

## **LIST OF MEMBERS OF THE NATIONAL ASSEMBLY**

### **SPEAKER**

Dr T-B Gurirab (Mr)

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

Ms D Sioka

### **THE CABINET**

#### **MINISTERS**

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

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

#### **DEPUTY MINISTERS**

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

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

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

### **SECRETARY**

Mr S N Goabab

### **DEPUTY SECRETARY**

Mr F S Harker

## **LIST OF MEMBERS AND PARTIES WHICH THEY REPRESENT**

### **CONGRESS OF DEMOCRATS (COD)**

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

### **DTA OF NAMIBIA**

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

### **MONITOR ACTION GROUP**

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

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

**REPUBLICAN PARTY**

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

**SWAPO OF NAMIBIA**

Mr B Amathila *(Government Chief Whip)*  
Dr L Amathila (Ms) *(Deputy Prime Minister)*  
Dr M Amweelo (Mr)  
Mr N Angula *(Prime Minister)*  
Dr S C Ankama (Mr)  
Ms L Basson  
Ms C Bohitile  
Mr H Booyis *(Deputy Chairperson of the Whole House  
Committee)*  
  
Ms H Christian  
Mr Dinyando *(Deputy Minister)*  
Mr J Ekandjo *(Minister)*  
Mr B Esau *(Deputy Minister)*  
Dr H Geingob (Mr)  
Dr T-B Gurirab (Mr) *(Speaker)*  
Ms P Haingura *(Deputy Minister)*  
Mr H Hamutenya  
Mr M Hausiku *(Minister)*  
Mr P Ilonga *(Deputy Minister)*  
Ms P Iivula-Ithana *(Minister)*  
Dr A Iyambo (Mr) *(Minister)*  
Dr N Iyambo (Mr) *(Minister)*  
Mr L Jooste *(Deputy Minister)*  
Mr J Kaapanda *(Minister)*  
Mr Kaiyamo  
Mr R Kamwi *(Minister)*  
Ms L Kasingo  
Mr I Katali *(Deputy Minister)*  
Dr A Kawana (Mr) *(Minister)*  
Mr K Kazenambo *(Deputy Minister)*  
Rev W Konjore (Mr) *(Minister)*  
Ms S Kuugongelwa – Amadhila *(Minister)*  
Ms L Lucas *(Deputy Minister)*  
Mr N Mbumba *(Minister)*  
Ms A Muharukua *(Deputy Minister)*

Ms M Mungunda	<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	<i>(Minister)</i>
Dr R Ndjoze-Ojo (Ms)	<i>(Deputy Minister)</i>
Mr P Smit	<i>(Deputy Minister)</i>

**ASSEMBLY CHAMBER  
01 NOVEMBER 2007  
WINDHOEK**

The Assembly met pursuant to the adjournment.

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

Any Petitions? Reports of Standing or Select Committees? Other Reports and Papers? Any Notice of Questions? Any Notice of Motions? Any Ministerial Statements? Question 120 is one by Honourable Mbai. Does the Honourable Member put the Question?

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**RESPONSES TO QUESTIONS**

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**QUESTION 120:**

**HON MBAI:** I put the Question.

**HON MINISTER OF AGRICULTURE, WATER AND FORESTRY:**  
Honourable Speaker, the question by Honourable Mbai is indeed a very important question. As a matter of fact, this is a question that I can compare to other questions which are normally asked by Ministers in Cabinet to their colleague who heads a specific sector. I thank you very much for the question you have asked. The answer is as follows:

Honourable Mbai is right that the starting point of any developed country in the world today has always been agriculture. Therefore, in the development of a country everything else can wait, but not agriculture. You are also right that agriculture's position today *vis-à-vis* the National Budget is 3,6% and that is crops, livestock and in this case including water. For crops and livestock the position is 2,5%, with water at 1,1%, together 3,6%.

I hope with the decision that was taken by SADC Heads of State in 2003 in Maputo, we as Namibians will do everything possible to live up to our commitment to the decision that was taken in Maputo, which was also accepted by our Cabinet.

The problem we find ourselves in why we could not move far, is that when we approved the Green Scheme Policy and the programmes thereof, NDP2 was already finalised as far as budgeting is concerned and that NDP2 at that point also

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**RESPONSES TO QUESTIONS  
HON DR N IYAMBO**

took into account the MTEF rolling budget. You will recall that Cabinet in fact promised that for the Green Scheme alone a billion Namibian Dollar would have to be made available. To date we are receiving only N\$23 million per year.

I am on record of having said that in this House this cannot be blamed on the Minister of Finance, the issue is simply that we have too many competing issues that need budgeting and some have already been under there and it will be difficult to do otherwise. Thus there has been a feeling in the country that Green Scheme is a still-born programme because nothing visibly, tangibly has been done in that area. The reason why, is what I have told this House a few seconds ago.

But I now hope that with the current budgeting of NDP 3, obviously if we are to live up to the expectations and the decision that we have taken, we then have to budget for agriculture, including Green Scheme, appropriately. I will try to do my best, but if I cannot find my way through, I will kick dust and I hope you will support me. I will be kicking dust because I do not want to be on record as a failure in this respect. We all have to own up to that responsibility, not only this side of the House but this whole House. That is what we have to do from now on, we have to make sufficient funds available to implement Green Scheme, number one and number two, of course to live up to the decision – to which we are a party – that was taken by our Head of State in Maputo. That is really where the crux of this problem is in this respect.

The current strategy, therefore, is that we now have a golden opportunity while we are budgeting for NDP3 and I want to get a sympathetic hearing from all policy-makers and legislators, not only from this side of the House, but specifically from the opposition – the whole House as a matter of fact. I hope we will do that. We will then see the difference that can be made to the lives of our people via agriculture currently. You are very right, that seventy percent of our people depend on agriculture and we must improve that if we want to make a difference. Thank you very much.

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**HON MBAI:** I thank the Honourable Minister for the answer. I think it is very much appropriate and I believe all of us together will do something not only to make agriculture prospering, but to reduce and address poverty, create employment and secure food for everyone. I thank the Minister once again.

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**HON SPEAKER:** The Notice of Motion is the one of the Honourable Minister of Regional and Local Government, Housing and Rural Development. Does the Honourable Minister move the Motion? Who seconds? Agreed to.

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**LOCAL AUTHORITY ELECTIONS**  
**HON PANDENI**

**LOCAL AUTHORITY ELECTIONS**

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**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT:** Thank you very much, Comrade Speaker, Honourable Members. The purpose of my addressing this august House is to brief the Honourable Members of the National Assembly about the Ministry's intention to extend the Local Authority Councillors' elections, to be able to coincide with those for Regional Councils. The implication of this extension is that the current Councillors will remain in office for another 18 months.

Regional Council and Local Authority Councillors' elections have been taking place on different dates ever since the first elections in 1992. Their terms of office are also different, being 5 years for Local Authority Councillors and 6 years for Regional Councillors. The Local Authority Councillors' elections were held in May 2004 and are due in May 2009, whereas those for Regional Councillors were held in November 2004 and are due in November 2010.

It is established that this arrangement has become undesirable as it is not cost effective. It involves a lot of duplication in terms of logistics and resources that could have been avoided if they were held over the same period. Secondly, this arrangement is also considered to be one of the root causes of voter apathy, as voters are being involved in many elections one year after the other or twice the same year.

The Ministry and the Electoral Commission of Namibia have therefore recommended holding both elections for Regional and Local Councillors over the same period, that is November 2010. It is expected that this arrangement will be cost-effective on the part of Government. This will be particularly so by the use of the same logistics, personnel and equipment for both elections at the same time.

It is also expected that the unification of these elections will make it easier for the voters to participate, especially those that have to vote for both Local and Regional Councillors. In this way the voters will only be able to vote for both elections at the same time.

The Regional Councils, Local Authorities are in support of the alignment. None of them are going to lose in terms of benefits and Local Councillors are going to gain, as those that would have lost in elections will have the benefit of staying in office for another 18 months.

I, therefore, prevail upon this august House and the Honourable Members to

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**HON MUDGE**

support these recommendations in the interest of efficient elections for Regional and Local Councillors and the voting community in particular. I thank you for your attention.

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**HON SPEAKER:** I thank the Minister for his statement. Any further discussion?

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**HON MUDGE:** Honourable Speaker, just a short contribution. I am not sure why the Honourable Minister waited this long to bring this Motion to Parliament. The last election was 3 years ago, so whatever the problem was, it should have been detected some time ago.

But be that as it may, I know that Government tried to shorten the term of office of the Regional Councillors, also to bring it down to 5 years, and apparently they had a lot of problems with the Regional Councillors regarding pension payouts and whatever, and most probably would have had a lot of claims being brought by the Regional Councillors. I therefore would have thought that the appropriate thing to do is to shorten that period, in other words, to bring all the elections to a period of 5 years.

The biggest problem that I have is what is going on in the country at the moment. The people who are going to suffer by this decision are most definitely the Local Authorities. It is no secret that the management of most of the Local Authorities in this country are a mess and I thought we could have rather brought that election closer than to postpone it, because 18 months further on could just have the result that almost all the Local Authorities would be in a terrible financial situation, not being able to pay their bills, simply because the Councillors are not doing their jobs.

But having said that, maybe it is a problem – as the Minister did not really explain it properly – that it does not matter where you postpone it to, we will be ready whenever that happens. Thank you.

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**HON SPEAKER:** I thank Honourable Mudge for his contribution. Any further discussion?

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**VETERANS BILL  
HON VENAANI**

**HON GURIRAB:** Honourable Speaker, I wish to postpone the Debate until Tuesday, next week.

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**HON SPEAKER:** The discussion is adjourned until Tuesday, next week. Any objection? Agreed to. The Secretary will read the First Order of the Day.

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**RESUMPTION OF SECOND READING:  
VETERANS BILL**

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**SECRETARY:** Resumption of Debate on Second Reading – *Veterans Bill*.

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**HON SPEAKER:** When this Debate was adjourned on Tuesday, 23 October 2007, the Question before the Assembly was a Motion by the Honourable Minister of Veterans Affairs, that the Bill be read a Second Time. Honourable Venaani adjourned the Debate and he now has the Floor.

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**HON VENAANI:** Thank you very much, Honourable Speaker, Honourable Members. I rise to make my observations and contribution to the very important legislation before the Assembly.

Honourable Speaker, nearly a fortnight ago while addressing a very important Debate on the Floor of this House, namely the Debate on national reconciliation, I consciously cautioned Honourable Members of this Assembly not to improvise national reconciliation as Napoleon Bonaparte did when he docked on the shores of Africa and when he fell from the staircase of his ship, he made as if he conquered the soil of Africa.

This Bill is at the centre of challenging the very same policy that we were debating and saying that this policy of National Reconciliation is flourishing, it is well, it is in place and the country is moving ahead.

But before I come to that issue, let me raise an issue that I think is a very important historical fact – and I have said it on various occasions during various Debates in this House – I will never deny the role that SWAPO as a political liberation movement has played for the Independence of this country and no person of ordinary firmness should ever try to deny it. But I think it is also just and fair to quote the historical events in their chronological order for those facts to be correct and for future generations to understand them as they are.

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HON VENAANI**

I guess I have said it during the Debate on the policy on economic diplomacy some few years back and I am going to say it again, that it is true that the battle for total emancipation of the Namibian people was a very long, protracted battle and one should not portray yesterday's history in today's context because events then were not the same as they are today. I get worried when those that are given accolades for having contributed so fairly to this emancipation of our people are distorting facts to suit their agenda.

Honourable Speaker, it is not correct to state, that modern Namibian history, that the struggle for liberation started with the armed forces in 1966 in Ongulumbashe. Let us be honest and say it as a matter of material fact, that after the war of national resistance that was fought vehemently by great leaders of our country and it is also a reality that not all these leaders during the war of national resistance participated equally in the struggle against colonisation. But it does not negate the fact that all these leaders in their hundreds of numbers were in unison in challenging in their small ways the colonial rule that was in this country.

Samuel Maharero and Hendrik Witbooi could have played the greater role, but it does not take away that Ipumbu Ya Shilongo with the same determination did the same – Jacob Marenga and many others. Even if a chief in Kavango, for example, did not participate in the war, no chief accepted colonisation as a way of life, everybody objected to it in very different ways.

Honourable Speaker, the modern political struggle for self-determination was after ... (Intervention)

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**RT HON PRIME MINISTER:** May I ask Honourable Venaani a small question for clarity? Honourable Venaani is saying that no chief accepted colonial rule. Are you sure of that? If you are sure of that, what led to the capture of Nicodemus Kahimemua in 1896?

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**HON VENAANI:** Honourable Speaker, the Prime Minister was eloquently butchering history the other time at Namutoni, butchering it properly. (Intervention)

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**HON KAURA:** May I ask the Honourable Member a question?

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HON VENAANI**

Honourable Member, who was responsible for the death of 46 SWAPO fighters that were starved to death at Boroma camp in Zambia?

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**HON VENAANI:** Honourable Speaker, I would for a single moment want to refrain from the questions and let me tell you as a matter of historical fact, that the person who delivered Nicodemus Kavikunua and Kahimemua was a son of Samuel Maharero and I will tell you why. He was a chief and this was an internal battle, just as we have internal battles in Political Parties and those chiefs were not recognising the leadership of Samuel Maharero. (Interjections). Listen! (Intervention)

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**RT HON PRIME MINISTER:** On a Point of Information. When history is being butchered... (Intervention)

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**HON VENAANI:** You butchered it at Namutoni.

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**RT HON PRIME MINISTER:** That is the true written history. Go to the National Archives.

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**HON VENAANI:** You are informed by the National Archives?

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**RT HON PRIME MINISTER:** Kahimemua and Kavikunua were fighting the Germans where the Germans crossed the White Nossob, encroaching on their land. They were not fighting Maharero. But tell me, who led to the capture of these two men, two African chiefs?

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**HON VENAANI:** I am just trying to tell you, you are right that it was the killing of Lambert, a German officer, who was killed at Gobabis close to Otjunda and after the killing, the Germans came to the authority and there was a central authority in this country....(Intervention)

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**RT HON PRIME MINISTER:** Imposed by whom? Imposed by whom?

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**HON KAURA:** May I ask a question? Honourable Venaani, do you know

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that at the Battle of Otjunda there were 120 Herero fighters, 190 Witbooi fighters and 300 Germans that fought at Otjunda, but today Hendrik Witbooi is our hero, but the Honourable Prime Minister is focusing only on Samuel Maharero. What is your agenda?

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**HON VENAANI:** I do not want to question the agenda of the Prime Minister, but I want to put history into its correct context.

Samuel Maharero, for his own ascendancies to come to power, he was aided by Germans. Yes, he was aided by Germans. (Interjection). Not Tjetjo, the cousin of Maharero.

All the chiefs supported Tjetjo to ascend to power and Samuel Maharero was a victim of the colonial propaganda, because he was taken to Germany together with his brother, Wilhelm Maharero and they came to a place called Dresden and the purpose for them to be taken to Germany was because the Germans knew they had the numbers and the military might, so they wanted to show the sons of the chiefs the power of the Germans.

When Samuel Maharero came back to this country he used to tell the Hereros that *you cannot fight Germans, they are as many as the sand of a river*, because it was a propaganda, he was brainwashed.

When he went to Otjunda, all the chiefs, all the clans were opposing Samuel Maharero. Samuel Maharero became heroic the day that he rode a horse from Okahandja and came to Brakwater to drink at Kaiser Kröhne in Windhoek to start the war. That is why the Hereros are saying, *‘Otjingudi tja hijamangura ngua umba ondjembo.’*

The day that he started fighting Germans and he started fighting them at Okandjira, that is when the Hereros started praising Samuel Maharero and there is no other chief, for that matter, amongst the Hereros that has the very equal accolades as Samuel Maharero, because he fought heroically during the battle. In fact, he surprised all his troops, that a man who was supporting the Germans, that was careful about the Germans, could have fought them in a battle. That is why the Germans put out the bounty of how many pounds those years, ten thousand pounds. (Intervention)

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**HON MINISTER OF FINANCE:** Will the Honourable Member take a question from me? While he is making that most impressive point about Chief Maharero, does the Honourable Member not think that that is a very important

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lesson to learn from our hero, that he was able to realise his mistake and he was not ashamed to correct it and he was prepared to sacrifice his life doing that. Do you not think that that is a good lesson?

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**HON SPEAKER:** And the Speaker's enquiry is, does this historical narrative have a direct connection with the Veterans Bill? Honourable Venaani, if it does not, speak to the Veterans Bill. And also, not only must Honourable Venaani speak to the Motion, the other Honourable Members should also refrain from historical narrative. We could have a special session for that.

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**HON VENAANI:** Thank you very much, Honourable Speaker. When the Mover of the Motion, in the name of the Minister, motivated the Bill, he started with these historical distortions.

On that just a few sentences, Honourable Speaker, and I seek your indulgence, that after the war of national resistance in 1908 to come to 1966, there were men and women in this country that objected to Namibia being incorporated as a fifth province of the Union of South Africa. There were men and women that objected, that started petitioning to the United Nations before those who are claiming heroically that they are the ones that did it, who did not even know of the existence of the United Nations. Let us put history in that context and move ahead in that way and that is a reality.

Now Honourable Speaker, let me come to the content of the Veterans Bill. Let me from the onset say and make just one footnote, that I do not like when we as leaders, and especially when people are listening to us outside, that we have a tendency of saying things that sometimes hurts other people, people who were caught in the crossfire. We are saying things very loosely and I want us to maintain that decorum, so that we do not go astray and say things very loosely, because there are a lot of people on both sides of the war who have lost relatives and I think we should maintain that decorum and I will try to do just that.

Honourable Speaker, the fundamental question before us is the question as to whether we are consistent with the policy of National Reconciliation or not. Why am I asking this fundamental question at the centre of this Bill?

This Bill, through its definition, is clearly excluding fighters that fought under SWATF...(Intervention)

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**HON DEPUTY MINISTER OF JUSTICE:** On a Point of Information. I

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HON VENAANI**

just want to remind my young brother that the definition in this Bill says, “*a veteran means any person who was a member of the liberation forces and who consistently and persistently participated or engaged in any political, diplomatic or underground activity in the furtherance of the liberation struggle or owing to his or her participation in the liberation struggle was convicted whether in Namibia or elsewhere of any offence closely connected to the struggle and sentenced to imprisonment.*” You must understand, my young Brother, it means a person who consistently and persistently participated. A person who participated and who has deserted and realised that he has made a mistake and came back to the liberation struggle for the true liberation of this country and not those who were on the side of the South African Forces and who today are speaking so proudly of the democracy that we have brought in this country. They are there, they are sitting there in front of us and we know them. They must first denounce that and join us. Thank you very much.

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**HON VENAANI:** I have great admiration for my elder Brother, but I want to caution him as the Assistant Attorney-General, all these loose statements that you are making are very seriously quoted in the world and I want you to use your office and to know your parameters as the Deputy Minister of Justice and Attorney General.

That is the crux of my argument. Just a fortnight ago I spoke of the choices that we make in this country, the founding mothers and fathers of our Constitution. They are still here – endangered species.

They made the decision on behalf of the people of Namibia that this country shall pursue a policy of National Reconciliation, not forgetting what happened in the past, but forgiving one another and to forge ahead. (Intervention)

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**HON MINISTER OF LANDS AND RESETTLEMENT:** May I ask my young brother a small question? You mentioned “*endangered species*”. Can you just explain who that is, because I am eager to hear who are the endangered species to be protected. Who are they? Is the endangered species the mothers?

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**HON VENAANI:** Of course, being a founding father of the Namibian Constitution you should know that life itself is taking a toll on them. Not all of them are here due to ill-health, due to other reasons. But some are here, but they are becoming endangered, they are becoming fewer and fewer by the day. Half of the Parliament is already dominated by people under fifty. (Interjection). Yes, they are here for ever, let them be here for ever, we wish them all the good health.

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Honourable Speaker, I agree that you cannot classify, nor quantify the role of SWAPO as a liberation movement, that is a reality, but we must be consistent in the decisions that we take as a country. These are the people that we are saying got two pensions, but yet they are serving in the national Defence Force of our country, some of them are incorporated. But when it comes to this Bill we are excluding them.

Let me just educate my elder Brother a bit. (Intervention)

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**RT HON PRIME MINISTER:** On a Point of Order. Honourable Venaani, are you aware that in this House there is somebody who got his pension when he was a civil servant in the colonial administration, then he was re-employed in the Independence civil service, got his pension, then came to Parliament to get another pension? Are you aware of that?

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**HON VENAANI:** It is not a matter of who got what, but let me just educate my elder brother, whom I respect so much, being the son of the Nation. Let me tell you what happened in these SWATF recruitments, what I know as young as I am.

After the acceleration, coming closer to the Battle of Cuito Cuanavalle and a little bit earlier, if I am not mistaken...(Intervention)

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**HON SCHIMMING-CHASE:** On a Point of Information. Honourable Speaker, I am in this House for eight years now and I have always refrained to get up and speak on this topic, but Honourable Venaani, we forget to mention that the South African apartheid regime introduced something here called conscription.

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**HON VENAANI:** That is what I wanted to come to.

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**HON SCHIMMING-CHASE:** Young, poor Namibian children were forced to go and fight. Rich Namibian children went into exile and became Comrades because they could afford it. (Interjection). Yes, I shall not mention names, I am not talking about blacks, I am talking about people who had dual citizenship and could leave. I think the time has come in this House that we should consider what price was paid by those kids who were picked up and in their training were shown pictures of some of you and some of us, to aim at and to shoot. That is how they were brainwashed. We travelled through this country to pick up children in the dark of night and get them out of the country so that they should not be

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conscripted and we were followed by security police and we were arrested for doing that. We were arrested for doing that.

We keep on talking today as if it was an army where you got up and gave your services because you believed in the system. We are not doing justice to ourselves, we will never be free until we free our minds of colonial domination and until we as leaders understand that we should not make victims the perpetrators. We should not make victims the perpetrators. If you do not know the history, go and read what happened to our children emotionally, physically and otherwise who were forcibly conscripted and none of us on both sides of the coin, South Africa or the other side, never saw to it that those people got some psychological debriefing when they came back. Some of them became addicts, some of them became mad and we owe them! Let us recognise that.

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**HON SPEAKER:** You should make a contribution, it is a very valid contribution.

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**HON SCHIMMING-CHASE:** I will do that. Thank you, Honourable Speaker, I will take your advice as usual.

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**HON VENAANI:** Honourable Speaker, Honourable Nora Schimming-Chase just took the words out of my mouth, because just closer to the advent of ...(Intervention)

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**HON MINISTER OF JUSTICE AND ATTORNEY-GENERAL:** Honourable Speaker, on a Point of Information. The point at which we are is very sensitive, but it is a reality. While what Honourable Nora Schimming-Chase is saying is true, I did not like the fact that she was pointing a finger to South Africa. It is too far away. South Africa had installed a Government here that was facilitating the conscription of the children you are talking about. The people who served in that Government are here, do not point a finger at South Africa, it is too far. Start at home.

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**HOUSE ADJOURNS AT 15:40**  
**HOUSE RESUMED AT 16:13 PURSUANT TO ADJOURNMENT**

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**HON VENAANI:** Before we went for tea-break I was interrupted by Colleagues that were making some statements. However, Honourable Speaker,

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the argument that I was advancing just before that is the fact that there was forceful conscriptions of young boys in this country and I remember so vividly that when the war was accelerating at the frontline, the South African armed forces created a mini-army, cadet schools, many schools were given a military officer and we used to have morning parades. Then this officer comes in and tell you all this propaganda, that Sam Nujoma is a beast with big teeth, all these things were said and some of us experienced it at school. (Interjections).

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**HON MINISTER OF LANDS AND RESETTLEMENT:** May I ask my Friend a small question? Thank you, McHenry Venaani. You mentioned that you wanted to teach your elder Brother, referring to Comrade Utoni. That is what you were saying before tea-break and you mentioned that you were still at school during those years, hence the name McHenry. There was McHenry 435, I am sure it is from there.

I also believe that even by 1992, 1993 you were still at school. Since this started in the seventies, the formation of Koevoet and SWATF, how old were you then, that you are teaching your elder Brother who was involved in the struggle even before he left the country in 1974? All those things happened, he participated, etcetera, and he participated in many battles, but if up to somewhere after Independence you were still a student, how did you come to know these things? Are you telling us what you read in books or what are you telling us? Is it from experience?

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**HON VENAANI:** Every time that I take the Floor he says the same things. I did not say I was educating him, I was informing him and I have the right to inform him because he was not in the country, he was not at the school that I am talking about, I was there. I therefore have the right to inform him of those days that he was not there. He has the right to inform me of other events that he experienced and you experienced.

I will tell you my Brother, with all due respect – when did I meet you the first time some years back? How old was I when I saw you the first time? The reality of the matter is that history is read, it is told, it is re-told and I was narrating the history of the Mahareros and none of us were born but we are agreeing on events as they were told. The history that you experienced does not exclude us that did not experience it to know or to have followed the events and political consciousness of people did not start at the same ages.

You are aware that there were people as young as nine, eleven, twelve years that went into exile, babies that went into exile? How did children happen to go into

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exile? Their consciousness started at early ages. I do therefore not want us to tell each other that because you were not there, stop talking about the history. I mean, then the whole world will not talk about anything.

What I am advancing is that we have created a national army of these different adversary forces. People are saying we have created one army, it is representing us at international peace-keeping missions or whatever fronts. Today we are saying no, because the very same people who served in the South African forces, SWATF and Koevoet....(Intervention)

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**HON MINISTER OF JUSTICE AND ATTORNEY-GENERAL:** I would like to pose a question to the Honourable Member. Honourable Speaker, the son of the Nation, my Deputy, read to us the definition contained in the current Bill. I would like the Honourable Member to exercise his mind and define exactly what he is saying in a way that it fits into this Bill. What kind of definition is he going to give us based on the conscription that he is talking about, based on the participation of these forces in whatever they did? Can he give us a definition so that it fits into the Bill tabled by the Minister?

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**HON VENAANI:** Well, I will give you that definition some other day because it needs proper drafting and that is why I want this Bill to be redrafted. My definition in simple terms is to include all those persons that served in all those adversary forces that fought against each other. (Interjection)

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**HON MEMBER:** Which forces are you talking about?

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**HON VENAANI:** If you do not know them, there was a ceasefire agreement and which forces signed that agreement? You did sign with South Africa? South Africa was managing those forces, that you know.

Those persons that served in those forces and further on there is also one element that is lacking in this Bill, namely the victims. We have to address the question of those that were caught in the crossfire and I want to question the decorum that I spoke about, the people that were caught in the crossfire of the dungeons of Lubango, the people whose houses were burnt down, their fields run down in their numbers in this country. They suffered acts of brutality and what this Bill simply seeks to address is restitution and justice. (Intervention)

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**HON SIOKA:** May I ask the Honourable Member a question? The Honourable Member is saying that the Bill is excluding SWATF and the Koevoet fighters. From the beginning SWATF and Koevoet members were receiving salaries and these colleagues, the PLAN fighters, never received anything in their lives? Do you not see it that some benefited and others did not benefit anything?

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**HON VENAANI:** My Colleague and Deputy Speaker of this House, at the advent of our national Independence we, the advantaged persons who benefited are still benefiting today through holding of lands, holding of businesses. We are still holding them today. When you start equating the benefits of these salaries of soldiers to the salaries of those people who are currently dominating the economy of this country – we are talking about a transformation act that is to come by 2018 for the formerly disadvantaged Namibians to access ten percent of equities in those companies, billions of dollars, in fact we have some billions of dollars away because we want a peaceful settlement in this country.

I would therefore not go on that route. Even the persons that you have appointed in the army are currently receiving double the salaries South Africa paid. They are receiving it now, so what is the difference?

The point that I am arguing is to keep this country together. I am not saying we should forget what happened and I am not advocating that people should forget, but we are advocating for a position to forgive one another. By not forgiving one another, by excluding the other people, we are just saying that we have not forgiven them. (Intervention)

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**HON MINISTER OF FINANCE:** On a Point of Order. I think the Honourable Member knows very well that he is in a very legal way trying to distort the facts of this Bill. This Bill is not about forgiveness, for national reconciliation, it is about providing relief to people that are experiencing hardships, that are not in a position to provide for themselves, partly because of the fact that they could not prepare themselves to do that because they were furthering the aims and objectives of the struggle which brought the benefits that we are enjoying today.

As a way of Namibia recognising their contribution and saying thank you to them, we are now saying, we know that you are not able to provide for yourself, so we provide this from the side of the State free of charge. It is not a compensation, it is not a sign of national reconciliation, it is just to assist somebody who has sacrificed to our well-being and as a result of that sacrifice is not able to provide for themselves now. But we have reconciled, that is why Koevoet is in the army, in the police and have jobs and get an old-age pension and all other things and they can own businesses.

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Therefore, it cannot be said that just because we cannot give free funds to people who were holding back the freedom and Independence of this country, we are not reconciled with them. No.

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**HON VENAANI:** You are just trying to argue in a monetary way, the other way around. My Colleague, you are talking about restitution justice. You are trying to give our colleagues that fought for our freedom something. (Interjections). That fought for the country. Listen. In accordance with the policy of National Reconciliation you gave to Koevoet who did not fight for the country. You gave jobs to SWATF and accommodated them in the new Namibia, in the new order. Now you are coming back and say, *in fact all along these guys are just bad, so let us leave them out and help these ones*. Why did you not from the onset do the same thing with the 36 million of South Africa? (Intervention)

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**HON MINISTER OF FINANCE:** A job is not a gift that you give to somebody, it is an opportunity for that person to make a contribution. Therefore when you have a job, it is not just about the salary that you get, it is about the contribution that you make. If you are a lawyer it is a contribution that you make to law and order in this country, to the justice in the country; if you are a finance person, it is about what you do to make sure that the State provides public services and there are resources provided. That is what it is about.

We want to give an opportunity to every Namibian, regardless of what their background is, whether they contributed, they sold out the Nation, they were criminals in the past, as long as they are now ready to make a positive contribution, we want to give that opportunity to everybody. But that does not mean that we are going to give free money to a young able-bodied person for the mere fact that they sold out the Nation. No!

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**HON VENAANI:** That is the undertone of the thing. You are revealing yourself, you are revealing the secret behind this Bill. You have just revealed yourself. Thank you very much.

36 million that were given by South Africa to pay out these guys, the SWATF, the people that you say they paid, this money was equally shared. Why was it shared equally? Because it was a position that we all agreed, that there is no way that you can bring money into this country and you give to one group and not the other group. (Interjection). Because of the policy of National Reconciliation.

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Honourable Kuugongelwa-Amadhila, ten or twenty years from now posterity will judge us, that today you are moving away from the policy of national reconciliation one bit. (Intervention)

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**HON DEPUTY MINISTER OF HOME AFFAIRS IMMIGRATION:** On a point of Information. The Honourable Member is deliberately trying to distort the intention of the Bill. Until he finds a definition for a veteran, which he is saying he is unable to provide now, he will not be able to give us the correct information with regard to what is meant by a veteran and why that person has to benefit from the Bill that we are discussing. Can you kindly help us in this House as well as the Nation at large to define what is your understanding of a veteran and that is the departure point that will help you to make a correct contribution in this House.

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**HON VENAANI:** My Mother on the other side of the isle, I gave you a definition. I am not a draftsman to give definitions of Bills, but I argued on the premise of including all the fighters, including all those that were also caught in the cross-fire. Now you are saying those who died in the dungeons of Lubango cannot be considered as war veteran? (Intervention)

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**HON MINISTER OF LANDS AND RESETTLEMENT:** Can I ask a small question? Comrade Speaker, Honourable Members, I am sure you were at Eenhana last August or those who were there, half of those people who received medals were in exile. They left in the sixties, they started fighting there at Katima, at the border between Namibia and Zambia as young men from the sixties and up to the seventies and eighties they were old, some could not even go to the front. They spent their whole lifetime in the struggle.

Come Independence, some of them were so old that they could not join the civil service, the police or the defence and most of them, even besides those who left in the sixties and the seventies, do not even know Luanda, they were just at the front, trained and stayed for more than 17 to 20 years at the front and up to now some of them are unemployed. Do you really think it is fair for a person who was a Koevoet or SWATF, receiving a salary, in 1989 getting a pension and this one up to now did not even get a cent? Do you think it is fair to include those who have received salaries and their pensions? Up to now they are still receiving their pensions that they have been working for every month. It is unfair or what is your view?

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**HON VENAANI:** Honourable Father, you are talking about fairness, in the

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initiation of this Bill Government was forced to submit to this position because you know the very first statements that Government was making when the ex-combatants were talking about their funds. Let us not talk about these things as if now you are holier-than-thou. Yes, you were pushed into this position. (Intervention)

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**HON DEPUTY PRIME MINISTER:** This Bill was based on the Convention of the Veterans which was in the Ministry of Health. It is not that this is a new Bill from nowhere. We just wanted to create a Bill so that we have a clean Bill dealing with veterans subvention. We adopted that, so this is a prelude of that. It is not a new Bill that we are just starting.

Secondly, if the Honourable Member looks at page 5 and get the definition of the war we are talking about, I think it is very clear that it is the *armed struggle waged in Namibia and other countries by liberation forces against the colonial forces and which struggle resulted in the attainment of the Independence of Namibia on the 21<sup>st</sup> of March 1990*. I do not think this includes Koevoet and SWATF because they were not fighting for his purpose.

And then we are not talking about able-bodied young people who are working, we cannot exclude our Nation because of reconciliation, but we are talking about the effects of the war, those old people whom we need to support because they never earned any money in their lives. Let us look at this and unless you come up with a definition of the war, a definition of a veteran, then we can discuss this. But the way you are going does not make sense to me. Thank you.

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**HON VENAANI:** That is a statement from a Cousin. The creation of the Minister of Veterans Affairs, first and foremost, that culminated in the bringing of this Bill, was created just after the toyi-toying of the combatants. Yes, that is the argument that I am advancing, so you were forced to submit this Bill now. Let us not talk about the policy of fairness. (Intervention)

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**HON MINISTER OF JUSTICE AND ATTORNEY-GENERAL:** Honourable Speaker, the young man sometimes says logical things, but sometimes he goes astray and this is the point at which I would like him to come to the fore.

Honourable Speaker, in the early nineties the fighters demonstrated all over the country. Those in the North were planning to walk to Windhoek and for the Honourable Member to tell this House that this Ministry was created because of the toyi-toying is not quite correct. The toyi-toying has started long before, it has

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been here. It started at our Independence. Let us not attribute this Bill to toy-toying, let us just debate it in its own context and merit. It has nothing to do with toy-toying.

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**HON SPEAKER:** Can I read out this rule? Rule 108(d) says: “*A member may not call another Member directly by his/her name but may refer to him/her as “the Honourable Member, the Honourable Comrade”, then stating his/her name or as “Honourable Member or Honourable Comrade sitting in a particular part of the Assembly” or as “the Honourable Member or Honourable Comrade who spoke at a certain period of the Debate.” Therefore “this young man, my nephew, my cousin, my mother, brother, sister, son”, those things are not allowed according to our Rules.*

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**HON VENAANI:** I withdraw, Honourable Speaker. I want to come to the conclusion of my intervention.

Honourable Speaker, we agree that assistance must be given to veterans, in that definition that I gave to this House. Honourable Speaker, but I also detest to have these economic projects – and I want to be on record – that we created. We started with the Development Brigade Corporation, it failed. We started with Pidico, all these things, they have failed. Really, when we create something, let us talk about veterans accessing equities in companies, let us talk about ...(Intervention)

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**HON P MUSHELENGA:** May I ask the Honourable Member a question? Honourable Member, last time I spoke of the wisdom that Honourable De Waal once talked about. Now you are saying Pidico has failed, DBC has failed. Honourable De Waal made a very important statement at the birthday of the President when he said, the only way that a President will keep away from making mistakes, is when he does nothing, but who wants a President that does nothing? What do you make out of that statement with what you have just said now?

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**HON VENAANI:** What I make by that statement is to give people a fair deal and not a raw deal. Some of us were studying here, I was studying on the other side and we are the beneficiaries of the BEE deals. (Intervention)

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**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,  
HOUSING AND RURAL DEVELOPMENT:** May I ask the Honourable Member a question?

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**HON VENAANI:** No. I want the Minister to explain something...(Intervention)

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**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,  
HOUSING AND RURAL DEVELOPMENT:** On a Point of Information. I think the Bill that we are discussing has set out very clear criteria and these criteria are not unique, it happens in the world. When you have teachers, they do not mix with students; when you have medical practitioners, they do not mix with patients. The point I am driving at is just to show that the Bill is addressing veterans, it does not address people who fought. It addresses veterans and it has clearly defined what is meant by veterans.

If he wants a different definition, possibly we should now speak to the definition. But the Honourable Member does not have any definition. Why should we really waste time while he is not defining things? The Bill has a definition which is clearly indicated.

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**HON VENAANI:** I just ask that my Colleague to starts watching some other parliamentary Debates in the world, then you would understand the process.

In conclusion I just want to ask one question and it is in relation to the dependants of the veterans in its current form, because it says that *the person who will be perceived as being a dependant is a person younger than 18*. Logically speaking, as Honourable Jerry Ekandjo has just said, the veterans that have died were old people and most of the dependents will not be eighteen. How do we envisage to address the dependants of the veterans, because they were taken care of by other people and they are older than eighteen. Would there be any proper criteria of dependents because of the time span? We are already 17 years of Independence, the struggle was more than 40 years, would there be any quantification of dependents due to that age limit.

With those few remarks, I end my contribution.

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**HON SPEAKER:** Honourable Mushelenga.

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**HON P MUSHELENGA:** Thank you very much, Honourable Speaker. First I would like to thank the Honourable Minister of Veterans Affairs for introducing our Bill in this House, the War Veterans Bill.

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Honourable Speaker, I am going to be very brief. I entirely support the principle of the Bill, but there are a few technical issues that I would like to raise with regard to some of the definitions and not in a similar manner that Honourable Venaani has problems with the definitions. Mine are technical, because if I look at the definition of “veteran” in its current form, when you look at liberation forces and the war that was waged in Namibia and other countries by the liberation forces against the colonial force, technically it means this will not be confined to Namibian liberation forces. That is where I have a technical problem with this definition, because the war against colonialism was also fought by other forces that supported the Namibian forces and by this definition it means technically they are included in this Fund, if we are not careful. I would want us to carefully look at this definition, so that we talk about Namibian liberation forces, otherwise we may find ourselves with the problem that anybody, whether I was in FAPLA or whether I was in the Cuban forces which participated in Cuito Cuanavale, by this definition I will come and demand my share. We must therefore be careful with this definition.

Secondly, I would want veterans to be graded in a similar manner that we grade people when we give them honours. Some people will receive Order of the Eagle First Class, Order of the Eagle Second Class and so on. I sincerely believe the levels of participation were different and I say priority goes to those that were in the trenches, in the battlefield. We had a 3-pronged struggle – diplomatic, political and military. I want people to be graded that those who were actually fighting with the barrel of the gun will be veteran grade one or two, those who were politically involved so and so grade, diplomatically involved so and so grade. This is the only way that we will be doing justice to various people that were involved. (Intervention)

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**HON SCHIMMING-CHASE:** Honourable Speaker, could I ask the Honourable Peya Mushelenga a question?

Honourable Mushelenga, without the political and the diplomatic contribution, would the people in the trenches ever have received guns and bullets?

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**HON P MUSHELENGA:** I think the senior Honourable Member came in before I have finished. I am not trying to say that the one’s contribution was more important than the other, but I just want us to look at the reality of the harsh conditions in which different people that were involved in the struggle found themselves. It is the truth. Those that were political or diplomatic may not have

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experienced the similar harsh conditions as those who were running in front of the Casspirs. But all of us made contributions to attain Namibia's Independence. That is how I came in with the question of grading. (Intervention)

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**HON TJIHUIKO:** Honourable Speaker, may I ask the Honourable Member a question, please? Honourable Mushelenga, I just want to be clear on the three categories that you have just mentioned. You were saying that people must be graded. You were talking about militarily, diplomatically and politically. How would you grade the diplomatic participation of those who were diplomatically contributing to the struggle? The reason I am asking is that you were saying that you can grade those who were actually fighting according to their contributions, one person has been in the war for 15 years, the other one has been in the war for three years. That is understandable. How would you now diplomatically grade, as an example, grade me as a diplomat who has contributed and the Honourable Speaker?

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**HON P MUSHELENGA:** You will certainly not receive the same grading, because your level of diplomatic involvement was not the same.

Some spent a long time in diplomatic engagements, some spent a shorter time. It is the same with those who have been in prison. Some spent more years in prison, some spent less years in prison.

These are all the things that I want to be made very clear, so that at the end of the day we have consensus. But all in all I would really want to thank the Minister for bringing the Bill to the House. (Intervention)

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**HON NAMBAHU:** May I ask the Honourable Comrade a question before he concludes? Comrade Mushelenga, what do you make of an instructor who was instructing militarily in the training camp in Hainyeko who actually made it possible that the cadres were militarily ready for combat, to be able to go and do duty on the battle field, but the instructor himself was not involved in the battle itself? Or someone who was educating people to be in a position to actually interpret and read maps and read the degrees and because of that education to be a better cadre? What would your answer be on this?

The last question, hypothetically in the most unlikely event of another war breaking out against this country, will you be in a position to award those who are going to be fighting? You cannot create a precedent where you reward those who are going to fight against their mother or fatherland.

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**HON P MUSHELENGA:** I did not really get Honourable Nambahu's last question because I was busy with this technology.

To start with, I do not think we will be able to come up with gradings in this Honourable House. That is something that needs to be done by a technical committee that is put up to look at all these involvements. It is the same as someone that was responsible for cooking for the soldiers in the Hainyeko training camp. It is the same as someone who was cooking in my brother's village Onyaanya for PLAN combatants. I would have graded those people equally. We have people who were trained in all sorts of underground activities here. We also have those combatants that were underground combatants.

For all these things we should have a technical committee to define all these people. After consultations I am sure we will then have a consensus.

But as I said, I support the Bill, I support the Minister to bring this Bill to this Honourable House. You can criticise him here and there...(Intervention)

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**HON VENAANI:** May I ask the Honourable Member a question out of curiosity? Honourable Mushelenga, how would you qualify a person who was inside the country, not a combatant, nor engaged in diplomatic offensive, but a student leader that was in prison, tear-gassed and bitten by dogs of the South African regime for organising strikes in schools. Would this person under this Act classify as a veteran?

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**HON P MUSHELENGA:** That one is covered under definition (b), *consistently and persistently participated or engaged in any political, diplomatic or underground activities for the furtherance of the liberation struggle*. Therefore students were engaged in political furtherance of the liberation struggle.

What I want to say is that we must learn to appreciate that the Minister was able to bring this Bill to Parliament. It was not easy to come up with these definitions.

Honourable Venaani talked about national reconciliation and I do not really want to subject this Bill and mix it with issues of national reconciliation. If there is a concern to look at those who were serving in SWAPO, it should be addressed in a different context, not in the context of trying to diffuse this Bill with arguments on national reconciliation. This Bill is very clear.

With these words, Honourable Speaker, I support the Bill.

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**HON SPEAKER:** I thank the Honourable Member. Honourable Katali.

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**HON DEPUTY MINISTER OF LANDS AND RESETTLEMENT:** Thank you, Comrade Speaker. Comrade Speaker, I would like to congratulate the Honourable Minister of Veterans Affairs for tabling this very important Bill. I went through the Bill and I realised that it was well drafted. It is true that there are veterans, as they are defined in this Bill, who really need help because of the suffering that they are going through.

Comrade Speaker, I am happy to see in the Bill the positive discrimination that is included so that nobody would benefit doubly from the Fund so created and this is really something that I applaud.

I, however, sympathise with Honourable Venaani for the position that he took with regard to this Bill, which he was unable – and he will probably never be able – to defend in his lifetime.

Comrade Speaker, I also have the same view with regard to the definition of the war. The question I have is the relevance of the war that is in this Bill to the Bill itself, especially when it refers to the other countries. What relevance do other countries have to this very Bill? As Comrade Mushelenga indicated, are there people outside Namibia being envisaged who have fought in other wars in other countries to benefit from this Bill? I have that big question as to the relevance of other countries.

Secondly, Comrade Speaker, is with regard to the composition of the board. It consists of nine members, fine, although I think it is a bit too many, but when it comes to the chairperson of the board, it is the Permanent Secretary of that Ministry. I have a little problem with that, that this is the person who is leading the Ministry and yet it will be the same person who will lead the board and in another provision this is also the person who will be the accounting officer of the Fund. I think we are giving the same person too much at one time. How can this person be the chairperson of the board and also the accounting officer of the Fund and also be the accounting officer of the Ministry? I really have a concern about that, that maybe we need to take away some of these responsibilities from the Permanent Secretary. Either the Permanent Secretary not to be the chairperson of the board, so that in the same vein he will not be accountable to the Fund or if the Permanent Secretary remains the chairperson of the board, he should not also be accountable to the Fund. Somebody else or another institution should probably need to do that.

The last one is the appointment. The Bill reads that the institutions that are

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mentioned in the Bill will be requested to nominate four members each from which two are, in my view, supposed to be appointed from the four, but the Bill reads that from the four the Minister may appoint two. My understanding is that the Minister may not even appoint any of the four. I am now trying to understand why institutions will be requested to nominate four, but the possibility is from the four nobody will be taken. Maybe the Bill does not trust the institutions from where the nominations are going to come from, so that the Minister will have a way to say that of the four nominated, nobody qualifies for this. I do not know how the Minister will be able to reject all four people nominated by the institutions that are said to be represented in the board. I want the Minister to look into that, so that the Minister appoints four from the nominations.

I want us to also trust the institutions that are responsible for the nominations.

With that, Comrade Speaker, Honourable Members, I wholeheartedly support this Bill and I am sad that this Bill is coming at this stage when many others who could have benefited from this good effort will not be able to do so because they are no more. Even their dependants who might have benefited from this are no more. But this is a good effort and I rest my case.

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**HON SPEAKER:** I thank the Honourable Deputy Minister for his contribution. Minister of Safety and Security.

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**HON MINISTER OF SAFETY AND SECURITY:** Thank you, Honourable Speaker. I would like to join my Colleagues and those who have supported the creation of this Bill.

First and foremost, I would like to take this opportunity to thank the Honourable Minister of Veterans Affairs for tabling this Veterans Bill. This Bill is very important in ensuring that our veterans and dependants of deceased veterans are, in one way or the other, assisted. Thus the Bill is long overdue in my opinion.

Honourable Speaker, Honourable Members, the Bill is clear and I found it to be simple and understandable thanks to the simple language that is used. This makes our laws to be more user-friendly to be easily understood by the public. Further, perusing through this Bill I could not find many policy issues, than technical ones, that I will present to the Minister in writing for his future consideration. However, I would like to mention within this august House a few issues that may require comments from other Honourable Members.

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First and foremost, I would like to point out the ambiguity or misinterpretation that is created by the use of the terms “*dependant of veteran*” and “*dependant of deceased veteran*.” There is a definition of the term “*dependant*” that relates to the deceased veteran. In this case, the use of this term, “*dependant*”, only becomes, in my opinion, appropriate. However, there is no definition of the term “*dependant of veteran*”, but the term is widely used in the Bill. I think clarity is needed as to what we mean by “*dependant*” and the benefits provided for in the Bill are for which *dependant*. I am of the opinion that the term that is supposed to be used throughout the Bill is “*dependant*” with the understanding that the *dependant* referred to here, is the *dependant of the deceased veteran*.

I am drawing such conclusion by considering the definition of the term and the provision of Section 5, Section 6 and Section 7, to mention just a few. But as I said earlier, the Honourable Minister can give us clarity. For ease of reference, I have tried to indicate in my written contribution to the Honourable Minister the section where such words, “*dependant of veteran*” and “*dependant of deceased veteran*” are used respectively.

Secondly, I would like to comment on the definition of “*veteran*”. According to the definition, the persons who are not included in the definition are only those who deserted the war. However, if one looks at the definition of “*war*”, you will notice that it is narrower than the definition of “*liberation struggle*.” In other words, my understanding is that “*liberation struggle*” includes “*war*”. Thus, I have to ask the Minister of Veterans Affairs to look at the possibility of substituting the word “*war*” with the word “*liberation struggle*”. This then will also exclude those who were in the liberation struggle doing other functions or duties and decided to desert, unless Honourable Speaker, Honourable Members, we are assured that there were no persons of such character.

Thirdly, in Section 3(3) of the Bill there is a provision for the Minister to nominate veterans for consideration by the President to receive honours. However, it is not indicated either in this Section or in Section 46 where regulations are made, whether there will be special honours for the veterans or the already existing honours are the ones to be awarded, in which case I would like to suggest that the Honourable Minister considers to clearly indicate as such or if there will be special honours for the veterans, to be indicated that they will be prescribed.

Fourthly, in Section 15(4) I would like to suggest that even if the association did not recommend names to the Minister for appointment as members of the Board, the Minister in appointing them under that Section, the persons should be veterans. Thus, I suggest a *proviso* to such effect be inserted.

Honourable Speaker, Honourable Members, fifthly is in relation to Section 27, especially Paragraphs (b) and (c). It is also not clear to me as to why the

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requirements of a person to be registered as a dependant are being referred to the veteran himself or herself. It is my understanding that when you will be referred as a veteran, it means that you have fulfilled the requirements of the veteran. Thus, as it is now, it is like assessing the veteran twice. Maybe the Honourable Minister will look at this and try to follow the provision of Paragraph (a) of Section 27.

Last, but not the least, Honourable Speaker, in Section 41(3)(b) it is provided that the member of the Appeal Board can be removed from office, but Honourable Speaker, there is no provision for such member to resign or provision for any other cause of vacancy apart from removal or resignation. I would like to suggest that such provisions be made and also provision for filling the vacancies. Therefore, provisions like in Section 16 and 17 of the Bill can be considered with the necessary changes.

Honourable Speaker, Honourable Members, in conclusion, I would like to thank the Honourable Minister of Veterans Affairs for tabling this Bill. As I have already said at the beginning, the Bill was really overdue and I would like to appeal to all Members to make contributions so that we can conclude this Bill as fast as possible. I thank you.

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**HON SPEAKER:** I thank the Minister. Honourable Nora Schimming-Chase.

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**HON MINISTER OF FINANCE:** Thank you, Honourable Speaker. I feared that by the time I return, because I have been away for quite some time, this Debate would be over on this Bill, but unsurprisingly the Debate is ongoing and it is as heated as ever, not only in this Chamber but outside there in the public at large. This is not unexpected, especially given the socio-economic circumstances that prevail in the country. We have high unemployment, we have poverty, so it is natural that our people will try, wherever there is a possibility that they can get some extra cash or additional benefits, to make sure that they do that. That is why some of our Colleagues here try to make sure that this or that person who belongs to this or that political organisation of which they are members should also be covered, never mind the fact that those persons may not really fully meet the description of the group that we are trying to target with this assistance.

However while that is recognised, it would not be reasonable for us to expect that this Bill should cater for everybody that participated in the war of liberation and specifically it cannot be expected that it should also cover those that participated against the liberation forces. This would not be practical, nor would it be reasonable and it will not be affordable, first and foremost. If you accommodate

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so many people and almost everybody qualifies, we will not be able to afford it. Even if it was affordable, it cannot be reasonable that we take somebody that actually betrayed their own country and say I am going to award you this grant. It would really make a mockery of those that have sacrificed. When those who are disabled or bedridden see that, they would really think that we are making a joke of them, and ridiculing them. I do not think that that is the way to demonstrate goodwill or national reconciliation. I think that is a very bad way to do it if we decide that that is how we want to demonstrate our commitment to national reconciliation.

We have decided that we should have specific criteria for beneficiaries of the programme provided under this Bill and we have decided that that criteria should be participation in the struggle in furtherance of our national liberation, and those are the words we underline "*in furtherance of our national liberation.*"

The category of persons so targeted is deserving of these grants and other financial support that is provided for under the Bill because they made the sacrifices for the good that we all enjoy today.

Secondly, many of them are experiencing hardships, so it would be inconsiderate for the State of Namibia not really to provide for them when they actually find themselves in that situation because of something that benefits all of us today. But as I have said, we will make a mockery of them if we say that we will accommodate those who fought on the side of the enemy. We can reconcile with the latter in other ways, we can take care of them as we take care of other Namibians, but we do not have to give them grants as though, first and foremost, they do not have pensions or they cannot provide for themselves. The pension we are talking about is not only the 36 million that everybody refers to from the Republic of South Africa, because there seems to be an impression that the South African Government gave this money and this money was distributed amongst all the fighters, including SWAPO, and there was nothing left for the ex-Koevoet and the ex-SWATF. But every employee of the South African State, that also extended its rule here, received a pension after retirement, everybody. Therefore if a person was serving the South African Government at that time, they do receive a monthly pension just like any other person who was serving the Government of that time receives a pension. But the ex-PLAN fighters do not receive that pension, not from the South African Government and not from this current Government and not from SWAPO and naturally and rightly they cannot receive pension from SWAPO because they were not serving SWAPO, they were serving Namibia. Therefore, this support is really something that should be done for them by this State that has benefited overwhelmingly from their sacrifices and it should be done for them. (Intervention).

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**HON DE WAAL:** Honourable Speaker, may I ask the Honourable Minister a question, please? Honourable Minister, you are a financial person and maybe you can help me, because I tried to figure out what exactly this Bill wants to do and now I basically have three problems.

The first one is that you say all SWATF members have been receiving a pension from the South African Government since Independence up to this day. Is that what they are saying, that they are getting a pension every month from the South African Government? That is not my impression, but I just want to make sure because that is actually what you said.

Secondly, the veterans, as far as I know, already receive a pension of N\$500 a month and I want to confirm that. Then thirdly, we are now talking in this Bill of another grant which must still be defined what it will be, whether it will be N\$1,000, N\$5,000, N\$10,000 a month, because the Bill is not explicit and it must be defined in the by-laws.

If the Minister could just be very clear on those three issues, I will really appreciate it.

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**HON MINISTER OF FINANCE:** Thank you, Honourable Speaker. As I said when I interjected when Honourable Venaani was speaking and I think Honourable Libertine Amathila further expounded on that, this Bill repeals another Act and that Act is the one by which that N\$500 grant was being given to veterans. Once this Bill is passed, that other Act is no longer in existence and, therefore, that N\$500 is no longer there and it will be replaced by the grant that will be provided under this Bill.

Secondly, with regard to the SWATF and Koevoet receiving pension from the South African Government, I think you and I both know that the employees that were employed by the South African Administration in Namibia were inherited by the new Government. Those who were pensioned off at the time of Independence were benefiting from the pension fund for all the personnel of the South African Administration in Namibia. Whether you were civilian staff or you were in the police or you used to work for Prison Services or you were in SWATF or Koevoet, you would be benefiting from that scheme. Technically speaking, I would not say they are still receiving pension from the South Africa Government, because it is a pension scheme, but they are receiving benefits from that pension scheme just like employees of the current Government who would be receiving benefits from GIPF, regardless of which Party would be ruling this country at that time. That is the point that I am trying to make.

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I have said that apart from the fact that it would make a mockery of those who made sacrifices if we include those who fought on the side of the enemy, we know that all over the world all Nations honour their veterans. But even if you go to America, you will find that they support their veterans from the Vietnam War or from the Middle-East War, but if there is an American who defected from the American forces and joined the forces of the enemy, that person would not benefit from the assistance that is provided to the veterans. In fact, if you defect in those countries, you are apprehended and you are dealt with. It is not even reconciliation the way that we have it here. I am not advocating that we abandon reconciliation. (Intervention)

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**HON TJIHUIKO:** May I ask the Honourable Minister a question, please? Honourable Minister, I am sorry to disturb, but you are talking about those who have defected. I think you are right in saying that those who have defected will not qualify. Are you trying to say that there are people who have defected? (Interjections). Is the Minister trying to tell us that there were people who defected who wants to benefit from this scheme? Is that what the Minister is trying to inform us here and the public out there?

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**HON MINISTER OF FINANCE:** Honourable Member, the point that I am trying to make, first and foremost, is that all over the world the practice is that when you make a provision to cater for people that have participated in a war on behalf of a country, you cater for people who have participated in furtherance of the objectives of that State, so that if there is a person that defected or there is a person that acted counter to those objectives, it is not normal practice that that person should benefit from that kind of scheme. Therefore, it would be unreasonable for anyone in Namibia to say that Namibians or any person who lives in this country that acted counter to the efforts of the Namibian people to bring about their liberation, or Namibian that were part of the struggle and defected, should also benefit from this scheme. That would be unreasonable and I know that there are people in this House and that would probably include the Honourable Member and I would be happy if it does not include the Honourable Member who would advocate that people who defected should be covered. I make that conclusion because there are Honourable Members who are advocating that those who fought on the side of the enemy should benefit. If they can advocate for that, what should prevent them from advocating that those who initially made a contribution but later defected should be included? (Intervention)

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**HON TJIHUIKO:** May I ask the Honourable Minister another question, please? Honourable Minister, I think you are doing fine. The definition of this Bill is concentrating more on the liberation struggle, which I agree with you, but it says

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little on the war of resistance. There are people, victims of that war and I can give the example of the people in Gam. Do you not think, Honourable Minister, that by only concentrating on the liberation struggle as defined, it would exclude not only those who have defected but those who have contributed but not falling in that category of the word "*liberation*". How do you see the others?

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**HON MINISTER OF FINANCE:** Thank you very much, Honourable Tjiuiko. I thought that since the Honourable Member was here for the most part of the Debate on this Bill and I was not, he would actually be more informed than myself about the Bill. But if you were also away the time that I was away, let me just help you by referring to a provision in the Bill. That is where the veteran is defined.

The Bill specifically says, "*veteran*" means *any person who was a member of the liberation forces, consistently and persistently participated or engaged in any political, diplomatic or underground activity in furtherance of the liberation struggle, owing to his or her participation in the liberation struggle was convicted, whether in Namibia or elsewhere, of any offence closely connected to the struggle and sentenced to imprisonment.* Then it goes on to say, "*but does not include the person who during the war deserted the liberation struggle, unless that person consequently rejoined the struggle.*"

That is where the point about Chief Maharero comes in, where I say he was an honourable man, he did something and he realised that that was not the best way to deal with this thing and he turned around and he redeemed himself and that makes him a hero in our eyes. That is why this Bill is also recognising that kind of action. (Intervention)

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**HON SCHIMMING-CHASE:** May I ask the Honourable Minister a question? Honourable Minister, that section that you just read at the end, those who came back from the struggle, is that an attempt to accommodate the quarter-to-twelve and quarter-past-twelve SWAPOs?

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**HON MINISTER OF FINANCE:** I think this Bill makes no reference to SWAPO but that is not because the authors of the Bill have forgotten about SWAPO. It is because it is the intention of this Bill to target all those that furthered the struggle beyond the confines of the Political Party. (Intervention)

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**HON VENAANI:** Honourable Speaker, may I ask the Honourable Minister a

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question? Honourable Speaker, with your permission I want to use a person's name, a hero of this country. Would you consider, with all due respect, a person like Comrade Hitjevi Veii as a veteran under this Bill? (Interjections).

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**HON MINISTER OF FINANCE:** Those Honourable Members who are more acquainted with the credentials of the person are saying he does. Unfortunately, because of the fact that I may not know all the people in Namibia, I may not be able to provide you with those kinds of specific answers. (Intervention)

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**HON MINISTER OF LANDS AND RESETTLEMENT:** On a Point of Information. Honourable Veii was even decorated with a hero's medal at the Heroes Acre. He got a medal as a hero. He is a Namibian hero.

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**HON MINISTER OF FINANCE:** As I was saying, there is no word like "SWAPO" in here, but that is not because we have forgotten about it. I think it was deliberate that this Bill is not about SWAPO, it is just about veterans and, therefore, any person that fits the criteria of a veteran will be appropriately acknowledged, they will be honoured and they will be supported.

As to whether that provision is aimed...(Intervention)

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**HON DE WAAL:** Honourable Minister, I am still trying to get clarity and I listened to what Honourable Mushelenga said earlier this afternoon. You see, some of these veterans came back from this war and fighting in the trenches with doctors' degrees and then they became managing directors here in Windhoek after Independence. They qualify for this definition. Are they also going to get this grant?

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**HON MINISTER OF FINANCE:** They will not get assistance. (Intervention)

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**HON DE WAAL:** They will not get assistance. Where does it say that in the Bill?

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**HON MINISTER OF FINANCE:** Yes, at least I have to commend you that here you made an attempt to ask a financial question, because you are a person from a financial background. The Bill indeed has established a threshold or a financial

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benchmark to qualify for this assistance. I think that benchmark is the income tax threshold. If you have an income that is higher than that threshold, you do not qualify for the grant.

Let me just answer the question of the third and fourth generation. I do not believe that it is the intention of the Bill to provide assistance to fourth and fifth generations of veterans. This is not about party-politics, but it will no longer be justified if my fifth grandchild would come and say my grandmother Saara participated in the liberation struggle and, therefore, I should be entitled – five generations later. It would even be impossible to identify these persons and confirm their credentials.

We should really be practical and we should be reasonable. But I think all our concerns should be addressed if we say that the veterans would not be defined on the basis of Political Party affiliation. I think that should really allay the concerns of everybody. (Intervention)

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**HON TJIHUIKO:** May I ask the Honourable Minister a question? I noticed that the Honourable Minister is really trying to confuse the public by playing with words. Honourable Minister, you were talking about tracing the generations of those who participated in the struggle, but at the same time you have a cut-off of 18 years of the beneficiaries of those who participated in the struggle, dependants. Now how on earth could a person of two or three generations be 18 years of age?

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**HON MINISTER OF FINANCE:** I am answering your question because I know that your question was implying that this support which is provided under the Bill should also be extended to third and fourth generations of veterans. That is why you referred to people who are coming from Botswana and it is true that their ancestors might have fully qualified as veterans here, but these are not dependants of those veterans because dependants of the veterans are your children, your step-children your spouse, not your great-great-grandchildren whose parents might have been in a position to assist them and even they themselves may be economically empowered to be able to assist themselves.

But you know why the dependants who are under eighteen have to be assisted, because they are not old enough to fend for themselves. They are students and minors and, therefore, they cannot cater for themselves.

I have answered and I know that the Honourable Member knows that I am not confusing people out there. That is why he is seeking further clarification from me, because he knows that I can provide the clarification.

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With these few remarks, I would like to support the Bill.

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**HON SPEAKER:** The House shall now rise under Rule 90, automatic adjournment, until Tuesday next week.

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**HOUSE ADJOURNS AT 17:45 UNTIL 2007.11.06 AT 14:30**

**NATIONAL ASSEMBLY  
ASSEMBLY CHAMBER  
06 NOVEMBER 2007  
WINDHOEK**

The Assembly met pursuant to the adjournment.

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

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

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**NOTICE OF QUESTIONS**

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**QUESTION 121:**

**HON VILJOEN:** Honourable Speaker, I give Notice that on Thursday, 15 November 2007, I shall ask the Honourable Minister of Agriculture, Water and Forestry the following questions:

This is the beginning of another rainy season for Namibia and we all hope that we will receive lots of rain. In light of these expectations by all of us, there are also Namibians who feel the consequences of what may happen. I refer to those who live in Mariental and the immediate area of the Hardap Dam. After the natural disaster of 2006 in this area, the Government undertook certain actions by appointing a task force to investigate a possible solution for this problem.

1. Can the Honourable Minister inform this House what achievements and recommendations were made to your Ministry by the mentioned task force?
  2. When will the recommendations be implemented?
  3. Does your Ministry have a plan of action on the table for immediate implementation in case such disaster occurs overnight?
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**HON SPEAKER:** I thank the Honourable Member. Will the Honourable Member table the Question? Honourable Dienda.

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**QUESTION 122:**

**HON DIENDA:** Thank you, Honourable Speaker. Before I ask my questions to the Minister of Health and Social Services, I would like to congratulate the

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**NOTICES OF QUESTIONS  
HON DIENDA**

Honourable Minister of Health and Social Services that the yard of the Katutura Hospital is very clean and I see you have started with the hospital itself and even the Central Hospital.

Honourable Speaker, I give Notice that on Thursday, the 15<sup>th</sup> of November 2007, I shall ask the Minister of Health and Social Services the following questions:

Regarding the uniform of nurses, I have noticed with great concern that some nurses are wearing green, black and orange sandals, while others are wearing high-heel shoes of different colours. Nurses are also wearing different jerseys during the winter, unlike the police and the defence who have one uniform for all their members.

Given this background, can the Honourable Minister please enlighten the public on the following:

1. What is the dress code for nurses?
  2. Whether the Ministry is giving allowances to nurses to buy their uniforms or whether the nurses are receiving uniforms directly from the Ministry?
  3. When last did the nurses receive new uniforms or allowances to buy new ones?
- 

**QUESTION 123:**

**HON DIENDA:** I also give Notice that I shall ask the Minister of Health and Social Services the following questions:

1. Is it normal practice for State patients to receive prescriptions for tablets and to buy it from private pharmacies when the State Hospitals are out of stock?
  2. If the answer is affirmative, what about alternative medicines, since these patients are visiting State Hospitals because they cannot afford private medical care.
  3. What will the future arrangements be regarding this issue of hospital pharmacies out of stock for certain medicine? What efforts are being made to ensure that basic medicines are always available?
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**QUESTION 124:**

**HON DIENDA:** I also give Notice that on Thursday, 15<sup>th</sup> of November, I

shall ask the Minister of Health and Social Services the following:

Honourable Minister, the Smile condoms which are currently manufactured in 'one-size-fits-all', what is the possibility that it can be manufactured in the following sizes: small, medium, large and extra large?

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**HON SPEAKER:** Any further Notice of Questions? Any Notice of Motions? Honourable Booy's.

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### **LEAVE OF ABSENCE**

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**HON BOOYS:** I Move without Notice, that leave of absence, due to official business, be granted to the Minister of Defence, Honourable Namoloh, until 16 November 2007 and to Honourable !Nawases-Taeyele until the 30<sup>th</sup> of November due to her own illness. I so Move.

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

The Notice of Motion is the one of the Honourable Minister of Works, Transport and Communication. Does the Honourable Minister move the Motion? Who seconds? Any objection? Agreed to. The Minister has the Floor.

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### **ACCESSION TO CONVENTION ON UNIFICATION OF RULES RELATING TO BILLS OF LADING**

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**HON MINISTER OF WORKS, TRANSPORT AND COMMUNICATION:** Honourable Speaker, Honourable Members, the Convention for the Unification of Certain Rules of Law relating to Bills of Lading, 1924, as amended, governs liability loss or damage to cargo carried by sea on board ships.

It seeks to strike a fair balance between ship owners and cargo owners by providing that ship owners are bound to take care of the cargoes and provide seaworthy ships. For this the Convention lists accepted causes of loss or damage to cargoes for which a ship owner is not liable.

A Bill of Lading is issued to the cargo owner, as a receipt, once the cargo is taken

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HON DR AMWEELO**

on board of the ship. The receipt function of the Bill of Lading raises issues that go to the quantity of the goods shipped and the condition in which they were shipped.

Disputes between ship owners and cargo owners mostly arise over the question whether the goods have been delivered short, or have been damaged during the carriage. There is also a question of, on whom does the law place the burden of proof? The Bill of Lading is in this case a *prima facie* evidence of the statements it contains.

In order to protect Namibian ship owners and cargo owners, it is very important that such unified standard rules are adopted by acceding to this Convention and incorporate them into our national legislation on carriage of goods at sea. Accession to this Convention will not discourage ships from calling at Namibian ports or from being registered in Namibia. Furthermore, this accession will not impose extra work to enforce the rules and hence, no extra cost to the Government.

Our Ports Authority and Port users strongly support the idea that Namibia accedes to this Convention, as amended, for the benefits mentioned above.

I, therefore, strongly recommend to the Parliament that Namibia accedes to this Convention, as amended, and that the Minister of Foreign Affairs is delegated to effect the accession on behalf of the Government. I thank you, Mr Speaker.

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**HON SPEAKER:** I thank the Honourable Minister for his motivation. Any further discussion? Dr Amweelo.

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**HON DR AMWEELO:** Thank you very much, Comrade Speaker. I would like to thank my Colleague, Comrade Joël Kaapanda, the Minister of Works, Transport and Communication for bringing this International Convention for the Unification of Certain Rules of Law relating to Bills of Lading of 1924.

Comrade Speaker, the Bill of Lading is often referred to as one of the most important documents in maritime owned trade and it contains a lot of information, such as the name of the owner of the cargo, the ship's name full description of the cargo or goods and, the port of shipment and the discharge and the full details of freight charges and how and when it is to be paid; the name of the consignee or the name of the person who ordered the cargo or goods.

In Paragraph 4 of the introductory remarks by the Honourable Minister of Works, Transport and Communication, Comrade Joël Kaapanda, he mentioned the

disputes between ship owners and cargo owners which mostly arise over the question whether the goods have been delivered short or have been damaged during the carriage. Comrade Speaker, I fully agree with the Comrade Minister Kaapanda. But there are some problems with the Bills of Lading.

A Bill of Lading states that the cargo is carried in apparent good order and condition. When the ship owner is in agreement with this, the Bill of Lading is referred to as a clean Bill of Lading.

Patrick M. Alderton, a senior Lecturer in Shipping and Port Studies, City of London Polytechnic, in his book, *“Sea Transport and Operation and Economics”* stated that: *“Should however on loading the tally clerk or ship’s officer notes some defects, such as wet or stained cases, cartons missing, broken or torn or leaking or repair of machinery, rust, etcetera, the Bill is closed to this effect. Such a Bill of Lading is referred to as dirty or uncleaned. The port is not liable for any package that’s broken or otherwise damaged before lading. It is, therefore, vital to note down the actual condition of the package cargo or goods condition of cargo of goods at the time of lading.”* It means that our tally clerk must be well-trained to note the condition of the cargo.

*“To absolve the port from any liability for any broken or damaged package, the tally clerk shall carefully note the actual conditions of the package and make an annotation against the tally entry. In case of export tally; a tally shall be maintained at the time of the shipment. The prescribed form and the marks and the numbers of the package shall be noted as they appear on the packages,”* when the sling is formed and lifted. The tally clerks should note all the conditions of the package.

*“The tally clerk must be very careful and vigilant as their notes and receipts are dependent entirely on their tally and once the goods are put in the hatch of the ship, there is no means whatever of re-check short of having the whole lot being unloaded from the ship and counted and reloaded which should be avoided.”* Therefore, before the cargo is loaded on board ship, it must be properly checked to see the condition of each cargo, whether it is damaged or not.

*“In case of import tally, on import side tally of cargo is done at the hook point when the sling is unhooked and the packages are removed for stacking either in the shed or in the quay side.”* It means that before the package lands on the quay side, the tally clerk should properly check, because once the cargo landed, if the tally clerk does not check those packages, then the port authority will be responsible, will be liable for damage.

Therefore, I appeal to our tally clerks to be well-trained so that they should note all the cargo before landing on the quay or before removed from the quay to the shed. It is, therefore, essential that as the sling is landed, the sling number, the timings of

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the slings, description of the package, etcetera, shall be noted carefully by the tally clerk.

Otherwise, Comrade Speaker, I fully support the International Convention. I thank you.

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**HON SPEAKER:** I thank the Honourable Member. Any further discussion? Does the Honourable Minister wish to reply?

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**HON MINISTER OF WORKS, TRANSPORT AND COMMUNICATION:** Thank you very much, Honourable Speaker. I would like to thank my Honourable Friend for having eloquently commented on the Bill that affects his area of speciality and also the caution he sounded to the tally clerks to avoid unnecessary liability either to the Ports Authority or eventually, if it is erroneously concluded, to the ship owner. I would also like to thank the entire House for having supported the Convention in silence. I thank you, Comrade Speaker.

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**HON SPEAKER:** I thank the Minister and I now put the Question, that the Convention be acceded to. Agreed to. The Secretary will read the First Order of the Day.

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**RESUMPTION  
OF SECOND READING : VETERANS BILL**

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**SECRETARY:** Resumption of Debate on Second Reading – *Veterans Bill*.

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**HON SPEAKER:** When this House adjourned in terms of Rule 90 on Thursday, the 1<sup>st</sup> of November 2007, the Question before the Assembly was a Motion by the Honourable Minister of Veterans Affairs that the Bill be read a Second Time. Any further discussion?

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**HON SCHIMMING-CHASE:** Thank you, Honourable Speaker. Mr Speaker,

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**VETERANS BILL  
HON SCHIMMING-CHASE**

Sir, I rise today to contribute to the Debate on the Veterans Bill, a Bill, Mr Speaker, which we must all agree is late in coming. But as the saying goes, *better late than never*.

Mr Speaker, I wish to go on record today that I support this Bill because it enables all of us to take an honest and objective look at our history, so that the citizens of this country can know what the struggle was about, who contributed and in what way these contributions were made.

Some of the Honourable Members in this House have recently given their versions and interpretations of history without any interruption, even though some of us may not have agreed. Others, unfortunately, were interrupted to an extent that they could not put their ideas across. Mr Speaker, Sir, every day when we start the session we listen to you reading the Prayer and Affirmation and we hear you saying that we must respect each other and especially God's name in all we think, do and say. But it seems as if we say "*Amen*" and after that we forget what we have committed ourselves to in the Prayer.

Mr Speaker, Sir, I read the motivation speech of the Honourable Minister of Veterans Affairs with great interest. Allow me, therefore, in this Second Reading to concentrate on the issues of relevance as contained in the speech.

In point 6 of the motivation the Honourable Minister states that the role of his Ministry is amongst others, "*including the gathering of information or data about the number of veterans.*" Thank you, Honourable Minister, at least now we will know how many of the about 40 000 returnees were fighters and what their appropriate ages were. I know that at the time when Honourable Geingob was the Prime Minister, that there was a demonstration and I was sitting in my office in Foreign Affairs and I looked at the age of some of those people demonstrating and I was surprised, because I know for a fact that SWAPO never used child soldiers, an issue for which we must be respected even today.

What concerns me, however, is the following: We have to debate and vote on the Bill without a projection of what it will cost. Can we really make promises that we will not be able to keep? We are talking about a substantial amount of money being provided by the Government for the assistance and funding of projects. This is not new, we had the Development Brigade that was supposed to help those people who put their lives on the line on a daily basis, but we as a Parliament are still waiting to hear what happened to that project, what happened to the moneys, what happened to the assets and we have asked questions in this House for which we did not get an answer, and yet a sizeable amount of money was expended on it. What guarantee, we are forced to ask, is there that this time around it will be different?

Mr Speaker, Sir, the object of this Bill, we all are told, is to define who is a veteran

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and the Honourable Minister goes ahead and does exactly that. The definition of a combatant is clear, but what about those Namibians who received military training and were ready to lay down their lives for the liberation of our country but were denied their right to fight by the OAU Liberation Committee?

Mr Speaker, no one will deny or denigrate the role played by the combatants, but the time has come to set the historical record straight. It is time that we face the fact that long before Independence the international community, note well, not the Namibian Nation, had their own election and declared the results, the result of which was that SWAPO was the sole and authentic representative of the people of Namibia, an election result that has not been repeated by the people of Namibia in any of the elections since then. I do not wish to belabour this point today, suffice it to say that Namibians were prevented by this decision to play their part on the battlefield.

Sections (b) and (c) refer to those who provided political, diplomatic and auxiliary support and those who actively supported the armed forces. I am reminded, Mr Speaker, about thirty-five years...

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**HON DEPUTY MINISTER OF JUSTICE:** May I ask Honourable Nora Schimming-Chase a question? The question is the quote in Afrikaans, “*ons sal lewe, ons sal sterwe, ons vir jou SWAPO.*” Now I want to know whether there is a difference between training and real fighting, because you can be trained but if you have not actually participated in actual combat, that is something different. Maybe you can clarify that issue.

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**HON SCHIMMING-CHASE:** I totally agree with the Honourable “*Son of the Nation*”. Actually you must change it to say, “*ek sal lewe – jy – ek sal sterwe, ek vir jou SWAPO.*”

But I totally agree with you that when you train, you train to fight. When you get a chance to fight you are able to fight and so I am not saying they are the same as those who fought. But I am saying, let history reflect that they were ready to fight and were not allowed to fight.

Sections (b) and (c) refer to those who provided political, diplomatic and auxiliary support and those who actively supported the armed forces. I am reminded, Mr Speaker, of about thirty-five years ago as a young pregnant lady, I was part of a SWANU delegation to the United Nations and for a week we had to run around the corridors of the UN as Namibians to beg for an opportunity to address the UN Committee. I remember how in the end it was because of the intervention of

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non-Namibians that we were granted a few minutes to speak. Will those diplomatic efforts, Honourable Minister, be recognised?

Mr Speaker, I remember advocates and lawyers during the liberation struggle who risked their existence to defend members of SWAPO and SWANU in political trials. Are they remembered today or are we remembering those who represented the State during those years and are now buying recognition by wanting to support certain SWAPO projects?

Mr Speaker, I remember doctors who treated comrades in exile free of charge, doctors who treated victims of torture inside the country free of charge, doctors who neglected their practices for days in order to give evidence of torture cases in courts when others refused. Are they recognised? Are they given the medals of honour? No. And the one thing they have in common, Mr Speaker, is that they are no longer or have never been members of SWAPO. Can we be blamed, therefore, if we are wary not of the definition, but of the implementation of these categories?

Mr Speaker, I rose on a point of information last week, and on your advice decided to take the Floor during this Second Reading. Mr Speaker, as we contribute to the Debate on this Bill, we must exercise extreme caution especially when we talk about those Namibians who joined SWATF and Koevoet. It is, indeed, a sensitive issue, but as leaders and politicians we must separate the wheat from the chaff.

In our discussions we tend to ignore the untold suffering of many Namibians who stayed inside the country and fought the struggle from within. How many of us today talk of the draconian laws, AG 8, AG 26, under which people were arrested, tortured? How many of us today think of those who were tortured and killed? How many of those were hospitalised in the East Wing of the Central Hospital on the fifth floor and came out of that hospital as physical wrecks, suffering from strange diseases, dying too soon?

Mr Speaker, conscription was one of the most draconian laws. Young boys were picked up from schools, from the streets, from their houses, running errands for their parents and forced into the army. No one was safe. State Security followed those of us who tried to answer the desperate pleas of these innocent children who preferred exile. Many died fighting for a cause they did not believe in. Some went into exile and did not return, *caught in the cross-fire*. The lucky ones went abroad and studied and today hold high positions.

These are raw wounds, Mr Speaker. Let us think of them when we generalise and not throw them in the same pot with those who wilfully joined the side of the South African regime, those, some of whom today are regarded as comrades

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because they joined SWAPO. Those who arrested us, and tortured us we know them today and we see that they are the comrades.

We as leaders of this country will be condemned by history if we do not recognise the evils of apartheid, not just physically, but emotionally. Brainwashing, Mr Speaker, is an effective tool of dictatorship and racists. Our people were brainwashed and we never took the effort to de-brainwash them.

Mr Speaker, as I look at the members of the Board, I get seriously worried. I am reminded of SWAPO's public statements that jobs must be given to committed party cadres and so those members of the Ministries who are part of the Board are an indication of that decision. There is a need for a paradigm shift. We as leaders have to make that paradigm shift. As I said before, the Namibian electorate has never voted for SWAPO as its sole and authentic representative, we are living in a democracy. I, therefore, appeal to the Honourable Minister to reconsider the composition of the Board so as to include representatives from all sides who played a role in the liberation struggle.

In conclusion, Mr Speaker, I also support this Bill because I feel for those combatants who put their lives on the line, fighting for Independence, but have since then received so little of the national cake and have to experience how the few get richer and richer, while they languish in poverty. It is my hope that this Bill will ensure that those who set their lives on the line, those who were comrades when it was dangerous to be a comrade, would get their part of the national cake. I thank you.

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**HON SPEAKER:** I thank the Honourable Member for her contribution. Honourable Deputy Speaker.

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**HON SIOKA:** Thank you, Comrade Speaker. I indicated last week that I would just make some corrections, because when I will be chairing the Committee, I would like to see that these mistakes are corrected which are detected in the Bill.

Thank you, Comrade Minister, that you have managed to come up with this Bill in a short time, because your Ministry was only established recently.

Comrade Speaker, let me start with Page 9, the composition of the Board, clause 14(1). I would like to request the Minister that sub-clause (1) should be taken out so that we would be systematic in our numbering.

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Then I would also like to draw the attention of the Minister to Page 26, Clause 46(1) where there is no (1), there is only Clause (2), (3) and (4) and also Clause 48, the short title on Page 27 where Sub-clause (1) under 48 should be replaced, because there is (2) and (3), but no (1).

Comrade Speaker, those were my contributions to the Bill. I support the Bill.

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**HON SPEAKER:** I thank the Honourable Member. Honourable Prime Minister.

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**RT HON PRIME MINISTER:** Thank you very much, Comrade Speaker. I rise to thank and commend the Honourable Minister of *our affairs*, Veteran Affairs, for bringing this Bill to the Floor of the House for enactment.

I have listened to a number of contributions and I think there is a misconception about this Bill and I want to emphasise what this Bill is all about.

First of all, this Bill is an affirmation of the Government's political commitment to the ex-combatants or veterans or freedom fighters. The Bill could actually have been called the "*Freedom Fighters Bill*" so that there is no confusion whom we are talking about and the political commitment has been demonstrated by the fact that the Ministry of Veterans Affairs has been established.

The goal is to give political guidance to the issues related to former freedom fighters. It is true we had a number of programmes and projects related to the alleviation of the special plight of the former freedom fighters, but by and large these projects and programmes were not guided politically and for that reason many of them could not succeed. Now with the political guidance I am quite sure that the social plight of the former freedom fighters will now receive full support, so that this issue will be fully addressed and all concerned will receive what is due to them.

The Bill is also about appreciating efforts of the former freedom fighters. If you go back in the history, we go back to the early sixties when African nationalists were called agitators and all sorts of names, eventually they ended up being called terrorists and so forth, if you go back to that time, not too many people were willing to volunteer to actually take part in the struggle.

I recognise what Honourable Nora Schimming-Chase was saying, that yes, it is not only SWAPO who was taking part in the struggle and I think the Bill recognises that. There is no problem with that. I only want to correct here that you cannot be

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prevented to fight for freedom by other people if you are really determined to do so. You cannot. Other people might initially deny you some assistance or perhaps discourage you, but with commitment, surely you cannot be prevented from fighting for your freedom. Therefore, it is a fallacy to say that since SWAPO was recognised as the sole and authentic representative of the Namibian people, others could not fight for freedom.

If you made serious efforts, serious efforts, I am quite sure somebody, somewhere would have recognised your effort and gave you support – political, material, even military. We should therefore not try to shift our own weaknesses to other people, it is not quite fair.

But this Bill is actually to recognise the efforts of those who, despite all the odds, decided to sacrifice their youth and their time to the struggle. It was not easy as we are speaking here now. I hear many young people who speak about the struggle and sometimes I say I wish they were there those days. I would have liked to see how they would have behaved in those very difficult and trying times. (Intervention)

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**HON TJIHUIKO:** Honourable Speaker, may I ask the Prime Minister a question, please? Right Honourable Prime Minister, I was listening very carefully and you started by saying that this Bill could have been called the “*Freedom Fighters Bill*”. I believe that it was unfortunate that it was called something else.

In this Bill it is stated that people who have participated against the freedom fighters and then repent and came out as part of it are now going to be considered as freedom fighters, if I am not mistaken. Is it true?

A second question that I want to find out from you, it sounds by listening to you that this Bill is an effort to try and create a job creation scheme for the freedom fighters. The efforts that the Government has tried through DBC and others that Government has failed, that they have up to now not reported as to what actually happened, now you are trying to create another scheme to address certain issues, is that really fair, Right Honourable Prime Minister?

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**RT HON PRIME MINISTER:** Honourable Tjihuiko has every right to stand up and make his own statement, rather than attributing to others what they have never said. I never said the kind of things you are saying. Let me explain.

Nowhere in the Bill is said that people who were traitors, if you like, and eventually repented will be regarded as freedom fighters. That is not what the Bill is saying. The Bill is saying, if at a particular time during the struggle you

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deserted the struggle, like some deserters I am seeing here, but you realised that to desert the struggle is not good...(Intervention)

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**HON MOONGO:** On a Point of Information. In my vocabulary and understanding of deserters, it is somebody who disappeared and did not have an interest in the struggle. But if somebody was deliberately arrested, detained and never taken to court, while the so-called SWAPO know the law and he was illegally detained, is he regarded as a deserter?

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**RT HON PRIME MINISTER:** Honourable Moongo, do not provoke me, I am now talking about the struggle. There was a group in SWAPO who would say, *"what God has put together should never be separated."* They know themselves. Their justification for that is for them is to leave the struggle and go to the refugee camps and hang around with their wives. Is that commitment? There is no commitment there. If you say you are going to abandon the struggle to go to your wife, you are not committed. And there was a group of some former SWAPO comrades who were using that justification to desert the struggle and go to their rear bases. Therefore, I do not want to go into that, but you know I can talk about that.

The Bill is saying that if at a particular time you have left the struggle, some people left the struggle, went to schools, sometimes unceremoniously, but at a later stage they realised that they made mistakes and came back to the struggle, they participated. SWAPO is very forgiving, it forgives perhaps because we have a Christian background. It is like in the church, when you backslide but at a certain point you go and confess your sins, you can still be saved. That is what the Bible is teaching us, provided that you recognise that you made a mistake. That is what the Bill is saying.

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**HON MOONGO:** On a Point of Information. Is the Honourable Prime Minister aware that some who were detained and decided to rejoin SWAPO after detention disappeared and they are nowhere to be found at this time. Are you aware of this?

