were committed against Namibians at home and abroad. That is the violence we must talk about, and you expect now the African people just to accept this violence quietly? It cannot happen. It cannot happen. The point I am making is that SWAPO’s self-defence against violence was created by the colonial violence of the apartheid regime in Namibia. That is the issue we must address. Had we signed a ceasefire in 1981, this dungeons you like to beat, called SWAPO dungeons, could not have been there. I can assure you of that. We could have achieved our peace by that time. This thing is a product of total onslaught when neighbour was put up against neighbour, brother against brother, son against father and everything else upside down in order to crush the spirit of liberation. Perhaps he was part of the colonial violence, I do not know. (Intervention)

HON TJIHUIKO: Honourable Speaker, may I ask the Right Honourable Prime Minister a question? Two questions: If I got it right at the conclusion, he was saying that I was also part of the colonial machinery. Is that correct? Did he say that?

RT HON PRIME MINISTER: Perhaps you are feeling guilty. (Intervention)

HON TJIHUIKO: Because I have to answer that if I feel guilty, because I was a student in the United Kingdom and I was a victim of SWAPO policies, for your information. Coming to my question, the Right Honourable Prime Minister is doing well, extremely well, the problem is, do you not think that the history that we have been speaking about for the last twenty minutes is the old every-day SWAPO information propaganda on television and radio and everywhere? Can you as the Prime Minister please come to the point and address the issue of

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reconciliation, the way SWAPO sees it after seventeen years after Independence? The history is very good, no question about it, but we would like to hear from you, Right Honourable Prime Minister, where are we, where are we going to be in the SWAPO care after seventeen years? That is all what we want to hear from you, the history is okay.

RT HON PRIME MINISTER: Honourable Tjihuiko, I suppose you were here when I started talking. I suppose you were here when I started my intervention. I was responding to Honourable Tsudao Gurirab who implied in his motivation that somehow this Preamble paragraph fell from heaven. It did not fall from heaven, it is a product of the SWAPO experience and it is that experience I am talking about. This is the product of SWAPO experience and that is the experience I want to explain to you, so that you understand it, so that we have a common frame how this policy came about. I am getting there.

I am now at the period of total onslaught. From 1981 to 1989 that was terrible. One of the SWAPO comrades said, *“do not trust your shadow because you do not know who is behind your shadow”*, because that total onslaught was to crush SWAPO by all means and to do that, a programme of infiltration was initiated to infiltrate SWAPO, to find out where they are and to bomb them and several times our rear bases in Angola were bombed, like the bombing of Cassinga and other places, including Lubango. Where did the enemy get this information?

The enemy got that information from some of our people. You cannot deny that, it is the truth. As a result, in the process of self-defence SWAPO had to take action to defend itself even within its own ranks. It was a painful decision, but it was a decision that had to be taken to defend the struggle. In the process, of course, many other comrades could have been caught in the crossfire, innocent as they were. That is the tragedy of war, unfortunately. I feel the pain of Honourable Gertze there, but unfortunately that was the tragedy of the war. SWAPO was however also wise to say, *“look, we have no way of proving about everybody’s possible guilt, the best we can do is to keep these fellow citizens alive so that we can take them back home.”* SWAPO took a conscious decision about that.

I was at this point of the tragedy of the struggle. Like many other struggles, every struggle has its own tragedies. It is a painful experience in the life of our

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liberation struggle, however it is an experience everybody wanted to avoid. That is why SWAPO was not prepared for the escalation of the war beyond 1981.

However once again, like in 1966 when the peaceful means of resolving the case of South West Africa through legal means were dashed, in 1981 the same thing happened on the political plane. South Africa refused to sign a ceasefire with SWAPO. Instead they opted for intensified violence and people suffered, lives were lost, properties destroyed, people forced not to trust each other anymore. 1981 to 1989 was painful. It was a painful period.

Eventually in March 1989 SWAPO received a note from the Secretary-General of the United Nations, after the battle of Cuito Quanaavale and other reverses against the enemy, the enemy was ready to sign a ceasefire. SWAPO met in Luanda and said *yes, we are going to sign a ceasefire but what are the political conditions in Namibia right now?* The political conditions were conditions of violence whereby the war was actually Namibianised, the war was Namibianised. There are Koevoets there, there is the Territorial Force, there are those who were involved in the Bantustans, there are those who joined Ezuva, Etango, the ideological groups. (Intervention)

HON MOONGO: On a Point of Order. Some of us are committing ourselves to true reconciliation and I would like to ask the Prime Minister whether the SWAPO Government was ready only to reconcile with South Africa or were they ready to reconcile with their fellow Namibians, like Shipangas and those families who suffered losses? Was the SWAPO Government ready to meet the others? Did SWAPO talk to the Shipangas and others?

RT HON PRIME MINISTER: My brother, I am talking about serious things here, I am not in the mood to politick today, I am not politicking at all. If I want to politick I can also do it and mention names, but I am not going to do that because this is too serious to be taken to that level.

SWAPO now analysed the situation at home. We had our own people who were suspected of working with the South Africans, what are we going to do? Then SWAPO consciously resolved that the war was imposed on the Namibians by a foreign power, the foreign power is going to leave, we have to find a way to live

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with those brothers and sisters who were misled by the foreign power which is departing.

The policy of national reconciliation is not directed at South Africa, not at all, it is directed towards creating a conducive environment for us to move forward and not backwards into history as some of you want us to do. Therefore, SWAPO said, "*comrades, we must turn a new page, we must turn a new page and that new page is to reach out even to those brothers and sisters who fought on the other side*" and that is true to the character of SWAPO. SWAPO is one of the organisations which is forgiving, I can tell you.

Honourable Moongo, if you decided today to leave DTA and seek a new membership of SWAPO, nobody will deny you that. One thing SWAPO is proud of is that SWAPO has been a tolerant organisation. Things have been happening in SWAPO but those who erred.... (Intervention)

HON SCHIMMING-CHASE: May I ask a question? Right Honourable Prime Minister, I think that you are not only talking about history, but the Right Honourable Prime Minister is perhaps making history today. While we may disagree on some of the facts of the history, they are not important. I would like to commend the Right Honourable Prime Minister for wanting to make history today and the admission that there are those victims who became victims of the crossfire. That is a historical statement and SWAPO being the Party that it is, Right Honourable Prime Minister, is it not perhaps the time that those who were innocent are declared innocent? Because is that not true reconciliation? The first step towards reconciliation is to admit that a mistake was made. The second step is to say, let the innocent be found innocent. Is this not the time?

RT HON PRIME MINISTER: I was saying, one thing some of us are proud about the history of SWAPO is its capacity to forgive and to accept.

At one time there was a big rebellion in SWAPO, in 1975, 1976. Some of the very people who were at the centre of this rebellion were accepted back in SWAPO and some of them are holding high positions today in the SWAPO Government. It is a fact. The same thing with some of the Namibians who were suspected of probably working with the enemy. After Independence they have

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been accepted back, nobody forced them, and some of them are leading institutions of very great national importance in the private sector and in Government and parastatals.

SWAPO has that capacity, that is the SWAPO we know, to say, "*fine, it is life, sometimes we make mistakes.*" SWAPO never said that SWAPO never made mistakes, never ever. We are human-beings. Especially when we were in the smoke of fire, the probability of making mistakes was very high, but the capacity of SWAPO to forgive has been historical, you cannot deny that.

Even some of the fellow Namibians who at one time or another were misled by the enemy here at home, SWAPO said that is history, let us march ahead. We accepted them in our ranks.

If Honourable Tsudao Gurirab finds it tough in CoD, come back home. You will be accepted with wide arms in the SWAPO family to which you belonged before. You know that capacity SWAPO has.

Therefore SWAPO now said, "*let us turn a new page and when we go home, we had enough violence, let us now embrace peace and move forward.*" This period of national reconciliation you have to connect it back from the original ethos of SWAPO of non-violence. If SWAPO had a choice in history, SWAPO would never have gone to war. This war was forced on SWAPO, you know that, and I have sketched the history, how it came about. Violence was not a choice, it was enforced on SWAPO. After all, SWAPO didn't have manpower that time.

I remember when I was at the Eastern front when I finished my studies at the University of Zambia in 1973, in our battalion we were 16, where do you get battalion of sixteen? Everybody was a platoon commander. One or two were section commanders and then they were a battalion. We did not even have manpower to launch a war, but finally we should appreciate what SWAPO has been able to achieve despite provocations, policies of total onslaught, imprisonment, killings, propaganda.

I remember in 1965 the Boers used to drop leaflets there, making propaganda against Ya Toivo and that thing continued and continued. (Intervention)

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HON MOONGO: You are talking about forgetting the past. Did the Prime Minister end up in detention in exile, yes or no?

RT HON PRIME MINISTER: As Comrade Ya Toivo put it in the Pretoria High Court, *“the struggle will be long and bitter, but my people will carry it out.”* The struggle was long and bitter. If you waiver, the revolution has to protect itself, brother. The revolution has to protect itself, otherwise it will die, it will be defeated. Therefore it must be clear, when you walked to that border to go that way, you go straight. If you go that way, the struggle is being compromised. Unfortunately that is the nature of the struggle. (Intervention)

HON MOONGO: Did you forgive each other?

RT HON PRIME MINISTER: Yes, we forgive everybody, we never instituted a Nuremberg here or anything like that. We said *fine, we know what you did to me, but fine, let us move ahead.*

As I was saying, you should give credit to the leaders of SWAPO. It is very important for you to know, SWAPO was founded by ordinary workers. They identified among themselves the workers who were a bit advanced and made them leaders. However these workers who were a bit advanced were never trained in leadership, they had to learn through doing. It is a start and you know how they built the Party. Each one of you have to bring your strength to the Party as we learn as we go on. Some leaders were very charismatic, let us push. Some were ideological, some were strategic thinkers, Peter Nanjemba, some were very persevering, Andimba Toivo ya Toivo. Despite everything he never left the country. He said, *“I brought the idea of liberation to my people, I must continue to mobilise them until the point when the armed struggle is launched”* and of course, he had to face the consequences on Robben Island.

Those days there were no free riders, everyone had to bring something, your strength or whatever you had and it was the collective effort of this personalities and their strength which eventually made up what SWAPO is, not because these people were trained in leadership or in whatever it is. In fact, those of us who were very young students were sent to schools and we were only able to make an

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impact in the late seventies. However all along the struggle was carried on the shoulders of these advanced workers.

It is very important to understand that because there are those who try to victimise SWAPO, to say SWAPO is not democratic, SWAPO is not what, what and Henning Melber is one of them. He is out of order in Sweden there. (Intervention)

HON MOONGO: The Prime Minister is informing us properly and I am happy. I would still like to ask a last question. Since the admission that there was not proper training in administration and that is why we maybe came up with the dungeons, who should account for those who died in the dungeons that there was no proper training in administration and that is why we maybe came up with the dungeons, who should account for those who died in the dungeons?

RT HON PRIME MINISTER: My friend, I told you that the dungeons were the tragedy of the struggle, the tragedy which was hatched by the total onslaught. You must understand this. That is a tragedy which was hatched by total onslaught. SWAPO had to defend itself to survive the total onslaught. Unfortunately, like the war itself, it was tragic.

Honourable Members, when we talk about the policy of national reconciliation, this is something that has evolved through SWAPO through the years of the struggle, through suffering and at the end of all of it we said, let us embrace each other so that we can face the future.

To us national reconciliation is a faith, the hope for the future. It is not something done for political expediency, no. That is why you find it in the Constitution here. It was not put there by any other Party but by SWAPO. Nobody can claim its origin anywhere in Namibia but SWAPO.

Honourable Members, having shared with you my life experience as a SWAPO cadre, I hope you have also learnt what SWAPO is all about and what has kept SWAPO going. I am quite sure if the Founding Prime Minister could stand up and tell his experiences, there would be richer experiences, but his would even be richer than mine. So is Comrade Hidipo, he is around, so is Comrade Speaker, they are here, they are the witnesses of what I am saying, that this national

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reconciliation is something which came about through hard thought, that this is the road to the future and that is what guided SWAPO in signing the ceasefire which triggered the implementation of Resolution 435. Thank you for that understanding.

HON ULENGA: Thank you, Honourable Speaker. I would like also to rise and make my contribution to the Motion on the floor. Even though it was not my initial intention to talk on this Motion today, I must say it is really through – I do not really want to call it provocation, but I want to say stimulation from what the Prime Minister had to say, that I decided to stand up and make some remarks on the Motion on the Floor.

Honourable Speaker, it is a pity that a big person, in the person of Namibia's Prime Minister, has to diminish both himself and the occasion by deciding, instead of talking on behalf of the Government, as indeed he is the Leader of the Government in the House, he decides to speak Party-Political, starting by saying he is talking about the experiences of SWAPO Party.

However, Honourable Speaker, I must say from the outset, the Prime Minister said a number of very significant things, but a number of very unhelpful statements too.

In the first place, Honourable Speaker, the history of this country, as you and I and others know, cannot be diminished to the history of SWAPO. The history of this country, indeed, did not start in 1959, neither did the history of the struggle, as far as Namibia is concerned. (Intervention)

RT HON PRIME MINISTER: On a Point of Information. Honourable Ulenka, I was talking about the genesis and the origin of the policy of national reconciliation, which clearly has its origin in the nature of what SWAPO has been. I am not talking about the history of Namibia. I can do it if you want me to do so, but this time I was not talking about that.

HON ULENGA: Honourable Speaker, democrats speak and allow others to speak too. I said here...(Intervention)

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HON P MUSHELENGA: On a Point of Order. May I ask Honourable Ulenga a tiny question? Taking it from the statement that democrats speak and allow others to speak, I want the Honourable Member to inform this House whether there is now peace and reconciliation in the CoD?

HON ULENGA: Honourable Speaker, as I was saying, I have deliberately avoided to interrupt the Honourable Prime Minister and he himself knows that sometimes it can get out of hand if it goes on like that in the House. I kept quiet because I wanted to give respect and wanted to listen to what the Prime Minister was saying and I really felt that the Prime Minister, being who he is, should have used this opportunity to speak from the mouth that speaks for the Government of Namibia and not necessarily Party-Political mouth. There are others who can speak on behalf of SWAPO in this House and their positions are recognised as such. (Intervention)

HON MINISTER OF JUSTICE AND ATTORNEY-GENERAL: Comrade Speaker, may I ask the Honourable Member a question? Honourable Ulenga, thank you for allowing me to pose a question to you. Do you agree with my statement that all of us here became Members of this House on the Party List system? Do you agree with me?

HON ULENGA: Yes, Honourable Speaker, Sir, I know there are those of us who are tickled endlessly by the travail that is going on in the CoD right now. I would invite those who want to talk about it on the Floor of the House to introduce any Motion or any issue. Right now we are talking about the policy of national reconciliation.

Honourable Speaker, the Prime Minister is saying that he takes national reconciliation to the experiences of SWAPO. I beg to disagree. The history of Namibia, as I was saying, did not start in 1959, neither did the history of the struggle start that date, nor indeed did the history of national reconciliation as a concept start there. It has an even longer history than the history of Namibia's struggle. Humanity learns one from the other and I am not surprised that Namibians eventually have taken a leaf from other people's books. Therefore, in that sense there is nothing wrong with Namibia adopting the policy of national reconciliation.

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However, Honourable Speaker, we need to learn, we may be so rich in many other things, including our own Political Parties, including SWAPO. We may be so rich and so good at a lot of things, but there is one essential thing, Honourable Prime Minister, that you also have to adopt sometimes – the art of humility, the art of humility. Do not be unnecessarily boastful on issues which belong to the whole humanity. How does SWAPO come to claim the ownership of national reconciliation when it is enshrined in the Namibian Constitution?

Honourable Speaker, the Namibian Constitution is a document of national stature, it is a document authored by the mothers and fathers of the Nation. No single Political Party has the right to claim singular and exclusive ownership on any of its articles. (Interjections)

HON SPEAKER: Honourable Members, we started very well, very methodically, very rationally. Let us keep it at that level. Disagree, but with mutual respect towards each other.

HON DEPUTY MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: Honourable Speaker, on a Point of Information. Humanity and humility does not stop one to identify yourself as you. Thus, the Constitution is a document which came up out of compromise, it was done by various Political Parties, but there is no crime in one saying that “*myself and my experience to this document is like this.*” Only those who made no contribution would perhaps shy away from saying that. There is nothing wrong with that.

HON ULENGA: Thank you, Honourable Speaker, and thank you very much for asking us to show mutual respect and I am saying that I think I have shown enough of that by not interfering unnecessarily with the speeches of others.

I have hastily scribbled some notes on my page here merely because I feel that I need to say some things after the remarks made by the others in the House.

Honourable Speaker, in the first place, I already said that the history of this country started long ago. There has been struggle before 1959, there has been struggle, there has been worse, worse things in this country, some most probably

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not even known by all of us in this House. Unfortunately we have a country that has a history that stretches beyond the ages, but we do not have a culture and a tradition of written history. So, let us not stand here and perhaps deceive ourselves and say that only those things that happened within our lifetimes were the most important in the history of this country – on the contrary.

Honourable Speaker, when you put up a building, definitely all of it is the work of individual hands. Each and every single brick in a building like this one was carried there by a single hand, but once the building is complete, it will be foolishness indeed for individual builders to come and say they want to count out their bricks, because a building is made by all the workers.

Honourable Speaker, let us not look at reconciliation as a measure of the forgiveness, of the capacity to tolerance of a particular Party. (Intervention)

HON MINISTER OF GENDER EQUALITY AND CHILD WELFARE: On a Point of Order. Comrade Speaker, we cannot try to play political games and try to derail the focus of a mighty Party like SWAPO, number one, and in the Bible, in Haggai, people were building for 15 years and some disruptive people were trying to derail them, but they had courage because they knew where they were moving. This is what SWAPO is. It is impossible, we cannot come with impossible comparisons of counting bricks. We are not counting bricks, we are talking about victory of a building standing there, a glorious building.

HON ULENGA: God Almighty! Honourable Speaker, I was saying, it is for all of us to ensure that the policy of national reconciliation that is enshrined in the Constitution does not become a measure for the tolerance or the capacity to forgive of one particular individual. It is true that in history there is the role of individuals. If we are interested in that we can count them by the hand, we can make lists of individuals and their individual achievements. However, Honourable Speaker, there is that that goes beyond individuals, despite the fact that individuals make a contribution.

The national reconciliation policy is an injunction of the Namibian Constitution, with it a sanction that calls upon all Namibians, irrespective of Party allegiance, irrespective of personal history, irrespective of anything else. We want to own it all, Namibians here in the House and outside do not want to be told that this

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policy belongs to a particular Political Party, because they own it, they appropriate it as their own. It is a national policy of reconciliation with all its inadequacies, if any, with all its shortcomings, with all its perfections, if any. It is a policy that we take ownership of as a Nation. Do not tell us that is it a SWAPO thing or it measures SWAPO's forgiveness. (Intervention)

HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: Comrade Speaker, may I ask Honourable Ulenga a very tiny question? Honourable Ulenga, on a very serious note now, particularly taking into consideration all those things that you said and that you are saying, would you say that it is wrong, knowing that the Namibian Constitution, which is our Supreme Law, is indeed the Supreme Law of the country, that we are right also to say and hail those drafters, that we say the mothers and the fathers who can claim that they were there at the drafting, would you say that is wrong?

Secondly, also on a very serious note, would you really tell the public, because here in Parliament you are talking to the public, would you honestly tell the public that what the Prime Minister has said today is not what you were saying when you were Deputy Minister of Regional and Local Government and Housing?

HON ULENGA: Honourable Speaker, my Colleague, former inmate "*tronkvoël*" (*jailbird*) John Pandeni, it is of course okay for the Prime Minister to speak the way he was speaking. I am dealing now with the question of appropriateness. You can say all the wonderful things, you cannot however have your speech for a wedding and go and deliver it at a funeral. Everything has its appropriate occasion. If the things that the Prime Minister said with regard to SWAPO, like for example when the Prime Minister was describing the event in Geneva – the event in Geneva you will remember very well, we listened to it there in prison when the Honourable Kaura was saying they will hasten back to go and repair Sam Nujoma's mother's water pipe which has been blown up by terrorists. Those are alright. The Prime Minister however, being a Prime Minister, should speak appropriately.

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Here we are not standing up to sing the praises of one Political Party, here we are... (Interjections). That is my humble opinion. I have nothing to answer to anybody.

As I was saying, picking up on Honourable Pandeni's question, I can say a number of things about past experience and history. I hope I will say these things on their appropriate occasions. When I talk about achievements of the struggle, that is when we sit down and talk about the achievements of the struggle.

Mind you, Honourable Speaker, the people who wrote down the Constitution of Namibia will sometimes stand up – I am saying it is human nature – and want to claim too much, that particularly they were the fathers and mothers of this Constitution. They were doing this in representative capacity. Namibians, as a Nation, went to the polls and elected people to represent themselves. Therefore Colleagues, even though we were there personally, let us not be carried away too much by that fact. This Constitution was written by Namibians, those who put pen to paper were writing it on behalf of all other Namibians. Above all, it is the Nation that has achieved, not individuals. (Intervention)

RT HON PRIME MINISTER: On a Point of Information, Honourable Speaker. I did not talk about the Constitution, I am talking about the subject of the Notice of Motion by Honourable Tsudao Gurirab and that subject is reconciliation, and I said, how did this subject end up in the Constitution? It has an origin. You will recall that before the Constitution Committee met, DTA stood up in this House and moved a Motion that we should use the SWAPO Draft Constitution as the basis for drafting a national Constitution. Do you recall that?

HON ULENGA: Yes Honourable Speaker, indeed, it is only seventeen years ago, I remember things that happened far longer than that. Let us not misunderstand each other and let us keep a certain appropriate level in these discussions. I am not trying to cut down everything that the Prime Minister said.

In an answer to Honourable Pandeni, indeed, both when I was Deputy Minister and even now, I will stand up and make certain statements concerning Namibia's history and the struggle. In my view, the struggle for Namibian Independence was not a SWAPO issue, it was an issue of the Namibian people. SWAPO has always been there in a representative capacity and the struggle, my dear friend, as

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you well know, is not limited to SWAPO as an organisation or a Party. It did not start with SWAPO, it did not end with SWAPO, it still continues despite the fact that some of the SWAPO people are wallowing in fat right now. Thus, the struggle continues as you well know, it was not born together with SWAPO, it does not die with SWAPO. SWAPO is a participant in the struggle just like anybody else. (Intervention)

HON MINISTER OF JUSTICE AND ATTORNEY-GENERAL: On a Point of Information, Honourable Speaker. This is exactly what I have seen starting not long ago, a distortion, total distortion of the history of SWAPO. Why? What is all this? Seventeen years down our history there are forces that are determined to distort and reverse what SWAPO has done to this country. Whether in representative capacity or whatever you call it, SWAPO did everything for us to be here today. That is a fact!

HON ULENGA: Thank you very much, Honourable Speaker. With all due respect, apparently the Honourable Attorney-General has a very short memory. However, I agree with you.

HON SPEAKER: Will you accept a question?

HON ULENGA: After I have answered. I said I agree, there will be a time for those who want to speak on behalf of SWAPO and sing the praises of SWAPO's victory. Whether SWAPO did everything for us here or not, that is not the occasion now, and remember, with all due respect, this is your own opinion, my dear friend, Namibia is large and there are other opinions as well.

Honourable Speaker, what I am pleading... (Intervention)

HON MINISTER OF LANDS AND RESETTLEMENT: May I ask a question? Honourable Ben, we have travelled a long way together, even before Independence, from the seventies and even before you went to jail. I was in Walvis Bay, you were up North, but we were speaking the same language, telling the people that the struggle is being waged by SWAPO, including you yourself.

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After you were released from Robben Island you addressed many SWAPO meetings, including the MUN meetings, where you also told the workers of this country that the struggle is led by SWAPO and nobody else. Even after the 1989 election that was very crucial, you also addressed the workers and also public rallies of SWAPO, telling the people, *“vote for SWAPO, it is the only authentic representative of the Namibian people.”*

After 1990, even before this Parliament was renovated, when it was still a horseshoe, I was the Deputy Minister of Local Government, you were still a backbencher that time before you became Deputy Minister of Local Government, after I went to the Ministry of Home Affairs, in the 1994 election you mobilised many Namibians, believing your words that SWAPO is the only authentic representative. You mobilised them. Now today you are telling us that the struggle was not waged by SWAPO.

In the sixties many people went over, SWAPO was abroad, SWANU, NUDO. In 1978 when this so-called Administrator-General – that time both of us were on the island – came with this so-called amnesty, many members, like Kaura, Moongo, Honourable Schimming-Chase, all of them changed because of the reconciliation of South Africa and only SWAPO remained fighting until a ceasefire was signed by the President of SWAPO. It was signed by Pik Botha in New York and it was signed by President of SWAPO, Sam Nujoma, in Luanda. It is as a result of this ceasefire that was signed that 435 came into being. If SWAPO did not sign the ceasefire with South Africa, Independence would not have been here. Which other Political Parties were here?

From 1968 up to 1979 – you were the last one coming to the island in 1979 – only SWAPO members, except Veii of SWANU was arrested in 1966 when he addressed a meeting in Swakopmund after Ya Toivo and others were arrested when they said, *“the sweeter the blood, the sweeter the victory.”* For those words we were arrested.

Besides that, how many people of other Parties were on the island or at Osire? All the others claim but they do not know the inside of the security office here in Windhoek except SWAPO members. Now you claim it was not waged by SWAPO?

HON ULENGA: Honourable Speaker, can I continue? (Intervention)

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HON SCHIMMING-CHASE: May I ask Honourable Ulenga question? Honourable Ulenga, you spent a lot of time with Honourable Ekandjo in prison. Is it possible that Honourable Ekandjo lost some of his memory in prison? If he talks about people who were in jail as only SWAPO members and mention Nora Schimming-Chase who was here, is he aware of the fact that Nora Schimming-Chase saw to it that he had food when he came out of prison and that she bought his wife's wedding dress?

HON ULENGA: Honourable Speaker, the point that I am making...(Intervention)

HON MINISTER OF LANDS AND RESETTLEMENT: Through you, Comrade Speaker, I would like to express my appreciation for what Comrade Nora said. I never spent a cent for my wedding twenty-two years ago, it was organised by SWAPO and the Council of Churches and she worked very hard I comment and I salute her.

HON ULENGA: Honourable Speaker, it is a pity that an occasion where we are supposed to – like the Prime Minister was talking – address serious issues is brought down to nonentities, non-issues. However, one thing that comes out that is very important and that the Honourable Jerry Ekandjo himself ...(Intervention)

HON DEPUTY MINISTER OF JUSTICE: I just want to say something on a Point of Information. Apparently my fellow freedom fighter – as he then was – has a short memory and I am surprised that he is mentioning that SWAPO was not the sole and authentic representative of the Namibian people. I recall when we met in 1975 somewhere in Angola and then we moved to Zambia, during that time the Prime Minister was at the camp at Lusaka Farm, we went together from there, I went together with Ben Ulenga to the Soviet Union for military training and during that time we were all singing SWAPO revolutionary songs and Ulenga was in the forefront of praising SWAPO. When we came back from military training, we went to Angola, we went to Zambia, we were kept at

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Mununga, we were very agitated, we wanted to fight but we were prevented by President Kaunda. During that time there was this so-called constructive engagement and Kaunda was negotiating with Botha. The information is that from there we came to Angola. Do you remember the hardships and difficulties we faced there and you left us there in the name of SWAPO. Now this is surprising, all those sacrifices and now you want to extricate yourself from the struggle, from the rich history of your own struggle in which you have suffered. It is really shameful. Thank you very much.

HON ULENGA: Honourable Nujoma, I remember those things you are talking about there. Even though it is a long time ago, I can see you are messing up a few things. The role played by SWAPO as a national liberation movement to free this country is not to be denied. Please do not interrupt. (Intervention)

HON SPEAKER: Minister Ekandjo asked whether Honourable Ulenga remembers the things that he said and that is what Honourable Ulenga is addressing.

HON ULENGA: I can go down the memory lane and mention a few other things that you did not mention here. Remember in the Cuban camp in Luanda when the President of SWAPO then, later the President of Namibia and your own dad came into the camp and asked us, we were more than a platoon, we just had lunch but the lunch was very little, nice good Cuban food but very little, we were very hungry, and he came to us and he asked us, “*did you have lunch?*” We were just about to say yes and one of our naughty ones stood up and said, “*no, we did not have lunch*” and the SWAPO President who was a leader of a national liberation struggle walked out in a jiffy, just speedily and he went to summon the Cuban commander and he said, “*why did you people not give lunch to my comrades?*” The particular one who said we did not have lunch was in for it that particular day. There are many things that we can remember. What I am pleading – and I am pleading – when we were struggling and as we still continue to struggle, the struggle was not for personal claims. We were not going to claim back any policy, any freedom. Freedom is for free. Freedom is going to be sung

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from all Namibian mouths. Freedom is not by association, freedom is not by association with either SWAPO, SWANU, UDF, DTA or any other organisation. (Interjection)

Of course, I remember, there is nothing that I need to be reminded about and I can tell you that there are sizes and sizes. SWAPO right now, which is a Political Party, if you talk about SWAPO of the sixties, the seventies and the eighties, this was an organisation organised to free a country. It was a body of Namibians. That is why we were there, not to now come and claim ownership and leave the Namibian people alone. (Intervention)

HON DEPUTY MINISTER OF HOME AFFAIRS AND IMMIGRATION:

If I get the Honourable Member right, he is telling this House and the Nation at large that freedom is for free, yet we are saying “*their blood waters our freedom.*” Freedom is not for free.

HON ULENGA: No, you got me wrong. It does not mean that freedom did not cost anything, that is not what I am saying. I am saying freedom belongs to everybody, you cannot limit it once you have given it.

That is what I am saying. I am saying that freedom is not by association, my dear friend. (Intervention)

HON NAMBAHU: May I ask the Honourable Member a small question? Honourable Ulenga, is there such a thing such as politics of envy?

HON ULENGA: Indeed, Honourable Speaker, if we can go to a situation where we can start cutting apart the Namibian Constitution and say Article 17(b) and (e) and (f) are mine, if we get to that stage, then there is politics of envy. What we are saying right now is that all Namibians were subjected to the same conditions of oppression, all Namibians, and all Namibians, many Namibians stood up, organised themselves into organisations. (Intervention)

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HON DEPUTY MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: On a point of information. Really it is a pity, because after the Honourable Prime Minister has spoken, I thought I would speak, but unfortunately Comrade Ulenga has taken it all out of the window. Honourable Ulenga said there should be no distortion of public issues and the role and contribution of people. If you yourself feel that you have contributed zero to the public good, do not envy others who have contributed to the development of public good and who are talking about their contributions. If you refuse to go to the railway, and there are those who went there, do not feel bad when they are talking about their contribution. They are not denying you to use the railway. Do thus not worry about SWAPO when he is talking about his contribution. It did that on behalf of those who contributed and those free riders. Thank you.

HON ULENGA: Honourable Speaker, there are no free riders in freedom. (Intervention)

HON DEPUTY MINISTER OF EDUCATION: On a Point of Information. Honourable Speaker, I just want to give information to this House, I was on a journey, I should have left 16:30 and I was waiting for the dust to settle. When an elder speaks in Africa we used to say we should let ideas sleep. When are we in this august House going to allow ideas to sleep and when the ideas sleep and then the next morning they wake up, they are better. I just want to wish this august House to allow ideas to sleep. I thank you.

HON SPEAKER: You are appealing to common sense. Deputy Minister, when the Honourable Members rise I am duty-bound to hear them out and give them the Floor. The management of the House is the responsibility of the Party leaders and the Whips of the Party. If you do not rise, I will not recognise you, if you rise, I must recognise you. That is my duty.

HON ULENGA: Honourable Speaker, as I was saying, just like freedom, national reconciliation cannot be conditional. There are no conditions to national reconciliation. (Intervention)

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HON KAIYAMO: On a Point of Information. I have an understanding for what Honourable Ndjoze-Ojo has said, that when an elder stands up we respect, but when the elder is attacking with untruths, we have to defend the Party. All I want to say is, Honourable Ulenka, some of us were there, we know exactly what we are talking about. We have been there. When you came from Robben Island, you knew exactly what I am talking about, it was SWAPO members, SWAPO leaders who took care of you. Some people were assisted by Nora and others, but the majority of these people were SWAPO and together they were involved in programmes of the Party, led by SWAPO. Now you are telling the world that it is not SWAPO who brought Independence. You are insulting our intelligence.

HON ULENGA: No, Honourable Speaker, this is a distortion, I did not say SWAPO did not bring freedom, I never said that. Listen to what I am saying. I am saying national reconciliation cannot be conditional. That cannot be interpreted in any way as denying SWAPO any victory. I am saying further that let us talk funeral when there is a funeral, let us talk wedding when there is wedding. If you want us to go down memory lane and reminisce and remember what we have done, either as organisations or as individuals in the struggle, I am open for that also. I am not denying that at all.

I am saying when Namibians are talking about national reconciliation today, do not tell them that, *“look, if you talk too much about national reconciliation I will take it away because after all, I brought it.”* That is the only thing I am saying. Let Namibians sing freedom because we have brought it to them.

HON MOONGO: May I ask a question? Is the Honourable Member aware that national reconciliation was already there as a policy of the Transitional Government. (Interjections). Yes, it is true! It was the policy of the Transitional Government. (Intervention)

HON ULENGA: Unfortunately for my Colleague here behind me, I would not want to credit the so-called Government for National Unity. I do not want to credit it with anything. I was actually at the point that it is dangerous, Honourable Moongo, for us to start claiming what we have given to the Nation.

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I am aware of the very fruitful proposals that have come from various individuals and Parties, but that is not the point. What I am saying is that once now we have national reconciliation, let Namibians freely use these situations and these concepts. National reconciliation is ours and Namibians should not be threatened. Some of you are talking about violence, standing up and repeatedly saying, *"I am very serious."* Of course we are serious when we are talking about national reconciliation. With the history that we have it is a very serious issue. But we are not going to be silenced simply because the opinion of someone happens to be like this. (Intervention)

HON MINISTER OF GENDER EQUALITY AND CHILD WELFARE:

Thank you, Comrade Speaker. On a Point of Order. In 1977 Dr Kameeta was addressing the SWAPO Youth League and we gave him a topic, the role of the church, and Dr Kameeta entered the hall and he was asking in Afrikaans, *"waaroor moet ek praat?"*, what is it about, then I was thinking and not only me, also other people, if Dr Kameeta does not even know what to talk about, what he is going to say, then I was one of them who said, the role of the church, *"die rol wat die kerk speel in die politiek"* and then Pastor Kameeta said, *"the church is not playing, the church is serious with liberation"* – *"die kerk speel nie, die kerk is ernstig. SWAPO het nie gespeel nie, SWAPO was ernstig."*

HON SPEAKER: Minister Mungunda, can you translate that for some of us?

HON MINISTER OF GENDER EQUALITY AND CHILD WELFARE: It was now in Afrikaans, the topic, because *"daardie tyd het ons Afrikaans Hoër Graad gehad, ek ook."* Then the topic we asked Dr Kameeta to talk about to the Youth League was the role the church plays in politics and then Dr Kameeta came in there and the hall was full because we liked his speeches and he came in and said, *"what do you, the SWAPO Youth League, want me to talk about?"* I was wondering, oh, if the Doctor does not even know what is the topic, what is he going to tell us, then I stood up and said in Afrikaans, *"the topic is the role the church plays in politics."* Then Dr Kameeta said, *"no my children, the church does not play a role, the church is serious with politics and then we fired the apartheid system."*

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HON ULENGA: In conclusion, Honourable Speaker, on that one we are indeed on the same wavelength. Indeed, SWAPO and private individuals cannot be denied their right to defend their actions if they feel like defending their actions. However, there is always an appropriate platform. Whether it is the TRC or whatever, in the end everybody gets either condemned or absolved by history.

Again coming back to the point of humility, that is an opinion that may be a SWAPO opinion. However, having played the role that he has played in the liberation struggle, you will remember that it is not only ... (Intervention)

HON MINISTER OF LANDS AND RESETTLEMENT: May I ask a tiny question? Honourable Ben, your contribution in the struggle before you went over to the CoD, let us just take the role you played up to Independence, did you do it under the banner of SWAPO as a member of SWAPO or did you do it as an individual? When you were inside the country, trained outside and came with arms until you were arrested somewhere in Otavi, did you do it as an individual or as a member of SWAPO?

HON ULENGA: Thank you very much, I have an appropriate answer to that one. Jerry, I will tell you like this, I did not understand SWAPO as a private club. SWAPO was called SWAPO of Namibia. The People's Liberation Army is the People's Liberation Army of Namibia. I was a member of the SWAPO organisation. I am not denying that and I am not going to put that down, the liberation movement I am a member of – if you want me to talk historically.

However, it was not on a private club basis, it was for Namibia. Therefore really, Comrade Jerry, it is a question of recognising the wood for the trees or not.

Honourable Speaker, let me conclude by saying that if we are really going to be humble, having spelled out the opinion that is a SWAPO opinion, let us remember that there are other people who have opinions as well. It is not only from the SWAPO leadership's point of view that we can talk about Lubango and the dungeons. If you really believe in reconciliation, others have a point to make as well. Give them a point to make. It is not a question of who introduced the dungeons only. It is not a question of who delayed the struggle only, there are

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also other people who have something to say. I am saying let freedom reign, because we brought freedom to reign.

We are not going to allow that anybody, even if they are from SWAPO, can stand here and reclaim back national reconciliation simply because of the role they played in the struggle. National reconciliation should be claimed by the Namibian people and not by a Political Party. I thank you, Honourable Speaker.

**HON DEPUTY MINISTER OF REGIONAL AND LOCAL
GOVERNMENT, HOUSING AND RURAL DEVELOPMENT:**

Thank you very much, Honourable Speaker, Honourable Members of Parliament. This is one of those matters that are really emotional and affect all of us because all of us, as it was said, are victims of that situation. I witnessed the situation which is often referred to as the Lubango situation – at a formative age, I was very young and bony then, very naïve when I joined the liberation struggle, especially the armed struggle in Lubango and I experienced the total onslaught which the Right Honourable Prime Minister earlier mentioned and I am hundred percent aware of the understanding that you should not even trust your own shadow and I think I have said it on several occasions. And indeed, my own shadow at times became a nightmare. It was a total onslaught.

I will not go back to that history because it was eloquently put by my Senior Leaders. Having experienced that situation, in the same fashion as total onslaught, I have been witnessing in the past few years a total onslaught against SWAPO and SWAPO leaders repeatedly in this country. I have been witnessing it in all its fashions. The difference is that then it was in Lubango, here it is in the capital city of Windhoek. Then it was in exile, now it is at home.

What total onslaught am I talking about? Honourable Ulenka mentioned that when he talks about “*a measure of intolerance*”, then I understand what he speaks. In this country we have democracy. It seems as if SWAPO and its SWAPO members are not also entitled to enjoy democracy. People talk of fundamental human rights, freedoms, as if SWAPO members are not entitled to freedoms, rights and all those. In this country we hear of tolerance and you find people insulting SWAPO leaders, you will find people putting SWAPO under attack and when SWAPO dares defend itself or respond to the distortions that are talked about, then the Party is said to be intolerant. (Intervention)

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HON GURIRAB: Will the Honourable Member accept a question? Honourable Speaker, I was following what the Honourable Deputy Minister was saying and I agree with him that in a democracy there is a need for different points of view being expressed in a political discourse and trading insults is not one of them. I suppose the Honourable Deputy Minister is familiar with something called “*Namibia Today*” and if he wants to read a publication of a Political Party which specialises in insults, that is a publication which does that on a weekly basis. It is a publication published by SWAPO of Namibia. Would he agree with me?

HON DEPUTY MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: In response to my Honourable respected Comrade and Brother, yes indeed, I am familiar with “*Namibia Today*” of which he used to be the author.

You were a journalist. I am aware of the publication which you were part of the editorial, where I myself was working as a junior for you. I am aware of it.

Coming to the content of the publication, surely if we are to make an analysis on the contents of publications and then decide which are insults, that one you know for sure is open for debate, and if one goes beyond and commits some unethical journalism or things that are outside the norms and standards of journalism, such as libel, such as character assassination and others, then the offended party has a full right to legal recourse, either to talk to the editorial board of that specific publication or to seek recourse through the courts and there is no exception. That door is still open for everybody, for SWAPO members and non-SWAPO members.

Honourable Member, What I was however saying, is that in Namibia today – and I am not referring to the publication – we are under a total onslaught; a total onslaught which is not only for Namibia alone but a hunt against former liberation movements in southern Africa – in Angola, in Namibia, in Zimbabwe, in Mozambique and other southern African countries. There is a conspiracy theory of hiding behind democracy. There is a conspiracy theory of hiding behind human rights advocacy, while the so-called crusaders of this democracy

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are violating the democratic norms and principles in letter and spirit. We are witnessing that.

We are witnessing a situation, an onslaught, where those who are violating the fundamental human rights of others, abusing others, are hiding in the name of human rights to abuse others. That is distortion and it cannot be accepted by anybody.

We are here to defend ourselves and we have no problem with others to defend themselves. Let the case be proven where SWAPO leaders have provoked anybody. Let a case be proven, here in Parliament we are sitting as leaders of the Political Parties and it is their entitlement and their constitutional right to participate in the Debate. Namibia is however being portrayed as undemocratic. How does democracy function?

If SWAPO speaks, the orthodox definition of democracy *is the Government of the people, by the people and for the people*. SWAPO Party has been elected by the people to govern the people of Namibia and their interests and it is in their interest that SWAPO is speaking. What constitutional provision does SWAPO violate in articulating the interest of the Namibian people? None! Zero! There is none.

We hear people in this country being attacked, but when they say that we will defend our leader, SWAPO leader, when he is being provoked or when he is being abused, then SWAPO members are intolerant, but we see Political Parties, like CoD, splitting apart, some of them defending their leader and some of them against the leader. What is wrong if some of the CoD members can defend their leader in the name of what they believe?

What is wrong with SWAPO members supporting their leaders if they follow him? It is hypocrisy of the highest order.

We see Political Parties in this country speaking along ideological background and we do not differ, where is reconciliation violated when Political Parties are juggling, positioning themselves to canvas votes. Where is democracy and where is the policy of national reconciliation being violated here? It exists in the figments of those who are advocating this for political expediency. You cannot silence us while you are advocating that your fundamental rights should be

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respected. Please respect our fundamental rights and freedom of association or freedom of expression. (Intervention)

HON ULENGA: May I ask the Honourable Member a question? Honourable Speaker, I did not intend to interrupt the Deputy Minister, however at the point that he is making, the point of freedom of expression and to speak out like they wish, can the Honourable Member tell me, I am so curious, why is it that the Honourable Member can speak so freely without interruption when others are continuously interrupted.... (Interjections). Why is the Honourable Minister speaking without interruption even though not everybody agrees with what he says, while others are interrupted in such a way that they cannot even continue to complete a sentence? Can he tell me?

HON DEPUTY MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: Honourable Speaker, Honourable Members, what Honourable Ulenga is asking me is typical of what I have just said a while ago. Honourable Ulenga is interrupting me and he is questioning me to provide him with an answer why others are interrupting a war. The answer is with you, Sir, can I continue, I have freedom of expression.

On the issue of freedom of expression, as much as all members of the Namibian society, those who are for SWAPO and those who are against SWAPO, are entitled to freedom of expression, as long as that is constitutionally provided for, all of us are going to do it.

Do you know where the problem is? The problem is that you have a two-man show, one-man show and you know they provoke a situation. You know that is one, you are one or two. They make a provocation, for example when you say let us not talk too much, let us listen to one another, they just talk louder and now when you mobilise your support and talk louder than them, they start complaining that there is no freedom of expression. He provoked it. If you provoke an issue and you are only one and then those who are in the majority address your issue, it does not mean that there is no freedom of expression, you are outnumbered on the issue that you have provoked and that is democracy at work, no two ways about it. You must learn that lesson.

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You provoke issues and for every action there is reaction. The SWAPO Party arrived here in this country soaked in blood, like we use to say it. It is easy for me to drop this suit and operate a bazooka, just like you can do. I am a trained soldier, I know how to operate a machine gun, I know how to operate a bazooka, but it is the principles, the orders that tell me not to cross that line. (Interjection). Why are you talking about people saying “I”. To talk about “we”, you start with “I”. Plural becomes plural when you have singular, that is the basic thing, as simple as that.

When people are talking about SWAPO collectively, they do not deny you that you are not part of the Namibian society. You are also counted.

It is only that we have a right to talk on our own behalves. We do not have a right to talk on your behalf. Stand and talk about your achievement, we are here under democracy to speak on our achievements, our roles and contribution. Do not feel offended about that, learn how to live with it, that is democracy at work.

As for the policy of national reconciliation, the policy of national reconciliation is really working in Namibia and it is only those who are worried that they are not moving, they are not contributing to this policy and the lullaby is about to be over and they are getting worried. Those who are not contributing to land reform in this country, who are sitting on land while the majority of other people are not occupying anything...(Intervention)

HON GURIRAB: May I ask the Honourable Deputy Minister a question? I would like to ask him under what circumstances would he agree that we come from the policy of national reconciliation and I ask this against the background of consistent calls about this from within the SWAPO ranks.

HON DEPUTY MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: I attended SWAPO meetings and I attended SWAPO congresses and I also listened and attended the media conference that was addressed by the Secretary-General of SWAPO recently on the issue of the International Court whatever that is. There was no way where SWAPO advocated...(Intervention)

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HON GURIRAB: Honourable Speaker, I am not concerned about the International Court or whatever that is, that is not the issue. I am talking of national reconciliation.

HON DEPUTY MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: On the issue of national reconciliation, the Right Honourable Prime Minister has put it in its historical context a while ago and from that historical context it proved that SWAPO owns the policy of national reconciliation. If we are talking about SWAPO and if I am talking about SWAPO, I am talking about SWAPO because I am mandated by the electorate to talk on behalf of the Namibian people and on behalf of SWAPO. I cannot talk on behalf of CoD or DTA or NUDO. SWAPO owns the policy of national reconciliation and because we have introduced the policy of national reconciliation in this country and we are living with it, we are saying that within the framework of the policy of national reconciliation, within the context of the Namibian Constitution, within the provisions of the fundamental freedoms and freedom of association, when our Party's name is being dragged in the mud, just like the CoD members or any member of the society has a right to clean or to defend his or her name, SWAPO and its members are entitled under the provisions of the Namibian Constitution to defend or to explain our position. Do therefore not distort it that it is a violation of the policy of national reconciliation.

As to how we express ourselves, whether in our expression we say we are provoking violence, if you are saying that, you are provoking, you are not saying that we are going for violence and unfortunately you confuse the two. If you are a member and you are going somewhere, perhaps I can inform you, but if you are outside there, we do not know how to explain that to you.

We have to correct and we are duty-bound to address the Namibian people whom I am mandated to govern in the next five years and I am sure, in future.
(Intervention)

HON MINISTER OF FINANCE: May I ask the Honourable Kazenambo a question? Honourable Kazenambo, do you not think that the case that has been launched with the International Criminal Court is a direct attack on national reconciliation? Do you think it is possible that people can seek for prosecution of

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people in the manner that the Human Rights Organisation has done and still have national reconciliation?

HON DEPUTY MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: Sure, I agree entirely with what the Honourable Minister has said and for those of us and the majority of the Namibian people who have elected and who have followed Founding President Sam Nujoma, who for the past fifteen years has been leading this country in a peaceful and democratic manner, if you say that you are going to take him somewhere, to unknown places to be tried and imprisoned, then the Namibian people who sees this Statesman as their liberator, as their messiah, that is an attack on the policy of national reconciliation. The policy of national reconciliation is a collective effort. If you selectively undo someone from the whole lot, then the lot is not complete and then it is an attack on the policy of national reconciliation. There is no two ways about it. It is simple, you cannot select from the whole body. If I cut my arm, my body is not complete. (Intervention)

HON DR GEINGOB: May I ask a question? Honourable Kazenambo, while you are on that point that people are saying when we are saying this is a threat to peace, can I ask you a question? If someone from the moon or wherever comes here to try to pick up President Nujoma, would Namibians allow him to be picked up? That is why we are saying there will be no peace and stability.

HON DEPUTY MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: Honourable Prime Minister, it is a direct question. Let me answer it this way: When I was interviewed by the South African Broadcasting Corporation I gave them an example of Prophet Mohammed. The damning of the effects of Prophet Mohammed...(Intervention)

HON SPEAKER: I am not entirely sure whether we are still with reconciliation with us mentioning the Founding President and Prophet Mohammed and so on. There are so many ways in which we can discuss this

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issue without adding fuel to the fire. The HANSARD will however show you said so, Deputy Minister.

HON DEPUTY MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: Thank you very much. I gave an example, the one that I just mentioned, that when you do that, you are provoking those who are the followers of that person and I may reconcile myself on certain issues internally, but this one is meant to reconcile two parties, people who are on each other's throats, who are fighting one another.

Right Honourable Prime Minister, if you come and threaten the security of the leader who led a certain section of a community, you are directly threatening the security of those who follow him and by that, you are undermining the policy of reconciliation. That is my poor understanding of it.

It is just like if today a person can shoot or assassinate a leader, either of a business, or of a Political Party or you harass a church leader, you are undermining the policy of national reconciliation because that specific leader has followers and the followers will react and the peace and stability will be put under threat. There is no two ways about it.

If we are discussing the policy of national reconciliation, we must respect...
(Intervention)

HON MINISTER OF JUSTICE AND ATTORNEY-GENERAL: May I ask the Honourable Deputy Minister a small question? Honourable Kazenambo Kazenambo, it was not long ago, just about 13 years ago, when something serious happened and led to something more serious. Can you still remember the genocide of Rwanda was triggered by the shooting down of a plane carrying the President of that country? (Interjections)

HON MEMBER: Two presidents.

HON MINISTER OF JUSTICE AND ATTORNEY-GENERAL: Yes, two. Do you remember that event, the shooting down of a plane carrying two

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presidents? How many lives were lost after that? Can you remember that incident?

**HON DEPUTY MINISTER OF REGIONAL AND LOCAL
GOVERNMENT, HOUSING AND RURAL DEVELOPMENT:**

I still vividly remember that incident and when the Right Honourable Prime Minister was talking about the onslaught I experienced it and I am telling you, it is not a question of threatening anybody, it is a question of attaching your loyalty and expectations to a certain leader for what he does to you.

At the height of the onslaught in exile, you know that SWAPO was rich of leaders. I can tell you, I can bring you five of my Colleagues here from across this country, we were wondering what will happen to us when Sam Nujoma dies all of a sudden, and for your information, many of us believed that should anything happen to Sam Nujoma, that was the end of the struggle and I do not think that analogy can be disputed by anybody. You do not want to go deep into this issue, because there are matters that made us to say that if he falls today, that will be the end of the struggle.

When Samuel Maharero moved the Herero's to Botswana there was a price tag on him, there was a price tag on Sam Nujoma. When I joined the liberation struggle in exile, I was not born here, it was because of the linkage of Sam Nujoma to Samuel Maharero and hope to return to my motherland one day, nothing else.

The poor people in Katutura today, my dear, the poor people, not the educated ones in this country, the poor people who have memories of Koevoet running around in Katima Mulilo and Kavango, in Ohangwena, in Omusati, in Ruacana and Opuwo, when you touch Sam Nujoma, you will touch them. There are no two ways about it.

This is why we are saying, let us be considerate. Let us try to appreciate one another and understand the policy of national reconciliation. The reason why people do not take certain action is because they have faith and respect in certain leaders who talk to them. You may not see them as leaders, that always we must vilify, attack, but we must draw a line. The Batswanas say, "*A re je, re siye marapo*" Translated it means after you have killed, let the bones remain. Let the bones remain.

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HON ULENGA**

If I were Honourable Ben Ulenga today as the leader of CoD, I must draw the line in my own consciousness, that here I will not cross for the sake of our common existence. I thank you.

HON SPEAKER: Any further discussion?

HON MINISTER OF LANDS AND RESETTLEMENT: I Move that the Debate be adjourned until tomorrow.

HON SPEAKER: Any further discussion? If not, then the Debate on this Motion stands adjourned until tomorrow afternoon.

The second Notice of Motion is the one of Honourable Ulenga. Does the Honourable Member move the Motion? Who seconds? Any objection? Agreed to. Honourable Ulenga has the Floor.

**MOTION ON EVICTION OF RESIDENTS
FROM HOUSES**

HON ULENGA: Honourable Speaker, the Motion that I proposed to move a few days ago is namely that:

After having duly noted the socially destructive manner in which some Municipalities, inclusive the Windhoek City Council and others, have forcibly evicted poor residents, the unemployed and elderly pensioners from their houses and sold the same houses on auction on the excuse of those residents' indebtedness to the Municipalities; and duly aware of our duties, functions and powers, as provided for in Article 60 – 63 of the Namibian Constitution, that we debate and condemn the socially offensive practice of the Windhoek City Council and others of forcibly evicting poor residents and pensioners and auctioning their properties;

Take the necessary action, including legislative action, to ensure the protection of the poor, the unemployed and the pensioners from such anti-social action.

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Honourable Speaker, Article 8 of the Namibian Constitution states as follows: *“The dignity of all persons shall be inviolable.” The same Article 8, Clause (2)(b) states: “That no person shall be subject to torture or to cruel, inhuman or degrading treatment or punishment.”*

Honourable Speaker, these are fundamental rights provided for in the Constitution. I am convinced that these provisions and others secure for all Namibians the right to housing and to a home without the interference of public bodies in their privacy.

Article 13, Honourable Speaker, for instance, of the same Constitution states: *“That no person shall be subject to interference with the privacy of their homes”*, while Article 14(3) declares that: *“The family is the natural and fundamental group unit of society and is entitled to protection by society and the state.”*

Honourable Speaker, the right to a house and a home cannot be achieved overnight. In our case it is the result of a prolonged struggle for that and for other rights, including for freedom and national Independence as well. It is a struggle that we must continue to fight until all conditions are satisfied for its permanent achievement. However, Honourable Speaker, many of us have noted that a massive assault against these rights and against the progress made in this regard is being perpetuated by the Windhoek Municipality in particular, and by other Local Government institutions countrywide, in that they constantly attack ordinary, poor employed and elderly pensioners by forcibly evicting them from their legitimate dwellings which they then sell on auction on the flimsy excuse that residents owe the Municipalities for services rendered.

Honourable Speaker, no one in their right minds will disagree, namely that the right to a house, the right to a home and to a family with privacy is among the most fundamental rights of all.

The Freedom Charter, arguably the most seminal document of the twentieth century in our southern African Region concerning our rights and freedoms had put it simple and straightforward: *“There shall be shelter, security and comfort.”* Honourable Speaker, these rights, the rights to shelter, security and to comfort, these rights that Namibians believe....(Intervention)

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HON MINISTER OF JUSTICE AND ATTORNEY-GENERAL: He is referring to a Freedom Charter, could you just clarify?

HON ULENGA: You can convince me on a number of things, but you cannot convince me that you never heard of a Freedom Charter. (Intervention)

HON SPEAKER: What is the Attorney General's preoccupation with the reference to Freedom Charter?

HON MINISTER OF JUSTICE AND ATTORNEY-GENERAL: He made reference to a Freedom Charter and I am asking, which one is that?

HON ULENGA: Honourable Speaker, as I was quoting from the Freedom Charter, "*there shall be shelter, security*". The Freedom Charter, Honourable Speaker, is a seminal document that was authored by a Congress of the People that gathered at Cape Town in South Africa in 1955. It was a document that came as a result of the struggle of the peoples of southern Africa, including those of Namibia, South Africa and other places, the struggle for the basic freedoms that we achieved, luckily, during our times.

HON SPEAKER: I think let us not debate the subject.

HON ULENGA: No, but she is asking for it. Honourable Speaker, these rights that Namibians believed they won with Independence are being trashed and being rolled back by our own Local Governments on flimsy excuses and we cannot stand by watching while rights and freedoms are rolled back. When I am saying "*we*", I mean we, including the Honourable Attorney-General.

Honourable Speaker, about fifteen or sixteen years ago the Namibian Government decided to allow residents who stayed in those municipal houses ownership to those houses at a certain final price, a firm move at the time given the fact that the people have paid rent for those municipal homes for decades

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without the option of actually owning these houses. However, many Municipalities, including the City of Windhoek, hoodwinked the people and central Government by transferring some area debts onto the water and electricity accounts of the residents. With time and incurred interest, these accounts got so much out of hand that they now run into tens of thousands and the Local Government, with the excuse of recovering its losses, then attach these properties through the courts, evict the poor people and auction their homes. Mr Speaker, they do it in the most horrifying and heartless manner.

The other day I watched as an old and ailing woman cried and pleaded with the court officials, saying, *“please master, please do not sell our house, we have nowhere else to go.”* Honourable Speaker, needless to say, the officials went about their business, not heeding these heartrending cries, because the system is legalised and protects the perpetrators. The system legalises and protects the perpetrators.

Honourable Speaker, in the Katutura suburbs alone thousands of houses have been auctioned, sold and resold over the last five years, literally thousands of homes. During the last twelve months about 139 houses were put up for auction and would all have been sold if it were not for the determined action of a few community activists on behalf of the residents. Still a number of them got sold and the residents of these houses now live in the streets of Katutura, if they have not been taken in by the Good Samaritans.

Honourable Speaker, the profile of the average Katutura resident ranges from poor to very poor. The overwhelming majority of people in Katutura and surrounding townships cannot afford more than one meal a day – if they afford any at all. Many Katutura households, that is the overwhelming majority, cannot eat two times a day. Many Katutura households are run by those proud – and there are a few of them here – and dignified 80 years old, 70 years old, 60 and 50 something year olds, who always proudly declare, *“we came here from Old Location.”* Many of those children and grandchildren are unemployed for no one knows how long. In many other cases the houses and the debts are inherited from parents who have passed on.

Honourable Speaker, I want to give a particular example, that one of Gustavine Hendrickse. Gustavine Hendrickse worked for Dr Van Vuuren for 25 years, she was paid N\$200 when she retired in 1987 when the doctor decided to move to Australia. Aunty Gustavine was 63 at the time that she retired, she is now 73, she

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still works at another household in Pioneers Park. This time she works for a black household and she earns a little more, she earns now N\$400 per month. She is also a registered pensioner. First she receives the N\$370 every month as her pension, altogether she gets N\$770 per month. Honourable Speaker, however, Gustavine Hendrickse has to run a household of sixteen people, including her grandchildren. Her municipal account has run into more than N\$20,000. Her water had been cut off several times the last three years alone and now her house will go on auction.

Honourable Speaker, these actions from the Municipality are not only atrocious, but clearly unconstitutional by my reading of the Namibian Constitution. There is no dignity provided for under Article 8 when houses of the poor are auctioned like this and there is no shelter, security and comfort as cited in the Freedom Charter for our poor, unemployed and elderly in the face of these atrocious actions from the Windhoek and other Municipalities and Local Government Councils.

I have here with me average samples of the people of Katutura's accounts. Members of Parliament may look at these if they are interested. Suffice to say, Honourable Speaker, that it is wrong for the Government to take anybody's house and home on account of owing a water account. This National Assembly needs to take action, including legislative action to ensure that the rights of the poor, of the unemployed and of the elderly Namibians to a house, to a home are protected.

