

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 G H Geingob (Mr)	<i>(Trade and Industry)</i>
Dr N Tjiriange (Mr)	<i>(Minister of Veterans Affairs)</i>
Dr A Kawana (Mr)	<i>(Presidential Affairs & Interim Attorney-General)</i>
Mr J Mutorwa	<i>(Agriculture, Water & Forestry)</i>
Dr N Iyambo (Mr)	<i>(Safety and Security)</i>
Mr J Kaapanda	<i>(Information & Communication Technology)</i>
Rev W Konjore (Mr)	<i>(Youth, National Service, Sport & Culture)</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>(Environment and Tourism)</i>
Ms P Iivula-Ithana	<i>(Justice)</i>
Mr A !Naruseb	<i>(Lands & Resettlement)</i>
Mr J Ekandjo	<i>(Regional and Local Government, Housing and Rural Development)</i>

Mr E Nghimtina	<i>(Mines and Energy)</i>
Mr I Ngatjizeko	<i>(Labour & Social Welfare)</i>
Ms M Mungunda	<i>(Gender Equality and Child Welfare)</i>
Mr H Angula	<i>(Works and Transport)</i>

DEPUTY MINISTERS

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

Mr P Shifeta	<i>(Youth, National Service, Sport & Culture)</i>
Mr P Smit	<i>(Works & Transport)</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>(Trade & Industry)</i>
Dr R Ndjoze-Ojo (Ms)	<i>(Education)</i>
Mr V Simunja	<i>(Defence)</i>
Mr R Dinyando	<i>(Information & Communication Technology)</i>
Mr U Nujoma	<i>(Justice)</i>
Mr P Iilonga	<i>(Labour and Social Welfare)</i>
Mr I Katali	<i>(Agriculture, Water & Forestry)</i>
Mr K Kazenambo	<i>(Regional and Local Government, Housing and Rural Development)</i>
Mr B Esau	<i>(Mines & Energy)</i>
Ms Muharukua	<i>(Gender Equality and Child Welfare)</i>

SECRETARY

Mr. J Jacobs

DEPUTY SECRETARY

Mr F S Harker

LIST OF MEMBERS AND PARTIES WHICH THEY REPRESENT

CONGRESS OF DEMOCRATS (COD)

Mr A. Chilinda
Ms E Dienda

Ms L. Kavari
Mr T Gurirab
Ms R Namises
(Chief Whip)

DTA OF NAMIBIA

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

MONITOR ACTION GROUP

Mr J Viljoen
(Chief Whip)

NATIONAL UNITY DEMOCRATIC ORGANISATION OF NAMIBIA (NUDO)

Mr A Mbai
Mr K Riruako
Mr A Tjihuko
(Party Leader)
(Chief Whip)

REPUBLICAN PARTY

Mr H Mudge
(Chief Whip and Party Leader)

SWAPO OF NAMIBIA

Dr L Amathila (Ms)
Dr M Amweelo (Mr)
Dr K Amutenya (Mr)
Mr N Angula
Mr H Angula
Dr S C Ankama (Mr)
Ms L Basson
Ms A Bayer
Ms C Bohitile
Mr H Booys
Ms H Christian
(Deputy Prime Minister)
(Prime Minister)
(Minister)
(Chief Whip and Deputy Chairperson of the Whole House Committee)

Mr Dinyando	<i>(Deputy Minister)</i>
Mr J Ekandjo	<i>(Minister)</i>
Mr B Esau	<i>(Deputy Minister)</i>
Dr H Geingob (Mr)	<i>(Minister)</i>
Dr T-B Gurirab (Mr)	<i>(Speaker)</i>
Ms P Haingura	<i>(Deputy Minister)</i>
Mr M Hausiku	<i>(Minister)</i>
Mr P Iilonga	<i>(Deputy Minister)</i>
Ms E Iipinge	
Ms P Iivula-Ithana	<i>(Minister)</i>
Dr A Iyambo (Mr)	<i>(Minister)</i>
Dr N Iyambo (Mr)	<i>(Minister)</i>
Mr J Kaapanda	<i>(Minister)</i>
Mr E Kaiyamo	
Dr R Kamwi (Mr)	<i>(Minister)</i>
Ms L Kasingo	
Mr I Katali	<i>(Deputy Minister)</i>
Ms J Kavetuna	
Dr A Kawana (Mr)	<i>(Minister)</i>
Mr K Kazenambo	<i>(Deputy Minister)</i>
Rev W Konjore (Mr)	<i>(Minister)</i>
Ms S Kuugongelwa – Amadhila	<i>(Minister)</i>
Ms L Lucas	<i>(Deputy Minister)</i>
Mr N Mbumba	<i>(Minister)</i>
Ms A Muharukua	<i>(Deputy Minister)</i>
Ms M Mungunda	<i>(Minister)</i>
Mr P Mushelenga	<i>(Assistant Whip)</i>
Ms T Mushelenga	<i>(Deputy Minister)</i>
Mr J Mutorwa	<i>(Minister)</i>
MR N Nashandi	
Mr T Nambahu	
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 P Shifeta	<i>(Deputy Minister)</i>
Mr V Simunja	<i>(Deputy Minister)</i>

Ms D Sioka *(Deputy Speaker)*
Dr N Tjiriange (Mr) *(Minister)*
Mr T Tweya *(Deputy Minister)*
Mr R /Ui/o/oo

UNITED DEMOCRATIC FRONT (UDF)

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

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

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

**NATIONAL ASSEMBLY
ASSEMBLY CHAMBERS
01 JULY 2009
WINDHOEK**

The Assembly met pursuant to the adjournment.

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

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

NOTICE OF QUESTIONS

QUESTION 70:

HON DE WAAL: Honourable Speaker, I give Notice that on Thursday, the 9th of July, I shall ask the Honourable Minister of Agriculture, Water and Forestry the following:

For more than 20 years the people of the Karas Region in the south of the country have been waiting for the building of a new dam in the Region, namely the proposed Neckertal Dam. This dam is conserved to be of the utmost importance to stimulate the economy of the Karas Region and to create much-needed job opportunities. Can the Honourable Minister inform the House how far the Government has progressed with this dam and when construction will start?

QUESTION 71:

01 July 2009 **APPOINTMENT OF MEMBER: LANDS TRIBUNAL**
HON !NARUSEB

HON DE WAAL: I also give Notice that on Thursday, the 9th of July 2009, I shall ask the Honourable Minister of Environment and Tourism the following:

1. Will the Minister inform the House about the current status of the Integrated Conservation and Development Plan for the Lower Orange River Trans-Frontier Conservation Area?
 2. Can the Minister inform the House why Keetmanshoop as a town is excluded from integration, whilst the Naute Dam and Bethanie are included?
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HON SPEAKER: Will the Honourable Member table the Questions? Any further Notice of Questions? Notice of Motions? The Notice of Motion is the one by the Honourable Minister of Lands and Resettlement. Does the Honourable Minister Move the Motion? Who seconds? Objections? Agreed to.

**APPOINTMENT OF MEMBER ON
LANDS TRIBUNAL**

HON MINISTER OF LANDS AND RESETTLEMENT: Thank you, Comrade Speaker, Sir, Honourable Members. I would like to Move this very important Motion which is aimed at the appointment of a member of the Lands Tribunal of the Republic of Namibia.

I would like to start by reminding this House about the role played by the Lands Tribunal as an institution and the functions of the said Tribunal.

The Lands Tribunal is an important institution for the land reform process in our country as it assists in bringing Government, particularly the Ministry of Lands and Resettlement, and its stakeholders towards finding

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amicable solutions when engaging each other on land matters.

Honourable Speaker, Honourable Members, Part VII of the Agricultural (Commercial) Reform, Act 6 of 1995 provides for the establishment of the Lands Tribunal. The functions of the Lands Tribunal are outlined in the said Act, as amended by Act 13 of 2002, and is to determine the purchase price in instances where there is a dispute between the owner of commercial agricultural land and the Minister of Lands and Resettlement. The Amendment of the Act provides for additional functions of the Lands Tribunal with respect to resolution of disputes between the Minister and members of the public who may be aggrieved by the manner in which agricultural land is allocated.

Section 63(2) of Act 6 of 1995 deals with the membership to the Lands Tribunal and it reads as follows:

“The Lands Tribunal shall consist of five members who shall be appointed by the National Assembly by resolution upon a recommendation of the Minister.”

The term of office of members of the Lands Tribunal is three years and the current members' office tenure will end in April 2010. Notwithstanding that the term of office left for the current members is short, the Lands Tribunal is experiencing operational difficulties due to the consistent absence of one of its members as a result of his health. As a result, I have decided to nominate Mr Isaac Hendjala to serve on the current term of the Lands Tribunal following the resignation of Mr Jan Engelbrecht who is no longer available to execute the task of Lands Tribunal due to ill-health.

Mr Hendjala is a manager and valuer at the Valuation Services for the City of Windhoek. He has experience in the valuation of urban and peri-urban property. He holds a Bachelor of Technology in Real Estate Valuation from the University of South Africa (UNISA) as well as a National Diploma in Valuation, Land Management and a Certificate in Land-use Planning and Rural Planning from the Polytechnic of Namibia. I am confident that Mr Hendjala's experience will greatly contribute to the work of the Lands Tribunal.

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HON !NARUSEB**

Honourable Speaker, I have no doubt that the person I am recommending to serve on the Lands Tribunal will meaningfully contribute to the ultimate goal of the land reform programme. The curriculum vitae of the proposed member to the Lands Tribunal is available for perusal by the Honourable Members of this august House.

I would, therefore, kindly like, in the interest of the said Lands Tribunal as well as the Ministry which is responsible for the lands administration of our country, to request this august House to regard this as a matter of urgency and to pass the Motion without further delay. This is a very humble request and I want to thank you for listening to the humble plea. Thank you.

HON SPEAKER: Any further discussion? None.

HON MINISTER OF LANDS AND RESETTLEMENT: Honourable Speaker, Honourable Members, I thank the Honourable Members for the understanding manner in which they listened to my plea. We are doing this in the greater interest of our country. Thank you very much

HON SPEAKER: I now put the Question, that the Motion be adopted. Any objection? None. Agreed to. The Secretary will read the First Order of the Day.

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**COMMUNICATIONS BILL: SECOND READING
HON TJIHUIKO**

**RESUMPTION OF SECOND READING
COMMUNICATIONS BILL**

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

HON SPEAKER: When the House adjourned in terms of Rule 90 on Tuesday, 23 June 2009, the Question before the Assembly was a Motion by the Honourable Minister of Information and Communication Technology that the Bill be read a Second Time. Honourable Tjihiuko had the Floor.

HON TJIHUIKO: Thank you very much, Honourable Speaker. Honourable Speaker, since you were not here when I started, I do not know whether I should start again just for your information. (Interjections)

Honourable Speaker, before I conclude, I think I should touch on this *New Era* story. Through that Act a provision was made in Section 25 that says that NCI may only monitor personal communication under a High Court warrant after consultation with the Inspector-General of the Police. Mechanism to control and monitor unbecoming activities by certain individuals has already been covered under this Act. Therefore, unless the objective of this Bill is otherwise as to what has been stated, to monitor some activities of some Political Parties during the coming elections, I will not under the current conditions support the Bill as it is. I hope that the good recommendation that we have made, the good suggestion we have made will be accommodated and this thing will be withdrawn so that it receives the consideration it deserves.

With that, I do not support the Bill at the present moment. I thank you.

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HON DR ANKAMA**

HON SPEAKER: I thank the Honourable Member. Honourable Chief Ankama.

HON DR ANKAMA: Thank you very much, Honourable Speaker, for the chance I received to contribute to the Communications Bill.

Honourable Speaker, Honourable Members, as far as I am concerned, the Communications Bill introduced in this House by the Minister of Information and Communications Technology should be regarded as a very important piece of legislation that will speed Namibia to advance in the world of competitive technology and economic development. One can say that this Bill is already overdue.

At the onset, I would like to underscore, amongst others, only five out of the very important objectives contained in the Bill on Pages 9 and 10 in Clauses (c), (d), (f), (g) and (i). Those objectives include, amongst others, to promote the availability of wide-range of high quality, reliable and efficient telecommunication services to all users in this country and to promote technological innovation and the deployment of advanced facilities and services in order to respond to the diverse needs of commerce and industry and support the social and economic growth of Namibia and to increase access to telecommunications and advanced information services to all Regions of Namibia at just, reasonable and affordable prices. Also to enhance regional and global integration and cooperation in the field of communication and also to advance and protect the interest of the public in the provision of communication services and the allocation of radio frequencies to the public.

Comrade Speaker, Honourable Members, the above objectives clearly spell out the urgency, necessity and the kind of positive change this piece of legislation will bring to the end-users and to the Namibian Nation, in particular. It, therefore, puts a burning obligation on this House to discuss and roll the Bill through without hesitation.

The ICT Policy formulation is a key strategy development document of

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**COMMUNICATIONS BILL: SECOND READING
HON DR ANKAMA**

2005. Richard Ngolo writes that ICTs are now widely accepted by developing countries as a critical tool in their effort to eradicate poverty, enhance human development and achieve the Millennium Development Goals and further, that the Debate on ICTs has permanently shifted from “*why ICT for development*” to “*how comprehensive and holistic ICT policies can unleash human potential and enhance people’s capabilities to improve their lives.*” Therefore, sound ICT policies that are truly pro-poor must be an indispensable part of national development strategies.

Having said that, the Communications Bill on the Floor of this House paves the way for harmonious ICT policies in our country, thereby putting into operation all objectives, as clearly stated in Chapter 1, Article 2 of this Bill.

Comrade Speaker, Honourable Members, the Communications Act, once in place, will be a useful tool to regulate all policies related to media, both electronic and printed. It will help impose ethnics and sound professionalism by media houses, entities and end-users. It will also elevate Namibia as a country in terms of hi-tech development.

When this Bill becomes an Act it will help rectify a lot of nuance Namibians were subjected to as a result of uncensored flow of information, such as child pornography or pieces of rude privy and for those with fear of being bugged should tell us what unpatriotic acts they do or plan for the country which they do not want to be known.

I, this time would like to turn to ICT as the tool for development. Comrade Speaker, Honourable Members, ICTs as tools for human development are not about technology. ICTs are meant for people to use the technology in order for them to meet some basic needs, needs like writing an e-mail, making a presentation, teaching a lesson, storing data, communicating a message, etcetera. ICTs can be useful to create handy tools such as phones, answering machines, recording devices, calculators and many other devices with brains which simplify our daily activities.

According to the ICT Policy Formulation and e-Learning Strategy Development document, many countries have developed visions of the

future where ICTs are seen as engines of transformation to achieve a desired state. Invariably this future state is e-Enabled. As per this document it is important to think strategically of ICTs as the media of human development, because access to information can improve the lives of people as well as stimulate the economy and stimulate Government. We should, therefore, regard the Communication Act as a tool to enhance ICTs for development.

This time I would like to turn to ICT and Parliament: Comrade Speaker, Honourable Members, in a communiqué by Members and staff of Parliament from twelve SADC countries on making ICTs work in Parliament, held in Johannesburg from 13 to 18 February 2007, it was stated that there is need within Parliament to focus on strategising ICT development and effective use at both national and Constituency level to accelerate the achievement of national growth. The development of the SADC Parliamentary Forum ICT Policy and Strategy to guide the development and adoption of ICTs at a regional level and to act as the framework for the national Parliaments' consideration was, therefore, recommended.

The harnessing of ICTs to promote effective and professional future Parliamentary practice through establishment and/or strengthening of national ICT Parliamentary Committee and development of an ICT Plan of Action was further recommended.

Thirdly, the effective involvement of Parliament in e-Strategy process at national and regional levels, including advocating for the development of national e-Strategies; promoting information exchange and organising thematic Debates fora with ICT or related Ministries and e-Strategy Committees in identifying priority areas.

Initiating Debate from e-Strategy pillars within Parliaments and organising capacity-building and awareness-raising workshops on different ICT issues and organising study missions in countries with best practices, then initiating and enacting adequate legislation in the framework of e-Strategies.

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COMMUNICATIONS BILL: SECOND READING HON SIMUNJA

In 4 the promotion of ICT for development activities within Constituency through promotion of awareness of ICT as a tool for development and lastly, promoting involvement of stakeholders and Traditional Leaders within their respective Constituencies was also recommended.

Another recommendation that was make was the facilitation of skills development, information sharing and knowledge acquisition on the different ICT issues by Constituencies and promoting partnership for ICT development activities.

If we look at all these very important recommendations, we will come to an understanding that the promotion of an effective inter-parliamentary cooperation through the creation and use of communication tools, such as website linking to other sub-regional Parliaments, institutions and websites, are very essential. So, participation at Parliament meetings and forums at sub-regional and global level by Members and staff of Parliaments, to participate in e-Parliament initiatives at sub-regional, continental or global levels and promotion of partnership with other institutions and promotion of e-Parliament cannot be over-emphasised. We need to do these things, we need to have them.

Essentially there are simply many reasons why we should unconditionally support and adopt the Communications Bill without any delay. With these few words, Honourable Speaker, Honourable Members, I would want us to critically look into the Communications Bill and support it without delay. I support the Bill.

HON SPEAKER: I thank the Honourable Member. Any further discussion? Deputy Minister of Defence.

HON DEPUTY MINISTER OF DEFENCE: Thank you, Honourable Speaker, Honourable Members of this august House. I rise to add my voice to the Debate that has been ongoing in this House for the past two or three weeks. My contribution, Honourable Speaker, will focus mainly on the background of security in the contemporary world and Africa, in

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**COMMUNICATIONS BILL: SECOND READING
HON SIMUNJA**

particular. Hence, since the beginning of this Debate the disagreement is basically not on the Bill itself, but just a very simple Paragraph that relates to security.

Honourable Speaker, I would like to state that the end of the Cold War about two decades ago gave space to a growing Debate among scholars and policy-makers, seeking a more useful definition of security. In such a Debate a very traditional view articulated as late as 1991 insisted that the field of security should be confined to the study of threat, use and control of military forces within the classical context of a State-centred international completion and conflict. However, well before that time others were arguing that traditional definitions of “*security*” were far too narrow, denying the discipline adequate scope to analyse the proliferating trades on the international scene, including those emanating from the environment.

In recent years, scholars increasingly have not been content to view security solely through the lens of State requirements and State interest alone, but has challenged the notion that national security should be viewed exclusively through perspectives of strategic interests external to the State. For instance, Robin Brockham of the Institute of Security Studies characterised “*security*” as a public good that is not simply the private property of the State. This growing Debate had several dimensions. For years scholars of the international relations have argued over appropriate level of analysis, reflecting different views on the referent object of the security, in order to determine as to who or what is at risk. Is it the State, is it the community, groups of people or individuals?

At no time in human history has these questions been more relevant than at present. This can be corroborated by the growing both inside and outside of this House. For much of human history single individuals or small elites have insisted on an exclusive right to define security and to manage it. However, the time has changed. In much of the world today the definition and application no longer are the exclusive purviews of small political or academic elite. In fact, an appeal to security increasingly is used to mobilised popular concern for a variety of agendas, be they ideological, social, economic or environmental.

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HON SIMUNJA**

It is worth mentioning that some very innovative thinking on this subject has come from African scholars and practitioners as they have grappled with the enormous problems of national development and security sector reform on the African continent. Though there have been substantial differences on these issues among Africans, they have challenged the classical European conceptualisation of security and have in a few cases regained the difficult task of implementing structures to achieve security and have since redefined the term “*security*”.

From this discussion it should be evident that policy-makers and academics have in the past two decades been probing definition of “*security*.” A strong tendency has been to define individuals, rather than States, as the referent object of security concern and to define many diverse threats that must be attenuated to achieve general security. However, as to who or what has the prerogative to provide this security is an issue that has yet to see a mature Debate. Much of the literature assumes that a Nation State still is the principal source and manager of the security, whatever its ultimate referent object.

In a contemporary colonial Africa, the concept of security has had a particular noxious representation. In part this is a legacy of colonial administration which tended to view it in the very narrow sense of establishment and maintenance of colonial hedge bond, resulting in extraordinary cohesion and violence directed against the subject population. The notion that the regime, not its subjects, was the appropriate referent object survived the transition to full independent Africa and this hangover still persists in independent African States.

In Namibia it is combined with the equally unfortunate legacy of a State system of the minority colonial regime model that did not accord wealth in the regional political and economic tradition or with the true nature of the regional threats. The model encouraged a military dominance conception of security that held the principal challenge to security to be posed by the occupation military forces over indigenous citizens.

Not surprisingly, ordinary African citizens, because of colonialism, came to equate the term “*security*” with the purveyors of terror and cohesion,

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HON MBAI**

but this is not the case with the present Namibia which is governed by the SWAPO Party Government that waged a popular war against oppression and the system of injustice.

In any event, it is useful, Comrade Speaker, to sample the African contribution by asking again, what is security and who should have the prerogative of managing it? The answer has always been provided and that is, the State. Therefore, the demand that this Bill be referred to legal practitioners in order to determine who should be responsible to advise Government on how to provide security of its people, in my view, is out of the question.

Finally, Honourable Speaker, let me summarise by restating that security is an all-encompassing condition in which individual citizens live in freedom, peace and security, participate fully in the process of governance, enjoy the protection of fundamental rights and have access to resources and the best necessities of life and inhabit an environment which is not detrimental to their health and well-being. Therefore, the objective of this Bill is the consolidation of democracy, the achievement of justice, economic development and a safe environment and substantial reduction in the levels of crime, violence and political instability.

I would like to support the proposals that were made by Honourable Kawana in this House last week. I am also of the opinion that any law is subject to manipulation by those who are responsible to direct and govern it. Therefore, for those who will be tasked to man the interception centres there must be strong guidelines to avoid abuse of this Bill once it becomes a law. I thank you and I support the Bill.

HON SPEAKER: Honourable Mbai.

HON MBAI: Honourable Speaker, I have been listening attentively to the very pertinent and constructive contributions and I want to come up with a suggestion. Is it not maybe possible for the Minister to allow fruitful discussion of the views against and for the Bill? If am not

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HON IIPINGE**

mistaken, no one rejected the Bill in its entirety but only certain Clauses of the Bill. Therefore, one would like the Parties and Honourable Members who have reservations to put it on paper and have a discussion with the Honourable Minister before he replies. Maybe it would create a platform for consultation and better understanding other than debating in this House. My suggestion simply is that if it is possible to cut the discussion in this House and to allow discussion between the Parties and the Minister.

HON SPEAKER: It denies the other Members who have not taken the Floor the opportunity to make a contribution. Honourable Iipinge.

HON IIPINGE: Thank you, Honourable Speaker, Honourable Members. I rise to contribute to this very important Communications Bill which intends to, amongst others, regulate and control communication activities in Namibia and to make Namibia a fully-fledged member of the information society that competes in the global economy.

The content of this Bill has been well-articulated by the able Minister of Information and Communication Technology during his introductory speech. Some Members have contributed to the Debate and also media houses took time and enough space to educate the public on the Bill, but it is a pity that the Bill has been received with mixed feelings because some media published reports about parts of this Bill in a manner that is misleading the Nation and some Members in this august House, especially from the Opposition, have also contributed to that because of focusing predominantly on Part 6 and interpreting Part 6 differently from the intentions of the Bill.

My contribution will not focus on that one, I would like to speak on the object of the Bill on Page 9 and I will single out Clause 2(e) which talks

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HON IIPINGE**

about encouragement of local participation in the communication sector in Namibia, which is very important.

Honourable Speaker, I think that participation means sharing, to take part in an issue and share with others and for the Bill to be meaningful, there should be sharing. Currently there is a monopoly by big companies in the communication sector, such as MTC, NamPower, Telecom and I hope that these companies will be able to share infrastructure, towers, buildings and fibre optics. (Intervention)

HON TJIHUIKO: May I ask the Honourable Member a question, please? Honourable Member, you are talking about big houses, among others NBC. You are fully aware that the NBC is the monopoly of one Party, especially now that we are going to elections. How do you see that Party monopolising the NBC surviving without that monopoly if you preach sharing in a manner that is not acceptable to the Party that is monopolising the NBC?

HON IIPINGE: I think you misunderstood me, I did not even refer to NBC, I referred to MTC and it also includes NBC. However, I know that during elections the Political Parties receive time and you can make use of it. I do not see a monopoly of one Party because there are regulations and these are the regulations I am talking about. I am talking about sharing and I mean sharing. (Intervention)

HON MINISTER OF PRESIDENTIAL AFFAIRS: May I ask the Honourable Member a question? Dear Comrade, are you aware that just recently one of the Opposition Parties was complaining? They were given a space where they could conduct their political activities and when they came there, there were only trees. Then they insisted on going to certain shebeens to forcefully preach their so-called political message and the people refused to listen. Their excuse for defying police orders was that they could not go to that spot because there were no people and they could not preach to their own cars. Can we now waste resources and send

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HON IIPINGE**

journalists to cover the rallies of some of these so-called Political Parties?

HON IIPINGE: I am very much aware of that and I am even aware of more than what you are telling me. Even to the NBC, they do not go there to use their allocation during elections.

I think there should be sharing of infrastructure for this participation to be meaningful to other smaller companies that will take part in the communication industry.

The other issue I want to mention is on the controversial part, Part 6 on the interception centres. I understand that these interception centres are part of the infrastructure to be made available for the smooth running and to assist and strengthen the Central Intelligence Agency in investigating cases.

I think most of the Members here who visited prisons and police cells will agree with me that some of the inmates we have spoken to have been in custody for quite a long time and they are complaining that investigations take time. In some cases we were informed that the criminals are acquitted because there is no evidence and these interception centres could be used for the gathering of evidence. (Intervention)

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

HON IIPINGE: Honourable Deputy Speaker, I said that I support Part 6 and that the interception centres be made available for the strengthening of our security as a Nation and to assist the law enforcement agencies to combat crime in our country, such as money-laundering, drug trafficking and others. Therefore, this is a very important part of this Bill that we need to support.

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HON NUJOMA**

Finally I want to say that nowadays deals are not done as before, that you go to the post office and send a telegram. Deals are done within our own bedrooms. I can make a deal just by lying in my bed with my cell phone. Therefore, you cannot gather information without being in the communication industry itself and therefore, I support the interception centres that are going to be established so that the Intelligence Services operate within the communication industry. I support this Bill wholeheartedly.

HON DEPUTY SPEAKER: Thank you very much. Honourable Nujoma.

HON DEPUTY MINISTER OF JUSTICE: Honourable Deputy Speaker, I also wanted to make a small contribution to this Debate and I was listening attentively when the General was speaking and I agree with him that security is an exclusive reserve of the State and I agree wholeheartedly. I also agree with Honourable Ankama when he said that ICT is an important tool in the economic development of any State as it brings enormous benefits to the citizens, but it can also be a very dangerous tool if it ends up in the wrong hands. We have numerous examples where ICT was used as booby traps, through cell phones, through motorcycles, through cars, detonators, etcetera. Therefore, it has two elements, namely that it is a very important tool in economic development, it can bring enormous benefits to the citizens of any country, but it is also a very dangerous tool if it is not regulated.

Therefore, my understanding of this Communications Bill is that safeguards are built into the Intelligence Act of 1997 as to how the citizens should be protected. Our Police Force has enormous powers of arrest and Chapter 3 of our Constitution entrenched fundamental rights and freedoms, so why should we have fears? Even the Intelligence Act is providing for safeguards and for certain procedures to be followed. It is

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not that any Police Officer can go and listen to any conversation of private citizens.

HON DEPUTY MINISTER OF LABOUR AND SOCIAL WELFARE: May I ask a question? Comrade Uutoni, you have been to Britain where every corner is covered by CCTV and America and China the same. Have you ever been arrested?

HON DEPUTY MINISTER OF JUSTICE: Comrade Ekanda, I can tell you that when you go to those countries, irrespective of what you are wearing, you are regarded as a potential illegal immigrant or terrorist – “*take off your shoes, stand over there.*” You are literally stripped naked and these people treat you like a sub-human being. When landing in Frankfurt and while sitting in the aircraft, the Police will board the aircraft and check your passport. That is regarded as international territory because you have not reached the immigration control point.

We are saying that the State needs to be protected, because if anything goes wrong within the State, the State is to be blamed because according to the Constitution, the State is the protector of its inhabitants. That is what the Constitution is saying.

Therefore, we are saying ICT is a tool which has so many economic benefits for the citizens of each and every country, but it also has those potential dangerous elements if it lands in the wrong hands and it needs to be regulated. That is all we are saying and we are saying there are proper safeguards built in. You cannot just go and listen to everybody, these interception centres will be sanctioned by a Judge who will protect the privacy of the individual. I know the concern of most of us is the privacy, but that privacy will be preserved and it can only be used if there are reasons to suspect that anybody is involved in illegal activities such as money-laundering, contraband, etcetera. We have been talking here about protecting our children against drug abuse and how will we be able to detect things hidden in the stomach if we cannot introduce some mechanisms to prevent the citizens from being exposed to those hazardous

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substances? That is the same with ICT, we do not want our citizens to be bombed tomorrow through remote controlled devices. The potential dangers are there and in simple terms, the Bill is introduced to legislate and regulate ICT so that it does not become a dangerous tool in the hands of wrong people. We plead with the Opposition to understand this as we have Chapter 3 of the Constitution to protect fundamental rights and freedoms. Those who have abused it were taken to Court and if the State abuses that, you have the right to take the State to Court.

I support the Bill and I thank you, Comrade Deputy Speaker.

HON KASINGO: I Move that the Debate be adjourned until 7 July 2009.

HON SPEAKER: The Bill stands adjourned until 7 July 2009. The Secretary will read the Second Order of the Day.

RESUMPTION OF DEBATE: MOTION ON URBAN AND COMMERCIAL LAND PRICES

SECRETARY: Resumption of Debate on the Current Urban and Commercial Land Prices with a view of regulating them to be Affordable to all Namibians.

HON DEPUTY SPEAKER: When this Debate was adjourned on Tuesday the 23rd of June 2009, the Question before the Assembly was a Motion by the Honourable Kavari. Honourable Kavari adjourned the Debate for her reply and she now has the Floor.

HON KAVARI: Thank you, Honourable Deputy Speaker. I would like to thank all the Members who contributed to this Motion in the spirit of nationhood.

Right Honourable Prime Minister, I fully agree with you that the land prices are being driven by factors such as greed and those who have land are trying to satisfy their greed, thus putting personal interest ahead of national interest.

Honourable Prime Minister, as you are in charge of Government affairs, I believe that when you said it is high time that this whole process be revisited, you put the Nation on alert and we are waiting to see action from your side. We are waiting to see drastic action to rectify this injustice.

The issue of excessive land ownership is a challenge to the Government of the day and requires action by Government. Honourable Prime Minister, if you want to give subsidies for people to acquire land, please do not only think of Katutura as if we were confined to buying properties there, but we all want to buy properties in Auas Blick and other parts of town. Therefore, if you consider these subsidies, think of Auas Blick and other prestigious set-ups as well.

Honourable Minister of Justice, land prices are driven by demands, such that even colour, status, hierarchy, popularity and other non-economic factors are being used to determine the price of land and I agree with you that this is criminal and should be stopped. I also concur with you on the issue of auctioning of land and would propose that it should be abolished and land should be sold for its economic and agricultural value.

Honourable Chief Riruako, yes you are right, the land question is no longer a game and I fully agree with you. However, we are still waiting for the book you promised to be published and to give us a copy.

Honourable Deputy Minister of Agriculture, Water and Rural Development and former Deputy Minister of Lands, I could not agree with you more, the problem is the legislation and not the people who sell their

land at exorbitant prices because they do so under the relevant legislative provisions. When we got our Independence, the leaders that took the reigns had no experience of running a Government except in theory. Therefore, I agree with you, Honourable Deputy Minister, that when the Land Reform Act was promulgated, the people did not have experience, but after twenty years you have gained enough experience to enact laws based on the needs and aspirations of the Namibian people and not shift blame when that Act is not working again.

Yes, Honourable Deputy Minister, what Honourable De Waal asked is a big challenge and it must be an embarrassment for Government, but unfortunately, it is a sentiment shared by the majority of our Party's men and women and that you are letting this Nation down and big time, that is. Every commercial farmer in his right mind should vote SWAPO, because he will be assured that he can do what he wishes to do with the land. (Interjections). Honourable Deputy Minister, the onus is on you to teach them, as you have said, by passing the right legislation, because by now they have taught you a lesson, but the hard way.

Honourable Minister of Veterans Affairs, the land issue is really a time-bomb and should be revolutionalised by enacting the laws within the framework of our Constitution.

Honourable Deputy Minister of Justice, our Constitution, in Article 116, coupled with the Land Conference resolutions, are tools at our disposal for us to use effectively to address the land question, unless these tools are in the wrong hands. I agree with you that it is not the land question that has failed, but those who were mandated to implement it have failed dismally. As for the undertaking you are pleading for, Honourable Deputy Minister, we can guarantee you that the CoD shall support a comprehensive Land Bill once it is tabled in this august House.

Honourable Minister of Lands and Resettlement, I thank you for your broad and inclusive overview of the land reform problem, thanking your Ministry in particular and the Government of the day, in general. However, the Nation is waiting anxiously for the Amendment which will put the land question and the souls of our martyrs to rest. We hope and

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pray that this will include the sentiment expressed by Namibians out there.

Honourable Minister of Foreign Affairs, yes I agree with you that not all Namibians need land as some are happy being in communal areas. However, Honourable Minister, I was also told the same words as yours, that I am late and that there is no land available, but I believe what they exactly mean is that there is no more affordable land. Imagine if it is like that today, what will happen to the next generation? What are we going to tell our children? What is the legacy we are going to leave behind?

Honourable Minister, I am of the same mind as you in that there is a need for immediate action and no more talking. We have spoken enough in this House. When one pages through the Hansard, you will see that almost every year this House is discussing the land issue from one angle or the other. Therefore, let us stop talking but Government - and I disagree with you, Honourable Minister, when I say "*Government*" I mean "*Executive*" – should use the existing documents and all the ammunition at its disposal and give the land back to the people.

Honourable Deputy Speaker, Honourable Members, thank you once again for your contributions in all forms, including interjections, discussions in corridors and elsewhere. I also want to thank the members of the public who supported this Motion by telling me personally through SMS, e-mails and other forms and thanking me for bringing the Motion to this Legislative House.

I now Move that this Motion be referred to the Committee on Economics and Natural Resources for further deliberation, public input and report back to the House in order to introduce legislation to regulate land prices. I so Move, Honourable Deputy Speaker.

HON DEPUTY SPEAKER: I thank you. I now put the Question that the Motion be referred to the relevant Standing Committee. Any objection? Who seconds. Agreed to. The Motion is referred to the relevant Standing Committee. The Secretary will read the Third Order of

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the Day.

**RESUMPTION OF DEBATE: MOTION ON IMPACT OF
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SECRETARY: Resumption of Debate on the Impact of Gender-based Violence on our Society.

HON DEPUTY SPEAKER: When the House adjourned on Thursday, 18 June 2009 in terms of Rule 90, the Question before the Assembly was a Motion by Honourable Kavetuna. Any further discussion? Honourable Minister of Gender Equality and Child Welfare.

HON MINISTER OF GENDER EQUALITY AND CHILD WELFARE: Honourable Deputy Speaker, Members of this august House. In my contribution to the Motion on gender-based violence, as moved by Honourable Kavetuna, I have the following contribution to make:

Right at the beginning I would like to quote from the statement made by His Excellency, President Pohamba, when he was launching the National Advisory Committee on Gender-based Violence on the 23rd of November 2008 and I quote:

“Gender-based violence and especially violence against women has long been regarded as a private matter and shrouded in a culture of silence. As a result, cases of gender-based violence are under-reported because of shame, stigma and fear. One of the reasons women remain silent is that in many countries, Namibia included, violence against women is accepted by some members of society as a normal aspect of gender relations. It is also

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generally believed that wife-beating is justified for reasons such as refusing to have sex or not preparing food on time. It is a shame to hear that some men and boys interviewed believe that the victim of sexual assault ”(Intervention)

HON RIRUAKO: I would like to know if you would accept a question. In some cultures, which I do not want to mention, your wife likes you more if she is beaten. This is a habit in certain cultures. The fact remains that beating is not allowed legally, try to fascinate your husband in order to communicate in another form.

HON MINISTER OF GENDER EQUALITY AND CHILD WELFARE: Honourable Deputy Speaker, the question is rather confusing, so I will just proceed.

“The victim of sexual assault was to blame and may even have provoked her own assault.”

Violence is a spirit that attacks also men. Look at the front page of the *Republikein* of 17 June 2009. A man was beaten up severely. The time has come that we do not only talk about the situation, but that we talk in the situation. When we talk to the situation, we act, strategise and defeat. Courageous men of God, in the likes of Dr Nakamela, acts by heading a male organisation, “Namibian Men for Change (NAMEC)”, to advocate for conflict resolution on gender-based violence. NAMEC teaches men and young boys to be peacemakers.

Another main organisation by disciplined young men is the White Ribbon Organisation against Violence. Annually they have the father-and-son walk for peace amongst families and they also teach young boys and young men how to peacefully resolve conflict situations and also how to promote a culture of peace. These are prevention measures.

His Excellency President Mogae, former President of Botswana, when addressing the Cabinet Ministers on Monday, 15 June 2009, said:

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“We as champions on HIV/AIDS are focused on the prevention strategy.” This is what I call talk to the situation. The time is now that we unite and act. No need to blame one another, but comfort the victims and forgive the perpetrators. I will continue to salute ordinary men in our society who bring differences in people’s lives. Late Pastor F A Coetze from the Christian Welfare Organisation in Rehoboth talked to the situation on the plight of the OVCs and the elderly, by giving scholarships to orphans, feeding 2,000 OVCs, feeding elderly and cared for them since 1982. On the 15th of June 2009, His Excellency President Pohamba sent me to deliver a speech on his behalf on Compassion Day, which is an annual day when the Christian Welfare Organisation celebrates the culture of care. These are champions of change, they deserve Nobel Prices for Peace, they are the Sister Theresas of Namibia who put humanity first, they walk the talk.

Late Pastor Mokoko of the Philadelphia Church is another legend and a man of God who strives for the culture in family structures and late Reverend Mokoko taught men to respect and treasure their wives and children with a special way of love. Late Pastor Mokoko himself was a symbol of love and compassion. His wife at his funeral saluted him and I quote: *“My meek honest and faithful husband, I thank you that you in our years of marriage of 49 years never said a word to offend me, never lifted a finger to hurt me. Your kindness and peace will be remembered. You taught me and your children to put others first.”* (Intervention)

HON KAURA: I just want to ask you a hypothetical question, whether if there were capital punishment in Namibia, the men would have murdered women so freely or could that have served as a deterrent? If a person was sent to the gallows for murdering a fellow human-being, could the men have freely done it as they are doing it now?

HON MINISTER OF GENDER EQUALITY AND CHILD WELFARE: No, I do not think so. We are protecting human rights and we have the Constitution where we are not allowing the death penalty and

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when you ask me that, you know that you are asking something which you are also against. Let me go ahead with people who do things, who talk to situations and not just complain about situations.

Madam Deputy Speaker, I am still quoting the wife of late Pastor Mokoko when she was saluting him in tribute: “*You taught me and your children to put others first. You did not only teach us, but you practised it. You died serving the cause of humanity. Go in peace my friend, brother and husband.*”

The Word of the Lord says in the Bible: “*Blessed are the peacemakers for they will inherit the earth.*” Due to time constraints I have just referred to a few examples. What legacy will we leave? Will we leave a legacy which will refer to us that we complained a murmured about gender-based violence and other ills or will we leave a legacy that we made a difference, like the few men of God whom I have referred to.

Little David in the Bible stood up courageously when everybody feared to challenge Goliath. The others said, “*I will not even try, even one thousand men together will not overthrow Goliath, he is a giant with supernatural strength, he pulled down a huge building with one toss, we will not even try*”, but listen to what little David said: “*He is too big, I cannot miss him.*” With the throw of one stone David killed Goliath. We may think gender-based violence is a huge challenge, I do not have the resources, but if we have the courage of little David, each one of us with one humble contribution can crush gender-based violence and HIV/AIDS and all social evils.

The Namibian Government enacted several laws that are addressing gender-based violence. These laws are in force and it is expected that all citizens abide by them. Anyone contravening any law of the country, including those addressing gender-based violence, should be reported to the Police and be prosecuted accordingly. The laws being referred to are the Combating of Rape Act (Act 8 of 2000), Combating of Domestic Violence Act (Act 4 of 2003), Maintenance Act (Act 9 of 2003) and the Criminal Procedure Act, just to mention a few. As lawmakers we should be at the forefront of ensuring that these laws are known by all citizens.

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When addressing communities we should talk about them. Just as we acknowledge that the HIV/AIDS pandemic is a cross-cutting national challenge in our country, we should also acknowledge that gender-based violence is indeed a great challenge in this country. The question is: Do we speak up about this issue as we should? Just as an example, how many of us as Members of Parliament, when visiting our communities, do address them on issues related to gender-based violence?

Gender-based violence takes place in homes, within families in our communities and it is us, the citizens, who committed them. It is us as members of society who do not adhere to acceptable human behaviour and who do not abide by the laws of the land. We can come up with as many laws as possible, but until there is an understanding of our different cultures and traditions about the rights of women, violence against them will continue. This is a societal issue and does not only happen to some people in society, it does happen at all levels of society. Even babies are raped by their own fathers and uncles. Abuse of women is not only happening to ordinary women, but even to those in high positions in society. It touches both rich and poor, but these cases of abuse are not even reported, they are being covered up to protect the culprits.

The Ministry of Gender Equality and Child Welfare put in action a few programmes to combat gender-based violence and I will refer to a few strategies in place.

Sensitisation workshops on gender-based violence are taking place within communities countrywide, which are carried out by our Regional Gender Offices. The participants in these workshops include leaders at all levels of our society, for example Traditional Leaders, political leaders, faith-based organisation, CBOs, etcetera.

The objectives of these workshops are to sensitise communities and to discuss with them gender-based violence and its effects on societies. Legal literacy workshops are also conducted, targeting Traditional Leaders, Police Officers, State-based organisation leaders and the whole community. Under legal literacy workshops, laws such as the Combating of Domestic Violence Act, Combating of Rape Act, Maintenance Act,

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Married Persons Equality Act, legislative process how laws are made and how citizens can participate in the laws are brought through legal literacy in the own indigenous languages. The participants are told how to know their rights, the responsibilities and obligations under these laws.

Apart from the above, there are radio talks aired and done in collaboration with other stakeholders. School motivational talks for boys and girls on teenage pregnancies, baby dumping, peer pressure, substance abuse, self-esteem, gender-based violence, basic facts on HIV/AIDS and STDs are being conducted countrywide to raise awareness and build self-confidence among boys and girls and to provide them with essential information on HIV/AIDS, identify societal values and attitudes that have a negative impact on gender relations and HIV/AIDS.

We have a gender-based violence website, research has been done with victims and perpetrators. These assisted the Ministry and its stakeholders to work on strategies to combat gender-based violence. These studies resulted in the National Conference on Gender-based Violence which took place in June 2007. The conference was attended by 350 participants with the sole aim and objective to find a lasting solution on gender-based challenges. Politicians, Judiciary, Police Officers, medical personnel, church leaders, Traditional Authorities, social workers, civil society, victims and perpetrators attended this conference.

Recommendations on a zero tolerance campaign which are widely publicised were also made and should be implemented by all stakeholders. Cabinet recommended also the establishment of a high-level ministerial committee on gender-based violence. His Excellency President Hifikepunye Pohamba, as I referred in the beginning, launched the committee during the launch of the 15 days of activism against gender-based violence that annually takes place on the 21st of November until the 10th of December, which is the Namibian Women's Day.

During the launch of the 15 days of activism against gender-based violence, radio talk shows addressing pertinent issues of baby dumping, human trafficking, passion killing, etcetera, were conducted. News editors have been sensitised to show sensitivity in reporting gender-based

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violence issues. Flyers containing information on baby dumping and human trafficking have been disseminated also here in Parliament.

Last year the Ministry of Gender Equality and Child Welfare conducted a knowledge, attitude and practices study to find out negative cultural practices that contribute to gender-based violence. The study recommended building capacity of Traditional Leaders, religious leaders, law enforcement and the community at large to address gender-based violence in their own communities. The Ministry has also carried out a qualitative rapid assessment study on human trafficking and to find out the scope and nature of human trafficking in our country.