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**RT HON PRIME MINISTER:** Honourable Moongo, I am not aware of that. What I am aware of is that there was a group of some young comrades who were misled by the likes of Moongo and joined the rebellion in Zambia, but SWAPO eventually pardoned them and today as we are sitting here some of them are big generals. If there are people who disappeared, I am not aware of them. But I know that there are some who took part in the rebellion in Zambia, but today they

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are big chiefs. That shows you how magnanimous SWAPO is. If it were some other Parties when you zig-zag, you would have been sent home. But SWAPO does not do that.

I was saying that this Bill is also a recognition of the contribution the freedom fighters made to bring about this thing which is dear to all of us, namely freedom. They did so by devoting their energies to the struggle and I think it is high time that they are fully recognised by all of us because we are sitting here because of their efforts and their sacrifices. Nobody can deny that. Therefore, you should recognise the fact that they made it possible for you to be here and I think that is fair. Yes, you are shaking your head. When you came back from Tanzania, you did not come to this Parliament, you were staying in Katutura, selling your tombo. (Intervention)

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**HON MOONGO:** On a Point of Information. Is the Prime Minister aware that some of us were detained against our will? We were at the front, fighting for liberation and we were arrested, detained and then we were transferred from Zambia at the front by late Mweshihange and taken illegally to Tanzania and ended up in prison without even a single day in court. Are you aware of this?

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**HON SPEAKER:** The House shall rise.

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**HOUSE ADJOURNS AT 15:45**

**HOUSE RESUMED AT 16:13 PURSUANT TO ADJOURNMENT**

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**HON SPEAKER:** Before we went for tea, Honourable Moongo had, on a point of order, made his point addressed to the Right Honourable Prime Minister. You may continue.

**RT HON PRIME MINISTER:** Thank you, Honourable Speaker. I was saying that this Bill is about the affirmation of the Government's responsibility to the former freedom fighters and it also expresses the appreciation of all of us to the contribution of the former freedom fighters. But more importantly, it aims at restoring the dignity of the former freedom fighters who find themselves in the country which they fought for, really on the edge as far as their economic and social plight is concerned.

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Yes, it will not be cheap to provide economic means to the former freedom fighters; it was equally not cheap to achieve the freedom we enjoy today. It required sacrifices, commitment and dedication. That is why what they are demanding they really deserve an appropriate answer and this Bill is giving the appropriate answer to the social and economic plight of the freedom fighters.

I am deliberately using the words “freedom fighters” so that there is no doubt as to the purpose of this Bill. There are those who want to confuse issues, but the Bill is not talking about any other, but people who spent their time, their energy and their efforts towards the achievement of the freedom of this country. We owe it to them that today we are here.

Even those who did not like the freedom are here today, proud to be free Namibians. When they sing Namibia, Land of the Brave, they forget that at some time they did not even want this freedom. When they see the beautiful flag of Namibia, sometimes they forget that somebody sacrificed for that flag. When they hold high the Constitution of the Republic of Namibia, sometimes they forget that this Constitution came about because of the efforts of the freedom fighters. Their blood waters our freedom.

Therefore, we should affirm them economically so that we restore their dignity and that is the purpose of this Bill and once again I thank Honourable Comrade Dr Ngarikutuke Tjiriange for bringing the Bill to the Floor of the House. I hope that all of us are going to join hands in appreciating the achievements of the freedom fighters by adopting this Bill. I thank you.

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**HON SPEAKER:** Honourable Mudge.

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**HON MUDGE:** Honourable Speaker, Honourable Members, again just a short contribution.

I have listened to what especially Honourable Venaani and Honourable Schimming-Chase have said and I cannot agree more. You will remember that I have spoken about this issue and it became evident that the Government was intending to address it some time ago. At the time I strongly pleaded that no distinction be made between those fighters who fought from outside Namibia and those from whom it was expected to be involved in the South African armed forces, SWATF and Koevoet. All of them are suffering because of their involvement.

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Honourable Speaker, as was quite correctly mentioned by Honourable Venaani, we are currently discussing ...(Intervention)

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**RT HON PRIME MINISTER:** May I ask Honourable Mudge a question? You are saying that the former Koevoets, the former SWATF are suffering. Are you aware that sixty percent of Namibians are living below the poverty line? If this Bill was aimed at poverty alleviation, that could be something different, then everybody should benefit. Unfortunately the Bill only aims at a particular group of people, the former freedom fighters.

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**HON MUDGE:** Honourable Speaker, as I said, all those people who were involved were suffering and this is why they demonstrated and for no other reason. As was quite correctly said by Honourable Venaani, we are currently discussing a Motion on national reconciliation and almost every member of this Ruling Party who have spoken on it, insisted that the Government has been implementing a policy of National Reconciliation, something with which I do not necessarily agree but I will come to this during my contribution when I speak about that Motion. (Intervention)

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**HON DR ANKAMA:** Honourable Speaker, could I ask the Honourable Member a question? Honourable Mudge, did I hear you clearly that you said the Koevoets and former SWATF were contributing or were involved in the struggle for liberation? Is that what you said? Could you just highlight the extent to which they were contributing to the liberation struggle of this country?

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**HON MUDGE:** Honourable Speaker, I think the Member should have listened to what Honourable Schimming-Chase said, because she dealt with that issue very eloquently.

The point I am trying to make is that on the one hand we preach national reconciliation, but at the same time we want to discriminate between Namibians because of the circumstances...(intervention)

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**HON DEPUTY MINISTER OF WOMEN AFFAIRS AND CHILD WELFARE:** May I ask my Brother a question? Honourable Mudge, you say you listened to Honourable Schimming-Chase, but Honourable Schimming-Chase did not mention Koevoet and SWATF. She talked about the people who were inside the country, the people who were tortured by Koevoet. I do not know if you were in Namibia or were at school in Cape Town but you are not supposed to mention Koevoet and SWATF here.

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**HON MUDGE:** Mr Speaker, I will just again refer to what Honourable Schimming-Chase said when she said that the people were forced to enrol – full stop, that is the point.

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**HON SPEAKER:** Honourable Mudge, for your own protection, you may have a lot of questions coming, so your generosity with entertaining questions is your right, but do not later blame the Speaker for it.

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**HON MUDGE:** The point I am trying to make, Honourable Speaker, is that on the one hand we preach national reconciliation, but at the same time we want to discriminate against Namibians who, because of circumstances in many cases beyond their control, were forced to fight with the South Africans.

I am of the opinion that this Bill is unfortunately not acceptable in its current form because it will blatantly discriminate, which is without doubt against the Constitution as contained in Article 10.

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**HON P MUSHELENGA:** On a Point of Information. I do not know whether Honourable Mudge was here when I made my contribution. This Bill is about war veterans and we should not try to dilute it with the issue of national reconciliation and I said it here the other day. If there is a feeling that those who fought against the liberation struggle should be looked at, it should be addressed in a different context.

The Honourable Minister of Finance also spoke here. Those people were paid salaries for their service they rendered. The other ones did not receive a single penny, it was voluntary services. So we should not try to confuse and dilute this Bill with issues of national reconciliation. We are trying to confuse things.

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**HON MUDGE:** Honourable Speaker, in conclusion I just want to remind this House that the veterans...

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**HON DEPUTY MINISTER OF JUSTICE:** On a Point of Information. I would also like to inform Honourable Mudge that national reconciliation and the struggle for freedom are two distinct issues. We need to address them separately

and I agree, Honourable Nora Chase did not say that, she mentioned that there were certain instances where people were forced and that is something which needs consideration. But to acquaint the former freedom fighters with Koevoet and SWATF is uncalled for and I agree with my young brothers there, that the freedom fighters were volunteers, we went there to liberate ourselves from the yoke of colonialism and imperialism and apartheid. But the others were fighting against us, they were sustaining this brutal system. That is the distinction which we should make.

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**HON MUDGE:** Mr Speaker, as I said, I am of the opinion that this Bill is unfortunately unacceptable in its current form because it will be blatantly discriminating and it will be against the Constitution as contained in Article 10(2).

Also as far as proposed projects are concerned, I believe all of us will agree...(Intervention)

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**HON NAMBAHU:** On a Point of Information. Comrade Speaker, I just want to provide information. I think it will not be fair to refer to this Bill as a Bill that is unfortunate and more so because this Bill is long overdue, in the first place. I think the various speakers, including the Prime Minister, have actually indicated that this Bill is the minimum you can actually give to the freedom fighters in recognition of their efforts that they have given to this country and I thought if we were to express ourselves, it would be in support of that, just to show our gratitude to these comrades. Honestly, if you know what is a Halloween basket, this Bill cannot be a Halloween basket which has something in it for each and everyone. Let all the other cases be treated on their merits and let different Bills maybe come to address those other issues. But with this one we should have due consideration to the background that has been alluded to by the previous speakers and give the comrades their due recognition. I do not think it can be a Halloween basket where we can lump all the situations into one Bill. That is not going to be possible.

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**HON MUDGE:** Honourable Speaker, also as far as the proposed projects are concerned, I believe all of us will agree that the history is not kind to the SWAPO Government when it comes to sustainable projects of which examples are numerous – the Development Brigade and a few other youth projects that I could mention.

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**HON MOONGO:** May I ask my Honourable Colleague a question? Can the Honourable Colleague remember that it is the same SWAPO Government who, when South Africa gave money to the SWATF and Koevoet that time, decided to

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share with those who were in exile and they shared the cake. Now due to this bush justice, they have already forgotten that they shared the cake by South Africa with Koevoet and SWATF. Now they have forgotten and now they make a special law only for themselves. That means some people among you here send a kid away so that you can give food to your own child.

This is really naked discrimination.

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**HON MUDGE:** Honourable Speaker, I spoke about the projects and I said....(Intervention)

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**HON MINISTER OF AGRICULTURE, WATER AND FORESTRY:** Comrade Speaker, I just want your guidance. The question is not to Honourable Mudge but Honourable Moongo indicated that due to "bush justice". Does it mean this Parliament is engaging in bush justice, because the laws that we pass here must be given a proper definition? I want guidance because I do not know what bush justice is, unless he could withdraw that.

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**HON SPEAKER:** It was not a question actually, it was Honourable Moongo's contribution on a point of order. But just the same, maybe the idea of bush justice is not work good. Honourable Moongo, if you could say something else.

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**HON MOONGO:** Why I said it is bush justice is because Namibia...(Intervention)

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**HON SPEAKER:** No, it does not do any harm, just withdraw that word. Withdraw that, Honourable Moongo.

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**HON MOONGO:** Before I withdraw I want to explain what I mean, because Namibia has good laws and no law can be made for special people only.

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**HON SPEAKER:** Honourable Moongo, just withdraw that one.

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**HON MOONGO:** I withdraw.

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**HON MUDGE:** Honourable Speaker, I said rather than to have some of these abortive projects, encourage unemployed persons to be trained and to manage these projects and to make money. (Intervention)

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**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,  
HOUSING AND RURAL DEVELOPMENT:** On a Point of Information. Comrade Speaker, the Honourable Member kept on emphasising the inclusion of Koevoet and SWATF even despite the fact that it has been repeatedly emphasised that the Bill intends to appreciate the positive contribution that the freedom fighters made to this country.

I tend to disagree completely that there is no single element in as far as positive contribution is concerned in the SWATF and Koevoet in what they did for this country. I completely disagree.

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**HON MUDGE:** Honourable Speaker, I just said that I would rather have other unemployed people to be trained properly and to manage and to make money from these projects, because I think we will need a lot of money to pay whatever veterans we are going to pay afterwards.

In conclusion, I just want to remind the Honourable House that the veterans, according to this Bill, will be paid with Namibian money and not SWAPO money. I trust that the Minister will reconsider and include all those who were involved on both sides, as it was the case when South Africa after Independence ... (Intervention)

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**RT HON PRIME MINISTER:** On a Point of Order. I know Honourable Mudge was either Koevoet or SWATF at one point in time and today he is here in Parliament – that is fine. The very Koevoet and SWATF were the Namibian Army and they got jobs in Parliament and Government – that is fine. But this particular Bill is about one thing only – the freedom struggle, the freedom struggle. If it is going to apply here in Parliament, Honourable Mudge will not qualify. Thank you.

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**HON MUDGE:** Honourable Speaker, just for the information of the Right Honourable Prime Minister, I was not in the army, fighting on the border ever. I was not there. (Interjections). That is not the point, the point is that we are a Parliament where I think everybody can speak their mind and this is exactly what I

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am doing. I do not care what the Bill is all about, this is my opinion.  
(Intervention)

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**HON DEPUTY MINISTER OF WOMEN AFFAIRS AND CHILD WELFARE:** On a Point of Information. I know that you inherited politics. We are talking about the SWAPO Government and we know that SWAPO fought for this country to get Independence. You said the money is not coming from SWAPO, the money is coming from the SWAPO Government. I thank you.

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**HON MUDGE:** I trust that the Minister will reconsider and include all those who were involved on both sides, as it was the case when South Africa, after Independence, donated...(Intervention)

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**HON DEPUTY MINISTER OF HOME AFFAIRS:** On a Point of Information. The Bill, as it stands, is correct and the veterans will be paid with the money from the Government. As it is very clearly stated, it is to pay for the contribution towards national liberation – national liberation. When they liberated this country, it was not only SWAPOs who were liberated, the Honourable Mudge is also liberated from apartheid draconian laws and other things. Therefore there is nothing wrong to pay the veterans and any other project related to this Bill with the money from the Government. Nothing is wrong with that.

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**HON MUDGE:** Honourable Speaker, now I have heard this quite a few times and I do not think they have to repeat this. I know what the Bill is all about, this is why I am saying what I am saying, I do not agree with that and I say I trust that the Minister will reconsider and include all those who were involved on both sides, as it was the case when South Africa after Independence donated a large sum of money presumably as either pension or severance pay or whatever it was supposed to be as a contribution to the Namibians who fought with the South Africans. But the SWAPO Government decided to share that contribution between those and the PLAN fighters. I have no problem with that.

Let us demonstrate fairness and practise national reconciliation and treat all fighters equal. Let us reconcile at all cost. With this I plead with the Minister to amend the Bill to be acceptable to all of us. I thank you.

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**HON SPEAKER:** I thank Honourable Mudge. Honourable Gurirab.

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**MOTOR VEHICLE ACCIDENT FUND BILL**  
**HON DIENDA**

**HON T GURIRAB:** I move that the Debate be adjourned until tomorrow.

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**HON SPEAKER:** Any further contributions? The Debate on this Motion stands adjourned until tomorrow afternoon. The Secretary will read the Second Order of the Day.

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**MOTOR VEHICLE ACCIDENT**  
**RESUMPTION OF SECOND READING**

**SECRETARY:** Resumption of Debate on Second Reading – *Motor Vehicle Accident Fund Bill*

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**HON SPEAKER:** When this Debate was adjourned on Wednesday, 24 October 2007, the Question before the Assembly was a Motion by the Honourable Minister of Finance, that the Bill be read a Second Time. Honourable Dienda adjourned the Debate and I now give her the Floor.

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**HON DIENDA:** Honourable Speaker, I only have a small contribution. On page 5 of the Bill we have the purpose and the functions of the Fund and the first one reads as follows: “*Design, development, promote and implement motor vehicle accident and injury prevention measures.*”

My first question, therefore, is: What measures and guidelines did the Minister put in place to assist the ordinary persons on the ground regarding this Fund? How will the communication be to the rest of the Namibian people? It is good to have all these laws, but if the Namibians do not know about it, how can they make use of these benefits?

I am speaking from experience, Honourable Speaker. Last year on the 13<sup>th</sup> of September I was in a car accident and my private medical aid fund had to pay my medical bill at the Roman Catholic Hospital and they...(Interjection)

**HON MEMBER:** Stories!

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**HON DIENDA:** You also have stories and we sit and listen to it, so you will listen to mine. I did not even know that I can claim from the MVA Fund if it was not for my medical aid. So how will the people, the layman on the street, how will they be informed about this Bill?

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**INCOME TAX AMENDMENT BILL  
HON DE WAAL**

My second question, Honourable Speaker, in the absence of a Road Safety Bill which can address all the issues relating to safe driving and punishment, what will the penalties be for those who will not adhere to this law?

Honourable Speaker, I again want to speak about commercial vehicles. In the event of an accident by a public commercial bus, truck or a taxi which results in the death or injury of a person and also a motor vehicle which is constructed for ordinary use to carry goods, but is also carrying passengers for reward and I refer here to the vehicles they are using to transport their workers, whether these vehicles are safe to transport the workers when it is open and how will this Bill address that issue?

I thank you and I support the Bill.

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**HON SPEAKER:** I thank the Honourable Member. Any further discussion? None. Does the Honourable Minister of Finance or her Colleague wish to reply?

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**HON DEPUTY MINISTER OF FINANCE:** Honourable Speaker, seeing that I did not listen to the previous contribution, could I ask the indulgence of the House that I will respond tomorrow?

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**HON SPEAKER:** The reply of the Minister stands over until tomorrow afternoon. The Secretary will read the Third Order of the Day.

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**INCOME TAX AMENDMENT BILL  
RESUMPTION OF SECOND READING**

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**SECRETARY:** Resumption of Debate on Second Reading – *Income Tax Amendment Bill*.

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**HON SPEAKER:** When this Debate was adjourned on 11 October 2007, the Question before the Assembly was a Motion by the Honourable Minister of Finance, that the Bill be read a Second Time. Honourable De Waal adjourned the Debate.

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**HON DE WAAL:** Thank you Honourable Speaker, I want to ask the indulgence of the Honourable Members. This Bill is currently being discussed in the Standing

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**REPORT - PUBLIC ACCOUNTS COMMITTEE  
HON DE WAAL**

Committee next week, so that the Committee can negotiate with the Honourable Minister and the chairperson or the deputy chairperson will then respond. I move that the Motion be postponed until next week, Tuesday.

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**HON SPEAKER:** Any further discussion? None. Then the consideration of this Motion is deferred until next week Tuesday. The Secretary will ready the Fourth Order of the Day.

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**SECRETARY:** Consideration of the Report of the Public Accounts Committee on the review of the Reports of the Auditor-General on Offices, Ministries and Agencies for the Financial Years ended 31 March, 2002, 2003, 2004 and 2005 for consideration and adoption by this House.

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**HON SPEAKER:** Does the Honourable De Waal move that the Reports of the Auditor-General be considered?

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**HON DE WAAL:** I so move, Sir.

Honourable Speaker, Honourable Members, it is with great expectations that I rise to motivate yet another Report of the Public Accounts Committee for consideration and adoption by this august House. It is also the expectations of the Committee that especially the Accounting Officers or Permanent Secretary of Government Offices, Ministries and Agencies should regard this Report with the seriousness that it deserves. One of the expectations of the committee is that there should be significant improvement in the current public financial management of Government Offices, Ministries and Agencies.

The Report of the Public Accounts Committee tabled last month deals with the Committee's Review on Audit Reports of Government Offices, Ministries and Agencies for the Financial Years ended 31<sup>st</sup> March 2001, 2002, 2003, 2004 and 2005. As a Committee we have started with the review process on 6 February 2007 and ended with the process during July 2007. The review process included public hearings, consultations and in camera meetings to evaluate the responses and compile recommendations.

This is quite an exercise and the Committee is finding ways to expedite its review, having due consideration to the limited time available for Committee work, for instance two hours per week and having to deal with over thirty Offices and Ministries.

Honourable Speaker just a small oversight in the Report that I want to correct. I want the Messengers to distribute Annexure A referred to under Paragraph 21.2.1 on Page 75 which somehow got lost in the compilation of the Report.

Honourable Speaker, as you are aware, the functions of the Public Accounts Committee are to examine the accounts reflecting the appropriation of funds as approved by Parliament to meet public expenditure, the Report of the Auditor General on these and such other accounts and to exercise the powers conferred on them under Article 95 of the Constitution of Namibia.

There is a fellow accountant/auditor known to me and to the Honourable Members of the Committee who describes the Public Accounts Committee as a Committee, *“that reviews the past to influence the future.”* This means that the evaluations and recommendations of the Committee should trigger improvement in the management of public funds.

Some Members have argued in the past that the Reports of the Public Accounts Committee deals with old issues, but unless we learn from past mistakes, we will not be able to correct those mistakes in the future. As Honourable Members will know, we as Public Accounts Committee are continuously trying to find more effective ways to speed up our review process and table Reports speedily in order to avoid a backlog. One example of this endeavour is the referral of some audit reports to our Colleagues in the National Council, which was recently approved by the House and I can just inform Members that I spoke to the Chairperson yesterday and they are making good progress. It seems as if this move was the correct thing to do.

Furthermore, Honourable Speaker, through the reports of the Public Accounts Committee and those of the Auditor-General, the public at large who are the taxpayers of the country, should have confidence that there is a check and balance system in place within the State. There is, however, an urgent need to improve the checks and balances system by ensuring that the recommendations of the Auditor-General and the Public Accounts Committee are actually implemented. The Committee has with great appreciation taken note of the recent remarks by the Right Honourable Prime Minister in this House and we will soon be meeting with the Honourable Minister of Finance to discuss ways and means to actually achieve the above.

Honourable Speaker, I can report to Parliament that we had a meeting with the Honourable Minister of Finance last week Friday, it was a very meaningful meeting and we will soon send some proposals to her office, hopefully to be included in the new State Finance Act.

Honourable Speaker, Rule 47(3) of our Standing Rules and Orders reads as

follows: *“Upon adoption of the report and recommendations by the Assembly, the Committee has a duty to report on the implementation of the recommendations as adopted.”*

This function of our Committee has not yet been implemented and we will discuss this with the Auditor-General and the Honourable Speaker because the Committee might need some additional assistance to fulfil this task. However, Honourable Speaker, it is only right that the Honourable Members of this House be informed whether recommendations that were approved by this House are actually being implemented or not and if not, why not?

Honourable Speaker, it is not my intention to delve into the details of the Report that is before the House today. I expect that the Honourable Members have had an opportunity to peruse through the Report and will, therefore, be able to discuss the Report in some detail.

However, there are a number of issues of concern throughout this Report that require urgent correction and/or improvement. I wish to outline these issues of concern as follows:

**Unauthorised Expenditure:**

It has become a consistent trend year after year that some Offices, Ministries and Agencies overspend their budgets without authority, which is contrary to Section 6(a)(i) of the State Finance Act of 1991. I refer Honourable Members to Page 3 of the Summary Audit Report on the Accounts of the Government of Namibia for the Financial Year ended the 31<sup>st</sup> of March 2005 as well as Page 74, Paragraph 21.1 of the Report under discussion for more clarity. For example, unauthorised expenditure on the Main Votes for the Financial Year ended 2004/05 amounted to N\$356 334 000. This, Honourable Speaker, makes a mockery of Article 125(4) of the Namibian Constitution and can certainly not be allowed to continue.

The article that I am referring to, Honourable Speaker, Article 125 reads as follows: *“No money shall be withdrawn from the State Revenue Fund except in accordance with an Act of Parliament.”* Therefore any Permanent Secretary who withdraws funds from the State Fund without an Act of Parliament is contravening the Constitution of Namibia and that is something that we cannot allow to continue.

The second issue I want to raise, Honourable Speaker, is budget control.

This is an area that needs constant improvement. As rightly stated by the Auditor-General, an up to date commitment register can assist Accounting Officers to a

large extent to eliminate most of the unauthorised expenditure by requesting approvals for virements timeously. Proper training of Government Accountants and improved communication between the Offices, Ministries and Agencies and the Ministry of Finance will also contribute to improvement of the situation. It I further hoped that the recently implemented Integrated Financial Management System will assist significantly in improving the situation. Our feedback so far on this systems seems very positive. For further information on this issue, we refer Honourable Members to Page 6 of the Summary Audit Report on the Accounts of the Government of Namibia for the Financial Year ended the 31<sup>st</sup> of March 2005.

**Subsistence and Travelling allowances:**

Treasury Instructions require clearance of advances within thirty days after the return from an official trip. Some Offices, Ministries and Agencies do not honour this instruction. For the Financial Year ended 2004/05 outstanding S&T advances of eighteen Offices and Ministries amounted to N\$20,812,000. This amount and the outstanding S&T advances, as indicated on Page 3 of our Report, reflect a worrying state of affairs. The Committee had made various recommendations in this regard and wishes to call on the Honourable Ministers responsible to discuss this issue with their Permanent Secretaries in order to put an immediate stop to this unwanted practice.

For more information, Honourable Members can also refer to Page 7, Paragraph 1.3.5.3 of the Summary Audit Report on the Accounts of the Government of Namibia for the Financial Year ended the 31<sup>st</sup> of March 2005.

**Qualified audit opinions.**

Honourable Speaker, on Pages 4, 5 and 6 of the Summary Audit Report on the Accounts of the Government of Namibia for the Financial Year ended the 31<sup>st</sup> of March 2005, the Auditor General lists in some detail the reasons for qualified audit opinions for this Financial Year. Because of the severity of this issue, I want to quote Paragraph 1.3.3.1 of the above report as follows:

*“Qualified or negative audit opinions were expressed on the vote accounts of 22 Offices, Ministries and Agencies compared with 21 in the previous year. This implies that the accounts concerned do not in a material sense fairly represent the financial transactions or that the approved funds were not utilised for the purposes intended by the National Assembly within the approved Budget limits.”*

This Honourable Speaker, is to say the least, a sorry state of affairs.

The Committee therefore wants to congratulate the eight Offices, Ministries and

Agencies who received unqualified audit opinions and who are listed on Page 6, Paragraph 1.3.4 of the above Report. At the same time, we want to humbly request the Honourable Ministers responsible for the rest of the Offices, Ministries and Agencies to discuss the issues as spelled out on Pages 4, 5 and 6 of the above Report with their Permanent Secretaries with a view to ensure unqualified audit opinions in the future.

Honourable Speaker, through this Report there are issues of concern which are categorised as follows:

- At some Offices and Ministries there is a lack of proper record-keeping. In some Offices and Ministries there is just no sense of record-keeping. This can be very risky.
- At some Offices and Ministries officials just deviate from normal Tender Board procedures. Such practice adversely affects national capital development and the efficient operation of Government Offices and Ministries. It also invites corruption.
- Lack of proper reconciliation of suspense accounts is a big problem.
- The way some Offices and Ministries handle bank accounts of public funds is a matter of concern. Such practices entice criminal behaviour such as theft and fraud.
- At some Offices and Ministries it has become a consistent trend year after year that financial statements are not submitted to the Auditor-General for auditing purposes in time. This state of affairs should worry not only the Auditor General and the Public Accounts Committee, but also the Honourable Ministers responsible and Accounting Officers, as this can entice fraudulent and corrupt practises.
- Handling of trade accounts is a very serious problem.
- Absence of a comprehensive asset register. If we do not know what we own, how can we control it?
- Collection and recording of departmental revenue. At some Offices and Ministries there are no proper collection and bookkeeping of state revenue. We also reported on this last year. This could lead to theft of State income.
- Another worrying practice in some Offices and Ministries is that funds

earmarked for capital or development projects are not utilised for the intended purpose. As Honourable Members we must be aware of the fact that we have a responsibility to improve the living standards of our people. Capital projects is one way to improve their living standards. However, if these projects do not reach our people, we might be questioned as elected representatives.

Honourable Speaker, in an attempt to enable Honourable Members to understand the seriousness of the state of affairs on public finance management and what the views of the Ministry of Finance as the responsible Ministry for State Treasury are, I would like to draw the attention of the Honourable Members to the Medium Term Expenditure Framework for 2007/08 to 2009/10 which was presented to the National Assembly earlier this year by the Honourable Minister of Finance. The Ministry of Finance states as follows and I quote from that document:

*“It is evident that some Ministries still fail to plan their expenditure on the basis of the ceilings set by Cabinet. Instead, they determine the level of inputs they feel are desirable and overspend if those inputs are not affordable within the ceilings. The Ministry of Finance therefore intends embarking on a series of expenditure audits. These will focus on the reasons for poor planning and budgeting in some Ministries, which will enable Treasury to issue instructions to offending Ministries to reduce the chance of future overspending”.*

The other one that I want to quote is on Page 41 of the Development Budget:

*“As a result of a special review carried out by the Ministry of Finance, it became apparent that some Ministries were paying insufficient attention to the budgeting and collection of non-tax revenues. Government therefore intends to develop measures to ensure better forecasting of receipts and stronger efforts to enforce payment in future. Those may include incentives for better revenue collection and a stronger regime of monitoring Ministries’ performance in the area and holding them to account”*

Honourable Speaker, the next one that I want to quote is the following:

*“Government therefore intends developing a comprehensive asset register. Once this is in place, it will form the basis for improved asset management and will underpin any changes in budgeting or accounting for capital. To support these efforts, the previously announced review of the continuing usefulness of existing off-Vote Funds will commence this year.”* This must be applauded from everybody’s side. *“That will be extended to similar reviews of the continuing appropriateness of commercial bank accounts opened by some Ministries and of Trading Accounts.”*

Honourable Speaker, as elected representatives we must regard the Reports of the Auditor-General and the Reports of the Public Accounts Committee as a measuring tool on how Offices, Ministries and Agencies perform in terms of financial management. This means that accounting officers should take their time after each Financial Year to study these Reports and to discuss the Reports with management and staff in order to avoid repetitions of the same mistakes and to constantly improve their performance.

Accounting officers should also discuss the Reports of the Auditor-General with their respective Ministers, as the Honourable Minister have a duty in terms of Article 41 of the Namibian Constitution. Article 41 states as follows: *“All Ministers shall be accountable individually for the administration of their own Ministries and collectively for the administration of the work of the Cabinet, both to the President and to Parliament.”*

As mentioned before, it is not my intention to go into the details of the report which is before the House today. I expect that Honourable Members have had an opportunity to peruse through the Report and will, therefore, be able to discuss the Report in some detail.

Honourable Speaker, on a positive note, I am confident that there will be improvement in the overall public finance management of the Government if everyone from the lowest level to the most senior level perform their work as wet out in the Public Service Charter and if stakeholders coordinate effectively. In future it is our wish that the Auditor-General tables unqualified reports instead of qualified reports. This will also enable the Committee to table more “clean” reports in this House.

Honourable Speaker, may I take this opportunity to express the Public Accounts Committee’s gratitude for your invaluable guidance throughout the session. I also want to thank all the Honourable Members of the Public Accounts Committee for their dedication and hard work throughout.

We also want to thank the Honourable Minister of Justice and Attorney-General for her invaluable written advice on the problem of the Motor Financing Scheme mentioned in Paragraph 2.5.1(c) on Page 34 of the summary audit report on the accounts of the Government of Namibia for the Financial Year ended 31 March 2005.

It is our hope that these outstanding amounts will now be collected because if not, Government will have to repay with interest those individuals who in fact paid their outstanding amounts when originally requested to so. The Committee appreciates the willingness of the Accounting Officers who appeared, who responded and who listened to the advice of the Members.

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**REPORT - PUBLIC ACCOUNTS COMMITTEE  
HON DE WAAL**

Honourable Speaker, I wish to thank the Auditor-General, Deputy Auditor-General and officials of the office of the Auditor-General for their continuous commitment and support. I also recognise the staff from the Directorate of Treasury and the Ministry of Finance and the Clerks of the Public Accounts Committee for an excellent service rendered throughout this review process.

Honourable Speaker, it is now finally my humble plea that this Report be considered and adopted by this august House. I thank you, Honourable Speaker.

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**HON SPEAKER:** Honourable De Waal, job well done. Congratulations. Any further discussion? I trust that the Honourable Members would fully apply their minds to address those issues. Honourable Nora Schimming-Chase.

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**HON SCHIMMING-CHASE:** Thank you, Honourable Speaker. If there is nobody else who wants to speak, I would like to adjourn the Debate until tomorrow to enable me to read the Report and make my contribution based on a proper understanding.

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**HON SPEAKER:** Looking at the motivation speech of Honourable De Waal, Honourable Members can on their own discover some things that may have slipped Honourable De Waal's eyes. The consideration of the Report stands adjourned until tomorrow afternoon. Any objection? None. The Secretary will read the Fifth Order of the Day.

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**SECRETARY:** Consideration of Report of the Public Accounts Committee on the Review of the Performance Audit Report on the Ministry of Environment and Tourism on Trophy Hunting.

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**HON SPEAKER:** Does the Honourable Ankama move that the Report on the Review of the Performance Audit Report be considered?

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**HON DR ANKAMA:** Honourable Speaker, Honourable Members, I rise to motivate the Reports of the Public Accounts Committee on the Auditor-General's Performance Audit Report of Trophy Hunting.

The functions of the Public Accounts Committee of this august House are to examine, consider and report on all Reports of the Auditor-General. It is, therefore, my honour and privilege on behalf of our Committee to present the Report of our Review of the Performance Audit Report on the Ministry of Environment and Tourism: Trophy Hunting.

Honourable Speaker, I believe that the Honourable Members have had an opportunity peruse the Report and will, therefore, be able to discuss it in detail. Allow me, however, to highlight some of the most important points that the Committee raised with concern during the consideration of this Report.

1. There is no direct link between the Ministry of Finance and the Ministry of Environment and Tourism concerning the exchange of information regarding trophy hunting.
2. Efficient inspections at butcheries and taxidermists are not conducted due to a shortage of staff at the Ministry of Environment and Tourism.
3. Hunting farms do not report all their income to Inland Revenue as per the statistical activity reports of hunting farms submitted to the Ministry of Environment and Tourism.
4. Copies of the trophy hunting permits are not sent to Inland Revenue where it could be used to assist in determining whether or not trophy hunting activities took place during a particular Financial Year.
5. There is a large amount of unreported income because hunting farms do not report all of their business sales or receipts to Inland Revenue.

Honourable Speaker, Honourable Members, it is, therefore, the Committee's plea to the Ministry of Environment and Tourism and the Ministry of Finance that they implement the following measures:

- There should be a formal platform of communication regarding trophy hunting information between the two Ministries, that is the Department of Inland Revenue of the Ministry of Finance and the Ministry of Environment and Tourism should separately obtain a copy of price lists from the different hunting farms for the particular hunting season in order to assist in determining the income generated from the sale of animals and animal products.
- The Ministry of Environment and Tourism should review the fee for trophy hunting permits as well as penalties for offences.

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**REPORT ON TROPHY HUNTING  
HON DR ANKAMA**

- The Ministry of Environment and Tourism should also facilitate that hunting farms split the amount of income generated through trophy hunting in the notes to the financial statements by indicating the exact amount generated for accommodation, transport and trophy hunting. The Ministry of Environment and Tourism should implement regular inspections of butcheries, trophy manufacturers and hunting farms to ensure that all regulations of the Ministry of Environment and Tourism are met and all irregularities are detected.

Honourable Speaker, I call upon the Honourable Minister and/or the Deputy Minister of Environment and Tourism and the Ministry of Finance to thoroughly discuss the content of this Report with the Permanent Secretary and senior officials of the respective Ministries.

Sir, may I now take this opportunity to express the Committee's gratitude for your invaluable guidance throughout the session. I also wish to express our gratitude to the Honourable Minister, Deputy Minister, Permanent Secretaries of the Ministry of Environment and Tourism and the Ministry of Finance and senior officials of the Ministry for offering the Committee an opportunity to discuss issues frankly.

I also wish to thank my Colleagues of the Public Accounts Committee for their dedication and hard work throughout our deliberations.

Mr Speaker, lastly I would like to thank the Auditor-General, Deputy Auditor-General and their staff and staff from the Directorate of Treasury for the excellent service and advice rendered to the Committee throughout the discussions. The Secretariat of the Committee finally need to be commended for the services they have rendered during the review process.

And finally, Mr Speaker, I thank you for the opportunity.

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**HON SPEAKER:** I thank the Honourable Member for the very professionally done report. Any further discussion? Minister, it seems you enjoy the happiness of the House, but if you want to say something.

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**HON MINISTER OF ENVIRONMENT AND TOURISM:** Thank you, Comrade Speaker, may I pray for your indulgence for this Debate to be adjourned until next week, Tuesday.

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**HON SPEAKER:** Any objection? The Debate on this Motion stands adjourned until Tuesday, next week. The Secretary will read the Sixth Order of the Day.

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**LOCAL AUTHORITY ELECTIONS**  
**HON T GURIRAB**

**SECRETARY:** Resumption of Debate on the extension of the term of office of the current Local Authority Councillors to be taken concurrently with the general elections in November 2010.

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**HON SPEAKER:** When this Debate was adjourned on Thursday, 1 November 2007, the Question before the Assembly was a Motion by the Honourable Minister of Regional and Local Government, Housing and Rural Development. Honourable Gurirab adjourned the Debate and he now has the Floor.

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**HON T GURIRAB:** Honourable Speaker, Honourable Members, let me first welcome RDP to the political fold of our country and also extend our good wishes to Members present here.

Honourable Speaker, the Bill before this House is for the extension...  
(Intervention)

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**RT HON PRIME MINISTER:** On a Point of Order. Is it acceptable for an Honourable Member to address members of a Party who are not here and insinuate that some of them are here?

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**HON SPEAKER:** The House will deal only with those Parties represented in this House. Honourable Gurirab, if you are in the know about something, allow us also to get that by our own means, then we might in a way be serving the Speaker to direct the House. But for now only the Parties seated in the House are relevant.

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**HON T GURIRAB:** We extend our good wishes all the same. Honourable Speaker, the Bill before the House seeks an extension of the tenure of Councillors which are presently in office after elections of 2004. Mr Speaker, Local Government is the most basic and direct form of Government. That is the level at which our citizens, in the first place interact with Government and because of that, Honourable Speaker, the time has perhaps come that we go back to the 1992 Act and look at the manner in which Councillors are being procured at the level of Local Government.

Honourable Speaker, I refer here to the ward system which was enshrined in the original Act of 1992. Too often we see the dislink between the Councillors and the people whom they represent and too often, because of the type of system which we have at the moment, it is the list system that Councillors that are not performing at that basic level, still remain in office. Perhaps the time has come that we revisit this issue and hopefully the system that is enshrined and that was

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**LOCAL AUTHORITY ELECTIONS**  
**HON T GURIRAB**

considered in the original Act of 1992 would serve the interest of the electorate at that level.

Honourable Speaker, the Bill which has been brought before us, apart from the extension of the tenure of the present Local Authority Councillors, seeks to synchronise the elections of the Local Authority Councillors with those of the Regional Councillors. But as we are all aware, of course, the tenure of the Local Authority Councillors and that of the Regional Councillors differ, namely that the latter is six years and for Local Authority Councillors being five years.

If we adopt the Bill as proposed now, it will not address that problem which the Minister is asking us to help him to address. The Minister will be back here four years from now and will ask us to do two things. One, he will be here to ask us to write a new date in the law because the five year period of the Local Authority Councillors would have lapsed, but then he will also ask again to synchronise the Local Authority Councillors' tenure with that of the Regional Councillors because one is for 5 years, the other one for 6 years. Therefore the Bill is not helping us to address the problem of synchronisation.

The problem lies elsewhere and that is the problem we need to address to make the tenure of the two levels the same. But this Bill will be back four years from now. Either we reduce the term of the Regional Councillors to five years or we extend the tenure of the Local Authority Councillors from five to 6 years. I do not know how you are going to address it, but what we are asked to do is to extend the stay of the Local Authority Councillors for another 18 months which will not solve the problem. The Bill will not achieve the object which the Minister seeks to achieve. I thank you.

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**HON SPEAKER:** I thank the Honourable Member. Honourable Schimming-Chase.

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**HON SCHIMMING-CHASE:** Thank you, Honourable Speaker. Honourable Speaker, I really do not wish to contribute, rather than to get some further clarification from the Minister.

The Honourable Minister is asking us to agree to extend the current term of office of the Local Authority Councillors by 18 months, I understand, so that we can have all our elections at the same time. A lot may be said for it, a lot may be said against it. In some countries it has worked wonderfully, in other countries it was a

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**HON PANDENI**

dismal failure. But basically my question does not go in that direction, Honourable Minister.

I am asking whether the extension of eighteen months is going to make these Local Councils more effective, less fraudulent, less funds-consuming? I read the Auditor's reports on Local Councils and over 90 percent of them are not performing at all. Many of those are not handling the finances efficiently and effectively. They are indebted to the hilt.

What are we asking for? Are we asking for eighteen months of continued inefficiency or are we trying to make a change without looking at the cost? I am saying this, Honourable Speaker, mindful of the fact that Local Councillors are elected based on a Party list. Would the Minister, therefore, consider to attach to his appeal for the extension of the term of office two issues?

One, that Central Government would make available the funds to make Local Councils more effective and efficient.

Secondly, will those Parties that have Councillors in non-performing councils be prepared in those 18 months to replace inefficient, ineffective and useless Councillors by Councillors that will do the work that they are supposed to do at the grassroots level where development must start?

Our support or not of the Bill will depend very much on answers that are given to these questions, because to ask Parliament as a House of Oversight to extend the period of non-functioning Local Council is too much to ask and I think we all have a common interest to see that Local Government as well as Regional Government is provided with wealth to do their work.

Once again, since it is a Party list, I am sure all Parties here have members who can be Councillors and do a good job and do not have to put square pegs in round holes. I thank you.

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**HON SPEAKER:** I thank the Honourable Member. Any further discussion? Does the Honourable Minister of Regional and Local Government, Housing and Rural Development wish to reply?

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**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,**  
**HOUSING AND RURAL DEVELOPMENT:** Thank you very much, Comrade Speaker. Let me from the onset thank those who have contributed in support of this Amendment and also those who have done so in silence.

There were issues that were raised by *Honourable Gurirab* on whether it will not be helpful for us to go back to the ward system. The Amendment here is just simple, seeking for an extension exactly to do some of the issues that you have referred to, that Local Authority elections and Regional Council elections take place on the same date, the same time and as I said in my motivation, also to make it cost-effective.

The Amendment is in short not seeking whether we should revisit the ward system as it were. The 1992 Act had the ward system, but I am also aware of an Amendment which has done away with the ward system and re-emphasised the Party list. Therefore the Amendment is really seeking for these two elections to move concurrently, so that we do not have too many elections following each other. As of now the elections for Local Authorities will be in 2009, election for Regional Councils will be in 2010 and you can see that is not really very helpful.

The other issue that was raised, whether there would be any difference with regard to the terms of reference, yes indeed, there will be a difference. As you are aware, the term of office for Regional Councils as of now is 6 years and the term of office for Local Authorities, 5 years. As from 2010, if Parliament agrees with this amendment, then the two elections will move concurrently, but their terms of office will also be similar to all the terms of office of Government institutions, including the National Assembly, the Local Authorities and also now to include the Regional Councils and the National Council.

The term of office for Regional Councils is intended to be running at five years, not at six as it is currently and it will also have to be changed. Therefore this Amendment will not again seek from the Parliament an extension. When they start from 2010 it will be five years for both Local Authorities and Regional Authorities.

With regard to *Honourable Nora Schimming-Chase* as to whether this extension will also mean an improvement in the performance of the Local Authorities, yes we have the intention of making the performance of Local Authorities more efficient and we are working on it, but that is not the issue that is being addressed by this Bill.

Let us assume if this time was not extended, we would still need Local Authorities that would manage Local Authority affairs as from the year that the election was supposed to be up to the next five years again. But we have other programmes which are intended to assist Local Authorities to improve their performance, such as capacity building and also improvement in the manner in which they are running their day-to-day affairs. But this Amendment is just seeking for Local Authorities to run concurrently with the Regional Councils for a period of 5 years. Therefore, it is really only a simple request.

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**LOCAL AUTHORITY ELECTIONS**  
**HON PANDENI**

But let me thank those who have contributed and also let me thank you for your support. Comrade Speaker, I thank you.

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**HON T GURIRAB:** Honourable Speaker, I am grateful for the Minister's answer. I wanted to establish whether the Minister is saying that soon we should be expecting him to come to this Chamber to ask us to amend the Regional Councils Act to make the tenure the same as that of the Local Authorities. Is that what the Minister is saying?

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**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT:** The term of office for Regional Councils is included in the Constitution. Constitutional Amendments are brought by the Office of the Prime Minister. Even if we wanted to bring the amendment which we will bring of the Regional Councils, it cannot happen before that constitutional amendment was done. It is the first that should go.

But with regard to this one, it is just an Amendment and it is not included in the Constitution. The Constitution just indicates that the term of office will be as spelled out by an Act of Parliament. I hope I have answered your question now.

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**HON SPEAKER:** I now put the Question that the Motion be adopted. any objections? Agreed to.

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**HON SCHIMMING-CHASE:** Honourable Speaker, as I said before, my support of the Bill will depend on the answer. I, therefore, wish to invoke Clause 68 and request that the points that I made be recorded in the Minutes of this Session. Thank you.

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

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**CONSIDERATION: REPORT ON DELAY IN  
REMUNERATION OF TEACHERS**

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**SECRETARY:** Consideration of the Review of the Performance, Audit Report on the delay in the remuneration of teachers.

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**MEMBERS OF PARLIAMENT PENSION FUND  
HON GERTZE**

**HON DE WAAL:** I move that this Motion be adjourned until Thursday this week.

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

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**CONSIDERATION: REPORT ON FUNDS OF  
VOCATIONAL TRAINING FUND**

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**SECRETARY:** Consideration of the Review of the Audit Report on the Accounts of the Vocational Training Fund for the Financial Year ended 31 March 2005.

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**HON SPEAKER:** Does the Honourable De Waal move that the Report be considered?

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**HON DE WAAL:** Honourable Speaker, I beg your indulgence to adjourn this until tomorrow.

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**HON SPEAKER:** Any objection? None. The consideration of this Report will adjourn until tomorrow afternoon. The Secretary will read the Ninth Order of the Day.

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**MOTION ON MEMBERS OF PARLIAMENT  
PENSION FUND ACT**

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**SECRETARY:** Resumption of Debate on the current discrepancies contained in the Members of Parliament and Other Office-Bearers Pension Fund Act.

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**HON SPEAKER:** When this Debate was adjourned on Tuesday, 16 October 2007, the Question before the Assembly was a Motion by the Honourable Venaani. Honourable Gertze adjourned the Debate and he now has the Floor.

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**HON GERTZE:** Thank you, Honourable Speaker, I was at the point of looking at the area of discrepancy on the remuneration side, if I can call it

*“remuneration”.*

Backbenchers are not entitled to leave days, for example, as opposed to public office-bearers. They are not entitled to annual bonuses, unlike the civil servants, and they really do not have supervisors strictly in that sense who would do their job evaluations, for examples. Backbenchers are not interviewed for employment and so on, yet they are placed on an income threshold with those who enjoy different benefits.

I agree with Honourable Venaani on the lack of funding for individual Members of Parliament for constituency outreach work.

Honourable Speaker, other Parliaments accord good services to their Members of Parliament, but I will speak here of Parliaments with the size four times that of Namibia.

In Finland, for example, each backbencher has an office with staff of up to three persons, sometimes even five and they have at their disposal staff that can collect data or do research on their intended Motions. They organise their diaries and set up performance for lobby and so on. A Namibian backbencher is left to fend for him or herself.

In that same country and in other countries, such as Sweden, when a Member of Parliament vacates his or her position in Parliament for one or the other reason, except for retirement, the State maintains them for one year after leaving Parliament with benefits that they had all the time. As politicians they may opt for a different political dimension if they are off for one or the other reason or they are given the chance to settle into a different sector other than politics.

In the Republic of South Africa and Kenya, Members of Parliament are accorded a lot better than us here in Namibia and I do not know if we are inferior Members of Parliament in that regard. Here unfortunately we throw our former parliamentarians, once they are out of Parliament, into the street with immediate effect and worse is that they may not even access pension at that moment. I am thinking about young people like Honourable Venaani who should be out there waiting for 25 years – I hope I am correct.

I would think that before we really propose that the Motion is sent to a relevant standing committee, that we perhaps amend and I am requesting the Mover of the Motion, that we think of amending certain parts of the existing Act that governs the remuneration, benefits and conditions of service of Members of Parliament, because this in itself, if the Commission is said to be already in operation...(Intervention)

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**HON DEPUTY MINISTER OF HOME AFFAIRS:** May I ask the Honourable Member a question just for clarity? Through the Honourable Speaker, Honourable Kalla Gertze indicated that in some countries, if a Member leaves Parliament for any other reason apart from retirement, that the MP is maintained for one year, even if that person leaves not necessarily because the term ends, but probably because of personal reasons of which the person has planned him or herself, does that person still qualify for maintenance by Government and if so, under which ticket?

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**HON GERTZE:** I think any of the reasons may spark a Member of Parliament to leave and more so, sometimes it is mere resignation, unless they intend totally in terms of the provisions that they have. Obviously they also have their rules to look into the details that the Honourable Member is referring to, but you can read more about how it is. But the bottom-line is that once an MP has left Parliament, especially in the case when they are not given a new mandate ...(Interjection)

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**HON MEMBER:** And join another Party?

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**HON GERTZE:** I think some of these democracies have been established in such a way that these kinds of events do not actually take place. They live with little fear for their lives, they live in a democracy which is totally functioning where you do not have to have personal fears about being fired. I hope with the development of our own internal democracy here in Namibia, this kind of situation might be rectified.

I was just saying that if the current Act is the one that also governs the way in which the current Commission is going to decide on the conditions of service of the Members of Parliament, certainly that Act is going to hamper it from doing the right thing and therefore, we need to look at the fine details of that Act when we are looking at the benefits.

In conclusion, this Motion must perhaps in the end be referred, with this kind of Amendment, if possible, to the relevant Committee, which I think would probably be the Economics, Natural Resources and Public Administration Committee.

With this, I thank you kindly for your attention.

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**HON SPEAKER:** I thank the Honourable Member. Honourable Member, you did mention, that any Amendment of an Act of Parliament will have to come by a

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different Motion. If it is the wish of the Assembly to send this Motion to the relevant Standing Committee, so be it, but not with a view, through this Motion, to seek amendment to an Act of Parliament. I do not think that was the intention of the good lawyer.

Before we rise for the day, we are past the allotted time, Honourable Members, as per announcement by NamPower, our parastatal, low voltage bulbs will also be distributed to Members of Parliament and staff. Members and staff are requested to collect 5 of these bulbs this coming Thursday, 8 November 2007, in exchange for 5 other bulbs together with a municipality bill or proof of prepaid electricity to qualify. A stall will be set up at the main front entrance to Parliament Building from 08:00 to 19:00. Your kind cooperation will be highly appreciated.

With that the House shall rise for adjournment until tomorrow afternoon 14:30.

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**HOUSE ADJOURNS AT 17:46 UNTIL 2007.11.07 AT 14:30**

**NATIONAL ASSEMBLY  
ASSEMBLY CHAMBER  
07 NOVEMBER 2007  
WINDHOEK**

The Assembly met pursuant to the adjournment.

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

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**HON SPEAKER** Any Petitions? Reports of Standing or Select Committees?  
Other Reports and Papers?

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**TABLING: REPORTS OF THE  
AUDITOR-GENERAL**

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**HON DEPUTY MINISTER OF FINANCE:** Honourable Speaker, I lay upon the Table, Reports of the Auditor General on the following accounts:

- Office of the President for the Financial Year ended 31<sup>st</sup> March 2006;
  - Office of the Prime Minister for the Financial Year ended 31<sup>st</sup> March 2006;
  - The National Assembly for the Financial Year ended 31<sup>st</sup> March 2006; and
  - National Planning Commission for the Financial Year ended 31<sup>st</sup> March 2006.
- 

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

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**NOTICE OF MOTION**

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**HON MINISTER OF LABOUR AND SOCIAL WELFARE:** I give Notice that tomorrow, Thursday, 8 November 2007, I shall Move –

That leave be given to introduce a Bill to amend the Affirmative Action (Employment) Act, 1998 so as to provide for additional powers for the

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**MINISTERIAL STATEMENT  
HON KAAPANDA**

Employment Equity Commission, the delegation of powers to certain persons, the appointment of more than one review official for a report, the continued submission of affirmative action plans and to provide for matters incidental thereto. I so Move, Honourable Speaker.

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**HON SPEAKER:** Could the Honourable Minister table the Notice of Motion? Any further Notice of Motions? Any Ministerial Statements? Minister Kaapanda.

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**MINISTERIAL STATEMENT:  
RENOVATION PROGRAMME**

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**HON MINISTER OF WORKS, TRANSPORT AND COMMUNICATION:**

Thank you, Honourable Speaker, Honourable Members. Last week the *Namibian Sun*, a local weekly newspaper, carried an article, “*Government Flats Dirty*” as reference to the dilapidated or state of disrepair of Ausspannplatz flats. It is against this background that I rise to inform the Honourable Members and the public out there that my Ministry has started with a renovation programme of Government flats and semi-detached houses around the country since last year, to improve their economic value and provide comfort to human habitation.

Our renovation programme started with the State House complex with all its annexes in Swakopmund and the project is 95% completed. The renovation of the Official Guest House in Oshakati will commence in this Financial Year.

Currently, our maintenance unit at Krupp Street, now renamed Andimba Toivo ya Toivo Street, is busy renovating twenty-four dilapidated semi-detached houses in Stoke and Brendan Street near Hyundai Motor Company. This project will be completed this month and the public will be invited to witness the handover of these houses to the owners. Meanwhile, Robert Mugabe Clinic has been completely renovated and has already resumed its operations.

Furthermore, while continuing attending to emergencies like burst water pipes, blocked sewerages and electrical faults, a memorandum has been submitted to Cabinet to request funds from the alienation programme to renovate twenty flat complexes in Windhoek, including the one at Ausspannplatz.

Improvement of Government properties is one of our top priorities. Hence, investigations regarding the condition of our hospitals, namely Rundu, Oshakati, Engela, Eenhana, Tsandi, Okahao and Otjiwarongo have been carried out and a programme for attending to the problems in these hospitals has been put in place.

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**MINISTERIAL STATEMENT  
HON KAAPANDA**

The programme in question will basically attend to problems such as broken doors, toilet seats, leaking taps, etcetera. I would also like to inform this august House that teething problems at intensive care units and mortuaries at both Katutura and Central Hospitals have been solved.

Honourable Speaker, Honourable Members, in order to improve maintenance functions we have decided to create maintenance units in every Ministry and Agency to carry out preventative maintenance activities. The Ministry of Works, Transport and Communication will provide training to such caretakers and handymen who will take care of minor routine repairs in their respective institutions.

As we are trying to improve the value of our properties through maintenance, our Garden Services Unit has done a remarkable job in improving our gardens and lawns at Government buildings. The improvement of our gardens and lawns has indeed added value and beauty to our Government institutions in particular and the City of Windhoek in general.

In conclusion, I wish to inform the Honourable Members that caring for Government properties is a mammoth task, which requires commitment and dedication. Hence, my Ministry has introduced a tenant's lease agreement for all Government occupants. The agreement will stipulate the duties and responsibilities of the tenants and failing which, my Ministry reserves every right to evict such tenants.

Therefore, after each renovation and upgrading of Government houses and flats, occupants will be required to sign a tenant's lease agreement with my Ministry. This is a paradigm shift from the previous system of filling in occupation forms only. It is obvious that the absence of such binding agreements has led to abuse and vandalism of Government houses and flats by tenants. Therefore, this development will bring forth a new culture of adherence to the lease contract provisions by the occupants and sustained supervision and control of Government properties by my Ministry.

Finally, we appeal to the public to bear with us and give us time to implement our renovation and upgrading programme in order to improve the physical condition of Government properties. We have a plan which we intend to implement systematically and consistently.

I thank you, Honourable Speaker.

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**HON SPEAKER:** I thank the Minister for his statement. Any further Ministerial Statements? The Secretary will read the First Order of the Day.

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**VETERANS BILL  
HON GURIRAB**

**VETERANS BILL: RESUMPTION  
OF SECOND READING**

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**SECRETARY:** Resumption of Debate on Second Reading – *Veterans Bill*.

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**HON SPEAKER:** When this Debate was adjourned on Tuesday, 6 November 2007, the Question before the Assembly was a Motion by the Honourable Minister of Veterans Affairs, that the Bill be read a Second Time. Honourable Gurirab adjourned the Debate and he now has the Floor.

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**HON GURIRAB:** Honourable Speaker, my intervention will be brief, but before I comment on the Bill, let me put my credentials on the table. (Interjection)

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**HON MEMBER:** Of the new Party?

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**HON GURIRAB:** No, not of the new Party. Honourable Speaker, I have brothers and cousins who fought on both sides of the war. I have a cousin who was tortured to death in the dungeons in Lubango. I have a brother who spent many years in the dungeons of Lubango after he has been a senior commander in the Typhoon Unit of PLAN. I am myself an ex-PLAN combatant. (Interjections).

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**HON SPEAKER:** One Member at a time.

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**HON GURIRAB:** Honourable Speaker, I have a brother who was conscripted to fight in SWATF. So much for credentials.

Honourable Speaker, I am rising, to support this Bill because it is an important Bill and it is the right thing to do. It is unfortunate that it has taken this long that we have a Bill of this nature on the Floor of this House. The Bill is a product of determined action by ex-PLAN combatants.

11 years ago when the first ex-PLAN combatants bayed at the gates of State House, our Government did not have a response on how to deal with these fighters for the liberation of our country. What Government then did was to employ thousands of ex-PLAN combatants and believed that the problem went away.

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**VETERANS BILL  
HON GURIRAB**

Two years later in 1998, the second wave of ex-PLAN combatants demonstrated and some threatened to march from all corners of the country to petition the Government here in Windhoek. Again Government had no response. What the Government was doing was to go out to ask for piece jobs from private institutions here and there.

In August 1998 the President of the country stood one Sunday at the Airport in Ondangwa, to announce a hundred jobs in a cement-making factory which was promised by somebody in Ondangwa. I then wrote an article in *The Namibian*, the article is headed, “*We need to restore dignity of former freedom fighters.*” It appeared in *The Namibian* of August 14<sup>th</sup>, 1998 and I wrote in part: “*Mothers with babies and toddlers bracing last Friday night sub zero temperatures coming out to the Nations Capital, hundreds more of their desperate comrades marching on the capital from the north of the country, all their worldly possessions precariously perched on their heads like some internal refugees escaping grave danger or is it perhaps menace or destitution? And to complete the sorry picture, NBC-TV shows our President standing at the Ondangwa Airport, announcing that yet another Ministry would be responsible for the training of these our unfortunate compatriots. Has our Nation lost its soul? What is happening in our country borders a national scandal.*”

It therefore took 11 years and determined action on the part of the ex-combatants themselves, starting with their demonstrations, that today the Government’s hand has been forced to bring a Bill to the Floor of this House, a Bill which we support.

Yesterday I asked to adjourn the Debate because I did not have an opportunity to look at the Bill. I have now had the opportunity to do so and I believe that the object of the Bill is honourable and that it is the right thing to do.

Honourable Speaker, I will even go as far as to say that the action which we commit to undertake in the Bill has the same honour as our Independence, as our flag. It is the type of Bill over which there should be no political partisanship. It is a Bill which is meant to honour ourselves, honour our own dignity and Honourable Speaker, I again want to read from my own article of 1998 to justify a Bill of this nature. I wrote:

*“After all, how our people treat its weak and needy and those who made sacrifices on behalf of the society as a whole as a measure of its civilisation and whilst there is appreciation for the fact that the problems of unemployment and resultant poverty afflict the greater mass of Namibians, it is also true that at the end of any major war or major conflict, combatants are treated suis generis, that is that there are programmes, as was tried in our case with the DBC to help reintegrate former combatants in the society. There is sufficient public support for such gestures from Government.”*

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**VETERANS BILL  
HON MOONGO**

I therefore believe we should do this, it is the right thing to do. These are combatants who have gone out to fight for our dignity, for our sovereignty and for that very reason and for that reason only, we need to support this Bill.

Honourable Speaker, there is a Debate on national reconciliation on the Floor of the House to which I will respond at the end of the Debate. I have spoken about my cousin, I have spoken about my brothers who were both in the dungeons of Lubango. I do not want to debate the national reconciliation issue now, but I am only raising this....(Intervention)

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**HON DEPUTY MINISTER OF GENDER EQUALITY AND CHILD WELFARE:** May I ask the Honourable former Permanent Secretary of Trade a question? Honourable Gurirab, you talked about Lubango and you said you are an ex-combatant. Now you say your brother was in the dungeons of Lubango. Who put them in the dungeons, you or others?

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**HON GURIRAB:** Honourable Speaker, as I was saying, there is a separate Debate on the Floor of the House on national reconciliation and it is not my intention to debate that Motion now. I only make reference to that because in the contributions from the Colleagues on the Floor of the House reference was made to issues of national reconciliation and the only point I want to make, because I made reference to my brother and others, is that the discussion on national reconciliation would be incomplete without us getting a closer look on the question of the former ex-detainees. But that is for a separate Debate.

There are some aspects of the Bill, Honourable Speaker, such as the definition and others, but I propose to deal with those during the Committee Stage. But for now I have risen only to give our unreserved support to this Bill, because it is an important Bill as part of defining ourselves of what we are and defining our country. I thank you.

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**HON SPEAKER:** I thank the Honourable Member for his statement. Honourable Moongo.

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**HON MOONGO:** Thank you, Honourable Speaker, Honourable Members. I have scrutinised the Bill and discovered that it may cause confusion, prolonged suffering, division and of course, gross injustice than ever before, because the Bill does not cater for all victims as well as all those who suffered while contributing to the liberation struggle.

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HON MOONGO**

Furthermore, as it appears on Paragraph 3 on Page 2 of the Minister's speech that this Bill cannot cover all those who contributed to the liberation struggle, it is dead on arrival.

I further want to state that it is highly unfair for the Minister to take only two members from the Veterans Organisation to sit on the board. These two people cannot fully represent the interests of the veterans. I want to warn the Honourable Minister that this is not a good enrichment opportunity. (Intervention)

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**HON P MUSHELENGA:** May I ask my dear Uncle a question? Honourable Moongo, you stated that the Minister mentioned that some of the people that contributed to the struggle are not included. I suppose you are referring to the Paragraph in the Bill that says those that were in the liberation struggle but deserted the struggle would be disqualified. My point here is that, if you are participating in the struggle and you leave the struggle and start undoing what you were doing, do you think, Honourable Member, you can be equated with someone who has consistently and persistently been contributing to the struggle?

---

**HON MOONGO:** I think as young as he was that time, he did not participate in the liberation like myself, so he should not question an ex-commander of the liberation struggle. (Intervention)

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**HON SPEAKER:** In Parliament we are allowed to ask questions, but I am really pleading with the Honourable Members, without denying you your right, to seek answers to questions, but to allow Honourable Members to make the case that they want to make. Parliament allows for disruptions and derailment of thinking of other Members, but I am also here to ensure that we respect the integrity of the House. Hear the Honourable Member out, I intend directing some Committee to clarify this matter of questions. "*Point of Order*" has a particular meaning and not the way that we are distorting its meaning by at any opportunity to jump up under the guise of a question. But so be it, we will come back after break with clarification of what questions are there for. Honourable Moongo, continue.

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**HON MOONGO:** This is a matter of life and death of the veterans and those who participated in the war. (Intervention)

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**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,  
HOUSING AND RURAL DEVELOPMENT:** May I ask Honourable Moongo a question? I am terribly sorry, Honourable Moongo, but I think I was tempted to

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ask this question. Honourable Moongo, you said that you feel aggrieved because the Honourable Minister has only allowed two people to be there in the committee that represents the veterans and you feel the two do not really represent the veterans. My question is: In this Honourable House we have Parties with only one representative. Do you imply that they do not represent their constituents because they are only one?

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**HON MOONGO:** I will address it in my speech, if you will just listen to what I am going to say.

You are rescuing parents and children from hardship and starvation, because the majority of those who participated in the war, whether in exile or inside the country, are still jobless. Therefore, in order to prevent hardship and starvation we need a balanced law which can serve all.

The people mentioned in Section 15 of Part IV, namely one person responsible for Defence, one person responsible for Security and one staff member from the Ministry, are totally not needed. Instead increase the number of veterans from two to five if you are playing open cards. The Minister must not try to dominate the board and to dictate the terms, because it is not in the interest of the Ministry, but that of the veterans.

Neither should the Minister seek to influence the veterans, but the veterans themselves must determine who is going to represent them.

I therefore propose that of the nine board members, five must be representatives of the veterans. That way the interests of the veterans will be satisfactorily represented.

Mr Speaker, Honourable Members, I propose that the Ministry should generate adequate funds to cater for and maintain all the veterans, rather than causing more confusion, tension and division among those who fought during the liberation war.

The tendency at this time to continue to discriminate against your brothers and sisters who were inside the country is not a good thing. Remember that you already shared in the money which came from South Africa as the pension of SWATF. That time when you came from Zambia you shared the money. Why have you forgotten that? (Intervention)

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**HON MINISTER OF LANDS AND RESETTLEMENT:** Honourable Speaker, may I ask the Honourable Member a question? When you are referring to those who were inside the country, are you referring to Koevoet and SWATF or to

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HON MOONGO**

whom do you refer, because you spoke about money from South Africa. Can you just clarify?

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**HON MOONGO:** I did not catch the question.

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**HON MINISTER OF LANDS AND RESETTLEMENT:** You spoke of those who fought from inside the country. Are you speaking about the Koevoet and SWATF who were the enemy?

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**HON MOONGO:** Yes. The SWATF wanted democratic Government and not a One Party Government.

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**HON MINISTER OF LANDS AND RESETTLEMENT:** Is Muyongo your president or not?

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**HON SPEAKER:** Honourable Minister, Muyongo is not here.

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**HON MOONGO:** You must first answer whether he was a Vice-President of SWAPO or not. You should answer that first.

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**HON MINISTER OF LANDS AND RESETTLEMENT:** I know the so-called puppet parliament of which you were a member and that puppet cabinet, rewarded those killers and gave them medals. Every now and then you spoke about being a commander of PLAN. You were but you deserted and came over to the enemy. Therefore you are not a freedom fighter, we regard you as a traitor because you betrayed us when you joined the enemy.

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**HON MOONGO:** Honourable Speaker, I spoke yesterday of jungle justice.

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**HON SPEAKER:** I told you yesterday to withdraw that.

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**HON MOONGO:** He is now saying he does not regard...

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**HON SPEAKER:** Honourable Members, let us not go back to what I ruled out of order yesterday. But Honourable Minister, you can say what you want to say in some other way, but leave out those people who are not here, who are not really relevant to the current discussion. Let us stick to the issue at hand. Honourable Moongo, continue.

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**HON MOONGO:** I mean, if he does not understand after 17 years of having proper laws in Namibia...(Intervention)

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**HON SPEAKER:** Honourable Member, if the Honourable Minister or Comrade Minister does not understand. (Intervention)

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**HON MOONGO:** May I continue? After 17 years the Minister cannot differentiate between true justice and bogus justice. I was at the front and I was fetched by the late Mweshihange, so I was busy with the liberation. Which justice is this now? Is it bogus justice? I did not go there because I wanted, I was forced to leave the front. That is why I say it is a pity if after seventeen years people do not understand what is true justice in this case. If somebody was arrested and detained against his will, is that true justice? (Intervention)

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**HON DEPUTY MINISTER OF HOME AFFAIRS AND IMMIGRATION:** On a Point of Order and if I am out of order, please rule me out of order, because I just want to say something. In my view it is not proper to give us half the information. The Honourable Member keeps on referring to him being taken somewhere forcefully, but we do not know exactly what led to that. It is better not to hear anything than being given half the information. If the Honourable Member is really interested to share the information, let him start with what led to that.

---

**HON MOONGO:** I think you were supposed to be informed by your Party which violated the human rights of other people who were at the front and were then detained. You should have the information. (Intervention)

---

**HON DR ANKAMA:** Could I ask the Honourable Member a question? I want to repeat – and it is close to the previous question. Honourable Member, you are telling us you were taken away from the front. How many were you and how many PLAN combatants were there where you were and only a few of you were taken. Why were you taken? Tell us the truth.

---

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**HON MOONGO:** I think the history of detention of people by SWAPO is not a short history, it is a long and very bad one. I do not want the newcomers to the party to know all this, I would rather ignore it and continue. People disappeared, people were put in the dungeons illegally, they were detained for years and years and if you need information, you can come and consult me at my office. People were put in dungeons in Lubango, Zambian concentration camps and Tanzania maximum security prisons. (Intervention)

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**HON DEPUTY MINISTER OF GENDER EQUALITY AND CHILD WELFARE:** On a Point of Information. Honourable Members, I was not at Lubango, I was in the country and my husband was giving food in Kaoko to the PLAN fighters and he was not forced by anybody to give food to the PLAN fighters. (Interjection)

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**HON DE WAAL:** That is why you are not a veteran.

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**HON DEPUTY MINISTER OF GENDER EQUALITY AND CHILD WELFARE:** My people there who went to fight for the country were not taken by anybody, they went by themselves because they wanted Namibia to be free and now I hear somebody saying he was a PLAN fighter and he was taken there by force. Even today you do not want Namibia to be free, that is why you are in the DTA.

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**HON SPEAKER:** The DTA is an official Party voted into the House by elections. People are free to join the DTA.

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**HON MOONGO:** It is a pity that you waste my time because your Party does not want you to be informed in order to know the mistakes and errors and gross violation of justice against its own members of SWAPO. They do not want you to know that, that is why you do not know anything. (Intervention)

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**HON SPEAKER:** Stick to your statement. Continue.

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**HON MOONGO:** I, therefore, do not want to waste my time on somebody who just joined the Party because of ...(Intervention)

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**HON SPEAKER:** Stick to your written statement.

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**HON MINISTER OF HOME AFFAIRS AND IMMIGRATION:** May I ask the Member a question? Can the Honourable Member tell us how many people went missing inside the country during the liberation struggle including Mr Nakaua and his brother from Onandjokwe and how many were killed? Can you tell us?

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**HON MOONGO:** I think I can answer. Many people also disappeared inside the country and that is why I requested South Africa to apologise and give compensation to the families and also asked SWAPO to apologise and give compensation to the families of those who disappeared and those who suffered. Nakaua is my cousin, so I am well aware. (Intervention)

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**HON KAURA:** Honourable Speaker, may I ask the Honourable Member a question? Honourable Moongo, do we have to dwell on people who were murdered during the struggle, a person like Frans Nangutuwala and we know who killed him? Do we have to dwell on that?

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**HON MOONGO:** Mr Nangutuwala was one of my friends, we went together to join that time and he was murdered by you. You should apologise. You are a sinner as you sit there!

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**HON SPEAKER:** I am pleading with both sides of the House, we are not making much progress. We should look at the clock and see whether we are doing justice to what we are here for. Honourable Moongo, leave the finger-pointing and stick to your prepared text.

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**HON MOONGO:** Now you are here as Ministers, you have enough money and if one is rich and does dirty work, he is easily accepted and forgiven as if nothing has happened. But there are poor people whom you have tortured and some whom you caused to disappear and there are some people you want to continue to torture who are totally innocent. You have succeeded in eliminating quite a good number of them.

Ironically, let me congratulate the leadership of SWAPO for achieving your evil goal to exterminate...(Intervention)

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**HON SPEAKER:** Honourable Moongo, I will not allow you to repeat what you last said, I would ask you kindly to withdraw. I do not know of any programme in place to exterminate people.

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**HON MOONGO:** It is true, the people were killed, many of them whom I know and I am a survivor. (Intervention)

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**HON SPEAKER:** You are referring to an ongoing programme to exterminate people.

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**HON MOONGO:** I withdraw. Mr Speaker, Honourable Members, let me tell you one thing: Our population is now at 1,8 million, the Soweto Township in South Africa is plus minus 10 million, the inhabitants of Lusaka in Zambia are plus minus 3 million. In other words, the population of Namibia is like the citizens of one town in other countries. Therefore the population of Namibia was supposed to live well and the veterans are very few on both sides and you should maintain them in order to survive.

Honourable Minister, there is no excuse to say you cannot get money for the combatants. The Bill must provide for all veterans who contributed in the struggle without discrimination.

The responsibility for the registration of veterans must be left to the Veterans Organisation, headmen, church leaders and non-governmental organisation and not be done by the Ministry. The Government was bulldozed, forced by the demonstrations by the veterans and they did not do it out of free will. (Intervention)

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**HON MINISTER OF LANDS AND RESETTLEMENT:** Honourable Speaker, the problem with the Honourable Member is that somebody else drafted his speech and he only echoes somebody outside.

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**HON SPEAKER:** If the Honourable Minister knows that, I do not think the House knows that.

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**HON MOONGO:** After all, it was not necessary to create a Ministry for this, as this is another way to waste money. The Ministry of Finance is supposed to cater for and maintain the veterans. It was not necessary to create a new Ministry.

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Honourable Members, I was very much disturbed by terms that appeared in the Minister's speech.

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**HON DR GEINGOB:** May I ask the Honourable Member a question? Honourable Moongo, firstly, we want peace in this country. Secondly, you are saying that the Government was forced by demonstrations to do what the Government is doing. Are you aware that most of the army member are veterans, that many of the Police Force, that some of you were opposing that we should set up, are veterans of the liberation war? Are you aware of that?

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**HON MOONGO:** Yes I am aware. Honourable Members, I was disturbed by some terms used in the Minister's speech on Page, Paragraph 11. The terms are "consistently and persistently". After seventeen years in a peaceful Namibia you were not supposed to cling to such fanatical terms. At the core of these terms are found all the evils and diabolical intentions that caused the torture, suffering and disappearance of people and even death, not only in exile...(Intervention)

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**HON SPEAKER:** The House shall rise for refreshments.

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**HOUSE ADJOURNS AT 15:40**

**HOUSE RESUMES AT 16:14 PURSUANT TO ADJOURNMENT**

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**HON MOONGO:** Thank you, Mr Speaker. I think it is a good time to inform some Honourable Members who were not in exile what happened that Koevoet and SWATF were formed. I think it is a good idea to inform the House and some Members. It was done because of bad propaganda by SWAPO. They said they are going to eliminate headmen, they said they are going to have a One-Party State and they said they will eradicate all the puppets. This is bad politicking. This is why the South African minority convinced the people to become Koevoet and SWATF. If you spread good politicks and said you are going to establish a democratic Government and so on, there would have been no Koevoet and SWATF. (Intervention)

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**HON MINISTER OF EDUCATION:** On a Point of Information. We have watched the trend of the Honourable Member's Debate. In the first place, he is not the only one who was in exile and he is not the only one who lost something or who suffered because he was in exile. To now sit in a National Assembly of an

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independent Namibia and be lectured by a representative of the South African apartheid authority why they did what they did, is annoying and intolerable. Let us come down to the level of Independence. Thank you very much.

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**HON MOONGO:** Some of the people want to know why it happened like that. Those who do not want to hear it can be tolerant and listen. Let me continue with my speech.

Not only in exile but even here in Namibia your victims are still dying and it seems you have not repented, but instead you are still rejoicing while wounds are starting to heal. It is not a good thing to continue hammering on “*so-called puppets*” and you cannot prove it. (Interjection). You cannot prove I was against the liberation, you cannot prove it. Did you ever take me to court? Never. (Intervention)

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**HON SPEAKER:** I know temperatures will rise, but we do not have puppets in this House. Honourable Members, I read out the Rule to you how to address one another.

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**HON MOONGO:** Of course, it is good to do it to others, but when it comes to yourself, because you have money to corrupt people, you will want to hide behind the dark chapter of liberation and say it is a pity people suffered, people were detained, people disappeared. It is a pity to hide behind that chapter. (Intervention)

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**HON DEPUTY MINISTER OF HOME AFFAIRS AND IMMIGRATION:** May I ask the Honourable Traditional Leader a question? Honourable Headman...

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**HON SPEAKER:** We do not have that here. Read Rule 108.

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**HON DEPUTY MINISTER OF HOME AFFAIRS AND IMMIGRATION:** Honourable Member, I somehow know you are a Headman. Honourable Member, having said all what you have said so far, do you believe in national reconciliation or not?

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**HON MOONGO:** Of course I believe in national reconciliation, but it is only at your mouth and not in your heart. Today you talk of reconciliation, tomorrow you talk of traitors, sell-outs and you insult people. This is intolerable.

Many of the veterans gave up their lives while fighting for the country, but their children ended up being ruthlessly destroyed. Mr Speaker, this trend must not continue, it must stop immediately.

Mr Speaker, Honourable Members, on the point that those who were in detention do not qualify, it is unfair because the majority who rejoined SWAPO disappeared and never returned. They were tortured to the extent that they could not return to rejoin SWAPO, because the majority have already disappeared and died afterwards.

With this, I think the Bill is a good start but it is full of mistakes. Thank you.

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**HON SPEAKER:** I thank the Honourable Member for his contribution. Honourable Gertze.

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**HON GERTZE:** Thank you, Honourable Speaker. From the onset I want to agree with the Minister of Veterans Affairs in his first Paragraph during his motivation speech. It is true that Namibia's Independence did not come about as a result of a negotiated settlement only. The negotiated settlement that gave Namibia its political Independence in 1990 came about as a result of immeasurable suffering and toiling of so many people, many of whom have only celebrated our Independence in 1990 and I am deliberately choosing the word "*people*" without conferring on them titles such as hero, veteran, freedom fighter and so on.

A common contribution to the struggle has been a responsibility by choice for every likeminded Namibian. When we went into exile, we never knew what the day was going to be like. Honourable Members, it is not easy to imagine to have been a cadre, a combatant or just a freedom fighter in the liberation movement. It is not easy to recount the ups and downs of such a life. But again, how possibly would I – if I speak for myself – today hold anyone responsible for what I have gone through during the struggle? That also applies to many of the kind of people like myself.

When Bills like this one are introduced, I personally do not have a wish, together with many other comrades, to receive assistance through this Bill. Obviously, people like myself cannot scramble for the intended welfare of this Bill. There was the South African fund at Independence, that has been spoken about, and after

that there was the SIPE fund – that bypassed us – there was the DBC – that bypassed people of my kind at that time – and I have said that I have no wish to get assistance from this Bill simply because I am not what I was during the first days of Independence. I never felt denied and I shall never feel denied when again a national cake would come, as it came already and was divided up and if I am not getting any part of it. It was enough perhaps to wash the platters and the knives that were used to cut or partition this cake.

There are comrades who have expressed their own thanks to themselves when Namibia was finally free. Some tried to negotiate after Independence with their former employees for re-employment and others went around places to secure a job to carry on with their lives. What is however prompting me to go a little bit deeper into the essence of the Bill is that there are many unclear assertions in the Bill.

For example, it reads as follows on Page 4 of the speech of the Minister of Veterans Affairs, that “*consistency and persistency*” are issues that are being considered and again, linked up with the question of deserting the struggle and having gone somewhere. Paragraph (c) also talks about “*a person who, owing to his or her participation in the liberation struggle was convicted, whether in Namibia or elsewhere for any offence closely connected to the struggle and sentenced to imprisonment.*”

Honourable Speaker, I have lost count of how many calls I had to endure from former fighters who, because of these parts that deal with persistence and consistence and because of a lack of clarity, think that they are left out when it comes to this Bill and also because of past experience and here I am specifically speaking of those cadres and combatants who had to spend their last years in the infamous Lubango dungeons. Their being in the dungeons was in no way by choice. In fact, it denied them the opportunity to continue and to accomplish their noble cause, that of finally freeing Namibia and that of belonging to the bigger force that has worked tirelessly for the liberation of this country. I do not know how I am expected to react to things like that.

Honourable Members, the struggle was complex and I mean here both in exile and here in Namibia and this equally renders the essence of what the Bill seeks to address complex. It is being transferred in the same manner. I wish that the whole of this Government today would have been like the Bill, starting from Independence to have failed to address the poverty. Poverty is the biggest problem that we are sitting with.

However, this Bill is long overdue, but if we are sensitive enough to it and to those men, women and children who fought for the freedom of this country, it can go a

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far much longer way than the previous initiatives. There are varied perceptions out there about what the Bill seeks to address and foremost on this is the issue of bread and butter for those that are concerned. In fact, life itself is a struggle for survival and the comfort, to whatever degree, is what everyone strives for these days.

Honourable Speaker, many of the cadres I made reference to do not only bear the brunt of poverty, they endure the pain of invisible scars, the psychological side of it and what has made them to be what they are. I hope that this Bill will eventually also take care of the emotional side of the suffering of the veterans.

When one looks at it again, many of these cadres have taken their experiences and their current resultant lifestyles as a way of life and also as a part of it that could be perhaps normally associated with life and this is why we find some of us having regained the struggle for self-independence after the Independence of this country. I can call many of them by name, but what was wonderful with some of them was that they have regained themselves to an extent that we can see them sometimes as outstanding people, let alone the fact that no one, except for themselves, knows what goes on in those minds of theirs and I am also no exception to this.

It is not a problem if anyone wants to honour his or her own hero or heroes, regardless of the manner in which this is done, but we must know that there are also other people who, either by choice or by circumstances, have sought relief for themselves, again in whatever manner, and we will continue to seek for solace in whatever manner again. But as the Bill of rights says it, it is necessary and important that we help those that are stuck in the sand because of emotional distress and abject poverty and, indeed, this is so while they have fought for the freedom of Namibia.

It is, indeed, unfair to have left these colleagues fending for themselves in a big country where land is scarce and in a country with a small population where the scramble for resources is similar to that if one could imagine, like in India or China.

Honourable Speaker, I know that the Minister of Veterans Affairs has mentioned that there will be a registration of veterans and dependants of veterans and that it will be done, and I quote, "*through the breadth and length of Namibia.*" The number of persons to qualify for what we imagine to be recognised as veterans is unknown and I can only infer through this that the period of registration and that of qualifying will be as long and as wide as Namibia and as indefinite as the unknown of number of potentially qualified veterans. This is obviously going to be a very cumbersome and complex exercise, just like the struggle was complex and again, if I have understood it correctly, there is a part that deals with the accrual of pension benefits, a very interesting idea.

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It says: *“The Bill provides that in the determination of accrual of pension benefits, a veteran who joined the employment of service of any public body, should be credited for the period or years he or she actively spent participating in the liberation struggle.”* That to me sounded like it would be easier for those who have been inside Namibia and whom we knew were working elsewhere as a teacher or as a nurse or whatever and while participating in the struggle. I do however not know for our dear comrades from outside who did not have any contract employment, who went there to contribute voluntarily, how they will have the accrual of pension benefits, how it would work. These are just some of the ideas that makes one ponder as to how exactly this is going to be done for those colleagues who were outside the country.

I also want to underline that we work fairly and without fear or favour when designing and perfecting this Bill, so that when this Bill eventually becomes law and when the process starts and becomes a reality for those for whom it is meant, that we do not ten years down the line again come up and design another Bill to honour and compensate families of forgotten heroes and veterans again.

With these few remarks I wish the Minister and his Ministry all the best and strength in making sure that the veterans are seen for what they have been and that all categories are understood and dealt with as such. I thank you.

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**HON SPEAKER:** I thank the Honourable Member. Honourable Nambahu.

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**HON NAMBAHU:** Thank you very much, Comrade Speaker, for this opportunity to make my humble contribution to this very important Bill.

In the first place, I would wish to congratulate the Minister of Veterans Affairs for tabling this long, long overdue Bill. It is really a welcome move.

Allow me to state from the beginning that what this Bill is seeking to do is the minimum that society can really do for our freedom fighters, and I should stress that the contribution and the selfless sacrifices made cannot be equated to anything in monetary or other material terms. In my opinion it is simply a token of appreciation and it should be seen as such, otherwise there would be no way that society or anyone else can match in material or any other terms the sacrifices that have been made in the attainment of this Independence that we are enjoying today.

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Having said that, Comrade Speaker, I wish to make reference to some of the points that were made during the Debate regarding this Bill and obviously, attempt to bring many issues to be included in the Bill. But obviously, in my opinion, each and everything should be treated on its own merits and without denying the merits of the issues that were raised, as I have said before, I think the Bill cannot be used as a Halloween basket within which there is something for each and everyone. Separate situations can be addressed by separate Bills, but this specific one is straightforward and let it be for those that it is intended for and other situations can be addressed by other pieces of legislation if need be or be addressed on separate occasions.

When we were at school and choosing a career, maybe as a doctor, engineering, medical science, then there is a Debate about which profession is more important than the other and that endless Debate results in what is called in academic circles "*professional chauvinism*" or bigotry, and as the liberation struggle was waged on different fronts, I would not wish the Debate which is going on out there to actually contribute to these kinds of Debates.

I remember one day some comrades went out and sometimes when you are in training, you are not even allowed to carry a loaded gun and when you have a chance, you go out there and start shooting just to practise what you have been taught and when they came back they were caught and someone was asking them, "*comrades, do you know how costly those bullets are?*" I remember the expression on their faces was that no one even thought of these things. The point is that sometimes the one who carries a gun does not necessarily conceive who brought it or the one who campaigned for it to be around and when the Debate is going on out there, the Debate does not very much consider the product of the one who is training.

What I am trying to say is that there were many fronts and there are those who were involved in training, there were those who were involved in education, those who were involved in the actual fighting and there were those who were involved in the diplomatic mobilisation and I would not want the Bill to assert these divisions of these kinds of debates. The contributions, as far as I am concerned, geared in the direction that these fronts were complementary to each other.

Those who were in exile are aware of the propaganda about internal SWAPO and SWAPO in exile and these things are actually not helpful. It is very important for us to take cognisance of this fact and things such as material rewards are issues that sometimes divide us and as comrades, as people who were involved, we must be aware of these kinds of things, that what we are trying to bring about is not going to be something that is going to divide us.

Having said that, I would only wish to say that I am somehow in a dilemma. There are comrades who have spoken to some of us, some of them are in far-away

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Regions and it is only now that they have received the Bill. They want to make their contributions and I am also aware of those ones who were on the educational front who were involved in the moulding of the cadres destined for the training camps. It seems that there are some contributions that they have to make.

On the other hand I am aware – and I have said it here and it has been said by various contributors – that the Bill is long overdue. Now one has a problem to strike a balance, whether the Debate should carry on, whether consultations should carry on so that these other opinions and contributions out there should be accommodated, that would definitely result in a delay of the passing of the Bill. These are some of the things that the Comrade Minister will have to consider and strike that balance – the urgency with which the Bill has to be passed and also the contributions that have to be incorporated as a result of the Debate that is on going outside the House. I just wanted to highlight some of those things.