Meanwhile, the Government, through the Ministry of Regional and Local Government, Housing and Rural Development should declare a moratorium in the possible eviction and auctioning of houses on account of unpaid municipal bills. Municipal bills should not be reason to expropriate people of their houses. Municipal bills should not be a reason to send people homeless to the streets. There can be others, but please do not make people homeless simply because they owe for water.

Honourable Speaker, I say it is a pity actually, because it was indeed a very progressive step that in 1991 the newly elected Namibian Government took a step to bring these people closer to owning a house. This achievement is being rolled back while Government, MPs and everybody is watching. It is for that reason that I am calling for action.

Government, through the Ministry, should declare a moratorium in the eviction

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and in the auctioning of houses on account of unpaid municipal bills. It is within the powers of this Parliament to protect the poor. Let us show the necessary political will to achieve it.

Honourable Speaker, all over the world people fight for the right to a liveable, affordable house and home and this struggle includes finding appropriate resources for funding the building of homes and the protection from arbitrary expropriation. I have not in this motivation gone into citing particular examples, but I can say that from China to the United States of America, from Iceland to New Zealand, from north to south, from west to east the struggle continues for housing.

Namibians are bent over under the weight of poverty. Let us assist them by denouncing the legalised atrocities of the Windhoek Municipality and others. Let us declare the auctioning of residents' houses unconstitutional. Let us look for legislative remedies on the long term to protect more firmly and make more inviolable the right to a home.

Honourable Speaker, I would therefore like to move further that this Motion, after Debate, be referred to the Parliamentary Standing Committee on Constitutional and Legal Affairs for further deliberation and legislative action. I would like to Move, Sir.

HON SPEAKER: The House stands adjourned under automatic adjournment until tomorrow afternoon 14:30.

THE HOUSE ADJOURNED AT 17:45 UNTIL 2007.09.19 AT 14:30

**ASSEMBLY CHAMBER
19 SEPTEMBER 2007
WINDHOEK**

The Assembly met pursuant to the adjournment.

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

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

NOTICE OF QUESTIONS

QUESTION 109:

HON DIENDA: Honourable Speaker, I give Notice that on Thursday, 27 September, I shall ask the Minister of Regional and Local Government, Housing and Rural Development the following questions:

During the Budget Debate the Honourable Minister said in his reply that the name of Wanaheda has been changed to Samora Machel and that as a leader of the country I must know it. Can the Honourable Minister please inform the public, myself and the residents of Wanaheda about the following:

1. When and where did the official name change take place?
 2. Why the names displayed in the area are still for Wanaheda?
 3. Municipal accounts which the residents receive are still having the name Wanaheda on it.
 4. If it is officially changed, when will the administrative part be changed so that the residents may not be confused any longer
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**NOTICE OF QUESTIONS
HON DIENDA**

QUESTION 110:

HON DIENDA: Honourable Speaker, I also give Notice that on Thursday, 27 September 2007, I shall ask the Minister of Regional and Local Government, Housing and Rural Development the following questions:

1. Is the Minister aware that there are no public toilet facilities available at big shopping centres, like the Red Cross shopping centre and Pick & Pay shopping centre in Katutura?
 2. What will the Minister do to rectify this problem?
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QUESTION 111:

HON DIENDA: Honourable Speaker, I also give Notice that on Thursday, 27 September 2007, I shall ask the Minister of Works, Transport and Communication the following questions:

I realised that maintenance on Government assets are not being done on a regular basis although the Ministry has all the human resources required for this according to our latest Budget.

1. Can the Minister explain why minor reparations cannot be done on a regular basis, like the changing of bulbs when they are exhausted? For a Ministry to complete a form and then wait three months for bulbs to be replaced has become a frustration.
 2. In cases where the Ministry makes use of smaller companies through tenders to do the maintenance, is there any guarantee issued for these work done by the suppliers?
 3. Schools, hostels, classrooms, hospitals and clinics are the ones that suffer a lot due to the backlog of maintenance cases. Who will be responsible for any damages that might occur from accidents arising from the negligence from our side?
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HON DIENDA / HON TJIHUIKO**

QUESTION 112:

HON DIENDA: Honourable Speaker, I give Notice that on Thursday, the 27th of September 2007, I shall ask the Minister of Works, Transport and Communication the following questions:

A lot of Namibians have received bills from the NaTis office for outstanding amounts on vehicle registration fees. I would, therefore, like to ask the Minister the following questions:

1. Is it possible to register a vehicle which is not roadworthy?
2. If the answer is yes, how? If no, why can the NaTis not inform the Nation through the media that they will lay charges against everybody who was an owner of a vehicle a long time ago to come and deregister or to scrap such vehicles?
3. How up to date is the information that NaTis received when they took over? We are sitting with cars which had been sold long before the time of NaTis and everybody is now affected by this action by NaTis.
4. Is there somebody at the NaTis office who can take responsibility for giving information to the public without insulting the public?

HON SPEAKER: Will the Honourable Member table the Questions? Any further Notices of Questions?

QUESTION 113:

HON TJIHUIKO: Honourable Speaker, I give Notice that on Thursday, 27 September 2007, I shall ask the Honourable Minister of Trade and Industry the following questions:

1. Honourable Minister, is it true that some time last year your Ministry appointed a special investigator to investigate the whereabouts of the N\$100 million ODC money?

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**NOTICE OF QUESTIONS
HON TJIHUIKO**

2. How much did the Ministry pay for the services of this person?
3. Is it true that the Report of this investigator has never been presented to you or your Ministry to date, but you have paid for it?
4. When will this Report, paid for by taxpayers' money, be presented to this Chamber for information and perhaps discussion?

QUESTION 114:

HON TJIHUIKO: I give Notice that on Thursday, 27 September 2007, I shall ask the Honourable Minister of Regional and Local Government, Housing and Rural Development the following questions:

1. Can the Honourable Minister define to this House in legal terms the difference between Traditional Authority and Royal House, Traditional Authority in terms of the Traditional Authority Act 25 of 2000 and Article 1(1) of the Namibian Constitution.
2. Honourable Minister, I also noticed with surprise that only one tribal Royal House was recognised by the Government of the Republic of Namibia, but the question is, can the Honourable Minister confirm that there are various tribal kingdoms in Namibia, only one tribal Royal House was recognised against Article 1(1) of the Namibian Constitution.
3. Honourable Minister, would you agree with me that your action to recognise one tribal Royal House was meant to divide that tribe, putting them against one another, as it happened in Aminuis in 2006?

QUESTION 115:

HON TJIHUIKO: I give Notice that on Thursday, 27 September 2007, I shall ask the Right Honourable Prime Minister the following question:

Right Honourable Prime Minister, allow me, through you, to congratulate the Government of the Republic of Namibia for the effort to inform and educate our people about the history of the liberation struggle in this country. The effort to build a structure to remind our people about the heavy sacrifices our forefathers

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and mothers made since that time, immemorial as a student of history and I would like to ask you the following questions:

1. Right Honourable Prime Minister, I took note with pride to see a number of our brave sons and daughters receiving medals and certificates in honour of their bravery and contribution to the liberation struggle. Is the Right Honourable Prime Minister aware that on December 10, 1959 a number of brave sons and daughters of the soil paid the highest price at the hands of the racist South African Government in defence of their motherland?
2. How many people were actually killed on that fateful night, December 10 1959?
3. What were their names?
4. How many people were injured and what are their names?
5. Among the survivors of that day, how many of them have been recognised in one way or another by our Government except Anna Kakurukaze Mungunda?
6. If the answer to question 5 is negative, can Right Honourable Prime Minister inform this august House of the criteria Government uses to determine heroes and heroines in order for them to qualify for recognition?

HON SPEAKER: Will the Honourable Member table the Questions? Any further Questions? Any Notices of Motions? Any Ministerial Statements?

The Notice of a Motion is the one by Honourable Ulenga. Does the Honourable Member move the Motion? Who seconds the Motion? Any objection? Agreed to. I give the Floor to Honourable Ulenga.

MOTION ON NEWLY PROCLAIMED TOWNS

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HON ULENGA

HON ULENGA: Honourable Speaker, Honourable Members, today I am going to speak on a Motion that I had the opportunity to introduce earlier on in the House. However, due to developments outside my control this Motion could not hold and I have to introduce it again.

Honourable Speaker, I bring this Motion before the House so that we as elected Members of Parliament who have been elected to have the welfare of our people as our business and responsibility, can debate the socially, economically and psychologically insensitive and, indeed, destructive manner in which people, especially resident farmers from the boundaries of newly proclaimed townlands, are robbed of their property and forcibly evicted from their homesteads and from their *omapyra* and forced to settle on marginal lands by local Town Councils; so that we can further express ourselves critically on the developmental value of many of the newly proclaimed towns and that we can consider the many negative social effects deriving from forced urbanisation and further entrust the matter into the hands of the relevant Standing Committee or Committees of Parliament for further action.

Honourable Speaker, some of the Honourable Members in this House will remember that representatives of the Helao Nafidi Town in Ohangwena had approached Parliament some time earlier this year with their grievances and this Motion is therefore not only brought before the House as a matter of personal concern from my side or, indeed, that of our Party alone, but as the collective concern of Parliament.

Honourable Speaker, the development objectives for proclaiming new towns should include at least the following:

1. To bring Government closer to the people so that local people can elect and participate in their own governance.
2. To encourage fullest participation in the development of their own areas.
3. To empower communities to redress Regional imbalances inherited from the colonial past.
4. To avail affordable services to communities, such as water and electricity which people can afford to pay.

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5. To realise social justice by ensuring that there is equal and fair distribution of resources and services amongst all the people.
6. To bring employment, income and better modern housing.
7. Create sustainable communities.
8. Create environmentally sustainable conditions of development.
9. To bring inclusive development and governance and ditching marginalisation of local communities.
10. Eradicate exploitation, domination and cultural imperialism where people's culture is made not to count.

Indeed, Honourable Speaker, the official Government policy with regard to Regional and Local Government is best summed up in the dictum, *"bringing Government to the people."*

According to the Second National Development Plan (NDP2), from the first volume of that document, Chapter 29, Page 511, Regional Councils, Local Authorities and Traditional Authorities have been established to encourage people's participation in the development of their own areas, amongst other things. It is further declared under the same chapter that the system of Regional and Local Government should be aimed at empowering communities to redress Regional imbalances, to help in creating local capacity for economic planning and to provide the necessary infrastructure to meet local concerns.

Honourable Speaker, using the experience of the community of the Helao Nafidi town as example, I shall submit that the commendable development objectives cited above have not, unfortunately, been pursued on the ground and that Government has been deliberately neglecting its own declared policy in this regard.

Not only that, Honourable Speaker, but I shall also argue that with regard to the experience of the community of Helao Nafidi town, Government has been imposing the proclamation of new towns on the people from above without engaging the concerned communities in consultation, counselling and advice.

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Communities have, therefore, not been engaged with regard to matters concerning their own development and have felt very alienated.

I shall argue further, Honourable Speaker, using the experience of the community of Helao Nafidi town as example, that the elected Town Councils in the newly proclaimed towns seem not to be interested in listening to the concerns and grievances of communities, nor are they serving the developmental interest of the people. Instead they follow some opaque and abstract concept of development, totally devoid of popular interest.

I shall, therefore, further argue, Honourable Speaker, that instead of benefiting local communities, the proclamation of many new towns have not only disrupted lives and destroyed livelihoods by taking away their sources of income, it has also in many cases traumatised lives. A number of people are known to have committed suicide some time after they were informed that they were going to be evicted in order to make space for town development.

Other elderly people have not been able to adapt to new conditions after being forcibly relocated, and have suffered physical ill-health and finally passed on.

Honourable Speaker, as a result of this peculiar approach by Government, which in the end really marginalizes popular interest, the Helao Nafidi townlands are proclaimed not over an empty unused piece of desert, but over seventeen existing and thriving *omikunda*, or local farming communities. These *omikunda*, Honourable Speaker, will ultimately have to be dismantled and removed in order to make room for the town. The villages involved are as follows. There are eighteen of them in all, namely Okelemba, Onuno, Onaame, Ohangwena (yaAmoni), Omalyata, Onamwilwa, Omatunda, Omuloka, Okanghudi (ke heshaka kaPohamba), Onamhinda, Oshikango, Onuno, Oipapakane, Omafo, Ohangwena (yeengulu), Engela, Eeshoke, Olunghono.

These villages collectively span over an area about ten by twenty kilometres of productive farming land. The numbers of local farmers involved and their families whose livelihoods are put at risk by the proclamation of Helao Nafidi is unknown, but may eventually be above forty thousand people.

The Helao Nafidi Town area has a total number of seventeen primary, combined and secondary schools, being Ohangwena Primary, Ponofi Senior Secondary, Omutaku Primary, Onekuta Junior Secondary, Ndapona Shikende Primary,

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Onengali Primary, Odibo Combined, Odibo St Mary Secondary, Helao Primary, Oshikango Combined, Engela Junior Secondary, Nghiteke Primary, Weyulu Primary, Ndilokelwa Primary, Nakambuda Primary, Ndjukuma Primary and Etale Combined School.

Engela Hospital, Ohangwena Clinic, Okatope Clinic and Odibo Hospital are the main health facilities catering for the inhabitants of Helao Nafidi Town. If and when a large number of farmers are forced to leave the new town area and relocate elsewhere, these educational and health facilities will lose their usefulness as the number of their learners intake will be reduced. Further, relocated farmers and their families may not find areas so well supplied with schools and clinics such as the one they are forced to leave.

Honourable Speaker, this brings me to the burning issue in every newly proclaimed town, that is the issue of land ownership and land use.

Honourable Speaker, communal land belongs to the State, but how did communal land come to belong to the State?

Before colonisation, all land that makes up the present Namibia had belonged to communities and polities, and these communities and polities had their own way of adjudicating over land. However, the colonial Government, in a simple, violent, ruthless and unjust act of expropriation, confiscated the people's land and declared it the property of the colonial state. In most of central Namibia and southern Namibia, this happened after the ruthless and criminal genocide of the Herero people, the Nama, the San, the Tswana and Damara people and other communities by the German imperial Government through General Lothar von Trotha. We know very well the declaration that was made by this infamous personality in this regard.

Many of the people of the newly proclaimed towns, such as the inhabitants of Helao Nafidi Town, are only now realising the real meaning of the saying that "*communal land does indeed belong to the State and not to them.*" They came to realise this, for example, through the forcible evictions that are visited on them with regard to the area of the Helao Nafidi Town.

They find themselves at the receiving end of a disowning that happened more than a hundred years ago, but is being, in many cases, effected only now by the independent Government. Government has been able to take the land without

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giving proper compensation to the evicted people, even in cases where the piece of land in question has been quite developed. There are many disputes regarding what would be fair compensation, with Government Officials often unilaterally and arbitrarily determining compensation amounts.

Many affected people have lost the benefits deriving from the proximity to schools, hospitals, clinics and health centres and other amenities.

Honourable Speaker, according to the Local Authorities Act (No 23 of 1992), paragraphs 3 and 4, the President may declare any area as a Municipality, town or village, provided that certain procedures are followed:

The traditional land ownership and land use patterns are annulled by any such proclamation. Village Headmen and Headwomen who in certain cases derive an income from their occupations, are deprived of such income. In the case of Helao Nafidi Town, we are talking of the uprooting of thousands of people, some of whom have been occupying their homesteads for more than 50 years. In the case of a certain woman called Meme Maria and her husband, they have been in their place for a total of 52 years and have, through perennial fertilisation and constant care, turned their mahangu field into a veritable food basket, the likes of which they cannot hope to develop anywhere else, especially seeing that the wife is in her seventies and the husband in his eighties.

Honourable Speaker, the Helao Nafidi Town project is especially redolent with bad governance and no other project can be further from Government's declared policy of bringing Government closer to the people.

First, when local elections were supposed to be held in 2004, the SWAPO Party simply declared themselves as the winners as no other Political Parties participated. So far so good. The so-called winners then failed to introduce themselves to the community. (Interjection). I was not among the winners, my dear friend. When you really have responsibilities. The so-called winners then failed to introduce themselves to the community so that until now the people have no idea of what political process was taking place. They did not explain what was happening. The people now think there were no elections. They did not know what political process was taking place that brought in a Mayor without elections and other Town Councillors without election, not to speak of the implementation of this process.

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Since then, Honourable Speaker, the newly “elected” Town Council has started to impose and charge service rates on the entire inhabitants of the town area, including many of the villages listed above. People in traditional homesteads who traditionally throw rubbish, what they consider to be fertiliser and dung into their mahangu fields so as to keep the land well-fertilised, were given municipal black rubbish bags to throw their rubbish in and they were charged accordingly. As they were given the bags they were told they are going to be charged so much for receiving the bags and for being required to throw their rubbish in there.

They are charged basic rates for water and electricity without their particular lands being surveyed and developed. Although no one, except perhaps a very few, live on serviced erven and have provided for their own water and electricity, including piping, all are charged with water and electricity rates. If this situation has changed, it must have changed very recently, because last time when I visited the area, there was no change in these condition.

Further, Honourable Speaker, all the communal water points for use by people and animals have been closed by the Town Council without any explanation – and I am talking about the water points which were supposed to serve the farming community, not the homesteads - and people and animals alike reverted to drinking and using surface rain water when that is available. Clearly the Town Council ignores the reality on the ground and treats the place as a town – even though no real town actually exists on the ground - and not as a farming community.

The so-called “*elected*” Local Government seems to have no appetite to talk to the people, as can be deduced from correspondence between themselves and a local aggrieved community committee.

The people of the villages named above are, therefore, no beneficiaries of development, they are losers and suffering victims of Government policy of a forced urbanisation. The winners are mostly not the local people, but foreigners, including Chinese businessmen who have already started to acquire 99 years leasehold contracts on some of the land from where local farmers have been evicted.

Honourable Speaker, in the light of the Helao Nafidi experience and in the light of the experience of communities in many other newly proclaimed towns all over the country, one cannot draw any other conclusion but that Government lacks the

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necessary vision when it comes to Local Government and Rural Development objectives. One cannot but ask these questions: Is Government thinking before acting? Why are the new townlands imposed on land that is already usefully and economically utilised? Are we bettering people's lives or are we creating urban poverty, slums and hovels? Are we implementing social justice or creating more inequality?

Honourable Speaker, in many parts of the world, countries and Governments employ planning systems to develop new towns. In our part of the world, the so-called Third World, termed by certain people, Egypt, Nigeria and Brazil are some of the countries that have actively developed new towns for various reasons and have applied peculiar planning methods to achieve this end. Some Members may have visited the 6 October – it is the name of a town – in Egypt or even Milton Keynes in the United Kingdom. I had the advantage to visit both.

New town planners have always kept the issue of distributive social justice in mind, in other words, making sure that the development of a new town would bring about a better life and better economic and social conditions for all concerned, and the widest sharing of resources for all concerned. Planners have tried to avoid creating opportunities for more poverty, more exploitation, new forms of oppression, marginalisation, powerlessness and cultural imperialism, where local people are always told that in the name of the new and the better, their way of life counts less than other foreign cultures.

Honourable Speaker, the principle and aim of building sustainable and prosperous communities is most important and should be on top of Government priorities regarding development planning for both rural and urban areas.

Many modern governments have adopted the practice of carrying out proper Social and Economic Impact Assessments (SEIA) as a must, before they would embark on any serious project such as the proclamation of a new town that would be imposed on an already existing community. I understand we expect the proclamation and, indeed, elections for new Town and Village Councils early next year. I just hope that the usual mistakes have again not been committed. Honourable Speaker, SEIA ensures the involvement of the people in any development planning, and is a very important element in any planning. It is the process of predicting the social and economic impacts or outcomes that are likely to follow from specific management or policy actions, allowing Government or any decision-makers to understand in advance the potential consequences on the

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human population and even on the environment, from any proposed action. It would have been an excellent way to involve communities and stakeholders in developments involving themselves, through consultative and participatory techniques.

However, from talking to members of the communities on the ground, it would appear that the Namibia Government has not cared to carry out any social and economic impact assessments before deciding to proclaim the new town of Helao Nafidi and many other newly proclaimed towns in the country. Government has simply neglected to carry out these assessment and they ought to know the dire implications of doing as they acted.

Honourable Speaker, had they done so, Government would have been able to identify the number of people who may be negatively affected by the proclamation of the new town, and would have been able to develop mitigation strategies to minimise negative impacts or to work out alternative ways to achieve the desired outcomes. Had the Government involved the people fully, it would have developed a better understanding of local values, the cultural context and other sensitivities.

Honourable Speaker, Honourable Members, though I drew mainly from the experiences of the community of Helao Nafidi Town, the Government's lopsided approach with regard to Local Government and Rural Development applies virtually to the whole country. It is important that we as lawmakers engage fully the local communities in the various newly proclaimed towns in order to understand their needs and plight, so that we do not end up legislating and imposing laws and policies insensitive to their lives and to their social, economic and cultural upliftment. In the case of Helao Nafidi Town community, and in other cases, it is imperative that we as lawmakers get intimately acquainted with the situation on the ground, and that our action as law- and decision- makers be thoroughly informed by that knowledge and awareness.

Honourable Speaker, I therefore move that after proper debate and the most critical consideration of the issues by this House, that this Motion be referred to the Parliament Standing Committee on Economics, Natural Resources and Public Administration for public consultation and further appropriate action.

I so Move, Honourable Speaker.

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HON NAMBINGA: Thank you very much indeed, Honourable Speaker. I am taking the floor to express my view on the opinion of the Motion introduced by Honourable Ben Ulenga of the CoD in this august House.

I have closely followed the motivation speech made by Honourable Ulenga in support of his Motion on the so-called forced eviction of resident farmers living within the boundaries of newly proclaimed townlands and I wish to state, Comrade Speaker and Honourable Members, that the aforesaid Motion can only be described as very unfortunate.

Comrade Speaker, Honourable Members, we are a Nation which is now more than seventeen years old. As the Government and as the Ruling Party it was and continues to be our duty to our society to ensure the creation of jobs and job opportunities for all Namibian people, better houses for all and to cultivate economic development in general within the entire country is indeed our responsibility.

When we achieved our national Independence at the time, you would agree with me that better housing and better jobs were limited to a few people, being really the formerly advantaged or white persons, if one may call them that. Towns like Swakopmund, Windhoek and others were developed essentially with a view to create job opportunities for the aforesaid formerly advantaged people and secondly, to offer better housing for them.

However, because they also needed servants, they were compelled to put up settlements, the likes of Katutura, in order to accommodate their servants in what was considered "*appropriate*" living conditions for the black people. At the time there was no appeal to create towns in Regions and constituencies, such as those situated in the northern parts of the country, as they were simply not considered as potential areas for economic growth. After Independence, Government and the Ruling Party had to think of how best to create job opportunities for our people as well as better housing and economic development in general, so that our people could begin enjoying the fruits of Independence rather than just having political Independence alone.

It is, therefore, against this background that Government has decided to proclaim towns in the former disadvantaged Regions and constituencies in order to bring economic development closer to the people down there.

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It must, therefore, be understood that towns are not proclaimed in order to rob people of their property and forcibly evict them from their homesteads, as the Honourable Member has argued. The converse is in fact the true position, that is, the truth of the matter is that Government must start proclaiming towns, more especially at places where residents of these places have shown their willingness to become part of a town, in terms of where they may have the opportunity of experiencing economic growth and, therefore, have access to a better quality of life. What I am trying to say here is that I know people who are instigating people, saying *why does Government not go far in the east in the forests and create towns there?*

What I am saying is that Government is trying to develop at the place where people themselves have shown interest in development. You see people putting up cuca shops or whatever and these are signs that people want development in those places.

Furthermore, as far as the proclamation of towns is concerned, people who are affected thereby are duly considered by the Government. These people are compensated and are also given an opportunity to elect choosing any plot from within the affected area to be proclaimed, without having to pay for that chosen plot. People can, therefore, elect to stay there or alternatively, move to another area, but certainly such people are not forced from their property as implied by Honourable Ben Ulenga.

Comrade Speaker, Honourable Members, it is surprising that an Honourable Member has the audacity to either deliberately or negligently mislead both this august House and the community at large regarding the effect and implications of the proclamation of new towns. A case in point is where the Honourable Ulenga alleges that in proclaiming Helao Nafidi Town in Ohangwena Region, the main health facilities, like Engela and Odibo Hospitals and the Ohangwena and Okatope Clinics, respectively, as well as the secondary and primary schools within Helao Nafidi will lose their usefulness because a number of their patients and learners will be relocated elsewhere, which is but highly misleading.

Towns are developed for the purpose of bringing in more people than those who were there before. For example, where one homestead or *epya* was occupied by one family consisting of four people, which is then converted into several houses with each house having several members of its own family, you will agree with

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me that the same land will be occupied by more people than those who were there before. It will, therefore, mean that you will have more people than you had.

What is further interesting, Comrade Speaker, is that the Honourable Ulenga is placing more emphasis on Helao Nafidi as a town. Helao Nafidi or Ohangwena Region is not the only Region which is experiencing this change. Other Regions, including Oshana and elsewhere...(Intervention)

HON TJIHUIKO: May I ask the Honourable Member a question? Honourable Member, you are saying that the removal of the people from these homesteads which were occupied by four people will make way for new construction to accommodate more people, if I got you right. However my understanding of the set-up of homestead in rural areas is that it is not only a homestead, it has an element of economic sustainability with a mahangu field. When you develop this into these modern houses, what happens to the livelihood of the people? Where do they get food? Will Government grant aid and you turn people into beggars or what is the situation there?

HON NAMBINGA: Honourable Speaker, I will not want to respond to the question, I will make a general comment at the end of my speech. After all, your question lacks logic.

If you go to Ondangwa today where business development has flourished, you take cognisance that this place was also occupied by people similar to those currently residing in Helao Nafidi and that is a fact, be it Ondangwa, Oshakati and elsewhere. As it is today, people from Helao Nafidi travel to Oshakati, Ondangwa and other developed towns to do shopping of their basic necessities in the very places that people are alleged to have been forcibly removed for developmental purposes.

If Honourable Ulenga or any one of you entertain the same notions as him, go and visit the Ohangwena Region. He will have to equip himself with basic necessities before going there, simply because he will not find all the necessities that he would need. One, therefore, wonders what logic Honourable Ulenga wants to convey and also what logic the Honourable Member here wants to convey.

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Comrade Speaker, Honourable Members, may I say that I was personally born and I grew up in Ohangwena Region, and some of the very people that are affected by this change are my relatives. An example is my uncle who is 88 years old now and who is a twin to my late mother who was removed a few years ago from his *epya* and had to settle somewhere else because of the restructuring process in the Ohangwena Region. I know it was hard for him and it was painful both to him and us as members of the family, but one fact remains and that is that this Government has been calling for economic development and this has to be done at places where people have indicated that they want development to be done.

Furthermore, I would say that apart from my uncle, still quite a number of my personal relatives are facing the same fate in the Ohangwena Region. Some of them have been there for 80 years or more. I have on several occasions discussed this matter with them personally and I can say that for the elders it is very, very difficult and bitter. It is even difficult for you when you go to a hotel and you know you are only there for five days, when you start packing again it is so inconvenient. Imagine somebody who has been there for 80 years, it is difficult, it is bitter. Colleagues, we are talking of development.

I know that the Government is about people who are making decisions for other people. Therefore, where human beings make decisions, there are bound to be mistakes. Therefore, I implore that if there are any specific mistakes that have been made by the Government, we as leaders have the responsibility to say, "*I think this is a mistake,*" but to just arbitrarily condemn, I think is not good.

It is highly irresponsible for any of us as a Member to simply incite people not to accept the changes brought along by the Government.

Comrade Speaker, I do not know why Honourable Ben Ulenga went, I said earlier that Ohangwena is not the only Region that had been affected. I also said that other Regions have also been affected. Why Honourable Ulenga is only emphasising Ohangwena I do not know. If you look at the *omikunda* that he had put up, what is the agenda of the Honourable Member? Why can he not simply come out and state what he wants to state? Why should he hide behind something?

We must keep in mind that we are talking about development which brings employment and housing to our people. We cannot continue after seventeen

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years of Independence to depend on the town structures which were erected by our colonial predecessors without a view to growth. As Government it is imperative that we embrace development.

Lastly Comrade Speaker, Honourable Members, it is very surprising to hear Honourable Ulenga condemning the Chinese investors. Honourable Ulenga was the Namibian High Commissioner to Britain and as such, one of his responsibilities was to convince foreign investors to invest in Namibia for economic development and job creation. I thought that was the case. Equally, Article 99 of the Constitution of the Republic of Namibia, the Supreme Law of our country, says: *“Foreign investment shall be encouraged in Namibia subject to the provisions of an investment code to be adopted by Parliament.”* I do not know whether we have the investment code. Therefore, if there are shortcomings in the code, let us address that and amend it. You can however on the one hand, not call for foreign investments and on the other, condemn it. What double standards.

This means that as a Government we must continue to encourage foreign investors. I however reiterate that where there has been an oversight made by Government, we must alert Government of such oversight. We must advise our Government, that is very important and we must appreciate investments and investors in this country.

With these words, I rest my case, Honourable Speaker.

HOUSE ADJOURNS AT 15:45

HOUSE RESUMED AT 16:14 PURSUANT TO ADJOURNMENT

HON MINISTER OF VETERAN AFFAIRS: Honourable Speaker, I just stand to ask for clarity. Honourable Ulenga had made a statement in which he was referring to the authorities elected in Helao Nafidi as “so-called” and that SWAPO has declared itself. My clarity that I want to find is that if my memory serves me well, according to the laws that have been passed by this House, if the elections are contested in a certain areas and there is only one Party, then by law that particular Party is declared the winner. This is a law of this House.

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Now where did SWAPO go wrong if it was the only one which contested and declared, according to the laws of this House, as the winner and a lawmaker stands up and says “*so-called elected members*” and SWAPO has imposed itself.

Is that permissible for a lawmaker to make such a kind of statement which is against a law which he has passed himself?

HON SPEAKER: I thank the Honourable Minister. The Senior Minister has posed a very revealing question which happening is being recorded. What Honourable Ulenga has said has been recorded and it is now for Honourable Ulenga, if he so wishes, to in his reply respond to the question as posed by the Minister. If he were to reply, what he will say will be recorded and all that would be in the HANSARD. The public out there would on the basis of that information have an opportunity to pass its judgment. That is not so much a reply to the Minister, but just to clarify the situation. Any further discussion? Honourable Ekandjo.

HON MINISTER OF LANDS AND RESETTLEMENT: Thank you, Comrade Speaker. Comrade Speaker, when the Local Authority elections were held at Helao Nafidi, SWAPO went there because I think the registration opened from 09:00 to 11:00, if my mind serves me well and SWAPO registered and all seven SWAPO Councillors were standing outside. By that time nobody has registered and then at 10:52 before the closing – it was not for the Local Authority but for the Regional Councillor of Oshikango Constituency. SWAPO registered and they were just waiting there because their candidate, Comrade Nambinga, has registered. Ten or eight to eleven, before the closing time, the CoD arrives. When they arrived there, they saw the SWAPO members there, they just went and joined the group of SWAPO and stood there. They remained there until eleven. At eleven o’clock the registration officer closed the office and this one came and said, “*but we did not register*” and he said, “*but it is eleven o’clock.*” They thought people were still waiting to be registered.

Therefore, if they lost in that constituency and at the same time this has led to their downfall in the Local Authority, now they come and talk about “*so-called, so-called.*” It was their mistake, they should have educated their members. They

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however saw SWAPO, they thought they were waiting, so they were just there until they closed up and they never registered. Therefore, they must come here and cry. Thank you, Comrade Speaker.

HON MOONGO: I adjourn the Debate until tomorrow.

HON SPEAKER: The Debate on this Motion stands adjourned until tomorrow afternoon. The Secretary will read the First Order of the Day.

**RESUMPTION OF DEBATE ON SECOND READING – MEDICINES
AND RELATED SUBSTANCES CONTROL AMENDMENT BILL**

HON SPEAKER: When this Debate was adjourned on Thursday, 13 September 2007, the Question before the Assembly was a Motion by the Honourable Minister of Health and Social Services that the Bill be read a Second Time. Honourable Schimming-Chase adjourned the Debate and she now has the Floor.

HON SCHIMMING-CHASE: Thank you, Honourable Speaker. At the onset of the Second Reading I would wish to thank the Minister of Health, Honourable Kamwi, for bringing the Medicines and Related Substances Control Amendment Bill. I am reminded to say Doctor.

I think my thanks is based on two major aspects, the first one being that very often we get Bills in this House quite late in the session and with very little time we try to rush through it and then we pass it and then a few weeks later we discover there are things that should have been done that have not been done. Therefore, bringing it in within the first week of this session, Honourable Minister, I thank you for it because it also gives us time to look into it.

And secondly because the content of the Bill, as I read it, has one major thrust and that is to protect the people of Namibia from some of the evils that today are brought to us in terms of medicines or medical practitioners. In view of that, at this point I just wish to pose a few questions, since it is still the Second Reading.

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There are a number of medicines that float in the market, some of them very cheap and because there is poverty, people run and buy these medicines. Now I am wondering whether there is no great need that the people of Namibia be protected from all these cheap medicines that are floating in the market and I would just like to know, would this Medicines Control Board be able to test where these medicines come from and to test also the quality of these medicines?

Sometimes, Honourable Minister, it is not only the medicines, but also some of the medical apparatus, for example gloves and even in terms of condoms, Honourable Minister as we spoke before, which we have been informed must be changed to fit the Namibian Nation. We are not all equally big and I am wondering... (Interjections). Right Honourable Prime Minister, lead me not into temptation. (Laughter).

I just want to get the assurance from the Honourable Minister that especially vaccines are properly tested. I know as a poor Nation we are sometimes dependent on donations of medicines and there is a saying that you must not look a gifted horse in the mouth, but unfortunately with medicines that gifted horse can be poisonous and so we must make sure that we establish the possibility that they are tested and not once, but the testing and controlling to be an ongoing practice when we deal with these medicines.

If we talk about the Act, we named it the Medicines and Related Substances Control Act, we really need to be very clear on the definition, what is the Control Board, what are the terms and reference for that Control Board and how can it be exercised. It would be very important if we do that.

Then again, Honourable Minister, as you have mentioned we have the different schedules of drugs, but we seem to also have different operators in the supply of medicine in Namibia today. We have medical practitioners who are qualified to dispense medicines, we have chemists that have qualifications to do that, but we see new laboratories and practitioners that arise from the soil and all of a sudden you read that you go to this office in Maerua Mall and they have a computer and they assess you and they know exactly what is wrong with you. Then they give you medication. In the meantime that medication is not discussed with your doctor and people start believing in these things. What we need to know is, are they tested? Are they admitted? Do they have the qualifications as well as the permission of the Namibian Government to dispense medication and medical treatment the way they are doing it?

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What is also very important, Honourable Minister, sometimes you go and buy this medication and you will look at the label and they will tell you 10 percent calcium, 15 percent this mineral or that. Do we have any possibility to test that what is purported to be in the medication on the label is in fact contained in the medication that we get? That is very important, because I know that if I go into the Regions, especially when I go to some of our traditional days, Mbanderu Day or Herero Day and so on, and somebody will come and say "*I have a headache*" or you take a tablet because you have high blood pressure and the person sees it and the person has diarrhoea, the person says "*give it to me*" because we just like taking medication and we have a special love for injections. But there is not really much protection and we do not tell people that you cannot use a headache tablet if you have labour pains, for example.

Could the Minister please exactly define what is meant by the Medical Control Council? Then when we read in the newspapers where people advertised, you will be surprised at the number of people who purport to be Medical Practitioners and use the title "*Doctor*". Some people run to them and they get the weirdest kind of prescriptions and you cannot blame our people because we have certain diseases which are incurable in Namibia today, such as HIV/AIDS. Sometimes people become so desperate that they will take everything. (Interjection) Not just beetroot, they say Jeyes Fluid with orange juice was once purported to be helpful.

Some of these paramedics who claim that they are doctors and even advertise as such, Honourable Minister, can we find a basis on which these people could be tested? I know that if you come with a foreign qualification there is a Medical Board that tests you, but these purported doctors, I think we must find a way of protecting the Namibian public from them.

We must make sure that the people of Namibia are made aware that if somebody tells you Herbal Life is the solution to all your problems, we must make sure that Herbal Life in fact is tested to be able to do that, so that especially the poor people who will run for cheap medicine, will not be led astray and end up spending their money on medicines that may be of no use to them, on the contrary may even have a negative effect.

With those few questions, Honourable Minister, I support the Amendment of the Bill. I thank you.

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HON MOONGO: Thank you, Honourable Speaker. Allow me to congratulate the Minister and his staff who made it possible for this Amendment to be tabled though it is late, but late is better than never.

First of all, I was disappointed to hear that medical aid in Namibia does not want to pay if you are in nearby foreign countries. If you are in South Africa it is hard to buy medicine through the medical aid and it is nearby. This is really disappointing. I do not know what Ministers do? Do you not get sick when you are in neighbouring countries? How do you get your medical aid to do the payment or do you get special treatment? We, the ordinary Members, the Backbenchers are suffering. We need a change, Honourable Minister. When you are in a foreign country, the medical aid does not want to pay. (Intervention)

HON DEPUTY MINISTER OF GENDER EQUALITY AND CHILD WELFARE: Comrade Speaker, may I ask my Chief a question?

Honourable Moongo, to my understanding you do not want to go to doctors in your country, you want to go somewhere else. I think you can ask those doctors because you do not have confidence in the doctors here in your country.

HON MOONGO: I take note of that. Honourable Speaker Honourable Members, the Amendment is late, but rather late than never to regulate...(Intervention)

HON MINISTER OF EDUCATION: Honourable Speaker, may I ask the Member a question? To his knowledge, has he ever heard that there is a medical aid scheme specifically only for Ministers in this country?

HON MOONGO: I can respond in my speech. I was saying that to regulate and control medicine and related substances available in the country and to

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ensure high quality in order to provide comprehensive national health services for humans and animals.

Mr Speaker, Honourable Members, at this time Namibian livestock and animals are dying of unknown diseases. Some walk like they have rabies and some are running and bite each other, some are dying due to having pink pores or abscesses over the whole body.

I, therefore, appeal to the Ministry concerned to vaccinate and control and eradicate the diseases before it is too late and that the new Council must act now and that the Pharmacy Council acts neutrally in order to serve both poor and rich people to register. They must not practise monopoly by rich people to dominate the poor who want to register their pharmacies. (Intervention)

HON DEPUTY MINISTER OF GENDER EQUALITY AND CHILD WELFARE: On a Point of Order. I think this Amendment was tabled by the Minister of Health, not Minister of Agriculture.

HON MOONGO: I know the Deputy Minister sometimes does not have time to read, so she didn't read the Amendment which deals with many things. I do not want the poor people to be monopolised by rich people in order to register their pharmacies.

Mr Speaker, Honourable Members, it is now seventeen years and there has been no progress in developing the system that traditional doctors and professional doctors coordinate to serve the sick people in Namibia. If it is true that there are no traditional doctors who does better, when are you going to bring them up to standard? Some can cure *Ondjundudhi* while the professional opt for amputation only. The professional doctors only used to amputate the legs, but the traditional doctors used to help. We need to bring these traditional doctors into the hospitals so that they coordinate and help each other. Some can cure epilepsy, snake bite, *Ontiko* with traditional medicine. When is the Minister going to facilitate and introduce a proper coordination...(Intervention)

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HON NAMBAHU: Honourable Moongo, you are doing very well.

Is it your reading that the Medical and Related Substances Control Bill deal with the substances that traditional healers use? Is that your reading of the title?

HON MOONGO: No, it is only that there are also traditional doctors who can also help with the health of the people and they are ignored by the Ministry. Therefore, I want them to work together with the doctors in the hospitals and attend to sick people.

I was saying that some of the traditional doctors treat epilepsy, snake bites, *Ontiko* with traditional medicines. When is the Minister going to facilitate and introduce a proper coordination so that the traditional doctors can get a subsidy in order to find cheaper *muti*, so that patients pay less for their health. They operate in isolation...(Intervention)

HON TJIHUIKO: Honourable Speaker, may I ask Honourable Moongo a question? Chief, you are talking about traditional *muti*. I understand that doctors, like Honourable Dr Kamwi, do write prescriptions for you to go and get medicine. I was informed that some of these traditional doctors cannot write. How are they going to write these prescriptions in order for us to get the *muti* and where will we get the *muti*?

HON MOONGO: The Honourable Member is in the city and therefore he does not know traditional affairs. They have reception and they also prescribe on documents. Maybe you need to visit them some time. (Intervention)

HON MINISTER OF INFORMATION AND BROADCASTING: Honourable Moongo, you are making the point whereby you are saying the traditional medicine should be subsidised. I want to find out how is it going to be subsidised, when you are subsidising a commodity, you get the price from the source and then you can pay a certain amount, so that those who are subsidising,

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will buy for a certain amount. In which shop or which company is traditional medicine being bought, so that one can control those substances if there is any company?

HON MOONGO: That is why I appeal to the Minister to facilitate so that the traditional pharmacies can be established. There are traditional pharmacies, but maybe the law cannot now allow it. Therefore, I appeal to the Minister to facilitate it, to allow it. Everything will be put in order later on if the Minister just amends the law.

Honourable Speaker, Honourable Members, there are a lot of clinics around in Namibia which are not recognised yet and they are doing good work. Will the Minister probably make an investigation in many clinics around here which are not officially recognised yet. We want them to be recognised. A commission of enquiry can look into those clinics which are doing good work and they are helping and you also have to make an investigation into which traditional doctors are better. We do not just want to recognise everybody, but in seventeen years there is not even one who can operate in the same hospital. We want one to operate in the state hospital together with the other doctors. (Intervention)

HON MINISTER OF EDUCATION: Honourable Speaker, may I ask Honourable Moongo a question? Since the Honourable Member is such an expert on traditional healers and how to recognise them, does he have the test, because he says some are not so good, some are better. Does he have a test how to judge the qualifications of traditional medical people?

HON MOONGO: I think if the Minister can find three or four traditional doctors in a committee to assist, but the only thing is to recognise some of them and then you elect a committee to assist the Minister, because the Minister cannot determine who is best. But they themselves know much better.

HON MINISTER OF GENDER EQUALITY AND CHILD WELFARE: On a Point of Order. My dear Headman, I love you so much but I am now scared to have a conversation with you in private, because you are moving around with the *mutis* and I would like to warn my brother-in-law, Dr Kamwi, to stay away. What I actually want to say is that you are now confusing, because all of us come from cultures and when we were small, we did not go to doctors for bites and all these dangerous things, but our parents were using herbal plants and roots, like the Khoba and the Kamagu. Even the San people are very scientifically placed in that area. There is even a company called Tianshi from China and I also use their herbal medicine and it is recognised. After scientific tests it has been recognised by the Ministry. I use those things, I even have some in my bag here.

I think it is just a misunderstanding because when you start with this traditional issues it is very dangerous, because I know when I was small the *profeet* came from Aminuis, stayed there and mixed things which almost killed the people. I was small but I know. Talk about herbal, not traditional. *Dis toordokter stories, deurmekaar storie daardie.*

HON MOONGO: Honourable Speaker, I know that the Minister is already using herbs from another country, but accept also the herbs from Namibia. We want also the herbs of Namibia to be used . We do not only want to buy from the Chinese and the other people, but we want to buy Namibian herbs, therefore do not block it.

Therefore, Honourable Speaker, Honourable Members, it is now the right time that when somebody is HIV/AIDS positive, the family members must not blame each other on who brought the disease home. Let them not fight each other, but they must prepare to fight against the disease together and follow the advice from the Ministry of Health and Social Services. Sometimes one family member is a carrier and he or she has a strong blood type, he or she will not die from HIV/AIDS like the non-carrier. That kind of person will not be allowed to marry because the partner will die. Relatives and family members lost the lives of their sisters and brothers just because of marriages. Therefore, let us look into this matter where one will marry three times and the wives die and even marry five times and continue to be allowed to marry according to the law. Let it be limited. I know the law says all people are equal before the law, but to kill three or four

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people just because of marriage are too many. Let us do something, Colleagues, let us not blame each other, who is a carrier, who is not a carrier. We need to solve the problem, too many people are dying.

I want the Minister to amend that law to cater for this problem. It can be a man or a woman, but we want to solve the problem. Who are you to kill so many people? Thank you.

HON DR GEINGOB: Honourable Speaker, I first support the Honourable Minister in what he is doing, medicine is his life, but since we have brought in traditional healers and traditional medicine, I want to tell you what might surprise you.

I was never hospitalised in my life in modern hospitals until I went last year to get a small operation which I was refusing to be admitted to, but I slept one night at the hospital. Before that the only place where I was hospitalised was in a traditional hospital. I do not know whether Mr Smith bought that farm and from whom, but it is a place called Platveld and he is having a farm close to that place. There was a famous traditional healer called Frans, people used to come from all corners of this country plus South Africa, including some whites too. I came there, I was brought there by my parents and he diagnosed like any other medical doctor. When you come there, they cover you during the night with blankets, so that you sweat out and then after that they give you the medicine to go into the bush. After you are cleansed the following day, all doctors have gimmicks to frighten you, they have white coats, they have these things, so traditional healers also play a little bit of drums to add to the mystique of the whole thing. Thereafter you get a prescription, roots pills. All they are doing today is to paint them now, it is traditional medicine, the same thing. Then you get a prescription, three times a day. We used to get up in the morning, boil it and drink in the morning, noontime and night. That hospital was well-known, the traditional healer, Doctor Frans was well known.

Now of course, witch doctors and the current situation has spoiled the situation. However all the medicine we have are from the same roots. Therefore, let us see how we can marry the two, Honourable Doctor. Thank you very much.

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HON SPEAKER: Any further contribution? Does the Minister wish to reply?

HON MINISTER OF HEALTH AND SOCIAL SERVICES: Thank you very much, Honourable Speaker. Following these good interventions, some of them bordering on policy definitions and on good traditional healers, I beg for the indulgence of the House that I give a comprehensive response tomorrow afternoon. Thank you.

HON SPEAKER: I thank the Minister. The Minister's reply will be delivered tomorrow afternoon. The Secretary will read the Second Order of the Day.

**RESUMPTION OF DEBATE ON NATIONAL RECONCILIATION WITH
A VIEW TO DEVELOP GUIDELINES FOR A POLICY THEREON**

HON SPEAKER: When this Debate was adjourned yesterday, 18 September 2007, the Question before the Assembly was a Motion by Honourable Tsudao Gurirab, that the Motion be adopted. The Honourable Minister of Lands and Resettlement adjourned the Debate and he now has the Floor.

HON MINISTER OF LANDS AND RESETTLEMENT: Thank you, Comrade Speaker, Honourable Members. I rise to partake in the Debate on national reconciliation.

I regard national reconciliation as the only way in which Namibia can develop and we all should make all efforts in order to preserve and maintain it, because if we do away with national reconciliation, as some of the people want to, especially those who want to take the Father of the Namibian Nation to the

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International Criminal Court, the consequences thereof will be too ghastly to contemplate, because if we have to start, if we throw national reconciliation through the window or door, we have to start at the root cause and the root cause started in 1884. We will have to start there, more than 106 years ago, the crimes committed in this country.

I am saying this because last week on Friday I read the SWAPO newspaper, *Namibia Today* of September 14-20. There is a letter signed by Phil ya Nangoloh, addressed to the Ambassador of Sweden and I am going to read the letter to the Honourable Members so that I can make my point clear. It is a letter by the National Society for Human Rights, August 25, 2007.

*“H.E. Ambassador Lena Johansson Blomstrand
Charge d’Affaires
Sweden Embassy
154 Independence Avenue
P.O. Box 23087
Windhoek
Fax 2859222*

Dear Charge d’Affaires Johansson Blomstrand:

Subject: Briefing on Heated Debate.

In light of the prevailing heated debate and public speeches, it has become necessary to brief Your Excellency on a confidential basis, about the historical events that have culminated into our petition submitted to the Office of the Prosecutor of the International Criminal Court. This Debate includes speeches from the highest political quarters of our country, regarding the said submission on December 8, 2006 and the intentionally concerted verbal attacks on our donors and, in certain cases, the life-threatening utterances from certain quarters of the Ruling SWAPO Party.

It is our sincere understanding that the attached dossier constitutes the heart of this briefing, the contents of which are self-evident. As we have informed President Pohamba in our letter accompanying the dossier, our submission to the International Criminal Court was triggered by the rejection in Parliament on October 25, 2006 of a Motion of the recurrent issue of missing persons.”

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It means the Motion that was brought here by Honourable Gertze. From there he maybe colluded with them and approached the International Criminal Court.

“In addition, we would like to inform Your Excellency, also on a confidential basis, on the latest situation of the bilateral communications between National Society for Human Rights and State House, regarding both the aforesaid submission and other relevant issues. Your kind attention in this regard is particularly drawn to the contents of “Annex 11” of the dossier.

Our submission to International Criminal Court, as a last resort, is a peaceful and democratic act effected in accordance with the letter and spirit of both the Namibian Constitution and relevant international law, as well as in accordance with one of our main objectives, which is to “promote democracy, respect for the rule of law, justice for all and the independence of the judiciary”.

This objective derives from the provisions of Articles 1(1), 12 and 78 of the said Constitution.

It is emphasised that this briefing is valid for both our financial donor States as well as those five Western States which had played the decisive role in negotiations for a peaceful resolution of the Namibian dispute, the writing of the Namibian Constitution and finally, Namibian Independence under the United Nations aegis.

We are confidently of the opinion that the present concerted attacks on the National Society of Human Rights, Phil ya Nangoloh and NSHR’s donors as well as the threats of war, which are carried out at the instigation, in the name and in the defence of former Namibian President Sam Nujoma, are a deliberate smokescreen to intimidate the rebellious population into submission before the November 2007 SWAPO Party congress and thereby to bolster Nujoma’s chance to return as President of Namibia in 2009.”

Shixwameni said, “we are waiting for the SWAPO Party Congress”, maybe for the formation of the so-called national reconciliation party or whatever.

“As far as NSHR is concerned, there could be no real transition to democracy, respect for the rule of law and justice for all as long as Mr Nujoma is in a position where he could manipulate Namibian politics.

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Hence, the National Society for Human Rights is of the view that Mr Nujoma must entirely and completely retire from active politics for there to be a real chance or transition to genuine pluralist democracy in this country. He is therefore the single biggest obstacle to such transition. Your acknowledgement of receipt of this briefing is highly appreciated.

Very sincerely, Phil ya Nangoloh."

He signed here, meaning he is asking his donors to interfere in the Namibian politics, so that those donors can come and say, "*Sam Nujoma, keep quiet, do not partake in Namibian politics.*"

Comrade Speaker, as I said, reconciliation is as fragile as an egg. (Intervention)

HON MINISTER OF JUSTICE AND ATTORNEY-GENERAL: May I ask the Honourable Member a small question? Before you proceed to other points you have in your speech, let me ask you this question. This letter you have just read is written, I suppose, to a representative of a foreign Government that is represented here in the country and if my supposition is correct, are the Namibian people not entitled to hear whether the foreign representative concerned supports such content, whether it is in line with their national policy to interfere in the internal affairs of a country in which they are representing their countries? Do you think, as I do, that this Government representative has a duty to both us here in Namibia and elsewhere, to make his or her country's position clear or otherwise the Namibian people will take it that that is the policy of this Government which has been a friendly Government to Namibia, which has been a very supportive partner to Namibia's development? That is my question.

HON MINISTER OF LANDS AND RESETTLEMENT: Thank you, Comrade Minister. I think the Namibian people have the right to know and I would also implore the media, if possible, because if a controversial statement is made here or anything outside, immediately you move outside you see the press and everybody wants an interview. But nobody has taken up this issue. I am sure that the media now got it. If it was not for *Namibia Today* we would not have known. However in the name of democracy, let us hear all sides, hear if it is the

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policy of those countries to interfere in the Namibian internal affairs, to tell the Namibians who should and who should not.

Comrade Speaker, first of all, I would like to salute Honourable Schimming-Chase and Honourable //Garoëb. This I say because we cannot count the two of them with the rest of the Opposition Parties. Let me make myself clear.

During the eighties we made use of their platform. SWAPO was banned from 1966 until 1986 when the court ruled that SWAPO can have meetings. There were instances when we shared their platforms. They organised, we addressed. We went together to Lusaka. This is just for the record, that they are not like Philemon Moongo or the DTA, for that matter.

Comrade Speaker, those who want to come up with the question of a Truth Commission, where do we start? The Germans never established complete control over the entire colony of Namibia. I am just reading here and there. *“German colonial troops increased from 250 in 1892...”* (Intervention)

HON SPEAKER: What are you reading from?

HON MINISTER OF LANDS AND RESETTLEMENT: It is from a book, I want to substantiate my facts. *“German colonialism was characterised by the progressive alienation of land and cattle from the indigenous inhabitants, their ruthless repression of resistance and the creation of a dispossessed African wage labour force.”* Today if one looks at the map of Namibia and where the farms are, I can today ask, where did the white settlers get their farms? I just want to alert those who want to come with this issue. Let us first put reconciliation there and we start there.

Today there are over 18 million people in Angola; in South Africa there are over 45 million people; Namibia in between has less than 2 million, only 1,7 million. Were the Africans of that time afraid or what was wrong? We had rain, good grazing, livestock, but they were not there. If it were not for Germany, Von Trotha, today there would have been more than 30 million Namibians.

Today they have farms all over the country, they claim it is their farms, their cattle. South Africa only brought one Simmentaler bull here to improve the

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stock, the rest of the cattle were indigenous. They never came here with land, they never came with stock. Today they can claim "*I bought the farm*", maybe they are the third or fourth generation, but the Germans came in 1884. After the extermination of the Namibian people, Von Trotha gave an order and the Herero-speaking were reduced by 80% and the Namas by 60%. Then they tried to go North, but Nehale defeated them at Namutoni, because they also wanted to go there.

If we start with this International Criminal Court or whatever, let us first start there. Some of them are alive here, if you go to Swakopmund you might find the old Germans there. They are there, they were never prosecuted. Let us first start there.

Let us start with those who contributed to the oppression of the Namibian people during the German time. Germany ruled Namibia for 31 years, from 1884 to 1915 and during that time no development, only extermination of the Namibian people.

Here in this book you find photos of Namibians cornered, Namibians hanged by the Germans. They exterminated for 31 years and South Africa ran this country for 76 years from 1915 until the dawn of Independence of this country and no development at all. Let us start with those Namibian colonisers for over 106 years, the German and South African rule here in this country. If we say we must come with a Truth Commission or International Criminal Court, let us start there. Who committed crime? Today we are less than 2 million and the rest of Africa over a billion?

Then those who want to take the Founding President of this country to International Criminal Court, Phil ya Nangoloh, who is he? Phil ya Nangoloh was born on the 27th September 1954 at Ogongo. This is a book *Who is Who in Namibia*. This time he was a member of SWAPO-D of which Honourable Moongo was also one and they were here in the so-called Interim Government. (Intervention)

HON MOONGO: On a Point of Order. Is it allowed in this House for a Member to become personal just because of our political involvement? If South Africa was here who imprisoned you in Robben Island, could you really be

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patient? SWAPO detained me for three years and you want me to keep quiet?
This is nonsense!

HON SPEAKER: Reference to your political affiliation in the past is no crime.

HON MINISTER OF LANDS AND RESETTLEMENT: Phil ya Nangoloh was a member of SWAPO-D and that time the leadership of SWAPO-D was President Andreas Shipanga, Vice-President Zem Nakapa, Chairman Ludwig Helu, Acting Secretary-General Metarere Katjiutua, Treasurer Liki Helao, Deputy National Treasurer D Haimene, National Secretaries: Information and Publicity Phil ya Nangoloh. That is why he is still campaigning as a publicity secretary of SWAPO-D. Foreign Affairs William Muket, Economic Affairs, O Schindler, Labour Daniel Heita, Education and Culture Emmanuel Hangombe, Transport Philemon Moongo, Secretary for Transport SWAPO-D. Women's League Acting, Julia Hipondoka, Home Affairs Esra Nanjunga, Organisation Acting Philip Haukongo, Youth League vacant, Elders Council Timothy Enkali, Administration Josef Takondjo. Phil ya Nangoloh was a SWAPO-D secretary for foreign affairs, information and publicity. Political career: Active as a protester against the Bantu Education system as a student; 1972-1974: went into exile in 1974, then joined SWAPO as a guerrilla; student in the Soviet Union 1975 to 1980 when he escaped KGB supervision. (Intervention)

HON MINISTER OF JUSTICE AND ATTORNEY-GENERAL: Before the Honourable Member proceeds, may I ask a question? Apart from the documentary evidence you are reading from, do you know that the person asking you a question was a schoolmate of Mr Philemon Ipumbu? Do you know that? And do you also know that Mr Philemon Ipumbu got expelled from Oshigambo High School in 1974 on account of having committed a serious crime? Do you know that?

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HON MINISTER OF LANDS AND RESETTLEMENT: Honourable Minister, for those who do not know Philemon Ipumbu, it is Philemon ya Nangoloh. He so committed crimes that he keeps on changing his name. His real name is Philemon Ipumbu, not Phil ya Nangoloh.

He joined SWAPO as a guerrilla, student in the Soviet Union 1975 up to 1980 where he escaped KGB supervision and fled to the American Embassy. While in the Soviet Union, he escaped and he went to the American Embassy, so he was recruited by CIA and today he comes and says that the Founding President is a member of the CIA, whereas it is him who was recruited there and from there he went to America.

Further education in the US until 1986. Joined SWAPO-D and represented the Party at the UN and in the USA in 1983 to 1986. He was never at the UN, SWAPO-D was not there. Wrote many articles for US newspapers on Namibia. SWAPO-D Secretary for Publicity 1984 to 1987. Chairman of the Parents Committee. This Parents Committee is the one which made propaganda that President Nujoma slapped a woman. His fight or his obsession with Sam Nujoma started long ago.

He comes with the issue of Sam Nujoma working for CIA and now taking him to the International Criminal Court. (Intervention)

HON MINISTER OF EDUCATION: May I ask Honourable Ekandjo a question? I noticed two things. One is somebody born at Ogongo and somebody else born at another place not too far away called Okahao. As an African with good traditional roots, if the families of two neighbours are taking each other to court, whether it is a traditional court or Magistrate's court of high court or International Criminal Court, what do you make out of such a neighbourhood?

HON MINISTER OF LANDS AND RESETTLEMENT: Thank you, Comrade Minister. The enemy of peace of Namibia, those who do not want to see peace, may make use of Philemon ya Nangoloh. Therefore, he says in his letter here that the only obstacle is Sam Nujoma. That is what he said. That is what I can derive from this whole fight. As long as Sam Nujoma is alive,

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Philemon ya Nangoloh will do all in his power, because he says this confidentially to those Embassies, that they should do something.

Comrades, let me just in brief highlight and you can see here some of the pictures of the Namibians, if we have to throw away national reconciliation, then we go back to this. If we visit all the farms here in the country, on most of the farms there are graves of Namibians. Even on my farm there is a grave of a Namibian who died before the Germans arrived here in Namibia.

Today we say Namibia is big. If you travel between Okahandja and Otjiwarongo, you hardly come across any village. If you go to any other African country, you will find villages just outside the capital, but Namibia, South Africa and Zimbabwe is not the same. You travel for hours and that is why today we have a high car accident rate, because if you have to go to the village, you have to go to Khorixas and travel three, four hours. You have to go to Aminuis, to Okakarara, you have to go to Katima, Rundu and Oshakati, Gibeon or Vaalgras. Were there no villages? What happened to those villages?