In an effort to combat gender-based violence and address human trafficking, the Ministry of Gender Equality and Child Welfare, in collaboration with the Inter-ministerial Committee on Gender-based Violence, is in the process of developing a multi-sectoral national strategy action plan. Secondly, the Ministry will launch a national media awareness campaign of zero tolerance for gender-based violence, including human trafficking. The campaign is planned and will be launched by the Honourable Deputy Minister, Honourable Muharukua, on the 31st of July 2009, the Day of the Pan African Woman, at the Oshikango Border Post in the Ohangwena Region and I invite all Members of Parliament to attend this very important event.

These are just some of the many programmes and activities the Ministry of Gender Equality and Child Welfare is engaged in. If someone is not aware of the activities that the Ministry and other stakeholders are doing on gender-based violence, he or she is a stranger in this country and does not follow events of national interest. However, Government, by extension the Ministry of Gender Equality and Child Welfare, will not be able to follow people into their homes and tell them not to beat up and abuse the wife and partner and/or to protect children. What the Ministry is doing is to sensitise the society and especially the perpetrators of violence that what they are doing is wrong and that they have to change their mindset.

The fight against gender-based violence is not the sole responsibility of

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the Ministry of Gender Equality and Child Welfare alone, but it is a national issue. It is a multi-dimensional problem that demands multi-faceted response and efforts of all stakeholders, be it Government, NGOs and the community at large.

In conclusion, Honourable Deputy Speaker, we must all strive to promote peace in our own hearts, in our homes, our communities and at our workplaces. Let us not talk about gender-based violence but act in unity. Let us be instruments of peace. May the peace of the Lord be with all of us.

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

HON SCHIMMING-CHASE: Deputy Speaker, I spent a lot of time reading this book, “*Rape and Namibia and Assessment of the Operation of the Combating of Rape Act (Act 8 of 2000)*” and the most painful message that this carries five years later is that in spite of the Combating of Rape Act (Act 8 of 2000), rape has increased annually ever since then, which leads one to ask the question: *Is it enough to make laws? Does our work stop by making laws?*

I would not agree that it does, I would agree that as the representatives of the people, once we make laws, we have to ensure that in one way or another those laws are implemented.

Honourable Deputy Speaker, rape is possibly next to murder one of the most violent forms of abuse, because it marks the victim for life. When you see this happening to a 2 year old, 2 months old, 80 year old woman, then a serious question arises as to, is this an indication of moral decadence in our country, a moral decadence of the worst degree?

I know that I grew up in the capital of Namibia, in Windhoek, and we did

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not hear about rape. I am not saying it did not exist, but we did not hear about it, possibly because, firstly, we hid it for cultural and other reasons, secondly, it did not involve babies and old women. So, I am asking myself, we have passed laws and I have just listened to the Honourable Minister who talked about the number of awareness-building seminars, workshops, over and over again, and I ask myself, have these brought about a change? The statistics do not show that. Therefore, I am wondering whether the time has not come for us to look more seriously at the root causes of the abuse that we are experiencing, which I am brave enough to say I do not think we experienced it in this way when we were children in this country? But we can talk about many influences, I can say that I grew up in the Old Location, I did not know a television or a cell phone was and yet today I will read that school children in Rehoboth will take a young school child, feed her drugs and alcohol and make her perform the most vile sexual acts and put it on a cell phone and send this from one cell phone to the other. It is good to hear that the parents in Rehoboth have now decided to get up and do something, but what has happened to us as a Nation that this type of thing could happen in the first place?

We see that our women even go abroad to become prostitutes because after years of unending physical and emotional abuse, the self-image that most of our women had, had gone so low that we do not even see that these things are totally contrary to our upbringing and to the moral situation in our country.

I was reading some of the comments during the Debate and Honourable Buddy Wentworth at one stage said, the punishment is not enough, because Honourable Katuutire Kaura asked the Honourable Minister if we have capital situation, would the situation have been less bad and I think the Honourable Minister said no and I will tend to agree and say it is not capital punishment, because once the person is hanged or put in the electric chair, he is dead, he is no longer problem, but the one that comes out of jail and repeats the act is the dangerous one and therefore, like Honourable Buddy Wentworth at the time, I would say we should seriously consider castration and I am not saying it lightly. (Intervention)

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HON DEPUTY MINISTER OF LABOUR AND SOCIAL WELFARE: May I ask a question? Honourable Schimming-Chase, do you think the aggressiveness of that particular person will cease when castrated? Do you not think this person will turn in a killer? Do you think castration will reduce the aggressiveness?

HON SCHIMMING-CHASE: Honourable Deputy Minister, I do not only think that, there is empirical scientific evidence that it works. There are some countries in Europe, notably Germany, where people are given the option of castration or jail and those who opt for castration get a minimum sentence and they can still be valuable citizens, because if the Police come around and see me walking around with a gun, they will take that gun away because that gun is a dangerous instrument. There are other dangerous instruments that are not called guns but they can put the worst punishment. Consider a baby being raped by a full-grown man! That is a dangerous and murderous instrument. (Intervention)

HON /UI/OO/O: May I put a question? Honourable Member, I think what you are proposing is your own opinion here in this august House. Do you think that the public out there will concur with what you are saying?

HON SCHIMMING-CHASE: There is absolutely no way in which I can stand up here and talk about your opinion. Obviously it is my opinion and I said I think it is time that we should consider this as a method of removing the dangerous instrument. If you remove the AK-47... (Intervention)

HON KASINGO: May I ask Honourable Schimming-Chase a question? I support you on that point and you will remember that when we debated in February 2003, I was also one of the people proposing castration. Do you not think the mere fact that we have such a law, even if it is not being

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implemented, will frighten these people?

HON SCHIMMING-CHASE: Honourable Member, I totally agree with you, because there is nothing that will harm a rapist more or will put more fear into the owner of the AK-47 if you remove the bullets. (Intervention)

HON /UI/OO/O: I would like to ask a last question to the Honourable Member. Honourable Member, I just want to find out from this august House how many women are in favour of this proposal. (Interjections)

HON SCHIMMING-CHASE: Honourable Member, the question has been answered. (Intervention)

HON DEPUTY PRIME MINISTER: On a Point of Order. It is so fantastic, the men were sleeping when the issue was being discussed here by Minister of Gender Equality and Child Welfare. When you mentioned the word “*instrument*”, all the men have woken up, including /Ui/oo/o.

HON SCHIMMING-CHASE: I think it is important we think about that, but it is a habit in this House that as soon as we start talking about issues as serious as this, people start laughing. I think maybe they are laughing out of embarrassment more than out of a joke. (Intervention)

HON MINISTER OF TRADE AND INDUSTRY: I want to ask the Honourable Member a question. We are always looking at women as mothers, we are told they are the kindest, they know how to take care of

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others. When we talking about castrating a human being, not a bull, your own son, then I am worried about the future of a country in the hands of the mothers. If you recall the fiercest wars fought in current history, Golda Muir, Thatcher and Ghandi, is that what we are looking for? But our mothers are talking about castration.

HON SCHIMMING-CHASE: Honourable Minister, if I were to be brutal, I would not say castrate under anaesthetic, I would say take hydrochloric acid and put it drop by drop on the instrument. That would be inhumane, not castration under anaesthetic. (Intervention)

HON MINISTER OF PRESIDENTIAL AFFAIRS: Honourable Speaker, I am really concerned now, the Motion before this august House is gender-based violence, but it appears some of our female Members are changing the subject matter of the Motion to woman and child abuse. I am really at a loss.

Secondly, for the information of this Honourable House, in terms of our Constitution, castration would qualify as inhuman and degrading treatment which cannot qualify to be a punishment that is sanctioned by law in the Republic of Namibia.

HON DEPUTY SPEAKER: There is a question of being at a loss. I think Honourable Dr Kawana is not lost, she is still coming to her point. This is the type of punishment she wants to be imposed.

HON SCHIMMING-CHASE: Is the Honourable Minister Kawana trying to say that the gang rape of a three-year old child does not fall under that same Article of the Constitution? As a father, is that what you are saying if your three-year old daughter would be gang raped? Do not

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equate that. If a person has testicular cancer, the doctor will castrate, it will not be inhuman, it is life-saving.

Honourable Geingob, to answer your question, it is the most painful thing for a mother to do that, but it is more painful for a mother to find out that your child raped a baby and I can give you an example of a mother in Cape Town who strangled her own son. She killed him because he was an addict and he destroyed everything in the family, including getting to the point of trying to kill the members of his family and the mother said, I had no choice, it was him or the rest of the family. What does it take out of a mother's heart to commit a deed like that? I am using this as an example of what I call the gravest....(Intervention)

RT HON PRIME MINISTER: May I ask a question? How many married woman will support castration?

HON SCHIMMING-CHASE: Honourable Deputy Speaker, I think the Honourable Prime Minister is trying to make an issue of the fact that I am not married, but I was not elected on the basis of being a divorcee. (Intervention)

HON MOONGO: My Colleague on the other side mentioned the constitutional provision and I want to give another provision in the Constitution, that any law in Namibia should be of general application, not for individuals, not for part of the community. What about women who commit the same crime? Must they also be castrated?

HON SCHIMMING-CHASE: Honourable Deputy Speaker, through you, Honourable Moongo, I totally support you. You can just show me how you can biologically castrate a woman and I will pass the law. Let us

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get back to the issue of gender-based violence, not just violence by men against women. (Intervention)

HON DEPUTY MINISTER OF JUSTICE: May I ask Honourable Schimming-Chase a question? I listened attentively and I really sympathise with what you said. My question is, you and me have grown up in the Old Location and we have never in the true sense of the word heard of small babies and old women being raped, but did the statistics indicate that most of the violent crimes have been committed by people under the influence of alcohol and drugs? I want to know that because I want to link it to the issue of drug and alcohol abuse, because I remember when we were growing up in the Old Location we had a beer hall there and people had to go and drink at the beer hall and there were no *kambahus* next to the ordinary houses. Nowadays you find that most of the houses are close to the *kambahus*, there is no distinction and children see drunk people urinating in the streets, seeing this *instrument* in the open. These things are the moral decadence you are talking about and I want to know whether it is more related to alcohol and drug abuse or whether it is deteriorating morals?

HON SCHIMMING-CHASE: Honourable Deputy Minister, according to the statistics and as I said in the beginning, there are various aspects involved. There is a specific chapter which deals solely with the so-called traditional belief of ownership of a human being and rights of men that also lead to this. It also has to do with the fact, as I said before, much of it was not recorded, but because of the laws and the freedoms that have come about, people feel more free to come and report violence.

You will remember that if somebody in the Old Location was totally drunk on his way home from the Beer Hall and wanted to confront a woman, the most he would do was to twist her arm, even if he wanted to “*point a girl*”, as we said at that time. If you wanted a girl, you twisted her arm and she said yes or no and if she said no, it was no! But now

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“no” no longer exists, so it is not as simple as that and that is why I am pleading that we should seriously look into the root causes of this type of violence. It is not something that just comes out of the air. Yes, alcohol plays a role in some cases, drug abuse plays a role in some cases, but culture plays a serious role in some cases, there are so many elements to it. Also the mindset of our men – with a few notable exceptions... (Interjections). It is stated here that in some cultures, not yours, possibly mine, an uncle is supposed to train a girl in the practice of sex when she reaches puberty. When we were young people puberty was around fifteen, sixteen; these days you reach puberty at nine. Women are getting pregnant at nine. Culturally this was acceptable, but actually it is rape because that child is not asked, that child is conditioned into accepting that it is the uncle’s right to do it.

The culture we all share is that the traditional role of the man was to protect women and the stronger the cultural influence was, the more the man felt duty-bound to do that. When we were young and you would rape, you would be so ostracised in that society, you would not only need the death penalty or castration, but things have fallen apart, our culture no longer holds... (Intervention)

HON MINISTER OF HOME AFFAIRS AND IMMIGRATION: I just have a small question to the Honourable Member. Are you aware, Honourable Schimming-Chase, that there are also some men who approach a girl-child when she reaches the age of twelve, thirteen, fourteen? They abuse those girls, their own daughters.

HON SCHIMMING-CHASE: Yes, I am aware of it and it is happening, but there are additional things that have come up. When we were young, we did not have HIV/AIDS, so we did not have this belief that if you have sex with a virgin you will be cured and that is a contributing factor to people believing that if they sleep with a baby, they will be cured.

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Those are issues that have come up and we cannot simplify it, but I really believe that there is something radically wrong even with us, that whenever we start discussing these issues, we behave in a very funny way and we force ourselves to be men and women. We are not, it is gender-based violence and we have a commitment to find out the root causes and we must be the role models to show what must be done in order to stop it or at least to decrease it, because if we carry on like this, our children will repeat this behaviour and in the end we will end up as a Nation of abusers, because the children carry out the behaviour that is modelled to them. Therefore, it is too serious to joke about; it is too serious to laugh about. It is serious enough to put it on us as elected representatives of the people to seek solutions together to stop this. I am sorry, Honourable Minister of Gender, I am as Christian as you are and we as mothers pray for these things to stop, but it is not going to be prayer alone. Prayer will help us and give us courage, but as you said at the end of your contribution, it is action to change gender-based violence that is going to be the solution of our problem. I thank you.

HON DEPUTY SPEAKER: Thank you very much. I call on Honourable Kasingo.

HON KASINGO: Thank you for giving me the Floor. If I am not mistaken, this House has been debating this issue of gender-based violence more than thrice and I wonder whether what we have debated here and what has been recommended has been followed up. There was a very good Debate during 2004 and then we agreed, but I do not know what happened to those good recommendations and if I take the Floor, I am just going to repeat what I have already stated, therefore I would like to propose that if this Motion is going to be referred to the Committee to kindly refer to the Hansard of 2005 to see what was said there. However, I would like to make a few comments.

During my own informal investigation concerning gender-based violence,

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I concentrated on the killing of young women. I took it upon myself and I targeted young taxi drivers, hair salons and the filling stations and the young men working in shops and I asked them *what really causes them to kill their beloved ones?*. All of them are here in Windhoek and the common answer I have received is: *These women are funny, a young lady who is a student needs transport, she comes to me, I pay for her the whole four years at Polytechnic, she graduates and after that she does not even want to see me and I have spent a lot of money on her.*"

Another response by the taxi drivers is: We fell in love with these young female students, they are being dropped there at UNAM or Polytechnic because they do not have transport, but after they have graduated, they do not want to associate themselves with taxi drivers.

These were quite interesting findings and Honourable Kavetuna, I hope your Committee will follow up. However, there are so many factors. To make laws to punish the killer or rapist is not enough, we also have to look at other factors. For example, transport for our young students is really a problem in this country and against this background I would like to think in terms of what we could do as lawmakers at this national level and sub-national level, for example the Municipality of Windhoek to provide public transport for these young students from Ombili to UNAM or, alternatively....(Intervention)

HON DR ANKAMA: Honourable Deputy Speaker, I would like to ask my Colleague a question. One is the question regarding the study my Colleague has done. Comrade, I think you did very well, but when are you going to the prisons, because you have not gone to the prisons yet. Are you going to ask the inmates?

Secondly, are you suggesting that the municipalities or the University buy buses? This has been done in many countries. Are you suggesting buses to transport students to specific points?

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HON KASINGO: I would like to start with the last question. Yes, that could be one of the possibilities or alternatively, we are talking in terms of Vision 2030 and there might even be a tram.

HON SCHIMMING-CHASE: I would like to ask a question to the Honourable Member. When the study was conducted on the prevalence of HIV/AIDS, this question of girls having to go to school without money was one of the main reasons, because it is believed that especially mobile people such as lorry drivers are like seamen who have a woman in every port and they were deemed to be the carriers. This is why I totally support what you are saying, that there should be buses to transport the kids so that they are not dependent on this.

However, I want to share another piece of information. You were talking about the perception that “I paid for her school” or this and the other thing. You are all aware of the young man who recently came from Ovitoto to Okahandja and killed the mother and her daughter and the Monday after that there was a programme on Radio Herero where young men were asked to speak about this issue and you will be shocked to find out how many of them tried to rationalise by using the same argument that the man is paying the rent, the water and electricity and that is why I was saying ownership. If she does not want him anymore, then he has to kill her because he has bought her and as they were saying on the radio, sometimes with the knowledge and condonation of the parents because he is paying the rent and buying food.

HON KASINGO: Those are the factors, there are so many and I have only highlighted those ones.

Concerning the prisons, a study has already been conducted and if you are not happy with it, you have the chance to improve on that, Dr Ankama.

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HON KAURA: Will the Honourable Member accept a question? I just want to find out, many of us farm with goats and sheep and when you walk to the kraal, there are little lambs and kids and you never think of slaughtering one of those little ones, you think of a mature goat or sheep to slaughter. You just do not have the taste for those little ones. The question is, what stimulates a man to rape and 18-month old baby? What stimulates him? A man who is that sick to rape a 7-months old baby, is that not the type of man who qualifies to be castrated?

HON KASINGO: I thank the senior Member of the DTA that he supports us. These are the questions we as women are asking ourselves. We see you as our fathers and brothers, we see you as uncles, but it seems we do not understand you. There is a need to properly understand you.

HON NAMBAHU: On a Point of Information. The Mover of the Motion was not here when some of the debates were taking place, but the question by Honourable Kaura also points to some of the things that we are allowing in this society. One day I was travelling and I read a newspaper and saw an advert which was very interesting of a traditional doctor with a name that I do not know. One of the things which he was doing, he does not only chase away the ghosts and *tokolosh*, he catches them first. Then I said I want to go and see these ghosts that were caught by this gentleman. These are the things that are being put in the heads of our people to go and do these things and we allow our people with impunity to be poisoned that these things are working and then they actually go and commit some of these crimes. These rituals contribute to some of these things and we are saying nothing.

HON KASINGO: When I was the Deputy Minister of Home Affairs I said those traditional witchdoctors must be arrested. Now it is not only upon the Minister of Safety and Security, this time it is upon the Traditional Leaders. We have at least three of them amongst us and I was

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expecting some our leaders to say what they are doing in their communities. Next time I would like to hear from Honourable Chief Riruako, from Honourable Moongo and Honourable Garoëb, because it is upon them to restore the cultural upbringing.

RT HON PRIME MINISTER: May I ask a question? Are you aware, and I want this to be confirmed by a Chief, that the crime of *Okonga* is no more in the jurisdiction of Chiefs? Are you aware of that?

HON KASINGO: Even if it is not within their jurisdiction, it is up to them to revisit their thinking, so that at the end of the day young boys will know how to mature, how to propose to women and not to rape and kill them.

HON MOONGO: Of course, as the Prime Minister said, rape no longer falls under the jurisdiction of the Chiefs. While it was under their jurisdiction, it was well controlled and even the dumping of babies was well controlled by the Chiefs, but due to the reduction of the powers of the Chiefs all this was taken away and my understanding is that the Chiefs should be given the powers they had before. Rape and the dumping of babies used to be severely punishable in the traditional set-up, but due to the powers which were reduced, these things are skyrocketing.

HON KASINGO: Let me wrap up. I support the Motion and if this Motion is going to be referred to a Committee, they must dig deeper into the causes and the solutions. However, the Traditional Leaders have their role, for example to prohibit young people to live together while they are not married. With this, I support the Motion and rest my case.

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ADJOURNMENT

HON DEPUTY SPEAKER: On that note, Honourable Members, the House stands adjourned in terms of Rule 90 of the Standing Rules and Orders until tomorrow, 14:30.

HOUSE ADJOURNS AT 17:45 UNTIL 2009.07.02 AT 14:30

**NATIONAL ASSEMBLY
ASSEMBLY CHAMBERS
02 JULY 2009
WINDHOEK**

The Assembly met pursuant to the adjournment.

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

HON SPEAKER: Any Petitions? Any Reports of Standing or Select Committees? Other Reports and Papers? Honourable Deputy Speaker.

TABLING: REPORTS OF AUDITOR-GENERAL

HON DEPUTY SPEAKER: Honourable Speaker, I lay upon the Table, Reports of the Auditor General on the accounts of the following:

- (a) Office of the President for the Financial Year ended 31 March 2008;
 - (b) Minister of Labour and Social Welfare for the Financial Year ended 31 March 2008; and
 - (c) Regional Council for the Oshikoto Region for the Financial Years ended 30 June 2006 and 2007.
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HON SPEAKER: Will the Honourable Deputy Speaker table the Reports? Any further Reports and Papers? Any Notice of Questions? Notice of Motions? Ministerial Statements?

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**MINISTERIAL STATEMENT
HON DR KAMWI**

**MINISTERIAL STATEMENT:
UNAUTHORISED STERILISATION**

HON MINISTER OF HEALTH AND SOCIAL SERVICES:

Honourable Speaker, I rise to provide some information with regard to a number of reports emanating from some local and international media regarding alleged unauthorised or coerced sterilisation of HIV-positive women in certain State Hospitals in Namibia. I wish to put it on record in this august House that I view this allegation in a very serious manner.

We launched an investigation after we received the first allegations some months back. The investigation involved site assessment of all records pertaining to bilateral tubal ligation, as sterilisation is termed by health professionals, that were conducted during 2008 in a number of randomly selected State Hospitals in the country. The assessment included the following hospitals: Windhoek Central, Katutura, Oshakati, Rundu, Otjiwarongo, Onandjokwe, Walvis Bay and Swakopmund.

My Ministry has now analysed all the relevant operating theatre and patient records in the above-stated hospitals. I will shortly share with you our main findings, but before I do this, let me clarify our exiting policy framework.

Honourable Speaker, I would like to emphasise that our policy and legal framework for family planning for HIV-positive women and for the performance of bilateral tubal ligation is very clear. I wish to quote in this regard from our National HIV Policy on page 8, Paragraph 2.3.1 and 2 which relates to the protection, participation and empowerment of vulnerable groups:

“Women and girls, including women living with HIV/AIDS, and regardless of marital status, shall have equal access to appropriate, sound HIV-related information and education programmes and means of prevention and health services, including women and youth-friendly sexual and reproductive health services.”

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And further I quote from the same:

“All persons and in particular women and girls shall have the right to have control over, and to decide responsibly, free of coercion, discrimination and violence, on matters related to their sexuality and reproductive health.”

This National Policy was approved by this august House on 14th March 2007. It was subsequently launched by His Excellency, President Hifikepunye Pohamba and was widely distributed in Namibia. In fact, it forms the basis for a number of more detailed guidelines as well as training courses offered by my Ministry, other line Ministries and our partners in the private sector, as well as donors such as EFTA, the Global Fund, WHO, UNICEF, UNFPA, UNAIDS and others.

In this regard, let me also quote from our most recent guidelines for the prevention of mother-to-child transmission of HIV which I launched last year during September. On Page 3, Paragraph 1.3.2.2, on prevention of unintended pregnancies in HIV-positive women, I quote:

“HIV-positive women have to cope with a variety of challenges related to their health, their social and economic outlook and their personal future and unintended pregnancy may add considerable further challenges. Prevention of unintended pregnancies by way of effective and appropriate family planning methods is, therefore, an important service that should be offered at all health care delivery points.”

“Family planning is a key strategy to reduce the number of babies born to HIV-positive women. Making an informed choice about contraceptive use involves recognition and acknowledgement of different methods, their effectiveness against pregnancy and the need to prevent STIs and HIV. Health workers should provide family planning services at antenatal care sites, maternity and post-natal care clinics as well as in other clinics. The health worker should encourage clients to use dual family planning methods, that is, use of condoms in addition to another contraceptive method.”

This point is further elaborated in my Ministry's specific family planning policy. This policy states on page 13 under Modern Contraceptive Methods the following regarding voluntary surgical sterilisation:

"Voluntary sterilisation is a surgical operation for permanent contraception. It is an excellent method for couples who have reached their desired family size. Sterilisation can be performed in both men and women with written consent. Female sterilisation is much more widely used in the world than male sterilisation. In Namibia, female sterilisation is fairly common and accounts for about 4% of family planning users. The main shortcoming of this method is that it requires a trained health practitioner and appropriate equipment. Sterilisation can be performed either in a hospital or in any other appropriately equipped health facility. Because of its permanency, couples or individuals who choose this method should be given adequate counselling to ensure that those who definitely do not want any more children are sterilised. This is absolutely important in order to avoid further regrets to the couples."

Honourable Speaker, let me emphasise here that my Ministry's policy is also clear, that no woman or man is forced to take any family planning method against their will. All women and men have the right to freely and responsibly decide on the number of children they want and the spacing between children. Our family planning policy stipulates further:

"In deciding how many children a couple wants, their ability to provide these children with basic needs should be taken into consideration. Respect for human rights and dignity of clients shall form the basis for delivery of family planning services in Namibia."

I wish to further clarify that all health workers trained in midwifery and obstetrics, that is nurses and medical doctors, are skilled to provide counselling services on family planning methods and HIV. They are trained in these skills both during pre-service training as well as their practical training. For example, our medical doctors receive specific opportunities during their two-year medical internship training. In fact, each medical intern is obliged to keep a detailed logbook of all procedures

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he or she has completed. These include counselling for family planning and HIV/AIDS as well as medical legal actions, such as obtaining fully informed and voluntary consent by a patient before any surgical procedure is performed.

I wish to also emphasise that the relevant health professions council, such as the Nursing Council of Namibia or the Medical and Dental Council of Namibia are statutory bodies put in place to investigate any complaints forwarded by a patient related to alleged negligence, unethical conduct or incompetence by a health professional. I note that to date none such complaints have been launched with the Registrar of the Namibia's health professions councils.

I hereby wish to appeal to any patient out there who feels that his or her treatment by a health professional has not been up to standard to approach the Namibian Health Professions Council so that a detailed and case specific investigation can be done and the respective health professionals, if found guilty, are taken to task appropriately with the pieces of legislation in place.

Honourable Speaker, Honourable Members, let me now return to our assessment conducted in randomly selected State Hospitals in Namibia.

Firstly, our findings do not indicate any specific trend with regard to bilateral tubal ligation performed on HIV-positive women. I would also like to point out here that sterilisation requires an operation of the abdomen. In some instances, sterilisation is therefore done during the same operation during which Caesarean section is performed. However, since it is regarded as a separate procedure, the patient signs a separate consent for this matter.

Secondly, there is no indication that HIV-positive women are being discriminated and coerced to have sterilisations. For example, in Oshakati Hospital 143 of 243 women that had a Caesarean section performed in 2008 were HIV-positive. Of the 143 HIV-positive women that had Caesarean section, 81, which are 57%, also received a sterilisation, which 62, representing 43%, had a Caesarean section only.

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On the other hand, of the 88 HIV-negative women, 54 received a Caesarean Section plus a sterilisation, which represents 61%, while 34 or 39% only received a Caesarean section. It is clear from this that there are in fact more HIV-negative women proportionally who received a sterilisation together with their Caesarean section than HIV-positive women who received sterilisation.

The facts are clear therefore and I have no reason to believe that the allegation that there may be systematic coerced sterilisation of HIV-positive women going on in State Hospitals is based on the truth.

Thirdly, the investigation team has clearly established that all women who had the Caesarean section as well as sterilisation performed had signed or had in fact signed the relevant consent forms before the operations were done. Given the fact that all health professionals involved in performance of either Caesarean section or bilateral tubal ligations have either direct access to the earlier mentioned policy documents and guidelines and given that a large proportion of them have undergone training in counselling in reproductive health and informed consent, I also strongly believe that no health worker should see the need to perform a procedure on a patient without the patient's voluntary informed consent.

However, to make absolutely sure about this, I directed the Permanent Secretary for the Ministry of Health and Social Services, Mr Kahijoro Kahuure, and his staff to put in place relevant communication and supervision strategies that will ensure that staff in our State Hospitals comply fully with our excellent and well-considered policies and guidelines. I rest my case. Thank you very much.

HON SPEAKER: I thank the Minister on behalf of the House for his very comprehensive statement, laying to rest what many of us who travel have picked up or have read about. It is called Caesarean section because, history tells us that great Julius Caesar was the first one who had experienced that method, but in the area of Namibia I come from we used to do it before Julius Caesar. The Prime Minister can do research on that

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QUESTIONS ON MINISTERIAL STATEMENT HON DIENDA

and confirm it later on.

HON DIENDA: I have a question of clarification that I want to pose to the Minister of Health. We also read in the newspapers that these ladies who claimed that operations were done without their consent will seek legal assistance. Is this case still ongoing, has it been settled or what is the situation?

HON MINISTER OF HEALTH AND SOCIAL SERVICES:

Honourable Speaker, if it would be in the Court of Law, there is no way I would have made this statement. We are receiving letters from the Legal Assistance Centre and when that time comes, you will know. We have our able and efficient Attorney-General. Thank you very much.

HON SPEAKER: Question 30 is by Honourable Tjombe. Does the Honourable Member put the Question?

RESPONSE TO QUESTIONS

QUESTION 30:

HON TJOMBE: I put the Question.

**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,
HOUSING AND RURAL DEVELOPMENT:** Thank you, Comrade Speaker. Comrade Speaker, Honourable Members, she said, “*my question is in terms of Sub-clause (4), does this Clause mean that even a Permanent Secretary or any high-ranking remunerated public office member can become a Local Authority Counsellor without taking leave ...*”

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This particular Section 7(4) deals with the punishment Councillors while knowing that they are disqualified to be members of the Local Authority at the same time, for instance if they have a criminal record or they are not Namibians.

The Local Authorities Act (Act 23 of 1992), as amended, only stipulates that a staff member of the Local Authority Council is deemed to have resigned from the service of that particular Local Authority Council with effect from the date of election. This exercise means that one cannot be a Local Councillor and at the same time an employee of the Local Authority Council.

Now let me come to the Permanent Secretary and the Local Authorities. The Permanent Secretaries or any other high-ranking Public Servant employed under the Public Service Act of 1995 are eligible to become Local Authority Councillors as long as they are not disqualified in terms of Section 7(4) of the Local Authorities Act, as amended. The staff of the Local Authority cannot become a Local Authority Councillor at the same time, but Public Servants who are employed under a different Act, may do so. Therefore, most of the Local Authority Councillors are teachers and nurses. The Deputy Mayor of Windhoek is an employee of the Ministry of Home Affairs and Immigration because they are employed under a separate Act, which is the Public Service Act.

To be a Local Authority Councillor does not mean a fulltime job and most of the Council meetings take place after hours to accommodate Local Councillors that are employed fulltime. For instance, if one goes to Khorixas, Kamanjab, all those Local Authorities under UDF, most of them are teachers and nurses. Thank you, Comrade Speaker.

QUESTION 35:

HON MOONGO: I put the Question.

**RESPONSE TO QUESTIONS BY HON MOONGO
HON EKANDJO**

**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,
HOUSING AND RURAL DEVELOPMENT:** Comrade Speaker, Honourable Members, Okandjengedhi Settlement is an area of the main road that passes through Oshakati to Ruacana before you reach Okandjengedhi Bridge. A few people settled in this area before Independence. During the course of 2000, the Oshakati Town Council considered it necessary to formalise some of the informal settlements around Oshakati proper to enable the Council to provide services to the community as well as to improve and upgrade the area to a required town standard. This entailed that proper planning had to be done. Okandjengedhi was one of the areas targeted. The area in question is accommodating about 3,500 inhabitants, inclusive of those with and those without basic services.

In 2000/2001 Financial Year, the Oshakati Town Council made budgetary provision for the area to be formalised because it was characterised by unplanned development. An aerial photo was taken to be used for planning purposes to clearly identify the existing structures on the ground in order to avoid the existing structures from being negatively affected in the layout.

A provisional layout was presented to the first community public meeting held under the trees in Okandjengedhi. Invitations were sent to all residents, especially those who had structures. The purpose of the meeting was to inform the residents about the plan and to advise the residents not to continue building until such time the layout has been finally approved. During the meeting town-planning procedures were fully explained and emphasis was given not to erect any structure without Council's approval.

On the 14th of May 2001, a second public meeting was again held for the community to approve the final layout before it was taken to the Council for recommendation to the Township Board for final approval. The same information was given and residents were even requested to identify their structures on the plan and see how their properties may be affected by the plan. The layout was approved by the community and then approved by the Council before it was forwarded to the Township Board for final

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**RESPONSE TO QUESTIONS BY HON MOONGO
HON EKANDJO**

approval.

As we are all aware, town planning procedures are long and time-consuming, causing unnecessary delays. When the layout was approved by the Township Board, Mrs Albertina Shigwedha, without the Council's knowledge or permission and approval, erected her house in the area earmarked for a street in the layout. This issue came to the attention of the Oshakati Town Council only after the land surveyor was appointed to survey the approved layout. The information was communicated to her that she has erected her house in the street and she was also offered erf number 2988 as an alternative for her to resettle. Mrs Shigwedha was informed that she has illegally erected her house in the street.

It is a well-known fact that any person intending to erect any structure in the Local Authority area should submit building plans to Council for approval before such development takes place. This is done in order for the Council to investigate, such as how far the structure from the road is and where the boundaries are and so forth. In this respect, Mrs Albertina failed to do so and decided to erect her own house and she even refused the alternative erf she was given.

The Council has done its best to educate the community during the planning process and Council is not obliged to compensate Mrs Albertina Shigwedha. However, Council offered Mrs Shigwedha a partially serviced erf 2988 to erect her house. It is a fact that Council did order Mrs Shiwseda to demolish the structure she has erected illegally in the street to allow proper utilisation of the street and the street area. The Council also advised her to prepare and build her house on erf 2988. Thank you, Comrade Speaker.

HON MOONGO: I would like to know how on earth she can demolish the house and build another one while building materials are so expensive. She is a woman with four children and now she has to demolish this house and erect another one as if it so easy. It is easy to talk, but materials are very expensive. Why does the municipality not compensate her first?

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**RESPONSE TO QUESTIONS BY HON VENAANI
HON NANDI-NDAITWAH**

HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: Comrade Speaker, is it really necessary to respond to such an obvious question? I do not think it is necessary.

HON SPEAKER: I thank the Honourable Minister. Question 42 is by Honourable Venaani to the Minister of Environment and Tourism. Does the Honourable Member put the Question?

QUESTION 42:

HON VENAANI: I put the Question.

HON MINISTER OF ENVIRONMENT AND TOURISM: I want to thank Honourable Venaani for posing this question related to the Warmquelle Hot Spring. The Warmquelle Hot Spring is under the conservancy and it is a key water source for the village of Warmquelle. The village is using that water for household utilities, including gardening and washing and the area is, therefore, not designated as a tourist hot spot. It is true that tourists do stop over to look at the hot spring and admire it. Warmquelle Hot Spring has been left for community use because there is another famous Ogongo natural swimming pool a couple of kilometres outside the Warmquelle village. At that pool there is a community camping site known as Ogongo Community Site, which is owned by the conservancy in partnership with a private operator.

The water used for the tourist activities does flow from all rocks and forms a natural pool at the bottom in which tourists swim. The campsite is very exclusive and popular among the tourists. It has come to light that many tourists are leaving other lodges to come to this campsite and not *vice versa* as implied in the question by Honourable Venaani.

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Honourable Members will know that eco-tourism takes place in natural environment and we cannot have all the areas demarcated for tourism activities at the expense of the local communities. The two have to co-exist. That is why Ongongo camp site and the natural pool are for tourism and Warmquelle Hot Spring for local consumption. However, the issue of water pollution has received our attention as the community has to use the water sources in sustainable manner.

On the second question: As I have already mentioned, there is no formal tourism establishment at the local school and thus, no tourist has ever been accommodated there. As mentioned above, many tourists are now visiting the camp site more than before as it was upgraded two years ago and this camp site is enjoying a high occupancy because of the scenery and because of the facilities which are there, especially the natural swimming pool.

The Ministry has received applications from communities to establish tourist facilities in order to promote cultural and bio-diversity. The process of assessing the application has been completed and new facilities will be set up in due course. I will not tell you the names of those applicants and the site at this stage because we have to inform the owners which ones are accepted and which ones are not accepted. I thank you, Comrade Speaker.

HON DE WAAL: The main question is, can we do something about the pollution?

HON MINISTER OF ENVIRONMENT AND TOURISM:
Honourable Speaker, if the Honourable Member, who is not the owner of the question was listening, I said: However, the issue of water pollution has received our attention as the community has to use the water resources in a sustainable manner.

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HON SPEAKER: I thank the Minister. Question 46 is by Honourable Schimming-Chase to the Honourable Minister of Works and Transport.

QUESTION 46:

HON SCHIMMING-CHASE: I put the Question.

HON MINISTER OF WORKS AND TRANSPORT: The question was on the total cost for the four engines. I assume the Honourable Schimming-Chase is referring to the four locomotives including the passenger train.

The main purpose of the acquisition of these four locomotives was to provide additional capacity for the transport of the rail links and ballast stones to construct the northern railway station. An agreement of sale was signed between TransNamib and China Rail Material Import and Export Company Limited on the 11th of November 2003 in Windhoek for the supply of two locomotives. Another agreement of sale was signed between TransNamib and China Rail Material Import and Export on 16 December 2003 in Ziyang for the supply of a further two locomotives.

Price per locomotive was US\$990,000 from the Port of Shanghai in respect of all four units. Financing was made in cash from TransNamib's own funds. The locomotives were delivered in September 2004.

Diesel Multiple Unit (DMU) Ongulumbashe agreement of sale between TransNamib and China Rail Material Import and Export took place in Windhoek on 11 November 2003 for the supply of one said Diesel Multiple Unit with a seating capacity of 142 passengers and now reduced to 126 at a price of US\$2,350,000. The Ongulumbashe was financed from TransNamib's cash resources. She arrived in Namibia in February 2005. It was originally intended to serve as shuttle service between Windhoek Station and the Hosea Kutako Airport but this never materialised. It was

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then diverted to the Windhoek-Walvis Bay route and later on to the Windhoek-Ondangwa route, providing a railway weekend service since July 2006.

The Ongulumbashe Star broke down in March 2007 with a broken gearbox casing. As this product was a once-off unit manufactured for TransNamib, such parts had to be manufactured in China. The parts arrived in September 2007 but the complete gearbox disintegrated during the test run. Replacement parts arrived towards the end of 2008. The train was repaired in November 2008 and is up and running. However, it does not go to the North. As you know, the railway line itself has problems. Currently the train is catering mainly for business or corporate functions and chartered trips. Meanwhile TransNamib is in the process to analyse the various routes to determine which route and service can best apply to the utilisation of Ongulumbashe Star started operations on the 18th of March 2005 and has carried 6,934 passengers from that period to date. These include the Windhoek-Ondangwa and Windhoek-Walvis Bay route and private charters.

Presently the four locomotives are not in operation. A total of 2,065 route failures were incurred with these locomotives during their 33 months of operation from October 2004 to June 2007 with an overall availability of less than 40%. TransNamib finally grounded all these units in June 2007 due to their poor performance and serious safety risk related to the braking system.

“Was a feasibility study conducted? If yes, by whom and at what cost?”
There are no records of a feasibility study. The four locomotives were acquired due to a shortage of traction capacity and the decision to purchase them in general terms was economically justified. However, due to the lack of proper technical analysis of the Chinese manufacturer's design and a lack of quality control, these locomotives were not suitable for the Namibian environment in which they had to operate.

“Can the Honourable Minister provide the feasibility study, if there is one?” No records.

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“If it is true that these engines are white elephants, who bears the responsibility for the deed and who covers the losses to the Namibian taxpayers?” TransNamib and the China Rail Material Import and Export Locomotives Company, manufacturers of the locomotives signed a Memorandum Of Understanding on 14 August 2006 whereby US\$51,150 will be paid back to TransNamib to rectify the CKD 8C locomotive defects and release China Rail Material Import and Export from all contractual obligations and responsibilities. An agreement was reached between TransNamib and CSR Sifang Locomotives and Rolling Stock Company Ltd during 2005/2006 for the rebuilding of the four CKD 8C locomotives at a total cost of US\$260,000. This agreement was based on the understanding that the seventeen locomotives to be purchased from China in 2006/2007 would be manufactured by Sifang and not by Ziyan, manufacturer of the CKD 8C units. According to Sifang they have progressed well with preparations for the modification. I thank you.

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

HON SPEAKER: The House shall resume its business. The Secretary will read the First Order of the Day.

**RESUMPTION OF DEBATE:
MOTION ON GENDER-BASED VIOLENCE**

SECRETARY: Resumption of the Debate on *the Effects of Gender-based Violence in our Society*.

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HON DR KAWANA**

HON SPEAKER: When the House adjourned on the 1st of July 2009 in terms of Rule 90, the Question before the Assembly was a Motion by the Honourable Kavetuna. Any further discussion?

HON MINISTER OF PRESIDENTIAL AFFAIRS: Honourable Speaker, I rise to add my voice to participate in the Motion before this august House. Yesterday the Chamber was dominated by the remarks of one of the senior Members of this House regarding her preference for castration or the disabling of the AK-47, as she put it. However, I do not think that would really be a competent sentence as we have an established legal doctrine in our Republic.

Honourable Members may recall that after Independence there was a practice particularly by the Police and prison officials of chaining the legs of most dangerous criminals and that was challenged in our Courts of Law and the Courts held that that practice is inhuman and degrading treatment and must be ceased forthwith and that was discontinued. Therefore, I would be very, very surprised if the same Courts will uphold the principle of castration.

However, be that as it may, I would like to take part in this very important Motion. To my understanding this Motion is about gender-based violence. Unfortunately, some of our Honourable Members, particularly some of our female colleagues, changed the topic to woman and child abuse which, in my view, is most unfortunate.

Honourable Speaker, gender-based violence affects both sexes, including children. Indeed, the community and the Nation become affected parties if there is loss of life as a result of gender-based violence. I fully agree with some Honourable Members who said that part of the causes of gender-based violence is instability in a country as a result of, for example, civil strife. In some African countries the sound of a gun serves as an aphrodisiac. Those regular and irregular armies go on a rape spree. In most cases women and children are the main victims. This aspect of gender violence is unknown in our country since the attainment of our

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Independence on 21 March 1990. Prior to that, Honourable Members may recall, our women and children were victims of rape, mainly by the army of occupation. Namibians have overcome this very unfortunate historical experience and today Namibia is at peace with herself thanks to the policy of national reconciliation. Today Namibia is one of the shining examples of peace and stability. (Intervention)

HON SCHIMMING-CHASE: May I ask the Honourable Minister a question? Honourable Minister, Chapter 3, Article 8 of our Constitution under (2)(b) says: “***No person shall be subject to torture or to cruel, inhuman or degrading treatment.***” Is rape not torture, is it not cruel, is it not degrading and if a person rapes, is he not violating the Constitution of the Republic?

HON MINISTER OF PRESIDENTIAL AFFAIRS: Comrade Speaker, most of those restrictions which are contained in Chapter 3 of our Constitution are directed to the State and that is why I gave the example of chaining the legs of most dangerous criminals where the Courts held that that was inhuman and degrading. Even if that criminal raped a baby, you may not chain that person, let alone castrate. Of course, it is something that is debateable and that does not mean that the Judiciary does not sympathise with the victims of crime, especially rape against women and children. (Intervention)

RT HON PRIME MINISTER: May I ask a question? Honourable Kawana, do you agree with me that some Members of this House are advocating Sharia Law?

HON SPEAKER: Just to help the Speaker, what does Sharia Law advocate?

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HON MINISTER OF PRESIDENTIAL AFFAIRS: It advocates an eye for an eye, which is prohibited by the Bible. (intervention)

HON SCHIMMING-CHASE: On a Point of Order. Sharia Law is a law that is practised by Muslims and Sharia Law basically has to do with removing the offending organ. If you steal, they cut off your hand, if you steal, they cut off your feet. So, they still have not come to where we are, but Sharia Law says, *remove the offending organ*. Does that, therefore, mean that a Christian Lutheran cannot advocate the removal of killing organs?

HON MINISTER OF PRESIDENTIAL AFFAIRS: Honourable Speaker, that notwithstanding, no Namibian Court will impose the death penalty as a competent sentence for murder, no matter how many people you have killed and unfortunately we have a completely different legal system. However, it is up to the Nation to debate some of these issues. (Intervention)

HON MINISTER OF LANDS AND RESETTLEMENT: Honourable Speaker, may I ask my learned friend a brief question? Honourable Kawana, in the light of the constitutional provisions that are so explicitly clear when it comes to the provisions of Chapter 3, is it proper for very well-versed and articulate Members of this House to propagate or advocate the removal of offending organs while we know it will never be contemplated in the Republic of Namibia unless there is a revolution?

HON MINISTER OF PRESIDENTIAL AFFAIRS: Honourable Speaker, inasmuch as I concur with my learned Colleague, you may recall that when I was the Minister of Justice(Intervention)

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HON DEPUTY PRIME MINISTER: If a woman, in order to protect herself, uses a kitchen knife to remove this offending AK-47 or whatever you call it, she will go to jail but the man is alive, he is not dead. It has happened in South America, I have read several times that women do that. The Constitution says we may not kill, but to remove that, the men will still be alive.