When it come to some of the issues which have been raised here, there is not enough time to debate them, but maybe I could highlight some of them.

Obviously reconciliation has its own merits and can be dealt with separately. Those who fought on the other side is maybe something that has to be debated or be treated on a separate platform. Obviously, the enemy propaganda has been there, it would be there and one day someone will start cherishing our diamonds and he or she would want to attack us. Do we now have to create a precedent whereby we reward those that fought against their motherland? I do not know, it is really up to the House to think about that.

Obviously, propaganda will always be there. Before we left this country, the planes were dropping pamphlets, contaminating our minds, people coming to schools and these are issues that have been raised and I do not want to dwell too much on that, but obviously I do not know whether we should create a precedent whereby we reward those that are going to fight on the other side against their motherland. That I do not know. (Intervention)

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**HON DEPUTY MINISTER OF JUSTICE:** May I ask Honourable Nambahu a question? On that point that there has been many wars in the world and precedents have been, we had the Second World War where Nazi Germany waged a brutal war against all the other allies, the Soviet Union, the United States, Britain and I have never read where the aggressors were compensated.

Here we have a system which was characterised as a crime against humanity and yet we are talking of compensating those who have aided such a system. It is uncalled for! If there is any other precedent that would maybe make some sense,

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but in my own judgment that does not hold any water where the aggressors are being compensated. It is not acceptable! What do you think, Honourable Nambahu?

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**HON SCHIMMING-CHASE:** May I ask Honourable Nambahu a question, through you Honourable Speaker, for the benefit of the “*Son of the Nation?*” Hopefully the “*Son of the Nation*” is aware of the marshall plan where all the other countries got together in order to compensate the aggressor, Germany, by paying millions, billions in order to reconstruct Germany, the aggressor? (Interjection)

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**HON KAURA:** Ignorance is bliss.

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**HON MINISTER OF JUSTICE AND ATTORNEY-GENERAL:** On a Point of Information. I think the interjection of Honourable Nora Schimming-Chase, if not put in perspective, may mislead the public. The marshall plan, according to my knowledge, was a plan to rebuild Germany as a country. I do not remember that individual soldiers who fought on behalf... (Interjections). I have the Floor, protected by the Speaker. The rebuilding of Germany, was meant to help the country and its people and the soldiers who particularly participated and led that war were prosecuted. The Nuremberg trial was meant to penalise all those who aided and abetted .... (Interjections).

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**HON SPEAKER:** Let the Minister finish, it is a rebuttal to your intervention.

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**HON MINISTER OF JUSTICE AND ATTORNEY-GENERAL:** Thank you, Honourable Speaker. I am saying those who led the war on behalf of Hitler against the international community, were tried and they are still being hunted wherever they are found. So we should not confuse this Bill with what happened to Germany.

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**HON SCHIMMING-CHASE:** Honourable Speaker, with due respect to the Minister of Justice, it is very difficult when one gets up and accuses people for giving wrong information when one is personally giving wrong information. The Nuremberg trials had to do with the perpetrators of the genocide against the Jews, not the soldiers who fought in the Second World War. My reply and the information that I gave to the Honourable “*Son of the Nation*”, the Honourable “*Son of the Nation*” stated categorically that never in the history....(Intervention)

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**HON SPEAKER:** You should not formalise by default the title of “*Son of the Nation.*”

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**HON SCHIMMING-CHASE:** The Honourable “*ons sal lewe, ons sal sterwe*”, the Honourable Deputy Minister of Justice categorically stated that never in history, never in history were the aggressors paid and that is historically incorrect, because the aggressor was the German Army, not the SS. It was the Germany Army under a duly elected Government of Adolf Hitler who were the aggressors in the Second World War. Therefore please, if we want to correct, let us correct in terms of historical truths and not political interpretation. There is an old saying that “*you should not teach your grandmother to suck eggs*”.

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**HON DR GEINGOB:** May I ask a question? Comrade Nambahu, are you aware that Germany, which Honourable Nora is saying was compensated through a marshall plan, was divided up in East and West and that marshall plan, based on ideology, was only supporting West Germany. Are you aware of that?

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**HON DEPUTY MINISTER OF JUSTICE:** On a Point of Information. I specifically mentioned the aggressors and with aggressors I meant the SS. (Interjections). Yes, that is what I said, that is the aggressors. How can an ordinary person in Germany who never participated in the war be an aggressor? It goes with logic, it is a logical thing. You must give up because you want to distort the truth.

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**HON NAMBAHU:** Comrade Speaker, I do not know which question I will answer first, but I will try.

What I was saying is, if you go to all the countries that were involved in the war, you will find that comes, for example, a school holiday, veterans of the war will go around schools, kindergartens, all over, being paraded as examples of patriotism, being revered by society because of the deeds that they did for their country, for their people, for them to be where they are.

I will have difficulties explaining to my child if those who fought on the side of the enemy against their country are to be awarded for what they did. Yes, we have sympathy and that is why they are absorbed in the army and given all the other facilities that the country is enjoying. (Intervention)

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**HON KAURA:** May I ask the Honourable Member a question?

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**HON NAMBAHU:** Yes, but I would want to deal with one first.

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**HON KAURA:** Honourable Member, are you aware of the fact that a group of PLAN fighters proceeded up to a place in Okakarara known as Ombujovakuru on their way to assassinate an old Headman Dienda who was 93 years old at Okahuitua and subsequent to that, when they were captured at Ombujovakuru, the Solani Camp was started where young people volunteered to join the South African Army?

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**HON NAMBAHU:** As I decided to answer question by question, I was simply saying that there are deeds that have to be admired and also to set the precedent and inculcate a sense of patriotism and belonging into our kids, our society and our people. Come a situation tomorrow where you have a war aggression, you will have the precedent set where you do not reward those that were against their own people.

Coming back to the Bill, what I was saying is that the veterans we are talking about have a lot to contribute, but because of the situation in which they find themselves, they are unable to make that contribution. An example was given here of people who because of their age could not be absorbed in the army, they could not be given any work anywhere and they were there at the villages, unable to make a contribution. Some of them were PLAN members, some of them were from the engineering section, but they were reduced to the level of paupers. What contribution can you make when you are in that kind of situation, no matter how patriotic you are? Therefore, there are all these other needs that need to be addressed, not only the material ones.

Honourable Geingob, you are very much correct in that the marshall plan was actually on an ideological basis. I do not know how much of that was contemplated for even other Eastern Bloc countries that also suffered in the same war, such as Hungary, but it simply went for those who were in favour of the ideology that the authors of the marshall plan conceived.

These are some of the things that we need to debate at a separate stage and as I have said, these things do not need to be brought into this Bill.

Obviously other things can be brought up on a separate occasion and they can be dealt with as such.

The other information is hearsay, I do not know whether Honourable Kaura was in the commanding structure of PLAN so that he could be privy to that kind of information and the mission that the PLAN combatants were given. I cannot

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respond to hearsay and as a result I cannot answer that question. Thank you very much.

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**HON SPEAKER:** Thank you very much. Honourable Kazenambo

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**HON DEPUTY MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT:** Thank you very much, Honourable Speaker, Honourable Members. Let me right from the start register my sincere support for this important Bill, being the Veterans Bill. I would like to use this opportunity to look into technical definitions contained in the Bill and try to understand them further and where I do not have a thorough understanding of where there is an omission by the authors of the Bill, it could be reconsidered.

It is not my intention to criticise the Bill, but rather to enquire on certain aspects of the Bill which I do not comprehend.

On Page 4 of the Bill under definitions it reads that the “*Fund*” means the Veterans Fund established by Section 4 and “*liberation struggle*” means the *political, diplomatic, military or underground struggle waged against colonialism, racism and apartheid waged in Namibia and other countries which struggle resulted in the attainment of Independence of Namibia on the 21<sup>st</sup> of March; a member of the liberation forces means any person who underwent military training and participated consistently and persistently in the war of liberation in order to bring about the Independence of Namibia, provided that a person is deemed to have consistently and persistently participated in the war of liberation, notwithstanding that he or she was relocated to other liberation struggle functions or duties.*” I would stop there.

My query will be a question of what seems to be in my own interpretation an ambiguity in the sense that further I would like to know and make further enquiry as to who, in terms of age, will be considered a veteran. Is a veteran determined in terms of age, that a person has participated in the liberation struggle, therefore because of a certain age, because of certain disabilities, this specific person cannot provide for himself or herself? That is on the circumstances prevailing on that specific person.

And then my query on ambiguity. Is this Bill catering for the ex-PLAN combatants in general or is it intended to cater for PLAN combatants who are of a certain age or who are in certain physical circumstances, either blind or disabled, circumstances which prevent them from providing for themselves? Or is it talking about even myself, Kazenambo, who is an ex-combatant but honestly speaking, if

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it was not a question of greed, I would not have qualified to benefit from this Bill. Even if I was not employed, given the economic means from the background I am coming from, I would not think I would qualify to be amongst those who cannot provide for themselves.

That is the clarity I would like to have on who are the intended beneficiaries. Is it a person who has been in exile and whose family is rich, but by virtue of having been a combatant, you also need to queue. I would like to really enquire on that specific beneficiary and the criteria that are used to determine a veteran, that by virtue of having been a combatant, therefore anybody can queue. We are all combatants but we are definitely not in the same economic situation.

While I am on the issue of ex-combatants and veterans, I know it is a very complex issue and I know we are talking about veteran affairs, but it says any child of such veteran, any widow or widower of such veteran, any person included in Paragraph 4. If my father was an ex-PLAN combatant and perhaps rich or poor, but by virtue of being a son of that veteran I am entitled, according to my understanding of what is contained here, to get something, being a Deputy Minister as I am, will I also qualify to benefit or will there be bylaws or policies that put a limit to those who are greedy? I know that there are some Honourable Members who, when they retire from here, queue for an old-age pension or even some rich persons in this country. But I am not referring to Honourable Members here, but conscious of saying I am rich, it seems that it is lacking.

Your father participated in the liberation struggle, he was an ex-PLAN combatant but now because of your age – and I know it is saying 18– but what if the parents of these kids have also inherited fortunes? If it is nowhere, I would like for it to be specific and that is why I am asking if in the bylaws it will be clear that if you happen to be a grandchild of a person, but your direct parents are rich, then you are not entitled. Then it is something else, then I will be happy if the Bill is specific or that there will be bylaws addressing that specific issue. I hope my language is not being understood in a way that I am not saying it, but I think I am very straightforward here because some people are capable of misinterpreting what you are saying because they wish to hear you the way they want to hear you.

I want the bylaws and policies to further define who is a veteran in terms of age, who is a combatant. Kazenambo is an ex-combatant but he comes from a well-standing family, can he qualify or not? I would like that to be highlighted because I know that if fairness is there and if greed is not there, there is no way I will qualify in this Bill, despite the fact that I was an ex-PLAN combatant.

I will go further and say that this Bill says political, diplomatic, military and underground struggle waged in Namibia. I hope the bylaws and policies will also be able to help us with political activities, because there are people who participated, who were mobilised. Some of them were in the trade union

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movement, some of them student movements, some of them in the mainstream party and across this region and I will link this one of political activity with underground activity, because some underground activities were military activities, some political activities. People were mobilised but could not expose themselves as SWAPO, otherwise SWAPO spies infiltrated the system. What mechanisms are being put in place to identify these activities and these people, because they were working underground and it is categorically stated in this Bill and I appreciate it. What mechanisms are there to identify these people and those who were engaged in political activities. Surely the bylaws and the policies should be designed in a way that they will not open a Pandora's Box or in a way that it would not divide us.

If you travel across the breadth of this country, you will find the tendency that a person regards him or herself as a freedom fighter or to be patriotic in a village, but you do not think that in other people's villages there are also patriotic Namibians. Those are the narrow minds which we are sometimes subjected to in this country.

I hope the bylaws will be crafted in a manner that opportunists will not claim to have been engaged in political activities or supporting the liberation struggle or those ones who are often referred to as "*Johnny-came-late*", who at Independence just took a SWAPO flag and started running around. I hope there will be mechanisms to identify those who really worked underground, who provided food, who petitioned the UN, who aided – not TjiHuiko, he is a sell-out. Sorry. I hope the regulations will cater for this, but I am telling you, when you travel in this country...(Intervention)

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**HON TJIHUIKO:** On a Point of Order. Honourable Speaker, I just want to ask the Honourable Kazenambo to withdraw the statement that I was a puppet. I think that statement was banned. I hope that he is going to withdraw that word unconditionally.

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**HON SPEAKER:** Which part? Chief Whip or the puppet one?

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**HON TJIHUIKO:** The puppet one.

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**HON SPEAKER:** Honourable Member, you are asked to kindly withdraw the reference to puppet.

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**HON DEPUTY MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT:** For the sake of progress I withdraw, but I did not say it. Honourable Tjihuiko was taught by Honourable Kaura to refer to people as puppets during the liberation struggle, so I am sure he is repeating that. Anyway, for the sake of progress, I withdraw but I said “*sell-out*”. But they mean the same thing, but it is Honourable Kaura who taught us to refer to people on the other side like that.

Anyway, to continue, I was saying that political activities is contained in here and when you travel across the length and breadth of this country, you will meet people who are telling you that only last year a certain old man died in Karibib, this old man has never been in exile, but he has been known in the area of Karibib to have been a staunch supporter of the liberation struggle and when this old man died, the family members phoned me to ask the former SWAPO Chief Whip, Honourable Amathila, to alert him about the death of this honourable person and to the credit of Honourable Amathila, as usual, he said he knows the gentleman, they were together and he attended and assisted those family members. It tells you that there are also people who were not PLAN-combatants, people who were not in exile, but people who perhaps are not known to all of us because they did not operate in our own villages, or in our own areas, but who immensely contributed to the liberation struggle of this country.

But they are not known by the powers-that-be and by the powers-that-be I am not referring to the political powers-that-be or Political Parties, but I am referring to those who will not be known to the current bureaucrats.

Those are people who contributed politically and how will the regulations identify these people. If I can take you to Donkerhoek in the Damara location and even what used to be called the Owambo location, where there are still houses and people there, houses which could be compared to Luanda Transit because those were the houses where we used to converge, the inconvenience which we used to cause there. Even the house of Namises was the headquarters of SWAPO, the current one here, and I would imagine how the family members were affected by the political activities. How will they benefit from this Veterans Bill?

I mentioned the headquarters here in Windhoek, but if you today go to Katima Mulilo, Kavango, northern Kunene and even in the South there were headquarters. When guerrillas were captured, they were captured in the houses of people who were not in exile, reverends, like Reverend Konjore here and he was also trained as a PLAN combatant. Maybe he was trained underground and they are the people I am referring to. I am sure that Reverend Konjore here knows how to operate a gun and I am serious when I am talking about these things. We should identify those ones who also catered for those types of activities.

I saw the hammering, the emphasis on exile, putting emphasis on ex-PLAN

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combatants, but with due respect and as an ex-PLAN combatant, we must balance the equation. Some of us could defend ourselves because we had guns.  
(Intervention)

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**HON TJIHUIKO:** I am sorry to disturb the Honourable Deputy Minister, but may I ask the Honourable Deputy Minister a question, please? Just for information, I did not quite get what you were saying, were you saying that Honourable Senior Minister Konjore was trained as guerrilla? Are you trying to say that when he was in the church, he was also having a gun under the pulpit?

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**HON DEPUTY MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT:** Honourable Tjihuiko, with due respect, you are trivialising a very, very important contribution. In this country, South Africa and elsewhere in the world we used to have what we called “liberation theology” and liberation theologians were reverends like Konjore and Reverend Kameeta and these reverends, bishops, men of God, looking at the suffering of their people, the Auala’s, Dumeni, the Witboois...

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**HON DEPUTY MINISTER OF GENDER EQUALITY AND CHILD WELFARE:** I am rising on a point of order. I do not know whether the Deputy Minister was still in the country or outside, but can you recall that time when Comrade Shifidi was killed? Before that period, if three or five SWAPO people were seen together, you were picked up. So what was happening, we used the church and even Comrade Witbooi was calling us to the church and they taught us songs like //Guxa a !hu sida and that song also caused me to be fired from J.A. Nel in 1981 by addressing the children at the school on Cassinga massacre. I was then sent to Gochas and when I taught the children same the song, because this was the style which we were using, I was also time and again picked up and interrogated by the Gobabis “*Veiligheidspolisie*” (Security Police), *die Koffies and die Tees*. Therefore the church played a great role.

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**HON DEPUTY MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT:** I agree and that is the essence of my point and I am glad that the Bill itself recognises these three fronts, like Comrade Nambahu also mentioned, the diplomatic, the political and underground and I am saying, let us put emphasis on all these fronts, because they played an important role.

There are some former diplomats on the diplomatic front and I happen to have experience of both worlds, because I used to work as a student in the office of the Chief Representative of SWAPO in Francistown, Botswana and we were so

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vulnerable, little protection. South Africa will drop bombs and the first targets are these houses of diplomats. There was a slogan that the *guerrillas were eating grass*, which was a rumour, but sometimes the situation was nearly close to that because sometimes in a diplomatic house you would go for days without food and this was everywhere.

Sometimes we think that we who were carrying the guns were the best soldiers, but the people who were petitioning the United Nations, people who were convincing the world to support the Namibian cause must also be prominent here, because some of those diplomats of that time are now aged and that is why I am saying that the regulations should also address the issue of age and the limit.

Sometimes we are playing down their role and I could also see it here that Honourable Moongo was playing it down in a way, that he was a fighter, he was a fighter, but what about those who petitioned the UN to bring you guns in Zambia? They were diplomats and their role must be appreciated here.

I am saying that all these faces of the liberation struggle should be recognised and I like it the way it was put, freedom fighters who fought politically, diplomatically, militarily, spiritually and otherwise. All of them must be taken care of, but there should be positive discrimination. Those who are rich, whether you are an ex-PLAN combatant, whether you are a diplomat, whether you are what, please spare the money of the State. Can we be a caring society, a society that seeks schemes to milk the State and also to discriminate against other people. (Intervention)

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**HON KAURA:** May I ask the Honourable Member a question? Is the Honourable Member advocating discrimination against Honourable Hage Geingob and the Speaker, because they were diplomats? Are you advocating discrimination?

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**HON DEPUTY MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT:** I am discriminating against myself. I am saying that I do not qualify in whatever way. I was an ex-PLAN combatant but for the past seventeen years in this country I was first the Special Assistant to the former Prime Minister, then Deputy Director and for the past five years I was a General Manager at Namibian Wildlife Resorts, paid more than N\$200,000 per annum. Today I am a Deputy Minister and getting something. (Laughter). Today I am a Deputy Minister and I fought with colleagues in the jungle of Angola who today have not managed to reach where I have, have not

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managed to gain what I have gained. These are the people which this Bill must address and that is why I am saying that the regulatory provisions should curb those greedy ones who will queue. (Intervention)

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**HON DEPUTY MINISTER OF EDUCATION:** May I ask the Honourable Member a question please? Honourable Member, would you confirm that you are actually earning less than N\$200 000 a year as a Deputy Minister?

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**HON DEPUTY MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT:** This is what I was just saying and I know for a fact that my grandchildren can also claim because my father... (Intervention)

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**HON NAMBAHU:** May I ask my Comrade a question? Comrade Deputy Minister, you are doing very well. Can I ask you this question: Are you for example advocating that the Honourable Minister of Veterans Affairs, in administering this Bill, should apply the principle of *each according to his needs*?

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**HON DEPUTY MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT:** Although that is a forbidden language in this country, Namibia has not reached the stage where we used to say from which according to his needs to each according to his ability. No, we are still far from that.

What I am saying is that society must help the Minister, Namibia must help the Minister to administer those who are in need. Please, let us not hide behind having been a PLAN combatant, let us not hide behind having harboured guerrillas. My father was also one of those who aided people in Botswana. The former President of this country and many of these freedom fighters sitting here as Ministers were catered for by poor women in the villages in Botswana. Some of them cooked for the former President. My mother aided, gave donkeys and horses, their houses were open for all freedom fighters, whether from NUDO, whether from SWAPO, whether from SWANU. Our mothers in Botswana opened their houses and cooked for these guerrillas, but they were not claiming anything. That was for a cause. It was not for money, it was for a cause.

So please, when you are talking of having contributed to the liberation struggle, let us not use our contribution to advance greed and to milk the State coffers.

With these few words, I rest my case.

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**HON SPEAKER:** I thank the Honourable Deputy Minister for his contribution. Any further discussion?

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**HON TJIHUIKO:** I want to adjourn the Debate until next week Wednesday in the absence of any further contribution.

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**HON SPEAKER:** Any objection? The Debate on this Motion stands adjourned until Wednesday next week. The Secretary will read the Second Order of the Day.

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**MOTOR VEHICLE ACCIDENT FUND BILL:  
RESUMPTION OF SECOND READING**

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**SECRETARY:** Resumption of Debate on Second Reading – *Motor Vehicle Accident Fund Bill*.

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**HON SPEAKER:** When this Debate was adjourned on Tuesday, 6 November 2007, the Question before the Assembly was a Motion by the Honourable Minister of Finance, that the Bill be read a Second Time. The Honourable Deputy Minister adjourned the Debate and he now has an opportunity to reply.

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**HON DEPUTY MINISTER OF FINANCE:** Honourable Speaker, after consultations with my Minister, she has requested me to request to defer it to next week Thursday.

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**HON SPEAKER:** The Debate on this Motion stands adjourned until Thursday, next week. The Secretary will read the Third Order of the Day.

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**CONSIDERATION: REPORT OF PUBLIC  
ACCOUNTS COMMITTEE**

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**SECRETARY:** Resumption of Consideration of Report of the Public Accounts Committee on the Review of the Reports of the Auditor-General on Offices, Ministries and Agencies for Financial Years ended 31 March 2002, 2003, 2003 and 2005 for consideration and adoption by this House.

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**REPORT - PUBLIC ACCOUNTS COMMITTEE  
HON SCHIMMING-CHASE**

**HON SPEAKER:** When this Debate was adjourned on Tuesday, 6 November 2007, the Question before the Assembly was a Report by the Honourable De Waal. Honourable Nora Schimming-Chase adjourned the Debate and she now has the Floor.

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**HON SCHIMMING-CHASE:** Thank you, Honourable Speaker. Honourable Speaker, I rise today to commend the Standing Committee on Public Accounts for the sterling efforts that this Committee has been involved with for a very, very long time now.

I remember when we started and I came to Parliament, I raised a concern that I had that we have to commend and endorse Reports of the Auditor-General for moneys that were budgeted for and expended even before we came to Parliament. I think a lot was done by this Committee to try and streamline the process and to hasten it to some extent.

However, Honourable Speaker, despite all these efforts, this Report is dealing with the audit of the Ministries from two, three, four and five years ago. I think that I unfortunately do not share the optimism that things that went wrong in 2002, 2003, 2004 and 2005 will now be solved despite the very valuable recommendations that have been made.

I am saying this, Honourable Minister, because every time we receive these audited reports, many of the mistakes that are reported two years ago are the same as were reported three years ago, four years ago and 5 years ago. This is indicative of the fact that irrespective of what the Auditor-General may recommend, the people responsible, and especially the Chief Accounting Officers, are not really changing their behaviour.

I am therefore tempted to ask, are we really adopting these Reports because we hope against hope that our recommendations will now be taken seriously? Are we tabling it because we hope that the behaviour will change?

I remember once I took the Floor on the Report of the Public Service Commission which also dealt with how Chief Accounting Officers were not being responsible for many of the things that they do. I know and I trust that this Committee is really trying to change things.

It seems that Government is trying to do it too, but they do it in a very different way, they play the game of musical chairs. If the Permanent Secretary in Ministry A performs badly and the Permanent Secretary in Ministry B performs well, then the one who performs well is put on the musical chair of the one who performs

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badly and vice versa and if we read the next year's report, the ones who have done badly are still doing badly and the ones who have done well, are still doing well, but there is no effective change.

What I am talking about, Honourable Speaker, if you look at...(Intervention)

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**HON MINISTER OF JUSTICE AND ATTORNEY-GENERAL:** On a Point of Order, Comrade Speaker. I would just like to correct the impression being created by the Honourable Member. For a long time Permanent Secretaries have not been changed. I do not know what the Honourable Member is talking about as those who do well being replaced by those who do not do well. It is a generalisation that is outside the whole truth. It is propaganda in actual fact.

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**HON SCHIMMING-CHASE:** Honourable Minister, through the Speaker, today we were talking about Members of Parliament not having any support in terms of research and so on, but what I can at least say from this Report is that the Standing Committee on Public Accounts reads the Reports, because if the Honourable Minister would take the time to read the Reports of the past five years, the Honourable Minister would be very careful in trying to call me a liar, because it is documented.

In fact, if the Honourable Minister would have read the performance in the addendum, the Honourable Minister would not get up and say that. It is clear, of course – and the Hansard will report on that – that every time I get up the Honourable Minister tries to also get up and to cast aspersions and sometimes her aspersions are not substantiated by historical fact, nor printed truth.

Let me take the Honourable Minister's Ministry. For the sixth consecutive Financial Year, the Guardian Fund could not be audited as the Master of the High Court did not submit the necessary statements. Six years in the Ministry of the Honourable Minister! Maybe it is not just a question of truth but also accepting that the Minister is finally responsible for this type of thing.

Honourable Speaker, if you look at the addendum and take Environment and Tourism, the unknown account codes on expenditure account reflected a debit balance of N\$7,231,903, which could mean that expenditure to that amount has not been properly accounted for in the Appropriation Account. You can take the Ministry of Prisons and Correctional Services, the unknown account codes on expenditure account remained uncleared with a debit balance of N\$7,688,519. Let us therefore not try and whitewash the issue.

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It is true that we have not changed Permanent Secretaries for so many years and that is the problem, because the problem is that we say, "*the worse you perform, the longer you stay in office*", because this proves that Permanent Secretaries have not performed and in the history of our Independence, not one Permanent Secretary has been sacked. For six consecutive years the Permanent Secretary does not account for expenditure! (Interjections). Let us just find out where he comes from.

Honourable Minister, one can try as much as one wishes to derail a person on the Floor...(Intervention)

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**HON SPEAKER:** On that note the House stands adjourned until tomorrow afternoon, 14:30.

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**HOUSE ADJOURNS AT 17:47 UNTIL 2007.11.08 AT 14:30**

**NATIONAL ASSEMBLY  
ASSEMBLY CHAMBER  
08 NOVEMBER 2007  
WINDHOEK**

The Assembly met pursuant to the adjournment.

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

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

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**TABLING: LAND POLICY OF ANGOLA  
FARMERS IN 1928-1929**

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**HON VILJOEN**: Honourable Speaker, I table a Report on the Return, Resettlement and Land Policy of the Angola farmers in 1928-1929 to the former South Africa. This Report originated from a question which was posed to the Honourable Prime Minister on the 26<sup>th</sup> of October 2006. Due to the fact that not all the information was correct, I was granted permission to rectify it at a later stage.

Therefore, Honourable Speaker, I lay upon the Table for distribution as information only to the Honourable Member this document. I so Move.

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**HON SPEAKER**: Will the Honourable Member table the Report? I do have a memory of what transpired. Any further Reports and Papers?

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**TABLING: REPORTS OF AUDITOR-GENERAL**

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**HON DEPUTY MINISTER OF FINANCE**: Honourable Speaker, I lay upon the Table, Reports of the Auditor-General on the accounts of the following:

- Ministry of Foreign Affairs for the Financial Year ended 31<sup>st</sup> March 2006;
  - Ministry of Finance for the Financial Year ended 31<sup>st</sup> March 2006;
  - Ministry of Information and Broadcasting for the Financial Year ended 31<sup>st</sup> March 2006; and
  - Department of Prisons of the Ministry of Safety and Security for the Financial Year ended 31<sup>st</sup> March 2006.
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08 November 2007

**NOTICE OF QUESTIONS  
HON VILJOEN**

**HON SPEAKER:** Any Notice of Questions? Honourable Viljoen.

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**QUESTION 127:**

**HON VILJOEN:** Honourable Speaker, I give Notice that on Thursday, 15 November 2007, I shall ask the Honourable Minister of Youth, National Service, Sport and Culture the following questions:

1. There are a number of Category A sport codes, like soccer, field hockey, cricket, rugby and athletics. Is it correct that these Category A sport codes each receives an annual grant of N\$81,000 per annum and this amount is calculated and compiled as follows: N\$30,000 for tours and tournaments; N\$45,000 for the development of sport and N\$6,000 for administration?
  2. Is it true that annual grants are provided to enable national sport bodies to run annual planning in advance?
  3. Is it also correct that apart from these annual grants, the Sports Commission is also empowered to, apart from these annual grants, provide financial assistance to sport codes for specific events?
  4. Had these annual grants been paid over to all the respective national sport bodies over the last two years?
  5. If the answer to 4 above is in the negative, why were these funds withheld from these sport bodies during the last number of years?
  6. When will this problem be rectified?
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**QUESTION 128:**

**HON VILJOEN:** Honourable Speaker, I give Notice that on Thursday, 15 November 2007, I shall ask the Honourable Minister of Youth, National Service, Sport and Culture the following questions:

The Africa Games for Hockey recently took place in Algiers. It was reported in the press that the Africa Games normally serves as the Olympic qualifier for hockey and that because Algiers did not have hockey facilities, the Olympic qualifier was scheduled in Nairobi, Kenya.

1. Is the Honourable Minister aware that during a subsequent courtesy visit to the Deputy Minister of Sport, attended also by the press, it was discovered that the Namibian Sport Commission failed to provide any assistance to this side?
  2. Is it correct that despite a demand by the Honourable Deputy Minister, the Namibia Hockey Union's request for financial assistance has until date hereof not been addressed?
  3. Why is it that players of a national side were compelled to pay their own way to enter Olympic qualifier as well as their own food and other expenses?
  4. Is it also correct that subsequent to 36-2007, the Namibia Hockey Union lodged an unqualified audited financial statement with the Namibian Sports Commission but despite this record did not receive the necessary assistance. How will this problem be addressed?
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**HON SPEAKER:** Will the Honourable Member table the Question? Any further Notice of Questions? Any Notice of Motions? Any Ministerial Statements?

Question 104 is one of Honourable Schimming-Chase. Does the Honourable Member put the Question?

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## **RESPONSES TO QUESTIONS**

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### **QUESTION 104:**

**HON SCHIMMING-CHASE:** I put the Question.

**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,  
HOUSING AND RURAL DEVELOPMENT:** Thank you very much, Comrade Speaker and let me also thank the Honourable Nora Schimming-Chase for her patience. This question came a long way and today I want to attempt to give some information related to the question.

Honourable Speaker, Honourable Members, questions were raised in this Honourable House by Honourable Nora Schimming-Chase on the issue of the residents of Uis who seek clarity regarding the sale of property on which they reside to a non-resident person. A number of the said questions that were asked were already answered by my Deputy Minister.

The first question that Honourable Schimming-Chase asked is whether it is true that the Ministry was not only aware of the sale, but it in fact authorised the sale and I would like to respond as follows and that is also by way of giving information.

During the 1980s, a private company called Incor Tin (Pty) Ltd., decided to wind up its mining activities at Uis. A working group was established under the chair of the Ministry of Mines and Energy after Independence. It comprised the Line Ministries and other stakeholders. The question was that when the mine winds up and mining operations come to an end, then these activities have stopped. The law requires that if no further activities or other activities are to continue, then the company was to ensure that the place goes back to its original state, which also involved the demolition of most of the infrastructure for it to go back to its original state. That was the question that we faced in the country.

It comprised, the Line Ministries and other stakeholders that participated in this committee that was now looking at what to do with the mining town of Uis. The Damara Traditional Authority was also part of this consultative committee.

The aim of this committee was to discuss what has to be done after the closure of the mine and for stakeholders to identify what they could take over in order to minimise the impact of the closure of the mine on the area and its inhabitants. Most Ministries identified what their sector will be taking over and made submissions to the committee.

There was also a question that the Honourable Member asked as to whether Ministry would 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, "*give the land back to the people.*"

This august House is also aware that the issue of Uis took place during the early years of our Independence. It is thus instructive to relate the history of Local Authority at that time.

It will be recalled that in 1992 when the first Local Authorities were elected in our country, the Ministry of Regional and Local Government, and Housing, as the Ministry was known that time, entered into what is called an Agency Agreement with those Local Authorities that were unable to fulfil their mandate as required by the 1992 Local Authorities Act. This agreement stipulated that those activities that the Local Authorities were not able to carry out, the Ministry was to carry out on an agency basis on their behalf.

When you take this agency-based agreement and this mandate, the Ministry in 1996 then was faced with this situation when a private company called Namib

Base Minerals (Pty) Ltd., a Namibian company, then purchased from Incor the buildings and all the sites.

The town could be subdivided into four portions. This company, Namib Base Minerals (Pty) Ltd., was then, after the purchase of these super structures, asked to subdivide, for the purpose of proclaiming Uis town, the land into three portions at its own cost. There was also an agreement on the value of the town land and services infrastructure, such as water, electricity, sewerage, reticulation system to be upgraded and extended where necessary. But that was then to be done on the cost of that company.

When they have done that, they needed to register the properties that they purchased from Incor and because these properties were situated on a piece of land that did not belong to Incor, that did not belong to them, it was a problem to register those properties in their name and a subsequent discussion was undertaken that involved the Ministry and other stakeholders as to what to do in order to enable the owner of these properties to register the properties.

It was then in 1996 that there was an agreement to allow Portions 1 to 3 of Uis town land to be purchased by Namib Base Minerals, because they are the ones who have the superstructures and houses and they are to maintain these houses. As I said at the beginning, the Ministry was concerned that if nothing is done, then this town would become a ghost town and it would not reflect well and even some of the buildings could be demolished in the process. Therefore, the committee was consulting as to what to do with the land on which these buildings were.

Namib Base Minerals bought this land at an amount of N\$240,000 which was considered market-related at that particular time. This area makes up most of Uis town land, but this is not the only land which is there. The area comprises of the following portions:

Portion 1 -139 hectares; Portion 2 – 4 hectares and Portion 3 – 20 hectares and Portion 4 consisted of 821 hectares. But when you put Portions 1 to 3 together, you arrive at a total number of 164 hectares. That is now the portion of land sold to Namib Base Minerals. As I said, the other portion which is still within the Village Council is 821 hectares.

Thereafter Namib Base Minerals offered the service infrastructure for sale to the Ministry for the sum of N\$500,000, which the Ministry bought on behalf of the Village Council of Uis. These are legal deals that were finalised on the basis of the economic circumstances at Uis at that point in time.

I have narrated the above for the information of this august House in order to understand and appreciate the history in which the transaction was conducted.

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**RESPONSE-QUESTIONS-HON ULENGA  
HON NDJOZE-OJO**

I have since visited Uis and had met with the Village Council of Uis as well as other stakeholders. It is obvious that the matter with regard to the larger part of Uis, being in the hands of an individual, is a matter of great concern not only for us in the Ministry, but also for the affected residents that are residing in Uis. It is our intention, therefore, to continue looking into the matter and assist the Village Council and the community in Uis as far as it is possible in order to address this question once and for all to find a sustainable and lasting solution.

Therefore, I just want to indicate that the Ministry has not abandoned the residents, we are quite aware of what happened and we are also quite aware that the Village Council needs land. In fact, the bigger part of the land has been transferred to the Village Council, but there are still some other processes that need to be done to enable the Village Council to sell this land to investors in this village and we believe we will be seized with the matter when it comes to negotiations with the owner who has purchased this piece of land, in order to see what steps can be taken for the Village Council to be assisted.

In short I just wanted to say that we are still seized with this situation and I hope this information will answer Honourable Nora Schimming-Chase's question. I thank you.

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**HON SCHIMMING-CHASE:** Thank you, Honourable Speaker. I would like to thank the Honourable Minister for the very comprehensive answer and to express my gratification that the Government is seized with the matter and is doing something for the benefit of the inhabitants. Thank you.

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**HON SPEAKER:** I thank the Honourable Member. Question 122 is by Honourable Ulenga. Does the Honourable Member put the Question?

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**QUESTION 122:**

**HON ULENGA:** I put the Question.

**HON DEPUTY MINISTER OF EDUCATION:** Honourable Speaker, Honourable Members of this august House, I rise to answer Question 122 as asked on the 30<sup>th</sup> of October 2007 by Honourable Ulenga, on behalf of the Minister of Education as follows:

First of all, allow me to thank the Honourable Member for his questions. We at the Ministry of Education subscribe to an open-door policy whereby every Namibian has the right to visit any school, anytime and make her or his

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observations and constructive criticism for constructive reconstruction. I, therefore, wish to thank the Honourable Member for utilising this open-door policy.

Questions 1, 2 and 3 are on the dilapidated conditions of the hostel at Usiel Ndjavera Senior Primary School.

Yes, the Minister is aware that the Usiel Ndjavera Senior Primary School at Otjinene in Omaheke Region is in extremely dilapidated condition. In fact, during the familiarisation, listening and consultation tour of the Deputy Minister to the thirteen Regions, this particular school was visited and the condition has been noted and specific recommendations have been made as part of the ongoing process of improving quality of education countrywide through a coordinated strategic plan, namely ETSIP.

In actual fact, some five hundred metres away from Usiel Ndjavera Senior Primary School is Christof Ngatjizeko Senior Secondary School that has recently been fully renovated as an ongoing effort to address these and similar problems, not only at these schools but at more than 1,661 schools accommodating 585,837 learners, taught by 20,025 teachers countrywide. This excludes more than plus minus 22,000 students at the University of Namibia, Polytechnic of Namibia, Colleges of Education and Vocational Training Centres.

The Ministry of Education thus look after approximately half of the Namibian population and that is a huge responsibility that should not be played down, nor politicised.

The report of the Deputy Minister, which is this one, that comprehensively analyses the situation at schools in our Regions and make specific recommendations to address these and many educational issues shall be circulated and be presented to this Honourable House in due course. Its key recommendations had been integrated and are strategically implemented as part of ETSIP.

Questions 4, 5 and 6 are on renovation.

No, the dilapidation has not been allowed to continue. In fact, during the 2005/06 Financial Year, the boys' block at Usiel Ndjavera was renovated to the tune of N\$350,000. The girls hostel block at the school has got doors, but they are old.

The second phase for 2007/08 Financial Year has been financed through the Education and Training Sector Improvement Programme (ETSIP) and will be used to renovate the girls hostel block very soon. It is thus an ongoing process that is

being addressed as funds become available. Renovation is and shall remain an ongoing process at the Ministry of Education in its relentless effort to improve the quality of education, knowing very well that an environment can positively and/or negatively affect learning.

Questions 7, 8 and 9 are on security.

The Ministry is not aware that a drunken man entered the girls' hostel at night and molested the girls. No such incident was recorded to have occurred at Usiel Ndjavera Senior Primary School. In August this year a general inspection was carried out at that particular school by the inspector and nothing of that nature was reported. There is a probability that this incident, if at all, will be reported following the next general inspection report.

Regarding the security at the school, it is true that there are no security guards at Usiel Ndjavera Senior Primary School and Hostel. This is due to financial constraints. However, some of the schools and hostels in the Omaheke Region are provided with security guards during the holidays to protect them from vandalism and theft.

During the school term, the hostel at Usiel Ndjavera School is under the capable care of the principal, superintendent and supervisory teachers who are expected, as per Minister of Education directive, and indeed, all of us are entrusted to take extreme care to protect the learners.

The situation of security guards is being revisited on a regular basis and is being discussed in economising committee meetings. If funds are available, more schools and hostels will be provided with security guards on a regular basis.

It is also important to note that the Ministry of Education is one of the most decentralised Ministries. Education has been taken nearer to the people in terms of not only delegation of functions, but also in terms of devolution of power and responsibility in decision-making. In other words, it is the Region that decides which schools get security guards and which ones does not, depending on security risks in a particular village, town or city, etcetera, and on how best to distribute renovation budget as per their pressing needs. Whenever funds become available, situations like the Usiel Ndjavera School are attended to according to the priority plan of the Region, yet based on the need of decentralisation.

Honourable Member, allow me to reiterate your question 10 that states: *“When can the school, the community, this House and the Nation expect the Minister to act to protect these children as the Minister should, and to stop this intolerable situation?”*

It is pertinent to note that this can happen when this august House, as a respectable House, acknowledges itself to be so, when it starts giving to Caesar what is Caesar's and to God what is God's. *What is Caesar's cannot be God's and what is God's cannot be Caesar's.* We must, therefore, know the difference and the truth of knowing the difference shall set us free.

In other words, the *onus* rests on all of us as Honourable Members to acknowledge the positive changes and progress made in reforming our education system through the various stages, for example –

- From missionary education of proselytising the pagans;
- Through colonial apartheid Bantu Education system of racialism and tribalism;
- To Education for All (EFA) of massive access without necessarily quality of equity;
- Into Quality Education for Namibia to be achieved with equitable distribution of available resources from all of us, by all of us, to all of us.

Positive changes must be acknowledge while remaining challenges must be apolitically pointed out with constructive criticism for constructive reconstruction.

Furthermore, and most pertinently, it is important to stress at all times, that education is and shall remain a partnership between the State, the communities and other stakeholders, and never the responsibility of the Government alone.

It is time we stopped and ponder: When all is said and done, who owns the school? Who is molesting the girls? Who is stealing from our schools that we need to have guards on standby? Are these animals from the forests near our villages, towns and cities or who are they?

In conclusion, we can expect further positive changes in our education system if we improve our ownership of our schools. Let us stop the blaming game, put all hands on this deck or shall I say, on the plough or on the hoe, to level the playing field and work together as a team for the education of the Namibian children. I thank you.

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**HON SPEAKER:** I thank the Honourable Deputy Minister for her reply. That was it for questions. The Notice of a Motion is the one of the Honourable Minister of Labour and Social Welfare. Does the Honourable Minister move that the Bill be now introduced?

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**AFFIRMATIVE ACTION (EMPLOYMENT) BILL**  
**HON !NARUSEB**

**AFFIRMATIVE ACTION (EMPLOYMENT) AMENDMENT**  
**BILL: INTRODUCTION AND FIRST READING**

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**HON MINISTER OF LABOUR AND SOCIAL WELFARE:** I move the Motion.

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

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**SECRETARY:** Affirmative Action (Employment) Amendment Bill.

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**HON SPEAKER:** Does the Minister of Labour and Social Welfare move that the Bill be now read a Second Time?

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**AFFIRMATIVE ACTION (EMPLOYMENT)**  
**AMENDMENT BILL: SECOND READING**

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**HON MINISTER OF LABOUR AND SOCIAL WELFARE:** I so move, Comrade Speaker.

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**HON SPEAKER:** Any objection? Agreed to. The Minister has the Floor.

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**HON MINISTER OF LABOUR AND SOCIAL WELFARE:** Honourable Speaker, Honourable Members, it gives me much pleasure to table the Amendment Bill to the Affirmative Action (Employment) Act (Act 29 of 1998) for the kind consideration of this august House.

Honourable Speaker, Honourable Members, Section 16(2)(b) of the Affirmative Action Act makes provision for the Employment Equity Commission to make recommendations for legislation to the Minister of Labour and Social Welfare. The Employment Equity Commission, consistent with the aforesaid, identified some provisions in the Affirmative Action (Employment) Act which are need of legislative redress and thus, in terms of Section 16(2)(b) of the said Act, advised Amendments to certain Sections of the enabling law with a view to closing loopholes in the current Act aimed at strengthening the Commission's hand in order to carry out its mandate effectively and, hopefully, efficiently.

Honourable Speaker, Honourable Members, the Employment Equity Commission has been informing this august House through its annual reports that progress in achieving affirmative action objectives, as set out in the enabling legislation, has been unsatisfactory. The proposed Amendments to the Affirmative Action Act are but some of the concrete measures that must be taken to give fresh impetus to the affirmative action implementation process in order to achieve the desired results or objectives.

In essence, Honourable Speaker, this Amendment Bill seeks to provide for additional powers for the Employment Equity Commission, the delegation of powers to certain persons by the Commissioner, the right to appoint more than one review officer to review an affirmative action report and the continued cyclic submission of affirmative action plans to the Commission until such time that this august House has satisfied itself that the affirmative action objectives have been met and accordingly decides to repeal the Affirmative Action (Employment) Act.

Honourable Speaker, Honourable Members, if you would allow me to briefly motivate the need for the Amendment of the sections as per this Amendment Bill.

**Amendment of Section 1 of the Act 29 of 1998:**

This Amendment is meant to correct the wrong reference to “Section 2 of the principal Act as the relevant Section establishing the Employment Equity Commission is Section 3, not Section 2, and to expand the definition of “*Commission*” to include a review officer and a review panel.

**Amendment of Section 10 of Act 29 of 1998:**

The principal Act does not provide for the delegation of powers, duties or functions to any other official except the Deputy Commissioner who is not a fulltime employee of the Commission and in most cases is employed elsewhere on a fulltime basis and would, therefore, not have time to perform the duties of the Commission in the absence of the Employment Equity Commissioner.

**Amendment to Section 23:**

Section 23 of the principal Act provides that relevant employers must prepare and implement a three-year affirmative action plan. It was the intention of the lawmakers that this process would be repeated in three-year cycles after the first plan until this august House has decided otherwise.

The provision as it stands currently, however, does not clearly articulate the intention of the legislators and, therefore, needs to be amended accordingly.

**Amendment of Section 24 of the Act:**

The emphasis in this Section is on the affirmative action plan and does not refer to the affirmative action report. The Act clearly distinguishes between the affirmative action plan and the affirmative action report. A lot of concerns were received from the Affirmative Action Committee members that relevant employers claim that they were not obliged by law to consult them on the affirmative action report, but only on the affirmative action plan.

It is in the light of the above that Amendment of this Section is effected to include consultations on the affirmative action report as well.

**Amendment to Section 30 of the Act:**

The principal Act currently makes provision for the appointment of one review officer per report. This may present drawbacks with regard to the administration of the Act. There may be instances requiring, for example, physical inspection of records on the premises of a relevant employer which, in cases of large corporations, cannot be effectively performed by one review officer only. It is, therefore, proposed that the relevant Section be amended to provide for the appointment of more than one review officer.

**Amendment of Section 44:**

The proposed Amendment seeks to extend the scope of indemnity to be inclusive of all officials who are required to perform duties under the Affirmative Action Act, as the current provisions of Section 44 exclude some members of the Commission.

**Amendment to Section 45:**

This section provides only for an employee bringing to the attention of the Commission any dispute between such employee and a relevant employer. This effectively bars persons in designated groups not employed by a relevant employer who are aggrieved by the action of the relevant employer, for example, recruitment, from bringing its complaint to the attention of the Commission. It is, therefore, proposed that the relevant Section be amended to include any person who belongs to a designated group and who feels aggrieved to have the legal right under the Act to bring a dispute to the attention of the Commission.

**Amendment of Section 47:**

Even though Section 19(1), dealing with preferential treatment of designated

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**AFFIRMATIVE ACTION (EMPLOYMENT) BILL**  
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groups, is express in mandatory terms, the Act is silent on the consequences of non-compliance or possible violation of this section. It is, therefore, proposed that Section 47, dealing with offences and penalties, be amended to include section 19(1) of the principal Act.

Further Amendment to Section 47 is also sought to correct a wrong reference in the principal Act to refer to Section 39(3)(b) instead of Section 39(2)(b), as the principal Act does not have Section 39(2)(b) and it is clear the intention was to refer to Section 39(3)(b).

Honourable Speaker, Honourable Members, with these few explanatory notes and motivation, I seek your approval of the Amendment Bill, 2007 to the Affirmative Action (Employment) Act (Act 29 of 1998) and I humbly trust that I can, as usual, rely on your support. I thank you.

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**HON SPEAKER:** I thank the Honourable Minister for his motivation. Any further discussion? Does the Minister of Labour and Social Welfare wish to reply?

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**HON MINISTER OF LABOUR AND SOCIAL WELFARE:** Thank you, Honourable Speaker, Honourable Members. I am humbled by your support and I thank you most sincerely. Thank you.

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**HON SPEAKER:** I now put the Question, that the Bill be now read a Second Time. Any objection? Agreed to. The Secretary will read the Bill a Second Time.

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**SECRETARY:** Affirmative Action (Employment) Amendment Bill.

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**HON SPEAKER:** The House shall rise for refreshments.

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**HOUSE ADJOURNS AT 15:40**  
**HOUSE RESUMED AT 16:15 PURSUANT TO ADJOURNMENT**

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

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**CONSIDERATION: REPORT OF PUBLIC  
ACCOUNTS COMMITTEE: RESUMPTION**

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**SECRETARY:** Resumption of consideration of Report of the Public Accounts Committee on the Review of the Reports of the Auditor-General on Offices, Ministries and Agencies for the financial years ended 31 March 2002, 2003, 2004 and 2005 for consideration and adoption.

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**HON SPEAKER:** When this Debate was adjourned on Tuesday, 6 November 2007, the Question before the Assembly was a Report by the Honourable Mr De Waal. Honourable Schimming-Chase adjourned the Debate and I now give her the Floor.

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**HON SCHIMMING-CHASE:** Thank you, Honourable Speaker. Honourable Speaker, when I was speaking yesterday, I made the statement that in spite of the weaknesses in most of the Ministries, no Permanent Secretary has been sacked and a name was mentioned here. Honourable Speaker, it is not right in this House to mention the names of people who are not here, but the said Permanent Secretary who was removed was definitely not anything to do with this. It was a criminal offence of fraud.

Another Permanent Secretary was investigated by a Committee and that Committee in its Report said the said Permanent Secretary should never be given a chance to deal with Government finances again. We all know that that has not happened. Therefore, the point I am making, Honourable Speaker, is that if these things that we read here were to happen in the private sector, I do not think most of our Chief Accounting Officers would still have had a job.

Honourable Speaker, I just want to conclude by saying that in some of these Ministries the debit balances are in the millions and such debit millions have not been accounted for and this is repeated year by year. I hope with the Standing Committee on Public Accounts that the few changes that have started that they are reporting would continue. But it leaves a big question, because as they state in the Report, eight of the thirty Ministries, Offices and Departments, only eight had positive audit opinions and those Ministries should be commended and I am not afraid to name them: Office of the Auditor-General, Ministry of Finance, National Council, Ministry of Trade and Industry, Ministry of Agriculture, Water and Rural Development, Ministry of Fisheries and Marine Resources, Office of the Attorney-General and the Ministry of Information and Broadcasting. Therefore one does not get up only to criticise, but also to give credit where it is due.

Further credit, Honourable Speaker, I think is owed to the Office of His Excellency the President, the National Assembly and the Auditor-General for the fact that their deviations with actual expenditure from the approved Budget lies within 2%. I think that is an indication that if the right people are put at the right places, things can change.

I would like to conclude, therefore, by asking the Committee and maybe the House at large: What purpose does it serve for us to discuss these reports in the House? We as the Parliament with the oversight function have the right to say these Ministries have not done their work and, therefore, this or the other punishment should be given to them, or do we just table it and we take note as we have done for the last eight years that I am in Parliament – I do not know about the rest – because if that is the case, Honourable Minister, then the excellent work that is done by the Committee would be to no avail. I thank you.

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**HON SPEAKER:** I thank the Honourable Member for her contribution. Honourable Tjihuiko.

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**HON TJIHUIKO:** Thank you very much, Honourable Speaker. Honourable Speaker, we are talking about a very important topic and that is the one of looking at the report presented by Honourable De Waal that has revealed, once again, the uncontrolled overspending or let me put it differently, unauthorised expenditure by those people that have been given the responsibility to manage people's resources. It is very serious in the sense that we are looking at this unacceptable practice that has been going on for all these years. Honourable De Waal your Committee Report presented to this House is very unfortunate.

I believe that it could have been better to have presented this Report for information and note-taking, because obviously we are going to end up where we were for the last fifteen years. We talked about this, we advised where we could, but nobody took note of it. To me there are two things, either those who were supposed to be overseeing the activities of the Permanent Secretary in various Ministries – I do not know whether it is the Office of the Prime Minister, whether it is the Ministers responsible for those Ministries, whether it is the Secretary to Cabinet, those who were supposed to have called these people to order, the reason why they have not been doing it for all these years only God knows. Therefore, I am getting the impression that we are either afraid of saying anything about the Permanent Secretary, or they have accepted that do not touch them, otherwise they are going to be angry. I think that is a fact, including the Honourable Minister. It is not possible that a Minister who has been time and again, every year, informed about the situation in his or her Ministry and up to date we have not had any

Minister who has stood up and said enough is enough. This is a matter that has been accepted in the system, so what is the point of bringing it to Parliament for us to discuss it?

I think next time this type of Report should be presented to the House for note-taking because nobody really bothers about what is going on.

If you look at the effort that the Auditor-General is putting into these reports, the money that has been put into these Reports, the work of the Committee, we are adding to this misery – misusing Government resources.

We are being informed time and again that Government does not have money, they cannot remunerate hospitals, they cannot buy textbooks because there is no money. Then you see one Ministry will jump up and spend one million to go on holiday to Canada and nobody bothers to ask. Then the Minister stood up and tried to defend it, the reason being that the Permanent Secretary decided and the Minister must dance to that tune. That is obviously a problem that we have, that there is no control, there is nobody within Government who has the guts to call the Permanent Secretaries to order. (Intervention)

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**HON MINISTER OF JUSTICE AND ATTORNEY-GENERAL:** On a point of correction. The Honourable Member is misleading the public, there has never been a Minister of this Government who has gone on holiday to Canada, using N\$1 million. It is a rumour, it is propaganda meant for cheap politicking. Honourable Member, just withdraw what you said.

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**HON TJIHUIKO:** Thank you very much, Honourable Speaker. The Honourable Minister has confirmed that there is a rumour. You have heard the rumour, I have heard the rumour. What is there to withdraw?

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**HON SPEAKER:** What exactly is it the Honourable Tjihiuko alleged?

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**HON MINISTER OF JUSTICE AND ATTORNEY-GENERAL:** No, the Honourable Member alleged that this Government is unable to do a, b, c, d, while a Minister went on a holiday to Canada, using a million Namibian Dollars.

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**HON SPEAKER:** Honourable Tjihiuko, you could say the same thing while probably not mentioning Canada. I do not know whether it is millions or thousands.

**HON TJIHUIKO:** Honourable Speaker, I used an example. For instance, a Minister would go to Australia, spending one million...(Intervention)

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**HON SPEAKER:** No, say a lot of money.

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**HON TJIHUIKO:** Using a lot of money. But the point I was trying to make is that I am sure that whatever Minister accepts that kind of situation, obviously the Permanent Secretary decided on the delegation, the Permanent Secretary has decided on the spending and the Minister was just informed about going to Canada without even knowing how much money is going to be spent. It seems the Permanent Secretaries are the ones who decide, even to the extent that the Minister will get S&T to go to wherever...(Intervention)

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**HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE:** Comrade Speaker, I am rising in terms of Rule 44(2)(e) of our Standing Rules and Orders to provide some information to some of the distortions that the Honourable Member Tjihuiko has just been providing here, inasmuch that there might be some frustrations, Honourable Speaker, but I think in terms of our Rules we should never underestimate the importance of the work and roles and responsibilities of the Standing Committees of Parliament.

In terms of this specific Rule, Rule 44(2)(a) and (b), Pages 34 and 35, it does outline very clearly the general terms of reference of the Standing Committees. This particular one states the following: *“Subject to the provisions of the Constitution, particularly Article 63(2)(f) thereof, Standing Committee will perform the functions, tasks and duties relating to parliamentary supervision of such Offices, Ministries and Agencies and State-Owned Enterprises as prescribed by or under an Act of Parliament, a resolution of the House or in these Rules, they shall as their general terms of reference have the duty to (a), receive and consider legislative proposals referred to the Committee and make appropriate recommendations to the Assembly; and (e) organise meetings between citizens, community groups, sectoral organisations, Members of Parliament and the representatives of Offices, Ministries and Agencies and State-Owned Enterprises as may be necessary to facilitate an exchange of views regarding the operations of Government Offices, Ministries and Agencies and State-Owned Enterprises and the effects on communities and groups in society.”*

The point, Comrade Speaker, is that inasmuch as there might be some frustrations, I for one regard the work of the Standing Committees as important and the recommendations are not in vain. I am sure the Offices, Ministries and

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HON TJIHUIKO**

Agencies and the Permanent Secretaries that are called do act upon the recommendations and advice of the Standing Committees and the Honourable Tjihuiko should not propose otherwise. Thank you, Comrade Speaker.

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**HON SPEAKER:** I thank the Minister.

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**HON TJIHUIKO:** Honourable Speaker, I do not propose otherwise, because what the Honourable Minister was reading is exactly what I am going to read and it goes with Article 127 of the Namibian Constitution.

What I was saying is that the Committee's recommendations for seventeen years are being ignored. What has happened? No action has been taken, we are missing millions every year and then the Minister or Permanent Secretary will come and complain that there is no money and if you look at the amount of money that we have lost because of unauthorised spending – unauthorised spending in itself is criminal, is fraud.

You are not helping the Committee to implement the recommendations which have been made by the Committee. You are not helping the Auditor General as per Article 127 of the Constitution to do his or her job. They have been frustrated because of the inaction by those who were supposed to have guarded the resources that have been put in their care. So we are together on that.

Honourable Speaker, if I look at the Committee recommendation on Page 5 and you look at the things which have been mentioned here, that at some Offices and Ministries there is lack of proper record-keeping, at some Offices and Ministries officials just deviate from normal Tender Board proceedings. It means these tenders are being given to whoever, left, right and centre. There is nobody in the Ministry who could call these people to order and ask how it was possible that the tender has been given to that person?

Lack of proper reconciliation of suspense accounts. How do we account for the money that was given to that specific Ministry if the basic information documents are not there? How do we budget, how do we approve that Budget next time around? Before you submit it to the National Planning Commission or the Ministry of Finance, the Minister must have discussed it, looking at the Report of last year and you just go ahead and you approve without even looking at these documents. I do not know how you do it.

At some Offices and Ministries it has become a consistent trend year after year that financial statements are not submitted to the Auditor-General. (Interjection).

Twenty-two of the twenty-seven, one of them could be your Ministry.

Handling of trade accounts, absence of comprehensive asset register. You do not know what assets Government has. It is not for fifty years, seventeen years you are completely out of order. I think if I were the one to advise, I would have advised that the Ministries should look at themselves and ask, do we really need to be here?

Another worrying practice at Offices and Ministries is that funds earmarked for capital projects are not utilised for the intended purpose. The country is not developing. We have Vision 2030, money is being put aside for capital projects, but what happened to that money? Somehow it is because you are coming next year and say we should give more money, but we do not even know that the money that has been earmarked for development has just disappeared and nobody is accountable for it. How do you justify it? I think it can only happen in Namibia, it can only happen in Namibia. It can only happen in Namibia under a specific Government, but I do not think it would be under any other Government, I think things will change.

Honourable Speaker, I remember that last year – just to justify a point on this “*do not-touch Permanent Secretary*” – last year I remember that I made a comment about the unauthorised spending of the Permanent Secretary. Then I was roasted in this House by the Honourable Minister that I have said this on the radio, instead of roasting the Permanent Secretary. I was almost eaten. That was a clear indication that if you touch a Permanent Secretary, I will stand up because I want to be seen by the Permanent Secretaries out there that I have defended you.

These are the problems that we have in Government, inactivity, inaction, fear that has developed within those who are supposed to be providing leadership.  
(Intervention)

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**HON DEPUTY MINISTER OF GENDER EQUALITY AND CHILD WELFARE:** May I ask the Honourable Member a question? Honourable Deputy Director of Trade, you are talking about the Government, can we go to your file during your time to see what you did while you were in Government by then?

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**HON TJIHUIKO:** Honourable Speaker, two things: One, I just wanted to advise the Honourable Deputy Minister to address me properly. I am Honourable Tjihiuko, NUDO Chief Whip, I am not Deputy Director of Trade and Industry. I think that must be very clear. I want the Honourable Member to respect me.

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HON DR GEINGOB**

Coming to the question, my file at the Ministry of Trade is within the hands of Government. If you go there Honourable Minister and look at what we have done at Trade, you will ask me to go back.

In conclusion, Honourable Speaker, the fact of the matter is that there is no authority, there is nobody in this Government, I do not know who, who was supposed to have taken this unauthorised spending, stealing of Government money to task and as long as we are living in this fear, as long as we have accepted that as long as those guys are there, let us keep quiet, the situation is going to be worse, forget about 2030, forget about renovating hospitals, forget about having tablets in our hospitals, because the money that you are always approving in this House, we are being laughed at by those who are overspending, those who are using money for their own. If you look at overspending, it is stealing, it is fraud. These are the things that need to be looked at by the Anti-Corruption Commission. It is total corruption and we cannot accept it.

With those few remarks, I rest my case.

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**HON SPEAKER:** I thank the Honourable Member. Honourable Dr Geingob.

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**HON DR GEINGOB:** I thank you, Honourable Speaker. I would like to thank the Committee for doing an excellent job and pointing out a few things and discussing these things with Permanent Secretaries. When there is a finding, the Permanent Secretaries are called before the Committee and they discuss and they explain where there are problems and so on.

I believe if we are all honest in trying to reach 2030, we will not be talking as we are doing now.

I also have a problem with the auditing itself and I have mentioned in the past and I will mention it again. It give me the impression of when I was a young boy in these schools of ours and there was a car with an inspector-of-schools and this inspector was hiding, sneaking in to come and catch the teachers dozing. Then he discovered he has now achieved something because he caught a person with his pants down. When you do that, what do you achieve?

I thought the modern auditing is basically management auditing, to help management to improve, not to catch them with mistakes that you have to repeat over and over. Case in point, if you look at the Presidential Vote, it says at Page 2, 4.1.1: *“Unauthorised expenditure: Although Treasury approval was obtained to*

*realise certain expected savings for the deferral of excess expenditure through Government payments during the year, nine subdivisions were exceeded by a total amount of N\$2 million which is unauthorised in terms of section... ”*

**Unauthorised** – one gets the impression that office has overspent money allocated to it. It looks like they have committed a crime. When you read the following sentence: “*The total vote reflected an under-expenditure of N\$622,000.*” Those are savings from that same Vote, which means we beating a person just because I might have had money for travelling and I decided this money should be used for building a school and I have to get Treasury approval. You might have written to Treasury, it takes time, they did not act immediately. Therefore this person spends that money because they need that school. That is going to be reported as unauthorised expenditure. It gives an impression that money has been stolen or misused. It does not say money has been used for proper purposes, because if I took the money from travelling and shifted it to building a school, I am actually using the best course, but that is not being pointed out.

The problem we have here in debating is syllogism, which is a branch of logic, that if I can just find one mistake in your argument, then your whole argument is invalid.

Honourable Schimming-Chase said that no Permanent Secretary was fired. Now I was taught by my professor of logic that do not use absolute terms. When you use absolute terms again, if I can use syllogistic reasoning. With one little word your statement is out. You said no Permanent Secretary, I said one was fired for money or something else, for money because he took the money from one Vote which was meant for a certain area to his area. That is why he was fired, for misusing the money by verification, not stealing it, but using it for state purpose but not authorised. Therefore he did not steal money. He did not use the money for his own personal use. (Intervention)

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**HON SCHIMMING-CHASE:** May I ask a question? Honourable Dr Geingob, if this one Permanent Secretary was sacked because he used the money for another purpose, why are all the others who have done it for 6 years in a row not sacked?

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**HON DR GEINGOB:** That is the argument which is to jump from one point to another point. You made that case, it is destroyed, it is answered, instead of saying, thank you, I am sorry I learned something, you jump to another point.

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HON DR GEINGOB**

The other issue we have to be careful with is to use hyperbolly, that is over-exaggeration. (interjection). Again there you go, she is now in trouble and she must always try say something for her purposes. I do not interrupt you, I am trained not in German, I trained in America, that is how we say it there.

This question of trying to score cheap points here and not realising what damage you are causing by using these technical things like that, when the committee that Mr De Waal is chairing is working and brings Permanent Secretaries in front of the Committee then we all ought to help if we are serious to improve the status quo.

Honourable Tjihiuko is saying it would never happen in any other country, only in Namibia. Yesterday I was at the Governors' lecture, annual lecture, I do not know why you did not come because you belong to the Economics Committee. There we were given a lecture on how we are doing. We are not bad as a country, but there are signs that we may go down. We go down because of certain things that are happening, but to say it can only happen in Namibia, my brother, you are doing a disservice to your own country, definitely. This country has problems like any other country, shortcomings, but to say it can only happen in this country under a certain Government. If you say that, you may sit there for ever and not come this side.

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**HON SPEAKER:** Any further discussion? Does Honourable De Waal wish to reply?

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**HON DE WAAL:** Honourable Speaker, I wish to ask that I will reply on Tuesday, the 20<sup>th</sup> of November.

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**HON SPEAKER:** Any objection? None. The reply will be rendered Tuesday, the 20<sup>th</sup> of November. The Secretary will read the Second Order of the Day.

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**CONSIDERATION: VOCATIONAL TRAINING  
FUND REPORT**

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**SECRETARY:** Consideration of the Review of the Audit Report on the accounts of the Vocational Training Fund for the Financial Year ended 31 March 2005.

**HON SPEAKER:** Does the Honourable De Waal move that the Report be considered?

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**HON DE WAAL:** I do so.

Thank you, Honourable Speaker, Honourable Members. It is my honour to bring before the House the Report of the Standing Committee on Public Accounts on the Review of the Auditor-General's Report on the accounts of the Vocational Training Fund for the financial year ending 31<sup>st</sup> March 2005.

The Committee would like to point out a few issues of concern highlighted in the Report before the House today.

During the review process it came to light that the Vocational Training Fund invested over N\$9 million with two local insurance companies for a period of five years. The investment yielded a mere N\$2,6 million profit at maturity. It is yet another noticeable example of inefficient investment of public funds.

Honourable Speaker, if you invest N\$9 million for five years, you should at least get out something like N\$4 million. In this case Government has lost again N\$2 million and we all know, if Government loses, somebody else will get the blame. It is not clear who gained on this one because it is quite a long time ago. But we should really do something about these investments.

It was further revealed that the Board of the Vocational Training Fund did not follow the correct procedures as stipulated in the National Vocational Training Act (Act 18 of 1994) before the investments were made. As a country we need to adopt a new culture of efficiency and effectiveness, particularly those entrusted with custody of public funds.

It is also the Public Accounts Committee's considered view that financial resources of the Fund be utilised to attain the objectives of the Fund rather than to be stashed in long-term investments.

The Auditor-General further revealed in the Report under consideration, as it has been the case in previous Reports, that proper accounting records of the Fund were not maintained. Once again it is one of those things where year after year the complaint is the same. This is a classic example of how some of the accounting officers do not give due regard to audit reports.

It is simply unacceptable to note that the same incidents are reported year in and year out, but the accounting officer is not taking any remedial action to rectify the situation.

We have reported and talked about this anomaly on numerous occasions in the past and hitherto we have not made much progress. We need to come up with a new approach, a new radical change, characterised by a resolve to make things happen. We need to charter bold steps to rectify this somehow precarious, but still rectifiable, situation before it degenerates into a severe crisis. We cannot afford to continue on the same path; recommending for the sake of recommending will not solve the problem.

Honourable Speaker, Honourable Members, allow me to commend the Honourable Minister of Education for tabling the Vocational Education and Training Bill. It is our sincere hope that in future well-articulated measures aimed at putting a stop to poor financial management of the Fund will be implemented.

In conclusion, I would like to thank the Auditor-General and his staff who have been instrumental in assisting the Committee during the review process. I also wish to say special thanks to Honourable Members of the Committee for their courage and determination to carry out their duty of reviewing and scrutinising audit reports. I also wish to express my appreciation to the secretariat of the Committee for their constant support throughout the whole process. I thank you, Honourable Speaker.

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**HON SPEAKER:** I thank the Honourable Member. Any further discussion on this report? Honourable De Waal, it seems to be smooth sailing. Honourable Deputy Minister of Information.

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**HON DEPUTY MINISTER OF INFORMATION AND BROADCASTING:** Thank you very much, Honourable Speaker. I would like to commend the Public Accounts Committee for its work when it comes to the oversight function over the Executive.

I just have a small question on Page 4 of the Report, under Recommendation 7.1 which reads that: “*The Minister of Education should retrospectively in future grant approval.*” Just on the issue of retrospectively, we do not know from which year, how many years back from now should the Minister go and grant permission to invest money in those financial institutions.

Comrade Speaker, that is what I wanted to gather from the Committee. Thank you very much.

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**HON SPEAKER:** I thank the Deputy Minister. Any further discussion? Honourable De Waal may reply.

**HON DE WAAL:** Thank you, Honourable Speaker. I think on the question by Honourable Dinyando I can just say that the same problem occurred all over Government and parastatals and it is not something unique that only the Committee knows about it. Even the Minister of Finance is very, very much concerned about the state of affairs and there is a number of ways that one can solve this problem.

I think we must accept that giving the responsibility of investing funds to the different entities to take the decisions is not working. That we have learnt from the past. Therefore we must now find a new way how to do these investments and I think one of the proposals is that the council which was established under the State-Owned Enterprises Bill must come up with regulations for all the parastatals, to say how, when and under which approval these investments can be made. But we must get control over these investments, otherwise the same thing will happen as has happened in the past and I think this is what we are trying to achieve.

I can also inform the Honourable Member that the Ministry of Finance, I am sure, is working in this direction, so something is being done as far as that is concerned.

Honourable Speaker, seeing that nobody else spoke on this Report...(Intervention)

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**RT HON PRIME MINISTER:** On a Point of Information. The problem Honourable De Waal and his Committee has highlighted is a problem, and the problem arises that some of these funds are actually governed by boards and these boards take decisions which sometimes you as the Minister are not aware of.

I agree that the way these funds were invested was really a problem, because the type of products they bought were problematic and we are just holding our fingers crossed that, let this thing mature so that we start from a clean slate. But the problem is actually with the boards, when the boards discuss these things and decide to do certain things and then it is the Minister who discovers later on that a certain board has taken this decision and the decision was wrong.

Really, if it is going to be done, it should be done by the Minister of Finance. For the State-Owned Enterprises it is fine, the Council can do that, but for the Government statutory bodies it is the Minister of Finance, because the money originally came from there, to regulate.

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**HON DE WAAL:** Honourable Speaker, I agree one hundred percent with the Right Honourable Prime Minister. I think we must make a distinction between parastatals and Government bodies such as Ministries and Departments. But the

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fact of the matter is, even if we have to change certain laws, then let us change those laws. But we must get control over these funds. There I agree one hundred percent with the Right Honourable Prime Minister.

Honourable Speaker, the fact of the matter is that the private sector is wide awake, make no mistake. They will take a gap if you give them that gap.

If you come to an insurance company and say, "*listen, I have N\$9 million to invest*", do not think he will invest it in the interest of the State, no, he will invest it, first of all, in his own interest and secondly, in the interest of his company. If you are not wide awake, he will tell you a nice story and you will believe you are buying a fantastic product, only after five years to realise that you have been taken for a ride. Really, you must get experts. When you invest the type of money that we are investing, 9 million, 10 million, 20 million in some cases, you and me cannot do that, we cannot take those decisions, we must get an expert, otherwise you will be taken for a ride and if the boards do not want to get the experts to do that for them, we must force them even if it means that we have to change the boards.

Honourable Speaker, with those few words I want to thank all the Honourable Members for their support and I hope that this Report will be approved so that we can follow up in future from the Committee and report back to the Parliament. Thank you, Honourable Speaker.

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**HON SPEAKER:** I thank the Honourable Member. The Secretary will read the Third Order of the Day.

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**CONSIDERATION: REPORT ON DELAY  
IN REMUNERATION OF TEACHERS**

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**SECRETARY:** Consideration of the Review of the Performance Audit Report on the delay in the remuneration of teachers.

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**HON SPEAKER:** Does the Honourable De Waal move that the Report on the review of the Performance Audit be considered?

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**HON DE WAAL:** Honourable Speaker, Honourable Ankama will motivate the Report on behalf of the Committee.

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**HON DR ANKAMA:** Thank you very much, Honourable Speaker. Honourable Speaker, Honourable Members, I rise to motivate another Report of the Standing Committee on Public Accounts. This time our Report deals with the Public Accounts Committee's review of the Auditor-General's Performance Audit Report on the delay in the remuneration of teachers.

The Report of the Auditor-General focused on the delay in the salary payments to teachers in the former Ministry of Basic Education, Sport and Culture which is the current Ministry of Education. It was then the opinion of the Auditor-General that the Ministry aims to provide all Namibian residents with equitable access to quality education.

Teachers who must provide quality education will be demoralised and unable to provide quality education should they not receive their salary on time.

The Committee supports the view of the Auditor-General that the audit revealed that there are in fact delays in the processing of salaries and related documents, which further leads to the delay in the payment of teachers' salaries. We must remember that the audit was carried out for the period 1999 to 2002 and the findings then were as follows:

- Documents are only submitted at the earliest a month after assumption of duty or effective date to personnel offices in the Regions.
- Personnel advices are currently (1999-2002) being processed approximately a month after submission of documents.
- Personnel officers use confirmation letters at the end of each year to issue appointment advices instead of waiting for the assumption of duty report after a new teacher has started, but salary offices still receive appointment advices a month late, the year after confirmation of the appointment.
- Computed advices are completed late in the salary offices.
- The timetable for the submission of salary advices issued by the Ministry of Finance is not adhered to by the Ministries, especially the Ministry of Basic Education, Sport and Culture, while the Ministry of Finance does not issue a rule to enforce the adherence to its status of collaborations set in the timetable.

Honourable Speaker, Honourable Members, the Committee, as part of its constitutional and parliamentary duty, reviewed the Report of the Auditor-General. The Committee deemed it necessary to determine the current situation as far as the

remuneration of teachers is concerned. As a result the Committee sought input from the Ministry of Education. The Committee also called the Namibian National Teachers Union (NANTU) and the Teachers Union of Namibia (TUN) to give their side of the story.

The next step was to visit the Khomas Regional Education office here in Windhoek. The Committee also visited the Head Office of the Ministry of Education to share the views of the stakeholders concerned with the Ministry. The views of all the stakeholders are reflected in the Report and I would not like to dwell on that at this moment. I am sure the Honourable Members had the opportunity to peruse the Report tabled in this august House.

Honourable Speaker, Honourable Members, the conclusion of the Public Accounts Committee is that the status quo remains. After these consultations it is clear that there was not much change on the side of the Ministry of Education since the Performance Audit was done by the Office of the Auditor-General a few years back. It is in this regard that the Committee recommends to the National Assembly as follows:

- That the Ministry urgently engages the Ministry of Finance to introduce effective, efficient and feasible measures to minimise short-term and eradicate long-term any future delays in the remuneration of teachers. Such measures should be introduced as a matter of urgency, having due regard to the recommendations of the Auditor General and in an attempt to avoid any future inconveniences to teachers which might adversely affect the general state of education in the country. The relevant Teachers' Unions should also be consulted on such plan of action.
- The Ministry urgently and regularly informs the National Assembly's Standing Committee on Human Resources, Social and Community Development on the operations of the Ministry, especially the budget constraints and the challenges of staffing. This is the most appropriate Committee to deal with these matters.

Although not part of the Report, it is our wish as Members of Parliament and as parents that within some weeks from now we will be expecting improved academic results from our learners in both Grade 10 and Grade 12.

Finally, Mr Speaker, may I now take this opportunity to express the Committee's gratitude for your guidance throughout the session. I also wish to express our gratitude to the Permanent Secretary of the Ministry of Education and other staff members from that Ministry for availing themselves and for discussing the issues frankly with the Committee. Similarly, we also extend our gratitude to representatives of the two Teachers' Unions who appeared before the Committee.

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**RT HON ANGULA**

I would also like to thank the Auditor General and staff, as well as staff members from the Treasury Directorate for providing valuable advice and assistance during the whole process and I thank the Honourable Speaker.

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**HON SPEAKER:** I thank the Honourable Member for his statement. Any further discussion?

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**RT HON PRIME MINISTER:** The Report deals with a very serious matter where somebody has worked and at the end of the day is waiting for a salary. You have made commitments and then your salary is not coming. You get penalised by banks and by others to whom you owe money. It puts Government in a very serious light.

I recall when I became the Minister of Education, Youth, Culture and Sport a few decades ago, we were faced with the situation of ghost teachers in the system and embarked on a system audit, literally taking a census, and we discovered that 10% of the salary bill was going to people who never existed.

This Ministry is a huge Ministry, and those days we were dealing with something like 15,000 and I am quite sure by now we are dealing with something like 20 000 people and the situation is complicated by many other things, like when people retire, to get information about retirement, when people die, new recruits and I think the only solution to this problem is to build up capacity at regional levels, so that the budgets are decentralised to Regions. That is the only way we can deal with this situation. As long as there is a central system of dealing with thirteen Regions and to pay all those 20,000 plus teachers, I do not see a solution to this problem.

Of course, to build up capacity takes time because you also need a computer system which is able to communicate with the central computer system in Windhoek and all that. But it is worth doing if you really want to deal with this problem effectively.

Earlier this year frustrated teachers in Ohangwena who were either marking examination papers for NAMCOL or doing something extra, got so frustrated that eventually the Director of Education in that Region had to appeal to my Office to get the system to work and I was totally embarrassed because I had to send it back to the Minister to deal with it and I hope by now he has dealt with it.

The point is that this system is too big and there are constant changes with people retiring, people dying, new teachers being recruited, etcetera, and to keep track of everybody in the system is very difficult.

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**HON MBUMBA**

My humble suggestion, once again, is that unless we build capacity at regional level so that the budgets are decentralised to the Regions, I do not see a solution to this problem. I thank you.

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**HON SPEAKER:** I thank the Right Honourable Prime Minister. Honourable Mbumba.

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**HON MINISTER OF EDUCATION:** Thank you very much, Honourable Speaker. Firstly I would like to thank the Committee for a thorough job and I think an honest and fair reporting.

I just want to say that we are caught between a rock and a hard place. On the one side it is incumbent upon the financial system to make sure that those who are properly employed should get remuneration. That is done. Those who are in the system that has not been changed, I think all of us are assured to get our salaries at the end of the month as State employees.

The problem comes with the issues referred to by the Right Honourable Prime Minister and I remember the case of the literacy promoters. You have secondary schools, you have primary schools, pre-primary schools and then you have adults who are trying to teach other adults how to read, how to write and do all those things and you have to capture all the data. The Right Honourable Prime Minister mentioned Ohangwena and Ohangwena was in a predicament. Their offices were still based in Ondangwa and to transfer all the information from Kongo and other places takes time and thus the delay.

I remember even getting an unusual call which I never expected to come and it was from the distinguished Executive Director of the Anti-Corruption Commission, Mr Noa and when Mr Noa calls you, you know somehow you are in trouble. He phoned me because these Literacy Promoters went to him and said they can no longer tolerate, they have been in this job for 3 months and they have not been paid. I used that information, I checked in the system, I called the Director of the Region and somehow we were able to solve the problem.

It is basically really that first we have programmes that are additional to other programmes, secondly the Ministry of Finance has a responsibility to make sure that their computer system is properly coordinated. You just need to put your people there, everything must be programmed, must be approved, must have a code number, must have this and that and that caused a delay. The main thing is really that at the beginning of the year we should capture all those figures and make sure that all the remote Regions send the figures by intranet. But we are trying to say that now that you want us to report and to indicate our financial

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constraints, we appreciate that, but really, this is not being done as a punishment for the newcomers into the system. It is really that we have to control and at the same time we have to do the task assigned to us. Thank you very much, Honourable Speaker.

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**HON SPEAKER:** I thank the Minister. Does Honourable Ankama wish to reply?

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**HON DR ANKAMA:** Thank you, Honourable Speaker. First, I would like to appreciate on behalf of our Committee on Public Accounts the sentiments echoed by the *Right Honourable Prime Minister*. I also remember the case that he has referred to. At the time I was Regional Secretary for Information and Publicity for NANTU and we were part of the team that uncovered the ghost teachers in the area.

It is true, we really appreciate that we see the issue in the same manner and we really look forward that we get the support that the Committee is seeking.

The same goes to the Minister of Education, *Honourable Mbumba*. Indeed, what is needed here is for the systems to talk to one another. With the decentralisation policy in place each Region has a Regional Office and we need to have a system that is talking to the other system.

What we see is that the computers are always labelled as being the problem, that the computer did it. The problem that the computer has done it is in actual fact irrelevant, because a computer does not operate itself. It is programmed and we are also saying that there should be a system that is checking whether the network is intact. Who is checking that this system is really working properly?

With this in mind, we are looking forward that we will get the support from this House and that improvement is expected within the next few years to come – if not next year. All in all, we would like to appreciate your support in silence, Colleagues, and we are looking forward to the implementation of these recommendations. I thank you.

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**HON SPEAKER:** I thank Honourable Ankama. I now put the Question that the Report be adopted. Any objection? Agreed to. The Report is therefore adopted. The Secretary will read the Fourth Order of the Day.

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**MOTION ON MEMBERS OF PARLIAMENT  
PENSION FUND ACT**

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**SECRETARY:** Resumption of Debate on the current discrepancies contained in the Members of Parliament and Other Office-Bearers Pension Fund Act.

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**HON SPEAKER:** When this House adjourned in terms of Rule 90 on Tuesday, 6 November, the Question before the Assembly was a Motion by Honourable Venaani. Any further discussion on the Motion? Honourable Kasingo.

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**HON KASINGO:** Thank you very much, Honourable Speaker, for giving me the Floor to make my short contribution to the Motion before us concerning the discrepancies contained in the Members of Parliament and Other Office-Bearers Pension Fund Act of 1999.

Honourable Speaker, Honourable Members, I am not going to comment on the discrepancies, but I will comment on some grey areas which I think should be revisited and corrected.

Before I state that grey area in the said Act, I would like to first state that I humbly believe that the lifespan of a politician is the number of years he or she has been elected during that term. For the Members of the National Assembly it is 5 years. These 5 years, to me, should be regarded as the lifespan of a particular Member of Parliament, whether that particular Member of Parliament is re-elected or not.

Having that in mind, Honourable Speaker, Honourable Members, I would also like to recognise that we have passed this Act in 1999 and within 5 years of its existence one can say that the Fund had not yet matured and has not yet grown. But I think, as we proceed to ten years of its existence, I submit that the Fund has matured and grown.

Having that short preamble in mind, I would henceforth like to propose that either the Act be amended or the regulation, to enable Members of Parliament at the end of their term to be entitled to a portion of their pension. This is necessary for some Members who need that small amount of money. When I say Members of Parliament, I mean all of them, whether you are a Member of the Executive or a backbencher. That small portion of money would enable you to sustain yourself. For example, backbenchers have a lot of needs – a driver, maybe a half time secretary, etcetera, and the Members of the Executive also have their needs.

As we are nearing 2009, this Fund has been in existence for 10 years and I think provision should be made for a portion to be paid out, not the whole of it. For

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**HON TJIHUIKO**

example, if you are re-elected, then one can say maybe if you have been contributing to the Fund for an uninterrupted five or 10 years, you are entitled to a certain portion. This is being done in other countries. I am not comparing ourselves with developed countries such as the Scandinavian countries, I am comparing ourselves with SADC Member States. It is being done in Zambia.

As I have already alluded to, we can reconsider as we proceed towards 2009 because by then the Fund would have been in existence for 10 years. That is my humble submission. Thank you.

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**HON SPEAKER:** I thank the Honourable Member. Any further discussion?  
Honourable Tjihuiko.

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**HON TJIHUIKO:** Honourable Speaker, I rise to support this Motion. Honourable Speaker, I believe that all of us in this House, as soon as we have been elected, are equal and should be equal before the law. Therefore, I think it would be unfair to have a specific Act that is seen to be discriminating against a certain section of the community because of their age or the size of their shoes or the size of their specs.

From what I have seen ever since I have joined this august House, I have seen a number of Members of Parliament, some of them Ministers, who look very much younger than 55 and a little bit older than 21. If one looks at the responsibility that they have been given as Ministers, overseeing those Ministries, I do not for a moment believe that they will not be able to look after their own pennies and cents while they are looking after billion dollars in Ministries. Therefore, for one to say that you need to be fifty-five is as if you are not mature enough to look after yourself. It may seem that we are now underestimating their ability and capability to look after themselves.

I, therefore, strongly recommend that the law must be changed to enable all of us to be able to treated equally. As Honourable Kasingo said, the terms of office of a politician is only 5 years and once you have finished your 5 years, you are lucky to come back. If one by law should go and beg on the streets while your money is lying somewhere and you have to wait for 25 years, it will be very unfair.

Therefore, I believe that it will do justice to all of us if we can agree that yes, indeed, this is very discriminatory and therefore, it needs to be changed.

I have seen from time to time that we make laws that make us become hostages of our own decisions and I think we should learn from that, that whenever we are making laws, we should not look at ourselves, saying I am not in that category, because otherwise you could easily find yourself that you have created difficult

conditions for somebody else to be able to do what they are supposed to be doing if they were you.

In conclusion, Honourable Speaker, one of the Acts that we have passed in this House where I believe that we have now become hostages of it, even this Act that we have passed here on political office-bearers, the intention was good and it would have been very unprofessional for us to sit down and decide as lawmakers for our own benefit. Then again I would have liked to see a situation where as grownup human beings we should be consulted on the issues that concern our lives. It is improper for somebody to talk about you without consulting you, you should be part of that.

Sometimes somebody is refusing to talk to me, somebody who is doing a job on my behalf and he is saying he is not reporting to me. But the Act that has created that structure has been passed by the person you are saying is not worth talking to. Sometimes we create those problems to the extent that as human beings we may be forced to say that let us create conditions that we are going to represent ourselves, which may create a bad image for us and for everybody.

In short, I just want to support this Motion and I think the sooner we pass it, we should get into the process where the Act is going to be changed in order for these Colleagues to be able to access their pension money as soon as they have retired from politics.

With those remarks, I thank you.

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**HON SPEAKER:** I thank Honourable Tjihuiko for his contribution. Any further discussion, Honourable Members? Prime Minister.