The Government has sent letters of expropriation to take some of the farms, seven farms belonging to German absentee landlords and they have taken the Government to court. Imagine, as an example, an African in America or Britain or in Germany itself, who owns a piece of land in Germany, a black Namibian owns land in America and then Bush says, "*I want to take your farm.*" Will the court there listen to you? These absentee landlords come from Germany, they come and attend the court case and then they fly back. In America, under Bush, you will land at Washington Airport or Kennedy, and they will say go back, that plane must not land. They will never listen to you. Must we go back to that?

Today we have to buy our own land and people sacrificed for this land. We however have to buy it from those who never bought it. In fact, they stole it. They come today and say the people who were resettled did not do anything. After the Germans these Anglo Boers from Angola were here, they were given farms and they were farming the same way our people are farming and the third, fifth generations are the ones who have now come with machinery. Therefore, the fifth generation of the people resettled will also be at that stage. When the Germans occupied this country, were they farming the same way they are farming today? Today we have to buy our own land because of reconciliation. Must we throw all that away?

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Those who want to touch any Namibian leader, Comrade Sam Nujoma, Comrade Jesus Awaala, Comrade Erkki Nghimtina or any other Namibian patriot, every Namibian who has contributed to the liberation of this country, if anyone is touched, we will also touch those who contributed to the oppression of the Namibian people. We can do that if we want to go into the history.

Adolf Hitler came here to Lüderitz where he found Chief Frederick somewhere there and said, *“I want land”* and that is where it all started. The Namibians of that time were under the heroic leadership of Hendrik Witbooi, Jacob Marenga and many others and they were only defeated because of the superior arms and Hendrik Witbooi died somewhere east of Vaalgras. Up to now he is there. The Germans wanted to cut off his head and put it in a museum there, so the Namibians of that time said no, *let us bury him and we do not make a grave and today after generations we do not know where he is buried*. He is only an example at Gibeon.

Jacob Marenga died defeated by the British in the Cape Province, he was killed by the British. Maharero died as a hero in Botswana. Jacob Marenga is a hero, he died fighting in the Cape. Kahimemua was hanged at Brakwater. Iipumbu Shilongo was banished to Kavango Region and he died in exile. Mandume died fighting the combined forces of South Africa and the Portuguese and he was decapitated.

We must go back to that before we start with any Namibian patriot who contributed to the Independence of this country. We fought for this country, nobody has the right to tell anybody – our Constitution says freedom of expression and this also applies to Sam Nujoma and the three comrades. They have the right to take part.

A person who is not a member of the SWAPO Party tell the Western countries to pressurise SWAPO. That we will never allow. It is the right of any Namibian to partake.

Comrade Speaker, Honourable Members, I just want to quote from this book. It is a letter from Samuel Maharero to Hendrik Witbooi: *“All our obedience and patience with the Germans avails us nothing. My brother, do not go back on your word and stay out of the fighting, but rather let all the people fight against the German and let us be resolved to die together other than to be killed by the Germans through mistreatment, imprisonment or some other way. Further, you*

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should inform all your captains who are subject to you that they too should stand and fight.”

“Extract from record of the German General Staff: The Nama warriors showed unbelievable stamina and mobility, skill in the use of terrain in guerrilla warfare and last but not least, great personal courage.” (Intervention)

HON SPEAKER: For record purposes, can you tell us what book are you quoting from?

HON MINISTER OF LANDS AND RESETTLEMENT: It is *“Namibia: The facts.”* *“Hendrik Witbooi led the greatest guerrilla warfare, guerrilla army in the whole of the African continent.”*

Here is a newspaper interview with Jacob Marenga, May 1906. In fact, it should be Jacob Marenga, but the Germans wrote “Murenga.” *“Do you think this war will continue long”, the newspaper asked. The response: “Yes certainly, as long as there is a man on the field.”* Question: *“Do you know that Germany is one of the mightiest military powers in the world?”* The response: *“Yes, I am aware of it but they cannot fight in our country, they do not know where to get water and do not understand guerrilla warfare.”*

Sam Nujoma was asked the same somewhere: *“Do you think you will be able to fight the mightiest army on the African continent?”* And he said yes. It was even before they started training guerrillas, SWAPO soldiers in 1962 in preparation that in case the International Court of Justice in 1963 failed, they will launch an armed struggle. People were asking, *“do you think you will be able to fight the mighty South Africa”*, but we defeated them.

Here is also a quotation from Hosea Kutako, Herero leader, 1947, the year I was born, 60 years go: *“We do not regard the Union Government as fit to be in charge of us as the trustees of African people in this territory. If we are regarded as the Union Government as their wards, we want the other nations of the world to know that we have been deprived of our land” – the land we are buying today – and we are prevented from developing into fully grown people by those who claim to be our trustees.”*

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Here is a photo of Ben Ulenga addressing a Trade Union and here is National Union of Namibian Workers meeting and Ben Esau was still in Arandis. He was still a young boy at that time.

Now coming to the atrocities committed, if we have to see those who committed human rights violations under the so-called DTA-Government, protected by South Africa and the so-called Multi-Party Government of so-called National Unity, that some of your members, like Moses Katjiuongua, used to decorate soldiers at the Independence Stadium for work well done after bombing Angola and Zambia, killing people. We have to start there and SWAPO-D was also part of that. Your leader was the so-called Minister of Police. (Intervention)

HON SIOKA: May I ask a question? You are doing well, Comrade, and I am learning a lot from what was done outside and inside from yesterday by the Right Honourable Prime Minister. My question is, the SWAPO-D that you mentioned here, do you know what happened during 1979 during the rebellion, how many people died? Some people are claiming to have been arrested by SWAPO, but what about those who died in 1975, 1976?

HON MINISTER OF LANDS AND RESETTLEMENT: Although we were sitting on the island we could follow. From 1971 to 1973 the whole country was threatened with a revolution, people were just moving in, they could not go to Angola, there were the Portuguese, so by 1974 when the Portuguese fell, the ground was already levelled, everything was ready and that is why thousands of Namibians fled the country, because from 1969 to 1973 SWAPO has worked well to mobilise the people.

When they arrived in Lusaka, somewhere there in Zambia, Shipanga was the one telling the people, *“workers were put in the camps and said it is Sam Nujoma who does not want to supply, here we are starving. It is because of Sam Nujoma, he is always in South Africa. :”* That is what he was telling the people. (Intervention)

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HON MOONGO: On a Point of Information. I think it is misleading, Shipanga that time was at the Liberation Centre and all the people who came 1974 never ended up in Lusaka. They passed Vungu and from there they went to the front and they never met him. The Minister is lying.

HON MINISTER OF LANDS AND RESETTLEMENT: His agents were the one lying to the people. (Intervention)

HON SPEAKER: The Minister is not telling the truth, “lying” is a little bit strong.

HON MOONGO: They were taken from Vungu, they went to the front, they never went to Lusaka. He is trying to mislead the House.

HON MINISTER OF LANDS AND RESETTLEMENT: Comrade Speaker, Shipanga’s agents withheld the food and the weapons from the people so that they can complain and say Nujoma is always in Pretoria and the truth came out. The truth will always prevail, like what happened now.

HON DEPUTY MINISTER OF GENDER EQUALITY AND CHILD WELFARE: May I ask a question? Comrade Minister, are you aware that in 1986 when Comrade Shifidi died, it was the group of Shipanga, Katjiuongua and others who were in the Interim Government? Are you aware of that?

HON MINISTER OF LANDS AND RESETTLEMENT: I am aware of it. In 1986 Koevoet arrived in Windhoek, they gathered at the NamPower bridge, they were given SWAPO T-shirts, because at those meetings that time people were

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having traditional arms just to show that they are brave, *kieries* and bows and arrow and knives and whatever. The people came. While the people were singing, a group came from Katutura, people were coming with cars, on foot and they also came there, and I had the privilege when I was in Home Affairs, I was told by some of the police, most of them are retired now, that apparently when the police were there, they had a box with bees, so they were just opening a little bit so that the bees can fly, because they wanted the people to run so that in that process they can now start, but it never materialised. (Intervention)

HON MOONGO: On a Point of Order. Is it allowed in this House for somebody who was released through the campaign of Shipanga from Robben Island with Toivo ya Toivo, it is Shipanga who campaigned for their release and now he is the expert. He was not on the platform, he was not in Namibia.

HON MINISTER OF LANDS AND RESETTLEMENT: Do not tell us that, the International Committee of the Red Cross used to come to the island and by the time we left, the conditions were better than what we found there. The pressure from the international community and the sanctions and everything, not Shipanga. Do not come and distort history.

This is a nurse at a hospital in the war zone in 1986 speaking: *“Many people come to the hospital who had been beaten up or suffered mutilation at the hands of the South African Army. People come to us with arms and legs broken as well as cuts and bruises and other wounds. One man had both his ears cut off, others have black eyes and bruised faces. Most of these victims managed to get to the hospital one way or another. Sometimes they are brought on homemade stretchers. Before the war made it impossible, our hospital operated seven mobile clinics. These gave services like ante-natal care to women living far away. Staff were sent to attend to expecting mothers. This is no longer possible. Last week one woman gave birth to her baby alone at home, the baby died, but she had to stay there for three days, she could not get to the hospital, she arrived here on foot and died soon after. The hospital has been without electricity for many times. We cannot use fridges to store our medicines. The generator was old and broke down. There is no light, even the paraffin lamps are not working well, so we use candles. Sometimes we do not get any medical supplies because*

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they think we use these for the fighters.” They said, “we do not give medicine because they will give to the SWAPO’s.”

From the sixties to the seventies, any person arrested on political grounds were sentenced and then sent to Pretoria and from Pretoria to Robben Island. In the eighties it was not the same, because by then there was this Ministers Council which was here in 1983 and then later the Multi-Party so-called Interim Government. That time South Africa did not send people to Robben Island, they were saying the Namibians are ruling themselves through their puppets, so let them stay here. That is why the Namibian political prisoners that time were here and these people were released with the advent of the UN Resolution 435. Here are their names:

Markus Kateka was sentenced on the 13th of October 1980 for 17 years, offence, all these are under the Terrorism Act. Theophilus Jason, 2nd of June 1982, 9 years, Terrorism Act. Josef Sacharias, 2nd of June 1982, 9 years. These were now SWAPO fighters.

With the implementation of 435 Osire was full, nobody was released from Osire, what happened to those people? What happened to them except these? Josef Sacharias, 2nd June 1982, 9 years, Terrorism Act, Angula Nehala, 26 May 1982, 11 years, common law, murder, robbery, Terrorism Act. Veiko Paulus Nghitewa, 30th October 1985, 24 years, common law murder abduction and theft. Sam Mundjindji, 30th of October 1985, 24 years. Frans Angula, 7 May 1986, 16 years. All of them are Terrorism Act. Norbert Ankombe, 7th May 1985, fourteen years. Ervin Simon Tjombe, 7th of May 1985, 14 years. Disiderius Ankome, 7 May 1986, 12 years. Erastus Utoni, 7 May 1986, 12 years. I must still find out if he is the Mayor of Ongwediva or not. (Interjections). It is a different one.

Vilho Kashilulu, 7 May 1986, 12 years. Bernadictus Petrus Shikongo, 7 May 1986, 5 years. Paulus Kapenguru, August 1986, 12 years. Leonard Naftali, 28 November 1986, 18 years. Josef Nghishekwa, 17 February 1987, 12 years and 6 months. Ervin Simasiku, 12 May 1987, 10 years. Andreas Johny Heita, 22 May 1987, 18 years. Johannes Nangolo, 27 May 1987, 12 years.

Markus Akweenda, 27 May 1987, 10 years. Gabriel Matheus, 27 May 1987, 8 years. Salomon Paulus, Gabriel Kapuka, all of them the same and I think I will continue tomorrow, because I will take long.

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HON SPEAKER: Continue.

HON MINISTER OF LANDS AND RESETTLEMENT: Here is an extraction from Andimba Toivo ya Toivo in the court in 1968. He said: *“We are Namibians and not South Africans. We do not now and we will not in the future recognise your right to govern us, to make laws for us in which we had no say, to treat our country as if you were our masters. We have always regarded South Africa as an intruder in our country. This is how we have always felt and this is how we feel now and it is on this basis that we will face this trial. We know that our organisation SWAPO is the largest political organisation in South West Africa. We consider ourselves a Political Party. We know that whites do not think of blacks as politicians, only as agitators. Many of our people, through no fault of their own, have had no education at all. This does not mean they do not know what they want. A man does not have to be formally educated to know that he wants to live with his family where he wants to live and not where an official chooses to tell him to live, to move about freely and not require a pass, to earn a decent wage, to be free to work for the person of his choice for as long as he wants and finally, to be ruled by the people that he wants to be ruled by and not by those who rule him because they have more guns than us.”* This is Ya Toivo. (Intervention)

HON SPEAKER: You will continue tomorrow. The House shall now rise under Automatic Adjournment.

THE HOUSE ADJOURNED AT 17:48 UNTIL 2007.09.20 AT 14:30

**ASSEMBLY CHAMBER
20 SEPTEMBER 2007
WINDHOEK**

The Assembly met pursuant to the adjournment.

HON DEPUTY SPEAKER took the Chair and read Prayers and the Affirmation.

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

**ANNOUNCEMENT OF CANDIDACY OF SPEAKER
TO INTER-PARLIAMENTARY UNION**

HON DR GEINGOB: Thank you, Deputy Speaker. I am submitting a short report dealing with a very, very important matter discussed in our Committee.

Namibia as a young Nation has achieved a lot. We as Namibians have excelled in many areas. We had Miss Namibia, Miss Universe, while we were just a new baby. We qualified for African Soccer Championships, this small Land of the Brave. We held the presidency of the General Assembly in a short time after our Independence, we had Libertine Amathila being the President of the World Health Organisation. I am just mentioning these instances to show that while we are young and a very small country, we have giants among us. People from outside recognise the talents we have here. We have now Bience Gawanas as a Commissioner at the AU.

Therefore, equally people look around and they identified one of our sons, our Speaker actually, to take up a post with IPU. This is the same post that our dear Colleague, the late Dr Tjitendero – may his soul rest in peace – was campaigning for, and was sabotaged at the last-minute.

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When the SADC Group were in Bali, Indonesia, they approached our Speaker and said *that time of Dr Tjitendero it was not Africa's turn, but now it is Africa's turn and we would like you to stand for that position.*

He refused, he was reluctant, he pointed out what happened to his Colleague, but they persisted and those of us who are the National Group were summoned, that is myself as the Chairperson, Honourable Nora Schimming-Chase and Honourable Mensah from the National Council. We were equally reluctant, we pointed out, that we are careful not to be revisited by similar situation as that what happened to Dr Tjitendero. Once bitten twice shy. So we can only contemplate such an issue if it has the support of Africa and that he becomes a SADC or African candidate.

We came, we then talked to them further and they said they will adopt him as the SADC candidate. Thereupon we decided to go and report to the Head of State, our President, to also tell him that this is what is happening, whether he will approve of such a move. We saw him and he was equally cautious, saying that we should not again go through the same problem of embarrassment, but if you are saying he is going to be a candidate of SADC, yes, he will support that but we must work hard.

Now Yours Truly is the Chairperson of the campaign and, therefore, we would like to inform this House so that you do not get confused when you hear tomorrow that the Honourable Speaker is a candidate and think he is leaving the Parliament. This is a part-time job and secondly it is an honour for us to occupy that high post and, therefore, be aware of that. When you are asked, say *"yes we in the Parliament are aware that our Speaker is a candidate."*

We are now moving further to other areas, like the Pan African Parliament and the South African Speaker is going to formally introduce this matter to the EU-ACP Joint Parliamentary Session in November.

Deputy Speaker, I was just trying to introduce our product, Dr Theo-Ben Gurirab, our Speaker. You know his history, it is a long history, the struggle, achievements as a Diplomat, Foreign Minister for 12 years, Prime Minister for two years and now our Speaker. I will challenge you whether you have any objection to this man's qualifications for this job. If not, please *Omakee*.

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HON MUNGUNDA**

HON DEPUTY SPEAKER: Thank you very much, first Prime Minister. That was just information, it is not a report. Notices of Questions. Notices of Motions? Ministerial Statements?

It is Thursday, the day initiated by the Opposition benches. I put Question 80 by Honourable Viljoen to the Minister of Gender Equality and Child Welfare. Does the Honourable Member put the Question?

QUESTION 80:

HON VILJOEN: I put the Question.

HON MINISTER OF GENDER EQUALITY AND CHILD WELFARE: Madam Deputy Speaker, before I reply to the question by *Inspekteur* Viljoen, let me also use this opportunity to congratulate my mother, Honourable Netumbo Nandi-Ndaitwah for her nomination. Congratulations, my mother. Let us also give a big hand like we did for the Speaker. I heard it on the news.

I will not repeat the questions, but the questions are based on Early Childhood, the quality of care-givers and the programme for Early Childhood Development and I will respond as follows:

In response to the questions of the Honourable Member, Mr Viljoen, I wish to respond by firstly giving you a brief background of ECD and pre-primary education in Namibia.

We all know that before Independence the former ECD Programme was virtually non-existent and education was actually fragmented, based on colour line. Before Independence only coloureds and whites were privileged and had access to pre-primary education, leading to a better start of primary school and thus better Grade 10 and Grade 12 results. I was a teacher during the time of the *Nama-Rehoboth-Kleurling Betrekkinge* and then after we had Quality Education for All. I know these things. But I was fortunate because my grandfather is a German, I have a light colour, I was under *Nama-Kleurling-Rehoboth Betrekkinge* and I could also qualify to study in the Western Cape because of that.

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This is what education was and Mr Viljoen was part of the privileged ones.

After Independence education was unified and the concept of ECD came on board. However, since pre-primary was accessible to whites and coloureds only, there was a huge backlog of children without access to ECD and pre-primary programmes. It was now after 21st of March 1990. Our Prime Minister was heading the Education Sector.

Secondly, I wish to briefly define some common terminologies used in the field of Early Childhood Development. Early childhood in Namibia is defined as children aged between 0 to 6 years. The development is defined as the process of change in which the child comes to master more and more levels of moving, feeling and interacting with people and objects in his or her environment.

Those in the field of ECD describe a child's development with a term "*holistic*". It means that a child's development cannot be compartmentalised into health, nutrition, education, social and emotional variables, because these variables are inter-connected and each one influences the other. Therefore, ECD interventions should look at the child in a holistic manner and this is what the Government of Namibia is doing and the Ministry of Gender Equality and Child Welfare.

Currently ECD programmes are delivered through ECD centres that can be run as commercial enterprises, in which case parents and other care-givers have to pay the fees. They can also be non-profit or community-based, in which case the community runs the centre, assisted by Government. In many community-based Early Childhood Development Centres only those parents who are able to afford pay fees, the rest is paid in kind and for the rest, 99 percent, the Ministry of Gender Equality and Child Welfare assists the communities for the children to benefit from ECD.

I would like to salute women in communities who rise to the challenge of ECD, because it is mostly the mothers, the unemployed mothers, the poorest of the poor who see the need and rise to the challenge without them even having something or even homeless under a tree. This is where they are starting with the ECDs because they have the will.

Types of Early Childhood Development Centres: **Day Centres**, we call them nurseries. Day centres and nursery schools are commonly found in urban areas. The majority of these centres are privately owned and managed by single

individuals. These centres cater for children of different ages, ranging from as young as 3 months to the age of 3 to 4 years. The children learn social skills and are also prepared for primary schools. These centres are paid for by parents and other care-givers. Day centres and nursery schools are mostly utilised by working parents of young children. When the mother goes to work, she leaves the children at those nursery schools.

Kindergartens: There are three types of EDC Centres. Kindergartens and crèches are found in both urban and semi-urban areas, but may also be found in the rural areas. These centres cater for children from two to five years of age. These centres are paid for by the parents themselves. In kindergartens and crèches children learn social skills, such as how to play with others, wash their hands and many other developmental skills. Kindergartens were inherited from churches long, long ago. The Rheinisch Church, the Lutheran Church, the Catholic Churches started with kindergartens. Sister Myra was buried one month ago, I was in her kindergarten. The churches were the ones who started with kindergartens for the disadvantaged people because the privileged were only for number eight and number one.

Pre-schools: These are mainly found in urban areas and serve as preparatory course before entry into Grade 1 in the Primary School education cycle. The Ministry of Gender Equality and Child Welfare encourages the rural areas of Namibia to run pre-school and offers training in Early Childhood Development in conjunction with the Ministry of Education and non-governmental organisations. Parents meet the total cost of running the pre-school units. Pre-schools cater for children of five to six years old. The availability of pre-school facilities differs from institution to institution and from Region to Region and from community to community.

Pre-school education actually ensures a smooth transition from ECD to primary education and it lays the foundation of acquiring basic literacy and numeracy. If well managed, it paves and eases the way to lifelong learning. Management of the delivery of the programme has, however, not been without challenges. Challenges include lack of appropriate qualified care-givers, inadequate ECD physical facilities, inadequate financial resources, limited access to pre-school education and the list is not exhausted.

Noting these challenges, a decision was made by Cabinet in 2006 to transfer the Pre-primary Education, children aged 5 to 6 years, from the Ministry of Gender

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Equality and Child Welfare to the Ministry of Basic Education and the 0 to 4 will remain with the Ministry. This was done on the premises that Pre-primary Education fits directly into Primary Education, it is important and essential for the transition from ECD to Primary Education.

The Ministry of Education has expertise and is in a better position to acquire professionally qualified personnel in the area of Pre-primary Education and I have here the Cabinet Decision on the 20th of July and I will just read the first part:

“The Cabinet approves the Amendment to the 1996 National Early Childhood Development Policy to make the Ministry of Education responsible for the development of a Pre-primary Education Programme as envisaged in the Education and Training Sector Improvement Programme (ETSIP).”

NIED, the National Institute for Educational Development, in a letter to me indicated that 300 trained teachers will be supported through the provision of fixed allowances, thus removing the need for poorer parents to pay high fees to employ such staff. School readiness learners will be improved through the translation of the Pre-primary Education curriculum and the package of teaching and learning materials in all 13 Regions and languages.

There are different ECD Learners Curriculum, and I made copies which will be distributed. The Ministry is not satisfied with the standard of care-givers, therefore in close working partnership with the Ministry of Education and other stakeholders, we continue to collaborate in the area of curriculum development for both care-givers and learners. Currently three curricula, basic and advanced curriculum for ECD care-givers as well as a training manual have been developed by the National Institute for Educational Development (NIED) and they will be submitted to the Advisory Council on Teacher Education and Training (ACTET) for approval.

ECD learners' curriculum is also finalised and will be submitted to the National Examination Board for approval. Similarly, NIED is also responsible for the development of curriculum for Pre-primary teachers and learners and I believe this process has long commenced.

Annexure B is the ECD Caregiver's Basic Course Syllabus. It will be distributed. Then I also have the Training Manual for ECD Basic Course Curriculum and then

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also Annexure D, a National Integrated ECD Policy of 1996, but we reviewed it last year and then the statistics for ECD Centres.

In 2002 we had 1 747 registered EDC Centres and now we have 8 566 in 2007, and amongst those there are 1 214 who are for the vulnerable children and for the orphans where the Ministry directly supports the ECD Programme. The total number of children registered from 2002 to 2007 is 137 770.

I must mention that ECD care-givers do not apply to become care-givers, but they are identified by their own communities and in some cases they establish ECD Centres, adhering to the Ministry's guidelines for establishing ECD Centres.

Since ECD Centres are managed by the communities themselves, the minimum requirement for the ECD care-givers, as set out in the guidelines, include among others the following:

A care-giver should have at least a Grade 10 or equivalent. They should at least have undergone twelve weeks of training in the ECD curriculum and follow-up refresher courses. They must have training in first aid, they should not abuse children verbally, emotionally, sexually or physically. These are the requirements. I should also mention that there has never been a career path for ECD care-givers in Namibia. Our Ministry, in partnership with the Ministry of Education and NIED and NAMCO and the Canadian Development Agency, is in the process of developing a career path for care-givers whereby standards will be set and care-givers should become qualified professionals. Institutions of Higher Learning, especially the Teacher Training College and UNAM are also involved in this development. We are coordinating with them.

All in all, the implementation of ECD Programme is guided by the National ECD Policy of 1996 which is Annexure D and which was revised last year. This policy has recently been revised to include pressing issues of HIV/AIDS and OVCs.

The issues of improved quality delivery and management of ECD and Pre-primary Education are well-covered in the Education and Training Sector Improvement Programme which was approved by the Cabinet in my presence on Tuesday and a strategic plan to improve the implementation of the programme is in place.

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For further information, Madam Deputy Speaker, you can contact the Director for ECD and Community Development, Mrs Eline Nghitwikwa and her phone number is 2833124 and Mrs Spendu Onesmus, the Deputy Director for ECD, 2833132 and Mrs Ursula Gawanas, the National Institute Coordinator, telephone number 2833127. Because of not wasting paper, I could not make copies but I extracted the most important ones. Therefore, *Inspekteur, u kan by hulle die res van die inligting kry*. I thank you.

HON DEPUTY SPEAKER: Question 81 is the one from the same Honourable Viljoen to the Minister of Justice and Attorney General. Does the Honourable Member put the Question?

QUESTION 81

HON MINISTER OF JUSTICE AND ATTORNEY-GENERAL: Comrade Deputy Speaker, I would like to thank the Honourable Member for posing this relevant and timely question.

For obvious reasons we cannot deny that rape is one of the most serious offences against women and is prevalent in Namibia, as stated by the Honourable Member.

It is also common knowledge in our country that perpetrators in most rape cases are family members. The prevailing situation is such that a woman raped by a family member, after reporting the matter to the police station, goes back to the same environment which makes her vulnerable to intimidation, coercion or rejection by either the perpetrator himself or a member of that family. The situation in Namibia is like this due to the fact that there is no protective shelter where the victim of rape can be housed for protection until the matter is finalised in court.

Bribing of victims of rape is not yet experienced within our criminal justice system, however what occasionally happens is that sometimes family members or perpetrators themselves pressurise the complainant to withdraw the case in exchange for compensation.

In a democratic society such as ours, the rights of survivors or victims must be respected. It is within these rights that a victim can withdraw the case and the

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State cannot force such a witness to testify against his/her will. What the State can do in the instance is to declare such a witness as a hostile witness.

There is no need to change or amend the current legislation. What needs to be done though is the intensification of the awareness campaigns in order to educate the society in general and in particular to make women aware of their rights.

Another pertinent consideration in this campaign is the creation of shelter where such victims can be accommodated while the matter is pending before court. This will minimise the chances of intimidation, coercion or bribery.

In relation to the evaluation of evidence in rape matters, the procedure is that it is only the Prosecutor-General or a prosecutor authorised by her who can withdraw a rape matter. Police investigators do not have such authority. If it does happen that a matter is withdrawn by a police investigator before the accused made a first appearance, the prosecution will not have a case as it has no knowledge of such an occurrence.

Comrade Deputy Speaker, I hope I have satisfactorily answered the questions of the Honourable Member. I thank you.

HON DEPUTY SPEAKER: I thank the Honourable Minister. Any supplementary question?

HON VILJOEN: Honourable Deputy Speaker, I thank the Honourable Minister for a good answer, but I hope the Committee on Human Resources will bring up the matter again after our visit to the Regions.

HON DEPUTY SPEAKER: Question No. 87 is the one of Honourable Venaani to the Minister of Trade and Industry. Does the Honourable Member put the Question?

QUESTION 87:

HON MINISTER OF TRADE AND INDUSTRY: Thank you very much, Honourable Deputy Speaker, Honourable Members of the House. Allow me to answer a number of questions posed by Honourable Venaani during Question Time. Honourable Venaani posed a total of five questions, all centred on the issue of the perceived sub-standard and potentially dangerous products entering the Namibian market, on the one hand, and the operationalisation, or not, of the national standards body, on the other hand.

Comrade Deputy Speaker, Honourable Members, the questions raised by Honourable Venaani are valid as they concern issues of immense national importance. Securing the safety of the consumer by preventing the circulation of defective products, especially food products earmarked for immediate human consumption, is one of the primary functions of the Ministry of Trade and Industry.

Over the past few weeks, the media, notably the electronic media, especially in the developed industrialised countries, have inundated the general public with reports about ostensibly defective or unsafe products from China circulating in various markets with potentially injurious and life-threatening health hazards to the consumers.

The defective products mentioned are: toothpaste poisoned with antifreeze; pet food laced with plastic chemicals; children toys decorated with contaminated toxic lead paint; certain fish products prepared with unsafe additives and other ingredients; and defective tyres and other motor vehicle accessories.

Such sensational news reports create obvious anxiety among the people, especially among Namibians who are credited for producing what they do not consume and consuming what they do not produce. By making this remark, I do not in any way attempt to ridicule the concerns expressed both inside and outside of this august House about the wider implications of uncontrolled defective products entering the Namibian market. What I want to emphasise is that if a product is potentially harmful, it can be harmful whether the product is produced locally or imported.

In one of the countries where the story of defective Chinese products are widely reported, namely the United States of America, there was an incident whereby a

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local US factory that was *“too worried about meeting production demands, told workers to skip the final inspections in the hazard prevention chain and just send the products out to the unsuspecting consumers or buyers”* for a massive profit. That incident raised a question about the general despondency and defeatism expressed by nationals when confronted by problems caused by imported products from other countries.

Honourable Members, faced with the problem of defective and potentially dangerous products entering the Namibian market, the question from Honourable Venaani is whether Namibia has so far received goods or commodities that are of substandard, with latent defects and that may cause serious damages to human health from China or from any other country.

To this question I would like to respond as follows: While hardcore drugs of various types and fake products, such as fake cigarettes, etcetera, are being routinely intercepted at the national frontiers of the Republic of Namibia, the Ministry of Trade and Industry has not received reports of incidences of the importation of defective or unsafe food items or other items earmarked for human consumption. As a result we are not aware of injuries or illnesses as a result of such imports.

Moreover, Namibia is part of the Southern African Customs Union (SACU) and as such products that enter the SACU market usually circulate freely within the Customs Union, a practice that renders those SACU members with weaker regulatory regimes amenable to abuse by unscrupulous business people who can go to any length to trade in any product as long as that would increase their greedy appetite for profits.

Honourable Deputy Speaker, Honourable Members, I would like to seize upon this opportunity to call upon all Government Ministries, Offices and Agencies, notably the Customs Department in the Ministry of Finance and the general public at large, to be vigilant and to report any suspicious product with potential lethal consequences, so that appropriate steps are taken to test and verify the status of such goods.

Meanwhile, the Ministry of Trade and Industry continues to put all measures in place to prevent any potential harmful consequences to the consumer. Such measures include the establishment of the Namibian Standards Institution, which

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I have officially launched on 13 September 2007 and a possible Amendment of the Trade Metrology Regulation issued under the Trade Metrology Act, 1973 to set new acceptable levels for additives in food products and to exclude harmful decorating paints from toys, to name but a few.

Finally, I would like to caution that any hysteria targeting a specified country or Nation may provoke passions of xenophobia which are unacceptable in an independent Namibia. However, the Nation must be assured that when it comes to the protection of the health and safety of the Namibian consumer, there will be no compromise.

I thank you very much.

HON VENAANI: I have a supplementary question to the Honourable Minister. When did we legislate for the establishment of the bureau that was launched on the 13th of September? When was the legislation passed and why was it launched only now if the legislation was passed a few years back?

HON MINISTER OF TRADE AND INDUSTRY: The question is whether we have legislation in place?

HON VENAANI: Honourable Deputy Speaker, this august Assembly legislated for the establishment of a Bureau of Standards some few years back. What led to the delay of that establishment until you only established it on the 13th of September?

HON MINISTER OF TRADE AND INDUSTRY: That is a new question altogether, but we now have this process in place. This function has all along actually been done by the South African Bureau of Standards. They have been doing that and they have only recently given us notice that they are going to hand this function over to us. The legislation is not an issue here, it is whether we are going to have this process in place and we ensure the safety of our products. If

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you want the dates and specific Acts, that is another question that I can go and research.

QUESTION 88:

HON MINISTER OF HEALTH AND SOCIAL SERVICES: Thank you, Honourable Deputy Speaker, Honourable Members. I appreciate with thanks the continuous attention the Honourable Member is paying to the health sector.

I have the following in response to his questions.

Yes, there is no doubt that there are many aspects of the health sector that can be further improved. In this regard, I am sure that the Honourable Member has taken note of a number of changes in personnel that have taken place in my Ministry during the past month. A new Permanent Secretary was appointed in August and a new Deputy Permanent Secretary was just appointed two weeks ago. An Undersecretary was equally appointed in August with five new Regional Directors appointed with effect from 1st October 2007.

I wish to assure this august House that we are actively looking at all the issues that have been raised, but at the same time, it is clear that there is a need to give the new management team an opportunity to acquaint themselves with their new work environment and to have discussions with our stakeholders in order to map out the road ahead. This is already being addressed.

In addition the timing is very opportune since Government is busy finalising the Third National Development Plan. My Ministry intends to embark upon the compilation of a strategic plan for the health sector as part of this process. For this purpose, both the Office of the Prime Minister and the World Health Organisation has offered their support and we will be receiving technical assistance in due course.

I should also like to share with the House that during the coming months my Ministry will implement a review of our Primary Health Care Strategy. Our National Health Strategy is based on the Global Primary Health Care Strategy advocated by the World Health Organisation and dates back to the 1978 Alma Ata Global Conference on Primary Health Care. There can be no doubt that after

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implementing the strategy since 1990, there is a need for an in-depth assessment to make clear where we are doing well and where we can further improve.

We all know, of course that primary health care has been a new concept to Namibia when it was introduced after Independence as a vehicle for health care delivery services.

However, to date it is only the referral hospitals and super specialised services, such as kidney transplants and heart operations, that capture the imagination of many and the headlines in the media. Prevention, health promotion and rehabilitation services, on the other hand, are three of the four pillars of primary health care. Our communities, our families and each one of us as individuals need to be responsible for our own health. Yet, many fail in this regard and rather wait until their health is compromised and they need expensive medicines and high technology medical care.

Honourable Members, the majority of our big killer diseases are perfectly preventable and prevention measures need to take place in our schools, in our communities, in our homes, in our kitchens and indeed, in our own bedrooms. In other words, our clinics and hospitals should be the last resort in a chain of interventions.

Honourable Deputy Speaker, I repeatedly took the Floor before this august House and during Cabinet Retreat and so were my predecessors before me, who are on record in the HANSARD on this, to point out during our annual discussions that Budget allocations to the Ministry of Health and Social Services remain inadequate.

We have repeatedly stated that funding to fill our vacant posts needs to be increased. We have regularly made the point very clear that most of our medical equipment is going beyond the lifespan. We have on a number of occasions requested greater allocations for transport and new vehicles because more than 80% of our fleet of around a thousand cars are older than 5 years and are off the road most of the time for reasons of wear and tear. We have also indicated that we require a much greater Development Budget allocation so that we can upgrade and comprehensively renovate our hospitals, whose average is around 40 years. My Ministry also has a more than 5 year backlog for the construction of new clinics. These clinics were already approved long ago, but inadequate funds have hampered progress compounded by a cumbersome system from the Department

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of Works in terms of the appointment of an experienced architect to do feasibility studies, documentation and contract administration.

In addition, we have a major backlog with maintenance of our health facilities, but the responsibility for this function, as you all know, is not with my Ministry.

Thus, let me assure the Honourable Members and, indeed, Honourable Venaani, the Ministry is hard at work. I have a new team and I am very confident that already a number of important strategic initiatives are under way. I am confident that more resources will be made available to the priority sector of health in the near future, both from Government as well as the private sector and from our development partners.

I have taken it to myself by spearheading consultations with stakeholders, the private sector and the response is encouraging. I remain positive that our health sector will make good progress and that we will be in a very good position in a few months' time to appraise this august House of the situation. I thank you.

HOUSE ADJOURNS AT 15:45
HOUSE RESUMES PURSUANT TO ADJOURNMENT AT 16:15

HON DEPUTY SPEAKER: Question 90 is by Honourable Kaura to the Right Honourable Prime Minister. Does the Honourable Member put the Question?

QUESTION 90:

HON MOONGO: I put the Question on behalf of Honourable Kaura.

RT HON PRIME MINISTER: Thank you, Honourable Deputy Speaker. Before I answer the question of this veteran nationalist, let me just explain something to another veteran nationalist.

When I was here clarifying the origin of the policy of national reconciliation, I went through its genesis, its roots and then I wanted confirmation from Comrade

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Hidipo here. When I looked at him he was looking down and I thought he was dozing a bit. In fact, he was not dozing, he told me he was consulting from the biography of U Chant, former UN Secretary General. He was thus not dozing off, he was consulting.

Now to the question of another veteran nationalist, Honourable Kaura. Thank you for your question. Whereas I fully agree with Honourable Katuutire Kaura that some crimes are getting out of hand, especially gender-based violence and stock theft, I however believe that the Police are working hard to deter and deal with criminals.

At this point in time I do not see the need to militarise the fight against crime. I further agree that more resources should be made available to equip our police with crime-fighting means. The House will be delighted to learn that the Police Force will soon acquire a helicopter to enable it to move fast to the scenes of crime.

With regard to stock theft, communities should organise themselves to deter stock theft. Stock theft is being committed by our own family members. When these family members steal other people's cattle, we keep quiet. It is only when our own animals go missing that we start to blame the Police.

Traditional authorities should mobilise community members to stamp out stock theft crime. That is the best way to fight that crime and I believe that you agree with me and I thank you for your support. Thank you very much.

HON DEPUTY SPEAKER: Question 91 is by Honourable Viljoen to the Minister of Health and Social Services. Does the Honourable Member put the Question?

HON VILJOEN: Honourable Deputy Speaker, I am not the father of that question, I do not recognise it.

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HON DEPUTY SPEAKER: We move on to the next question. Question 92 is the one by Honourable Moongo to the Minister of Health and Social Services. Does the Honourable Minister put the Question?

QUESTION 92:

HON MOONGO: I put the Question.

HON MINISTER OF HEALTH AND SOCIAL SERVICES: Honourable Deputy Speaker, Honourable Members, let me make it very clear that Honourable Moongo's concern about health services in the northern Regions is highly appreciated. Let me however also state that it remains a cause of concern for me that Honourable Moongo has put questions that have already been addressed. Thus, my response will be brief.

Of course, Government has not changed its policy of rightsizing – the way he puts it – our hospital services. Our policy is very clear: There are district hospitals, there are intermediate referral hospitals and there is the national referral hospital for highly specialised care, and that is Windhoek Central Hospital.

This system is logical, cost effective and very appropriate given the fact that my Ministry has to operate under very severe resource constraints. However in our decisions about the health infrastructure in Namibia, we are also taking cognisance of the evolving health situation. Rightsizing of hospitals was applied mainly during the first five to ten years after Independence in order to resolve issues of duplication, fragmentation, inefficiency and injustice created by the Pre-independence regime. This process has been concluded successfully.

During the past 7 years my Ministry has, however, had new health challenges to respond to. These include the growing population, the impact especially of HIV/AIDS and major diseases, such as tuberculosis and malaria, growing numbers of trauma and injury cases and also increasing burden of non-communicable diseases such as hypertension, stroke, cancer, diabetes and many others.

We are now in the process of adapting our resource base to these major challenges. This implies that we need once again to adapt and expand our facilities, for example by enlarging hospital outpatient departments, by adding

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new wards and new service blocks and so forth. Thus, rightsizing means being responsive to the needs of our communities. And of course, that is Government's policy.

To the second and third questions of the Honourable Member, I can only answer by appealing to him. Let us not use the question time of this august House to further promote speculation and rumour-mongering. No one downgraded Onandjokwe Hospital to a clinic level, as you seem to be misinforming the people up there in the North. And finally, there is no need for the Honourable Member to lecture this august House on the history of Namibia's health services. There are very many Honourable Members who are fully aware of it and who have been part of it to this day for very many decades. I thank you.

HON MOONGO: Thank you, Honourable Deputy Speaker. The answer was not direct to the question, because I wanted to hear whether the Ministry is ready to expand the Onandjokwe Hospital or are they busy degrading? What is the position? We want to know. We do not want to hear of rumour-mongering, what we want are the true facts. Do not hide behind arguments.

HON MINISTER OF HEALTH AND SOCIAL SERVICES: Thank you, Honourable Deputy Speaker. We are not expanding Onandjokwe Hospital. I do not see any of us in the Ministry expanding it. I stated earlier on, no one – and I want to repeat for emphasis sake – no one degraded the 450 bed capacity, Onandjokwe Hospital. At the same time, I wish to further give you some information, that this coming Friday, when you go to your village at Omaalala, I advise you to go via Oniipa, the ELCIN headquarters and try to seek some more information from the leadership of ELCIN Church. We have had a meeting with them on the 5th September and I do not want to elaborate on that since you do not seem to listen to the information that I am trying to give you. You may get it from the horse's mouth, especially from His Grace Bishop Dr Shivute and His Grace Bishop Sindano. They may give you some more information on the meeting we had on the 5th of September. Thank you.

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**RESPONSE TO QUESTION- HON MOONGO
HON DR KAMWI**

HON DEPUTY SPEAKER: Apparently Question 91 was by Honourable Moongo and not by Honourable Viljoen. Does the Honourable Member put the Question to the Honourable Minister of Health and Social Services?

QUESTION 91:

HON MOONGO: I put the Question.

HON MINISTER OF HEALTH AND SOCIAL SERVICES: Thank you, Honourable Deputy Speaker. *“Is it true that there are a lot of people in Namibia who need kidneys?”* We do not have this information. It may not stand over. *“What is the policy towards organ donors to save lives?”* It depends on the need. We do not have a standing policy. It is a decision that is made by the experts on the ground and these are doctors, in consultation with each other. They usually decide when there is a need to do so. Thank you.

HON MOONGO: I wanted to know when the policy is going to be drafted because this is urgent. Many people are suffering and they need help and there is no policy from the side of the Government.

On the other question again, the Onandjokwe Hospital cannot be expanded by the church only, it must be expanded from the side of the Government.

HON DEPUTY SPEAKER: Honourable Moongo, we have already completed that question. Honourable Minister, can you just repeat on the policy?

HON MINISTER OF HEALTH AND SOCIAL SERVICES: Honourable Deputy Speaker, my advice to the Honourable Member is, if he is aware of such individuals, may he refer them to the hospital? We will attend to them.

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**RESPONSE TO QUESTION BY HON MOONGO
HON SIMUNYA**

HON DEPUTY SPEAKER: Question 93 is the one by Honourable Moongo to the Minister of Defence. Does the Honourable Member put the Question?

QUESTION 93:

HON DEPUTY MINISTER OF DEFENCE: Thank you, Honourable Deputy Speaker. Before I start responding to this question, let me remind the Honourable Moongo, I think it has become his habit to repeat the same question several times. This question was responded to some time last year by my Minister. Nevertheless, let me repeat the same answer again.

It is true that members of the Namibian Defence Force, like other employees from many other Government institutions, come to Windhoek in order to claim their pension. Unfortunately, this is outside the mandate of the Ministry of Defence. We are not responsible for pension-payouts. There is an institution that is known as GIPF which is responsible to manage and pay all pension payouts to the employees of Government. Let me also remind you, Honourable Moongo, that once you retire, do not come to the Speaker and claim your pension. There is an institution responsible for that.

As for the last part of your question, it is the same with the families of the deceased members, they also come to Windhoek to claim their pension. I guess I have responded to your questions. Thank you.

HON MOONGO: Thank you for the answer, but I am disappointed because his members are still suffering and travelling from Rundu in Kavango Region and so on and from Karas to come to the Head Office. They are supposed to facilitate the documents to the headquarters of the Regions, so that they can easily fill in the forms and be assisted. It is not impossible to do so.

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**RESPONSE TO QUESTIONS BY HON
SCHIMMING-CHASE
HON IIVULA-ITHANA**

HON DEPUTY MINISTER OF DEFENCE: We have several units around the country, but these units only have the files of their own members who are deployed to that part of the Regions. They do not have the files for every member of the Namibian Defence Force. It may happen that a member of the unit which is deployed in Rundu may die, but this member does not come from Kavango Region, he may come from the Karas Region originally and it will make it even worse if we say the units in the Regions should be responsible to advise the headquarters of GIPF about who are to get pensions. Otherwise this is the administrative arrangement that we have. I thank you.

HON DEPUTY SPEAKER: Question 95 is the one by Honourable Schimming-Chase to the Minister of Justice and Attorney-General. Does the Honourable Member put the Question?

QUESTION 95:

HON MINISTER OF JUSTICE AND ATTORNEY-GENERAL: Thank you, Comrade Deputy Speaker. Comrade Deputy Speaker, I have the greatest sympathy for my sister over there and thank her for her persistence that she continues to pursue this matter. I would like to offer my apology to both the Honourable Member and to the Namibian people who have been looking forward to the conclusion of the investigation in this matter. I would however like to tell the Honourable Member that the issue we are dealing with is a cross-border crime committed from our country and as such the investigation involves the safety and security machinery of three countries, that is Namibia, South Africa and Botswana and as such this matter does not fall quite clearly within our own jurisdiction only. We are seeking the assistance and support of other institutions.

My counterpart in South Africa is well seized with this matter and towards the end of this month or early next month we will be meeting in South Africa on the same issue.

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**RESPONSE TO QUESTIONS BY HON
SCHIMMING-CHASE
HON IIVULA-ITHANA**

I would further like to tell the public and the Honourable Member who posed the question that we cannot rest until we get to the bottom of this matter. If we are not reporting, it is not because we are not doing anything, it is just because we do not have adequate facts on which to report and we should also know that we are dealing with a very, very sensitive matter in the sense that those who are involved are here and in the two other countries that I have mentioned. They are also listening to what we say and I do not think it is proper and judicious for me, even if I had the Report, to just drop it here on the Floor of Parliament, since the matter involves the other organ of the State, the Legislature.

I plead for understanding and patience until we have resolved this matter and at an appropriate time we will be reporting to the House. I thank you, Honourable Deputy Speaker.

HON SCHIMMING-CHASE: I want to thank the Honourable Minister of Justice and Attorney-General for her reply and I promise the Honourable Minister that with age patience comes, but death also comes closer. I hope in my lifetime we will have a reply. Thank you.

HON DEPUTY SPEAKER: Question 100 is the one by Honourable Moongo to the Minister of Regional and Local Government, Housing and Rural Development. Does the Honourable Member put the Question?

QUESTION 100:

HON DEPUTY MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: Thank you, Honourable Deputy Speaker. On the 13th of September 2007, Honourable Moongo gave notice of questions regarding services rendered by what he termed

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HON KAZENAMBO**

“Oshikoto Municipality” to communities around Ondangwa, Olukonda, Oniipa and Onethindi. In this regard, I wish to respond to Honourable Moongo’s questions as follows:

In his first question Honourable Moongo asked whether the Ministry is aware that churches, communities, businesses and individuals around Ondangwa, Olukonda and Oniipa who pay water bills at Onethindi for the *“Oshikoto Municipality”* are up in arms because they are exploited and that their water bills are deliberately doubled?

Honourable Deputy Speaker, I wish to correct Honourable Moongo that there is nothing called *“Oshikoto Municipality”* in the Oshikoto Region and it is really a pity that the Honourable Member who has taken an oath to defend the Namibian people and the territorial integrity does not know the geographical set-up. I am sorry. Rather we have an Oshikoto Region, we have a Tsumeb Municipality and we also have the Onethindi Settlement Area.

However, be it as it may, I wish to state that there is no exploitation taking place at the places referred to by Honourable Moongo, but rather an increase in customers bills due to water leakages and pipe burst. This problem, regrettably is not unique to the areas mentioned above, but a challenge facing many such areas where water pipes and other infrastructures have reached their economic lifespan. The Ministry is aware of such a challenge and it is one of its priorities on its developmental agenda to be addressed head-on whenever resources are made available.

If Honourable Moongo, with due respect, would bother to check, every year we make provision for such incidences in our annual Budget and one would appeal that issues of this nature should be taken seriously by all stakeholders and rather than aggravating and confusing communities we should try to interpret the cause of the problem, although I am not naïve to the point that maybe it is the duty of Honourable Moongo to oppose for the sake of opposing. If it is not the case, I would rather appeal that Honourable Moongo takes the example of Honourable Nambinga yesterday when he responded on the issue at Ohangwena. However, it is up to Honourable Moongo.

We are appealing to the communities to understand that when resources are available, we will try to rectify and address the problem of those infrastructures that have reached the end of their economic lifespan.

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HON KAZENAMBO**

In his second question Honourable Moongo wanted to know if the Minister could deny or agree that there are acute malpractices and mismanagement of the computer system in the Municipality of Tsumeb and Onethindi, to provide accurate amounts paid monthly. He further stated that the system includes last month's amount as if a person did not pay his or her bill. In this regard, Honourable Moongo asked if the Ministry could explain or if the Minister condones the corruption of Oshikoto Municipality.

Honourable Members and the communities outside there, with due respect, there is no such a thing called Oshikoto Municipality. However, this question has also not come out clearly and is rather creating confusion and unnecessary alarm to residents of the Oshikoto Region, particularly those in Tsumeb and Onethindi Settlement area.

However, be that as it may, I wish to state that the Ministry is not aware of any malpractice, mismanagement or corruption at both the Oshikoto Regional Council Head Office or at Oniipa Revenue Office, as far as the newly introduced computer billing system is concerned.

Towards this end, may I appeal that whenever we as politicians and Honourable elected Members, like Honourable Moongo and many others, ask questions about malpractices and corruption, the Government has set up a body, the Anti-Corruption Commission, to refer these matters, if they have merits, to an entity like that. Whenever we are using our privileges in this House, we should also put ourselves in the shoes of ordinary Namibians who are working in those institutions on whom we are casting aspersions, because you are talking about malpractices and corruption without proof. It does not affect a politician whom you perhaps want to downplay, but you are targeting ordinary Namibians who are daily committed to providing services to those communities. That is just an appeal that sometimes we must put ourselves in the shoes of the people who are providing services to the community and we are casting aspersions and character assassinating them. That is just a remark in passing.

However, I wish to state that the Ministry is not aware of any malpractices, mismanagement or corruption at both the Oshikoto Regional Council Head Office or at Oniipa Revenue Office, as far as the newly introduced computer billing system is concerned.

The Ministry is informed that all payments are done on the 20th of each month,

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HON KAZENAMBO**

either by cash, bank deposit, cheque, before they are deducted for that period. In the case of bank transfers and deposits, the Council used to make sure with its bank statements as to whether the payments went through and if cash payments were made after the 20th, it is always processed the following month. However, if done by the 7th, then it is deducted the same month. Those are the technicalities involved.

I found the above issues to be of administrative in nature employed by the Oshikoto Regional Council and thus irrelevant for Honourable Moongo to spend so much time inquiring on it, without following the necessary procedures.

Further, I wish to enlighten Honourable Moongo that the Tsumeb Municipality is a self-governing Local Authority with an autonomous status as provided for by the Local Authorities Act (Act 23 of 1992), while Oshikoto Regional Council, under which the Onethindi Settlement Office falls, is established by the Act of Parliament (Act 2 of 1992).

Amongst others, the Oshikoto Regional Council is mandated to plan for the development of the Region, including planning and development of identified areas. Currently, the Oshikoto Regional Council is busy developing the following areas which are already declared as settlement areas as per the Act. These are Oshivelo, Omuthiya, Onayena and Onethindi Settlement Areas.

If these settlements reach a required development stage, that of a Municipality, they will have their own Local Authority Councillors elected by the residents residing in those localities, with their own staff members to deliver services, like what is happening now at Nkurenkuru Town in Kavango Region.

At the moment, Oshikoto Regional Council is providing services to the settlement areas of Oshivelo, Onayena and Onethindi, which have not reached stages to be declared towns or villages as per the Local Authorities Act (Act 23 of 1992).

In the past, the Oshikoto Regional Council used to provide water services to communities outside the settlement areas that are not declared towns, such as Olukonda, Okanenge, Oniipa, Omunduungilo and Oshigambo. However, due to the fact that these areas are outside the mandate of the Regional Council, some were handed over to the communities with the collaboration of the Rural Water Supply and some are in the process of being handed over.

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HON KAZENAMBO**

Due to the fact that all pipes in Onethindi settlement, which by service provision includes Oniipa area, were laid during the colonial era to serve missionaries, they often burst and the quality of the material used then was of poor quality. As a result, some customers' bills increased with huge amounts, which the Council is addressing since 2006.

Towards the end of 2003, the Ministry of Regional and Local Government, Housing and Rural Development recruited senior staff members for all Regional Councils and they are also helping in rectifying some of these problems. As a result, Oshikoto Regional Council developed and approved a policy aimed at assessing and scrutinising all customers' accounts to verify the correctness thereof, as well as to bring the services closer to the customers.

As part of implementing such policy and ensuring its success, the Oshikoto Regional Council conducted a verification campaign to all settlements and all customers were invited to launch their queries or complaints with the Revenue Officer of the Oshikoto Regional Council at Oniipa, as well as with the Council's head office in Tsumeb. The response was very positive, accounts were clarified and the process is continuing.

Furthermore the Council purchased and linked the computer system to the Oniipa Revenue Office, as well as recruited staff members at all settlement areas to address the customers' concerns. In fact, Honourable Moongo, do not need to pay his water bills in Tsumeb anymore, but can now pay at Oshivelo and/or at Oniipa offices, respectively.

The system at Oniipa is being appreciated by most customers, as all their queries are being investigated on the spot and their bills are now being printed on time. In other words, the service delivery has improved tremendously.

I hope I have answered the serious, serious question in as a serious, serious manner as raised by Honourable Moongo. I thank you..

HON DEPUTY SPEAKER: Thank you very much, Honourable Deputy Speaker. Does the Honourable Member have a supplementary question?

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HON MBUMBA**

HON MOONGO: I would like to thank the Minister for the too long and meaningless answer, because if the Tsumeb Municipality failed in say, five smaller towns, how can you again add twenty others in order to have more confusion? Individuals have material proof, individuals have been paying for seven months and they took these receipts to Tsumeb and the money was not reflected on the computer. Therefore, you are adding more confusion and I think you have to reduce the burden.

HON DEPUTY SPEAKER: Honourable Moongo, I think we have a Report on that. All the questions you are raising are dealt with in our report which will be tabled here and that thing is not in the computer, it is something of the past if you are talking about the Tsumeb story, that paper which you received that day in our meeting.

HON MOONGO: There are a lot of receipts and there are no other words in the vocabulary than to call it confusion and mismanagement.

HON DEPUTY SPEAKER: Question 101 is by Honourable Moongo to the Honourable Minister of Education. Does the Honourable Member put the Question?

QUESTION 101:

HON MINISTER OF EDUCATION: Honourable Deputy Speaker, I ask the indulgence of the House to be allowed to answer Honourable Moongo.

The question of Honourable Moongo is: *“Can the Minister agree or is it a*

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HON MBUMBA**

deliberate tactic to delay the paying of loans of students who study the medical profession and other professions in foreign countries?”

Number one, I do not know what the Minister is supposed to agree to, because it stopped, “*can the Minister agree*” and then the rest of the question has nothing to do with the Minister agreeing or not agreeing.

The other thing is that tactic is spelled “*tictac*”. The spelling of “*tictac*” is a modern spelling of “*tactic*”.

In the second question he is saying: “*Is the Minister aware that frustration can hamper the studying and also to whether this lack of commitment from the side of the Government will invite low-rate passing.*”

First of all, it is the Government which created this scheme. You cannot create a scheme to give your children money and you do not have commitment to it. I am a simple teacher, I am not a psychologist, I cannot measure the level of frustration. Some people have lower levels, some people have higher levels of frustration, but whatever happens if a student is prepared to study and become a medical doctor, engineer or any other profession, that student will persevere.

The students that are awarded loans for studies outside Namibia are normally studying higher priority courses, as you mentioned, medicine, engineering and others, who do not only include medical students. Medical students are not the only students we are sponsoring. I want to refer to sections 2 and 4 of the Loan/Grant Agreement between the Ministry of Education and the students, with specific reference to Section 4 which stipulates as follows:

“The student shall furnish the Ministry of Education with official proof of his/her examination results immediately after the result of any semester, annual examination or supplementary examination have been made known by the Examination Authority.”

The responsibility also lies with the student to furnish the Ministry with a satisfactory written proof of registration for the course at the commencement of each year of study. If the said documents are not received on time from the students, it will contribute to the delay of payments.

The Fund is receiving an allocation of 33% of the previous Financial Year’s

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HON NANDI-NDAITWAH**

Budget amount to incur its official obligation to the first four months of the new Financial Year. As you know, sometimes we debate the Budget up to April, May or June. For those months we get money even before we approve it, in line with the previous year's Budget. This 33% could only cover the costs of students in foreign countries, excluding those who are studying within the SADC Region or our local institutions. The 33% allocation is in terms of our State Finance Act. The Ministry releases the remaining Budget allocation for funds during August each year, that means well after the Budget is approved, which is then used to pay for students at these institutions, including SADC and local Universities and Colleges.

As mentioned above, it is not only medical students who are affected but also all students who are recipients of loans under the Namibia Student Financial Assistance Fund. However, all students studying outside the country, either on loans or scholarships, are already paid for, for this year.

The total number of medical students currently studying in foreign countries this year is 106, and I thank you for the questions.

HON DEPUTY SPEAKER: Question 102 is the one from Honourable Goreseb to the Minister of Information and Broadcasting. Does the Honourable Member put the Question?

QUESTION 102:

HON MINISTER OF INFORMATION AND BROADCASTING: Thank you, Comrade Deputy Speaker. Before I respond to the question by Honourable Goreseb, yes Honourable Member, let me acknowledge the recognition I got from Comrade Mungunda, my sister, in her absence, for the assignment given to me and other Africans to audit all aspects of the African Union. We hope your input, especially when you are going to discuss the Motion on the Union, will also assist our work, because it is a very comprehensive audit, from the concept of integration to the organs of the Union namely, the Assembly, the Council, Permanent Representative, the African Parliament, the Security Council and the Social Council and the whole Management of the Commission which is serving the Union as a Secretariat. Your support will really be highly appreciated.

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HON NANDI-NDAITWAH**

Coming to the question, the Honourable Member's concern is on the NBC Radio Service at Sesfontein and Aus. In motivating Vote 29 of the Ministry of Information and Broadcasting during the 2007/08 Budget discussion, I informed this Honourable House that to ensure that people have access to information, the Namibian Broadcasting Corporation will expand its transmitters to many places, including Sesfontein and Aus.

Those of you who travel to Sesfontein would have noticed that at the entrance of Sesfontein village, Telecom Namibia has erected a tower which is a solar power station and NBC plans to utilise this site once the test results are favourable. A power line is being constructed that would supply power to Sesfontein and NBC will make use of this tower once completed.

However, while they are waiting for the completion, NBC has proceeded with the acquisition of radio and television equipment. The consignment has already arrived and NBC is now consulting engineers and the project manager will soon travel to the area in order to test the signals on this Telecom tower and if it is not suitable, an alternative site will be selected. That means all the work is now ready, NBC is just waiting for the testing of the signal and definitely the population in the area will soon receive the signals.