HON MINISTER OF PRESIDENTIAL AFFAIRS: At the time when I was the Minister of Justice, I said that criminals have already amended Chapter 3 through the backdoor, because Chapter 3 was intended to protect our citizens, but yet the criminals kill and rape. However, as a Nation founded on the principles of democracy and the Rule of Law, I think the only answer is stiff penalties as opposed to some of the proposals made by some of the Honourable Members. That is why the famous mothers and fathers of the Constitution abolished the death penalty because they thought that was not a competent sentence in terms of our legal system. Of course, we have found ways and means of mitigating some of those aspects and we also have to address the needs of the victims and the families of victims. That is why I am an advocate of stiff penalties as opposed to the death penalty or castration.

Honourable Speaker, as I said, today Namibia is one of the shining examples of peace and stability, not only on the African continent, but the world over. Poverty has been identified as one of the major causes of gender-based violence. I am, however, happy to note that today most graduates at tertiary institutions are women. This will go a long way to address this cause of gender-based violence.

Honourable Speaker, we cannot deny the fact that women and children are mostly the victims of physical violence, however, men are mostly the victims of psychological violence. In terms of the Combating of Domestic Violence Act, violence can also be verbal and the professors of verbal violence, in my view and experience, are women. What some women cannot perfect through physical violence, they perfect through the word of mouth, known as verbal violence. They spit venom that cannot be equalled by men.

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Honourable Speaker, I fully agree with the fact that most victims of physical gender violence are women; however, due to cultural inhibition, most men who are victims of gender violence prefer to suffer in silence. I always give an example of one man who was always physically abused by his lawfully wedded wife. The man was always on the defensive, but instead of appealing for assistance, he would shout out and say: “*Come and rescue my wife! I am killing her, please hurry, she is dying!*” The neighbours come, only to find out that the husband is almost fainting and eventually he is rescued by the neighbours. With every fight he would repeat the same thing, because in some cultures there is the belief that a man cannot be physically panel-beaten by a woman.

I appeal to those men who are suffering in silence to come out in the open so that they can be assisted. This example shows that even when men are on the defensive, they think that they are on top of things. Even if men report violence to the authorities who happen to be men in Police uniforms, they would advise the male victim to withdraw in order to avoid embarrassing the male folk. (Intervention)

HON TJIHUIKO: Honourable Speaker, may I ask the Honourable Minister a question? Honourable Minister, I think you made a very important point that those men who are suffering in silence should come forward, but my question is, where do we go? There are woman and child abuse centres, you cannot go there, because when you go there, you go where you are coming from. Where do we go in such a situation?

HON MINISTER OF PRESIDENTIAL AFFAIRS: Honourable Member, I think the men are really in a dilemma, because when they go to police stations they will be laughed at and they will be discouraged, they will say, “*please do not embarrass us, just go back and reconcile with your partner.*” It is a genuine question and maybe we should form a society so that we can help our men folk in this regard.

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Honourable Speaker, I appeal to men to discard the cultural belief that a man cannot be panel-beaten by a woman and they should have the courage to report violence so that we maintain peace and stability in the home.

In conclusion, when men are in despair and cannot bear the physical pain, they cry out. (Intervention)

HON DEPUTY MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: May I ask a question? Comrade Minister, being a lawyer, can you please advise us where to report verbal abuse?

HON MINISTER OF PRESIDENTIAL AFFAIRS: Honourable Speaker, as I said, in terms of the Combating of Domestic Violence Act, verbal abuse is also regarded as violence and whoever is a culprit is committing a criminal offence and as I said, most culprits are our female colleagues. (Intervention)

HON DEPUTY SPEAKER: May I ask my senior a question? Comrade Kawana, we are from the same cultures and I have never heard a man crying, "*come and help me.*" I always hear women shouting, "*kill me, kill me.*" Now, where did you get that story that there are men who are crying?

HON MINISTER OF PRESIDENTIAL AFFAIRS: Honourable Speaker, it is our culture and what I am trying to portray here is this: A man can never cry and say, "*come and rescue me from a woman,*" that is scandalous. Therefore, in order to save himself, he would say, "*come and rescue the woman, I am killing her.*"

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HON DIENDA: On a Point of Information. Since the Honourable Minister is saying that men are stronger than women, our tongues are the only weapons that we have to beat you.

HON MINISTER OF PRESIDENTIAL AFFAIRS: In conclusion, Honourable Speaker... (Intervention)

HON IIPINGE: On a Point of Information. Honourable Minister, you are doing well and I agree with you that men who are being abused and violated should come out (Interjection)

HON MEMBER: They are here! (Laughter)

HON IIPINGE: The information I want to give is that there is nothing preventing a man to go to a Woman and Child Abuse Centre to report. The men should feel free to go to those centres because they are available. The officials will be happy to assist them. They should also go to the Police. Let these men stand up and report to the Police and to the Woman and Child Abuse Centres, they will be welcomed.

HON MINISTER OF PRESIDENTIAL AFFAIRS: Honourable Speaker, I am not so sure that they will be welcomed, because most of the people at those centres are women, unfortunately, and that is also discrimination in my view.

In conclusion, Honourable Speaker, when men are in despair and cannot bear the physical pain, they cry out, “ma”, not “pa”, which means our

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mothers provide more comfort than our fathers. Gender-based violence affects everybody, individual victims, families, society and the Nation at large. It is our problem, we must find a long-lasting solution to this national problem. I support the Motion and I thank you.

HON SPEAKER: I thank the Honourable Minister. Honourable Dienda.

HON DIENDA: Honourable Speaker, on the 22nd of February 2005 a Motion was tabled in this House by Honourable Namises on escalating violence and that Motion never received any attention. I hope that this one, since it is more or less the same time where we are busy with elections and people will not have time to give attention to these motions, I hope this one will receive all the necessary attention.

Honourable Speaker, I would like to divide my contribution into three parts. The first one is the role of the Government, the second one, the role of the church and the third one, the role of the community. However, before I start with my contribution, castration may help women to lay charges against men. When we will know that something will happen, more women will report cases of violence and rape.

It is the role of the Government to protect the lives of citizens. There can be no justification for killing and violence and the Government has an obligation to stop it. Unfortunately not all of us have bodyguards, so it means that some of us are not protected after we have left this House. It is our responsibility as lawmakers of this country to make sure that each and every citizen receives fair and equal treatment when it comes to violence. Whether it is a man or a woman, we all need to be protected.
(Intervention)

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HON DEPUTY MINISTER OF LABOUR AND SOCIAL WELFARE: May I ask the Honourable Dienda a question? Honourable Dienda said they have no bodyguards. Do you want the Government to provide each household with a bodyguard or how do you relate the protection of the Nation to bodyguards? (Intervention)

HON DIENDA: Honourable Deputy Minister, why do you have a bodyguard? Is it not to protect yourself? (Intervention)

HON DEPUTY MINISTER OF LABOUR AND SOCIAL WELFARE: I do not have one!

HON DIENDA: The same way as we want to protect our leaders, we must also ensure that the Nation out there is protected. (Interjection)

HON DEPUTY MINISTER OF LABOUR AND SOCIAL WELFARE: The Police are there.

HON DIENDA: I will come to that, just wait. It is our Government's commitment as well as responsibility to ensure that no part of the population has its rights suppressed by illegal customs. (Intervention)

HON /UI/O/OO: May I ask the Honourable Member a question? Honourable Member, the way you are speaking here makes it sounds to easy. We are preaching that people must use condoms and there has been

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no solution to that problem up to now and today we are crying for castration, but do you think it will be so easy for the public out there to accept this?

HON DIENDA: Honourable Speaker, I know why the Honourable Member has an issue with condoms – not now, later. If rape is something that men can brag about, it simply means that there is something wrong with our society. Men will even inform their friends and relatives how the action took place. As Honourable Schimming-Chase said yesterday, they will even send SMSs to everybody on how it happened. This is how they are insulting us.

Honourable Speaker, the funding for the Legal Assistance for Victims Programme is inadequate. As I am standing here, I am a victim of violence. Three men beat me up nicely in front of my house in 2003 and my husband and I took one of the culprits to the Wanaheda Police Station. (Intervention)

RT HON PRIME MINISTER: May I ask a question for clarity? You said three men beat you nicely. Does it mean you enjoyed it?

HON DIENDA: They enjoyed it, they stabbed me with a knife. I managed to get hold of one of them and my husband and I took him to the Wanaheda Police Station. Honourable Speaker, to date that case has never been heard in Court – never, never! I enquired what happened to the court case – nothing! (Interjection). Do you mean I must wait six years for somebody to come and say the case will be heard today? I told them they are wasting my time in 2009 and I have withdrawn the case and I even told the Inspector that this will be proof in Parliament that our justice system is not working. (Intervention)

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HON VILJOEN: May I ask the Honourable Member a question? Honourable Dienda, I agree that the State should protect its citizens and especially rape is a form of animal behaviour, but when you drive in the streets and you see girls wearing provocative clothing, is it not sending out the message, “*please rape me?*” In some countries it is an offence to wear such clothing.

HON SPEAKER: Before you further develop that line of reasoning, being not only a father, but also a grandfather of girls, I strongly advise you not to pursue that line of reasoning. It is outdated, it is inciting and it does not befit this Honourable House. I consider you a very reasonable man, do not pursue that line of reasoning. You are taking the whole issue outside of this House and we must solve the problem.

HON VILJOEN: Honourable Speaker, the question I want to ask is that in some countries there are laws and regulations to protect people and they are wearing such clothing. Is it not possible for us to make laws to protect young people?

HON DIENDA: Honourable Viljoen, if you are wearing a short, does it mean that I must rape you? What is the difference? If you see my legs, why do you want to come and rape me? I can see your legs every day and I will not rape you. (Interjection)

HON MEMBER: There is a difference.

HON DIENDA: No, there is no difference. (Intervention)

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HON DEPUTY PRIME MINISTER: I want to ask a question? Does it mean that after we have liberated this country, the women do not have the right to wear what we like? If the men cannot control their instruments, they should not look. We have the right to wear what we like as long as we are not running around naked. To bring laws how women should dress is nonsense!

HON DIENDA: I hope Honourable Viljoen's kids are following this Debate and will castrate him tonight.

HON SPEAKER: What does that mean?

HON DIENDA: No, I was just thinking aloud.

HON SPEAKER: Withdraw that part.

HON DIENDA: Withdrawn. Honourable Speaker, we do not have enough places of safety for abused men and women to stay until the Court cases are settled. We have such beautiful laws and policies, but the implementation leaves much to be desired. The National Gender-based Violence Conference in June, 2007 made many recommendations which would require funds and I hope that for the next five years we will budget for the implementation of those recommendations.

Secondly, Honourable Speaker, on the backlog of cases and unresolved cases. People are asking why women are withdrawing cases of rape and violence. If you go to any police station, you will be told that this is a family matter. You will be told that you must deal with that issue in your house. It means that somewhere, somehow our Police are too judgmental

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when it comes to violent cases and rape cases. Then our magistrates are leaving for greener pastures, which leads to the cases being postponed endlessly and women give up, like I did, and say we are wasting one another's time.

Honourable Speaker, the police investigations take too long. You will wait five years for a Police Officer to investigate cases and then you will be told, "*that one died, that one resigned*" and somebody new has to investigate the case. It means that at the end of the day nothing is happening with these cases and men and women will not report abuse cases because of this problem.

Honourable Speaker, what is the role of the church? The role of the church is to preach about violence in the church. They need to do so constantly. It is not only the men who do not attend church services who are culprits, but each and everyone sitting in this House today....(Intervention)

HON MINISTER OF PRESIDENTIAL AFFAIRS: May I ask the Honourable Member a question? Honourable Dienda, one Sunday I was listening to a church service and the pastor was saying *women must respect men, men are heads of families* and he was quoting certain verses from the Bible. What is your view on that one?

HON DIENDA: I will give you the chapter where it is written in the Bible. There was nothing wrong with it, the priest was correct, he quoted what the Bible says. I am a lawmaker in this Parliament, but when I walk out of this Chamber tonight, my husband is the head of my house, no doubt about it. (Interjection). I have never abused my husband, at least I know we have that respect for one another. It is when you do not respect one another that the violence comes in. I respect my husband as the head of my household and the church is quite correct.

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Our church leaders must express themselves clearly on this matter. If we do not talk about it, we will think it is something that happens far away. Awareness programmes must be organised by our churches. Abused women must seek help from our churches, they must not keep quiet. If you are abused by your wife, go to the church and talk about it.

Honourable Speaker, what is the role of the community? Two weeks ago I read in the Informanté about ... (Intervention)

HON DEPUTY MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: Are you aware that in some churches people are told not to use condoms, they are told many things and when you go to some churches in the evening, they are turned into some sports nightclubs?

HON DIENDA: Honourable Speaker, each and every church has its principles. I am a Catholic and you know the view of the Catholic Church about condoms. Whether I like it or not, my church has its principles and the church will not change its principles to accommodate the changing world. This is a changing world, but we will not change the principles of the Catholic Church. I can only speak as a Catholic, I cannot speak about other churches.

I read in the Informanté about three sisters who were beating the so-called “*girlfriend*” of one of them and this is abuse. The Honourable Member was correct when he said women also abuse. There are so many single men here and we are sharing one boyfriend and that also leads to abuse and who are the culprits in the middle? It is again the men.

We had cases of sons killing their fathers and a big issue was made of it in big letters, but at the end of the day it died a natural death, we did not hear anything further about it. (Intervention)

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HON DEPUTY MINISTER OF LABOUR AND SOCIAL WELFARE: On a Point of Order. Comrade Speaker, is it allowed that while we are busy with a very important Debate on violence the Honourable Moongo may sleep and even snore?

HON SPEAKER: That is not allowed. The Speaker saw the Honourable Member, but the Speaker thought the Honourable Member was reflecting.

HON TJIHUIKO: May I ask the Honourable Member a question, please? Honourable Dienda, I think you are doing well and I only have a small question. I believe that when we are talking about violence it would not be helpful to believe that it is only one side who are the culprits. My question is, how does it happen that a man has two or three girlfriends? Does it happen because the man is raping the others? Is he not proposing one, two and three? Why is it that women themselves do not see that he has Maria, I am not going to accept him. Why do they have to say yes?

HON DIENDA: Honourable Member, why can men not control themselves? When you come to Anna, you know you are involved with Petrina and when you go to Katrina, you know you are involved with Johanna, but you want to complete the circle. (Intervention)

HON DEPUTY MINISTER OF GENDER EQUALITY AND CHILD WELFARE: Honourable Dienda, are you aware that when Johannes goes to Angelica and the others, he tells them he is already divorced and then tells Maria that, "*I have ten cattle, I am going to treat you nicely.*" The men have to control themselves.

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HON DIENDA: That is why you are the Deputy Minister of Gender, men have to control themselves. I am just wondering, Honourable Speaker, if women start dating many men, would you like it? (Intervention)

HON NAMBAHU: May I ask the Honourable Member a question? Are you saying that is not happening, there are no women who are dating various men and what do you say about the concept of a backup boyfriend or a boyfriend for clothing, the other one for Shoprite, the other one for food? What are you saying about that?

HON DIENDA: I do not know whether those are stories or speaking from experience.

Honourable Speaker, on cultural practices. I know that some of us will not agree with this one, *lobola* payments. Honourable Speaker, in the past most of the women were not educated and parents wanted men to pay for the upbringing of their daughters. Now that women are educated, the price has gone up. This one has a degree, so I do not want twenty cows, but fifty cows. This one has a Master's, this one has a Doctorate, so the price will go up. At the end of the day the woman might sit with that problem that she was bought by her husband and they will tell us these stories. (Intervention)

HON DEPUTY SPEAKER: I am one of those who are from that culture of *lobola*. I was paid ten heads of cattle. The meaning of that is exchange of leather. I do not have a home in my village, I have a home in the village of my husband, so all the leather which was in my home has now been transferred. That is the exchange. Therefore men should be informed that they should not take advantage of that.

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HON DIENDA**

HON DIENDA: That is exactly the problem, because we are becoming properties of men. (Intervention)

HON MINISTER OF PRESIDENTIAL AFFAIRS: Honourable Speaker, for information, I am also one coming from the *lobola* culture. I think people misunderstand the concept of *lobola*. I would like to inform the Honourable Members as follows: *Lobola* means, if you love my daughter, you can go a long way to bring whatever to show that love. It is not because you are buying, that is the meaning. In fact, what used to happen in the past is that you had to kill a lion before you could marry my daughter to prove that you are really committed. Those who are not committed, you say five cattle, tomorrow they are gone because there is no love. Therefore, in the true sense of the word *lobola* means you must prove your love.

HON DIENDA: You can explain here, but there are men, like KK, who says "*I bought you and because of that you are my property, I can do with you whatever I want to, I paid for you.*" (Intervention)

HON DEPUTY MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: Honourable Speaker, this KK is being quoted here spoke out of inexperience.

HON DIENDA: You are not the only one, there are others and that is the reason why women do not want to lay charges. (Intervention)

HON TJIHUIKO: On a Point of Information. Honourable Speaker, I agree one hundred percent with what Honourable Kawana was saying. When we are talking about *lobola* we should look at it from a completely

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different angle. If you look at that generation that was marrying through *lobola* and you look at the current generation that is getting married in churches, we have more problems now than we had before. During that time your parents were involved, guiding you and advising you on the wrong things you are doing. Currently, you will only hear from your son that, "*Dad, this is my wife, I got married this morning.*" The African culture we used to have has been destroyed completely and we should not only look at *lobola*, but let us look at the root cause for violence and the root cause is that as Africans we have adopted other cultures, we regard our own cultures as being backwards and we want everybody to move with the times.

HON MOONGO: On a Point of Order. It is high time that this House declares a ceasefire on violence between men and women. We declare it as from tonight.

HON DIENDA: There is proof that when a woman is the one to divorce the husband, he expects you to pay back that *lobola* and some women are not in a position to do so and the parents have died long ago. You were not part of that agreement between your parents and the other family when they talked about *lobola*, but now they want you to pay back all those cows and donkeys. If you cannot, you must also suffer in silence.

Honourable Speaker, are we keeping silent about abuse? We know that our family members are being abused, but we do not report these cases.

HON DEPUTY MINISTER OF LABOUR AND SOCIAL WELFARE: On a Point of Information. Honourable Dienda, for your information, if you do not want your son or daughter to face that problem, just tell him or her to marry someone from my culture where everything is free. If you get divorced, no one can tell you to pay back.

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HON DIENDA**

HON DIENDA: Thank you for the information. (Intervention)

HON DEPUTY MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: On a Point of Information. Comrade Dienda is touching on a very important point and all of us can come up with different perspectives and experiences on this matter, but our society is evolving and they are no longer being subjected to old practices. There is need for either the churches or Traditional Leaders to educate the people on this issue, because a person who does not come from a culture of *lobola* will interpret it that he has bought this person because he has paid for her. We need to explain these practices to the new generation.

HON DIENDA: I agree with you that we need education on this, we need to talk about it openly. Our children are exposed to other cultures as we are no longer staying in the previously Herero location or Damara location. At the end of the day we are sharing ideas and one would say, “*I will never pay for a woman*” and we need to see how we can deal with these influences from outside and keep our cultures. (Intervention)

HON IIPINGE: On a Point of Information. I just want to strengthen the point of the Deputy Minister of Labour. In my culture we do not pay *lobola*, but still men believe that you are their property once they marry you. In my culture and even my husband’s culture we do not pay *oshikwambi*, *oshimbalantu*, you are married, but still that man who has not paid a cent or a cow regards you as his property.

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HON DIENDA**

HON DIENDA: Honourable Speaker, my husband did not pay *lobola* for me and I am not his property. Honourable Speaker, we need to protect our children. (Intervention)

HON MINISTER OF PRESIDENTIAL AFFAIRS: Honourable Speaker, I concur fully with the Honourable Member, but I think sometimes the women are also to blame. I had numerous experiences where even in societies where *lobola* is paid, the woman, after being panel-beaten, will run to the parents and one month later she is back again. I remember one case where she came back to her parents for the third time with a broken arm. How do you explain that? Honourable Dienda, this is what we call love.

HON DEPUTY PRIME MINISTER: Honourable Kawana, in the old days when a woman ran back to the family, it was the family who would return her to the husband. It was not the woman coming back voluntarily.

RT HON PRIME MINISTER: May I ask Honourable Dienda a small question? You have been talking about *lobola*, do you not think that *lobola* has now been balanced by the Married Persons Equality Act which we passed here?

HON DIENDA: I hoped so but it did not. We all hope so, but the reality shows no. It means that somewhere, somehow we need to have another look at it and bring in this culture...(Intervention)

RT HON PRIME MINISTER: On a Point of Information. Do you know that if you as a man attempt to divorce, you literally lose everything,

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you have to start from scratch under the Married Persons Equality Act?
Do you know that?

HON DIENDA: Right Honourable Prime Minister, as far as I know, when you are married in community of property it is fifty-fifty. Whether you were the rich one or I was the rich one, fifty-fifty in community of property. Outside community of property, what is yours, is yours, what is mine, is mine. (Intervention)

HON NAMBAHU: On a Point of Information. When you are talking about marriage in community of property and you are talking about the issue of education, I think it is very important that people understand these issues. When some couples attempted to divorce and found how the division of property will be done, love is no longer there but now they are just bound together by this marriage in community of property. I am also aware of pastors who are marrying these people who are not very well informed about this community in property. They even inform the couples that if you want to marry out of community of property, find another pastor. These things are happening and they need to be investigated.

HON DIENDA: I can only answer as a Catholic. That is why we have the three-week courses before you get married in the Catholic Church to sort out all these problems and it is not only our priest who is involved, also social workers and everybody so that you know exactly what you are getting yourself into.

Honourable Speaker, my last point is on male-on-male violence. This is happening in our society and then the man is so ashamed to say, "*I was beaten nicely by another man.*" These things are happening, we are ashamed to talk about it, we do not want to shout out and say that we need help as men, I am weak, this bigger one is beating me every time for reasons that only he knows about. Thank you, Mr Speaker, I rest my case.

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HON REV KONJORE**

HON SPEAKER: Thank you. Honourable Konjore.

HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE: Thank you very much, Comrade Speaker. I would like to make a very humble contribution to this very important Debate and the issue at stake.

I am in agreement with all those who are saying there is a need for us to go deeper into the root causes of this evil. Sometimes it seems we are trying to treat the symptoms of the problem, but not getting down to the problem. Thus, I would like to make a humble contribution to the Motion on gender-based violence in Namibia under discussion as moved by Honourable Kavetuna.

Gender-based violence is real and it is taking place in our midst, whether we acknowledge it or not. The question that remains is: What is the root cause of this gender-based violence in Namibia or in the world? What necessitates a husband to kill his wife or the wife to kill her husband?

Research conducted elsewhere has shown that gender-based violence is caused by weakening of traditional values, breakdown of family structures, alcohol abuse and limited employment opportunities. Therefore, women and children mostly continue to be subjected to untold suffering, especially as a result of gender-based violence. Gender-based violence affects all and has no boundaries. It cuts across rural as well as urban areas, socio-economic circles as well as religious beliefs.

Comrade Speaker, Honourable Members, many Honourable Members of this august House have spoken on the Motion from the experiences they have encountered in our society. I, for this intervention, want to look at it from a different angle, partly from the biblical side and also from the spiritual side.

The Creator created everything He created for a holy purpose and He was on His own when He created all. Love or relationships based on material

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issues, based on needs and desires in fact goes against the morals and spiritual values for which the two sexes were created. The sooner both men and women realise the original and real objectives of the Creator, relationships will change for what it is supposed to be, in my view.

Comrade Speaker, Honourable Members, there must be a serious problem and many shortcomings in the way our children are brought up. Discipline and self-respect in both sexes is nowhere to be found anymore, both at our household level, in our schools and even at the church level. Therefore, there is a greater need, more than ever before, to bring back discipline, proper education and counselling in order to prepare our children for the challenges that lie ahead, married life included.

Traditional as well as religious education must become part and parcel of our children's upbringing. I am of the opinion that anyone who respects him or herself will also respect the rights of the other one, whether it is spiritual rights, social rights and even the right to somebody's physical being. I cannot think for one moment that a gentleman, respecting himself as a gentleman, will just grab a woman and drag her into the bush and do whatever was told here. I do not think so. I also do not think for one moment that a woman who respects herself cannot force respect from the opposite gender. I stand to be corrected.

As a man – and I do believe Colleagues even more senior than myself will agree with me – I will think twice to propose to a respectable lady and I am not even talking about raping her. I think these values are lacking in our society. If already at home in your upbringing you will respect yourself and respect your sister, you will automatically respect any other woman and if you in your upbringing already know to respect your brother, you will automatically also respect other men. If your only weapon would be your tongue, you will know what to say and not to say and how to say it.

Therefore, our rich and respected cultural values need to be brought back and enforced amongst our children and our societies. We must also seriously assess and address the issue of peer pressure as well as the modern technologies to which our children are exposed these days that

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must also be monitored. We as parents must know, as a matter of priority and responsibility, where our children are spending their leisure time, with whom and what they are doing.

Just as an example, I think as parents we have that wonderful example in the Bible of Mary and Joseph when they walked away from Jerusalem, a three-day walk and they came back to Jerusalem in search of their son, found him in the temple and Mary was the first one to complain: “*Why did you do this against your father and me?*” But nowadays, how many parents are going to bed without knowing where their children are? How many of the parents dare to ask the child, “*where have you been, who are the children you are playing with, what is the environment you are playing in?*” All these influences, in my view, are causing all these problems.

Therefore, it is my view in addressing these issues that we as a Nation have to become more serious and we have to go down deeper into the root causes and address those causes. In my view, one of them is discipline. I must be disciplined myself, then I can control myself, but if I am not disciplined, how can I control myself and how can I control others and if there are challenges, knowingly or not, we are deemed to bear the consequences.

Therefore, it is my view that Debates like these should go deeper, not just be rhetorical or theoretical, but that we look at the practical things happening in our societies and find out what are the causes. (Intervention)

HON HOFFMANN: I would like to ask the Minister a tiny question. A child of 13 years is called by a neighbour to fetch his cigarettes and then immediately he enters the house, locks the house and does whatever he wants to do. During the fifties, sixties, seventies and even up to now it was difficult to tell your parents what has happened to you as you are afraid how your parents will react and you also do not want the community to know what happened to you. What would the Honourable Minister maybe advise me?

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HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE: Once again it is a question of respect, self-respect. Somebody was saying some people behave like animals, but sometimes animals are even better than us. A stallion never touches his own daughter. Why is it that a human being will touch his own daughter? Why would a human being touch a child of ten, fourteen years? It is even worse than an animal. Animals will not do that. Animals never rape each other, they respect the natural course.

Therefore, I am saying something seriously wrong has happened with us as human beings, human beings that were created to the image of the Creator, human beings that were put in charge of the Creation. We are supposed to be in charge of the Creation. Something is seriously wrong.

HON MINISTER OF PRESIDENTIAL AFFAIRS: May I ask my senior Colleague a question? Honourable Member, do you agree with me that added to that list of animals and knowing what they are doing and in the name of so-called democracy, is it proper for a man to go and wed another man? Is that part of our animal behaviour?

HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE: Honourable Minister, again I must say it is not even animal behaviour. Have you ever seen a bull approaching another bull or a cow approaching another cow? That is why I think it is totally uncalled for and it is not natural.

Honourable Members, if Namibia wants to curb these increasing incidents of gender-based violence, we need to build a culture of respect, a culture of care and a culture of tolerance, a culture of breaking the silence especially towards domestic violence from an early age. Whether it is a woman or a man suffering, but domestic violence. In most instances the innocent party is the one suffering the most.

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ADJOURNMENT

Comrade Speaker, with these few remarks, I wholeheartedly support the Motion.

HON SPEAKER: The House will stand adjourned until Tuesday, 7 July 2009 at 14:30.

HOUSE ADJOURNS UNTIL 2009.07.07 AT 14:30

**NATIONAL ASSEMBLY
ASSEMBLY CHAMBERS
07 JULY 2009
WINDHOEK**

The Assembly met pursuant to the adjournment.

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

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

TABLING: REPORT ON SADC PARLIAMENTARY DIALOGUE ON POVERTY AND SOCIAL TRANSFERS

HON BOHITILE: I lay upon the Table, the Report on SADC Parliamentary Dialogue on Poverty and Social Transfers that was held in Johannesburg, South Africa on 30 to 31 March 2009. Before I do so, just a bit of background on the origin of this Report.

It came as a follow-up to the parliamentary exposure visit to Namibia's Basic Income Grant (BIG) Project in Oshivelo, Omitara on 24 February 2009. The SADC Parliamentary Forum then extended an invitation to the chairpersons of the Committees on Economics, Natural Resources and Public Administration as well as Human Resources, Social and Community Development to participate in a Regional Policy Dialogue on Poverty and Social Transfers in South Africa.

The aim of the dialogue, among others, were to broaden awareness and understanding amongst Parliamentarians of social transfers and their role in addressing chronic poverty as well as to allow Members of Parliament to commit themselves to promoting social transfers as a strategy to fight poverty and vulnerability and propose a national and regional plan of action.

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**TABLING OF REPORTS
HON KUUGONGELWA-AMADHILA**

Namibia, I must add here, because of the numbers of social transfers it has, like the old-age pension, OVC grants, social security, disability grants and so on, together with South Africa, Mauritius and Botswana, were hailed as the best practices of social transfers in the SADC Region and such countries were encouraged to continue the good work and if possible, upgrade. I so Move, Comrade Speaker.

HON SPEAKER: Other Reports and Papers? Minister of Finance.

TABLING: REPORTS OF AUDITOR-GENERAL

HON MINISTER OF FINANCE: Honourable Speaker, I lay upon the Table, Reports of the Auditor-General on the following Offices, Ministries and Agencies for the Financial Year ended 31 March 2008:

- (a) Ministry of Education;
 - (b) Ministry of Fisheries and Marine Resources
 - (c) Department of Police
 - (d) Ministry of Defence
 - (e) Ministry of Mines and Energy
 - (f) Ministry of Youth, National Service, Sports and Culture
 - (g) Ministry of Lands and Resettlement.
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HON SPEAKER: Will the Honourable Minister please table the Reports? Honourable Kavetuna.

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**TABLING OF REPORTS
HON KAVETUNA**

**TABLING: REPORT ON CAPACITY-BUILDING
WORKSHOP ON BUDGETING FOR HIV/AIDS**

HON KAVETUNA: Honourable Speaker, I lay upon the Table, Reports on the Capacity-building Workshop on Budgeting for HIV/AIDS and Gender mainstreaming held in Durban, South Africa from the 25th to the 26th of March.

HON SPEAKER: Will the Honourable Member please table the Report? Any further Reports? Any Notice of Questions? Any Notice of Motions? The Secretary will read the First Order.

**RESUMPTION OF SECOND READING:
COMMUNICATIONS BILL**

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

HON SPEAKER: When this Debate was adjourned on Wednesday, 1 July 2009, the Question before the Assembly was a Motion by the Honourable Minister of Information and Communication Technology, that the Bill be read a Second Time. Honourable Kasingo had the Floor and she may now continue.

HON KASINGO: Honourable Speaker, thank you for giving me the Floor. In supporting the Communications Bill, allow me, Honourable Speaker, to quote from the Constitution some of the provisions of Chapter 3, Article 21(1)(a) which states:

“Fundamental Freedoms: All persons shall have the right to freedom of speech and expression, which shall include freedom of the press and of the media.”

Sub-article (2) makes an exception:

“The fundamental freedom referred to in Sub-article (1) hereof shall be exercised subject to the law of Namibia, in so far as such law imposes reasonable restrictions on the exercise of the rights and freedoms conferred by the said Sub-Article, which are necessary in a democratic society and are required in the interest of the sovereignty and integrity of Namibia, national security, public order”, etcetera.

I am quoting this very important Articles from the Constitution because the whole Communications Bill is centred around freedom of speech and the curtailing of the freedom of speech. In short, I just want to say that even the interception centre should be understood to be in public interest.

We may also recall when we got Independence we had the Terrorism Act and because we started with a new chapter, our new Government got rid of the Terrorism Act, hoping that we are not going to be threatened by any terrorist activities. A few years later in 2001 we were shocked when we were attacked by the Caprivi secessionists. I am mentioning these things for all of us to understand that we must be ready for anything and the curtailing of the individual interest is for the public interest.

Maybe the reason why many people did not understand this Bill is because the background was not highlighted in the preamble. Although legally speaking, not every Bill is supposed to be preceded by a preamble, a Bill of this nature which is linked to the fundamental freedoms and rights, is supposed to be preceded by a preamble to indicate the reason why such

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Bill is necessary.

I take note of the objectives, but the objectives only state what we are aiming at, but it does not have a historical background.

Having said that, I support the Bill... (Intervention)

HON DR ANKAMA: May I ask my Colleague a question? Are you saying that should we have this Bill in this current form, you will then be able to clamp down on external agitators, just as China is currently doing where external forces are influencing the citizens to create chaos in the country? Are you in agreement with this kind of notion?

HON KASINGO: I know little of the situation in China, I am talking about Namibia, but maybe it is the same. I am saying this Bill is to enable the Government to be ready for anything and the right which is being highlighted in this Bill is for all of us.

Having said that, I want to highlight the importance of a preamble in a Bill like this one and I would also like to comment on the Chief Executive Officer who will be the Chief implementer of this Bill. In Namibia we have a lot of Chief Executive Officers and their Boards of Directors who claim a lot of money. When this Bill is being implemented, then the State-Owned Enterprises Act should also apply, so that the salary and allowances of this Chief Executive Officer should be at the level of a Permanent Secretary of a Ministry, because at the end of the day, Namibia is not large. If the Chief Executive Officer of a State-Owned Enterprise wants to go to the private sector for more money, he should go ahead

We should also have another look at the allowances of the Boards of Directors. The National Union of Namibian Workers has also expressed some uneasiness concerning this, because these people are generally getting a lot of money.

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HON DE WAAL**

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

HON SPEAKER: Any further contributions? Honourable De Waal.

HON DE WAAL: Honourable Speaker, I will be very brief. We have looked through this very complicated and important Bill, but unfortunately our time to study it and to come up with Amendments here and there, was very limited and we want to plead with the Honourable Minister for more time. We accept the principle that the State needs to have the ability to intercept communication. We accept the principle when it comes to crime and terrorism and things like that. We have no problem with the principle, but what we want to make sure is that that principle is not misused and therefore, we need to go through the Bill properly, taking into account what the Honourable Prime Minister said in the beginning, also the recommendations by Honourable Kawana and some other issues that are worrying us.

All we are therefore appealing to the Honourable Minister in a democratic spirit to also give us a little bit of time to go through the Bill, to study it properly and to come back to the Minister with properly motivated Amendments. We are asking and I do not know whether the Minister will accept it, but we are asking, in the interest of democracy and good laws, can we not send this Bill to the relevant Standing Committee on the understanding that the Committee must report back on the first day of the next session in September this year. That will give us at least a month to discuss and to approach the Minister in order to try to reach consensus on those issues that we feel strongly about. This is our plea, Honourable Speaker.

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

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**COMMUNICATIONS BILL
HON KAAPANDA**

HON MINISTER OF INFORMATION AND COMMUNICATION TECHNOLOGY: Thank you, Comrade Speaker. I will reply Thursday, next week.

HON SPEAKER: The Minister will reply next week, Thursday. The Secretary will read the Second Order of the Day.

**RESUMPTION OF DEBATE:
MOTION ON HOUSING IN INFORMAL SETTLEMENTS**

SECRETARY: Resumption of the Debate on the State of Housing in Informal Settlements in the Country.

HON SPEAKER: When the House adjourned in terms of Rule 90 on Thursday, 12 March, the Question before the Assembly was a Motion by Honourable Tjihuiko. The Honourable Minister of Regional and Local Government, Housing and Rural Development adjourned the Debate.

HON DEPUTY MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: I Move that the Debate be adjourned until tomorrow.

HON SPEAKER: The Debate on this Motion will continue tomorrow, 8 July 2009. The Secretary will read the Third Order of the Day.

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**MOTION ON GENDER-BASED VIOLENCE
HON H ANGULA**

**RESUMPTION OF DEBATE:
MOTION ON GENDER-BASED VIOLENCE**

SECRETARY: Resumption of the Debate on the Impact of Gender-based Violence in our Society.

HON SPEAKER: When the House adjourned on Thursday, the 2nd of July 2009 in terms of Rule 90, the Question before the Assembly was a Motion by the Honourable Kavetuna. Any further discussion? Honourable Minister of Works and Transport.

HON MINISTER OF WORKS AND TRANSPORT: Comrade Speaker, I also want to participate in this very important topic of gender-based violence. The Member in front of me made statements which provoked some response.

Comrade Speaker, I think we are narrowing down the issue of gender-based violence and I think it really needs very deep analysis in terms of what would be its origin, in terms of how to respond to it, in terms of how to create awareness among the population on how to address the issue of gender-based violence.

In historical terms, many countries that have been afflicted by war and especially those countries that have been subjected to rules and regimes, which had some form of indoctrination and subjugation of people, came to create this psycho problem of violence. In this case it is safe to assume that the violent behaviour of our Nation is really caused by the historical violent actions in the form of apartheid laws and before apartheid laws, the violent subjugation of the population of the country which left wounds in the mental setting of our people. The fact of the matter is that people's

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upbringing and behaviour is determined by the way they are treated from childhood, the experience that they are made to feel the worthlessness of life and, therefore, if you go back to the time of the arrival of the colonial settlers in South Africa, you have that historical connection that the majority of the earlier settlers in the Cape Peninsula were people who were not wanted in their own countries, save for the few traders who had a mission to expand trade, sent by their feudal lords to repatriate their gains and assets back to the motherland. The rest of the workers, the semi-professionals were people who were released from jails and sent to populate the so-called uncivilised or primitive world.

Therefore, when they arrived on the southern tip of the African continent, they had no regard for human life. They engaged in stealing violently from the local population, they engaged in rapes, in violent repression of males and in colonising the females. Thus you have that origin of the mixed people from the side of the Cape Peninsula, particularly among the *Griekwas*.

As the aggression started moving northwards, they had to conquer the new territories violently, again creating the mentality of war. The people whom they found were peaceful among themselves, but they introduced gunpowder and all other violent weaponry. They set brother against brother, they robbed them and when robbery did not work, they waged wars of aggression. Populations were raided for slaves and these slaves were traded in market places in Luanda and other places and they were then transported to the Americas. Then you have the culture of inequality coming up. To avoid being exterminated, the weak ones were ready to sacrifice their own folks by offering them to the powerful ones.

With the introduction of apartheid laws, the indigenous were driven in working in underground mines without any real compensation. They were contracted without signing contracts to work as long as 24 months, divorced from their families, particularly from their immediate families and for 20 months or more these males could not meet their own wives, could not play with their own children, therefore that sympathy and love of humanity was being exploited and distorted by the fact that for 20 months

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you are not close to your siblings in order to give them love. The children became affected because of the absence of the father, the head of the family and the male was forced to live in compounds where you also have some kinds of violent behaviour instigated by the bosses and under this man's pillow was either a dagger or a *kierie*, because of that kind of inhumanity that he is always expecting to be attacked. They were exposed to drinking brews which caused violent behaviour because of lack of attention from either the mother or wife who are the ones to calm the situation. The mothers are like flowers, they are tender, but when you have men who for twenty months do not have access to the mothers, wives or children, they practise unofficial boxing which sometimes culminated in injuries. Those ones among them who could beat more of their fellow males were considered to be heroes and of course, the master used this dichotomy by actually making the brute one the foreman. This foreman is brainwashed, he is made to be super and his superiority is not aimed at actually persuading anyone, it is just to make sure that he enforces the rules of the master. That is the creation of a psychology of brutishness.

As you know, the colonial Police of those days were selected not on the basis of having attained some kind of education, but on the basis of brutishness. You must be huge, tough and ugly. The majority of them were ugly and the training they underwent was not of an intellectual nature, but of repressive nature, how to arm-twist a suspect, how to beat up suspects to make them confess and how to blackmail. In those days the Policemen had to have these characters. Normally they drew them from poor white families who have suffered socially.

In the then South West Africa they would not select Policemen from those who were born in South West Africa, they would select them from among those who have trekked in recent times or those who were displaced by economic situations and they could not find work in the railways or other places. Those are the ones who were recruited as Police Officers. Why? Because they were not supposed to know the would-be potential suspect, they must not have that sympathy when they come to the victim. The result was that before this fellow would question the victim or the suspect, he would first beat him and then the questioning would start.

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I recall in those days when we were young children we would work from 15:00 to 19:00 or 21:00 to earn a living and we were not supposed to be in town after sunset, but being school-going children we were exempted from carrying passes. (Intervention)

HON TJIHUIKO: Honourable Speaker, may I ask the Honourable Minister a question? Honourable Minister, I listened carefully to your very informative statement that you are making, but there is one point that excited me to the point of asking this question. Has this arm-twisting that you are referring to ended with the past or is it still continuing? I am asking this question because I see some kind of arm-twisting to employ somebody by Cabinet, a person who was supposed to be appointed by the Minister on the recommendation of the board. My last question is, to whom would this person now report? Would the person be reporting to the Minister, the Board or Cabinet or the Politburo?

HON SPEAKER: There might be that kind of arm-twisting, but I think the Minister was on a different type.

HON MINISTER OF WORKS AND TRANSPORT: Comrade Speaker, when I was in Standard 3 at Rheinish Herero School in Ou Lokasie, my first part-time job was SKW at the German Club. We would work from three to nine and these Police Officers would ambush us just near Louis Botha Shop before we crossed the Omuramba. When they catch you, they do not ask why you are in town, they would say, “*pull down your trousers and bend*” and he would say, “*I am beating you and I know that your teacher will beat you tomorrow because you have not studied, you were doing this odd job here.*” No question asked, he just sjambokked you.

When you go to school, these teachers, because of this violent mentality, especially our principal, Mr Katjimuiine, would stand at the gate with a stick and he did not ask you why you are late, you just got a beating. You got a beating from the Police last night, you now get a beating from the

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Principal and when you get to the class, another teacher asks you to stand up and before you recite what he is asking, he beats you up. You were constantly subjected to this violent mechanism, because the teacher inherited this from the training, because the first baptism at school is initiation. You encounter violence the day you enter, the cold water that is poured on you as a newcomer.

I remember one time this guy passed by me without a word and I just felt being hit, I fell down and the guy is laughing. You can see the spirit of violence is really a result of that upbringing, that repression. When you give a person who has been subjected to violence the power to be in a position, the first thing is to impose violence on the weaker one. Therefore, it is not strange that men tend to translate this violence to the weaker, that is the women and the children, and the woman imposes violence on the children and the children impose their violence on the weaker children and the dogs.

If we look at the society, which society looks much more violent? If you look at America, America is a society composed of immigrants from Europe, the poorest of the poor from Europe who boarded the ships to go in search of El Dorado in America. The only thing they carried was a gun. When they arrived in America, they found these peaceful Indians and they chased them like one chasing rabbits. They shot them, no question asked and they took over the land. When the Indians were violently repressed and their population reduced, they did not have a workforce to work the mines and they had to raid Africa.

Among Africans there were also those violent ones and at the beginning they were capturing and selling the weak slaves and then the plantations said they do not want the weaker ones, they want the strong ones. Subsequently, they chose the strongest and when they chose the strongest, the Chiefs were inclined to root out those who were violent because they must be exiled and those with intelligence were normally considered to be witches, they were sold to the slavers.

Today, because of that, America is one of the most violent societies. The

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former slaves are resisting because they been have violated against so much, they have been repressed so much, so what he knows is resistance. Anything small done to him is already suspicious, so he is fighting back. (Intervention)

HON SCHIMMING-CHASE: I am sorry to interrupt the historical lesson, but the descendants of the slaves who are turning violent, causing America to be the most violent society, is this also violence against men by women? In the same vein, those of us who went through school and were beaten up and became violent, were girls also beaten up or only boys?

HON MINISTER OF WORKS AND TRANSPORT: I think you did not follow, I am saying when that violence is implanted into you, you must transfer it to the next weaker person. That is the point. The violent men imposed their violent will on the women who are weaker and the women would impose that violent will on the next weaker one. It is not really confined to male or to women, it is only that the mentality of violence is that you have to impose on the one who is incapable of challenging you back. That is the point.

When you come to a society like South Africa, that violent apartheid doctrine has turned so many beautiful lives into violent human beings who have no respect for life. In the sixties here in Namibia it was fashionable to imitate South Africans, you would walk like a *tsotsi* and say a *tsotsi* is respected in the location.

I can tell you when the circus came here to Windhoek West near Van Rijn, the night the circus opened 5 people would be stabbed for no reason, it is just part of life and somebody would come and congratulate you. That is the essence of the violent doctrine of apartheid that has been imposed on our people.