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**RT HON PRIME MINISTER:** Thank you, Honourable Speaker. The Motion is raising an important issue, but I am just trying to figure out the procedure.

I am asking myself to whom is this Motion being addressed? Is it to the trustees of the Fund for political office-bearers and others or is it to the actuarial profession or is it just a grievance thing, that since we have a grievance we just want to talk about it?

I am sorry that Honourable Venaani is not here, but I thought this is really taking up the time of the House, something that could have been done through some other means rather than a Debate on the Floor of the House. Perhaps the Committee on Privileges could have considered this and mandate somebody to talk to the trustees

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**MEMBERS OF PARLIAMENT PENSION FUND  
HON DE WAAL**

and the actuarial profession to see whether the law can be changed and that could have helped as the chairperson of the committee of trustees is the Minister of Finance and I think she is the one who is administering this Act.

I am just trying to ask myself whether we are using this time productively, especially that we are talking about ourselves. Could we not have solved this problem differently rather than bringing it to the Floor of the House? This is really the question I am asking. Thank you.

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**HON SPEAKER:** Any further discussion, Honourable Members? Honourable De Waal.

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**HON DE WAAL:** Honourable Speaker, if I remember correctly, our pension fund used to be such that when you leave the House you can take your pension. It used to be like that. I am trying to get the attention of the Right Honourable Prime Minister. I am saying, when we started off our pension fund used to be such that when you retire, you get your pension because Honourable Kamburona and Honourable Gende those people got their pension a long time ago. After them we changed the rules of the Fund and the rules, as far as I know, must be changed by the trustees.

I think what Honourable Venaani is trying to do is to see whether there is overwhelming support to change the rules back to what they were in the beginning and if we get that support from the Parliament, then we must just send it to the Standing Committee on Economics who can talk to the trustees and say the whole House has decided that this is what they want, please change the rules back to what it was. I think that is what Honourable Venaani had in mind.

I will ask Honourable Venaani to just move that the Motion be sent to the Economics Committee and then the chairperson can talk to the trustees.

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**HON SPEAKER:** Any further discussion? None. Honourable De Waal?

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**HON DE WAAL:** Honourable Speaker, may I move that the Debate on this Motion be adjourned until next week, Wednesday, so that Honourable Venaani can reply to the Debate. I thank you, Sir.

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08 November 2007

**MOTION ON SCHOOL DEVELOPMENT FUND  
HON GERTZE**

**HON SPEAKER:** Any objection? None. The Debate on this Motion stands adjourned until next week, Wednesday. The Secretary will read the Fifth Order of the Day.

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**MOTION ON SCHOOL DEVELOPMENT FUNDS  
AND TERTIARY EDUCATION FEES**

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**SECRETARY:** Resumption of Debate on the issue of school development funds and tertiary education fees.

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**HON SPEAKER:** When this Debate was adjourned on Tuesday, the 2<sup>nd</sup> of October 2007, the Question before the Assembly was a Motion by Honourable Ms Dienda. Honourable Gertze adjourned the Debate and he now has the Floor.

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**HON GERTZE:** Thank you, Honourable Speaker. I would like to contribute to this Motion brought on to the Floor by Honourable Dienda, which deals with some aspects of the school development fund as well as the tertiary education fee structures.

I think that the basic point here that concerns educational development deals really with the gratuity of the freeness of basic education. It is also in that sense, when one looks at each school that may have such a fund, that at times it may seem needless to talk of a school development fund because of its inconsistency and the fact that in many schools it does not pay off.

But from the onset and without seeming to cast a hypocritical sense, I want to state that I am not cunningly trying to discredit the Minister and his Deputy and those officers, principals and teachers who are trying to make ends meet with what is imagined to be there.

Honourable Speaker, it is difficult to imagine if there is really a need of talking of school development funds. Is it really every school in Namibia that can really say that it has a school development fund and at least where the school development fund exists, what is the framework under which it works or would it be a matter of just in case the school development fund is there, there should be certain guidelines how it is going to be handled?

I really do not know of any grassroots school, except perhaps in the case of some schools that have inherited some good facilities and private schools that can today openly boast that they have a school development fund. It seems not to be compulsory. In the first place, we do not compel everybody to pay up to the

school development fund. It is contradictory. We try to develop these funds, on the one hand, and on the other we say you do not need to chase people away from the schools if they do not have funds. We have pledge that education is free, but again we need to cough up in some way. Therefore it really leaves us with a non-compulsory situation in especially the previously disadvantaged schools where parents are unable to pay school fees.

Honourable Dienda has asked a few questions, more so directly to the Minister of Education and interestingly of those question I have picked out four of them and the first one was: Who actually determines the school development fund fees per year if the fees vary from N\$150 to N\$800 for primary schools, from what she said, and between N\$800 and N\$2,000 for secondary schools? Will it make any sense if we cannot, in the first place, decide if education is free or not or whether for the past seventeen years we have been continuously violating the Namibian Constitution by making people to pay?

Secondly, what I personally would also want to know is the further question as to who...(Intervention)

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**HON DR GEINGOB:** May I ask a question to the Honourable Member? Honourable Gertze, in view of what you have said about the constitutional requirement of free education and these school funds, in the past we were questioning this and we were told this fund is voluntary, decided by school boards and that is why it differs from school to school. It is apparently a fund that the school boards decide on and not the Ministry.

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**HON GERTZE:** Through you, Honourable Speaker, the irony is that the rules that are maintained make it that either we are hesitant to say that people should not pay for education or we are again either in the same way hesitant to say they must pay. Honourable Dienda also spoke about the children's report which are being withheld and this happens, we cannot go around it. Why? Simply because parents have not paid. So, whether it is a law or whether we as a Ministry would allow the schools to violate the Constitution – the way I have said it – I do not know, I cannot say what really is what. But it seems we are caught up in a situation where we cannot go left or right. That is where we are. (Intervention)

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**HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE:** Sorry to interrupt my Honourable Colleague there, but as a follow-up to the question that was posed by the Honourable Dr Geingob, which was a

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**MOTION ON SCHOOL DEVELOPMENT FUND  
HON GERTZE**

very important question, I would like to provide the following information that may help in answering some of the questions that the Honourable Member is posing in his contribution.

Section 25 of the 2001 Education Act deals exclusively with the issue of school development fund and Section 25(1) states the following: “*Subject to Section 81(2), a school board may with the approval of the majority vote of the school parents present and voting at a meeting convened by the school board by at least thirty days notice to such parents, establish a school development fund with the following aims.*” Therefore, the issue of school development fund is established by parents on a voluntary basis. That is why you will have different amounts.

But as to the issue of free education, I think that is a different Debate altogether. I just wanted the Honourable Member not to discount that, not necessarily saying that what you are saying, maybe in practice there may be some contradictions, but in terms of the law, if one reads Section 25 of the Act which deals exclusively with the school development fund, you will find many of the answers that both Honourable Dienda and yourself are posing. Maybe it would be helpful if you also consult section 25 of the Education Act. Thank you.

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**HON GERTZE:** Honourable Speaker, just to quickly answer on that one. There is the question of a school board may, that is how we understand it as well, but I think what the Honourable Minister has just said is that if you look at these schools in terms of admission and what they send out to the public, it is a fee structure that the school tells you this is what you have to pay and people are being turned off because of that. I am not trying to blame maybe the constitutional provisions that are being violated, but these things are happening. At times we have to say pay, but it is so difficult to say pay and this is the dilemma we are in.

When I continue, we will probably get more clarity.

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**HON SPEAKER:** We will pick up from the dilemma. The House shall now adjourn until Tuesday, next week, 14:30.

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**HOUSE ADJOURNS AT 17:47 UNTIL 2007.11.13 AT 14:30**

**NATIONAL ASSEMBLY  
ASSEMBLY CHAMBER  
13 NOVEMBER 2007  
WINDHOEK**

The Assembly met pursuant to the adjournment.

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

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**ANNOUNCEMENTS**

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**HON SPEAKER:** Honourable Members, the election season is around the corner in Namibia and that is always good news. It is good news for the democratic process and political culture of fair competition and tolerance towards the respective Political Parties, that we all want to see happening all the time.

The governing party, SWAPO, has fast-tracked its nominating itinerary and for that congratulations are in order. We want to congratulate the Vice-President of the SWAPO Party, Comrade Hifikepunye Pohamba for his unanimous nomination by the Political Bureau as the sole candidate for the position of SWAPO President.

Similarly, Dr Hage G Geingob, Member of Parliament and Chief Whip, of the SWAPO Party has been nominated as the candidate for the position of Vice-President. We wish the two illustrious Comrades well on the rest of the journey through the Central Committee to the Congress later on in the month of November 2007. We would want to do the same when the right time comes for the other Members who still have to go through the Central Committee's scrutiny. The same would also apply for the other Political Parties represented in the National Assembly – those and only those parties represented in the National Assembly I should underline.

On a different note, the former official Opposition Party, the DTA, is celebrating its 30<sup>th</sup> birthday and we extend best of felicitations.

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

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**TABLING: ANNUAL REPORT OF THE  
OFFICE OF THE PRESIDENT**

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13 November 2007

## **REPORTS AND PAPERS**

**RT HON PRIME MINISTER:** Honourable Speaker, on behalf of the Minister for Presidential Affairs, I have the honour to lay upon the Table the Annual Report of the Office of the President for the period 1<sup>st</sup> April 2006 to 31<sup>st</sup> March 2007.

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**HON SPEAKER:** Will the Rt. Honourable Prime Minister table the Report? Minister of Finance.

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### **TABLING: REPORTS OF AUDITOR-GENERAL**

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**HON MINISTER OF FINANCE:** Honourable Speaker, I lay upon the Table, Reports of the Auditor General on the accounts of –

- Department of Police of the Minister of Safety and Security for the Financial Year ended 31<sup>st</sup> March 2006;
  - Ministry of Gender Equality and Child Welfare for the Financial Year ended 31<sup>st</sup> March 2006;
  - Ministry of Fisheries and Marine Resources for the Financial Year ended 31<sup>st</sup> March 2006; and
  - Ministry of Home Affairs and Immigration for the Financial Year ended 31<sup>st</sup> March 2006.
- 

**HON SPEAKER:** Will the Honourable Minister table the Reports? Any further Reports and Papers? Any Notice of Questions? Any Notice of Motions? Any Ministerial Statements? Honourable Minister of Home Affairs and Immigration.

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### **MINISTERIAL STATEMENT: TRANSFER OF RECORDS FROM SOUTH AFRICA**

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**HON MINISTER OF HOME AFFAIRS AND IMMIGRATION:** Honourable Speaker, Honourable Members of Parliament, I rise to inform the Nation on their records the Government of the Republic of Namibia received during the State visit of His Excellency President Thabo Mbeki when he handed over the records to His Excellency President Hifikepunye Pohamba. At the same time, the two responsible Ministers for Home Affairs in Namibia and South Africa signed agreements related to the above-mentioned records.

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**MINISTERIAL STATEMENT  
HON NGHIDINWA**

Honourable Speaker, the discussions on the transfer of records started during 2002 by my predecessor Honourable Jerry Ekandjo.

Due to delays in processing of some Namibian national documents and accessibility by some of the Namibian people to their records, the Minister of Home Affairs and Immigration of Namibia met her counterpart of South Africa in Kempton in mid-2005 where they discussed and indicated that South Africa still had records relating to Namibian people, namely:

- Marriage records from the early 1930s up to the 1970s;
- Birth, Marriage and Death records from 1972 to 1978;
- Records of marriages in Walvis Bay from after Independence in 1990 but before integration of Walvis Bay into Namibia in 1994.

Afterwards the Honourable Minister of Home Affairs of South Africa agreed to take the issue to the South African Cabinet and a task team was established to finalise the process.

Both countries obtained legal opinions and an agreement was negotiated between officials from South African Department of Home Affairs and the Namibian Ministry of Home Affairs and Immigration.

In terms of the agreement, South Africa agreed to search for and transfer the remaining records. More than twenty thousand records were drawn from South African Archives: 3 452 records were for births, bound in a book format, 2 799 were for marriages and 14 873 were for deaths.

It was also agreed that South Africa would reformat and re-send electronic records previously sent and this has been done. The remaining records were handed over in both original and electronic form by His Excellency President Thabo Mbeki to His Excellency Hifikepunye Pohamba on the 30<sup>th</sup> of October 2007.

South Africa has made copies of all records and both countries have access to the originals. Both parties have agreed to respect the confidentiality of the records.

In conclusion, as your records are now here, for those Namibian citizens who still have the South West African identity documents, please come out and apply for new Namibian documents immediately and once more, be informed that the time will come when the Ministry of Home Affairs and Immigration will not allow usage of such old identity documents. I thank you, Honourable Speaker.

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13 November 2007

**INCOME TAX AMENDMENT BILL  
HON MUDGE**

**HON SPEAKER:** I wanted the Minister first to make her statement because those who represent her Colleague, the Minister of Safety and Security in his absence, the attire of the Minister is indicative of the presence of high-ranking police officers in the Speaker's Gallery on both sides and on your behalf, I wish to welcome them. We are proud of what you are doing, continue to do the good work on behalf of the Nation and our people. Good luck in what you are doing. Parliament supports your efforts.

Any further Ministerial Statements? The Secretary will read the First Order of the Day.

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**INCOME TAX AMENDMENT BILL:  
RESUMPTION OF SECOND READING**

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**SECRETARY:** Resumption of Debate on Second Reading, Income Tax Amendment Bill.

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**HON SPEAKER:** When this Debate was adjourned on Thursday, 11 October 2007, the Question before the Assembly was a Motion by the Honourable Minister of Finance, that the Bill be read a Second Time. Honourable De Waal adjourned the Debate and he seems not to be present. Any further discussion?

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**HON MUDGE:** Honourable Speaker, I am not hundred percent sure whether I should make this contribution since we saw the representatives of the Association of Unit Trusts in our Committee, but since Honourable De Waal is not here, allow me to say just a few things.

As I have said, we had a meeting with the representatives of the Association of Unit Trusts of Namibia and I am of the opinion that the issue regarding the implementation dates for the Amendment of the dividend definition and the implementation date for withholding tax should be addressed as a matter of urgency.

Before coming to the real issues, it should be noted that this unit trust industry succeeded, according to them, over the past seven years to increase investments in Namibia to the extent that it currently manages investments in excess of N\$13,5 billion, a massive amount by any means.

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**INCOME TAX AMENDMENT BILL  
HON MUDGE**

A worrying issue for the industry is the fact that according to Section 12(6) of the Bill, the proposed introduction of Section 34(a) to the principal Act will become effective on March 1, 2009, while Section 12(3) of the Bill determines that the effective date for Amendment of the dividend definition in Section 1 of the principal Act will be the 1<sup>st</sup> of March, 2008. (Intervention)

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**RT HON PRIME MINISTER:** On a Point of Order. Comrade Speaker, I just want to understand fully what Honourable Mudge is saying. Did he say that the unit trust people invested money to the tune of 200 million? Is that what he said? They invested money in Namibia? Is that what you are saying?

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**HON MUDGE:** Right Honourable Prime Minister, what I said was that they are managing N\$13,5 billion for other investors. (Interjection). No, this is what is invested in Namibia, through you, Honourable Speaker.

The proposed introduction of Section 34 (a) to the principal Act will become effective on the 1<sup>st</sup> of March, 2009, while Section 12(3) of the Bill determines that the effective date for Amendment of the dividend definition in Section 1 of the principal Act will be 1 March 2008.

This simply means that all interest paid from a unit trust portfolio after 1<sup>st</sup> March 2008 up to February 2009 will be fully taxable, just to be changed again on 1<sup>st</sup> March 2009.

We have been shown the negative effect this will have on the financial market where it is estimated that investments to the tune of approximately N\$7 billion will be lost and that will, without doubt, contribute to the destabilisation of the entire Namibian financial system.

Another issue is the fact that the financial industry is currently preparing for the implementation of the Financial Intelligence Act and it is expected to take them until approximately middle 2008 to complete. The implementation of Section 12(3) of the Bill amending the dividend definition will also require a significant change to the administration systems of Unit Trust Companies, just to be changed a year later to accommodate the requirements of a withholding tax, which will mean a double system change within one year. In short, it will not be possible for the industry to finalise the system changes within the next four months, in any case, in order to accommodate the amended dividend definition.

I am, therefore, of the opinion that we should seriously consider, amongst others, to extend the implementation date, as requested by them for the change of the definition of a unit trust dividend to coincide with the introduction of withholding tax on 1 March 2009.

But apart from this, Honourable Speaker, there are a number of other issues that apparently cause problems and worry to the industry, such as:

- The definition of interest;
- Accrual principle,
- Investment of agency agreement;
- Treatment of interest received on stock or securities;
- Deduction or withholding of tax on interest;
- Investments by non-Namibian companies;
- Interest rate on late payments;
- Post office savings bank exemption;
- Treatment partnerships.

All these are very important issues and I would, therefore, strongly support the proposal for this Bill to be referred to the Standing Committee on Economics in order for all these issues to be addressed properly and for the Committee to provide this august House with definite proposals on possible changes.

Honourable Speaker, it just does not make sense to rush this Income Tax Amendment Bill through Parliament if it will have the devastating consequences as was portrayed to us. I thank you.

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**HON SPEAKER:** I thank the Honourable Member for his contribution. Chief Riruako.

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**HON RIRUAKO:** Mr Speaker, unit trust is not my baby, it is the baby of the industry in this country. We are waiting to see how it is going to establish itself for the public and it is for us as Members of Parliament to scrutinise it and what they have done has to be presented here.

Mr Speaker, my concern is the Members of Parliament who are being taxed twice: once while they at work, secondly when we retire. This is unfair. A man beyond 60 is not supposed to be taxed or a man beyond 70 or 80. I pitied Honourable Ya Toivo when he was double taxed and nothing in return for his service. That is adding insult to injury and that is the kind of thing that is happening here. If the public cannot see what we are doing, it is our right to defend ourselves and put the record straight. We cannot be here for the benefit of the civil servants, but we are not here for our benefit. We are being underpaid and if you compare our salaries to those of the civil servants, they are our bosses and we are supposed to discuss their salaries and increase their salaries. But once it comes to the Members of Parliament make a row, but the civil servants who are supposed to be our servants, do not say anything about it. That is adding insult to injury.

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**INCOME TAX AMENDMENT BILL**  
**HON RIRUAKO**

We can no longer tolerate this situation which has been continuing for 17 years. The country is at peace and that has been done by this House, not by the civil servants and they tend to become the bosses of their own Ministers. I am sorry to say that. I said that before they were transferred one by one and I am going to repeat it.

They do not even respect their Ministry, they do not even know who are the Ministers. They can tell the Minister what to do, but the Minister cannot tell them what to do. We cannot tolerate that nonsense anymore.

For that matter, we have to revisit that decision that put civil servants above the Minister or the Members of Parliament, people who are making laws to protect them, to give them good packages but we are underpaid due to the civil servants. The public is silent, they do not talk about it, as long as they themselves are enjoying their packages. That is the kind of thing that happened in this House, for 17 consecutive years nobody talked about it and even the Government is not aware of it. We are ready to discuss the matter in a very accurate way. We cannot tolerate this nonsense for ever and ever. That discussion is supposed to take place today, not the unit trusts you mentioned here. The unit trusts can be discussed once we are treated correctly and we are given what we deserve.

The civil servants have been running the shows in the Ministries and we have to open our mouths and say what we see in the Government is not fair, a civil servant who can tell the Minister to go to hell, this is the way I want it. Who is he? He has been there for a couple of years until he became immune. That is the kind of treatment. They are given priority and respect beyond his Minister. This is the way they look upon us. (Interjection). I am not Herero alone, even the Ovambos who happen to be Ministers were under the civil servants until I opened my mouth and said shut up, you cannot be the boss of your boss.

If you do not want to see this and become the servant of your own civil servant, it is not the habit we want to create. Therefore, I put these shoes on the table, it goes where it belongs. If the Ministries have reduced their characteristics to that end, I do not know. But I think they must tell us why it happened that way. I thank you.

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**HON SPEAKER:** The Ministers were listening attentively. Any further discussion? Does the Minister wish to reply?

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**HON MINISTER OF FINANCE:** Honourable Speaker, I seek the indulgence of the House to allow me to reply on Tuesday, so that I can prepare my reply.

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13 November 2007

**REPORT ON TROPHY HUNTING  
HON KONJORE**

**HON SPEAKER:** Any objection? This Motion stands adjourned until Tuesday, next week. The Secretary will read the Second Order of the Day.

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**CONSIDERATION: REPORT OF  
TROPHY HUNTING**

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**SECRETARY:** Resumption of consideration of Report of the Public Accounts Committee on the Review of the Performance Audit Report on the Ministry of Environment and Tourism – Trophy Hunting.

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**HON SPEAKER:** When this Debate was adjourned on Tuesday, 6 November 2007, the Question before the Assembly was a Report by the Honourable De Waal. The Honourable Minister of Environment and Tourism adjourned the Debate.

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**HON MINISTER OF ENVIRONMENT AND TOURISM:** Thank you very much, Comrade Speaker. Comrade Speaker, Honourable Members, it is my distinct honour and pleasure to make a humble contribution to the Debate and on the recommendations of the Standing Committee on the review of the performance audit report of the Auditor-General regarding trophy hunting.

I wish to thank the Committee for the positive way in which they discussed the Report and the encouragement from their side towards the Ministry of Environment and Tourism to address the discrepancies, as pointed out.

I agree with the recommendation for a formal platform of communication regarding trophy hunting information between the two Ministries, that is the Ministry of Environment and Tourism and the Ministry of Finance. We will get in touch with the Ministry of Finance in order to formalise that.

Let me also make some comments on some of the improvements that my Ministry wishes to embark upon when addressing these recommendations.

Firstly the permit office of the Ministry of Environment and Tourism will provide the Department of Inland Revenue with the information as recommended by the Committee.

Secondly, copies of permits will be made available to Inland Revenue on a monthly basis.

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**REPORT ON TROPHY HUNTING**  
**HON RIRUAKO**

The fee for trophy hunting permits has been revised as well as the fees and levies on other wildlife utilisation activities and it was approved by the Policy Management Committee of the Ministry of Environment and Tourism and since relevant stakeholders have been consulted, the process will be finalised soon.

Hunting farms will be instructed to give full information of the charges for the services for which they may be remunerated, as stipulated in the regulations and these include, amongst others, accommodation, transport, meals, skinning services, tracking services, hunting guides, handling services and trophies.

Honourable Speaker, furthermore, the Directorate of Parks and Wildlife Management is under instruction to conduct more regular inspections at butcheries and trophy manufacturers as well as with the Namibia Professional Hunting Association. The penalties will be revised as soon as possible.

Honourable Speaker, Honourable Members, with these few remarks I thank you for your kind attention and I rest my case.

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**HON SPEAKER:** I thank the Minister for his contribution. Chief Riruako.

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**HON RIRUAKO:** Honourable Speaker, I am here to correct what is wrong in this country.

Point number one, how do we as citizens of Namibia enjoy our tourist activities? Even hunting, what kind of lower prices are given to Namibians, even the lodges, even young people who are supposed to see what the activities in their country look like? What kind of assistance are they given?

Mr Speaker, why should these people be just on the field, to watch a beautiful and rich activity taking place in their country, but they do not even taste what is there? What kind of remedy is there? That Ministry must come up with a full report and not just to answer me, I want a full report on that.

---

**HON MINISTER OF ENVIRONMENT AND TOURISM:** Honourable Speaker, with all due respect to the Chief, on a Point of Order. The comments that the Chief is making are very much valuable and if the Chief would make these remarks when tourism is discussed, I would like to share full information and even deliver a report on that. But now we are talking about trophy hunting which is a small component.

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**REPORT ON TROPHY HUNTING**  
**HON DR ANKAMA**

**HON RIRUAKO:** You cannot get away from what I am saying, it is a part of what you are saying and I am not here to disturb you, I am here to take care of you and it is how it should be.

Mr Speaker, the fact remains, we are here to take care of what is ours without dilly-dallying. We are here as watchdogs of our wealth and we cannot tolerate that. Believe me or not, how do the young people really enjoy your Ministry's activities, what are they going to tell other people in other countries how we are enjoying our country's activities in the tourist department? That must be known and I am not here only to talk about how it should be done, I need a full report, because these young people sometimes find themselves in your Ministry, they cannot get what they want and who is capable to give them permission to obtain whatever they want?

Mr Speaker, this is the way I would like to see it, this is the way this House would like to hear it and I am not here to go from page to page, what page and what number. I am not here to joke. They have been joking all along as if they are at home. Now I do not know whether we have our home or we have a new home. You can react on that one again, you got what I said, whether we have a new home or we have our own home. We are free like the birds who want to fly, that is how we are now. That joke is gone. Let us talk seriously once we are here. We have been joking as we are here, but the jokes have ended. Intervention)

\_\_\_\_\_  
**HON SPEAKER:** Chief, I allowed you to express yourself fully, but if you (intervention)

\_\_\_\_\_  
**HON RIRUAKO:** In conclusion, I may say I think my cousin got my point and please prepare yourself, you know what I am asking you.

\_\_\_\_\_  
**HON SPEAKER:** I am sure both as the Minister and as a cousin he took note of it. Any further discussion?

\_\_\_\_\_  
**HON DR ANKAMA:** Honourable Speaker, I would like to appreciate the commitment expressed by the Honourable Minister of Environment and Tourism, Comrade Konjore, and I hope that what he said would definitely be implemented. Therefore, on behalf of the Public Accounts Committee I would like to thank the Minister, and indeed also to take note of what the Honourable Chief has said. Chief, we thank you very much.

I thank you very much, Honourable Speaker.

\_\_\_\_\_

13 November 2007

**AFFIRMATIVE ACTION AMENDMENT BILL**  
**HON !NARUSEB**

**HON SPEAKER:** I thank the Honourable Member. I now put the Question, that the Report be adopted. Any objection? Agreed to. The Secretary will read the Third Order of the Day.

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**AFFIRMATIVE ACTION (EMPLOYMENT)**  
**AMENDMENT BILL : COMMITTEE STAGE**

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**SECRETARY:** Committee Stage – Affirmative Action (Employment) Amendment Bill.

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

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**HON MINISTER OF LABOUR AND SOCIAL WELFARE:** I move, Honourable Speaker.

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

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**ASSEMBLY IN COMMITTEE**

**CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** The Committee has to consider the *Affirmative Action (Employment) Amendment Bill*. Clauses and the Title put and agreed to.

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**CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** I shall report the Bill without Amendment.

**ASSEMBLY RESUMED:**

**CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** Reports Bill without Amendment.

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**AFFIRMATIVE ACTION (EMPLOYMENT)**  
**AMENDMENT BILL: THIRD READING**

13 November 2007

**AFFIRMATIVE ACTION AMENDMENT BILL**  
**HON !NARUSEB**

**HON SPEAKER:** Does the Minister of Labour and Social Welfare move that the Bill be read a Third Time?

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**HON MINISTER OF LABOUR AND SOCIAL WELFARE:** I so move, Honourable Speaker.

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**HON SPEAKER:** Any objection? Who seconds? Agreed to. Any further discussion? Does the Honourable Minister of Labour and Social Welfare wish to reply?

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**HON MINISTER OF LABOUR AND SOCIAL WELFARE:** Thank you, Honourable Speaker, Honourable Members. I am once again rising to register my sincere appreciation for the understanding that the Honourable Members manifested, but let us hope that the challenges that we are confronted with in our quest to bring back our society to normality in terms of the situation in our employment environment, that this Amendment Bill will go a long way for us to be able to address that and I thank you once again.

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**HON SPEAKER:** I now put the Question, that the Bill be now read a Third Time. Any objections? The Secretary will read the Bill a Third Time.

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**SECRETARY:** Affirmative Action (Employment) Amendment Bill.

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

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**MOTION ON SCHOOL DEVELOPMENT FUNDS**  
**RESUMPTION OF DEBATE**

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**SECRETARY:** Resumption of Debate on school development funds and tertiary education fees.

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**HON SPEAKER:** When this Debate was adjourned on Tuesday, 2 October 2007, the Question before the Assembly was a Motion by the Honourable Dienda. Honourable Gertze adjourned the Debate and he now has the Floor.

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**HON GERTZE:** Honourable Speaker, I had just started my contribution on Thursday and would like to resume from where I stopped.

The pertinent question has been about the bone of contention when it comes to the school development fund, which is in fact about whether education is free or not free and also on the other hand, at the level of whether education is provided free, which is clearly stated in the Constitution, that is on primary level from Grade 1 to 7.

But I also mentioned last time that it depends on whether any school is able to create a fund, if it can, depending at what level the socio-economic development is of that particular community.

Amongst the questions raised by Honourable Dienda were the manner in which the school development fund is being determined in terms of the fees thereof, where certain schools are about N\$150 to N\$800 for primary schools and N\$800 to N\$2,000 for secondary schools. A little later on I shall come to the secondary schools.

Where we would want to make it a rule that there should be a school development fund, it is very difficult, first and foremost, for a person like myself who is a Member of Parliament to speak of school development fund, because the creation of school development funds largely depends on the boards, the parents, to decide whether there should be a school development fund and how much the parents should contribute.

The other question was on the rules governing the school development fund where it exists and here I specifically want to look at the auditing of these funds, how well they are regulated where they exist. I do not know of any rule that exists in that area.

The involvement of parents is important, but it also depends on who are the people serving on the school board and who determine the funds in line with the parent body that represents them. They are probably people selected on the basis of their qualifications and we do not know whether they are taking decisions as to the school development funds in line with the abilities of the parents on the ground. Generally that is the situation that is around the school development fund.

Having spoken of the school development fund and the fact that I personally do not see them delivering, because either they exist in a weak state or they do not exist. Honourable Speaker, when I have visited schools in the Erongo Region very recently, schools that I knew many, many years ago, what really goes on in those schools is horrible. I was virtually bleeding inside when seeing the state of

schools in places like Otjimbingwe, Karibib, Usakos, Okombahe and even places like Swakopmund. I was even more horrified by the state of hostels and I think that this is just unacceptable.

Honourable Members, I just do not know how to feel as a parent, although I do not have any child in those schools, when one should imagine the children staying in those boarding schools. The condition of those hostels and the “leftover mattresses”, because I cannot speak of mattresses in this case and the filthy rags that these children are using as blankets, portray the condition of our education and that of the human quality we raise. Maybe it is none of our fault, but it is really unfair to imagine that there is a school development fund when one sees a school in that sort of state. I do not think that I can speak and even imagine that there should be a school development fund. (Intervention)

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**HON RIRUAKO:** On a Point of Order. I do not want the Honourable Member to say “*none of our fault*”, we have inspectors who are supposed to go there and see what is going on there behind the scenes. Whose fault is that? It is our fault. We do not tell them what they are supposed to do and it is time that you tell them what they are supposed to do. I have been there, I know.

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**HON GERTZE:** Thank you, Honourable Chief. That is actually also one of the points I will touch on. I actually feel guilty when I begin to pick up some of these points as individual points. Our Committee on Human Resource Development and Community Development has also consulted with some of the stakeholders and we have discussed some of these issues and there is the problem of inspectors not visiting the schools is. They do not get there, at some schools they were there two years ago, some schools said they passed by here last year just to say hello and that is the kind of situation that is there.

Honourable Speaker, I have come to learn that when something is free, on the one hand, there is actually nothing and I am herewith creating the impression that once we are saying that the school hostel will be free, I imagine that there will be nothing. At the same time I also do not advocate that people should pay to have something, but I think what we have pledged is very important.

School funds are not compulsory for all schools or they do not exist. It therefore depends on whether the school really does it or not. But on our part, if we say free education, I do not know what precisely that would mean and I think that was what we were also debating last week Thursday when I raised this issue. But obviously, our intellectual Debate here and the theoretical arguments here are not going to make the answers come to the ground where people practically live a life where the conditions are such as we know them all.

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I have seen that schools adapt from the one situation to the other. Three days ago I was literally called in by my daughter to go to the school and to register her and to pay N\$450 now for January. I went there to pay because I just did not know how I should argue with this school to say, "*what is this now at this stage*" and how many parents are able to meet that condition at this stage, N\$450 straight on and she is a primary school learner. Many parents can really not cough that up and in fact, what scares them is that they will lose the place for the learner next year. These are the things that are practically on the ground.

Now in terms of the determination of the school development fund fees, it may also be pointless to suggest – and I think Honourable Dienda also mentioned it in her motivation – that parents pay more, those with high income...(Intervention)

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**HON SPEAKER:** The House shall rise for refreshments.

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**HOUSE ADJOURNED AT 15:40**  
**HOUSE RESUMES AT 16:14 PURSUANT THE ADJOURNMENT**

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**HON GERTZE:** Honourable Speaker, I was at the point of the determination of school development fund fees, but it would be pointless to suggest – as Honourable Dienda also mentioned in her motivation – that high income parents pay more and low income parents pay less and that no income parents pay nothing, because this will certainly disintegrate our communities and schools according to income levels. You will in the end have a situation which will amplify the already existing haves and have-nots situation.

Obviously, at the moment, because of historical reasons, some schools are of higher standards and need more sophisticated care in terms of their size, infrastructure and academic development. We cannot think of down-scaling these schools that have more sophisticated operations, they need to be maintained and developed further. (Intervention)

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**HON DEPUTY MINISTER OF LABOUR AND SOCIAL WELFARE:** May I ask the Honourable Member a question? Honourable Gertze, you are talking about schools and you are a teacher and you were even a lecturer at the University. Why did you opt to come here, why did you not go and upgrade those schools you want to defend now?

**HON GERTZE:** Honourable Speaker, I have actually come to help and to intervene, as simple as that.

Therefore the schools that are, for historical reasons, substandard need to be developed. There is no other consideration than that as far as those schools are concerned and where there are no schools, we need to build schools. Here I want to stress that we should not be complacent by erecting what I usually call the “*teletubby*” type of structures, these makeshift structures, unless they are considered to be temporary while construction work is underway.

Honourable Speaker, I can honestly not speak against the school development fund. Schools and parents are all left by themselves under the current situation. I can also not speak for the school development fund although the school development funds are the only means of support for the continued existence of the schools that we have at the moment. It is also not fair for anyone to stand up and to boldly say that ...(Intervention)

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**HON DEPUTY MINISTER OF WOMEN AFFAIRS AND CHILD WELFARE:** May I ask my brother a question? Honourable Gertze, you are talking about good things and today you are sitting there with the former Minister of Education. Did you advise him and refused or what happened that things are broken. Did you go to Comrade Nahas to ask for development for your school and he refused or what happened?

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**HON GERTZE:** I honestly do not know the context of the remark or question, but I hope that I may give clarity as I go on.

I was just saying that it will not be fair for anyone in this House to stand up and to boldly say that we pay for X, Y and Z while it continuously becomes untenable in what face communities today. It is very difficult.

It is true that communities must also make efforts, but if water is at cost and as long as the bulk of our people live in makeshift *kambashus* and dwellings and as long as they survive on *pap* and *mahangu* alone or at times also on a hungry stomach, we can really not expect them to build schools for themselves or in the least to even pay for tuition.

Our problem is that we have never set ourselves a target moment at which we can say now we can pressurise our communities to feel that they are on their own and that they should take ownership of their development and that is when it concerns issues like education.

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Honourable Members, communities in other countries like Sweden, France, Finland, to mention but some of which I have firsthand information, have taken ownership of their schools and their entire common living, which include issues like crime prevention, senior citizens and educational development funds, etcetera. But this could only happen for those countries at points where Government had at least taken on its duty, which to date goes from good to best if you compare them in terms of time. In those countries there are no better teachers than those at State schools and no better learning institutions than State schools up to universities and university institutes. These countries have not started where we are starting, they had faced tougher situations without much resources in certain cases. But it is the focus that was necessary and that has helped them to be where they are today.

Some two, three weeks ago, in our consultations with various Line Ministries, our Standing Committee on Human Resources, Social and Community Development met with, among others, delegations of the Ministries of Gender Equality and Child Welfare and Education, led by their respective Permanent Secretaries. The condition of our children and their facilities and the shortfalls in the development of the children is so enormous that I could not confront any of those colleagues from those Ministries. What would I have gained from it in any case if I had done so? What I want to point out is the lack of educational leadership in most areas, obviously also lack of resources, poverty that prevails everywhere and mind you, Namibia is not a poor country that we have to again and again talk of poverty.

When salary brackets are set very rigidly, how do we expect our expertise to work for the development of grassroots levels down in the villages? I think here I want to tie in with the question that was posed by Honourable Iilonga, that in fact, out of despair, we who are trained, as he rightly said, as teachers and I, who have served as a University Lecturer, unfortunately has to stand here today and plead for the way of doing it and the same applies to two of the Honourable Members here with whom I have worked. But there are constraints that do not allow them to do so.

The consultants and expatriates are the ones who are working down there with their PhDs, and if we continue to live by what we are doing now, we will not get any further than where we have been able to get so far, unless we are satisfied with what we have today.

In fact, if we think of sending people with BETD and B.Ed graduates to where issues of education and development are crucial and provided this is properly understood in the context that I put it, that Government is ready to accede to luring out and making our experts being paid like the expatriates have been paid by the EU, for example, those people are equipped to succeed to do that, I am sure that our local experts will be ready to go to the areas where only expatriates are believed to be working.

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We can make remarkable headway in social, educational development if we are prepared to venture.

After Independence the departure of our experienced educational development leaders for greener pastures – that is salary-wise – has caused the collapse of many schools, which can today only boast of their products as they have become prominent. Unfortunately I have to stand here today as a teacher and plead for this to happen. Maybe I am wrong to think that way, but I am sure what we are doing currently does not help us much.

The unfortunate reality is that the setting of salary brackets as determined by the Public Service Union will not help us much. There is, for example, no shortage of social workers if you just look at the school level or just at the level of counselling on the ground, looking after the OVCs and taking up their cases. The lack of social workers grows daily and the development backlog has become a legacy of this country. Any social worker who would want to step in there now should be prepared to work on cases of applications for disability grants dating back to 2000 or of many people who have died in the process. If at all, we will not have the capacity to compensate retroactively and we can forget of social workers if we do not create competitive remuneration packages for them on the ground.

As an example, ask me when Lusaka was under siege by Ian Smith in 1979, you could buy a bar of soap for ten Kwacha easily because you needed to wash at least once and that must be the need that drive us to get to the point to pay for the services that professionally qualified people and educational leaders can go to.

One crippling factor to the demise of many schools is the application of staffing norms and here I want to tell you the story of the Omatjete Primary School where a success story has been registered with the pilot school development fund of about N\$16,000 that were given to certain schools, of which Omatjete Primary School is one.

The school principal, who is a female, has really shown us her pride and in fact, what is interesting, we did not have any male teacher at that school and it is a success story, where the school is affected by the application of staffing norms. They continuously begin to lose teachers when the number of learner's are reducing and since it is a village area, it is difficult for parents to bring their children. There is no boarding school there, so they rather withdraw and send them to other areas where they can get boarding for their children.

This school principal has tried to even retain two classrooms, which might even sound illegal, to accommodate students to sleep there. They are clean, she has really tried her best to keep this school going and not to continuously lose students and ultimately, teaching staff.

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Like I said at the beginning of my contribution, there is no way in which I can really confront or maintain a nasty attitude towards the current Minister of Education and all his colleagues, including the Deputy, because they can unfortunately not, with due respect, under the circumstances stretch the remaining drop of human capacity left on the ground to drive towards 2030, if we cannot change our settings now.

With regard to tertiary education, the Honourable Dienda asked a number of questions and yes, these questions are pertinent. I have for example done my BA-degree in 3 years. Afterwards it was made 4 years and I was in a danger zone when I asked what the additional year was for. Was it a fourth year or was it a year below the first year? I could not get an answer on that.

Then again the relevance of courses must be a choice between tailor-made courses for Government's own development programmes, on the one hand, over a certain time and also the free labour market-related courses. There is, however, a considerable disparity between secondary school curriculum content, and our university and other universities outside Namibia. This is why Honourable Dienda is critical of the need for extra classes in Maths and English for post-secondary students before being fully accepted at tertiary institutions. This is where the fourth year is actually running lost. If a student has completed Grade 12 and still needs time to patch up where he or she has done poorly or not enough, they should be using the first year of university for bridging. I think it is now high time that we talk about these issues and address it.

Also mentioned was the bursaries and the allocation thereof and how they are determined by a mention of a wish in speeches of some of the higher authorities. They are certainly not need-driven, because sometimes we will say we need more doctors and engineers and with that imply that bursaries should be made a priority for Science students and little do we think about students who are doing so well at secondary school, that should be given priority to be trained as best teachers that should deliver.

It is also true that the issue of half bursaries does not work and this is the cause of squatters at UNAM today. Because some people know they have to pay these half bursaries back, they do not include accommodation and end up squatting with other friends and those are students who are coming from outside. I think some parents prefer to have their children at the UNAM campus and we should make those students coming from far a priority. I know that foreign students are accorded half bursaries and full bursaries and then made to stay in the hostel or when they come, they pay and they stay in the hostel.

I would also say that Katima Mulilo, for example, is perhaps even further than Gabarone and our students are within the country and having this large country, our students can come from far from the centre. I think this is an important issue

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that Honourable Dienda also addressed, where exactly the students coming from far are going to stay when they do not have relatives here. Life is already too difficult to take people into our houses, unless it is a family member.

Finally, Honourable Members, I thank you for your attention.

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**HON SPEAKER:** I thank the Honourable Member. Honourable Viljoen.

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**HON VILJOEN:** Honourable Speaker, I think anyone will agree that the school development fund should not exclude poor learners from access to schools. But we must also agree that the school development fund is a necessity for quality education. The amount is determined by the needs of the school itself without penalising poor people.

A good school participates in sport and cultural activities. It is not possible to run a school effectively without a school fund. A school with one rugby field, for instance, pays N\$6,000 per month for water, electricity and maintenance. A school with a school bus pays N\$24,000 per year only for the licence. The service and overhead costs of the bus are not included.

For the sake of this Motion I liased with a primary school in the rural area with approximately 66 learners from pre-primary till Grade 7. I looked at the expenses of the specific school and it is as follows:

Not all the learners in the mentioned school can pay school fees. In the beginning of the year the teachers ask sponsors for every child who cannot pay. They went to the private sector to sponsor these children. Some parents pay in kind. The school development fund is N\$670 per year and their main expenses are: The school bus – N\$36,000 per year. The school does not have its own field but pays rent of N\$3,000 per year. For the copy machine and copying facilities – N\$111,000 per year. Sport affiliation and transport – N\$40,000, maintenance of computers – N\$6 per year and then extra for education: The teacher has to prepare the textbooks for pre-primary and lower primary. The Government gave the school N\$35,000 for textbooks because the syllabus has changed, but it is not enough and the school has to use N\$40,000 from the school fund. Then general expenses like the alarm system of the school and maintenance of the buildings and cleaning materials is a further N\$29,000.

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I support the Motion that OVCs should be exempted from school development fund, but I wish to appeal to the Members not to see the school development fund as a nuisance or a luxury. If it is spent in the interest of the learners and if there is proper control and auditing every year, we must support the school development fund as a necessity for good education. I thank you.

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**HON SPEAKER:** I thank Honourable Viljoen for his contribution. Honourable Basson.

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**HON BASSON:** Thank you, Comrade Speaker. Honourable Speaker, Honourable Members, allow me to make a small contribution to the Motion on the issue of the school development fund and tertiary education brought by Honourable Dienda to this august House.

Comrade Speaker, it is really painful to see today how the mentioned fund increases every year at some Government schools. I think it is now time that the Ministry of Education should intervene and take a clear decision on the ever-increasing school development fees at least for primary education from Grade 1 to Grade 7.

Comrade Speaker, Honourable Members, we should know that we are dealing with parents from different backgrounds, with different income and the unemployment situation in our country is also a problem. I think that the decision of school fees is decided by the school boards, but it seems to me the teachers are also influencing the school boards about the school development fund, but they forget that they have children at those schools coming from different circumstances.

Comrade Speaker, as a lawmaker I am concerned about the ever-increasing school dropouts. Fact of concern is that most schools withhold the progress reports in the event of parents failing to pay the school fees. To me, this is inappropriate.

Comrade Speaker, some parents have not seen the reports of their children for the whole year and at the end of the year, you are informed that your child has been promoted to the next grade or failed...(Intervention)

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**HON VILJOEN:** Mr Speaker, may I ask the Honourable Member a question please? Are you convinced and do you know specific school principals where the results are withheld or is it a general statement?

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**HON BASSON:** Thank you, Honourable Viljoen, for the question. Through you, Honourable Speaker, it is not general. I can mention it, but I will not mention it here. But if Honourable Viljoen wants the specific schools, I can give him the names of the schools but not here in the Parliament.

Comrade Speaker, some parents have not seen the reports of their children for the whole year and at the end of the year, you hear your child has been promoted to the next grade or failed without seeing the reports of the child throughout the year. It is therefore not a general thing. I was a teacher and I am a parent.

Comrade Speaker, if it is possible to refer this specific Motion to the relevant Standing Committee and invite the public for public hearings, then you will hear how frustrated the parents are about this development fund. It is not a joke. (Intervention)

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**HON DR ANKAMA:** Honourable Speaker, may I ask my Colleague and Neighbour a tiny question? Comrade Basson, knowing that schools did not just develop out of nothing, these are classrooms built with finances committed by the Government, what do you think as a former teacher, knowing that the Government was able to construct classrooms, buy books, pay teachers, buy desks and furniture, even photocopiers and other related needs, where do you think as a former teacher this material would come from and where do you think the maintenance of these necessities to aid education would come from if parents are not contributing to what the Government has already provided free of charge?

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**HON BASSON:** I thank Chief Ankama for the question. Comrade Speaker, I think I will come there and Comrade Ankama will maybe give me the same information, but I am not against the school development fund, I am talking about the increase.

Comrade Speaker, it seems that we are paying different amounts to Government schools and that is my point. We are paying different amounts to Government schools from Grade 1 to Grade 7 and then the secondary school, but what about the free education mentioned in Article 20(2) of our Constitution? I quote, Honourable Speaker:

*“Primary Education shall be compulsory and the State shall provide reasonable facilities to render effective the right for every resident within Namibia, by establishing and maintaining State schools at which primary education will be provided free of charge.”*

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What does the word “*free*” mean? Comrade Speaker, whenever something is free, like some of us who liked to go to dances when we were young, if somebody announced that there is a free dance or disco at this hall, then we were going there, paying nothing. That is how we understand this “*free*”. Right Honourable Prime Minister, the first Minister of Education, that is how we understand “*free*”. But if somebody else could explain to the public what this article means, then I will be happy. (Intervention)

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**HON BOHITILE:** May I ask a question? I just wanted to know whether the Honourable Member is aware that not a single cent of the school fee or development fund goes to the State and that it is all used by the school itself and the parents for whatever and whatever the State is giving to that child is free? Is she aware that whatever is paid does not go to the State at all?

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**HON BASSON:** Honourable Bohitile, I understand what you are saying, but if this article meant that free education includes the chairs and to pay the teachers, then this article should be rewritten so that the ordinary person could understand. We are not English-speaking people and as it is stated here, we understand it as free education for primary level. That is how I understand it.

Comrade Speaker, even Honourable Ankama mentioned the photocopy paper, but at some Government schools the children are told to come with everything – photocopy paper, etcetera. That is why I say in the next Paragraph that I will be glad if the Minister of Education could propose a unified fund for all the Government schools – primary and secondary schools. (Intervention)

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**HON DR ANKAMA:** On a Point of Information, Comrade Speaker. Could I provide some information to my good Neighbour here? We all know there is no free lunch on earth, otherwise there would be nothing. Read Article 20 in its context. One, you get a free teacher, free classroom, free furniture, but yet you want to have free photocopier, free ink, free paper. Where do they come from? They are bought. These are consumables. I think we should understand that free education means that you do not pay the full amount, in actual fact you do not pay anything. You pay nothing. You are simply contributing to the well-being of your child at that particular school that the Government has provided free of charge.

Secondly, the schools differ and that is why some of the parents decided to take their children to school B rather than to school A. Why? Because there are better facilities there. Better education is taking place because better education is being aided by those facilities the school fund aided in buying.

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What we are saying is that you as a parent should contribute to the well-being of your child, contribute some funds. The funds are not the same because we are also not the same. If you take your child to Concordia, for example, it is not like the child who is at Etale Primary School, simply because Etale has less facilities, simply because the parents do not contribute sufficient school funds to buy the equipment.

In a nutshell, I feel we should be rational, or let me use the word understandable. We should be understanding enough, so that we can contribute sufficiently at our level to the well-being of our children. If we receive everything free of charge, we will not appreciate it.

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**HON SPEAKER:** There is another teacher on the list. I do not know whether it is a good thing for the House to have so many teachers.

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**HON BASSON:** Comrade Speaker, it seems to me that my Neighbour does not understand me, because I am not against the school development fund, but I have a problem because there are parents staying in Katutura whose children go to Concordia because of a better education, but it does not mean that the parent who is staying in Katutura has the same income as somebody staying in Pionierspark. That is why I say the Minister of Education should just come with a unified fund and that is my proposal. (Intervention)

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**HON DIENDA:** May I ask the Honourable Member a question, please? Honourable Basson, I just want to know what is included in the school development fund, because I know that we are paying for paint to paint the school, to repair the windows, for photocopy machines, for the licence of the bus to be paid over to the Ministry of Finance, we are paying for everything in that school development fund. Is it legal or what is it that we actually have to pay? We do not have a problem with the school development fund, but what is it that we must pay?

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**HON BASSON:** Comrade Speaker, that is also my concern, I want the Minister of Education to tell us for what are we paying the N\$800 to N\$1,000. That is also my concern.

Comrade Speaker, if the Ministry is not to introduce a unified fund, then many children will find themselves out on the street. (Intervention)

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**HON DEPUTY MINISTER OF LABOUR AND SOCIAL WELFARE:**

Comrade Speaker, may I ask my Sister a question? Let me put it as a point of information to Comrade Basson and the public out there. The amount paid to the school development fund is not determined by the Ministry of Education, it is determined by the school board which consists of parents and teachers and the Ministry of Education made it categorically clear that a learner whose parents cannot afford to pay should not be punished. But why can the principal or the school board not be punished if a learner is chased away from school? Because it is clear that they may not be prohibited to attend classes. Honestly speaking, that is one thing we need to look at.

And mind you, Namibia is a capitalist country and maybe the fathers of the Constitution here were thinking that it would be socialist. But it is true capitalist. So those are the fruits of the capitalist system.

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**HON BASSON:** Thank you for the information. I just want to know what measures of punishment is in place, but anyhow, thank you for the information.

Comrade Speaker, Honourable Members, I do not know whether you know that at some Government schools you pay registration fee. I have paid registration fees for my sister's children for next year, two different amounts for secondary Government schools. You pay a registration fee even for primary and secondary school. But my problem is that except for the school development fund they add this registration fee. Please let us help the poor parents who can really not afford to pay these high fees.

Comrade Speaker, on the issue of tertiary education, I would like to add the fact, that we should introduce a national policy on the ever-increasing and high fees charged by our tertiary institutions. According to statistics conducted by various scholars. We have noted that those who qualify and get admitted to our tertiary education institutions come from poor, low-income and broken homes, for example single mothers like me and the cost of maintaining even just one child at an institution like Polytechnic or UNAM per annum can be close to N\$20,000 and mostly this is what some of the parents earn per annum.

Comrade Speaker, Honourable Members, I strongly believe that if we can join hands with the private sector and also to bring in foreign investors to lend a hand in answering the question of bursaries, we can also urge certain Government sectors to set aside and make funds available for bursaries. Then we can overcome these problems.

Comrade Speaker, the *onus* does not lie with the Government alone. I also ask the

parents and the different stakeholders to look into meaningful ways to answer the question of paying for fees. I condemn those students who indulge themselves in needless activities like prostitution and claim to be paying tuition fees – like the stories that were in the newspapers that some of these UNAM students go out with *sugar daddies* to be helped with money. I condemn it, that is nonsense and should not be condoned. (Intervention)

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**HON NAMBINGA:** May I just ask a question? I just want clarity from the Colleague. Are you seriously saying that some of our daughters turn to prostitution for the purpose of paying the schools? Are we honestly serious that you sell yourself to pay for the school? Is that what you are saying? I do not believe that somebody who goes to the extent of selling her body has the capacity to go to school. What are we talking about? A person who sells herself! And as Parliamentarians we have the audacity to encourage people to go and sell themselves! No.

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**HON SPEAKER:** Honourable Nambinga is a certified disciplinarian of the House, particularly on matters of girls at school.

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**HON BASSON:** Comrade Speaker, just to answer to my Colleague, it is not me who is saying that, I am not from Windhoek and I am also afraid to walk around in Windhoek. I only move from my house to Parliament and back and whenever I am invited officially. But I read it in the newspapers and some Members who are sitting here maybe have the same information. It was also in *Informantè*. That is why I am saying, if it is happening, then we should condemn it.

In conclusion, Comrade Speaker, with these few remarks, I rest my case.

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**RT HON PRIME MINISTER:** Comrade Speaker, this policy came a long way, developing and debated, contested and sometimes condemned. That is to be expected. Any social policy is likely to have unintended consequences and this is not an exception.

With regard to the school development fund fees, the idea that came from the notion that education is indeed a shared responsibility. We must all make some kind of contribution in order for us to be committed to our schools.

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Now obviously we know that there are families there, some of them led by children, families made up of orphans and I think the system takes care of that by exempting them. The only problem with exemption is that the very people who work, you and me, are the ones who argue that if this child is not paying, mine must also not pay, knowing well that that child is an orphan. There is no social solidarity in our communities and this is what is causing the problem.

I do not think that any parent who is in a position to pay something will really object. In fact, they will do it gladly, because they know they are making a contribution to their children's education. That is why you find in some instances, like in the North, parents believe that any school in the South is a good school because when they were growing up, there were only two schools they knew, Augustineum and Döbra, and those days they were good schools. From there they think that every school on this side is a good school, so they dig deep into their pockets to send their children to some of the schools which are even worse than some schools in their own villages. That tells you that parents have a commitment to the education of their children.

One aspect which the Honourable Member should take into consideration in talking about this issue is that education, in socio-legal terms, is said to be the reproduction of society. If you mobilise and give the impression to the parents in your vicinity that the Constitution says primary schools are supposed to be free, you are not supposed to pay anything, that particular school will not provide anything extra to your child and your child is not likely to be successful.

But those parents who say, despite everything else, let us make a contribution, they have school buses, paying those licence fees not to the Ministry of Finance, but to the Roads Administration Fund and the buses transport their children to Swakopmund, perhaps to a mining town, perhaps to a farm and those children will have a wide experience, they will have the fully rounded education, whereas if you have reconciled yourself that Government should pay everything and discourage the parents to make a contribution and therefore deprive your own children of the possibility to learn beyond the classroom, because learning is not just in the classroom and learning beyond the classroom can only be planned by the school and the school can only do that if the school has resources and that is really the issue.

But exemption is there. Otherwise we will have a situation whereby these schools produce our society because the school is poor, children there do not develop optimally and eventually they become unemployed. Then you have schools there that try to optimally develop their children and these children pass their examinations, they go to universities, tomorrow they become leaders and the situation reproduces itself. Therefore we must be careful of some of these statements we make.

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Yes, there is poverty among our people ....(Intervention)

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**HON DIENDA:** On a Point of Information. Right Honourable Prime Minister, I do not know about other schools, but the school that my child is attending, apart from the school development fund, if there is any tour, whether it is to the Namibian Beverages or whatever, we have to pay separate just for that cost. Therefore that is not included in the school development fund.

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**RT HON PRIME MINISTER:** I hear what you are saying. Though I look a bit advanced, I still have children at school, not because I am a sugar daddy, because I started late. I was spending too much time in the trenches fighting the Boers. I know exactly what is happening in schools: Bake a cake, bring this and that, I know they are doing that and I do not know how many of you are supposed to be patron to how many other schools and you end up digging into your pocket. Because you are Prime Minister they think you have some little money there, given by Government to give donations, but it is not true. You have to dig deep into your pocket and you end up that ten percent of your salary goes to somebody else. But that is a good course, let us as parents do this, let us try to do so because the very trip to the breweries gives the children exposure to how the chemical processes work to produce disaster, like alcohol. It is good for their education.

Therefore, we should not complain about that, but we should be understanding of our members of society who cannot afford it. We should not be seen as if we are discouraging that to happen, because all the schools will come ...(Intervention)

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**HON MINISTER OF JUSTICE AND ATTORNEY-GENERAL:** On a Point of Order. I regret to interrupt the Right Honourable Prime Minister, but it is for a good cause. May I ask the Right Honourable Prime Minister a small question? Comrade Prime Minister, having served as a Minister of Education before and being a parent yourself, do you not think there is a huge amount of ignorance in the public about this development fund? Do you not think it is necessary for the public to be told as to what the purpose of this development fund is, for us not to continuously ask questions, probably irrelevant questions?

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**RT HON PRIME MINISTER:** Yes, a very important question. The answer is yes and no. The yes part of it is because this issue is being politicised by politicians who want to make a point and they come to Parliament, knowing well. Some of them were teachers, they know exactly how the school fund works, but

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they want to come and make a point here, exploiting the sentiments of the poor people. It is like the social pension. Honourable Kaura will come here every year to talk about social pensions.

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**HON MEMBER:** He wants to raise it to N\$1,000.

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**RT HON PRIME MINISTER:** He wants to raise it to one million, he wants every Namibian of my age to get one million. How can that happen? It is not possible.

But the other aspect of it is that some parents do not know that there is a call for exemption and they do not know the steps they have to take to get their children exempted. That is the ignorance.

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**HON DIENDA:** Honourable Speaker, may I ask the Right Honourable Prime Minister a question, please? Right Honourable Prime Minister, teachers do not have any mandate to bring in law for education, it is the lawmakers. That is why we as former teachers are making use of this opportunity to mention the crucial points in education that are not addressed, because the teachers do not have a voice in the schools. That is the reason we are bringing it up there. Are you aware that this is the reason, not because we want to score political points? That is not the issue here, the issue that we have the information, we know what are the problems on the ground facing the teachers, the learners, the parents and everyone.

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**RT HON PRIME MINISTER:** I know that Honourable Dienda was here when the Education Act was passed and the Clause about the establishment of the development fund was part of that and she never raised her voice against it. You were here when the Education Act was passed a couple of years ago, but you never complained. CoD-A or B was here. Anyway it is a law, you are supposed to know the laws of your country. I am talking about procedures to educate our citizens out there, that yes, we want to promote the concept of education as a partnership, we want some kind of contribution from parents. We know that there are parents who cannot afford, but these parents who cannot afford have an opportunity to be exempted. They should go to the school principals where they will be told the procedures of exemption from paying the school development fund fee.

You receive money from Parliament every month to do that, but now you ended

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up fighting who is going to cash the cheque. But that is your own problem. That money is to enable you to go back to Wanaheda and explain to the parents that in fact there is a possibility for you to have exemption, follow that procedure.

There is no intention to punish the poor Namibians, no, not at all, that is not the intention. The intention is to make education a partnership between parents and the Government. Thank you for your attention.

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**HON SPEAKER:** I thank the Prime Minister for his contribution. Chief Riruako.

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**HON RIRUAKO:** Mr Speaker, it is a pity for those who did not attend school in the early days. Sometimes their responses are vague because they did not have the background of the performance of the kids in the early days of school.

In the Parliament, according to the Prime Minister, everyone wants to score points and some of them know – I did not say you, my dear. (Intervention)

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**HON DEPUTY MINISTER OF WOMEN AFFAIRS AND CHILD WELFARE:** On a Point of Information. We are here today by voting and not by education. You should remember that Namibia is today free because of the uneducated people. You should tell the Nation that education is important and the uneducated are important. I thank you.

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**HON RIRUAKO:** I know what you are saying, it is better to those who have started the struggle now, like you. When I was in the field you were not even born.

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**HON SPEAKER:** Honourable Member.

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**HON RIRUAKO:** I am saying Honourable Member, yes. Everybody must be respected. To give a meal to you to eat and to take care of you, by then the Honourable Member was not even in existence. How many of my Colleagues here were in jail. Were you here by then? (Interjections). I was not DTA. DTA was not even here, they did not perform like me, we were not partners by then.

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Mr Speaker, I may say some of my Colleagues are here, some of them people like Shitilifa and you do not know who is Shitilifa. You do not know who is Nashiyela. That is what I recall.

Mr Speaker, I wanted to say this openly and some of them were not in existence those years. Honourable Ekandjo himself knows that. I said those who performed earlier before the others, some of them know the truth. I mentioned my Colleagues in jail, and to talk too much does not mean that you have performed too much. (Interjection). I am sorry you missed the point.

Mr Speaker, I am saying those who came to be very good in the field, in the fighting, they were not even there by then, they were not even born. (Intervention)

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**HON SPEAKER:** Let us stick to education.

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**HON RIRUAKO:** Yes, I stick to education, but sometimes some people must not tell things which are not true. (Interjection)

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**HON MEMBER:** Come to the topic, Chief.

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**HON RIRUAKO:** I will come to the topic if the people discipline themselves. That is why sometimes I mention the things. (Interjection). I am not talking about DTA, DTA was not even in existence.

Education now is something different. This gentleman did not even mention about education pumped into your mind. (Interjection).

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**RT HON PRIME MINISTER:** May I ask a question?

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**HON RIRUAKO:** To me you can ask anything.

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**HON RIRUAKO:** Can you say something about the Kumashi School of Ideology?

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**HON RIRUAKO:** You are a teacher, I do not think you had what is called early

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childhood education? Did you do that? That is a query. Your performance must be according to your education and training, something some of our teachers never went through. I am sorry about that, Mr Speaker. (Interjection). I do not want to say something that is not called for here, it needs some people who were trained in different worlds. (Interjection)

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**HON MEMBER:** School fees! School fees! School fees! School fees!

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**HON RIRUAKO:** I am not here to talk to you about school fees, I am talking about the school fund for the parents. It was not created just for the sake of those who have. Even if you do not have, you can contribute what you have at your disposal. That is a fact. The Honourable Member who is sitting here was in Zambia, but as a parent in exile I could do it to them. Some of them are dead, some of them are alive, one of them is here. Amwaama, those are the students at school, but I had to provide what they deserved. Talking too much here is not your performance behind it. You have to know what you are talking here and some people are allowed to say anything without a good performance background. I am sorry about that, you get money which you do not deserve – sorry.

Mr Speaker, that is how a parent must behave. You have to contribute for all the kids who are in school, but besides the fact that you are family, you are a relative, we have extended families whereby we are supposed to be responsible for them. I am sorry to say these people do not even catch what I am saying. That is how the old African way of life used to be and they used to contribute to the school even if they did not have kids in school. That kind of behaviour, that kind of character belongs in our society. You give when you have, but the bit you have you cannot even contribute to the school.

School fees are not important as such, the fund does not have an amount of money how much you have to contribute, but our people who did not have cash, they just contributed to the school. They could contribute goats, sheep and other people enjoyed the fruits of those who happened to have that kind of character and behaviour.

As I am saying now, people talk about something they do not know about, you eat the food of nobody, you eat the food of those who died, you eat the food of those who were in jail and now you are big bosses and wear big ties. (Intervention)

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**HON SPEAKER:** Who is that addressed to? Is it to the House or to somebody specific?

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**HON RIRUAKO:** It is the House and individuals who behave that way. You reap from something you did not work for.

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**HON DEPUTY MINISTER OF GENDER EQUALITY AND CHILD WELFARE:** May I ask the Honourable Chief a question? Honourable Chief, you say there are some people eating the food of the people who fought. Are you aware that you were eating with the money from both sides? During the time of South Africa you went to Kaoko to tell the people to give their children to the army and today you are here.

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**HON SPEAKER:** Chief, stick to what is on the Order Paper.

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**HON RIRUAKO:** Then you have to stop them.

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**HON SPEAKER:** No, do not provoke them. Stick to the Order Paper.

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**HON RIRUAKO:** You are quite aware of what I was going to say. Mr Speaker, I am not worried by that, I know who I am and history will tell her or she can read it for herself.

We are talking about the fund and I am not going to talk about Kakurukaze Mungunda, something you do not know. You have to come to me to show me how she died.

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**HON SPEAKER:** Honourable Chief, we are not talking about that. Stick to the Order Paper. School development fund and tertiary education fees is what you should talk about.

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**HON RIRUAKO:** It is good news to hear everybody wants to say something, but unfortunately it is a little too late. Mr Speaker, we talk about school funds, not who did what. (Intervention)

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**HON MEMBER:** Sit down!

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**HON RIRUAKO:** If some people want me to sit down, I am sorry about that.

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**HON KAIYAMO**

Mr Speaker, I said those schools the Honourable Prime Minister mentioned, like Döbra and Augustineum, were started by the people who contributed their cattle, who contributed their goats and sheep and we have to have that kind of behaviour. I do not want to say anything about those who came up with this topic, they provoked us to say something about it and to let them know how it started and how it was functioning and now we remind one another how to revive the good manner of the parent where we come from. I am not saying who, I put my words there for you to learn from it. But I am not provoking anybody else, if you did not do well during the old days, you are performing now and we accept it. I am sorry about that.

The topic is well put and well explained to those who do not do it and again now you happen to know how it was started and what was the requirement. I thank you for that.

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**HON SPEAKER:** I thank the Honourable Chief for his contribution. Honourable Kaiyamo.

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**HON KAIYAMO:** Comrade Speaker, Honourable Members, I rise to take part in the Debate of Honourable Dienda. This time our point of departure will be different in nature.

The Namibian people used to read the Freedom Charter and I am not quite sure if the disadvantaged people of Namibia she is talking about did that. What I know is that those people who used to read the Freedom Charter are the intellectuals who studied in South Africa, but most of us used to read the book called "*Red Book – Towards the Development of the Society under Apartheid and Capitalism*" and why we should join the struggle to free Namibia.

Furthermore, we used to read the paper from the Lutheran church called *Omukwetu* from the Roman Church called *Omukuni* and from the Lutheran Church around Khomas called *Emmanuel*.

Honourable Speaker, Honourable Members, furthermore, we used to read the booklets white in colour called, "*Education for All*", written by our current Prime Minister, Comrade Nahas Angula and everybody in our time supported Education for All. It is why you see Article 20(1) here. (Intervention)

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**HON RIRUAKO:** Are we having Education for All here? We have education for those who have money.

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**HON SPEAKER:** Chief, let the others also make their contributions. He is giving background, as you were doing.

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**HON KAIYAMO:** It is why Article 20(1) says that all persons shall have the right to education. My Sister left out this part and started with point 2 to make her point. My Colleague Dienda, prominently left out the most important section of that article, education for all, meaning education for the whole Namibian society. All persons shall have the right to education. Free of charge should be defined.

In my view the “*free of charge*” means the Government is providing buildings, teachers and books.

Honourable Speaker, it took the SWAPO Party Government over ten years to prepare and bring the Education Act to this House and some of us were here when this Act was passed and this Act must be read together with the regulations. The words “in kind” is also in the Act. That means that you can pay by giving chicken, goats or you agree to work in that particular school for a time agreed upon. Section 11 of the regulations say that you can pay in kind.

I was the chairman of the Committee of Education that toured the whole country and this article was proposed by the community in Oshana and Oshakati, saying that if they do not have money, they pay in kind and it means you can pay with a chicken, etcetera. If you do not have a chicken, you can go and say I am ready to paint for a whole month at this school.

Comrade Speaker, Honourable Members, there are no contradictions between the Education Act and the regulations. It only depends on one point of departure. Those of us who are departing from Katutura have different corners. If any school is not respecting the Act as an instrument of power, all instruments are in place and the Act is clear that if a certain school is not behaving according to the Act, the education officials are there to help you. (Intervention)

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**HON DIENDA:** May I ask the Honourable Member a question? Honourable Kaiyamo, you have been here three terms, I have been here one term. Can you just explain to me what measures are in place to punish those teachers or those school principals who do not adhere to the Constitution and the Education Act? It does not help us here to talk about the Act, because the thing is, these things are happening, our children are suffering and they are being kicked out of school because of the school development fund.

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**HON KAIYAMO:** I will refer you to the library to read. I think on the last page there is a penalty for those who are not respecting this Act and I think the penalty is N\$10,000. The courts are there.

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**HON DIENDA:** Is it happening?

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**HON KAIYAMO:** No, it is not happening, it is the parents who do not use this Act to punish these teachers. (Intervention)

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**HON RIRUAKO:** The point is this, the inspectors should be disciplined by this Government. All the Departments of Education have acted one way or another since the first day of Independence until now. We had those cases brought here in a Report given here. Could you reveal on that?

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**HON KAIYAMO:** Comrade Speaker, Honourable Members, regarding the fee at different schools, when Namibia got Independence, we had different classes of schools in this country. Now the Comrade Prime Minister is here, the reality is that the school ceiling is clear in the regulations of the Ministry of Education. I think it is N\$300 for primary school and N\$500 for secondary schools. That is what the Ministry of Education is putting here as a ceiling. This is the reality, but schools like Delta, Windhoek High School were already N\$1,000 per year at Independence. They could not bring it down, but if they want to increase that amount, then they must get permission in writing from the Minister of Education. If it is not done, then the administration is not doing its work, the parents are not doing their work by demanding their rights. The Constitution is clear, the Education Act is clear. But some schools are just asking more and more at their schools while they have to get permission to increase.

What I am saying is that the Ministry of Education is the guardian of schools and they may not ask more than N\$500. But they are adding all the time because some of these schools are not disciplined.

Today we read in the newspapers that the Ministry of Education was talking about undisciplined teachers. There are instruments which we can use.

Comrade Speaker, Honourable Members, before an amount is determined by a school, all the stakeholders are supposed to be present in a properly constituted meeting and to agree on the amount to be paid by that particular school per year.

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What is happening now is that most of these schools of the colonial time decide today to send a letter to the parents that the school fund has been increased, without the input of the parents.

If the parents of that particular community are sleeping, the principals will exploit that situation and if we as Parliamentarians are not doing our work to go to the communities on the ground and explain what the Government has been doing, then it is our fault. We have the task as parents, as Parliamentarians, as leaders not only to make rumours. (Intervention)

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**HON DIENDA:** Honourable Speaker, on a point of rumours and information. I just want information and for the Honourable Member to be clear on this rumour story, because we are not even clear where you found the information on the N\$10,000 penalty for principals. It is stipulated in the Education Act that if a parent refuses to pay the school development fund contribution, a school board may exclude the learner of such parent from taking part in any activity financed by the school development fund and contributions. It does not say anything about punishment and I am asking for the punishment and the rumours.

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**HON KAIYAMO:** The Act is clear that if you do not respect the Act, the penalty is there. (Intervention)

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**HON BOHITILE:** I would like to ask Honourable Kaiyamo a question. Honourable Kaiyamo, are you aware that the school development fund decision is taken by a group of parents or representatives of parents?

Are you also aware that we do have parents in our community who have since their children entered that school seven years ago, not attended one single meeting called by the school? Not one single meeting while the child has been in that school for seven years. Are you aware of that?

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**HON KAIYAMO:** All of us have a collective responsibility towards education. What I am telling people on the ground, when you go to the Region, you go to your *kambashu*, call a meeting, tell the people what the Government is saying. But you go to your *kambashu* and sit drinking – not you – some people.

What I am saying is that all of us must really get involved in this education business.

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HON KAIYAMO**

**HON SPEAKER:** Next time Honourable Kaiyamo will take a camera along.

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**HON KAIYAMO:** Yes, I will do that. Honourable Speaker, the bursaries are a problem. Our students are refused to write exams at institutions of higher learning. We need to support the Minister of Education to get more money so that they can allocate more money to our students. Although the problem has now been solved for them to write, it is only temporary. In January UNAM and Polytechnic will start asking for their money and the Minister of Finance should see whether they cannot get money to pay some of these things.

Comrade Speaker, Honourable Members, the Annual Report of the Ministry of Education is well developed ... (Intervention)

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**HON RIRUAKO:** I have a kid and he was expelled from Academia and I went to the Minister of Education and Honourable Mutorwa called the kid at his office and he explained everything to him and afterwards he ordered Academia to let the kids go back to school again. They could not defend themselves, they had to allow that kid to sit down in the classroom.

Why do the parents not do the same thing? That is a query and why did this happen to this one kid and everybody who had this problem did not even act. Why? That is a query from the Ministry and that is a query from me to you.

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**HON KAIYAMO:** The Report from the Ministry of Education is always on time in this House, the one from State House is second to that one by you. The instruments are in place, read them to be able to defend our Education for All.

Comrade Speaker, Honourable Members, I hope this House will look into the way the formerly advantaged schools are operating. These schools are refusing our children, especially from the disadvantaged. You will not find any learner from the formerly historically advantaged persons running around looking for schools. This is where we must come in and allow the children to go to some of these schools. I thank you, Comrade Speaker.

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**HON SPEAKER:** The House stands adjourned under Rule 90 until tomorrow afternoon at 14:30.

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**HOUSE ADJOURNS AT 17:45 UNTIL 2007.11.14 AT 14:30**

**NATIONAL ASSEMBLY  
ASSEMBLY CHAMBER  
14 NOVEMBER 2007  
WINDHOEK**

The Assembly met pursuant to the adjournment.

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

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**ANNOUNCEMENT ON BUSINESS OF ASSEMBLY**

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**HON SPEAKER:** Honourable Members, having consulted with the Government Chief Whip and the Whips of the other Parties, I would like to announce that as from today the time of sittings of the House will be extended in order to finalise the business on the Order Paper.

In the light of the previously unforeseen events, the Order Paper will have to be rearranged to accommodate Bills, Reports and other business before the intended adjournment I had mentioned earlier, that the current session will end on Thursday, 29<sup>th</sup> November 2007.

But due to the latest developments, this Session will now end next week Thursday, the 22<sup>nd</sup> of November 2007. That is why the Order Paper has been rearranged. Members are, therefore, kindly requested to shorten their contributions on the listed subjects to enable the House to complete the scheduled business satisfactorily. I thank you.

Second announcement, all Honourable Members are hereby invited to a briefing session with the Public Office-Bearers Commission scheduled for Friday, 16 November 2007 at 09:00 in C1 of the National Assembly Building.

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

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**MOTION ON BUSINESS OF ASSEMBLY**

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**HON BOOYS:** Honourable Speaker, I want the Honourable Members to listen carefully. I move without notice, that the proceedings on the first five items on the Order Paper be, in terms of Rule 94(b) of the Standing Rules and Orders, not interrupted if still under consideration at 17:45. I so move.

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**SECOND READING: VETERANS BILL**  
**HON RIRUAKO**

**HON SPEAKER:** Will the Honourable Member table the Motion? Any further Notices of Motions? Any Ministerial Statements? The Secretary will read the First Order of the Day.

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**VETERANS BILL: SECOND READING**

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**SECRETARY:** Resumption of Debate on Second Reading – Veterans Bill.

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**HON SPEAKER:** When this Debate was adjourned on Wednesday, 7 November 2007, the Question before the Assembly was a Motion by the Minister of Veterans Affairs, that the Bill be read a Second Time. Honourable Tjihuiko adjourned the Debate.

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**HON RIRUAKO:** May I say I was a bit disturbed by my Colleague, the Minister of Veteran Affairs, who was never straightforward on this issue. Why, I do not know. What kind of scheme is this that has no direction and whose way of doing things is wrong?

Mr Speaker, we cannot make a law for a certain kind without a right approach. Let me single out the word “*right approach*”. I may say it is correct to bring everything here un-concluded and un-designed, but it is wrong. How will we cope with your proposals.

Who are the veterans, and how are we going to treat them what kind of veteran? I am a veteran, I am not one of those who have been filled in and you know this. I was kicked out. Now who is the veteran you are talking about? Who are they, what have they done, what are their contributions? I would like to know. What kind of category do you use? It is a fact of life we have to deal with. You have to come up with the facts and the Bill must be based on those categories. (Interjection)

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**HON MEMBER:** What page?

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**HON RIRUAKO:** You can talk about your page while you are ignorant, I am sorry about that. The fact remains, who can we call a veteran? (Interject). The papers here can allow you to speak, but you know your performance is very wrong. (Intervention)

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14 November 2007

**SECOND READING: VETERANS BILL**  
**HON KAIYAMO**

**HON SPEAKER:** I appealed that the Honourable Members be short and to the point.

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**HON RIRUAKO:** The Bill here is a paper without a person behind it. You read from the paper or you have the knowledge of it. That is a fact.

Mr Speaker, you must be knowledgeable about what you are talking about, you must have experience. I read from the document, but you must come up with your own knowledge and partly your performance yourself. I heard, “*what page, what page*”, what is your performance to that Bill in the House? We want to talk about this Bill and the Minister concerned must also mention what I mention now. Not just that he is a member of SWAPO and he must be given this kind of opportunity, that is wrong. (Interjection). I do not want to conclude.

The fact remains that from now onwards, to stand up and talk in this House, you must act according to your own performance, 15 years or 20 years, not just that I was born yesterday but I will tell this House what I know. Perhaps sometimes you must shut up and keep quiet and wait to see how we perform. I am sorry about that.

Mr Speaker, the Honourable Minister of Veterans Affairs knows where I am coming from and I hope that you have this kind in your syllabi. I thank you.

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**HON SPEAKER:** I thank Honourable Chief Riruako for his contribution. Honourable Kaiyamo.

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**HON KAIYAMO:** Comrade Speaker, Honourable Members, I rise to support without hesitation the Veterans Bill, our Bill.

One needs to read this Bill together with the speech of the Minister to fully understand the context. In the speech of the Minister it is clearly stated, with which I fully agree, at Page 4 that “*a person who constantly and persistently participated or engaged in any political, diplomatic or underground activities.*” We know who were part of us in the struggle and Colleagues, we know who were the people who fought for this country. We know a lot of people, not here but outside, who were afraid to be part of us. But I am saying, we know who are the people.

If you are afraid that you might be excluded, that is life. (Intervention)

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**SECOND READING: VETERANS BILL**  
**HON KAIYAMO**

**HON RIRUAKO:** I did block the whole SWAPO army to come back and fight, for certain reasons. I did it. (Interjection). I do not want to hear from you, I know who you are.

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**HON SPEAKER:** Chief, you have to assist me, you had an opportunity.

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**HON KAIYAMO:** Colleagues, what I am saying is that the Bill is clear about what we are talking about. All of them might not have been SWAPO members at the time, but they were supporting the struggle and we know them and several lost their lives, some are still here. Some are in the location, some are elsewhere in the country and if you are afraid that you may not qualify, you can appeal to the Board.

I support the Bill and the Bill is very clear that we make a difference between those who sold out and those who were afraid and only after Independence wanted to be more SWAPO than some of us. What I am saying is that we know who were the people who fought for this country and the witnesses are still alive. I support the Bill.

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**HON SPEAKER:** I thank Honourable Kaiyamo for his contribution. Any further discussion? None. Does the Honourable Minister of Veterans Affairs wish to reply?

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**HON MINISTER OF VETERAN AFFAIRS:** Comrade Speaker, there were many contributions here and I would like to be systematic in replying. Therefore, if you do not mind, I would like to do that tomorrow.

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**HON SPEAKER:** Any objection? The Minister will reply tomorrow afternoon. The Secretary will read the Second Order of the Day.

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**MOTION ON PENSION PAYOUTS**  
**RESUMPTION OF DEBATE**

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**SECRETARY:** Resumption of Debate on the possibility of readjusting the taxation regime against the pension payouts of working citizens of the country.

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**MOTION ON PENSION PAYOUTS**  
**HON DR TJIRIANGE**

**HON SPEAKER:** When this Debate was adjourned on Tuesday, 23 October 2007, the Question before the Assembly was a Motion by Honourable Gertze that the Motion be adopted. Honourable Minister of Veterans Affairs adjourned the Debate and he now has the Floor.

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**HON MINISTER OF VETERAN AFFAIRS:** Honourable Speaker, Esteemed Members, I would like to contribute to and make my modest argument on the Motion seeking for the possibility of readjusting the taxation regime against the pension payouts of working citizens of the country. Personally I would not ask for the readjustment, if I had my way, but rather for the total overhaul of the taxation regime. It is my conviction that the taxation policy pensioners are subjected to, particularly us, is unfair, misleading as well as a disadvantage to the intended beneficiaries.

Pension payouts were supposed to be the last benefit one is harvesting after years of hard labour and contributing to the national economy. In some circumstances pension is paid out to the beneficiary due to either ill-health or disability. The objective of the pension is not necessarily to make the beneficiary rich, but to enable him or her to live an acceptable, decent life while he or she is no longer able to work for a salary or a wage. It signals now the downhill journey of the beneficiary.

The taxation regime we have here in Namibia is totally unfair, to say the least. It is such unfair because after years of hard work and faithfully contributing to the economic growth of the country, your last benefit is not only taxed, but heavily taxed – as if you are going to work and earn some more money again.

The taxation regime is also misleading regarding the exact amount of money one is entitled to after retirement. It is a common practice to ask for a quotation to ascertain your benefits. If your pension is worth an amount to the tune of, let us say, N\$1 million, at the end you may get about N\$700,000. This is very disappointing and disruptive because you are being taxed at the end of everything.

It is against this background of pension payouts that I fully support the Motion to readjust and totally overhaul the taxation regime of Namibia.

Of course it is argued that a certain part of the money is tax free when being taxed that time. But why do not tax it that time, because I am not very interested in getting taxed at the end of the day. Tax it once, take whatever is due to the Government at that time and when it comes at the end of the day when one goes for his money, the tax must already have been collected so that you finally get what you want.

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**HON DR TJIRIANGE**

There is an absolute need to make our system more friendly, more humane and more predictable. Tax must be flexible and considerate.

I also agree to the fact that age categorisation of taxation seems to be discriminatory and unjust. It is not only unfair to those younger than 55 years, it also disadvantages beneficiaries over the age of seventy. That means if you start the same day to be Members of Parliament, one is, say 55 years and the other may be 75 years, your benefits may not be the same if you are to retire the same day ten years later. The older you are, the less you would get from the pension fund.

Both the tax law and all the laws governing the pension funds have their origin and make from this august House. Just as we have the power to legislate laws, we equally have the power to amend any law this House has passed if conditions and necessities for that arise. We should not create monsters that will dissatisfy the beneficiaries.

I suggest that the tax regime must be such that tax deduction is made earlier while the person is still in service, so as to avoid a situation whereby the pension of the beneficiary is subjected to tax at the time of retirement, and this is the point I am trying to make, that the deduction is made earlier while the person is in service so as to avoid a situation whereby the pension of the beneficiary is subjected to tax at the time of retirement. While you are you and in the service, you may have some other means of income and that is the right time to tax, but once I have retired, I would like to have my whole pension without being subjected to tax, and this we can do.

And above all, we have money lying there, sometimes in millions, and we do not have access to that money. Just imagine if anything happens, I have been sitting there, my money is there and by the time that it is due, the value of the money has dropped. By the time I am going to get my million, it is only worth N\$200,000. It happened in Zambia. By the time that beneficiaries went, their money was just paid. Now I have money which is lying there, I do not have access. If we had access to this money, I could find a way to invest it in the meantime pending our years when we are going to retire.

We must have a way how to access our money so that at the end of the day, if anything happens, at least we have the value of the money. I am telling you, after five years.....(Intervention)

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**HON DEPUTY MINISTER OF JUSTICE:** May I ask the Honourable Member a question and I am sorry to disrupt his very important contribution. Maybe the legislators that time thought that it is a good thing to tax the pension

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**HON DR TJIRIANGE**

when you retire, because as you are aware, in Namibia the pension for the elderly is also from this fiscus. Maybe this money accumulates and then the interest earned from this money is distributed to our elderly because we do not discriminate when it comes to the elderly, whether they have been working or whether they have not contributed to any pension. There are people who in their whole lives have never worked, but upon reaching the age of sixty, they are entitled to something.

Maybe there were some good intentions to keep those money so that it accumulates and then that balance is given to the elderly. That is my question.

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**HON MINISTER OF VETERAN AFFAIRS:** Is that the only money that can be kept so that it can benefit others?

Accessibility is a problem. A person works and pension is deducted on a monthly or yearly basis, the pension accumulates into thousands and even millions for some people. While you are amassing millions, the normal house life is taking toll whereby you need a decent house, paying education for your children....(Intervention)

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**HON DEPUTY MINISTER OF LANDS AND RESETTLEMENT:** May I ask the Honourable Minister a question? Comrade Minister, when we say pensions it means it is for somebody who has retired. If we change it that every time you want to access it, you can do so, what will be left and what will happen when you retire? Will that still be called a pension or it might be something else?

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**HON MINISTER OF VETERAN AFFAIRS:** I will take your question at the end. What I was saying is that while you are amassing millions, the normal house life is taking its toll, whereby you need a decent house, pay education for your children and to acquire other fixed properties, such as land.

The experience we learnt from other countries is, while your pension is worth millions, you have uneducated children as there is no money, the national economy sinks into deep slump, the currency is devalued to the extent that a million dollars will be worth less than N\$200,000. And this is the time you are retiring as a yesteryear millionaire and a pauper of today.

It is my contention that Parliament should legislate a law enabling citizens to have more access to their pension schemes with the purpose of acquiring fixed properties, such as houses, farms as well as pay for children's education.

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**HON DR TJIRIANGE**

In some Scandinavian countries, Finland as the best example...(Intervention)

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**HON SIOKA:** May I ask a question? Comrade Minister, thank you for the opportunity. I would like to find out from you, how do you see from the side of the civil servants, the majority people who are very much affected by HIV/AIDS, that since the medication is getting very expensive, how do you see it that maybe they should be assisted by their pension, and also the education of their children?

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**HON MINISTER OF VETERAN AFFAIRS:** I think the argument also flows to them. If I am sick I have no money to have proper treatment and I am sitting on the money, and you wait for me to die so that somebody can inherit it, instead that I can use it to cure myself. It is the same arguments.