When it comes to Aus, the completion of the site is at its final stage and to date the NBC has installed the following: satellite dish, both radio and television antennas, container with air-conditioning and electrical wiring has been completed. The necessary broadcasting equipment, which is inclusive of both radio and television services, has also been delivered to NBC. The only outstanding technical equipment is the satellite recorder. A tender has been awarded and final testing is being performed in order to okay the delivery of that recorder.

Comrade Deputy Speaker what can be clearly seen from the above, is that the NBC is in full swing to get those much-needed services to the communities in questions. Your patience will be appreciated and I thank you.

HON GORESEB: I would like to sincerely thank the Honourable Minister for the good news. Ours is a very vast country and television is a luxury, one may say, but a radio service in the local vernacular is a matter of must. I really appreciate the good news and I hope areas like Schlip, Rietfontein and Navachab

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HON DR N IYAMBO**

will be covered by the installation of those projects. Honourable Member, I thank you for the good answer and the good news.

HON DEPUTY SPEAKER: Question 103 is by Honourable Goreseb. Does the Honourable Member put the Question?

QUESTION 103:

HON MINISTER OF AGRICULTURE, WATER AND FORESTRY: Thank you very much, Honourable Deputy Speaker. In responding to Honourable Goreseb's question, I wish to state the following:

My portfolio does take me to various corners of Namibia wherever we have communities. Sesfontein, therefore, is not an exception. Yes, I have been there, it is only that the last time was about a year ago.

With regard to the activities of the Green Scheme in Sesfontein, we know that some years back people did farm and irrigate their gardens. Currently that project is not doing well-and I think the Honourable Member is aware of that-partly because to establish a Green Scheme project, it has to operate on the principle of one-to-one. In other words, you must have the big commercial farmers with fifty hectares, for example, and there must also be fifty hectares allocated to the small-scale farmers and that kind of project will then benefit from the Green Scheme.

However, members of the communities are also at liberty to come to the Ministry and introduce agricultural projects that they want to carry out there and we could then assist them, either by providing them with some information how to draw up a business plan and also what they may have to engage in, in irrigation, because very often community members do engage themselves in agricultural products but the people do not know what the market needs and that is why under the Green Scheme they will at least be guided on the type of horticultural commodities that they may have to farm with. Therefore, the door is open, community members can come to us and propose a project that they want to put up. It must however also be noted that the underground water table has, unfortunately, also gone down and with this erratic rainfall you may not have

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sufficient water to engage in a large-scale project. Small-scale projects can however still be done.

However, if the Ministry is not coming to the area soon, the community members, individually or collectively, are also encouraged to come and propose the kind of project they may want to set up there and request the Ministry through Green Scheme operations to be assisted. Thank you.

HON GORESEB: Thank you Deputy Speaker. I thank the Honourable Minister for his good answer and I would like to request both the Minister of Broadcasting as well as the Minister of Agriculture for a copy of their answers, so that I may take it along with me.

HON DEPUTY SPEAKER: The Notice of Motion is one by the Honourable Minister of Environment and Tourism. Does the Honourable Minister move that the Bill now be introduced?

INTRODUCTION AND FIRST READING
ENVIRONMENTAL MANAGEMENT BILL

HON MINISTER OF ENVIRONMENT AND TOURISM: I so Move.

HON DEPUTY SPEAKER: Who seconds? Any objection? Agreed to. Will the Honourable Minister please table the Bill? The Secretary will now read the Bill a First Time.

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HON DEPUTY SPEAKER: Does the Honourable Minister of Environment and Tourism move that the Bill be now read a Second Time? Any objection? Who seconds? Agreed to. The Honourable Minister has the Floor.

SECOND READING : ENVIRONMENTAL MANAGEMENT BILL

HON MINISTER OF ENVIRONMENT AND TOURISM: Thank you very much, Honourable Deputy Speaker, Honourable Members. May I, with your kind indulgence, just as a brief pre-introduction of my motivation of this very important Bill, relate to all of us that today we are commemorating the death of one of our heroes, namely Jacob Marenga who, according to oral history, died more or less this time of the day on the 20th September 1907, a 100 years ago on this very day. Just to say that we salute Jacob Marenga and all our heroes and heroines who shed their blood for the freedom of this country, the freedom that we are enjoying today and we honour them for the path they put, and as Jacob Marengo stated, *“my son will take over the struggle”* and he said, *“as long as there is a man in the bush in Namibia, the struggle will continue.”* That happened, many illustrious sons and daughters took over and that is how we could become independent on the 21st March 1990 and for that we salute them. I thank you.

Comrade Deputy Speaker, Honourable Members, I rise to present to this august House the Environmental Management Bill for discussion and subsequent speedy approval.

Article 95(1) of the Namibian Constitution states that: *“The State is obliged to ensure the maintenance of ecosystems, essential ecological processes and biological diversity of Namibia and the utilisation of living natural resources on a sustainable basis for the benefit of all Namibians, both present and future. In particular, the Government shall provide measures against the dumping or recycling of foreign nuclear and toxic waste on Namibian territory.”*

The tabling of this Bill today heralds an important step in the culmination of a long consultative process that started way back with the development and drafting as well as consultations with various stakeholders.

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Comrade Deputy Speaker, Honourable Members, this Bill is aimed to:

1. Promote the sustainable management of the environment and the use of natural resources by establishing principles for decision-making on matters affecting the environment.
2. Establish the Sustainable Development Advisory Council.
3. Provide for the appointment of an Environmental Commissioner and Environmental Officers.
4. Provide for a process of assessment and control of activities which may have significant effects on the environment.

Legal instruments, supported by appropriate legislation, is of utmost importance for the establishment of the framework for conservation of the biological diversity in Namibia, for the utilisation of natural resources on a sustainable basis.

Namibia is one of very few countries in the world that has enshrined the concept of environmental protection in its Constitution. The Ministry of Environment and Tourism therefore, in accordance with our Constitution, will continue to develop policies and legislation aimed at enhancing and protecting the fragile environment, while ensuring sound economic spin-offs to all Namibians.

With the introduction of this Bill today, I believe that we are moving a step closer to achieving our constitutional and environmental obligations as well as the United Nation's Millennium Development Goals, in particular Goal No. 7 of ensuring environmental sustainability.

Comrade Deputy Speaker, Honourable Members, at Independence we inherited legislation governing the environment which at present is outdated and does not adequately cover many aspects of present-day natural resource management. The Environmental Management Bill is the first in a series of new environmental legislations that are being prepared by my Ministry to give effect to our constitutional obligation and to readdress the past imbalances with regard to the environment and natural resources distribution.

A distinguishing feature of this Bill is that it will influence and, in some cases, control the activities and authority of other Government Ministries and agencies

or even the private sector which may have direct or indirect impact on the environment in the following ways:

1. By declaring a set of environmental management principles which all Government institutions and private persons must adhere to in the context of resource utilisation and conservation as well as land-use. This is underpinned by the concept of sustainable use and development which is the foundation stone of contemporary environmental management. With regard to waste management and pollution control, emerging international norms, such as the polluter pays principle and the precautionary approach are incorporated as principles.
2. By laying down the circumstances in which an environmental assessment must be undertaken in respect of activities that may fall under the control of other Government Ministries. The coverage for such environmental assessment will encompass two levels, namely strategic environmental assessment and environmental impact assessment.
3. By empowering the Minister responsible for the environment to give effect to Namibia's international obligations under international environmental conventions to which it is a party.
4. The Bill also gives effect to the contemporary notion that current generations have obligations to the future generations of Namibians. Current and future generations have a right to share access to all of Namibia's resources, including its genetic resources. This means that the Government and all people in Namibia have a duty to protect and conserve Namibia's environment.

Comrade Deputy Speaker, Honourable Members, our Government has over the years adopted a range of policies which allow us to develop our economy, create employment and build factories and infrastructure without causing unnecessary environmental damage. Although we need to increase agricultural production throughout the country and also conduct prospecting of minerals, build dams and tap underground aquifers to secure water supply we should ensure that these activities are properly planned at all times. We cannot afford to choose easy options for short-term gain if this will reduce future options in long-term. This Bill, therefore, is to ensure that we continue to pursue our sustainable development goals without causing negative environmental effects.

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**ENVIRONMENTAL MANAGEMENT BILL
HON KONJORE**

I appeal to all Honourable Members of this august House to play an active role in protecting our fragile environment and promote sustainable development in line with our short-term developmental goals of NDP3 and the long-term development strategies of Vision 2030.

As usual, Honourable Deputy Speaker, Honourable Members, I count on the full support of this august House during the consideration and speedy passage of this very crucial Bill. I thank you for your attention.

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

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

HON DEPUTY SPEAKER: The Bill stands adjourned until Tuesday next week. The Secretary will read the First Order of the Day.

**RESUMPTION OF DEBATE ON SECOND READING – MEDICINES
AND RELATED SUBSTANCES CONTROL AMENDMENT BILL**

HON DEPUTY SPEAKER: When this Debate was adjourned yesterday, 19th September 2007, the Question before the Assembly was a Motion by the Minister of Health and Social Services, that the Bill be now read a Second Time. The Honourable Minister adjourned the Debate for his reply and he now has the Floor.

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MEDICINES & RELATED SUBSTANCES BILL
HON DR KAMWI

HON MINISTER OF HEALTH AND SOCIAL SERVICES: Thank you, Honourable Deputy Speaker, Honourable Members. I would like to thank all Members who took the Floor on this Bill and to all who listened attentively.

I would specifically like to thank *Honourable Schimming-Chase* for her specific points raised. It is precisely the role of this Bill to close any loopholes that exist regarding the availability and sale of medicines used in our country. The Medicines and Related Substances Control Act (Act No 13 of 2003) prescribes that all medicines need to be registered with the Medicines Control Council. The Act makes provision that inspectors will visit pharmacies, shops and market places to monitor compliance and to immediately attach or confiscate any products that are not properly registered for selling in Namibia.

Similarly, this Amendment Bill provides that all Medical Practitioners who dispense medicines must obtain a permit for that specific activity. A permit will only be issued by the Medicines Control Council after the practice has been inspected and after the Council has verified that the doctor in question has undergone relevant training.

The Medicines Control Council is the body which is established by the original Act, or the principal Act in this case. My office has the authority to appoint the members of this Council, whose prime purpose is to ensure the safety of the general public by way of ensuring that all medicines used in Namibia comply with the relevant minimum standards.

The Medicines Control Council is different from the Medical and Dental Council which was established under the Medical and Dental Act (Act No 10 of 2004) and whose members are in the majority, elected by the respective professions, while my office appoints an additional number.

The main purpose of this Council is to regulate the training and the quality of work which the respective professionals provide to the Namibian public. The Medical and Dental Council is there to receive and investigate complaints from the general public in cases where unsatisfactory professional practice may have occurred by any of the professionals registered by the Council. Together the Medicines Control Council and the various professional Councils, therefore, play an important role in ensuring the quality of our overall health care system.

Honourable Deputy Speaker, let me further point out that in response to the

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MEDICINES & RELATED SUBSTANCES BILL
HON DR KAMWI

contributions made by all Honourable Members, including *Honourable Moongo and the first Right Honourable Prime Minister of Namibia, Dr Hage Geingob*, my Ministry is now in the process of compiling a Bill that will provide for the regulation of the practices of traditional health practitioners in the same way as the Medical and Dental Act regulates the work of medical doctors and dentists. I fully agree that there are good aspects to traditional medicine. The World Health Organisation similarly recognises this fact. Indeed, it is Government's policy also to promote traditional medicines and collaboration between western and traditional medicines.

My Ministry has already established very good cooperation with a number of traditional healers and also with many traditional midwives in various parts of our health districts. This is especially important in this day and age of the HIV/AIDS epidemic where safe and sterile practices are very important.

Furthermore, at the Katutura Hospital my Ministry is operating a clinic, staffed by Chinese traditional medicine doctors who provide Chinese massage and acupuncture services to many Namibian patients. Thus yes, we appreciate and collaborate with traditional medicines where its methods are proven to be effective and safe.

The forthcoming Bill on traditional health practitioners will further support and standardise the important contributions that they can make to our national health system.

Finally, Honourable Deputy Speaker, Honourable Members, let me thank you for your attention. I believe we all agree that this is an important Bill. Let me once again express my thanks for your important contributions. I thank you.

HON DEPUTY SPEAKER: Thank you very much, Honourable Minister. I now put the Question that the Bill be read a Second Time. Any objections? Agreed to. The Secretary will read the Bill a Second Time.

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**MOTION ON NATIONAL RECONCILIATION
HON EKANDJO**

**RESUMPTION OF DEBATE ON NATIONAL RECONCILIATION WITH
A VIEW TO DEVELOP GUIDELINES FOR A POLICY THEREON**

HON DEPUTY SPEAKER: When the Assembly adjourned yesterday, 19 September 2007, in terms of Rule 90(a) of the Standing Rules and Orders, the Question before the Assembly was a Motion by Honourable Tsudao Gurirab, that the Motion be adopted. The Honourable Minister of Lands and Resettlement had the Floor and I now revert the Floor to him.

HON MINISTER OF LANDS AND RESETTLEMENT: Thank you, Comrade Deputy Speaker. Comrade Deputy Speaker, as I said yesterday, I just want to put on record the history because there are those who want to distort the history.

For instance, Comrade Deputy Speaker, here is a quotation:

“Genocide in January: Provoked by the continuous seizure of their lands, the Hereros rose against the Germans. Lacking firearms and unable to move quickly because of their large herds of cattle, they were defeated and driven eastwards into the waterless Kalahari Desert. In August, the Namas who lived mainly in the south of the country joined the war under the leadership of Hendrik Witbooi. By adopting guerrilla tactics, a Nama commander under Jacob Marengo, was able to continue fighting until 1906.”

Here is a description by a German soldier of the pursuit of the Herero’s and this is what he said:

“Through the quiet night we heard in the distance the lowing of enormous heads of thirsty cattle and a dull confused sound like the movement of a whole people to the east. There was a gigantic glow of fire. The enemy (referring to the retreating Herero-speaking Namibians) had fled to the east with their whole enormous mass, women, children and herds. The next morning we ventured to pursue the enemy. The ground was trodden down into the floor for a width of about a

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**MOTION ON NATIONAL RECONCILIATION
HON EKANDJO**

hundred yards, for in such a broad thick horde had the enemy and their heads of cattle stormed along. In the path of their flight lay blankets, skins, ostrich feathers, household utensils, women ornaments, cattle and men, dead and dying and staring blankly. A number of babies lay helplessly languishing by mothers whose breasts hang down long and flabby. Others were lying alone, still living with eyes and noses full of flies. Somebody sent out our black drivers and I think they helped them to die. (Maybe they shot them). All these lives lay scattered there, both man and beast, broken in the knees, helpless, still in agony or lay motionless.” (Intervention)

HON MOONGO: On a Point of Order. Is it allowed to waste the time of the Parliament by reading the whole book, rather than himself reading the book at home? Let him speak from the heart.

HON MINISTER OF LANDS AND RESETTLEMENT: “*At noon we halted by waterholes which were filled to the brim with corpses.*” Here is a quotation, Proclamation of the 2nd of October 1904 issued by General Von Trotha:

“I, the great General of the German troops, send this letter to the Herero people: Hereros are no longer German subjects. All the Hereros must leave the land. If the people do not want this, then I will force them to do it with the great guns. Any Herero found within the German borders with or without a gun, with or without cattle, will be shot. I shall no longer receive any women or children, I will drive them back to their people or I will shoot them. This is my decision for the Herero people. The great General Von Trotha.”

You see here the bones of people, Nama-speaking people hanged by their necks and this is now what Phil ya Nangoloh wants. If we have to take this issue to the International Criminal Court, let us first start with those who committed genocide here. The South Africans are here, we know them. Some of them who were beating us are here. We came with the policy of national reconciliation, but now Phil ya Nangoloh wants this.

For instance, just look at Ida Jimmy, the Chairperson of SWAPO Women Council who was sentenced to 7 years in prison, reduced on appeal to 5 years for

calling for support of SWAPO fighters at a SWAPO meeting. She was seven months pregnant at the time, she is still alive:

“It was a very difficult time, because when I was arrested on 15 October 1980, I was kept in solitary confinement. There was no family contact and no contact with the rest of the prisoners. When you are held like that on your own, totally isolated, you wonder all the time what is going to happen to you. A baby boy, Kondjeni Richard, was born on 17 December 1980 but with some complications and he had to be kept in an incubator.” She had a baby while in prison. That time the DTA and SWAPO-D were here in your so-called Parliament making laws.

“They took me to the clinic and there I was kept for three days. When I came back from the clinic, I had to continue the work I left behind. I was not strong enough but I tried to continue with the duties of a prisoner which I was compelled to do. If you do not fulfil the requirements of the duties, then you do not get any food. As a mother who had to breastfeed it was important for me to eat. It is a difficult experience one has in the Central Prison of Windhoek. Not only the political prisoners experienced these difficulties but all prisoners. If you are ill, you do not get any immediate medical help from a doctor. You can stay as long as three days without. After eighteen months my child was taken away and this child died.”

And she was not even allowed to attend the funeral of her child and she came out five years later. If we have to go back, there are many photos here of people who suffered, struggles for this land, but now Phil ya Nangoloh had an interview with the *New Era* on the 10th of September and they asked him, “*who are your real heroes*” and he said: “*I have various heroes.*” It’s Phil ya Nangoloh, in fact it is Philemon Ipumbu. “*I have various heroes who all amount to one thing: perseverance and consistency. My heroes are Che Guevara, Fidel Castro, Jonas Savimbi, Nelson Mandela, Mother Theresa and Herman ya Toivo.*” It is an insult to these heroes to be compared to Savimbi. Savimbi is a war criminal, he was even declared as a war criminal by SADC. Savimbi caused devastation in Angola. Today there are cripples, Angola is the country with the most people with amputations, because of Savimbi, and now for Phil ya Nangoloh this is his hero, and this is a man who is a criminal.

First he defected from training and here this man, Diescho, has the audacity to say: “*Therefore, if forces within SWAPO can bully the President* (meaning

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HON EKANDJO**

President Pohamba) *so that he feels insecure, then who should not feel fearful about democracy in Namibia today?*” That is Diescho. Diescho, in short, also said *the obstacle is Sam Nujoma*. That is the stand of Diescho, that is the stand of Phil ya Nangoloh, so they are together and that is the stand of SWAPO-D.

Therefore, Comrade Deputy Speaker, I would say that reconciliation is very delicate. That is why in the last paragraph of President Sam Nujoma, when he declared Namibia independent on the 21st of March when he was sworn in, said:

“In conclusion, I move in the name of our people to declare that Namibia is forever free, sovereign and independent” This means nobody on this earth will dictate to the Namibian people who should partake in politics and who should not.

South Africa was here with their Casspirs, war planes, dogs, horses and we were walking with an AK-47 on the shoulder and political mobilisation in the country. Namibia will never, ever be subjected to colonialism again. As I said yesterday, if any person touches any Namibian leader, any Namibian patriot who contributed to the struggle, we will go back to square one and we will start, we will have our own ICC here, with those who robbed us of our land. No person from Europe came here with land, nobody. We will start here before we come to the President and with this I urge that we should not tamper with national reconciliation. Let us leave the past, let us continue as from now and build a unified, prosperous Namibia and *Aluta Continua*.

HON DEPUTY SPEAKER: On that note the House stands adjourned until next week, Tuesday at 14:30, under Automatic Adjournment.

THE HOUSE ADJOURNS AT 17:50 UNTIL 2007.09.25 AT 14:30

**ASSEMBLY CHAMBER
25 SEPTEMBER 2007
WINDHOEK**

The Assembly met pursuant to the adjournment.

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

ANNOUNCEMENT

HON SPEAKER: I would like to acknowledge and welcome the delegation of the Cuban Five families who are in Namibia as part of their programme, “*World Solidarity Campaign with Cuban five*”. They are present here for consultations with Honourable Members of the House. Welcome to Namibia.

Accordingly, I now suspend the business of the House and kindly request all Members to gather as soon as possible in Conference Room C1 for a mutual debriefing. Honourable Members will thereafter, before 16:00, return to this Chamber to resume the business of the day. I count on the Honourable Members that we shall not lose the quorum and the House stands suspended as indicated.

**HOUSE ADJOURNS AT 15:46
HOUSE RESUMED AT 16:00 PURSUANT TO ADJOURNMENT**

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

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**NOTICE OF QUESTIONS
HON MOONGO**

TABLING OF REPORTS

HON MINISTER OF FISHERIES AND MARINE RESOURCES:

Honourable Speaker, I lay upon the Table, the Annual Report and Financial Statements of the Fisheries Observer Agency for the year 2005/06.

HON SPEAKER: Will the Honourable Minister table the Report? Honourable Minister of Finance?

HON MINISTER OF FINANCE: Honourable Speaker, I lay upon the Table the Annual Report of AgriBank for the Year 2006 and the Annual Report of the Namibia Financial Institutions Supervisory Authority for the Year 2006.

HON SPEAKER: Will the Honourable Member table the Reports? Any further Reports and Papers? Any Notices of Questions?

NOTICE OF QUESTIONS

QUESTION 116:

HON MOONGO: Thank you, Honourable Speaker. I give Notice that on Thursday, 4 October 2007, I shall ask the Honourable Minister of Safety and Security the following:

1. Can the Minister confirm or deny that there are acute embezzlement and malpractices in the Office of the Commissioner of Prisons in Windhoek?
2. What is the good reason to keep private money against the will of the owners and against the Namibian Constitution?

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**NOTICE OF MOTIONS
HON VENAANI**

3. Is it true that the money of Andreas Alugodhi, since 2003 to 2006, which was N\$3,655,22 and N\$2,932 was kept in the Ministry of Prisons against the will of the owners?
4. Will 50% be added every month? Can the Minister explain?
5. Can the Minister establish a special commission to investigate the gross violation of human rights of prisoners in prison?
6. Is it true that Sergeant Kawana and Sergeant Oscar tortured Andreas Alugodhi by tear-gassing his private parts of the body? They victimised him not to be treated as if he is sick and transferred him ruthlessly after asking for his money.
7. Is it true that other prisoners' money which was kept against their will, is nowhere to be found?
8. What action will the Minister take to prevent further victimisation of prisoners and detainees?
9. Does this also happen in other prisons?

HON SPEAKER: Will the Honourable Member table the Questions? Any further Notices of Questions? Any Notices of Motions? Honourable Venaani.

NOTICE OF MOTIONS

HON VENAANI: Honourable Speaker, I pray for your indulgence to reintroduce a Motion that was on the Order Paper of the House, as was agreed that the Motions that were not discussed last session will lapse. I hereby give Notice that on Thursday, the 4th of October 2007, I shall Move –

That this Assembly –

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**NOTICES OF MOTIONS
HON VENAANI**

Discusses the current prevailing problem experienced by married couples under common law and the judgment precedents by our courts in relation to the following:

1. That when married couples interchangeably want to amend their status from either out of community of property to in community of property, that the law is asking them to divorce;
2. To allow enactment of a flexible legislation that would protect the marriages from being embarrassed by this Act merely because persons must divorce if they wish to amend their status of wealth and other matters related thereto.
3. To further ask this Motion to be referred to a relevant Standing Committee on Constitutional and Legal Affairs for further public input and to recommend to the Assembly and others to legislate on this important matter.

I so Move.

HON VENAANI: I further give Notice that on Wednesday, 26 of September 2007, I shall move a Motion to discuss the following matter:

To critically discuss the current discrepancies contained in the Members of Parliament and Other Office-Bearers Pension Act, No. 20 of 1999, the definition therein that mainly discriminates against younger members of the Fund by stipulating that they must be 55 as a retirement date and thereby effectively denying them pension benefits. This practice negates the principle of equity amongst equally elected members of the Fund and hence needs a review, and other matters related thereto. That this Motion be referred to the Standing Committee on Privileges for review and report back to the Assembly.

I so Move.

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**MINISTERIAL STATEMENT
HON TSHEEHAMA**

HON SPEAKER: Will the Honourable Member table the Motions? Any further Notices of Motions? Any Ministerial Statements? Minister of Safety and Security.

HON MINISTER OF SAFETY AND SECURITY: I want to dedicate this whole afternoon to talking. I want to talk to an element that is at the heart of every person in this country – the security of persons in Namibia.

Honourable Speaker, my presentation will reflect on issues pertaining to any possible amendment of the Firearms and Ammunition Act as well as a possible moratorium on the issuance of firearm licences.

Honourable Speaker, it is a fact, *inter alia*, that poverty, the weak economy, unemployment, abuse of alcohol and habitual criminals are contributing factors to the increase of criminal activities in this country. I must emphasise that media coverage on crime also causes an emotional impact on the public that can negatively influence the public perception and loss of confidence in Government organs like the police and judicial system.

However, since 2001 there was an increase in economic crimes, whilst violent crimes are increasing drastically. Moreover, there is a deviation of normal human behaviour especially among adult men regarding economic crimes and the excessive use of alcohol, which contributes to violence, mostly domestic violence.

The fact is, crime can never be prevented totally, nor can it be wished away. It is part of our lives, influenced by our lifestyle, by our culture, strife for material advancement and enrichment, levels of education, ambition, other socio-economic problems, weak auditing mechanism, etcetera, etcetera.

However, concealed crimes, which are not limited to diamond smuggling, drugs and traffic related crimes, should be exposed by the police during special operations and depending on the success thereof, more crime will be registered and the overall crime rate will increase. Therefore, comparison of individual crimes is very crucial.

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**MINISTERIAL STATEMENT
HON TSHEEHAMA**

Crimes have increased annually at a very low percentage. From 2001 to 2002 it has increased by 3.74% and 2.7% in 2003. During 2004 there was a decrease of 1% and an increase of a mere 0.74% in 2005. Crimes that were committed mainly in 2005 were set at 16,756 cases:

Assault with intent to do grievous bodily harm –	10,597 cases;
Assault common –	9, 215 cases
Housebreaking of residential premises –	6,727 cases;
Crimen Injuria –	4,256 cases.

It is impossible to address all crimes today, but I wish to make reference to a few crimes which are of public concern.

Robbery cases where a firearm was used have decreased by 19% in 2005. However, robbery cases where other weapons were used have increased by 18% and all other robbery cases have shown an increase of 1.7%.

Murder cases where a firearm was used have decreased with 32.7% in 2005. However, murder cases where other weapons were used have increased with 9% and all other murder cases have decreased with 16.1%.

Rape cases have increased with 3.3% in 2005.

There was a significant decrease of motor vehicle theft since 2001, with a further decrease of 15.3% in 2004, but has increased in 2005 by 1.9%.

Culpable homicide as a consequence of driving a vehicle negligently has decreased with 5.7% and is unpredictable and depends on human behaviour and mechanical defects.

Suicides have increased with 16.1% in 2006. More people have committed suicide than those that were murdered or killed due to the consequences of driving a vehicle negligently. It is of utmost importance that one should also look at the crime rate for the first five months of 2006 and compare it with the corresponding months of the previous year to determine whether there is a sudden increase or not.

Robbery cases where a firearm was used have decreased with one case only and robbery where other weapons were used have also decreased with thirteen cases.

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**MINISTERIAL STATEMENT
HON TSHEEHAMA**

Unfortunately, all other robbery cases have shown an increase of 36 cases.

Murder cases where a firearm was used have increased by two cases. Moreover, murder cases where other weapons were used have decreased with 26 cases and all other murder cases have also decreased with two cases. Even attempted murder cases have decreased with less than fourteen cases.

Rape cases have decreased with twenty cases.

Previously there was a significant decrease of motor vehicle theft, but it has unfortunately increased with 77 cases.

Housebreaking cases have also shown a decrease of 456 cases, as compared with the previous year.

The percentage in the increase of crime should be compared with the population growth and age groups. If the crime growth exceeds the population growth, it calls for drastic action. The population growth was 2.6%, while the crime increase in 2005 was 0.74%, which is acceptable. In 2006 the crime rate had reduced to minus 1.15%.

Honourable Speaker, Honourable Members, although there was a slight decrease in crime last year, concerted efforts are needed to address the emerging crimes whereby vulnerable groups of our society are targeted by ruthless killers. The murder and decapitated body of late Juanita Mabula, which was found along the Western Bypass on the 25th of September 2005, the torso of Sanna Helena Garões, which was discovered along the Windhoek-Okahandja main road on the 17th of June 2007 and the latest discovery of body parts of the late Jacoba Olivier which was discovered in Grootfontein on the 22nd of September 2007 are some of the vivid examples of gruesome murders where other weapons were used in the commission of these heinous crimes. We hope that one day we will be able to get hold of these vampire-like creatures who are doing these things.

Other incidents of emerging crimes perpetrated in Namibia where firearms were used are the bank robberies which mostly targeted Standard Bank branches, mainly in Windhoek, Okahandja and Gobabis. These robberies were executed by foreign nationals, a trend which is new in our country.

In addition, there are instances where legal firearms were negligently used to

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**MINISTERIAL STATEMENT
HON TSHEEHAMA**

commit these crimes. This is the humble opinion of my Ministry, that the combating of crime is not only the responsibility of my Ministry, but I need your support and that of the public to remedy the situation. I, therefore, would like to propose to this august House to critically re-look at some of the perceived causal factors of crimes, such as poverty, unemployment, level of education, etcetera. In the meantime the effectiveness of the Namibian Police in combating crime is hampered by a lack of insufficient budgetary provisions.

Honourable Speaker, Honourable Members, as I have mentioned earlier, one of the serious concerns my Ministry has noted is the proliferation of small arms and light weapons in Namibia. Most of these firearms are being used in the commission of serious crimes. It is, therefore, of utmost importance that Amendment of the Arms and Ammunitions Act is needed as a matter of urgency in the combating of crime. Hence, the Ministry of Safety and Security is intending to suspend the issuance of firearm licences while the desired Amendments are being considered.

Our Arms and Ammunitions Act, 1996 (Act No. 6 of 1996) requires some Amendments for it to serve the purposes of safety and security in Namibia. For example, no competency test by gun shops and/or accredited training institution is provided for in the Act. The number of firearms allowed for a person in terms of Section 3(7) are not more than four, but at the same time the Act empowers the Minister to approve any other greater number of firearms on good cause shown.

Section 3(3) provides for re-registration of firearms regardless of the number and no provision has been made for the renewal of the firearm licences. In some countries, legal and individual and natural persons have to undergo a competency test for the renewal of their firearm licences, whose average duration lasts for not more than five years and the renewal is accompanied by a physical inspection of the firearms to verify its existence.

The problems of firearms in terms of security cannot be over-emphasised. Many of the firearms used in the commission of violent crimes are licensed weapons, sometimes stolen from their lawful owners. These crimes range from murder, attempted murder, suicide, robbery with aggravating circumstances, to rape at gunpoint and other contraventions of the Firearms and Ammunition Act, 1996 (Act No 7 of 1996). I have some graphs that I will read that will reflect the types and number of criminal cases involving firearms recorded during 1999 to 2006:

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**MINISTERIAL STATEMENT
HON TSHEEHAMA**

During April 1998 to December 2002 when the re-registration of firearms was also in progress, a total of 90,038 firearms were licensed, while during 2003 to 2006, 27,166 firearms were licensed. Of the 90,038 licences issued, a total of 86,571 were issued to private owners, while of the 27,166 licences issued during the later period, 24,722 were for private owners.

In view of the ease with which firearms are acquired, our society is more exposed to the perils of violent crimes. We have a society that is arming itself more than the Police Force which is expected to police them. It will be appreciated if this Parliament, could consider the Amendment of the Act to include a provision prohibiting the sale of small arms and light weapons to individual natural persons. We would, therefore, look into the possibility of either buying back all the legal firearms and light weapons from their rightful owners and compensate them handsomely.

I will now quote from the attached graph appended as Annexure A, reflecting the types and number of criminal cases involving firearms recorded during 1999 to 2006, thus a period of 8 years:

Type of crime: Contravention of the Ammunition Act, 1996 (Act No. 7 of 1996) and the total of contraventions, 2,769.

Attempted murder with a firearm	7,199
Attempted theft of firearms	71
Murder with firearms	2,539
Pointing of firearms at persons	10,294

Pointing if firearms : *I will shoot you* and you are not given a licence to do that. You are not given a weapon, when you quarrel with your friend, to take an arm and shoot him immediately on the spot or your wife, immediately. (Interjection)

HON MEMBER: Or husband.

HON MINISTER OF SAFETY AND SECURITY: No, I have not heard of a wife shooting a husband anywhere and I do not deny that it did happen.

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**MINISTERIAL STATEMENT
HON TSHEEHAMA**

Robbery with firearms 12,649

Just imagine – robbery with firearms, and in today’s police report you have heard how many robberies were in Katutura only yesterday. About 5 robberies with firearms.

Theft of firearms 4,844

Unauthorised possession of firearms and ammunition 3,640

That is the trend that we have here. Let us now look at the statistics of licences for firearms issued between April 1998 to December 2002 only.

Private owners received 86,571 licences. Security companies were given 1,657, Embassies 72, businesses – and those of you who have businesses might be included – 1,738.

Statistics of licences for firearms issued between January 2003 to December 2006:

Private owners – 24,722; security companies – 2,207, Embassies – 15; businesses – 722.

Honourable Members, this is the type of trend that we have in Namibia and I feel that these are urgent matters that Parliament needs to deliberate upon immediately for the provision of proper security services by the Namibian Government.

Honourable Speaker, let me rest my case and thank you, Honourable Members, for listening. Thank you.

HON SPEAKER: I thank the Minister, you have been forthcoming and informative in the way you are running a very challenging Ministry affecting our daily well-being. Keep up the good work, Minister. Any further Ministerial Statements?

The Notice of the Motion is the one of the Honourable Member Kaura. Does the Honourable Member move the Motion?

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**COMPANIES AMENDMENT BILL
HON VENAANI**

HON MOONGO: I would like to postpone this Debate until next week, Thursday.

HON SPEAKER: The consideration of this Motion stands adjourned until Thursday next week. The Secretary will read the First Order of the Day.

**RESUMPTION OF DEBATE ON SECOND READING – COMPANIES
AMENDMENT BILL**

HON SPEAKER: When this Debate was adjourned on Thursday, 13th September 2007, the Question before the Assembly was a Motion by the Honourable Minister of Trade and Industry, that the Bill be now read a Second Time. Honourable Venaani adjourned the Debate.

HON VENAANI: Honourable Speaker, we on this side of the House have no principle problem with the Amendment of this Act, but as it is a custom to the rules of Second Reading, we also want to raise a few issues that seem to be a concern in relation to Companies in general and not to the Act, in particular. I want to state that we support the amendment of the Bill, as it was requested by the Mover, but I want to raise one or two issues that I think are also very important.

Honourable Speaker, this morning the Committee on Economics was engaged with organisers with the Ministry of Trade and Industry that are organising the Walvis Bay Corridor Investment Conference and during the discussions we talked about a lot of things. What came to mind is that there is a general trend in the country that if my Colleague, Abraham Iyambo, wants to start a company, calling it Iyambo Fish Farming, he would submit his papers to the Registrar of Companies, but most of the time, before he gets his business certificate, the idea would already have been intercepted and his idea is sold to somebody else to start the very same business that will become Venaani Fish Farming. It is true and that is a serious concern that we have from the Registrar of Companies and we really need to look at this issue to ensure secrecy when somebody is applying for a business venture, because it is a phenomenon especially in South Africa and I am just mentioning it as an example.

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COMPANIES AMENDMENT BILL
HON ESAU

Some and many of the people who are beneficiaries of these black empowerment deals have become wealthy because they have intercepted and stole other people's ideas and there are a lot of business people around southern Africa and Namibia, in particular, who are just thriving on that, entrepreneurs thriving on the ideas of others. If the Right Honourable Prime Minister wants to start a chicken farm at Onyaanya, the next morning they would announce a big farm somewhere and this is a serious concern.

Secondly attached to this Registrar of Companies is the current disorganisation at the offices. If you go to those offices, you would find applications piled up in boxes and it does not create a very positive, healthy image of a country to people who want to start businesses and I think we really need to revamp and re-launch the Registrar of Companies to become a very organised office.

Lastly, Honourable Speaker, is the question of the time. When you apply to register a Company in this country, your registration will take a year. The financiers are ready to finance a project, but just to get a certificate to run your company as a legal entity, you would be waiting for ever and this one is not in the office and this one was supposed to sign and it must go here and there.

I feel that while we have this opportunity to discuss this Companies Amendment Bill, we should really look at those issues that are a thorn in the flesh in creating businesses and companies in our country.

With these few remarks we support the Amendment as proposed. I thank you.

HON SPEAKER: I thank the Honourable Member. Any further discussion? I now call on the Deputy Minister to reply.

HON DEPUTY MINISTER OF TRADE AND INDUSTRY: Comrade Speaker, while the Minister is not in, I will stand in for him and respond.

I would like to thank the Honourable Member, *Honourable Venaani*, for his contribution as well as his support to the Companies Amendment Bill. We are quite aware of what the Bill is trying to seek. This specific piece of Amendment

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is a product of consultations with the stakeholders, specifically the Namibia Stock Exchange, to allow them to do business.

The other issue on the application for registration and ideas being stolen by officials at the Registrar of Companies is quite serious and I think we should meet and discuss this matter, even if it means that the Anti-Corruption Commission should come into play for us to take the issue forward because it is very vital, for the sake of democracy in the country, that we should fight all these evils by all means.

The question of timing, we are working on this, we are trying to computerise the system of applying for your company to be registered. Progress has been made in that regard and as soon as we have completed the computerisation of the Registrar of Companies, we will invite you to come and have a look and we will put a trial through the process.

With these few remarks, I would like to thank all the Honourable Members who have taken part in the Debate and simply ask for progress on this Bill. Thank you.

HON SPEAKER: I thank the Deputy Minister for his reply. I now put the Question, that the Bill be read a Second Time. Any objection? Agreed to. The Secretary will read the Bill a Second Time.

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

**RESUMPTION OF SECOND READING :
ENVIRONMENTAL MANAGEMENT BILL**

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HON P MUSHELENGA

HON SPEAKER When this Debate was adjourned on Thursday, 20 September 2007, the Question before the Assembly was a Motion by the Honourable Minister of Environment and Tourism, that the Bill be now read a Second Time. Honourable Mushelenga adjourned the Debate and he now has the Floor.

HON P MUSHELENGA: Honourable Speaker, Honourable Members, I rise to support the Environmental Management Bill introduced by the Honourable Minister of Environment and Tourism, Reverend Willem Konjore. The Bill seeks to provide a framework for sustainable development. This phenomenon gained momentum in 1980 when the concept of sustainable development was conceived after the publication of the *World Conservation Strategy* by the International Union for the Conservation of Nature.

It is important to mention at this stage that Government's commitment to environmental management was clearly spelt out by the Founding President, His Excellency Dr Sam Nujoma, at the Earth Summit held in Rio de Janeiro in 1992, where he stated that the objectives of Namibia was to secure for the current and future generations a healthy environment and prosperous economy by ensuring that Namibia manage and use resources sustainably, with particular emphasis on land, water, fisheries, wildlife and woodlands.

Now that the Minister has introduced the Bill, it needs support from this august House to ensure that our environment is managed with prudence. I am in support of the appointment of the Sustainable Development Advisory Council and the Environmental Commissioner, whose scopes of duty are elaborated in Sections 7 and 17 of the Bill, respectively.

I noticed that the Minister has been empowered by Section 18 of the Bill to appoint other environmental officers, subject to the laws governing the Public Service, and that the Minister can also withdraw appointments. If the Minister is to be responsible for all appointments, I am not too sure whether somewhere, somehow this provision will not end up in conflict with the Public Service Act, which vests the power of appointments of civil servants in the Public Service Commission.

Honourable Speaker, because of our commitment to sustainable development, this weekend we will celebrate a hundred years of the existence of the Etosha

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National Park, one of the top-of-the-range conservancies in the world. Environmental management is important as it contributes to the tourism industry, thereby boosting the economy of the country. The prudent environmental management of Etosha attracts thousands of world travellers to come and satisfy their curiosity with natural marvels.

Because of sustainable development, we are able to have in our Park the largest animal on earth, the elephant, whose magnificent being and majestic posture add value to nature and its beauty. The lions, cheetahs and leopards are an interesting family of cats, whose presence make this Park both attractive and frightening. The zebras possess a unique colour and, therefore, an eye-catching scene which makes the Park a much sought after tourist destination. People enjoy looking at the Oryx, whose importance is reflected by their presence on the Namibian Coat of Arms. Not to be underestimated is the Giraffe, whose height is a matter of environmental concern, but whose habits represent wildlife maturity and dignity.

Honourable Speaker, I am in support of the appointment of the external specialist reviewer to look at the environmental assessment, as provided for in Section 45 of the Bill. I am, however, of the opinion that the Advisory Council ought to play a role in such an appointment. This is in line with corporate governance principles, because this external specialist reviewer is to perform an important task, just like that of an external auditor of a company, usually appointed by the board of that company.

When we talk about environmental management, we must also think about environmental degradation. My thoughts go to a number of dams that are made when construction companies dig sand for constructing roads or buildings. Ideally, these dams are to be used for sustainable development to provide water to communities. Sometimes one notices that these dams are badly structured. It is important that these companies should take the necessary measures to maintain sustainable development. Environmental sustainability involves meeting the present needs of humans without endangering the welfare of future generations. The goal of environmental sustainability is to minimise environmental degradation and to halt and reverse the processes they lead to.

When we talk about environmental management and conservation, we should also look at the pressure exerted on the environment by the resources that we are conserving, to strike a balance between various species within the environmental enclosure. I mention this, having in view the environmental protectionists who

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are opposed to Government's appeal to the Convention on International Trade on Endangered Species to legally trade the stockpiles of commodities like ivory, which are not contaminated with illegally poached products.

With these few words, Honourable Speaker, Honourable Members, I support the Bill and I thank you.

HON MINISTER OF FISHERIES AND MARINE RESOURCES:

Honourable Speaker, I support the Environmental Management Bill. I only have one brief question to pose to the Honourable Minister just for clarification.

Honourable Speaker, Part 1 of this Bill deals with definitions and the object of the Act, but I also see that under Part 3, Section 5 also brings in two definitions of what is a disposal site and what is the waste. I have looked at the Bill and these words "*disposal site*" and "*waste*" are only dealt with under that Section. If the fear was that it is a word that will be used variously, but here now it is only used under this Section. Would it not be possible to keep the definitions under the part dealing with definitions? Just for clarification on that, Honourable Speaker, while we have a definition section, but there are also definitions under other sections.

Otherwise I support the Bill, Honourable Speaker.

HON DR AMWEELO: Thank you very much, Honourable Speaker. I want to thank the Minister and his Deputy for bringing this very important Environmental Management Bill to Parliament. I only have a few small questions on Section 8 with regard to the composition of the Advisory Council.

Comrade Speaker, the Bill in Section 8 states that four persons will represent the interests of the State and another four people who the Minister reasonably believes represent the interests of an organisation. I feel maybe the Minister should also think about the Trade Union, because when we are talking about the area where there are so many risks or threats, for example all the industries – transportation, energy production and even natural phenomena – many people who are in those areas are workers. If the workers are not included in the

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composition of the Advisory Council we might face some questions in future. Therefore, I feel it would be good for them to be part of this Advisory Council.

The other concern is on Section 11 with regard to the meetings of the Advisory Council. Since this is a new Bill and very important, there will be a lot of work and to meet twice a year is maybe not enough, because this Council will be doing a lot of preparation and design programmes and documents. Therefore, they should meet more than twice. Maybe it could be amended later, but for now I can see a lot of work to be done and they can meet more than twice a year.

The other one is on Section 24 with regard to the environmental plans. Comrade Speaker, people living in built-up areas are more worried about daily threats, such as natural disasters or pollution and this means those responsible in the local authorities must show awareness of any environmental risk or threat, so to say, at a very early stage in the planning process. Therefore, I think the Local Authorities must be included at a very early stage in the awareness and preparedness for emergency at the local level programme.

My last point is on Section 27(2)(b) and (2)(i). I start with (2)(i), waste and sewerage disposal, chemicals treatment. Comrade Speaker, my concern is that I know these are well handled in maritime pollution, because there are legislations which take care of maritime pollution and it says it is strictly prohibited to discharge oil, lubrication oil or garbage, any pollution in the water. Even if you have a sludge of oil on board ship, they are also recommending isolating to burn that sludge on board of ship or when the ship comes into port, they can be transported to a reception facility. Therefore, it is taken care of in the Maritime Industry.

When it however comes to the land industry, I have a concern with regard to the waste and chemical disposal and I can give a simple example of our dumping area here. Our kids used to go there, sometimes they are taking things which consist of some chemicals. I was thinking how this Bill is going to handle factories with regard to chemical treatment and waste or sewerage disposal in our existing dumping sites. That is my question and maybe the Minister will enlighten us on that.

Section (2)(b) is on water use and disposal. People are already starting to complain about the chimney of Van Eck polluting the air. How are we going to handle that? Maybe there are many techniques to avoid this, but I do not see any

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technique being used in order to reduce emissions from a chimney. Water pipes are also examples of industrial pollution and how is this Bill going to deal with those?

These are the issues I would like to raise with the Comrade Minister to enlighten us on this. Otherwise I support the Bill. I thank you, Honourable Speaker.

HON TJIHUIKO: Thank you, Honourable Speaker. I rise to support the Bill and I have one or two issues I want to be clear on before I support.

The first one will be Part 1 on definitions. It is stated here that the competent authority must look at applications. I wanted to know whether this also includes Traditional Authority courts since we have an element of various traditional communities seeing the environment differently. If somebody cuts trees, in that tradition it is not an offence. I wonder whether proper consultation has been done in order for these people to understand what this law says. That is the first one, because again, there is an element of whether this will also qualify if somebody has too many cattle on the land and obviously it will affect the sustainability of the land. Would they also be considered as having contravened the law or how would this be dealt with without people understanding exactly what the law says?

They are saying that anybody who contravenes this Act will be fined N\$500 000 or imprisonment for 25 years or both. That is very serious and people need to know exactly what does it mean.

The second one is on the composition of the Advisory Council. It seems to me that the Minister will have absolute power to appoint. First the Minister will appoint four people, obviously from the Ministry, and then again the Minister will also appoint another four. Why is it that only the Minister should appoint the members? Why is it that we do not have a system whereby the key role players will also have an opportunity to nominate people according to their expertise, so that they can also be part and parcel of this and represent the interests of those specific sectors or institutions?

Then it says on Page 10 that “*the Advisory Council may, with the approval of the Minister*” – after appointing eight people – “*co-opt any person to assist in its functions but the person co-opted may not vote at meetings of the Advisory*

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Council.” You have eight people, you have the Council, you have the Commissioner and Deputy Commissioner. What would be the specific functions or responsibility of all these people that will be appointed by one person, the Minister?

On Page 13 – Appointment of Environmental Commission.

“The Minister, subject to the law governing the Public Service, appoints a person who is suitably qualified and experienced in environmental matters” and it also applies to the Deputy. Does this mean that only persons who are already in the system are going to be appointed as Commissioner and Deputy Commissioner? If perhaps the answer is yes, then one is getting the impression that perhaps the law was designed to fit somebody. If you are looking for the best, why should you just confine it to the people within the Ministry? Are we convinced that the people in the Ministry are the only people who are able and capable and well-qualified to be able to do the job? This is one of the questions I want an answer on, because I do not want to have the impression that this provision was made to fit somebody who is already in the system.

I need the Honourable Minister to clarify that point, that if there is somebody out there better qualified than the one within the system, this person will not qualify, a *bona fide* Namibian will not qualify because he is not already employed within the Ministry of Environment and Tourism. To me it does not make sense. Let us go for the best.

The other point that I wanted to touch on is on Page 14, entry and inspection of these colleagues. Number 3 says: *“An environmental officer may on the authority of a warrant issued in terms of subsection (5)”* – and subsection (5) says – *“a warrant referred to in subsection (3) may be issued by a Judge of the High Court or by a Magistrate who has jurisdiction in the area where the premises in question are situated.”* The only reason why the inspector wants to go into this place is in order to obtain evidence. In order to obtain evidence they cannot enter those premises unless they have a warrant from the High Court or the Magistrate’s Court.

“To deliver any book, record or any other documents” – even a court summons that this person must go to court, they cannot enter because they have to have a warrant before they enter. I want to know whether my understanding is correct and if that is correct, then are we not perhaps putting ourselves in the situation

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where the officers who are supposed to be doing justice to the process will be locked out because the owner of this place is saying that without a warrant you cannot enter. Even to give me a summons to appear in court, you cannot enter my premises. If that is my understanding, Honourable Minister, please, I need to know that.

The last point is that I believe that environmental management is so important, is so crucial to all of us that we need to know page by page. When I say we need to know, it is all of us, be it the Traditional Authority, communal people, lawyers, politicians, we need to know it by heart, because otherwise somebody somewhere could easily find themselves in a situation whereby they are saying that, *“but according to our tradition, according to our culture this is normal, this is what we have been doing for all these years, I did not know that there is a law that says I should not do this.”*

After we have passed this law, we need to go out there and provide the information and educate especially the leaders in order for them to be able to know that whenever they are issuing these licences to go and do whatever, they should know exactly what the law says. Right now we might find ourselves in a very, very difficult situation where we have laws that have to be implemented, but if we go to the Regions, if you did not consult the Chief, they will say that you have sold our land – as it happened in Katima to some of our Deputy Ministers. We must change the ways because people believe that by doing what the Ministry is doing, we are selling out.

With those few remarks, thank you very much and I support the Bill.

HON DEPUTY MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: Thank you, Honourable Speaker. Let me right from the beginning support the Bill and I have a number of queries and clarities.

Clause 8 on the composition of the Advisory Council says in subsection (a), *“four persons who represent the interests of State and four persons whom the Minister reasonably believes represent the interest of organisations or associations or institutions concerned with environmental matters.”*

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Perhaps one would like to hear from the Minister whether it would not be prudent to expand the Commission, if it does not violate any serious legal issues or legal matters. I am saying this because the issues of environmental management as listed in the document here are so broad, from land-use and transformation, water usage and disposal, resource removal, etcetera. It is so broad and one wonders whether in the promotion of awareness in Traditional Authorities, traditional communities, community-based organisations and other stakeholders, the number here is representative of the broadness and the complexity of the issue.

Recently we have seen in some Regions conflict between some tourist promoters and the communities, the communities being denied access to natural resources like water, access to grazing areas because a businessman has brought a project there. This accessibility and the management of natural resources is a diverse issue and needs diverse representation. I think many people's diverse interests may well be articulated, but if that is taken care of, I was just raising a concern. Maybe I will be further informed. That was now on the composition of the Council.

The other point which I want to raise is in Section 32, application for environmental clearance certificate. I tried to read the definition provided here and I cannot grasp it clearly, what is an environmental clearance certificate, whether it is on land usage, resource usage or on what we call environmental assessment study when we want to embark on a project. That one I am not clear on.

My further point on the issue of a Clearance Certificate is that it appears from this Bill that it is the custodian of the Commissioner and under Section 34, especially the last section under that heading, Subsection (3), says that: *“Any person who fails to comply with any condition attached to an environmental clearance certificate in terms of subsection (1) commits an offence and is on conviction liable to a fine not exceeding N\$500 000 or to imprisonment for a period not exceeding twenty-five years or to both such fine and such imprisonment.”* I need more clarity as to the actual implication of this Clause, because it also involves a lot of money. Is it when I am found cutting wood or fishing in a river without a permit or what does it imply and what is an environmental clearance certificate? It is pure ignorance and I am asking from an ignorance point of view. That is why I am seeking information. If it does not imply that, then it is fine. That is a question, because it puzzled me, it involves a lot of money, to be honest.

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The other issue is a question of Amendment. Section 39, “*amending condition of environmental clearance certificate.*” Section 39(1) reads as follows: “*The Environmental Commissioner may amend a condition of an environmental certificate if the certificate holder gives consent to a request for the amendment, or (b) at the initiation of the Environmental Commissioner by giving written notice to the holder of a certificate...*”

My question is: If this Bill is passed through this House, on what condition is the Commissioner who was appointed outside this House, given power to amend the provision? It is also a question out of ignorance, maybe the certificate is issued by him and therefore he can amend it or it is issued by a Government institution or public institution. Where does it originate and what powers does he have? Maybe it is going to be the Minister of Environment, but if it is a Commissioner, I am still asking out of ignorance because I thought the power of amending the document could be vested in the Minister. Those are my enquiries, I rest my case.

RT HON PRIME MINISTER: Thank you, Comrade Speaker. I just rise to add my humble voice in support of this Bill and also to commend and congratulate the Minister for introducing the Bill in the House. I hope that the Bill will go a long way in putting into operation Chapter 11, Article 95(1) of the Namibian Constitution. I, however, have a small concern, Honourable Minister. Looking at the principles of environmental management, these principles seem to be too much tilted towards policing, enforcement and so on, which is fine. There is however one element which I thought which has been left out. That is the element of public education, environmental education.

You cannot promote environmental management nationally if the citizens are ignorant about what might be environmental damage. I know that in the education system we do have a subject called Environmental Education, but I thought the Commissioner should also be empowered to conduct public awareness about the importance of environment and the possible actions which may damage the environment and how the environment can be protected. As it is now, it sounds like a police act and I thought that the Minister might wish to consider to also make it people-friendly by way of promoting environmental awareness and also winning the hearts and minds of the citizens towards environmental protection. That is just a suggestion. I thank you.

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HON MINISTER OF FINANCE: Thank you, Honourable Speaker. I also wish to commend the Honourable Minister of Environment for tabling the Environmental Management Bill. In Namibia where we have a very fragile environment, we really appreciate the importance of prudent management of our environmental resources. I only have a few comments that will also include questions seeking clarification from the Minister.

We are all aware that environmental management is costly and a lot of activities carried out by businesses and development agents, be it Government or Non-governmental Organisations, may cause damage or exert pressure on the environment that would necessitate environmental rehabilitation. Is there provision in this or another law that relates to environmental tax, to require those whose actions exert pressure on the environment to contribute to the management and rehabilitation thereof, because this responsibility rests rather disproportionately on the Government. That kind of tax can be charged on those activities, I have referred to, the use of environmental resources, and also the waste products, like litter for example. That is one.

The second question is whether there is a requirement for corporate entities to rehabilitate the environment upon the winding-up of their business activities, where their activities exert pressure on the environment and also to mitigate such impact before and during the conduct of business? Sometimes you find an industry is opened up and the environment is destroyed almost instantly. Should they not be required to undertake measures to mitigate environmental damage before they start and when they wind-up their business, to revert the environment back to close to how it was before they started with their business there.

Section 54 of the Bill refers to a fund. It is, however, not clear from this Bill how this fund would be funded. I know that there are certain parts of the Bill, especially Section 54(a) and (b) that refer to penalties that may be paid into the fund and Section 56(g) and (h) which refer to fees charged on applications. However, apart from these fees and penalties, are there any payments that are to be made into the fund in order to fund the fund and to enable the fund to make a difference in these environmental management efforts?

Lastly, I would like to ask a question concerning the environmental plans referred to under Sections 23 to 26, which seem to require only state organs to submit environmental plans. Is it because others that engage in activities that exert pressure on the environment are required to address this issue differently and

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elsewhere or is this an omission? I expected that business would also be required to submit environmental plans that would enable the Commissioner to monitor their activities and ensure that they do not damage the environment.

With these few comments, I support the Bill.

**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,
HOUSING AND RURAL DEVELOPMENT:** Thank you very much, Comrade Speaker. I also rise to add my voice of support to the Environmental Management Bill. I just have a few issues to raise.

This is a very important Amendment, particularly when we look at how fast the environment in Namibia is being destroyed through activities, some of which can be prevented.

Comrade Minister, I just want to find out, hoping that this Bill will assist us to save some of the forests that we are now left with in very few Regions. The rest has already been destroyed, there is nothing and I hope with this we could possibly save what is there to be saved.

I equally have a question, and I am asking this not knowing where to place it, because I cannot see it here. If you look at some of the industries, their type of business is leaving our environment with deep damage. Are these also among the activities to be listed or are they covered under those that are listed here which cannot be undertaken without an Environmental Clearance Certificate?

Again, I am tempted to believe that because of the results of the products they might not be listed here, but where do we place them now? As Comrade Kuugongelwa-Amadhila was saying, after they have wound up their businesses, now the environment is left in jeopardy and there is nobody to repair the damage that was caused.

The other issue I want to raise is with regard to Section 29, the provision relating to the listing of activities. It is said that “*any person may make a presentation to the Minister on the desirability of having an activity listed in terms of Section 27(1) or de-listed.*” However then, when I compare this one to Section 39,

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Section 39 says that, “*the environmental commissioner may amend the condition of an Environmental Clearance Certificate if the certificate holder consents to or requests for the amendment.*” Does this imply that some amendment might be brought about as a result of the holders of these Certificates? Is this not a conflict of interest, that I have a certificate which was issued to me based on certain qualifications or meeting certain criteria, but yet I am still given the opportunity to say, “*mine is not good enough, can you change it?*” The Minister seems to be saying yes, it can be done. However, in the other Section the Minister seems to be saying he or she is not bound by the contributions that are made in order to make certain changes. They can make a submission but the Minister is not bound. It seems the Minister is just not bound by some, but by this particular one that is seeking the change of the Certificate, the Minister seems to be saying it is in order. I just need to know what is the difference. Thank you very much.

HON DEPUTY MINISTER OF JUSTICE: Thank you very much, Comrade Speaker. I also rise to commend the Minister for introducing this important Environmental Management Bill. I just have a question.

I was trying to look around the various Clauses and as the other Colleagues have also mentioned, the listed activities in Clause 27 are very broad and it is also mentioned in Section 28 that the Minister may also add to the list and remove some activities from the list. There is also mention of international agreements in Clause 48 and the Minister may gazette and make certain regulations.

Now my question to the Honourable Minister -Honourable Minister, as you are aware, Africa has been a victim of disposal of harmful waste, such as nuclear waste and so on. Many countries have been affected. Recently Ivory Coast was affected by dumped solid waste imported from France and people just started to get sick. I just wanted to know whether there are adequate built-in safeguards to prevent these types of activities occurring in Namibia. As earlier speakers have mentioned, we have a fragile eco-system and we are extremely vulnerable, and having a long coastline without any surveillance, these people can dump anything. Then Honourable Gurirab from Usakos will see people start coughing and bleeding and we do not know where these things have come from.

Are there adequate safeguards? Thank you and I fully support the Bill.

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HON DEPUTY MINISTER OF TRADE AND INDUSTRY: Comrade Speaker, at the outset I want to register my support to the principle of the Bill and to the Minister, his Deputy and all the staff in the Ministry of Environment and Tourism.

Comrade Speaker, I have a few questions. I have perused the draft legislation and what I have detected is that in the Advisory Council provision; the term of office of members of the Advisory Council is specified, but getting to the Environment Commissioner, I do not know whether he/she would be there for life or whether he or she will have a limited term of office. Why I am asking this is that whenever projects are introduced to Government, we also make it a precondition that at least you come with your business plan, you come with your feasibility studies, you come with your Environment Impact Assessment reports. These reports are also sometimes channelled through to the Ministry of Environment and Tourism and I believe it will land on the table of the Environment Commissioner.

Sometimes in business they say time is money and you do not want to waste time, the request for evaluation might lie on the desk of the Commissioner and we want it to be expedited for the project to be implemented. We want to be comfortable with an Environmental Commissioner who can deliver and timeously process the Environmental Impact Assessment Study.