Look at the society in Africa in general. The society in Africa in general is very peaceful. The Nigerians are 130 million, they do not fight, they

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speak to one another, but you can hardly find these people physically stabbing with a knife because they do not have that historical background of crime although slavery was very prevalent there. Then you have spots like Somalia which has been the victim of Arab raids and the Arab slavers went to the extent that the respected doctor here mentioned. When you fell in the hands of an Arab slaver, they first thing they did was to castrate you. The same number of African slaves that went to the Americas went to the Arab world, but where are they today? They were castrated so that there is no offspring.

The slaves of Somalia and Ghana went to the West and in the East it was Zanzibar, Somalia and other places. The Arab doctors were not specialised in castration and 5% of those castrated died. Then in Spain they had a specialised company based in Seville and they would take hordes of African males to be castrated. They were then sent to the Arabic world to be auctioned. (Intervention)

HON MOONGO: I would like to know whether the Namibians were also castrated.

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

HON MINISTER OF WORKS AND TRANSPORT: Comrade Speaker, Honourable Moongo wanted to know about the presence of Namibians ... (Intervention)

HON DEPUTY PRIME MINISTER: On a Point of Order. We have listened to 45 minutes to my neighbour here, justifying the beating of women as a colonial hangover. Our generation was perhaps in the worst colonial system, but I have never seen men in Fransfontein beating

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women, my parents fighting and I did not even know the word “*rape*” existed. The kids born after Independence are now involved in rape. Where are they justifying colonial suffering? For me this is justifying the beating of women when you are hiding behind colonialism.

The second point I want to make is that while listening here around Parliament I have learned that the death sentence does not matter, but I think that instrument matters so much that if we castrate one rapist of a two-year old child, this rape will stop.

HON MINISTER OF WORKS AND TRANSPORT: There is no contradiction in what the good doctor is saying. (Intervention)

HON SCHIMMING-CHASE: On a Point of Order. As far as the Rules go, I understand that there is a limited time to speak on a topic. The Honourable Minister has spoken for more than 45 minutes and it is not allowed in the Rules.

HON SPEAKER: Minister, you have five more minutes.

HON MINISTER OF WORKS AND TRANSPORT: I am not sure about the time-keeper and I cannot contradict the decision of the Speaker, but I think what I was trying to say ... (Intervention)

HON DEPUTY MINISTER OF JUSTICE: May I ask a tiny question? Honourable Helmut, you are a biologist and I was just reading yesterday that they said castration if not a solution for rape, because I understand it just stops the distribution of semen in the testicles, but still the gun will continue to do the job.

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HON MINISTER OF WORKS AND TRANSPORT: I am trying to keep away from the issue of castration because it is pointless, because that is banned by our Constitution. It is the same as corporal punishment, it is unconstitutional. (Interjections).

HON SCHIMMING-CHASE: I agree with the Honourable Minister, but torture and abuse is banned by the Constitution and the rape of a two-month old girl is the worst torture and abuse. It is incumbent upon us that the people who are doing that, who are violating the Constitution should be treated like people who have violated the Constitution. It is actually treason!

HON MINISTER OF WORKS AND TRANSPORT: It should not be perceived that I am against punishment for rapists.

HON DEPUTY MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE: On a Point of Information. I think we must distinguish between authorised acts and non-authorised acts. If you have to legalise castration, it means to authorise castration and the State has to act. Raping is not authorised, that is a criminal act, so we are authorising the State to act on something that contradicts the Constitution. Rape is a criminal act, it is not authorised. If we are saying we want castration to be legalised, it is something that the State has to act upon, which contradicts the Constitution.

HON MINISTER OF ENVIRONMENT AND TOURISM: May I ask the Honourable Minister a question? If the language is a problem, would you accept the term "*male sterilisation*?"

HON MINISTER OF WORKS AND TRANSPORT: In answer to Honourable Moongo's question, when an Haitian talks about his country,

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he pronounces it exactly like the Kwanyama-speaking. There is no other better evidence to prove that people from this land was also shipped to the Americas.

In the census of Havana of 1640 there were four *Ambos* counted and as you know, in old literature the Ovambos were called *Ambos* by the first traders. So, indeed, there is that evidence.

Generally in the Caribbean there are people who are exact replicas of the Nama-speaking and others. So, there is ample evidence that many of our people have also been traded as slaves.

To come back to how to address the issues of violence, you have to organise the society from the base. That means the experience of all countries that went through violent wars, after that they put up institutions of counselling. This could be politically-based, could be religious-based. This effort has not been attempted as far as I know in Namibia. There are no counselling institutions, dedicated to people who have suffered violent repression in one form or another, especially those who were involved in wars or were imprisoned. We have so many people who have been jailed, whether in Namibia, whether in South African jails, but here is no institution where these people could receive counselling.

HON DEPUTY PRIME MINISTER: If you go to our prisons, the kids who are in jail for rape are between 18 to 25. What war are you talking about? They were not victims of war like our parents, our husbands and they do not rape. Where do these kids see these things? Nothing is happening to them and it is a joke as far as they are concerned.

HON MINISTER OF WORKS AND TRANSPORT: My good doctor, the psychology of a human being... (Intervention)

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HON NAMBAHU: Honourable Minister, may I ask a question? Is it really scientific nowadays to talk of a child that has not seen violence with all these American films, the pornography and things on the Internet? Is it really true that our kids have not been exposed to these things? Secondly, is it not proper for Namibia to start embarking upon that exercise so that you usher into the Vision 2030 where we visualise what type of society we would like to have, including the family and all these other things, to start putting something that is missing in Vision 2030 concerning the social aspect?

HON MINISTER OF WORKS AND TRANSPORT: Comrade Uutoni just said I am a biologist; I am a Bio-physicist. The issue of transmitting genes from DNA does not stop with your death. Whatever psychological effect you had in your mind will be transmitted to your kids and to their kids. It does not mean that if you have been psychologically affected by the war it will end with you. No, you have transmitted it to the generation to come.

Finally, apart from the setting up of institutions, the enforcement of cultural programmes in our media, because you can change the psychology of the minds of the people if you really culturally finance people to come up with ethical ways of programming, that the programmes on our media are dedicated to transform and change this human being into a new human being.

HON SPEAKER: Any further discussion? Honourable Mushelenga.

HON P MUSHELENGA: Honourable Speaker, in my contribution to the Motion on gender-based violence by Honourable Juliet Kavetuna, I will start by saying that gender-based is not only criminal, but it is also unconstitutional. Its very nature borders from multiplying the victims.

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This violates the principle of human dignity which is enshrined in the entrenched Chapter 3 of our Constitution.

Like Honourable Kawana, I too would like to divide gender-based violence into two parts, namely the psychological and physical violence. Both these types of violence are a worldwide problem and requires to be addressed vigorously by all sectors of the world society. The victims of physical abuse are mostly women. In some cases this happens without provocation.

Writing about gender-based violence where women are the victims, Claude Chambers writes that one out of four women experience gender-based violence in their lifetime in the United Kingdom, while the world statistics stand at one out of three women. Chambers further states that 70% of the female victims of murder were murdered by their male partners.

In Namibia, gender-based violence statistics for January and February 2009 include 149 cases of rape and 34 cases of attempted rape. They further include three cases of any offence of indecent nature against a female person for the month of February. These figures do not include cases of murder and numerous unreported cases of gender-based violence.

It is common knowledge that women and girl children are killed in cold blood by their partners, sometimes in very horrific and vicious manners. Naturally, men and boys are physically stronger and some abuse their strength to assault defenceless women and girls.

In his publication, “*Sociology*”, Anthony Gibbons discusses three types of common gender-based violence, namely domestic violence sexual harassment and rape. Common incidents of domestic violence include injuries from knife wounds, broken bones and bruised bodies, among others. These types of brutality take place at home which otherwise could have been a safe haven for women. This state of affairs is contrary to fundamental gumption and graceful conduct.

Last week Honourable Konjore spoke about distinguished behaviour of

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animals in respect of gender-based violence. He reminds me of the statement I made on the occasion of the International Women's Day commemoration at the Ongwediva College of Education in 2006 when I said: *"I am often impressed when I look at domesticated and wild animals, such as dogs, cattle and lions. While human beings, men in particular, are now and then committing violence against women, one does not find the aforementioned male animals fighting female animals. They understand the art of love, caring and tenderness. Human beings are supposed to outperform animals in respect of decency of lifestyle and abundance of ethics."*

It should be noted that there are arguably, a few men who suffer physical abuse from women. Recognising the two-way traffic of gender-based violence, renowned legal experts, Helen Howard and Louise Spitz states in their publication, "*The New Penguin guide to the law*" that: *"although domestic violence most occurs when men are the aggressors and women the victims, the fact that men can also be the victims of such abuse – from female partners is increasingly better recognised.... (Intervention)*

HON KASINGO: I would like to know whether I can pose a question. Your research was well done, but among others you are stating that the animal kingdom is doing better in violence and dominance towards females. Did I get your correctly?

HON P MUSHELENGA: I talked of violence, not dominance.

HON KASINGO: It is the same thing. My question is, this weekend I went to Okapuka Lodge and I witnessed the feeding of the lions.

The guide explained to us that the lioness does the hunting and gives the meat to the male. She is sitting there, she did not eat anything and after the male has eaten, she only eats a piece of bone. This indicates that there is also dominance and violence in animals.

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HON P MUSHELENGA: Comrade Speaker, I was saying, “*although domestic violence most occurs when men are the aggressors and women the victims, the fact that men can also be the victims of such abuse – from female partners is increasingly better recognised.*

Honourable Speaker, another aspect of gender-based violence is the psychological abuse. This happens to both sexes, yet women are largely vulnerable. Major culprits in this case are not necessarily the partners *per se*, but the in-laws too. Writing about this aspect in their publication, “*The Sociology of the African Family*”, Kayongo Male and Onyango states: “*A woman is expected to work for her in-laws to prove whether she is really a good woman or not. Her major role to the in-laws becomes that of a servant to the family. Usually they are unconcerned with her workload in the family.*”

HON MINISTER OF WORKS AND TRANSPORT: May I ask a question? Is the Honourable Member aware that among our people here there are some cases where for the man to be allowed to marry the daughter of someone, that male must stay for a year in the household of his father-in-law and work? Only after a year has he proven that he can be allowed to be her husband.

HON P MUSHELENGA: Honourable Speaker, I was not aware of that. I was saying in the quotation: “*A woman is expected to work for her in-laws to prove whether she is really a good woman or not. Her major role to the in-laws becomes that of a servant to the family. Usually they are unconcerned with her workload in the family. If the son fails to send the parents and siblings money because he is attending to his family's first needs, the wife is not only likely to be blamed but also thoroughly condemned for having spoiled their son and it will be claimed that she is siphoning off all her husband's money to her own family. She is often maliciously accused of selfishness or lack of respect and otherwise verbally abused.*”

A scenario when too many relatives spoke their voices in the family of

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one of their relatives impacts negatively on the welfare and peace of mind of a family.

In my language this situation is best described that a wife “*ota liwa okapondamusita*” This means that she suffocates under a calculated repression and endures torture of mind. This brings tensions, anxiety, torment, frustration and distress. It is one of the worst forms of psychological abuses related to gender-based violence.

Earlier I alluded to the fact that in some instances men too suffer psychological abuses. In my language there are phrases like a man “*okwa tsuwa koshini; okwa dhigwa; otaliwa oshipugo, otali ta pi*”. All these phrases refer to a situation when a man suffers in a family, whether from the abuse of his wife or the wife’s extended family.

Previous speakers spoke about material-hungry persons who enter relationships because of what their partners are and once their resources dwindle, they would seek greener pastures elsewhere. This is another form of psychological abuse that men go through. (Intervention)

HON SIOKA: Can I ask my brother a question. Are you aware that if a man suffers verbal abuse in the house by the wife, it is because you have an affair with somebody outside? That is the main cause for abuse which affects men.

HON P MUSHELENGA: Honourable Members, I spoke of traditional phrases...(Intervention)

HON MINISTER OF WORKS AND TRANSPORT: The Honourable Mushelenga forgot two expressions, “*Okwa tulwa mo; okwa dhengwa oka penty komesho*”.

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HON SPEAKER: What do those two mean? I understood the ones you mentioned earlier, but what do those two mean?

HON P MUSHELENGA: They basically mean the same thing that I have just alluded to.

Honourable Speaker, I want to turn to the effect that gender-based violence has on the society. All forms of gender-based violence, whether physical, or psychological, have a negative bearing on a society. They cause depression, alcoholism, psychiatric problems and sometimes even suicide.

They further negatively affect children. Children become severely affected by domestic violence in their respective houses and this has a negative bearing on their performance at school. Children develop odd behaviours as a reaction to the volatile atmosphere at home. Gender-based violence also has an impact on the resources. Afterwards the woman or emotionally abused man or woman needs appropriate medical care and there is monetary cost attached to this. Medical bills need to be settled and curb the needs to be provided. Accordingly this drains resources from the relevant institutions. It further hampers the production in various sectors as victims of violence need to take days off from their work while they are recovering.

The effects of gender-based violence has long-term effects on the victims. This assumption is confirmed by Francis Hendleson who states in his publication "*Crime and Society*" that the effects are deep and longstanding. The victims are traumatised and have to go through an agonising period of horrific memories and nightmares.

Honourable Speaker, granted, we have put in place laws and institutions to deal with gender-based violence. This does not help. Like in the case of other forms of crimes, the perpetrators appear not to be deterred by any existing form of retribution. It speaks volumes that we need to redouble our efforts to address this problem. Among the issues that we need to do

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is the decolonisation of the mind. Gender-based violence perpetrators need a rehabilitation of mind, provided they appreciate the need for such assistance. They need to be coached on the need to change and change for the better so that they can appreciate the values of gender kindness and compassion. We should underscore to these people the essence of the appreciative, supportive and tolerant partners. Our society need to be sensitised at all levels and appreciate that gender-based violence is an ugly face of humanity. This should start at home and continue at school, in the community, church and other social organisations. We should all identify ourselves as part of the problem and dedicate ourselves to problem-solving.

With these words, Comrade Speaker, Honourable Members, I support the Motion and I thank you for your attention.

HON SPEAKER: Any further discussion? Honourable Nujoma.

HON DEPUTY MINISTER OF JUSTICE: Comrade Speaker, I would also like to join this Debate, but I only have a few practical suggestions which I want to make and I think we have talked too long about gender-based violence. I know that we have even enacted laws to combat rape and domestic violence, but it seems that even the laws are being ignored to a certain extent and I think we should now start looking at some practical ways to reduce gender-based violence in our society.

Comrade Nambahu mentioned that television, the media and so many other cultural influences contribute greatly to this gender-based violence. I am a fan of those people who watch Camilla. Alesia was suspected and there was a key witness and Alesia decided to eliminate this key witness because otherwise she has no way to survive. Then she took a big knife and she went and stabbed this old poor man and it was very visible on the television screen, just over the body just to make sure that this man is dead and then she took the body, set it on fire and this is on our television screens.

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What I want to say is that the media contributes greatly to violence, because our kids are watching these things on television. (Intervention)

HON DR NDJOZE-OJO: Talking about practical experiences, I am just wondering why we are talking about violence in a very abstract manner and I do not know practical case studies from this Floor of Parliament so that we can share in a practical experience, rather than imagining ourselves. Going to the television in Spain is very far. We should be able to mould and come up with some suggestions on how to deal with it. Could we get some practical case studies from the Floor?

HON DEPUTY MINISTER OF JUSTICE: This is what I want to embark upon, so that the people out there can see we are living in our society and it does not help to research. (Intervention)

HON MINISTER OF JUSTICE: On a Point of Information. Comrade Speaker, I think we should not confuse gender-based violence with criminality. There are criminals in society, men and women, who kill, steal and rob. The example being given by Comrade Uutoni should not be taken as gender-based violence. This is just a criminal female person who wants to destroy the evidence and even here in Namibia we have them, they are here, but gender-based violence is a relationship-based crime, not just somebody stabbing someone in the street. It is relatives, boyfriend, girlfriend, it happens in relationships.

HON DEPUTY MINISTER OF JUSTICE: Thank you for the advice, but I am talking about the violence which we see on television. Whether it is a relationship between men and women, violence is just violence and that is the picture we show to our young generation.

The NBC is so critical because it educates, entertains and everything and that is the only channel we bring to our people in the rural areas. If they

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see these things, the young people will think it is nice to kill.
(Intervention)

HON DEPUTY MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: On a Point of Information. I think my brother is raising a very important point on the role of the media vis-à-vis violence. Extensive research has been done as to what the contribution of the media, whether electronic or print is, to the issue of violence and other crimes and to a certain extent the media contributes to that, but as a whole the media plays a very insignificant role. The media reflects what is happening in society and your point is very valid. Overall the media is blamed for many ills in society, but it is a reflection of that society, it needs to be investigated where the problems come from. Although I agree with you, I also feel there is a need for balance.

HON DEPUTY MINISTER OF JUSTICE: I agree with you wholeheartedly and I have said, we bring this electronically to the majority of our rural people and they see this type of violence. I have no problem with people who have DSTV, they can afford, they can watch so many other things, even pornography. There is a bouquet of films and you can choose – freedom of choice. The problem is with our electronic media, the NBC. We should really make an effort so that we show the right movies to our people. There are so many educational movies which can contribute greatly, heroic movies of Mahatma Ghandi and other revolutionaries, including the one of my father which some of you do not like.

The second problem I have seen, and this is really my main problem, is that we have established Local Authorities and new towns. Let us make sure that in the new towns we do not allow shebeens. When we proclaim new towns we must make sure that there are entertainment centres where everybody can go and watch movies, particularly in the rural areas. We have to ban these things now. We have to start with new towns now,

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because otherwise these things will continue and there is no control. Go to Eveline Street in Katutura, it is like Hollywood. (Intervention)

HON SCHIMMING-CHASE: You are raising a very interesting position on how to fight the problems we are faced with, but why do you limit it to NBC? Surely we can start with DSTV, M-Net, in which even Political Parties have shares.

HON DEPUTY MINISTER OF JUSTICE: I am talking about the national broadcaster, our own NBC, because it is yours, it is mine. I am concerned about our people in the rural areas and we have to make sure that we bring good things to the rural areas and not to poison those innocent communities. The children of Nora Schimming-Chase are lawyers, they can afford DSTV, they are professionals, let them enjoy that, but let us look at our people and start to educate NBC. (Intervention)

HON MINISTER OF PRESIDENTIAL AFFAIRS: May I ask a question? Comrade Uutoni, you are saying there are certain materials which are not supposed to be watched, but are you aware that because of ICT, even children can access certain materials on the Internet with their cell phones which they are not supposed to see? Are you aware of that?

HON DEPUTY MINISTER OF JUSTICE: Comrade Kawana, I am aware of that and that is why we have been debating this Communications Bill. These are the things we are talking about. We need to control and regulate this type of free information which is sometimes so devastating. That is why there is a necessity for the Communications Bill, because even children have now started sending sex images to each other on cell phones. It is cool! These boys will go and force a girl there and then they take a photo and then they circulate these images on the cell phone. It is right here with us. Should we allow Sodom and Gomorrah to prevail in Namibia just because certain people want to hide behind the so-called

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freedom of expression? Those are the challenges.

I want us to start with the new towns and I have in mind Omuthiya.
(Intervention)

HON SCHIMMING-CHASE: Honourable Deputy Minister, the idea you are raising is very interesting, that in new towns you will not allow shebeens. Does that mean that in the old towns the shebeens will allowed and does that not smell of apartheid?

HON DEPUTY MINISTER OF JUSTICE: We are saying we are all sick and tired of violence against women and children and the serious cause of violence is alcohol and drug abuse in this country. All of us have mentioned it here in our contributions. When you go to Eveline Street, you will see how these bars are lined up. (Interjections). If you are a Parliamentarian and you do not visit your people, what kind of Parliamentarian are you? We go there to the people and we see there is Eveline Street. Go there this evening and you will see the children cannot study, it is impossible. That is why I feel we need to make a new start and create new centres. We must acknowledge where we have lost, but then we must start with a new thinking and that is why we are here as Parliamentarians. It does not help to read thick books and come with research here, the reality is there and we must find solutions to the problems we are facing. (Intervention)

HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE: May I ask the Honourable Deputy Minister a question? Comrade Deputy Minister, you are doing quite well, particularly when you talk about the shebeens and the liquor outlets in new towns, but do you not think that there is also a need for us to do something about the outlets in the existing towns, that these shebeens be closed and liquor be available at a particular time to grown-up people, but controlled, not as it is at the moment. Do you not think there is a need that it be controlled in the existing towns, including the street you are

mentioning?

HON DEPUTY MINISTER OF JUSTICE: Honourable Konjore, I wholeheartedly agree with you. I am not saying that we must not continue with what we are trying to achieve now, we have to continue with those efforts. There are regulations in place that a shebeen must open at this particular time and it must close at this time. Local Authorities should now also start to enforce the issuing of licences. They should not issue a licence to everyone who applies, but they should introduce some controls.

My point of departure is that the town of Omuthiya is being proclaimed and along the road there are already shebeens, but if we want to service new erven, we must not allow any *kambahu* there. (Intervention)

HON NAMBAHU: Is the liquor sold by the shebeens more dangerous than the liquor sold by Shoprite and filling stations? We are complaining that there is too much liquor and we allow the trans-nationals, people who can do better in other things, to even sell liquor. Who are we going to convince that there is too much liquor and still we are issuing licences to these giants?

HON DEPUTY MINISTER OF JUSTICE: Honourable Nambahu, I agree with you, but people buy at supermarkets and they go and drink at home. There are people who would like to enjoy his beer or wine at home and there is no harm in that. (Intervention)

HON DEPUTY PRIME MINISTER: I want to give information. I think a lot of you have heard that I went to Tsumkwe and there were 37 Shebeens and I closed them down. Up to October the Shebeens were closed in Tsumkwe and there were a lot of talks that, “*we are not going to vote for her.*” I said, “*you do not have to vote for me because I am appointed by the President, but you are not going to reopen these shebeens.*” Now I hear the Shebeens are back because the Chiefs who do

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HON NUJOMA**

not read and write have started giving licences to these people. I never got any assistance from this House. The women in Keetmanshoop were screaming, they wanted us to do something about the Liquor Act and we never reacted. Therefore, I think I like what you are saying, because in the new village I am building for the San people at Uitkoms liquor and shebeens are not allowed and you are going to support me on that. I think once you do that, you will see that people are doing better things than drinking. They are baking bread and they look much better. This question of shebeens is dead serious – the crimes we are talking about, the irresponsibility of fathers sleeping in these shebeens and neglecting their work is horrific in Namibia and I think we must be dead serious about what we are talking about. Let us support each other.

In the San Development Programme and even at Ovatué you are not allowed to have shebeens, but there is one Chief who lives somewhere else and he is the one who brings liquor to this place. If you go to that village, you do not see the men, it is just women. The fences are broken up and they are spending the whole day there drinking. I agree with you very much on that point.

HON DEPUTY MINISTER OF JUSTICE: I agree with the Comrade Deputy Prime Minister and I think that is the way to go, because Honourable Jerry mentioned here that he is going to service new erven for the low-income group. (Intervention)

HON DEPUTY MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: On a Point of Information. I think what the Honourable Deputy Prime Minister has said is quite true in the case of Tsumkwe and Comrade Uutoni is a lawyer, but the problem is that here in Parliament they speak the same language and when they are out there they will say “*according to trade law this cannot happen.*” This is the problem.

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HON DEPUTY MINISTER OF JUSTICE: I had only two points and the electronic and print media was my biggest problem and the second problem is the shebeens in the townships. (Intervention)

DEPUTY MINISTER OF MINES AND ENERGY: Honourable Speaker, may I ask my Colleague a question? Honourable Uutoni, you are doing extremely well. We are talking about the causes of gender-based violence within the context of ICT, alcohol misuse. Could you also elaborate more on the question of poverty? Is poverty not also a cause of gender-based violence? Is unemployment not a cause of gender-based violence? Unemployed people sometimes get frustrated and start venting their frustrations on their partners. Could you elaborate a bit on that score?

HON DEPUTY MINISTER OF JUSTICE: Comrade Esau, those are the contributing factors. Unemployment, poverty, the unequal distribution of wealth is the major causes of these vices and that is why we say we have to work hard so that we create more wealth and divide this wealth among ourselves. (Intervention)

HON TJIHUIKO: May I ask the Honourable Deputy Minister a question, please? Honourable Deputy Minister, a point was made by the Honourable Deputy Minister that there are lawyers in this House - and lawyers are professionals - who are misleading people in this House. I know of only four lawyers in this House. Is the Honourable Deputy Minister saying by implication that the lawyers who are sitting in this august House are the ones misleading people?

HON DEPUTY MINISTER OF JUSTICE: Honourable Tjihiuko, I think here we have people elected to be representatives of the people and when they are here, they speak on behalf of the people. Being a lawyer is

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an additional attribute which you can use and there are so many other professionals here, engineers – Comrade Nghimtina – agriculturalists – Comrade Katali, the librarians, the Kaiyamo's. We are so many and our work here is to find solutions.

That is why I would strongly urge us as Parliamentarians to make sure that we mobilise our people and make sure that we do not allow people to set up these *kambahus* in the many new towns being proclaimed. There must be a recreation centre like the one in Katutura, which Dr Libertine Amathila turned into the horseshoe market. There is nice food, there is a braai, chicken, drinks and you can enjoy yourself. Everybody comes there and meet and discuss. I am not referring to the Herero Mall, Honourable Tjihuiko, that is another sickness which we must also eliminate.

In short, Comrade Speaker, I want to propose that nobody be allowed to set up a *kambahu* in the new townships and that there should be entertainment at a central centre. Thank you very much.

HON SPEAKER: Any further discussion? Honourable Venaani.

HON VENAANI: Honourable Speaker, the other day the Minister of Justice spoke very eloquently on this matter, but I have three issues that I want to raise on gender-based violence and I am very pleased that Honourable Kavetuna brought this Motion.

Honourable Speaker, one issue which I think should be addressed coupled to this issue is a matter of availability of small arms in our homes. You would be surprised if you see the current Police statistics, that more than 580 women were threatened at gunpoint last year only. It means that the guns that we acquire for purposes of protecting ourselves against criminals are being used in our own homes to intimidate our partners and it is a serious issue that we need to interrogate. Let me hasten to say that there are also women who abuse men. (Interjection)

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HON MEMBER: Those men are cowards.

HON TJIHUIKO: Careful, those ones who talk too much will be named and shamed.

Honourable Speaker, we need to talk about the question of availability of weapons, because every now and then when you open a newspaper, you would read about a man killing his girlfriend or his wife plus her mother and sisters and that cannot really be allowed in our society. I would call for speedy legislation.... (Interjection)

HON MEMBER: What about castration?

HON VENAANI: I will come to castration, but I would call upon speedy legislation that would really curb the availability of weapons, because even a person as young as eighteen can own a gun in this country and a gun is given to somebody whose track record is not known. (Intervention)

HON MINISTER OF JUSTICE: I am sorry to interrupt the Honourable Member. Who is selling the legally owned guns in this country and maybe I am wrong, everybody who buys a gun has to be authorised by the law enforcement agency called the Police. Is that the case, Honourable Venaani or am I misinformed?

HON VENAANI: Yes, Honourable Minister, that is the case, but what is currently lacking in our legislation is that the Police does not really do an audit of the person when he applies for a gun, especially a small arm. They do not investigate whether you have threatened somebody with a weapon or you were reported for beating a woman. We need that auditing

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to be able to assess whether this person is responsible enough to own a gun and I think the legislation on weapons will be able to address it. (Intervention)

HON DEPUTY MINISTER OF LABOUR AND SOCIAL

WELFARE: Thank you, Honourable Speaker. May I ask Honourable Venaani a question? Honourable Venaani, do you want to suggest that if a man, either being single or married, wants to go and buy a gun, you need the Police to find out his history from the wife? Is that what you want to suggest or how would the Police know the history of a person?

HON VENAANI: You can check that person's police record for cases of domestic violence and say that Venaani has beaten his wife three times, he was reported and that can be done. We must have a system that would allow us to track the person's history before we give a gun to somebody. (Intervention)

HON NAMBAHU: Honourable Venaani, you are making a good point, but our Police do check what is called the clearance. The law should probably be amended to add more information that should serve as background. But as of now they do that, it is only that maybe it is not sufficient. The problem is the laws that we pass, because we have so many protections of privacy, this and that and then certain information cannot be availed. Maybe you could propose an Amendment so that we have a basket of information which can be used in a background check.

HON VENAANI: You have just elucidated the point I am trying to make and that is what I mean, that the Police should have more information about people owning weapons in this country to stop domestic violence in our homes, because a gun is a tool to end somebody's life. (Intervention)

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HON MINISTER OF PRESIDENTIAL AFFAIRS: On a Point of Information. I fully concur with what the Honourable Member is saying, but there was one tragic case whereby the boyfriend threatened the girlfriend with a firearm and the Police came, confiscated the weapon and the same lady went to the Police to plead with them to give back the firearm and that is the firearm which killed the lady afterwards.

HON VENAANI: Honourable Speaker, one issue which I think exacerbates domestic violence in our homes is the cultural perceptions of a boy being a boy. Kazenambo and I know that in our culture it was proper, if you wanted a girl, to twist her arm and I am sure the elder Members of this House know that better than I. You would twist her arm and that would be a form of approaching her and if she screams in a nice way, then she wants you. These cultures can no longer be accepted today. It was violent, but it was accepted and even this whole notion of beating women comes from somewhere, that it is seen as proper for a man to twist her arm and to twist harder and harder, but that can no longer be accepted and men are using these old traditions... (Intervention)

HON MINISTER OF AGRICULTURE, WATER AND FORESTRY: On a Point of Information. Honourable Venaani, let us not look at our cultural practices as being bad. That twisting of the arm was really not to hurt the person, it was done in a manner... (Interjections)

HON SPEAKER: I am two full weeks older than you, Honourable Katali, it was not as gentle or loving as you are saying. I come from a tradition like that one.

HON DEPUTY MINISTER OF AGRICULTURE, WATER AND FORESTRY: If the Honourable Speaker did it in the manner that he is saying, the practice is really to be gentle and loving.

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HON VENAANI**

HON MINISTER OF FINANCE: Some of our male Colleagues may think that some forms of violence and abuse against women are mild and even enjoyable, but there is a saying that the only one who knows how hot the fire is, is the pot. You may think you are playing with the woman, but it is not fun at all.

HON MINISTER OF WORKS AND TRANSPORT: May I ask a question? According to the statement of Honourable Venaani this has been a practice in some of our cultures. Can anyone here testify that she has been subjected to that arm-twisting? (Laughter)

HON VENAANI: I am in agreement with my sisters that these are bad practices. They were practised but they are bad today, because there is generally a very thin line between love and stalking. (Intervention)

HON DR ANKAMA: May I ask Honourable Venaani a question? Honourable Venaani, you probably have practised the arm-twisting in your culture and I just want to find out, when you do arm-twisting, are there cases where a person would say “yes” and where a person would say “no” and what sign is there that the person has not consented?

HON VENAANI: Pose that question to the generous arm-twister, Honourable Katali. Honourable Speaker, these cultures are bad and they must be stopped.

The other issue that I want to raise is the abuse of children. Honourable Kavetuna spoke very eloquently about children who are being abused in our own homes and the other day the Minister of Justice said that, “*I am a woman, will never be a man and will never understand men.*” Now I am a man, I will never be a woman and I do not understand this thing and it

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perplexes me to hear mothers are tormenting stepchildren in their homes. That is really one of the most inhuman abusive measures in a home. You would come in somebody's house, your child has never sat on a sofa that you have bought with your own money. When you come home from work, you ask, "*why are you sitting on the floor?*" The mother would say, "*sit on the sofa*" but you know that this child is not accustomed to this practice and apparently when the husband is not at home, these children are being tormented. Our mothers are also letting us down. (Intervention)

HON DEPUTY MINISTER OF GENDER EQUALITY AND CHILD WELFARE: On a Point of Information. You are saying women do not like another women's children, but the same goes for men. That is why the men are killing the babies. It also applies to you, not only to women.

HON VENAANI: I want to be on record, Honourable Speaker, that there is a saying in our language, *Ha nganda ja kupira nyoko ka I pura omahupiro*. When your mother is married to a foreigner, you do not ask permission to sleep in that house, which technically translates that when your wife's in-laws come to the house, no consultations, they come, but when your parents come to your house, you must ask permission. We should tell these things to ourselves very honestly. (Intervention)

HON MINISTER OF JUSTICE: On a Point of Information. Honourable Venaani is correct, but his story is not balanced. In my tradition relatives do not even allow you to go to a marriage with a stepchild. When you have a child not from that husband, the family members will arrange for this child to be accommodated elsewhere. Why? Ask yourself that question. Stepchildren are mistreated whether by the father or the mother. It is exceptional cases where they are not. Girls in particular become second wives or they become so abused by this stepfather. Either way stepchildren get this raw deal.

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HON VENAANI: I am very glad that you have given an example of your culture. I remember my grandfather was born in 1890 and when a child was born outside wedlock, they would try to fix him with either an uncle so that he does not disturb that marriage, but in the Namibia of today... (Intervention)

HON DEPUTY MINISTER OF GENDER EQUALITY AND CHILD WELFARE: Honourable Venaani, do not talk about Namibia which you know, talk about Windhoek. Do not talk about Katima or Kaoko, talk about Windhoek.

HON VENAANI: If I have children in Okakarara, how would I know only Windhoek? Be that as it may, Honourable Speaker, our stepchildren are getting a raw deal in our families in my culture and I am talking about things I know.

HON DEPUTY MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE: On a Point of Information. Without turning this Debate into "*them versus us*", I think we must agree that what Honourable Venaani is mentioning is something that is being practised. That even sometimes causes disharmony in the house. The child of the husband is not wanted and the mother comes up with many things to ensure that this child leaves the house and because of that, the husband has to be violent and that is one of the good causes of gender violence.

HON VENAANI: Before the House adjourns, let me also hasten to say that especially when there are female stepchildren involved, our children are also playing a very negative role. They are used by their ex-lovers, they are also coming through the girls in the house and we must address that in this country. (Intervention)

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HON DEPUTY MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: On a Point of Information. Although I am a newcomer to these things, my observation is that the real leaders will be either my mother, my wife or my girl friend or my sisters, leading the war against the child of this wife. In many cases I fail to understand the problem, because in many cases this poor child will be hated by my sisters or my own biological mother.

HON KAIYAMO: May I ask a question? Do you not think that is the reason why this House passed a law called “Children’s Status Act?”

HON VENAANI: That Act exists but in practice our children are still getting a raw deal. (Intervention)

HON SPEAKER: The House adjourns in terms of Rule 90 until tomorrow at 14:30.

HOUSE ADJOURNS AT 17:45 UNTIL 2009.07.08 AT 14:30

**NATIONAL ASSEMBLY
ASSEMBLY CHAMBERS
08 JULY 2009
WINDHOEK**

The Assembly met pursuant to the adjournment.

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

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

**TABLING: REPORT OF STANDING COMMITTEE
ON PEOPLE WITH DISABILITY**

HON KASINGO: Honourable Speaker, allow me to lay upon the Table for consideration and adoption, the Report of the Standing Committee on Constitutional and Legal Affairs following consultation on the Motion on Self-representation by Law of people with disability.

HON SPEAKER: Will the Honourable Member table the Report? Any other Reports of Standing or Select Committees?

**TABLING: NAMIBIA POST AND TELECOM
HOLDINGS**

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**TABLING OF REPORTS
HON KAAPANDA/HON SIOKA**

HON MINISTER OF INFORMATION AND COMMUNICATION

TECHNOLOGY: Honourable Speaker, I lay upon the Table, Annual Report 2006/2007 of the Namibian Post and Telecom Holdings Limited.

HON SPEAKER: Will the Honourable Minister table the Report? Other Reports and Papers? Honourable Deputy Speaker.

**TABLING: OUTREACH PROGRAMME:
OMAHEKE REGION**

HON DEPUTY SPEAKER: I lay upon the Table the Outreach Programme undertaken to Omaheke Region from 26 May to 1st of June 2009 under the theme, “*Enhancing Public Participation in the Legislative Process.*”

Honourable Speaker, I rise today with a sense of fulfilment to lay upon the Table the said Report. During the visit to Omaheke, I was accompanied by Honourable Amweelo, Honourable Manombe-Ncube and Honourable Mbai. Our Parliament, which is the Legislative Branch of Government of the Republic of Namibia, was established in terms of Article 44 of the Constitution and has a statutory duty for the formulation of laws and rules according to which the Nation is governed and also has a constitutional oversight responsibility on the Executive to ensure service delivery to the people.

We are happy to report that 7 Constituencies were visited with the aim to introduce Parliament and to meet the local regional, traditional, church and community leaders and also to engage communities on the service delivery. The Constituencies visited were Gobabis Constituency, Aminuis, Kalahari, Otjimbinde and Tallismanus and Eiseb Blok, Epukiro, Otjinene and the Steinhausen Constituency.

**TABLING OF REPORTS
HON SIOKA**

Honourable Speaker, Honourable Members, I am convinced that these visits have brought Parliament, especially the National Assembly, to the doorsteps of these rural communities and that we have had a meaningful dialogue on issues of national importance. Lawmakers benefited greatly from the open exchange with the electorate, sharing the pain and burden of the community in the quest of improving the quality of life of our citizens.

The meetings with both politicians and communities raised a variety of issues, challenges and problems our citizens are faced with. The Report I am tabling today has been formatted as such that these issues, challenges and problems raised have been grouped and categorised for each settlement, village or town visited according to the line Ministries. It is important to note that various Offices, Ministries and Agencies were represented by staff members who accompanied the delegation and who were given opportunity to respond to some of the issues raised on the spot. Some of these major issues, challenges and problems faced by the communities are:

1. The lack of national identity documents, especially in Eiseb Blok.
2. The stalled implementation of rural electrification programme.
3. Sitting allowance for members of the Constituency and Village Development Committees.
4. Lack of office space and staff accommodation.
5. Lack of Medical Ambulances and Mortuaries.
6. Land resettlement.
7. Rural water supply.

Honourable Speaker, Honourable Members, these visits have again highlighted the need for more regular outreach programmes to all regions, simply because the electorate needs to be educated on the separation of

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**TABLING OF REPORTS
HON TWEYA**

powers amongst the Legislature, Executive and Judiciary. Such visits furthermore create national platforms for elected representatives to have a meaningful dialogue with communities in respect of their political affiliation.

In conclusion, Comrade Speaker, I want to urge and encourage each and every Member of this august House to study this Report and Ministries to take note of concerns and issues related to your respective Ministries. A visit to some of these communities by your Ministry representatives may go a great length to open channels of communication.

Comrade Speaker, before I conclude, allow me to thank Mr Hanse and Mr Simon who managed to compile a first Report from our outreach which we have undertaken. I have to extend my thanks to them and the staff who escorted me and this is the first Report which has been produced to be tabled in the National Assembly. I have visited Kavango, Caprivi, Ohangwena, Oshana and Oshikoto and there were no Reports of this nature and that is why I am thanking them. Let me also to thank the Colleagues who have managed to bring the first Report out of these 8 Constituencies. Thank you very much.

HON SPEAKER: Please table the Report. Honourable Tweya.

TABLING: REPORTS OF AUDITOR-GENERAL

HON DEPUTY MINISTER OF FINANCE: I lay upon the Table, Report of the Auditor-General on the accounts of the following:

- (a) Film and Video Development Fund for the Financial Years ended 31 March 2004 and 2005;

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HON IIPINGE**

- (b) Regional Council for the Oshana Region for the Financial Years ended 31 March 2006 and 2007.
 - (c) Regional Council for the Omusati Region for the Financial Year ended 31 March 2006.
 - (d) Regional Council for the Omusati Region for the Financial Year ended 31 March.
 - (e) Regional Council for the Hardap Region for the Financial Years ended 31 March 2006 and 2007.
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HON SPEAKER: Will the Honourable Deputy Minister please table the Reports? Notice of Questions? Honourable Iipinge.

NOTICE OF QUESTIONS

QUESTION 72:

HON IIPINGE: Thank you very much, Honourable Speaker. I give Notice that on Thursday, the 16 of July 2009, I shall ask the Honourable Minister of Justice the following question:

The default matrimonial property regime applicable under common law in most civil marriages is “*in community of property*”. Because of the influence of Namibia’s Colonial history, the default position on marital property is different for some blacks in Namibia. The Native

Administration Proclamation 15 of 1928, which is still in force in post-Independence Namibia, makes a different rule for all civil marriages between “*natives*” north of the old “*Police Zone*” in the area then known

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as “*Ovamboland*”, *Kavango land and Caprivi* which took place after 1 August 1950. These marriages are automatically “*out of community of property*” unless a declaration establishing another property regime was made to a Magistrate one month before the marriages took place. My questions are:

1. Why has a race law been allowed to remain on our books for so many years after Independence?
2. When will the Law Reform and Development Commission move forward with the reform to the law on marital property which would bring an end to the current race-based rules on which marital property regimes apply.
3. Will couples who have been affected by this colonial law be afforded a chance to change to their marital property regimes after the fact if they would like to do so? I so Move Honourable Speaker.

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

NOTICE OF MOTION

**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,
HOUSING AND RURAL DEVELOPMENT:** Comrade Speaker, Honourable Members, I give Notice that tomorrow, Thursday, 9 July 2009, I shall Move –

That leave be given to introduce a Bill to amend certain definitions and insert new definitions to provide for the establishment of temporary registration points outside Namibia;

**NOTICE OF MOTION
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- To provide for the appointment and remuneration of coordinators and assistant coordinators for registration purposes and for their powers, functions and duties and lines of reporting;
- To provide that parents and other persons may declare that a person who applies for registration as a voter has reached the age of 18 years;
- To provide for the publication, prior to registration of a Political Parties, of certain particulars and for the objection to such particulars and the hearing of appeals;
- To provide that staff members appointed by the Commission on the recommendation of the Minister of Foreign Affairs, may hear appeals in relation to any refusal to register a person as a voter;
- To provide that the Commission may accredit persons to provide voter education in respect of elections;
- To provide for registered Political Parties to conduct voter education to members, supporters and sympathisers;
- To provide that in the case of an election for the President or for Members of the National Assembly, the poll at Polling Stations outside Namibia shall take place 14 days before the day determined upon which the poll shall take place within Namibia;
- To provide that the Commission may accredit persons to observe elections;
- To provide for voting by way of voting machines;
- To allow for the counting of votes at Polling Stations and for the posting of results at polling stations;

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- To provide for the determination ballot of the result of an election of Members of the National Assembly or of members of a Local Authority;
- To extend the offences relating to impersonation;
- To provide for additional offences and to provide for matters incidental thereto.

Honourable Speaker, Honourable Members, I further move that this Assembly, in terms of Rule 98 considers this Bill under urgency. I so Move, Honourable Speaker.

HON SPEAKER: I thank the Honourable Minister. Any further Notices of Motions? Ministerial Statements? The Secretary will read the First Order of the Day.

**MOTION ON STATE OF HOUSING IN
INFORMAL SETTLEMENTS**

SECRETARY: Resumption of Debate on the State of Housing in Informal Settlements in the Country.

HON SPEAKER: When the House adjourned in terms of Rule 90 on Tuesday, 12 March 2009, the Question before the Assembly was a Motion by Honourable Tjihuiko. The Honourable Minister of Regional and Local Government, Housing and Rural Development adjourned the Debate and he has the Floor.

HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: Comrade Speaker, I rise to take part in this Debate. The issue of informal housing in Namibia is worse, the reason being that people are flocking to major towns in search of work and then they end up erecting *kambashus* all over. Unplanned housing is informal housing.

Most of the time these people do not have sanitation and for the Government sanitation and clean water are priorities. In the Ministry we are also considering improving the situation so that each and every person, be it in a settlement or in the Local Authorities, people must have clean water and sanitation.

As I said the other day, in most Informal Settlements people put up shacks and those people do not have sanitation. They make use of the bushes and in most of the cases when nature calls at night, these people make use of plastic shopping bags. These bags are put outside and early in the morning they go and throw it away.

The Ministry has the Build-Together Scheme for those people whose monthly income is below N\$3,000. These are the cleaners, the people who are selling in the streets, the unemployed and they qualify for up to N\$40,000 to be paid off over twenty years. Currently the Government is allocating the funds for Build-Together to Local Authorities and the communities have to apply to the Local Authorities. You will find that in Rehoboth and Okakarara they ask N\$5,000 for a serviced plot, which means when you apply, they subtract N\$5,000 and you build your structure with the remaining N\$35,000.