As I was saying, in some Scandinavian countries, Finland as the best example, pension was used for development. Individuals accessed their pension to build houses, to purchase land and to educate their children. Such schemes were carefully designed that it should not be at the detriment of the member or the pension fund itself. A member accesses the pension scheme and gets a loan from there with a minimum interest of only 3% payable within five years. This is something we could do to use our pension productively while we are alive, strong and active.

As I said earlier, the Finish retirement and pension fund is the best example we in Namibia could emulate. After World War II, the Finish Government embarked on creating a pension fund for its employees. Over time, this pension fund was adjusted to such extent that it is used to finance housing, railways and electricity extension of the country. There is no reason, therefore, why Namibia cannot be innovative enough to use the billions in the pension funds in this country to address the challenges we face such as education, health, housing, infrastructure, agriculture, etcetera.

There is an absolute need to make our system more friendly, more humane and more predictable. Tax must be flexible and considerate to the clientele. After all, the money is that of the client.

I also agree to the fact that age categorisation must be looked at and I have already made my point on that one.

Therefore, Comrade Speaker, both the tax law and all the laws governing the pension funds have their origin in this House and it is just who have to look at them and tune them in such a way that they become user friendly, so that at least we can be able to benefit from that money while we are alive.

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**HON RIRUAKO**

I do not want to retire from here, live one and a half year and retire into my grave again and all my money is left behind and I did not even enjoy anything. We are already over seventy and people are surrounding you, knowing that this old man has a lot of money, he will survive for six months and then they take it. We have to do it now.

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**HON SPEAKER:** I thank the Minister for his contribution. Any further discussion? Honourable Riruako.

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**HON RIRUAKO:** Honourable Speaker, our Colleague, the Honourable Minister, did well, I may say this. The Government misuses this money. The pension fund is being used by companies and Government parastatals and I am sorry about that and I cannot deviate from what I am saying. That is the truth and the truth alone. But it is very difficult for the owner of the money to obtain it, the individual who is recognised as an entrepreneurs to have the right to access that money. You can say it behind the scenes or you can say it publicly, it is the same.

It is better to be used by the owner or somebody else who is recognised as such. That is why I am supporting my Colleague in this matter. The amount is there to be used, but you are taxed while the money is a company asset. It happened behind the scenes, but now here is the Parliament where we say Par-lia-ment and we have to talk about it. If you have the right to my money, I have the right to my money. Access must be dual. I am sorry about that.

I am not here to beat about the bush and the fact remains that if I had access to the money and you have access to the money, it could be put to use and maybe I can obtain some profit from your side.

Mr Speaker, there must be a balance in usage. I think it is enough for anyone to know what I am saying and who also happen to know about the bookkeeping of what I am saying. They know how they put some money back and some money also disappears. (Intervention)

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**HON SIOKA:** May I ask the Chief a question? I would like to find out from the Chief, since he is advocating that the pension money should be accessible and the Chief resigned, is the Chief expecting the bulk from that pension? He resigned and took his money, now what is left there?

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**HON RIRUAKO:** You are insulting me here, but I did not take your money, it

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is my money. The money I had is mine, now what is your concern? As I said, you used my money to do other things, and now you are concerned that my money will be taken ahead of time. (Intervention)

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**HON MINISTER OF FINANCE:** May I ask the Chief a tiny question? Honourable Chief, since you are advocating that the taxation policy must differentiate between income earners on the basis of age, is the Honourable Chief saying that those citizens that find themselves unemployed during the age they is supposed to be at pensionable age, should also be exempted from paying income tax just because they are above the age of 60? That is one. If you are a Member of Parliament and you are above 60 and the argument is that you have contributed since your youth, does it mean that it is justified that once you are 60 your salary should also be exempted?

Secondly, what happens to a person who only started to get a salary at the age of 60? I became an Member of Parliament, I was not working before I was sixty. When at sixty I become an Member of Parliament, what happens if I have not been contributing any taxation in my youthful age? What happens in that case?

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**HOUSE ADJOURNS AT 15:40**

**HOUSE RESUMES AT 16:15 PURSUANT TO ADJOURNMENT**

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**HON SPEAKER:** When the House took a brief recess for refreshments, the Minister of Finance had put a specific question. I give you the Floor to respond.

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**HON RIRUAKO:** Mr Speaker, what I really want to say is that one CEO got one million in perks for one year. I am sorry about that and compare them with some poor people who are sitting here, who are working day and night, no salary of that kind and no money deducted for tax. What for? In the past who were the teenagers and suddenly they are under the Minister concerned and at the same time they are the they are there. I know what I am saying. You transfer them one by one after they served that year.

Mr Speaker, this is the way of life I have come across. These people do not get the same privileges as the CEO of the parastatal, one million their pension. If you work for 10 years or twelve years it is N\$12 million in total and that is entitled to be taxed. But the poor people who are sitting here do not have those kinds of privileges. Therefore, they are entitled to be taken care of by the very same House and be immune from tax after their retirement. You cannot tax them double, you tax them while they are at work, you tax them once they have retired. That is wrong. That is why I am saying they are entitled to what they are asking for.

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Therefore, I support the Minister concerned who spoke before me, Honourable Tjiriangé, that we worked so hard and we suffered more in comparison with that CEO who comes into the job and he gets one million to take home. I do not want to mention those where I used to work. They really deserve nothing and it is unfair. (Intervention)

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**HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE:** Honourable Chief, you are educating us, but this abbreviation OC, what does it stand for?

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**HON RIRUAKO:** I said CEO. For us to live that way and give all these privileges to the people who have never suffered, although they have qualifications, do they deserve to be paid more than us who were elected by the people to be in this House and to maintain law and order? Do we have all those privileges? Really, I mean it, I am asking the question.

We cannot play the game that way, at some time we have to revisit our decisions in order to have the same way of doing things and be equal before the law. We cannot just be used as good usage, but if it comes to salaries we must be underpaid. I am sorry about that. I thank you.

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**HON SPEAKER:** I thank the Honourable Chief for his contribution. Any further discussions? Does Honourable Gertze wish to reply?

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**HON DIENDA:** Honourable Speaker, I would like to adjourn the Debate until Tuesday on behalf of Honourable Gertze for his response.

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

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**MOTION ON MEMBERS OF PARLIAMENT  
PENSION FUND ACT**

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**MOTION ON ELECTION PROCEDURES  
HON MOONGO**

**SECRETARY:** Resumption of Debate on the current discrepancies contained in the Members of Parliament and Other Office-Bearers Pension Fund Act, 1999 (Act 20 of 1999).

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**HON SPEAKER:** When this Debate was adjourned on Thursday, 8 November 2007, the Question before the Assembly was a Motion by the Honourable Venaani, that the Motion be adopted. Honourable De Waal adjourned on behalf of Honourable Venaani. Honourable Moongo.

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**HON MOONGO:** I move that the Debate be adjourned until tomorrow for his response.

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**HON SPEAKER:** Further consideration of the Motion stands adjourned until tomorrow afternoon. The Secretary will read the Fourth Order of the Day.

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**MOTION ON PROCEDURES IMPLEMENTED  
IN ELECTIONS**

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**SECRETARY:** Resumption of Debate on procedures implemented in the elections.

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**HON SPEAKER:** When the Assembly adjourned on Tuesday, 30 October 2007 in terms of rule 90 of the Standing Rules and Orders, the Question before the Assembly was a Motion by Honourable Kaura. The Right Honourable Prime Minister adjourned the Debate and he is not present.

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**HON MOONGO:** Thank you, Honourable Speaker, Honourable Members. Democracy is very expensive and it will be a long process which will take many years. The smaller Parties cannot afford the expensive exercise, that is why in most poor countries some poor Political Parties cannot participate in elections freely.

Mr Speaker, Honourable Members, let us amend and reform our Electoral Act in order to avoid mistrust, to avoid delays in the election process. Let us make elections transparent, accountable, accurate and efficient to promote true, fair and extensive competition in elections in Namibia. Therefore we need a healthy political system.

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**MOTION ON ELECTION PROCEDURES  
HON MOONGO**

Mr Speaker, Honourable Members, there is deliberate mismanagement and naked stealing or forgeries in Namibian elections. I therefore, propose that if there are no Amendments as requested by Honourable Kaura, to change the election management, let us rather not participate in elections because it will not be fair, it will not be free.

Mr Speaker, Honourable Members, we must further avoid mistrust, let Namibia give equal services and equal opportunities to all participating Political Parties in order to prevent one Political Party which is rich to monopolise the election. Let us not allow the rich Political Parties to abuse, suppress and dominate the smaller and poor Political Parties.

Mr Speaker, Honourable Members, historically four-fifths of the African Continent was ruled by authoritarian regimes and monopoly of power and suppression of smaller Political Parties. The time has come to overcome political monopoly. (Intervention)

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**HON MINISTER OF VETERAN AFFAIRS:** On a Point of Order. I need to be guided by the Chair. The Honourable Member made a serious allegation that the process of elections here is rigged and all those words that he has used. Does it imply that all of us as we are sitting here – and that is the conclusion – are here illegally because we came through these elections as we are sitting here, that the process is so bad, that when we are here, we are illegitimate? Is that what he wants to say, about all of us, including him?

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**HON SPEAKER:** Honourable Moongo, you can still say what you want to say without implying what the Minister correctly reminds us all of. Otherwise you would not be here, your Party would not be there, the rest of us would not be here, including the Speaker.

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**HON MOONGO:** Mr Speaker, it is not always fair to us in our hearts to hear after election that people go to court. It is embarrassing, it is not a good thing.

Therefore, let us rearrange or let us re-look at the Electoral Act so that we change it. It is embarrassing to the African continent. (Intervention)

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**HON RIRUAKO:** On a Point of Information. Mr Speaker, we have a machine here that we are not using yet and that machine must be installed by the experts

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**MOTION ON ELECTION PROCEDURES**  
**HON MOONGO**

from abroad or here in order to make sure no election is rigged. Why? That is why it is here, but it is not put to use in order that we avoid accusing each other.

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**HON SPEAKER:** With the next elections we will certainly make use of the electronic equipment that was demonstrated to a number of us. That will come in the future. But back to Honourable Moongo, the allegation that you have made has serious implications, some of which the Minister of Veterans Affairs pointed out. You did not mean what you said unless you want to confirm that you meant what you said. If you did not mean what the Minister pointed out to you, you should withdraw.

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**HON MOONGO:** No, what I mean is that it was not the first time that after elections we were taken to court. In Namibia it is the second time and I do not want it to be a third time.

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**HON SPEAKER:** But you know what the court said.

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**HON MOONGO:** No, we did not get the final ruling yet.

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**HON SPEAKER:** The court ruling did not agree with what you were implying. Honourable Moongo, I do not want us to have a bilateral Debate.

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**HON MOONGO:** I withdraw that. We still remember in our minds that happened in Ethiopia by the Workers Party and in Angola with MPLA, Mozambique with Frelimo and Sudan with the SSU who used political monopoly....(Intervention)

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**HON MINISTER OF LANDS AND RESETTLEMENT:** May I ask the Honourable Member a question? Comrade Speaker, I have two questions. These Constitutions, the SWAPO and the National Constitution (Interjection)

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**HON MOONGO:** That one of the Government is a separate document.

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**HON MINISTER OF LANDS AND RESETTLEMENT:** My question is, do

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**HON MOONGO**

you know the meaning of the blue colour, the meaning of the red, the meaning of the green? This Constitution is now 47 years old, this one is 17 years old. This one is thirty years older than this one and they are here to stay. In 1989 the DTA believed that in Rundu the votes would put DTA into power and your president then, Mudge, went and voted in Rundu and he counted 5 votes. Now what are you crying for here? These flags are here permanently, so be satisfied with that.

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**HON MOONGO:** I think Honourable Jerry Ekandjo is not supposed to teach me the constitution of SWAPO, I am supposed to teach him. I know it much better. While he was in prison at Robben Island I was always with SWAPO.

I said we do not want a political monopoly and political suppression. Who is the next Party to dominate and manoeuvre and rig the election? It is SWAPO of Namibia and ZANU-PF in Zimbabwe and our political future is in danger to fall under one party rule. We want to have free and fair elections in the coming years. If the Government did not amend and allocate enough money to pay all Political Party agents during the elections, let us forget democracy and free and fair elections. (Intervention)

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**HON MINISTER OF VETERAN AFFAIRS:** On a Point of Information. People who are so fragile and live in glasshouses should not throw stones. It is fresh in our minds that in 1989 when democracy was dawning in this country, this airport was closed, Ariamsvlei and all the borders were closed, trucks and planes loaded full with voters to come and rig the elections in favour of DTA, were brought here. It is a fact that all of us know. What is he talking about? They were here! (Interjection)

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**HON MOONGO:** That is a serious rumour.

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**HON MINISTER OF VETERAN AFFAIRS:** Yes, it is true!

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**HON MOONGO:** For your information, I was organising elections around the border with Angola and people came on trucks from Angola and voted in Namibia and we took those registration cards and took them to the court. But due to your control of the justice system during that time, therefore you said it is not concrete information that the election was rigged. (Intervention)

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**HON MOONGO**

**HON DR GEINGOB:** On a Point of Information and correction. The Honourable Member is saying in 1989 we were in charge and controlling the justice system. Is that correct? We need facts in this Parliament. Honourable Moongo, you know what I call the Savimbi syndrome. Do you know what it means? Savimbi syndrome is when the opposition try to participate in democratic elections and they lose, they will never say they lost, they cry and put countries at war as Savimbi has done. That is what is called the Savimbi syndrome.

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**HON MOONGO:** I happened to know Savimbi and the cadres of Savimbi when I was in SWAPO at the front. We were sharing the same camp, sharing the same training, so what Savimbi knows is what SWAPO knows. (Intervention)

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**HON SPEAKER:** I am appealing that we make progress. I have made an announcement at the beginning of the commencement of this Session that we are under pressure of time, I pleaded for brevity and specificity, but I cannot deny the Honourable Members. I am only appealing to you. History is here for us to learn from.

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**HON RIRUAKO:** Mr Speaker, it is a Point of Order. I do not want to go back to what happened, let us go ahead to what is going to happen. Let us start now. We are sitting here to indicate to the world how we are going to be and what are we going to be. It is two different questions. We are not here to go back, let us go forward. Forget about what happened, we do not want to go back and now from here today go back in history to elections that took place in 2001. Let us leave it there.

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**HON MOONGO:** Thank you, that is why I said there will be fraud and intimidation of the Opposition. I still remember at Ongwediva Constituency the DTA was represented, but the representatives were forced to go away during night-time. (Intervention)

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**HON MINISTER OF HOME AFFAIRS AND IMMIGRATION:** On a Point of Order. I would like to remind the Honourable Member of the 1989 and 1999 elections when DTA members crossed the river and registered some members of Angola. When they came to hospital – and I am telling the truth – they came with DTA cards. When you asked them to bring their health passport, they brought DTA cards. Then we asked them how did they obtain these cards and they said people came with these things and gave them these cards. These people made them cross the border before the night of elections so that they can form part of the

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**HON MOONGO**

DTA members. That is what you did. That is the information, Honourable Speaker, thank you so much.

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**HON MOONGO:** No, what I know is only that many buses came from Angola and we traced them and we apprehended them and we took some cards and opened up a court case in Windhoek. I brought those voting cards to Windhoek and then we opened up a case and due to the fact that you controlled the justice system, you just dodged the case.

I was saying that will be fraud, intimidation of Opposition in the coming election. I still remember t Ongwediva Constituency the DTA was represented but the representatives were forced to go away during the night-time. They were forced not to overnight there. What were they busy doing? (Intervention)

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**HON DEPUTY MINISTER OF GENDER EQUALITY AND CHILD WELFARE:** On a Point of Information. In 2004 in Kunene Region, particularly the Epupa Constituency, the DTA went to collect some people from Angola and registered them as Namibians and gave them voting cards. Even Honourable Member Mbumba is my witness, he knows that you did those things. While you did those things you want to say that SWAPO did those things?

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**HON MOONGO:** No, those are concocted stories. I myself brought 10 voters to the polling station to vote and their ballot papers were double-crossed in order that they not be valid. They opened it and they made another cross in order to be spoiled ballots, in order to say there was not even a single Opposition member who voted. But I brought ten people there. It was at Ongwediva and thereafter it was said that not a single person voted for the Opposition at that constituency. Is that fair?

That is why I say, let us really be serious and if we need democracy we need to be open towards each other and be honest.

Mr Speaker, Honourable Members, we call ourselves a multiparty democracy at mouth, but at heart we are a tyranny political monopoly, power hungry and they are paving the way to a One-Party or Two-Party dictatorship (Intervention)

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**HON MINISTER OF LANDS AND RESETTLEMENT:** Honourable Moongo, suppose it happens in the general election of 2009 that the DTA wins 95% of the votes, would you say it is a monopoly and give some to the others or how will you feel? If all the people vote for DTA, is it democracy or what?

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**HON MOONGO:** I explained that I took some people to vote at a certain constituency and they double-crossed the ballot papers in order to make it invalid and then they were celebrating that there was not even a single Opposition member who voted in that constituency. This is the way SWAPO is manoeuvring, this is the way they are rigging the elections and we need free and fair elections. (Intervention)

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**HON DEPUTY MINISTER OF GENDER EQUALITY AND CHILD WELFARE:** May I ask the Honourable Member a small question? Honourable Moongo, we are all aware that in the Kunene Region there is only 1 Councillor of SWAPO, did you manipulate the votes in those constituencies because you won there?

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**HON MOONGO:** I just want to inform you what we have done. We strictly observed what the SWAPO officials did so that they may not have a chance to rig and to steal. That is why we happened to score one seat. Otherwise you would have rigged there, but we were after you. (Intervention)

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**HON RIRUAKO:** On a Point of Order. The fact remains that the DTA does not exist in Opuwo and that area anymore, I have taken all votes. You know that and I know that and they know that too. I thank you.

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**HON MOONGO:** Honourable Speaker, Honourable Members, let us reform the electoral law to allow polling agents to come from all participating Political Parties to manage elections. Let us give equal rights to the party agents, equal opportunities to travel together and arrive at every polling station or mobile station the same time, so that the rich and powerful SWAPO does not run elections alone and run it in its own favour.

With this I support the Motion on the table.

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**HON SPEAKER:** I thank the Honourable Member. I am sure the Honourable Members have received invitations. Tomorrow, 15 November, there will be a National Consultative Workshop on the review of the Electoral Act (Act 24 of 1992) at Safari Court Hotel, organised by the Electoral Commission and its directorate, of course in conjunction with the Ministry of Regional and Local Government, Housing and Rural Development. (Interjections). I am invited, I assumed that all Members knew. I did not think it was my responsibility, I

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thought it was a reminder, not an announcement by the Speaker. It is a reminder and if the Honourable Members do not know, I am expected to be there at the opening and to say something on the subject. I am surprised that the Honourable Members did not hear about it. Maybe the Minister can help us.

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**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,  
HOUSING AND RURAL DEVELOPMENT:** Thank you very much, Comrade Speaker, Honourable Members. The information as provided by the Speaker is correct. The position is that the Directorate of Elections has organised – and you know it is an independent body – this consultative workshop and has written to all stakeholders, which include Political Parties, and it has indicated that from each Political Party three members will be attending this workshop. It is at the national level and in the near future they will have a consultative workshop at the regional levels. They just want your participation.

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**HON SPEAKER:** Those Members who have special interest in this matter I think can gatecrash. Those Honourable Members of the House who are not included in those three can still gatecrash. I believe they will still be most welcome. Honourable Mutorwa.

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**HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND  
CULTURE:** Thank you, Comrade Speaker. I am taking the Floor to make a contribution to the Motion under discussion.

The Motion is asking us to debate the procedures that are implemented and applied during the elections. I am starting from the premise of quoting Article 1(2) of the Namibian Constitution.

Comrade Speaker, this particular Clause states the following very clearly: *“That all power shall vest in the people of Namibia who shall exercise their sovereignty through the democratic institutions of the State.”*

I am one of those people who will stand up and applaud the leadership and the Namibian Nation in general for what was achieved over the past seventeen years since the attainment of our Independence and since that time when the founding fathers and mothers of this republic successfully and within a record time, led by SWAPO, completed the drafting of the Constitution.

This particular article, Comrade Speaker ...(Intervention)

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**HON RIRUAKO:** On a point of correction. You worked on a framework.  
(Interjection)

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**HON MEMBER:** You were not a Member that time.

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**HON RIRUAKO:** I speak through the Speaker. SWAPO did not write that, it was written by Professor (Seidel) from Germany and that is how the framework was laid and you did not put any word beyond what was there, except for the 1982 Agreement which you now had a problem with.

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**HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE:** Honourable Speaker, I was saying that Article 1(2) of the Constitution states that “*all powers shall vest in the people of Namibia who shall exercise their sovereignty through the democratic institutions of the State.*”

Now we all know that the State has three organs – the *Legislature*, the *Executive* and the *Judiciary*. If we look back at the past 17 years, we have done well as a Nation, first and foremost, to strengthen the institutions that this Constitution is talking about. The Judiciary is there, independent and impartial to interpret the laws that are passed by the Legislature. The Legislature has been functioning so well, multiparty democracy, variety of Political Parties represented here and good laws have been made and are still being made in this National Assembly and the National Council of our Republic. The same applies to the Executive, which institution is entrusted with the responsibility of the day-to-day running of the Government.

Coming to this particular Motion, I would like to contend that it is actually wrong for us as Members of Parliament to come there through a Motion and start questioning the procedures that are applied in running the elections in this country, because the *modus operandi*, the procedures of how the elections should be run and conducted are clearly stipulated in an Act of Parliament that was passed here. Obviously, of course, no law is static, no law is perhaps hundred percent perfect, but even if there are loopholes in the Electoral Act that guides the conduct of elections in this country, Comrade Speaker, I am arguing it must be the responsibility of the Members who are sitting here to study that law and propose appropriate Amendments to fill the gap and to meet the shortcomings.

But to stand up here and make a statement as if the elections in this country are run by a Political Party is disingenuous, it is insincere and it is defective in terms of facts and truth.

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People are talking about the polling agents or party agents during elections. Comrade Speaker, we have a good formula, a good policy in place here whereby all Political Parties that are represented in the National Assembly are provided with state funding. Each and every Political Party represented here is provided with state funding and we must ask what are the main reasons for providing this State funding.

I will tell you that the state funding that is provided to the different Political Parties has a very noble reason and that is to strengthen and support those Political Parties so that they in turn can organise and strengthen their parties in order for democratic institutions and the democracy of this country to be strengthened. That is why you get that State funding, so that when the election comes next time around, you are enabled. Of course the Electoral Commission is the institution that is responsible for running the elections impartially and professionally. But if you want to appoint party agents to observe how the counting is done or how the actual election is done, that is the responsibility of the Political Party concerned and you must use for that both the state funding and the funding that you derive from your membership in order to appoint your party agents to observe what is happening. (Intervention)

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**HON MOONGO:** May I ask the Honourable Minister a question? I do understand your argument, but the point is that in certain constituencies where the polling agents overnight at the polling stations, the Opposition Parties' polling agents are forced to leave and that is why we want all Parties to observe properly and not only one Party to be allowed to overnight with the ballots.

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**HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE:** Honourable Speaker, what the Honourable Member is alleging is completely false. During elections – and we had elections in 1989, n 1994, 1999 and 2004 – nobody was forced and if there was somebody who was forced, you could have raised that issue then with the authority responsible for running the elections.

Comrade Speaker, I think the reason why this Motion is here – of course this is a political house – is just to make political propaganda and in the process confuse the electorate and the people in this country. (Intervention)

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**HON DR GEINGOB:** Could I ask a question? Honourable Mutorwa, there is a claim by DTA that elections are rigged. Do you recall the last elections when DTA used to have fourteen members here? After the elections CoD came into

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being and they got only seven. Does it mean that CoD rigged or who rigged the election? Why did they lose those seven? Because of rigging by CoD or what? Because they lost to CoD.

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**HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE:** I suppose you recall what Honourable Dr Hage Geingob is saying. In 1989 the DTA got 21 members here, then later 14, then later 7. The question that Honourable Dr Geingob is raising and you are in a better position to answer it, are you now saying that CoD rigged the elections and took your seven members? Is that what you are arguing? (Intervention)

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**HON RIRUAKO:** Honourable Speaker, what happened is that CoD has taken some and Honourable Mudge has taken some and I have taken some. (Laughter). That is the point. Now what happened here with SWAPO, after the congress we do not know how many people will remain on the SWAPO side and how many will go to RDP's side. Rigging is something else, but this will happen after your congress. You know it as you are sitting there.

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**HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE:** In conclusion, Comrade Speaker...(Intervention)

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**HON MOONGO:** On a Point of Information. Since SWAPO-D left SWAPO and CoD also came out of SWAPO, they just rigged and they got a two-thirds majority.

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**HON RIRUAKO:** There is no need to rig this time, we are divided into different Political Parties. Let all of us work hard together and watch one another effectively – those who happened to run away from SWAPO, or those who have run away from the DTA and the leftovers of DTA and whether they are going to come back I do not know.

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**HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE:** I was really concluding and what the Chief has said is what I want to conclude with. The fact of the matter is, as Members of the National Assembly we must always remember that the whole Namibia is one single constituency and we have to organise, and as Political Parties represented here we must, first and foremost, use that State funding appropriately. I think all Political Parties are using

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the State funding appropriately to strengthen your own internal Party machinery – even my brother who by default got one member in the Nkurenkuru constituency. (Intervention)

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**HON MUDGE:** I am sorry to interrupt, but I just want to ask the Honourable Member, through you, whether he could tell me what he would be able to do with N\$180,000. I would like to ask the Honourable Member what his Party would do with N\$180,000 per annum, because I can tell you what I would do if I got N\$30 million.

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**HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE:** The formula is proportional. If you are questioning the formula, then it needs a different platform to be debated. But the formula, which I think is objective and fair, is that the number of seats that you have here determine the amount of money that you get and I think it is fair, because we come here on the basis of the votes that we have acquired, which reflect the mandate that you have been given to come here.

Honestly speaking, you are only one here and also your friend, Honourable Viljoen. Therefore, the formula is proportional and I think it is fair. If you want to get more, work hard and organise. Next time you will get more. There are two issues at stake here: Even Political Parties who are not here also get their funding through their members. The more members you have, the more you get, so do not be jealous about SWAPO. (Intervention)

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**HON NAMBAHU:** Before the Honourable Minister concludes I want him to give some information and to make reference to that kind of information in his conclusions.

Comrade Minister, you are doing very well and one of the points is that it seems to be a lack of honesty in the Opposition Parties, because I for one served as a representative of my Party and together with agents from other Political Parties we were tasked to do things. Sometimes we had to accompany the officers to the airports with the polls coming from outside. You have to go early in the morning and when you get there, people were complaining that it is late in the night, they are not going there. These are their agents and it seems that they do not communicate honestly to their superiors that they do not work hard. Instead they say the elections are being rigged and yet their agents are not serious when they represent them there.

Now you want to rule the country while you do not even want to get up at

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night to be at the polling stations. I think you must use that money to inculcate values into your members and also use it to introspectively examine yourselves as to how you are doing things rather than accusing the Party which is not running any elections, which is actually not the electoral agency. I think you have a lot to do with the money you receive, rather than just using it to accused SWAPO for no reason. Could you maybe just make some references to that?

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**HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE:** I am concluding on a serious note, Comrade Speaker, by saying that the institution that was put in place to conduct elections, manage the elections in an impartial manner is called the Electoral Commission of Namibia and I remember at one point people were complaining here that the Electoral Commission is attached to the Executive. That was the argument then, that the Electoral Commission is attached to the Government, it is not independent. That time Dr Geingob was the Prime Minister and we debated it here and eventually it was decided that even its vote had to come through Parliament here.

That is the body that runs the elections in the country. Political Parties are vehicles that we use to campaign and SWAPO is strong and will remain strong. We mobilise, we recruit members and therefore we win elections free and fair. Any insinuation to say that SWAPO is winning elections because of the money is false. We have proved it in 1989. In 1989 the DTA got millions and millions, but they could not even buy votes with those millions. Remember that? Millions and millions of money. So, it is not a question of money.

Now let us work hard, Comrade Speaker, to strengthen our institutions and any false information from the Floor of this National Assembly to say that in Namibia there are no democratic elections is false. We are here, we must sell our country positively. We cannot come here and cry and cry.

Let us work together, let us strengthen our democratic institutions and our laws. If there are any shortcomings in the laws, including the electoral law, it is our responsibility here to propose the necessary Amendments. Anything to the contrary is false, it is not true and we reject it with the contempt that it deserves. Thank you.

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**HON SPEAKER:** Honourable Minister of Finance.

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**HON MINISTER OF FINANCE:** Thank you, Honourable Speaker. I think I

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have been assisted a great deal by Honourable Mutorwa who took from my mouth a lot of things that I wanted to say. Nevertheless, I would emphasise a few points and I just want to say that I think the call to staff the Elections Directorate with Political Party functionaries has nothing to do with wanting to ensure that our elections are free and fair, but it rather has everything to do with wanting to secure jobs for Party functionaries of Opposition Parties, because those opposition parties are not able to mobilise funds on their own to pay their own Party functionaries. That is what it is.

But I think that doing so will just be at the cost of destroying the non-partisanship of our electoral system, because what it means is that all those officials, from the presiding officer to the most junior official, would be Party functionaries, and they are the ones entrusted with administering the ballot, assist the blind and illiterate voters to cast their vote. It means that for example a DTA party functionary would be approached by an old woman who may be a member of the CoD or SWAPO to help her to put her mark on the ballot paper. How do you expect that person to do that fairly? I think that would even undermine the integrity of the electoral system because the voters may be taken advantage of. And of course, they will not trust these electoral officials when they know they are Political Party functionaries from other Parties, because our society is so small, we all know each other. If one go to the polls and I see this man who is the Vice-President of the Opposing Party and he is now the presiding officer, how do you expect that person who belong to another Party to have faith in these elections? There is even a possibility of confrontation and complete confusion at the election centres, because the Parties can get to each other's throats and there would not even be a need for party agents if all the parties are inside the polling centres and they are the ones administering the electoral system.

I think it will be chaos. The Honourable Mutorwa has correctly stated that the Opposition Parties cannot blame their dismal performance at the polls on the inadequate State funding to Political Parties, because in 1989 the DTA, especially was awash in funds and they were using these funds to have *braais* with free sausages and soft drinks for everybody but in spite of all this funding, they failed dismally at the polls. Even the SWAPO Party which was coming from the war in the bush, not having any funds, managed to score as many seats as we managed to. But the DTA in spite of all the slush funds from their collaborators, the previous Government, and all the enterprises that were left behind, just squandered all of that and drove the companies into bankruptcy by doing all kinds of things. They can therefore not blame their failure on the parties funding. They should rather just acknowledge that they are disorganised. (Intervention)

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**HON MINISTER OF JUSTICE AND ATTORNEY GENERAL:** May I ask

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the Honourable Minister a question? Talking about the dismissal performance of the Opposition Parties, since the last elections, how many rallies have they had, not one by one, but even all of them together? How many?

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**HON MINISTER OF FINANCE:** Actually zero, because what happens is that even the State funding that is availed to some of these Parties for them to administer ...(Intervention)

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**HON MOONGO:** On a Point of Information. During the campaign everybody in Namibia can see that the Ministers are travelling with Government vehicles when campaigning and addressing meetings. What do you expect from the Opposition? They do not have Government cars, but you use Government resources and that is corruption. That is why we want to be on an equal footing.

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**HON MINISTER OF FINANCE:** Honourable Moongo, we do not stop being public officials and Ministers during the campaigning period and we are not relieved of our duties as Ministers during that period. We are therefore expected to discharge our duties and to use the equipments that are availed to us by the State to do so. (Intervention)

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**HON DIENDA:** Honourable Speaker, on a point of information to the Minister of Finance. Honourable Minister, if the NBC can just level the ground, the way they are publishing Opposition Parties. The Opposition Parties do have rallies, but the NBC is not covering it, they always have excuses why they could not cover our rallies. Sometimes the camera has disappeared, they did not have a car, they did not have a camera, all excuses. But we do have rallies.

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**HON MINISTER OF FINANCE:** The NBC covers the Debates in this House and I can assure you that when we go home and watch the Parliamentary Debate, you are showed much longer than myself and if they can do that, I do not see any reason why they cannot cover the rallies of the Opposition Parties if they do take place. But they cannot manufacture them if they are not there. If the rally did not take place, the NBC cannot go there and just stand there and manufacture it. (Intervention)

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**HON MOONGO:** Last week we had our 30<sup>th</sup> anniversary and no one from the NBC went there to take photos. But even if one Minister goes to give 3 goats to the San, the NBC is running there. Only three goats or three cattle, imagine! This is open sabotage by NBC.

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**HON MINISTER OF FINANCE:** I have made my point already. I know of a certain case where NBC was invited to cover a supposedly press conference by someone who was establishing a Political Party. He was there talking about “*Your Excellencies, Members of the Diplomatic Corps, ladies and gentlemen*” and the hall was empty. But NBC had to be there to cover that person talking to himself. (Intervention)

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**HON DEPUTY MINISTER OF GENDER EQUALITY AND CHILD WELFARE:** On a Point of Information, Comrade Speaker. Comrade Speaker, Honourable Members, I joined this House after the second election. When I joined this Chamber, I got an allowance to come from Opuwo to Windhoek and I got money to go on missions. The Parliament got money for transport every month, as the Ministers did. What did the Members of the Opposition use that money for? They were getting an allocation for a car, water, telephone and many things. Why are you not using that money? It is only just for information, Comrade Minister.

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**HON MINISTER OF FINANCE:** Thank you very much for that information, but I wanted to say that the point has already been made that the Party funding is allocated on the basis of the number of voters that supported a party. That is to ensure that funding is allocated per seat or per voter, because if you were to give an equal amount of money to a Party who could not even manage to secure the full number of votes it needs for one seat in Parliament, as the one with fifty-four seats, that actually means that for the one person who voted for that minority Party, you give as much as for a thousand people that voted for the other Parties and that is not equity.

We complain about NBC not giving airtime...(Intervention)

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**HON MINISTER OF HOME AFFAIRS AND IMMIGRATION:** Comrade Speaker, the Honourable Minister is doing well. I have some information, through her, to Honourable Moongo, that the Namibian people are not voting for *boerewors* or whatever, they are voting for SWAPO because they have trust in it. Whatever you are going to do, the people know in their hearts for whom they are going to vote. You are wasting your time if that is your campaign today.

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**HON MINISTER OF FINANCE:** Thank you very much, Honourable Member and I wanted to say that when SWAPO was campaigning in the past, even before Independence, it was even banned from broadcasting. (Intervention)

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**HON DEPUTY MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT:** Honourable Speaker, on a serious Point of Order. When Honourable Moongo intervened, he said the NBC covers a Minister giving three goats to the Bushmen. I think the word is derogatory, it is insensitive. I wonder how you would interpret it if it is said that the Minister is going to give 3 goats to Ovambo's or Herero's. The San communities are a minority in this country and this lack of sensitivity to one another is really uncalled for. We are here building a Nation and he must withdraw.

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**HON SPEAKER:** I think the point he made cancels it out.

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**HON MINISTER OF FINANCE:** Thank you very much, Honourable Speaker. I was saying that SWAPO was not even allowed to broadcast its message. (Intervention)

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**HON MOONGO:** I would like the Minister to inform the House and the entire Nation on how many SWAPO rallies were not covered by NBC. How many? And again, how many anniversaries of SWAPO were not covered?

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**HON MINISTER OF FINANCE:** Are you finished, Honourable Member? NBC would never, ever have the capacity to cover all the rallies of SWAPO Party, never, because SWAPO is spread across the length and breadth of this country and we do not conduct rallies only addressed by Ministers, we address rallies at all levels of the leadership structure of our Party and NBC would never be able to cover all our rallies, not even our anniversary celebrations. I can tell you that.

I am trying to say, and the Honourable Member alluded to it, that people are refusing to vote for DTA especially, not because of the amount of funds that it gets from the state or because of the airtime given to it by NBC, but because of the reputation that it has in the public and the fact that it has no vision, that it is disoriented ...(Intervention)

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**HON NAMBAHU:** May I ask the Honourable Minister a question? Honourable Minister, could you maybe enlighten the House as to how many rallies did CoD 1 or CoD 2 call since Keetmanshoop?

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**HON MINISTER OF FINANCE:** My Brother, I would not even think that many of the gatherings that they want to call rallies do qualify for that. Sometimes you cannot tell the difference between their congress crowd and their central committee crowd and their section meeting crowd. (Intervention)

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**HON MOONGO:** I would like to inform the Minister that after CoD left SWAPO, SWAPO-D left SWAPO and now the new Party left SWAPO your credibility is worse than ever.

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**HON MINISTER OF FINANCE:** No, that is a testimony of our credibility, that those who want to break away can always break away but the ship remains steadfast. Those who want to jump out, will jump out but the ship is just moving my brother, unsinkable. (Intervention)

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**HON DEPUTY MINISTER OF GENDER EQUALITY AND CHILD WELFARE:** On a Point of Order. Comrade Speaker, through you Comrade Speaker Senior Minister, SWAPO lost juniors, not senior like the DTA who lost President Muyongo and lost the Paramount Chief Riruako. SWAPO did not lose Nujoma or Pohamba.

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**HON MINISTER OF FINANCE:** I wanted to say that no amount of state funding would help some of these Political Parties, they are doomed to fail because they have no agenda, they are disoriented and they have no reputation. The only way that they can redeem themselves is if they reorganise themselves. (Intervention)

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**HON DIENDA:** I want to ask the Honourable Minister a question. Honourable Minister, are you saying that SWAPO is orientated? I am just wondering, if SWAPO is so orientated, why did the people form the RDP and why are the SWAPO Ministers so concerned that they are even answering the RDP in the newspapers, if you are so sure about your ship?

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**HON MINISTER OF FINANCE:** They would be better placed to say why they have formed their Party, I am not a spokesperson of RDP, but I can speak for my Party and I would emphasise that we are confident, we fear no one, we are not doubtful about the fact that our people embrace us, because we and them are the same, our vision is their vision and we do deliver on the promises that we make during the election. Any person that breaks away from SWAPO will just go the same way that any other person has gone, including Honourable Ulenga.

I was saying that if some of this funding that is provided to the Political Parties to organise their political activities is misused on other things, then this Honourable House should even agree that Political Parties should account for these funds that are provided to them from taxpayers' money to organise political activities, but they squander it on other things. (Intervention)

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**HON DIENDA:** Honourable Minister, during this year's Budget Debate, me, Honourable Elma Dienda, has asked that all the Parties must account for the money that they receive from Government. I asked it here and my question was not answered. (Interjections). No, I am CoD, there is only one CoD.

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**HON MINISTER OF FINANCE:** I will say to the Honourable Member that accountability is not demonstrated by asking questions in this House.

If the Honourable Member wants to demonstrate commitment to accounting for these funds, her Party should have made use of these funds in the manner that they were intended for. If your Party uses these funds for other things and you come and ask questions, nobody will be impressed by that. (Intervention)

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**HON MINISTER OF JUSTICE AND ATTORNEY-GENERAL:** May I put a tiny question to the Honourable Minister? Honourable Minister of Finance, do you not think it is in the interest of financial accountability that this House gets to know where the money given to CoD is now located? In which account is it now deposited?

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**HON MINISTER OF FINANCE:** That is why I am saying to the Honourable Member that her Party can demonstrate its commitment to proper use of these funds and accounting for them by actually utilising those funds properly and accounting on a voluntary basis. If it is all up to me, I will definitely demand that they should account for these funds.

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**HON MOONGO:** I would like to know whether the Minister is aware that they have been hiding behind the revolution and the struggle to say we are waging the war, we are the authentic representatives and these are outdated and your days are now limited and you are now doomed.

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**HON MINISTER OF FINANCE:** Honourable Moongo, a private newspaper in this country reported during this week that Namibia is amongst the top fifty reformers in the world. Therefore, our record speaks for itself. The world is seeing, the indicators are there in education, in health, in water supply, infrastructure development, everywhere, even the stubborn gini-coefficient is starting to budge because of the SWAPO Party Government. We sustain our election victory by delivering on the promises that we have made at the polls. (Intervention)

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**HON DEPUTY MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT:** On a Point of Information. Technically, materially, factually it is wrong for the Honourable Moongo and Honourable Dienda to insinuate or to mislead the public outside there that there are people or Parties who broke away from SWAPO. It is not true because SWAPO Party is not an umbrella organisation. It is not like DTA, it is a Party, one coherent Party. So, there are the individuals who moved out, there is no RDP or CoD which moved from SWAPO. It is false, it is not materially correct and it is only those disgruntled elements, tribalists and money-mongers who go out and then start fighting amongst themselves.

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**HON MINISTER OF FINANCE:** Thank you, Honourable Kazenambo. I wanted to say, this place called Namibia is a home for all of us and like a ship at high seas on which all of us are boarded and let us not rock it, because if it sinks, all of us will drown. I am saying that to refer to the consistent allegations made by Political Parties in the Opposition that the SWAPO Party Government has been rigging elections. These elections have year in and year out been declared free and fair by the Commission and have never been nullified by a court of law. The court of law in Namibia has recognised the results of every election in this country as free and fair and they know very well that the seats that SWAPO Party wins in elections are seats that are genuinely and legitimately won by the Party. They know that very well. (Intervention)

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**HON CHRISTIAN:** May I ask a question? Do you know that the Opposition is enjoying the democracy that they are against? Before Independence we could not say a word then we were locked up in prison. But now they are enjoying it very much, more than the governing party. Do you know that?

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**HON MINISTER OF FINANCE:** Yes, I know that, Honourable Member. In fact, I know of some people in the leadership of some Political Parties who had left Namibia and gone to foreign countries, taking up citizenship there, because they were afraid to stay here and voice their views or join the struggle because they were afraid of the Boers, and I know of Members in this House who were members of PLAN and defected because they were afraid to face the enemy at the front. When we eventually defeated the enemy and returned home, they then start to threaten us that if we do this or that, that blood would flow. They were afraid to make the blood of the enemy flow when the enemy made the blood of all our people flow every day. Who are they fooling?

We brought democracy, they are enjoying it...(Intervention)

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**HON DEPUTY MINISTER OF JUSTICE:** On a Point of Information. I think the Minister is doing very well and I just wanted to add. Apart from the fact that the Electoral Commission has consistently declared these elections free and fair, we had independent observers from SADC who were here, we had independent observers from the UN, from the Commonwealth, from all these reputable institutions and they have concurred with the Electoral Commission that the elections in Namibia were free and fair and the procedures followed were correct. I do not know where you get this false propaganda that SWAPO is rigging elections. Are you questioning the credibility of those institutions? If you are questioning the credibility of those institutions, then I do not know what you are standing for. Then you are lost souls because you had the opportunity. In the 1989 elections you had slush funds which created the *Republikein*, you had Casspirs. I was in Katutura at my uncle's house when we returned and all these cars were full of Koevoet with guns, intimidating us, telling us that, "*you are going to eat those flags.*" You were intimidating and you must be thankful that SWAPO has brought humanity to you. We have civilised you, you were barbarians. We have brought you humanity because you were threatening us that we are going to eat those flags. But SWAPO, with its military force and police, they are independently observing these elections. That is my point of information.

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**HON MUDGE:** On a Point of Order.

---

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**HON SPEAKER:** One person at a time. Honourable Mudge has the Floor.

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**HON MINISTER OF FINANCE:** He was making a Point of Order. Honourable Speaker, I was saying that...(Intervention)

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**HON MINISTER OF ENVIRONMENT AND TOURISM:** Comrade Speaker, mine was just trying to assist that he wanted to make a Point of Order on a point of order. Honourable Nujoma did not have the Floor. That is all I wanted to do.

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**HON MINISTER OF FINANCE:** He was making a point of order. I am still on the Floor, he wanted to make a Point of Order on a Point of Order.

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**HON MUDGE:** On a Point of Order. I think we have been lectured so many times on what should be said in this august House and what not and the Ruling Party is very quick to say we must withdraw. I think it is very wrong for the Deputy Minister Nujoma to refer to people on this side of the House as barbarians and I think he should withdraw it.

---

**HON MINISTER OF FINANCE:** He did not say the people in this House.

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**HON SPEAKER:** Anybody who said the word “barbarians”. Deputy Minister, did you say “barbarians?” Please withdraw, do not debate that.

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**HON DEPUTY MINISTER OF JUSTICE:** I was referring to those elements who were threatening us in Katutura in the Casspirs. They were threatening us with guns. I know that! How do you call such people?

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**HON SPEAKER:** All that is on record. Honourable Minister, you have the Floor unless you are done.

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**HON MINISTER OF FINANCE:** I wanted to say, apart from these elections having been declared free and fair and having been observed by the organisation that the Honourable Member spoke about, the democracy in Namibia is acknowledged around the world and this Government is applauded for it. The

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Opposition Parties have never lodged a case in a court of law to challenge the legitimacy of the outcome of these elections. (Interjections).

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**HON MOONGO:** Is it true that he said *barbarians* and is it true that he cannot withdraw it? Is that really fair? In terms of age and in terms of long-term service, I am not the one who would be referred by youngsters like that.

---

**HON SPEAKER:** Can you help the Speaker to help you? You are correct that if Honourable Nujoma had made that reference about anybody in this House, as you heard me initially, I was prepared to ask the Deputy Minister to withdraw. He said he was making reference to those people who were in the Casspirs and so forth. Then I am not going to rule him out of order.

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**HON MINISTER OF FINANCE:** I want to conclude, Honourable Speaker, by saying that if the Opposition Parties had a case that there was rigging of elections, let them please go to the court and lodge a case there and then it will be considered by the courts and a decision will be taken. They had never done that because they know they have no evidence to support that.

---

**HON SPEAKER:** I want the Minister to complete, unless you have something that nobody has ever said before.

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**HON KAIYAMO:** Honourable Speaker, I just want to give some information. During the last election where CoD went to court for a recount, DTA was *tjoepstil*, they did not say anything, they were saying it was free and fair. What is this kind of selective morality today?

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**HON MINISTER OF FINANCE:** Yes, thank you very much. I was saying that the opposition parties asked for a recount of the election votes and that recount took place, and every Namibian, including the institution of the Court would agree that that recount was a waste of time and resources, because the outcome of the recount confirmed the first results that came out and that is evidence that the allegation about rigging of elections is a farce. We are winning elections because we are popular in this country and no over-funding, no court cases would ever change that. Thank you very much.

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HON PANDENI**

**HON SPEAKER:** Honourable Pandeni.

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**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,  
HOUSING AND RURAL DEVELOPMENT:** Thank you very much, Comrade Speaker. I would like to make a contribution on the Debate on the procedures implemented during elections, which Debate was also intended to bring out a notion that the Government should fund party agents during the elections.

Comrade Speaker, I just want to indicate some realities that are there. First is the fact that the law has made provision for Political Parties to have those party polling agents and party counting agents in order for the Political Parties to supervise 24 hours what is happening during any election, starting from the production of the ballot papers up to the election process, up to the counting and the result announcement. I think we have to applaud those who wrote this law, because they really had foresight because they wanted to ensure that the Government responsible to conduct the election is supervised by institutions that are not employed by the Government.

I must also indicate that this process also has a component, that those Political Parties, polling agents and counting agents are to report and are accountable to their Political Parties. They are accountable because they are the eyes and the ears of those Political Parties. If you do away with that process that enables the Political Parties to appoint such agents, then the question will arise whether they will still conduct what we call checks and balances.

Just imagine if Government is to be enticed to pay for these Political Party appointed polling agents and counting agents, then Government has to determine where their accountability would be, where they have to report to and where they have to account to and I do not think it will augur very well for the Political Parties. I think they will raise their voices if that process is interfered with.

It is also important to note and I believe that is the reason why Political Parties are being funded, particularly those who are in Parliament, funded by the Government to assist them to be able to manage both the day-to-day affairs and the political activities, that include their participation in elections. Maybe I could understand the Motion if the Debate was about asking for more money, because that is a different issue altogether.

Again, when we go back to history, it is also quite clear that whatever money Political Parties have did not start there, it started from where everybody did not have that money and because of the participation, based on the votes and the seats that they happened to acquire, based on the electorate that voted for that particular

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Party, it is on that basis that the formula is used in order to determine how much money is to go to which Political Party. I do not think there is a fairer deal than that one.

In fact, I even dare to say that the SWAPO Party only started on the 21<sup>st</sup> March 1990. Before that time there were Political Parties around here and I assume they had access to whatever money at that particular point. Maybe SWAPO was the one who was supposed to complain and say, we found you in the country with so much money and it is not a fair deal. But we are saying ours should be determined by the votes and by the trust of the electorate.

When you are looking at what is actually taking place during elections, some Political Parties had a few polling and counting agents and that is their democratic right to decide how many party agents there would be. But the law is very clear, indicating an equal number of party agents, both polling and counting from each Political Party. If you do not field these party agents, then do not blame the Directorate of Elections, do not blame other Political Parties because the law is treating all Parties the same with regard to the number of polling agents and counting agents.

I also want to indicate that if we are to be convinced to consider the funding of party agents, then I think we are even confusing the Directorate of Elections, because you cannot manage a system which you are not determining. It is very clear in the request that Political Parties are the ones who appoint these party agents and Government is not involved. Government is not involved, the Directorate of Elections is not involved, but yet the request is for Government to fund these party agents that were appointed by the Political Parties without the involvement of the Government, because it is resources that we are talking about here. (Intervention)

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**HON MUDGE:** Honourable Speaker, Honourable Pandeni, I am sorry to interrupt you. May I ask the Honourable Pandeni a question? Honourable Pandeni, I am not sure, I am asking because it could be the case. Is the idea not for the Government to fund these agents because of the fact that the smaller Political Parties just do not have the money to field those agents and counting officers – not the Government ones, I am talking about the party ones – so that the Parties will be able to field those agents in all the constituencies at all polling stations? This is the question I have.

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**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,  
HOUSING AND RURAL DEVELOPMENT:** Honourable Speaker, when the Political Parties appoint party agents, they have an agenda, they have objectives

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why they would like their political agents to be there and that is to ensure that the process is free and fair.

Even if the Government is to go to that level, you will even blame your party agents if SWAPO has won, that they have worked together with SWAPO. It is better that they are there independently so that they can report to you. (Intervention)

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**HON MOONGO:** May I ask a tiny question? Honourable Minister, in your speech you indicated that only the Parties have a concern that we need a free and fair election and not the Government. Is that what you indicate? We want the Government to pay the agents so that they are on an equal footing and equal opportunities are given to everybody, so that is free and fair from both sides, both from the Parties and the Government. But now you indicate it is only from the parties' side free and fair.

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**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT:** When elections are declared free and fair, they are declared free and fair by those who are running these elections in the presence of those observers, both international and national.

Therefore, the point is very, very clear, that you cannot be the referee and also be the goalkeeper and also the goal scorer. Those things do not work, they have to be separated.

Comrade Speaker, it is on record in the world that very few Opposition Political Parties accept defeat, very few accept defeat.

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**HON MINISTER OF LANDS AND RESETTLEMENT:** On a Point of Information. Comrade Pandeni, the DTA was established by South Africa to counter SWAPO, that was the prime aim of the existence of DTA. Now SWAPO is ruling and the apartheid South Africa that created DTA is no more there and even the flag is not there. That is why DTA is disappearing.

CoD was formed because of the Namibian soldiers in DRC and the third term. Those things are already water under the bridge. That is why the CoD is fighting among themselves, because the things that held them together, the third term and the DRC, are not more there. The DTA is falling apart because South Africa is not there, SWAPO is in power. That is why Comrade Saara said no amount of money will help them. They can get a million, but still the people will not vote for you. You will just disappear. They will just disappear!

**HON MUDGE:** Honourable Speaker, on a Point of Information. Honourable Ekandjo on many occasions said that the DTA was created by the South African Government. (Interjections). You have ever been spreading false information, that is one, that is one, because the DTA – and I am not a member of the DTA anymore, but I can tell you the DTA was not created by South Africa. Therefore, stop spreading that false information.

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**HON MINISTER OF ENVIRONMENT AND TOURISM:** Comrade Speaker, may I put a question to the Honourable Member, please? Honourable Member, if the creation of DTA is to be questioned or argued against, do you know what was the institution, the forerunner of the DTA and who initiated what was known as Round Table and do you know that that was the day when the Honourable Mudge was maybe not involved in politics, but his father may tell best.

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**HON SPEAKER:** His father is not here. Find some other things to means to convey that. (Intervention)

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**HON MOONGO:** That time I, myself was detained by SWAPO and I was imprisoned by SWAPO in Tanzania when the DTA formed the Party in Namibia and it was formed by the people of Namibia, by late Kapuuo and the other colleagues. They are Namibians and why do we not call you OPO, Owambo Peoples Organisation? But the DTA was formed by the people of Namibia whom I still respect and you also respect, but you still keep on saying that the DTA was formed by South Africa. South Africa was only the colonial rule, that is all.

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**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,  
HOUSING AND RURAL DEVELOPMENT:** Comrade Speaker, whether someone has been inside or outside Namibia, whatever happened inside Namibia was also accessible to those outside the country. The history is well-known and I know what had happened. (Intervention)

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**HON MINISTER OF LANDS AND RESETTLEMENT:** On a Point of Information. Comrade Speaker, last week Monday at 15:00 I had Mr Jan De Wet in my office and he related to me the existence of the DTA, which I already knew. P W Botha and Pik Botha arrived here at the State House. (Interjection). You were small that time. They called the National Party and told them, “*listen, America said we must leave Angola, so we created DTA.*” In 1973 towards November Mudge started to conduct this Political Party, having tea with them and then they began what they called the DTA Beraad. They used to meet there in the Turnhalle. (interjection)

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**HON MUDGE:** So you believe Jannie De Wet?

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**HON MINISTER OF LANDS AND RESETTLEMENT:** In 1973 it happened before my eyes. The DTA is a creation of South Africa to tell the world that Namibians are ruling themselves. That is why DTA was paraded by South Africa in Lusaka and in Geneva. You do not know the history of that time, the DTA is a creation of South Africa, it is clear and him being a reactionary, he just came and jumped on the bandwagon, they did not know where the DTA came from. I withdraw.

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**HON MOONGO:** He must withdraw that word.

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**HON SPEAKER:** It is withdrawn. "*Reactionary*" is withdrawn.

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**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT:** Back to the Debate, I think ... (Intervention)

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**HON MINISTER OF ENVIRONMENT AND TOURISM:** On a Point of Order. Even before the birth of the Round Table was the Advisory Council to the Prime Minister of South Africa, Ben Vorster, and that was the very beginning of those consultations between the South African Government and leaders here that were intended to later on establish what was known as the Interim Government and that was the start, coming to the Round Table, coming to the Turnhalle Beraad and coming to AKTUR, coming to DTA.

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**HON MOONGO:** On a Point of Order. I know many of the Colleagues there were members of the DTA and we want to know what link did people like Jerry Ekandjo have with South Africa. We want to have your record. You were involved in many things and we want to know.

---

**HON SPEAKER:** We have lost the quorum and we are ringing the bells. We will initiate the recording of names.

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The House adjourned with the following Members present: Honourable Moongo, Honourable Mudge, Honourable Dienda, Honourable Goreseb, Honourable Manombe-Ncube, Honourable Kaiyamo, Honourable Christian, Honourable Booys, Honourable Sioka, Honourable Dr Geingob, Honourable Dr Tjiriange, Honourable Mutorwa, Honourable !Naruseb, Honourable Mungunda, Honourable Kuugongelwa-Amadhila, Honourable Konjore, Honourable Dr Kamwi, Honourable Muharukwa, Honourable Tweya, Honourable Jooste, Honourable Dr A Iyambo, Honourable Kaapanda, Honourable Ekandjo, Honourable Nghidinwa, Honourable Nujoma, Honourable Kasingo, Honourable Dinyando, Honourable Pandeni.

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**HOUSE ADJOURNS AT 18:10 UNTIL 2007.11.15 AT 14:30**

**NATIONAL ASSEMBLY  
ASSEMBLY CHAMBER  
15 NOVEMBER 2007  
WINDHOEK**

The Assembly met pursuant to the adjournment.

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

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**ANNOUNCEMENT**

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**HON SPEAKER:** Just a brief announcement, Honourable Members. I announced yesterday a debriefing meeting for tomorrow between members of the Presidential Commission on staff and MPs of both Houses which has now been deferred for a later date by mutual understanding. We will thus reorganise our activity schedules and continue working as usual.

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

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**TABLING: REPORTS OF AUDITOR-GENERAL**

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**HON MINISTER OF FINANCE:** Honourable Speaker, I lay upon the Table, Reports of the Auditor-General on the accounts of the following Ministries:

- Ministry of Defence;
- Ministry of Lands and Resettlement
- Ministry of Justice
- Ministry of Mines and Energy

for the Financial Year ended 31<sup>st</sup> March 2006.

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**HON SPEAKER:** Will the Honourable Member table the Reports? Honourable Geingob.

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**TABLING: REPORT OF IPU NAMIBIAN GROUP:  
116<sup>TH</sup> IPU CONFERENCE**

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**REPORTS AND PAPERS  
HON DR GEINGOB**

**HON DR GEINGOB:** Honourable Speaker, I lay upon the Table, the Report of the Namibian National Parliamentary IPU Group to the 116<sup>th</sup> Inter-Parliamentary Union Conference held in Nusa Dua Bali, Indonesia.

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**HON SPEAKER:** Will the Honourable Member table the Report? Any further Reports and Papers? Any Notice of Questions? Any Notice of Motions? Honourable Boos.

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**MOTION ON BUSINESS OF ASSEMBLY**

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**HON BOOYS:** Honourable Speaker, I move an unopposed Motion, that the proceedings on Orders 1 to 5 on the Order Paper be, in terms of Rule 94 of the Standing Rules and Orders, not interrupted if still under consideration at 17:45. I so move.

I further move an unopposed Motion, that pursuant to Rule 26(a) of the Standing Rules and Orders, the Second Reading, Committee Stage and Third Reading of the Veterans Bill [B.11-'07] and the Motor Vehicle Accidents Fund Bill [B.4-'07] be disposed of today. I so move, Honourable Speaker.

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**HON SPEAKER:** Will the Honourable Member table the Motions? Any further Notices of Motions? Any Ministerial Statements? Question 121 is by Honourable Moongo, put to the Honourable Minister of Works, Transport and Communication. Does the Honourable Member put the Question?

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**RESPONSES TO QUESTIONS**

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**QUESTION 121:**

**HON MOONGO:** I put the Question.

**HON MINISTER OF ENVIRONMENT AND TOURISM:** Thank you, Comrade Speaker. I would like to respond to the questions posed by Honourable Moongo as follows:

The answer on question 1: It is true that some employees in the Ministry of Environment and Tourism with the job category of Workhand (Grade 1B Level 1) are on a salary notch of N\$21,354 per annum, which translates to N\$1,779.50 per month, as stipulated in the Public Service Management Circular No. 3 of 2005. It

should be noted that any public servant in this job category across the board qualifies for this salary, and this is not only applicable to the staff members of the Ministry of Environment and Tourism.

I should point out that a staff member is compensated on the basis of, and according to the services he/she delivers, and not on the basis of the size of his or her family. Furthermore, the remuneration of staff members differs from one to another, depending on the past designation.

Honourable Member, in terms of the circular mentioned earlier on, the lowest paid public servant is a Cleaner with a salary notch of N\$12,579 per annum, rising to a maximum of N\$16,569 per annum.

Question 2 is about additional benefits. The additional benefits to staff members across the Public Service include the following:

- A housing allowance of N\$220 per month; and
- A transport allowance of N\$100 per month.

Answer to question 3: On the issue of housing, I wish to state that this is a big challenge, not only to the Ministry of Environment and Tourism but to all the other Ministries.

However, due to the nature of the services we are rendering, sometimes we are forced to deploy staff members at places where there are no prior provision for reasonable accommodation. The Ministry is currently addressing this issue. For example, all new service points shall include provision for accommodation.

I can inform the House that the Ministry has developed plans to construct new offices for the Caprivi Parks at Mudumu National Park in the Caprivi Region and for the Kavango Parks at Mahango Game Park early next year. I wish to state further that in all our parks the staff has sanitation and clean, purified drinking water at the residential areas.

Although at most places the source of water is boreholes, this is the same source of water which is used by thousands of our farmers and rural area residents. At these two duty stations and substations twenty two-bedroom houses and seventy-three flats will be constructed in addition to other infrastructure. The total funding for this project amounts to N\$58,200,000. This project also provides for eleven pickups and two sedan vehicles for the parks as well as four boats.

Sometimes our staff members are dropped off in the bush without vehicles. They often conduct foot patrols during anti-poaching operations, which is part and

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HON KONJORE**

parcel of their duties. In order to follow tracks and footprints it is necessary for them to be on foot themselves. They are supplied with radios in order to communicate with the vehicles and base-stations.

Honourable Speaker, I can provide this Honourable House with the following information with regards to the provision of vehicles for my Ministry's own fleet for the past 2 years:

Directorate of Parks and Wildlife Management: 41 times 4x4 pickups, 9 times 2x4 pickups and four sedans.

Directorate Scientific Services: 8 times 4x4 pickups and three sedans.

Division Maintenance: 5 times 4x4 pickups and one sedan.

Total vehicles for the Ministry's fleet: 54 times 4x4 pickups, 7 times 2x4 pickups and 8 sedans.

Answer to question 4: Comrade Speaker, Honourable Members, the salaries and subsistence allowances in the Public Service are determined by the Office of the Prime Minister, which is responsible for the overall management of the Public Service. Moreover, overtime rates are also determined by the Office of the Prime Minister, as stipulated in the Public Service Staff Rules, section D.

Answer to question 5: Now let me turn to the question which the Honourable Member has again brought to this House almost for the tenth time and this concerns human-wildlife conflict.

Let me again make it clear to the Honourable Moongo and the Nation at large that at the moment there is no policy in place for compensation in the case of human-wildlife conflict. This would warrant a policy decision. It is true that sometimes people suffer from human-wildlife conflict, even with fatal results when people are killed and as I put it previously the Government of Namibia as well as the Ministry which I am heading are very much concerned about the situation and we are sympathetic. To show that my Ministry has sympathy with the people and understand their plight, an arrangement was agreed upon to assist families who have lost a family member with funeral assistance given lately to the amount of N\$5,000 provided from the Game Products Trust Fund. My Ministry will soon submit its Human-Wildlife Conflict Policy to Cabinet.

In addition, communities who are members of conservancies are allocated wildlife utilisation quotas that include such predators such as lions and hyenas. Conservancies enter into agreements with trophy hunting operators who pay them for hunting the animals on their quotas as trophies.

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HON DR N IYAMBO**

In addition to the above, the Minister can declare problem animals and allocate them to specific conservancies and communities who may, in turn, sell them to trophy hunters.

To streamline this process, the Minister has delegated this authorisation to declare problem animals to the Regional Heads of the Ministry of Environment and Tourism. Of the 50 registered conservancies, 24 have their own trophy hunting concessions. The total income to conservancies amount to N\$8,770,254 from game utilisation the previous year. Of the above figure, N\$5,182,560 were accrued from trophy hunting concessions during last Financial Year.

On the other hand, the above information on conservancies is proof – and I believe Honourable Moongo will agree with me – that wildlife also contributes in a meaningful way towards socio-economic development of communities particularly in the rural areas.

With this, Comrade Speaker, I thank you and rest my case.

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**HON MOONGO:** I would only like to thank the Minister for a well-detailed answer. I thank him very much.

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**HON SPEAKER:** Question 123 is by Honourable Viljoen. Does the Honourable Member put the Question?

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**QUESTION 123:**

**HON VILJOEN:** I put the Question.

**HON MINISTER OF AGRICULTURE, WATER AND FORESTRY:**

Honourable Speaker, Honourable Members, Honourable Viljoen asked very pertinent, urgent and important questions about an issue the inhabitants of Mariental are probably the ones most concerned with and I think it is either on their behalf or on his own behalf as a Parliamentarian that he wants to know where things stand now vis-à-vis the 2006 floods.

Question 1: His Excellency, the President, appointed the Mariental Flood Task Force on 1<sup>st</sup> March 2006 to advise the Government about rehabilitation and reconstruction issues at Mariental. The mandate of the Mariental Flood Task Force was to establish the extent of the damage caused by the February 2006 floods below the Hardap Dam as well as to investigate the factors contributing to

the flood and finally, to make recommendations for measures that can be taken to prevent or at least significantly reduce and mitigate the risk of similar flooding in future.

The Mariental Flood Task Force was given the task of gathering accurate and reliable information to establish the facts about the flood and to prepare the best possible social, economic, technical and financial advice to enable the Government to take decisions about short and long-term flood management at Hardap Dam in the future.

The Mariental Flood Task Force completed their task during September 2007 and submitted draft final reports to the Ministry. The findings of the study were presented to the Mariental community on 3 October 2007 and to the Right Honourable Prime Minister on 8 October 2007.

Government was given six options of which the following was the most beneficial, economical and safest. Government is compelled to choose the most effective measures to be implemented that could mitigate the flood at Hardap Dam in the future. Government, thus, chose the following:

To raise the dam wall by 10.4 metres while closing some of the sluice openings to increase the attenuation capabilities of the dam. This option will also include the clearing of the river channel of all reeds. These two actions will reduce, according to experts, the maximum flow within the river channel to a level that could be accommodated for the 1:100 year flood events.

Question 2: The Ministry already approached the Office of the Prime Minister to give a direction as to how and where budgetary provision should be made. One should also understand that the rising of the dam wall could take some years, because it is not simply to start from where it ends and go up. For it to be permanent, you will have to start from the foundation. Hence there will be a need to plan, design and to implement the plans accordingly in a detailed investigated, durable fashion and to start construction thereof.

Question 3: The most important short term measure is to have a workable Emergency Management Plan. This plan includes the early warning system to be communicated to both the Regional Council, Local Authority and the community of Mariental and surrounding areas timeously. The early action also includes NamWater staff at the dam to release water early enough to avoid a build-up of water in the dam.

A number of other short-term measures to be adopted included in the recommendations by the Mariental Flood Task Force are the following:

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HON DR N IYAMBO**

- Operate the Hardap Dam at a lower level that still provides for adequate supply of water, while freeing up more space for flood attenuation. That has to be the responsibility of NamWater.
- Implement NamWater's proposed improvements to the early warning and monitoring system, for example telemetries in the catchment area of the dam has already been installed.
- To introduce a better and continuous monitoring of flows in the downstream rivers. In other words, where perhaps parts of the riverbanks are shallow and a particular amount of water will flood the river and run through the town, those areas need to be addressed as soon as possible and that needs to be done by NamWater by way of monitoring and giving such information.
- Carry out the proposed maintenance on the dam wall and monitor continuously the downstream leakage on a continuous basis.
- The Ministry has secured N\$600,000 and a tender exemption is being sought for clearing of the reeds from the river channels.

Those are some of the measures that we think are possible to carry out in order to give comfort to the community of Mariental as far as their properties and livelihoods are concerned. NamWater, the Ministry and everybody involved want to do the best they can to avoid a repeat of the flood of 2006. We hope if everybody works together, positive results could be attained.

Of course, I must say, Honourable Members must have seen even in some of the developed countries, what the forces of nature can do, where there is a limitation on human efforts. But we will try our best. Thank you.

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**HON VILJOEN:** Honourable Speaker, I wish to thank the Honourable Minister for a comprehensive, good and a clear answer. I thank him.

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**HON SPEAKER:** Question 124 is one by Honourable Dienda. Does the Honourable Member put the Question?

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**QUESTION 124:**

**HON DIENDA:** I put the Question.

**HON MINISTER OF HEALTH AND SOCIAL SERVICES:** Honourable Speaker, Honourable Members, I rise, first of all, to thank the Honourable Member for her keen interest she has shown in issues of the Nation's health. I welcome your involvement and have the honour now to proceed in providing an address to the concerns raised.

Honourable Dienda, your first question is delicate, yet well understood and its importance is appreciated. We at the Ministry, undoubtedly, recognise the diversity of stature within the Republic of Namibia and how this translates into the need for appropriate measures of condom size.

It is the Ministry's approach to manufacturing choices, production is thus based on the requirements and demand of market research and recognised international standards to ensure quality management and machinery. In this regard, the Ministry of Health's brand of Smile Condoms are manufactured locally by a company called Commodity Exchange under the World Health Organisation's 2002/ISO 4704 standards.

The Smile condoms – this is the one – is for all Namibians, it fits all. The Smile condoms are one size fits all. There are indeed varied sizes offered for manufacturing, however medium to large size fall under one measurement. Our market research indicates that this combined size is the most commonly used in Namibia and is thus readily available under the Ministry's Smile logo. It depends how you use it.

Furthermore, in response to an affirmed need, the Ministry is currently attending to the manufacture of small-sized condoms which will be made available to the public shortly. In terms of manufacturing condoms in size, that is from small, medium, large and extra large, our current market research indicates that there is no recognised demand that would necessitate such production.

Let me confirm that should such demand arise, our manufacturers are well capable of manufacturing extra large condoms and would proceed to do so in response to an affirmed need.

Honourable Members, rest assured in the willingness and responsiveness of the Ministry of Health and Social Services to assure the availability, appropriateness and proper use of condoms as an important measure which assists in the prevention of HIV/AIDS and other sexually transmitted infections. I thank you.

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**HON SPEAKER:** I thank the Minister.

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**RESPONSES-QUESTIONS BY HON DIENDA  
HON DR KAMWI**

**HON DIENDA:** Honourable Speaker, I just want to tell the Minister that I was the messenger. Therefore, there is a need for the extra large. Thank you.

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**HON SPEAKER:** Question 126 is by Honourable Dienda. Does the Honourable Member put the Question?

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**QUESTION 126:**

**HON DIENDA:** I put the Question.

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**HON MINISTER OF HEALTH AND SOCIAL SERVICES:** Honourable Speaker, Honourable Members, I rise once again to offer answers to the Honourable Member's concern. If it pleases the Honourable House, I will address questions 1 and 2 together.

Indeed, it is neither normal practice, nor policy of the Ministry to prescribe medication at a State health facility and then expect a patient to purchase that medication from a private pharmacy. Rather, when a prescribed medication is unavailable in the State pharmacies, there are two options for recourse.

In the first instance, when a prescribed medicine is out of stock and an alternative medication does not exist, patients are informed to return to the pharmacy within a certain period of time at which they will receive their prescription medicines.

In the second instance, when a prescribed medication is out of stock and an alternative medication does exist, it remains the discretion of the medical officer to decide whether such an alternative is appropriate or whether waiting for a period of time for the initial prescription may actually be of most benefit to the patient.

Honourable Members, this is the policy and chosen best practice of the Ministry.

Honourable Speaker, Sir, in response to the third part of the second question posed by Honourable Dienda, the Ministry truly recognises that any future arrangement for the sustainable improvement of pharmaceutical services are dependent on the development of human and systematic resources. As a result, we have already put in place several measures by which we are re-doubling our efforts in the training of young Namibians to pursue careers in pharmacology. Their skills and contributions will then be successfully integrated into the health system. In the interim we are recruiting pharmacists from neighbouring countries on a two-year contract.

Furthermore, the Ministry currently conducts ongoing refresher training courses on pharmaceutical matters. These refresher training courses cover issues as qualifications, pharmaceutical store management and storage of pharmaceuticals. As we can correctly assume, these courses aim to assist pharmaceutical service managers in determining the needs and efficacy of the pharmacies in their charge of duty.

In direct relation to the question, then this training emphasises the need to calculate minimum and maximum stock levels, ensuring that the pharmacies neither run out of stock, nor overstock. An overstock at one pharmacy may lead to a lack of stock at another pharmacy and can lead to wastage otherwise preventable due to the expiry of medicines.

In addition, the Minister has recently introduced the Pharmacy Management Information System which will assist with the management of pharmaceutical services, including essential medicines within the regions. One of the aims of the Pharmacy Management Information System is to trace the availability of essential medicines in the Regions on a monthly basis. In this way the managers of pharmaceutical services will be informed on the stock situation, alerted in the event of shortage and make the necessary arrangements if the situation so warrants.

Honourable Speaker, Sir, because of the importance of pharmacology in disease management, we do conduct studies related to drug-use. The drug-use survey measures parameters of prescribing, dispensing, drug utilisation and quality care. The last drug-use survey conducted in 2001, for example, revealed that 96% of drugs prescribed in Namibia are indeed dispensed. That is equivalent to 96% of patients receiving their medication. It further indicated that 89 to 90% of key items were indeed in stock in our pharmacies.

During the last Financial Year, 2005/2006, the Central Medical Stores reported that it has maintained a service level of more than 90 percent to all facilities. This means that more than 90% of the items ordered from the Central Medical Store were provided to the various health facilities and institutions.

In order to further strengthen our supply management systems, we decided to streamline the operations between the Central Medical Store and the two regional stores of Oshakati and Rundu to work as one unit. We are also upgrading our procurement and tender modules to improve our quantification systems and thereby reducing the chances of running out of stock.

Honourable Speaker, Sir, Honourable Members, rest assured that whilst admitting the challenges related to shortage of skilled personnel, the processes and

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**RESPONSE-ORAL QUESTION HON MOONGO  
HON SIMUNJA**

procedures are in place to ensure that patients are provided with the necessary services and medicines on their first visit to our health facilities. I thank you.

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**HON DIENDA:** Honourable Speaker, I will thank the Minister when Question 126 is answered. There is still one outstanding.

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**HOUSE ADJOURNS AT 15:44  
HOUSE RESUMES AT 16:18 PURSUANT TO ADJOURNMENT**

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**ORAL QUESTION**

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**HON MOONGO:** Honourable Speaker, I would like to ask an oral question in terms of Rule 82 of our Standing Rules and Orders to the Minister of Defence.

1. Can the Honourable Minister of Defence enlighten this House whether Defence Force members are going to be reduced from the current number to 15 000?
  2. Is it true that those who are going to be relieved from the Force are going to be made reservists?
  3. Is this action not going to affect the living standards, benefits and pensions of those who are going to be affected and what is the reason behind the exercise?
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**HON DEPUTY MINISTER OF DEFENCE:** Honourable Speaker, first of all let me thank the Honourable Member for putting this oral question. But before I reply to the question, let me give a small orientation to the Honourable Member why we have the Namibian Defence Force and its functions.

The mandate of the Namibian Defence Force is derived from Article 118 of the Namibian Constitution which says the task is to defend the territorial integrity of Namibia and protect its national interest and the vision of the Namibian Defence Force is to have a small, well-trained and highly mobile force.

Having said that, Namibia as a country needs to have a deterrent force, a force which is able to deter a would-be aggressor and if deterrence fails, the force should be able to fight and resolve the conflict in the best interest of the Namibian Nation.

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**HON DR TJIRIANGE**

Having said so, Honourable Moongo, my response to your question is that the current size of the Namibian Defence Force, in my view, does not warrant a reduction, because the size of the Namibian Defence Force, compared to the size of the territory that it is defending really does not warrant to reduce this force. If you have that information, what I can tell you is that I have never sat in a meeting that has decided to reduce the number of the Namibian Defence Force. If there is any move towards that, I really do not know about it and this is all I can tell you, I have no information on that, that maybe we are intending to reduce the force.

This year we have inducted 400 members into the Namibian Defence Force, 200 for the Air Force and 200 for the Navy. Therefore, I do not think, while we are taking in members on the one hand, we would, on the other, think of reducing the force. This is what I know about the reality of the situation in the force.

I thank you very much.

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**HON SPEAKER:** I thank the Deputy Minister for his reply. The Secretary will read the First Order of the Day.

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**RESUMPTION OF DEBATE SECOND READING**  
**VETERANS BILL**

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**SECRETARY:** Resumption of Debate on Second Reading – *Veterans Bill*.

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**HON SPEAKER:** When this Debate was adjourned yesterday, 14 November 2007, the Question before the Assembly was a Motion by the Honourable Minister of Veterans Affairs, that the Bill be read a Second Time. I give the Minister the Floor to reply.

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**HON MINISTER OF VETERAN AFFAIRS:** Thank you, Comrade Speaker. I am grateful for the Honourable Members' contributions on the Veterans Bill, 2007. The contributions showed deep understanding of the sacrifice men, women and children made for the liberation of this country from foreign rule. It was also heartening to hear Honourable Members express interest in and concern for the welfare of veterans. Consequently, the Bill received support from most of the Honourable Members who spoke.

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**HON DR TJIRIANGE**

The fact that I respond to certain observations of Honourable Members and not to others, is not because I do not attach importance to the comments made on the Bill.

The Bill acknowledges the important role veterans played in the liberation of Namibia. It purports to enable the Government to provide assistance to veterans for their social well-being. Honourable Members have also acknowledged State responsibility towards veterans and the dependants of deceased veterans.

Comrade Speaker, in fact, the most misunderstanding of the Bill was on this issue of whom the Bill is intended to address. I would like to elaborate on this before I go into specific answers.

The Prime Minister has, indeed, said it all in this regard. I do not deny the fact that there are people who found themselves on different sides of the war in this country. There can be in broad terms three categories of persons in this country depending on the role one played during the liberation struggle.

**One:** Those who persistently and consistently participated in the liberation struggle. These include people who fought on all fronts of the liberation struggle, be it military, political or diplomatic, whether openly or underground. It does not matter whether you fought within the ranks of SWAPO or any other patriotic liberation movement such as SWANU, as long as you fought persistently and consistently. It also does not matter whether you fought inside or outside the country.

The **second category** includes those who decided to abstain from any action and to wait and see how things will develop and end. Although they may have had strong feelings against the terrible situation which prevailed in the country, they did not want to be seen to be active in the liberation struggle, but did not sell out.

The **third category** includes those who collaborated with or fought on the side of the enemy. In this category there are two types:

- Those who voluntarily or through cowardice decided to serve the enemy. These elements were loyal to the colonial oppressors.
- Those who were forced to fight on the side of the enemy. These people had no choice. Even if they did not want to serve or fight on the side of the enemy, the circumstances were such that they were simply forced to do so.

All these categories are Namibians, there is no doubt about that. They are here to stay. As a State we have to find a way to attend to the issues surrounding all these categories in one way or the other.

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However, the mandate of the Ministry of Veterans Affairs is very clear. The mandate is to address the plight of those who fought for the liberation of this country. While recognising the fact that there are those categories which I mentioned above, our mandate is confined to catering for those who in the real terms persistently and consistently fought for the Independence and freedom of this country. If there are other institutions which can cater for the interests of other categories, including collaborators, so be it, but this Ministry was not created for that.

The Ministry, for sure, is not a welfare Ministry to accommodate each and every person who found himself/herself in Namibia during the liberation struggle. To quote Comrade Saara Kuugongelwa-Amadhila: *“If you accommodate so many people and almost everybody qualifies, we will not be able to afford it and it will not be reasonable.”*

I entirely agree with her. Therefore, the definition of a veteran is crafted in such a way as to include only those who in the true sense of the word fought for the Independence of this country, albeit on different fronts.

The definition of “*veteran*” contained in the Bill acknowledges the diversity of the participants in the liberation struggle. It also recognises the role of persons who, against all odds and military strength of colonial rulers, fought the colonial rulers at the battle front, on the diplomatic field and on the home ground-root levels.

The requirement in the definition of a veteran that such a person should have “*consistently and persistently*” participated in the liberation struggle is mandatory. It underpins or highlights the important fact that the liberation struggle was not a part-time or occasional duty. It was a fulltime occupation of dedication and perseverance. A veteran is a person who stood fast in the pursuit of the liberation objective. The liberation struggle was a serious matter which required total commitment by those who dedicated their lives for the liberation objective.

Having said so, I will briefly go to what individual Honourable Members have contributed and I start with Honourable Venaani.

***Honourable Venaani***, in a very articulate manner, talked about the history of internal battles to clarify his points. However, he noted that the Bill is a very important legislation before the House. He said he would not deny the role that SWAPO as a political liberation movement played for the Independence of Namibia and that no person of ordinary firmness should ever try to deny it. However, he proposed the inclusion of all fighters, including those that were caught in the crossfire.

He said he was opposed to projects for veterans because previous attempts to create such projects had failed. Comrade Speaker, the Honourable Member asked

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the question relating to the provision in the Bill which limits the age of a dependant of a deceased veteran to eighteen years.

It is heartening that Members of this House sitting on the other side acknowledge the role SWAPO played in the liberation struggle. As the definition of a “veteran” delimits, veterans are only those who fought for and not against the liberation of this country.

As regards the beneficiaries under the Bill, I have earlier said that the Bill is confined to those who contributed to the national liberation and freedom of the country. Therefore, the argument by the Honourable Member that we have created an army composed of those who fought for the Independence of the country and those in the colonial forces, therefore we should extend the mandate of the Ministry to cover SWATF and Koevoet, is misplaced. If there is a need to address those issues, that can be dealt with by other institutions but not to be confused with the mandate of the Ministry, which is to promote the well-being of those who fought for the liberation of this country. Therefore, the Bill and the Ministry should not be confused with the general issues of policies of the national reconciliation.

As regards projects for veterans, these will not be imposed upon veterans. Instead the Ministry of Veterans Affairs will conduct feasibility studies of possible viable projects in consultation with the veterans. Projects will assist in creating employment for veterans and facilitate rehabilitation and integration of veterans into the Namibian community.

Comrade Speaker, the dependants we are talking about are those people who were dependent on a deceased veteran who died before or after Independence. There should be dependants of such deceased veterans who are below the age of eighteen years. We were actually saying that even if somebody is above eighteen years and that person is at the university and he was entirely dependent on the deceased veteran, consideration can be made by the board to help that person out so that the given person could finish the studies.

We are not talking only about eighteen years, the argument is that it is now seventeen years and there will be few of eighteen years that will be dependent, but since 1990 up to now, the veterans were also making children and there may be dependents who have in the meantime been acquired by the veterans.

***Honourable Mushelenga*** welcomed the introduction of the Bill and supported its principles. He, however, questioned the extent of application of the definition of veteran. He noted that the war against colonialism was also fought by other forces that supported the Namibian forces. The Honourable Member wondered whether the definition of veteran, as contained in the Bill, includes veterans who fought in

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such forces outside Namibia. The Honourable Member referred that “*liberation forces*” meant only Namibian liberation forces.

Secondly, the Honourable Member wanted veterans to be graded in the same manner that persons are classified when being awarded national honours.

In view of the wide coverage of persons who may qualify as veterans, it is advisable to leave the determination of the status of veterans to the Veterans Board. Where there is ample evidence, for example, that a person outside Namibia consistently and persistently performed underground activities that assisted the liberation movement, the Board should consider an application for his or her inclusion as a veteran. I will soon revert to this subject.

As regards grading of veterans according to their role in the liberation struggle, that might bring more disharmony than unity in the veteran community. There are also practical problems. How would you grade a comrade who trained as a combatant, saw action at the battle front and later moved into diplomatic offensive or vice versa? Let us accept the principle that all veterans are equal and that they were comrades-in-arms in one liberation struggle. This is not to deny that there were differences in roles and conditions under which veterans fought the colonial oppressors.

**Honourable Katali** welcomed the Bill and expressed the hope that legislation on veterans may bring relief to the veterans. He noted that veterans are suffering.

The Honourable Member, like Honourable Member Mushelenga questioned the inclusion of the phrase “*other countries*” in the definition of liberation struggle. The question of the Honourable Member is whether people outside Namibia are being envisaged who have fought in other wars in other countries to benefit from the Bill.

Comrade Speaker, the Honourable Member expressed concern with the chairmanship – or should I say chairpersonship – of the Veterans Board. The Honourable Member feels that the Permanent Secretary in the Ministry of Veterans Affairs should not be chairperson of the Board, secondly, the accounting officer of the Veterans Fund and thirdly, the accounting officer of the Ministry.

The definition provision reads as follows: “*liberation struggle*” means *political, diplomatic, military or underground struggle waged against colonialism, racism and apartheid in Namibia and other countries which struggle resulted in the attainment of the Independence of Namibia on 21 March 1990.*”

This provision is concerned with only one struggle connected with the liberation of Namibia and which resulted in the Independence of Namibia on the 21<sup>st</sup> of

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March 1990. The provision, however, covers the struggles which took place in other countries but connected and in the furtherance of the Namibian struggle. For example, the liberation struggle was waged by Namibian forces on Angolan soil for the liberation of Namibia. It is such struggles that are referred to as “*in other countries.*” We are not talking about the war in Vietnam, we are talking about this country’s struggle where Namibians participated for the liberation of their country.

The provisions in the Bill on the composition of the Veterans Board do not empower the Minister to reject persons nominated by Ministries and the Minister instead appointing members of the Board. The Honourable Member is of the impression that the Minister may reject all nominations from ministries or an organisation for veterans and instead appoint members of the Board of his or her choice. This is not the position.

The provisions of Clause 16(3) apply only to nomination by an organisation representing veterans. Where such an organisation fails to nominate four representatives or nominates persons who, in the opinion of the Minister, lack the necessary expertise to represent veterans, the Minister may then appoint two members of the organisation to represent veterans on the Board.

Coming to ***Honourable Saara Kuugongelwa-Amadhila***, the Honourable Minister rightly pointed out that it would not be reasonable for us to expect that this Bill should cater for everybody that participated in the war of liberation and specifically it cannot be expected that it should also cover those that participated against the liberation forces. Even if it was affordable, it cannot be reasonable that we take somebody that actually betrayed their own country and say I am going to award you this grant. It would really make a mockery of those that have sacrificed.

Comrade Speaker, the Honourable Member went further and stated that we have determined specific criteria for beneficiaries from the programme under the Bill and have decided that that criteria should be participation in the struggle in the furtherance of our national liberation and those are the words we underline, *in furtherance of our national liberation.*” I totally agree with these sentiments and there is nothing I can add to them.

The ***Right Honourable Prime Minister*** observed that the Bill should have been entitled “*Freedom Fighters Bill*”. The Bill is entitled Veterans Bill. The word “*veteran*” was deliberately chosen as it covers the three categories of veterans contained in the Bill.