What I also want to find out is about the capacity. Will this Advisory Council or the Commissioner subcontract the function of evaluating the studies, because I do not think we have the in-house capacity sometimes within the Ministries to evaluate studies in sectors which are specialised. Aquaculture project needs experts in aquaculture to evaluate the studies.

The same applies to the mining sector, on the Environment Impact Assessment Studies for evaluation. Is there capacity or will the Advisory Council members be elected from specific field of expertise?

Comrade Speaker, I rest my case and I support the Bill.

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HON NAMBAHU

HON NAMBAHU: Thank you very much, Comrade Speaker, for this opportunity to make my humble contribution to this important Bill.

From the onset, allow me to register my support, because this is actually one of the most important Bills and one that is really overdue.

Having said that, my contribution will go to the Preamble. It reads: *“To promote the sustainable management of the environment and the use of natural resources by establishing principles for decision-making and on matters affecting the environment.”*

I submit that one of the role-players or decision-makers in environmental issues is actually the Traditional Authorities – at least where I come from – and as such, they are on a daily basis taking decisions that affect the environment. If I can borrow the words of the Honourable Prime Minister, we cannot do much by educating those who are role-players in the process. As they continue taking decisions and they are not informed and they have not been taken as stakeholders as far as the drafting of this Bill is concerned, we might not make much impact in some of the areas where the environment is most affected.

I am just appealing to the Colleagues that are involved in the drafting to re-look and have in mind when drafting these areas where the environment is really very affected. I am saying so because when you come to the principles, this is probably the second Bill where I see it has incorporated the principles that are going to guide the implementation process. One of them is actually the Water Bill and I am very happy to see that this trend is taking root.

It talks about preserving the environment for future generations and I must submit, when some of the decisions are taken in the communal areas where some of us are coming from, one really wonders whether future generations are taken into account and cognisance of other issues like land management, carrying capacity of the land, bio-mass issues, habitat issues, fauna. All these are issues that are supposed to be taken into account.

There is also one aspect, which I am not too sure whether it fits within this Bill or it fits somewhere else, and that is the Road Construction Companies.

I do not know how many of you have seen the big holes that they leave next to the roads, actually posing a very serious hazard. They leave those huge craters

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just there and the human being is also taken as part and parcel of this environmental consideration and he or she is affected by these kinds of developments and they are left just like that. I just brought it up for someone to think about it and to see how best they can accommodate that.

The criticism that I want to make on the composition of the Advisory Council is really constructive. I would say it is more urban and commercial area oriented, because it talks more of the Minister considering appointing people, “ *a person whom the Minister reasonably believes represents the interests of organisation, associations, institutions, etcetera.*” What about individuals, what about community members who are probably not yet organised as such, do not belong to the associations and yet they are affected? How can they be accommodated in there? Maybe some thoughts should go in that direction to see how best we can accommodate that.

The other issue is whether there are plans in place to decentralise the Advisory Council to the Regions or to other areas, because when you have environmental issues taking place in the Regions and if everything has to come to Windhoek and it takes all that time, maybe one has to consider taking the decision to those most affected and those at grassroots involved.

With those many words, I really think that this is one of those Bills worth supporting as an initial stage and maybe the regulations have to follow because environment is such a wide topic and we cannot exhaust it in one Bill.

With those remarks, I thank you very much, Comrade Speaker.

HON DEPUTY MINISTER OF FINANCE: Comrade Speaker, let me from the outset also congratulate the Minister and the Ministry for the job well done and because of the time, may I adjourn this Debate to tomorrow afternoon?

HON SPEAKER: The House stands adjourned under Automatic Adjournment.

THE HOUSE ADJOURNS AT 17:47 UNTIL 2007.09.26 AT 14:30

**ASSEMBLY CHAMBER
26 SEPTEMBER 2007
WINDHOEK**

The Assembly met pursuant to the adjournment.

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

ANNOUNCEMENT

HON SPEAKER: Honourable Members, I have received from the resident Ambassador 100 copies of a document on the Venezuelan Constitutional Reform which will be considered by the electorate of that country to further enhance the democratic process in their country. I distribute the same for the information of the Honourable Members of this House.

Honourable Members, I also wish to inform the House that some of our Members are currently out of the country on official duties and there is a threat of quorum in the House. In addition, we have an invitation for all Members to attend a historical occasion, the Etosha Centenary Celebration which takes place on Friday, 28 September 2007 at Namutoni in Etosha.

After consulting with the Party Whips, it has been agreed and with the concurrence of this House, that tomorrow's meeting not take place, to facilitate travel by the Honourable Members.

HON SPEAKER: Any Petitions? Any Reports of Standing or Select Committees? Honourable Kaiyamo.

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**REPORT OF STANDING COMMITTEE
HON KAIYAMO**

**TABLING: REPORT ON REVIEW OF
AUDITOR-GENERAL REPORTS**

HON KAIYAMO: Honourable Speaker, I lay upon the Table the following Reports of the Standing Committee on Public Accounts:

1. Report on the review of the Reports of the Auditor-General on Offices, Ministries and Agencies for the Financial Year ending 2002, 2003, 2004, 2005.
 2. The Report of the Delegation of the Public Accounts Committee who attended the SADCOPAC Conference in Maputo for information and consideration.
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HON SPEAKER: Will the Honourable Member table the Report? Any further Reports of Standing or Select Committees? Other Reports and Papers? Any Notices of Questions? Any Notices of Motions? Any Ministerial Statements?

The first Notice of a Motion is the one by Honourable Dienda. Does the Honourable Member move the Motion? Who seconds? Any objection? Agreed to. The Honourable Member has the Floor.

**MOTION ON DUMPING OF BABIES AND
ITS IMPACT ON OUR SOCIETY**

HON DIENDA: Thank you, Honourable Speaker.

Honourable Speaker, Honourable Members, I have followed this issue on both the radio and the printed media for some time now. People had contributed positively and negatively regarding this issue. Men are asking women to demonstrate against such evil, others are asking for the women to be put in jail. Whatever the outcome of this might be, we need to be focused. Demonstrations will not solve the problem; putting them in jail will not solve the problem;

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ignoring them will also not solve our problem. Putting them in front of the cameras for publicity will also not solve our problem.

Honourable Speaker, Honourable Members, we need to understand the mind of these women. We need to ask ourselves, why? We need to ask what went wrong in our society and in our communities. Honourable Members, we have to put ourselves in the position of these women. We have to ask ourselves: If I will be faced with such a situation, how will I handle it?

During my research I had discovered that these women are teenagers. Speaking from my own experience as a teenager who became pregnant at the age of 17 years old, I know that at that stage being pregnant and dumped by your boyfriend is not something that you can handle without the support of others.

Honourable Speaker, Honourable Members, I would like to take the Honourable Members through the following issues:

The first one is the **Unconditional Love** of the parents, families, boyfriends who impregnate the girls, the community and the church leaders.

In most of these cases nothing or little has been said about the fathers of these babies. We do not know what the positions of the fathers are. How did they in fact treat the lady before or after the pregnancy became known to them, whether they were aware of the pregnancy or not? Maybe the fathers also do not want the pregnancy and together with the mothers they planned on how to get rid of the baby. There might be a lot of reasons unknown to us, unless proper research is being done on all the cases.

Honourable Speaker, Honourable Members, these women do not always come from poor families, they are not always unemployed, but there are also other reasons. Some of these women are coming from so-called “*elite*” families. It is thus difficult for a child coming from these families to communicate with her parents about her pregnancy. If the parents, on the one side, women and men, can support the young girl during the pregnancy, a lot of pain and harm can be spared. In some cases the mothers of these boys or men are denying paternity on behalf of their sons. What a shame on our Nation! Families are kicking out these women and leave them to live on the streets. Just love your daughter the same way as you have loved her before she disappointed you. There is nothing wrong with being upset as a parent when your daughter becomes a teenage mother.

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Parents are disappointed, they had future plans for their daughters, but this is not the end of the world. Forgive and forget. Comfort our daughters in times like these, do not reject them.

Secondly, Honourable Speaker, **The Fear of the Unknown:**

Honourable Members, in most cases these women do not know what to expect from their parents, especially when they are being dumped already by the father of the child. The fear of being rejected by their parents too, the society, their friends and everybody. Women coming from the so-called “elite” families will even find it more difficult.

Honourable Speaker, Honourable Members, thirdly, **Orphans and Vulnerable Children:**

Honourable Speaker, Honourable Members, OVCs playing the role of adults had become a common issue in Namibia. There are so many OVCs in our country who are not registered with the Ministers of Gender or Health for support. Financial support for these children is little or there is nothing. They are facing a lot of challenges in life. In order for them to survive, the elder ones will become involved with elderly men who can support them financially, so that they can put food on the table for their younger brothers and sisters. They are going through all the humiliation just for a N\$20. When the girls becomes pregnant, the men disappear, as usual, or they deny paternity or they are married and do not want to have anything to do with the ladies.

Fourthly, **HIV/AIDS:**

Honourable Speaker, when you are HIV positive and pregnant, of course you will be scared. You are thinking of the life of your unborn child. You become desperate and desperate things lead to desperate action. The thought of carrying a baby for nine months and after all, the baby will slowly die from HIV/AIDS is something that scares anybody if you do not have information on how to deal with the issue.

Then Honourable Speaker, **Poverty:**

Honourable Members, I will not try to make an excuse for poverty as a reason for dumping of babies, but yet it is one of the reasons. If you do not have something

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to eat yourself, how will you take care of an extra mouth to feed? Some of these women are unemployed, kicked out by their families or they are living on the streets.

Honourable Speaker, **Impulsive Decisions:**

As I have said earlier, Honourable Members, I was in this situation and I am speaking from experience. Knowing of what went through my mind during my pregnancy and the outcome thereof, is scaring. If there were laws in place at that stage when I was pregnant, I could have opted for abortion. Why? Because I only think about myself, my future plans, what the people will say and also the fact of being dumped by my boyfriend. I should have claimed that this is my life, my body and my decision, without thinking of the rights of my unborn child. I would, therefore, like to congratulate the SWAPO-led Government for not legalising abortion in Namibia. This will not solve our problems. Support by families, both the families from the father's and mother's side, and support by the father of the child is very important. Going alone through this will make you mad.

Honourable Speaker, Honourable Members, what are the challenges we are facing?

We first have to find out what is the state of mind of these girls. What drove them to take a decision like that? What are their backgrounds? Where are they coming from? All aspects of life should be taken into consideration when dealing with them.

Outreach Programmes: Do we as lawmakers of this country put in enough efforts on outreach programmes? Maybe this is just an eye-opener for us to see that a lot still needs to be done. We need to conduct more outreach programmes for preventative measures on this issue. Information can never be enough. This is not encouragement for teenage pregnancies, neither for the dumping of babies.

Information-sharing: A lot of information needs to be given. Clinics, hospitals, schools and churches, just to mention a few, must be equipped with information about foster care and adoption.

Reconstructive Services: We need to follow up what happens to both the mother and the baby afterwards and keep in touch with them. Maybe the wound

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is not yet healed, or the mother did not yet get used to the fact that she has become an adult and had such responsibilities. Mothers who are awaiting trial to be sentenced to prison and the baby on the other hand, need to be united if possible or we have to look for alternative plans. Do we have such services available?

Place of Safety: Honourable Speaker, Honourable Members, I would like to appeal to this Honourable House for the need of a place of safety for women who find themselves in this position, as I have mentioned. If we had such services in place, this can help us to overcome the problem. Prevention is better than cure. Women who do not have a place to stay can be kept there until she has given birth to her baby and a decision has been made. Those abandoned by their parents can also be sent there until their parents had come to accept the pregnancy. Also those who do not want the baby at all, but who are not sure of what to do until they have made their decision.

Honourable Speaker, Honourable Members, I am not encouraging the dumping of babies or teenage pregnancies, but I am speaking as a mother and someone who had experienced teenage pregnancy myself. I thank you.

HON SPEAKER: I thank the Honourable Member for the important information shared. Chief Riruako.

HON RIRUAKO: Comrade Dienda, why I said that is because you said you support the SWAPO-Government which does not allow abortion. Now the SWAPO-Government associates with Catholic missions in Vatican City. Is that true? The Vatican does not allow abortion, the SWAPO-Government does not allow abortion. A human being does not have any right to decide on his own choice. Am I correct?

I thank you for the way you put it, it sounded logic and well-decided and well-designed. We appreciate your mind... (Interjection). I am making reference to Honourable Dienda. (Intervention)

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HON MINISTER OF ENVIRONMENT AND TOURISM: Comrade Speaker, may I put a small question to the Honourable Chief, with all due respect? Would the Honourable Chief agree with me that it is not only the Vatican City and the SWAPO-Government but indeed the Creator Himself prohibited taking of lives by someone else apart from Him?

HON RIRUAKO: Those people were created by the decisions of Uukwaludhi. They did not want teenage pregnancies, they did not allow that to happen and the Church was not even there, but the Creator taught them that.

I want us to know about ourselves first, I imagine the Vatican City had difficulties. Now that is the point, we did not want them but we did not kill them, we only chased them away like yourself and later surface, even if we have to come and bump into one another. We did not kill them, they survived and now we call them Uukolonghadhi. That is how humans understanding of human rights are. (Intervention)

HON MINISTER OF GENDER EQUALITY AND CHILD WELFARE: On a Point of Order. My dear uncle, I think as leaders of this country, the mothers and the fathers, when a vibrant young politician like Honourable Dienda comes up with such a sensitive Motion, we should stand up and come with alternatives and say, *“please women out there, instead of that, come to my house, take this number so that I can help you.”* We need to call on desperate women in need. I do not know the Otjiherero names mentioned there, but there is only one Creator of heaven and earth and we cannot kill. We must embrace these girls. It also happened to me when I was at the University of Western Cape when I got pregnant. I almost got into that thing but the church took me into its hands. I almost aborted my baby. I went through the same psychological things she went through. If the fathers of this Nation stand up on such sensitive painful stories, no we can really not allow that. Those people are desperate out there.

HON SPEAKER: Chief, bear that in mind, it is not only from a mother but also from the leader of women.

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HON RIRUAKO: I am a father, I am a grandfather and I dealt with teenage pregnancies of my own children and I never chased them away. It is however painful to be tested and you realise this is not the way to behave. I thank you for that, but at least you know where you come from.

Mr Speaker, we realise our wrongdoing and I know you prevent a person to do what she wants to do. It is a two-way street, it will never be a one-way street. I feel sympathetic towards my cousin, Madam Mungunda. I heard you and I know your pain, I could feel it, but let it never happen again, we have to show our children the way it should be.

I am not here to be sympathetic with them, it happened, but you realised that what you did is wrong. Now compose yourself, bring yourself into good character and behaviour.

Therefore, we need that and we need to recognise the fact of life, how to live and how to take care of yourself totally. We know we have HIV/AIDS, it did not come here by itself. Somewhere, somehow some people brought it here, not us, but somewhere, somehow some people must send money to correct their own wrongdoing. I am sorry to say this, Mr Speaker. I cannot put the shoes on the table where it could fly and go where it belongs, that is not my business. The fact remains that we never had this kind of disease for years and years. I am old, we have never come across that. Somewhere, somehow some people sent it here. I cannot blame the Namibians. Where did it come from? (Intervention)

HON MINISTER OF JUSTICE AND ATTORNEY-GENERAL: May I ask the Honourable Chief a small question just for clarity? The Honourable Chief, by way of introduction, told us that a certain area in Namibia, called by the name he pronounced, is the creation of the phenomenon of teenage pregnancies. However, in the same speech he is telling us that during their era such a thing like teenage pregnancies were not heard of. How can you reconcile the two issues, an area created out of the problem and that the problem never existed? Where is the truth?

HON RIRUAKO: I never said this. They did not come up with HIV/AIDS, they were healthy although they were treated that way. That is a fact, but the

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HIV/AIDS came where it came from. It happened to come over us by some people who wanted us to suffer. For heaven's sake, we never dictated to you what you should bring here, I am sorry to say that. I am saying this purposefully.

We are not going to control that, we have our problem and we had it during our time. Somewhere, somehow some people sent this bloody disease and they must be responsible for it. We cannot be responsible for what happened because we do not have the insight and scientific way of handling it. Those who designed it might know all the ways how to cure it.

Mr Speaker, I pity young people who are crying because of this kind of suffering. Let them cry, it is true somewhere, somehow this crying will go where it belongs. I am sorry to say this. Some people must think about it. (Interjection). I am not talking about teenage pregnancies alone. What happened is not ours, now we are suffering without even knowing where it comes from, how it was designed. There are scientific people who know how to design it and know how to get a cure. I know it sounds bad, but sometimes we have to call a spade a spade. I am not blaming anyone of you here, somewhere, somehow, someone sent this kind of disease and they must be responsible for it and the Government of the day must know where to send this kind of message, but not just to tell us we have HIV/AIDS. You know where to send this message, where it belongs. (Interjection)

HON MEMBER: Where? Tell us!

HON RIRUAKO: You know where it belongs!, and these written documents of the world indicate where it comes from. You know about it, I know about it. Why are you asking me where? We have to get rid of it. (Intervention)

HON DEPUTY MINISTER OF HOME AFFAIRS: May I ask the Honourable Chief a question? Can you kindly assist the Government of the day, as you have indicated, to just give the address where to send the problem so that the message could reach the destination?

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HON RIRUAKO: Honourable Speaker, Honourable Mushelenga, you know what I am talking about. You are well-qualified and well-trained not to miss what I am saying. I am sorry to say that. Take my example and say it the way I say it, it goes where it belongs and those people must know how to tackle their problem here. I am sorry to say that. They do not want to admit it, but somewhere, somehow it was exported here. Somebody has to export it to where it belongs.

Now for you to keep quiet and cry, it is not your fault. Somebody came over here with these kinds of things and fooled you. It is supposed to go where it belongs. Open your mouths and tell the truth. You said your lives were created by God and you cannot even dare to say who did this with your own mouth. Why? You need permission from somebody else who exported HIV/AIDS here, rather than to say where it comes from. That is not fair.

This Parliament of ours – sorry about that, lady ...(Intervention)

HON MINISTER OF FINANCE: I would like to ask the Honourable Riruako a question. Honourable Chief, do you think that our cultures have a role to play in the transmission of this dreaded disease from one person to the other and if so, given the fact that the Traditional Authorities are the primary custodians of our cultures and traditions, what role can they play as Traditional Authorities to ensure that we extinguish this dreaded disease and give it a one-way ticket to wherever?

HON RIRUAKO: A lot has been said about circumcision, to be circumcised in order not to allow the dreaded disease to get into your body.

Mr Speaker, it is painful for healthy people to be spoiled by some jealous people who do not want to see healthy people in the world. It is unfair and we cannot shut our mouths for ever. Before we go today you have to hear this one from us and you could send the message properly to who created us.

Mr Speaker, this is unfair and we cannot just tolerate this unfairness forever and for that matter, let God come with diseases, one day, some day they will come

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and tell the truth to those whose misconduct it is. I thank you.

HON SCHIMMING-CHASE: Thank you, Honourable Speaker. Honourable Speaker, I rise to say a few words in support of this Motion.

It is true, as Honourable Dienda says, when you read about reports of infanticide in the newspapers, it is equated to murder, just murder of the vilest form and you are told, “*why do you get up and demonstrate when men kill women, but you do not demonstrate when mothers kill their children?*”

I also want to say in support that I am not trying to find an excuse for infanticide, but what I do support is the main thrust of the Motion that clearly states that research as to the root causes of the problem must be conducted and made known. It is very important that the necessary support is given to the girl who falls pregnant before the child is born, during pregnancy and after. I think it is scientifically known that the psychological condition of a pregnant mother can affect the unborn baby and there needs to be research in order to see what we can do to assist, because under normal circumstances, pregnancy which should perhaps be the most wonderful part of a woman’s life, has for some of the women become the most torturous path that they have to walk because they have to walk it alone.

I think that we totally ignore the fact that infanticide can have causes which are social, they can be cultural, they can also be material and they can be medicinal and I think the doctors in the House will be able to explain that there is a condition that is called *post-partem* depression that women suffer throughout world. You have cases where a woman kills three or four or five of her children at once and cannot account for the reason why she has done it. That is a condition that exists, it is scientifically proven and we need to look at that and possibly, when we do antenatal care there should be a way in which women should also be tested and see what psychological condition they are in, whether these women are facing a threat of *post-partem* depression or not.

Unless and until we conduct the necessary investigations and provide the necessary services, not just as parents – as Honourable Dienda has said – but as a society, as an extended family and also the churches and also us as elected leaders of the Nation, until such time as we take care of some of these very unfortunate

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women, we cannot just condemn them, because being a mother myself, I cannot conceive of me killing my newborn child.

Something serious must have happened to me in order to allow me to bury my child in the sand, to allow the child to suffocate. It is desperation because there are easier and less painful ways if you really want to do something like that.

I therefore say that we should have a Standing Committee to look into these issues, call in the medical practitioners, psychologists and psychiatrists and social workers. Let the Nation look at this problem and let us find solutions as a Nation, not blaming people and equate the one thing that cannot be equated with the other. (Intervention)

HON DEPUTY MINISTER OF JUSTICE: Honourable Speaker, I just wanted to ask Honourable Nora Schimming-Chase a question. She mentioned a word which I did not follow.

I totally agree with Honourable Nora Schimming-Chase as a father and as a grandfather and as a grand-grandfather. I agree totally with her and as a matter of fact, as the “Son of the Nation” I fully support you. Honourable Schimming-Chase mentioned “*post-partem*” or I did not catch that word, because I was only familiar with the word “*post-natal depression*.” It is mostly used in the medical vocabulary. That is one of the main causes of this problem of infanticide because most of the young girls, because of the lack of the support, as stated here, experience that serious depression and as a result these young girls become so desperate that they do not know what to do and on the spur of the moment she decides that it does not help to carry this baby because I cannot feed her. I just wanted to clear that word you mentioned.

HON SCHIMMING-CHASE: Thank you for the question. I was getting worried because I almost thought you were going to ask whether you were the “*son of the Nation*”, but I know that you know that.

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HON RIRUAKO: On a Point of Order. It is too expensive, no one can afford it, it is for the Government to help in this epidemic. It sounds like an epidemic and you cannot help on your own even if you try. The Government has to take care of that eventually. It cannot be done by individuals or one person only.

HON SCHIMMING-CHASE: Honourable Speaker, I did not understand the question, I thought it was an answer in Otjiherero.

HON RIRUAKO: That trauma cannot be erased by you as an individual, it goes to a psychiatrist or psychologist, but you cannot pay those more than what you have.

HON SCHIMMING-CHASE: Apart from the cost, I am not qualified to treat *post-partem* depression, it is a medical condition. I need to be qualified to do that. If I may just answer the “*Son of the Nation*”, “*post-partem*” means after birth. It is depression which manifests itself after birth and that leads to infanticide in some cases. I am not saying in all. That is what I was talking about. In terms of the treatment, Honourable Chief, I was actually asking us as a Nation to look at various things. I, for one, cannot treat *post-partem* depression, but I am sure I can sit with a child that has been thrown out of the family and try and give her advice as to where to look for support, maybe even tell her to go to the Ministry or go to the church or whatever. I am qualified to do that, but not the medical condition. That is why it is all of us.

RT HON PRIME MINISTER: Honourable Speaker, I would like to thank Honourable Dienda for introducing this very troubling Motion.

The question of infanticide manifested either in abortion or child-dumping is a serious moral question of our time. It goes together with suicide and the like. These are very difficult moral questions.

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It is easy to say abortion should not be legalised, however for the individual who is faced with a situation and an individual being alone there in that universe of public condemnation or disapproval and all that, sometimes the options become so limited and morally you are not sure how to deal with this one. It is a very difficult one and there are engraved primordial norms which are so difficult to get rid of.

It is equally easy to say that “*when your teenage daughter gets pregnant, accept it*”. Well, it is not as easy as that one. I can tell you in my own society they try to find a “*solution*” to this problem. There was an institution called *okukumba torching*. When you go for initiation in preparation for marriage, a girl is subjected to hard labour just for the chiefs to satisfy themselves that you are not pregnant. In the unlucky event that you are found to be pregnant, it is the responsibility of your family to take you into the bush, torch you there and burn you alive. Therefore it now becomes a problem to you as a family when your daughter gets pregnant because you will face an uncomfortable situation of torching your own daughter and burn that daughter alive. It is terrible and that thing is now ingrained in our social ethos. It is therefore not easy in most cases for a parent from my background to just accept a teenager getting pregnant and we should understand the background.

For infanticide, they put up an institution. There was a special diviner, if you like, he was called *Shipanga sho Nkwele* and this guy’s job was to mobilise the old women to detect who has been pregnant in the village, but now is no more pregnant, because all the children belonged to the Chief. If you kill your baby, this *Shipanga sho Nkwele* will find out because he has got a network with the old women. When that is found out, the Chief will organise a big party of thugs to come and raid your homestead, take everything which is there. Not even your homestead, if you are the son of that person who killed the baby, you will face the consequences. That still did not stop infanticide. (Intervention)

HON MINISTER OF AGRICULTURE, WATER AND FORESTRY: May I ask the Honourable Prime Minister a question? I wondered whether you could, in that explanation you are giving, indicate whether in the old societies people might have realised those impediments and, therefore, it was recognised that at a particular time of the age of the girls they must undergo a ritual, after which ritual, even if they get pregnant, it is no longer a shame to the family, to the

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society. Would you think that might have been a reason to do it so, so that this shame is done away with and, therefore, love and respect and everything else will also be there should this girl get pregnant?

RT HON PRIME MINISTER: Yes, “*doctor of the Nation*” (Laughter), you are right, the whole rite of passage, whether you called it *Efundula* or *Orufuko*, was aimed to open up for the adolescent girls not to(Intervention)

HON SPEAKER: The Honourable Prime Minister may continue after tea-break.

**HOUSE ADJOURNED AT 15:42
HOUSE RESUMED AT 16:00 PURSUANT TO ADJOURNMENT**

RT HON PRIME MINISTER: Thank you, Comrade Speaker. I was at the point of responding to the remarks of the Senior Citizen, Dr Iyambo, about the institutions which were put in place by Traditional Authorities to somehow address the question of pregnancies before marriage and that is the institution of the rite of passage, whereby at adolescence a traditional wedding is held and after that the girls are ready for marriage. At least that removed the stigma, but still more, the institution of...(Intervention)

HON RIRUAKO: There is something he did not mention. You must tell the truth, a spade is a spade. Before the traditional marriage takes place, what happens? Be specific. If you want to teach them, tell everything.

HON SPEAKER: Chief, let us do it in an orderly fashion.

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RT HON PRIME MINISTER: There was an institution led by somebody called *Namganga* and *Namganga* is the only one who knows what happens before, not any other person who is not a *Namganga*. I can therefore not really tell you what happened before that. It is only a *Namganga* who can tell you what happened before and after.

I however just wanted to confirm what Dr Iyambo said that yes, there was this institution of *Orufuko* or *Ohango* which helped women to graduate from the threat of being *oshikumbu* (interjections) No there is no translation for that, to escape being thatched and burnt alive. That is the whole thing.

The fact however remains that in the modern world now this issue of infanticide is still a big moral question. There are as many causes as you think of, but the point is that when an individual faces that dilemma, do we have institutions to help such an individual to address that dilemma?

For example, we have religious organisations and churches all over the place, but I am not quite sure whether these institutions somehow have structures for counselling, where somebody can go and seek help. (Intervention)

HON MINISTER OF GENDER EQUALITY AND CHILD WELFARE: I am so sorry, Right Honourable Prime Minister, but on a Point of Order. We do have the Namibian Children's Home which falls under my Ministry which takes care of the dumped children and everything. Recently we advertised in all constituencies we advertised for ninety child-care officers because we have a shortage of social workers. We also have another disabled lady who stays in Grys Blok, her name is Auntie Agnes who has the Baby Haven where they also look after the dumped children. Therefore there are individuals. I also support this lady from my own and from my church and these are things in place. But I will bring a submission to Cabinet, the people are working on it, so that we expand this to all the constituencies when our child-care officers have been appointed.

RT HON PRIME MINISTER: Yes, "*mother of the children*", that is fine, but I am saying that in some societies even the thought of taking your child for

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adoption is not acceptable. Just to think about that, you cannot even think about that because what will this one say, what will the neighbour say, what will the brother of your mother say that you have taken a child whose clan is *Omukwanangombe*, and now he is in foster care? How can that happen? It is not allowed. That is probably just part of the solution but that is not the total solution.

We should however have recognised counselling centres whereby a person who finds herself or himself in difficult circumstances, can go there confidently and talk to somebody whom you trust, not to go there to talk to somebody who is going to label you as a sinner. The first thing they say is *God listens to sinners* and now you are already labelled, *let us pray*. You are put in that kind of dilemma that somebody will somehow stigmatise you as a sinner or as a bad person, as irresponsible.

I do not have a solution, I am only posing the problem, this is a problem. There is no single solution because it is an individual finding herself or himself in a serious dilemma and maybe society is not prepared to listen. I am not saying I am supporting the dumping of children or anything like that. I am just saying that put yourself in the shoes of that particular individual. What institutions do we have in place for that individual to go there confidently and seek help? The question of day-care or adoption, those are things which come later, but there is something that person has to go through with some kind of help and I think that is where society is letting down the young girls. Perhaps that is where we have to focus our attention, how to deal with that. I thank you for your Motion.

HON MINISTER OF JUSTICE AND ATTORNEY-GENERAL: Thank you, Comrade Speaker. Like others who have spoken before me, I would like to thank Honourable Dienda for her courage and foresight in tabling this very heartbreaking issue to be discussed in the National Assembly.

Comrade Speaker, the issue of baby-dumping is very, very serious morally speaking, because inasmuch as it is falling in the category of crime, it is a crime of its own kind. Therefore, many of us would like to participate in addressing this issue, probably not coming from the same school of thought because of our

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upbringing, the environment we grew up in and what we have probably observed in our lifetimes.

The issue of baby-dumping, in my humble view, cannot be looked at in isolation from the general behaviour of society as a whole. The Right Honourable Prime Minister addressed some societal perceptions and I share the same kind of background where as a young girl growing up in the society that he described, what probably saved me from falling in this trap was more the fear than anything else. The fear of my family getting ostracised and myself being an outcast and that kind of fear, as I see it nowadays, does not prevail any longer because there is no enforcer and we have moved into the world of democracy, freedom, etcetera. We can do as we like, to the extent that we can even tell our parents, "*it is my right to do as I wish, it is my body, etcetera.*" As I was growing up I could not utter such a word to my parents, I knew the consequences very well.

All these consequences have been totally removed. Whether we know it or we do not know, these restrictions, these taboos are no longer there. When I came back from exile, I thought I would find the Namibian society the way I left it. I did not realise that the society I left behind twenty plus years ago had moved on and changed in all directions. By the time I was leaving this country, if you got a child before marriage, by the time you were going to get married, your marriage could not be solemnised at the altar in the church, but somewhere either in the church office or somewhere. (Interjections). Yes, let us remind ourselves where we are coming from. (Intervention)

HON MINISTER OF GENDER EQUALITY AND CHILD WELFARE: On a Point of Order. My dear mother, it still like that in the churches. I was also one having a baby outside marriage and then for six months you are sitting in the *!gaos* in the Lutheran Church and the Rheinisch Church. You cannot get on the altar, you cannot participate in the church choir, you cannot be close to the altar. Every week you have to go there, they preach to you and only after that your child is baptised. It is only when the child is sickly that they will give you mercy baptism. Up to now we call it *!gaos* in our churches, I was in the *!gaos*.

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HON MINISTER OF JUSTICE AND ATTORNEY-GENERAL: Comrade Speaker, we have various experiences, it is only that opportunities do not allow for us to bring to the table all these experiences we have. The wedding was not even called a wedding. The *Etulokumwe* is not a wedding, (Laughter) it is the connection and at the connection ceremony the lady is not supposed to wear a white dress and no ululation and all that is allowed.

Therefore, for a girl, a self-respecting girl who hates to be treated in this fashion would want her wedding to be solemnised at the altar in full bright white wedding dress. One can call it whatever, it is the attraction, you look forward to that.

When I came back I went into a cultural shock of seeing all the changes. A lady with one, two or three children gets married, her children will be in front of the mother as flower girls. (Laughter). (Intervention)

RT HON PRIME MINISTER: May I ask a small question? If somebody wants to give you a serious punishment, or warn you that he is going to give you a serious punishment in Oshiwambo, what does he tell you as a boy? If he wants to give you a serious punishment, what will be the warning – if you can remember?

HON SPEAKER: The Minister seems to understand. What is it?

HON MINISTER OF JUSTICE AND ATTORNEY GENERAL: He will say: “*Otandi kuulukile ohango ya nyoko.*” (I will show you your mother’s wedding.) He said it. In typical Oshiwambo tradition, no one has seen his or her mother’s wedding, no one. You are not supposed to see your mother’s wedding. That is why I said I went into cultural shock. (Intervention) To see children born before marriage participating in their mothers wedding.

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**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,
HOUSING AND RURAL DEVELOPMENT:** Comrade Speaker, may I ask my daughter a very tiny question? Before I ask the question, I just want to remind you that we are now living in a modern society with all the nice cameras that capture the whole process of the wedding and after some years when you replay it to the children, mostly the older one will tell the younger one that *this is my parents' wedding* and then the younger one will ask, "*mother, where were we, we do not see ourselves there, where were we?*" How would you respond to that, my daughter?

HON MINISTER OF JUSTICE AND ATTORNEY-GENERAL: If the children are not appearing in the pictures, it means that was a wedding. They are not supposed to be there in the first place. Such children by the time the parents wedded they were not yet born.

I am going to move on to say I am relating my experience to what I know. It is not because in other societies there have never been those things, the taboos, they are there. They were there but we have moved on, society as a whole. Whether it is intentionally moving on or by unintentional decisions or circumstances...(Intervention)

HON DR GEINGOB: On a Point of Order. I would like to ask a question. As a confused modern fellow, I would like to know, according to what the Prime Minister described about the northern practices, the women are strictly controlled not to have babies before they were married, but you are saying when the mother gets married, the children should never see that. Where did they come from? There will be no children because we are not supposed to have children before our marriage, in tradition. That means that lady has illegitimate children, whereas the traditions were very strict, that you could even be stoned to death. Unless there is a practice that there are only children out of wedlock, how can it be a practice that children should never see the mother marrying?

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HON MINISTER OF JUSTICE AND ATTORNEY-GENERAL: Comrade Founding Prime Minister, what I am saying is, it is one of the taboos in Oshiwambo for a child to see his or her mother's wedding. It is not supposed to happen. But even in the event, as I was growing up and I am not going far back – the Prime Minister was talking about the strict traditional, I am talking about Christianity mixed with the tradition. For example, if somebody got married and for whatever reason the husband dies and the widow is getting remarried, the children are moved from the home where the wedding is taking place. They are not supposed to be around when this wedding is taking place because they are not supposed to see it. It is just an indication that society has been trying to curb getting children unprepared. The parents are not prepared, the person herself is not prepared to receive the child before a wedding has taken place. (Intervention)

HON MINISTER OF VETERAN AFFAIRS: I just want to ask a tiny question for clarity's sake. I just want to understand the culture there. Is it that you are not supposed to have children before you are married or you are supposed only to have sex before you are married?

HON MINISTER OF JUSTICE AND ATTORNEY-GENERAL: Comrade Speaker, some of the discussions are not to take place on the Floor of Parliament, but let me answer the question by the Honourable Minister of Veterans Affairs.

I hope sociologists, psychologists and other people who are competent to research can go and find out, because the virginity of the woman who gets married must be proven. The night of the marriage the parents must know, the parents of particularly the husband must know. Therefore, on Dr Tjiriange's question, you are not supposed to have sex before marriage as sex is a prelude to pregnancy those days.

I say we as Africans, as Namibians, have found new freedom, new culture, we have abandoned our culture, our values because they are probably restrictive, they are backwards – some of us say – and we are emulating what other people in the world do. However, we only emulate what we see on the television, probably not

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what happens in the homes between the parents and their children, between the teachers and their pupils, between the community members and their institutions.

European culture has so many good attributes, they have their opera houses, they have their cinemas, they have their sophisticated education system, they have sports, they have everything and I do not think we have emulated all that belongs to the European cultures. I do not think so.

Our children whose rights are enshrined in the Constitution have now become the owners of our homes. They are the ones who tell us when they are going to come back home, if at all, which time they want to come back home. We do not even know who are the friends of our children, we do not even know which places they visit, but yet they live with us and we feel totally incapacitated to deal with them. Then when something of that type happens, the mother or the father would say, *“we told you, now you see this is exactly what we were against, leave my house.”* It is the emotional outburst, it is the shame, it is everything that force the parents to throw their children out.

I keep telling my children that I do not think there is a parent who hates his or her own children. I do not think so. If there are such parents, they must be very, very few. Every parent would want to see his or her child successful. It only depends on the way we express ourselves to our children, but if one could just look into our hearts, our minds, our thoughts, everyone of us is praying, *“let my child finish his or her school, let him become whatever, let him get a job”* – all good things.

However, our children of today – and I do not want to blame them because they are really faced with so many nice things and when you are here, they are watching television at home, the Internet. One day I found my Internet bill skyrocketing and I said, *“no, it cannot be.”* I went to Telecom to find out, *“what happened”*, not knowing that while I am sleeping, they are chatting with their friends all over the world and I know it is not only happening to me, it is happening to all of us, as parents.

Therefore, this issue of child-dumping, inasmuch as it is a crime as I said earlier, is a challenge to us as parents, and as lawmakers. We must find a solution. I do however not believe that it is a matter for sociologists and psychologists to give us reasons why they are doing what they are doing, we already see what is happening in our own homes. We do not have to be told that, but what is there we can do as lawmakers?

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One day somebody told me that the Constitution apparently prohibits parents from chastising their own children. I said, *no I do not believe so*, the Constitution talks about public institutions. I am not a public institution, I am a parent. God gave me this child, I brought this person into this world and now I must prepare this person for the world. (Intervention)

HON NAMBINGA: May I ask the Honourable Minister a question? Honourable Minister, you are doing well, I am happy that you are almost taking my line, do you remember? Do you as a parent not think, according to what is now happening in this country, when your young daughter becomes pregnant, you must call your neighbours to celebrate because that is what they want? Do you not think as a parent you have that responsibility to celebrate when something goes wrong, particularly with that what you are saying?

HON MINISTER OF JUSTICE AND ATTORNEY-GENERAL: Honourable Comrade Jeremia Nambinga, we come from different backgrounds. I tried to depict the culture that I know and, therefore, I really want my children in the mould in which my parents and the society I come from brought me up. I told you what used to happen when you get married and you have a child. That is my belief, be it wrong or right.

I was going to say that if we, the parents, are giving up on our children, thinking that the Constitution has prohibited us from bringing up our children in the manner that must fit this society, then we are letting this Nation down. We are letting this society down because the Europe that we are emulating today, there are rules there. I ask myself this question, Comrade Speaker, at the end of the year when you read reports from our schools, how many girls have become pregnant at various schools? You only hear about such incidents in certain schools and I am asking myself, what is that new thing that we have discovered that our children are the only ones who are dropping out of school because of pregnancy? What is it? That is exactly why the media, when our children get involved in these criminal activities, do not even bother to find out their names,

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they say, “*Honourable Ithana’s son has done such and such act of criminal nature.*”

Our children are not full human-beings, yet they are supposed to be in our care. Let me tell you a story.

Some years ago one of my children had a friend and this friend is from the Caribbean, they were at the same school and he said, “*let us go to one of these shops, I want to pick up something.*” He said, “*what are you going to pick up yourself?*” He said roll-on. He said, “*yes, you pick it up, check whether there is somebody watching you and then you put it in your pockets*”, not knowing that these items are detectable at the exit point. They got arrested, but since my son was underage, I was now called to go and stand in for him and the Magistrate’s Court was right, because this child is supposed to be under my care. I am responsible to bring him up in a proper manner. I failed, therefore I must appear before court so that this child’s name does not appear in the record.

These are some of the things that we do not think about. Our children’s behaviour is a reflection of ourselves. The parents of this country, whoever has brought a child in this world must know that he or she has a responsibility. (Intervention)

HON ULENGA: May I ask the Honourable Member a question? Thank you for allowing my question. Honourable Speaker, I think the Honourable Attorney-General is getting to the root cause of some of these serious issues. That is why I would like you to explain even further. You were saying that only a generation ago your society would not allow a young woman to get pregnant and you are also citing some emulations of Europe. By the way, you should also tell us whether Europe is falling apart or not today, but how do we explain this kind of situation? You say the parents who only a generation ago could not themselves get pregnant are the ones allowing this kind of situation. How does it get out of hand? People who themselves were not allowed to have sex before marriage, now have to go and stand in because of all these things happening, just one generation ago. What exactly caused this kind of situation?

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HON MINISTER OF JUSTICE AND ATTORNEY-GENERAL: It is a good question for all of us, not just for me. What I think is that there is a misconception and misunderstanding somewhere. Some of us have discovered freedom and that freedom is limitless, we can do as we want, we can live as we like.

I also realise that children are very, very intelligent. Before you know, this child has read your mind, he or she knows exactly what you like, the limits to which he or she can take you. They know and before we know the Constitution, they already know. One of my children once told me that, "*my teacher told me that if I ask for something, I should never be content with a no.*" She must demand until I say yes. Therefore, our children are in association with others who also influence them. (Intervention)

HON MINISTER OF VETERAN AFFAIRS: May I ask another question? You said that the children actually reflect what the parents are doing and they mirror these kinds of things. Personally I have never even slapped my child, I never do it and I have never killed anybody in my life, but my child has killed someone. Does he mirror me or what? I am not a murderer but he is a murderer. Who taught him? I do not even beat anybody, whose mirror is he?

HON MINISTER OF JUSTICE AND ATTORNEY-GENERAL: I am not saying they are our mirrors in the sense of our behaviour. In my upbringing in the village, if a child is seen behaving in a manner that is unacceptable, people will say, *whose child is this one?*, because they want to see the kind of home the child comes from. If you are saying you have never slapped your child, well and good, but you can only convince me that you did the right thing if you substituted slapping with something else that has made this child to be a proper human being. If you did not slap your child and the child ended up being a killer, I do not know whether you did the right thing.

Comrade Speaker, in conclusion, the story is becoming long, I know there are others who would also like to contribute to this very important issue. I am just saying we should carefully look at ourselves as adults, as parents, as leaders in this society, whether we are moving together with our children. Are they under

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our control? If they are not under our control, we should definitely not be shocked when they are behaving the way they are behaving. They are not under our control. Very few children nowadays are under the control of their parents, because the places they visit where you find them at night, you ask yourself, *where are they going or where are they coming from and what were they doing?*

Let us get back to our roots. We are Africans, we have a very, very rich culture. It does not have to be Oshiwambo, it does not have to be Otjiherero, it does not have to be Damara. We have a rich culture, let us go back to our roots and find a solution to what is happening in Namibia. Thank you, Comrade Speaker.

HON SPEAKER: You have been very thoughtful and also off-the-cuff. Congratulations. Honourable Nambahu.

HON NAMBAHU: Comrade Speaker, I would just like to congratulate Honourable Dienda for bringing up this very important Motion. I think it is going to be a very important topic for discussion, mainly in youth organisation in this country, in women organisations, in the church and other institutions.

There has been very good reference to some of the important issues and one of them that has been spoken about is the one of institution and capacity. Our youngsters find themselves in a dilemma and confusion and at that critical moment of confusion and dilemma, where is it that they go to for guidance and counselling? That is the capacity we are talking about. Do we as a Nation have the capacity to give that at the time it is needed?

Someone was saying, and appropriately so, there should be no abortion. Someone was holding a placard to a pastor or someone who was advocating that position and he was asking: "*Pastor or Priest, how many street kids have you adopted lately?*" The problem is, if one says no to what should be the right thing, what is the solution? Where can that person go to next? (Intervention)

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HON RIRUAKO: Honourable Speaker, we are blaming ourselves and our fore- and present fathers. We deviate ourselves from our real culture and change the former culture to the European culture. This conflict is created by us in this House. Now who are we going to blame? We created this kind of difference. The Constitution can also be linked to your culture. The point I want to drive to, you do not have to blame your children, blame yourself. We have a culture that is followed in one and now we are really sorry for ourselves. Why can we not reverse our wrongdoings to ourselves and our children?

HON NAMBAHU: The point is, if I am saying I am the parent, it is one thing being a parent, parenting is another thing. One thing is control, another one is the controller. Are we saying if I have my children, I am the only one parenting them? What about television? Do I have any control over the content that my children are watching? And these are the people who are influencing my kids most when I am here.

I am telling you, I have problems with my child. Most of the time I put on a suit and tie, but...(Intervention)

HON DEPUTY MINISTER OF HOME AFFAIRS: Honourable Speaker, may I ask the Honourable Member a question? Thank you for accepting the question. The Honourable Member is saying he has no control over the television. I know it is not easy because sometimes we are busy people, we are not at home, but how many of us, whenever we are home, or even make it a rule in our homes, particularly for the young ones – I know the teenagers have passed that stage – but how many of us set time for the younger ones to go to bed in the evening?

HON NAMBAHU: I think the question was clear, it was asking how many of us and it was not so much directed to the one having the Floor and I heard many answering indirectly, saying “*I do*”, others, “*I do not*”. There are those who do, there are those who do not.

The point however is, those days when you were in the village, the parenting role was almost emanating from your parents and from your parents only, and if not

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only from your parents, people in the village were almost professing the same culture and were actually propagating the same values. Is it still the same?

The question is, I can only see this thing getting worse, because if we were given a better education and we are actually failing to transmit it to these ones who are our products, how are the products of those products that are not given proper guidance going to be? These are the people who are going to take Namibia to 2030. We must be very much concerned and this Debate should, therefore, be taken very seriously and it should not only be limited to the lawmakers, it should really be a national Debate. That is one.

Once this Debate has been referred to the Committee there will be research on the issue of capacity building and institutions, because it is not a very good thing to address the problem from the symptom we see. It is very necessary for us to go to the roots and understand the root causes of this, so that we can come up with a very informed Debate and understand exactly where it is emanating from.

Some Honourable Member and myself were visiting the Parliament in Sweden and they have a fully-fledged research department. Before any Member of Parliament ventures into something which he does not understand, there is a fully-fledged capacity there to research and to bring the facts and you base your Debate on facts and your informed position. These are probably things we should look at, in order for those of us, who are in a privileged position to actually be opinion-makers and to influence society, to be informed ourselves.

Many will agree that in law no one gives what they do not have and this is a very big problem, as far as I am concerned. If these people that we are bringing up now do not have those values, that ethos, that culture, what is it that they are going to transmit to their kids? If we were given a proper background, a proper upbringing and we are failing to transmit it over to them and they are not getting the proper one, what is it that they are going to transmit? I feel that is one question which we should really occupy ourselves with.

I therefore really believe that we have to think of the institutions that those who are in a dilemma, who are caught up in the contradictions of society, can go to when they need that. There should also be institutions to equip those who want to provide solutions to be in a position to provide that leadership role. Those who are already parents at 16 years of age, where have they gone to get that preparation to play that role of parent? (Interjection). If you feed a computer

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with a wrong programme, that is what you are going to get out. If we do not give them that, we should not expect much of them.

Therefore, my only call is for this Debate to be taken seriously and I am very happy that it was brought by a female person. It is very good that we are discussing these things, because sometimes you only find people looking outwards at what men are doing, what we should do with these men, but we now have to debate and find out that whoever is the culprit in this kind of thing, actually should heed this call and look into him or herself and come up with some solution.

I have no other words than to congratulate the Comrade and invite for a much wider Debate and for the Motion to be referred to the Committee for proper research to take place.

HON DR AMWEELO: Thank you very much, Comrade Speaker, I have only a few words to add.

First, I would like to congratulate Honourable Dienda for bringing this very important Motion to Parliament. Yes, I agree with the previous speakers that this is a difficult issue and I agree with Honourable Schimming-Chase when she said that this really needs scientific research to identify the problem, because we do not know the problem. I also agree with the Attorney-General and the Minister of Justice by saying that we should go back to our roots, our culture, although not all cultures are going to comply with this, because the culture where I come from, if the lady gets pregnant before marriage, she will be burnt. We cannot bring those old cultures back. We can bring only some but not all.

I also agree with the Honourable Prime Minister, but this is a problem which is caused by a triangle, whereby this triangle must be brought together in order to solve this problem – the parents, the environments where the kids stay and the school. That is the triangle and I think we need to do our study according to that triangle to find out the solutions.

The Honourable Member moved that this issue be referred to the Committee on Human Resources, Social and Community Development, but I do not think this

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should be done, because this issue is very difficult and it needs a thorough study through research in order to find the empirical evidence.

Maybe the best would be for the Line Ministry to appoint special people, people with the knowledge about these things. That Committee will start to gather the information in Namibia, SADC, Africa, Europe and Asia and come up with thorough information and from the recommendations by that Committee we may find a way.

We cannot say that the parents don't do their job, what about the environment? We are staying in a modern environment. (Intervention)

HON RIRUAKO: On a Point of Order. We have Muslims, we have Christians, we have Hindus, these are a lot of cultures combined, but out of that you cannot get what your culture is, you cannot also determine and say this is mine. Charity begins at home, you had better come up with your own culture. Our culture here is integrated, as I said before. These cultures are combined, it is better to have your culture as a background and then you can mix with other cultures. You know your shortcomings, you do not have to call for other cultures to integrate with yours. I hope that is quite clear. Hindus, Muslims, Jews and Christians cannot be your culture.

HON DR AMWEELO: Honourable Chief, that is why I am saying we are living in a modern environment whereby we find many different cultures. In order to solve this which I think cannot be solved by the Committee, I think the Line Minister can appoint a Technical Committee to conduct the research. Maybe the finding will help us to solve this problem, because this problem is not only in our country, it is also in SADC and Africa.

I may say that I support the Motion but say that maybe the Line Ministry appoints the Technical Committee to carry out the study. I am not supporting the Motion to go to the Committee on Human Resources because the Committee cannot tackle this Motion as it is very, very difficult. Thank you, Honourable Speaker.

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**MOTION-CONDITIONS OF SERVICE
HON VENAANI**

HON SPEAKER: I thank the Honourable Member. Any further discussion? If not, then the Debate on this Motion stands adjourned until Tuesday.

The second Notice of Motion is by Honourable Venaani, that the Motion be adopted. Does the Honourable Member move the Motion? Who seconds? Any objection? Honourable Venaani has the Floor.

**MOTION ON CONDITIONS OF SERVICE OF
POLITICAL OFFICE-BEARERS**

HON VENAANI: Honourable Speaker, I am moving this very important Motion in the interest of all of us.

Let me start off by saying that humanity has respected age long before Christianity came to Africa. The reason why we call God “*Mukuru*”, it is someone before us and I am moving this Motion on the premises of equality in status but not in age.

To cut a long story short, Honourable Speaker, the Constitution of our Republic under Article 17(2) speaks of the eligibility to public office, a person with the age of 21 to join either Parliament, Regional Councils or what have you and by the mere fact that that is the entry level of a politician, let me start off by saying that the conditions of public office-bearers are very different from any other ordinary job in the country or in the world, for that matter, because the conditions are such that you are bound to a political term of 5 years.

In the long days before the Amendment of this particular Rule that says that a political office-bearer is only deemed to have retired at the age of 55 and thus would be able to get his fair share of pension from the Fund at the age of 55 discriminates against young members of the Fund by the mere fact that the age of your eligibility to office is very clear. Therefore, when you join the Fund, you must be treated equally and also when you are leaving the Fund.

The argument that is being advanced by the Fund administrators is that a younger person will have a much longer productive life and he must be stopped from

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accessing his pension because he can still do some work until 55. When that argument goes to the private sector, the people who are owning the hills of Windhoek, who are appointed as a General Manager to a Company for five years, you access your pension regardless of your age, you get another job, in five years to access your pension and do whatever you want to do with it. With the Commercial Companies there is no problem accessing your pension at whatever age. The choice remains yours whether you want to reinvest this pension in another fund so that it grows. If you want to invest it in a house as a safety valve, it can work.

Let me however tell you the crux of my argument. The danger of this rule is that it is good and well when our economy is flourishing and doing well, but for example, if a Member of Parliament who has been a Minister for twenty years and has never reached the age of 55, and for one or the other reason our economy is doing as bad as the one of Zimbabwe at this point, then you will be able to lose this money automatically. You already went out of your job, you are farming or consulting, and this money, because it is attached to age and it must be somewhere, if the economy goes bad, then you are going to lose everything and the person who retired at the very same age as you, because he happens to be 55, would be a beneficiary.

It also comes to older members of the Fund, that they are also treated unfairly in some instances where they are heavily taxed and the accumulation is also very slow. My argument is that as Members of Parliament, as Regional Councillors, we all assume the same job. If you are appointed as Ministers you are earning the same salaries, if you are appointed as Members of Parliament, you are earning the same salary and the benefits should be the same.

I want to move on and address one issue which I think is also very important. It is the question of the current set-up that we have in the country, whereby when you are a backbencher – and I assume even Ministers – the job requires a Member of Parliament to reach out to constituencies. You will be a very unusual person if you are a Member of Parliament and you do not make time to meet communities and hear their problems. The law however requires that you do that but you are not given anything to complement the work that you are supposed to perform.

In South Africa, for example, backbenchers are given four air tickets to travel around the country as part of their constituency work. They are given a

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**MOTION-CONDITIONS OF SERVICE
HON VENAANI**

constituency fund to go to constituencies. Today the Minister of Environment and Tourism invited us to Etosha – and this is not the first time – and as a Member of Parliament you have to use your salary to be there because you are a national leader and if you are not there it looks bad and it reflects badly on the country. However, there is no fund that could assist you as a Member of Parliament to reach out to communities. And I tell you, all those Members of Parliament that I have seen around this country, are like me using probably one-third or more of our salaries to be with communities and if people think that if you are not reaching them, that you do not have any interest in them. However, as Members of Parliament we must discuss some of these conditions and how difficult it is to perform our duties.

Just in conclusion, Honourable Speaker, the other issue that I also want to raise is that it is important for us to even look at Local Authority Councillors who are bemoaning their conditions as public office-bearers. The argument is that a Local Authority Councillor is not a fulltime job, you are given an allowance of N\$1 000 a month. If we argue that the funds cannot permit, it is another argument, but I believe that if I have to go and call a Local Authority Councillor at night to look into a matter in a municipal area, that person should be remunerated according to the job that he is supposed to perform.

I know that we have established a Political Office-Bearers Commission, but all I am saying is that I am pleading to all the Members of this House that we as politicians, as young as we might be, demand and request to be treated fairly and equally like all other Members of this House. I do not know why this Rule was amended, because prior to 1999 that was the process, every person could get his dues after retirement, but now younger members are seriously disadvantaged. I plead with the Honourable Colleagues to debate this Motion with reason and to allow us to have a fair share in our pension fund. I thank you.

HON RIRUAKO: I thank the Honourable Member. From the young to the old Chief Riruako. My Colleague who is young could not explain everything. We suffer the same way, but this is coming from our Cabinet who do not want us to get some increment or any access to that. I do not blame the President, I do not blame the Speaker. They know who they are and for that matter, God forbids, you will be recognised and known for your wrongdoing. This is a crime.

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**MOTION ON CONDITIONS OF SERVICE
HON DR TJIRIANGE/ HON DR KAWANA**

The Ministers concerned dealing with these matters must correct themselves – not correct themselves, re-correct themselves – in order to protect this House against this kind of wrongdoing. I thank you.

HON MINISTER OF VETERAN AFFAIRS: Thank you, Comrade Speaker. I rise to agree with the Mover of this Motion. The only thing that makes me to stand is that I think the Honourable Venaani has brought in many other things that have watered down the essence of the Motion, travelling and all these things. I think the Motion, as it stands here, has to go to the Committee, if it has merits in it, but divorce it from the other things that you have mentioned. The travelling can be done in its own right. Otherwise as it is, it makes sense, it can be discussed there and be reported back. I thank you.

HON MINISTER OF PRESIDENTIAL AFFAIRS: Thank you very much, Comrade Speaker. I rise to support my Honourable young brother there. I think in terms of the principle of equality of treatment, it is manifestly wrong to discriminate on account of age.

Let me give an example: In terms of our Namibian Constitution any Namibian citizen is entitled to hold public office at the age of 21. Supposing somebody is elected as of the age of 21 and becomes a Member of Parliament, by the time that person is 50 years, he or she would have served 6 terms.

Let us take another one who maybe enters Parliament at the age of 51 and serves only one term. At the end of that term that person will be entitled to access the Fund and yet the person who has served 6 terms, will not be entitled. It is this kind of injustice that we have to address and address urgently.

I fail to understand why the law was amended, because prior to 1999, the law did not discriminate and I have no doubt that this law really violates the Supreme Law of our land, the Constitution.

In short, I do support the Motion. I thank you.

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**MOTION ON CONDITIONS OF SERVICE
HON DR N IYAMBO/ HON P MUSHELENGA**

HON MINISTER OF AGRICULTURE, WATER AND FORESTRY:

Honourable Speaker, Honourable Members, you will realise that I left to attend to urgent matters, but I was concerned that I have to come back before a decision is made on this Motion. I thought there is something that I would want to address in addition to what Honourable Venaani has already said about the younger Members of the Assembly or public offices. Of course, as a senior citizen I was worried and that is why I came back. However, I can now rest assured that apparently it was raised already today that even the older Members must be treated fairly in the review of the Motion in place.

I am speaking on behalf of the other senior citizens. Thank you very much.

HON P MUSHELENGA: Thank you very much, Honourable Speaker. I also rise to express my support to the Motion as it appeals to the principles of natural justice and the principle of equality for everybody.

It is fine for one to say if one is young and you leave Parliament, you are still employable until you reach 55, but the reality of the situation is that it is not everybody who will be able to be employable.

Secondly, this would prohibit a lot of young people who show interest....(Intervention)

HON SPEAKER: Before I adjourn the House, I need to inform you further, Honourable Members, that after my announcement on the Etosha Centenary Celebrations and the manner in which I announced that, my office was approached to inform us that I should determine that all the Honourable Members have indeed received the invitations, particularly those in the category of backbenchers. If anybody has inadvertently been left out, would those persons kindly contact the Ministry for the situation to be rectified?

With that the House shall now adjourn until Tuesday, 14:30.

THE HOUSE ADJOURNS AT 17:50 UNTIL 2007.10.02 AT 14:30

**ASSEMBLY CHAMBER
02 OCTOBER 2007
WINDHOEK**

The Assembly met pursuant to the adjournment.

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

HON SPEAKER: Any Petitions? Any Reports of Standing or Select Committees? Honourable De Waal.

TABLING OF REPORTS AND PAPERS

HON DE WAAL: Honourable Speaker, I lay upon the Table, the Report of the Public Accounts Committee of the National Assembly and the National Council on the Skills Training Workshop held at Okahandja Game Lodge from the 16th to 17th March 2007. I so Move.

HON SPEAKER: Will the Honourable Member table the Report? Any further Reports of Standing or Select Committees? Other Reports and Papers?

HON MINISTER OF LABOUR AND SOCIAL WELFARE: Honourable Speaker, I lay upon the Table for the information of the Honourable Members, the following documents:

1. Convention No. 188 Fishing; 2007
2. Recommendation No. 199 in Fishing 2007;
3. Convention 187 on Promotional Framework for Occupational Safety and Health;

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**TABLING OF REPORTS
HON TWEYA**

4. Recommendation No. 197, Promotional Framework for Occupational Safety and Health Recommendation;
5. Recommendation No. 198, Employment Relation Recommendation of 2006.