In the case of Walvis Bay Municipality a serviced plot costs N\$30,000, which means you only remain with N\$10,000. Therefore, to qualify in Walvis Bay you need to have a serviced plot already. Where on earth will a cleaner have a serviced plot? The result is that the middle-income people who can afford to go to a Bank are the ones who apply. The Civil Servants and directors of various private companies get a loan of N\$30,000 from the bank, they buy the plot and then tell the Walvis Bay they already have a serviced plot. Therefore, that does not serve the

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purpose for which the Build-Together Programme was meant.

What we in the Ministry are considering to solve this housing problem, is for the Central Government, through the Ministry of Regional and Local Government, Housing and Rural Development, to at least service in each Local Authority a 100 plots.

From 1990 to 1994 Honourable Amathila was the Minister of Local Government and Housing and I was her Deputy. Shortly after Independence we found that there were people in the riverbeds here in Windhoek. The Municipality of Windhoek had already serviced an area. Dr Amathila told the Municipality not to build, we need those serviced erven and we told National Housing Enterprise to build flush toilets at each serviced erf and we removed the people from the riverbeds and we gave them tents and told them to start building. Each one had a tent, clean water and the flush toilets built by National Housing Enterprise. Those were the tents used by UNTAG when they were here. If one today goes to that area, it is a whole township. You find Hage Geingob Secondary School, Moses Garoëb, Tobias Hainyeko School, it is a whole township.

Therefore, the Ministry wants to service in each Local Authority at least a 100 plots. (Interjection)

HON MEMBER: A thousand.

**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,
HOUSING AND RURAL DEVELOPMENT:** We have 55 Local Authorities, so you cannot say a 1,000 for each. We want to service the proclaimed townships and then the people will be moved from the Informal Settlements. Everyone will be allocated an erf and told that within five years they must build. If you have a shack, clean water and a flush toilet, you can apply to Build-Together and start building even one room. We believe in that way we will solve the problem of housing for the poor. The middle and high income can do it the normal way by going to the Banks. (Intervention)

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RT HON PRIME MINISTER: May I ask a question? Comrade Ekandjo, the other day when I attended the Shack Dwellers' activity, I committed myself to contribute N\$100 per month to their fund. (Intervention)

HON MEMBERS: Only?

RT HON PRIME MINISTER: Only, yes. It is all I can afford. Do you not think it is a good idea if each Member of Parliament contributes either to the Shack Dwellers' account or to the Build-Together fund whatever they can afford? Do you not think it is a good idea?

**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,
HOUSING AND RURAL DEVELOPMENT:** Honourable Prime Minister, since the time when Honourable Nicky Iyambo was the Minister of Local Government and Housing the Ministry contributed N\$1 million per year to the Shack Dwellers. The Ministry budgets N\$1 million each year and even last December I handed over a cheque of N\$1 million, but we feel that this should be increased. The Shack Dwellers is an NGO and we work closely with them.

If we service the erven, then the Shack Dwellers can apply for erven for their members and those who qualify for Build-Together can also apply.

Once we service the erven, these will be planned townships, rather than people just building on the mountains and every space. We believe that if a person has a serviced erf with a flush toilet, that person will sign a contract that within 5 years he must at least build a structure. (Intervention)

HON DEPUTY MINISTER OF JUSTICE: May I ask Honourable Ekandjo a question? Comrade Jerry, I agree with you but my only

concern is that those areas you mentioned in Windhoek were previously informal settlements, but still the informal settlements continue. My understanding is that some people who live in town are the ones who import people and tell them to go and set up *kambahus* there so that they have more erven and he will finance those erven. Now Government will finance these erven, but they do not belong to the people, they belong to other people. How are we going to control that situation? These settlements are almost stretching to Okahandja and how are we going to control that situation to ensure that the right people benefit? My concern is that it will never end or is the population growing so fast?

HON SPEAKER: The Honourable Deputy Minister has thrown cold water on the enthusiasm that the Minister has earlier generated. If it is true, then these efforts you are making will be nullified by us who are giving people money to set up *kambahus*.

**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,
HOUSING AND RURAL DEVELOPMENT:** Comrade Speaker, when in 1991 we removed people from the single quarters, the people had *kambahus* around the single quarters. Most of the single quarters belonged to people in town. Most of the whites also had those stalls there. When we removed the people from single quarters we transferred them to Goreangab Dam which was a serviced area and they were registered there. Those rich people who had *kambahus* at the single quarters lost.

The first *kambahus* in Windhoek started at single quarters towards the end of 1990 and you could see they were well constructed. When the man was asked whose *kambahu* is this, he said “*it is mine*.” We took them to Goreangab, we registered the spot under his name. In the end those people lost, because when they said, “*it is my erf*”, he would say, “*no, it is mine, here is the paper*” and they lost. Those people went with their properties and they built structures on the serviced plots. When a person is asked his particulars, he will not say it belongs to Mr Ekandjo in town because if that is the case, we are not going to register, but if he says, “*it is mine*”, we took their particulars and they were given papers in their

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names. The next day the owner heard that single quarters is clean, “*where is Mr Paulus?*” “*He went to Goreangab Dam.*” Mr Paulus refused and said “*this is mine*” and many people lost in that way.

Therefore, if people have *kambahus*, we are going to register under the name of that particular person. People have to sign a contract and everyone who moves must sign a contract and must apply to Build-Together for a loan. If you refuse, then you are out. You have to apply for a loan from Build-Together. (Intervention)

RT HON PRIME MINISTER: I want to ask you a question for clarity. When are you going to clean up the Mixed Camp? I understand that people are refusing to leave that place.

**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,
HOUSING AND RURAL DEVELOPMENT:** Can the Prime Minister just elaborate on the “*clean up?*” Comrade Speaker, there were a hundred *kambahus* at the single quarters and during our time we never allowed *kambahus* to be erected all over Windhoek, we were strict. So, once we moved people to an area, those who refused had to demolish their *kambahus*. If Government serviced the area, we forced the person to take a loan from Build-Together and that person must pay it over 20 years.

Comrade Speaker, most of the people who have *kambahus* are not poor. It is only that there is no accommodation in Windhoek. Those people have two, three cars but they are staying in shacks.

Another consideration is that instead of National Housing Enterprise only building houses to be sold, must also build houses for rent. A young man was born in Walvis Bay, he went to UNAM, 25 years old, well-paid with a car, does not need a house in Windhoek, he only works here in Windhoek, his house is in Walvis Bay, where must that person stay? If there is a place which he can rent, he will do so, but because there are no places he can rent, he is forced to make a *kambahu*. (Intervention)

HON DEPUTY MINISTER OF LABOUR AND SOCIAL WELFARE: May I ask a question? You are saying National Housing Enterprise should build rental houses, but what about the Municipality? Could they not do the same?

HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: We want to strengthen the National Housing Enterprise to have a department which builds. The Municipality does not have the capacity to build, they go on tender and sometimes there is corruption, that the Councillors are also involved in the tendering. Currently National Housing Enterprise goes on tender and we want them to have an arm so that they themselves build and that they do away with the issue of tendering. The Government has a parastatal to build houses, why should we also go on tender?

We have a road construction company which is supposed to construct roads and then they call for tenders to build a road. Then you expect the Government parastatal to compete with Grinnaker for a tender. At the end the Roads Contractor Company will become bankrupt because it is competing against each other and the same with National Housing Enterprise. When the Local Authorities build these low-cost houses, they go on tender. Why do we have National Housing Enterprise? If we have the arm of the Ministry to build houses, why should we go on tender? We want National Housing Enterprise to build because they have the capacity and we must have an arm, the Engineers, the land surveyors, etcetera, so that they build town houses for renting and low-cost houses for renting, because you may find there are ordinary people who cannot afford to buy.

We must build town houses, flats and they must also build houses with yards for renting. If you work in Windhoek and want to buy a house, you can buy it, but if you cannot afford, you can rent it for years and years.

Currently you apply to National Housing Enterprise and you wait for years before your application is approved and where do you stay in the meantime? You stay in the *kambahus*. We want National Housing Enterprise to build flats, to build town houses and to build low-cost houses

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for renting and also for selling. Then we solve the problem of housing and in the meantime we service the erven for Build-Together and we provide flush toilets and clean water. Then you can put their *kambahu* there, but within five years you have to construct.

Comrade Speaker, in Kenya, for instance, the Ministry of Local Government, the Ministry of Metropolitan Kenya, which is regional, have their own Engineers, land planners and land surveyors and the Housing Corporation of Kenya is building. They de-bush an area, the service it themselves, they plan it themselves and build, but in our case we make use of private land surveyors and all these other private people who are very expensive. (Intervention)

RT HON PRIME MINISTER: On a Point of Information. I am prepared to give you builders from the COSDECs, they are available. Just tell National Housing Enterprise to come to me.

**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,
HOUSING AND RURAL DEVELOPMENT:** We also have the youth from the National Youth Service, why can they not build?

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

**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,
HOUSING AND RURAL DEVELOPMENT:** Comrade Speaker, currently the Local Authorities make use of private town planners and our current town planners are narrow-minded. I am saying this because they build narrow roads and let me just take Windhoek as an example. There are cul-de-sacs where even a truck cannot turn. In the old Europe most of the roads are one-way. Hundreds of years ago it was for two-way traffic,

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but now it is one-way. 20 Years from now Independence Avenue will be a one-way street because the cars in Windhoek are increasing every day.

Honourable Speaker, you will remember when you were still the Minister of Foreign Affairs and we were building the Heroes Acre, you brought the idea that we build a wide road where the people in march in their thousands to Heroes Acre. The City of Windhoek never took note of it and today at the road-block there is a queue. The programme starts at nine, but the cars are jammed at the road-block and we stand there for hours. Most capital cities of the world plan their streets to lead to a central point. This is because in most cities the Central Government gets involved in the planning of the cities, but in our case we leave it to the private sector. We have land planners and town planners and we are operating on the Ordinance of 1936 and most of these boards have not even appointed by the Minister.

Namibia is big, but you find that the erven are small, with the result that the houses are small. If you have a double bed, there is no place for a dressing table. The yard is small and if you enlarge the house, the car will stand in the street. We have a big land, but these town planners apparently calculate per square metres. Why can we not have our own people?

The Ministry in Kenya is fully equipped, they do everything and we also have to do it here. In West Africa most of the countries, especially those which were French colonies, have big circles at the road junctions, because with robots you still see traffic cops regulating the traffic. So, why are the robots there? If you have these circles, there is no traffic jam.

At the circle at Katutura Police Station there are no traffic jams. At the circle on the Rehoboth Road at the Country Club there are no traffic jams.

In western capitals where there are circles, the traffic flows, no traffic jams.

Also our cities do not make provision for bicycle lanes. In Windhoek one or two people are run over by trucks per month. Many people are going to buy bicycles because petrol has become expensive and one has to

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exercise. Why can we not have pavements for bicycles?

The Central Government has to become involved when these private people charge N\$800 per square metre. Apparently they charge N\$800 per pin. If an investor wants to invest in a Local Authority, the Local Authority contracts private land surveyors and town planners, they plan and then they must hear if the public objects, then it goes to the next stage and at the end two years have passed. If an investor wants to invest, he or she cannot wait for two years, they will go to another town.

There are many things to be done and I hope that by next year's Budget, the future president, His Excellency Kaura... (Intervention)

HON MINISTER OF PRESIDENTIAL AFFAIRS: May I ask the Honourable Minister a question? Comrade Jerry, I would not say the President as such, maybe shadow President because that will be the permanent title.

Why is it that Honourable De Waal is not in the House? Do you not think he is disappointed because the shadow President promoted Honourable Moongo to be shadow Prime Minister and Honourable Venaani as the shadow Foreign Minister? They left out Honourable De Waal and that is why he is not in the House.

**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,
HOUSING AND RURAL DEVELOPMENT:** Honourable Kaura, shadow president-in-waiting, I congratulate you because you have tried twice and could not succeed, so the third time you will succeed.

Comrade Speaker, I believe that if we leave it to the officials of our Local Authorities to plan the towns the way they are planning now, I am told that in the fifties and sixties in Egypt you found horses pulling horse carts and the horses wanted to eat the green lawns, they did not want to eat dry grass and they put green goggles on the horses and they started to eat the

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dry grass. If you take off the goggles, the horse shakes its head and if you put on the goggles, the horse starts eating. Therefore, let us give our town planners green goggles, let them go to Europe, let them go to Asia so that they know how to plan a town.

At one stage the Cabinet decided that we should have toll gates and the officials said no, we do not have the volume of traffic. Today you have a weighbridge on the way to Döbra and the container with the people of the weighbridge is this side of the bridge, the weighbridge is on the other side of that bridge, they come from the Catholic Church there. What these trucks are doing, they just come over the bridge and then come down. The person just sees cars are coming down, he thinks the truck made a turn there at the weighbridge, but they just drive over the bridge and go down.

The officials must not think of today, 20 years from now there will be a lot of traffic and it is better, while things are cheaper, to build wide roads even if there is no traffic, knowing that twenty years from now there will be traffic on the roads. Twenty years from now Independence Avenue will be a one-way street.

With this, Comrade Speaker, I hope that with next year's Budget, our future President, Honourable Kaura, will have green goggles and when you have to sign, you will just see green ... (Intervention)

HON DEPUTY PRIME MINISTER: I think you must not give Honourable Kaura green goggles, you must give him goggles which will multiply the numbers.

**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,
HOUSING AND RURAL DEVELOPMENT:** If we build houses for rent, those people who cannot afford to buy houses will rent. Currently National Housing Enterprise only build houses for selling. Why do you need a second house in Windhoek if you have a house in Otjiwarongo? We must build houses for rent, we must build town houses which the

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young people can rent. Those who want to buy, let them buy houses and those who want to rent, let them rent houses.

Comrade Speaker, when next year we say we need N\$10 billion for the Local Authorities to service the land, I hope each Member of Parliament, and I start with Honourable Kaura, will pledge. Comrade Speaker, I rest my case.

HON SPEAKER: Any further discussion? Honourable Tjihiuko.

HON TJIHUIKO: I ask the indulgence of the House to reply next Tuesday.

HON SPEAKER: Honourable Tjihiuko will reply next Tuesday. The Secretary will read the Second Order of the Day.

**RESUMPTION OF DEBATE:
MOTION ON GENDER-BASED VIOLENCE**

SECRETARY: Resumption of the Debate on the Impact of Gender-based Violence in our Country.

HON SPEAKER: When this Debate was adjourned on Tuesday 7 July 2009 in terms of Rule 90, the Question before the Assembly was a Motion by the Honourable Kavetuna. Honourable Venaani had the Floor and he may continue.

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HON VENAANI: Honourable Speaker, I was very generous with questions, but I want to round up my ideas. Yesterday I spoke at length about the fate of many of our stepchildren in our homes and the treatment they are getting from our mothers and that while we want to protect our people against woman and child abuse, we should go much further to protect the lives and the moral values of our children in our own homes, because this situation has reached untenable levels in many of our families. Given the fact that the mothers give life to people, even if the child is not yours, you cannot blame a child for what happened in the past.

Yesterday I spoke about the children being used by ex-lovers, to ask whether this mother is cooking well, whether they are washed on time and we should be able to balance some of these things in our own homes in order not to use the children as a suppressing force in our own mental problems.

Honourable Speaker, I want to turn my attention to one issue and I wish the Secretary-General of the Ruling Party, the Minister of Justice, was here who the other day said that she does not understand men, she will never be one and I said yesterday I will never be a woman. However, one matter that needs to be interrogated in this country is the question of our mothers.

What happens is that a young man comes and he goes out with your daughter and this young man is now supplying this house with food, the child has a cell phone the next morning, a leather jacket the next day and the mother is getting pyjamas. This has created a culture of young girls thinking that they must live off men. When you start showing interest in someone, “*can you come and pay this account?*”(Intervention)

HON DEPUTY MINISTER OF GENDER EQUALITY AND CHILD WELFARE: May I ask the shadow Foreign Minister a question? Honourable Venaani, I want to know if you are going home tonight or you know where you are going to sleep tonight?

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HON VENAANI: I have already made my case at home, so I am covered. There is this culture in this country and Honourable Ithana spoke at length on it, where young girls are so much at ease to ask people for money. It makes you wonder whether your own siblings, your sisters, do these same things. You have not said one or two words, “*buy me a television, buy me this*” and it starts with a beer at the cuca shop. (Intervention)

HON DEPUTY MINISTER OF LABOUR AND SOCIAL WELFARE: May I ask a question? Honourable Venaani, you started with a television, but the first day they just say, “*hello!*” she says, “*Credit.*”(Intervention)

HON VENAANI: My elder brother has more experience, but it is true. (Intervention)

HON MINISTER OF ENVIRONMENT AND TOURISM: May I ask the Honourable Member a question? Honourable Venaani, I may not say that what you are saying is not correct, however if there is a market, then those things will happen. If men were not providing money on request, those girls are not going to demand. You are making them to demand because you give. If you do not give, there will be no market. The one who is making them to do such things is the culprit, especially the elderly people.

HON VENAANI: I understand what the Honourable Minister is asking, but the mere fact that I come to you and say, “*hello, you look pretty*” does not translate that you must ask me for money. There is inherently nothing wrong for a man to give, but a person wants to give voluntarily. (Intervention)

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HON IIPINGE: May I ask a question? Honourable Venaani, are you aware that when some men approach girls, they say, "*I can even provide you with everything?*" Are you aware of that?

HON VENAANI: I am coming to that and I am very aware of that. I am however talking about the general practice, that the generation of the Honourable Deputy Prime Minister and Nora Schimming-Chase were taught not to ask money from a man. (Intervention)

HON DR ANKAMA: May I ask my Colleague and the shadow Minister of the DTA a question? Honourable Venaani, are you aware that there are women who are very troublesome, stalking men continuously and even providing certain items just to entice you?

HON VENAANI: I would not want us to have a fight between us and them. My whole point is that we need to instil moral values in our young girls. The way that they are asking people for money is not right.

Then I want to turn my attention to the young men. Many young men who are killing themselves and killing women are of my generation. At school I used to be a part-time taxi driver in town and one day a guy jumped in the taxi that I was driving and he makes an offer, "*I have a small fridge, I have a gas stove and a wardrobe and I am selling everything for N\$150.*" He was an older man, close to 50 and I asked him why he is selling everything for N\$150. He said, "*what should I do, my girlfriend has dumped me, I do not need it, I just bought it for her.*" Young men especially have this tendency. What you give voluntarily to a woman is not an investment for which you must get returns.

You leave your sister at home, you do not take her to Polytechnic, you take another person's sister to Polytechnic on your own account. You are buying for another person's sister. You leave your sister, and when she says she no longer wants you, you think that all this money you have

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given to her must have returns. This is a voluntary engagement and if that person decides she does not appreciate what you have done, there is no need.... (Intervention)

HON TJIHUIKO: Honourable Speaker, may I ask the Honourable Member a question? Honourable Venaani, when somebody is planning to invest, some people are investing in shares, some people invest in cattle. The question of Tjihiuko having bought these things, do you not think that perhaps at that particular moment Tjihiuko was perhaps thinking of investing in his future wife? The moment she says Venaani is around, I must go, is it wrong for me to take along what I have brought to the house?

HON VENAANI: In your own kraal you give your children cattle. These cattle belong to your children and the minute that you say this cow belongs to you, that person thinks that is his cow. The day when you sell, your own child will even ask you, "*why are you selling mine, give me another one.*"(Intervention)

RT HON PRIME MINISTER: I just want to be clear, may I ask you a question? When you give a heifer to your child, you do not expect this child to sell it. When you see him selling it, you will say no. It is the same reason. This person cultivates your trust and understanding and you say, "*I am going to buy you a car because I can afford it.*" Once you have bought a car, the person betrays your trust and says, "*I do not want you anymore.*" How would you feel?

HON VENAANI: Being a senior Member and senior in these matters, you will feel bad, you will feel betrayed, you will feel all the right things that you must feel, but it does not mean that this investment was supposed to give you a return, it was a bad investment. Just as you lose money from *botsotsos*, you feel bad. It is a high risk investment. You have taken my sister to school and now you come and shoot her because apparently she

has dumped you. (Intervention)

RT HON PRIME MINISTER: Honourable Venaani, if a *botsotso* grabs your Cellphone and you have memorised his face, next time you are going to beat him. What will happen?

HON VENAANI: You will go to the Police. I spoke of mothers accepting these things and that is why you see young men even going up to the mothers, because they have been supporting these people and buying coffins for the funerals and when the young girl does not want you anymore, the mother will start thinking *omuatje uetu*. This is where this triangle comes in.

HON DEPUTY PRIME MINISTER: This culture is quite astonishing to me because I am hearing for the first time that you guys are so generous that you buy things for women. I grew up in a society where the opposite happened. The guys in Katutura stayed in the woman's house and if he is kicked out, he goes and stays in another woman's house. The men never looked after the women, it was the other way around. Nowadays you have these sugar daddies with stomachs hanging out, going with a beautiful girl and you have to pay for that beautiful girl with that ugly stomach of yours. You are buying her favours.

HON VENAANI: I am talking about this triangle where you will find the girlfriend is shot, the mother is shot and it is because all these people betrayed you. When I was 14, my father could relate to me about women or anything, but my mother could not speak to her daughters of 9 years. A mother and a daughter are close and they talk about these things and when the girlfriend decides that now she has found Tjihuiko, she does not want Venaani, she would always tell the mother. Then the mother will use these tactics that "*Belinda has gone to study*" and she knows Tjihuiko is

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now supplying N\$10,000 instead of my N\$3,000. This is why these things are happening.

Another issue is school initiation which is also exacerbating domestic violence in our own homes. During Honourable Kaura and the Honourable Speaker's generation people would travel from Waterberg with the train to Usakos and the people from Usakos would say, these kids do not know trains and they will go and tell them to go and park the train and they would get off. That was the kind of initiation, but our generation's initiation at Augustineum, Dawid Bezuidenhout and Ella Du Plessis, the boys would literally abuse you. You have to sit on top of a locker and somebody would say, "*when I do this, you must fall like you are dead*" and you have to fall. (Intervention)

HON KAURA: May I ask the Honourable future Minister of Foreign Affairs a question? I just want to find out, do you not think the idea of providing from the male's side is historical throughout the centuries? As we were growing up as young people, the guy who was the best hunter, who could provide meat, was the one who was very much liked by the women, who brought meat to the girlfriend. Maybe the difference is that these were consumer perishable instead of consumer durables like furniture, television or cell phones. However, the idea of a man giving and being liked by the woman because he can provide, do you not think this is a historical phenomenon throughout the centuries? The only difference is that now they are providing consumer durables, which they can take along when they break up, but when they were providing food, they could not collect it when they broke up with a girl. The idea of providing is a historic part of the human nature.

RT HON PRIME MINISTER: On a Point of Information. In my tradition it used to happen, but once it happens, it is expected that I am going to marry that woman. If you do not marry that woman, that family has to pay you back. The problem now is that you are taking things under deception. You are actually robbing this person and when you decide you

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had enough and go to another man, this is what is causing violence. I agree with Honourable Venaani on that score.

HON VENAANI: I think it is both historical and scientific.
(Intervention)

HON SCHIMMING-CHASE: I just want to add to strengthen what Honourable Kaura said, because this is a tradition that was so strong that after twenty years in exile, a Namibian comrade came home and he got involved with a lady, but having lived in Sweden for so long, he decided to take a bunch of flowers when he goes visiting tonight. He took a bunch of flowers and the lady said, “*what are we going to eat, why did you not rather buy meat?*” But that meat was not only consumable, he also ate meat and he ate more of the meat than even the children. It is true, but it was still a question of him benefiting.

HON VENAANI: To put Honourable Kaura’s question into context that it is both historical and scientific, have you noticed when you throw *mieliepitte* to a chicken, a cock, it will not eat it, it will wait for the hens to come and eat it first. For the male to provide is a historical thing and even today in my culture you would find that when a wealthy man dies, he only had 60 cattle, the wife has 200. If the wife wants to pay an account, he says, “*give me that tollie, I will give you a heifer.*” You transfer, but the problem that you are going to address is her problem.

In the Herero culture wealthy men are poorer than their own wives, because they are transferring cattle to their wives in this way and even if you tell your own wife that you sold her heifer, she will ask you to give another one. This is happening even in our generation. (Interjection)

HON MEMBER: It is pride.

HON VENAANI: Yes, that pride is also killing us. I was talking about school initiation, that children are abused by their peers in school and you become an underdog, so much so that one day when you get involved with a wife or a girlfriend, you start abusing this person because you were abused by your own peers. (Intervention)

HON TJIHUIKO: May I ask the very last question? Honourable Venaani, do you know that during our time, our generation of Uutoni Nujoma and myself and others at Augustineum, one had to behave like a chair, stand on your knees and somebody would be sitting on you for hours or you become a radio, the Springboks and the British Lions are playing and they just twist your ear and say now you are a radio, I am listening now. Is this not something that is causing these problems in our homes?

HON VENAANI: It has been proved scientifically that when a child is pressurised and abused by the peers and especially a boy, at a later stage he would use his physical strength to slap the wife or to abuse the wife.

During our time when we were at school it was really a bad thing. During the rainy season they would tell you to jump like a fish in the water and then you have to lie to your parents that you fell coming from school. Those things remain with you and when you start having girlfriends, you want to exert your pressure on somebody else and these things are causing some serious problems. (Intervention)

HON DEPUTY MINISTER OF JUSTICE: I have been provoked by Honourable Tjihiuko, but he ran away. On a Point of Information. I think this whole issue of initiation was really a terrible thing. I think when the elders, such as Honourable Kaura, started with these things at

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HON VENAANI**

Augustineum it was not so violent, but over the years it developed into a very bad attitude and some of us who went to that school can tell you that the abuse was so intolerable. You were beaten, you had to do all sorts of things. The only thing I noticed which did not happen was this sexual abuse and all those things, but it was very rough and that exacerbates violence because when your time comes to initiate the others, you will do the same thing and that culture continued and continued. I do not know who started it. (Interjection)

HON MEMBER: It is Kaura!

HON DEPUTY MINISTER OF JUSTICE: I do not know whether it was encouraged by the colonial authorities that the people must be abused and then they will conform to this new life at school, but I am telling you we must make sure that it does not happen because it was bad. Our young children should not be subjected to those types of things in our schools.

HON VENAANI: This initiation thing comes from Europe and I remember one mother relating a story to me, saying that today our children are taking our weapons to school and when you have a beautiful girl at school, when you are more handsome than me, I will bring a gun and put it in your face in front of the girlfriend. (Intervention)

HON DEPUTY MINISTER OF LABOUR AND SOCIAL WELFARE: On a Point of Information. This treatment at school can be regarded as violence to a certain extent, but in everything there is a positive and a negative. I can tell you that if there was not that process to make a man of you, you would not have liberated this country. It was just to make you a tough man. At school we were treated that way. To a certain degree it was to train you to be a man and be on your own. That is why we managed to liberate this country.

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HON VENAANI**

Honourable Speaker, I used to say there were two people who baited me. The one was my father and the other my teacher, until I chased him with an axe at a certain stage. However, when I was arrested by the colonial regime, I started to thank my father and my teacher. My father was preparing me, I could have been a puppet, but because of that treatment I am a man and if you hit me, the tears will not come. We should not lump everything together to justify this violence.

HON VENAANI: What makes a man a man is when your uncle, your father or any guardian takes you to the cattle post and tell you to kill a bird with a bow and arrow. That makes a boy a man, not initiation. Initiation is a form of abuse in our schools.

Lastly, Honourable Speaker, is the post-war trauma we have in this country. We had members of the PLAN Forces and members of Koevoet in this and when the war ended, they were not given psychological counselling. It is an inherent problem in this country. Some of the people you are saying were men, were so afraid. When soldiers return from a war zone they become socially distressed. Some are not that brave and we must be very honest and because there are these fears, they start exerting these fears on their wives and we need to do counselling for people who were affected by war traumas.

In conclusion, Honourable Speaker, it is important that this Motion once and for all questions the value of our moralities and I think we as leaders should lead in trying to make sure that we address all those aspects that confront our moralities. (Intervention)

RT HON PRIME MINISTER: Honourable Venaani, having made such a forceful case on how this violence happens, do you think the proponents of castration are still holding that view?

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HON KAVETUNA**

HON VENAANI: Castration does not take anything away, a man will even be able to rape. (Interjections). I was thinking of sterilisation. (Intervention)

HON DEPUTY PRIME MINISTER: The Chinese royal families used to have all these wives around and if there is a male working in the house, he was castrated and known as a eunuch. So it is *Okupindua, okana kake seksama!*

HON VENAANI: I rest my case.

HON SPEAKER: Any further discussion? Honourable Kavetuna.

HON KAVETUNA: Honourable Speaker, Honourable Members, I submit with humbleness my greatest appreciation for your contributions to this Motion that is very important, but very sensitive and emotional.

During the lengthy Debate of this Motion, I identified an overwhelming concurrence and total agreement with whatever you said. It is undisputable that all of us recognise that there is an underlying problem, deeper than the abuse of the men, women and children.

One thing that came out explicitly is the fact that this violence has a starting point, because every victim has a story to tell. It is not a one-day issue.

Let me relate to you a story of a young woman in Oshakati, as reported in one of the local *Newspapers* a few days ago. An 18-year old young lady, pregnant for the first time, impregnated by a fellow who ended up being in the holding cells for her entire pregnancy, did not get support from anyone in the community, apparently due to the fact that nobody knew who was

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the father of the unborn child until the child was born. The parents demanded that she gives his name so that they could register the child in order for them to avoid shame on the family of having a child in the family that does not have a father. As in many cases, the man refused to be implicated in this story, he sent his new girlfriend to tell this girl that he was not the father and to warn her to back off. She decided to satisfy the community by assuring them that the child has a father, even if the man did not want to be part of the life of the child.

She asked him just to go with her to register the child for birth. All in vain, she developed a negative idea of killing the baby in order to make her life easier from all the insults in the community. Her conscience guided her to do the right thing. It is when she went to the police station to request them to look after the fatherless child because she did not want to hurt him.

An insensitive Police Officer referred her back home and promised to take up the issue. After 6 months, sitting with a baby without a Birth Certificate, because the father disowned the child, she once more started thinking of getting rid of the baby. She again went back to the Police Station to give her child for custody and again the officer sent her back home, but she refused and insisted that she will not go home with the baby because she was close to killing him.

How many people are not suffering in this way? Just imagine how many were sent home to kill or to be killed before intervention by the relevant authorities.

I took cognisance of the fact that there is a need to investigate the unknown, non-obvious causes of these barbaric acts in our community, committed by the once most protective, loving people in our homes and community.

Honourable Members, there are some fundamental facts that we cannot run away from and it is a fact that, despite multiple legal instruments in place, gender-based violence cases are increasing and becoming more inhuman. This led to a hypothetical conclusion that these instruments are

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totally ineffective, because they are either not enforced or they are not known or simply the problem is beyond legal dimension.

The demand for severe sentences and severe punishment for perpetrators is not ultimate, neither is it sufficient. One could read between the lines of your contributions a plea for a multi-disciplinary approach, driven by each individual in this country.

Honourable Speaker, Honourable Members, when I was listening to this intense Debate, my heart broke into pieces to realise that some Honourable Members are seeing their female partners, wives or girlfriends as their properties. What a serious misconception! I saw that there were attempts to justify why lovers are abusing or even killing each other. The most unacceptable one is the one of apparently investing resources in one partner and then being dropped after that partner starts earning his or her own living. For me there is nothing to be invested in somebody when people are involved as lovers. One may not give money, but you will get satisfaction out of that relationship, sexually or emotionally. There is absolutely no justification for these barbaric acts that are taking place in our homes and society, even if ***Honourable Helmut Angula*** and others wholeheartedly attempted to give broad lectures on the reasons and causes of gender-based violence.

There constantly was a huge commotion from some Honourable Members, trying to emphasise the importance of being a man and giving a desired service in bed. Why should this so-called service be a primary issue in the relationship between two people? What about all the good values of being there for one another and making a happy couple? When putting emphasis on minor issues in our cohabitation, it is where we miss the point of value, respect and appreciating one another.

I should mention a very important point: There is a massive need for gender education and awareness across the board. Even us as Members of Parliament need gender-sensitisation training to acquaint ourselves with important concepts as we may sometimes offend some sectors of our society when we are using terms such as, "***my wife belongs to me.***"

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At this juncture I would like to concur with *Honourable Mungunda* that now is the time for action. Let us modify the existing laws to speak to action, let us operate in a holistic fashion that looks at the perpetrators and victims to understand the causes of these acts.

Sunday Ogudibe a feminist scholar said: “*A society will be a just society if mothers and fathers recognise and take up their traditional roles, when boys and girls value their brotherhood and sisterhood.*” I hereby would like to request that this Motion be referred to the Standing Committee on Human Resources, Social and Community Development and I thank you.

HON SPEAKER: I now put the Question that the Motion be referred to the relevant Committee. Any objection? Agreed to. The Secretary will read the Third Order of the Day.

**RESUMPTION OF DEBATE:
MOTION ON TRADITIONAL AUTHORITIES**

SECRETARY: Resumption of the Debate on the Duties and Functions of Traditional Authorities and their Remuneration and Other Benefits.

HON SPEAKER: When this Debate was adjourned on Tuesday, 14 April 2009, the Question before the Assembly was a Motion by the Honourable Moongo. The House adjourned in terms of Rule 90. Any further discussion? Prime Minister.

RT HON PRIME MINISTER: Thank you, Comrade Speaker. Being a subject of a Traditional Authority, I want to make a small contribution.

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Yes, we do recognise the very crucial role Traditional Authorities play especially in keeping our communities together and also in handling minor issues like gender-based violence. In some of our communities Traditional Authorities do play a role, also in dealing with common crimes. In my community, if you go in somebody's field and steal something there, the local people will follow your footprints until they find you and the Traditional Authority will deal with you in that regard.

That is the job of people like Honourable Moongo or his *kapatasu* wherever he lives there at Omalaala to do that.

The Government is well aware of their role and Government is doing everything to meet them halfway, but we, the subjects, should also play a role, not only the Government. If a head of a household dies at Omalaala, the first thing Honourable Moongo does is to celebrate, because he is now going to get an ox to pay for the land and nobody knows how they use these payments. They do not account for these payments, not even to the King, they just keep it for themselves and now they want the Government to top up while they are charging exorbitant payments to the poor people there in their community. I think it is also high time that these Traditional Authorities are made to be transparent and pay tax, because right now they are the people asking the people to pay the tribute, but they do not account for the income they get from the people. I think it is high time that they also account for this income.

More problematic is the fact that some of the Traditional Authorities are also being used by politicians and this an abuse. I know the DTA would not exist if Traditional Authorities say, "*no more DTA.*" I am quite sure DTA will not exist anymore. (Interjection)

HON KAURA: And SWAPO?

RT HON PRIME MINISTER: SWAPO will exist. The fact that DTA is fighting for Chiefs...(Intervention)

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HON KAURA: May I ask the Honourable Prime Minister a question? Honourable Prime Minister, your statement is quite a revelation because that is the reason why Traditional Leaders that are associated with the DTA are never recognised and anyone who join SWAPO is recognised.

RT HON PRIME MINISTER: The Honourable Minister of Regional Government is not here, but I am quite sure he will say that this statement is far from the truth. The recognition of Chiefs has nothing to do with allegiance to any Political Party, you should just organise yourself. (Interjection). The problem is not a political one, the problem is an organisational one.

In my community where I come from, you first have the household head, then you have the senior people in the community and then you have the Headmen, then you have the senior Headmen and then you have the King. If you start recognising all these people, how many people are we going to recognise?

My community consists of something like 100,000 people and all of them fall under one type of ... (Intervention)

HON KAURA: On a Point of Information. I think we must take these things in their historical perspectives. Those here from south of the red line, who were colonised, whose land was taken away and put into pockets of reservations and for every little pocket of reservation that came into being a Headman was elected. Some of the Damara people who were living at Daan Viljoen were taken to Sorris-Sorris. We must take these historical perspectives into account. That is why we have so many Traditional Leaders because our land was broken up in pieces and small reservations were created and this is why we have so many Traditional Leaders. Fortunately, in the northern part of Namibia, Ovamboland, Kavango and Caprivi your situation is as it was one thousand years ago when you came from Central Africa to settle in these areas. Your traditional leadership was not disturbed by colonialism.

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RT HON PRIME MINISTER: I take cognisance of that, but you must also recall that the Herero community was decentralised. It was only in 1865 when there was a central authority created to fight the Namas. All along through history you had the Tjitjo people there, you had the Kambazembi people there, you had Nguvauva people there and all that. That I recognise, I am not denying that. I am only saying in my own situation there are also Traditional Leaders who are not recognised. (Interjection)

HON KAURA: Kwanyamas.

RT HON PRIME MINISTER: Yes. When Chief Kauluma comes here, with how many Traditional Leaders will he come? Ask your Vice-President or the Prime Minister, he himself is not recognised by Government. He works under John Walenga who is not recognised by the Government, he is recognised by the Chiefs. There are many Traditional Leaders who are not recognised. If you go and recognise the Traditional Leaders of every small group, they will also demand to be recognised and this is the problem the Government faces and it has nothing to do with politics.

If you go to Uukwangali, from Chief Sitendu there are perhaps only five people who are recognised but you have many Headmen and he will also demand that his own Headman must be recognised. It has nothing to do with politics, it is just an organisational problem. (Intervention)

HON KAURA: May I ask the Right Honourable Prime Minister a question, please? Are you familiar with the outcome of the court case of Chief Riruako and 46 others? Are you familiar with that Court Ruling and are you aware of the fact that the SWAPO Party Government is in contempt of Court because of that Court Ruling which they have failed to implement up to today?

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RT HON PRIME MINISTER: If there is a Court Ruling, Honourable Member, you know you have recourse to justice. You can go to the Court and say enforce your Ruling. (Intervention)

HON DEPUTY MINISTER OF LABOUR AND SOCIAL

WELFARE: On a Point of Information. Comrade Prime Minister, Honourable Kaura argues that due to the colonial situation people were scattered, but this cannot destroy the root fabric of the family, that will remain. We had Nehale's family near that place of that man who passed away, you find the family of the Ondonga kings in Omihana. In that area of Omihana there is Nehale's family is there, but those people cannot claim to be Kings in that area, they can be either a Headman under the jurisdiction of the person who has that right. (Interjection). That is a wrong interpretation, I am not the who has the Floor, I just wanted to give information. If Jafet Munkundi, the King of Ongandjera comes to Okakarara, he will never claim to be recognised as a Chief there, never! That is why people want to confuse the Nation.

RT HON PRIME MINISTER: What Honourable Iilonga is saying is true. If you go to Katutura, you will see a street called "Iitope". Iitope was one of the royal members of the Ndonga Ruling family and he was exiled there by another Chief. When he came here, he was only trying to fight to go back. If he wanted to be ruler, he had to be a ruler in Ndonga, nowhere else. (Intervention)

HON VENAANI: Iitope cannot claim to be a Chief here, but if he has a traditional community here, he can claim, according to the law. In the Omaheke Region there are 4 different recognised Traditional Authorities. In Aminuis Constituency there are four recognised Traditional Authorities. These people of Aminuis find themselves there as a result of the colonial situation that put the Tswanas there, the Hereros and even two different houses of Batswanas and the San people. They are all in one area of jurisdiction.

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The difference between the north and south divide is because the northern areas have remained homogenous for the last 200 years. Where the Ndongo king was ruling, besides Etosha that was taken away from him, he is still ruling there for the last 200 years. Where my family was ruling is here where you are sitting and now we are forced to be in a communal area in Ojtuo. Because Windhoek is a cosmopolitan area, it does not deny me the right to belong to a culture, just because my land was dispossessed. Therefore, you cannot argue that I must either come to Windhoek to be a ruler here in Windhoek.

RT HON PRIME MINISTER: I understand your point but that is not really my argument. My argument is the number of people...
(Intervention)

HON MOONGO: On a Point of Order. I think this is a serious case and I appeal to the House to consider it with sober minds or we send it to the relevant Committee because it is a sensitive issue.

RT HON PRIME MINISTER: In my tradition it does not happen and you should recall that during the 1915 famine, many Ndonga's moved here. If really Iitope wanted to be the Chief, he could have claimed a community around here (Interjection). No, they did not disappear, they are still here. If a Herero woman gives birth to an Ovambo, the offspring will be Ovambos. (Intervention)

HON DEPUTY PRIME MINISTER: On a Point of Information. I think this item we are discussing is not about recognition of Traditional Leaders. We are now talking about their functions and remuneration. Do not bring that issue of Kaura's 46 Chiefs he wants to be recognised. That is not the issue, but the issue is to look at the remuneration of the Traditional Leaders and their functions.

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RT HON PRIME MINISTER: Yes, Honourable Deputy Prime Minister, it is year of elections. Kaura is electioneering, he wants those Chiefs to hear that he is speaking for them, so that they do not go to Chief Kuaima. That is what he is doing and I respect his position. I am only saying we recognise the role Chiefs are playing among our community, they really keep peace. (Intervention)

HON VENAANI: On a Point of information. When you are talking about electioneering, Honourable Iilonga is going into many areas, telling unrecognised Chiefs to come to SWAPO like you told Kasaona, so that they can get recognition. It is SWAPO that is using it for recognition. The Chiefs you are getting from DTA were promised recognition.

RT HON PRIME MINISTER: We all recognise the role the Chiefs are playing, there is no dispute about that. In my village they are doing a good job and that is why we do not have much crime there. (Intervention)

HON DEPUTY MINISTER OF GENDER EQUALITY AND CHILD WELFARE: I am sorry to interrupt the Honourable Minister. Some Opposition Parties went to Kunene and tried to block development. The people are tired and that is why they are coming to SWAPO and they will still come to SWAPO.

RT HON PRIME MINISTER: Honourable Muharukua, you know that when President Kaura appointed his “Ministers”, he appointed Chief Kapika as the “Minister of Finance” but the reporters did not want to report that one. He appointed his Cabinet there in Kunene. (Intervention)

HON VENAANI: No, Kapika was appointed as “Shadow Minister of Finance”, I was there. Honourable De Waal is Designate Minister of Finance. Coming to the issue of Kunene Chiefs, Muharukua would come

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with two goats and bribe the Chief, “*you are going to be recognised.*” Chief Tjinae was promised recognition just because he joined SWAPO.

HON SPEAKER: The Deputy Prime Minister is correct and as Speaker and Presiding Officer I must once again say that the intent of this Motion is the duties and functions of Traditional Authorities and their remuneration and other benefits, not recognition. We can have a separate Motion for that.

RT HON PRIME MINISTER: I am saying that their functions are recognised, they are keeping people together, they are keeping the peace and they are doing a good job, but I am saying that for now at least some of them got Government cars as a starting point. Perhaps next time their remuneration will also improve. We do recognise the job they are doing, but please, DTA, you should not use the Chiefs’ recognition to confuse the people. I rest my case.

HON SPEAKER: The House shall rise under Rule 90 of the Standing Rules and Orders until tomorrow afternoon, 14:30.

HOUSE ADJOURNS AT 17:45 UNTIL 2009.07.09 AT 14:30

**NATIONAL ASSEMBLY
ASSEMBLY CHAMBERS
09 JULY 2009
WINDHOEK**

The Assembly met pursuant to the adjournment.

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

HON SPEAKER: Before we commence with the business scheduled for today, I want to inform the Honourable Members that we have in the visitors' gallery in attendance 25 youth from the Church of Jesus Christ of the Latter Days Saints. I am informed they have been interacting with some Honourable Members in and around the premises of Parliament and as they are here, they want to take advantage of being here to listen to what we do and say in the Chamber. Welcome.

Honourable Kasingo will be motivating a Report which relates to people with disability and since this building we are making use of, which was not intended originally for Parliament business, I ask your indulgence to allow one of the persons with disability to come and join me here, accompanied by an interpreter, to follow when we come to the point of the motivation by the Honourable Kasingo.

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

NOTICE OF QUESTIONS

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**NOTICE OF QUESTIONS
HON VILJOEN**

QUESTION 73:

HON VILJOEN: I give Notice that on Thursday, 16 July 2009, I shall ask the Honourable Minister of Mines and Energy the following questions:

The Mining Industry is one of the pillars of the Namibian economy. Is the Honourable Minister aware of the fact that there is nearly nothing on the website of Mines and Energy and the prospective investors have difficulty to get any information in this regard?

QUESTION 74:

HON VILJOEN: I also give Notice that on Thursday, 16 July 2009, I shall ask the Right Honourable Prime Minister the following questions:

1. Is the Right Honourable Prime Minister aware of the fact that the websites for the various Ministries are totally outdated and without the necessary critical information?
 2. Are there any measures in place to upgrade these websites?
-

HON SPEAKER: Other Reports and Papers? Notice of Motions?
Honourable Bayer.