***Honourable Nora Schimming-Chase*** said and I quote: “*I wish to go on record today, that I support this Bill, because it enables all of us to take an honest and objective look at our history so that the citizens of this country know what the*

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*struggle was about, who contributed and in what way those contributions were made.”*

Having made this important statement, the Honourable Member, however, questioned the wisdom of debating and voting for a Bill whose financial projection on cost implications are unknown. The Honourable Member will agree with me that we cannot define and register veterans without a legal basis; we cannot ascertain accurately the number of veterans as defined in the Bill; and we cannot come out for a projection of costs of the assistance to veterans without knowing the number of veterans and dependants of veterans.

The Bill before this House will enable us to define who is a veteran, register veterans and dependants of veterans and consequently, determine the cost of the assistance to be given to veterans by the State. Once this Bill becomes law, efforts will be made to ascertain the number of veterans and dependants of veterans and the cost of looking after them.

Recognition of non-Namibian participants: The Honourable Member also wanted to know whether non-Namibians who participated in the liberation struggle will also be recognised as veterans. The Bill, Comrade Speaker, provides for two exercises to be carried out by the veterans, namely:

- Application and registration as a veteran; and
- Application for assistance from the Veterans Fund.

A person who feels that he or she qualifies as a veteran applies to the Board and where the Board is satisfied that he or she qualifies as a veteran, he or she will be granted that status. It is important to emphasise the point that the Bill is concerned about the well-being of Namibian citizens who should be looked after by the State. As regards foreigners who qualify as veterans, it will depend on the State to see how and in what manner they may be honoured for what they did for this country. But of course, we are more concerned about the veterans that we are responsible for as citizens of this country.

The Honourable Member also mentioned the recognition of SWAPO as the sole and authentic representative of the Namibian people and this title was not given to SWAPO by the Namibian people, they never voted SWAPO as the sole and authentic representative of the Namibian people and this also hindered others to participate effectively in the struggle. (Interjection). Honourable Nora is a veteran.

In 1964 I was staying with Honourable Nora at Mangomeni in a SWAPO house and she was together with a late sister of ours, Bella, and all of us were staying with Namaputuse Appolus as young stars, hot-blooded, struggling and we were prepared to fight for this country and that persistence and consistency was always

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with her. Then she was talking about going to the corridors of the United Nations. We met in 1966 in Uppsala as students, preparing ourselves for the long struggle for Independence. So she is a veteran. But she must remember that the things she has accused SWAPO of doing in the 1960s was exactly what SWANU did.

In the 1960s SWANU was the only organisation which was recognised. (Interjection). I left you here when I went, you came later. Let me talk about things when we were still at home. But you know you put me on trial with my father because I was in SWAPO. (Interjection).

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**HON SPEAKER:** Minister, stick your speech.

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**HON MINISTER OF VETERAN AFFAIRS:** I come to you, you put me on trial with my father because I had become SWAPO.

For those who do not know, in the 1960s SWANU was the organisation which was recognised internationally. In Absol it was SWANU. When we of SWAPO used to go there, we used to sit in the corridors while the SWANU delegation was inside with the Member States. Only after they have finished talking, we were called in as a second thought. They were the ones who were recognised. And what happened? At that time the president was Kozonguizi. What happened is that when they were inside there, they talked like this: *"We are from South West Africa, we have come here to fight, we want to liberate our country, so we are prepared to do so but there is one obstacle, there is an organisation called SWAPO"* and then the rest of the speech is about SWAPO. When we went in there, we said nothing about that, we just talked about the struggle and said we have these people that we want to put under arms, there they are, can you train them for us, give us guns?

I remember that those Heads of State used to ask: *"But you have been called names here, that you are uneducated, why do you not reply?"* I remember Comrade Sam Nujoma saying, *"we cannot come and fight those people here, they are not our enemies, they have gone away from South West Africa like ourselves, we have our enemy there."*

Then we trained and trained until at Absol. SWANU was taken out and we replaced them. Therefore the recognition is not because the name SWAPO is more beautiful than

SWANU, it is because of what we did. And the recognition does not stop one from fighting. Take the example of Zimbabwe. (Interjection). I do not want to quarrel with my Chief, but the Honourable Member is saying they were being blocked. You cannot be stopped from fighting by anybody. Take the example of

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Zimbabwe. ZAPU was the one which was recognised together with SWAPO and ANC, MPLA and so on. ZANU was not recognised but ZANU went out of its way to fight. Mozambique was recognising ZAPU, but because of the effectiveness of ZANU, it opened its doors to ZANU.

Therefore, you cannot be prevented from fighting just because someone else is recognised. Therefore, that argument is neither here, nor there.

NUDO was here for your information. That is why they were put on trial because by that time NUDO was being formed and my father was the chairman. (Interjections).

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**HON SPEAKER:** Go ahead Minister, do not allow yourself to be derailed.

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**HON MINISTER OF VETERAN AFFAIRS:** I do not know what is eating the Chief. The Chief is not Nora.

Some Members of this Honourable House commented on the provisions in the Bill regarding the composition of the Veterans Board. The membership of the Board is both representative and functional. The suggestion that the Board should include representatives from all sides who played a role in the liberation struggle would probably result with a board composed of more than twenty or more members. Similarly, any suggestion to give veterans five seats, as proposed, on the Board would consequently result in doubling the other representations.

The Veterans Board is established to exercise statutory powers and to perform specialised functions. The Ministries represented on the Board have special relevance to veterans affairs. Such Ministries have one representative. Two representatives of veterans is proportionally adequate. The proposed nine-member board is satisfactory.

***Honourable Gertze*** touched on the provisions on “*accrual of pension benefits.*” When the Bill becomes law, Government Ministries and public bodies affected by such legislation will confer and contribute in formulating the pension scheme.

***Honourable Mudge*** made a remark that requires response. He alleged that the Bill is unacceptable in its present form and that some of its provisions are contrary to Article 10 of the Namibian Constitution which provides for equality and

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freedom from discrimination. Comrade Speaker, the Honourable Member did not explain to whom the Bill is unacceptable.

The constitutional role of the Parliament of Namibia is to make laws and the Judiciary to interpret and enforce those laws. A ruling that an Act or provisions in an Act is against a provision of the Constitution can only be made by a competent court. In fact, there is nothing in the Namibian Constitution that prohibits enactment of a law to provide for assistance to be given by the State to a specific group of people, such as veterans.

The Honourable Member must have forgotten that the Namibian Constitution provides for affirmative action. The principle of affirmative action from a casual look may appear discriminatory against certain groups. In fact, it is implemented or carried out to affirm those who were victims of discrimination and level the playing ground. Therefore, to address the plight of people who have sacrificed all their lives for the liberation of this country and who did so without being paid any money or given any income, it is not and it cannot be interpreted as discriminatory against other persons. In fact, the Bill recognises a special and patriotic role and sacrifice contributed by veterans to the Independence we are enjoying today.

Therefore, in recognition of what our heroes or our veterans have done, I think this is the right time to accept this Bill and I thank you.

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**HON SPEAKER:** I thank the 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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**SECRETARY:** Veterans Bill.

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

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**HON MINISTER OF VETERAN AFFAIRS:** I move.

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**VETERANS BILL: COMMITTEE STAGE**

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**ASSEMBLY IN COMMITTEE:**

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**HON DR TJIRIANGE**

**HON CHAIRPERSON OF COMMITTEES:** The Committee has to consider the Veterans Bill.

Clauses and the Title put and Agreed to.

**HON CHAIRPERSON OF COMMITTEES:** I will report the Bill without Amendments.

**ASSEMBLY RESUMED:**

Bill reported without Amendments.

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**VETERANS BILL: THIRD READING**

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

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**HON MINISTER OF VETERAN AFFAIRS:** I so move.

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**HON SPEAKER:** Who seconds? Agreed to. Any further discussion? None. Does the Honourable Minister wish to reply?

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**HON MINISTER OF VETERAN AFFAIRS:** I thank everybody. As I look around, 99.1 percent are veterans here and they have adopted their Bill and I thank them very much for this understanding. Thank you.

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**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.

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**SECRETARY:** Veterans Bill.

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

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**MOTOR VEHICLE ACCIDENT FUND BILL**  
**RESUMPTION OF SECOND READING**

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**MOTOR VEHICLE ACCIDENT FUND BILL**  
**HON KUUGONGELWA-AMADHILA**

**SECRETARY:** Resumption of Debate on Second Reading – Motor Vehicle Accident Fund Bill.

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**HON SPEAKER:** When this Debate was adjourned on Tuesday, 6 November 2007, the Question before the Assembly was a Motion by the Honourable Minister of Finance that the Bill be read a Second Time. I now give the Floor to the Minister.

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**HON MINISTER OF FINANCE:** Honourable Speaker, I want to thank the Honourable Members who participated in the Debate on this Bill and I wish to provide responses to some of the questions that they posed.

*Honourable Moongo* wanted to know if the accident victims who did not benefit from the current legislation will be able to re-submit their claims under the proposed Bill when it is enacted, and my response is:

The Bill, under Section 26(1)(a), provides that any claim or obligation that arose before the commencement of the proposed Bill will be dealt with in terms of the repealed Act, Motor Vehicle Accident Act, Act 4 of 2001. This means that the proposed system will only deal with accidents that occur after the commencement of the new Act. It shall not apply retrospectively. The reason for such discrimination is that the MVA Fund cannot be exposed to unknown liability, that is when one looks at the number of claims that were repudiated and the values attached to such claims, it runs easily into hundreds of millions of Namibian Dollars.

The MVA Fund can however, through its corporate social responsibility programme provide some support to accident victims that may fall in between the cracks and may therefore not be able to benefit from anywhere.

Question 2 by the Honourable Member was whether the MVA Fund decentralize its operations in order to provide services to all the citizens of Namibia.

My response is: Operationally and financially it is not possible for the MVA Fund to open offices in all 13 Regions of the country. The MVA Fund currently has its head office in Windhoek with one branch office in Ongwediva. In 2005 the MVA Fund also opened an office in Keetmanshoop in order to cater for the southern Region and had to close the said office after 12 months, because it became too expensive to maintain in relation to the amount of work that was being received.

In order to ensure all Namibian citizens have access to the MVA Fund, it entered into an agency agreement with NamPost. To this end it is ensured that an accident

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victim can access the services and benefits of the MVA Fund without having to travel long distances. The MVA Fund is however exploring the possibility of opening branch offices in high accident zone areas like the Erongo and Otjozondjupa Regions.

*Honourable Manombe-Ncube* recommended that the Minister should consider appointing a person with disability to serve on the committees and that the Minister should ensure that physical incapacity, as provided for in section 16 (2) (a) is not used to victimize persons with disabilities.

Response: Consideration will be given to the suggestion that persons with disabilities be included as members of Board Committees. Such persons would, of course be required to possess the necessary skills and experience to advise the Board of the MVA Fund on matters that will be discussed at committee meetings.

With regard to the caution on possible abuse of Section 16(2)(a), that is now on the persons declared unable to work, I assure the Honourable Member that this Section is not intended to be used to determine suitability for employment. Rather, it is to be used only to confirm inability to work and thus qualification for loss of income support from the MVA fund. Some people would present themselves as having been declared unfit to work, just so that they get that disability support from the Fund and then they secretly go and get another job to get a salary because they are actually able to work. So this provision is only to enable the Fund to subject those people to medical examinations to confirm that they are indeed unable to work and, therefore, they do qualify for this disability support from the MVA Fund.

*Honourable Mushelenga* wanted to know what is the frequency of the Board meetings.

Section 19(5) of the Bill states that the Board must hold meeting as often as the business of the Board requires, but it must meet at least four times during each financial year. The Board would be required to meet at least once in each quarter.

The Honourable Member suggested that at the end of the Board's term, at least one-third of the Board should be retained to ensure continuity.

Section 14 provides that a member is eligible for reappointment at the end of the tenure. The suggestion by the Honourable Member was, therefore, noted and will be considered when reappointing members to serve on the Board. It may, however, be difficult to prescribe this in the Act, because it may present inflexibility for the Minister, because he will now be bound to retain a certain number of members on the Board even if he does not have confidence in all of them.

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The Honourable Member suggested that the Minister should consider looking at the issue of drivers who are approached, in terms of customary laws, by family members of persons who die in car accidents to pay on top of what the MVA Fund has already paid.

My response: Firstly the Bill, under Section 24(4)(e) provides that the MVA Fund shall pay N\$7,000.00 in respect of any one person killed in a car accident. This amount was arrived at by looking at the average that the MVA Fund paid for funeral claims in the past. The amount is intended to cover for basic funeral costs like the coffin, transportation of the remains, wreath, the grave and ointment for the remains. Secondly the Bill, under Section 31(1) provides that a claimant can only institute a claim against the driver or owner of a vehicle if he or she has lodged a claim against the Fund. This means that a claimant should first approach the MVA Fund before he or she claims from a driver. It further provides that a court adjudicating a claim against another party in a course of action arising out of the same facts must take into account the award or offer made by the MVA Fund.

Section 31(2) further provides that if, because of any limitation imposed under the Act on the liability of the Fund, the value of benefits awarded for the damage or loss sustained is less than the actual amount due for the loss or damage sustained, the claimant may claim for the difference from the owner of the motor vehicle or from the person whose negligence or other unlawful act caused the loss or damage. This can be seen as an indemnity of the driver because the claimant can then only institute action if there is a difference between what the MVA Fund has paid and what the claimant is actually entitled to.

Another indemnity provided by the Bill is that, under Section 31(3), the value of an injury grant awarded in terms of the Bill is deducted from an award of general damages in any action arising out of the same accident. It is evident from the above that the Bill provides adequate indemnity for the driver and I have also indicated that this is only in cases where there was negligence or unlawful action on the part of the driver. It is therefore our responsibility as Members of Parliament and members of the community to educate our constituencies on the provisions of the Bill so that they do not impose any further penalties on the drivers who cause injuries or kill people in car accidents where claims have already been paid by the Fund.

Please note that the Bill also provides for other benefits to be provided by the MVA Fund, such as loss of income, loss of support and medical expenses on top of the funeral expenses, and the above provisions also apply to these benefits.

The Honourable Member suggested that the claim process should not be too complicated.

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I want to assure the Member that the claim form is currently being reviewed to ensure that it is as simple as possible and further consideration will be given to this issue when the process and roll-out plan is being set in Motion.

He expressed concern about the fact that the law makes it a requirement that claims must have been instituted by the claimant or by legal practitioners, given that legal practitioners sometimes take up too much of the claims payments from the Fund.

Unfortunately, the Fund cannot preclude the use of legal experts in lodging claims as legal representation is an entitlement for all citizens in terms of our laws. However, the MVA Fund has over the years implemented an extensive public education programme that relates to the benefits offered and the process involved in submitting a claim to the MVA Fund, and has been encouraging the public to lodge their claims directly with the Fund. It is only when they have disputes with the Fund that they are advised to obtain legal representation.

Legal practitioners are also urged to charge according to the correct time spent on lodging a claim and not to exploit victims. We have also learnt that the rules of the Law Society that regulate the professional conduct of legal practitioners, provide that legal practitioners are not allowed to charge a percentage of the claimant's compensation. I wish to appeal to all citizens, especially Members of Parliament, to assist in ensuring that the Law Society imposes the rules that have been laid down by the association and that the culprits are brought to book. The MVA Fund itself will endeavour to expose legal practitioners who exploit vulnerable claimants.

The Honourable Member recommended that the amounts as contained under Section 24(4) should be removed from the Bill and the Minister should be given the power to regulate the amounts payable as benefits from the Fund to the victims.

The response is that this comment has been noted and we shall consider it appropriately.

***Honourable Katali*** raised concerns with the provisions of Section 3(i) which provides that the MVA Fund has the power to invest money of the Fund which is not immediately required for use by the Fund. His concern was that there is no provision in the Bill that requires that the Minister should be consulted before the investment is made.

The explanation is that the opening statement of Section 3 of the Bill subjects the powers of the MVA Fund, where applicable, to the provisions of Section 27 of the State-Owned Enterprises Governance Act, Act 2 of 2006. Section 27 of the State-

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Owned Enterprises Governance Act imposes obligations on State-Owned Entities to consult the portfolio Minister prior to making any investments. The MVA Fund is mentioned as a State-Owned Entity under Schedule 1 of the State-Owned Enterprises Governance Act, Act 2 of 2006, and is thus covered by this provision. Such consultation should be made by way of written application in which full particulars of the terms of the proposed investment are furnished.

The Honourable Member also raised a concern about the meaning of “*as soon as possible*” contained in Section 7(2), which he feels is too open-ended and proposed that this be qualified.

Section 7(2) provides for the drawing up of the financial statements as soon as possible after the end of each Financial Year. Section 7(3) goes further to state that the MVA Fund must then submit the financial statements to the Auditor General not later than three months after the end of each Financial Year. This means that the Fund is forced to ensure that the financial statements are completed within 3 months after the end of a Financial Year because they have to submit same to the Auditor-General.

Thirdly, he raised concern about the provisions under Section 24(3) which provide that a person or entity providing services to a claimant can claim directly from the Fund for such service and goods, and the mechanisms that are put in place to verify whether the services have been rendered and whether the goods have been delivered.

Response: The process of lodging a claim requires that a claimant, be it the service provider or an accident victim, should fill in a claim form providing the relevant information and attaching the relevant documentation. The documentation to be attached includes the police documents which usually contains the names of the passengers that were involved in the accident. It also includes hospital records. Once the MVA Fund has received the claim form, a verification of the authenticity of the claim is conducted through the MVA Fund’s in-house forensic team. If facts of a particular accident are not clear, then the MVA Fund’s investigators are requested to verify the facts and only then will the claim be paid. We are confident that this process ensures that people who are not entitled to payment will be detected and dealt with in accordance with the laws.

This response also applies to the concern raised by the Deputy Minister of Lands and Resettlement where he indicated that the process of allowing service providers to claim directly from the MVA Fund excludes the victim. The service provider would be required to indicate the names of the victims he or she has provided services or goods to and the MVA Fund will use the forensic process to verify the facts as provided.

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The *Honourable Deputy Minister of Labour and Social Welfare* expressed concern that some people who were not involved in car accidents have gotten lawyers to lodge claims against the Fund.

My response is: This is fraud and if the culprits are caught they will be dealt with in accordance with the laws of this country. To this end the MVA Fund has the forensic process to try and detect fraud. It also has a toll free number where members of the public who are aware of fraudulent activities against the MVA Fund can anonymously report the fraudulent activities.

The *Honourable Deputy Minister of Trade and Industry* enquired whether the performance agreement, as mentioned under Section 13 of the Bill, specifies specific areas that need to be addressed by the Board in terms of the performance of the MVA Fund.

My response: Section 13 of the Bill is made subject to the provisions of Sections 17 and 18 of the State-Owned Enterprise Governance Act. These Sections highlight what is expected to be incorporated into the performance agreements and that regard must be given to any directives that might be laid down by the State-Owned Enterprises Governance Council.

*Honourable Amweelo* wanted to know how the Ministry is going to be able to share resources from the fuel levy between the MVA Fund and the Road Fund Administration, since they will all receive their funding from the fuel levy.

My response: Currently there are a number of State-Owned Enterprises that receive their funding from the fuel levy, including the MVA Fund, the National Road Safety Council and the Road Fund Administration. The distribution of the fuel levy has always been divided between these institutions. This arrangement has worked well in the past and should therefore not present any difficulties in the future.

He also raised a concern regarding the re-alignment of the MVA Fund to the Ministry of Works, Transport and Communication, given that the Fund is an insurance type of entity, and the Ministry of Transport might not have the necessary mechanisms to properly monitor the operations of the MVA Fund. He suggested that the MVA Fund should remain under the Ministry of Finance.

Response: The concerns raised have been noted, however we are of the belief that the Fund is better located under the Ministry of Transport because accidents involve motor vehicles and the Ministry of Transport is responsible for the regulation of motor vehicles as well as the issues of road safety. It would be interesting to note that in some countries, including our neighbour South Africa, the Road Accident Fund, an equivalent of the MVA Fund in Namibia, resorts under the Department of Transport.

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The Honourable Member enquired as to where the transport accidents will be reported then, given that currently accidents are reported to the Police, while the MVA Fund will in terms of this Bill be under the Ministry of Works, Transport and Communication.

My response: Section 29(1)(b) relates to the investigation on the cause of an accident which will enable the MVA Fund to determine its liability. The Section does not relate to the reporting of accidents. Accidents still need to be reported to the Namibian Police. It is also interesting to note that although traffic officers are appointed by the Minister of Transport in terms of the Road Traffic and Transportation Act, it is the Namibian Police that is responsible for the investigation of road accidents.

*Honourable Mutorwa* queried what is meant by “personal attributes” under Section 12(1), and suggested that it be deleted if it cannot be defined. This observation has been noted and due consideration will be given in this regard.

He further suggested that under Section 12(2) which provides that the Minister must appoint two members as chairperson and deputy chairperson, the Minister should only appoint the chairperson and that the election of the vice-chairperson should be left to the members themselves.

My response: This Section was drafted in line with the provisions of Section 15(5)(b) of the State-owned Enterprises Governance Act which provides that the portfolio Minister appoints the chairperson and vice-chairperson. This Section is therefore to ensure conformity with the State-owned Enterprises Governance Act.

*Honourable Dienda* enquired how the citizens of this country will be made aware of the MVA Fund and the benefits it offers.

My response: We accept that many Namibians were not aware of the existence of the MVA Fund in the past. However, over the past three years, efforts have been put in place to alert the public about the existence of the MVA Fund through extensive public education campaigns by MVA Fund officials and this process will continue when the Bill is passed into law.

She queried about what, in the absence of a road safety Bill which can address all the issues relating to safe driving and punishment, the penalties will be for those who will not adhere to the laws pertaining to road safety.

My response: Currently the National Road Safety Council is charged with the responsibility to educate the public on road safety. The Namibian Police have the authority to arrest any member of the public who contravenes any law or rule that relates to road safety, as is the case with other laws.

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She enquired how the Bill addresses the issue of a vehicle that is designed to carry goods but is used to carry passengers for reward or used by employers to transport their employees.

Response: The Bill under Section 27(1)(f) provides that if a person was injured whilst being conveyed in a vehicle which was, to the knowledge of such person, unlawfully conveying passengers or goods, and such person had a reasonable option to disembark from the vehicle, the monetary benefits for loss of income and the injury grant will be reduced by 50 percent. The difference would then be for the employer to compensate the employee. The Bill also forces employers to ensure that the vehicles they use to transport their employees were intended to transport passengers, otherwise they are at risk of compensating the other 50% which the MVA Fund is not going cover. This is aimed to discourage employers from transporting their employees in trucks.

With these comments, Honourable Speaker, I hope that I have been able to shed more light and to convince my Colleagues in the House on the need for the speedy passage of this Bill. Thank you.

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**HON SPEAKER:** I thank the Honourable Minister for her reply. The Secretary will read the Bill a Second Time.

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**SECRETARY:** Motor Vehicle Accident Fund Bill.

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

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

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**MOTOR VEHICLE ACCIDENT FUND BILL  
COMMITTEE STAGE**

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**ASSEMBLY IN COMMITTEE:**

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**MOTOR VEHICLE ACCIDENT FUND BILL  
HON KUUGONGELWA-AMADHILA**

**HON CHAIRPERSON OF COMMITTEES:** The Committee has to consider the *Motor Vehicle Accident Fund Bill*.

Clauses and the Title put and Agreed to.

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**HON CHAIRPERSON OF COMMITTEES:** I shall report the Bill without Amendments.

**ASSEMBLY RESUMED:**

Bill reported without Amendment.

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**MOTOR VEHICLE ACCIDENT FUND BILL:  
THIRD READING**

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**HON SPEAKER:** Does the Minister move that the Bill be now read a Third Time?

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

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**HON SPEAKER:** Any objection?

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**HON GURIRAB:** Honourable Speaker, I am not quite sure if it is an objection, but the Minister in her reply said that she was considering some Amendments on the basis of contributions made and I expected that the Minister would make those Amendments, because the Bill has now been reported as having been adopted without Amendments. I seek your guidance.

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**HON SPEAKER:** Honourable Minister, how do you propose to effect the Amendments, because I was leading the way to the finalisation. You suggested that you would want, on the basis of the contributions, to amend the Bill. It can be adopted only after the House has seen the Amendments.

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**HON MINISTER OF FINANCE:** Honourable Speaker, I have missed much of what you said because the microphone on my desk is not working. But based on guesswork, let me explain that some of the

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recommendations that were made that we accepted are to be implemented and implementation level. There are others that we have agreed to consider and when we have done so, I think there will still be time to deal with them when the Bill returns from the National Council. But the timing was such that it was not possible for us to consider all these proposal and prepare Amendments and have them effected now before the Bill goes through to the Council.

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**HON DR GEINGOB:** Mr Speaker, we are having consultations here and the idea was that the Bill could be adopted, it goes to the National Council, those will be accommodated there and then come back to us.

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**HON GURIRAB:** Honourable Speaker, we were not part of those consultations and the normal practice would be that if the Minister wishes to make Amendments, that they are tabled. But if that is the route we elect to go, we take that.

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**RT HON PRIME MINISTER:** Actually my understanding of what the Minister was saying with regard to certain recommendations, is that they have taken note of those recommendations, which means they are studying it. That is my understanding of what the Minister was saying. I never heard her saying that we are going to propose an Amendment. That is why the Committee Stage just went through.

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**HON SPEAKER:** It is all well. No harm would be done, this Parliament consists of two Houses and if indeed arrangements are made, it is only after certification of the Bill by the other House and it will come back, depending upon the type of Amendments that would come up there and how they are taken care of. It will come back here. It allows for consultations between now and then and if the Amendments are taken care of through that procedure, I do not think any harm would be done. If that is the understanding of the House, we will proceed. Any objection to the Third Reading? Any further discussion? Does the Minister wish to reply?

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**HON MINISTER OF FINANCE:** Honourable Speaker, I would just like to thank the Honourable Members of the House for their support of the Bill.

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**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.

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**SCHOOL DEVELOPMENT FUNDS  
HON PANDENI**

**SECRETARY:** Motor Vehicle Accident Fund Bill.

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

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**MOTION ON SCHOOL DEVELOPMENT FUND  
AND TERTIARY EDUCATION FEES**

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**SECRETARY:** Resumption of Debate on school development funds and tertiary education fees.

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**HON SPEAKER:** When the Assembly adjourned on Tuesday, 13 November 2007 in terms of Rule 90, the Question before the Assembly was a Motion by Honourable Dienda, that the Motion be adopted. Any further discussion? Honourable Pandeni.

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**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,  
HOUSING AND RURAL DEVELOPMENT:** Thank you very much, Comrade Speaker.

I also wanted to make a small contribution with regard to the school development fund. Most of the speakers that spoke before me indicated the importance of school development funds. I should also indicate that the development of our children, the learners at school, is not only happening within the classroom, it is also happening outside the classroom, meaning that there are some extramural activities that are important to the learning process and development of our children.

If you take some of the activities, such as gymnastics, soccer, netball, name them, these are some of the activities that are not prescribed by the curriculum, but it is important that the children also undergo activities because it is part of development to enable that particular child to perform in the school. Indeed, when they are performing well, it is also encouraging them to do more in the classroom.

I also want to indicate that it is a fact that education in Namibia is free and I do not need to go into the details. People are sometimes looking at the contribution that schools are asking in order to strengthen their school funds as payment for education. Education is very expensive and if we had to pay for education, I wonder how many of us could have afforded to pay for our education.

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**SCHOOL DEVELOPMENT FUNDS  
HON PANDENI**

But again, we should also look at the very important function of the school boards, that these are the people who decide on the amount to be paid at that particular school and I think they have the same sympathy that we in Parliament have when it comes to this, that should the amount be raised, it would not be affordable to many of our children from poor parents.

The other fact is also that nobody should be disadvantaged to pursue his or her education because his or her parents are not able to pay these fees. If it happens, it is our task to take it up with those particular schools because they are not allowed to disadvantage the learners in the process.

I saw some of the schools giving questionnaires where they are asking whether the parents will be able to make a contribution to a library, to the development of sport fields and you can either say yes or no. They also have a variety of amounts, such as N\$10, N\$20, N\$30 and even up to N\$50. This is asking what you are able to afford and if you can afford N\$50, you put N\$50 there on a monthly basis. They also follow up and say, *“you indicated last year that you would like to make a contribution to the development of our sports fields and you have indicated that you will pay N\$50 on a monthly basis, can we now get that N\$50?”* This is another way of communicating to the people.

But I think it is very, very important that we encourage contributions by the parents to those activities other than the one happening within the classroom, because it is not done to enrich the teachers, but to help our children to develop outside the classroom.

I also want to indicate that I believe the problem we have sometimes is whether the parents fully understand their rights. When you do not understand your rights, when you do not demand your rights to be taken care of, people might take advantage of your ignorance and maybe at the end of the day we are disadvantaged. But if we have parents who are supplied with the relevant information in order to protect the rights of their children and those who cannot afford these payments, then we will be better off.

Every year the schools are holding meetings to cross-check whether we still agree on this, whether we want it to be raised or we want it to remain as it is and I think we should really have the courage to ensure that parents are encourage to take note that there might be learners whose parents may not be in a position to pay for these activities.

Comrade Speaker, I just felt that we as Parliamentarians should really be positive, that this is done with a positive mind to improve the education of our children. If you compare rural and urban schools...(Intervention)

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**SCHOOL DEVELOPMENT FUNDS  
HON BOHITILE**

**HON DIENDA:** On a Point of Information. If I keep quiet I will not do justice to myself. I totally agree with the Minister when he is saying that we must support. I just want to know from the Honourable Minister, if you are paying school development fund every year and then you receive a list of stationery and on that stationery list is toilet paper, books, everything, tissues and next year you receive another list called a year planner and on that year planner there is cake selling, debutante ball, Valentine's Day, all sorts of fundraising, where will we end? What is it that we are supposed to pay the school development fund and there is a stationery list and all sorts of fundraisings? That is my problem.

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**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,  
HOUSING AND RURAL DEVELOPMENT:** Honourable Dienda, I think both of us are teachers by profession and I believe there is nothing that prevents us to speak to the parents attached to those schools so that things can change.

I believe your question suggests that the school development fund seems not to say specific for what it is, but if you want that to be specific and to be classified, then we just say that, but if we bring it as a problem, people might get the wrong impression, that we want to do away with the school development funds. But I know the problem is that it is not specific, so the parents should demand that it should be specific.

We are the ones taking decisions there. I heard you sometimes saying the school principals are manipulating, but people manipulate others who are not well-versed with what they are expected to do. We can even say we have realised and noticed that every year we are given lists of items which should resort under the school development fund, but during the year some other things are coming up again and we do not think these things address emergencies, they should have been included in the plan when we were considering school development fund for the next year. I think it is up to us, because these people will still come to you and if you agree, they think you understand and, therefore, you do not have a problem.

Comrade Speaker, I just wanted to raise some of these issues to register how important it is that we have school development funds in the various schools. I thank you.

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**HON SPEAKER:** I thank the Minister. Honourable Bohitile.

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**HON BOHITILE:** Honourable Speaker, Honourable Members, I did not have the intention to participate in the Debate on this Motion, for obvious reasons.

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HON BOHITILE**

However, it might be necessary to say a few words and in that process probably clarify an issue or two.

I must apologise, Comrade Speaker, as I run the risk of repeating what the Right Honourable Prime Minister said or even what Honourable Pandeni said.

The question here seems to be whether primary education in Namibia is free or not or why primary education in Namibia cannot be free as the Constitution is saying. My humble opinion, Comrade Speaker, is that yes indeed, primary education in Namibia is free.

Honourable Speaker, in an earlier point of order I made, I alluded to the fact that from the contribution that parents make to the development fund, nothing goes to the State. Not a cent goes to Treasury.

Honourable Speaker, when a primary school learner goes to a Government school at the beginning of a year, the Government provides him or her with a pencil, a pen, an eraser, exercise books, textbooks, actually the toilet paper, a desk, a chair....(Intervention)

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**HON DIENDA:** On a Point of Information. I think we have different schools in Namibia. Some schools may give these things, 90% of the State schools do not give these things. I am talking about the pens and whatever. I have my list for a Grade 1 learner for next year and on this list are all the things she has just mentioned. I cannot really understand what is free if you receive this long list with all the things you must buy.

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**HON BOHITILE:** Honourable Speaker, when the Grade 1 child goes to school these are the things the child gets, because there is what is called the Government Stores where all these things are stored. Each Government school orders these items and you order these items according to the number of children that you have in that particular school. The kids get pens, the eraser, the textbooks, the exercise book. Actually the child gets the desk, a salaried teacher, a salaried principal, a salaried school secretary, a salaried cleaner, a salaried subject adviser.

Comrade Speaker, the child gets water, electricity, a playground for which no parent pays. What this child does not get when it gets to that primary school is the soccer ball, the netball ball, a tour to a museum, a tour to a neighbouring school to participate in sport, a tour to a game park. That Government does not provide and that the child will not get when he/she gets to that primary school.

But Comrade Speaker, we all know as Members sitting in this House that if a child is not exposed to any extramural activities, to any other activity outside the classroom, this child will lag behind. Therefore, the parents meet at a platform created for them that is called a parents' meeting at the school. They sit together as parents, they discuss, they agree to all sorts of things, including an amount that is the school development fund amount and they participate in the discussions as parents. They have to, they actually must and they do this to make it possible for their own children to be able to participate in extramural activities. That is why they do it. That is why they gather at that school, that is why they participate in the discussions.

Comrade Speaker, eventually, these parents would select some of them amongst themselves as school board members and these would be their representatives. Parents would also make themselves available to be elected.

But unfortunately, Comrade Speaker, you would get records from schools where they will tell you that they have 700 children in their school, but when they have the parents' meeting, fifty parents attended. I am not sure whether fifty parents can give birth to 700 children. (Intervention)

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**HON BASSON:** On a Point of Information. As Honourable Dienda has said, we could be talking about different State schools, but sometimes the parents' meetings will be held in the evenings and most of the children are not with the biological parents, most of the children are with the grandparents or family members. It is sometimes very difficult because I know that in Mariental where my children attended these former white schools, they did not want the black people to attend the former white schools and then they held the meetings on an evening that you cannot attend it. Therefore, sometimes it is very difficult. When a meeting is held at seven or eight o'clock, then it is very difficult for some of us and 700 children do not have 700 parents. Maybe one parent can have 5 or 6 children, for your information. But sometimes it depends on the time when the meeting is held.

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**HON BOHITILE:** Honourable Speaker, if along the way of the implementation of this process the parents feel cheated, feel robbed, feel left out of the school system, they feel the principal and teachers are not adhering to an agreement, please for heaven's sake, make use of this platform of a parents' meeting or visit the school as a parent. It is your school, this platform was created for you as a parent. Call the staff, call the teacher, call the principal, visit and air your views. Share your unhappiness with the school, share your ideas with the principals and the teachers, it is your school. If you feel the 6 or 7 o'clock meeting... (Intervention)

**HON DIENDA:** Honourable Speaker, on a Point of Information. It is true, Honourable Bohitile, that we must make use of these platforms, but you will make an enemy of yourself when you are questioning these principals every day in the meetings. Yes, you will be the number one enemy of that school because it becomes a case of here is the problem parent coming again with all the questions. But it will also be good if the Honourable Bohitile could be sent back to Education, because I was sitting in meetings where the Minister of Education was saying education is free, free, free and all the parents will clap hands because it is free. But they do not quote what is written in the Education Act, so that the parents could also know.

When I was teaching at a high school, we only concentrated on school development fund, no fundraising and our parents were happy at that school, Eldorado High School. But this is not happening at other schools and this is where my concern lies. It is not that we do not want school development funds, it is only about all the others that are being added. This is where the problem lies. We are speaking in our meetings, we give our contributions, but it seems it goes in here and goes out that ear.

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**HON SPEAKER:** Before I give the Floor back to Honourable Bohitile, I am sure the Honourable Members will agree that different things happen at different schools across our country. That ought to be the bottom-line, therefore you are looking for a common denominator, that what exists at this school also exists at another school. But we know that is not the case, so we should not be debating that there are differences among different schools, even among schools that are all Government schools.

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**HON BOHITILE:** My appeal to the parents is that they get in touch with their schools and discuss this issue and find solutions for their problems and their questions.

Comrade Speaker, I will never condone principals who cheat on parents, who overcharge parents, nor will I condone principals who charge the poor and do not have an understanding for their situation. That I would not do. I am on record calling such principals to order, but Comrade Speaker, I cannot recall one single principal who was confronted and admitted that he/she forced a poor learner to pay or punished a poor child who did not pay. They always deny that.

Comrade Speaker, why do they deny it? Why do principals deny that they are doing that? Because they know it is wrong. They are denying it because they

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know it is not allowed. They are denying it because they know it is against the policy of Government. Comrade Speaker, they deny it because they know it is simply against natural justice. That is why they deny it, they know it is wrong.

But Honourable Speaker, Honourable Members, how many times has it happened that the haves, we sitting around here, have cheated or have simply been riding on the backs of those who have less? How many times do we do that by not contributing anything to this development fund and rather spending money on luxuries? How many of us do that?

These are people who have shops, businesses, Cuca shops, who are small stock farmers, large stock farmers, who own 20 heads of cattle, 40 goats, but would not want to contribute to the school development fund.

Honourable Speaker, in my humble experience, it is exactly the poor members of our community who actually come to school and participate in the feeding scheme for their children. They come and cook so that their kids can get that lunch. It is a labour that they give to the school, because they know what that single meal per day means to their children. Where are those that have? They are at their homes. Their kids will get lunch, dinner, breakfast, who cares?

Comrade Speaker, it is because of those cheaters that the system had to work out a mechanism to ensure that those who have the means to contribute to the development fund do so; so that extramural activities for the children can happen; so that teachers can go that extra mile for the children to ensure that those haves will not keep on riding on the backs of the have-nots. It is because those who have the means will be too embarrassed to go to the headman to ask for proof of his poverty status while the headman knows that he has 50 heads of cattle and 20 goats. If the headman gives him that piece of paper that he is poor, then it is the headman that is corrupt in this case.

Comrade Speaker, on the other hand, it is important we instil in our people that pride that they contribute to the education of their children. An aunty who would see that her child of 21, 23, 24 is not contributing to the household, does not want to work, would say to that child: *"I have taken you through school and today you do not want to contribute to the household."* Why is she saying that? It is because that mother paid that N\$20 per month to the school, she actually paid for the education of her child. Today we are saying this aunty may not even pay the N\$20, that is what we are saying, Government should give everything including the extramural activities.

Comrade Speaker, if we go to Katutura now, we will find from the morning to the evening a lot of people sitting at the tombo shebeens. You know, there are shebeens and there are shebeens. I am talking about the tombo shebeens where you can get a *skaal* for a N\$1 or N\$2. Our people would sit at this place every

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God-blessed day and consume. But Comrade Speaker, these tombo shebeens would not have existed if they were not making money. What it means is that whoever is sitting there drinking is paying, is buying this *skaal*.

I am saying, if I could spend N\$10 for that tombo, why not spend N\$10 for the child to go on an educational tour? Why can I not do that? Why is it wrong if a parent can pay N\$10 for a child to go on an educational tour?

Comrade Speaker, let us allow our people to have a sense of responsibility towards the education of their children and not only *outere horomende*. Here I am not advocating exorbitant amounts, but a N\$20 per month adds up to N\$250 per year. This is what the parent would have contributed to that child's education.

Comrade Speaker, allow me to appeal to parents to attend meetings at their schools, use that platform to air their views, to launch their complaints, to elect their representatives, to be elected themselves, to play a role in the education of their children. The platform is there, let us use it. Indeed, Comrade Speaker, primary education in Namibia is free and I thank you.

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**HON SPEAKER:** I thank the Honourable Member for her contribution. Minister Mbumba.

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**HON MINISTER OF EDUCATION:** Thank you very much, Honourable Speaker. Following the former Deputy Minister of Education, let me start with the issue of school principals.

I think if our school principals understand that their duty and responsibility is to look towards a better future for the children under their care and they fully understand their responsibility, if they truly love those children and they are interested in the future of Namibia and especially in the future of their specific community, they will definitely not prevent children from attending school because they cannot pay. They will definitely not prevent children from writing examination if truly the parents cannot pay. But as was said already, there is confusion between not being able to pay and totally unwilling to pay.

Firstly, we are adopting a totally unscientific form of socialism and any form of socialism which is unscientific will definitely fail, because if we are to say that yes, I have my child, I love my child, I love my grandchild, from the age of 6 to 16 I will not pay anything for his or her education, that is totally unscientific.

And then we come to this way of freedom. We say freedom of the press, does not mean you get a free newspaper, you pay, but you have the freedom to information. You talk about freedom of association but it does not mean if you have an

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association you do not pay anything. The truth of the matter is, who pays for the education of our children? The whole community, the whole country, every citizen, those of you who earn salaries pay taxes and the taxes pay for the services rendered by teachers. The type of freedom you are talking about is not like free open space, no it is services delivered to the community, by the community, for the community but definitely at a cost. (Interjection)

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**HON MEMBER:** Scientific services.

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**HON MINISTER OF EDUCATION:** It is scientific. If you do not recognise that, then you will be in trouble.

The other thing I want to address is our run-away communities, our run-away neighbourhoods and an Honourable Member of Parliament is saying, "if I challenge the school principal in my neighbourhood, they are going to hate me." But you can confront the Speaker, you can confront the Prime Minister, not to talk about the Minister of Education and you are not scared of being hated. But in your own specific community you are scared of being hated. Let us truly get hold of our own communities, our own churches, our own schools and control them. There is no excuse that certain meetings are held at certain hours and so on, not at all. Let us just work together.

I have experience of one secondary school in Omusati Region about the school fund. What they did was to organise themselves, they have a piggery and because meat is expensive these days, when they slaughter a pig they get money and, therefore, they can afford to tell parents that whatever you give us is enough. We truly need to be creative. The Government does not have enough money for everything. The best of schools will always organise the parents and let us also make a difference between the school fund as a programme of that particular school and fundraising.

Churches want to build a better church and we are always collecting something and there is a difference between fundraising and school funds.

Schools need computers. They go to the Prime Minister, the Prime Minister comes to speak to us and then the Prime Minister asks for computers, books, dictionaries. They have even created a form of patrons. They build a library and then this library is named Theo-Ben Gurirab. Theo-Ben Gurirab must now come, when Theo-Ben Gurirab comes with the title of Speaker, he must contribute.

I was dumbfounded when one community where my father was a headman came to me, they wanted to name the school after me, so I said no. I am now responsible for every school in the country, I cannot accept my name to be

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attached to one particular school only. I gave two names of two veterans who have fought and died during the struggle and never saw Independence. Up to now I do not know what happened to the renaming of that school, I think it still has the old name because the whole trick was to name the school after the Minister of Education and the Minister of Education will bring us something. But they do not understand that the Minister of Education does not have money in his pocket for one particular school. We must understand that.

I was in China this year and China is still one of the countries that can talk about socialism. A person said, just for their child to go to a Government school in Beijing is equivalent to US\$700, but his aim is that this child will go to university one day. To get admission into a school, you have to have music, special computer skills, special whatever, and to pay for those things, including driving up and down over the weekends for the child to have special courses, it is over US\$4 000. That is how complicated the issue of bringing up somebody is.

We are now busy training our teachers and improving their conditions, so that they understand their responsibility. We have many programmes through ETSIP and we hope that everyone will truly understand their responsibilities and I count on your support and I am always interested in this kind of discussion. But let us not say, because the Constitutional education of our children between the ages of 6 and 16 is free, I should lie back and let the teachers or school principals take responsibility for the education of my children, because what we are doing is truly cutting short the opportunities of your particular child in the future.

Competitive education is there and we should put something forward to support education, to support our community in ensuring that our children get the best possible education available. Thank you very much.

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**HON SPEAKER:** I thank the Honourable Minister. Honourable Ithana.

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**HON MINISTER OF JUSTICE AND ATTORNEY-GENERAL:** Thank you, Comrade Speaker. Let me right at the beginning let you know that I have never come close to being called a teacher, never, and therefore my whole approach to the Debate is really that of a lay parent.

I would first like to thank Honourable Dienda for raising this very important issue, the school development fund. I am saying the issue is important because the Debate is taking place at a time when many things are happening. Things are

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happening in our social setting that children do not have respect for their parents, young people want to get rich fast and many other anti-social happenings.

I do not want to select the teaching profession and give them all the accolades of being the cleanest in this society infested with greed and fraudulent behaviour. I am not saying the teaching profession is fraudulent or is corrupt, this is not what I am saying, but I am just saying the social setting is infested with all these anti-social behaviours. So, that should be at the back of our minds as we are debating this issue.

It is true, Comrade Speaker, Article 20(2) of the Constitution proclaims that primary education should be free and I believe it is free, and compulsory in the sense that no child is prevented from attending school. That is why there is a policy that says even a child from the poorest family should be accepted in school. This is so because of that provision.

We should however, remember that education is a tripartite responsibility in our society – that it is the Government's responsibility, the parents' responsibility and learners' responsibility. That is the tripartism that I am talking about. Government provides the classrooms, the salaries of the teachers, it buys books, it buys desks, chairs and tables. That Government does and many other things that my Colleagues who spoke before me have articulated already.

What is the responsibility of a parent who has a child in a school? The responsibility of the parent is to look after the social needs of the child, providing food, providing uniform and those other small contributions to the social upliftment of that child while attending that school. That is where the school development fund is accommodated.

When you visit schools, particularly in certain rural areas, that is where you really feel that the school development fund should exist. You find that all the windowpanes are knocked out and every day when the children are going home, the birds and everything get housed in those classrooms. Yet the community feels that education is free, they send their children to school and when you ask them if they cannot do something about the broken windows, they say, "no we wrote to the Ministry of Works." Truly, is it fair, is it reasonable that we as parents with children in such a school cannot even raise N\$100 to buy a windowpane, broken by our own children. I am not talking about the extramural activities, that is a luxury. I am talking about a door which is broken but it is just left like that because either the principal or the teaching staff or the community itself do not feel they have a responsibility over anything. Is that fair, is it reasonable that we do it that way?

I talked about the responsibility of the Government, that of the parents...(Intervention)

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**HON KAURA:** May I ask the Honourable Member a question? Honourable Minister, I just want to find out, in our days if you break a windowpane, you got a hiding immediately, you were beaten up by the teachers and you knew that if you are playing soccer or ball, you would stay far away from the windows. Nowadays if a child breaks a windowpane, a letter is written to the parents, the parents must come and nothing happens.

Now because of our new arrangements the children just do not feel anything if they break a windowpane, while in our situation it was instant discipline. Do you think the way we are handling the education sector now is contributing to this problem?

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**HON MINISTER OF JUSTICE AND ATTORNEY-GENERAL:** Yes, Honourable Kaura, that is very true, but you and me know exactly where we got that from as the fathers and mothers of the Namibian Constitution. We enshrined in our Constitution the principle of democracy where we said every human person's body is inviolable. A teacher cannot afford to chastise a child, it is prohibited. You remember very well the famous judgment by Judge Mohammed. It is our democracy but we must find a way of going around the same problem without necessarily beating up children. Are these children also being educated as to how they should behave themselves in order to avoid hitting the windows? Are we doing so either at school or at home? We are probably not doing that and the result is that many of our schools do not have windowpanes. I am talking about certain schools, not generally and I thought if a school has a development fund in which parents contribute the little they can afford, at least when something small like a windowpane has broken, they can afford to buy it and put it in themselves or penalise the culprit to have that windowpane replaced.

Now the responsibility of the children is to learn, I do not even want to get into that. Those who spoke before me accepted the fact that indeed primary education is free. You know, not long ago in July I was coming from somewhere and I stopped in Malaysia. The driver of our High Commissioner who was taking us around...(Intervention)

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**HON MOONGO:** We lack a quorum while you are making too long speeches.

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**HON MINISTER OF JUSTICE AND ATTORNEY-GENERAL:** Comrade Speaker, I will be concluding very soon. I was saying this driver was taking us around and we engaged in the discussion around the way of life in Malaysia and the cost of living, etcetera, and he told us that in Malaysia every parents aims are to achieve two things: That is, number one, to own a house; number two, to save up for the education of his or her child. That is Malaysia, that is why you hear that Malaysia just developed from a third world status to where they are today within a period of less than 40 years. Every parent has only two objectives in life, a house and education for his or her child.

I know that the single mothers in Katutura are sleeping less than six hours a day. They are doing everything possible to get a little amount of money to send their children to school. I have people related to me whom I know very well, they are all unmarried, they have two or three children and all these children are graduates. Single parents – all their children are graduates.

Now fathers tell me: How many children do you have in the first place? How many have you put through education? (Intervention)

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**HON KAIYAMO:** On a Point of Information. Comrade Minister, it is not all men that are bad. I have 4 children, three officially, of which 3 are at university.

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**HON MINISTER OF JUSTICE AND ATTORNEY-GENERAL:** Thank you, Comrade Kaiyamo. Three officially, how many unofficially? (Intervention)

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**HON VENAANI:** Honourable Speaker, may I ask my Colleague on the other side of the House a question? Honourable Minister and parent and mother, are you aware of the fact that the only person who knows the authenticity of your father is your mother? And sometimes when there is an anticipation that my cousin, like Mbumba, can be able to provide for you, you will be told that no, this is not your child, it is Honourable Mbumba's child. After turns of events you will be told that no, there was a problem. How do we address this impediment?

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**HON MINISTER OF JUSTICE AND ATTORNEY-GENERAL:** Comrade Speaker, that is a whole Debate on its own, and we cannot mix it up with this one, otherwise we will run out of time. The quorum is very shaky. (Intervention)

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**RT HON PRIME MINISTER:** I am sorry to disturb the Attorney-General and

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Minister of Justice on the very important point she is making, but can I ask her a question? Are you aware that there is a lady Member of Parliament who has been lobbied by men to come and ask for oversized condoms in Parliament? (Laughter)

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**HON MINISTER OF JUSTICE AND ATTORNEY-GENERAL:** The Honourable Minister of Health answered that question adequately and when he finished we all clapped hands and I will leave it there.

Comrade Speaker, the issue raised by Honourable Dienda is important and I do not want us to brush it aside. Really, something must be wrong somewhere with the system. The development fund is very, very important but, as I asked the Right Honourable Prime Minister the other day when he was addressing the same issue, maybe both sides, the teaching profession and the parent community, do not know the limits and the framework within which this subject matter must be addressed and looked at.

I would also like to know whether these funds are at all audited and by whom. Is it audited by the school itself or by auditors from outside? If this matter is left like that with the societal problem that I talked about, maybe we are subjecting parents to exploitation. They collect moneys and this money is not used for the intended purpose because there has been an allegation, several allegations of teachers borrowing from the same source. During the time that they borrowed this money, what happens to the extramural activities of the children? Maybe there is something amiss. If the Government schools are supposed to provide the educational needs as Honourable Bohitile enumerated them, how come that that list there contains the issues that are supposed to be provided by the Government? Is it because their storeroom does not have those items? Is it because the Government does not have them or is it because they are using these items as a pretext to get money, which money they are going to use for something else other than to pay for the stationery as they claim.

I did not listen to the motivation of Honourable Dienda and I am really recommending this out of ignorance, that this issue must go to a Committee for public hearings to take place and for us to know the truth as to what is happening with this school development fund.

Having said that, Honourable Speaker, I support her Motion with that Amendment.

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**HON SPEAKER:** I thank you Honourable Minister. Honourable Geingob.

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**HON DR GEINGOB:** We would like to thank the people on the other side, who saved us to sit as we are sitting. I said we must have time management otherwise we would have been in a serious problem. We will not now have to count. I was going to ask her a question, Honourable Speaker, but since her speech was so good with information I did not want to interrupt.

I wanted to tell those who are saying primary education is not free that I saw a letter from a private school where you pay N\$9 000 for a child. Those are plain fees. That child is going to St Paul's, the letter came, it says N\$27,000 a year for your child if you are a taxpayer, a non-taxpayer, N\$50,000. That is what those private schools are asking. Government schools are free. Thank you.

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**HON SPEAKER:** I thank Honourable Geingob. Any further discussion? Does the Honourable Dienda wish to reply?

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**HON DIENDA:** Thank you, Honourable Speaker, I would like to reply very briefly.

Honourable Speaker, Honourable Members, although the Constitution has set the objective of free primary education, it seems to me that we have ignored the concept of affordable education. OVCs are exempt from paying school development fund but there is something wrong with the scheme because it has a lot of challenges, including weak systems, as the *Honourable Ithana* was saying, leading to high inclusion and exclusion errors.

The amounts paid by Government to schools are below what is required by schools. That is a fact. The variation in school development fund of both primary and secondary schools shows a lack of clear regulation of the school development fund chargeable to pupils in all State schools.

Honourable Speaker, Honourable Members, having said all this, I would like to thank every Member of this House, negative and positive contributions are highly appreciated. I was not a Member of Parliament when the Education Act of 2001 was discussed, but what I know is that Amendments can be done when you realised that you have missed the pot.

Honourable Speaker, I therefore move that this Honourable House sends this Motion to the Committee on Human Resources, Social and Community Development to look into the following:

- To make sure that the Minister puts measures in place to ensure that school principals adhere to the laws passed by this Government;

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HON VENAANI**

- The wide variation in school development fund for both primary and secondary schools be rectified, meaning that one State school cannot ask N\$1 000 and the other State school charges N\$250;
- All expenses being included in the school development fund, no other forms of fundraising allowed during the course of the year. This is the reason why parents cannot keep track with paying the school development fund because of all these small things coming in through the year;
- The bursary and loan schemes of our students to be re-looked at;
- The duration of courses offered at our tertiary institutions be compared with other countries.

I so Move, Honourable Speaker.

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**HON SPEAKER:** I thank the Honourable Member. There is a consensus to send the Motion to the appropriate Standing Committee mentioned. I now put the Question, that the Motion be referred to the Committee. Any objection? Agreed to. The Secretary will read the Fourth Order of the Day.

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**MOTION ON MEMBERS OF PARLIAMENT  
PENSION FUND**

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**SECRETARY:** Resumption of Debate on the current discrepancies contained in the Members of Parliament and Other Office-Bearers Pension Fund Act (Act No. 20 of 1999).

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**HON SPEAKER:** When this Debate was deferred yesterday, 14 November 2007, the Question before the Assembly was a Motion by the Honourable Venaani, that the Motion be adopted. Honourable Moongo had deferred the Motion on behalf of Honourable Venaani to reply. Honourable Venaani.

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**HON VENAANI:** Honourable Speaker, Honourable Members, I shall be very brief.

Honourable Speaker, I want to thank all those Honourable Members that have participated in this Debate in my absence, one and all that have supported this very important Motion. As I have indicated in the motivation of the Motion, I asked

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that this matter be taken to the relevant Standing Committee on Privileges and that this Committee goes and scrutinises discrepancies as contained in the current Act. I think many Members have forgotten what was the intention of the Motion, what it was trying to seek.

But the Motion was trying to address all the discrepancies that are in the current Members of Parliament and other Office-Bearers Act of 1999 and specifically when a younger Member of Parliament like myself is forced to retire and can only access his pension at 55, where as the term of office of a Member of Parliament is five years and there is no age discrepancy.

Of course, further on, older members of the Fund are also discriminated in one way or the other. The Motion only seeks to have an equitable process for all members of the Fund and that equity should prevail and I, therefore, thank all those Members who have participated in the Debate and supported the Motion and supported that this Motion be referred to the relevant Standing Committee for speedy recommendations back to this House so that we move ahead. I thank you.

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**HON SPEAKER:** I thank Honourable Venaani for his reply. I now put the Question that the Motion be referred to the Standing Committee on Privileges for review and report back to the Assembly. Any objection? Agreed to. The Secretary will read the Fifth Order of the Day.

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**MOTION ON PROCEDURES IMPLEMENTED  
DURING ELECTIONS**

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**SECRETARY:** Resumption of Debate on procedures implemented during elections of the Regional and Local Government, Housing and Rural Development.

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**HON SPEAKER:** When the Assembly adjourned yesterday, 14 November 2007, in terms of Rule 90 of the Standing Rules and Orders, the Question before the Assembly was a Motion by Honourable Kaura that the Motion be adopted. The Honourable Minister of Regional and Local Government, Housing and Rural Development had the Floor and I now revert the Floor back to him.

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**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,  
HOUSING AND RURAL DEVELOPMENT:** Thank you very much, Comrade

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**MOTION ON ELECTIONS  
HON PANDENI**

Speaker. Comrade Speaker, when I took the Floor the other time, I made those contributions that are relevant to this Motion and I also informed the Members that in fact, as we are debating this Motion, there is a workshop reviewing the Electoral Act (Act No. 24 of 1992) and today we were even more privileged that this workshop was opened by Comrade Speaker and closed off by myself.

I just want to remind that the Election Commission, together with their Directorate of Elections, used to resort under the Office of the Prime Minister and because the public wanted autonomy of this body, it was moved and it was accepted that this body operates independently, so that they can deal with this matter without taking sides. I believe all these years we were happy with how issues were dealt with.

If you look at the motivation, it has a lot of implications. It is firstly asking for the presiding officers to be drawn from Political Parties that would preside over these elections, that they be paid by the Government. The counting officers are recruited and paid by the Government, but this Motion is saying they should come from the Political Parties.

When you look at all these arrangements, you are now wondering, because the powers, duties and functions of the presiding officers are very important for any authority that is running elections. If they are coming from the Political Parties, the counting officers from the Political Parties and then on top of the Political Parties having Political Party agents, then the question may be asked: Who is running the election? Is it still this body which is said should be an autonomous body that would not take sides or is it the Political Parties themselves?

I also want to indicate that when you are looking at the elections, it has very big responsibilities and these responsibilities are vested in the presiding and counting officers, so that they do it as an autonomous body. Just to give an example: If at a particular polling station violence erupts, the Electoral Act gives power to these presiding officers to ensure the safety of all those that are to participate in that election. If we really open up, we may violate provisions that are what the law prescribes now.

The law goes further to say the presiding officer, the counting officers should be people other than the Political Party agents and the voters and the police. They should be other people, they cannot be part of those appointed by Political Parties.

Comrade Speaker, I do not know whether the Motion is not overtaken by the discussion taking place here, intending to review the Electoral Act and one would have really thought – I have not asked the Mover – that it would be good to await the recommendations or submissions, because if it has something to do with the Amendment, it will still find its way to Parliament and we can debate. I was wondering whether it is really worthwhile to have this parallel Debate that is now happening.

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**HON VENAANI**

With that contribution, I am done, Comrade Speaker. I thank Parliament.

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

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**HON VENAANI:** Honourable Speaker, I intend to be very brief on the matter. I rise to support the Motion under discussion and as analogy I just want to start with a story in Rwanda that led to the genocide, of the world that never wanted to listen to the warning of General Delarie of the United Nations present at Kigali informing the world and that led to the catastrophe.

Honourable Speaker, I think what is fundamental to elections is that as a country, as stakeholders, we should find a common ground and consensus before elections. I always hate the arguments that we always have after elections and it is best for a democracy such as ours that is proving to be growing to find consensus on the issues of elections before elections rather than fighting them out in the courts of law and calling each other names after elections.

What I am trying to say is that the proposal of arguing that all parties' political agents are paid by Government would ensure one thing: It would ensure that all Parties are party to the monitoring process of elections that is key to successful elections, when each and every participating Party is given the right to monitor elections.

The argument that is being advanced ...(Intervention)

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**HON MINISTER OF JUSTICE AND ATTORNEY-GENERAL:** On a Point of Information because something was said here in his absence. One of us apparently happened to have served in his previous career as a Party agent and to be a party agent during those elections, you need to prepare yourself to sacrifice your sleep and accompany the election materials wherever it will go. The revelation here was that certain party agents refused to go where they were supposed to go because they were claiming it was too early in the morning. So he went alone because he was committed that he was not going to allow materials to be taken around without him being there as the representative of his party. Do you know that that is said to have happened among our party agents?

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**HON VENAANI**

**HON VENAANI:** Be that as it may, I also have a lot of experience, I have been a party agent in the previous elections and also a former Secretary-General of a party and I am well aware of some of these issues.

The argument that was advanced in my absence was that Political Parties are recipients of Government funding for political activities. I agree, all Political Parties that are in Government are recipients of Party funding, but the reason why we are asking is that if you are looking at the proportion of funds given to Political Parties, the calculation of the cost of elections ten years back is not the same as today. We are allocating round about N\$27 per voter currently, but the cost of canvassing in a country such as Namibia with its geographical dynamics is much higher than the current party funding that the Parties are receiving. (Interjection). You can talk about the national income, but the reality of the cost is not the same.

You argue that the economy is at this level, this is the money I will be allocating to the Parties, but it is not the actual cost of the activities that you have to undertake in order to canvass in a country like Namibia. Therefore I am saying, let us allow all Political Parties, all stakeholders, to avoid all the repercussions after elections, let all these people be party to a process and be assisted, whether this system will be through Government allocating additional money for party agents at polling stations throughout the whole country and all the Parties, including the Party that is receiving the highest amount of money, will also be a party to some of these arrangements.

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**RT HON PRIME MINISTER:** May I ask Honourable Venaani a question? We all know the saying that the one who pays the fiddler calls the tune. Do you know that saying?

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**HON VENAANI:** With that saying you can also argue that because we are all recipients of Government funding, when the election is already determined by the funding that you are giving us, is that what you are trying to argue, that the mere fact that you are receiving two-thirds of the funding, it determines that you are winning the elections because you are paying. Therefore that saying is irrelevant in this context, Right Honourable Prime Minister.

But I agree with you that there is ongoing consultation on this very important matter, but I do not think that this House, as a chamber representing people, would not have its time now right to express itself on this very important matter, because the argument that Political Parties cannot be stakeholders, read today's paper, the head of the Electoral Commission is accused by one Party in this House that the mere fact that he did not disclose the registration of a Party, he might have some

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**HON VENAANI**

allegiance to that Party. Let us not play ignorance to the fact that election administrators do have Political Parties and they belong to Parties, but their job is to administer the electoral process...(Intervention)

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**HON MINISTER OF JUSTICE AND ATTORNEY-GENERAL:** On a Point of Order, Comrade Speaker. The young Honourable Member missed out on many things and I just want to correct the statement he just made.

There was an article in a local newspaper that disclosed exactly what happened. To accused a Political Party that you said whatever, the Political Party is not the origin of the whole thing. Read the *New Era* of some days ago that disclosed what happened, that informed everybody, including the Party that you are accusing.

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**HON VENAANI:** The origin of the story is immaterial at this point in time, but what is important is the mere fact that because of the origin of that story, Parties and your Party are already saying there might be foul play. So all of us know that all election administrators are also voters themselves and they vote for Parties. Thus when we are asking for all stakeholders to be there so we know we no longer need to accuse somebody belonging to a certain Party, but you know that he comes from a particular Party, but this group of people are serving the interests of elections. (Intervention)

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**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT:** May I ask Honourable Venaani a question? Honourable Venaani, one of the reasons that was cited in introducing this Motion was the fact that some Political Parties are financially not able to follow the election materials wherever they go and it is because they do not have sufficient finances. The question that I am asking, if you agree with that, would you say that the Motion is introduced to ask Government to fund these party agents or do you think the Motion is introduced for Political Parties to be the ones that are conducting elections?

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**HON VENAANI:** I do not know what the Honourable Minister is trying to ask me, but during the last Regional elections I was in the Epupa Constituency in the north-west of the country and I had to chase a vehicle of the Electoral Commission that took election materials from a voting point in Epupa Constituency and ran with those boxes to Opuwo. I found them at a particular house, I had to chase after them up to Opuwo and I also complained to the police about the incident and then we had to take these boxes back to Epupa Constituency. Therefore we are talking about experiences that we know.

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**HON KASINGO**

Any incumbent Government has advantages whether you want to agree with me or not. When George Bush is campaigning in Texas or Mexico, he is using Air Force One as President of the country and that is the advantage of being the incumbent and we are not crying foul about them being at an advantage, but we want a process of equity to be implemented in the whole process.

We argue that all Parties are getting Party funding, but you are also using Government advantages to run elections. For example, Parties are registering at NBC for new, fresh elections, but the incumbent Ruling Party would get the majority of the time to speak on the airways on an election that is not judged by the electorate. What if you lose the election? You are at an advantage already.

All what my Party is arguing is that we agree, let us have consensus before elections and let us address these issues before elections so that we do not fight after elections. Our Party is on record having fought many elections and in the whole success, SWAPO's victory has got to deal with DTA. We therefore know elections in this country, we have won elections in this country and have lost them. All we are asking is that the process be seen as fair, let us assist the process for the people to have a fair process in our own country, so that when you win power, that I respect that you have earned it in a correct manner. But if I have to chase ballot boxes at night as a former Secretary-General of a Party, it is not good for a country.

This Motion has no ill-intentions, all we are asking is that we have a fair, participatory process of elections in the interest of our citizens and I thank you.

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**HON SPEAKER:** Any further discussion? Honourable Kasingo.

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**HON KASINGO:** Honourable Speaker, I wanted to put a question to Honourable Member, but I will do it in an intervention.

I am now confused. What is the prayer of the Mover of the Motion? What does he want us to do? Does he or she want this Parliament to reach a gentlemen's agreement or does the Motion seek for an Amendment to the Electoral Act? If the answer to the last question is yes, then we have to support what was said by Honourable Pandeni and just wait until the Electoral Commission brings the Amendment here so that we can debate and refer it for consultation. That is my short intervention.

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**HON SPEAKER:** Any further discussion? When I made an announcement

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HON KAURA**

yesterday during the course of Honourable Members exchanging views on this Motion, I informed the House that there was going to be a workshop which I had the honour of opening this morning, organised by the Electoral Commission and its Directorate. The Minister of Regional and Local Government, Housing and Rural Development was there, Honourable Kaura was there, Honourable Geingob, Honourable Viljoen was there, Honourable //Garoëb was there, Honourable Tjombe was there. There might have been other Honourable Members. But I urge everybody to go there. I have discovered that the invitation did not get to all the Honourable Members, but I urge everybody who could to gatecrash. I delivered an opening address there, I do not know what happened, later I had to leave.

What Honourable Loide is saying is correct, the Motion does not ask for a referral to any Standing Committee, but what the Minister says is full of merit. As I understood it, and after consultation with the Commission, I discovered and that was reflected in my opening address, that a lot of things being discussed here are on the agenda of that workshop which started today and which will conclude tomorrow. So it is entirely up to the Mover of the Motion, but I thought the suggestion made by the Minister opens the way for Honourable Kaura, if he so wishes – it is entirely up to him – to defer the Motion. But for that he would need to do that and if you do not want to, do not do it.

**HON SPEAKER:** In the absence of any further discussion, Honourable Kaura, do you wish to reply?

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**HON KAURA:** Thank you very much, Honourable Speaker. It was said by Honourable Katali that I am trying to ambush the intentions of the Government. When we opened Parliament on the 16<sup>th</sup> of September I introduced this Motion, oblivious of the fact that the Electoral Commission will come up with what they have come up with today. I was oblivious to that fact. Whether it was by coincidence or because I introduced this Motion in Parliament, maybe they decided to bring this issue under discussion, I do not know. But when I introduced it, I was oblivious, nor anyone of us in this House knew that the Electoral Commission will come up with something like this.

For example, in the discussion paper – unfortunately it is in my car – it states that at many polling points, Political Parties, with the exception of the Ruling Party – do not have polling agents, they do not put polling agents at polling stations - it is in that document – and it is unfortunate, it must be looked at how something could be done to make sure that participating Political Parties are putting polling agents at each polling station.

That was one of the reasons why I said Government must facilitate that process, because normally in Namibia we have two thousand polling stations throughout

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the whole country and if you look at simple arithmetic, if you put three people at each polling station and you are paying them N\$50 a day for two days and for those two days the three people are paid N\$300 and multiply that per polling station, you will get N\$600,000 which I have to pay in order to have three polling agents at each polling station and that we cannot afford.

In order for Honourable Venaani to run after that mobile unit up to Opuwo, we had to rent a car from Avis and he had to drive that car after that mobile unit. What was the reason why people had to come from Epupa Constituency and drive all the way up to Opuwo, park at a private house and when he went and alerted the police, that is when they started driving back to Epupa? What was the intention? Why did they drive out of the Constituency where the election took place? And if Honourable Venaani was not there to run after this mobile unit, what could have happened in the election outcome of the Epupa Constituency?

I said that if agents from the participating Political Parties could accompany each mobile unit, there would be no possibility of suspected fraud because everybody would be there and even those people who are appointed by the Electoral Commission are politicians, they belong to certain Political Parties and they have allegiance to those Political Parties. There is no one who is neutral, totally and completely neutral and uninvolved. This is the reason why I introduced this Motion.

I concur with the Honourable Minister, if we have to defer it until maybe next week when we get the full Report, because we are going back there tomorrow morning to participate and see how far it goes, if it addresses these issues that are attempted by this Motion, well and good, no problem, by next week we can just scrap it off the agenda. If there are certain things that would still need to be deliberated on by this House, then we will all come back together, the Honourable Minister will be there and we will say this must be addressed and maybe rectified.

On that basis, Honourable Speaker, I agree with you that we can defer it until next week.

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**HON SPEAKER:** Thank you very much for your cooperation. The Debate on this Motion stands deferred until next week. The House shall rise under Rule 90, automatic adjournment.

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**HOUSE ADJOURNS AT 19:40 UNTIL 2007.11.20 AT 14:30**

**NATIONAL ASSEMBLY  
ASSEMBLY CHAMBER  
20 NOVEMBER 2007  
WINDHOEK**

The Assembly met pursuant to the adjournment.

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

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

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**TABLING: REPORTS OF THE AUDITOR-GENERAL**

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**HON MINISTER OF FINANCE:** Honourable Deputy Speaker, I lay upon the Table, Reports of the Auditor General on the accounts of the following Ministries:

- Ministry of Education;
- Ministry of Youth, National Service, Sports and Culture;
- Ministry of Environment and Tourism;
- Ministry of Health and Social Services;
- Department of Works of the Ministry of Works, Transport and Communication ;

for the Financial Year ended 31<sup>st</sup> March 2006;

- Performance Report on the Ministry of Education procurement cycle of school materials for the period April 2002 to March 2005; and
  - Summary Audit Report on the accounts of the Government of Namibia for the Financial Year ended 31<sup>st</sup> March 2006.
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**HON DEPUTY SPEAKER:** Table the Reports, Honourable Minister. Notice of Questions? Notice of Motions.

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## **MOTION ON BUSINESS OF ASSEMBLY**

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**HON BOOYS:** Honourable Speaker, I move an unopposed Motion, that the proceedings on Orders 1, 2, 3, 4 and 5 on the Order Paper be, in terms of Rule 94 of the Standing Rules and Orders, not interrupted if still under consideration at 17:45. I so Move.

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**HON DEPUTY SPEAKER:** Table the Motion, Honourable Member. Message from the Head of State? Ministerial Statements? The Secretary will read the First Order of the Day.

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## **INCOME TAX AMENDMENT BILL: RESUMPTION OF SECOND READING**

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**SECRETARY:** Resumption of Debate on Second Reading – *Income Tax Amendment Bill*.

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**HON DEPUTY SPEAKER:** When this Debate was adjourned on Tuesday, the 13<sup>th</sup> of November 2007, the Question before the Assembly was a Motion by the Honourable Minister of Finance, that the Bill be read a Second Time. The Honourable Minister of Finance adjourned the Debate for her reply and she now has the Floor.

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**HON MINISTER OF FINANCE:** Honourable Deputy Speaker, I understand that there has been consultations with the secretariat of Parliament to shift this item to later on in the day, preferably after the tea-break so that we could finalise consultations and I would want to postpone my response to this Bill until after tea-break, if that is acceptable.

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

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## **CONSIDERATION: REPORT OF PUBLIC ACCOUNTS COMMITTEE ON REVIEW OF REPORTS OF AUDITOR-GENERAL**

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**SECRETARY:** Resumption of consideration of Report of the Public Accounts Committee on the Review of the Reports of the Auditor General on Offices, Ministries and Agencies for the Financial Year ended 31 March 2002, 2003, 2004 and 2005 for consideration and adoption by this august House.

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**HON DEPUTY SPEAKER:** When this Debate was adjourned on Thursday, the 8<sup>th</sup> of November 2007, the Question before the Assembly was a Motion by the Honourable De Waal, that the Report be adopted. Honourable De Waal adjourned the Debate for his reply and he now has the Floor.

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**HON DE WAAL:** Thank you, Honourable Deputy Speaker, Honourable Members, I want to thank the Members who participated in the Debate and made some comments on the issues that were raised.

*Honourable Schimming-Chase* quite correctly asked the question whether there is any hope that our financial management system will improve in the future. Although none of us can predict with any certainty what will happen in the future, I do want to mention some progress that is being made.

First of all, the implementation of the Integrated Financial Management System should have the effect that no money will be released to any Ministry if such a Ministry has reached its budgeted ceiling. In practice this will mean that no Ministry will be able to overspend its Budget because the computer system will automatically block the release of any funds over and above the amount that was allocated to that Ministry in the yearly Budget. The effect of the implementation of the Integrated Financial Management System will be seen in the 2007-2008 Financial Year, although because of teething problems the real effect may only be seen in the 2008-2009 Financial Year. I hope I am correct, Honourable Minister.

Honourable Deputy Speaker, unfortunately there are more than one way to skin a cat and some of our Permanent Secretaries have devised other ways to overspend without such overspending actually showing up their year-end balances.

One such method is to stop paying debtors towards the end of the Financial Year. When a Permanent Secretary realises that he is going to overspend his Budget, he simply tells his suppliers that he has no more money available on this year's Budget and that they must wait for payment until the next Budget is approved by Parliament. This is for instance why almost all petrol stations in the country have stopped their accounts with Government and only sell petrol to Government on a cash basis.

The reason why this habit of Permanent Secretaries is possible is because we are working on a cash-based accounting system which does not require outstanding invoices to be included in the Financial Year-end figures. In order to stop this habit, we should ideally switch over to the Accrual Accounting System which will have the effect that outstanding invoices, amongst others, will be added to the expenditure for that particular Financial Year and a true reflection of the overspending for that year will then be reflected in the year-end figures.

Honourable Deputy Speaker, the Public Accounts Committee has discussed this problem with the Honourable Minister of Finance and I can assure Honourable Members that she is not only aware of this problem, but that she is currently looking at ways to stop this habit because not only does it distort our financial figures, but it also puts unnecessary pressure on the cash flow of the private sector, and most importantly, including Local Authorities.

Honourable Deputy Speaker, Honourable Members, we can however rest assured that we are not the only country struggling with this problem. Last week I visited, as a member of the SADCOPAC delegation, the Ministry of Finance of the Federal Republic of Germany and to my surprise we were told that they are currently looking at a solution for the very same problem that I have just discussed above. It seems that they are now opting for what they call an Extended Cash Based Accounting System because they too, like us, have realised that the introduction of a full-scale Accrual Based Accounting System is not feasible at this stage.

The second issue that was raised by Honourable Schimming-Chase is the **movement of Permanent Secretaries between Ministries**. I will not comment on the movement itself because that is a political decision. I will, however, comment on the effect of these movements on the financial management system and the question of responsibility.

In this connection it is important to note that a Permanent Secretary remains responsible for his or her actions in a given Ministry even if he or she has been transferred to another Ministry by the time we report on the audit findings. Therefore the fact that somebody has been transferred to another Ministry will not release him or her from the responsibility for what he or she has done in the previous Ministry.

The problem is, therefore, not so much the transfer between Ministries but rather the lack of penalty clauses in the State Finance Act and the Treasury Instructions. As I have stated in my opening remarks, this problem is currently under discussion with the Honourable Minister of Finance and we are confident that the new State Finance Act will have the required penalty clauses built in. This will then have the effect that a Permanent Secretary will not only be penalised for what he or she is

doing in his or her current Ministry, but also for what he or she has done in previous Ministries.

The third point that Honourable Schimming-Chase touched on is the question of the **Guardians Fund**. This is indeed a very serious issue. The Public Accounts Committee is currently working on the Audit Reports for the Financial Year that ended 31<sup>st</sup> March 2006. In this connection we have already written a letter to the Permanent Secretary, urging him to rectify this situation with immediate effect. Our Committee has given the Permanent Secretary until the 25<sup>th</sup> of January 2008 to indicate to the Committee, with the necessary documentary proof, what they have done to solve the question of the Guardians Fund. The Permanent Secretary of the Ministry of Justice earlier this year promised the Public Accounts Committee that the financial statements will be submitted to the Auditor General latest by 15 January 2008. We urge the Permanent Secretary to honour this promise.

If by that date we do not get concrete proof that something is being done to rectify the situation, your Committee will probably have no other option but to report to the National Assembly and ask the Honourable Members to take a decision on the way forward.

Honourable Deputy Speaker, I now want to turn to the contribution of ***Honourable Tjihuiko***, who is not here. Honourable Tjihuiko, the Committee surely shares your frustration but we believe in the old Afrikaans saying, namely “*aanhouer wen*” or “*aluta continua*” or if you continue to fight, you must eventually win. Therefore, we can be frustrated but we can never stop fighting.

Honourable Deputy Speaker, on a more serious note, I want to assure Honourable Tjihuiko that we are making progress as I have indicated just now and also in my opening remarks. Our reports need to be discussed in the National Assembly because through discussion we will eventually find the answers and with the help of each and every Member of this Assembly we are capable of putting our financial management system on par with the best in the world.

The other issues that were raised by the Honourable Member are as follows:

**Proper record-keeping:** This phenomenon occurs mainly in trade accounts and other special funds, like the Guardians Fund, the Sea Fisheries Fund as well as other special bank accounts that are not reported in the Budget. Some of these bank accounts are misused in a number of ways, amongst others to hide surplus funds to be used in the next Financial Year. We are confident that the Honourable Minister of Finance is currently looking at this problem and that she will close down all the unnecessary bank accounts, thereby freeing up manpower to administer the remaining accounts properly.

**Deviation from normal Tender Board procedures:** The answer to this problem probably lies in penalty clauses in the new State Finance Act.

If there were proper penalty clauses this misbehaviour would have stopped immediately a long time ago. It might also be necessary for the Auditor-General to do a proper performance audit on the work of the Tender Board because they are fast losing all credibility in the eyes of the public.

**Reconciliation of suspense accounts:** I can report to Honourable Members that quite a number of these suspense accounts have now been cleared while work is ongoing to clear the rest. It is, however, a difficult task because some of the entries came from before Independence.

**Asset Register:** As Honourable Members will recall, your Committee reported at length on the asset register of Government buildings (fixed assets). The Honourable Minister of Works was equally concerned when this matter was reviewed by the Committee. I am informed that the Ministry is in fact hard at work to address this shortcoming. To my knowledge, the Ministry of Works, Transport and Communication has embarked on a comprehensive campaign to rectify their asset register and we have asked the Auditor-General to report on this and all other asset registers in his report for the Financial Year that ended 31<sup>st</sup> March 2006.

Honourable Deputy Speaker, the last contribution was from *Honourable Dr Geingob* who briefly discussed the question of over-expenditure of main divisions and subdivisions within the main Vote. First of all, the Auditor-General is legally bound to report such overspending because according to Section 27(6)(a) of the current State Finance Act (Act 31 of 1991), overspending of main divisions and subdivisions is described by the Act as unauthorised and he must thus report it as such to Parliament.

The question can, however, rightly be asked, do we want to keep Section 26(6)(a) as is or do we want to amend it? I personally would be very careful to scrap this Section because in the final analysis what this Section is doing is to ensure proper budgeting, which we all need.

In addition, the system of virement has been brought in to make it possible for Permanent Secretaries to move money between main divisions and subdivisions in cases of unforeseen circumstances. If Treasury is working too slow, then we should rather speed up the work rate of Treasury instead of amending Section 26(6)(a).

We should also keep in mind that the prerogative to decide how and on what money should be spent lies with Parliament on recommendation by the

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**REPORTS OF AUDITOR-GENERAL  
HON DE WAAL**

Honourable Minister of Finance and Cabinet. If we allow Permanent Secretaries to over-Budget on main divisions and subdivisions and then to spend the money the way they see fit, then we are undermining the role of Parliament.

Honourable Deputy Speaker, in conclusion, once this Report is adopted, the Committee will send a copy to each Permanent Secretary to implement the recommendations in terms of Rule 47(3). We will request the Permanent Secretaries to discuss this Report with their respective Ministers and also with key staff members.

We have already started to send out letters to Permanent Secretaries to respond to the Audit Observations and Audit Opinions in the reports of the Auditor-General for the Financial Year ended 31<sup>st</sup> March 2006. We expect responses before 25 January, 2008. The Permanent Secretaries were advised that your Committee will be less acceptable to issues that are consistently, that is year after year, reappearing in audit reports and that have not been rectified by Offices, Ministries and Agencies. We need the support of the Members of this House in order for us to apply appropriate pressure on our accounting officers. This will be for the good of us all.

Honourable Deputy Speaker, with these few words I want to thank the Honourable Members and it is now the hope of your Committee that this Report be approved by this House. I thank you, Honourable Deputy Speaker.

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**HON DEPUTY SPEAKER:** Thank you very much, Honourable De Waal. I now put the Question, that the Motion be adopted. Any objection? None. Then it is Agreed to, the Report is adopted. The Secretary will read the Third Order of the Day.

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**MOTION ON PROCEDURES IMPLEMENTED  
DURING ELECTIONS**

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**SECRETARY:** Resumption of Debate on procedures being implemented during elections.

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**HON DEPUTY SPEAKER:** When this Debate was deferred on Thursday, the 15<sup>th</sup> of November 2007, the Question before the Assembly was a Motion by

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**REPLY TO MOTION ON ELECTIONS  
HON KAURA**

Honourable Kaura, that the Motion be adopted. I now call on Honourable Kaura to take the Floor.

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**HON KAURA:** Thank you very much, Honourable Deputy Speaker. I would like to thank the Honourable Members that participated in this Motion and provided their support, for example like *Honourable Tjihuiko* and *Honourable Ulenga*. While Honourable Ulenga was debating this Motion, Honourable Katali stood up and, given the fact that the Electoral Commission has scheduled a meeting on the 15<sup>th</sup> of the month that was going to discuss this issue, he came out and asked the question why is Kaura anticipating a meeting of the Electoral Commission? But the Motion I tabled in this Parliament reads as follows:

*"I give Notice that on September 25, I shall move that this House discuss procedures implemented during elections on Local, Regional and National levels."* Therefore at that time there was no notice given by the Electoral Commission that they were going to discuss this issue, so I did not anticipate that discussion and I think the accusation was misplaced.

I also thank *Honourable Schimming-Chase* who supported this Motion and given the fact that we are co-signatories to the norms and standards of the SADC Region, it is imperative that we must accept this Motion.

Then *Honourable Nahas Angula* said that there must be checks and balances and, therefore, the Electoral Commission must be independent and no involvement. But I beg to disagree with the Honourable Prime Minister because all presiding officers are drawn from the Ruling Party, SWAPO. How can you have checks and balances if there is nobody from any other participating Political Party who is a presiding officer?

And when you come to counting officers, if all of them are drawn from one Political Party, how can you have checks and balances? Therefore, I beg to disagree with the Honourable Prime Minister.

*Honourable Pandeni*, who attended the seminar of the Commission which was scheduled for the 15<sup>th</sup> to 16<sup>th</sup> of this month, indicated that, given the discussions that are taking place at Safari Court, why can we not wait and see what would be the outcome of those discussions and then on the basis of that we can decide what to do with this Motion.

And the Honourable Speaker also indicated whether we could defer the discussion to today and this is exactly what I did and in the discussion paper presented by the Electoral Commission of Namibia, there is this line which reads as follows:

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*“During past elections, Presidential, National Assembly, Regional and Local Authority Council Elections, the ECN observed with serious concern that many Political Parties hardly nominated election agents at polling stations, yet after the 2004 elections some Political Parties launched a case with the High Court against the ECN and one of the reasons they furnished to the Court was that the election was not free and fair because they were not represented at polling stations. Unsubstantiated information was also presented to the Court that only the party agents for SWAPO Party were allowed to observe the elections at polling stations.”*

This is what is in the discussion paper of the Electoral Commission. (Interjections). This is not presented by me, it is presented by the Electoral Commission who tabled this for discussion on the 15<sup>th</sup> of November at Safari Court. (Interjections). Honourable Pandeni was there. Please do not act like that, this is not a bar, this is Parliament. I am quoting from what the Electoral Commission said and this was the discussion paper. Honourable Hage Geingob was there, Honourable Pandeni was there.

On the basis of that, this discussion was deferred to today to know what would the Electoral Commission say about the Motion where polling agents should be paid for by Government to make it possible for people not to say that the election was flawed or it was rigged, because they were not able to be at those polling stations.

Simple arithmetic has it that throughout the whole of Namibia you have at least two thousand polling points, which simply means that you should put two election agents at each polling station, which would mean that throughout Namibia you should have four thousand polling agents and if you have to pay each one a N\$100 a day for two days, it means you have to pay them N\$400,000 for those two days and the DTA is getting maybe N\$800,000 a year to run its affairs. Where would it get the N\$400,000 to pay for polling agents? Therefore, polling stations go unmanned and unprovided for by Opposition Parties.

Take for example, Honourable Henk Mudge’s party or Honourable Viljoen’s party who get N\$180,000 per year, how are they going to man all those polling stations?

Therefore, on the basis of that, our request and the Motion to this Parliament stands, that we shall request that all presiding officers must be drawn from the registered Political Parties participating in the election and remunerated by Government, all election agents from participating Political Parties must be remunerated by Government, all counting officers from participating Political Parties must be remunerated by Government and transport must be provided by Government to participating Political Parties so that the election agents can accompany mobile units.