HON SPEAKER: Will the Honourable Minister table the Reports? Honourable Deputy Minister of Finance.

HON DEPUTY MINISTER OF FINANCE: I lay upon the Table the Reports of the Auditor-General on –

1. Regional Council of the Caprivi Region for the Financial Years ended 31st March 2002 and 2003;
2. Regional Council for the Oshikoto Region for the Financial Years ended 31st March 2004 and 2005.

I so Move.

HON SPEAKER: Will the Honourable Deputy Minister table the Reports? Any other Reports and Papers? Any Notices of Questions? Honourable Tjihuiko.

QUESTION 117:

HON TJIHUIKO: Honourable Speaker, I give Notice that on Thursday, 11 October 2007, I shall ask the Honourable Minister of Trade and Industry the following questions:

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**NOTICE OF QUESTIONS
HON TJIHUIKO**

According to the Household Income Report 2003-2004, the Ohangwena Region was classified as the area with the lowest income per capita and with a population of 236 748, increasing at a rate of plus minus 3%.

1. What has Government in general, and your Ministry in particular, done to address this very unfortunate situation in Ohangwena Region?
 2. Can the Honourable Minister brief this august House by way of specific business support initiatives and tailor-made training programmes undertaken by your Ministry in particular or by the Government in general?
 3. What has your Ministry done to address poverty and high unemployment in places such as Tses, Aroab, Leonardville, Kalkfeld, Kalkrand, Fransfontein and Tsumkwe in terms of specific business interventions?
-

HON SPEAKER: Will the Honourable Member table the Question? Any further Notices of Questions? Any Notices of Motions? Any Ministerial Statements?

The first Notice of Motion is the one by Honourable Dienda. Does the Honourable Member move the Motion? Who seconds the Motion? Any objection? Agreed to. Honourable Dienda has the Floor.

**MOTION ON SCHOOL DEVELOPMENT FUNDS
AND TERTIARY EDUCATION FEES**

HON DIENDA: Honourable Speaker, Honourable Members, I will first start my Motion by talking about school development funds.

During the colonial regime we, the disadvantaged people of Namibia, made use of the Freedom Charter to spread the message of what democracy will bring to the people if a black Government should take over the ruling of the country. One of the main issues on our agenda was:

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**MOTION: SCHOOL DEVELOPMENT FUND
HON DIENDA**

“The doors of learning shall be opened.” With this I would, therefore, like to point at the following:

Honourable Speaker, I would like to draw the attention of the Honourable Members at the following: Article 20(2) of the Constitution of Namibia reads as follows: *“Primary education shall be compulsory and the State shall provide reasonable facilities to render effective this right for every resident within Namibia, by establishing and maintaining State schools at which primary education will be provided free of charge.”*

Article 20(3) of the Constitution reads: *“Children shall not be allowed to leave school until they have completed their primary education or have attained the age of sixteen years, whichever is the sooner.”*

Then Honourable Members, the Education Act of 2001, Section 25(12) reads as follows: *“If a parent refuses or fails to pay school development fund contributions, a school board may exclude the learner of such parent from taking part in any activity financed with the school development fund contributions.”* The Act also says the following in Section 25(8)(b): *“The school board may, partially or fully, exempt any parent from payment of school development fund contributions.”* The same Act in Section 59(1) reads as follows: *“Non-payment of the school development fund contribution contemplated in Section 25(9)(a) in respect of any learner is not sufficient for withholding a report to be issued under Section (1).”*

Honourable Speaker, this is my background. My feeling is that the Education Act contradicts the Constitution of the Republic of Namibia. Because of this, school principals only use what is written in the Regulations of the Education Act and they only implemented those parts that suit them the best. It is common knowledge that children are being sent away from schools or they do not receive their results if their parents failed to pay the school development fund.

Honourable Speaker, Honourable Members, children do not owe schools any money, parents are the ones owing the school money. No child had signed a contract with any school for admission to that school. It is, therefore, strange that the learners are being threatened by the school if their parents fail to pay the school development fund.

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**MOTION: SCHOOL DEVELOPMENT FUND
HON DIENDA**

Honourable Speaker, Honourable Members, I would like to hear from the Minister of Education the following:

How do schools determine the school development fund per annum? Some schools are asking N\$150 and others are asking N\$800 per annum for primary schools. Secondary schools are asking from N\$800 up to N\$2 000 per child per annum. Is this practice in line with the Government policy on the school development fund and can the Honourable Minister prove, by letters of consent of all the schools that charge the prescribed fees for the school development fund?

Secondly, Honourable Speaker, what is the involvement of the parents beyond the school boards? Are they part and parcel of such decisions taken? Were they involved in the discussions or were decisions taken in small group meetings of a few select people?

Thirdly, Honourable Speaker, how do schools use the information collected from parents when enrolling their children to execute the school development plan? I am asking this, because if a school has two doctors, five nurses and ten teachers as parents in the school, does it mean that the school development fund is determined regarding the high income of those who have and not consider those who do not have?

Children are being humiliated and embarrassed while the agreement should be between the parents and the school. This is unacceptable.

What measures did the Minister of Education put in place to ensure that the Education Act is properly implemented and not only a part thereof?

Do all the elected members of school boards really understand the Act and the responsibilities it entails for such elected members? They are not there to rubberstamp decisions forced on them by school management. They must consult with the parents.

Then secondly, Honourable Speaker, I want to talk about tertiary education.

Why is tertiary education in Namibia so expensive? Is it because the quality of education provided demands it, or we have to sustain the living standards to recruit lecturers from outside because we do not have the resources available in

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**MOTION: SCHOOL DEVELOPMENT FUND
HON DIENDA**

our country?

Honourable Speaker, the duration of courses offered makes tertiary education expensive. How can this be reduced?

The relevance of the courses: How relevant are the courses to the demand of the labour market? We have a shortage of nurses, social workers, doctors, just to name a few, but access to these courses are limited or does not exist.

Funding or bursaries: This is our biggest obstacle in Namibia. We need to support our students by giving them good bursaries which will cater for accommodation, tuition fees, textbooks, transport, etcetera. Otherwise, where will the rest of the money come from to pay if the bursaries cannot cater for all of it? This is why we are seeing students being kicked out of the UNAM campus because they are not from Windhoek and they cannot pay for accommodation, which in most of the cases are not being budgeted for. I just recently read in the gossip newspaper of Windhoek that students at UNAM are involved in prostitution. Honourable Speaker, whether this gossip is true or not, students are facing difficulties when it comes to paying for their educational fees. Namibians need education. Prostitution is maybe one of the ways to make ends meet.

If prostitution is an answer for their needs, they will go for it for survival. They will do anything which enables them to help pay for their studies, including dating *sugar daddies* and *sugar mommies* who can help them to achieve their goals. Do not forget the movement of the victims of the “*Butcher 1 Killer*.” Where did he get the victims and who are the victims? They are young, energetic potential assets to our Nation.

Then Honourable Speaker, our progress from secondary schools. Why should students take extra classes in English and Mathematics before being accepted in full at tertiary institutions? Why can the institutions not work in collaboration with NIED to solve this problem by making sure that the curriculum is updated to address the needs of the course?

Honourable Speaker, how long will it take to decentralise tertiary education to the remote areas? Not all parents can afford paying all the fees attached to further studies. A lot of money is spent when one wants further studies – transport, accommodation, meals, textbooks, just to mention a few.

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**MOTION: SCHOOL DEVELOPMENT FUND
HON DIENDA**

Through decentralisation parents will be able to meet their children halfway at least when the institution comes closer to home.

Secondly, when will we develop other Regions to share in the cake of tertiary education? We have to improve on what is offered and strengthen what is already on the ground. Tsumeb University is still pending. For how long will we wait?

Honourable Speaker, are the doors of learning open for the Namibian child? That is my question.

The current policy of education is that children should attend the school closest to their house. As long as parents transport their kids to the so-called “*better schools*”, the longer it will take to develop schools closest to their residence, to the extent where the so-called better schools will also have an advantage over other schools. School boards should look into this issue. Every school in Namibia follows its own policy regarding the admission of learners. Some are asking for municipal accounts, others make it so difficult for children with their requirements that it is just impossible to enrol your child in the school of your choice, which can cater for the intellectual ability of the child.

Non-existence of a policy on integration in schools has left anarchy at the schools since Independence. Principals and school management bully school boards to accept learners on criteria that are discriminatory to those from either previously disadvantaged groups or to ensure that schools retain their so-called academic social status.

In conclusion, Honourable Members, we should be the watchdogs of the laws that we approve in this House, to ensure that the Nation implements these laws with little or no confusion and that we finally reach the slogan of *One Namibia, One Nation, One People, One Aim* and make the objectives of Vision 2030 a reality for all. I thank you.

HON SPEAKER: I thank the Honourable Member for her motivation. Any further discussion? Honourable Gertze.

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COMPANIES AMENDMENT BILL

HON GERTZE: I would like to adjourn the Debate until next week, Tuesday.

HON SPEAKER: The consideration of this Motion stands adjourned until next week, Tuesday.

The Second Notice of a Motion is the one by Honourable Viljoen. Does the Honourable Member move the Motion?

HON VILJOEN: Honourable Speaker, I humbly ask the indulgence of the Honourable House to postpone this Motion until next week, Tuesday.

HON SPEAKER: The Debate on this Motion stands adjourned until next week, Tuesday. The Secretary will read the First Order of the Day.

COMMITTEE STAGE – COMPANIES AMENDMENT BILL

HON SPEAKER: Does the Honourable Minister of Trade and Industry move that the Assembly now goes into Committee? It is moved that I leave the Chair. Any objection?

ASSEMBLY IN COMMITTEE:

DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: The Whole House Committee is called to order.

The Committee has to consider the *Companies Amendment Bill*.

Clauses and Title put and agreed to.

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**COMPANIES AMENDMENT BILL
HON NGATJIZEKO**

DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: I shall report the Bill without Amendment.

ASSEMBLY RESUMED:

Bill reported without Amendment.

THIRD READING : COMPANIES AMENDMENT BILL

HON SPEAKER: Does the Honourable Minister of Trade and Industry move that the Bill be now read a Third Time? Any objection? Who seconds? Agreed to. Any further discussion? Does the Minister wish to reply?

HON MINISTER OF TRADE AND INDUSTRY: Honourable Speaker, I just want to extend my appreciation to the House for having approved this Amendment speedily. I wish and hope that this is going to help put the Companies Act into operation as soon as possible. Thank you very much.

HON SPEAKER: I thank the Honourable 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.

**COMMITTEE STAGE : MEDICINES AND RELATED SUBSTANCES
CONTROL AMENDMENT BILL**

HON SPEAKER: Does the Honourable Minister of Health and Social Services 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 to take the Chair.

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MEDICINES & RELATED SUBSTANCES BILL
HON DR KAMWI

ASSEMBLY IN COMMITTEE:

DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: The Committee has to consider the *Medicines and Related Substances Control Amendment Bill*.

Clauses put and agreed to.

ASSEMBLY RESUMED:

Bill reported without Amendment.

HON SPEAKER: Does the Honourable Minister of Health and Social Services move that the Bill be now read a Third Time? Any objections? Who seconds? Agreed to. Any further discussion? Does the Minister wish to reply?

HON MINISTER OF HEALTH AND SOCIAL SERVICES: Honourable Speaker, I wish to thank the Honourable Members for a speedy support and approval of the Amendment Bill. Thank you.

HON 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.

**MEDICINES AND RELATED SUBSTANCES CONTROL AMENDMENT
BILL.**

**RESUMPTION OF DEBATE :
ENVIRONMENTAL MANAGEMENT BILL**

HON SPEAKER: When this Debate was adjourned on 25 September 2007, the Question before the Assembly was a Motion by the Honourable Minister of Environment and Tourism, that the Bill be now read a Second Time. The Honourable Deputy Minister of Finance adjourned the Debate and I now give him the Floor.

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ENVIRONMENTAL MANAGEMENT BILL
HON TWEYA

HON DEPUTY MINISTER OF FINANCE: Honourable Speaker, let me congratulate the Minister, the Deputy and the entire staff for coming up with this very important piece of legislation to protect our environment from any exploitation.

My rising to contribute is in the form of seeking some clarity and the first one would be Section 12 that deals with the administration of the Advisory Council. The clarity that I am seeking here is that 12(2) stipulates that the people that will be assigned to this Council must be paid from the State Revenue Fund. I only needed to establish whether this would be in the form of Secretariat, on an *ad hoc* or permanent basis assigned to the Advisory Council.

The second one is on the appointments in Section 16. This refers to the appointment of the Environmental Commissioner. Section 16(1) says that the Minister must, subject to the laws governing the Public Service, appoint a person who is suitably qualified and experienced in environmental matters and Section 16(a) and (b) refer to the Commissioner and Deputy Commissioner. The clarity what I want to seek is whether this particular appointment would be in the form of a board or permanent board.

Exactly what type of appointment is it? Is this in relation to the reference to the laws governing the Public Service. If these positions are ordinary public servants, how would this relate to the Public Service Commission, if the Commissioner and the Deputy Commissioner would be appointed on a permanent basis, seeing that the Public Service Act regulates the appointment of those public officials?

The next clarity is on Section 17, the functions of the Environmental Commissioner, Section 17(a) that refers to advice organs of the State on the preparation of environmental plans. I have not read anywhere else where the Commissioner would then assist the other private entities, apart from the organs of the State, or is this Bill only applicable to the organs of the State?

The next one is Section 18, again appointments, which one refers to the appointment of the Environmental Officers. Once again, the Minister to appoint these. Are these temporary, permanent or depending on whether it is permanent or temporary, Section 18(4) says that the Minister may withdraw the appointment of Environmental Officers. I only need to appreciate under which laws the

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ENVIRONMENTAL MANAGEMENT BILL
HON TWEYA

Minister would then still withdraw these type of appointments. Would it be under this Bill or under the other laws that are governing public offices?

The next clarity is again Section 24 referring to the environmental plans in reference to the Commissioner. Section 24(1) again refers to the regulations, organs of the State. What about the private entities?

My second-last question is on the appointment of external specialists, which is Section 45. Once again, the appointment of external specialists refers to the Commissioner. The question that I have is, if this would be done by the Commissioner alone, would the money to be paid for the services to be rendered by this external specialist be sourced from State Funds or from any other funds? If it is from the State Fund, what procedures would be followed outside the existing public procurement, the tendering procedures where you are required to invite tenders and here it is only a Commissioner that must appoint.

The last one is Section 54, that a fund should be created and it only refers to penalties to build up this fund. The question is, if this fund is only to be sourced from penalties, is this particular body a State-owned Enterprise, is it a Directorate or what is it and the functions and services that would be rendered by the Council and the Commissioner, where would the money come from? Is it from the State Fund? I only need to have clarity in terms of exactly where it falls within its whole administration, whether it is a State-owned Enterprise, standing alone or a Directorate within the Ministry which would then be financed from the Ministry's Budget allocation.

With those few questions for clarity, Comrade Speaker, I rest my case and I congratulate the Ministry for the initiative. I thank you.

HON SPEAKER: I thank the Minister for his contribution. Any further discussion? Does the Minister wish to reply?

HON MINISTER OF ENVIRONMENT AND TOURISM: Honourable Speaker, may I pray for the indulgence of the House to reply on Thursday?

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RECONSIDERATION: LABOUR BILL
HON !NARUSEB

HON SPEAKER: The Minister's reply is awaited on Thursday. The Secretary will read the Fourth Order of the Day.

RECONSIDERATION: LABOUR BILL

HON SPEAKER: Does the Honourable Minister move that the Assembly now considers the Bill? It is moved that I leave the Chair. Who seconds? Any objection? Agreed to.

ASSEMBLY IN COMMITTEE:

DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: The Committee has to consider the *Labour Bill* as an Amendment was moved by the National Council on Clause 96.

Clause 94 put.

HON MINISTER OF LABOUR AND SOCIAL WELFARE: Honourable Deputy Chair of the Whole House Committee, in Clause 96, in sub-Clause (1) substitute paragraph (c) for the following paragraph:

“(c) is absent from three consecutive meetings of the Council without permission or good cause.”

I so Move.

HON SPEAKER: Can the Minister please table the amendment? Any further discussion? Honourable Venaani.

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RECONSIDERATION: LABOUR BILL
HON !NARUSEB

HON VENAANI: Honourable Chairperson of the Whole House Committee, I seek your guidance on the matter before the House, because this Amendment was referred back by the National Council to us to reconsider this Amendment, and in my layman's understanding, I thought this House shall also be given an opportunity to reflect on the principle itself, because when the House of Review has referred a matter to this Assembly, there should also be some time granted for us to reflect on the principal Bill itself, rather than just looking at the Clause.

HON DE WAAL: Honourable Chairperson, I have been away for a while but what I am trying to find out is whether this was the only proposal from the National Council or did they send some other proposals which were rejected by the Minister and this one was accepted? Because I cannot find any letter from the National Council telling us what they want to amend. I am sure there were more Amendments than only this one. Can we get the other ones so that we can take an informed decision? We did not get it.

HON VENAANI: Honourable Chairperson of the Whole House Committee, I want an objection to be minuted.

DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: We are not yet there, we are still under discussion. The Minister has not even responded to what was discussed. Any discussion? Does the Minister wish to respond to what was said?

HON MINISTER OF LABOUR AND SOCIAL WELFARE: Thank you, Honourable Chairperson of the Whole House Committee, the only Amendment that was passed on to the Ministry of Labour and Social Welfare from the

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RECONSIDERATION: LABOUR BILL
HON !NARUSEB

National Council is the one concerning Clause 96(1)(c). If there were any others that my Honourable Colleague is aware of, they did not end up with the Ministry of Labour and Social Welfare and I have it here as it was sent through the Office of the Speaker to the Ministry of Labour and Social Welfare with the relevant motivation for the Amendment. Thank you.

DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:

Any further discussion? Any objection? Agreed to. I shall report the Bill with Amendment.

ASSEMBLY RESUMED:

Bill reported with Amendment.

HOUSE ADJOURNED AT 15:48
HOUSE RESUMED AT 16:20 PURSUANT TO ADJOURNMENT

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

**RESUMPTION ON DEBATE ON THE EVICTION AND AUCTION OF
HOUSES OF INDEBTED POOR RESIDENTS, UNEMPLOYED AND
ELDERLY PENSIONERS BY SOME MUNICIPALITIES**

HON SPEAKER: When this Debate was adjourned on Tuesday, 18 September 2007, the Question before the Assembly was a Motion by Honourable Ulenga. The House adjourned in terms of Rule 90(a). Any further discussion? Honourable Dienda.

02 October 2007

**MOTION ON EVICTION OF RESIDENTS
HON DIENDA**

HON DIENDA: Thank you, Honourable Speaker. Honourable Speaker, I am in support of the Motion of my Party, the CoD.

Honourable Speaker, Honourable Members, access to housing and secure accommodation is part of our commitment to reduce poverty and improve the quality of people's lives. Honourable Speaker, for the past few years we have read in the newspapers about the eviction of people from their houses in the whole country. Despite many efforts by community leaders and others to stop it, this practice still continues on a daily basis.

Honourable Speaker, I have proof of this happening in both Khomasdal and Katutura. I have submitted a bundle of papers to the legal department of the Windhoek Municipality about people living in both Katutura and Khomasdal whose houses are up for eviction. Some of them are pensioners and others are receiving disability grants. When one looks at the background of these people, you cannot believe that we as lawmakers allow this type of inhuman treatment to continue on a daily basis. On the other hand, I would like to thank the Honourable Minister John Pandeni for an open door to allow me to discuss this issue with him and for his assistance. Thank you.

Honourable Speaker, Honourable Pandeni cannot rectify this problem alone, we as lawmakers have the right to put laws in place so we can ensure that the eviction of people from their houses will not continue.

In Windhoek people who have been staying in their houses for decades, receive two different types of bills from the Municipality. One bill is for water and electricity and the other for municipal rates and taxes. It is, therefore, not surprising that residents' accounts are in arrears of N\$50 000 or N\$40 000. It is only those who built their houses in the late nineties who receive one municipal account. This situation alone is confusing people, especially our elderly. They thought that once they have paid the one account, their bills had been settled. It is very difficult to explain to them how the situation works. Honourable Speaker Honourable Members, many Namibians preferred to build shacks in informal settlements to avoid possible evictions. This way of living has low or no rental rates and minimal service charges.

Some occupy abandoned buildings with poor sanitation in order to avoid possible eviction. Hundreds of people have been forcibly evicted because of outstanding legal protection and ambitious housing policies.

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**MOTION ON EVICTION OF RESIDENTS
HON MOONGO**

Honourable Speaker, Honourable Members, without wasting any time, since this issue is now long overdue, I would therefore suggest the following:

That we as lawmakers need to investigate possible housing rights violations, for example:

Rental increases have been unsustainable for many poor residents and led to most residents falling into arrears.

The increase in water and electricity consumption: The houses of people who cannot cope with these bills are being sold on auction with no laws protecting them, even if they had stayed for longer than thirty years in these houses, without any other money owed to the Municipality or banking institutions.

Thirdly, pensioners and people living with disabilities to be exempted from paying rates and taxes.

Fourthly, Honourable Speaker people who have been staying in municipal houses for more than thirty years to become the owners of these houses in all thirteen Regions.

Transfer costs of pensioners and people living with disabilities be cancelled.

That the poor not be evicted without any alternative accommodation.

Honourable Speaker, I would therefore urge this Honourable House to stop this eviction from houses until such a time that we had put laws in place which can address this issue properly. I thank you.

HON MOONGO: Thank you, Honourable Speaker. First of all, I would like to thank my Colleague who introduced this Motion, because I happened to learn that the residents in municipalities areas, are really suffering, because the municipalities were given too much power and the independence of the municipalities is causing suffering to the residents because fees are added to their water bills. They are required to pay for the gardens and they have no gardens and they have to pay for the fire brigade although they have never experienced

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fire. This is too much and the municipality keeps on adding until the bill is so inflated that the community cannot afford to pay. This is too much.

I appeal to the House here to amend those regulations which were made by the Municipalities to enrich themselves. The municipal officials have beautiful cars and many benefits and exploit the poor people.

With this I support the Motion on the Table. Thank you.

HON SPEAKER: I thank the Honourable Member. Any further discussion?
Honourable Mudge.

HON MUDGE: Honourable Speaker, if nobody else wants to participate now, can I adjourn the Debate until the 10th of October?

HON SPEAKER: Any further discussion? The Debate on this Motion stands adjourned until Wednesday next week. The Secretary will read the Sixth Order of the Day.

**RESUMPTION OF DEBATE ON NATIONAL RECONCILIATION WITH
A VIEW TO DEVELOP GUIDELINES FOR A POLICY THEREON**

HON SPEAKER: When this Debate was adjourned on Tuesday, 18 September 2007, the Question before the Assembly was a Motion by the Honourable Gurirab. The House adjourned in terms of Rule 90(a). Any further discussion?

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**MOTION ON NATIONAL RECONCILIATION
HON MOONGO**

HON MOONGO: Honourable Speaker, Honourable Members, naturally it is easier and faster to get into trouble, while it is difficult to solve and get into peace and get a lasting solution. That was our discussion with Mr Kaukungwa four years ago, that although the war was tough and bitter, the brothers and sisters must reconcile and forgive each other. Before it is too late, we must come together at a home-grown national reconciliation conference while President Sam Nujoma is still in power.

There are bishops in Namibia and others who are prepared to chair the reconciliation meetings. To this end, there must be a resolution of peace signed by all disputing parties. From there, nobody can call others “*enemy agents*” or “*puppets*” or “*sell-outs*” or “*stooges*” or “*reactionaries*”. It should be buried for ever. These are the words of SWAPO. All the past would be buried and no more anger and retaliation would exist. True reconciliation is about turning a new page. What I had proposed had fallen on deaf ears. This is similar to the Word of God which says: “*Do not allow the sun to set while you are still angry, just go to your brother and ask forgiveness and forgive each other.*”

This is a verse in the Bible, but on the side of SWAPO they do not read the Bible and they do not know this. “*Do not give the demon a chance to build anger...*” (Intervention)

HON MINISTER OF FINANCE: May I ask a question? Since the Honourable Member was a member of SWAPO for quite a number of years, can it then be concluded that he himself is not very familiar with the Bible?

HON MOONGO: I was young, between the ages of 17 to 20 years, but when I reach 40 or 50 years, I must become mature and I must speak mature politics and not call others *stooges and puppets*, which you always enjoy even if you are 80 years old. (Intervention)

HON DR GEINGOB: May I ask the Honourable Member a question? Honourable Member, you are talking about reconciliation, but you are still going

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ahead of accusing SWAPO Members. That is not in the spirit of reconciliation. You are saying we do not read the Bible, I am in church every Sunday, I sing there, I read the Bible and there are many others, but you are saying in the same breath we must forgive while you are keeping on doing the same thing you are condemning.

HON MOONGO: Thank you that you are attending church services. Thousands of people attend services, but the Word comes in this way and then it goes the other way out. (Intervention)

RT HON PRIME MINISTER: On a Point of Information. According to my Bible which I read, no one is allowed to judge another. If you are a good Christian, where did you get this notion of making judgments about others?

HON MOONGO: You must talk to your friends in a language that they can understand to have a change of heart and understand the spiritual approach. (Intervention)

HON MINISTER OF EDUCATION: On a Point of Information, Comrade Speaker. Since the Honourable Member is so knowledgeable, that sometimes when people are speaking, things go through one ear and out through the other ear, can we then assume that all the years he has spent in SWAPO, all the things have been coming in and going out and he has not learned anything at all?

HON MOONGO: I was busy saying, do not give the demons a chance to build anger, it will build hatred and hatred will build tension and tension will cause a serious conflict. (Intervention)

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HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: May I ask Honourable Moongo a tiny question? Honourable Moongo, in fact before I came to this Parliament and I even confirmed when I was sitting here, that every time you use such language that is insulting the organisation where you are from. Do you also regard these as words of reconciliation?

HON MOONGO: I am trying to advise my Colleagues and it is a pity that the brave sons of Namibia never understand my language. I want to appeal to them go for true reconciliation and bury the bitterness, calling names, intolerance and destruction, for that matter. (Intervention)

HON DR AMWEELO: May I ask the Honourable Member a question? Comrade Speaker, I would like to ask whether the Honourable Member is aware that this reconciliation he is talking about was already announced by His Excellency the Founding President in 1989 when he arrived from exile. Now the Honourable Member says he wants reconciliation. What type of reconciliation does he want if this one was already announced?

HON MOONGO: I think it will come in my speech. Honourable Speaker, Honourable Members, in the Bible we read how Cain responded when God asked him, "*where is your brother, Abel?*" (Intervention)

HON MINISTER OF SAFETY AND SECURITY: May I ask my Colleague a question? It is in connection with the vocabulary that the Honourable Member does not want us to call him. There are still very important words of the same nature that he did not mention, like "*lackeys*". Maybe we can call him that one because he did not mention it to be outlawed.

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HON SPEAKER: No, an Honourable Member cannot be a lackey.

HON MOONGO: Cain was asked by God, “*where is your brother, Abel?*” He said, “I am not the one to look after my brother Abel.” But he killed his brother, the blood of your brother is still crying and it is on your hands. We will be forgiven when we agree and confess that we had killed our brothers and sisters. We will be forgiven, there is no problem.

Mr Speaker, Honourable Members, therefore, true national reconciliation means to repent and be forgiven and to let two warring parties meet as truthful, honest, spiritual men and talk as brothers and sisters. Let God give us such stamina, such a moral spirit to identify the wrongs and the rights. Let us be open towards each other and tell when we committed a sin and never repeat it. They will be forgiven forever, but he who hides his or her sin will be doomed to darkness and will be in the hands of demons. If we could follow this example, we will have true reconciliation. (Intervention)

HON DR ANKAMA: May I ask the Honourable Headman a question? Honourable Moongo, you are preaching like a spiritual leader. You are talking about reconciliation and of course, you are being sarcastic, but if by chance God gives you the keys to Heaven and the SWAPO Party comes to heaven, would you open for us?

HON MOONGO: It is a very good question. If you just listen carefully, it is what am doing. The key is already here to open for those who forgive each other, who do not call each other names, who forgot the past and bury all the things and never repeat it. Then the gate will be opened.

Honourable Speaker, Honourable Members, today we talk about national reconciliation but tomorrow we will use the same mouth to insult and humiliate

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your critics. We are playing into the hands of the deadly Satan. (Intervention)

HON DEPUTY MINISTER OF HOME AFFIARS AND IMMIGRATION:

May I ask the Honourable Headman a question through the Speaker? Honourable Headman, the fact that we are sitting in this one Honourable House, Honourable Moongo and the Honourable SWAPO members he accuses of not reading the Bible, sitting under one roof, do you regard that as a sign of national reconciliation or not?

HON MOONGO: I think your answer will come in the last pages of my speech. Honourable Speaker, Honourable Members, we are playing into the hands of the deadly Satan.

Mr Speaker, Honourable Members, the reconciliation, if any, which is the subject of Administrator-General Amnesty Proclamation, 1989 (AG 13 of 1989) as amended, is not the one referred to in Paragraph 5(4) of the Preamble to the Namibian Constitution. Rather the Namibian Constitution envisages a holistic approach of national reconciliation involving civil, cultural, economic, environmental, political and social aspects of our society. Given the socio-political and economic situation which has been prevailing in the country, where is national reconciliation today if we are still after seventeen years insulting each other, we are still intolerant? Let us change our hearts and let us turn to a new page.

I, therefore, propose that the Cabinet accepts the proposal unanimously coming from the churches and human rights organisation that holding a home-grown national reconciliation process, characterised by confession, acceptance and forgiveness as well as payment of reparation and giving assurances of non-repetition is the best way to address, *inter alia*, the issue of missing persons and achieving genuine and long-lasting national reconciliation in the country.

As for the other burning issue of the alleged Caprivi secessionism, I would like to propose that the Cabinet opt for a political solution based on a win-win principle on both sides.

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Let us solve these two burning issues in Namibia. Then we will really have a peaceful Namibia. Let us change our hearts, let us be united and bury the bitterness and come up with unity, a feeling of brothers and sisters and we bury the past. That will be true reconciliation. Let us seriously learn to resolve our differences through peaceful means as this will be to our mutual advantage.

With this I support the Motion. Thank you.

HON CHRISTIAN: Honourable Speaker, Honourable Members of this august House, I stand up to speak on the Motion introduced by the Honourable Member Tsudao Gurirab for this House to debate on the concepts, practice and experience of national reconciliation, to put perspective to this concept and for us to develop guidelines that could become a policy at a later stage.

I am also prompted to speak on this topic after the contribution of the Right Honourable Prime Minister, Comrade Nahas Angula, who spoke at length during the previous session on national reconciliation and on atrocities committed and that some Namibians were “*caught in the crossfire*” and have been detailed in the process.

Similarly, the Honourable Minister of Lands and Resettlement, Comrade Jerry Ekandjo, also brought home the message last week that not much was done thus far to address atrocities committed against our people by the colonial masters after they have colonised and oppressed us for many years.

However, we have all embraced all these oppressors. We came to share the same tables and beds with them, and are talking of real reconciliation, forgetting that many of our people were killed, maimed, tortured, humiliated, expelled from their homes and from their own lands and that we have been totally subjugated by these people.

We have all accepted them in that concept of national reconciliation and we came to embrace it as a Nation, although we know who initiated it.

The national reconciliation concept was brought about by the SWAPO Party and by the Founding President, Father of the Nation, Dr Sam Nujoma at Independence of the Republic of Namibia.

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That concept came to be embraced by all Namibians, irrespective of race, colour, religion or Party affiliation. Today we all enjoy the peace and stability, as well as unity which this concept brought about.

We have seen what happened in some countries where there was no policy or concept like national reconciliation. Wars continued after Independence. Conflicts erupted and governments that came into power were ousted and were not given a chance to prove themselves. We have seen all that here on our continent and elsewhere.

Apartheid South Africa with its military might was more than ready to fight and provoked this Government at Independence. Take the case of what happened at the dawn of Independence when the freedom fighters who crossed the border to come and join and be disarmed were killed brutally.

We can also cite the example of how this Government used dialogue rather than confrontation in ensuring the return of Walvis Bay to the rest of Namibia. Also the case of Kasikili Island is one example of this Government going that extra mile to accept the outcome or to reconcile on issues of national interest. Our leadership has been known to respond to provocations through dialogue and mutual consultations.

I was moved the other day by the Right Honourable Prime Minister who admitted that mistakes may have been made by the SWAPO Party and humbled himself to acknowledge that these acts were executed in a situation that was not normal. He said that he really feels the pain and continued to state that if the SWAPO Party had the choice, it would not have gone to war, but would have embraced reconciliation.

Honourable Speaker, Honourable Members of this august House, I think we should really pause and look at that statement of the Right Honourable Prime Minister. It was this Nation and our people who lost their loved ones. It was our people who have been killed in those wars. Yet, we are taking anyone of those who committed these atrocities on our people to the International Court of Justice. What we demand is reparations. What we actually mean is that we have reconciled with what they did and we only want to be paid for the pain we felt.

Let us be seen to opt for solutions rather to put blame and wanting persecutions for those who only wanted to see peace prevail at all cost. If they opted for

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conflict, it was only to achieve peace at the end of the day and our Founding Father brought peace and unity to all Namibians.

I, therefore, wanted to appeal for this Debate to be done in the spirit of wanting to find solutions to the problems faced by our Nation, and the policy of national reconciliation can be the gateway through which we will find that solution. I thank you.

HON NAMBAHU: Thank you very much, Comrade Speaker. I am rising to make my small contribution to this Debate, but I am coming from an angle that was provoked by Honourable Ben Ulenga where he attempted to distort history and I wanted to make this contribution in the presence of the Honourable Member, but unfortunately he does not seem to be around.

Comrade Speaker, the issue of distortion of history is a very dangerous game and I thought we Namibians will be defending and protecting our history from outsiders as far as distortions are concerned. I was really taken aback to see one of us distorting history and to some of us this is something that cannot go unchallenged because distortion of history has its objectives. It is either aimed at ideological disarmament or to strip one naked of his pride, something that is written in blood. History does not only belong to those of us who are alive, there are those who have parted with us but did so in the name of writing that history. If we attempt to distort it, it is actually an affront and aspersion to their conscience and we dare not do that.

Comrade Speaker, Honourable Members, one very important thing is the issue of *iconism* and *national symbols*. We asked ourselves, why is it that the conqueror, once they conquer a country or territory, have as one of their priorities the destruction of monuments? They have so many things to do, but they are aiming straight to the destruction of monuments, things which are not supposed to be offensive, things that are not supposed to be posing any danger to them, but they are going straight in the middle of the battle with the guns still smoking, bringing down the monuments. What is the rationale behind that? It is actually to subdue, undermine that conscience, that national belonging, that nationhood and that ideological and psychological belonging of that population that really reveres

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these people as we have them outside there. Can Namibia now afford to do that to itself? I do not think that is the right thing to do.

We can even look at some examples. In the eighties some of us used to hear words like “*glasnost, perestroika*”, but now that they have achieved the objective they decided to achieve, who is still using these words?

What have they brought to the former Soviet Union? Who is talking about “*glasnost*” these days? “*Perestroika*” no more, because the objective was achieved.

Therefore, it is very important for us as a Nation to reflect and leave history because it is written in blood. Let us leave it there. The politics of envy cannot do us any good. It is history still being written.

When our Government took the railway to the North, it is history made. We do not have to destroy the history that we have done or made, you can make yours. It is not that you have to make that history yours, you can make your own. People are makers of their own history. History should be something that we should not temper with. Take for example the issue of one of the Western leaders who is very much respected and I dare mention the name, Winston Churchill. He was a much respected man, but was he perfect? What about his views on colonialism especially in India? Where are we going to get those ones who are perfect from?

It is very important for us to be able to balance and respect the deeds that are already done and we revere them and we live by them, because those are the agglutinating figures that we have.

For example, those of us who are alive, who still have so many roles to play, let us understand history, protect it against whoever is trying to distort it and those who are still making their history, can make it without tampering with the history that has already been made by others.

With these remarks I support the Motion, but having regard to what has already been stated, the genesis of reconciliation and where does it come from. It is not an accident, it is not that someone advised what, but because we knew there was a war in this country and brother turned against brother, black against black, this kind of thing. I do not need to add much, but the distortion of history is

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something that I really think we should take an exception to if anyone would actually try to attempt to do that, and should be treated with the contempt that these kinds of utterances deserve.

I just wanted to come in with these remarks. Thank you very much, Comrade Speaker.

HON P MUSHELENGA: Thank you very much, Honourable Speaker. I rise to make a very brief contribution to the Debate and just to indicate to the Honourable Speaker that if after I have finished he sees my name again on the screen, it is because I have to adjourn the Debate on behalf of another Member.

Honourable Speaker, where you have revolution and war, you have human beings participating in such revolution and in such war and you are also likely to have some mistakes in the process. To paraphrase Honourable De Waal...(Intervention)

HON MOONGO: May I ask the Honourable Member a question? What you indicate is that whenever you have a war, you have to kill your Party Members and not the enemy. Is that what you indicate?

HON P MUSHELENGA: Honourable Speaker, I have barely finished my sentence when the Honourable Member interrupted me. I said, to paraphrase Honourable De Waal, what he said at one occasion, "*the only way that someone will keep away from doing mistakes is when one does nothing at all.*"

The Right Honourable Prime Minister and other speakers have already spoken about mistakes made by either side of the war. What is important is that as a Nation it is very important that we forge ahead in peace and unity. I know a lot of people have gone through experiences, but the truth is that if you go to the rural areas, for example, people live in harmony, a true sign of reconciliation. Perhaps we as leaders provoke these reconciliation Debates, thereby ending up confusing our people down there. This will not help us as a Nation.

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I have also heard arguments being levelled against the Ruling Party that it behaves as if it has the key to reconciliation, which is not true. That is not how the Ruling Party behaves. Perhaps it is because when we talk about reconciliation, we somehow become one-sided, pointing to the mistakes of one person and ideally each and every person is at liberty to defend him or herself.

What I want us to look at is the wisdom I got from my teacher at secondary school saying that if perhaps you are with your friend or with someone whom you do not talk to and you encounter a lion, you may end up talking that day, at least saying “*take a stick, I will take another stick so that we can fight.*” However as a Nation I think we should look at the challenge facing our country in terms of economic development and so on and bury our past.

Thus, many people went through painful experiences. If each and everyone has to stand up and talk about painful experiences, it is not only good for themselves, it is also not good for the future generations, it is not good for the Nation but what is important for us is to forge ahead with peace and unity. I thank you.

HON RIRUAKO: Honourable Speaker, it is a pity we are talking about reconciliation. This is the reconciliation we expected from our fellow citizens here who are black. What about our white colleagues? We reconciled already, we did not reconcile in the real sense and we beat about the bush, we do not tell the truth. Why?

We are here as the citizens of this country and together we reconcile, together we achieve what we want. (Interjection). No, not yet. The rich gets richer, the poor gets poorer and some of us defend that kind of behaviour and character of the blacks. Is that fair? Are you telling the truth before God the Almighty or are you lying to me? That is a fact.

If you want reconciliation in this country it does not mean the blacks must reconcile. Every human being under the sun must reconcile as one country and do the same thing together and accept one another in the true sense. That is what is called reconciliation. It is not being taller beyond God Himself. That is a fact and if I as a black person tell about what the whites have done, your own black people are insulting you as if you are lying. Perhaps you will get a few cents from that gentleman, I am not here to praise him, I am here to tell him the truth

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where he is wrong. Are you telling the truth or not? You are something else, but not common sense and reality.

Are we really reconciled? No. That is really the truth.

Let us accept one another in the real sense. You do not have to tell the public we are reconciled in Namibia, you are lying to yourself. Accept that white man as part of you and accept that black man as part of you. (Interjection)

HON MEMBER: What about the women?

HON RIRUAKO: I am coming to that. I cannot say everything at once in parallel. You are accepted but you must be equal to the other person, respecting the way he is respecting you. Do however not dominate him to the point where he can say no. Even if you are woman and you happen to be dominated, that is unfair.

There is a common sense of understanding between two people accepting one another and see what you have together, ideas and even the wealth you have, but you cannot extend that to the other person.

Mr Speaker, what is the reality? We do not have to bluff one another here..(Intervention)

HON DEPUTY MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: May I ask the Honourable Chief a question? Honourable Chief, is it not so that the issue of national reconciliation has carried us well for the past eighteen years and we are doing well with land reform and there is peace?

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HON RIRUAKO: I do not want to lie to myself, Mr Speaker. There is no land reform that is well. Land reform has not yet been executed properly. We have to come and reverse what we have done. Whether we are wrong or right, that balance must be here. I cannot say before the people that our land resettlement is good. It is part of our failure and I am sorry to say it, but we can revisit it. We are not cowards and ashamed of what we have done, we are going to do it again and readjust it again, as simple as that, it is not correct.

Mr Speaker, to tell you the truth, this country belongs to whom? To the people of Namibia, but not all of them are sharing in the wealth of this country equally. Is that the way it is supposed to be? It is wrong. We have to share what we have, together we have to do this. Where we are wrong we have to correct ourselves and adjust to the right way of doing things. Reconciliation of what? You have taken the rug from under my feet and you have it in front of me and then after that you call me stupid. How do you call it reconciliation? Can you say that to me?

I can count the farms and everything you have. It is not yours, it is my great-grandparents' property, both the cattle and the earth where you are just walking. I can go back in history to tell you how many cattle you possessed and you cannot challenge me, I will bring a book and read here. You cannot correct it, you cannot say no. That is however this black Government's tolerance and looking for reconciliation in order to adjust how to live together, but we did not go to the white farmers and spoil anything. We even prevented the Government to do that, but from the other side I do not see a logical approach and offer. Are you telling me to share or not?

I cannot say there is something that I can say this is a tangible offer. That offer has to come from the people who possess the wealth of this country – legally or illegally – for the people who live in this country to live the same lives. That is the way, but you cannot tell me *that guy is rich, he can push other people*. You are black and you have what you are supposed to have or you imitate the boss of your colleague. Is that fair to you? I will tell him where he is wrong and you know me for that and tell him where he is right, and you know me for that. I feel pity for those who say the world is wrong, but it is right because he doesn't want to tell where it is wrong. I put these shoes on the table and they go where they belong. That is a fact.

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Let us face the reality if you want to have a country which everybody can enjoy and love, but not to lie to one another, sitting in the Parliament and talking about reconciliation. We do not trust one another the blacks and where SWAPO is wrong we tell the SWAPO Government and we tell the white colleagues where they are wrong. It is how things must be done and where SWAPO is wrong, we are courageous to tell them they are wrong. Why not the other colleagues? That is a fact. I am not here to entertain what is wrong, I am here for reparation. The other people are not for reparation. The other kith and kin are insulting me behind my back, I do not care a damn, that is your make-up. (Interjection)

RT HON PRIME MINISTER: Who are those?

HON RIRUAKO: I do not know who. I am not here to lie to the public or even to God who created me.

If the Von Trotha family comes over here and apologises to the German Government and tell the German Government what their parents have done, and they want their name to be clean, that is their right. I can join them to do so, to come without anybody telling me that is their right.

Dialogue has to take place, for us to sit together at the same table and settle our matters in an accurate way, but not to deceive one another and to lie to one another. I cannot be a party to that.

I know the Bavarians, I was not in Munich, the Germans have taken action against that man in Munich and they went and voted against Von Trotha's name in Munich and put Ovaherero Strasse. The Germans decided to do so and I have to take my hat off for them who say this name cannot be placed on our streets. They did well and I have to say thanks to God for that and I have to go and thank them. What is wrong is wrong, there is no two ways about it. I am not here to apologise to Von Trotha's family. They must do it the right way and I am going to accept them in broad daylight and if they did not correct themselves or their Government, I am not here to be party to that. As simple as that. (Intervention)

HON DEPUTY MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: On a Point of Information. It is regrettable and it is most unfortunate that the Honourable Chief is targeting the Von Trotha family members who have not committed any crime against the Namibian people. It is unfair on the part of the Chief. Von Trotha was here, he killed some of our parents and he was here on the orders of the German colonial Government and the Honourable Chief has been in Germany, he has been in Bundestag dealing with the representative of the successive German Government which brutalised our people here. Why this selective morality of targeting individuals, family members, a generation of family members. It is unfair on his part. It is unfair in international standards, it is unfair democratically and the Honourable Chief has been inviting individual Germans, some of them have been at the Kommando, dining and wining with the Honourable Chief. Why only selecting this one? This is double standards.

HON RIRUAKO: I do agree with you on that, but the fact is, Hitler is not embraced by the Germans themselves, he was a leader of Germany. His name is not known where it belongs and where it is and the Germans themselves decided there in Munich they will not have that name in the streets of Germany. Did I invite them? No.

Mr Speaker, I am here to tell the truth and the truth alone. (Intervention)

HON TJIHUIKO: On a Point of Information. Honourable Speaker, I do not think that there is anybody who is against the visit of the Von Trotha family. The question is that the Von Trotha family has not done anything to the Namibian people as a family. They have not come here and kill anybody as the Von Trotha family. Von Trotha came here on the instruction of the Government of Germany, he was representing the Government. It is funny for any sound-minded person to think that we will expect a family to come and apologise on behalf of a State. If the Von Trotha family was sincere of helping what the Germans have done, why is it that they are only coming to apologise to one section of the community that they have killed, if they have killed? What about the Namas? Are they going to go to the South to apologise to the Namas? The answer is no. What about the San, what about the Damaras? The case of our genocide is now in the hands of

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the Government, it was debated here. Are they going to consult with the Government? The answer is no.

For information, the reason why the Von Trotha family is coming here is simply to pursue the Leutwein strategy of dividing the people and rule them – nothing less, nothing more. If they were sincere, they could have followed the procedures, they could have gone to their own Government, they could have persuaded their own Government. They could have come to our Government and they could have sat down with our Government and say, “*this is what we want to do.*” What they are doing is unacceptable and it cannot be acceptable.

HON RIRUAKO: Mr Speaker, I am not here to sit behind the .(Intervention)

HON KAURA: On a Point of Information, Comrade Speaker. I do not think we are here to debate the Von Trotha family. What I want to be explicitly clear is that the Von Trotha family, when the Hereros and Germans fought, the leader of the Herero army was Samuel Maharero and the Von Trotha family invited Chief Maharero to Germany and he reciprocated an invitation for them to come as individuals to visit Namibia.

The problem is this, Chief Riruako has owned this problem of the Herero genocide and he feels no one else must talk about the Herero genocide, it must begin and end with him. If the Von Trotha family came to see him, I mean the streets would have been lined with horses and everything, saying that well, he has done a tremendous thing. Now this is the ultimate of hypocrisy, that because they are not seeing him, they are seeing somebody else, that is why the Debate is brought to Parliament and even Honourable Tjiuiko knows that. However, the issue of genocide, starts with him and ends with Chief Riruako. We are all concerned and they have come on the invitation of a person whose father was leading the Herero-German war, Chief Maharero.

HON SPEAKER: Honourable Members, I do not get to speak, but when I speak I want you to listen. (Interjections). Can I speak? You can settle your differences outside the Chamber. The discussion has quite obviously run off its track and I will not allow the line of enquiry that is coming in. The Motion has

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nothing to do with history of Samuel Maharero, nor with the history of Von Trotha. We had a very productive Debate on the Motion introduced by Chief Riruako in this House and we ended that discussion by adopting a Motion. Therefore, I am not going to allow us discussing Von Trotha or Samuel Maharero any further. In the two minutes that I give you, wrap up your contribution to the Motion.

HON RIRUAKO: Reconciling means two hearts combined and I am here to accept the Motion of Honourable Gurirab that we have to reconcile, but not to deceive one another, no. Then I was honest and telling the truth and the truth alone can be accepted, but if you lie to your own colleague, that is your business. I thank you.

HON MINISTER OF FINANCE: Thank you very much, Honourable Speaker. I would also like to make a few remarks in contribution to the Debate that is on the Table concerning national reconciliation in Namibia. I think that we have achieved a lot in consolidating peace and reconciliation among Namibians and we should not underestimate our successes in this regard.

When Namibia's Independence was proclaimed – or maybe even before that – when it was announced that a ceasefire has been signed and those of us who were in exile were to return to Namibia, I think the world was holding its breath together with us, especially those of us who were in exile, that when these SWAPO exiles return home and they come face-to-face with those that were involved in the apartheid system, whether it is the South Africans or Namibians who collaborated with them, all hell will break loose and blood would flow. When we returned here we were truly crossing our fingers. You hear everything that goes on through the night, because you think that when the door moves, it is somebody trying to open it so that they will come and kill you there. Therefore, people can actually not believe it when they see the situation that prevails in Namibia today. (Intervention)

HON RIRUAKO: On a Point of Order. I was the arbitrator between SWAPO and the citizens of this Government, the former President and myself and I was

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punished for that. That is the reality. I do not talk behind the scene, behind closed doors, I talk openly and peace was obtained and the world was really impressed and you were so free. However I had to face the consequences. President of the DTA and there was a fight because of that and I did my job in a very proper way. Here are the people, we are peaceful. I do not lie.

HON MINISTER OF FINANCE: I was saying, to the credit of Namibians, in spite of these sensitivities we pulled through that tension.

I recall when the election results were announced, some of us were here in Windhoek and up to today I think maybe there was something up the sleeves of those who were actually organising this, because they announced the results in the areas where SWAPO did not have more votes, so that you sit in Windhoek and you are like, *“oh my God, half the towns have been announced and we are behind. When the announcements have been made and we have not won, they will round all of us up and just bayonet us the way they were doing it in Cassinga.”* You are thinking, *“should I start running to the border so that by the time they start rounding up people, I would find refuge somewhere?”*

However to our own credit, as I have said, we held on to this hope for peace that was coming and there was no civil war. We accepted the results, we founded the new republic, we adopted our Constitution and we are living side by side in peace and harmony.

Forgiving does however not mean forgetting and if once in a while we should refer to injustices perpetrated against us, it does not mean that we are not reconciled. We are people, we will always remember. We have lost our loved ones, we have lost our family members, we have lost our friends, we have lost people that we admired and we will not forget. We have however decided consciously to forgive, in fact, in spite of the fact that we will always live with the pain.

Therefore, I think it will be a bit too much to say that in order to show that we have truly reconciled, we should not refer to the past, we should not refer to it at all; we should truly and completely trust somebody that has betrayed us in the past. That is not what it means. It only means you forgive the person, you allow

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them their space, you respect their right to live, to earn a living in independent Namibia in spite of what they might have done in the past. (Intervention)

HON MOONGO: I would like to ask a question to the Minister. When the Minister says true justice, is it justice to accuse somebody without taking him to court and you are still accusing him of being a sell-out after 17 years? This must come to an end.

HON MINISTER OF FINANCE: Honourable Moongo, I would have liked to answer your question, but it seems you are delivering a speech. What I would want to say is that some people are not just being accused and in certain instances there is no need to prove anything because things were done openly. If somebody, for example, abandons the struggle, is it really a false accusation to say this person has betrayed the Namibian people? Is it a false accusation? Do you have to present any evidence? You do not need to.

We cannot say, just because somebody says something about a situation that is hurtful to them, then that means we are not truly committed to reconciliation. No, we should also be tolerant of each other and allow that. Due to the painful past we are always going to be expressing ourselves.

Some people are saying if we are to have true reconciliation, we must have hearings. (Intervention).

HON MINISTER OF LANDS AND RESETTLEMENT: Comrade Minister, the truth hurts. There are two stories and I want to say which one is true. If, for instance, somebody abandoned the struggle, is it true or not? And on the other side somebody says the police are sleeping with corpses in the Mortuary, now we have two stories. Which one is true? Must we believe the wrong one or believe the right one?

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HON MINISTER OF FINANCE: Honourable Speaker, like I was saying, certain things are self-evident, so they do not need to be proven and in that case we cannot really try to intimidate each other. (Intervention)

HON KAURA: May I ask the Honourable Minister a question? I just want to find out, if a person is thrown in prison because of a difference of opinion and he is thrown into prison by the Party he belongs to, is that a desertion of the struggle?

HON MINISTER OF FINANCE: I do not know whether the Honourable Member is being hypothetical or he is referring to an actual situation which he thinks I ought to know about and, therefore, be in a position to respond to. However if the Honourable Member is trying to say SWAPO Party has jailed people because they differed with SWAPO Party, I would say no. First and foremost, SWAPO Party was established in an Independent Namibia, the movement that fought for the Independence of Namibia was SWAPO of Namibia, a national liberation movement and that organisation inspired and encouraged all Namibians who were freedom inspired and wanted to contribute to the bringing about of the Independence of this country to join it, irrespective of their religious beliefs or even whether they preferred capitalism or communism or feudalism. That did not matter to SWAPO. SWAPO embraced everybody that felt that Namibia should be liberated and SWAPO took measures to deal with situations that it felt threatened the execution of the struggle and the bringing about of Independence.

I think the more senior leaders of SWAPO have already indicated that in every system, including the most developed judicial systems and democratic systems, you could have a situation where somebody is sent to court, is tried in a court of law, found guilty, jailed, sometimes executed, only to be found innocent after they have been executed. Therefore, I do not think that anyone can claim that in order for SWAPO to have been genuine in wanting to bring about freedom and Independence of Namibia, it should not have made any mistakes. I think that is an utopia, we cannot say that. SWAPO would have made some mistakes but SWAPO was focused on bringing about the benefits to all Namibians in the form

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of Independence and it has succeeded to do that and no one can take that away from SWAPO.

It is not true to say SWAPO was going around, rounding up people just because they differed with it. No, that is not true. SWAPO talked to Political Parties in Namibia which definitely differed with it, where it is felt that they were in agreement that Namibia was to be liberated. SWAPO talked to them. (Interjection). I think that has been answered already. Honourable Member, you will not derail me, let me just make the point that I am trying to make.

My point is that it would be wrong to say, if we are to be truly reconciled, we must have public hearings of the kind that have been held elsewhere. I do not think that is true, to say that whatever happened elsewhere must happen here if we are to achieve true reconciliation. No, those countries chose to do things that way. We have chosen to do things differently here in Namibia and we are doing quite well. I think all of us ought to admit that. I think having these hearings would scratch wounds that have not yet healed. (Intervention)

HON DEPUTY MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: May I ask the Honourable Minister a question? Honourable Amadhila, are you aware that perhaps in the same fashion which some Honourable Members left SWAPO in exile and returned home to join the Interim Government and other Governments, also the same thing happened in SWANU which was also a liberation movement. Some Honourable Members left SWANU in exile and returned home and joined some bogus organisation. Therefore, this thing of people leaving liberation movements was not only applicable to SWAPO, it was experienced by all progressive national liberation movements, including SWANU and for now I will not mention the names.

HON MINISTER OF FINANCE: Honourable Member, the struggle was long and protracted and bitter. I am saying that provoking people, scratching the wounds that have not yet healed...(Intervention)

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HON RIRUAKO: On a Point of Order. Those people in exile never suffered, they are crying in this Parliament but they have never suffered. (Interjections). In what way? In exile you did not eat well, that is all, but you never suffered. You cannot compare yourselves to us here. We have some records and you put your mouth where it belongs.

HON MINISTER OF FINANCE: Honourable Chief, I was saying, there is no telling us what would happen when you actually start with this process of scratching wounds. Some people think that everybody will just say, *“I only want to know the truth about what happened to my relative, and once I know, then I can have my peace.”* But there is no telling that everybody would say that. Maybe somebody would say, *“now that I know that you are the one that killed my brother, I want justice and if the State cannot give me justice by prosecuting this person, I will take the law into my own hands.”* There is no telling that somebody would not do that.

Therefore, I think that in trying to agitate people with this issue, we are playing with fire and this can backfire against us.

Secondly, when we call for vindication of people, that will, of course, require that we will have a trial, a detailed trial where you have witnesses and evidence presented so that you will be able to say this one was innocent and then you will also have a situation where you say this one is guilty. If you find this one innocent and you now want this person to be vindicated, what makes you think that other people will not say that the one who has now been proven guilty, should now be dealt with? How do you make sure that that will not happen? Is it really worthwhile for us to subject ourselves to this and create uncertainties, even for investors who thought that there was peace and stability here, and we have gone past that period of tension and their investments are safe here, people are safe to come and settle here without fear that a civil war will break out. I do not think it is worthwhile.

Of course, as I have said, no one said that it would be easy to reconcile. It is also difficult for some of us on this side to know people who have contributed to the perpetration of certain crimes against members of our families and still sit across that person and refer to that person as *“Honourable Member”*. It is not easy, it is

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also very difficult, but this is the difficulty that we have to cope with in order to consolidate the peace that we so much want to have in our country.

As I have said, I think we are doing well, we are living side by side in peace without conflicts. We do discuss issues that are of concern to all of us here, in spite of our political differences. We do govern our country together, in spite of the fact that one Party has always won elections overwhelmingly. We do have a proportional system of representation in our Parliament which ensures that even the least of the minority Parties can have representation in Parliament, even when they have not managed to secure one single seat on their own and they have the opportunity to shape the laws and policies by which our Government is governed. We have a situation where our country is represented abroad by people that are not necessarily members of the Ruling Party. You have Parliamentary Committees chaired by Members of the Opposition, including one of the most important Committees, which is the Committee on Public Accounts.

You have Members of the Opposition forming part of the delegations representing Namibia to international organisations, like the Pan-African Parliament for example.

I think we are doing very well. We cannot say that we are not doing well. We cannot say because all is not perfect, we are not pain-free, we still have the memories of the past, then we have not achieved anything and we should now throw away everything that we have managed to build so far in order to comply with some artificial benchmarks of transparency set by those who think that they know better than other people. I think we should continue on this course that we have started and we should continue to focus our energies and our efforts on things that would build this country, like the passing of laws that would make sure that our country is developed and our people are freed from poverty and to reassure the investors that they can come here and participate in wealth creation for the benefit of all of us.

I appeal to the Honourable Members of this House and the Namibian public out there to forge ahead on the path of democracy consolidation, peace and stabilisation of our country and most importantly, to respect those who have made it possible that we can be where we are today. Thank you.

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HON SPEAKER: I thank the Minister for her contribution. The House shall rise under Rule 90(a), automatic adjournment to tomorrow afternoon, 14:30.

THE HOUSE ADJOURNS AT 17:48 UNTIL 2007.10.03 AT 14:30

**ASSEMBLY CHAMBER
03 OCTOBER 2007
WINDHOEK**

The Assembly met pursuant to the adjournment.

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

ANNOUNCEMENT

HON SPEAKER: Honourable Members, this is to announce that the Honourable Members are invited by the Ovaherero Traditional Authority to attend a Commemoration Day of the Ovaherero Extermination Order on Saturday, 7th October 2007 at Ovimbu Viozondimba in Otjinene Constituency. You will receive this in writing soon on your desk.

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

TABLING OF REPORTS

HON MINISTER OF FINANCE: Honourable Speaker, in terms of Section 65 of the Customs and Excise Act of 1998, I lay upon the Table for the information of the Members a Proposal for Additional Rates of Duty as specified below for the respective periods indicated:

Milk and cream not concentrated nor containing added sugar or other sweetening matter, the fat content by mass not exceeding 1%, ultra-high temperature or long-life milk, 40%; others 40%. Of the fat content by mass exceeding 1% but not exceeding 6%, ultra high temperature or long-life milk, 40% and others 40% and then of a fat content by mass exceeding 6%, ultra high temperature or long-life milk, 40% and others 40%.