LEAVE OF ABSENCE

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**MINISTERIAL STATEMENT
HON KATALI**

HON BAYER: Honourable Speaker, I Move without Notice, that leave of absence be granted to the Minister of Education, Honourable Mbumba, due to urgent official business until the 23rd of July 2009.

HON SPEAKER: Any further Notice of Motions? Ministerial Statements? Honourable Katali.

**MINISTERIAL STATEMENT: FOOT-AND-MOUTH
DISEASE IN CAPRIVI AND KAVANGO REGIONS**

HON DEPUTY MINISTER OF AGRICULTURE, WATER AND FORESTRY: I rise to report on the foot-and-mouth disease situation in the Caprivi and Kavango Regions and to announce the official status of foot-and-mouth disease in livestock in Namibia.

Honourable Speaker, Honourable Members, the foot-and-mouth disease outbreak in the Caprivi Region was detected on the 14th of November 2007 at Nankute crush pen area, 80 kilometres east of Katima Mulilo. The flooding of the Zambezi River forced the people to move away from the river and, therefore, further cases of foot-and-mouth flared up at several other crush pens as the disease continued to spread westwards.

In the Kavango Region the disease was first detected on the 28th of July 2008 at Kamushonga Village, which is 16 kilometres south of Divundu. The disease slowly spread westwards through contact between different herds from different villages. The outbreaks were controlled through a combination of vaccination, quarantine and movement control of animals and animal products as well as construction of strategic fences. The control of the outbreak came at great cost. Besides the loss in export revenue, the cost include vaccine, hiring of additional staff, daily subsistence allowance, overtime, purchase of additional field equipment and construction of fences.

The cost of control of the outbreak in the Caprivi and Kavango Regions is estimated at N\$12,8 million, with the breakdown estimated as follows:

Cost of vaccine and other supplies:	N\$3,5 million
DSA for Veterinary Staff:	N\$1,2 million
Overtime for Veterinary Staff:	N\$651,000
Salaries for Additional Staff:	N\$976,000
Transport:	N\$1,5 million
Fuel and electric generators:	N\$5,000
Emergency equipment:	N\$880,000
Bwabwata fence:	N\$2,5 million
Shamangora fence	N\$1,6 million.

The last cases of clinical foot-and-mouth disease in the Caprivi and Kavango Regions were detected on the 12th of December 2008 and the 7th of January 2009, respectively. It is now 6 months later after the last case and the Ministry feels confident that the outbreak can be declared over.

The Ministry of Agriculture, Water and Forestry is, therefore, happy to announce that the foot-and-mouth disease outbreaks in the Caprivi and Kavango Regions are officially declared over with effect from the 6th of July 2009 and the movement restrictions of animals and animal products within the Caprivi and Kavango Regions are hereby lifted.

Our trading partners will be notified of this development. Movements to markets and quarantine facilities can now resume with veterinary movement permits following inspection at places of origin. Quarantine facilities will be reopened to accept animals for slaughter at Katima Mulilo and Oshakati Abattoirs. While in quarantine, cattle will be serologically tested for Foot-and-Mouth Disease.

Movement restrictions in the rest of the communal areas which were imposed following the outbreak of Foot-and-Mouth Disease in the Kavango Region are also hereby lifted. Movements in Oshikoto, Ohangwena, Omusati, Oshana and Kunene Regions are allowed with a veterinary movement permit after inspection of the animals at designated points.

A number of measures have been instituted to ensure that the areas remain free of Foot-and-Mouth Disease. These include the regular surveillance and inspection activities that will continue in the northern communal areas. Monthly inspection of animals will be introduced in the Caprivi Region, roadblocks will be maintained at Bagani and Shamangorwa to monitor movements out of the Caprivi Region and Mukwe Constituency, respectively. The location of roadblocks will however be reviewed once the construction of the Bwabwata fence is completed.

Vaccination of cattle will continue on a six-monthly basis in the Caprivi Region as well as the Mukwe and Ndiyona Constituencies in the Kavango Region. The Ministry will continue to maintain and upgrade vehicles and equipment for emergency purposes in line with the Cabinet decision. This will include maintenance of the Foot-and-Mouth Disease emergency account that was established for this purpose. Plans are also underway to upgrade local diagnostic capacity for Foot-and-Mouth Disease diagnosis and the identification of local virus strains which could be used for production of vaccines.

The long-term plan for the Caprivi Region includes the construction of an additional quarantine facility to the east of Katima Mulilo where infected animals can be kept isolated in the event of a new outbreak. The facility will be used as an ordinary quarantine facility between outbreaks. This can only be done if land is made available by the community.

A meat processing plant will be developed in the northern communal areas to allow the cooking and canning of meat to mitigate the effects of Foot-and-Mouth Disease outbreaks. Markets for these products will be sought locally and regionally within SADC and beyond.

Separation of buffalo populations from livestock in the Kavango Region will continue to constitute risks for FMD outbreaks. The Ministry of Agriculture, Water and Forestry and the Ministry of Environment and Tourism are implementing a Cabinet decision to construct a fence on the eastern side of the Kavango River, running from the Mahango Game Park in the south to the border with Angola in the north. This fence will form the future western physical boundary of the infected zone. Plans are

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**MINISTERIAL STATEMENT
HON KATALI**

underway to upgrade the fence surrounding the Mahango Game Park to a game-proof electric fence.

Individual identification of animals is very important during the foot-and-mouth disease outbreak to facilitate the tracing of animals when trying to pinpoint the origin of the infection. The most important factor in propagating foot-and-mouth disease infection is the movement of animals and when this can be verified, it makes the control more effective. Ear-tagging with special tamper-proof ear tags will be implemented in all the northern communal areas within the three-years at an estimated cost of N\$17 million.

In conclusion, Honourable Speaker, Honourable Members, the Ministry hereby expresses its sincere appreciation for the support by Cabinet, other Ministries and the public during the campaign to bring FMD under control. However, we further request the residents of both the Caprivi and Kavango Regions to be vigilant and to report any suspect cases of FMD as well as to protect the infrastructure, especially the fences, that the Government has put in place. I thank you, Comrade Speaker.

RESPONSE TO QUESTIONS

HON SPEAKER: I thank the Honourable Minister for his Ministerial Statement. Question 31 is by Honourable Tjombe to the Honourable Minister of Works and Transport. Does the Honourable Member put the Question?

QUESTION 31:

HON TJOMBE: I put the Question.

**RESPONSE TO QUESTION BY HON TJOMBE
HON H ANGULA**

HON MINISTER OF WORKS AND TRANSPORT: The question by Honourable Tjombe was whether I was aware that passenger train services between Kranzberg and Otjiwarongo and from Keetmanshoop to Upington and Windhoek to Gobabis are not in operation. Yes, I am aware. For Kranzberg and Tsumeb the Ministry commissioned a study last year to assess the conditions of our railway infrastructure from Kranzberg to the north. The study revealed that the tracks are not in good condition and could pose a serious threat or risk to derailment. Based on these findings, the passenger services between Kranzberg and Tsumeb were terminated on the 24th of November 2008. The consideration was purely due to the safety of our passengers. This track was rebuilt in the early sixties and since then no major upgrading has been done.

Cabinet has established a Technical Committee composed of the Ministry of Works and Transport, the National Planning Commission, Finance and Trade and Industry to come up with a package to rehabilitate the entire Walvis Bay-Tsumeb line and when the Report is ready, I will bring it to this Honourable House.

The line Keetmanshoop to Upington: There is a passenger service between Keetmanshoop and Karasburg. The section between Karasburg and Upington was discontinued on 6 November 2006 due to low demand.

Windhoek-Gobabis: This passenger service was discontinued on the 19th of January 2009 due to the drop in demand.

Question 3: Is the Minister cognisant of the fact that the cargo and passengers which were transported by train are now transported by private transporters and taxis? What effect does this shift in transportation have on the safety of road-users in general and on the wear-and-tear of the roads, in particular?

I am aware, there is no question that moving heavy cargo from rail to road poses a serious risk in terms of safety and the wear and tear of our road infrastructure. We are doing everything within our financial means to take heavy commodities away from roads back to the railway, but such

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exercise is costly and it has to be conducted within our financial capabilities.

Question 4: Whether there is hope in the near future that these bus and railway services which have been closed down after Independence will ever be reopened?

As I mentioned in my response to question 3 above, to upgrade and rehabilitate both the railway and rolling stock infrastructure is an expensive undertaking. The feasibility studies have been done partially and we are continuing with a comprehensive feasibility study and hope the State can find money to budget properly and allocate the necessary resources to put cargo and passengers back on rail. I thank you.

HON SPEAKER: Question 43 is by Honourable Venaani to the Honourable Minister of Regional and Local Government, Housing and Rural Development. Does the Honourable Member put the Question?

QUESTION 43:

HON MOONGO: I put the Question on behalf of my Colleague.

**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,
HOUSING AND RURAL DEVELOPMENT:** Comrade Speaker, Honourable Members, the first question reads: Is it true that Government still owes Ramatex an N\$80 million refund to the City of Windhoek?

The Government of the Republic of Namibia, through the Ministry of Trade and Industry, was responsible to carry 50% of the initial cost to establish Ramatex. An undertaking was received, but to date N\$31,866,069.59 are still outstanding, not N\$80 million.

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Question 2: Is it further true that 100% of vehicle registration fees goes directly to Central Government through its subsidiary and the City of Windhoek receives nothing?

The registration of vehicles is currently done by NaTIS countrywide on behalf of the State and the Road Fund Administration. The registration fees for vehicles are currently collected by the Road Fund Administration under the Road Traffic and Transportation Act (Ac 22 of 1999) and are paid over into the State Revenue Fund for apportionment accordingly. The City submits a claim on an annual basis under the Road Fund Administration Act (Act 18 of 1999) to the Road Fund Administration for road maintenance projects and receives, depending on the availability of funds, pro rata refunds every year.

Since the establishment of the Road Fund Administration, the refund for cost incurred for road construction and road maintenance is dependent on apportioned funds available.

Question 3: In the Ministry's view, does the Minister think that the financial position of the City of Windhoek would be sustainable in the future without any Central Government intervention?

The Ministry acknowledges that there needs to be financial support in the form of subsidies, grants and transfers to Local Authorities in order to assist them to deliver services to the communities it serves. One such initiative that is already in place is the provision of funds under the Build-Together Scheme that contributes and provides access to housing.

The Ministry has further requested all Local Authorities, including the City of Windhoek to submit projects for which they would require funding and we are in the process to evaluate such for inclusion in the 2010/2011 Budget year. The City of Windhoek, being a Local Authority, has complied with the above request and will be considered, depending on apportioned funds for support on some of the proposals they have submitted.

Comrade Speaker, I want to add to the question on the registration of

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vehicles. The Act, Act 22 of 1999, does not say all the funds of cars registered in Katima, Keetmanshoop or Walvis Bay must go to the City of Windhoek. NaTIS is everywhere and funds collected under NaTIS, whether in Otjiwarongo or Katima Mulilo, cannot come to Windhoek. I thank you.

HON SPEAKER: Question 48 is by Honourable Chilinda to the Honourable Prime Minister. Does the Honourable Member put the Question?

QUESTION 48:

HON CHILINDA: I put the Question.

HON DEPUTY PRIME MINISTER: Honourable Chilinda asked the Prime Minister on the 2nd of June 2009: *During the flood disaster in Caprivi, both people and animals, including crops on the fields, were trapped. Government successfully relocated the people and provided food for the starving wild buffalos but ignored and left the domestic animals, like cattle and crops, unattended to. Some cattle were left to die of starvation while people could not be assisted to harvest their fields, those not submerged but surrounded by water. Now the first question to that is: “What are the priorities of the Government to alleviate the problems of cattle trapped by the flood waters and people surrounded by water and were not provided with food assistance?”*

The Government's first priority is to save lives and this was done through both the evacuation of people to high grounds and establishment of relocation camps for those displaced by the floods. The second priority is to provide humanitarian assistance with food, shelter, clean water, sanitation, protection of lives, health and where it was possible, also to

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continue providing education.

I visited Caprivi myself to see how the distribution of food and other items donated, such as tents was done and I was very satisfied with the work which was done there. We also assigned the Deputy Permanent Secretary from the Ministry of Environment to go and assist the Local Council with the distribution of commodities and I was very happy with what was happening there.

All these were met during the 2009 floods. During the 2008 we did the same thing, but this time it was much better. It is, therefore, not correct to imply that cattle trapped by the floodwaters and people surrounded by water were not provided with flood assistance. I think we all watched how the cattle were driven to dry ground by boats and these were the boats the Government donated for that purpose.

Question 2: Were buffaloes more important than the livelihood of people that were both caught up there? The answer: The well-being of wildlife is the priority and mandate of the Ministry of Environment and Tourism. The responsibility of the Minister of Environment and Tourism is to look after the buffaloes, the elephants, etcetera, hence the Ministry had to save the buffaloes that were trapped by the floods. Donors were free and welcome to assist in any way which suited them. I am, therefore, happy to announce that the National Youth Service has donated animal fodder valued at N\$220,000 to this year's flood emergency. The fodder is currently distributed to the affected areas. Feeding buffaloes does not substitute food distribution to the people and the cattle in the affected area, but we must also look after the buffaloes and elephants because the tourists come to Namibia to see these animals and I congratulate the Ministry of Environment for having looked after the animals.

What is the long-term solution to this predicament? The response: The Government of Namibia has undertaken a post-disaster needs assessment to assess the consequences of the flood in the Regions that are affected and to propose recovery and reconstruction options that could provide the population in the affected Regions with a safer environment in the face of recurrent natural events, such as droughts and floods. The post-disaster

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needs assessment team is advising us as Government that the recovery process will cost the Nation of Namibia N\$1,7 billion to reconstruct the damages and losses of these floods, yet we are not sure what the next weather will bring.

Members of this august House would recall that the Right Honourable Prime Minister, Comrade Nahas Angula, introduced the National Disaster Risk Management Policy on the 1st of April 2009 that was subsequently approved by this Parliament. There are, however, aspects of the policy that will be fast-tracked to address long-term solutions for disaster risk reduction and among these are:

- Development of emergency operational manual to guide response action;
- Improved early warning mechanisms through sharing information on river flow and groundwater flows and rainfall patterns with neighbouring countries;
- To strengthen capacity of the national, regional, local and community structures for disaster preparedness, for example, contingency planning, early warning information dissemination and response, among others.

I thank you for the questions.

HON SPEAKER: I thank the Honourable Deputy Prime Minister. Question 52 is by Honourable Moongo to the Honourable Prime Minister.

QUESTION 52

HON MOONGO: I put the Question.

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HON DEPUTY PRIME MINISTER: That question was posed to the wrong address.

HON SPEAKER: Question 55 is by Honourable Gurirab. Does the Honourable Member put the Question?

QUESTION 55:

HON T GURIRAB: I put the Question.

**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,
HOUSING AND RURAL DEVELOPMENT:** Comrade Speaker, the Honourable Member Gurirab is talking about this document which was returned to me by the AAC and I wrote a letter to the Rehoboth Town Council. A meeting was supposed to be held on 18 March 2009 at 11:30 and this meeting was postponed many times because of the many matters still to be investigated and now here is the response:

The answer to question 1 is that my office received a Report from the Anti-Corruption Commission on the 16th of February 2009. Because of its seriousness, the Ministry invited the Town Council to submit representation on the findings of the Anti-Corruption Commission. I will just read the last Paragraph of the letter I wrote to them on the 20th of February:

“Your Worship, this letter therefore serves to invite you and your Town Council to a meeting on the 18th of March 2009 at 11:30 to give you an opportunity to submit representation emanating from the abovementioned findings to my office.”

Question 2: “What action have you taken so far by way of corrective

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actions?"

The answer is as follows: The Ministry undertook to invite the Rehoboth Town Council to submit representations on the findings of the Report. In the invitation letter the Town Council was reminded of the duties and responsibilities of the Ministry, which is to provide advice and guidance to all Local Authorities in the country and to ensure that they adhere to the laws and regulations of the country. It was further advised that the Ministry has the responsibility to ensure that Local Authorities do not make themselves liable for legal costs and incur unnecessary expenditure at the expense of public interest.

The letter also quoted the relevant legal provision, in particular Section 92(1)(a) of the Local Authorities Act (Act 23 of 1992) as amended, which states: *"The Minister may, by notice in writing, after having given such Local Authority Council an opportunity to submit representation to him or her, instruct such Local Authority Council to take such steps in order to rectify the issues or concern within the period of time and in accordance with any details and directives as specified in the notice."*

Additionally, the main findings in the Report from the Anti-Corruption Commission were also summarised in the letter I wrote to the Rehoboth Town Council. The Town Council was, therefore, invited to a meeting on 18 March 2009 at 11:30 to give them an opportunity to submit representations emanating from the abovementioned findings. This meeting was postponed due to other overriding official matters. This representation has now been scheduled to take place on Wednesday, 15 July 2009

Question 3: *"Whether the time has not come to dissolve this sjambolic Town Council in order to afford the ratepayers and residents an opportunity to elect one which caters for their needs?"*

The answer is as follows: Section 92 of the Act states: *"Failure by a Local Authority Council to exercise or perform its powers, duties and functions by law conferred and imposed on such Council, the Minister may*

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by notice in writing, after having given such Local Authority Council an opportunity to submit representation to him or her, instruct such Local Authority Council to take such steps in order to rectify the issues concerned within the period of time and in accordance with any details and directives as specified in the notice. If the Local Authority fails to comply with or to adhere to an instruction given under Sub-section (1), the Minister may by notice in the Gazette, (a) declare that all the powers, duties and functions of the Local Authority Council or any thereof, as specified in the notice, shall be vested in the Minister; and (b), remove or suspend the members of such Local Authority Council from office if all the powers, duties and functions of such Local Authority Council are vested in him or her under Paragraph (b).”

As can be discerned from the above, the dissolution of the Town Council cannot be contemplated at this stage due to the fact that the steps contemplated in the relevant legislation have not yet been exhausted. The representation by the Town Council of next week, Wednesday, 15 July, will serve as one of the stages addressing the allegation as per law. First you call them, they make representations and after that you give them directives on what to do. Only after the giving of directives by notice and they fail, can you dissolve and we have not reached that stage. Thank you, Comrade Speaker.

HON T GURIRAB: I would like to thank the Honourable Minister for his answer and given the time that has lapsed between the receipt of the letter by the Anti-Corruption Commission and now, I trust that the Minister will with deliberate speed resolve the problems mentioned by the Anti-Corruption Commission. I thank you.

HON SPEAKER: Question 56 is by Honourable Gurirab. Does the Honourable Member put the Question?

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QUESTION 56:

HON T GURIRAB: I put the Question.

**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,
HOUSING AND RURAL DEVELOPMENT:** Comrade Speaker, the question reads as follows: “*On what date did the Regional Councillor for Okahandja Constituency tender his resignation and further, when does the Minister expect by-elections to take place as stipulated in terms of the Regional Councils Act of 1992, as amended?*”

The response is as follows: I have no knowledge of the resignation of Honourable Comrade Theophilus Eiseb. He remains the Councillor for Okahandja. If a vacancy exists, this vacancy must be gazetted. The Chief Executive Officer was supposed to notify the Magistrate that there is a vacancy and then preparations are made and it is gazetted. If I am outside there and say I am no more a Member of Parliament, it does not mean that I have resigned from Parliament, because the Speaker has to be notified in writing by the particular Party that Comrade Jerry Ekandjo has resigned from Parliament. Then the Speaker can announce here that a vacancy exists. That is the procedure.

If Honourable Tsudao Gurirab makes a statement that he is no longer a member of CoD and you never handed over your written resignation to Ben Ulenga, it does not mean that you have resigned from CoD. No vacancy was declared, so he is still a Councillor up to now.

HON T GURIRAB: Is the Minister still waiting for the vacancy to be gazetted? Is that what I understand from the Honourable Minister?

**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,
HOUSING AND RURAL DEVELOPMENT:** In the Otjozondjupa Regional Council no vacancy existed, all Councillors are still there until

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next year when the election will be held. Until today no vacancies exist.

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

HON SPEAKER: The Notice of Motion is one by the Honourable Minister of Regional and Local Government, Housing and Rural Development. Does the Honourable Minister Move that the Bill be now introduced?

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

**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,
HOUSING AND RURAL DEVELOPMENT:** I so Move, Honourable Speaker.

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

SECRETARY: *Electoral Amendment Bill.*

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HON SPEAKER: Does the Honourable Minister of Regional and Local Government, Housing and Rural Development Move that the Bill be now read a Second Time? Secondment. Objection. Agreed to.

**SECOND READING:
ELECTORAL AMENDMENT BILL:**

**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,
HOUSING AND RURAL DEVELOPMENT:** Comrade Speaker, Honourable Members, first of all I would like to congratulate Dr Abraham Iyambo, Minister of Fisheries and Marine Resources, for the International Award by the Food and Agricultural Organisation of UN for the way he managed the fisheries science management and policy. That shows he is a product of the SWAPO Party.

As the Secretary General once said, SWAPO is the only Party that was started by the youth, others are started by people in their seventies and who are on the way out. The Nujomas and Pohambas were in their twenties when they started and Theo-Ben and everybody were in their early twenties and SWAPO is the only Party that produced its own doctors and managed their own hospitals, such as Dr Indongo, Nicky Iyambo and many others, and SWAPO is the only Party that also produced.... (Intervention)

HON TJIHUIKO: On a Point of Order. Honourable Speaker, I need your guidance. Has this House now been turned into a political campaign or what is going on.

HON SPEAKER: Honourable Minister, I am appealing to you to motivate the Bill.

HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: It was a preamble. Comrade Speaker, Honourable Members, since 1989, Namibians have been conducting free and fair democratic elections in an atmosphere of peace and transparency. Elections have now become part and parcel of our way of life for each and every citizen of this country. The Government of the Republic of Namibia, under the SWAPO-leadership has tried to create an environment of a democratic culture peculiar to the needs and aspirations of the Namibian people.

The principles of this culture are embedded in our Constitution which guarantees the right of citizens to participate in elections as either candidates or electorate or both. As elections are conducted, we build on the experience and learn more about some shortcomings and loopholes which necessitate the need to revisit our legislation to align them with the needs of the day and improve on the practical application of our elections.

The reason for my bringing the Electoral Amendment Bill of 2009 is to seek the support of this august House for the Amendment of the Electoral Act of 1992 (Act 24 of 1992). The purpose for the Amendment is to streamline the electoral process, the registration of voters, the nomination of candidates and to attend to other matters pertaining to the holding of elections.

Furthermore, the Amendment is aimed to:

1. Amend certain definitions and insert new definitions or new words;
2. Extend the duties and functions of the Commission so as to provide that the Commission shall supervise, direct and control voter education;
3. Provide for the establishment of temporary registration points outside Namibia;

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4. Provide for the appointment and remuneration of coordinators and assistant coordinators for registration purposes and for their powers, duties and functions and lines of reporting;
5. Provide that parents and other persons may also declare that a person who applies for registration as a voter has reached the age of 18 years;
6. Provide for the publication prior to the registration of a Political Party of certain particulars and for the objecting to such particulars at a hearing of appeals;
7. Provide that the staff members, designated by the Minister of Foreign Affairs, may hear appeals in relation to any refusal to register a person as a voter at a temporary registration point outside Namibia;
8. Provide that the Commission may accredit persons to provide voter education for or in respect of elections;
9. Provide for registered Political Parties to conduct voter education to members, supporters and sympathisers;
10. Provide that in the case of an election for the President or for Members of the National Assembly, the poll at polling stations outside Namibia shall take place fourteen days before the day determined upon which the poll shall take place within Namibia;
11. Provide that the Commission may accredit persons to observe elections;
12. Provide for voting by way of voting machines;
13. Provide that any person who employs or accommodates on any land any voter or any person in charge of any such voter, shall afford such voter the opportunity to vote at any election in which respect of which that voter is registered.

14. Provide for the counting of votes at polling stations and for the posting of results at polling stations;
15. Provide for the determination by lot of the result of an election of Members of the National Assembly or of members of a Local Authority;
16. Amend the provision which deals with the conducting of ballots until the results in the election for President is reached;
17. Extend the offences relating to impersonation;
18. Provide for additional offences;
19. Correct a reference to the Public Holidays Act of 1990;
20. Provide for matters incidental thereto.

Comrade Speaker, Honourable Members, Clause 2 amends Section 4 of the principal Act in order to provide that the Commission shall, as part of its duties and functions, supervise, direct, control and promote voter education for any election. This will enable the Commission to appropriate for funds for the purpose of voter education programmes.

The Namibian citizens abroad have been deprived of their democratic right to express themselves and elect a presidential candidate and a Political Party of their choice.

Clause 3 provides for new Sections to be inserted in the principal Act in order to provide for the registration of persons temporarily outside Namibia at Namibian Diplomatic Missions and the appointment of coordinators and assistant coordinators and their powers, duties and functions, while Clause 4 amends Section 14 of the principal Act in order to provide for the appointment of supervisors of registration and registration officers at temporary registration points.

To avoid fictitious declarations, Clause 5 amends Section 16(4)(b)(i) of

the principal Act in order to provide for a statement under oath or affirmation to be made also by either one of the parents of the applicant or a guardian of the applicant or a person under whose care the applicant is, stating the grounds on which that person declares that the applicant has reached the age of 18 years.

In order to ensure that grievances of persons voting outside of Namibia are addressed, Clause 6 amends Section 18 of the principal Act in order to provide that a person whose application for registration at a temporary registration point has been refused, may appeal to a staff member designated by the Minister of Foreign Affairs as no magistrate will be available at temporary registration points.

Furthermore, Clause 7 substitutes Section 19 of the principal Act so as to enable the Commission to appoint, on recommendation of the Minister of Foreign Affairs, staff members other than the registration officers to hear appeals in the case of persons who have applied for registration at temporary registration points and whose applications have been refused.

Members of the public have made complaints that some Political Parties have fraudulently listed their names on provisional voters register without their consent. The Amendment allows that Political Parties object to the name of persons included in the voters register and Clause 19 amends Section 22 of the Act. Clause 10 also amends Section 39 of the Act to allow for objection against the name, the abbreviated name, the name of its Political Parties office-bearers, the distinctive symbol and the names of the persons who have signed the declaration as members of a Political Party who have applied for registration, as well as for objection where the particulars concerned of a registered Political Party have changed. Accordingly, grounds for the cancellation of the registration of Political Parties have been extended through the Amendment of Clause 11.

Clause 12 inserts a new part, 4(a), after part 4 of the principle Act which constitutes of Section 47(a), 47(b), 47(c) and 47(d), all dealing with voter education. It has also been deemed necessary for an insertion of Clause 13 is a new Sub-section (1)(a) after Sub-section (1) of Section 50 which provides that: “Notwithstanding anything to the contrary in this Act

contained, an election for the President or for Members of the National Assembly taking place at polling stations outside Namibia, shall be held fourteen days before the polling day determined therefore in terms of Sub-section (1)(b), upon which a poll shall be taken in respect of such election at polling stations inside Namibia.”

The current Act prescribes that the purpose of counting officers is to determine the result of the poll in an election. This has been slightly altered. The new Amendment Bill now proposes that the work of the counting officers is to assist any person who, in terms of the Act, is charged with the counting of votes at a polling station. This is reflected in Clause 14, amending Section 51 of the Act by the substitution for Paragraph (b) of Sub-section (1).

Clause 15 inserts new Sections 52(a), 52(b) and 52(c) after Section 52 of the principal Act in order to provide for the accreditation of observers, the powers and duties of accredited observers and what should happen in the case of a contravention of, or failure to comply with the conditions of accreditation or the good governing of observers, respectively, while Clause 16 amends Sub-section (1) of Section 53 of the Act in order to also refer to a person accredited as an observer.

The nomination of candidates for elections is addressed through Clause 17, which substitutes Section 58 of the Act to provide that all the proceedings relating to the nomination of candidates for elections shall be commenced afresh

Furthermore, Clause 18 amends Sub-section (3) of Section 65 in order to provide that all the proceedings relating to the nomination of candidates for elections shall be commenced afresh.

Clause 19 amends Sub-section (1) of Section 78 of the principal Act in order to insert in Paragraph (c), a reference to counting officers and insert a new Paragraph (d)(a) after Paragraph (d). The two insertions effect that counting officers and any person appointed by an accredited observer, respectively, may also be in attendance at the Polling Station.

Clause 20 inserts new Sections 79(a) and 79(b) after Section 79 of the principal Act. The effect of the new Section 79(a) is that any person who employs or accommodates on any land any voter or any person in charge of any such voter, shall afford such voter the opportunity to vote at any election in respect of which that voter is registered.

Section 79(b) now authorises voting by way of voting machine. Notwithstanding anything to the contrary contained in the principal Act, the Commission may adopt voting by way of voting machine in such manner and for such elections as may prescribed, including the following: The manner of giving and recording of votes by way of voting machines and the procedure relating to voting to be followed at polling stations where such machines are used, the procedure as to counting of votes recorded by way of voting machines and the safe custody of voting machines. These may be applied in any Constituency, as the Commission, having regard to the circumstances of each case, may specify by notice in the Gazette. It is not envisaged that the use of voting machines will be applied during the upcoming Presidential and National Assembly elections.

Clause 21 amends Sub-section (3) of Section 80 in order to insert therein references to Section 50(1)(a) and to make it more clear. The Amendment accommodates the prescription of fraud of ballot papers as per Amendment of Sub-section (2) of Section 81 of the Act by Clause 22 in order to include a reference to a ballot paper used in respect of a voting machine.

Clause 23 amends Section 82 of the Act:

- (a) By the substitution of Sub-section (2) in order to make it clear that the official mark only be stamped on the back of ballot papers in a ballot paper book;
- (b) By the substitution of Paragraph (b) of Sub-section (8) in order to provide that the Paragraph concerned shall only apply in the case of voters who vote by way of a voting machine;

- (c) By the substitution of Sub-section (9) in order to make it clear that the Sub-section also applies to voters who vote by way of a voting machine;
- (d) By the substitution for Sub-section (10) in order to make it clear that the Sub-section also applies to voters who vote by way of voting machine.

Comrade Speaker, Honourable Members, Clause 23 amends Sub-section (2) and (3). Clause 24 amends Subsections (2) and (3) of Section 84 of the Act in order to insert the word “*to*” in Sub-section (2) to make it more clear and to make Sub-section (3) also applicable to persons who vote by way of a voting machine.

The counting of ballot papers at polling stations would silence the complaints about election results and Comrade Speaker, I would like to add that with mobile Polling Stations, the counting of those ballots will be done at the last mobile station. To this end, Clause 25 substitutes Section 85 of the Act in order to provide for the counting of ballot papers at polling stations. It contains a new Sub-section (10) which provides that the Chairperson of the Commission may determine by lot the result of an election of members of the National Assembly and that the Returning Officer may determine by lot the result of an election of Members of a Local Authority Council if two or more Political Parties have received an equal number of surplus votes and that the result of the election cannot by virtue thereof be determined. This is qualified by Amendment of Section 87 of the Act by Clause 26.

Clause 28 amends Section 88 by the substitution for Sub-section (1) in order to insert therein a reference to Section 85 and 85(9) and delete references to Section 87 and 87(a) and by the addition of a proviso of Sub-section (5) to the effect that if no candidate is declared duly elected as President in terms of the provision of Paragraph (b)(ii) of Sub-section (3) of Section 88 with the conducting of ballots until a result in the election is reached as contemplated in the said Article 28(2)(b) of the Namibian Constitution, shall in each case only apply in respect of the two candidates who have received the most votes.

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Clauses 29, 30, 31, 32, 33, 34 and 36 are providing Amendments that align the respective Sections within the principal Act with new Amendments and further confirm references of the relevant Sections and Subsections to appropriate and correct terminologies.

Finally, Comrade Speaker, punishments in respect to contravention of the provisions of the Act are spelled out in Clause 34 and 35, respectively, by way of amending Section 102 and 106 of the principal Act. The short title of the Bill is reflected in Clause 37, reading: “*This Act is called the Electoral Amendment Act 2009.*”

Comrade Speaker, Honourable Members, I submit the Electoral Amendment Bill for the kind and favourable consideration of the Honourable Members and I thank you.

HON SPEAKER: I thank the Honourable Minister for his motivation. Any further discussion? Honourable Schimming-Chase.

HON SCHIMMING-CHASE: Thank you, Honourable Speaker. I would like to thank the Honourable Minister for introducing the Amendment to the Electoral Act. I think that if we are really doing this in order to level the playing field, then it will be the best 21st birthday present Namibia would get, because it might then have a Government and a National Assembly that truly reflects the will of the people of Namibia.

I support the Bill, but I have very serious reservations which I intend to raise not only now but also when we come to the Committee Stage, but in good faith I would say – and I would like to believe – that the reason for bringing this Bill now is that we realised that we are signatories to the SADC Parliament Forum norms and standards... (Interjection)

HON MEMBER: You were demanding and now you complain.

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HON SCHIMMING-CHASE: Honourable Speaker, it is my understanding that I have ten minutes and I would like the honourable big mouths to take the Floor themselves...the SADC Organs' principles as well as the AU principles. (Intervention)

HON DEPUTY MINISTER OF LABOUR AND SOCIAL WELFARE: On a Point of Order. Comrade Speaker, the Honourable Member may not use unparliamentary word, "*big mouths.*"

HON SCHIMMING-CHASE: What is unparliamentary about "big mouths?"

HON SPEAKER: I do not see what, it is not an insult.

HON DEPUTY MINISTER OF LABOUR AND SOCIAL WELFARE: Is it not an insult?

HON SCHIMMING-CHASE: Honourable Speaker, thank you for your protection. I think, therefore, that when you study the Amendments closer and compare these Amendments and see how they fit into the three election norms and standards and principles that I have just mentioned.

I think it is very important that we now, as we reach maturity, also realise that there is no need for us to vote for two days and there is no need to count for five days. Therefore, I welcome the idea that where we vote, we will count. I have experience of election observation, starting with Botswana before Independence when I was working for the Council of Churches, with South Africa in 1994 and since then I have observed elections more than fifteen times, and in many countries with populations ten times or more voters than we have in Namibia. I have observed

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elections in Nigeria, Sierra Leone, Ethiopia and in Ghana, to name a few.
(Intervention)

HON MEMBER: Zimbabwe?

HON SCHIMMING-CHASE: Zimbabwe two times and after ten years I was vilified , after ten years the truth came out and you have to accept that we were right, you were wrong.

Honourable Speaker, I will just quote Ghana. I observed the elections in Ghana in December last year. They started working 06:00 in the morning and they finished at 18:00 in the afternoon and those who were still in the row were allowed to finish. I observed in the largest Constituency in Accra. By 18:30 they have reconciled, by 19:00 the first results were out of the National Assembly and by 19:00 the presidential results were out and nobody had to run to Court and it was peaceful and the simple reason why this happened is because in Ghana you have a polling station for 500 voters only, so you would rather have polling stations along the streets, not even in schools. You would have a polling station for not more than 500, so you cannot even come with a 110% like we have experienced in Namibia before. You cannot, your maximum is 100% and that is why you can count them and that is why you can have the election results.

I am glad to hear that we will have supervisors appointed by the Minister of Foreign Affairs. I just hope that those people will reflect the political spectrum in the country and that will not be told that they must be faithful members of one Party. (Interjection)

HON MEMBER: Appointed by the Commission, not the Minister.

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HON SCHIMMING-CHASE: I have read the motivation, the Honourable Minister can take the Floor.

Honourable Minister, I have a question though. Why do we have to have people declaring people older than 18 years? I thought after 21 years people are born are registered and then they get baptised. Who is going to stop me from coming with somebody and saying this is my 18-year old son? What proof am I going to provide? Why can we not have a birth certificate or even a baptism certificate? Are we trying to say that after 21 years we have not managed to register less than 2 million people? It blows my mind because it comes to 270 per day and I have problems with that. I think it will allow dangerous things to happen. I seems to take the place of what we had before where somebody comes and says, "*I know him, he is a Namibian*" and you stand there and you know 10 people.

I think if we want to level the playing field and if we read the norms, standards and principles, no provision is made for that and I think there is a good reason why.

We were supposed to have new particulars for registration of Parties, is it going to be for registration only of new Parties or will all the Parties be treated the same way and have to provide the same particulars?

I also see that provision is made for Political Parties to conduct voter education and I welcome it, I just do not know why it is necessary for it to be a law, because I mean, we conduct voter education with or without a law, but I have no objection to it. What I wonder, however, is why does the law not also make provision for civil society to do voter registration? In many of the countries where we have been, civil society does an excellent job. (Interjection). Thank you very much, you have answered my question, I hope that the President will give you the Ministry next time.

Honourable Minister, I congratulate you and I totally support the whole idea of counting the votes and posting the results immediately – right there. My problem is, what happens to the tendered ballots? During the last election we found that results were given and those results remained

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the same throughout the process even though they were supposed to have been tendered ballots. Very little changed in the results although the number of tendered ballots was very high. I would like to know what we do with tendered ballots.

Then this whole question of rolling polling stations, that we will start counting at the end. I have a problem and I have to state it honestly. The Opposition does not have enough cars and enough people to follow those mobile polling stations from point A to the point where it ends and I have become too cynical in old-age to believe that nothing will happen between point A and C. If you are sure that nothing will happen, Honourable Minister, then I would say that you will be very transparent and honest if you make available transport for all Parties participating in the election to follow those polling stations.

I hope I understood correctly the determination by lot. It is like in soccer where you have played the whole one and a half hours and you have played the extension and you had penalties and it is still a draw, so you go first past the post. Am I right in understanding that if Party A and Party B have the exact number of votes, you will then draw lots to decide who gets the seat? That is the question I have, I do not know what democracy and lottery has to do with each other and I would have objections to that.

Honourable Minister, I would also like to raise the question of the availability of the voters' roll, the timeous availability of the voters' roll to be specified, especially now when we are going to have registration outside the country, that there will be a voters' roll where everybody can check whether those are really Namibians who are voting outside because I dread the day when we have two million inside the country and one million outside. That is why I say, let us have a voters' roll.

HON MEMBER: Why are you like that?

HON SCHIMMING-CHASE: I am like that because you are the way you are, my dear. I do not want you to sit in Parliament next year on a CoD vote, I want you to sit on a SWAPO vote and I think that is what the Honourable Minister is trying to do with this Act. Let each of us get the votes that we get and let us count it and I assure you, Honourable Members, there will be no two-thirds majority under this. I rest my case.

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

HON VENAANI: Honourable Speaker, I rise to submit our voice on the proposed Amendment Bill as introduced by the Minister and let me from the onset state our view on the lateness of the Bill.

Honourable Speaker, I have stated on various occasions that this Bill was originally an important Bill anticipated for this Session of Parliament and it is very unfortunate that it has reached this House at this late hour. That cannot really be good practice on the legislative side to produce such an important Bill late in the session of the House. Nevertheless be that as it may, it is a very important Bill and I want to thank the Minister for the parliamentary consultation.

Honourable Speaker, since it is Second Reading, allow me to reflect on two issues and that is, firstly, that as this country is moving to elections this year, it is important for us to have a fair, level playing field. Win or lose, that is the principle of a democratic election. One issue that is central to a fair election is the matter of equal access to the media, especially State-controlled media, because this thing of saying that because the Ruling Party has two-thirds majority today, their coverage in the new elections would be a two-thirds majority coverage cannot be accepted under any democratic and free and fair elections. We must have free and fair access to the media.

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Honourable Speaker, the other very important issue that I want to raise that has not been raised here is how the Delimitation Commission create Constituency boundaries. If you look at some of the Constituencies in this country, they are politically engineered to favour certain Political Parties. (Interjection)

HON MEMBER: Like which one?

HON VENAANI: Like yours and I am not afraid to say this. Khomasdal North has a corridor between Khomasdal and the Katutura State Hospital, going to Shandumbala and back. (Intervention)

HON DEPUTY MINISTER OF LABOUR AND SOCIAL WELFARE: The Honourable Member needs to know that what is determined by the Delimitation Commission is the population and nothing else than that. If the Honourable Member is not democratic, just cry, that is all.

HON VENAANI: Sit down. I will not allow a Member of the Ruling Party to use my time on this important Bill. The delimitation of Constituencies are determined by numbers, it is true, but there are Constituencies that had less than 3,000 people when it was created. Do not ask me a question. (Intervention)

HON P MUSHELENGA: Honourable Speaker, on a Point of Information. I think the Honourable Member is going very far. First, the Delimitation Commission is headed by a Judge, a person of integrity. Is it the intention of the Honourable Member to question the integrity of a Judge?

HON VENAANI: If the Youth League of the Ruling Party questions the integrity of everybody, including the President of this country, I want to be on record, saying that the delimitation of some of the Constituencies were politically motivated. That is what McHenry Venaani is saying. It so clear like the sun and Honourable Jerry Ekandjo, being the first Deputy Minister of Local Government knows what I am talking about.

Nevertheless, Honourable Speaker, I want to thank you, while disagreeing with you on that matter, for having realised that there is a need for us to vote the same day and have results the same day. That is a milestone achievement in this new proposal and my Colleague has spoken at length on the issue of bigger democracies voting the same day. India, one of the largest democracies, has no queues. One billion people – no election queues because they structure their voting points in such way that there is no need for queues. In DRC and Angola there were no queues and there is no need for this country to vote for two days and for people to queue. (Interjections) The queues in DRC were so short, there were not more than a thousand people waiting to vote in the DRC.

Honourable Speaker, I want to turn the attention of the Minister to Clause 10(4)(a) on page 11 where the proposal says: “*The Director shall, prior to registration of a Political Party, publish or cause to be published by notice in the Gazette at the cost of the applicant.*” I have a technical problem with such an expectation that when a Political Party registers, the cost for the Gazette must be carried by the Political Party. Somehow we are limiting the fundamental freedom of association. (Interjection). No, that deposit is refundable. Honourable Kawana, listen to other people, you are not the smartest person on earth. Listen to other people! (Interjection). You also make me sick! (Intervention)

HON SPEAKER: We are dealing with what will become the law of the Republic and unless you listen to one another... (Interjections). We cannot have two Speakers, you will have an opportunity after elections to get another Speaker if you want, but for now we are now at the beginning stage of making a law of this House and that law can only become law through negotiations, listening to one another and doing the right thing,

not for the sake, but for the Nation and future generations. So, let us listen to one another, people can disagree but still listen to one another. What is wrong with that?

HON VENAANI: Mr Speaker, under the principle of freedom of association Political Parties must register freely and we agree with the scrutiny of the members, but then the Government must carry the cost of gazetting anything. It is the first time that I hear a notice in the Gazette must be paid by another institution for you to be gazetted in the Government paper. I want a clear technical background why our legal drafters are arguing that the applicants must pay for them to be published in the Government Gazette and I think it infringes on the right of association in this country.

Honourable Speaker, my Colleague Honourable Schimming-Chase spoke eloquently about the mobile voting stations. I remember and I have personal experience that in the Epupa Constituency during the last regional elections I had to chase the Electoral Commission's vehicle which transported ballot boxes outside the jurisdiction of that

Constituency up to Opuwo and the Police had to intervene. I was following them. It was an illegal act that some people wanted to engineer. (Interjections). It is not a story, I am talking about what I have done and nothing has happened to that case, for that matter. It illustrates the things we are saying.

Colleagues, the Ruling Party has been winning elections in this country and they are probably still going to win by whatever means, but allow the process to be democratic. You cannot claim it is, while I have to chase the vehicle carrying ballot boxes from one Constituency that ought not to leave that Constituency. The counting station was Okanguati, not Opuwo and I had to chase it. (Intervention)

HON P MUSHELENGA: On a Point of Information. When polling officers are recruited by the Electoral Commission, they are not asked membership cards of their Political Parties. The Honourable Member cannot make statements that amount to the conclusion that those people driving those vehicles were SWAPO members. Who said they were SWAPO members? (Intervention)

HON VENAANI: I did not say they were SWAPO members.

HON P MUSHELENGA: By implication.

HON VENAANI: No, do not imply, implication can mean a lot of things. Some of you, I do not know whether you recall the “*jobs-for-comrades*”, people should be audited, who is loyal and who is not loyal. We know these things. (Intervention)

HON MEMBER: Why not?

HON VENAANI: Well, if you say, “*why not*”, then the people who are getting the jobs ought to be comrades, because you are running the Government. That is what it implies, that is why we have a fear and it is our right to have these fears, because you are telling us that you want jobs-for-comrades in every institution that belongs to the State, which should not be a policy of Namibia. (Intervention)

HON NAMBAHU: May I ask the Honourable Member a question?