***Honourable Venaani*** last week presented in this Parliament his experience during

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**REPLY TO MOTION ON ELECTIONS**  
**HON KAURA**

the 2004 elections in the Epupa Constituency, where he had to follow a mobile unit from Epupa to Opuwo and Honourable Muharukua is saying, “*a-ta-ta-ta*” because her husband was the candidate in the Epupa Constituency and ironically, the people left the constituency and came to Opuwo and Honourable Venaani followed them and reported to the police and found the vehicle parked at a private house. Maybe something was going to be done to make Honourable Muharukua’s husband win the election. Unfortunately, he tracked these people and they were forced to go back to Epupa to count the ballots and the DTA won. These are the things we are trying to avoid.

That is why we have tabled this Motion in this Parliament, so that we can look at these things to avoid conflicts in the future in terms of fraud and vote rigging after elections. I so Move.

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**HON DEPUTY SPEAKER:** I would like to make a short announcement. I would like to take this opportunity to recognise the presence of a group of learners of Imkerhof Christian School from the Omutako Constituency. Welcome to the National Assembly and enjoy whatever you see here. Back to business: I now put the Question that the Motion be adopted. The House is divided.

In favour: 10  
Against: 29  
Abstentions: 0.

The Motion is rejected. The Secretary will read the Fourth Order of the Day.

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**SECRETARY:** Resumption of Debate on the eviction and auction of houses of indebted poor residents, unemployed and elderly pensioners by some municipalities.

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**HON DEPUTY SPEAKER:** When this Debate was adjourned on Tuesday, the 7<sup>th</sup> of October 2007, the Question before the Assembly was a Motion by Honourable Ulenga, that the Motion be adopted. Honourable Mudge adjourned the Debate and he now has the Floor.

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**HON MUDGE:** Honourable Deputy Speaker, can I ask for other Members to first take the Floor and then I will follow?

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## **EVICTON OF PENSIONERS FROM HOUSES**

**HON DEPUTY SPEAKER:** Since the Member is not prepared, maybe somebody would like to take the Floor before he adjourns the Debate. Any further discussions? Honourable Riruako has the Floor. (Interjections).

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**HON RIRUAKO:** I do not care if this is the second time or third time, I have the right. It is not a voting right that I do not have.

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**HON DEPUTY SPEAKER:** Honourable Chief, everybody speaks once on a Motion. It is a Rule.

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**HON RIRUAKO:** What kind of Rule?

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**HON DEPUTY SPEAKER:** Any further discussion? Honourable Chief, you cannot speak twice on the Motion. Your Colleague is indicating that you spoke.

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**HON RIRUAKO:** You are supposed to give me my right. Mine is mine, yours is yours.

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**HON DEPUTY SPEAKER:** Chief sit down, let us sort out the issue. The Minutes show that the Chief has spoken. Any further discussion? I now revert the Floor to Honourable Henk Mudge.

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**HON MUDGE:** Honourable Deputy Speaker, may I ask the indulgence of the House to have this adjourned until tomorrow?

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**HON DEPUTY SPEAKER:** The Motion stands adjourned until tomorrow, Wednesday. The Secretary will read the Fifth Order of the Day.

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## **MOTION ON PROCLAMATION OF TOWNS IN RURAL AREAS**

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**SECRETARY:** Resumption of Debate on the proclamation of towns in rural areas and how it affects the resident farmers.

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**PROCLAMATION OF TOWNS  
HON PANDENI**

**HON DEPUTY SPEAKER:** When this Debate was adjourned on Wednesday, 10<sup>th</sup> of October 2007, the Question before the Assembly was a Motion by Honourable Ulenga, that the Motion be adopted.

Honourable Deputy Minister of Regional and Local Government, Housing and Rural Development adjourned the Debate on behalf of his Minister. The Minister has the Floor.

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**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,  
HOUSING AND RURAL DEVELOPMENT:** Thank you very much, Comrade Deputy Speaker. Comrade Deputy Speaker, Honourable Members, after listening very carefully to the contributions made by various speakers who contributed to this Debate before the House, I feel duty-bound to shed more light on the process that informs Government when proclaiming settlements as Local Authorities, for example towns and villages. But I first want to give some background.

This very Motion touches the very nerve of our existence as members of various communities because our lives are first local before it comes to anything else.

The history of Namibia before Independence was characterised by a deliberate racial apartheid policy that sought to effectively exclude the black majority from development and deny them the opportunity to access goods and services that are crucial to improving their living conditions. Towns were proclaimed and developed to improve service delivery to mostly the white communities, blacks were kept in so-called townships at the periphery of towns because their cheap labour was required and they were kept in squalor and inhuman settlements while their dignity was downgraded to below zero degrees in terms of humanity.

Hence, the coming into being of our Constitution as the Supreme Law of the land in 1990, which ensures the protection of the rights and the liberties of our citizens. The Preamble to the Constitution clearly explains: *“The said rights are effectively maintained...”* (Intervention)

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**HON MUDGE:** Honourable Deputy Speaker, may I ask the Honourable Minister a question? Honourable Minister, I just want to compare these inhuman conditions that you talk about, is that more or less the same as we have in places like Okahandja Park in Katutura?

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**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,  
HOUSING AND RURAL DEVELOPMENT:** Honourable Deputy Speaker, the conditions are worse because they did not regard a human person, they were

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looking at some people based on the colour that is more human, the others were not considered as human. (Intervention).

**HON RIRUAKO:** On a Point of Order. Who were more than our particular tribe as a fighter? A Government can do what it wants to other human beings, it happened in this country and I have the evidence if you want to ask me. Why am I saying that? You have it.

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**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,  
HOUSING AND RURAL DEVELOPMENT:** Honourable Deputy Speaker, if I can just quote:

*“The said rights are effectively maintained and protected in a democratic society where the Government is responsible to freely elect representatives of the people operating under a sovereign Constitution and a free and independent Judiciary.”*

Comrade Deputy Speaker, when we are proclaiming areas of settlements as villages or towns, we are led by, amongst others, the following laws or pieces of legislation: The Local Authorities Act (Act 23 of 1992 as amended), the Regional Councils Act (Act 22 of 1992 as amended), the Town Planning Ordinance of 1954 (as amended), the Townships and Division of Land Ordinance of 1963 (as amended).

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**HON DEPUTY MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT:** On a point of information. Honourable Deputy Speaker, if you want to see the inhuman conditions which we have at the moment, it is not at Okahandja Park, but it is what is currently happening on the majority of the commercial farms around this country as we are sitting here and the way the white commercial farmers, including Henk Mudge, have disrespect for blacks, even those who want to contribute to land reform as we are talking. Their arrogance and disrespect are undermining democracy and peace and reconciliation. If you go to the farms you will see how arrogant the *Boers* are, they cannot even acknowledge your letter if you want a farm. That is what is happening, not at Okahandja Park.

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**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,  
HOUSING AND RURAL DEVELOPMENT:** Honourable Deputy Speaker  
...(Intervention)

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**HON MUDGE:** On a Point of Order. Is the Member allowed to, in the way that he spoke about it, talk about the *Boers*? Is this allowed here? (Interjection)

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**HON MEMBER:** He just said the Afrikaners in Afrikaans.

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**HON DEPUTY SPEAKER:** It is not allowed.

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**HON MUDGE:** And on a Point Information, his information is also not right when trying to create the impression that white farmers like Henk Mudge, I am not a farmer and I do not have a farm and I have nobody that I look after the way that he said that I am looking after them. Do not make cheap political points.

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**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,  
HOUSING AND RURAL DEVELOPMENT:** Honourable Deputy Speaker, I was listening...

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**HON DE WAAL:** On a Point of Order. I just want to correct something and in the process I want to ask the Honourable Deputy Minister just to calm down. But it is very unfair to say the *Boers* are treating their people badly, because that is simply not true. There are people in the communal areas that are treating their people as bad as some white farmers are treating their people. Let us therefore just calm down, let us just remember the truth and let us not generalise. Thank you.

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**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,  
HOUSING AND RURAL DEVELOPMENT:** The Town and Regional Planners Act of 1966 (as amended), the Professional Land Surveyors...(Intervention)

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**HON DEPUTY MINISTER OF REGIONAL AND LOCAL  
GOVERNMENT, HOUSING AND RURAL DEVELOPMENT:** On a Point of Information. I will agree with Honourable De Waal and I have respect for him in many ways, I will agree that if I have generalised, my sincere apology and I will really apologise for the progressive white Namibians outside there, including some *Boers*, but the majority of them must realise that it is about time we take the policy of reconciliation seriously, we take nation-building seriously, we take land reform seriously and they cannot continue with their honeymoon. Some of our blacks are contributing and it is an insult for Honourable Henk Mudge to pretend as if he has no stake in land. His father, a former Parliamentarian here, owns more than perhaps 10 farms and we are talking about land reform here. He is heir to that heritage and we must be realistic, we are saying that we must start developing

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sensitivity and when we are comparing areas like Okahandja Park, I have always condemned those blacks who are treating their fellow blacks in an inhuman manner.

I can bring you proof Sir, if I want to buy a farm for N\$5 million here, I gave an offer two, three months ago and not even an acknowledgement. I wanted to buy a farm near Okahandja for N\$3 million and I drove to the bank for a signature. Those people agreed to sell and when I came there, this is disrespect to one another, your arrogance must change. You must start waking up an face reality.

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**HON DEPUTY SPEAKER:** On both sides now, Honourable Members let us not involve people who are not inside here. There is a Rule that somebody who is outside cannot defend himself. Let us mention ourselves here and respond on the Floor.

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**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,  
HOUSING AND RURAL DEVELOPMENT:** The Professional Land Surveyors Technical ...(Intervention)

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**HON RIRUAKO:** I have to say this, Honourable Deputy Speaker, it happens that way if you put the pinch on another person. You are frying, you are cooking, everything is right, so help me God, that is the way it is.

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**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,  
HOUSING AND RURAL DEVELOPMENT:** Technical Surveyors and Surveyor Technicians Act of 1993, the Engineering Professions Act of 1986 (as amended), the Traditional Authorities Act (Act 25 of 2000), then we have the Registration of Deeds Act of 1937 (as amended) and then we have the Electoral Act of 1992 (as amended) and then the Communal Land Reform Act of 2002.

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**HON KAURA:** On a Point of Information. Honourable Deputy Speaker, if one knows the facts and there is a misrepresentation of facts in this Parliament, I think one has the right to correct that misinformation. For example, when the Honourable Deputy Minister Kazenambo is saying that Mr Mudge has 10 farms, that is not correct and what I know is that the farm of *Ovikere* where he is farming now, belonged to Mrs Mudge's father and it was inherited by Mrs Mudge's father. Mr Mudge as a person right now does not own a farm.

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**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,  
HOUSING AND RURAL DEVELOPMENT:** Honourable Deputy Speaker, it is a well-known fact that in Namibia we have a shared vision and just to bring under one paragraph our shared vision, it is saying “*a prosperous and industrialised Namibia, developed by human resources enjoying peace, harmony and political stability.*” That is the vision that is guiding and that should take us to where we want to go.

Now Articles 1 and 2(1), (2) and (3) prescribe that Namibia shall be divided into regional and local units, the boundaries which shall be geographical only without any reference to the race, colour or ethnic origin of the inhabitants of such areas. (Intervention)

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**HON RIRUAKO:** On a Point of Information. What happened is that delimitation is taking place in order to help the Ruling Party to get all the fruits of this country and you know why I am saying this, there is nothing, nothing that is just fair.

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**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,  
HOUSING AND RURAL DEVELOPMENT:** It further states that every organ of Regional and Local Government shall have a Council as the principal governing body, freely elected in accordance with the laws of the country, with both executive and administrative powers to carry out all the lawful resolutions and policies of such Council subject to the Constitution and other pieces of legislation that we have in the country.

The Regional Councils Act, which empowers the participation of the relevant communities, mandate the proclamation of areas as settlement areas through the process of Government Gazette when the need is expressed by the community, the need, both to receive the services and the need to have their administration managed. Therefore, the community expresses that and they express that need of the management, control and to regulate and provide services to that particular community. (Intervention)

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

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**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,  
HOUSING AND RURAL DEVELOPMENT:** Honourable Member Deputy Speaker, I was saying that the reason why there is an emphasis on the proclamation

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of areas as Local Authorities is in order to take services to the people, because that is the only way you can take most services to the residents.

Government has a commitment and an obligation to provide the required services through its various authorities. When we are then considering the areas as settlement areas, we are also looking at the following factors:

We look at the locality, the strategic location of that area, we look at physical and topographical factors, the population density, the communication and roads, economic activities, institutional functions and we are also looking at sustainability and also the need for social services.

I would also like the Parliament to take note that the following are taken into consideration when areas are declared as Local Authorities in terms of towns, starting from the villages, the towns and the municipalities.

Before any place is declared as a town or a village, there must be an approved township plan in that area. Comrade Deputy Speaker, Honourable Members, I also want to indicate that the layout is big, but it does not mean that the Government will develop the whole area at the same time. When you are setting up a village or a town, it is just a small part in this big area that was proclaimed and life is still continuing. Those people who have their cattle can make special arrangements with the Local Authority so that they can continue. Nobody is evicted because it is quite illogical that Government will not be in a position to develop the whole bigger part that was proclaimed. It is only that portion that is being declared.

Council should exercise powers, duties and functions in accordance with the law. Then we will also look at whether that particular area and that particular authority will then have the capacity to pay their debts and to settle their liabilities and all other things.

Then also the issue of converting State land into Local Authorities is coming in. Then the process of servicing, the process of creating Government titles and then we are looking at the transfer of land from the Regional Council, because all villages and towns are starting from settlements, which settlements are in the jurisdiction of the Regional Council. When that area is now declared as a village, we have to transfer the property from the Regional Council to the Local Authority.

Then we are also talking about complete town planning, the servicing of erven and registration, so that individual people can also gain access to these erven which have now been serviced.

I also want to indicate that the selling of erven are following three levels, either through the private treaty or you go on tender or you go on auction. These are just

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normal information.

But during the contributions I also noticed that there were some questions related to churches and church land in those areas and what happens to them and I thought I would also inform you.

In accordance with the law the rates levied on rateable properties are now the jurisdiction and the mandate of the Local Authorities and the law indicates very clearly that there shall be levied and paid by the owner of any rateable property in a Local Authority area a rate on the basis of valuation determined by a valuation court. The law is treating everybody equally. Because you have properties, the value of these properties will be determined and on the basis of that, the Local Authority will collect some fees as a result of that. But there is also something and that is why I want us to listen very carefully, because I saw a lot of questions in this regard.

The question was asked why churches are taxed, why Local Authorities are charging churches. Section 73(1) of the Local Authorities Act, as amended, stipulates that Local Authorities should levy assessment rates on the basis of the valuation law - and I have already indicated that the valuation law is conducted by the courts, people who are tasked to do those things – from all owners of rateable properties in the Local Authority area. The rates are levied on both site, the land, as well as the improvements, the building. If you have land without anything else, they can only levy on the basis of this land, the site. When you have constructed something there, they will levy on the value of the structure.

It is on the basis of this provision in the Act that churches are levied assessment rates by Local Authorities, because it is overall, everybody is treated this way. But there is also exemption from rates levied on the rateable properties. The Act, however, provides for exemption from rates levied on rateable properties.

Section 75(1) of the Act stipulates that certain specified institutions, that include churches, can be exempted by the Local Authority Council with the approval of the Minister from paying assessment rates in any given Financial Year. The application for exemption must, however, be launched. If there is a church organisation and you would like to be exempted, they are looking at this Local Authority and saying, *“but we are not profit-making, so why are they charging us?”* Exemption can only be given when these churches apply for such exemption. Sometimes they say, “no we had a meeting and it was explained to them that we are not profit-making”, but exemption can only be given after an application was launched and which application is then forwarded for permission by the Minister. Then this can happen.

We explained that it is important that they do that application. Nobody else can do it for you, they must do it and they launch it within the Local Authorities, not to

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the Minister. Sometimes people are writing letters to the Minister, saying this Local Authority of yours is charging us, why do you not tell them how to behave? These are authorities and the law stipulates very clearly that you can be exempted, provided that you launch this application with them.

Therefore, the application for exemption must be launched and actually received by the Council on or before the 31<sup>st</sup> May for the preceding Financial Year to which the application relates. If you wait until the 31<sup>st</sup> May, then it is the cut-off date for that Financial Year. This exemption can be in terms of percentages, namely 25 or 50% or 75% and it can even be 100 percent depending on the motivation given by the applicant. The applicants should also motivate why they want to be exempted and convince the Council as an authority for that exemption to be given.

I would like to appeal that those of you who are raising this question again should ask them to apply and they can be exempted. But they cannot be exempted without application.

It is, therefore, up to the institutions or organisation specified in the Act to apply and benefit from the provision of the law.

Local authority Councils may and upon an application made to it in any Financial Year exempt from any rates, any church, mission, hospital, school, hostel other than those used for profit or gain, any amateur sporting organisation, any charitable institution, any land or building used wholly or exclusively by a priest or religious minister employed on a fulltime basis by the church. Such application to reach the Local Authority before the 31<sup>st</sup> of May each year. If you are not able to launch this application before the 31<sup>st</sup> of May, you can only wait for the next Financial Year, you cannot be considered, as we all know that the Financial Year of the Local Authorities start as from the 1<sup>st</sup> of July. Their cut-off is the 30<sup>th</sup> of June.

Then there was also a question on the powers to set aside reception areas. The arrangement is meant to help people in the informal settlements who for various reasons cannot afford permanent housing at that point in time. That is where the reception areas come in. I have explained why they are necessary and I need not to repeat.

Then there is also procedures for relocation of households to pave way for development. There was a lot of debate on that one – why people are being moved forcefully, people are being forced to evict, Regional Councils and Local Authorities raise awareness in the communities on the impact of relocating people. A whole lot of discussions are taking place, people are being informed that this area is now earmarked and you will be requested to move to some other area. You also discuss in terms of your compensation, you discuss whether there is an

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alternative place which you are happy with. In other words, community participation and involvement of those affected are taken care of.

In 1992, Cabinet directed the following procedures when relocating households. Local Authorities are also under obligation to implement Cabinet decisions. In 1992 there was a Cabinet decision that directed how these people should be relocated. One, the Minister of Lands and Resettlement and headman and traditional authority leaders are requested to assist people who are in need of farmland or cultivation or mahangu fields. Local Authorities were cautioned to control land-users in order to prevent problems of squatting which get out of control and the Local Authority to negotiate and enter into agreement with small farmers. I have even alluded that when the whole area is declared, it does not mean that the whole area will be developed, but only a portion. The rest can come and negotiate that they still want to carry on with their normal economic activities in those areas.

The Traditional Authorities are directed not to allocate land in areas under Local Authorities' jurisdiction. There is also a discussion between Local Authorities and the Traditional Authorities about whose area is now falling within this area of jurisdiction of Local Authorities.

As a principle, affected people are to be offered an equal size of land elsewhere to be able to continue producing food, if you are a food producing society or community.

Proper infrastructure and basic services be provided if not available already at the new site. They should be offered to those who are being relocated. It is imperative for the Council to consult the Line Ministries, such as Agriculture, Water and Forestry, Lands and Resettlement in the provision of infrastructure and facilities such as water, ploughing services, de-bushing and other necessities to ensure that those to be reallocated are not adversely affected by the process. But the problem again is that the Cabinet puts up these nice procedures, but unless the communities take some of these things up, they may be disadvantaged simply because they are not taking up these rights that are given as a result of Cabinet decisions and directives to guide Local Authorities when relocating people. Again it is a question that you are in need of some infrastructure. Some of the people were talking about the schools and clinics, but the mandate to put up clinics and schools are not within the Local Authorities and you have to liaise with other Line Ministries for that to happen, if that is to happen.

Then there were a lot of questions on compensation. The compensation policy was also a Cabinet decision in 2002 and it is the current policy guideline, approved earlier by Cabinet, is only applicable in cases where occupants of land within the Local Authority boundaries have paid for occupational right to the respective

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traditional leaders in the past, that is before December 1992 and execute squatter families resettling at random.

There are various options given: Option number one is that the person to be evicted is to be offered two ervens at least of a size of 500 square metres each, to be transferred to the occupant, which includes the main building and another one that could maybe be sold for an income.

Option number two is one erf at least the size of 500 square metres, which includes the main building of the homestead plus N\$3,500 for relocation to another area.

The third option is a cash amount of N\$5,000 and the Local Authority providing transportation for relocation of the family to a new site.

It has not ended here, these are not the only options, there are also some other options in terms of compensation for land, for structures or trees that you have in your area.

The remaining cultivated land they are compensating at the rate of N\$600 per hectare and a hectare is close to the size of a soccer field.

Grazing land is compensated to the rate of N\$250 per hectare and then they look at the structures. Homesteads and enclosures, N\$70 per square metre, that is if you have wire strands, poles and droppers, that encircle the homestead. If you have a homestead enclosed with wooden poles only, they compensate at N\$60 per square metre. Then they have huts, grass roofs and earth floor, compensated at a rate of N\$100 per square metres. Then they have huts with mud brick walls or grass roof and earth floor compensated at the rate of N\$150 per square metre. Then you have huts with cement brick walls, grass roof and earth floor, N\$180 per square metre. Then you have huts with cement brick walls, grass roof and concrete floor at N\$200 per square metres and then you have corrugated structures at a rate of N\$50 per square metre and then conventional building, that is brick walls, IBR roofing, concrete floors, N\$200 per square metres. Then the cattle kraals, goat pens, pig pens, whatever you have, made of wire and transposed with or without droppers, at the rate of N\$70 per square metre. Cattle kraal, goat pens, pig pens made of wooden posts only, N\$60 per square metre and then you have an enclosure fencing of the entire property again at a rate of N\$50 per square metre.

Then they go to the fruit-bearing trees in your mahangu field or in your area there. The mango trees are charged at the rate of N\$350. (Intervention)

**HON DEPUTY MINISTER OF LANDS AND RESETTLEMENT:** May I ask the Honourable Minister a question? Honourable Minister, you have narrated what the policy directives are saying. Taking an average homestead with the N\$600 per hectare, which I think most of the households are only four hectares which translates into N\$1,800 and also taking into consideration the grazing land which are mostly not so big at the rate of N\$250, on average how much is that person going to receive and what will be the cost of inconvenience and expenses that the person is going to endure? Do you really think that there is a need for a review of some of these policy directives?

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**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,  
HOUSING AND RURAL DEVELOPMENT:** Thank you, Comrade Katali, you are correct that there is a need and this should also start there at the grassroots where you are making proposals, so that the proposal can come and at the end of the day this proposal can find its way to Cabinet. I am not disputing that there is a need. In fact, that calculation was made and I believe it is just appropriate that we do our homework on the ground so that some proposals are coming and I think the people might be better off than at the moment.

Grape trees – N\$104, Casava – N\$123, fig trees – N\$304, orange – N\$426, chilli – N\$230, pawpaw – N\$304, maroela – N\$1,000, Omwoongo – N\$133, which is the palm tree and then Omwandi – N\$700, banana – N\$344, peach – N\$344, guava – N\$202 and then Omudhe N\$700.

There was also a specific question asked with regard to the proclamation of Helao Nafidi town. As I said, the growth points are identified by the communities and through the Regional Councils in consultation with the communities the needs are identified. Then the settlement of Helao Nafidi was then declared in 1996 through the Regional Council. Then the subdivision of Helao Nafidi town land was also in 1996 and then there was a desirability for township establishment, that is Oshikango, Engela, Omafo, Ohangwena. That was done in October 1996 and then the township got approval for the layout in November 1996 and I believe that was the time Honourable Ulenga was not there, he had just left.

Then there was the proclamation of Oshikango on 15<sup>th</sup> of September 2001 and then the compensation with regard to what I have just said was thirty-seven affected residents, that is between 2001 and 2004 and that was paid by the Regional Councils in Ohangwena.

Then there was a proclamation of Engela/Omafo on the 15<sup>th</sup> of May 2006 and then the proclamation of Ohangwena was then done in December 2006. The declaration as a town then commenced. Election of Town Councillors was done in May 2004 and then the town has only assisted three households to move up to today and they were compensated. Since 2004 up to today the Town Council of

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Helao Nafidi has compensated three households and those are the people that were moved, no other people. All the others could enter into negotiations for a contract where they could carry on with their work because Council and Government will not be in a position to develop the whole of the layout of the Local Authority area apart from the area that is very close to Helao Nafidi. (Intervention)

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**HON MINISTER OF JUSTICE AND ATTORNEY-GENERAL:** May I ask the Honourable Minister a question? Honourable Minister, you are giving this House the chronology of what had happened, particularly at this town Helao Nafidi. I am just asking myself, since the Honourable Minister is saying only three households were compensated, where is this hullabaloo coming from that people in Helao Nafidi are being evicted? Where do you think it is coming from? Maybe that is the only one who has heard about it, but it may be big news. Where did the news come from?

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**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,  
HOUSING AND RURAL DEVELOPMENT:** Comrade Minister, the ones that I am citing is the factual information, it is available and even the people themselves are known. They are not ghosts, they are people that are known. Possibly the intention was different, the information was trying to indicate a lot of people have been moved and robbed. That is why I decided to give this information so that we are clear on what we are getting into now.

The Ministry is, however, aware of the complaint indicating that the amount of compensation needs to be reviewed, as I have indicated to you. We are encouraging the process to be initiated from the grassroots so that we are able to take it up. The procedure to date is that the proposals are submitted for discussion to Local Authority Councils, through which, by way of resolutions taken, the Ministry submit those to Cabinet. They need to be submitted to the Local Authority and they discuss it, take a resolution, which resolution they forward to the Ministry so that Central Government could take it up.

As we are discussing this emotional, sensitive but important Motion, we should be mindful that the attainment of our shared Vision 2030, cannot be realised with people who are just living in the shacks, as we are seeing them all over. Therefore there must be some development that is coming and that is what Government is trying to achieve.

Our National Development Plans and our development goals may not be realised if sufficient resources and capacity is not rendered to our Local Authority in order to help them to deliver. Just remember, we are local before becoming something else. The issue is really resources and capacity to effect development and I believe we should assist each other to improve on that. The Ministry is strongly advising

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these issues to remain within the existing Government approaches instead of politicising them and thereby causing unnecessary expectations and confusion, which we may not even be in a position to address. We do not want to confuse people more, but there are procedures that can be followed. Anybody who has a complaint should come and we will use the procedures which are there for the complaint to be addressed, even if it means that we could use the Ministry to sit down with the Local Authority in order to consider some of the issues that the community would like the Council to take care of.

I hope I have provided useful information and I thank you all for your valuable contributions. I thank you.

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**HON SPEAKER:** Any further discussions? Does the Honourable Ulenga wish to reply?

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**HON ULENGA:** Honourable Deputy Speaker, may I reply tomorrow, please?

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

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**INCOME TAX AMENDMENT BILL  
RESUMPTION OF SECOND READING**

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**SECRETARY:** Resumption of Debate on Second Reading – *Income Tax Amendment Bill*.

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**HON SPEAKER:** When this Debate was adjourned on Tuesday, 13<sup>th</sup> of November 2007, the Question before the Assembly was a Motion by the Honourable Minister of Finance that the Bill be read a Second Time. The Honourable Minister of Finance adjourned the Debate for her reply and she now has the Floor.

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**INCOME TAX AMENDMENT BILL  
HON KUUGONGELWA-AMADHILA**

**HON MINISTER OF FINANCE:** Thank you very much, Honourable Deputy Speaker. First, I must thank those Honourable Members that have participated in the discussions on the Bill. Secondly, I want to indicate that yes, we did indeed hold consultations and we agreed on the need for further consultations on a number of issues and agreed that the Bill could for now be passed. Thank you.

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**HON DEPUTY SPEAKER:** 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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**SECRETARY:** Income Tax Amendment Bill.

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

**MOTION ON PROBLEMS EXPERIENCED  
BY MARRIED COUPLES**

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**SECRETARY:** Resumption of Debate on current prevailing problems experienced by married couples under common law and the Judgments by courts.

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**HON SPEAKER:** When the Assembly adjourned on Wednesday, 17<sup>th</sup> of October 2007 in terms of Rule 90(a) of the Standing Rules and Orders, the Question before the Assembly was a Motion by Honourable Venaani that the Motion be adopted. I now give the Floor to Honourable Kaura who adjourned the Debate.

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**HON KAURA:** Honourable Deputy Speaker, the problem which was addressed by Honourable Venaani is a very serious problem, especially now after the Marriage Equality Bill that men and women in Namibia are equal partners and, therefore, nobody can follow the dictates of the other.

Unfortunately, the law as it provides now, if one of the spouses wants to get into a business that can be risky and could lead the family into bankruptcy, there is no provision that one can withdraw himself from that deal and let one of the partners enter the deal and if it goes bankrupt, that is his problem. Right now if you want to change your marital status from in community of property to out of community of provide, the law provides that you first have to divorce and then remarry again. Even though people would not have any intention of divorcing and going through the whole embarrassing process....(Intervention)

**HON DEPUTY MINISTER OF GENDER EQUALITY AND CHILD WELFARE:** May I ask the Honourable Member a question? Honourable Kaura, you said the Marriage Equality Bill creates a problem for the married couple. Are you talking about the whole Namibia, including your family in Kaoko who have a problem like the others with that Bill?

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**HON KAURA:** Well, the Marriage Equality Bill is well understood even by our families in Kaoko, but when it comes to certain parts of that Marriage Equality Bill, especially when it comes to inheritance, there you experience problems.

What the Motion of Honourable Venaani seeks is just to make it easy for a married couple to change their status from in community to out of community of property without divorcing. That is all the Motion is seeking, because right now, if you want to change your status, you have to divorce first, even if you do not have any intention of divorcing. Then it is publicised in newspapers and everybody knows that those two people are going to divorce, the Kauras are divorcing for no reason whatsoever.

Maybe I want to open up a supermarket with the possibility that it might go bankrupt, why can we not make an arrangement, and change our status from in community to out of community and my wife takes 50% of her deal and I keep the 50%, and if I go bankrupt, it is my portion and not hers? That is the crucial part of the Motion and we hope it is not difficult, we must just change that, so that if people who want to change their status, they can do it freely without having to divorce first.

On the basis of that, I support the Motion that this current status that prevails now must be changed. Thank you very much.

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**HON SPEAKER:** Any further discussion? I recognise Honourable Deputy Minister of Labour.

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**HON DEPUTY MINISTER OF LABOUR AND SOCIAL WELFARE:** Thank you Comrade Deputy Speaker, I just rise to give my thoughts towards this Motion of Honourable Venaani.

The Honourable Mover of the Motion might have good intentions himself as a very young Parliamentarian. Maybe the Honourable Member will enlighten us in his reply whether he went deep into analysing his intentions of moving this Motion on both sides of the coin.

The first problem I see there is his argument that it would make it easy for the

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**HON IILONGA**

couple to divorce with the intention to change their status from outside community to inside community or vice versa. This needs a deep analysis rather than just to say it is a simple matter.

As I said, the Mover might have good intentions, but in the long run we are going to see that when the one who earns more will say *Kandi*, but the idea behind that is just to cheat the poor one here. (Intervention)

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**HON DEPUTY MINISTER OF GENDER EQUALITY AND CHILD WELFARE:** May I ask a question? Honourable Deputy Minister, you are talking about “*Kandi*”, the two of us went to NAMCOL but what is “*Kandi*” in your language?

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**HON DEPUTY MINISTER OF LABOUR AND SOCIAL WELFARE:** It means *Kutja* maybe the other one wants to crook the other one. Therefore one cannot say it is simple.

Then again there are these contracts you enter in. Will it only be entered into at marriage? What will happen if you are going to have a joint business venture? You might find the other one saying we must just make it simple and then he or she gets more money to buy you out and then he or she just uses this simplified way to do that.

Let us look at this not only with the desire to gain, but we must look at both sides. In my research that I have done, I found many women who became well-off and she want to marry Iilonga’s son and they see that Iilonga has nothing, they will never propose to marry that person in community of property. But when they find that that person is from a well-off family, they push it to be in community of property, “*if you do not do this, you do not love me.*” That is what is happening today.

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**HON DEPUTY SPEAKER:** Honourable Deputy Minister, is it only women who are doing that?

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**HON DEPUTY MINISTER OF LABOUR AND SOCIAL WELFARE:** That is why I say my own research. The people I can give as an example are not here and I am not allowed to mention their names as they cannot defend themselves here. (Intervention)

**HON KAURA:** May I ask the Honourable Member a question? In what language did the Honourable Member do the research?

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**HON DEPUTY MINISTER OF LABOUR AND SOCIAL WELFARE:** I did it in all Namibian language which I understand. I did that in Otjiherero, in Oshiwambo, in Afrikaans and in my broken English. I found that and I am a father to beautiful ladies and handsome boys. I have come across that already. I am a practical person and I want us to look at this Motion. It is very good, but we should not just look at the positive part but also the negative. In our language we say, if you want to kill Satan *Ngele Owa hala okudhipaga satana, manako lela oshipopiwa ashishe*, it means if you want to fight Satan, read the whole text until the end of it and you will find Satan.

That is why currently we are just on the top of the Motion, but Satan is there. The intentions of the Mover could be good, but some of us will bring the *duiwel*. I was using good English, Satan, but I will bring in *duiwel* now and the *duiwel* will hide from those who are saying the Motion is just to simplify the process of changing a couple's status.

The problem is, if you enter into marriage, make your decision, unlike us who did not marry for money but for love. Today it is money, money, big house, big car and that is why we have that problem.

Therefore, the Motion is good, but I just want to go deeper into it rather than just looking at it as a simple issue. I do not see it as simple, it is a very complicated one.

I have done my part on the Motion. Thank you very much.

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**HON DEPUTY SPEAKER:** Thank you very much. I recognise Honourable Uutoni Nujoma.

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**HON DEPUTY MINISTER OF JUSTICE:** Thank you very much, Comrade Deputy Speaker. I also want to make a contribution and I am very much aware that the Honourable Members have made very positive contributions and they have also put the Motion into its correct legal context. But I just wanted to mention a few things with regard to the legal regime with regard to civil and customary law marriages.

In Namibia we currently recognise civil as well as customary law marriage. Civil marriages have two main regimes, namely marriage in community of property and

marriage out of community of property. In the case of marriage in community of property the assets and liabilities are shared equally by two spouses. In the case of marriage out of community of property, parties enter into an ante-nuptial contract, what we call the ANC – not the African National Congress – the anti-nuptial contract. In terms of this regime there are two estates and spouses are not liable for each other's debts and delicts.

There is also a third regime which is a variation of marriage out of community of property to include some elements of marriage in community of property and it is called the accrual system and this has also been mentioned here, in terms of which the parties retain their respective estates which they had before the marriage, but they share property which accrued after the marriage.

It is also common knowledge that when it comes to divorce, it does not only affect the spouses but the creditors as well. A change of marital property system may affect a creditor adversely. The current legal position in Namibia is that when married couples are seeking to want to amend their status from either out of community of property to in community of property, they are required to divorce, as it was correctly stated here. Currently there are no legal mechanisms in place to change the property regimes apart from divorce and remarriage, as it was correctly stated.

The problem is that Namibia's current divorce law is based on the Roman Dutch Law system common law which provides for divorce based on fault. This means that the one spouse must prove that the other one did something wrong, like malicious desertion or adultery, in order to get a divorce. The problem with the current divorce process is the fact that it is both formal and complicated. A party seeking a divorce must invariably do so through a lawyer, mostly at very high exorbitant costs. The other problem is that divorces are only heard by the High Court and this court is currently only based in Windhoek. This means that this forum is too inaccessible to people living in outlying areas.

The situation can be dealt with on a constitutional basis, as illustrated in the court decision of *Snyman and Snyman*. Some of the following points were raised in this case:

It is against public policy to force a party to remain married under circumstances where he or she is not interested in the continuation of marriage. A party is entitled to approach the court and seek relief in terms of Article 25 of the Constitution and he or she is entitled to that relief.

It was as a result of the abovementioned problems that currently the Law Reform and Development Commission decided to reform the law relating to divorce and proposed a Bill that seeks to achieve the following:

Eliminate fault-based grounds and introduce a system based on irretrievable breakdown of the marriage, that is that you have reached a point of no return.

To simplify the divorce procedure in instances where parties have no real dispute about the divorce or the terms of the divorce, to give courts sufficient discretionary powers to distribute marital property fairly and eliminate injustice that can occur from strict application of the existing property regime and also to ensure that before the granting of a divorce order, matters pertaining to custody of minor children are sufficiently clarified and that additional protections are put in place to ensure that the children's best interest are met and protected.

The proposed Bill will respect the constitutional rights of parties to associate in marriage and to withdraw from marriage. The Law Reform and Development Commission, through the matrimonial property project committee has also been looking into reforming the law in the area of matrimonial property.

Extensive research has been done on this topic and they made the following proposal regarding changing from one matrimonial system to another:

In terms of the proposed legislation it will be much easier for spouses that seek to change from one matrimonial system to another. This will be effected by entering into post-nuptial agreements which will be allowed at any stage after the conclusion of marriage. There will be requirements for entering into a valid post-nuptial agreement, understands the import of the agreement and entering the agreement on his/her own will, no changes which will prejudice the rights of children, both or either spouse should be authorised, both parties shall be required to submit affidavits affirming, the couple will be required to list all the creditors and show that they have given notice of the proposed change to all the creditors. Notice of the proposed change will be published in the Government Gazette and at least one local newspaper. Each will be questioned separately by a notary to ascertain if each but all creditors have been notified of the proposed change with documentary proof of this. That the change is desired by that party in his or her own free will, that no third parties or children will be prejudiced by the proposed changes and that there are no pending legal proceedings by or against either of the spouses which will have an impact on their marital property.

It will further recommend that marriage officers will have a duty to inform and, indeed, educate the intending spouses about proprietary consequences of the various regimes to enable them to make an informed choice.

The Bill will further propose the following for matrimonial property systems, namely marriage in community of property, marriage strictly out of community of property and marriage outside community of property subject to accrual system or

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a system of profit-sharing and the modified customary law matrimonial property system.

I can assure the Members that the Bill is currently being drafted and it will be sent out to interested parties for their scrutiny before being taken through a further legislative process to which you will be party to.

I thank you.

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**HON DEPUTY SPEAKER:** Thank you very much. I recognise Honourable Saara Amadhila.

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**HON MINISTER OF FINANCE:** Thank you, Honourable Deputy Speaker. Let me also contribute minimally to the Debate on this Motion.

I have listened carefully to the reasoning that was given by the Mover and some of the other participants in the Debate for the introduction of this Motion and while it is acknowledged, of course, that the intention ...

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**HON DEPUTY MINISTER OF LABOUR AND SOCIAL WELFARE:** May I ask a question? Comrade Saara, I really wanted to put this question to Comrade Utoni, then he concluded. My question is, after listening to Comrade Utoni, I heard that the Ministry of Justice and Attorney-General already has a Bill on this concern. Are you aware that this is the habit of the Opposition that when they heard somebody is coming up, they always come with a Motion? Are you aware of this?

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**HON MINISTER OF FINANCE:** Honourable Speaker, probably so. I know that our Colleagues on the other side sometimes do that, but being a lay person, I am not quite familiar with the content of the proposal that is en route from the Justice Ministry.

I only wanted to say that while the intentions may be noble in coming up with this proposal, I am just concerned that there could be risks that could come with that kind of arrangement and maybe we would be better advised to look at other options in trying to address the concerns that have been raised as reasons for introducing this Motion. One of those options would be public education, just to educate the public about the various options that are available, the various marital regimes that one could opt for, because sometimes people do not even know when they get married that there is in community of property, there is out of community and sometimes people who are licensed to administer the marriages, especially the

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members of the clergy, do not understand, so that when they explain it to the people, is not right. You sometimes find a person with a certificate saying we are married out of community of property but when you look at the certificate, it actually says they are married in community of property. Therefore they did not really understand what they were getting into.

Maybe we should rather address that, make sure that people are adequately educated so that they can make correct choices.

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**HON MINISTER OF HOME AFFAIRS AND IMMIGRATION:** May I ask the Honourable Minister a small question? Comrade Minister, are you aware that most of the women or couples marrying in the rural areas in churches are mostly marrying in community of property without knowing anything. They do not understand this and they are suffering the most in this country. Are you aware of that, Comrade Minister?

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**HON MINISTER OF FINANCE:** That is exactly the point I was alluding to, that a lot of people in our society are unaware of what the options are and they actually enter into these contractual arrangements without understanding what they are entering into and without understanding the consequences thereof.

Even when they are told they have the option to marry out of community or in community of property, they do not understand what that means. They are just asked, “do you want in or out” and then of course, to show that I love my husband, I say in community without understanding what it really means.

I know that resources are always a constraint, I am the first one to realise that, but I think it would be good if it is possible, that there is some kind of rehearsal, even if it is not done by the legal officials, that those who are licensed to administer these managers, even the members of the clergy, could actually do the pre-counselling, even if it is one day, to explain to the person that tomorrow this will be the process, if you are to be married in a court, the ceremony will be conducted in English and if you do not understand English, you can bring somebody along to translate for you and so forth, these types of things, so that the person can understand.

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**HON DEPUTY MINISTER OF GENDER EQUALITY AND CHILD WELFARE:** On a point of information. It happens especially in Namibia that men marry women who have good jobs in community of property because they want your house and the women are suffering. Only the men know about these things, the women do not know. When I got married I did not know a thing.

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**HON MINISTER OF FINANCE:** I think that any man who does that has heard for himself and I was saying that this could be a better option to actually adopting this Motion.

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**HON KAURA:** May I ask the Honourable Minister a question? Yes, I understand very well what the Minister is saying, that the people should be advised before they get into marriage, but what kind of relief could be provided for me who has been married for forty years now and I want to change my marital status?

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**HON MINISTER OF FINANCE:** Yes, if the Honourable Member allows me to make the statement, I will come to that.

I am saying that some of the associated risks have already been alluded to by the previous speakers and these risks that there would be people who would want to use this flexibility that we want to introduce in order to abuse their spouses by cheating them out of the accumulated wealth that might even have been accumulated jointly by the two of them. If one of the spouses is not literate enough and does not understand, you are just told that the company has a lot of debt, they now want to repossess all our assets, I should now go and register our marriage out of community of property. The next day the husband is marrying a sixteen year old there at the magistrate's court and the spouse who is in the village will hear about it only two months later.

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**HON KAURA:** On a point of information, Honourable Deputy Speaker. Under those circumstances when people agree to divorce, each one takes fifty percent of the estate, so where is the cheating there? Each one will take fifty percent of the estate and then if this man marries a young girl, he marries with his fifty percent and the spouse stays with her fifty percent.

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**HON MINISTER OF FINANCE:** No, the Honourable Member does not get the point that I am trying to make. That is in the case where you agree to go and divorce, but even in that case one of you can be cheated because the one who does not have anything can be the one to propose that we separate fifty-fifty and later on they disappear with the other person's fifty percent when they did not put in anything. Or if the one spouse actually agrees that the marital regime should be changed, it could result in a situation where the regime would now be out of community of property and the assets may not be equitably distributed. The assets will then resort under one of the partners, so that this partner will now feel free to divorce this wife because they are now out of community of property. If they

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divorce she can no longer claim the fifty percent – or the husband, because I agree that women can do the same.

Apart from those things, I really think it would amount to us ridiculing the whole institution of marriage if I can go to court every week and say when I quarrel with my husband, “out of community of property”, when we make up next week, ‘I have changed my mind, it is now in community of property.’” These people at the magistrate’s court have other things to deal with and they already have a backlog to deal with. They cannot spend their time changing marital regimes from one status to another. I feel that if we educate the members of our society, we will not have these problems.

Coming to the issue of businesses and the risk that the indebtedness of a company could result in the personal assets of a family being repossessed. When you register your company, that company is considered to be a separate legal entity from you and your spouse, unless you register it as a sole proprietary or something like that. But if you register it otherwise, then that is a separate juristic person from you and your spouse and it is not possible that when that company goes bankrupt... (Interjection). Maybe that is just a case of a spouse who wants to accumulate wealth secretly and now they realise that when they are married in community of property and they want to buy a farm, the bank says you must fetch your spouse and this person does not want the spouse to know that he or she has a farm somewhere. This is when they want to change the marital regime so that they can secretly go and acquire this and hide this from the other spouse so that when they decide to divorce the other person, the other person would not claim a share from this. Being requested to bring the spouse to have collective ownership with you of this debt when you are in community of property should not really be a problem. It should not cause us to want a regime that should allow us to change the regime of our marriages.

But there is another aspect – I am not a legal person but it is from that financial background from which perspective it could also be a problem, and that is the law of the contract. Just imagine, you are in a marriage, the two of you earn an income, you have accumulated assets and you also have the potential to grow these assets based on the income that you have. Somebody gives the two of you a loan, they look at the wealth that you have accumulated, they also look at the potential to grow this wealth on the basis of the income that you earn. Now you sign the contract and next week you decide you want to be out of community of property. Now you have taken a loan from say AgriBank, worth two million on the basis of the joint income capacity of you and your spouse. AgriBank wakes up one day and the spouse who earns the most is now out of common estate. What happens to that contract? Why should this institution be left high and dry? If that could happen, then people would say you cannot trust the law of contract in Namibia, because these people can just put their properties out of reach of their creditors by changing their marital regime.

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I think it is probably better that we look at other options than dealing with this issue in this way, because otherwise it may generate different consequences .

But there is one issue though about our law of marriage that concerns me and that is the issue of inheritance by a spouse as long as the marriage contract is not broken, even if these two people are actually not together. People do not fully understand the implications of not formalising the break-up of this marriage, because traditionally, once you move away from the homestead of your husband, there is no other ceremony that takes place. There are still many people in our society who think that it is enough to move away from the house, that person is no longer your husband or is no longer your wife and you can just get somebody else and that is that. Then you are separated from this person for five years, seven years and maybe you were not even employed, you did not have anything, but during the period that you are separated from this person, you find somebody else and you may even be living together with this person as a spouse even if there is no legal marriage and you build up an estate. Then you die and this person appears from nowhere and says, “this person is my husband or wife, I am entitled to fifty percent.” I think that part is not fair. I do not think that that was the intention of the law. That is opportunistic and if there is a possibility that that can be looked at, that part at least I would agree with.

Somebody who has not contributed in any way materially or emotionally to the building of that estate should not have a right to claim a portion of it. I know it is a different thing if you were separated two days ago, but if you have been separated for five or ten years and especially if you have not stayed with that person at the time when that estate was being built, I do not see any reason why you should claim a portion from that.

Then there is the issue of maintenance of the former spouse if there is a divorce. I may be misinformed here but my layperson’s understanding is that the one with the lower income would be maintained by the one with the higher income. Suppose the one with the lower income earns a million dollars a year, the one with the higher income earns three million. Of course the one who earns the one million does not need to be maintained by any person and now this person, on top of the fact that they are not in financial need to require maintainance, can even go and have all kinds of relationships, as long as it is not a formal marriage, and that maintenance can continue. This person can even decide to cohabit and they will have children and they are just paying maintenance to support even the new spouse and children. That part is really not fair and it should at least look at the need, and if this person enters into an arrangement that gives the same benefit as a marriage, they cannot still claim that they are married and entitled to this maintenance payment.

These are the few comments that I wanted to make as a contribution to this Debate. Thank you.

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**HON DEPUTY SPEAKER:** I recognise Honourable Minister Ithana.

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**HON MINISTER OF JUSTICE AND ATTORNEY-GENERAL:** Thank you, Comrade Deputy Speaker. Comrade Deputy Speaker, we are opening a can of worms. The matrimonial regime is a very, very complex field of law and I do not even think that we will be able to resolve this matter amicably and in the best interest of everybody.

I want us to take into account and as a background what Comrade Uutoni has said. Whoever is going to take part in the Debate should take into consideration what Comrade Uutoni has said. This field is complex and I do not think we will do justice to the issue unless we would like to debate for the sake of informing ourselves on the pros and cons of looking at the Motion by my young son over there.

Comrade Deputy Speaker, the cons of what is being proposed, changing one's marital status while still in marriage is very complicated, because as many speakers have said, when you are married in community of property, what you have may affect other third parties and they may be affected on account of the example given by the Honourable Minister of Finance that they probably went into an arrangement with you as a couple, trusting that Mr Kaura's income plus that of his wife is worth three million. At least it cushions this deal that we are entering into. Now all of a sudden you chose secretly, without this third party knowing that now you are separating your estate, fifty there, fifty here, and nobody knows what happened because what we are fearing is the publicity, Pendukeni and Joseph Ithana are divorced, headlines, I can just visualise the *Observer*, this is what we are trying to run away from – or *Informanté*, headlines first page, that is what we are trying to run away from.

It is true, on a personal level it is a bad thing, but the people with whom we are in association need to know this status. How do they get to know that we have changed our status? They can only know when there is publicity. It is a legal requirement that your associates should know. It should be publicised in a newspaper that is circulated within the country for three weeks or three months. It is a requirement. That is in terms of the law.

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**HON DEPUTY MINISTER OF LANDS AND RESETTLEMENT:** May I ask the Honourable Minister a question? Why is it so important when people divorce that it should be publicised, but when we get married it does not get into the

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newspapers? If it is for the public to know our status, why is it only with divorce but not when we are getting married? It is not actually the publicity we have a problem with, it is the cost and the process.

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**HON MINISTER OF JUSTICE AND ATTORNEY-GENERAL:** When getting married you are not so much affecting the rights of others or in actual fact I should say you are. That is exactly why in Christian marriages the wedding ceremony is announced on three consecutive Sundays in the church. The congregation must be informed so that whoever has an objection to such a marriage taking place...

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**HON ULENGA:** On a point of information. With all due respect to the Attorney General, that is no longer the case. It is no longer announced three consecutive Sundays. In your and my church it has changed.

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**HON MINISTER OF JUSTICE AND ATTORNEY-GENERAL:** Thank you for that correction, I only remember those things that used to happen before I went into exile. But whatever the case, whether it is three consecutive Sundays or one Sunday, the most important factor here is that it is announced.

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**HON MINISTER OF HOME AFFAIRS AND IMMIGRATION:** On a point of information, Comrade Deputy Speaker. The Ministry of Home Affairs, as the custodian of marriages in Namibia are preparing an Amendment Bill and we are thinking that it is better to go back to the announcement of these marriages before the marriages take place, one, because of the marriage of convenience. Honourable Katali married at Onesi this year and after two years he will get married at Swakopmund and if there is no announcement, no one will know that Katali got married.

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**HON MINISTER OF JUSTICE AND ATTORNEY-GENERAL:** Comrade Minister, indeed that is ...

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**HON KAURA:** May I ask a question? Is the Honourable Minister aware of the fact that when you go and marry at the magistrate's court, you do not need an

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announcement from anywhere. You just go and make an appointment and you go and get married with one or two witnesses at the magistrate's court and you get your marriage licence without any announcement whatsoever.

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**HON MINISTER OF JUSTICE AND ATTORNEY-GENERAL:** This is exactly what the Honourable Minister is alluding to, that they are in actual fact thinking of bringing an Amendment to that effect, so that announcements are made to curb the mischief that she referred to.

I was just going to move on to the next point where I will touch on the issue of sincerity, sincerity among and between couples.

**HOUSE ADJOURNS AT 17:46 UNTIL 2007.11.21 AT 14:30**

**NATIONAL ASSEMBLY  
ASSEMBLY CHAMBER  
21 NOVEMBER 2007  
WINDHOEK**

The Assembly met pursuant to the adjournment.

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

**HON DEPUTY SPEAKER** In terms of Rule 17(b) of the Standing Rules and Orders, the Deputy Speaker Adjourned the Assembly due to a lack of quorum at 15:05 until Thursday, 22 November 2007.

**HOUSE ADJOURNS AT 15:05 UNTIL 2007.11.22 AT 14:30**

**NATIONAL ASSEMBLY  
ASSEMBLY CHAMBER  
22 NOVEMBER 2007  
WINDHOEK**

The Assembly met pursuant to the adjournment.

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

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**AFFIRMATION BY NEWLY  
NOMINATED MEMBER**

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**HON DEPUTY SPEAKER:** Honourable Members, in terms of Rule 48(2) of the Constitution, SWAPO has nominated Mr Helmut Angula to fill the vacancy which occurred in the Assembly as a result of the resignation of Mr Hidipo Hamutenya. I will now call upon the Chief Justice to administer the oath or affirmation to Mr Angula.

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**HON JUSTICE SHIVUTE** Administers the oath to Mr Angula.

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**HON DEPUTY SPEAKER:** I now declare Mr Helmut Angula a duly elected Member of the National Assembly.

Mr Chief Justice, this House is very grateful for your commitment and service to this Nation that you have exercised to selflessly. I know that you have other commitments and thus I will ask the Sergeant-at-Arms to escort the Chief Justice.

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**ANNOUNCEMENTS**

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**HON DEPUTY SPEAKER:** Honourable Members, I have two announcements to make before we start the business of the day. The first one is an invitation to a breakfast meeting at 7:30 on the 30<sup>th</sup> of November 2007 at NamPower Convention Centre. Everybody is invited.

All Members who have indicated their willingness to participate in the football match between Members of Parliament and the Diplomatic Corps are hereby kindly reminded that the match will take place at 15:30 as scheduled on Saturday, the 1<sup>st</sup> of December 2007 at the Independence Stadium in Olympia. At the location both teams will be issued with soccer T-shirts and boots. It is, therefore, imperative that Honourable Members take part in these worthwhile social events.

22 November 2007

**ANNOUNCEMENTS  
HON DEPUTY SPEAKER**

The second announcement has reference to the adjournment of the Assembly if there is no quorum at the commencement of the business. On the 23<sup>rd</sup> of October 2007 the Speaker made a ruling regarding the procedures to be followed if it comes to the adjournment of the House due to quorum, especially if there is no quorum after half an hour.

Yesterday the Assembly had to adjourn due to lack of quorum. Based on the aforesaid ruling by the Speaker, no roll call would be conducted. A copy of the Speaker's ruling has been distributed to all Members on the 23<sup>rd</sup> but there were no comments. Previously a roll call was conducted after the Prayer and Affirmation before the Assembly was adjourned due to lack of quorum. However, there were also instances when the Assembly was adjourned without a roll call. All these examples are attached to the documents on your tables. A roll call due to lack of quorum can only be conducted if the Assembly was already in session, thus a roll call is part of the meeting. The understanding should be that if there is no quorum before the commencement of the session, no business is being conducted and then the House is automatically adjourned to the next sitting day.

However, Honourable Members, the names of those present shall be recorded in our Minutes of Proceedings from the Assembly's register.

The aforementioned ruling of the Speaker still stands, that is why I have to follow it, I cannot change the ruling of the Speaker and you also failed to comment on it.

At the moment it is only the Speaker, not me, who can reverse it if there are Members who feel the opposite and are prepared to argue the case for a review. End of announcement and I request no debate on this issue.

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

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**TABLING: ANNUAL REPORT  
NAMIBIA POST LTD**

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**HON MINISTER OF PRESIDENTIAL AFFAIRS:** I lay upon the Table, Annual Report 2006 of Namibia Post Limited.

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**HON DEPUTY SPEAKER:** Will the Honourable Minister please table the Report. Honourable Minister of Finance.

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**TABLING: REPORTS OF AUDITOR-GENERAL**

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**HON MINISTER OF FINANCE:** Honourable Deputy Speaker, I lay upon the Table Reports of the Auditor General on the accounts of:

- The Ministry of Trade and Industry;
- The Ministry of Regional and Local Government, Housing and Rural Development
- The Ministry of Agriculture, Water and Forestry; and
- The Electoral Commission

for the Financial Year ended March 31<sup>st</sup>, 2006 and of the

- Regional Council for the Caprivi Region for the Financial Years ended March 31<sup>st</sup>, 2004 and 2005;
- Regional Council of the Oshikoto Region for the Financial Years ended March 31<sup>st</sup>, 2002 and 2003;
- Municipality of Gobabis for the Financial Year ended June 30<sup>th</sup>, 2006;
- Town Council of Katima Mulilo for the Financial Year ended 30<sup>th</sup> June 2000, 2001 and 2002;
- Town Council of Helao Nafidi for the Financial Year ended June 30<sup>th</sup>, 2005;
- Town Council of Arandis for the Financial Year ended June 30<sup>th</sup>, 2001 and 2002;
- Municipality of Tsumeb for the Financial Year ended June 30<sup>th</sup>, 2005 and 2006;
- Municipality of Tsumeb for the Financial Year ended 30<sup>th</sup> June 2004.

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**HON DEPUTY SPEAKER:** Table the Reports, Honourable Minister. Other Reports and Papers? Honourable Deputy Minister of Education.

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**REPORTS AND PAPERS  
HON DR NDJOZE-OJO**

**HON DEPUTY MINISTER OF EDUCATION:** Thank you, Honourable Deputy Speaker. I lay upon the Table:

- Annual Financial Statements of the Namibia College of Open Learning (NAMCOL);
- Annual Report of the Polytechnic of Namibia for the year 2006;
- Report on Regional Visits on the Status of Libraries in Namibia for the period 2002 to 2006.

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**HON DEPUTY SPEAKER:** Table the Reports, Honourable Member. Further Reports and Papers? Notice of Questions? Notice of Motions?

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**MOTION ON BUSINESS OF ASSEMBLY**

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**HON BOOYS:** Honourable Deputy Speaker, I Move an unopposed Motion, that the proceedings on Orders 1, 2, 3, 4, 5, 6, 7 and 8 on the Order Paper be, in terms of Rule 94 of the Standing Rules and Orders, not interrupted if still under consideration at 17:45. I so Move.

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**HON DEPUTY SPEAKER:** Table the Motion, Honourable Member. Message from the Head of State? Right Honourable Prime Minister.

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**MINISTERIAL STATEMENT: GERMAN COLONIAL  
GENOCIDE AND DEMANDS FOR REPARATIONS**

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**RT HON PRIME MINISTER:** Thank you, Honourable Deputy Speaker, Honourable Members of the National Assembly. On September 19, 2006 Honourable Chief Kuaima Riruako, President of NUDO, introduced a Motion in this august House on the genocide committed against the Namibian people by the German colonial troops between 1904 and 1908. As Honourable Members will recall, this Motion generated a lot of interest in this August House. It was debated extensively. Eventually the Motion was unanimously adopted by this House.

The Cabinet of the Republic of Namibia by Decision 19<sup>th</sup>/06.11.07/005 directed the Minister of Foreign Affairs to formerly convey the contents of the Motion to the Government of the Federal Republic of Germany. By letter dated 15 November 2007, the Minister of Foreign Affairs, Honourable Marco Hausiku,

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**MINISTERIAL STATEMENT  
RT HON ANGULA**

addressed a letter to His Excellency Dr Frank-Walter Steinmeier, Federal Minister of Foreign Affairs of the Federal Republic of Germany communicating the contents of the said Motion. I thank you for your attention.

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**MINISTERIAL STATEMENT:  
GENDER-BASED VIOLENCE**

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**HON MINISTER OF GENDER EQUALITY AND CHILD WELFARE:**

Honourable Deputy Speaker, Members of this august House, this Ministerial Statement is dealing with the campaign for 16 Days of Activism against Gender-based Violence, which is an annual global event.

Gender-based violence against women and children in Namibia is still continuing unabated. The B1 butcher in the Okahandja area is still at large, waiting to strike again. Just mentioning him put shivers down the spines of the Nation, especially women and children. Women in Namibia are not moving freely any longer. Even in our own homes, look at the recent killing of Magda Maas, a Subject Advisor of the Karas Educational Office. We are made prisoners and mentally destroyed because we are thinking whether our neighbours or even our children at school or at the malls are safe.

I take this precious moment to brief you on the Campaign for 16 Days of Activism to stop Violence Against Women. This campaign officially kicks off on the 25<sup>th</sup> of November which is the International Day for the Elimination of Violence Against Women, and ends on December 10, which is the World Human Rights Day/Namibian Women's Day. This is to highlight the connection between women and violence perpetuated against them and human rights.

Namibia became part of this campaign since 2004 and the Government, in collaboration with various stakeholders who are organising and carrying out activities aimed to raise awareness to the general public on the destructive effects of gender-based violence, especially the type of violence which is perpetrated against women and children.

I can say that because of this campaign and other programmes and activities carried out by the Government and through the support by civil society and development partners, many cases of gender-based violence are now being reported to the police. In addition, slowly but surely the police are now beginning to understand that domestic violence is no more a private or family issue, but a societal problem and a crime. I will fail in my duty if I do not salute our

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**MINISTERIAL STATEMENT  
HON MUNGUNDA**

policemen and women who are bravely committing themselves to pull down the B1 Butcher and the other murderers. At the this moment I will also send my sympathy to the family of Katrina Stephanus who was a brave warrant officer who was really doing a great job on the Kareeboom killings where many people were killed.

Gender-based violence has become so serious that the Government created a National Gender-based Violence Committee, composed of all key stakeholders, to coordinate the fight against gender-based violence at all levels. The creation of the Women and Child Protection Units in all thirteen political Regions is also a step in the right direction to accelerate the fight against gender-based violence. It provides sensitised and integrated services to victims of gender-based violence and any forms of abuse, which are places of peace and safety.

However, in order for these units to deliver 24-hours services, they need adequate budgetary provision to operate effectively and efficiently. This problem was also highlighted during the National Conference on Gender-based Violence and the conference recommended, among others, that sufficient budgetary provision should be provided to the Women and Child Protection Units.

This August House has passed various laws to curb gender-based violence. Some of these the Domestic Violence Act, Combating of Rape Act and the Criminal Procedure Amendment Act No. 25 of 2004, commonly known as the Vulnerable Witness Act, just to mention a few.

The aim is to protect the fundamental and inherent rights and freedoms of our people. This notwithstanding, the UN Convention on the Elimination of All Forms of Discrimination Against Women, the Convention on the Rights of Children, the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa and the SADC Declaration on Gender and Development and its Addendum on the Prevention and Eradication of Violence Against Women and Children and many other international instruments that Namibia has acceded to, women and children's rights and inherent dignity are still being violated.

Madam Deputy Speaker, Honourable Members, gender-based violence against women and children and exploitation are human rights issues.

In this context we can see the marginalisation of certain communities, not only those of the San groups, but especially the recent case of the Ovatua and Ovatjimba communities in the Kunene Region, who have lived an isolated life from the rest of the others due to discrimination. Such cases should not happen in an independent and democratic Namibia.

In this context, I would like to take this opportunity to thank each and everyone

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who has responded positively to the call of helping our people and let them lead a life of dignity. A special thanks goes to His Excellency Hifikepunye Pohamba, President of the Republic of Namibia, who demonstrated his fatherly passion, political vision and authority to immediately act and make a difference in the life of these communities. Thank you Comrade President, you talk tall.

The same goes to the First Lady, Madame Pohamba, the mother of the Nation, which again shows that behind every successful leader is a powerful woman and the Office of the Prime Minister, in the person of Dr Libertine Amathila, the Deputy Prime Minister, a tireless and successful builder of communities. She was building houses even in exile. She built a house on her farm in two weeks and I saw her building houses on television for those people. She is not only practically building, but in her track record as a leader she is a builder. Also all compatriots and friends, known and not known, for reaching out to help. May the God Almighty expand your resources and bless you indeed. The Department of Police who accompanied the delegation of the NBC for going out and doing footage to bring this situation to our attention.

Madam Deputy Speaker, Honourable Members of this august House, the launch of the 16 Days of Activism Campaign in Namibia will be launched on the 23<sup>rd</sup> of November 2007 in Kalkrand, in Hardap the Region as most victims of the recent horrific deaths by the so-called B1 were women from that Region. The aim is, therefore, to raise awareness among the people of that Region to be vigilant and proactive in fighting against such barbaric and demonic actions.

You will see on page 15 of yesterday's *New Era* we have put an advert which states that there are buses for those who do not have transport and people will be picked up at 05:00 in the morning at Otjomuise at the Bet-El Church and then stop at Shell station in Rehoboth, Tsumis Park and the others will come from the side of Mariental. The team is already down there from the Regional Gender Office as well as my team departing from the head office today. You will therefore be well received and it is only 180 kilometres from here.

This season is known for the message of Peace on Earth and goodwill amongst the Nations. Let this peace of God which surpasses all human minds and thoughts reign in all our homes, streets, workplaces, the Government and the Nation.

The end of the 16 Days of Activism against Gender-based Violence Campaign will culminate in the celebration of Human Rights/Namibian Women's Day in the Khomas Region on the 10<sup>th</sup> of December 2007 at the Old Location Cemetery. Worth mentioning are marches that will take place both in Hardap and Khomas Regions.

On the 23<sup>rd</sup> November a march is planned for the Hardap Region, spearheaded by the Ministry of Gender Equality and Child Welfare and its stakeholders.

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**MINISTERIAL STATEMENT  
HON MUNGUNDA**

On the 24<sup>th</sup> of November 2007, a march is planned in Windhoek, spearheaded by the White Ribbon Campaign which is a group of young men who also fight violence against women and they are doing a great job with young boys in schools and in the communities. The theme for the White Ribbon Campaign will be, *“The Church’s Role on Combating Gender-based Violence.”*

On the 29<sup>th</sup> of November a march is planned in Windhoek, spearheaded by the National Federation of People with Disability in Namibia.

On the 10<sup>th</sup> of December, a combined march by various stakeholders is planned for Khomas in Windhoek, spearheaded by the Ministry of Gender Equality and Child Welfare.

Apart from the above marches, other activities by various stakeholders will be taking place throughout the country and there are announcements on the NBC as well as in the newspapers.

Madam Speaker, Honourable Members, you are all cordially invited – and I have already sent out written invitations to you – to attend all these events to encourage and show your support and solidarity to the Nation. Wherever you are going to find yourself during those days, there will be something happening. I humbly encourage you, please take part in these national endeavours. We need you more than ever before on this evil, as we can recall the chopping up of bodies, cooking of bodies, perpetrators sucking the blood of the victim, a male nurse from Kenya who in the B1-style dismembered his own wife, also a nurse, and scattered her body parts around the Grootfontein area. And these are people who for the sake of solidarity came to assist us in the health sector. My condolences through the Minister and Deputy Minister of Health. We also send our deepest sympathy for these types of killings which take place amongst the loved ones.

In conclusion, on a very serious note, on behalf of our Nation I convey our deepest condolences to the bereaved families. Everybody was touched by this. May the Peace of the Almighty dwell in your hearts. Let us be instruments of peace and let Namibians be protected. The official launch will be done by Honourable Pendukeni Ithana tomorrow in Kalkrand who was also the only woman in the Constituent Assembly. I am not campaigning for anybody, because I campaign for myself, but I have to mention that because justice plays a very big role in this where the cases are postponed, cases are thrown out. She will come with her message and my dear brothers and sisters, my fathers and my mothers here, we need your support and may God bless you all. I thank you.

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**HON DEPUTY SPEAKER:** Thank you very much. It is Thursday, the day initiated by the opposition benches. I put Question 119 by Honourable Moongo to

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**RESPONSES TO QUESTION BY HON DIENDA  
HON HAINGURA**

the Minister of Works, Transport and Communication. Does the Honourable Member put the Question?

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**QUESTION 119:**

**HON MOONGO:** I put the Question.

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**HON DEPUTY SPEAKER:** The Minister and his Deputy are not here, so the Question lapses. I put Question 126 by Honourable Dienda to the Minister of Health and Social Services. Does the Honourable Member put the Question?

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**QUESTION 126:**

**HON T GURIRAB:** I put the Question on behalf of Honourable Dienda.

**HON DEPUTY MINISTER OF HEALTH AND SOCIAL SERVICES:** Honourable Deputy Speaker, I thank Honourable Dienda for asking these questions and I wanted to answer the question in the presence of the Honourable Member, because she will come and ask the same question. Therefore the question will lapse until next year.

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**HON DEPUTY SPEAKER:** If the Honourable Member is not here the information will be conveyed to her.

---

**HON DEPUTY MINISTER OF HEALTH AND SOCIAL SERVICES:** The first question was whether the dress code of the nurses has changed. The dress code of the nurses remains the same, it did not change.

Question 2: *“If the Ministry of Health and Social Services is giving allowances.”* No, we are not giving allowances but we are buying the uniforms through tender and provide them to the nurses.

The last question: *“When last did the nurses receive uniforms?”* This year they have received, although not all of them have received. I thank you.

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**HON DEPUTY SPEAKER:** Question 127 is by Honourable Viljoen to the Minister of Youth, National Service, Sport and Culture. Does the Honourable Member put the Question?

**QUESTION 127:**

**HON VILJOEN:** Honourable Deputy Speaker, I put the Question.

**HON DEPUTY MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE:** Thank you very much, Honourable Deputy Speaker. First let me thank the Honourable Member for the questions put.

The answer to the first question is that Category A codes are athletics, boxing, hockey, cricket, football and netball. Rugby is classified as Category B sport code.

Yes, it is correct that the Category A sport codes receive annual grants to the amount of N\$81,500, provided that the sport codes meet the criteria as set out by the Namibia Sport Commission in accordance with the Sports Act. Such criteria, among others, include submitting audited financial statements and a development plan for a given year. The grant is meant to cater for the following:

1. N\$30,000 for international participation;
2. N\$45,000 for development grants;
3. N\$6,500 for administration grant.

Question 2: Yes, it is true.

Question 3: Yes, it is correct, but for the purpose of giving financial assistance the Namibia Sport Commission may require from the national umbrella bodies in relation to whom or to which such assistance is considered to submit to the Commission such books, documents, statements as might be required for accountability and transparency and subject to the budgetary provision, such request may be considered favourably.

Question 4: Yes, the annual grants have been paid to those sports codes who met the criteria by submitting their audited financial statements and development plans. Proof of that can be provided upon request.

Question 5: The answer to question 4 was positive, but generally the grants of the sport bodies that do not submit their audited financial statements are withheld until such time that they submit the audited financial statements. The sport bodies that did not submit their financial statements are encouraged to do so, so much so that financial assistance is provided to pay for the auditing of the books.

Question 6: There is no problem on the side of the Namibia National Sport Commission. Sport codes are simply advised to submit their audited financial statements and development plans in order to qualify for a grant as stipulated by the Sport Act.

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**HON VILJOEN:** Honourable Deputy Speaker, I do not understand because according to the Deputy Minister everything is in order, the money should be paid because they meet all the requirements. But nobody receives money, so I do not understand and I think I will come with a follow-up question in the New Year. I thank the Deputy Minister.

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**HON DEPUTY SPEAKER:** Question 128 is by the same Honourable Viljoen to the Minister of Youth, National Service, Sport and Culture. Does the Honourable Member put the Question?

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**QUESTION 128:**

**HON VILJOEN:** I put the Question.

**HON DEPUTY MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE:** Thank you once again, Honourable Deputy Speaker and let me also thank the Honourable Member for his questions.

The answer to the first question is that the Namibia Hockey Union was granted permission by the Namibia Sports Commission to participate in the Olympic Qualifier Scheduled for Nairobi, Kenya in August 2007.

Question 2: The Namibia Hockey Union was paid their due and collected their money from Namibia Sport Committee.

Questions 3 and 4: The answer to question 2 applies to both these questions.

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**HON VILJOEN:** Honourable Deputy Speaker, I wish to thank the Deputy Minister for the answer. Something is wrong but I will come back.

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**HON DEPUTY SPEAKER:** That was the end of the questions for today. The Secretary will read the First Order of the Day.

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**INCOME TAX AMENDMENT BILL  
HON KUUGONGELWA-AMADHILA**

**INCOME TAX AMENDMENT BILL:  
COMMITTEE STAGE**

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**SECRETARY:** Committee Stage – *Income Tax Amendment Bill*.

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

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

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

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**ASSEMBLY IN COMMITTEE:**

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**HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:**  
The Committee has to consider the *Income Tax Amendment Bill*.

Clauses 1 to 2 put and Agreed to.

Clause 3 put.

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**HON MINISTER OF FINANCE:** Honourable Chairperson, I apologise to the House, there are some Amendments that I want to apply to the Bill and the first amendment that I want to apply is to Clause 3 where I propose that we delete Paragraph (a) and renumber the rest of the paragraphs accordingly.

---

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

Clause 3, as amended, agreed to.

Clause 4 put and agreed to.

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**INCOME TAX AMENDMENT BILL  
HON KUUGONGELWA-AMADHILA**

Clause 5 put.

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**HON MINISTER OF FINANCE:** Honourable Deputy Chairperson of the Whole House Committee. In Clause 5 I propose that we delete paragraph (c) of Subsection (1) of Section 34(a) and we delete the words “*the Namibia Post Office Savings Bank*” and “*Savings Bank*” where they appear in Section 34(c) and 34(d) and rearrange the grammar accordingly.

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**HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** Will the Honourable Minister table the Amendment? I put Clause 5, as amended. Any discussion? Any objection? Agreed to.

Clause 5, as amended, agreed to.

Clauses 6 to 12 put and agreed to.

Title put.

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**HON MINISTER OF FINANCE:** Honourable Deputy Chairperson, I propose that in the long title we delete the following sentence: “*To introduce a threshold for exemption on interest received by a natural person from any deposit in the Post Office Savings Bank*” in line for and, that we delete the words “*and the Namibia Post Savings Bank*” in line 12.

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**HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** Will the Honourable Minister please table the Amendments? I put the Title as amended. Any discussion? Any objection? Agreed to.

Title, as amended, agreed to.

I shall report the Bill with amendments.

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**ASSEMBLY RESUMED:**

**HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** Reports the Bill with Amendment.

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**INCOME TAX AMENDMENT BILL  
HON VENAANI**

**INCOME TAX AMENDMENT BILL:  
THIRD READING**

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**HON DEPUTY SPEAKER:** Does the Honourable Minister of Finance move that the Bill be now read a Third Time?

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

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**HON DEPUTY SPEAKER:** Any objection? Who seconds? Agreed to. Any further discussions? Honourable Venaani.

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**HON VENAANI:** Honourable Deputy Speaker, I rise to raise a very serious concern from this side of the House, that when our Colleagues from the Executive are initiating legislation to come to this House, we are experiencing a lot of problems by rushing these Bills through the House without thorough discussion and thorough consultations and every Bill that comes to this House comes as a matter of urgency. I would wish that in the next session we do not make this Chamber a rubber-stamp to come and move things because something needs to be done. (Intervention)

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**HON RIRUAKO:** On a Point of Information. The rushing is caused by some of the people who are going to RDP and because of that ....

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**HON DEPUTY SPEAKER:** That is not the point. Proceed, Honourable Member.

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**HON VENAANI:** I think it is really important that we find a common ground in this House that when the Members of the Executive are bringing Bills, they are brought in due time and discussions take place. I want to record that this Bill was really rushed through this House and there were supposed to be thorough consultations before the passing of the Bill. I thank you.

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**HON MINISTER OF FINANCE:** Honourable Deputy Speaker, I do not think there is anybody who can argue against the request that Bills must be properly consulted on, but I would not agree with the Honourable Member that this Bill was rushed.

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**INCOME TAX AMENDMENT BILL  
HON DE WAAL**

First and foremost, the principles of this Bill was brought to this House on a number of occasions. I think I have twice in my Budget statement announced the Amendments that would be introduced to this Bill and the Honourable Members had ample time to engage me on those issues and the members of the public were extensively engaged. Unfortunately, I realise that some members of the public decided to continue consultations through other structures and those structures then wanted to continue with those consultations based on the presentation from outside at a later stage. But the general principle of adequate consultations I think cannot be argued against, but I think this was really not a surprise to anyone. (Interjection). You can ask the Floor to speak.

I know that the issues that are outstanding which we are now discussing is not about formulation, it is about the substance of the policy underlying the Amendments. It is about the substance and there definitely was ample time and that is why there was an Amendment here, and the Honourable Member had the opportunity to also make a contribution to the Debate, but unfortunately he was not in the House.

But I am saying that to the extent that I had been engaged with time and I have had time to reflect on the proposals put to me or any other person on this side of the House, I do not see any reason why those conclusions could not be concluded and the concerns accommodated, if that is possible. But really, I think all of us can do better to make sure that the consultations are meaningful. Thank you.

---

**HON DE WAAL:** Honourable Deputy Speaker, I will be very brief. All I am saying is, it is good to announce that you are going to tax this or that or the other, but how you are going to do it eventually, the technicalities, that is what we have a problem with now. There is no problem with the principle of taxing annuities or whatever it is called, it is the technicalities, the dates and those things that are the problem. The problem is the consultation did not take place on the final document. If the private sector was consulted on the final document, this problem would not have been there.

Therefore, I am just appealing once again to the Honourable Minister, you can announce things, but please, when you get to the final product, give it to us so that we can talk to the people and solve the problem. It is not a problem, we agree with you, we support you.

---

**HON MINISTER OF FINANCE:** The Honourable Member knows that he just wants to draw me into an argument, but as I have said, this Bill was a short Bill with a few Amendments being brought to this House and the Honourable Member had enough time to look through this Bill and engage me on whatever issue he wanted to raise with me. But after he said that, these issues were probably brought

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to the Member by somebody who was not satisfied with the consultations we had and that person came to the Member too late in the process and as a result the Honourable Member and I could not find a mutually convenient time to exhaust the consultations. He knows that. But this Bill was brought and that is why I am saying even the Amendment I brought here came about because somebody had a concern that they brought to me and we could discuss that concern and conclude our consultations with enough time still for me to make the Amendment. But the Honourable Member came too late and the process was being finalised.

But in spite of that, we agreed on a way to accommodate each other. I do not know why they want to open up the Debate again, really. Thank you.

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**HON DEPUTY SPEAKER:** I 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.

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**SECRETARY:** Income Tax Amendment Bill.

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**HOUSE ADJOURNS AT 15:50**  
**HOUSE RESUMES AT 16:20 PURSUANT TO ADJOURNMENT**

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

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**SECRETARY:** Resumption of Debate on the responsibility and accountability of the users of Government buildings as far as general maintenance is concerned.

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**HON DEPUTY SPEAKER:** When the Assembly adjourned on Wednesday, the 24<sup>th</sup> of October 2007 in terms of Rule 90(a) of the Standing Rules and Orders, the Question before the Assembly was a Motion by Honourable Viljoen, that the Motion be adopted. Any further discussions? I call on Honourable Viljoen to respond.

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**MOTION ON PROCLAMATION OF TOWNS  
HON ULENGA**

**HON VILJOEN:** Honourable Deputy Speaker, I do not want to respond because there is a technical problem. The Honourable Speaker said he will come back and make a ruling, but it was never done. But with your permission I want to withdraw this Motion.

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**HON DEPUTY SPEAKER:** Thank you very much. The Motion is withdrawn from the list. The Secretary will read the Third Order of the Day.

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**MOTION ON PROCLAMATION OF TOWNS:  
RESUMPTION OF DEBATE**

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**SECRETARY:** Resumption of Debate on the proclamation of towns in the rural areas and how it affects resident farmers.

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**HON DEPUTY SPEAKER:** When this Debate was adjourned on Tuesday, the 20<sup>th</sup> of November 2007, the Question before the Assembly was a Motion by Honourable Ulenga, that the Motion be adopted. Honourable Ulenga adjourned the Debate for his reply and he now has the Floor.

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**HON ULENGA:** Thank you, Honourable Deputy Speaker. Let me start off by thanking those Members who participated in the Debate on this Motion, both those who spoke in favour of the Motion and those who spoke neutrally on the Motion. Unfortunately, Honourable Deputy Speaker, most of the time or rather unfortunately, we had a funny day yesterday, I expected to get some of the products of the Hansard as far as the records of the Debate on this Motion is concerned and I could only get a few. Therefore, my response will actually be simple, short and straightforward.

Honourable Deputy Speaker, it may have looked as if this Motion was a Motion that was moved with some party-political motives. Indeed, those of you who are Members of the Standing Committee on Rules and Orders know that that was not the case. When I introduced the Motion I took pains to emphasise that this Motion is moved neutrally and on behalf, indeed, of every Member of Parliament.

The Motion was preceded by a request, not to me or the CoD, but to the Speaker of Parliament to look into issues concerning the proclamation of towns and the negative effects upon the inhabitants of such duly proclaimed towns.

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**HON ULENGA**

Honourable Deputy Speaker, I would like to emphasise in my reply that it was never the idea or the intention to condemn the proclamation of new towns. Indeed, the proclamation of new towns, when it is aimed at bringing development and governance and empowerment to the people can only be welcomed. However, even with the best of intentions things can always go wrong. As a matter of fact, they say in English that *the way* to damnation is paved with the best of intentions.

While the proclamation of new towns, while bringing development to the people is a good idea, we must guard against negative effects and impacts coming into this kind of process and that is, indeed, what the people who encouraged us to discuss and debate this Motion are talking about. There is no point, there is no intention of condemning or suggesting that there should not be any proclamation of new towns.

I would like to especially thank the Minister for bringing a few new insights in his reply to the Motion and by indicating also that also in Government's view some of the measures on the ground, especially those concerning compensation of those who are forced to be moved from newly proclaimed towns are enjoying the attention of Government.

When the Motion was moved there was this specific request that was made that the Motion be referred to the Parliamentary Standing Committee on Economics, Natural Resources and Public Administration so that the issue can be looked at more closely on the ground and so that there can be adequate consultations on the issue, because this issue will continue to be with us as long as we have developmental programmes in the country and I would just like to encourage and to urge and to request, to appeal almost to the Honourable Members to refer this Motion to the relevant Parliamentary Committee, because this will then give the opportunity to bring the Debate further right on the ground to the involved communities and most probably strengthen the consensus that should be there between Parliamentarians as representatives of the people and the communities on the ground.

Honourable Deputy Speaker, once again thank you very much for participating and I hope we will pass the Motion. I thank you.

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**HON DEPUTY SPEAKER:** Thank you very much, Honourable Member. I now put the Question, that the Motion be referred to the Parliamentary Standing Committee. Any objection? The House is divided.

In favour	7
Against	23

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**MOTION ON PENSION PAYOUTS  
HON GERTZE**

Abstention 7

The Motion is rejected and not to be referred to the Committee. The Secretary will read the Fourth Order of the Day.

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**MOTION ON TAXATION ON PENSION PAYOUTS  
RESUMPTION OF DEBATE**

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**SECRETARY:** Resumption of Debate on the possibility of readjusting the taxation regime against the pension payouts for working citizens of the country.

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**HON DEPUTY SPEAKER:** When this Debate was adjourned on Wednesday, the 14<sup>th</sup> of November 2007, the Question before the Assembly was a Motion by the Honourable Gertze, that the Motion be adopted. Honourable Gertze adjourned the Debate for his reply and he now has the Floor.

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**HON GERTZE:** Honourable Deputy Speaker, Honourable Members, allow me take this opportunity to thank all those Honourable Members who had previously participated during the Debate on the above Motion.

Those were *Honourable Venaani*, *Honourable Goreseb* and the *Honourable Minister of Finance* and of late, *Honourable Tjiriange* has valuably also added his contribution in support of this Motion.

The Motion seeks to really ask for clemency in a considerate way in which our retiring citizens are taxed, so that they in the end remain with only crumbs of the pension funds for which they have tirelessly worked over many years.

After retirement no one plans to get back into active employment and we all wish to establish and leave our heirs with something when we die so that these inheritances could ease the lives of our heirs, our children and grandchildren that is. But if we are taxed to the bone at retirement, what would we have established? And if this taxation regime continues unabated, our current and future generations will always have to build pension savings for mostly tax purposes, leaving themselves and their foundations destitute.

Honourable Speaker, it is in the light of the argument in my Motion and it's subsequent reply that I humbly give notice to move that this Motion be referred to the Standing Committee on Economics, Natural Resources and Public

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**MOTION ON PENSION PAYOUTS  
HON KUUGONGELWA-AMADHILA**

Administration, so that this Committee could consult with the relevant stakeholders in consideration of what the Motion seeks to address. I, therefore, ask this Honourable House to support this Motion and I thank you.

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**HON DEPUTY SPEAKER:** I put the Question, that the Motion be adopted and referred to the Committee. Any objection? Objection by the Minister of Finance. The House is divided.

In favour	10
Against	29
Abstentions	0

The Motion is rejected, not to be referred to the Committee.

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**HON MINISTER OF FINANCE:** Honourable Deputy Speaker, I wanted to find out whether it is allowed to explain the objection. Honourable Deputy Speaker, I deem it appropriate to explain the objection, because I do not want it to be understood here that the Government is not sensitive to the concerns of those elderly citizens of our country whose pensions may be meagre and they may be in need of relief from the tax obligations.

I want to make it clear that, first and foremost, the objection arose out of concerns that taxation issues are so important and they have far-reaching implications for our economy, that our tax policies must be applied systematically. The proposals must be thoroughly thought out, they must be researched for all their implications and I do not think that it is appropriate that Parliament could just move motions on such issues as taxation, take them to public hearings and then come back to Parliament with recommendations so that resolutions are taken that would require Government to take certain measures while appropriate research had not been done.

I have an open door policy and if there are proposals that Honourable Members feel need to be looked at by Government, I would be happy to look at those proposals and advise Government accordingly. There are many platforms. I have noted the issues that have been raised on this Floor on this issue, but unfortunately I do not think it is appropriate that we deal with this issue in the manner that is being suggested.

I have also indicated that we have to understand that pensioners are not necessarily all receiving meagre amounts. You have people who get N\$2 million per annum in pension annuities. In a situation of inequities where you have young people

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**MOTION-MATRIMONIAL PROPERTY REGIME  
HON IIVULA-ITHANA**

earning a salary of N\$30,000 a year, it would be unfair to say that somebody who earns N\$2 million, by mere virtue of the fact that they are of pensionable age, should not be taxed, while another person who earns much less is taxed. That is not equitable and I think that the issue of the poor pensioners should be looked at in its proper context and not in this manner.

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

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**MOTION ON MARRIED COUPLES  
RESUMPTION OF DEBATE**

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**SECRETARY:** Resumption of Debate on current prevailing problems experienced by married couples under common law and the judgment precedents by the courts.