This is done in order to provide infant industry protection to our local industry

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and milk industry especially in order that they could have a breather from competition from international producers. I so Move.

HON SPEAKER: Let me share this bewilderment with you, before I tell you what to do, the experienced people here in front of me have been trying to determine as to what is the right procedure to do this and they have shown me some documentation that the Minister of Finance sought advice from the Attorney-General's Office and was accordingly advised to go ahead with her intention, which she has now expressed to the House. I do not know whether this takes the form of Other Reports or Papers or whether it should have come in the form of a Motion. It was the latter that I was told would happen. There is nothing wrong with what the Minister is intending to do, the Minister has done all the necessary homework and consulted the Office of the Attorney-General. I was made to understand that the Minister would do it in the form of a Motion, but I am told that this is actually already provided for in the Act and what the Minister is doing is simply coming back to the House to inform the House.

I am now doing what you have empowered me to do in the Act that you have already passed and in that Act the Minister has been given the authority, if in her judgment she feels the time has now come to invoke that particular aspect of the Act, that she should go ahead and do so and simply inform the House to do so. That is what the Minister is doing. Minister, you can submit what you have said to us.

HON SPEAKER: Any further Reports and Papers? Any Notices of Questions? Any Notices of Motions? Honourable Booy.

LEAVE OF ABSENCE

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**NOTICE OF MOTIONS
HON BOOYS**

HON BOOYS: I Move without Notice, that Leave of Absence due to official business be granted to the Minister of Foreign Affairs, Honourable Marco Hausiku, until 8th of October 2007. I so Move, Honourable Speaker.

HON SPEAKER: Will the Honourable Member table the Motion? Right Honourable Prime Minister, the Leader of Government Business in the House, I have unsuccessfully protested, but the Minister of Foreign Affairs should automatically be exempted from doing this because this is the Cabinet Minister who is required by practice and convention to be outside the country as his work. I had the sad experience of having to apply to be readmitted to the House. It does not affect me now, but Right Honourable Prime Minister, I think we must do that. In other countries, Foreign Ministers whose work it is not to be in the country in order to do their work, it should be understood that the Foreign Minister is outside, that is why he is called Minister of Foreign Affairs, outside of the borders of Namibia.

RT HON PRIME MINISTER: I trust that this wise Counsel has reached the ears of the Chief Whip, and he will accordingly table these views in the Committee of Privileges and Immunities so that the Rules are amended.

HON SPEAKER: I did not say it is a privilege, it is the right of the Minister of Foreign Affairs to be outside. Anyway, we will consult on that. Any Notices of Motions? Any Ministerial Statements? Minister of Finance.

**MINISTERIAL STATEMENT
AGRICULTURAL BANK OF NAMIBIA**

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**MINISTERIAL STATEMENT
HON KUUGONGELWA-AMADHILA**

HON MINISTER OF FINANCE: Honourable Speaker, I wish to make a very brief statement concerning the Annual Report of the Agricultural Bank of Namibia in respect of the Financial Year 2005/2006 which I tabled in this House a few days ago. I have noted that the media institutions have picked up the fact that AgriBank has for that Financial Year posted a loss of N\$104 million and has reported it as such, but I am concerned that the circumstances surrounding such a balance were not properly explained, probably resulting in a situation where the Nation will be concerned about what would be perceived as poor performance by the institution.

Given the importance of this institution in the economy, I see it appropriate to provide the proper context of this financial balance by the Bank.

In fact, the Agricultural Bank has earned an operating profit of N\$76,03 million for the Financial Year 2005/006. However, as a result of a number of loans advanced by the institution in the previous years, specifically to the grape industry and other corporate clients of the Bank that are deemed to carry a significant risk of default, the Bank saw it appropriate to adjust its provision for potential losses, specifically from these sectors, before they occur.

As a result the Bank decided to adjust the provision for bad debt by N\$96.3 million to increase it to N\$164.3 million from the original N\$68 million that was provided in the Budget for that year. This was to ensure that the financial statements of the Bank are appropriately adjusted to reflect the potential risks in the loan book of the Bank and also to align it to the policy of the Bank as per the requirement of the Bank of Namibia. Such adjustments was financed from the Bank's profit, resulting in an annual loss of N\$104 million.

I must emphasise, however, that this provision for bad debt does not mean that those borrowers are absolved from honouring their loan obligations to the Bank. The Bank would in fact proceed to collect what is due to them and I have been informed that there has been a significant improvement in the collection of debt by the Bank, that they have been able for the past two years to collect in excess of N\$20 million annually in terms of debt repayment from loans that were otherwise thought to be potentially defaulting loans.

I think that this explanation is owed to the board and management of the Bank that have improved their performance significantly in order that the Nation could

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appreciate the good effort that they are making and to allay any concern that this report might have generated in the Namibian public. Thank you.

HON SPEAKER: I thank the Minister for the useful information. Any further Ministerial Statements? The Secretary will read the First Order of the Day.

**RESUMPTION OF DEBATE ON NATIONAL RECONCILIATION WITH
A VIEW TO DEVELOP GUIDELINES FOR A POLICY THEREON**

HON SPEAKER: When this Debate was adjourned yesterday, the 2nd of October 2007, the Question before the Assembly was a Motion by Honourable Gurirab. The House adjourned in terms of Rule 90. Any further discussion? Honourable Goreseb.

HON GORESEB: Honourable Speaker, Honourable Members of this august House, thank you once more again for granting me this opportunity to make my humble contribution to this very important Motion on national reconciliation with a view to develop guidelines for a policy thereon.

Honourable Speaker, Sir, I will confine my contribution to the following areas only:

- The concept;
- Experience;
- The way forward.

Honourable Speaker, the road to Namibia's Independence was not an easy one, as it was explained by the Right Honourable Prime Minister, Nahas Angula and by Honourable Jerry Ekandjo the other day. I fully agree with the historical perspective given. However, on the issue of the Simmentaler bull I have a little doubt and I am still doing my research to find out exactly on that particular issue.

Namibia's Independence was the result of a long struggle for liberation by the Namibian people. After the Second World War in the forties, as you all know,

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the United Nations was created, an organisation supposed to help prevent wars and where the warring nations could come to resolve their disagreements.

During the early sixties a political movement emerged in Namibia to advocate the Namibian case and in 1966, the United Nations resolved that South Africa has no right to govern Namibia and that the United Nations should take over.

Another historical event is that in 1971 the International Court of Justice ruled South Africa as illegal in Namibia and a hope was created and a change of mind of South Africa.

Internal resistance grew as well as international pressure on South Africa and the name South West Africa-Namibia was introduced in that period.

And lastly, in 1977 the powerful nations of the United Nations, namely USA, England, Canada, Germany, etcetera, helped SWAPO and South Africa to negotiate an agreement about Independence of this country and a plan known as Resolution 435 was born.

Honourable Speaker, reconciliation is deeply rooted in the Christ prayer on the cross of calvary: *“Father, forgive them because they do not know what they are doing.”* Luke 23:34.

Therefore, the policy of national reconciliation is a welcomed declaration that ought to close the dark chapter of pain, suffering, mistrust and hatred of the past. It must open, on a daily basis, the new page of peace, love and justice for a better future of this country.

I call upon all the Namibians to conciliate, to calm the anger, acknowledge that colonialism was real. They must acknowledge that apartheid was real and let us also acknowledge that it was wrong. The playing field for opportunities must be levelled to put the people on an equal basis before reconciliation. We must accept each other as equal citizens of this country – black, white, coloured – and no discrimination on the ground of sex, race, colour, ethnic origin, social and economic status must be endeavoured. (Article 10).

Honourable Speaker, I agree with the Mover of this Motion that national reconciliation is a constitutional injunction. We must consolidate and begin to

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unite. It is our Constitution which enjoins us, “*to strive to achieve national reconciliation and to foster peace, unity and common loyalty to a single state.*” Honourable Speaker, that is really a tall order. This policy perhaps affords us the second chance as Namibians to stand proud and tall amongst nations as one people and have the vision that is bigger than our differences.

I am of the opinion that whatever happens to men happens with a purpose, whether colonialism or apartheid. We emerged victorious as one Nation with more vigour to protect our heritage. Now that we have reclaimed our heritage, the land, let us share equally and work hard to prosper.

My experience:

Honourable Speaker the policy of national reconciliation in Namibia is relevant and is an ongoing process. We can forgive or we have forgiven those who wronged us, but to forget will take time and I agree with the Honourable Minister of Finance.

I know that feelings of vengeance will only further divide this young Nation. However, this policy with all its good intentions, after 17 years is not gaining the desired momentum. Why?

Perhaps the policy is still unwritten and non-existing. No law on national reconciliation with detailed implementation of matters, like indemnities of war criminals and their families, compensation for material damages, reparations for loss and damages suffered, etcetera, has been enacted by this august House, Parliament.

Families of the victims continue to demand information on their fate on both sides of the warring parties and insist that justice must precede reconciliation. They just want to know what happened to their children.

Further, maybe because of the appropriation of the policy of national reconciliation for party-political ends, as mentioned by the Mover. Open threats of war, retaliation on citizens who dare to challenge or request information on the dark side of our history and a continued polemic between Phil ya Nangoloh and the supporters of Dr Sam Nujoma.

We have a Constitution, we have statutory bodies, laws and international bodies.

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There was no civil war in this country, it was a war between Namibians, on one side, and the colonial masters, on the other hand.

However, unfortunately, brothers and sisters had turned against each other during the struggle, hence the need for reconciliation to become one Nation once again as it was before.

The meaning, intention, purpose and objective of the constitutional doctrine of national reconciliation, as envisaged in Paragraph 5(4) of the Preamble, have civil, cultural, economic, environmental and social dimensions. Therefore, to be effective in implementing and monitoring, there is a great need for a law to govern this policy of national reconciliation.

The way forward:

Honourable Speaker, Honourable Members, UDF wants to make reconciliation a reality by enacting the national reconciliation law, to bring the Namibian people closer together.

It is the intention of UDF to make and facilitate a moratorium of national pardon to the Namibian citizens who lost beloved ones. (Intervention)

HON DR GEINGOB: May I ask the Honourable Member a question? He is doing very well, but may I just for clarity's sake ask a question? Honourable Goreseb, you are talking about enacting a law. Human behaviour is something that ought to come from your heart, like the issue of national reconciliation. Do you think by passing a law we can make people behave in a way that they can accept each other? We had an apartheid law which separated people and it did not work. Therefore, to force people by law to like each other, also cannot work. Do you not think this is something that must come from the inner feeling of people to reconcile?

HON GORESEB: Honourable Speaker, Honourable Members, I fully agree with the Chief Whip of SWAPO, Honourable Dr Geingob, we cannot force human beings. That is why I earlier on said that we must change the set of mind, we must conciliate, we must calm our anger and we must accept each other as true citizens of this country, whether you are black, white or coloured. We must

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change our set of mind and then reconciliation will work, not necessarily forcing the people by law, but that is the view of UDF through our presidential decree or whatever, but I will come to that part as I am going on.

The UDF believes that this process will bring peace, trust and lasting unity between Namibian people. Such moratorium of national pardon must be understood and undersigned by all Namibians as a symbol of peace. Honourable Moongo mentioned the very same issue yesterday and I agree with him.

The UDF will further see to it that Government pledges to promulgate an act to help ease the agony of those who lost their beloved ones or suffered material damages through reparation.

Honourable Speaker, Honourable Members, we were a Nation before colonialism started, because we had a land called Namibia and as such State or Government continued to exist in succession.

The Nazi German Government's acts are accounted for by the present German Government. Apartheid minority South African Government's acts are accounted for by the present ANC-led South African Government. Past colonial administrations in Namibia have been succeeded by the SWAPO-led Namibian Government.

Therefore the SWAPO-led Namibian Government must stand in for the suffering, humiliation and pain of its citizens. We have lost almost everything, including our dignity. After reclaiming our country we have made very good policies and institutions to govern this country, but please level the playing field. The policy of national reconciliation has many social and economic benefits, like equality of opportunities and quality of life, but without proper support to its citizens and bold decisions the policies will remain fantasies.

There is an old Japanese proverb which says: *"Vision without action is a daydream. Action without a vision is a nightmare."*

Either way you look at it, one without the other creates a conclusion that falls somewhere short of celebration. Therefore, bold and tough decisions must be taken to redress the imbalances. (Intervention)

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**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,
HOUSING AND RURAL DEVELOPMENT:** Honourable Speaker, may I ask the Honourable Member a question? Honourable Member, you have started by apportioning responsibilities that need to be accepted by the various Government levels. Honourable Member, can you tell the Nation who is to accept the responsibilities of the interim Government?

HON GORESEB: The so-called interim Government was the baby of the apartheid South African regime and it is the duty of the present ANC Government to stand in for that.

Honourable Speaker, Honourable Members, the doors of opportunities have been opened at Independence and with national reconciliation without levelling the playing field for all. We were not put almost on an equal basis to be able to reap the benefits, whether social or economic, of national reconciliation.

Honourable Speaker, with colonialism, private ownership emerged and communities have been replaced by Municipalities who own the land in most of the African states.

If one needs an erf or plot to build a house, one has to go....(Intervention)

RT HON PRIME MINISTER: May I ask a small question? You said that with colonialism private property emerged. Are you saying there was no private property before colonialism?

HON GORESEB: Honourable Prime Minister, what I said is that with colonialism private ownership emerged in Namibia, for example. Communities have been replaced by Municipalities who own the land.

If one needs an erf or plot to build a house, one has to go to the Municipality to buy an erf at a cost. (Intervention)

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RT HON PRIME MINISTER: On a Point of Information. Before colonialism land was owned by one person called a king or a chief and others only had the right to use it. That is what I know.

HON GORESEB: Right Honourable Prime Minister, we are on the same level of understanding, we are talking the same issue. But I will challenge the Honourable Member today that we go to, for example, go to Rocky Crest and see what is the price of a very small erf – N\$400 000. Who can afford it? And yet there are always those who have who buy the plots, build houses, sell it at astronomical prices to the citizens who will remain slaves of the Financial Institutions. That is where I want to challenge the Honourable Minister of Regional and Local Government, Housing and Rural Development to please help us.

Yet, the policy of national reconciliation opens the doors of equal opportunities and quality of life. This is frustrating.

Honourable Speaker, for the next fifteen years to come the poor will remain poor and the rich will get richer and this frustrates the Nation.

National reconciliation is relevant and is a must for Namibia to heal the wounds of the past injustices and to build a new Nation. Let us enact a law that will regulate its full implementation and effective monitoring thereof.

I support the Motion and I thank you.

HON VENAANI: Thank you very much, Honourable Speaker, Honourable Members of this Assembly.

I rise to make my humble contribution and add a few ideas on the Motion as moved by the Mover, Honourable Tsudao Gurirab, regarding national reconciliation and the consolidation thereof.

Honourable Speaker, as a footnote, let me start off with an analogy of a great story told about Napoleon Bonaparte who once docked on the coastline of Africa,

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believed to be between Algeria and Morocco and when he was getting off the ship, he fell from the staircase and given his stature and a man of his calibre, he improvised his falling as if he conquered the soil of Africa. When he stood up those around him asked him: “*Napoleon the Great, what happened?*” “*I conquered Africa.*”.

As a footnote, Honourable Speaker, I do not want us to debate this issue, which is quite sensitive, in a way that we improvise, that we just talk about it without meaning what we say and I think it is important for us as a people that the choice that we make as a country in all the negotiations after 1989, the people of Namibia, the founding fathers and mothers of our Constitution, through the very first Constituent Assembly, in our Preamble said “*we will strive*” and amongst many issues that we will strive for one was national reconciliation. It was the firm belief of the Members of the Constituent Assembly that it should be the new culture of the country that we should strive to reconcile with one another. I feel it gives us a very firm basis to operate from. What was the purpose and the need for us as a country to reconcile? I believe the Preamble of a Nation is what we, the leadership of the country, believed and what we the people believed that this is the way we should engage.

The choice to have the policy of national reconciliation was a choice that we as a country made and we had made that choice because of the conditions and experiences, bad and good, that we experienced during the history of colonialism and apartheid.

Honourable Speaker, let me also from the onset say that the Namibian situation is not very different from the situation of people emerging from a dark past. There are many other in the world and African examples of worst chapters of darkness and I want to reflect on one which is close to my heart and that is the recent genocide in Rwanda and Burundi where you had close to a million people slaughtering one another.

Today, when you go back to the hills of Kigali, you find it very strange that people who have killed one another *en masse* yesterday, can come into one city called Kigali and still function as a Government, function as a people, enjoy a football game together.

That should tell us that we as human beings should always be reminded by other worst examples that we need to live with one another because it is a choice that

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we made for the future of our own country.

Honourable Speaker, I do not believe that national reconciliation would be best entrenched in a written law, because countries, such as Britain, today does not have a written constitution, but values and moralities are upheld because the people of that country have chosen to live by those standards. I am not a believer that national reconciliation crafted in a law would be best entrenched in the souls and minds of our people. I think the best place to entrench this policy is in the hearts and minds of our own people while living with one another.

National reconciliation, Honourable Speaker, is not His Excellency President Sam Nujoma, the Founding Father of our Republic and I think the country would make a great mistake to try to argue this policy towards a person who led us and brought us where we are today. National reconciliation is a choice which our country has made for all of us to live together.

I am very unfortunate that I did not listen to the intervention of the Prime Minister, I only came to read about it and the intervention of the Minister of Lands, Honourable Jerry Ekandjo. I think especially the last session of Honourable Jerry Ekandjo was making one little mistake, to try to state and say that *“if you do this to President Sam Nujoma, we are going to do this. If you do this to this one, we are going to do this”*. That is wrong in my opinion. (Interjections). Let me reflect my opinion. (Intervention)

HON MINISTER OF FINANCE: On a Point of Information. It is very good that Honourable Venaani has made that statement, because I think this point has been misconstrued out there. People seem to be thinking that SWAPO is saying *if President Nujoma is tried, we are going to withdraw national reconciliation and we are going to incite people to engage in a civil war* or something like that. That is not what we are saying.

What we are saying is that if you say you are going to prosecute President Nujoma, what you are saying is that amnesty is thrown out the window and everybody can now prosecute everybody. When everybody starts prosecuting everybody, then the security that everybody felt will no longer be there and then

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people will feel motivated to engage in activities that may not be supportive of national reconciliation and peace and stability and that is how we will fall into a civil war. It is not really that somebody will say, *“from today on, let everybody descend on everybody else and start a civil war.”* That is not what we are saying.

You can however not expect that we will have President Nujoma prosecuted and Botha and everybody else who collaborated with him will not be prosecuted. It means everything is thrown off and we will now be prosecuting each other.

HON VENAANI: I hope, Colleague, that you should have stopped all your organs when they joined the bandwagon, saying that we are going to go to war. With whom did you want to go to war? These statements were made by your leaders. (Intervention)

HON MINISTER OF GENDER EQUALITY AND CHILD WELFARE: On a Point of Order, Comrade Speaker. The way I understood Honourable Jerry Ekandjo, but I am older and the younger minds like Honourable Venaani might not have captured it like that, because during the struggle I was taught by Hendrik Witbooi that you do not listen to what people say, but what they want to say *!Khari –nams ai !ga*. That is what he was teaching us and that is what I am doing up to now. What Comrade Jerry meant was that you singled out the Founding Father and tried to touch him, and we talk about One Namibia, One Nation and that is how we came to the struggle that we have Independence here, One Namibia, One Struggle. This is the way we do it, that was the culture of the SWAPO Party. Now an injury to one is an injury to all. Therefore if you want to injure President Nujoma, then you are touching the SWAPO Party and the Nation which the SWAPO-led Government is leading and then it never troubles you. My mother always said, *“moenie krap waar dit nie jeuk nie, baie gevaarlik and moenie die bobbejaan agter die bos gaan haal nie.”* This is what he meant, if you touch him, you must know that you are shaking the Nation and you must be careful.

HON VENAANI: Honourable Speaker, I think the older mind is just trapping herself. The merit and the justification of attempting to take His Excellency the

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Founding Father of the Nation to the International Court of Justice is already addressed by the Namibian people when we say that that *we shall strive for national reconciliation*. (Interjection). The Nation came first, the Constitution came first. (Intervention)

HON MINISTER OF FINANCE: There can be no Nation without a leader.

HON DEPUTY MINISTER OF LABOUR AND SOCIAL WELFARE: May I ask a question? Honourable Venaani, you started well by citing Burundi and Rwanda, but suddenly you have a problem which you want to say is our problem. We do not have a problem. You are just supposed to deal with yours. Why do you bring Jerry in? You are not supposed to bring Jerry in, you are just supposed to adopt your policy of national reconciliation – period. I want to advise you that you started well but you started spoiling your good beginning by bringing something which is irrelevant.

The question is, there is no need for national reconciliation to be in the Constitution, you said it and I agree with you and those who said that already, but do you not think that if it were not for that policy, could I, Petrus Nangolo Iilonga, have reconciled with the internal leaders? I could not. I know what they did physically on my body, but I said no, *sorry, I was fighting to even liberate snakes*.

HON VENAANI: My father and cousin, the choice of reconciling was made by the founding fathers and mothers of our Constitution. The people of this country elected the first Constituent Assembly and decided that this country would take the path of national reconciliation. Had we not taken the path of national reconciliation, of course the choice would have been yours. (Intervention)

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HON DEPUTY MINISTER OF GENDER EQUALITY AND CHILD WELFARE: May I ask the Honourable Member a question? Honourable Venaani, you are talking about national reconciliation and that the Nation decided to have it. A long time back we had many problems, beaten by Koevoet, SWATF, including some people who are sitting with you, but we know them. Which reconciliation are you talking about here today? We can go back to the Koevoet who have beaten us or the forefathers or which one are you talking about here today?

HON VENAANI: I did not really follow what she is trying to say. The Koevoet and the SWATF that were killing our people in this country, brothers against brothers, that is the chapter that we said we shall close because of national reconciliation. How do you reconcile with people? Let me tell you that peace is maintained by losers, not leaders. Peace is maintained by losers, not leaders and our Party has played that role to the best of our ability. (Interjection). Yes, that is why we chunked him out of the Party, you were praising us. Do not be a hypocrite. (Intervention)

HON MINISTER OF EDUCATION: May I ask Honourable Venaani a question? My cousin is doing well, he is talking about the founding fathers and mothers of this Republic who decided to adopt national reconciliation on behalf of all of us. Now in view of that, 17 years later, one of those on whose behalf the fathers and mothers decided on the policy of national reconciliation, would like to take a leader of this country to the International Court, would like to bring back the atmosphere of fear, of quarrel, of fighting. My question is, what exactly is your view on this position of taking each other to court, in view of exactly what you have been saying about the founding fathers and mothers?

HON VENAANI: Very well, that is the crux of my argument, I will come to that. (Interjection)

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HON MEMBER: Answer that!

HON VENAANI: No, I will not answer by force, I did not come here by force. I will answer when I feel like that and I will not run away.

Let me however tell you one thing that I believe is the problem with this policy 17 years after Independence. The problem is that those who participated in the liberation struggle of this country feel a sense of entitlement to do whatever they want, because they fought in the liberation struggle and it is not entirely correct to state that just because you were in exile, you were the greatest participants towards freedom. (Interjections). That is why you are all standing up. (Intervention)

HON DEPUTY MINISTER OF GENDER EQUALITY AND CHILD WELFARE: On a Point of Information. I want to inform Honourable Venaani that he was very young by then, he does not know what happened inside the country. That is why he is talking about people who fought for this country and who did not fight, because even Honourable Jerry talked about the Maharero's and Tjamuaha's. That is why I am saying that when we are talking about reconciliation, we are not talking of someone to go to court. Which one? Because even Riruako is asking the German Court, now which court is Nujoma going to?

HON SPEAKER: The House will rise for refreshments.

**HOUSE ADJOURNED AT 15:45
HOUSE RESUMED PURSUANT TO ADJOURNMENT AT 16:15**

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HON VENAANI: Honourable Speaker, before the break I was trying to address some of my views regarding these fresh calls for national reconciliation to be turned into a policy.

It is true that – and that is the crux of my argument – the people of this country have made that choice at the beginning of our Independence, the choice that we shall protect in the interest of our people and country to move ahead and leave the past and challenge the future as it unfolds.

Now Honourable Speaker, Winston Churchill once said that in *victory be magnanimous and in defeat be defiant*.

Honourable Speaker, how should we be magnanimous in the quest of making sure that Namibians in their entirety are reconciled? I want to dwell on one matter that I think is very sensitive, namely the question of the group called “*Breaking the Wall of Silence*” and from the onset I want to congratulate at least three leaders on the other side of the isle. (Interjection)

HON MEMBER: SWAPO leaders.

HON VENAANI: When you see success people always want to own success. In the name of the Speaker, the Founding Prime Minister and the current Prime Minister and I remember in 1989, coming to the general elections, the Speaker made a statement on this issue, quite an important statement that he made in Rehoboth, Honourable Hage Geingob, then the Director of Elections for the Ruling Party has also made a very profound statement in 1990 during his term of Prime Minister. (Interjection)

HON MEMBER: You were 15 years old.

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HON VENAANI: Oh, I know a lot of things that you do not even know. Age is not a deficit and you know it, you wish you were young. So let us enjoy it while we have it, it is not a deficit.

Right Honourable Prime Minister, what you recently said in this House is a very profound statement that needs to be respected and I want to thank you for having done just that. I do not think that we should link these issues, that if persons that were aggrieved during the liberation struggle and it is not the only persons who were aggrieved, there were a lot of people especially in the northern parts of this country that were maimed for nothing, just for being suspected of hosting PLAN combatants and whole villages were run down by Casspirs. If you say I was 15 and I do not know these things, I know them. I know them, not by hearing them. You should remember some of us were just students of the struggle, we were just studying. So let us also be honest with ourselves.

What I am trying to say is that many people were aggrieved in this country for all the wrong reasons and the South African apartheid machinery had a very clear agenda, an agenda that they feared. One should also be bold and say it, that the fear was especially the four O's. The former Ovamboland was feared because of the numbers and even if people were aggrieved in the north-western part of the country, the Kaoko area, north-east, especially the Kwangali area, Rupara those areas, they were really hard hit. However, the crux of the war was centred around Ovambo and many people were aggrieved. Even some of those who are aggrieved happen to be Members of Parliament and are saying, "*we just want to know where our children are.*"

The victory that we have gained as Namibians is this Independence and we brought the country where we are and SWAPO has led that victory together with all other Political Parties. (Interjections). The choice of maintaining peace is left with the losers. In DRC those who have lost were trying to fight. (Intervention)

**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,
HOUSING AND RURAL DEVELOPMENT:** May I ask my young brother a question? Honourable Venaani, you are saying that the losers are the ones that are responsible for – and maybe I might not choose the right words that you have said but I am just trying to recollect – the peace that we have in the country, the extent to which the policy of national reconciliation was carried. Are you

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implying that if we want things to succeed we must all become losers or what is it that you are trying to imply?

HON VENAANI: You must be ready to lose and accept that you have lost and move forward. That is what we did. We have moved forward with the country. (Intervention)

RT HON PRIME MINISTER: On this song of losers being the most magnanimous, I want to know who are the losers?

HON VENAANI: You are a very good teacher. When you go to elections, it is announced that you have 600,000 votes, but the losers are the ones who have elections, the losing Parties, and you are aware Right Honourable Prime Minister. (Intervention)

RT HON PRIME MINISTER: On a Point of Information. The struggle was not about elections, the struggle was about freedom and human dignity and I believe all the Namibian people, even the adherents to apartheid, won freedom and Independence. There is no loser in Namibia.

HON VENAANI: The struggle was about Independence and the country had to make a choice who is going to be the new Government and that choice was bestowed upon your Party and yourself to lead, therefore you are winners. You cannot argue in another context, you are winners and we lost elections. That is true, even if you go and write many books, it will be quoted as such. (Interjection) Yes, we wanted freedom, you and I wanted freedom and reconciliation. I am also consistent, that is why I say the choices that we made collectively, that after freedom we want to leave the past behind. It is a choice that we made collectively and our Party was party to that Constituent Assembly that drafted the Founding Constitution of our Republic.

Honourable Speaker, I do not want to take much time, what I am suggesting is for

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us to continue to entrench national reconciliation. I think we should continue on the path of entrenching the democratic values of the country. We should continue to move ahead and try to build on the economic deficit that we have gained from our former colonial masters and try to turn it into a economic surplus for our people in the interest of their own prosperity.

I however also want to propose that perhaps it is important for us as a country to have a particular day, be it a declared national holiday or a day that we say it is a day of national reconciliation; that future generations will come on this day and ask, why do you have this day, what is the meaning of national reconciliation, so that we would always reflect back and tell those future generations that this country also had a dark history and a chapter. (Intervention)

HON MINISTER OF AGRICULTURE, WATER AND FORESTRY: On a Point of Information. Honourable Venaani, now that you are speaking about the need to have a special day on which we can remember national reconciliation, is the 21st of March not sufficient, because that 21st of March is also a day when we gained our dignity and forgave each other. Why any other day? Can we not take that as the day when this new phase of Namibian relationship was at national Independence and therefore a day for national reconciliation? Why any other day?

HON VENAANI: Any other day because Independence is freedom day, it is when we gained our freedom. I could have gone on with that argument and said that we do not need Heroes Day because Independence is when we honour all our heroes, but we have a special day that we honour them, to reflect on their deeds and recognise their role. I believe that such a day would give us time to reflect on the dark chapter of our history. In Okahandja there are also heroes, do not think they are only at the Heroes Acre, they are also at Okahandja and elsewhere.

I believe that this day would mean something to future generations of Namibia and in conclusion, to also end with what Napoleon once said when he was asked what was the greatest failure, when he was asked why many Statesmen fail in life, he said that *it is both seeking to be petty and to be great*. I think our country should focus on one virtue and that is to move ahead in greatness and to reassure

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one another that the choices that we made are still relevant today because they are the only choices that can take us forward. If we reverse on these choices, we will have to rebuild a new Namibia and it will take us a very long time.

With these few remarks, I thank you.

HON TJIHUIKO: Thank you, Honourable Speaker. I have been listening to this Debate ever since it started and apart from the fact that it was very sensitive, it was also highly educative. It almost reminded us of what actually happened a couple of years ago.

When I was listening to the contribution made by Honourable Jerry Ekandjo touching on some of the practical issues that have happened in this country, mentioning the name of Ita, it really brought us back home to remember what was actually taking place in this country.

When one looks at the issue of reconciliation and looking at what actually happened to all of us and where we are today 17 years down the line, it really means a lot to us and I think we all should appreciate what we have done together as people.

However, through that I have also noticed that when you are listening to various people, I have seen that there were three groups of thoughts that were prevailing. There were those who were directly affected by the struggle, those who have seen their loved ones dying in their arms. There were those who were also directly involved in the struggle who have a guilty conscience of what they have done. There is another group of those who were there, reading about the struggle and there were some who have heard about the struggle. Therefore when they were participating in the Debate, you could see the different approaches, you could see that some people are not appreciating what has actually taken place during that time.

We should also remember that we have built a vibrant democratic system in the country. (Intervention)

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HON DR AMWEELO: May I ask a question? I just want to ask the Honourable Member, since he mentioned three or four groups during the struggle, I would like to ask in which group he himself is of those groups he mentioned.

HON TJIHUIKO: I was saying that we have built a vibrant democratic Nation. The question of reconciliation, if we are looking at it from the point of view of what I have said, that there could be some who have seen this opportunity, standing up in Parliament and try to show off, not realising that whatever you are saying hurts somebody else. These are those who have read about the struggle, but those who were participating directly, whether inside the country, jailed in the country, beaten up in the country and also sleeping in the bushes, carrying whatever on their backs, think differently from those who were sitting nicely, moving from one office to another. And you can even see it from the attitude of people.

I appreciated what the Honourable Minister of Finance was saying yesterday and I could see that she was really speaking from the bottom of her heart and that is the attitude that we need to look at, that when we are referring to one another, we should also know that somebody somewhere is going to be hurt by our statements. Whether we are trying to make a political statement or not, we must take cognisance of the fact that we are dealing with human beings who are still there, we are dealing with a situation where we know exactly that a person was responsible for the disappearance of my brother and you take it upon yourself, whether it is written or unwritten reconciliation, the fact of the matter is that we have accepted it and to some extent we have implemented it. That is why we are where we are today.

I agree with Honourable Venaani when he says that our reconciliation is not written on a piece of paper, but our reconciliation is definitely written in our hearts and minds. That is why we are prepared to forgive and forget. We should not forget, especially the Ruling Party should not allow yourself to be provoked into a situation where you are going to do the things that you would not have done because of one or two provocateurs. You should also take note of the fact that you have been given the responsibility to make sure that even myself is living in peace. (Intervention)

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RT HON PRIME MINISTER: Honourable Tjihuiko, may I ask you a “*tiny-weeny*” question? Since reconciliation has been captured in the basic law of the land collectively by the founding fathers and mothers of the Nation, would you agree with me that since the founding fathers and mothers of the Republic are an endangered species in this House, they need to be given a title? Honourable Chief Riruako- FF – Founding Father, Honourable Netumbo – FM – Founding Mother. Do you not think they deserve this title and this House should pass a resolution on that score?

HON TJIHUIKO: Honourable Prime Minister, I am not sure about that because we find ourselves in a situation whereby the younger Members of the House would perhaps one day say that we should also be recognised we were the youngest in the House and therefore we should be given a title, “*Honourable Youngest in the House.*” And the list will go on and I do not think that would be good.

In conclusion, Honourable Speaker, we should therefore never allow ourselves to be disturbed from what we think is right. We should stand together, move together and definitely reconciliation in the Namibian context, in our own way, as we are always doing the things the Namibian way, is going to be the winner.

With those few remarks, I thank you.

HON DEPUTY MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE: Thank you very much, Honourable Speaker, Honourable Members. I am here just to contribute to the Motion on the Table.

Unfortunately when the Motion was tabled I was not here and I am not trying to question the admission of the Motion in the House, but I just want to ask as to what exactly we are attempting to achieve. I heard some people calling for a written policy on national reconciliation, some calling for suspected offenders to be released and so forth. I tend not to understand. Maybe the intention of the Mover was correct, I do not know, I was not here, but as I look at the issue, I do not think that it is an issue that will really lead us far because the principles of policy of national reconciliation itself are entrenched in our Constitution and now

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we are making as if we do not see the fruits of this policy and therefore, we are questioning as to whether it is working. That is how I understand the whole issue.

As many speakers have said, there are people who were touched and are still living with the memories. Some lost their loved ones and we have unmarked graves all over the country we now, for the sake of scoring political points, want the issue to be debated.

What I could also see is which is not good is that the Ruling Party is being portrayed as the defaulter of national reconciliation. I feel it is not very just and it is done by the Honourable Members on that side of Shandumbala West. I feel it is not really a good thing and it is not taking us anywhere.

When we are debating this very sensitive issue people become emotional, those people who were affected by having lost loved ones, property and so on. Those who have suffered are touched by some of our words we are uttering in the Parliament and I feel it is not an issue which we can pursue. We should rather live with what we have now, we have a very good Constitution and the provisions are there in Chapter 3. The principles of national reconciliation are entrenched in the Constitution and we do not need to go as far as questioning as if the policy is not working.

What we need to do is to consolidate those principles, including the economic principles, for the benefit of all; consolidate the principle of democracy and good governance, social inclusivity, instead of touching on an issue which will again open another Debate and people will start questioning.

Therefore, if we want this to really work, we have to consolidate those principles and those principles will permeate the veins of the Nation.

Honourable Speaker, I really feel that we have so many other things to debate on and as I have heard from different speakers, I do not want to say it is a futile exercise. The mere fact that it was admitted in the House to be debated as a Motion, I do not want to say that it is an academic exercise, but I have serious doubts whether we will gain something from this issue. I rest my case, Honourable Speaker.

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**MOTION ON PROCLAMATION OF TOWNS
HON MOONGO**

HON SPEAKER: I thank the Honourable Deputy Minister.

HON KASINGO: I move that the Debate be adjourned until tomorrow.

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

**RESUMPTION OF DEBATE ON PROCLAMATION OF TOWNS IN
RURAL AREAS AND HOW IT AFFECTS RESIDENT FARMERS**

HON SPEAKER: When this Debate was adjourned on Wednesday, the 19th of September 2007, the Question before the Assembly was a Motion by Honourable Ulenga. Honourable Moongo adjourned the Debate and he now has the Floor.

HON MOONGO: Thank you, Honourable Speaker. First of all, before I start, let me congratulate the Honourable Member for bringing this issue to Parliament so that we might try to educate each other on some issues, because municipal officials and the entire Ministry seem to be ignoring the poor community people. They only opted for development and they forget that there are poor people living in municipal areas, while we can still remember and appreciate the community Leaders who were leading those areas who had the poor people at heart because they were even giving mahangu to the poor people and those who cannot afford to maintain themselves.

Honourable Speaker, Honourable Members, to establish a mahangu field at a new place is difficult and that is the reason the Municipalities do not choose the dense forests and are forcing people to vacate their already cleaned mahangu fields.

It reminded me of the time when we were at the front to establish a new guerrilla camp. It was the same, you had to choose the thickest forest to make a camp for the protection of your members. You have to change the deadly forest to become

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a human forest. First you have to wipe out the snakes, mambas and even tigers and lions in that forest in order to establish your military camp there. Therefore, it is not easy to change the forest to become a human forest.

Mr Speaker, Honourable Members, the way the Municipalities make the communities vacate their homesteads is totally wrong. The Municipalities became rich because they forced the community members to vacate their land which is already productive and force the poor community members to the thickest bush. Every time the communities are forced to go to the unproductive new place, we call it “*oshikokora*”, and we are tired to hear of the suffering of the poor people who are always forced to go and start another “*oshikokora*”, no matter their age. (Intervention)

**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,
HOUSING AND RURAL DEVELOPMENT:** On a Point of Information, Comrade Speaker. In a democratic country where the law is working, it is only the Police that are mandated to effect what the court has decided if there is a need for forced eviction. Can the Honourable Member just confirm whether he is aware of this information or not, just to establish the knowledge of the Honourable Member?

HON MOONGO: I am aware of it because although I know that the community is poor, they cannot go to the Police and cannot find a lawyer to defend them. They are underpaid and they vacate and go and establish a new house in a new “*oshikokora*”, which is worse and they become poorer after they have vacated.

**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,
HOUSING AND RURAL DEVELOPMENT:** May I ask the Honourable Member a small question? Honourable Moongo, can you publicly tell the Nation of an example that you know of, of somebody who was forced by the Police because he or she was not able to find recourse at the lawyers or the courts. Can you just give that example, just for the public to know?

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HON MOONGO: There are a lot of examples. At Ehenye in particular, the people have vacated ten years ago and the people are still around there and this year they were told not to cultivate. Imagine, some are elderly people, they are not strong enough to start *oshikokora*. They are very old and they are told not to cultivate this year. Not only that, in Helao Nafidi the Municipality was given the power to make a regulation favouring only the Municipality and forget the poor people.

Mr Speaker, Honourable Members, the majority of Honourable Members do not know how difficult it is to start a homestead, because some of you did not make homesteads, you are only here in the city. (Intervention)

HON DEPUTY MINISTER OF GENDER EQUALITY AND CHILD WELFARE: May I ask a question? Honourable Headman from Ndonga, you said the Municipality instructed them not to cultivate. I want you to tell the Nation at large who talked to them and on what day and month?

HON MOONGO: Some of you do not know, but I have already vacated my place and I have experienced the pinch. How many of you on that side vacated? It was a thick forest, you had to bring working tools to clean the place to be suitable for your family and your livestock as well. It is very difficult to start a homestead in the thick forest where there are snakes and dangerous wild animals. Very few people can develop that forest to become a living place for human beings. It is very expensive to develop a new place to become productive. You have to spend thousands of dollars, you have to use all your energy and that is the reason why you see community members cannot walk straight anymore, the elderly people are walking with a bent back because of the *oshikokora*. They debush the whole area and now the Municipality comes and forces them out and pay them little money while their backs cannot be straightened anymore. It is really a pity. (Intervention)

HON DR ANKAMA: Honourable Speaker, I would like to ask the Headman a question. I am just concerned that Honourable Moongo is apparently very troubled or he is being hypocritical. While he is talking about the suffering

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of the people vacating the areas around towns and cities as they expand, why does Honourable Moongo not tell the Nation about the package that goes along with the vacation of the people around the town areas? How much benefit did you get from there and what assistance did you get from the City or the Town Council? I think it is very important that you inform the people what is really happening, the process that happens down there, rather than just being hypocritical.

HON MOONGO: I do not want to go too far away from my speech, but what is counted there by the Municipalities is bricks and they pay a little for the plot and forget about de-bushing the whole area. Nothing was given.

Therefore I feel, Colleagues, this is serious. The worst is when the members who were forced to vacate are exhausted, then the Municipality comes with a little money and they request you to agree to go and establish a place somewhere in the thickest forest again. (Intervention)

HON DEPUTY MINISTER OF HOME AFFAIRS: Comrade Speaker, on a point of information. The Honourable Moongo, the Headman, is being too economical with information, because I wanted to ask exactly the same question which was asked by Comrade Chief there. In addition, I would also like the Honourable Moongo to tell this House and the public in general that there is a process through which the community is engaged, because the way he put it now, it is as if the Councillors, particularly those of Oshakati, have just started this year to tell people not to cultivate this year. This has however been a process. Honourable Moongo, be truthful and loyal to the process of development of this country to the benefit of all.

HON MOONGO: In my understanding it is a process, but how on earth can you tell somebody who is around 70 years to vacate? His back is bent like this.

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You are supposed to clean his new place, de-bush it, bring water in and then you have to take his belongings. He or she is very old. (Intervention)

HON DEPUTY MINISTER OF HOME AFFAIRS: Honourable Speaker, Honourable Moongo may have a point, but as far as I know, speaking as a former Mayor of one of the towns that are busy resettling people in the North, a package is provided, prepared by the Government. You undergo a process of negotiation, there are options which you choose yourself as the person who has been occupying that place for quite some time and there is also a process whereby, if you identify the place where you want to go, you will be assisted by the State to go there and the de-bushing will also be done. I do not know what is happening in Oshakati, but that is what we have been doing and I believe that is the process that has been put there by the Government of the SWAPO Party. Now you are speaking as if there are no proper arrangements for people to move.

HON MOONGO: I thank you for the information, but I vacated myself and I am still de-bushing. After 10 years I am still deforesting. What about the elderly person who is no longer strong? How long will they take to deforest? (Intervention)

RT HON PRIME MINISTER: On a Point of Information. Honourable Moongo is the Headman of Omalaala. Omalaala means moving all the time, literally it means *in-flight* and he has been in-flight all the time from Onamulunga to Oshakati to Omalaala, to Oshagambuku. He went to Oshagambuku to go and sell alcohol. He went there to establish a shebeen and corrupt our cattle post people. That is why he went there.

HON MOONGO: Thank you very much. I am happy that the Prime Minister brings those topics, but I was more humane, because I brought the water, the Government failed to bring water to the community and I established a shop there and the people are happier than with the Government. They are happier with me

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than with the Government, because now they have water, they have a shop and they even have a vehicle to transport them. Therefore, I am far better than the Government. (Intervention)

RT HON PRIME MINISTER: The Honourable Member took piped water there in order to brew tombo.

HON MOONGO: I do not deal with tombo.

RT HON PRIME MINISTER: And tombo is a dangerous drink and his shop is just selling tombo there.

HON MOONGO: I think everybody knows I am not at the level of brewing tombo, I have extended my businesses everywhere. It is just because the Municipality of Windhoek is very expensive, the plots in Windhoek are too expensive. Let them give the plots to the poor people free of charge. (Intervention)

HON MINISTER OF LANDS AND RESETTLEMENT: Honourable Member, you mentioned that the people like you, but why, when elections come, those people who like you and drink your water do not vote for you? Why?

HON MOONGO: You know some of us have a nice community background. When you are in power, all people come automatically. As you are in power now, the people come automatically and sometimes you rig. (Intervention)

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HON MINISTER OF FINANCE: I would like to ask the Honourable Member a question. Is the Honourable Member now acknowledging publicly that the DTA was indeed in power before Independence? Are you acknowledging that DTA was part of South African rule here in Namibia?

HON MOONGO: That was also my belief when I did not join DTA that time. When I was in SWAPO it seemed like that, but when I joined it, I read the constitution of DTA and I know what is right and what is wrong. There is nothing to hinder you, you can even join the DTA. (Intervention)

HON MINISTER OF FINANCE: On a Point of Information. The Honourable Member just stated that when we were in power, the old people used to come for free water.

HON MOONGO: I did not say so. Let me continue, I want to conclude. Honourable Speaker, Honourable Members, do you know why the Government prefers to establish the towns where communities established themselves? It is because the area is already developed and cleaned by the community. (Intervention)

HON DEPUTY MINISTER OF GENDER EQUALITY AND CHILD WELFARE: On a Point of Order. You say when you give the people water they are happy, but you were appointed as a Headman for those people. Why are you complaining today but that day you accepted it?

HON MOONGO: I hope the Prime Minister is correct, he visited the place and he got lost. He was thirsty and drank the same water and I am happy I could give him water from Uukuumwe, which is not from Government and he was supposed to overnight there because he got lost. I assisted him, I did not take it politically, he is open to everybody. I am really happy. If you could be similar to him, then you could be a better politician.

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HON DEPUTY MINISTER OF HOME AFFAIRS: Comrade Speaker, may I ask the Honourable Headman a question on the water? You are telling us that the Right Honourable Prime Minister drank from the water which is not Government, where did you get the water from?

HON MOONGO: I do not want to go away from my speech, but anyway, there are no roads there, there is no water from the Government. I am the only person to help them. I brought water and I am even trying to make roads there. The communities are forgotten by the Government and the Prime Minister knows, he went there and he suffered.

I therefore appeal to the Government in future to leave the communities alone and establish towns in areas where there are no people. You must clean the areas yourselves and establish your towns there. Leave the communities at their places? Why do you choose only those places where the communities live? There are thick forests around there, you can go to the forests. (Intervention).

**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,
HOUSING AND RURAL DEVELOPMENT:** On a point of information. The statement made by Honourable Moongo shows his ignorance about the declaration of Local Authorities. Are you seriously telling the world and the Nation that, indeed, the essence of Local Authorities is not to provide services but just to be there? How do you link service delivery to the people and establishing towns far away from the people? It shows your ignorance.

HON MOONGO: I do not want to argue with the Minister, but sometimes the Municipalities go too far. They make the people pay for a Fire Brigade, they make them pay for gardens and the communities have no gardens. The people are exploited deliberately and they are becoming poorer. Now they want to confiscate their houses because of the overdue bills. (Intervention)

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HON MINISTER OF AGRICULTURE, WATER AND FORESTRY: May I ask the Honourable Member a question? Honourable Moongo, it is actually that you agree, you were part of the Government before Independence. Take Oshakati, take Ongwediva, take Ondangwa, take Uutapi. (Interjection)

HON MOONGO: I developed all those areas.

HON MINISTER OF AGRICULTURE, WATER AND FORESTRY: You know those areas. The people who used to live there were told by your Government to move – no single cent and no assistance at all. (Interjection)

HON DE WAAL: Frans Indongo was the Minister of Finance in that area, not us.

HON MINISTER OF AGRICULTURE, WATER AND FORESTRY: People can now come and be identified and it will be known that this Government even paid them retrospectively. Do you now think what the Government is doing now is not to exploit people, but certainly for people to make way for development. If you compare the two, who actually has a human face, your Government or this Government?

HON MOONGO: I do not want to fight, but I would only like to appeal to the Government to reconsider the power given to the Municipalities, because they are now only going for development, they do not think of the poor people and the people are crying . Why do you have to exploit the poor communities?

Honourable Speaker, Honourable Members, the Minister must amend the law, that the Central Government has to take over whenever the communities are vacating. (Intervention)

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HON DEPUTY MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE: On a Point of Information. Honourable Member, I think we are all aware of the process of establishing a town. Those towns that have been there, but were not cleared, that is a process which has been led mostly by the residents there. Even those who were first of all declared as settlements and then they became villages and then towns, the residents themselves are the ones leading the process. The residents themselves are requesting that they want a settlement and they want their settlement to become a village. The process is led by the people themselves. Now it is a paradox for the Honourable Member to say the Government goes there and say they want to establish a town there. That is paradoxical and I think it is not really the truth of the matter that the Honourable Member is portraying to the House.

HON MOONGO: Thank you for your information. Colleagues, the Central Government must intervene whenever the communities are vacating because they are in control of the Budget, they have money and the newly established Municipality has no money to pay enough or to assist the poor communities. Therefore, let it be on the shoulders of the Central Government whenever people vacate. (Intervention)

HON DR AMWEELO: May I ask the Honourable Member a question? Comrade Speaker, the Honourable Member said when a new town is established it should be in a thick forest. Let us all agree on that. Let us say we have established a town near Omalaala and that town in a thick forest needs to be connected to infrastructure, like roads, electricity, water and all those infrastructures. If those infrastructures go through his place, do you think you are not going to go away to give a chance for infrastructure to go to the thick forest, to the people who are staying in a thick forest and you are not going away to give a chance so that those infrastructures, road, electricity and water to go to those people? How do you think if you do not want the people there in the place you are talking about, not given development or what about if you put it in a thick forest and you now want to connect with the infrastructures?

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HON MOONGO: I appeal to the Government to see to it that before people vacate, they have to de-bush the area and put some water there, because when you open a mahangu field you have to find water. You have to dig for your own water, you have to live from these waterholes and in the thick forest there is no water and you fail to bring water there.

Please, you are doing harm to the community with that approach.

Then on the last point, as you know, the communities are under the Traditional Authority and now you took away the community area which belonged to the Traditional Authority, you took the area and the Traditional Authority was not paid. Therefore, I appeal to the Government to pay for the Traditional Authority who lost the area and the people.

HON DR ANKAMA: Honourable Speaker, may I ask the Honourable Member a question? I will have to start with a statement Honourable Moongo knows very well that where Oshakati is right now there were villages. You know very well that when Oshakati came into being there were villages and you know the people who were there. It was Erundu, Oshipuku, Omatando. You know all those villages around there and mind you, I know you once had a house at Ogongo as a policeman and he claims to be a Headman. (Interjection)

HON MOONGO: A policeman? I never became a policeman.

HON DR ANKAMA: You came to be a Headman there. He was kicked out and he came to Ehenye, you wanted to be a Headman and they kicked you out and you found Omalaala, the people accommodated you there. Imagine, Oshipuku was once a village where Oshakati is right now, there were people. That was before Namibia got its Independence and you know very well that you were part and parcel of the DTA-Government in this country, Oshakati was in existence, people vacated, they were bulldozed in actual fact. I have experience, you know the people there.

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The thing is they were not even paid. I can give a lot of examples of names, you know them very well. The thing is, you are talking about Ehenye because you simply want to campaign and score some political points but you do not really care about the people. The question is, where have you heard of a ghost town being established somewhere in the forest, in the jungle where there are no people? Who is going to inhabit that town where there are no people? My question is, where have you heard about it where a town is established in the jungle, a town without people? Secondly, if you were on a Town Council anywhere, what would you do that is not being done at the moment?

HON MOONGO: Honourable Speaker, I do not want to go back in the history, that time I was a SWAPO member when I was staying in Ogongo. I was Headman there although the Kwambi people wanted Kwambi and not Ndonga people to take over there. (Intervention)

HON DR GEINGOB: You say when you were a member of SWAPO. I am told by the Secretary-General that you never resigned from SWAPO.

HON MOONGO: Just to correct the wrong information which was given, that time I was a SWAPO member in Ogongo, the Senior Headman made me a Headman in that area of Ogongo. The King's family of Ondonga used to pass me there and they felt threatened and then they said *no, this man must not be allowed to become a Headman here*. It is true there was discrimination from the Kwambi side and when I came to Oshakati, I became a Headman in Ehenye. There I controlled Ehenye for 10 years and they enjoyed my talents.

Allow me to congratulate the Ndonga Traditional Authority who allowed Moongo to come back to Ndonga because the people are mistreating him. Therefore I am thanking them because they called me to come back home. Then I became a Headman and they are enjoying my talents and you are all welcome to enjoy my talents.

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HON SPEAKER: You are all aware, Honourable Members, particularly those of you who got invitations, that the President will be expecting to have you seated before his arrival at a fundraising dinner in the name of my predecessor. If we can dispose of everything before you feel you should have time to honour the invitation extended to you. Honourable Katali.

HON DEPUTY MINISTER OF LANDS AND RESETTLEMENT: Thank you, Comrade Speaker. I would also like to add my voice to this Motion. It is a good Motion addressing important issues. Some of the speakers who spoke before me indicated the issue of development as well as poverty-reduction.

Development happens on the land and that is the same land where the people are residing and it is the people that need to get out of poverty.

Having said that, Comrade Speaker, Honourable Members, I decided not to take any side, whether to say the current practice is correct and should be continued as is, or to condemn it right away. Why? Because I want to address this Motion by posing questions and only if the questions are answered satisfactorily will we determine whether the practice is good as is or it needs improvement or it is not good, it must be condemned.

I think we are running two risks with the two sides. One risk is that if we are condemning this, we are running a risk that people will refuse to give way for development when they are asked, because they know there are those who are on their side. If we blindly support the practice, we are running the risk of our people being exploited in the sense that they will give away the plots that they have, but then the alternatives are maybe not comparable.

In the past it was very easy to establish a town or rather to say a person must move from one area to another, simply because there was plenty of land and the people were few, meaning that if you transfer from this mahangu field, you can get a comparable mahangu field elsewhere, which is not longer the case.

Comrade Speaker, Honourable Members, the way people are being asked to leave currently is through the Expropriation Ordinance of 1978, since we do not have an expropriation law as yet after Independence. There are two options that are given to the people that have to give way for development.

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One option is that they have to leave the whole mahangu field and get another one free of charge somewhere else, it does not matter where and then also to be supported with transport and probably de-bushing, as was indicated. We however have to take cognisance of the fact that there are not so many of these areas that the people can go to.

The second option is for a person to just relinquish the mahangu field and then the person will be allocated a plot there free of charge. The underlying question is this, if somebody opted for option B, that person used to live from the mahangu field but now the person does not have it, and that person will maybe be given money here and there, but that money may not be adequate. These are now the questions that I am posing.

However the development that is coming, is it development for the person who was found there or is it development for somebody else who is coming from elsewhere? If we can answer that question satisfactorily and then continue to elaborate how that person is actually benefiting...(Intervention)

HON TJIHUIKO: May I ask the Honourable Deputy Minister a question, please? Honourable Deputy Minister, being the Deputy Minister of Lands, I am aware of the fact that more than half of the two million Namibians are living in the North, which means that the land is becoming less and less in that area. You are talking about development and you are moving people from the land on which they are now. Where do you plan to take these people to? That is question one.

Question two: Honourable Deputy Minister, it is not a question of people refusing to move, do you not perhaps think it is a problem of going to the unknown, because there is no land in the area in which they are now? How do you plan to do that as the Ministry of Lands?

HON DEPUTY MINISTER OF LANDS AND RESETTLEMENT: Comrade Speaker, I like people who listen and then ask relevant questions to what is being said.

I did not talk about the Ministry removing people, I am addressing the question on the Table and you should just listen, Colleague. What I am saying is that the issue that I want to address here is this question: Who is benefiting from the

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development that is brought there? If it is really that the person who was found there or the people who were found there are the ones benefiting, then I think we have a case. But if not, then I think we need to ask some questions.

For the people to be moved, there is compensation. People are being compensated, but my question is...(Intervention)

HON MOONGO: On a Point of Information. I want to give information on that very point he is mentioning. If you vacate, who is going to benefit? It is the newcomers, the ones who have money to buy the same plot at N\$3,000 and then the poor person has to vacate and it is the municipality which is going to benefit and the incoming one is going to benefit and the poor person has to go and deforest again with a bent back.

HON DEPUTY MINISTER OF LANDS AND RESETTLEMENT: Comrade Speaker, compensation is being offered. The question that I would like to pose for us to look at this issue holistically, is the compensation really helping that person out, because we talked about poverty reduction. Is the person that is being compensated taken out of poverty or will the person go to another place still under poverty? My thinking is that if we are talking of development, then that person who is leaving the land must benefit and if we are talking of poverty reduction, I would like to expect that that person must have...(Intervention)

**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,
HOUSING AND RURAL DEVELOPMENT:** On a Point of Information, Comrade Speaker, because of disinformation is given, it does not auger very well to the community. The policy and the practice is that when somebody is approached to move, the first option is given to that particular person having that homestead and given an additional erven linked to that homestead, free for that person to acquire if he or she wishes to stay on and if not, compensation is linked when the person wants to move somewhere else and assistance is provided. It is not true that these people are not the ones who are considered when the areas are being created for development and these people are living in that particular area. I am just saying because I heard the Honourable Moongo saying a number of things that are not really true. I think he had better consult the Ministry.

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HON DEPUTY MINISTER OF LANDS AND RESETTLEMENT: Thank you, Honourable Minister. I think we have to remember that I said I am not taking any side. I am only posing questions and we ourselves need to answer those questions and if there are satisfactory answers, then it is fine.

However, on this one, Comrade Minister Pandeni, that is option B I mentioned earlier. You are given one plot and then an additional one, but the mahangu field is gone. If that person was living from that mahangu field, can the extra portion of land that the person has sustain that family for the rest of their lives? That is the question. Those are the questions I am raising for us to be aware of what is happening.

Comrade Nambinga mentioned the pain that some of the people had and I was looking at it and said, yes people have pain, but then what are the alternatives? We need to ease this pain with something and that something must be comparable or even better than where they lived. (Interjection). They feel the pain. In my opinion there is a need for the person to be moved and that person to benefit. There is a need for that person to benefit even more than what the person had. I feel that is the better alternative that we can offer for a person.

If we cannot answer these questions, then I think there is a need for us to improve. Development is needed, people need to be taken out of poverty, but we must then make sure that the person that we move is at the same time taken out of poverty.

Therefore, I propose that we need to pose these questions and weigh them against the practice right now and see whether these practices are comparable to satisfactorily answering these questions. Otherwise it does not make sense for a poor person to be moved and he is only getting N\$4,000 or N\$5,000 and that N\$5,000 is not enough for that person to de-bush or to be sustained for a longer period. (Intervention)

HON SPEAKER: I want to allow you to finish, but for reasons that I have announced, I want to ask the Prime Minister to adjourn the House to allow the persons who were invited to go ahead and await the President's arrival. You are

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only repeating yourself, I think you have made your basic point. Could you wrap up in two minutes?

HON DEPUTY MINISTER OF LANDS AND RESETTLEMENT: Comrade Speaker, I was just saying that for us to really holistically look at this issue, we need to look at what is being given, whether it is enough for that person to live either a normal life or something better.

With that, Comrade Speaker, maybe the others can remain and I rest my case. Thank you very much.

RT HON PRIME MINISTER: I move that we adjourn and return here tomorrow afternoon 14:30.