HON VENAANI: No.

HON NAMBAHU: On a Point of Information. Honourable Member, if you had fears and people were running away from you and you were chasing them, did they not fear you as well?

HON VENAANI: We can joke, but let me relate a story of one Minister is Uganda who was the Minister of Prisons who never fixed the prisons and one day he was taken to prison.... (Intervention)

HON SPEAKER: Since we are in legislative moods, I will advise Honourable Members, to refer to Rule 98. You are limited to only ten minutes.

HON VENAANI: Honourable Speaker, I want to draw the attention of the Honourable Colleagues to Clause 17, page 18 on Sub-section 58(2), where it states that: *“If a duly nominated candidate for the election of President dies before the poll for that election has commenced or while the poll for that election is taking place, the Commission shall immediately terminate the election and all proceedings relating to the nomination of candidates for the said election shall be commenced afresh in the same manner as if a vacancy has occurred in the Office of the President.”* I do not disagree with this provision, but it is a highly technical provision. For example, we have 13 registered Political Parties and thirteen presidential candidates and one of them dies on the eve of the polls, does that imply that that election would be nullified? I understand the logic behind it, but I also want to tell Members that there is also a very difficult attachment to that.

I would have preferred a situation where a Political Party would be asked for that person to have due time to campaign. It is quite a technical provision. If some people fear that they are going to lose, they are going to do one simple assassination and the election is nullified for three months, but under the SADC Rules and Norms it was once recommended... (Interjection). You seem to be sitting here and never have enough time to listen to other people. One day you will become the President of this country, listen. Honourable Kawana is a good guy, but he does not listen, he is a good friend of mine.

Honourable Speaker, if we legislate and that is the very last statement I want to make, that if a presidential candidate dies, then I want us to follow the SADC Norms and recommendations that all presidential candidates shall receive free security from the Police. (Interjections). We have signed it, it is the SADC Rules and Norms: "Presidential candidates must be provided with free and adequate security during the election process. (Interjection)

HON MEMBER: Why?

HON VENAANI: Why? So that we ensure their safety, so that when one person dies from a cold, the whole election is nullified. You must give fair and just protection to the presidential candidates. (Intervention)

HON DEPUTY MINISTER OF GENDER EQUALITY AND CHILD WELFARE: On a Point of Information. Honourable Venaani said everybody is SWAPO, SWAPO. Now in Namibia we have Police from SWAPO, soldiers from SWAPO, so who is going to protect your president if everybody is from SWAPO?

HON VENAANI: Peace is maintained by the losers. All over this continent peace is maintained by people who lose. I am sure even if you lose power you will do funny things. For the last nineteen years we have accepted your rule democratically and we are not saying we do not respect the Government that is running the country or we do not respect the rules of the Police, we were part of the Constitution of this country, we wrote it together with the Ruling Party. Some Political Parties might not have been there. (Interjection). But why were the boxes taken from one Constituency to another Constituency? (Interjection)

HON MEMBER: It is not true!

HON VENAANI: How can you say it is not true? (Intervention)

HON SPEAKER: When we commenced this sitting, I informed the Honourable Members that we have guests in the House and the lady who does not usually attend our deliberations here is trying to make the people over there follow what their leaders are discussing. It is the only opportunity they have, some of them are voters, some future voters. It would be a good thing if at the time they leave from here, they would leave this House with some respect and get to know the integrity of this House. Let us help them to follow what we are trying to achieve.

HON VENAANI: Let me conclude by saying that an election is a very expensive process and we should follow the norms and standards of SADC and provide free, adequate police escorts and security to presidential candidates.

Lastly, Honourable Speaker, on the appointment of coordinators. Honourable Speaker, through you to the Minister, the law is saying that

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these people should not be in the employ of the State. Does that mean that these people have to resign before they are appointed or are they going to be permanent coordinators or are you going to employ totally new people who are not in the employ of the State. I want to assess the understanding behind the drafting as to how we envisage to get the human resource capacity. What kind of experience should these people have to be able to appointed as coordinators?

Honourable Speaker, we shall speak at length in the Committee Stage and our Party representatives will also speak after studying the Bill, but these are the preliminary remarks on the Bill and we support the intention of the Bill at this point in time.

HON SPEAKER: Thank you. Honourable Iyambo.

HON MINISTER OF FISHERIES AND MARINE RESOURCES:

Thank you very much, Honourable Speaker, mine is a question under Clause 20. I support this Bill, it is a Bill that is urgently needed. Under Clause 20 it is said that the voters should be enabled to vote wherever they are outside the country, on the farms, etcetera, which is very good. Under Clause 20(b) it reads that, "*any person who employs or accommodates on any land may vote.*" Then this Bill is referring to inside the country, outside the country and the word "*land*" and there is a provision that those who are abroad should vote 14 days before the actual voting date in the country.

With respect to the workers at sea, the fishermen in their thousands, I want to find out whether this entails also those who are working at sea. Some people working at sea stay at sea for even more than 30 days and we are talking about thousands of Namibians. Are they inland or outside?

Honourable Minister, is it not possible either through the Bill or through some other arrangements that those who are working at sea are enabled to vote? Otherwise there are always a big number of people who do not

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vote. Maybe they could vote fourteen days before the actual date together with those who are outside the country. My question is whether those working at sea are accommodated under this provision and if not, can they not be accommodated so that the employers are compelled to bring the fishermen to vote. I thank you.

HON SPEAKER: I thank the Honourable Minister. Dr. Kawana.

HON MINISTER OF PRESIDENTIAL AFFAIRS: Thank you, Honourable Speaker. I join my neighbour here and the Honourable Comrades of the SWAPO Party in supporting this very important Bill.

In the first instance, I would like to register my utmost disappointment in some Members of the Opposition. This Bill reflects the spirit of reconciliation of the Ruling Party. For a long time the Opposition has been calling for the tabling of this Bill and some of us have worked day and night to accommodate that request in the spirit of one Namibia, one Nation, in the spirit of transparency, in the spirit of democracy and Rule of Law.

HON KAURA: May I ask a question, please? Honourable Minister, by virtue of the fact that you have drafted the Bill and brought it to Parliament, do you expect us to rubberstamp it without investigating it?

HON MINISTER OF PRESIDENTIAL AFFAIRS: I will come to that, shadow President of the Republic of Namibia. The Ruling Party, the SWAPO Party Government went out of its way to bring this Bill here. First it was the Opposition which objected to the Electoral Commission, the Directorate of Elections, to be under any Government institution. That was taken out in the spirit of accommodation and that institution is answerable only to heaven in terms of Independence. That is why even

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their Budget is tabled in this House by the Honourable Speaker, because of that insistence.

Now I am shocked to hear the same Opposition Member pointing a finger at the Executive, accusing the Executive of delaying the tabling of this Bill while that Commission is independent. To the best of my knowledge the Commission and the Directorate were up to this year still consulting Political Parties. That is what we were told. Some of us were worried, we really wanted this Bill to come even last year because the SWAPO Party has nothing to fear. We are ready to democratically defeat the Opposition. We are not scared to bring this Bill, we support this Bill so that we defeat you and defeat you democratically.

Honourable Speaker, this is the spirit of the SWAPO Party, so the Opposition should not really blame the SWAPO Party Government when they themselves demanded that the Commission must be independent and only answerable to heaven. Therefore, they cannot accuse the Executive that we delayed this Bill. (Intervention)

HON VENAANI: On a Point of Information. The job of legal drafting and initiation of legislation falls in the ambit of the Executive. In any country it falls under the ambit of the Executive, that is the job of the Executive and together with that, the Electoral Commission can be independent and fall under a certain institution, but if there is a legal matter to be addressed, the Government must initiate that. Therefore, the lateness of this Bill cannot be blamed on the Electoral Commission, it is the Government's responsibility to make sure that elections are run timeously, Bills are brought to this House timeously, you cannot blame any other institution and you cannot argue otherwise.

HON MINISTER OF PRESIDENTIAL AFFAIRS: Honourable Speaker, I am very disappointed by the young man, Honourable Venaani, he was not listening. It is because of that independence that the Budget is tabled by the Speaker. The Member was not listening.

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A layperson's Bill had to be drafted by the Commission after consulting the Political Parties. (Intervention)

HON TJIHUIKO: On a Point of Information. Since we have been waiting for this Amendment to come, I was actually expecting each and every Member who stands up to address this Bill to come up with what they have seen in the field, not in the history, not the Budget, not the delays. We had ample time to discuss those issues. Because of the time factor, we have to stand up and say which chapters we have problems with so that we can speed up the Debate. Instead of now addressing the issues, Honourable Members of the Executive, who have been dealing with these issues, now stand up and try to justify the position of SWAPO Party. That we know, but let us address the issue, please.

HON MINISTER OF PRESIDENTIAL AFFAIRS: Honourable Speaker, I have a duty, because the Opposition have said things which are on record and we also have to correct that record. (Intervention)

HON SPEAKER: Most of what you have been saying on both sides are not related to the Bill.

HON KAURA: May I ask the Honourable Minister a question? I just want to find out from the Honourable Minister, in line with what you are saying that the Electoral Commission is an independent body as their vote is tabled by the Speaker, in line with that argument, why is this Bill not tabled by the Speaker?

HON MINISTER OF PRESIDENTIAL AFFAIRS: A Bill is not tabled by the Speaker, but let me inform the Honourable Member and this

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august House that this Bill was only brought on Monday. People were working around the clock. The colleague who were assigned to facilitate through the Directorate of Elections is here, we had to work around the clock to make sure that this Bill is there. In this regard, I would like to thank the Honourable Speaker for his role. The first draft was submitted to the Office of the Speaker only on Monday and that is why some of us are exhausted.

Going back to the Bill, Honourable Speaker, I would like to thank the Directorate of Elections particularly for the requirements for registration of new Political Parties. The SWAPO Party has been a victim of theft and very soon we are going to register a case of theft, because some of our symbols were stolen by a certain Political Party. We were not given a chance to object to the use of those symbols. (Interjection)

HON MEMBER: Which one?

HON MINISTER OF PRESIDENTIAL AFFAIRS: I do not mention the name. Maybe that Party is not here, but just for the record. Therefore, I am very happy that at least the Political Parties will be given a chance to object if they feel that their symbols or their members are abused. (Intervention)

HON TJIHUIKO: On a Point of Information. I think this is unfair, the SWAPO Party has a main symbol of Dr Abraham's arm. That is known. SWAPO Party has the tendency to monopolise everything. *This is the sign of the SWAPO Party, this is the tree of the SWAPO Party, you cannot have a meeting there, this is the street of the SWAPO Party, you cannot walk on that street,* this is unfair. It seems that the Honourable Minister, the advisor of Government, is now reverting to the SWAPO tricks of trying to delay this Bill so that it cannot go through. Address the issues so that we can deal with it properly.

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HON MINISTER OF PRESIDENTIAL AFFAIRS: The Honourable Member is not listening. (Intervention)

HON MINISTER OF FINANCE: Given the fact that Honourable Tjihuiko comes from the management cadre of the Ministry of Trade and Industry, are you not worried by the comments he just made with regard to patented rights and copyrights?

HON MINISTER OF PRESIDENTIAL AFFAIRS: Honourable Minister, sometimes I get worried, but sometimes I am not because I know the attitude of the Honourable Member. (Intervention)

HON DEPUTY MINISTER OF GENDER EQUALITY AND CHILD WELFARE: May I ask a question? Honourable Kawana, are you aware that on the 21st of this month the Secretary-General of the SWAPO Party is going to welcome DTA people from the Epupa Constituency who are joining the SWAPO Party?

HON MINISTER OF PRESIDENTIAL AFFAIRS: Honourable Speaker, we from the SWAPO Party subscribe the principles of free and fair elections, we subscribe to the principle of transparency... (Intervention)

HON MUDGE: I want to get some clarity from the Honourable Minister. He was talking about their property being stolen. Can you claim your property back now or do you have to wait for this Bill to be able to do that?

HON MINISTER OF PRESIDENTIAL AFFAIRS: Honourable Speaker, I do not know whether to respond to the Honourable Member, because the Honourable Member has that habit of accusing the Ruling Party of rigging elections. He has been alleging since 1989 that we have been rigging elections, so I do not know whether I could engage in a Debate with people like that and I will ignore that question.

Honourable Speaker, as I said, we are determined as a Namibian family to conduct free, fair, democratic and transparent elections and I hope this Bill be passed speedily so that we add to what is in existence at the moment, so that we accommodate the demands of the Opposition, so that we conduct free, democratic, transparent elections. Those who lose must accept, those who win must triumph in accordance with the principles of democracy, Rule of Law and the will of the majority of the people and I have no doubt that the SWAPO Party which has structures in all Constituencies, all districts...(Intervention)

HON MUDGE: Honourable Speaker, I am still waiting for the answer. I want to hear from the Honourable Minister whether they need this Bill to claim their property back, because then it also says a lot why that Clause is in this Amendment Bill. He gave away some secrets. The other thing I want to know, Honourable Kawana, when was this Bill given to the Minister? Was it June last year or June this year? When was it given to the Honourable Minister of Regional and Local Government, Housing and Rural Development?

HON MINISTER OF PRESIDENTIAL AFFAIRS: Honourable Speaker, the SWAPO Party is ready to take part in the elections... (Intervention)

HON MOONGO: Has time been extended to listen to SWAPO propaganda? I thought the time was extended in order to complete the Amendments, but now it is only SWAPO Party, SWAPO Party all the time.

HON MINISTER OF PRESIDENTIAL AFFAIRS: Honourable Speaker, this is Second Reading, it is not Committee Stage, but as I said, from our side we are ready to listen to the Colleagues from the Opposition to accommodate what is reasonable, what is acceptable standards in other democracies. We have nothing to hide and fear. But if they lose elections, it is not because the elections are not free and fair. Some of the members of the Parties here are not known beyond their own Constituencies. How can they win elections? It is just common sense. Their voters only see them when it is election time. It is like the Nation is only seeing mosquitoes and frogs during the rainy season. Some of these Political Parties behave like frogs. You only see a frog during the rainy season. (Intervention)

HON TJIHUIKO: On a Point of Information. It is becoming very clear that the Ruling Party is so desperate to campaign that they have reached a point that whether you are in the church, whether you are in your bedroom, you are just trying to campaign. What we are now discussing Honourable Minister, is the Amendment to the Electoral Act. That is the point on the agenda. I know you are very desperate because you know that from number 35 on the SWAPO list you are in danger and you know you are not going to be on this side of 35. Please address the issue.

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HON SPEAKER: Honourable Tjihuko, I thought you were on the side of the Speaker to say stick to the text. You have now joined the rest.

HON MINISTER OF PRESIDENTIAL AFFAIRS: Honourable Speaker, 99,9% of the voters do not know the Opposition because they do not go there. It is only during election time, as I said, like frogs. (Intervention)

HON VENAANI: May I ask the Honourable Member a question? Honourable Kawana, are you aware of the current infamous 40-plus list that is circulating in the Ruling Party and that you are also not there on the list?

HON MINISTER OF PRESIDENTIAL AFFAIRS: In short, Honourable Speaker, the SWAPO Party is ready, we are in all Constituencies, we are in all districts, we are in all branches, we are in all sections, we are at every village, we are known twelve months in the year, unlike most of the Opposition who behave like frogs and only go there in the rainy season. The SWAPO Party is going to win these elections and I support the Bill. Thank you very much.

HON SPEAKER: I thank the Honourable Minister. Honourable Viljoen, you have the Floor.

HON VILJOEN: Honourable Speaker, I wish to adjourn this Debate until Tuesday, 14 July 2009.

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HON KASINGO**

HON SPEAKER: The Debate on this Motion stands adjourned until Tuesday, 14 July The Secretary will read the First Order of the Day.

**CONSIDERATION: REPORT BY STANDING COMMITTEE:
SELF-REPRESENTATION BY LAW OF PEOPLE WITH
DISABILITIES**

SECRETARY: Consideration of Report of the Standing Committee on Constitutional and Legal Affairs on Self-representation by Law of People with Disability.

HON SPEAKER: Does Honourable Kasingo Move that the Report be considered?

HON KASINGO: Honourable Speaker, thank you for giving me the Floor to introduce the Report on the Self-representation by Law of People with Disability.

Honourable Speaker, we know that on the 3rd of July 2007, Honourable Alexia Manombe-Ncube tabled a Motion on self-representation by law of people with disabilities. On the 12th of July 2007 the Standing Committee on Constitutional and Legal Affairs of this august House was tasked to consult with various stakeholders and report back to this House.

In his statement at the opening of Parliament during 2008, His Excellency President Pohamba stated as follows:

“In a free and democratic society such as ours, Parliament is not a preserve of elected lawmakers only, it is an assembly where citizens can

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come to witness the lawmaking process, meaning Parliament is an institution where citizens are welcome to make their voices heard in legislative matters through public hearings and other outreach programmes. A living Parliament is one that is accessible to all, including people with disabilities.”

I would like to emphasise the last sentence because it demonstrates the importance that the Government of the Republic of Namibia gives to addressing the living conditions of people with disability.

Honourable Speaker, the same sentiment is also echoed in the IPU Handbook No. 14/2007 concerning people living with disabilities and I would like to quote:

“Persons with disabilities remain amongst the most marginalised in every society. While the International Human Rights Framework has changed lives everywhere, persons with disability have not reaped the same benefits. Regardless of a country’s human rights or economic situation, they are generally the last in line to have their human rights respected. They are denied the opportunity that will enable them to be self-sufficient. Most persons with disability resort to the kindness or charity of others. In recent years there was a growing realisation through the world that continuing to deny nearly 650 million individuals their human rights was no longer acceptable, it was time to act.”

Honourable Speaker, as elected representatives and Members of Parliament, we play a key role in ensuring the respect of human rights of persons with disability and there are oversight tools to available to carry out this duty. We should start to honour and attend the National Disability Day that is usually planned in the country on the 14th of June. As Parliamentarians we should also try to find solutions to the following issues, namely the living conditions of people with disabilities, service delivery for people with disabilities, protection of dignity and human rights of people with disabilities. Therefore, as Parliamentarians there is a lot we can do. We must take note that by now Namibia has more than 85,000 people living with disabilities. In the National Housing and

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Population Census conducted in 2001 it was revealed there were 85,567 people living with disabilities in Namibia.

Allow me to turn to what we have done when we received the Motion.

The mandate of the Standing Committee was to consult and seek views and input from the various stakeholders on the Motion. As a Committee we have consulted the following institutions:

- The National Federation of People with Disability;
- Office of the Prime Minister;

We have invited various Political Parties, but unfortunately, apart from the CoD, none could attend. We have consulted the National Union of Namibian Workers, we have consulted with the Ministry of Health and Social Services. A delegation of the Committee was sent to see how the issue of people with disabilities is being addressed in Uganda and the Report is fairly short and concise.

Allow me just to briefly touch on the conclusion, in particular the recommendations of the Committee.

The Standing Committee is of the opinion that adequate legal instruments are in place in Namibia to address the needs and plight of people with disability. However what is lacking, is coordination and implementation of legislation. We have come up with the following recommendations:

Recommendation 1:

We recommend to this House that the scattered activities and policy programmes on disability hosted in different Government offices be coordinated in one central office to ensure the implementation and we have added in the Report that it is up to the Executive component to decide which central office should host this. During our discussion we were thinking of the Office of the Prime Minister or the Office of the President.

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Recommendation 2: The National Disability Council should conduct a review of existing legislation catering for the needs of people with disability, guided by the Constitution of Namibia, current legislation, national policy and international instruments. By this we meant that after this is put in a central office, that unit must now study all those laws and if there is a need, for example, to domesticate the International Convention on People with Disabilities, it is up to that unit.

Recommendation 3: That a legal monitoring and review system be established to monitor progress and effectiveness of the legislation and policy affecting people with disabilities.

Recommendation 4: That the National Disability Council launched in July 2008 be empowered and capacitated with adequate and skilled human and financial resources in order to carry out its mandate. The Office of the Prime Minister, the Ministry of Health and Social Services and the Ministry of Finance should play a role in this.

Without wasting time, Honourable Speaker, Honourable Members, I call on this House to adopt this Report as soon as possible and that the recommendations be implemented as soon as possible by the Executive component.

With these few remarks, I would like the House to consider and adopt the Report and recommendations. I thank you.

HON SPEAKER: I now put the Question, that the Report be adopted. Any objection?

HON MANOMBE-NCUBE: Honourable Speaker, I would like to propose an Amendment to the Report of the Parliamentary Standing Committee on Constitutional and Legal Affairs on the Motion on self-representation of people with disabilities by law.

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May I use this occasion to thank the Parliamentary Standing Committee for the comprehensive Report which covers the issues that formed the basis of the wide-ranging consultations conducted inside the country and in Uganda and the valuable evidence produced from the exercise of its mandate.

Honourable Speaker, Honourable Members, given that there is no provision in existing laws which provides for the self-representation of people with disabilities by law at all levels of governance in our Nation, I do urge the august House to support the call for such a law by Namibians with disabilities. Such a law is going to benefit everyone while also bringing about the needed visibility of people with disabilities in our Nation.

May I in this respect quote the wise words of our Right Honourable Prime Minister when he reminded us that we are all candidates of disability.

I, therefore, think that we must think with focus, clarity and conviction of the noble purpose of the law which the Motion calls for. This law is going to benefit everyone while also bringing about the needed visibility of people with disabilities in our Nation.

Honourable Members should, therefore, remain mindful that what you do for people with disabilities today can only benefit the whole Nation tomorrow. This is the commitment and investment required today in order to build an inclusive society that is for all tomorrow. People with disabilities require a law and we have a duty to provide it for them.

The effect of such a law would be to ensure what the disability dimension is and consequently, people with disabilities are always included at all levels of our governance in order that their needs are always taken into account when programmes, policies and laws are designed, passed and implemented.

This, Honourable Speaker, Honourable Members, is what is also referred to as mainstreaming of disability. When mainstreaming is done through law, we ensure across the entire State machinery that all plans,

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programmes, policies and laws include the disability dimension. The Amendment I wish to propose to the Report of the Parliamentary Standing Committee on the Constitutional and Legal Affairs, and which I now table with the indulgence of the august House, is that a law be passed to ensure self-representation of people with disabilities at all levels of governance in our Nation.

I further propose that such a law be administered from the highest office in the land, the Office of His Excellency the President of the Republic of Namibia.

In conclusion, may I ask the indulgence of the Honourable Members in this august House to adopt the Amendments and give it their favourable consideration. I so Move, Honourable Speaker.

HON SPEAKER: Is the Amendment acceptable to the House? It is not that you should do it now, but some legislation be considered and adopted in future along the lines proposed by the Honourable Member. Any objection?

HON MINISTER OF PRESIDENTIAL AFFAIRS: Honourable Speaker, I may venture to make a slight Amendment with the concurrence of the Honourable Member, to maybe give the discretion to the Executive as to which office should be mandated to coordinate that, because I am afraid I am not very comfortable to prescribe that it must be in the Office of the President. Maybe we can say the Executive must consider an office which will be tasked with the coordination. I will go along with that one.

HON SPEAKER: Is the Amendment acceptable? I now put the Report inclusive of the Amendment, that the Report be adopted. Any objection? Agreed to. The House stands adjourned until Tuesday, 14:30.

HOUSE ADJOURNS AT 18:00 UNTIL 2009.07.14 AT 14:30

**NATIONAL ASSEMBLY
ASSEMBLY CHAMBERS
14 JULY 2009
WINDHOEK**

The Assembly met pursuant to the adjournment.

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

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

TABLING: REPORTS OF AUDITOR-GENERAL

HON MINISTER OF FINANCE: Honourable Speaker, I lay upon the Table, Reports of the Auditor-General on the accounts of the following Offices and Ministry for the Financial Year ended March 31, 2008:

1. Ministry of Environment and Tourism;
 2. Department of Transport of the Ministry of Works and Transport
 3. Ministry of Regional and Local Government, Housing and Rural Development
 4. Department of Prisons and Correctional Services of the Ministry of Safety and Security.
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HON DEPUTY SPEAKER: Table the Reports, Honourable Minister. Honourable Mutorwa

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**TABLING OF REPORTS
HON MUTORWA**

**TABLING: ANNUAL REPORT NO 21:
AGRONOMIC BOARD OF NAMIBIA**

HON MINISTER OF AGRICULTURE, WATER AND FORESTRY:

I lay upon the Table, Annual Report No. 21 of the Agronomic Board of Namibia, stretching from the 1st of April 2007 to the 31st of March 2008 for the Honourable Members' information and reference.

HON DEPUTY SPEAKER: Table the Report. Honourable Geingob.

**TABLING: ANNUAL REPORT OF THE
PUBLIC SERVICE COMMISSION OF NAMIBIA**

HON MINISTER OF TRADE AND INDUSTRY: Honourable

Deputy Speaker, I lay upon the Table, the Annual Report, 1 April 2008 to 31 March 2009, of the Public Service Commission of Namibia and move that the Report, in terms of Rule 44(1) be referred to the Parliamentary Standing Committee for scrutiny and report back to the Assembly.

HON DEPUTY SPEAKER: Table the Report, Honourable Minister. Notice of Questions? Notice of Motions? Ministerial Statements?

MINISTERIAL STATEMENT

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**MINISTERIAL STATEMENT
HON NGHIDINWA**

HON MINISTER OF HOME AFFAIRS AND IMMIGRATION:

Honourable Deputy Speaker, on the 7th of July 2009, the Ministry of Home Affairs and Immigration learned that a group of 41 DRC asylum-seekers and refugees fled from Osire Refugee Camp, assisted by the National Society for Human Rights Director Mr Philemon ya Nangoloh to cross through Trans-Kalahari Border Post, Botswana without the knowledge of the Ministry and with the allegation that the Namibian Government is not taking care of them.

The Ministry wishes to inform the Namibian public that Namibia has one of the friendliest policies in terms of the protection of refugees and asylum-seekers and adheres to the UN Convention of 1951 and its Protocol relating to the status of refugees. Furthermore, since Independence Namibia has adhered to the obligations of State created by the international asylum regime to the best of its ability.

Honourable Deputy Speaker, Honourable Members, the Ministry learned with concern regarding the group of these asylum-seekers, some of whom have been recognised as refugees while others have been rejected and have the possibility to appeal to this decision. The provisions of international law, provide for any Government to request those found not to be refugees to leave the country. Under these circumstances, we believe that these persons have been provided with protection and a fair and an accessible procedure for refugee status determination, which are the cornerstones of international and domestic refugee laws.

Namibia is currently accommodating approximately 11,000 asylum-seekers and refugees from fourteen different African countries and no incident of this nature ever happened due to the welcoming nature of the Namibian State and its people. There are also general obligations under the UN Convention related to the status of refugees. Article 2 claims status: “*Every refugee has duties to the country in which he/she finds himself/herself which require in particular that he/she conforms to its laws and regulations as well as to measures taken for the maintenance of public order.*”

We note that UNHCR Namibia has issued a statement, advising that it has

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no information to validate the claims made by the refugees. The Nation will continue our collaboration and cooperation with UNHCR to find an appropriate durable solution to this situation and I thank you.

HON DEPUTY SPEAKER: Any Notice of Questions? Ministerial Statements? The Secretary will read the First Order of the Day.

**RESUMPTION OF SECOND READING:
ELECTORAL AMENDMENT BILL:**

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

HON DEPUTY SPEAKER: When this Debate was adjourned on Thursday, 9 July 2009, the Question before the Assembly was a Motion by the Honourable Minister of Regional and Local Government, Housing and Rural Development that the Bill be read a Second Time. Honourable Viljoen adjourned the Debate and he now has the Floor.

HON VILJOEN: Honourable Deputy Speaker, just a few remarks. We are busy with a very important Bill and therefore, we must give it the necessary attention and spend enough time on it to the satisfaction of all stakeholders. It is a pity that this Bill came to this Honourable House at this late stage. Is the intention, as with many other Bills, to force it through in the shortest possible time or why was it not brought to this House earlier? It is also a pity that the Honourable Minister introduced it against the background of a Party joke, abusing the opportunity for political propaganda or is it a matter of, ‘*n benoude kat maak benoude*

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spronge” – a cat in danger jumps in all directions.

I see in one of the newspapers that the Party is now satisfied with a few “whiteys” with financial aspirations who joined the SWAPO Party. (Interjections).

If we make provision in the law for the electronic voting machine for future elections, it will be impossible to cheat. (Intervention)

HON MINISTER OF TRADE AND INDUSTRY: On a Point of Order. The Honourable Member referred to something called “whiteys”. Is it parliamentary language? Who are the “whiteys”?

HON VILJOEN: Honourable Deputy Speaker, I think it refers to people with a light skin colour. If we make provision in the law for the electronic voting machine for future elections, it will be impossible to cheat. The different Political Parties observed the manufacturing, testing and functioning of the voting machine. (Intervention)

HON DEPUTY MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: On a Point of Order. The Honourable Viljoen is wrong when he is trying to link the Electoral Bill to the popularity of the SWAPO Party. In fact, SWAPO Party, as a former national liberation movement, stated in its objective that the Party wants all freedom inspired Namibians to join the Party and it was transformed into a mass Political Party. It is a mass Political Party that attracts all ethnical groups, irrespective of religion, gender or economic status and that is the SWAPO character as compared to monolithic tribal, racial, one-man show Political Parties, some of whom who survived on the remainder of votes of the SWAPO Party.

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HON VILJOEN: Honourable Deputy Speaker, it was said that the SWAPO Party brought this Bill to Parliament, therefore I would understand it was a brainchild of the SWAPO Party. (Intervention)

HON DEPUTY SPEAKER: Each Member has ten minutes. Why can you not take the Floor if you need to respond?

HON MINISTER OF VETERANS AFFAIRS: I understand the predicament of the Chair, but in order for us to use these ten minutes productively, do not provoke others. When you provoke and cow us into submission, it is not fair. The whites who are joining SWAPO are called “whiteys”. What about the blacks that are joining the other Parties, are they “blackeyes” or what are they?

HON VILJOEN: Honourable Speaker, I will continue. As I said, the voting machine....(Intervention)

HON DEPUTY MINISTER OF JUSTICE: Honourable Deputy Speaker, I want to read to Honourable Viljoen one thing which he has forgotten, I am going to quote the Constitution, Article 21 – Fundamental Freedoms: *“All persons shall have the right to freedom of association, which shall include freedom to form and join associations or unions, including trade unions and Political Parties”*, including SWAPO and that is a constitutionally enshrined right of every Namibian. To refer to other people who joined peacefully, on their own volition, as “whiteys”, is an insult and I would Honourable Viljoen to withdraw that word, because it is racist terminology that is not allowed in this Parliament. Withdraw that one as soon as possible!

HON DEPUTY SPEAKER: Honourable Viljoen, withdraw the word “whiteys”, because we are all Namibians.

HON VILJOEN: I am a whitey!

HON DEPUTY SPEAKER: Yes, you are, but why are you referring to others like that? Just withdraw and proceed.

HON VILJOEN: I withdraw. Furthermore, the Clause which makes provision for the counting of votes after the polling stations have closed and in the same venue where the voting took place is a step forward and we appreciate this Amendment to the original Act. (Intervention)

HON TJIHUIKO: On a Point of Order. Honourable Deputy Speaker, I just want to advise Honourable Viljoen that he will not be able to finish his speech because of the intolerance of the SWAPO Party. Just concentrate on the facts, but they will not allow you because they are so intolerant.

HON DEPUTY SPEAKER: You are doing the same now, you are intervening in his speech.

HON MINISTER OF INFORMATION AND COMMUNICATION TECHNOLOGY: On a Point of Order. I do not think the Opposition is really serious to contribute to the Debate, they keep on provoking. Who showed the tendency of intolerance first? The fact that the Honourable Member referred to the white people who joined SWAPO as “whiteys” is an indication of a high degree of intolerance.

HON VILJOEN: Honourable Deputy Speaker, I have withdrawn the word, so it is no longer applicable.

HON DEPUTY SPEAKER: He is referring to Honourable Tjihuiko.

HON DE WAAL: He takes a while to wake up.

HON VILJOEN: We are busy closing the door on irregularities by concentrating on the voting process, especially the use of the electronic voting machine. However, the door stands ajar as far as the registration process is concerned and I think we must concentrate on that. Let us look at Section 1, Clause (g), Sub-section (a) and (b): *“Any person who is entitled and qualified to vote...”* Why is “qualified” not defined? By allowing this, the lawmaker leaves the decision to the Minister who can make regulations to accommodate any person.

In our neighbouring countries registration is restricted to the submission of an ID document. When the Prime Minister defended the Communications Bill in the House, he suggested that we must approve the specific Bill because we are not a Banana Republic. (Intervention)

HON P MUSHELENGA: I rise under Rule 29 of the Standing Rules and Orders that says: *“During Second Reading, a Member charged with the business, unlimited, Prime Minister unlimited, Leader of the Official Opposition unlimited, other Members ten minutes.”* The Honourable Member has exceeded his ten minutes and we shall do the right things in this House.

HON DEPUTY SPEAKER: The interventions prevented him from completing his speech.

HON VILJOEN: When the Minister who introduced the Electoral Amendment Bill was Minister of Home Affairs and Immigration, he promised that every Namibian would be in possession of an identity document before the end of 1999. Now it is many years later and it seems as if there are approximately 30% of Namibians without identity documents. (Intervention)

HON MINISTER OF HOME AFFAIRS AND IMMIGRATION: On a Point of Order. Honourable Viljoen must remember that each minute, each hour, day, week, month and year the Namibians are giving birth and every year Namibians reach the age of 18 years and it will not stop.

HON VILJOEN: In Clause 1(b) there is a reference to Section 20 of the previous Act. (Intervention)

HON MINISTER OF FINANCE: I really did not want to interrupt the Honourable Member, but does the Honourable Member feel that whenever he makes a contribution, he has to make unfounded accusations against Government? For example, he says that with the introduction of this Bill we are now closing the door on irregularities in elections. What is that supposed to mean? Can he not just make a contribution to the Bill without insinuating that there have been irregularities in our elections and can he prove them? I think it is unfair and I feel our Rules should require people to be objective in their contributions if they want others to respect them. Otherwise, if you are going to make unfounded allegations against other people, you should expect others to interject.

HON VILJOEN: Honourable Deputy Speaker, I am convinced that with the electronic voting machine there is no way to cheat, as easy as that, it is not unfounded.

Clause 20 must read, “Clause 20 of the principal Bill” because it refers to

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the previous Bill. I refer to Clause 5(b), for the past 20 years we are complaining about the situation where two people can declare under oath the age of the applicant. The Amendment to the Bill opens the door by making provision for only one person who must testify that the applicant is 18 years and the status of the parent or the guardian is also not qualified. Should he be a Namibian or a person who has already registered or any other person? Honourable Deputy Speaker, what kind of citizens do we have in Namibia who have reached the age of 18 years and who do not have any kind of documentation? I agree with Honourable Schimming-chase of CoD on this issue, that in our country 90% of the people were baptized, all people were registered after birth, nearly all children attended school and were enrolled by submitting by some kind of documentation to give proof of the name and the date of birth. (Intervention)

HON DEPUTY MINISTER OF GENDER EQUALITY AND CHILD WELFARE: I want to inform this Honourable House that the Ovahimba and some of the communities do not have a church. You talk about baptism but we do not have a church.

HON RIRUAKO: I know of some people who came from Angola and certain people here stood up and said, "*I know him, he was born somewhere there.*" If it is true, it is correct that he becomes a citizen of this country. The gentleman mentioned about those who identified those to become citizens of this country, but this happened and this must be clear, we are supposed to be accurate and honest to ourselves and to our country.

HON VILJOEN: I am not sure whether you support me. In Clause 20 the word "*afford*" should be qualified. Does it mean that any person in charge of a voter should afford the voter by granting leave to the voter or does it mean that the person should provide free transport? It is not clear.

I also refer to Clause 28 and I conclude. The new insertion, "*provided that the conducting of ballots should in each case only apply in respect of*

the two candidates who have received the most votes.” It may be hypothetical, but if there are thirteen candidates running for President and the two candidates with the most votes get, for instances, a total of 35 of the votes, the other eleven can join forces and support another candidate in the second round who did not get the required number of votes according to the Constitution.

Honourable Deputy Speaker, I rest my case, but I am going to submit an Amendment during the Committee Stage on the submission of national documents during the registration process. I thank you.

HON DEPUTY SPEAKER: I thank you. Honourable Goreseb.

HON GORESEB: Thank you, Honourable Deputy Speaker, Honourable Members. I rise to support this very important Electoral Amendment Bill, but there are certain issues I have to raise.

Provisions and practical arrangements for continuous voter’s registration and an updated voters’ register must be made available to all the stakeholders in due time. I am very much concerned about this continuous registration because we have many potential voters who are not yet registered and this continuous registration period is almost over and only the supplementary period will come and the days are very few.

There are very positive improvements visible in this Bill regarding the counting and posting of votes at the polling station, but it does not clearly define voting to one day only as is the practice in bigger democracies for transparency-sake as well as avoiding dispute by Political Parties and Court challenges.

A code of conduct for Political Parties does not feature in this Amendment, which could give the legal muscle for enforcement of the Act at the end of the day.

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Provision for a tribunal headed by a Judge is nowhere mentioned for dispute resolutions and I have to support Honourable Nora Schimming-Chase as well as Honourable Viljoen on the issue of declaring the age of an applicant by parents or guardians, as I view this as unnecessary at this stage in time where each and every Namibian ought to have a document, whether it is an Identification card or a birth certificate.

With these few remarks, I support the Bill.

HON DEPUTY SPEAKER: Thank you very much. Honourable Chief Riruako.

HON RIRUAKO: This person wants to vote, but he does not have a qualified person to identify him. In previous elections it was two persons and now one person has to identify that particular person, but now we have people who lived on the Angolan side and this is affecting all of us... (Intervention)

HON DEPUTY MINISTER OF LABOUR AND SOCIAL WELFARE: Comrade Deputy Speaker, on a Point of Information. Namibia borders on more than one country, not only Angola. It also borders on Zambia, Zimbabwe, Botswana and South Africa. Why is there this generalisation of Oppositions worldwide? Did they meet to cause a common confusion amongst the populations? Every time you are the ones cheated. Are you liars or what? I withdraw the word “*liar*”.

HON RIRUAKO: I am not talking about only Angola. I have 4,5 million people in Angola, it is not only you. They are not part of you, they are part of me. I said we are supposed to identify our supporters and make sure that we do not have intruders. (Intervention)

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HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: On a Point of Information. During the election in Rundu Rural, that small girl who was the candidate of NUDO and the boy was the candidate of CoD joined SWAPO at Nkurenkuru. Is it for this reason that he is now talking of having 4,5 million people in Angola?

HON RIRUAKO: I had seven hundred people coming from Rundu on my side that time, but this time they are going to be more than two or five thousand.

HON DEPUTY MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: May I ask a question?

HON RIRUAKO: I am not a racist, I stopped the Minister and you too. The point is this, I want honesty and accuracy. It is not only Angola, even South Africa if you want to. There are those surrounding our borders and we have to make sure those voters belong to this country, but if we do not want to do that, then it is not free and fair elections, there are intruders and those intruders must be challenged.

HON P MUSHELENGA: Honourable Deputy Speaker, I am rising on Rule 108. The Honourable Riruako said if we are not surrounding our borders, then there will be no free and fair elections. That is a statement of fact. Rule 108 (g) says that "*a Member may not refer to the name of a person or any statement of fact unless they are necessary to render the question intelligible and can be authenticated*". The Honourable Riruako is making a statement, saying if we do not surround our borders, there will be no free and fair elections. Earlier he also stated that people come from Angola to come and vote. Unless the Chief can authenticate this information, what we are saying here is quoted elsewhere and the international community is reading that we do not have free and fair

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elections, that we have people from other countries voting here. Unless the information could be authenticated, it should be withdrawn.

HON DEPUTY SPEAKER: Honourable Chief, talk to the Bill.

HON RIRUAKO: We must be honest to ourselves too, we have to defend our security and our country. First of all, we have those guys who say that, *“if you do not hear what I am saying, once you go out of here, I am going to take care of you.”*(Intervention)

HON MINISTER OF VETERANS AFFAIRS: Honourable Deputy Speaker, I do not think that we have to be driven into issues that are haunting some people. I am not talking about the 1989 election, I am talking about the normal elections that we had here where these things did not happen. If the Honourable Chief is referring to what they did in 1989, bringing all the people from South Africa to vote for them, we are not going to do that and we have not done that. You did that together with South Africa and we did not continue to do so. Do not be haunted by your own history.

HON RIRUAKO: Before I rest my case, I am not worried about anything. Somewhere, somehow those worries will arise and you must be courageous enough to face the music. (Intervention)

HON DEPUTY MINISTER OF GENDER EQUALITY AND CHILD WELFARE: During the 1994 election some people from Angola came to a funeral and the DTA registered those people to vote in Namibia. Honourable Mbumba and Honourable Iilonga know about that.

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HON RIRUAKO: I lost four seats and I warned them, I am sorry to say this. (Interjections). I am not saying DTA, I am not saying SWAPO, whoever did that must know who did that.

Honourable Deputy Speaker, I am going to rest case, I support the Bill, but I warn those who will participate in this election that you must be aware of your surroundings. I thank you.

HON DEPUTY SPEAKER: Thank you very much. Honourable Tjihiiko.

HON TJIHUIKO: Honourable Deputy Speaker, thank you very much. In fact, this is a Bill that we have been waiting for and before I make my short contribution, I want to thank Honourable Minister Ekandjo for bringing the Bill to this House. I have a small question on page 11, Clause 10(a): *“The Director shall, prior to registration of a Political Party, publish or cause to be published by notice in Government Gazette at the cost of the applicant...”* The point I want to make is that if my democratic right guaranteed by the Constitution to be associated with an institution or organisation that I am prepared to be with, should be subjected to a law at my cost, does that not interfere with my democratic right, as enshrined in the Constitution, Article 5? (Intervention)

HON DEPUTY MINISTER OF LABOUR AND SOCIAL WELFARE: On a Point of Information. Honourable Tjihiiko is supposed to be a veteran in this House and ought to know that if his Party is a Member of this august House, the Government will do that, but if he is a Political Party which is not yet known, does he want to tell us that the Government must even be the one to pay for somebody who wants to register his business? Distinguish between those things before you come and make accusations.

HON TJIHUIKO: Honourable Deputy Speaker, I hope that Honourable Ekandjo will be able to help some of us by enlightening us. That is a misguided missile. The point I am trying to make is when you register a company, you go the Ministry of Trade and Industry, you do not go and put it in the Government Gazette. If we are saying the Electoral Commission is the one registering Political Parties, they are doing it within the law and they should continue doing it within the law. Why all of a sudden should the names and details of these Parties be published in the Government Gazette? Why should it only apply to Political Parties but not your business? There are so many businesses in this country that have run away with public funds, they were not published in Government Gazette. Why the Political Parties then? Are we going to move in that direction? No.

I may not understand the motive behind it, the only person who will be able to help us is the Honourable Minister, but definitely not Honourable Iilonga. (Intervention)

HON RIRUAKO: The motive behind it is to challenge whoever comes as a newcomer, but if the Electoral Commission allows that, the law is flawed, because they determine whether this person is qualified for this or not.

HON TJIHUIKO: That is my concern, Honourable Minister, because I believe it may touch on the freedom of association of people and Honourable Jerry Ekandjo is going to answer this and the rest must listen to me.

The second point I want to make is on point 12 of the Minister's speech that deals with the provision of voting by voting machine. I appreciate the fact that it has been included in the Bill and it is a positive action, but I was wondering whether we may not be able to have a few machines for the densely populated areas, so that by the twelve o'clock the whole election will be over. Now that you are sitting closer to the Minister, you could whisper to her that we need money to buy some of these machines

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from the Contingency Budget. (Intervention)

HON MINISTER OF FINANCE: Will the Honourable Member accept a question? Is the Honourable Member of Parliament advocating that we should have a dual system of voting, one for the O-Regions and Kavango and Caprivi and another one for the other Regions which are not densely populated? Am I getting him right?

HON TJIHUIKO: No, I think the Honourable Minister is twisting the facts. I am saying there are areas where we may need the machines.

Okakarara Constituency, for instance, can be counted in three hours and then it is over, but 60 to 70% of our population are living in one area. With that I support the Bill.

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

HON DEPUTY SPEAKER: Honourable Moongo.

HON MOONGO: Honourable Deputy Speaker, first of all, allow me to congratulate the Minister for bringing this Amendment. We really need a change in order to adhere to the norms and standards of SADC and I appeal to the House that we not only change the electoral law, but also to change our attitudes and behaviours in order to have free and fair elections. Therefore, I call for a level playing field so that all participating Parties should be treated equally. (Intervention)

HON MEMBER: When are you going to start?