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**HON DEPUTY SPEAKER:** When the Assembly adjourned on Tuesday, the 20<sup>th</sup> of November 2007 in terms of Rule 90(a) of the Standing Rules and Orders, the Question before the Assembly was a Motion by Honourable Venaani, that the Motion be adopted. I now give the Floor to the Minister of Justice who adjourned the Debate to continue.

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**HON MINISTER OF JUSTICE AND ATTORNEY-GENERAL:** Thank you, Comrade Deputy Speaker. As you rightly warned us at the beginning, I am not going to take long, I only remain with one point of argument and that is the fact that if marital status should be changed in the simple manner that the Honourable Member is proposing, then I see a danger lurking somewhere, that women who are in most cases left destitute through divorces and even death, will be cheated out of properties owned in equal shares during the marriage in community of property.

Some of our men are not sincere – I am saying “some”....(Interjection)

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**HON MEMBER:** Some of the ladies also.

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**HON MINISTER OF JUSTICE AND ATTORNEY-GENERAL:** Yes, but in issues of properties – let us also be honest- women are still in a disadvantaged

position, they do not own properties, they have not been owning properties in their own names. It is only recently when this Government introduced some laws that opened up the way through which women can also own properties and also traditionally women have not been advantaged in the marital arrangements. When they are not married, the properties are owned by the male relatives and when they get married, the husband is seen as the custodian of the family properties. That situation is a reality and, therefore, Comrade Deputy Speaker, under the prevailing circumstances it will be unintelligent on our part to allow such a Motion to go through that will open, in my view, a Pandora's Box, to the detriment of many, many families.

I am sounding this stern advice beforehand so that when the time comes for us to decide which way to go with this Motion, I would advise that we do not support such a Motion to go through. I thank you, Honourable Deputy Speaker.

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**HON DEPUTY SPEAKER:** Thank you very much. Honourable Ncube.

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**HON MANOMBE-NCUBE:** Thank you very much for the opportunity, Honourable Deputy Speaker. I would like to add my voice and my humble contribution to this Motion tabled by Honourable Venaani.

I commend the Honourable Member for coming up with a Motion of this kind. I hope by debating this it would help the entire Nation to understand the nature of the marriage relationship that they commit themselves to.

Honourable Deputy Speaker, Honourable Members, in my view marriage is a serious institution and I believe the Motion is not well-founded or perhaps it is an eye-opener in other people's opinion. I also believe that marriage is sacrosanct, we should respect it and it will protect you and if you play with it, do not cry when it asks for a pound of flesh in return.

Partners to a proposed marriage relationship must plan clearly when they decide to enter such a relationship. They cannot be in a marriage and choose to play games over the form of marriage when it suits their changed status. For example, if you choose to marry in community of property, you cannot also have the luxury of excluding risk from part of the property that you pledged against the bank loan for a business and as they say, you cannot have your cake and eat it. If you made a bed of choice, you must lie down on it. What I mean here is that people should learn to live with the consequences of their contract of marriage.

We should not marry for frivolous reasons. On the day you pledged your vows, you stood in front of a priest to say "*until death do us part*" and charged your

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partner to stand by them through thick and thin.

Honourable Deputy Speaker, having hailed from a religious community, which is Namibia, I want to make reference to the religious Scriptures out of Ephesians 5:31-33. Honourable Konjore will bear me out. It reads: *“For this cause shall a man leave his father and mother and shall be joined onto his wife, and they two will be once flesh.”* Verse 33: *“Nevertheless, let everyone of you in particular so love his wife even as himself and the wife sees that she reverence her husband.”*

Based on that, Honourable Deputy Speaker, I rest my case.

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**HON DEPUTY SPEAKER:** Thank you very much. Honourable Chief Riruako.

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**HON RIRUAKO:** Mine will be brief, I am not a dictator as you are. It is quite clear the stand of Honourable Ncube and that of the Attorney-General is quite clear. If you do not want to, do not get married, be a bachelor for ever if you are not able to...(Intervention)

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**RT HON PRIME MINISTER:** On a Point of Order. Is it allowed for Honourable Kaura, President of DTA, to commit treason against DTA by being an agent of another Party in the House?

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**HON DEPUTY SPEAKER:** It is not allowed. Even his members who see him from outside will withdraw.

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**HON RIRUAKO:** I pity the people who seem to argue on this issue. (Intervention)

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**HON ULENGA:** On a Point of Order, Honourable Deputy Speaker. Is it allowed for the hibernating RDPs to steal the logos of other Parties?

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**HON DEPUTY SPEAKER:** There are no members of RDP who can answer that question.

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**HON RIRUAKO:** Honourable Deputy Speaker, they might be here as we are now, and from tomorrow they are going to be in the open. We are waiting for the congress to come out, that is not our worries, that is their worries.

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**HON DEPUTY SPEAKER:** I am advised here that the Chief spoke on the 17<sup>th</sup> of October. Any further discussion? Does Honourable Venaani wish to reply?

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**HON VENAANI:** Honourable Deputy Speaker, I want to thank all those Members who participated in this very important Debate. I want to thank the *Honourable Tjiriange* for his support of the Motion and the *Honourable Deputy Prime Minister* who supported the Motion, the Prime Minister who is neutral, *Honourable Ilonga* who has raised the risks, *Honourable Kaura* who supported, *Honourable Kuugongelwa-Amadhila* who raised important issues of counselling and education, *Honourable Uutoni Nujoma and the Attorney-General, Honourable Ithana*.

Honourable Deputy Speaker, the Deputy Minister of Justice in his intervention raised and alerted this House that there is a Bill on the way that is going to discuss matrimonial property regimes, that the Law Development and Reform is bringing up. The Attorney-General, who is the custodian of the Ministry of Justice, who probably argued as a legislator, is somehow in her intervention saying that this Bill is not going to come to this House. She is in fact contradicting her Deputy Minister. (Interjection). If you are bringing a Bill you cannot argue against it.

But be that as it may, the crux of the argument is that we as legislators cannot argue that because this Bill may be open to abuse, therefore we must not have it. We should argue on the premises of saying how are we going to close loopholes that will be open to abuse and when I motivated this Motion, if people can be able to change their matrimonial property regime, both partners' should consent and the presiding officer must also listen whether the reasons that are being advanced are sound for that Amendment if those people wish to do that.

Creditors would also be notified whether they would have an objection towards it and I am not proposing something new from the heavens. Countries have already introduced a similar law, Mexico has introduced a similar law and Germany is in fact currently debating it in the German Parliament. There is a big Debate in Germany where even legislators are arguing that the marriage should (interjection). They have it! Check your records. I do my research. Let me give you an example of some of these property regimes and the effects.

When you get married to a nobody like myself, the wife is a medical Doctor or a

Lawyer, she has inherited 4 million from her parents. We are married in community of property. The day that I, who came with only a suit and called her sweetheart and honey, pass away, just because of the fact that I married in community of property, that estate will be divided in equal shares between my children that are not even from that marriage. They would get the stake of their father. (Interjections). That happens in the black culture, in the community where I come from. Let me explain, I allowed you to debate.

In the community where I come from, when the chief passes away, he would not write a will but he will say, "*my son, here are my cattle, my wife, take care of my children.*" Now in the meantime I am married in community of property, here I am inheriting from him and in the process of taking custodianship over other people's lives, but when I pass away, immediately those cattle that I inherited from this part, which no longer belongs to the family where it comes from, it goes to the wife. Those are the complexities of some of these issues.

The argument that **Honourable Konjore** has raised of saying we must educate and counsel our people is a reality. It is a reality that we need to educate our community. But we should not be oblivious to the fact that there are other people who, due to a lack of education, are trapped in this thing. Those who are trapped in this thing are those persons who got married, especially under customary law, not knowing the implications of their marriage. Now you are telling them that if they want to change and perhaps we should also try to debate and argue the economics of marriage. Is marriage love or is marriage wealth or is it both? That we should also start to argue. Many a time we marry for the wealth and not the love.

Honourable Colleagues, there is a need for us as a society – and I want prosperity to judge me – to re-look at the current matrimonial property regimes and the way they are. They are difficult, they are complex, they are not modern and they are very old.

Honourable Speaker, as a person who was informed in this House that the Ministry of Justice is busy developing a law, modernising matrimonial property regimes and as an old horse in this House, I withdraw this Motion because there is no need for us to take this issue to a Committee if there is a Bill on the way. I think it is important for us to withdraw the Motion now, to wait for the Bill which is going to look at the flexibilities of matrimonial property regimes in the future and consult with society, because we know of couples that because of the husband is on ITC, the wife cannot buy a house. Because one person is reckless in the marriage the wife cannot access anything. These things are happening and they are realities.

Honourable Deputy Speaker, I have raised a very important issue to which we need to apply our minds as age and modernity are approaching us and I am waiting

for Government to bring that legislation so that we further debate it.

Honourable Deputy Speaker, I move without notice, that the Motion on the matrimonial property regimes be withdrawn and await the Bill as proposed by the Deputy Minister of Justice.

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**HON DEPUTY SPEAKER:** The Motion is withdrawn from the list, waiting for the Bill. The Secretary will read the Sixth Order of the Day.

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**MOTION ON AUCTION OF HOUSES  
RESUMPTION OF DEBATE**

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**SECRETARY:** Resumption of Debate on the eviction and auction of houses of indebted poor residents, unemployed and elderly pensioners by some municipalities.

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**HON DEPUTY SPEAKER:** When this Debate was deferred on Tuesday the 20<sup>th</sup> of November 2007, the Question before the Assembly was a Motion by the Honourable Ulenga, that the Motion be adopted. I now call on Honourable Mudge who adjourned the Debate to take the Floor.

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**HON MUDGE:** Honourable Deputy Speaker, may I start by saying that all of us from the Republican Party welcome Honourable Helmut Angula and trust that he as a seasoned politician will continue to make a positive contribution in this House.

To come to the Motion, thank you for the opportunity to speak on this very important Motion of Honourable Ben Ulenga. I am aware of the fact that we have limited time to finish our business today and I will, therefore, make a very short contribution.

We are all aware that the housing shortage in Namibia has become critical and we are aware of the Government's efforts to address this issue through the Build-Together projects and also what happened with the Shack Dwellers Association's projects which apparently are also very successful.

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**EVICTED PENSIONERS FROM HOUSES**  
**HON MUDGE**

Honourable Deputy Speaker, it is an undisputed fact that a house is in most cases the biggest single investment house owners have made and without any doubt, also the best and in most cases the only security they have not only as a place to accommodate themselves and their families, but also to use it as collateral through which they can have access to funds with which they could, for instance, start a new business. For so many people from the previously disadvantaged groups....(Intervention)

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**HON DEPUTY MINISTER OF LABOUR AND SOCIAL WELFARE:** May I ask a question? Honourable Henk Mudge, could you through your contribution suggest to the Minister of Justice and Attorney-General to amend this South African Magistrate's Act No. 42 of 1944 which gives the power to the municipalities to repossess? Would you suggest to the Minister of Justice and Attorney-General to amend that Act or not?

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**HON MUDGE:** Honourable Deputy Speaker, I think the Honourable Deputy Minister could have done it and can still do it. There will be time for him to address this House.

I said, with so many people from the disadvantaged group suffering because of not only unemployment, but also the fact that many of them are taking care of additional family members and members of the extended families, it should be clear that a house to many people is worth its weight in gold because that is all they have.

It is for this reason that this topic is so relevant. Every week the Messenger at the court auction houses of poor people who have been caught in a situation that they just cannot pay their municipal bills anymore and I have a serious problem with this. I am aware of cases where grandmothers with small children she is looking after and in some cases single mothers with children have been evicted to find themselves on the street with nowhere to go. All this because of municipal accounts that have not been paid and let me state clearly, I am not at all trying to suggest that people should not pay their accounts, not at all, but this situation is different.

The fault does not only lie with the occupants who fail to pay their accounts, but the biggest culprit in this situation is the municipalities who in the first place allowed the occupants to run up their accounts to a point where it just becomes impossible to pay it.

Honourable Deputy Speaker, there is no way that municipal officials can escape the blame because they should act according to a policy or directives according to

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HON RIRUAKO**

which water and electricity or properties are being cut if accounts are not paid and in cases where people are not able to pay their accounts, you cut the water and electricity early enough, because it is much better for a person to be without electricity and to carry water to their homes than to lose their houses.

Honourable Deputy Speaker, I am not talking about accounts that were allowed to run up over weeks or months, I am talking about accounts that have in some cases been allowed to escalate over years. We should not condone this kind of behaviour and the seemingly haphazard way in which the municipalities operate.

I can just say that this morning one of the people working for me wanted to buy one of these houses that were on the auction and in that case, one of the houses that was supposed to be sold had a municipal account of N\$45,000. If I do not pay my account within 2 or 3 months, they just cut my water.

There are also other serious accusations that are being made by people who lost their houses, for instance that the municipality would attach the houses for an account of N\$15,000, the house is being sold for N\$30,000, which means that they should have received that balance of N\$15 000, but they only receive N\$5 000. The rest would be for costs and interest and deductions by the municipality, the Messenger of the court, the attorneys and everybody. Honourable Deputy Speaker, this should not be allowed to carry on. We accept the fact that the Municipality of Windhoek is in dire need of money in order to meet its obligations, but then they must be consistent.

We all know that, for instance, the Government of Namibia is currently owing the municipality millions of dollars and my question is whether any of the Government buildings' electricity or water has been cut or whether any of the said buildings were attached and sold by the Windhoek Municipality.

Honourable Deputy Speaker, I am of the opinion that the City of Windhoek, for one, and also all the other municipalities should urgently look into this matter and I want to make what may seem as a very radical proposal and that is that all the debts of those who are currently unemployed and residents who are single mothers or grandmothers, that their debts be written off and let them start with a clean slate in order for the situation to normalise as soon as possible. I thank you.

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**HON DEPUTY SPEAKER:** Thank you very much. Honourable Riruako.  
(Interjections).

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**HON RIRUAKO:** I do not care a damn whether you think what or not. That habit is a kind of selfishness. This man is a white man talking on behalf of your

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own people. (Intervention)

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**HON DEPUTY SPEAKER:** Are those Parliamentary words, “*white man?*”

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**HON RIRUAKO:** I am sorry about that, it is the way it is! (Intervention)

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**HON DEPUTY SPEAKER:** He is a Namibian.

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**HON RIRUAKO:** A Namibian but that is the way it is. (Intervention)

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**HON DEPUTY SPEAKER:** For now here stop that.

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**HON RIRUAKO:** I hope you understand what I am saying. Honourable Deputy Speaker, we cannot tolerate what is not tolerable. These people are poor and are being ripped off and we ourselves rip them off. What is that? There must be a reason for that. To enrich yourself in front of your own kith and kin you have to face a challenge sometime, somewhere, somehow. We cannot continue with that for ever and I appeal to our people who have that behaviour to correct their behaviour. It is as simple as that.

Honourable Deputy Speaker, the words Honourable Mudge mentioned here goes to Honourable Minister of Local Government and Housing, Honourable Pandeni. Study your list and take around your expertise, put them together to find out what it means. It happened in Ovamboland, the water bills were climbing for the whole area, why not in Windhoek? If such things happen, it must happen all over the country to harmonise peace and order. I thank you.

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**HON DEPUTY SPEAKER:** Thank you very much. Honourable Pandeni.

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**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,  
HOUSING AND RURAL DEVELOPMENT:** Thank you very much, Comrade Deputy Speaker, for the opportunity to make a contribution to the Debate on the eviction and auction of houses of indebted poor residents, unemployed and elderly pensioners, by the municipality, particularly making specific reference to the City of Windhoek.

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**EVICTION OF PENSIONERS FROM HOUSES  
HON PANDENI**

Comrade Deputy Speaker, Honourable Members, I just want to state one fact that has so many times been distorted. The City of Windhoek is on record – and I want it to be recorded appropriately – that up to today there is no welfare case or pensioner whose house has been sold on auction and anybody who has that information has the right to take the municipality to court. That is the reality.

Having said that, Comrade Deputy Speaker, debt collection and credit control is a universal phenomenon. Wherever services are to be paid, one way or the other you will face people that are lagging behind in terms of payment and have some debts and an institution needs to institute a policy or a system where they will be able to collect debts and also to control credit.

I am also aware that the Government has made a number of efforts in trying to address the particular section of our population who, because of their financial status, might not be able to afford. Let me however say that in Namibia we do not have a system that is providing the services in terms of housing to people who are unemployed, because all the houses that are being given are either rented or they are sold. Whether it is either way, they are suggesting that the potential home owners need to have the income to enable them to do that.

In this country we do not have a system that in some countries is called the “*indigent management policy*”. That is a policy that is looking at that category of the residents who are not able to afford services such as housing and you name them. But the City of Windhoek has adopted an indigent policy which they believe will be in a position to assist that section of our population that are not able to afford these services because of their financial status. They are unemployed, they are poor.

Comrade Deputy Speaker, let me also mention some of the problems arising. If the owner of a house dies, that house reverts back to the Master of the High Court who then has to appoint a curator to be the guardian of the children, particularly when they are minors. Imagine if that particular house owner passed away and the City of Windhoek has not been informed, they would still have on their records that the owner is this one and they would expect that particular owner to pay for the services that they are rendering. It is also a costly exercise to transfer the house in the name of this owner to another one. When you are dealing with a poor population and communities that are suffering poverty, you might really have a problem.

If you have not indicated and informed the municipality, the bond that normally clears all the outstanding cannot be given, because you need to give the death certificate and all the particulars to enable that institution to clear, so that the house can be transferred to the new owner.

Sometimes our communities keep quiet because they are fighting amongst

themselves for ownership and sometimes years pass where the potential new owner cannot assume ownership of that particular house. By the time that somebody is identified, the debt has escalated and this person is not able to effect the transfer of that particular house to the new owner, because you can only do that when you have settled the debts.

I must also mention that the municipalities, and particularly the Local Authorities, have a system where they inform the residents by way of various letters, informing the home owner of the debts. These letters in most cases are being ignored. Even the Regional Councils or Local Authority Councils are not being informed so that they are able to take up the issue and as a result the debts are escalating. I am talking from experience as somebody who has been a Councillor and who has on various occasions been approached by residents only when they realise the house is being auctioned to recover the outstanding debts and to make fresh arrangements with the particular owner that is coming.

The municipalities, particularly of Windhoek, have gone to the extent of making arrangements for pre-paid electricity for all our pensioners, so that they are able to minimise these huge debts and I am made aware that they are again making arrangements to see to which extent they will cover them in terms of making similar arrangements with pre-paid water supply.

I should also mention that before the Local Authority can supply services, whether it is in terms of water or electricity, to any house owner, they have to sign an agreement and when the owner who signed that agreement passes away, then the new owner has to sign that same agreement again.

During the contributions there has been reference to an Act, which I must say is an old Act, the Magistrate's Courts Act of 1944, that the people were saying the municipalities are using to repossess these houses. I was also made to understand that the Ministry of Justice was approached to look at possible Amendments to this law, because it is really an old law which is probably out of tune with the current situation that we have, but I do not want to say much on that one.

I have talked about the cost of transfer duty and just for your information, it is five percent that is being charged on the amount that is above N\$60,000 and that could be a lot of money, depending on the value of the house.

I should indicate, therefore, that when you look at the issues that were raised within the Debate, yes, the problems are real and the municipalities are dealing with them. Resources are required in order to deal effectively with them and as you can realise, many or all the municipalities are no longer constructing houses in order to rent, for obvious reasons.

I should, therefore, indicate that we welcome all the proposals that were made,

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which proposals would then be channelled through to the Local Authorities. As they are at various levels they do not have the same resources and we not only channel these proposals to the Local Authorities, but they should possibly also be accompanied by the necessary resources so that they are able to address it. It cannot only be addressed by talking about it. If you do not have resources, you will talk about it but next time there will still be the same problem.

We are saying that our contemplation should be on resources that need to be made available if these Local Authorities have to make headway and that is why you find that when you make a proposal that the Committees go around, of course they will talk and talk, but at the end of the day it is resources. You can talk but if the resources are not available, then it is not good enough.

I have made my contribution and indicated to what extent this issue depends on the Local Authorities' resources. Thank you.

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**HON DEPUTY SPEAKER:** Thank you very much. I now call on Honourable Ulenka to reply.

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**HON ULENGA:** Thank you, Honourable Deputy Speaker, I will not be long, but just to thank those Members of Parliament who participated in this Debate. From what was said there is no doubt, Honourable Deputy Speaker, that the sale of houses, especially on auction, on the excuse that residents owe municipalities and councils, more or less as a result of accounts of water and electricity, that is an evil. Those who do not stand up and condemn that kind of practice will have their own reasons. I almost say they should be ashamed of themselves, but I will not go to that extent.

Honourable Deputy Speaker, every member of our society has the right to shelter. That is also what the Commission of the Habitat is saying, everyone has the right to shelter.

The Minister is saying that debt collection is a universal phenomenon and I indeed agree. Just like pick-pocketing is a universal evil, so also is debt collection a universal phenomenon. It does not, therefore, mean that it should not be condemned because in this particular case that we are talking about it is impoverishing and condemning already poor people to lives of destitution and homelessness.

I do not want to do the Debate all over again, Honourable Deputy Speaker, suffice to say that the City of Windhoek is actually selling houses on auction of

pensioners who are left with seven days to go on pension and then it says no, this person is not on pension, the house is sold in February and the person is going on pension in March. Therefore, the municipality has not broken its rule, because it does not sell the houses of pensioners, it only auctions the houses of those who are still not pensioners. It is most laughable, Honourable Deputy Speaker, it is a shame and I expected the Minister to make a proposal here or at least to assure the House that there will be a law coming very soon to make the sale, the forced auction of houses illegal, the sale on auction of houses a crime for the sole reason that they owe the municipality water bills and electricity bills. I thought at least the Minister was going to say *there is a law coming*. Seeing that the Minister is not saying it, it looks like this right is going to remain unfulfilled for many, many years to come. It is really a sad and deplorable situation, Honourable Deputy Speaker.

The Motion has asked the House to debate and condemn this socially offensive practice and I can only thank, like Honourable Mudge, who have done just that. I rest my case, Honourable Deputy Speaker.

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**HON DEPUTY SPEAKER:** Thank you very much. I now put the Question, that the Motion be adopted. Any objection? Then it is agreed to, the Motion is adopted. The Secretary will read the Seventh Order of the Day.

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**MOTION ON NATIONAL RECONCILIATION:  
RESUMPTION OF DEBATE**

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**SECRETARY:** Resumption of Debate on national reconciliation with a view to developing guidelines for a national policy thereon.

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**HON DEPUTY SPEAKER:** When this Debate was adjourned on Wednesday, the 31<sup>st</sup> of October 2007, the Question before the Assembly was a Motion by the Honourable Tsudao Gurirab, that the Motion be adopted. Honourable Viljoen adjourned the Debate and he now has the Floor.

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**HON VILJOEN:** Honourable Deputy Speaker, it is a pity that we have to discuss such an important Motion at such a late hour. There is much to say and I am going to rush through my contribution because there is not enough time to discuss it thoroughly.

Those Honourable Members who will listen with the necessary attention and with

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intelligent minds will agree that what I said contains nothing provocative, but Honourable Members I tried to find the solution for the Motion under discussion.

The last time this Motion was discussed it became a very emotional issue and my neighbour and brother in Opposition, Honourable Chief //Garoëb, spoke from his heart and could have been seriously provocative, but he survived the emotional current. I hope the Honourable Members will treat me in the same way and listen and evaluate before they lash out.

Some Members discussed the last resting places of dead heroes to possibly demonstrate how far we still have to go on the road to reconciliation. I do not believe that we should go into such detail, because it is more an emotional and sensitive issue than an important one. Without being insensitive, I am convinced that it does not matter where a body is buried, the important issue is, where is the person at this moment?

It seems to me as if reconciliation means something different to every Member in this House. I was under the impression that it is an act where two parties decided to forget the differences of the past, forgive each other and work towards a common goal.

Honourable Tsheehama referred to a definition, "*restoring broken relations, healing hearts and minds*" and I agree. But it seems as if I am on the wrong track in my search for a definition on reconciliation.

What is confusing is the reaction I got on my Motion on affirmative action. I took the liberty to introduce this Motion in the spirit of humble obedience. I even said that if I had the power, I would have deleted this unfortunate chapter of apartheid from history, but what I experienced in the reaction is a different situation.

When I introduced my Motion I thought that I was in line with what I think reconciliation may be, but I was apparently wrong because the reaction of some Members can be described as an emotional abortion. I was accused of being deliberately naïve and all those words. (Intervention)

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**HON MINISTER OF PRESIDENTIAL AFFAIRS:** May I ask the Honourable Member a question? Honourable Viljoen, for the benefit of the House and for the benefit of the Honourable Members, can you elaborate on what you mean by "*emotional abortion*"?

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**HON VILJOEN:** Honourable Deputy Speaker, I think what I mean is that a

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person over-react emotionally. It is not necessary to react in such a way.  
(Intervention)

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**HON DEPUTY SPEAKER:** Yes, English is not our language. Proceed.

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**HON VILJOEN:** Honourable Deputy Speaker, my question is: Is this attitude part of reconciliation?

It was, for instance, said that those people who ordered and implemented conscription in Namibia during the struggle are not in South Africa, it was indicated that they are still here in this country. But what I hear is “*the enemies amongst us*”. It is an unqualified statement because I do not know such people. My question is: Are these accusations part of reconciliation?

Honourable Deputy Speaker, there are a few factors influencing the Namibian people in its search for reconciliation. One is prejudice. (Intervention)

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**HON MINISTER OF JUSTICE AND ATTORNEY-GENERAL:** I really regret the fact that I interrupt the Honourable Member, but I am just seeking clarity. When the Deputy Speaker introduced this subject, she said the Motion as introduced by Honourable Gurirab, but listening to Honourable Viljoen, it appears as if he is responding or what is the situation?

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**HON DEPUTY SPEAKER:** It is true, I have been wondering, but I think the Honourable Gurirab understands well, he is taking note. But it seems like it is the Motion by Honourable Viljoen. I would request the Honourable Member not to respond to issues which were raised on the Floor. It is not your Motion, it is Honourable Gurirab who should respond. Yours is just a contribution.

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**HON VILJOEN:** Honourable Deputy Speaker, I think Honourable Gurirab will respond.

I said there are a few factors playing a role: Prejudice – we really do not trust each other and are always suspicious and do not accept the *bona fides* of a Member on the other side of the House. People outside may get the impression that we are enemies. Many Namibians classify people only in terms of black and white, poor and rich, formerly advantaged and formerly disadvantaged.

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There are regular allegations about farmers who do not treat their workers well. No report of the many which were compiled after 2000 confirmed that white farmers treat their workers badly. It is very convenient to support such allegations because this is what the people want to hear.

Honourable Deputy Speaker, why are those farmers not ....(Intervention)

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**HON DEPUTY MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT:** On a point of information. Posterity will judge some of us wrong if we sit here quietly while Honourable Viljoen is saying that the victimisation of vulnerable Namibians outside there on the farms, who are evicted, who are dumped at roadsides at Omitara, at Otjiku, who are there now and at other places, Ongombi and so on, that those are allegations. Posterity will judge us wrong. Honourable Viljoen, even deep down in your heart you are not helping the situation, you are trying to say that there is prejudice but you are guilty of the same thing because you are addressing the point from that mindset. It does not help the situation. Let us therefore admit and if one can honestly ask your Party what have you done, and since you are a good researcher, have you ever visited any farm and confirmed the conditions of farm workers on those farms? You know deep down in your heart that you have never done it.

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**HON DEPUTY SPEAKER:** Honourable Member, do not respond, please.

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**HON VILJOEN:** Honourable Deputy Speaker, that is why I want to ask the question...(Intervention)

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**HON DEPUTY MINISTER OF LANDS AND RESETTLEMENT:** On a Point of Correction. The latest research that was conducted revealed that the relationship between the white farmers and the farm workers is bad in comparison to the black farmers. However, it was also revealed that the white farmers tend to have been paying their workers more than the black farmers. Therefore, do not say no research has been conducted. That is what the latest research has revealed.

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**HON VILJOEN:** Honourable Deputy Speaker, my question was, why are those farmers not exposed or brought to justice under the laws of this country? I do not want to protect a farmer who treats his workers badly. They must be brought to court.

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I do not have a farm, but I am responsible for the workers on a farm and I am prepared to challenge every Honourable Member to submit proof of how you deal with and pay your workers. If you do better, I am prepared to pay one of your workers for the year 2008. (Intervention)

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**HON VENAANI:** Honourable Deputy Speaker, on a Point of Information. Honourable Viljoen is raising a very important point on payments, but do you know that you can pay somebody a big salary and still mistreat him?

Mistreating somebody does not mean that you do not pay them money, but when travelling from Koës to Keetmanshoop in a double-cab to go and do your shopping, you will be alone and your workers will be in the back. I do not want the Honourable Member to equate a salary with the treatment, because it is not the same thing.

A further argument, to put the spanner in the works, attached to farm labourers in this country, that generally when the farm worker works on Viljoen's farm, he spends more time doing the job, while on your farm he is much more of a comrade than a worker, so his productivity on these two farms is not the same because of the colonial mentality that is also there. These are some of the complexities that are there.

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**HON VILJOEN:** Honourable Deputy Speaker, when I am on the farm, my worker drives the car, I stand on the back of the car. (Interjections). It is true. (Intervention)

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**HON DEPUTY MINISTER OF GENDER EQUALITY AND CHILD WELFARE:** On a Point of Information. Honourable Members, the workers on the white farms are paying for a lot of things – the water they are using, the wood they are using and even their housing is also deducted from their salaries.

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**HON VILJOEN:** Honourable Deputy Speaker, I say I do not think it is true and I treat the workers better than they treat my livestock and that is the reason why in the coming week I am going to sell every animal on the farm. (Intervention)

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**HON DEPUTY MINISTER OF HOME AFFAIRS AND IMMIGRATION:** May I ask the Honourable Member a question? Honourable Viljoen, you made a

very good remark, that when you are on the farm your employees drive the car. When you go to town, who drives the car and where are the workers sitting in your vehicle?

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**HON VILJOEN:** Honourable Deputy Speaker, I think this is an unnecessary question, because they sit next to me. I am not afraid to say it, it is true, I do not lie.

Honourable Deputy Speaker, I want to conclude...(Intervention)

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**HON VENAANI:** Honourable Viljoen, I am terribly, terribly sorry, but you said something that really cannot sink in my head. You said that you treat your workers better than you treat your animals. (Interjection). Better than they treat your animals. You are trying to equate your animals with your workers and that cannot be said in modern Namibia. A human being can never be equated with an animal, not by any standards, not by the universal human rights of the United Nations. Maybe the Honourable Member must just withdraw that.

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**HON VILJOEN:** Honourable Deputy Speaker, I will not withdraw it because that was not what I said. I said and may I explain, I treat my workers well, I give them food, I give them money, I treat them well in an emotional way, but every time when I come on my farm, ten or twenty goats are not there. Therefore, they do not look after the goats properly, that is what I mean. (Intervention)

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**HON RIRUAKO:** You are really frustrating my Colleague. On a Point of Information. You are frustrating my Colleague. He was saying what he does and then you are frustrating him with question after question. Human beings are human beings, equal before God, not equal before themselves. Madam Deputy Speaker, the way it was mentioned here is true, it is not just the whites who are mistreating the workers, but us, some of the Ministers here. I am quite clear and fair. Go to my place. That is the way it is and thereafter I will take you to your place to show me what you do for them. (Interjection). I know how some here treat our own kith and kin, not mere workers, kith and kin. This is happening and I am not going to say you are wrong. Who is prejudiced? It is a habit of a human being. I am not here to beat about the bush and trying to please myself. The time has gone to regard yourself as a better person, all of us here are humans, we have to accept one another that way. For the worker to start to steal there must be a reason. What kind of reason? You cannot explain to this House what is the reason and if there is no reason. (Intervention)

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**HON VILJOEN:** Honourable Deputy Speaker, I want to conclude. That is my problem, people do not trust the other person, they do not believe that when I go to town the workers and everybody is in the car. It is a double-cab.

But what I want to say is that due to all these problems I cannot see that we will ever reach a point where we could say that we are now one Namibia, one Nation and that all other differences are minor issues.

Honourable Deputy Speaker, this is my conviction and my perception of the problem that is captured by this Motion, I hope that everyone... (Intervention)

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**HON DEPUTY MINISTER OF JUSTICE:** May I ask the Honourable Viljoen a question? Honourable Viljoen, just a small question. Do you not think that the pillars of apartheid would have spared us, as you have described, emotional abortion if they have aborted apartheid at its initial stages when they were advised by the international community that it was a crime against humanity?

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**HON VILJOEN:** Honourable Deputy Speaker, I said it by implication in the beginning. If I could delete it from history I would do it, but I cannot.

Honourable Deputy Speaker, my conviction and my perception of the problem is captured by this Motion and I hope that everyone in Namibia has the desire to change ...(Intervention)

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**HON MINISTER OF LANDS AND RESETTLEMENT:** May I ask my friend just a small question? Honourable Member, I am just talking about Katutura, I have been walking around Katutura and I have never seen your members there. Why has your Party, in the name of national reconciliation, never seen Katutura? And I do not go to any other part, just here at Katutura.

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**HON VILJOEN:** Honourable Deputy Speaker, if they are there, how will you recognise them? If there are members of Monitor Action Group, they do not wear badges or something with the name.

Honourable Deputy Speaker, I thank you very much and I hope that everybody in this House will work on reconciliation. I thank you.

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**HON DEPUTY SPEAKER:** Thank you very much. Honourable Mudge.

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**HON MUDGE:** Honourable Speaker, Honourable Members of this august House, thank you for this opportunity to make my humble contribution on this very important Motion of Honourable Tsudao Gurirab.

Many things have been said and much will be said in future regarding national reconciliation and having listened to contributions during this Debate, I am convinced that issue remains as relevant as ever and that discussions about reconciliation should be encouraged rather than discouraged.

Honourable Deputy Speaker, I can speak only for myself but I can honestly say that I appreciated the contributions because it is important not only to know the facts about what happened before, during and after the struggle, but also to experience people's emotions. I found the contributions informative, educational and very important. I want to know more as I am sure that the Honourable Members who are serious about national reconciliation would also like to know more about what really happened internally while the struggle was going on, because it is only when you know everything or as much as possible that one can really have a balanced opinion. (Intervention)

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**HON MINISTER OF JUSTICE AND ATTORNEY-GENERAL:** On a Point of Information. The Honourable Member, inasmuch as he sounds sincere, I think is avoiding a very important bedrock of why there is a need for us to debate and discuss the issue of national reconciliation. To confine his contribution to the time of the struggle, those who were outside to learn from what was happening inside is superficial. Let him start from where the problem started, then we can talk.

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**HON MUDGE:** Honourable Deputy Speaker, it was initially my intention to speak on how we as the Republican Party of Namibia see this situation currently and how we see the way forward, but after having listened and appreciated the contributions of, amongst others, Honourable Kawana, Honourable Tjiriange and especially the Right Honourable Prime Minister Angula who gave quite a detailed overview of the struggle, I decided to give a short, factual overview of what happened inside Namibia between 1971 and 1990.

My contribution will, obviously, mainly focus on what we as the Republican Party experienced and is by no way intended to play down the most important role played by other Parties during this time. Since we have limited time, I trust that the Honourable Members will grant me an uninterrupted opportunity to do this. There will obviously be time for Members to take the Floor after I have made my contribution.

Allow me, therefore, Honourable Deputy Speaker and Honourable Members, to remind the Members of events that took place and efforts that were made thirty-five years ago to avoid confrontation and to bring peace and reconciliation to our country.

After the International Court of Justice in 1971 in an advisory opinion ruled, amongst others, that South Africa was in illegal occupation of South West Africa and under obligation to withdraw its administration from the territory immediately, implying that the territory should be placed under the control and supervision of the United Nations, this ruling resulted in far-reaching resolutions by the General Assembly of the United Nations.

During 1972 the Secretary General of the United Nations, Dr Kurt Waldheim, visited South Africa and held talks with the South African Government. He also paid a brief visit to Windhoek where he had an even more brief discussion with the Executive Committee of South West Africa. After his return he appointed a Special Representative, Dr Alfred Escher, to follow up his visit...(Intervention)

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**HON DEPUTY MINISTER OF GENDER EQUALITY AND CHILD WELFARE:** On a Point of Order. I recall that Honourable Ekandjo spoke here and he said we should go back to where the problem started a long time back and even Honourable Ithana said that. Why are you talking about Kurt and those ones who were yesterday? You should go back to the German War.

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**HON MUDGE:** Honourable Deputy Speaker, after Dr Waldheim's return he appointed a Special Representative, Dr Alfred Escher, to follow up his visit and Dr Escher, during his visit, travelled extensively and was accompanied on this trip to the communal areas by the Commissioner General, Mr Jannie De Wet, and to the commercial areas by Mr Dirk Mudge. Dr Escher, being from Switzerland, made no secret...(Intervention)

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**HON MANOMBE-NCUBE:** On a Point of Order. I am terribly sorry to disturb the Honourable Member, he is doing very well, but I however have a concern, because whenever I see the Honourable Member conducting some meetings, I never see some white compatriots. Is he discriminating against white compatriots or can he explain that to us?

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**HON MUDGE:** Honourable Deputy Speaker, at least I have achieved something that is not that important that I would prefer them before my other supporters.

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Dr Escher, being from Switzerland, made no secret that he preferred a Federal system for South West Africa and it is no wonder that ...(Intervention)

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**HON MINISTER OF LANDS AND RESETTLEMENT:** On a Point of Order. Comrade Deputy Speaker, I think it is unfair, Honourable Mudge speaks about Waldheim visiting Namibia, he speaks of Escher visiting Namibia, everything he read from the newspapers. Some of us here participated in the talks with Escher and Waldheim. When Waldheim came here, first it was Escher, he met with Vorster somewhere in Oranjemund there, and by that time SWAPO was banned, we could not hold meetings and Vorster made a statement and said no, SWAPO is allowed to have a meeting and in 1972 we had a meeting in Walvis Bay and we were arrested.

In 1971, 1972 there was a strike here where many were involved. Now you talk of Escher and went extensively. Both of them went with Jannie De Wet. When they met late Kashe's father in Grootfontein, Jannie De Wet was the other day in my office, they told Kashe's father, tell Escher that we do not want blacks. When they went to Ongwediva there were strikes. Do not come and just lecture us about Waldheim and Escher and others, this happened in 1972 and many people here were still in the country before they left the country in 1974 and most of them were activists that time and the people were tear-gassed. Do not bring things you read from the newspaper or somebody told you about the National Party. Even that time the RP was not there, RP was born out of the Turnhalle Beraad. The National Party brought crime here in Namibia as a result of apartheid. Do not come and tell us what happened under the National Party to deceive the world that Namibians are ruling themselves. As a result of that, how much blood was shed, how many Namibians died before we got Independence in 1989? Do not come and read to us here what happened.

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**HON DEPUTY SPEAKER:** Honourable Member, I see you have a pamphlet or a book there that is too thick and there are Members who have to travel today. It will take two days, you have to summarise.

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**HON MUDGE:** Honourable Deputy Speaker, I have not spoken before.

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**HON DEPUTY SPEAKER:** Yes, Honourable Member, yesterday we were detained here, you were not here and you are coming with pamphlets to come and contribute. You wasted your time yesterday. Just summarise.

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**HON MUDGE:** Honourable Deputy Speaker, I cannot summarise, there is no way that I can summarise. I have prepared a speech on this Motion and if the Members are not going to interrupt, then I will have enough time to finish it very quickly. (Intervention)

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**HON DEPUTY SPEAKER:** Proceed Honourable Member, others also want to contribute.

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**HON MUDGE:** Also just to react to the accusations by Honourable Ekandjo, I am not trying to repeat every single thing that happened in history, I am trying to go through, so you do not have to tell me what I should do, I will go through my speech myself.

As I said, Dr Escher, being from Switzerland, made no secret ....(Intervention)

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**HON DEPUTY SPEAKER:** Please allow the Minister also to make a point.

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**HON MUDGE:** I have enough time, I have until tomorrow.

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**HON DEPUTY SPEAKER:** No, nobody will sit here until tomorrow. I am not going to allow you.

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**HON MINISTER OF INFORMATION AND BROADCASTING:** May I ask a question? You are addressing the issue of national reconciliation and you are now referring to the history. I want to find out if you are aware, when you are talking about Dr Escher and Waldheim, that for example, when Dr Escher arrived at Ondangwa Airport, how De Wet nicked him out and it took us hours to trace him? Was that reconciliation as we are now relating to reconciliation and why did that have to be done if he came to see and hear the people of Namibia? Can you answer why that had to be done?

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**HON MUDGE:** Honourable Deputy Speaker, if you will allow me to go through the speech quickly, you will then understand what I am trying to do. I am talking about national reconciliation.

I said, Dr Escher, being from Switzerland, made no secret that he preferred a Federal system for South West Africa...(Intervention)

**HON MINISTER OF LANDS AND RESETTLEMENT:** On a Point of Information. Comrade Deputy Speaker, let me make an example, if one is maybe suffering from a certain disease, you do not know how the other one is feeling. We were on the receiving end, there was no reconciliation that time. To come here and say that the National Party started with reconciliation or the Republican Party. If it is the Republican Party, in 1985 people were beaten here by the Republican Party. The chairman of the so-called Interim Government and the former Member of Parliament, Katjuongua, were giving medals for Koevoet here at a parade for work well done. There was no reconciliation in this country, we were on the receiving end. Maybe if you were on the other side you do not know up to now in Namibia, how many white compatriots know Katutura? Up to 1985 it was only white police who knew Katutura, not the others. Do not come and tell us here, reconciliation was brought here by SWAPO. It came in 1989, there was no reconciliation in the country.

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**HON MUDGE:** Dr Escher, being from Switzerland, made no secret that he preferred a Federal system for the former South West Africa ...(Intervention)

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**HON DEPUTY MINISTER OF LABOUR AND SOCIAL WELFARE:** The Honourable Member who is talking of reconciliation is forgetting that the month we are in today, November 1986, Shifidi was killed. I was a friend of Comrade Shifidi and he was stabbed by Koevoet, but now you are talking of reconciliation. Do not make us angry, because currently we see that people are starting to take national reconciliation and democracy as their right. You must know it is not cowardice and you must not forget my car, that you must know. You never reconciled with me.

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**HON DR GEINGOB:** On a Point of Information. When Escher came here, he was told that our apartheid system is just like your Canton system in Switzerland, so we are not doing anything else and Escher bought that.

When he came to New York, poor Escher was so ashamed, we dressed him down that he had to say, "*had I known that.*" He was misled and he said, "*I did not know these things.*"

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**HON MUDGE:** Honourable Deputy Speaker, I am trying to get to the point. (Intervention)

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**HON DEPUTY SPEAKER:** Yes, you are angering people, that is the issue.

**HON MUDGE:** I can stand all night, I have enough time, but I think I have the right. I am dealing with certain points, I am not going to stick with Dr Escher, that is just one of the things that I want to mention impasse. (Intervention)

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**HON DEPUTY MINISTER OF JUSTICE:** On a Point of Information.

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**HON DEPUTY SPEAKER:** Honourable Members, before you continue, let us do a favour to others who are travelling. I am telling you, these interjections you are making is just to delay. We still have another item and other things to do.

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**HON DEPUTY MINISTER OF JUSTICE:** On a Point of Information. I think it will do us all justice if the Honourable Mudge abandons his speech, because it is provoking. When Dr Escher came to Namibia he was fed with lies and this is what he took to New York and we are sitting here, listening to Honourable Mudge telling us about the lies of Escher. Those are the things which have contributed to the delay of Namibian Independence and the result was the loss of thousands of lives. Therefore abandon your speech.

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**HON MUDGE:** Honourable Deputy Speaker, I am trying to make progress but I cannot if I am interrupted. I have paid a lot of respect to all these Members sitting here when they made their speeches. What I am doing, I am just relating, I am not provoking anything, I am telling the truth.

He also entered into a 10-point agreement with the Prime Minister of South Africa, Vorster, which.... (Intervention)

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**HON DEPUTY MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT:** On a Point of Information. After almost 18 years of Independence it is very, very sad and regrettable and most unfortunate when the mindset and the psychology and philosophy and approaches of some of our white compatriots, like Honourable Henk Mudge, are taking for granted the self-censorship of black people in this country, the understanding, the tolerance under terrible conditions which black people are enduring for the sake of peace and stability. It is very unfortunate. To the extent that Honourable Mudge will preach to the world and give the role played by his Party as an exemplary one, defies logic. It is unacceptable. These Colleague should not take the patience and self-restraint of the suffering black people as a point of weakness. Your Party and your members were enjoying the benefits of apartheid and discrimination until

1990 and you are still doing that in the farms. That is your attitude and that is the reason why even Parties like DTA and NUDO could not stand your policy, because of not reconciling and the continuation of consolidating and defending sectional white interest as opposed to participating in nation-building and this is what you are displaying here. And mind you, this country may turn into Zimbabwe if some of our white compatriots are not changing their approach.

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**HON MUDGE:** Honourable Deputy Speaker, I am not really interested to react to somebody who at one moment preaches national reconciliation and the next moment making himself guilty of the most blatant racist remarks that I have heard in this House, like Honourable Kazenambo.

I said that Dr Escher entered into a ten-point agreement with the Prime Minister, Vorster, which amongst others led to the establishment of an advisory council.  
(Intervention)

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**HON MINISTER OF LANDS AND RESETTLEMENT:** It was said here that in New York Dr Escher apologised because he was misled. When he came here, SWAPO, SWANU, NUDO, *Rehoboth Bevrydingsparty* and many others formed a national convention and they gave him the document and he never revealed that. You are scraping the wound, that man was bought over by South Africa, Namibia was ruled as a fifth province of South Africa. Now you come and talk about ten-point agreement with Vorster. Who is Vorster? Do you think that Vorster brought Independence or was it us? Do not mention the name Vorster here! If you mention Vorster you talk about apartheid. Do not mention the name Vorster in this Chamber! Either you stop or you walk out!

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**HON DEPUTY SPEAKER:** Honourable Members, we are not making process. Rule 102 is on unsuitable or repetitions. Have a seat and listen to this Rule. *“After the Presiding Member has called the attention to the conduct of a Member who persists in irrelevance or in repeating arguments, he or she may direct the Member to discontinue.”* There is a rule. I do not think I am going to allow you to finish that book which you have here and the argument you are creating here by praising those who pained others.

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**HON MUDGE:** Honourable Deputy Speaker, I am talking about history, simple history. I can publish this tomorrow if you tell me this is provocative and I say you will not find one thing provocative in this. It is not provocative... (Interjections). If you find it provocative it is your problem, it is not my problem.

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**HON MINISTER OF HOME AFFAIRS AND IMMIGRATION:** On a Point of Information. That provocative speech is scratching the wounds of the Namibian people out there. Do you want the people to unclothe out there so that you can see how they were wounded by Koevoet? Lastly, how many white people here in Namibia are attending the Government meetings? It is only when they have meetings on tenders or the Ministry of Environment and Tourism. There is no reconciliation.

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**HON DEPUTY SPEAKER:** Honourable Members, can we listen to where he is going to? Please, can you proceed and we listen to you?

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**HON MUDGE:** I said he entered into a 10 point agreement with Prime Minister Vorster which, amongst others, led to the establishment of an advisory council under the chairmanship of the Prime Minister. Leaders from the indigenous groups, nominated by Mr Jannie De Wet....(Intervention)

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**HON MINISTER OF LANDS AND RESETTLEMENT:** On a Point of Order. Comrade Deputy Speaker, that advisory council banned political meetings here. The advisory council banned political meetings. As a result the Namibians were not allowed and SWAPO was banned and then we entered into an agreement with UDF, that time the *Damararaad* and SWANU where SWAPO were holding meetings until 1986 when the court ruled that SWAPO must have meetings. Do therefore not mention the advisory council and apartheid South Africa is one thing. Do not mention the advisory council, Vorster's ten-point agreement or whatever in this Chamber. Stop mentioning it, you are scraping the wound. Do not mention the advisory council here or someone who was the chairman. I do not want you to mention that name. Do not mention it here.

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**HON MUDGE:** I said, they entered into a 10-point agreement which, amongst others, led to the ...(Intervention)

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**HON DEPUTY SPEAKER:** Honourable Member, you are still repeating the ten-points. Why can you not continue, what is the business you have with ten-points? Discontinue, the first warning. Proceed.

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**HON MUDGE:** But I am not making progress. When I start I am interrupted. (Intervention)

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**HON MUDGE**

**HON DEPUTY SPEAKER:** No, the ten points which you are continuing with, why can you not go further?

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**HON BOOYS:** Honourable Deputy Speaker, in a democratic society everybody has the right to say what they want to say, but this House is guided by Rules, adopted by this House and they are binding. The presiding officer has the power to admonish a Member and if the Members do not want to abide by the Rule, apply the rules. We cannot be kept hostage here if these new Members do not want to adhere to the rules.

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**HON MUDGE:** Honourable Deputy Speaker, it is quite interesting that we are talking about national reconciliation and this is what we experience. (Intervention)

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**HON VILJOEN:** Honourable Deputy Speaker, I need the guidance of the Honourable House. I do not understand, whenever I speak on this Motion I do not defend apartheid. When Honourable Mudge speaks he is not defending apartheid ... (Interjections). We are looking for a solution .... (Interjection).

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**HON DEPUTY SPEAKER:** There is a Point of Order, Honourable Member, you cannot intervene.

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**HON VILJOEN:** We are looking for a solution, we are part of Namibia, but we are not allowed to say how we feel.

Honourable //Garoëb said more provocative things than Honourable Mudge and me, but he was tolerated in the House. It is just a question, must we commit suicide or what must we do?

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**HON DEPUTY SPEAKER:** Honourable Viljoen, your point is very much valued, but if you see people are persisting in questioning you, these blacks you see here are also your brothers. It means there is something wrong with you. They are trying to advise you that, do not go that way. You should accept one another. It is what I am trying to do to him. Proceed, Honourable Mudge.

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**HON MUDGE:** Honourable Deputy Speaker, I just want to say something

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before I carry on. I am trying to go through this as history goes to get to a point, but I am not allowed to start, so how will I get to the point that I want to make? (Intervention)

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**HON DEPUTY SPEAKER:** No, the problem with you is that you are starting with ten points, ten points. That is why I said proceed, do not get stuck on ten points. Is there nothing that follows after ten, another sentence?

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**HON MUDGE:** I must just say entered into a ten-point agreement or what? If the Members will listen, there is nothing provocative in this speech. (Interjections).

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**HON DEPUTY MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT:** On a Point of Information. This is the mindset where apparently in the name of reconciliation, in the name of democracy we are supposed to be cited and reminded how we were humiliated, but we are not supposed to react and this is the very same way how democracy is only good and how Namibia is only progressive when some of the citizens are denied participation in the economic means, then everything is okay and this we are not going to allow, by racism which is carried through constitutional and democratic provisions. Should you continue, we are going to deal with you.

---

**HON DEPUTY SPEAKER:** Honourable Member, we do not challenge one another here.

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

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**HON MUDGE:** I have not heard that. (Intervention)

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**HON DEPUTY SPEAKER:** I am no more going to allow interventions, this is too much now. Please, Honourable Members, let him continue. Proceed Honourable Mudge. It is too much.

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**HON MUDGE:** Honourable Deputy Speaker, the television is here to tell

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whether I am provoking or not. That advisory council that I talked about under the chairmanship of the Prime Minister and leaders from indigenous groups that were nominated by Mr Jannie De Wet and the Honourable Member //Garoëb and Mr Dirk Mudge were also ...(Intervention)

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**HON DEPUTY SPEAKER:** Honourable Members, let us really do justice to the topic now.

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**HON MINISTER OF FISHERIES AND MARINE RESOURCES:** On a Point of Order, Honourable Deputy Speaker. We have been following the rules and you have insisted and insisted and we have to continue following the Rules. I would therefore like to move that Rule 103 be invoked with immediate effect on this issue for progress.

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**HON DEPUTY SPEAKER:** Proceed, Honourable Member.

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**HON MUDGE:** Because Mr Dirk Mudge considered most of those invited by Mr De Wet as indoctrinated homeland leaders and not to be really representative of the population, in March 1973 he started behind the scenes with Mr Clemens Kapuuo, Paramount Chief of the Herero people, who have since the United Nations came into being petitioned the world body to make an end to South African occupation of the territory. Chief Kapuuo was seen by the South African Government as an enemy in spite of the fact that he was outspokenly opposed to violence and the armed struggle. Chief Kapuuo refused to join the advisory council, but agreed to have further discussions with Mr Mudge regarding the future of Namibia and in October 1973, Mr Dirk Mudge attended a session of the General Assembly of the United Nations...(Intervention)

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**HON DEPUTY MINISTER OF HOME AFFAIRS AND IMMIGRATION:** For record purposes, just information. For record purposes, in my language there is a saying, *Shapopiwa konkolwe oya enda nasho* and I want to specifically say this because Honourable Viljoen made a serious remark on defending themselves, that must he commit suicide and I want this to be on record that if at all they commit suicide, it should not be linked to this Parliament, because this is something they had in their mind.

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**HON MUDGE:** Honourable Deputy Speaker, in October 1973 Mr Mudge attended the session of the General Assembly at the United Nations as an observer

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**HON MUDGE**

and came to the conclusion that South Africa was fighting a losing battle against the international community. (Intervention)

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**HON MINISTER OF JUSTICE AND ATTORNEY-GENERAL:** Honourable Deputy Speaker, on a Point of Information. I have served this Parliament with one Honourable Member who is no longer a Member here, who in his own right could defend himself, could speak on his behalf and I do not think it is appropriate for the Honourable Mudge to come here and try to glorify the history where they have evolved from in oppressing, in subjugating our people. I do not think it is right. This Honourable Member is well-educated, he went to the best schools and Universities in South Africa and I do not think it is lack of understanding or a lack of intellect that he cannot realise that he is on the wrong path.

Honourable Deputy Speaker, we cannot be subjected emotionally to the torture by the children of apartheid, not today, not today! The Honourable Member should not provoke us.

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**HON MUDGE:** Honourable Deputy Speaker, as a citizen of this country and as a Member of Parliament I have all the right to speak. (Intervention)

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**HON MINISTER OF FISHERIES AND MARINE RESOURCES:** Honourable Deputy Speaker, I request for us to invoke Rule 97, that the Question be now put to close the Debate on this issue. I sincerely request that we use Rule 97 to close the Debate.

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**HON MUDGE:** This is now national reconciliation.(Interjection)

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**HON MEMBER:** You are insulting us.

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**HON MUDGE:** You are the biggest insulter of all of us. My goodness, tell me about insulting. (Intervention)

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**HON DEPUTY SPEAKER:** Honourable Members, it seems like the Honourable Member now wants me to put the Question under Rule 97(a) which requires a simple majority. After we have gone through this process, the Mover

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of the Motion will reply. I put the Question, that Rule 97(a) be applied. The House is divided. Any objection? Who seconds? The House is divided.

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**HON ULENGA:** Honourable Deputy Speaker, with all due respect, I do not quite understand, I do not think the House is necessarily divided because you did not ask for any objection.

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**HON DEPUTY SPEAKER:** They are objecting.

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**HON ULENGA:** Who is objecting? Why is the House divided? He did not object, he supported. Nobody objected. At least Honourable Deputy Speaker, if you can just explain what is happening, because I do not see the necessity to divide the House as there is nobody who opposed the Honourable Member.

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**HON DEPUTY SPEAKER:** Honourable Ulenga, I think the situation we are in right now, I have been telling the Member to proceed, to proceed...(Intervention)

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**HON ULENGA:** I do not see any problem with that. It is okay.

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**HON DEPUTY SPEAKER:** You cannot see the problem yourself, but I can see the problem as the presiding officer, because I cannot see the Honourable Member to be tortured like this by others. I invoke Rule 97 that the House is divided. Those who support the Rule to be applied, rise. Those against the rule being applied and that the Debate should continue. Those abstaining?

In favour	-	27
Against	-	4
Abstention	-	5

The Debate is closed. I call on Honourable Gurirab to respond.

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**HON MUDGE:** On a Point of Order. Does that for instance mean that I will never be allowed to speak when these people or any of these Honourable Members decide that they do not want to listen to what I have to say? I am not allowed to give my speech and I am not provocative, I will publish the speech for the public

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to give their verdict that I am sitting in a House where I am supposed to have the protection and the right to speak my mind and I am not provoking. Is this a Parliament where some people, if they do not like you and they do not like what you are saying, that they can stand up and invoke a Rule like this one and then I am prevented from speaking?

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**HON DEPUTY SPEAKER:** Honourable Member, you are right, sit down now.

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**HON MUDGE:** I am very sorry, I am very unhappy about this.

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**HON RIRUAKO:** Honourable Mudge, you have been here since I have been here and you have been listening to the Speaker all the time. Sometimes I was made to sit down and I accepted the Rules automatically.

Nobody has been here longer than me and I that is a Rule. Sometimes you have to swallow it, sometimes it has to protect you. It is a two-way stream, it is coming and it is going. That is the way it is.

---

**HON DEPUTY SPEAKER:** No further discussions. I call on Honourable Gurirab to respond.

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**HON GURIRAB:** Honourable Deputy Speaker, I shall be brief. Honourable Deputy Speaker, in any country emerging from a conflict or a situation of war national reconciliation is a *sine quo non*. In Namibia's case we have accorded national reconciliation even a place in our country's Constitution. We can easily put our reconciliation at the risk of derogating from the Supreme Law, namely our Constitution.

Deputy Speaker, I also believe, it is for this reason that about 20 Members took the Floor to speak on this Motion. The Right Honourable Prime Minister was indeed the first to speak, giving his perspective of the origin and place of the policy of national reconciliation. I would, therefore, like to thank all Honourable Members who participated and made contributions in this Debate. I will in particular always remember the place of the Simenthaler bulls which Comrade Jerry so eloquently reminded us all about.

What the contributions also showed is the divergence of views, in some or in many cases contradictory and that is the point which Honourable Viljoen was making when he spoke this afternoon and that is exactly the essence of the Motion. We

need to interrogate what actually is this national reconciliation, because despite what all of us say, and that was shown by the twenty Members who spoke, that despite all of us talking about the policy of national reconciliation, in fact there is in practice no such policy.

What the Motion therefore sought is to, on the basis of the constitutional injunction, that a policy needs to be developed which would clearly set out Namibia's unique challenges of national reconciliation, which would enable all of us to think from the same onset. Such a policy will not only be trapped in our past and that is what we have been doing during this Debate, interrogating and debating the ghosts of our past. But it must deal with the many scars of our past, such as closing the ugly chapter on the Lubango Dungeon issue. It must also project a vision which all of us across the political divide, across the ethnic and racial divide must be able to buy into.

Honourable Deputy Speaker, I submit this Motion.

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**HON DEPUTY SPEAKER:** I now put the Question, that the Motion be adopted. Is there any objection? Then the House is divided.

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**HON VENAANI:** Honourable Deputy Speaker, I am trying to seek your guidance as to what was the intention of the Motion. It was seeking what?

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**HON DEPUTY SPEAKER:** It was only seeking adoption. There is nothing indicated in my paper.

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**HON VENAANI:** Can the Member just explain what he is seeking?

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**HON DEPUTY SPEAKER:** It seems the Honourable Member is seeking the development of guidelines for the policy. We do not need to divide the House. I put the Question that the proposal to develop guidelines should be adopted.

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**HON RIRUAKO:** There is not a requirement to do anything to it. To find out where it needs direction does not mean anything.

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**HON NGHIDINWA**

**HON DEPUTY SPEAKER:** You are repeating the same thing. It is what we are trying to do right now and you are taking us back again. I put the Question that the Motion to adopt the guidelines be adopted. Any objection? The House is divided. Those Members in favour of the adoption of the guidelines, please rise. Those Members against please rise. Will those Members abstaining please rise?

In favour	-	8
Against	-	29
Abstentions	-	2

Therefore, the adoption of the guidelines is rejected. The Secretary will read the Eighth Order of the Day.

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**MOTION ON DUMPING OF BABIES**  
**RESUMPTION OF DEBATE**

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**SECRETARY:** Resumption of Debate on the dumping of children and what impact it has on society.

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**HON DEPUTY SPEAKER:** When this Debate was adjourned on Wednesday, the 31<sup>st</sup> of October 2007, the Question before the Assembly was a Motion by the Honourable Dienda, that the Motion be adopted.

The Honourable Minister of Home Affairs and Immigration adjourned the Debate and she now has the Floor.

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**HON MINISTER OF HOME AFFAIRS AND IMMIGRATION:** Honourable Deputy Speaker, I rise to follow other Colleagues who spoke before me on the serious issue of the dumping of babies and what impact it has on the Namibian society.

I regard this issue of dumping the babies as a serious issue that will need thorough research and the further attention of Government and non-governmental organisation, churches and the society at large.

A few weeks ago, the Honourable Deputy Prime Minister and Honourable Haingura mentioned that this should be described as a psycho-social problem. I fully agree with their statements, because such a problem does not start with the teenage victims, but it starts sometime before it was born. In some cases the said victim was unexpected or unwanted in the family or being born by a single mother.

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There are some incidents I know where husbands do not want a fourth or sixth child. Instead of discussing it in good faith in the family, they also insinuate and say, *“if you are going to become pregnant again, that child will not belong to me, because I do not want a child any more, I cannot afford it as we have enough.”* Sometimes the female is not motivated to clearly understand family planning properly, she goes to get her pills at the hospital and in most cases unmotivated because of time limits of the few nurses at clinics.

We all know that women are busy twenty-four hours around the clock, cooking, washing, cleaning, fetching water, caring for children and many other undefined responsibilities. It can also happen that the husband comes late at home and the poor woman, who is also ill-advised, forgets to take her pills. As a result she becomes pregnant.

After 6 months the man is again surprised and says, *“what is this, I feel something kicking in your stomach, are you pregnant, go to hell to your parents’ house”* and the conflict starts straightaway. This unborn baby is already traumatised psychologically due to the stress of the mother. When this child is born she is not accepted in the family and you will not even understand the name given to that child as it is usually sarcastic and euphemistic. Such names are *Ndemukunjukwa*, *Mweya-noonyoko*, etcetera. This unwanted child will grow up in a spirit ..... (Intervention)

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**HON VENAANI:** May I ask a question? Could you just repeat those names so that we verify whether they mean anything to that effect?

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**HON MINISTER OF HOME AFFAIRS AND IMMIGRATION:** It is sarcastic, *Ndemukunjukwa and Mweya-noonyoko*.

If it is a girl and she is talented enough, she can reach Grade 4 or 5 in ten years’ time with only the support of her mother. Sometimes it happens that there is no Grade 4 or 5 at the home village and this child should be transferred to a hostel, for example in my area, the Nkurenkuru Combined Hostel.

Her first year in the hostel everything will be fine, the second and the third years she will be familiar with the environment. By event she will meet a businessman or anybody else of high standing as she hears a voice for the first time saying, *“I love you.”* Such a statement she has never heard in her life before, even from her father. The next thing she would do is to accept and go, the same night it shoots – you understand what I mean? Because false love is stronger than true love.

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The first 3 months is okay, but after that she can feel changes. Here is where the main problem starts. She asks herself a lot of questions, like *Where can I go now? If I go there, then my mother will be chased away by my father*, because she is still reminded that even the man can tell us that you are not going to stay there if you are pregnant.

As Honourable Nambinga said the other day, that what most of the husbands are thinking about, if a girl is impregnated, the men think it is discussed by the mothers and their daughters. I want to continue with what will happen to a girl in such a situation.

Firstly, she will think of going home to observe the situation and reaction of her parents. When she realises that the father's emotions are the same, she will not talk. She will hold patience and obviously will decide to abscond to urban areas, even as far as Windhoek so that she could not hear those arguments and conflict anymore.

The first travelling opportunity she gets to Windhoek, the driver is the boyfriend. This driver knows many friends in squad and drop the girl at one of his friends' houses and even tell him that she is his niece, he must take care of her because he knows that his wife does not like his relatives. The poor girl will be accommodated in the garage, the gentleman will only come there for one purpose and go.

After 2 months she will recognise that there is something tickling in the stomach and the second gentleman will keep on asking...(Intervention)

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**HON MUDGE:** May I ask the Honourable Minister a question? I did not catch it well, the purpose that she was talking about, the person just comes for a purpose.

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**HON MINISTER OF HOME AFFAIRS AND IMMIGRATION:** I think all of us understand, I will not explain in detail because we are adults.

The following three or four months the girl is in big trouble, where to go and what to do next. She will finally come to the conclusion of dumping the baby in the dustbin. I will give you the example of a true story of what is happening nowadays in our country.

There are only a few lucky girls who speak the truth when counselled and after that give birth to their lovely babies. Another problem encountered is fear of

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shame because in some cultures we will still call them *Aasimbakadhona yaandja Iiyambo*, those kinds of names or we will say she behaved like that because she grew up in *okaumbo komukulukadhi*, meaning brought up in a single mother's house, not knowing that 60% of the Namibians are women and only 40% are men. How can 60% marry the 40% ? It is impossible.

There are also some major contributing factors, like alcohol and drug abuse. Many girls do not know with whom they are going out, only later to discover that these persons are HIV-positive. Then they end up dumping innocent babies.

The very important one is lack of spiritual care which is decreasing gradually. Spiritual care plays a vital role in the life of a human being because it plants an inner feeling to distinguish between bad and good things. Yet family problems caused by alcohol and drug abuse is common. Parents do not have time to stay at home to talk facts of life with their children.

In the past we blamed the colonial apartheid Government because of its labour contract system. I now wonder why most of the fathers are addicted and employed and contracted by alcohol and drug abuse and are not currently responsible to take care of their children.

The fourth cause is the lack of social workers and community nurses in health centres, hospitals, schools and in the communities itself. I assume that about 10 out of 50 patients who come to the hospitals have social problems and if there are no community nurses and social workers, then all these patients will be screened and treated with medicine only whilst in reality there was a need of counselling.

I also made a classification of contributing factors to this phenomenon. I regard this phenomenon as similar to violence against human beings.

First individual and psycho-social. In psycho-social development factors, for example, family constitutes the training ground of aggression, as I mentioned earlier. There are correlations between aggression in teenage and certain characteristics in their parents, notably maternal rejection and the parental use of physical punishment and the threat which will affect the teenage girls and boys at their adolescent stage.

One-fifth to one-third of abused or neglected individuals will maltreat their own children. Violence stands to be perpetrated most commonly by those aged 15 years and above.

Mental illness unidentified: This may lead to aggressive behaviour, for example schizophrenia. Individual history of violence because of inner guilty may also lead to depression and aggression.

Biological – genetic: In some families one can get aggressive people. Anything can happen in such characteristics, even in a girl child. Any unexpected situation complicates her life can lead to the dumping of her baby.

Then hormonal dysfunctions and changes during pregnancy can also lead to depression, which is the main symptom to the victims. In macro-social we have socio-economic inequality. Widespread poverty and unemployment whereby women and teenage girls always become victims due to early pregnancy and early school dropouts and it can go in a cycle. In our society those victims of teenage pregnancies and violent offenders are drawn from the most disadvantaged socio-economic groups, while the advantaged group engages themselves in well-organised crime.

Alcohol and drugs, environment factors: The physical characteristic of a location and the kind of activities occurring there can also be a contributing factor. For example, many shebeens, overcrowded environment that can promote aggressive behaviour.

Media influences: Television: Research indicates that the relationship is bi-directional and violence viewing gives rise to aggression and aggression in gender violence in videos, films, etcetera.

Another aspect of culture, values of individuals within a certain society can also be a contributing factor, calling a person “*oshikumbu*” and many other disrespectful derogatory words referring to women.

Micro-social – gender and family problems: Attitudes of gender inequality are deeply embedded in the Namibian culture. Resulting rape, domestic assault, sexual harassment can always be a contributing factor for a girl child not to accept such a baby and better to throw it away.

Situational factors: Fully aggrieved and a sense of being treated unfairly, whether real or imagined, could lead to such a phenomenon. During puerperium and after birth of the baby some women are affected by puerperale psychosis whereby somebody is having hallucinations or hearing that somebody who wants to kill her baby and then she decides it is better to kill her own baby rather than to be killed by somebody else.

With all these contributing factors I wish to make the following recommendation.

Number one, the phenomenon need thorough research by mature people who need to go out in the communities to pose questions and get the right answers, not like nowadays researchers sitting in cars and provide the answer themselves without interviewing the people concerned.

- Biblical studies to be reintroduced in school because biblical healing is the fundamental holistic treatment to all social evils.
- Social workers and assistants be trained to cater for the population with social instability.
- Parents to be educated about their role in upbringing of their children. Single mothers to continue to give more love to their children and have open discussions at home.
- Men should accept their children and give them prosperity rights and good names.
- All stakeholders to assist the Government on how to tackle such phenomenon and reduce the death of innocent babies.
- Teenage girls to respect themselves and to respect and love their babies, as prescribed under the Namibian Constitution Article 6: *“The right to life shall be respected and protected.”*
- Teenage girls to be assisted by Churches and Government should make sure that their lives are in good health.
- Peer group counselling should be encouraged at all educational facilities and other youth forums.
- Teenage girls should be assisted during antenatal and puerperium stage to avoid depression and hallucination which can lead to abandoning of babies.
- There is a need to establish an adoption centre of vulnerable babies to ensure that affected babies are in good health.
- The parents and the caretakers to know signs of symptoms of stress and behavioural changes of their children to prevent such incidents as early as possible.
- Gender discrimination should be addressed at all times.
- Youth to be encouraged to attend all forms of youth activities, sports, youth choirs, etcetera.
- The rehabilitation centres, in combination with vocational programmes, should be established to cater for early school dropouts and unemployed

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youth to promote self-reliance and for the youth to add value to the economy of this country.

In conclusion, I would like to encourage parents because I am also a mother, to continue to have open discussions and to teach our children the facts of life which can build their prosperous lives. We need also to listen and learn from them.

Now I would like to refer this Motion to the Standing Committee for further discussions by society themselves and I wish you a Happy Christmas.

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**HON DEPUTY SPEAKER:** I thank the Honourable Member and I revert the Floor to Honourable Dienda to respond.

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**HON GERTZE:** Honourable Deputy Speaker, Honourable Members, I am going to read the words of Honourable Dienda, except that perhaps she did not include the last very educative speech that was delivered by the Minister of Home Affairs and Immigration.

I would like to take this opportunity to thank all the Members of Parliament, those who have contributed and those who in silence also agreed on what was said by the Honourable Members. I, indeed know that this Motion was very emotional, but I have realised and learnt that we, the leaders and lawmakers of this country, are human beings like all other citizens and that we do care about what is happening to those who elected us.

Honourable Speaker, therefore I would like to move that this Motion be referred to the Standing Committee ....(Intervention)

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**HON DEPUTY MINISTER OF HOME AFFAIRS:** I am just seeking guidance...(Intervention).

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**HON DEPUTY SPEAKER:** The rule is there, Rule 113, page 69. Proceed, Honourable Member, the Rule is clear.

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**HON GERTZE:** Honourable Deputy Speaker, Honourable Members, I would like to move that this Motion be referred to the Standing Committee on Human Resources, Social and Community Development for further input and investigation, as was set out in the Motion. I thank you, Honourable Members.

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**HON ULENGA**

**HON DEPUTY SPEAKER:** Thank you very much. Table the Motion, Honourable Member.

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**HON DEPUTY SPEAKER:** I now put the Question, that the Motion be referred to the Parliamentary Standing Committee. Any objection? Agreed to.

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**HON MUDGE:** Since I was not able to finish my speech, may I just quickly use this opportunity, since we are rising today, to extend the Republican Party's best wishes for the coming festive season.

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**HON DEPUTY SPEAKER:** Honourable Member, that you need to do when I call on you. I will give you the Floor, because I have to call on all leaders of Political Parties to say something. Honourable Members, as you know, today is the end of the day that the House has to go for recess until next year, 19 February 2008. I would now like to call upon the leaders of the Political Parties to say something and we will conclude with the Prime Minister. I recognise Honourable Ulenga.

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**CLOSING STATEMENTS**

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**HON ULENGA:** Honourable Deputy Speaker, thank you very much. At this late hour one should perhaps not be too verbose. This year 2007, especially the parliamentary part of it, was long and arduous. (Interjection)

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**HON MEMBER:** And bitter.

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**HON ULENGA:** If you are going to be courteous to the last, it will only count in your favour. Especially the cultured Honourable Kawana, it is completely unlike you to make such remarks. However, Honourable Deputy Speaker, as I said, it was a long year for all of us both inside and outside the House. It is only appropriate that now that we have come to the end of the session that Members are allowed to go and have a rest, spend the festive season with their families for both their bodies and their souls to generate energy so as to be strong and be able to come back and contribute to the solution of national problems, as we are all elected to do so.

I would, therefore, like from the CoD side and be assured, Honourable Deputy Speaker, there is only one CoD. We may have arguments, squabbles and so forth, but this is a single CoD squabbling. I am sure, with all due respect to those who

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**HON MUDGE**

do not know, it is needless for me to point out the unruly relations everywhere. Therefore, that is no indication at all that there are multiple Parties where there is only one. There is, indeed, sometimes those unruly feelings but it is one CoD. I know that you cannot forgive me for having left SWAPO, but I have already forgotten about SWAPO and its problems.

Honourable Deputy Speaker, we would like to wish the Nation both physical and spiritual health during the festive season. In this dry country of ours we wish it is going to rain and it is going to rain aplenty. Some of us are just going home to rest, but there are others who will jump into strenuous work. I would like to wish those of the Colleagues who are going to have their congresses in a few days' time good luck and good success. You do not wish other people bad things unless you want them to happen to you. The others have done their thing already, so for you, Colleagues in SWAPO who are going to have a congress, we wish you a peaceful happening from the CoD.

I would like to extend the same good wishes to yourself, Honourable Deputy Speaker, to go and rest and come back regenerated so that this kind of democratic exercise can continue under your leadership and under the leadership of the Speaker. I thank you very much, Honourable Deputy Speaker.

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**HON DEPUTY SPEAKER:**      Thank you very much. I recognise Honourable Mudge.

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**HON MUDGE:**      Is this an opportunity not to be interrupted or will it be ...

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**HON DEPUTY SPEAKER:**      Yes, you are not going to be interrupted, but do not provoke.

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**HON MUDGE:**      I will be able to finish tonight. Honourable Deputy Speaker, Members of this august House, it was in a lot of cases a very good year for the Parliament and for Namibia, but I also think I still have a lot to learn. I am not

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**HON KAURA / HON RIRUAKO**

quite sure whether I read today as deliberate or whatever. Be that as it may, all I can say is that we will be known as a Party that is compiled of people who are not racist, who are very much in love with the Namibian people and who really want only the best for Namibia without trying to belittle people and organisations.

Thank you so much for the opportunity and I would like to use this opportunity to plead for more tolerance. Let us really live reconciliation. It is not good enough to say it and to say that we have a policy, but we must live reconciliation. We in the Republican Party are keen to do that and I believe that there are a lot of people in Namibia who are also keen to do that. We have to sort this out because we have a lot of issues to deal with in future.

Since this is now our last opportunity and the last day, I would like to use this opportunity to wish all the Members – also the unruly ones – our best wishes for the coming...(Interjection)

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**HON MEMBER:** Who are those?

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**HON MUDGE:** You can just see who is laughing. We wish you our best wishes for this coming festive season and may we all be able to unite with our families and experience a wonderful Christmas the way it is supposed to be. May God bless us all and bring us all back safely next year. I thank you.

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**HON DEPUTY SPEAKER:** Thank you very much. Honourable Kaura.

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**HON KAURA:** Thank you very much, Honourable Deputy Speaker. I just want to sound a very strong warning and that is that you must enjoy your Christmas very much as well as the New Year and I warn you, you must come back next year to Parliament. If we were in Botswana we could have said, “Pula”, may God bless you.

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**HON DEPUTY SPEAKER:** Honourable Chief Riruako.

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**HON RIRUAKO:** I am not here to bless you while you are in a very bad situation, I am here to narrate what I think is the right way.

Honourable Deputy Speaker, this year was a very difficult year inside and outside this House in the politics of Namibia as a whole. We received a lot of challenges in life. For the Ruling Party, the CoD, DTA, NUDO, UDF, MAG and Mr

Mudge's Party, let us face the reality and the facts. I hope that we have learned the realities, the facts of life. The whole society was pressurised by the God's greatness and He said, I challenge you all. Not even a single person happens to be really on his way and endurable. You think twice whether I am coming back after the congress of SWAPO or not or whether I am coming back with CoD. But that happens and whether I come back with the DTA, there will be no squabbling. (Interjection)

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**HON MEMBER:** When is the NUDO congress?

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**HON RIRUAKO:** I had one of the Politburo, the Central Committee is going to take place and the Congress is going to take place. (Interjection)

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**HON MEMBER:** When?

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**HON RIRUAKO:** I cannot say when as you did not tell me where you are today. The fact remains that it is a challenge to everyone and I urge you to be courageous enough to face the realities, the challenge for your own Colleagues as they are sitting there and those who are not here who are outside the House. That day of the congress they are going to be there to prove themselves that they are members of SWAPO or not or the RDP is going to exist or not. That is a fact of life. I am not here to politicise what is happening and not tell the truth.

I look at my Colleague, Honourable Chief //Garoëb, you are facing a challenge and let us be courageous enough. That goes for Kaura, Mr Mudge, the Honourable Colleague sitting next to me. My Colleagues, do not hang yourselves. (Interjections). This is the time to see ourselves whether we are going to be together as a united Nation. Let us have it, it is not a single person who is going to enjoy the fruits of Independence and the fruits of reconciliation, we must strive for that. That is the name of the game. That goes to you too. Your two third majority is not something that we have to think about, it is something of the past. But do not say that I have to give up, do not give up hope, be yourselves. If you test the power, you will test the dues of it. That is the name of the game, let us have it. Go home with that courageous message and face the reality, do not be a coward and shiver before the congress, whether I am going to be accepted or not. I thank you.

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**HON //GAROËB / HON VILJOEN**

**HON DEPUTY SPEAKER:** Thank you very much. Chief //Garoëb.

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**HON //GAROËB:** Thank you, Deputy Speaker. We are closing under very controversial political circumstances, circumstances under which one will never know who will retain their positions as Ministers or even come back to this august House. But be it as it may, on behalf of the UDF we thank you for the cooperation in this august House and even outside this august House.

As far as my Colleagues on this side of the House are concerned, first of all we wish you well during the festive season and I believe that you will come back strong and ready for another fight in this august House. Do not overdo the festive season because we need everybody, because the fight is intensifying. God bless you all. I thank you.

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**HON DEPUTY SPEAKER:** Honourable Viljoen.

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**HON VILJOEN:** Honourable Deputy Speaker, I prepared something on paper like a teacher always does and when I read it again, I reminded myself of a piece of tender steak and then I added salt and I added a pinch of pepper that was when the devil jumped onto my shoulder and said, "*Viljoen, today you have witnessed the untimely death of democracy and reconciliation.*" I therefore think it is wrong.

But what I want to say is, much was said in this House and the words are gone now and I sincerely hope that those words spoken in this House had been carried off by the wind to the far corners of our country. I believe some of the speeches have brought expectations and messages of hope.

Much happened during the year, also in the bedrooms of the different Political Parties and there will be time not only to lick their political wounds but I believe, the coming recess is a suitable time to reconsider, to shuffle and to do introspection. Use the time to bury the hatched, differ from your brother because of his political conviction and not because of his person. Search every day for the truth and what you do, do it in national interest beyond political differences.

We spoke on many issues, there were again references to the dungeons of Lubango, there were accusations on the last resting place of people. I hope that ideas on all those matters are exhausted. May the dungeons of Lubango be filled up with the finest white sand and be covered by the greenest grass and the most colourful flowers. May the political lamb and lion lie next to each other in peace

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HON PANDENI**

and acceptance. My hope is that all of us should realise that life is more than politics. May everyone experience the best of blessings during the coming holiday and may God guide and protect us. Thank you.

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**HON DEPUTY SPEAKER:** Thank you very much. I recognise Honourable Pandeni, Deputy Secretary General of SWAPO.

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**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,  
HOUSING AND RURAL DEVELOPMENT:** Thank you very much, Comrade Deputy Speaker, for giving me the opportunity to, on behalf of SWAPO Party, express a word of thanks to the Honourable Speaker and the Deputy Speaker for the manner in which you diligently managed the business of Parliament. It was really because of your guidance that we were able to have fruitful deliberations in this House.

I would like to also thank my Colleagues and members of SWAPO Party present in this House, for the manner in which you have made your contributions to the Debates and deliberations in this House. You were able to provide the guidance, guidelines and to create the atmosphere that was conducive for us to discuss in this august House as people that believe in the reservation and protection of the interests of the people that have sent us to this House. You were very, very vocal; at times when you were provoked you stood your ground, but you were also politically mature in pointing out the importance of why we are here in Parliament.

As we are moving to the end of the year, you will be taking leave in order to join your families and spend some time with them and have a rest. But I would also like to remind, like it is usual under SWAPO Party, that when we are on leave, we are still responsible. There will be people out there that will be expecting your guidance, your advice, that will expect services and, therefore, it is not just leave but it is productive leave, working leave. Reach out to the people out there that will be in need of your guidance.

I would like you to go with that, knowing that there will be people that will still need your services out there and I am sure that you will, as usual, reach out and extend a helping hand to those that will need your assistance.

I would also like to thank our Colleagues, the members of the Opposition Parties for the manner in which you conducted yourselves. We would like from this side and the bigger part of that side just to assure you that we will always maintain good governance in this country that will enable you to have a platform to speak your mind and to say the type of things that you have been saying. But we also

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RT HON N ANGULA**

want to wish you the best as you are going on leave and we wish you a very nice rest so that when you come back, you have not only gained some weight and energy to make contributions, but you have also discussed the role that the Opposition need to play in this House.

I would also like to thank the Right Honourable Prime Minister, the Chief Whip and those specially tasked to assist this House to have order and also to discuss the business of the House in a mature manner. I wish you, on behalf of SWAPO Party, a very blessed Christmas, a prosperous New Year.

To the public out there, I would also like to thank them for supporting us in the issues that we have been discussing and guiding us through their participation in Parliament outside this House, that they have been doing through the mechanisms that Government has provided to air their views and to make known what aspirations they have. I would like to thank them and urge them to continue in a responsible manner. That has been of help to us as the SWAPO Party members, the Ruling Party and I am also wishing you, on behalf of SWAPO Party, a blessed Christmas as well as a prosperous 2008.

Before I sit down, I would also like to thank my Colleagues, Cabinet Members and through you, to thank His Excellency, the President of SWAPO Party, His Excellency the Founding President and Father of the Nation for his contribution in this country as well as His Excellency President Hifikepunye Pohamba for guiding us and guiding the country with his leadership. I also wish him all the strength and a blessed Christmas and a happy 2008. I thank you.

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**HON DEPUTY SPEAKER:** Thank you very much. I call on the Prime Minister.

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**RT HON PRIME MINISTER:** Thank you, Honourable Deputy Speaker. As coordinator of the Government programme in the House, I would first of all like to thank my Colleagues, my Comrades from SWAPO, especially the Chief Whip and Deputy Whips and all the Members for having been diligent in performing their duties as legislators. Sometimes, of course, we regret that the House had to be adjourned because of lack of quorum. I hope for the next session this will not happen.

I would also like to thank Members of the various Parties represented here. Having listened to the speeches by 7 party leaders, representing 7 Parties in the House, I am encouraged by the fact that democracy is kicking in Namibia. I do not think that there are many countries in Africa with so many Parties in the

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RT HON N ANGULA**

Legislature. That is good for all of us. (Interjection). Yes, Honourable Ulenga is saying that you we are improving on it. It is a question of good news and also bad news.

The good news is that we have a diversity of opinions in the House, but the bad news is that democracy in Namibia is being “*bantustanised*”. It is not good if we go on splitting into small pieces and pieces like the Bantustans. Perhaps we should rethink our strategy of how to manage our diversity in our own Parties.

Having said that, let me say that the Sixth Session of the Fourth Parliament has been a very busy one. The Executive has been able to bring a number of important pieces of legislation here and many of them have been passed. We take note that sometimes when Bills are being tabled, our Colleagues in the Opposition do not take time to study it and at the adoption of the Bill into an Act, they always have an opportunity to say this thing was rushed through, but sometimes it is not true. But that being what it is, we will try to do our best to make sure that these Bills enjoy the support of the whole House.

We are also happy to see that the opposition benches have been very busy with Questions and Motions. The very fact that we are closing so late tonight is because of your work, to try to cover your Motions so that nothing lapses. That means that we are all making a contribution to the life of this Parliament and we should continue to do so.

In the same breath I would like to appeal to all of us to respect that Chair up there, because that Chair represents the will of the Namibian people and if we do not respect it, it means that you are not respecting the public out there. If the Chair says no *cell phone in the House*, at least close it if you have it, because it is just good for everybody.

As a member of SWAPO I want to assure you and the public out there that in the true tradition of the SWAPO Party the congress will be held in a comradely spirit, there will be active Debate but at the end of the day that Debate will enrich SWAPO policies which will eventually influence the policies of the Government and what the Government is able to deliver to the people of the country. I assure you that at the end of the congress SWAPO will be stronger and stronger and mightier and that we are not only talking about two-thirds, but we are talking about 101% seats in this Parliament. That is what will happen. Thanks to proportional representation, of course we will have one or two people here, but that would be it.

Honourable Members, let me wish you seasonal greetings, a safe journey to your place of origin. Let us go and work hard with our hands now to produce food for this country and above all, I would like to remind you of the road safety slogan

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RT HON N ANGULA**

*Xupifa Eemwenyo, Saving lives*", so that all of us are back here next time, healthy, stronger and ready to do more for this Nation of the brave.

Having said that, I am now proposing that we adjourn and return here on the 19<sup>th</sup> of February 2008. I so Move.

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**HOUSE ADJOURNS AT 19:50 UNTIL 2008.02.19 AT 14:30**