THE HOUSE ADJOURNED AT 17:43 UNTIL 2007.10.04 AT 14:30

**ASSEMBLY CHAMBER
04 OCTOBER 2007
WINDHOEK**

The Assembly met pursuant to the adjournment.

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

ANNOUNCEMENTS

HON SPEAKER: Honourable Members, I have two announcements. All Members are invited by the Women's Leadership Centre to the opening of Banner Exhibition of Photographs with the theme, "*Taking our Lives in our Own Hands – Our Right to Survive HIV and AIDS.*" This event will take place at the Franco Namibian Cultural Centre, Windhoek at 18:30 on Monday, 8 October 2007 until 18 October 2007. The exhibition will be opened by the Minister of Gender Equality and Child Welfare and *Charge d'Affairs* of the Embassy of Finland. The invitation will be handed over to individual Members.

The second and the last announcement: The resignation of Honourable Ben Amathila has resulted in a vacancy in the Committee on Privileges. In terms of Rule 38(5) and (6) of the Standing Rules and Orders, Honourable Hamutenya has been nominated by the SWAPO Party to serve on the Committee on Privileges. The Committee on Standing Rules and Orders and Internal Arrangements has endorsed this nomination. I now declare Honourable Hamutenya a duly appointed Member of the Committee on Privileges.

HON SPEAKER: Any Petitions? Any Reports of Standing or Select Committees? Honourable De Waal.

**TABLING: REPORT OF PUBLIC ACCOUNTS
COMMITTEE ON PERFORMANCE REPORT**

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**REPORTS AND PAPERS
HON DE WAAL**

HON DE WAAL: Honourable Speaker, I lay upon the Table for consideration and adoption by this august House on the 23rd of October 2007, the Report of the Public Accounts Committee on the Review of the Performance Audit Report on the Ministry of Environment and Tourism (Trophy Hunting). I so Move.

HON SPEAKER: Will the Honourable Member table the Report? Any further Reports of Standing or Select Committees? Honourable Geingob.

**TABLING: REPORT ON
EFTA TREATY**

HON DR GEINGOB: Comrade Speaker, it will be recalled that the Minister of Trade brought the EFTA states Treaty for ratification. This Report was referred to our Committee for scrutiny. I am now happy to report that the Committee invited the Ministry concerned and squeezed them on certain areas that we had doubts on and are satisfied that the Treaty is in order, Namibia is not going to lose out. Therefore, we urge this House to ratify the Treaty.

HON SPEAKER: Please table the Report. Other Reports and Papers? Any Notices of Questions? Any Notices of Motions? Minister of Finance.

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**NOTICE OF MOTIONS
HON KUUGONGELWA-AMADHILA**

NOTICE OF MOTIONS

HON MINISTER OF FINANCE: I give Notice that on Wednesday, the 10th of October, I shall Move that leave be given to introduce a Bill to provide for the establishment, administration and management of the Motor Vehicle Accident Fund as an administrative body to provide assistance and benefits to persons injured in motor vehicle accidents and to dependents of persons killed in such accidents; and to provide for incidental matters.

HON SPEAKER: Will the Honourable Minister table the Motion? Any further Notices of Motions? Any Ministerial Statements?

Today being Thursday, we shall now commence with Questions. Question 82 is one by Honourable Viljoen. Does the Honourable Member put the Question?

QUESTION 82:

HON MINISTER OF MINES AND ENERGY: Honourable Speaker, Honourable Members of the august House, allow me to thank you for the opportunity accorded to me to respond to the questions asked by Honourable Member Viljoen.

Before I answer I have to give comments to clear up the whole issue. Since the establishment of REDs they erected a building of N\$1,2 million in Henties Bay and appointed 6 new employees. Before the REDs started to trade, the Municipality of Henties Bay made use of the services of an electrical contractor who employed in excess of 10 persons to do all the electrical works on the electrical network of the Municipality.

Furthermore, the Municipality had its own staff doing meter readings and customer care services for the inhabitants of Henties Bay.

When Erongo RED started to trade in 2005, the contract with the electrical contractor ended. There were no premises to rent, lease or buy for a pay-point, workshop, garage and substation building on one property. Erongo RED needed

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to build a building from where they could perform their operations. That project cost them N\$1,039,000 including VAT and not N\$1,2 million as was stated by Honourable Viljoen.

The customers based in Henties Bay are the third biggest in Erongo Region and provision has to be made for proper staffing in the organisational structure.

Erongo RED only employs 6 people at Henties Bay, namely one electrician, one assistant electrician, two cashiers who share the work of cashier and customer care services, one meter reader and one general worker. The number of employees will have to be increased in proportion to the customer-base growth in order to ensure that the required standard of service is maintained.

Question 1: Why was it necessary to increase electricity tariffs at Henties Bay with 49% over the past two years while NamPower made a profit of N\$146 million?

The average tariff increase in Henties Bay over the previous 3 tariff adjustments were as follows:

1. 9% in July 2005;
2. 9% in July 2006;
3. 10% in July 2007.

Put together it is not 49, it will be 28%.

All tariff adjustments by Erongo RED, NamPower and all other suppliers of electricity have to be submitted to be approved by the Electricity Control Board.

Question 2: Consumers of electricity in Henties Bay making use of pre-paid cards pay more per unit than the consumers of the neighbouring Omdel Township. Is the Ministry aware of this practice and is it justified to make a difference between the inhabitants of the same town?

Two different pre-payment tariff structures have always been in use in Henties Bay even before Erongo RED started to operate. The Erongo RED took over all existing tariff structures and started to adapt them in order for these tariffs to be harmonised over a number of years towards one pre-payment tariff structure. At

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the same time, we must not forget to take into account the socio-economic needs of the poor. I thank you.

HON SPEAKER: Question 83 is by the same Honourable Member. Does Honourable Viljoen put the Question?

QUESTION 83:

**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,
HOUSING AND RURAL DEVELOPMENT:** Thank you very much, Honourable Speaker. I wish to respond to questions raised in this august House by the Honourable Viljoen, on matters concerning the approval of new regulations of the 1st of February 2005 as per the Local Authorities Act (Act 23 of 1992).

Before asking this question, Honourable Viljoen stated that the new regulations of the 1st February 2005 were never approved in accordance with the Local Authorities Act of 1992. He further stated that according to the Local Authorities Act, regulations on the Act should be approved by the Minister of Regional and Local Government, Housing and Rural Development. He noted that the regulations on the mentioned Act were completed on the 1st of February 2005, but were never approved by the Minister.

Despite this state of affairs (irregularity according to Honourable Viljoen, the housing allowance of the Town Councillor of Henties Bay and other officials was increased by 30% by themselves. In this regard, Honourable Viljoen asked if I could shed light on what he termed “*this dark picture*” and also indicate how the problem should be rectified.

The response from the Ministry is as follows:

Towards the beginning of 2004, the Ministry of Regional and Local Government, Housing and Rural Development embarked upon Local Authority reform process. The purpose of the reform process is to streamline the operations of Local Authorities and introduce some standard mechanisms through which Local Authorities, particularly Part II Municipalities, Towns and Village Councils, could introduce to their respective Local Authorities acceptable norms and standards on issues of good governance, transparency and accountability.

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HON PANDENI**

It is on this basis that the Ministry issued a circular addressed to all Local Authorities concerned with a view of introducing a standard business practice for Part II Municipalities, Henties Bay Municipality included.

After the issuance of the circular, the Henties Bay Municipality passed a resolution (Resolution 035/27/04/2005) and impressed upon the Ministry to approve the new conditions of service of its employees in accordance with Section 18 of the Local Authorities Act (Act 23 of 1992), which empowers Local Authorities to review and determine conditions of service of their employees from time to time subject to approval from the Ministry. The said resolution has been approved by the Ministry and now awaits to be gazetted before it is forwarded to the Henties Bay Municipality.

In terms of the new conditions of service of the Henties Bay Municipality, the Chief Executive Officer qualifies to receive a housing allowance equal to 30% of the basic salary, while other staff members receive a housing allowance equal to 15% of the basic salary. The rationale behind this is that the Chief Executive Officer is on a five-year contract while other staff members are employed on a permanent basis.

Furthermore, I wish to state that in terms of the Local Authorities Act and in accordance with the approved conditions of service for the Henties Bay Municipality, Councillors are not allowed to receive any housing allowance from the Council and I am reliably informed that no Councillor has received a housing allowance from the Henties Bay Municipality. Unless otherwise proved by the Honourable Viljoen, I remain convinced that such position remains as far as the Ministry is concerned.

I hope this answer satisfies the Honourable Viljoen. I thank you.

HON SPEAKER: Question 84 is by the same Honourable Member. Does Honourable Viljoen put the Question?

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QUESTION 84:

**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,
HOUSING AND RURAL DEVELOPMENT:** Thank you very much, Comrade Speaker.

Before I respond to Honourable Viljoen on Question 84, I only wish to state that the answers that will follow have been made difficult by the fact that the Honourable Member has not really been specific, but general, and if you ask general questions, possibly the answers will also be along general lines. Had he been specific, we could really have made reference to a particular case.

Having said that, I wish to once again seize this opportunity to respond to questions raised by Honourable Jurie Viljoen on matters concerning the administration of the Build-Together Programme at Henties Bay Municipality in the Erongo Region.

In his question Honourable Viljoen charged that the name list of people who qualified for the Build-Together Programme loans at Henties Bay was approved by the Ministry and was later altered by the Local Authority of that town to add the names of the mentioned officials. In the light of these allegations, Honourable Viljoen asked whether this is not fraud that should be reported to the Anti-Corruption Commission.

Honourable Speaker, Honourable Members, I think there is a misunderstanding in this case because I do not know the three names of the Local Authority officials that Honourable Viljoen is referring to. Like I said, if you are general, you will possibly be answered in general. Therefore, I would like to ask the Honourable Viljoen to be more specific and inform the august House who are the three Local Authority officials and their loan amounts, so that we go directly to those people instead of asking them to provide answers to general questions.

These two facts are crucial as they will enable me to respond factually to the allegations made by Honourable Viljoen. Moreover, if Honourable Viljoen is serious about fighting corruption, I do not see why he is buying time and not reporting these findings to the Anti-Corruption Commission if he is really convinced that his findings are correct and to the best of his ability.

In his second question Honourable Viljoen charged that the Town Councillor and

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the Treasurer are the only two people who sign cheques, approve the mentioned loans and make the money available, knowing that it is a fraudulent transaction. He, therefore, asks whether the issue should not be reported to the Anti-Corruption Commission.

Our response to this question is that our Ministry does not condone corruption. Where there are suspected cases of corruption and malpractices, particularly at our sub-national Government, the Ministry always sends an investigation team to establish the facts on the ground and, where necessary, appropriate actions are taken against the culprits. However in the specific issue it is not really clear who is the Town Councillor that the Honourable Viljoen is referring to. We have so many Town Councillors there and we are looking for specific information.

I would also like to bring to the attention of the Honourable Viljoen that in terms of the Local Authorities Act (Act No 23 of 1992), Councillors are not enacted into the day-to-day administration of the Municipality. In the case of Henties Bay, four officials do have signatory powers to cheques, being the Chief Executive Officer, one official from the Department of Corporate Services and two officials from the Department of Finance.

Prior to any engagement of any funds of the decentralised Build-Together Programme to beneficiaries, the opinion or recommendation of the Ministry has to be obtained, making it highly unlikely for the Henties Bay Municipality to issue cheques that are not meant for the recommended beneficiaries, because we have a booklet that is setting the guidelines to be followed in order for the beneficiaries to benefit from the programme.

In other words, there are procedures and control mechanisms in place to administer the Build-Together Programme. I should also add that there are instances where beneficiaries in the programme cancel their applications and their names have to be replaced by others to be beneficiaries on the waiting list to ensure continuity of the programme.

Therefore, unless Honourable Viljoen could prove to this august House, the Ministry remains convinced that Henties Bay Municipality is administering the Build-Together Programme in accordance with the Rules and Procedures contained in the policy document of the programme and the policy document is available if Honourable Viljoen would like to acquaint himself.

In his third question Honourable Viljoen wanted to know if I could indicate what amount of the loans for every official was and how much has already been paid back. One of the officials has already left the service of the Local Authority and if the other two are not re-elected for another term, how will the Local Authority recover the outstanding amount?

I think there is a confusion here, as I mentioned at the beginning. I do not know whether Honourable Viljoen wishes to refer to Councillors as officials or employees of the Council. The question needs to be redrafted to shed some more light and information to enable us to respond to your questions and so that we are able to send people to investigate. We cannot send people just to cross-question every Councillor and every official, we need to be very specific.

In his third question Honourable Viljoen asked whether I am aware of the fact that the Town Councillor in question bought five low-cost erven, that is erf numbers 537, 539, 540, 541 and 542 which were meant for the applicants of the Build-Together Programme. Is this not a case for the Anti-Corruption Commission, the Honourable Member wants to know.

The Ministry of Regional and Local Government, Housing and Rural Development is not aware of any Town Councillor who bought the five low-cost erven in question. What we are aware though, is that the Chief Executive Officer has purchased five erven which were approved by the Henties Bay Municipality in accordance with the laid-down Rules and Procedures.

Furthermore, the Ministry is informed that all erven in Henties Bay, including Omdel, the previous disadvantaged area, are available for any potential purchaser. In other words, there is no specific area designated for the Build-Together Programme only. To say that low-cost erven are meant for the Build-Together Programme only is totally wrong, as the Programme can only accommodate a certain number of beneficiaries.

In addition, there are various other initiatives and individuals who are in need of erven to use for other developmental purposes. Erven in the low-cost areas are no longer disposed of at subsidised prices but against development cost, which cost has been determined at N\$13,97 per square metre by the engineering consultants. Irrespective of the client, the erven are sold at such price, even to the Build-Together beneficiaries.

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However, if Honourable Viljoen has some knowledge about the issue that the Ministry is not aware of, then I really wish to extend a special invitation to him to consult with the Ministry and share his information with us to enable the Ministry to institute an investigation to establish the facts on the ground and we will be happy to investigate, based on the information received.

In his fifth and last question Honourable Viljoen asked, how does the Ministry envisage to deal with the abovementioned fraudulent transactions? I think I have already responded to this question earlier on. I hope the responses will suffice. Thank you.

HON SPEAKER: Question 85 is by the same Honourable Member to the same Minister.

QUESTION 85:

**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,
HOUSING AND RURAL DEVELOPMENT:** Comrade Speaker, Honourable Members, I wish once again to seize this opportunity to respond to questions raised by Honourable Viljoen.

There are countless newspaper articles and reports concerning Henties Bay Municipality, some of which the Minister may not have read or aware of. The questions that the Honourable Member is asking is just making a general reference to newspaper reports on the behaviour and functioning of some officials – again being general.

I believe that the newspapers are making reference to specific people and I would request the Honourable Member to be specific in his questions, so that we are not hunting around or guessing about answers. This is necessary because at this stage the Ministry cannot just answer questions generally, you could see that some of the questions that we answered generally did not really address the issues that you raised, because they have not been specific. I would like to ask the Honourable Member to really be specific, so that we address that issue only and not try to go around the point. I would like to appeal to him to be specific on this aspect. Otherwise, I do not find general answers very helpful. If you however find

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them helpful, we will give you general answers. I just thought you would be specific so that we could give you particular answers to those particular cases that you are referring to. Thank you very much.

HON VILJOEN: I thank the Honourable Minister. I was not specific because it is forbidden to mention the names of people here where they cannot defend themselves.

HON SPEAKER: I am sure it will be of assistance to the Minister if the Honourable Member could pay a friendly visit to the Minister and have a cup of tea or coffee. I however also want to make the point that there is nothing wrong for any given Honourable Member to put questions. It is the number that is a particular problem, each one of them really deals with the matter of substance. However if they are of general nature, I think we will save time and have a much more orderly exchange. If they are general, they are general. They should be rephrased in such a way that the Minister could have replied at one go, rather than to call him now and again. That is friendly advice.

Question 86 is by the same Honourable Member to the same Minister. Does the Honourable Member put the question?

QUESTION 86:

**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,
HOUSING AND RURAL DEVELOPMENT:** Thank you very much, Comrade Speaker, Honourable Members.

I wish to, once again, seize the opportunity to respond to questions raised by Honourable Viljoen. Before the Honourable Viljoen asked the question he made a statement in this regard, stating that there is a general perception amongst the people in the various Regions that they voted for a Regional Councillor who they never see and who does nothing for the specific community. Due to the fact that

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these officials are not functioning at all to give attention to the needs of the community, they are not satisfied with the Government-at-large.

In light of the above statement, Honourable Viljoen in his first question asked whether I am aware of this situation. The response of the Ministry is as follows:

The responsibility to elect Regional Councillors lies with individual communities who elect the Regional Councillors during Regional and Local Authorities elections in accordance with the Constitution and in terms of the Regional Councils Act and Local Authorities Act of 1992.

These Acts were passed by this august House to give effect to Article 56 of the Namibian Constitution which gave rise to the policy of decentralisation as a way of bringing Government closer to the people and give the Namibian citizens the right to govern their own affairs in the most effective and sustainable way.

Furthermore, under the decentralisation policy, local communities are empowered in terms of the Regional Councils and Local Authorities Acts to hold their elected representatives accountable and be more responsive with their needs. In this regard, it is the Ministry's expectation that all elected Regional and Local Authority councillors serve their communities in the manner befitting their status. Therefore, if there is a Councillor who does not perform as expected of him or her, then it is up to that particular community to raise that issue with the Political Party that fielded that particular candidate during Regional Council or Local Authority elections or just to make sure that at the next election they elect the councillor of their choice. Election is about choices.

In his second and last question Honourable Viljoen wanted to know whether there are necessary instruments in place to monitor the effective functioning of these officials.

I assume Honourable Viljoen is again referring to elected office bearers and not permanent officials that are employed to run the affairs of Regional Councils or Local Authorities on a day-to-day basis.

Be that as it may, I wish to state that towards the beginning of 2005, after the swearing-in of both Regional and Local Authority Councillors, the Ministry of Regional and Local Government, Housing and Rural Development embarked

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upon a nationwide induction workshop with a view to induct them on issues of good governance and accountability and the type of functions that they are expected to perform in their areas of jurisdiction.

These workshops were organised as part of the ongoing efforts by the Ministry to build capacity and necessary knowledge and skills, information and sensitivity to deal effectively with a number of developmental issues affecting the delivery of quality services to our communities. Through the improved skills, our Councillors are enabled to develop self-esteem and carry out their responsibilities efficiently, effectively and in the end improve the living standards of our people.

It is a well-known fact that capacity building is a powerful tool that can work against the negative effects of underdevelopment and poverty.

Where there are skills, expertise and technical know-how, there is development, even progress and prosperity, which ultimately result in the alleviation of poverty and underdevelopment. That is why the Ministry regards capacity-building programmes as means to confront poverty and achieve regional development for the benefit of all Namibians.

Comrade Speaker, Honourable Members, I thank you and I hope the Honourable Member is satisfied with the answers.

HON SPEAKER: Question 88 is by Honourable Venaani. Does the Honourable Member put the Question?

QUESTION 88:

HON MINISTER OF AGRICULTURE, WATER AND FORESTRY:
Honourable Venaani wants to know how many boreholes are going to be drilled in Kunene, Omusati and Erongo Regions.

Honourable Venaani, it is very difficult to be precise on how many boreholes will be drilled in each Region, because sometimes there is a need to drill boreholes where there is grass and sometimes there is a need to drill boreholes where there

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is no grass, but there are people that need it. That is really the situation in Kunene, Omusati and Erongo.

What the Minister of Agriculture, Water and Forestry has been able to do so far and will continue to do, is just to respond to the need that is there, because as you know, people are taking their animals where there is grass for grazing. There are instances where animals were taken to a particular place where there was grazing possibilities, but as soon as you complete the borehole, more animals came to the area and soon people had to move on again. It is really very difficult. I know up to six boreholes have been drilled in Omusati and more than that have been cleaned. The same in Kunene and the very same also in Erongo Region. I must however also say that these are not the only reasons, in practically all the other Regions we have the same situation.

However we will continue to do so as long as there are funds available. The funds available of more than N\$100 million are not specifically earmarked for the drought, there are many other contingencies as well, but certainly issues of drought in this specific case are attracting more attention because it involves human beings and animals.

The second question was on the possibility of giving fodder and I am afraid I have to give you the same answer that I gave in this Honourable House some time back, that right now it is practically impossible to think of embarking on buying fodder for the animals. We do not have fodder in the country, we have to import it and it is very expensive and we have to transport it to practically all parts of the country. That is the problem that we have. Therefore, the decision is to concentrate on human beings so that we will not have a situation where human beings perish. As for now the advice is that farmers should reduce their animals as a farming control measure so that the few animals that are left will survive.

About when this assistance will commence, it has actually commenced already. The practice will always be that where there are people in need, they have to report to their constituency councillors and thereafter the Regional Government will be informed and a request is made to the Emergency Unit in the Office of the Prime Minister. Assistance has already been given and I can mention, for example, the plight of the people in Kunene referred to as *Ovatua*. Some assistance has been given and we got information that there are others who are equally in need. This was also shown in "*Open File*" just this week, and I understand preparations are being made to go and help those people. However

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HON TSHEEHAMA**

there is a need to persuade them to at least come to the area which is slightly accessible when food is transported to them.

There is no particular Region where attention is being paid, it is being paid to the whole country where there are needs.

I can also mention that this is not entirely new work being started, in some Regions feeding has been going on throughout the year and that will continue. The new people who are listed must then be added to what is already there. You cannot put a cap and say we have only so many people who must receive food, the figure will increase as we go along. I only want to emphasise that as soon as there are people in need, inform the authorities so that we do not have people dying of hunger. As soon as it is known assistance can be provided.

The last question is, in which area are these people and when can it start? It can start anytime. There has been an ongoing food distribution, but new numbers of people are being added every day and as soon as the Authorities in place get the number of people and the place where they are, assistance must be given. At least the idea of Government right now is to do everything to prevent people from perishing. Thank you.

HOUSE ADJOURNS AT 14:40

HOUSE RESUMES AT 16:10 PURSUANT TO ADJOURNMENT

HON SPEAKER: Question 94 is one by Honourable Schimming-Chase. Does the Honourable Member put the Question?

QUESTION 94:

HON MINISTER OF SAFETY AND SECURITY: Honourable Speaker, I would have done justice in answering all the questions posed by Honourable Schimming-Chase had the Honourable Member given specific cases of reference.

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The questions of the Honourable Member are of general nature. If the Honourable Member wants me to really do justice in the future, let the questions be clear and specific to help me not to do guess work.

However, Honourable Members, I would like to answer the questions as follows:

Question 1: Driving while under the influence of intoxicating liquor or a drug having a narcotic effect or with an excessive amount of alcohol in the blood exceeding 0.079 grams per one hundred millilitres or breath exceeding 0.37 milligrams per one thousand millilitres is an offence and a person who contravenes or fails to comply with any provision of this Act or with any direction, condition, demand, determination, requirement or request given or made there under, shall be guilty of an offence.

Any person convicted of an offence by virtue of the provisions of Section 82 shall be liable to a fine not exceeding N\$20,000 or to imprisonment for a period not exceeding 5 years or both.

In such prosecution the State must prove that the person was driving under the influence of liquor or was driving with an excessive concentration of alcohol in the blood or breath. Therefore, the law makes provision that either a specimen of breath or blood be taken from the person concerned. Evidential breath testers are sophisticated equipment that has to comply with strict requirements as prescribed by law and, therefore, a provision was made that in the absence of such equipment, a specimen of blood be taken. Any person charged in this regard has to be subjected to either a breath or blood test and if such a person refuses or fails to undergo such test without any reasonable excuse for health reasons, such person shall be guilty of an offence.

Question 2: The law is enforced in the same way countrywide. However, the concentration of alcohol in any breath specimen can only be ascertained by means of a type of device which is approved by the Minister of Works, Transport and Communication and complies with prescribed specifications. Such equipment are not available countrywide; however in the absence of such equipment, a specimen of blood is to be taken as prescribed by the law.

Question 3: Of course, I say I am guessing. If you read that question and you do not know under which type of influence that person was, but to my understanding

it should be under the influence of alcohol or substance, but there are so many influences under which a person can react.

My office is not actually aware of any concern in this regard, but I would like to state that any person charged for driving under the influence of liquor or driving with an excessive concentration of alcohol in the blood can submit a bail application to either the police or the court at first appearance in court. Such accused also has the right to submit his or her application after the first appearance in court and such application will be dealt with by the court.

A police officer above the rank of a non-commissioned officer has the discretion to release an accused on bail. It cannot be demanded as a right. The police may only consider awarding bail where the accused is arrested for a relatively minor offence. On the other hand, the police officer has no right to keep a person in custody only to punish him or her, especially where the accused has a fixed address and insufficient reason to escape. Therefore, bail is not refused without good reason.

Moreover, a person driving under the influence of liquor or driving with an excessive concentration of alcohol in the blood cannot be released due to his or her condition until such time that she or he is sober.

Question 4: As stated under Question 3, a police officer above the rank of a non-commissioned officer has the discretion to release an accused on bail for a relatively minor offence. It cannot be demanded as a right by an accused person and bail should not be refused without good reason. It is also worth mentioning that a police officer has the discretion to release an accused on a warning *in lieu* of bail for less serious cases where there is no danger that the accused will flee or defeat the course of justice. Therefore, this release procedure is an alternative to bail, but it should be emphasised that it is only applicable in cases of minor offences.

Question 5: The provision of bail and the release of an accused on warning *in lieu* of bail, as defined under the Criminal Procedure Act 1977 (Act No 51 of 1977) is part of the training syllabus for all police officers, criminal investigation training programmes and regular inspections to ensure that the rights of individuals are in actual fact protected.

Question 6: Persons charged with culpable homicide are only detained and

charged immediately if there are other elements of crime involved, such as reckless and/or negligent driving, driving under the influence of alcohol, driving without a valid driving licence or fleeing the scene of the accident, etcetera.

Honourable Members, I would like to make it categorically clear that my office is not aware of this concern thus far. Therefore, I request the Honourable Member to provide more information to the police in this regard, as the police cannot fight against crime alone without partnership with the members of the public. Hence, your immediate assistance will be highly appreciated by my Ministry to ensure that all the perpetrators of crime are brought to book without any delay.

In a nutshell, a police officer may arrest any person without a warrant of arrest whom she or he reasonably suspects of having committed an offence referred to in Schedule 1 offences. Culpable homicide is defined as a Schedule 1 offence and, therefore, the police have the discretion to arrest and detain a person depending on a reasonable suspicion. When the required evidence is available, the person is charged immediately, but detention is not always required. In other cases the police conduct an investigation first and upon the outcome the person is charged or released within forty-eight hours and detention is not always required.

Question 7: Culpable homicide and the investigation of such cases are part of the training syllabus for all police officers and criminal investigation training programmes, as mentioned earlier in answer to Question 5, to ensure that all Namibians are equal before the law.

Honourable Speaker, Honourable Members, I hope that the Honourable Member is satisfied with the answers that I have given based on the guesswork. Thank you.

HON SCHIMMING-CHASE: Honourable Speaker, I am well advised by the Minister that my questions are not clear. I would, therefore, appeal that the Table finds common ground between that side and this side on how clear questions should be in order for them to be clear.

I would also like to thank the Minister for the lecture on the law about the abuse of alcohol, the technicalities of breathalysers as well as bail applications. I do not see any reference in my questions to those issues, but I shall definitely come to

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the Minister with specific examples of what I am talking about and what Namibia knows about. I thank you.

HON SPEAKER: I thank the Honourable Member. Just a general reminder to the Honourable Members, the general Rule applicable in this case is found in Rule 108(g) of our Rules and Orders which says: “*A Member may not refer to the names of persons or any statements of fact unless they be necessary to render the question intelligible and can be authenticated.*” Within this framework the Honourable Members should make the proper judgment.

Question 97 is by Honourable Kaura. Does the Honourable Member put the Question?

QUESTION 97:

HON MINISTER OF FINANCE: Honourable Speaker, Honourable Members, Honourable Kaura wanted to know when the old-age grants would be increased to N\$500 per month.

The difficulty of being a Minister of Finance is that the Nation’s eyes are on you to provide resources to meet the Nation’s needs. In a country like ours where significant deficits exist in almost every aspect of development and almost everything is therefore a priority, the distribution of public resources, which are very meagre, is a real challenge. This is because with the multiplicity of priorities it becomes difficult to agree on how these meagre resources should be shared amongst these competing priorities. This, of course, means that even the most pressing of priorities will not receive the full resources allocation required to fully address them, as resource shortage dictates otherwise.

This leaves Government vulnerable to the accusations that it is not serious with addressing the Nation’s priorities. This is, however, far from the truth. Government remains ever committed to not only address but to resolve our country’s development needs, of course not alone, but in partnership with all

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development stakeholders in Namibia. This is a commitment that is embodied in our Vision 2030 and our National Development Plan. It is out of this commitment that Namibia, in spite of the resources constraints, maintains social safety nets for our population's most vulnerable groups who are the old, the disabled, the orphans and vulnerable children.

The old-age grants, which is the subject of the Honourable Member's question, is not only addressed in terms of ensuring that it enables the recipients to afford more, but probably more important, it also needs to be fully accessible to all the target beneficiaries. The roll-out of the social grants to the majority who in the past did not have access to them has translated into significant costs which have raised significantly the share of old-age grants in the Budget and the economy in general. This makes further adjustments very challenging, especially given the pressures on the Budget created by high unemployment and HIV/AIDS, which require increased Budget allocation to the economic sectors and the health and education sectors in order to promote economic growth and create job opportunities as well as to cater for the increasing number of orphans as a result of AIDS-related deaths.

Coming to the question of an increase in old-age grants, the Honourable Member is aware that the State only makes expenditure commitments in the Budget and that is a constitutional requirement. This is because such commitments must be matched with resources to fund them. The Honourable Member is also aware that the Government has consistently made adjustments to the old-age grants over the years, commensurate with the adjustments in the State's own income. This commitment remains unwavering, but will be realised within the context of our economy's ability to carry the associated costs.

I will, therefore, not be in a position to promise Honourable Kaura that *the State will increase the old-age grants to N\$500 tomorrow*. However, I can confidently say on behalf of our Government to our senior citizens that *your Government continues to see old-age grants as an important priority and due attention will continue to be paid by Government to it, to ensure that you are assisted to live a dignified life*.

Of course, Government will be better able to improve these grants if they are targeted to only the most needy – and this is most important. I see no reason why, for example, someone who receives a handsome amount in private pension

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or a wealthy businessperson, for that matter, should receive this State pension, or a retired politician for that matter. You and I should not have to collect this N\$370.

I must also emphasise that the Namibian society should do more to support our vulnerable members. It is saddening to see how family members sometimes abandon their elderly, even where they have the means to support them. They take a Mercedes Benz to go and drop their grandmothers at the old-age homes and they disappear for the next 2 years and the next time they appear, they are complaining on the Talk Show that Government should increase the N\$370 to N\$500 and they expect Government to shoulder this responsibility to care for the elderly alone.

Finally, it is important that the various Government programmes are seen together and not in isolation. The roll-out of the grants to all qualifying vulnerable children, for example, would mean that the elderly would not have to direct a portion of their small grants to care for orphaned grandchildren, so they can dedicate all of it towards meeting their own needs.

Similarly, a low unemployment situation in the country would mean that children would not be dumped with their grandparents without support by their parents who have gone in search of employment to other parts of the country and parents can make financial provision for their children in case of their death, so that the State will not be left to carry the responsibility of caring for the orphans. That is why economic growth is central to the resolution of all our development problems and why it should remain prominent on our priority list for development. To do otherwise is to be superficial in dealing with development, with the result that the cost of development will become unsustainable for the economy and may eventually start to retard further development when the economy starts to fail to cope with the cost thereof.

I just want to appeal that yes, we all have hearts and we care, but we have to continue to use a greater portion of the thinking rather than the feeling part, so that we can properly balance and make sure that in the end we grow the cake, so that everybody can get a bigger portion. Thank you.

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HON HAINGURA**

HON DE WAAL: Honourable Minister, I understand what you are telling us, but the problem is that the Minister on that side told us that the electricity was increased by 28 percent over three years and it is not only electricity, it is also water and also a series of other things, but how does the Government balance the two?

If your argument today is the policy of the Government, then surely that Minister cannot increase electricity by 28%. How does it make sense?

HON MINISTER OF FINANCE: The Honourable Minister would recall that I have also indicated that the Government has in place a policy to periodically adjust these grants. We are not saying that they should just remain there because we cannot afford to adjust them. Yes, we cannot afford, but we always do try, but we always do that within a proper context. That is what I am saying. I cannot come here today and say we are increasing by N\$500 or we are increasing by N\$300, no we have to look at how the economy has fared, we have to look at the priorities that are put on the Table for funding for that year and then we have to try and distribute to all these priorities so that we are comprehensive and we are not ad hoc in our approach. That is what we are saying and we will continue to do that and we will do that in a way that we would ensure that the economy can afford it, not out of pressure from Honourable Kaura's threat to go and mobilise the old people to come to Parliament and demonstrate for an increase. Thank you.

HON SPEAKER: I thank the Honourable Minister. Question 98 is one by Honourable Mbai. Does the Honourable Member put the Question?

QUESTION 98:

HON DEPUTY MINISTER OF HEALTH AND SOCIAL SERVICES: I rise to respond to the question of Honourable Mbai and I wish to thank Honourable Mbai for interest in the health sector.

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HON HAINGURA**

Question 1 was on the issue of upgrading Bethanie Health Centre. There is a procedure to follow or a standard to upgrade a health facility. It is only when those procedure requirements are met that one can upgrade. As for now, Bethanie Health Centre will remain as it is and refer the major cases to Keetmanshoop Hospital. One needs resources to upgrade a health facility, such as new equipment, personnel, etcetera. However, looking at the financial constraints we have, it will be considered in the future and not now.

Question 2: Comrade Speaker, the health situation at Aussenkehr settlement is pathetic. The Ministry is extremely disturbed by the lack of potable water and sanitation in the settlement. The population is growing at an alarming rate, hence the necessity for a permanent health facility. However, I wish to draw the attention of the Honourable Member that this settlement is situated on private land. Thus, it is difficult for the Ministry of Health and Social Services to put up permanent facilities. It is the responsibility of the Aussenkehr Grapes group of companies to provide basic sanitary facilities and potable water to their workers.

We are informed that there are ongoing discussions between the Regional Council and the management of the Aussenkehr Grapes group of companies to proclaim and declare Aussenkehr a town. Once that declaration is made, the Ministry will proceed with the preparation to realise a permanent health facility.

In the meantime, the Ministry of Health and Social Services is providing outreach services to the community twice a week until such time that the clinic is established.

Coming to Question 3 on the issue of cleaning services in Otjiwarongo Hospital, the cleaning services in the Ministry of Health and Social Services is a shared responsibility among many stakeholders. The staff establishment has provided for positions of cleaners on each level of individual institutions. For example, Otjiwarongo has twelve positions of cleaners and three positions of institutional workers.

Some of the problems that have been identified are that when the cleaners are on sick leave or that there are no vacancies for labourers and institutional workers to clean the environment. The Honourable Member wants to know what will be put in place to normalise the situation. Listen carefully, Honourable Member. We have put into place long-term and short-term strategies. The short-term strategy: As you know that we have a component of community involvement in health care

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management. That is why we are approaching local private companies who are willing to assist under their social responsibility programmes with the cleaning of the hospital and clinic yards.

Where there is a need for the creation or abolishment of posts of labourers, institutional workers and cleaners, the Human Resource Management Division will speed up the amendment on the staff establishments of any particular directorate to create or to abolish the said posts with the purpose to improve or aid the Ministry of Health and Social Services' cleanliness status. The Ministry is also in the process of looking at giving incentives to encourage its workforce to perform better.

When it comes to the long-term strategies, we consider offering financial rewards to cleaners, labourers and institutional workers who work hard or work at unpopular places, for example outside the premises, as a way of motivating them. Other merit awards may also be considered, such as certificates or trophies. That is what we have to ensure that our workers are motivated and work very hard.

Question 4 concerning security, the answer is as follows: Security guards staged consistent stay-away from work to the point of completely staying away at some health facilities due to non-payment of wages by their employer, the contracted security company. The situation between the security guards and their employer deteriorated to the level of total lack of trust, to a point whereby guards demanded payment of wages before they could perform their services.

The contract between the Ministry and the contractor did not allow the Ministry to interfere in the internal affairs of the private contractor. The security guards, I am informed, were advised to approach their unions and/or Labour Court on the issue of non-payment of wages.

The Ministry has approached the Tender Board for the termination of the said contractor's contract, as the reports of continuous stay-away of security guards amounted to poor performance by the security company.

The Tender Board cited some technical errors where clarity was sought.

By the time clarity was given to the Tender Board, the security contract had expired. My Ministry decided as a matter of urgency to appoint two new additional contractors to render security services in the identified trouble areas in

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Karas Region, one for Karasburg district and another for Lüderitz district. Last week we were in Lüderitz and we found that the security guards are already there and they are doing a good job according to the management of the hospital.

The last question refers to the status of vehicles in the Karas Region. According to our records the fleet for Karas Region stands at 26 vehicles, inclusive of 6 ambulances. 17 of the 26 vehicles are in good running condition, of which three of the 6 ambulances are in good running condition.

At Keetmanshoop Hospital there are two vehicles of which one is an ambulance. However, the allocation to health institutions in each respective Region lies with the Regional Health Directorate concerned.

The current replacement plan we have in the Ministry is that 86% of the 1,172 vehicles of the Ministry need to be replaced. This requires a substantial amount of money. I am however happy to announce that this Financial Year we got N\$17 million to buy vehicles, including ambulances. The procurement procedures, however, need to be followed to obtain Tender Board approval and putting into consideration the late approval of the Budget. Tenders have already been obtained and orders have been placed with the successful supplier. However, the conversion into ambulances still needs to be done.

The Honourable Member wanted to know what the policy and procedures are when it comes to the allocation of vehicles, including ambulances. They are as follows:

The Directorate Finance and Logistics requests all Regions to submit their vehicle needs annually. However, the Budget allocated to each Region dictates the number of vehicles to be purchased in a particular year. I was informed that Karas Region will receive two ambulances.

I thank you.

HON MBAI: I thank the Deputy Minister for the answers. I believe the Standing Committee on Human Resources is currently engaged in extensive negotiations with the Otjozondjupa and Karas Regions and I believe a detailed Report will also come to Parliament. Then we will go into detail and discuss the shortcomings and stumbling blocks that may still exist. Anyway, thank you for the answers.

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**RESPONSE-QUESTION-HON SCHIMMING-CHASE
HON !NARUSEB**

HON SPEAKER: Question 105 is by Honourable Schimming-Chase.

QUESTION 105:

HON MINISTER OF LABOUR AND SOCIAL WELFARE: Comrade Speaker, Sir, I am delighted to respond to questions asked by Honourable Nora Schimming-Chase on affirmative action implementation and enforcement of the provisions of the affirmative action law.

Honourable Speaker, I am informed, as a matter of fact, that there are some challenges as the Employment Equity Commission tries to ensure that relevant employers comply with the provisions of the Affirmative Action Act (Act 29 of 1998). I believe that no one expected the implementation of the affirmative action programme to take place without challenges. Affirmative action by its very definition requires preferential treatment to be given to persons in designated groups. Not everybody would necessarily embrace a law which they might view as threatening their entrenched employment privileges. Nobody expected the implementation of affirmative action to be smooth and challenge-free. Naturally, there would be some resistance mainly from those who are not beneficiaries of the affirmative action programme. Having said that, Honourable Speaker, Honourable Members, the question now is: What is being done to ensure that the provisions of the affirmative action law are adhered to? This in essence, I believe, is the question by Honourable Schimming-Chase.

The Affirmative Action Act, 29 of 1998, has sufficient enforcement Clauses to ensure that those relevant employers who fail to comply with its provisions are dealt with in terms of the laws of the Land of the Brave.

The Employment Equity Commission has registered a number of cases of non-compliance since the year 2001. Regrettably, it was only in April this year, 2007, that the first ever affirmative action cases were heard in our courts of law. The wheels of justice have been turning painfully slow, so much so that an impression was created that the affirmative action law could be violated with total impunity. The swift and effective enforcement of the affirmative action law has, in actual fact, proven to be a real challenge.

The Employment Equity Commission would prepare charges against defaulting

relevant employers as soon as a case of non-compliance has been registered. However, the wheels of bureaucracy turn too slowly, thereby rendering the enforcement of the affirmative action law sometime ineffective.

Without pointing fingers at my Colleague, the police take very long to complete the investigation of affirmative action cases. The Office of the Prosecutor-General would also take time to decide as to whether respective relevant employers would be prosecuted or not.

The Employment Equity Commission discussed this important matter with both the Prosecutor-General and the Inspector-General of the Namibian Police in order to find a solution to the problem of delay in processing affirmative action cases. I am pleased to inform the Honourable Members that both the Prosecutor General and the Inspector General of the Namibian Police undertook to ensure that the dockets are processed by their respective offices speedily. This, Honourable Speaker, Honourable Members, is a very important development. Law enforcement agencies must work together and have to coordinate their activities to ensure that those who violate the law are dealt with without delay.

According to the affirmative action law, every relevant employer is required to submit an affirmative action report annually. The report includes a three-year affirmative action plan which must specify the affirmative action measures to be instituted in order to:

- Eliminate employment barriers against persons in designated groups;
- Make available positions of employment to such persons, provided that it is reasonably possible and to ensure that such persons are equitably represented in the various positions of employment;
- Setting out affirmative action objectives which he or she expects to achieve, by setting out where appropriate, numerical goals for increasing the representation of persons in designated groups.

It is clear from the above that the affirmative action law has sufficient measures in place to guide relevant employers to redress conditions of disadvantage being suffered by the previously racially disadvantaged and to eliminate employment barriers against persons in designated groups. However, the challenge is the enforcement of the provisions of the law, which I have already alluded to.

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**RESPONSE-QUESTION-HON SCHIMMING-CHASE
HON !NARUSEB**

The Employment Equity Commission reviews the affirmative action reports submitted by relevant employers to assess the progress made or lack of it, and where appropriate, to take remedial measures. In conformity to the enabling act, the Commission conducts regular inspections which it regards as a very important part of its activities, as such visits provide the best way in which the Commission can verify the validity of information contained in the reports submitted to it. The inspections are conducted on the premises of the relevant employer in order to compare the information provided in the reports with the reality on the ground and also to physically inspect the premises in order to assess the suitability of the work environment to the employment of persons with disabilities.

With regard to Honourable Schimming-Chase's second questions pertinent to the Cell One company's skewed management composition in favour of men, I wish to respond as follows:

If it is true that Cell One has only one woman against seven men in its Executive Management Occupational Category, I can only express my utmost disappointment at the disregard of the Cell One company's leadership and other relevant employers, for the aspirations of women and other designated groups. According to the Affirmative Action (Employment) Act, an employer shall have eighteen months from the date on which it has become a relevant employer to submit its first affirmative action report. I have no doubt that the Employment Equity Commission shall, upon receipt of the Cell One company's first affirmative action report, engage the company on the issue and remind its leadership that the affirmative action law requires an equitable representation at all levels of employment, of all persons in the designated groups, including women.

Honourable Speaker, Honourable Members, I want to thank Honourable Schimming-Chase for the questions and I thank you for your attention.

HON SPEAKER: I thank the Minister for his reply. Question 108 is by Honourable Viljoen. Does the Honourable Member put the Question?

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**RESPONSE TO QUESTION BY HON VILJOEN
HON SHIFETA**

QUESTION 108:

**HON DEPUTY MINISTER OF YOUTH, NATIONAL SERVICE, SPORT
AND CULTURE:**

Honourable Speaker, Honourable Members, as it appears here, the question by the Honourable Member does not only allege the violation of the said Act, but also alleges the contravention of our cornerstone of the legal system, that is Chapter 3, Articles 10 and 23. Therefore, we solicited information from the Union and we are still waiting for the information, so that the Minister can be precise in answering this question.

Therefore, I would like to request the indulgence of the House and the Honourable Member who posed the question for this question to stand over until next week, Thursday. Thank you.

HON SPEAKER: Question 111 is by Honourable Dienda. Does the Honourable Member put the Question?

QUESTION 111:

HON MINISTER OF WORKS, TRANSPORT AND COMMUNICATION:

I would like to thank the Honourable Member for being patient, because these two questions were postponed over and again, but today I am prepared to give answers to the Honourable Member.

Honourable Member, the maintenance function in the whole country is centralised and the Ministry of Works, Transport and Communication is responsible for carrying out the maintenance function.

The system, however, is cumbersome because determination for allocating the resources to be utilised for the maintenance function at whatever level has to be taken at the centre. When the problem is observed, it has to be channelled through to the Ministry and to be discussed by the Economising Committee and thereafter the decision is taken whether or not money is available and thereafter the programme will be dealt with accordingly.

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**RESPONSE TO QUESTION BY HON DIENDA
HON KAAPANDA**

Imagine with such a cumbersome system in place how many requests are received daily. This results in requests piling up and meanwhile the problem at hand is worsening. It is, indeed, a very, very cumbersome system and we have to discard this system to adopt a more humane and efficient system of administration, namely decentralisation.

Government has adopted a policy of decentralisation many years ago and many advances have been achieved towards decentralisation and sooner or later the system will be implemented.

In the meantime, Honourable Member, we are looking at introducing a new approach whereby every institution in our country or Government system should have its own maintenance unit to do maintenance functions and these units will constantly be conducting spot checks to identify problems and rectify them timeously. I hope this will improve the situation which we are facing today.

With this, I hope the Honourable Member will concur with me that this system will bring some measures of improvement. I thank you.

HON DIENDA: Honourable Speaker, I think I am little bit relieved now, I hope it will still be this year and not next year.

HON SPEAKER: Question 112 is by Honourable Dienda. Does the Honourable Member put the Question?

QUESTION 112:

HON MINISTER OF WORKS, TRANSPORT AND COMMUNICATION:
Thank you, Honourable Speaker. Once again I would like to thank the Honourable Member. I will attempt to answer all the questions in one.

Question 1: It is indeed possible to register an unroadworthy vehicle, however this vehicle will not be allowed to travel on a national road until it is declared roadworthy.

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**RESPONSE TO QUESTION BY HON DIENDA
HON KAAPANDA**

Regarding NaTIS not informing the Nation through the media that they will be charged if illegal car owners take a long time to deregister their vehicles, yes some notifications have been sent out to the car owners who accumulated arrears while apparently the vehicles have been written off, because the public was not aware that if your car becomes dysfunctional, in other words written off, you should immediately notify NaTIS to take the vehicle off the records of NaTIS. If this has not been done, it will be assumed that you have just failed to pay the regular registration fee. Therefore, you accumulated arrears.

This problem has been compounding and I have been receiving letters pleading for mercy and it has really now become a problem that we need to address as the Ministry and I also feel that any person who fails to pay his registration fee for a consecutive 3 years or more, then automatically this vehicle should be scrapped from the records of NaTIS. And if at all the owner wishes to re-register after finding resources to repair his car and put it back on the road, then he should first pay the arrears before you register the car or get some sort of discount.

However, we are busy looking and investigating this issue and very soon I will make a statement to Parliament.

On the question of proper records of NaTIS, Honourable Member, you are right, the NaTIS records are not up to date because of this problem. I was asking the other day, as we were launching the *Xupifa Emwenyo Campaign*, as to how many cars we have in this country. I was told 200,000 and definitely including wrecks which are on the records of NaTIS. We cannot tell you for sure as to how many cars we have in this country. Therefore, we are busy looking at how we can update our records, how to remove all these distortions in the system. NaTIS has a public relations officer, but he has not been used to do this type of work to inform the public, as I have alluded to earlier. But for sure, we are looking at how we can improve on our record-keeping. I thank you.

HON DIENDA: Honourable Speaker, I do not have an additional question, but more information. What does the Honourable Minister suggest what must the public outside do now, since they have received these big bills and they are saying your records are not updated. Must they be patient until you have come to a decision on what to do or what must be done? The bills are just growing. (Interjection)

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HON ESAU**

HON MEMBER: Let them pay!

HON DIENDA: No, it is not the pay, it is documents that are not there.

HON MINISTER OF WORKS, TRANSPORT AND COMMUNICATION:

Honourable Speaker, I have stated that I will soon make a statement in Parliament to that effect, so that that problem can be sorted out. I am just as concerned as you are and I want this matter to be sorted out. I do understand the concern of our public because of this problem and it must be sorted out and we must also be seen as being efficient and considerate. Thank you.

HON SPEAKER: Question 113 is by Honourable Tjihuiko.

QUESTION 113:

HON MBAI: I put the question on behalf of my Colleague.

HON DEPUTY MINISTER OF TRADE AND INDUSTRY: Thank you very much, Comrade Speaker. Comrade Speaker, Honourable Members, I am taking the Floor to respond to the questions that Honourable Arnold Tjihuiko posed to the Ministry of Trade and Industry in regard to the missing N\$100 million of the Offshore Development Company (ODC). The response is as follows;

The Ministry of Trade and Industry has never appointed a special investigator, as it is said by the Honourable Member, to investigate the missing ODC money. The only official investigation into the whereabouts and possible recovery of the missing money is being conducted by the Namibian Police in collaboration with their counterparts in South Africa and other countries to where the missing money might have been traced. The leading institutions in these investigations are the Ministry of Justice and Attorney-General and the Ministry of Safety and Security.

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**RESPONSE TO QUESTION BY HON TJIHUIKO
HON PANDENI**

Last week the Ministry of Justice updated this august House on the current state and progress that has been made in tracing the missing money and culprits and the way forward in terms of prosecution. The only other actions that the Ministry of Trade and Industry is aware of in respect of the ODC are those taken or being pursued at company level, namely by the board, that the Ministry of Trade has restructured through the appointment of new members representing Government as the majority shareholder. One of such actions was an internal investigation. The other one is civil litigation against parties that have been identified to have directly or indirectly contributed to the loss of the money in question. Some of these cases are already in court, while others are in the pipeline.

Honourable Speaker, Honourable Members, this is the response from the Ministry of Trade and Industry.

HON SPEAKER: Question 114 is by Honourable Tjihuiko. Does the Honourable Member put the Question?

QUESTION 114:

HON MBAI: I put the Question, Honourable Speaker.

**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,
HOUSING AND RURAL DEVELOPMENT:** Comrade Speaker, these questions are really just general, they are asking whether the Minister can confirm or deny, but let me look at them.

The first question that the Honourable Tjihuiko is asking is whether I can define the difference between Traditional Authority and Royal House Traditional Authority.

There is nothing like Royal House Traditional Authority. A Traditional Authority is that authority which was established in accordance with the Traditional Authorities Act of 2000, whose leaders are designated in accordance with the customary law based on the family royal blood or the family tree or Royal House and it goes on like that.

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**RESPONSE TO QUESTION BY HON TJIHUIKO
HON PANDENI**

The question of Royal House, these are the names that these communities have given to their own communities and it is on the basis of the customary law that they designate their traditional leaders and of course, the Traditional Authority definition is given in the Traditional Authorities Act.

The Honourable Tjihuiko is alleging that he is surprised that only one tribe's Royal House was recognised by Government. This is not true. There are so many Royal Houses and he also knows about them. Even the same language group he belongs to exists along so many Royal Houses, so I do not know what he is really looking for, but he is misinforming the public. There are many Royal Houses and he knows about them.

The second question is whether the Minister can confirm, amongst others, the various tribal kingdoms in Namibia, only one tribe's Royal House was recognised. Again this is the same thing and it is not true. I do not know what his intention is in repeating the same question.

The third question is whether I can agree with him that my action to recognise one tribe's Royal House was meant to divide the tribe, putting them against one another as it happened in Aminuis. I mean, this is just ridiculous. First, the recognition of Traditional Authorities happens after the application conforms with certain criteria and when they meet these criteria, then we obviously forward the recommendation for recognition to the Office of the President who would then consider the recognition based on the criteria that were met. Now he is making these allegations which do not hold water.

He is also making reference to Article 1(1) of the Namibian Constitution, the one dealing with a unitary State. Possibly he wants to argue that how does it come that we have Traditional Authorities and we have a unitary State, etcetera. However, in a unitary State you can have various components and one of the components is that Traditional Communities are given the right to organise themselves and to designate their Traditional Leaders and if they wish to be recognised, to indicate to the Ministry that they wish to be recognised and then we put them through the process. Therefore, these are just questions that he is asking, whether I agree with him or as can be seen I do not agree on many of these things, he believes in.

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**RESPONSE TO QUESTION BY HON TJIHUIKO
RT HON ANGULA**

HON SPEAKER: Rule 79(b) says, “*a question shall not contain arguments, inferences, opinions, imputations, threats or hypothetical cases.*” Question 115 is by Honourable Tjihuiko. Does the Honourable Member put the Question?

QUESTION 115:

HON MBAI: I put the Question on behalf of Honourable Tjihuiko.

RT HON PRIME MINISTER: Honourable Speaker, I thank Honourable Tjihuiko of NUDO in his absence, I know that he is somewhere at Ozombu Zovindimba and I wish him well and I would like to answer as follows:

On the evening of Thursday, the 10th of December 1959, Acting Deputy Commander of the South African Police in the then South West Africa, Major Lombaard, ordered the Police Unit to open fire on the unarmed residents of the Old Location, now known as Hochland Park. The residents of the Old Location were protesting against forced removal from that location to the present-day Katutura.

Number 2: It was initially established that 12 people died on the spot. However, subsequent accounts established that 13 people in fact lost their lives on that day.

Number 3: The names of the dead, according to my research, are as follows: Hugo Kasuto, Zakeus Tjombe, Anna Mungunda, Reinhardt Kukuri, Asser Hamaseb, Bartholomeu Kahuiiko, Kaaronda Mungunda, Bernhardt Butje, Willem Cloete, Amon Mupirurua, Mathias Haimbodi, Somebody Mandume, Kanyamana Chobe. Those were the dead.

Many others were wounded, among them Simon Hoveka, Aaron Tjatindi, Nathanael Murangi, Niklaas Siririka, Adolf Kaimu, Set Jafet Tjipura, Ismael Kahipura, Anton Tjaverua, Daniel Katjirungu, Jonathan Gariseb, Paul Goseb, Kefas Zamue, Karel Cloete, Martha Garises, Anbanus Kariange, Dominicus Katjipuka, Theophilus Ndjiharine, Albert Katjiuongua, Eva Davids, Dankie Karuumbembe, Paul Hangeru, Langman Lutiani, Pius Domingos, Usiel Veseevete, Mesalem Matundu, Petrus William Araeb, Asser Hanseb, Daniel Humavindu, Joas Kandjou, Hiskia Kahura, Kefas Kavaraka, Frans Kuugongelwa, Jeremia Mathews, Erastus Majimba, Hans

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**RESPONSE TO QUESTION BY HON MOONGO
HON TSHEEHAMA**

Muvere, Katjindere Tjimbambi, Ndankie Tjerivanga, Theopilus Tjihuro, Bernhard Tjindere, Lasarus Tjiveze, Emmanuel Haikab, Gotthardt Zaakuye. Those are the ones.

Like many other martyrs of the anti-colonial struggle, we honour them through our National Anthem, "*their blood waters our freedom.*" I hope very soon the mass grave at Old Location Cemetery will be declared a National Monument. I also trust that the National Monuments Council will embark on historical research to document systematically all those who contributed to the anti-colonial struggle in one way or another. This will enable the Government to give due recognition to the selfless sacrifices and contributions to our freedom. I thank you.

HON MBAI: I thank the Right Honourable Prime Minister for his historical answer and it is really very good to hear about it. Thank you very much for the answer. I would appreciate to have the document the Right Honourable Prime Minister was reading from that I can keep it for records.

HON SPEAKER: Question 116 is one by Honourable Moongo. Does the Honourable Member put the Question?

QUESTION 116:

HON DE WAAL: I put the Question on behalf of Honourable Moongo.

HON MINISTER OF SAFETY AND SECURITY: Honourable Speaker, I would really like to have Honourable Moongo here to listen to the answers given. Even if I give those answers today, he will repeat the very same questions tomorrow. It is on this practical basis that I would like this question to stand over.

HON SPEAKER: As usual the Minister came prepared, he has the reply in his hands, but he would like to have Honourable Moongo present in the House when

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he replies. Honourable De Waal would ensure that that happens.

The first Notice of Motion is the one of Honourable Venaani. Does the Honourable Member move the Motion? Who seconds the Motion? Any objection? Honourable Venaani has the Floor.

HON VENAANI: Honourable Speaker, I beg your indulgence to postpone the matter under discussion until Tuesday, 16 October 2007.

HON SPEAKER: The introduction of the Motion stands adjourned until Tuesday, 16 October 2007. The second Notice of Motion is the one by Honourable Kaura. Does the Honourable Member move the Motion?

HON DE WAAL: Honourable Speaker, Honourable Kaura could not stay longer, he had to go to the dentist. I ask that the discussion on this Motion be adjourned until next week, Wednesday, the 10th of October.

HON SPEAKER: The discussion of this Motion stands adjourned until next week, the 10th of October. The Secretary will read the First Order of the day.

**RESUMPTION OF DEBATE ON SECOND READING –
ENVIRONMENTAL MANAGEMENT BILL**

HON SPEAKER: When this Debate was adjourned on Tuesday, the 2nd of October 2007, the Question before the Assembly was a Motion by the Honourable Minister of Environment and Tourism, that the Bill be read a Second Time. The Honourable Minister adjourned the Debate for his reply.

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MOTION ON PROCLAMATION OF TOWNS

HON MINISTER OF ENVIRONMENT AND TOURISM: Comrade Speaker, in view of the lateness of the hour, the volume of responses to come, may I pray for the indulgence of the House for my reply to stand over until Tuesday, next week?

HON SPEAKER: Any objection? The Minister's reply will be Tuesday, 10th October 2007. The Secretary will read the Second Order of the Day.

RESUMPTION OF DEBATE ON NATIONAL RECONCILIATION WITH A VIEW TO DEVELOP GUIDELINES FOR A POLICY THEREON

HON SPEAKER: When this Debate was adjourned yesterday, the Question before the Assembly was a Motion by Honourable Gurirab. Honourable Kasingo adjourned the Debate and is ready now to take the Floor.

HON KASINGO: Honourable Speaker, because of the time I would like my intervention to be deferred to next Tuesday, the 9th of October.

HON SPEAKER: The Honourable Member's contribution will be delivered Tuesday, 9 October. The Secretary will read the Third Order of the Day.

RESUMPTION OF DEBATE ON PROCLAMATION OF TOWNS IN THE RURAL AREAS AND HOW IT AFFECTS RESIDENT FARMERS

HON SPEAKER: When the House adjourned in terms of Rule 90 yesterday, the Question before the Assembly was a Motion by Honourable Ulenga. Any further discussion?

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HON DR GEINGOB: In my capacity as Government Chief Whip I want to ask, because I see a strange object in this House, why Honourable Mudge has that object. Is there a special meaning for that?

HON SPEAKER: Before I adjourn the House under Rule 90(a), there are two sets of colours today in the House. The reason why Honourable Mudge is looking so colourful today is because it is the 30th Anniversary of the great Republican Party and the second one, on behalf of the men in the House, because we are accused of being colour blind, I want the ladies who are wearing the pink to know that I have noticed that, because I am told that is the season for pink. The House stands adjourned until Rule 90, automatic adjournment.

HOUSE ADJOURNS AT 17:42 UNTIL 2007.10.09