HON MOONGO: We have already held a big meeting and you have the information on that. We are going to govern after the next election and you know it. (Intervention)

HON P MUSHELENGA: May I ask the Honourable Member a question? The Member is saying we must change our attitude so that these elections could be free and fair. Before we went for the tea-break, it was stated here that in 2004, DTA took people who came from Angola to vote and this statement was not contested and silence means consent. My question to the Honourable Member is, has the DTA stopped the unfairness in elections?

HON MOONGO: What I remember is that during that time there were buses at Oshikango which brought people from Angola to come and vote for the Ruling Party. Hundreds and hundreds voted and were taken back to Ondjiva and of course, we opened a case here. (Intervention)

HON MINISTER OF PRESIDENTIAL AFFAIRS: May I ask the shadow Prime Minister a question? I think it was at Kunene where Honourable Venaani said at a political meeting that NUDO stands no chance because it is a tribal Party. Do you agree with Honourable Venaani? Secondly, are you aware that just this month a certain Political Party came to a certain district, hoping to address members but there were no members, so one of the local boys stole a goat and they started to braai and feast on this stolen property? Are you aware of that?

HON MOONGO: Everybody knows that before SWAPO came back from exile, the DTA was strong and is still strong and even stronger than ever. (Intervention)

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HON MINISTER OF ENVIRONMENT AND TOURISM: On a Point of Information. SWAPO members were in exile, but SWAPO has always been in Namibia.

HON MOONGO: Therefore, before the Amendment is done, I want the spirit.... (Intervention)

HON MINISTER OF VETERANS AFFAIRS: I think if we address these issues in the fashion that the Honourable Member there had done, there will be no interruptions. To come and say things like this as if we do not know the history is not fair. We can also narrate things. I can tell you that in 1978 Namibia was supposed to be free. We were negotiating to come back here for Independence. The South African regime torpedoed that by the fact that they wanted to make a Political Party which is strong to stand against SWAPO and that is how they built DTA. Let us talk about these things, do not let us talk about things we do not want to talk.

HON DEPUTY SPEAKER: Honourable Moongo, talk on the Bill.

HON MOONGO: And the Honourable Member has the right to talk? (Intervention)

HON MINISTER OF HOME AFFAIRS AND IMMIGRATION: On a Point of Information. Honourable Deputy Speaker, I was here in this country all those years. The meetings of DTA were just under tents where they were having *boerewors*, but the meetings of SWAPO Party were always full to capacity. SWAPO was here in the country and also outside the country. Where was DTA outside the country?

HON MOONGO: It is a pity that a so-called two-thirds majority Party panicked when RDP was formed. (Intervention)

HON DEPUTY MINISTER OF GENDER EQUALITY AND CHILD WELFARE: On a Point of Information. The DTA all along survived because of Kunene. On the 25th of April this year, the people of Kunene said they were tired, the DTA is no longer going to survive.

HON MOONGO: That is a sign of intolerance. That is a sign that we need a change spiritually and in action. We do not only need to change the need, but we need the heart to be changed. (Intervention)

HON RIRUAKO: On a Point of Information. I know that Pik Botha went to Oshakati the whole life was blanked out and after that SWAPO was mentioned as the winner of the election. I know what I am talking about and you know what I am talking about. I do not want to go beyond that.

HON MOONGO: I would only like to say that when the people came from exile and met the South African Minister during the colonial time, they were more puppet than the DTA who was inside. (Intervention)

HON MINISTER OF EDUCATION: On a Point of Information. The Honourable Member who has been in this Parliament for a long time is preaching that we should all change our attitude. (Interjection)

HON MOONGO: That is it, but you do not want to.

HON MINISTER OF EDUCATION: We should all behave properly and yet he is the one provoking us. How can you be a minority and you are provoking the majority? Behave yourself first, otherwise you will see.

HON MOONGO: I said, first of all be prepared to change your heart and your actions before you change the law. (Intervention)

HON TJIHUIKO: On a Point of Information. I am a bit disturbed by the Deputy Secretary General of SWAPO and the threat that he has mentioned that “*we will see!*” I do not know whether that was meant outside or would that be inside here, because we do not have enough protection here. I am a bit worried about that.

HON MOONGO: I know the threat by my Colleague, because I was a commander of PLAN and I know how to handle him. It is easy to handle him.

**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,
HOUSING AND RURAL DEVELOPMENT:** Will the Honourable Member accept a question? Honourable Moongo, as a so-called commandeer, why did the commander leave his soldiers behind and surrendered to the enemy?

HON MOONGO: The information I got during that time of my arrest is that if I come to Namibia and liberate the country, I will not allow the so-called top guys in exile to come back. Therefore, they feared me.

However, I would like to call upon the Regional Councils not to show the youngsters to be enrolled to serve in the forthcoming election the questionnaire before they write the exams. That happened in Okatjali Constituency and I totally reject that. This information is not supposed to be given to kith and kin, they playing field is supposed to be level for

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everybody when writing the test. (Intervention)

HON MINISTER OF SAFETY AND SECURITY: On a Point of Order. I need your guidance, what are we engaging in? Are we discussing anything in this law? I need your guidance, what is going on?

HON DEPUTY SPEAKER: Honourable Member, I think we are talking about the Bill, but in the Second Reading it depends on the questions being asked. This one can be general because it is Second Reading.

HON MOONGO: When I talked about the change of heart and approach is when I mentioned those ill-feelings of the people who were cheated in preparing for the next election. What is happening in the Regions is that they are giving the information to their kith and kin in order to pass the exams. (Intervention)

HON DEPUTY SPEAKER: What examination are you talking about? I do not understand.

HON MOONGO: The interviews of the representatives in the forthcoming elections.

HON TJIHUIKO: On a Point of Information. I have noticed that the Honourable Member has provided some critical information. The first information was not contested, buses bringing people from Angola through Oshikango to come and vote for the Ruling Party. Secondly, where at Okatjali the Ruling Party is registering these students. The question is, if that is true, is this election going to be free and fair or can we appeal to the Ruling Party through the Secretary General to stop these

things, otherwise it is going to spoil the elections?

HON MINISTER OF FINANCE: We really want us to have a very mature Debate and an informative one for those members of the public who have come to listen to the Debate, but the Honourable Members of the Opposition are really leaving us with no choice but to interject because of the things they are saying. They continue to say that SWAPO wins elections because of some crooked actions or fraud that they engage in. They say that incessantly and it is unacceptable because in this country we have an independent Judiciary and if they have any evidence that the Ruling Party has won elections through fraud, then they should have gone to Court and made their case. If they cannot, then they should please stop making these utterance.

Secondly, on the issue of people being brought in illegally to participate in the elections, the Honourable Member is appeal that SWAPO should not do that again in order that the elections would be free and fair. The reason why do not win is not because the elections are not free and fair, it is exactly because of this type of behaviour. They have nothing to give to the public and for that reason the public will never vote for you, no matter what kind of accusations you level against the public. In fact, you are eroding the little faith the public had left in you and that is why we will take over that side next time.

HON MOONGO: I hope the Namibian Courts already have our pending case against those people from Angola who voted in Namibia.

HON DEPUTY MINISTER OF LABOUR AND SOCIAL WELFARE: On a Point of Order. The Councillors in the 13 Regions are not doing recruitment, it is the Electoral Commission officials, nothing more, nothing less. Secondly, if Honourable Moongo saw buses coming from Angola, he could have taken photos where they were parked, that the people voted and then returned. He could have brought all that evidence.

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Honourable Moongo, I have always said you must become mature and not behave like a kindergarten kid. You will never gain anything, as the Minister of Finance said. People judge you, that you have nothing to offer. You are just there doing rumour mongering.

HON KAURA: May I ask the Honourable Member a question? Honourable Moongo, do you remember the incident of ballot papers that were burnt under the Okahandja bridge during the 2004 election? Is it not obvious that those ballot papers must be ballot papers of people who voted for the Opposition?

HON MOONGO: And not only that, my leader, in the High Court Records there are already these ballot papers right from Angola. (Intervention)

HON DEPUTY SPEAKER: Honourable Moongo, do not persist with rumours, talk about the Bill.

HON MOONGO: It is not rumours! (Intervention)

**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,
HOUSING AND RURAL DEVELOPMENT:** May I ask the Honourable Member a question? Did you believe your leader, Honourable Kaura, when he introduced you there in Kaoko, saying that next year he will be the President, you will be the Prime Minister and Venaani will be the Foreign Minister? Did you believe him?

HON MOONGO: Of course. That is why I say the House needs to change its attitude, because if he becomes the leader of this country, all people would like to be honest like him and I would like to behave the same. (Intervention)

HON NAMBAHU: I know that this discussion is actually not doing any good to the Bill, and I think the public there is really disappointed. Do you not think that a person who goes into elections to contest the presidency and he ensures that he is also on the parliamentary list, that person is sure that he is not going to win?

HON MOONGO: To come back to the Bill.... (Intervention)

HON DEPUTY MINISTER OF LABOUR AND SOCIAL WELFARE: On a Point of Order. I want to inform Honourable Moongo that before he ran away from the front and joined the DTA through SWAPO-D, Honourable Kaura was the Deputy Minister of Justice and what justice did we find here? People were beaten, harassed and jailed and nothing else. Do you think when he becomes President of Namibia he is going to change?

HON DEPUTY SPEAKER: That one is Out of Order.

HON MOONGO: That is why I talk about change of heart. (Intervention)

HON P MUSHELENGA: On a Point of Information. Honourable Deputy Speaker, I have been listening to the previous speaker who spoke before we went for tea-break and I am listening to Honourable Moongo. If I have to count the number of interventions that people made during

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Honourable Moongo's speech, it by now is perhaps 20 interventions. It is because of the level of the Debate that the Honourable Member is bringing to this Bill. Please, I beg you, Honourable Member.

HON MOONGO: I also beg you to behave better in the forthcoming election and not to harass other Political Parties. Not only that, the attitude towards each other should also change and the hearts should also change.

HON DEPUTY SPEAKER: Thank you very much. Honourable Mudge.

HON MUDGE: Honourable Deputy Speaker, I am going to make a short contribution and I want to say that the tabling of the Bill was obviously very important and it is just a big disappointment that it came so late. It is also unacceptable that every Member is only allowed ten minutes to participate. This Bill is of vital importance and it should not be allowed to be rushed through. The widespread reaction from all the Political Parties, the people out there, the civil society, bears testimony to the fact that everything possible should be done to ensure that the Bill be amended in such a way that everybody will be satisfied. This is not a SWAPO Government and/or an Electoral Commission issue, this is a national issue and it is for this reason that the Minister must ensure that everybody is satisfied – most important, everybody. Most important is that the Amendments should reflect the fact that they are due to the principles for election management... (Intervention)

HON DEPUTY MINISTER OF LABOUR AND SOCIAL WELFARE: Deputy Speaker, I deliberately rise to test the tolerance of the Opposition and you heard when I stood up he sighed. You said we

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must be tolerant, but you people are not tolerant. You think that I am just nothing. Do not forget that I am tolerant person, do not forget what you did during the colonial time. You destroyed my car and I have never asked you to pay and you still contend that we are intolerant.

HON MUDGE: I say most important is ... (Intervention)

HON DEPUTY MINISTER OF GENDER EQUALITY AND CHILD WELFARE: On a Point of Order. I want to inform Honourable Henk Mudge that this is a SWAPO Government from the 21st of March 1990 up to 2030. It is going to be a SWAPO Government, it is not going to be an RP Government.

HON MUDGE: Honourable Deputy Speaker, most important is that the Amendment should reflect the fact that we adhere to the principles for election management, monitoring and observation in the SADC Region which were adopted in November 2003 and to which Namibia was a co-signatory.

The information, according to what Mr Tonchi said in February this year, was that this Bill was sent to the Minister in June last year and I would like the Minister to react to that. Not June this year, June last year. In other words, this Bill has been lying with the Minister for one full year and now we have to rush it through. (Intervention)

HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: May I ask the Honourable Member a question? Honourable Member, is it true that the ECN has been consulting the Opposition, including yourself, even of late on this Bill? Can you admit or not? Tell the truth this time.

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HON MUDGE: Honourable Deputy Speaker, the Electoral Commission held workshops, but they determined what was discussed at those workshops. There were many proposals made that is not included in this Bill. We were not consulted, we were told. That is the point. My question is: Was this Bill sent to the Minister in June last year or was it only June this year? The Minister may answer whenever he has the time. In other words, if it was sent in June last year, then we had one year to discuss this Bill, now we have to do it in one week and it is an extremely important Bill and you know this. Maybe if Honourable Kawana's personnel worked very hard last year, we would have had enough time. (Intervention)

HON DEPUTY MINISTER OF GENDER EQUALITY AND CHILD WELFARE: May I ask a question? Honourable Henk Mudge, you talk about last year or this year, but when you started your Party, when did you tell your people that you are going to form the RP? How long did take to withdraw from DTA?

HON MUDGE: The Amendments to the outdated and flimsy Electoral Act of 1992 should be comprehensive and properly done. (Intervention)

HON MINISTER OF PRESIDENTIAL AFFAIRS: On a Point of Order. I want to put the record straight. I do not know where the Honourable Member got that information. For the information of the Honourable Member, this draft that came to Cabinet and subsequently to the Cabinet Committee on Legislation and thereafter to this House, was received and dated 29 April 2009. I do not know where he got that information that this Bill... (Intervention)

HON DEPUTY SPEAKER: He said from Mr Tonchi.

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HON MINISTER OF PRESIDENTIAL AFFAIRS: That this Bill was submitted last year. The Bill I saw, since he mentioned my name, is 29 April 2009. You may recall that the Commission went to India, there was nobody at the Directorate to be consulted and when they came back, then this Bill had to go to Cabinet, from Cabinet it had to go to the Cabinet Committee on Legislation, from there to the drafters to finalise the draft. In effect we were working around the clock to make sure that this Bill comes before this House. He cannot mislead the House.

HON KAURA: On a Point of Order. The House cannot be misled. Can the Honourable Member withdraw please? Kawana, you said he should not mislead the House, but the House cannot be misled. Withdraw please! These are the Rules of this House and you have to withdraw!

HON MINISTER OF PRESIDENTIAL AFFAIRS: I cannot withdraw.

HON KAURA: You cannot withdraw? You are violating the Rules of the House.

HON DEPUTY SPEAKER: Honourable Mudge, proceed.

HON KAURA: Honourable Deputy Speaker, he must withdraw, because he is violating the Rules of the House, the House cannot be misled.

HON DEPUTY SPEAKER: Please listen, Honourable Member. I do not see anything misleading which Honourable Kawana has done. Honourable Kawana is asking him that he is misleading, because he said Mr Tonchi is the one who told the Honourable Member that the Bill was

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sent to the Minister in June last year. Then Honourable Kawana is saying they received the Bill on the 29th of April this year. Who is misleading? Who is telling the truth? Proceed the Honourable Member.

HON KAURA: You cannot mislead the House.

HON MUDGE: Honourable Deputy Speaker, that is what Mr Tonchi said in February this year, not to me, he said it in public. (Intervention)

**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,
HOUSING AND RURAL DEVELOPMENT:** May I ask a question? Honourable Mudge, you mentioned the “*flimsy 1992 Electoral law.*” Which flimsy law do you mean?

HON MUDGE: I will come to that and I mean what I said. I will come to that if I come to the later part of this contribution. I said, Amendments should be done comprehensively and properly and done once and for all in order to ensure that it would be acceptable to all the stakeholders, including the ECN, including all the Political Parties, including the civil society.

HON MINISTER OF FINANCE: Honourable Deputy Speaker, I am rising to seek guidance. Is it acceptable that a Member of this House characterises a law that was passed in this House in a derogatory matter? Is that acceptable? If it is not acceptable, can the Honourable Member please be asked to withdraw that?

HON DEPUTY SPEAKER: I did not get that very well.

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HON MUDGE: Honourable Deputy Speaker, that is my view.
(Intervention)

HON DEPUTY SPEAKER: It is what you said?

HON MUDGE: Yes, that is my view. Since a consultative workshop that was organised by the ECN in November 2007, the Political Parties as well the civil society have put a lot of effort in to ensure that the ECN and the Government be properly informed about the Amendments that need to be effected in order for the election process to be acceptable and in line with the principles of the SADC Region, as I mentioned earlier. If this is not going to be the case, then the Government and the ECN can rest assured that they will once again be challenged and this time there will be enough resources and the court case will be taken to its full and logical conclusion.

HON DEPUTY MINISTER OF LABOUR AND SOCIAL WELFARE: In the name of democracy, which is breached by the Opposition, and in the name of tolerance I want to ask the Honourable Member to withdraw the word “*flimsy*”.

HON DEPUTY SPEAKER: What does “*flimsy*” mean?

HON DEPUTY MINISTER OF LABOUR AND SOCIAL WELFARE: It means it is something which is *skoroskoro*, which is Out of Order. He thinks this law is nothing but a talk show and he must withdraw the word “*flimsy*.”

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HON DEPUTY SPEAKER: Honourable Member, withdraw that word if you are talking about this law.

HON MUDGE: Honourable Deputy Speaker, that is my view and I have the full right to have my view.

HON DEPUTY SPEAKER: According to the Rules, you cannot talk against the law.

HON MUDGE: There is nothing that says I cannot say “*flimsy*”.

HON DEPUTY SPEAKER: So, the Rule cannot control you?

HON MUDGE: Sure, it can.

HON DEPUTY SPEAKER: It can yes, therefore withdraw, because you cannot talk against the law.

HON MUDGE: But we are not against the law, I am not against the law.

HON DEPUTY SPEAKER: It seems like you mentioned the law.

HON MUDGE: No, I will not withdraw, there is no reason why I should withdraw, no reason. (Interjection)

HON MEMBER: Send him out!

HON MUDGE: Yes, send me out, send me out.

HON DEPUTY SPEAKER: I am not going to allow you to proceed, because there is a long list and I will call on other people to entertain us again.

HON MUDGE: Honourable Deputy Speaker, I have one contribution to make, but I am being intimidated by the Ruling Party. You should listen to what I am saying, you will have your own time to talk. Put your name on the list and then you can talk. (Interjections) Talk about intolerance, my goodness! Flimsy, you do not even know what flimsy means.

Honourable Deputy Speaker, after all the workshops and meetings one would have thought that issues like the following would have been included:

HON DEPUTY MINISTER OF AGRICULTURE, WATER AND FORESTRY: Comrade Deputy Speaker, we cannot allow the Member, just because it is his opinion, to call a law that was made in this House a “flimsy law”. “Flimsy” means worthless, something that has no value at all. We cannot allow a law that was passed in this House to be called that

just because the Member thinks that it is. I think the Member must withdraw right away.

HON MUDGE: Honourable Deputy Speaker, after all the workshops and meetings, one would have thought that issues like the following would have been included in this Amendment. (Intervention)

HON DEPUTY MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: On a Point of Information. I have carefully listened to the Member and my contribution to what he is saying is that surely the public need it and it is the reason that you are alone is because you have been rejected by the public. There is already a cry-baby because the people know very well why the public have rejected them and they are going to continue to reject them. Therefore, a false psychology is being built that these elections are not going to be free and fair. That one has nothing to do with the Bill, it is a scary psychology, it is a psychology that it is sealed already and the public should know that.

Secondly, so far we have been told that this Bill does not meet the SADC standards, but so far we have not heard what these standards are, nothing! Again it is crying wolf and it has nothing to do with the timing of the Bill and the content of the Bill. The content of the Bill is accurate, it is here, it has been brought in time, let us debate the content, but let us not debate the fear, because of lack of support.

HON MUDGE: Honourable Deputy Speaker, after all the workshops and meetings one would have thought that issues like the following would have been included in this Amendment Bill. (Intervention)

HON KAURA: May I ask a question? Honourable Member, under Article 10(5), page 12: "... and the Director shall publish or cause to be

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published by notice in the Gazette and at the cost of that registered Political Party ...” Do you know the reason why an applying Political Party has to be gazetted first at its own cost? Do you know the reason for this Amendment? It is because SWAPO was caught pants down when RDP was registered. Now they want to make sure that any other Political Party that breaks away from SWAPO, must first be gazetted so that they can know ahead of time. This is the reason for this Amendment. Are you aware of that?

HON MUDGE: Honourable Kaura, you are now provoking me to say something. (Intervention)

HON DEPUTY MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: On a Point of Information. There is an English saying that an empty drum makes a lot of noise and we have for the last year been witnessing an empty drum making a lot of noise. If the RDP apparently caught SWAPO with its pants down, the systematic elections in this country have proved beyond reasonable doubt, starting from Eenhana to Omuthiya, that another empty drum has entered the political scene, it joined the other empty drums such as DTA and CoD, NUDO and RP.

HON DEPUTY SPEAKER: Honourable Members, please give the Colleague a chance to explain.

HON KAURA: It is unbelievable that such a strong Political Party is so afraid of empty drums to such an extent that it has lowered itself to the point where they were now fighting over trees and parking lots during the Tobias Hainyeko by-election. You were so scared of the empty drum because you were caught with your pants down.

HON MUDGE: Honourable Deputy Speaker, I said that the following issues should... (Intervention)

HON DEPUTY SPEAKER: The ruling I have received from the Colleagues here says, although not in the Rules, the word used by the Member is unparliamentary. It is offensive and unbecoming towards the proceedings on the Bill which is currently urgent. What I want to emphasise, Honourable Members, this Bill is so urgent and I even approached Dr Kawana about this Bill myself before I could table the norms and standards and the Speaker urged us in the Standing Rules and Orders. Those Members who are not members of the Standing Rules and Orders will bring this Bill to a standstill if you are not careful. Therefore, I am requesting you that we have to pass this Bill as soon as possible, otherwise if we revert back to the old system, you will cry again. We were supposed to adjourn on the 9th of July and we have extended it to the 23rd because of this Bill.

HON MUDGE: Honourable Deputy Speaker, it is still my view that in order to carry on with my speech... (Interjections) I have withdrawn.

HON DEPUTY SPEAKER: I am told you have to withdraw according to the Rules.

HON MUDGE: I have withdrawn the word “flimsy”, can you hear me now? I have withdrawn. Very good, may I carry on with my speech now?

I said after all the workshops and meetings one would have thought that issues like the following would have been included in the Amendment Bill, that only voters in possession of an authentic Namibian ID would have been allowed to vote. No more sworn statements...

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HON DEPUTY MINISTER OF JUSTICE: On a Point of Order on this word “flimsy.”

HON DEPUTY SPEAKER: He has already withdrawn.

HON DEPUTY MINISTER OF JUSTICE: Alright, I withdraw that one. On this unsound reasoning of saying that the SWAPO Party was caught pants down, I think the only people who were caught pants down were the DTA, the RP and the others, because the formation of the RDP has not made any dent in the SWAPO Party. You are the only losers as your members went to RDP and that is the truth. You will never get a SWAPO member joining you and the RDP, so there are no pants down.

HON MUDGE: Honourable Deputy Speaker, I have been on my first page for half an hour. One of the issues that should have been addressed in this Amendment Bill is the fact that only people in possession of an authentic Namibian ID should be allowed to vote. We cannot just allow anybody to vote. It is the right of the people of Namibia to be voted in by people who are Namibians. We have been independent now for twenty years.... (Intervention)

HON MINISTER OF JUSTICE: Honourable Deputy Speaker, there is only one identity document for Namibia, therefore they cannot be authentic. “Authentic” connotes that there is either a fake one or there are others that are not recognised.

HON MUDGE: It is unacceptable that after 20 years of Independence we still allow people to register to vote in these elections by sworn statements. That is why I say we should get to the point where people vote only when they have that Namibian ID in their hands. (Intervention)

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HON DEPUTY MINISTER OF LABOUR AND SOCIAL WELFARE: May I ask the Honourable Member a question?

HON DEPUTY SPEAKER: Declined.

HON MUDGE: Something else is that a tribunal be established under the chairmanship of a Judge... (Intervention)

HON DEPUTY MINISTER OF LABOUR AND SOCIAL WELFARE: Does the Honourable Member want to tell the people out there that the people who are sworn in and voting without ID are only voting for SWAPO? The Honourable Member is the one who is paying people to vote for his Party. We could even put it here that we are not going to allow Parties who bribe people. You are exploiting the poor, but now you are talking as if they are only voting for SWAPO.

HON MUDGE: Honourable Deputy Speaker, I insist that the Member withdraws everything that he said now, bribing, paying. Unless he can prove it now, I insist that he withdraws it immediately. I wait for you to withdraw it.

HON DEPUTY SPEAKER: Honourable Member, can you withdraw that bribe story that you do not have proof of?

HON DEPUTY MINISTER OF LABOUR AND SOCIAL WELFARE: I do not want to fight with the Deputy Speaker and in the spirit of tolerance I withdraw, but (Intervention)

HON DEPUTY SPEAKER: No, do not put a “but”,

HON DEPUTY MINISTER OF LABOUR AND SOCIAL WELFARE: I withdraw.

HON MUDGE: Honourable Deputy Speaker, that a tribunal be established under the chairmanship of a Judge known not to be aligned to any Political Party and a person with utmost integrity to deal with issues when Parties feel aggrieved by what happened at any polling station, because the fact of the matter is and this SWAPO Government knows that for us to go to Court when aggrieved by anything that happened, we have to put down security of N\$250,000 plus to take a case to Court and they know we do not have the money. That is why these things that happened are happening in the country. We need a tribunal which we can approach if we feel aggrieved and that tribunal should decide and if they decide in any Party’s favour, then the Government should pay for that. (Intervention)

HON DEPUTY MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: On a Point of Information. On the issue of sworn statements *vis-à-vis* the voters there, the historical reality of this country, based on the historical background, there are remote areas in Namibia where the section of the community I am from, *vis-à-vis* the section of the community honourable Mr Mudge comes from, although he survives on the votes of the section of the community I come from, the reality is that some of those people after twenty years of Independence did not have access to those documents and

not because of their choice, but because of the circumstances on the ground. That is the historical reality and cannot be blamed on the SWAPO Government, it is the historical legacy which we have inherited.

HON MUDGE: Another issue that should have been addressed was that all persons appointed to the Electoral Commission should be persons known to the community and the society... (Intervention)

HON DEPUTY MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: On a Point of Order and it is my democratic right as an elected Member and according to the Rules and Orders of this House. Namibia is a democratic country based on the Rule of Law and democracy is about citizens participating and making their choices, but the Opposition Parties are circumventing the democratic processes and procedures, that when they are rejected through the ballot box, they want this House to validate that they must now be allowed to contest through the Courts and hijack democracy. Democracy is not about going to Court, it is about being elected by the voters and this should be the case. Your support will not come from the Courts, it has to come from the people.

HON MUDGE: All persons appointed on the Electoral Commission should be persons known to the society for their integrity and ... (Interjections) ... for the legislative framework to challenge any appointment on the ECN. No security officers be allowed inside polling stations and at best, keep such a distance where the voters will not be feeling intimidated by their presence. That a code of conduct will form part of this Bill and that those could be found guilty of provocation, intimidation, hate speech and the misuse of Government infrastructure, that should include telephones, mobile phones, computers, e-mails, motor vehicles, trucks, especially army trucks, helicopters, aircraft. Everybody found to misuse this infrastructure will be held accountable and sentenced with an appropriate sentence.

I can mention many other things, Deputy Speaker, but all I can say that this Bill is a big disappointment and it is unacceptable that Namibia had to wait until the last minute and now face the possibility that this important Bill will be rushed through in its current unacceptable form. The civil society, amongst others, spent much time and effort to scrutinise this Bill and to make serious and positive proposals and I agree that the Electoral Act needed a total overhaul because in its current form it is only seen as.... (Intervention)

HON MINISTER OF DEFENCE: On a Point of Information. I thought the Honourable Member would feel secure when the ballot papers are being transported by the Defence or the Police since they are apolitical and they do not serve any Political Party. I thought you would be happy to use these institutions. Are we going to hire companies to transport ballot papers? It should be clear that when we use the Army and the Police, these ballot papers will be in safe hands. Do not panic.

HON MUDGE: I think the Honourable Minister misunderstood me, I did not refer to the transport of election material. That is fine. We are very happy that you are doing that and I thank you very much, but what we have a problem with is the public meetings of Political Parties where the army trucks are being used. (Interjections). Rundu! (Intervention)

HON DEPUTY MINISTER OF JUSTICE: On a Point of Information. Since we are discussing the Amendments to the Electoral Act, we should now also think seriously about some political leaders who behave like *Messiahs*, who go in front of the most neglected and poorest and bring the gospel of God and *boerewors*, that they are going to liberate the people, that they are going to solve their problem of poverty overnight. This issue should also be dealt with seriously, because you cannot be one person lecturing the poor majority there without having anybody from your own side as well. That is unacceptable.

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HON MUDGE: Honourable Deputy Speaker, my proposal therefore is that this Bill be referred to a Committee. (Interjections). This is my proposal. (Intervention)

HON KAIYAMO: Comrade Deputy Speaker, with all respect, I want to be sensitive. This Colleague was not at the Standing Rules and Orders. Honourable Venaani wrote a letter to the Speaker and it was discussed in that Committee and we all agreed that this is an urgent matter which should be dealt with. I do not think I support the idea that it should be referred to a Committee.

HON MUDGE: The Honourable Member does not have to support this, it is my proposal. (Intervention)

HON MINISTER OF JUSTICE: On a Point of Order. I am seeking the concurrence of the House to request the Honourable Member to withdraw the statement that the Defence Force and Police vehicles are being used to transport SWAPO members to rallies. I want him to withdraw that because he cannot prove it, in the same fashion that Honourable Iilonga was made to withdraw the allegations that we cannot substantiate here.

HON DEPUTY SPEAKER: Honourable Members, when we take the Floor we should not beat around the bush, hunting for a diamond. To withdraw and withdraw is not a fashion, we have kids around us here. Honourable Member, have you ever seen Defence Force cars transporting SWAPO members to a rally?

HON MUDGE: Honourable Deputy Speaker, it is interesting to see how sensitive the SWAPO members are when we are talking about these things. It happened in Rundu, it happened at Nkurenkuru, I saw that myself and it happened. (Interjection). There is Nkurenkuru and it is in the Kavango Region, I saw that. So, do not be so sensitive, it happened.

HON MINISTER OF DEFENCE: If the Member cannot provide evidence here, then he must withdraw. We do not want hearsay evidence, prove it!

HON MUDGE: Next time I will take a photograph and I will come and show the members. I have seen it myself, I will not withdraw it.
(Interjection)

HON MEMBER: Where?

HON MUDGE: I said where. This Bill is so important...
(Intervention)

HON MINISTER OF JUSTICE: Comrade Deputy Speaker, if the Honourable Member does not withdraw such a statement, it will enter into the records of this Parliament and honestly speaking, if the Honourable Member cannot even provide a picture and say this is what it is, and why is he raising it only now?

HON MUDGE: Honourable Deputy Speaker, this Bill is so important that consensus should be reached. There is no need to rush it through now. (Intervention)

HON DEPUTY SPEAKER: Honourable Member, withdraw now because if you saw it with your eyes it is not evidence. At one time a Member brought proof here that these are the documents and I expected you to come with the proof. You are putting blame on an institution which is trusted by the Government, which is the NDF. Please withdraw.

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HON MUDGE: I will come with the evidence.

HON DEPUTY SPEAKER: No, withdraw now, Honourable Member, otherwise I am not going to give you the Floor. Withdraw Honourable Member.

HON MUDGE: I have seen with my own eyes... (Intervention)

HON DEPUTY SPEAKER: I am not a witness with your eyes.

HON MUDGE: At Nkurenkuru, at Rundu, but I will withdraw. I say this is a very important Bill and we need to have consensus and make sure that this Bill is properly... (Intervention)

HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,

HOUSING AND RURAL DEVELOPMENT: On a Point of Order. I do not know why this Honourable Member does not respect the Chair. Of all 72 Members, he is the only one arguing with the Chair and I think this should come to an end or you pack and go. We cannot just be intimidated. She is our Chair, we have to respect her. It should be the last time, otherwise we meet outside.

HON DEPUTY SPEAKER: Honourable Members, can we let the Honourable Member conclude?

HON MINISTER OF HOME AFFAIRS AND IMMIGRATION: I want to appeal the Honourable Member, if he is not going to withdraw... (Intervention)

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HON DEPUTY SPEAKER: He has withdrawn. Conclude, Honourable Mudge.

HON MUDGE: I would like us to reach consensus on this, but if this cannot be done, then I am afraid that we will not be able, although there are good things in this Bill, to support the Bill in its current form. Thank you very much.

HON DEPUTY SPEAKER: Minister of Finance.

HON MINISTER OF FINANCE: Thank you, Honourable Deputy Speaker. I am going to make a few comments on the Bill, starting firstly with an expression of appreciation to the Honourable Minister of Regional and Local Government, Housing and Rural Development and the Electoral Commission for providing us with this Amendment Bill for consideration. I believe the introduction of this Bill is timely indeed, and I see it as part of the maturing of our democratic system where our laws and our systems are consistently reviewed in order that they are improved. However, I do not agree with those who are saying these Amendments are to rectify some bad things which existed in the laws. That is a defeatist kind of policy which I do not subscribe to.

Secondly, I want to say something about the comments consistently made by Opposition members that SWAPO is not tolerant. I want to say that SWAPO is actually the most tolerant Party that you can ever imagine, first and foremost because in spite of its overwhelming majority, actually having a two-thirds majority, enough to change the Constitution, SWAPO has not changed the part of the Constitution which provides for proportional representation, where even a Minority Party which struggles to secure one seat by themselves.... (Intervention)

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HON MOONGO: Can the Minister confirm that prevented other Political Parties to organise public meetings in Okahao in Omusati? Is it true or false that they prevented RDP? Is SWAPO tolerant in that way?

HON MINISTER OF FINANCE: I will answer the question. That is false, and again, as I said in the beginning, it is this type of behaviour that is keeping the voters away from Opposition Parties. Because SWAPO is tolerant we have never tampered with the constitutional provision that allows for proportional representation, so that even after a bloody war that we have fought, coming out of the war with deep wounds and scars not completely healed, we have agreed to sit down with people who were previously our enemies and, with whom we used to look at each other through the barrel of the gun. We sat down with them and we said even if it is just a small number of voters who say that this person should come to Parliament, for the sake of these people, we will allow this person to come to Parliament even if his/her Party is a minority Party.

I however have a proposal. Before you round off a number in mathematics, you should attain at least a certain proportion of a unit in order to round off. You cannot round off 3.1 to 4, you can only round off 3.5 upwards to 4 and therefore, there should be a benchmark in awarding leftover votes to those who do not have enough. We can say a Party must at least attain a minimum of half the number of votes needed to secure a seat in order to receive the leftover votes from other Parties to make up for a seat. We had the situation in Omuthiya, for example where a Party got 200 and they got 1,200 from another Party to secure a seat on the Council. Then they sit in there and say all types of things and even accuse the Ruling Party of intolerance.

The votes of our members are sponsoring their seats up to 80% in that Council. Maybe that aspect should be re-looked at...(Intervention)

HON MINISTER OF PRESIDENTIAL AFFAIRS: May I ask the Honourable Minister of Finance a question? Talking of mature

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democracies, are you aware that in Germany, which uses the proportional representation, you require 10% to enter Parliament.

HON MINISTER OF FINANCE: I was not aware, but that is very good news, that is what I expect, because what comes easy, goes easy. If somebody can get somewhere on the backs of other people, they going to make optimal use of that opportunity.

HON T GURIRAB: On a Point of Information. Honourable Deputy Speaker, the manner in which the seats are distributed is set out in Schedule 4 of our Constitution. I get the sense that the Minister of Finance is not happy with that Schedule. The tradition in this Chamber is that you do not speak against the Constitution unless you are moving an Amendment. I thought that is the tradition of this Chamber.

HON DEPUTY SPEAKER: How can you say schedule, there are Chapters and Articles here.

HON T GURIRAB: Article 148 is the short title of the Constitution and after that we have Schedules.

HON P MUSHELENGA: I am rising on a Point of Information. I was listening during the intervention of Honourable Gurirab and I could not raise a Point of Order because he did not have the Floor. I recall when I was a student at the University, sitting in the Public Gallery when an Honourable Member of this House from this side that time uttered some unparliamentary word and the then Speaker, late Dr Tjitendero, asked the Honourable Member to withdraw. I was surprised to hear the Honourable Tsudao Gurirab and Honourable Kaura freely uttering this same word in this House which really disturbs the decorum of this House and the Honourable Deputy Speaker was just sitting in her Chair, not asking them to withdraw the unparliamentary word – “*shut up*”.

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HON DEPUTY SPEAKER: Honourable Members, if you put on the earphones, I cannot hear people around here. Maybe the time I was removing my earphone was when he said it. I did not hear it from Honourable Kaura. If it was used, Honourable Tsudao, can you withdraw the word “*shut up*.”

HON T GURIRAB: I say it all the time, but I withdraw.

HON MINISTER OF FINANCE: The next point that I wanted to make is with regard to the requirement for gazetting of Political Parties before they are registered. I really want to commend this proposal because some Parties are registered under the cloak of secrecy and this is usually because they do not have enough people to qualify for registration, so they go to the graveyard and they copy the names of the dead and they put them on their lists or they use the names of individuals who have never consented or were not even consulted. (Intervention)

HON MUDGE: Honourable Deputy Speaker, may I ask the Honourable Minister a question? It is an interesting point that the Minister is making. What is the reason why, when that was discussed, that Honourable Kawana jumped up and said if this goes through, at least SWAPO will get back their property. What property was he talking about when this Clause was mentioned of the registration of Political Parties?

HON MINISTER OF FINANCE: Honourable Member, Honourable Kawana is not on the Floor, I will not answer on his behalf because he is a Member of this House. I am saying that there is misrepresentation and as a result of that, people who do not have the required minimum number of members to be registered, end up being registered and people’s integrity is also tarnished when they are falsely being accused of being members of these Political Parties. (Intervention)

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HON T GURIRAB: On a Point of Information. The law, as it stands now, requires the Parties which are filing for registration to submit names complete with identity numbers. Naturally that application is open for all. The law says it is open and the law requires full particulars of the members, the name, ID, etcetera. The documents are open for all to see.

HON MINISTER OF FINANCE: The Honourable Member knows very well that that roll may not be duplicated, you cannot make a copy of it. Apparently people were found copying down names from the list and they were also apprehended. Should you go there and memorise the list? For me the current situation is the same as not making it public. (Intervention)

HON DEPUTY SPEAKER: On that note, the House stands adjourned until tomorrow, 14:30.

HOUSE ADJOURNS AT 17:47 UNTIL 2009.07.15 AT 14:30

**NATIONAL ASSEMBLY
ASSEMBLY CHAMBERS
15 JULY 2009
WINDHOEK**

The Assembly met pursuant to the adjournment.

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

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

TABLING: REPORTS OF AUDITOR-GENERAL

HON MINISTER OF FINANCE: Honourable Deputy Speaker, I lay upon the Table, Reports of the Auditor-General on the accounts of the Regional Councils for –

1. Erongo Region
2. Kavango Region

for the years ended March 31, 2006 and 2007, respectively.

HON DEPUTY SPEAKER: Table the Reports, Honourable Member. Further Reports and Papers. Minister of Environment and Tourism.

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**TABLING OF REPORTS
HON NANDI-NDAITWAH**

**TABLING: NATIONAL POLICY ON HUMAN/WILDLIFE
CONFLICT MANAGEMENT**

HON MINISTER OF ENVIRONMENT AND TOURISM:

Honourable Deputy Speaker, I lay upon the Table, National Policy on Human-Wildlife Conflict Management of the Ministry of Environment and Tourism.

HON DEPUTY SPEAKER: Table the Report, Honourable Minister. Notice of Questions. Notice of Motions?

LEAVE OF ABSENCE

HON P MUSHELENGA: Honourable Deputy Speaker, I Move without Notice, that Leave of Absence due to official business be granted to the Minister of Foreign Affairs, Honourable Marco Hausiku, until the 23rd of July 2009.

HON DEPUTY SPEAKER: Table the Motion. Message from the Head of State? Ministerial Statements? Honourable Minister of Environment and Tourism.

MINISTERIAL STATEMENT

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HON MINISTER OF ENVIRONMENT AND TOURISM: Comrade Deputy Speaker, Honourable Members, addressing human-wildlife conflict requires striking a balance between conservation priorities and the needs of the people who live with wildlife. Most Namibians, as we know, depend on the land for their substances, but the presence of many species of large mammals and predators, combined with settlement patterns of people leads to conflict between people and wildlife. It is, therefore, necessary that mechanisms are created for rural communities and farmers to manage and benefit from wildlife and other natural resources.

The scale and the urgency of the problem required Government to develop an integrated, flexible and comprehensive policy towards dealing with wildlife conflict that can provide a framework for all stakeholders and can meet the country's national and international commitment to biodiversity conservation, while taking into account the rights and the development of the needs of its people.

The Cabinet, therefore, has adopted the National Policy on Human-Wildlife Conflict Management. This Policy will allow the Government, through the Ministry of Environment and Tourism, together with other stakeholders, to manage human-wildlife conflict in a way that recognises the rights and development needs of local communities, recognises the need to promote biodiversity conservation, promote self-reliance and ensure that decision-making is quick, efficient and based on the best available information.

The Policy, Comrade Deputy Speaker, is based on a number of fundamental principles and these are:

1. Wildlife is part of the natural environment that people depend on and based on Article 95(l) of the Namibian Constitution, must be maintained throughout the country as part of sustainable development that the Government of Namibia is committed to pursue.
2. Human-wildlife conflict is bound to occur where people and wildlife co-exist. Therefore, conflict management is needed.

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3. The needs for the people and the aim of biodiversity conservation must be balanced.
4. The Government shall strive to maintain viable populations of all species throughout the country.
5. Government shall not establish a compensation scheme for losses caused by wildlife.
6. The economic value of wildlife should be used to offset the losses caused by them.
7. The Policy on Human-Wildlife Conflict Management must promote self-reliance by farmers and other affected parties in managing conflict.
8. It is the responsibility of all citizens and State Agencies to manage human-wildlife conflict wherever it occurs and the Government shall provide technical assistance where appropriate to individuals and the State Agencies to develop appropriate plans to manage human-wildlife conflict efficiently and effectively.

Comrade Deputy Speaker, human-wildlife conflict is a multi-faceted problem. In order to address its impact, ten strategies have been developed for implementation in this Policy:

Land-use planning and integrated measures to avoid human-wild conflict.: This strategy will ensure that all individuals, organisation and State Agencies take responsibility for carrying out appropriate land-use planning and develop integrated measures that are aimed to avoid and reduce human-wild conflict. Organisations, Companies, State Agencies, including Regional Councils and parastatals and development partners engaged in planning or supporting land-use that may be affected by human-wildlife conflict must carry out appropriate measures to ensure the likely extent of such conflicts and to put in place appropriate mitigating measures and environmental assessment carried out under national policy and legislation governing such assessment should include human-wildlife

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conflict where appropriate.

Particular attention should be given to assessing and mitigating human-wildlife conflict in the planning and development of new water points, agricultural schemes, aquaculture schemes, settlement schemes, the development of new settlements and the expansion of existing settlements.

Measures to mitigate human-wildlife conflict should include an appropriate land-use plan and the development of integrated human-wildlife conflict management plan. Such plan must involve a specific mechanism to deal with a human-wildlife conflict programme in that particular area, including the application of appropriate technology solution to monitoring.

The Ministry of Environment and Tourism will support local communities, relevant Local Authorities, Regional Councils and private entities to develop and implement appropriate human-wildlife conflict management and mitigation plans. The implementation, therefore, of those plans should be carried out through a Memorandum of Understanding which should be signed by all relevant parties.

Community-based Natural Resources Management is another strategy. The Government's Community-based Natural Resource Management Programme provides local communities with a number of incentives to manage natural resources, such as wildlife, sustainably. Through forming conservancies, local communities gain rights over wildlife that enable them to generate income from a number of different user options.

The adoption of wildlife and tourism as an additional form of land-use, used by rural people, indicate the success of the Government's programme. With regard to human-wildlife conflict, Government has encouraged the commercial users of large and more valuable species that impact negatively on people through activities such as trophy hunting, to offset the losses that those species cause. However, many of the community benefits that come from the use of wildlife in Conservation occurs at the community level and does not unnecessarily offset the costs of losses to individual households caused by wildlife.

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Furthermore, some individuals who suffer losses may not be members of the conservancies and eligible to benefit. Households in the areas where conservancies have not been formed do not receive any benefit from wildlife that can offset costs of crop or livestock losses. There is, therefore, a need to increase the direct benefit from wildlife and tourism to households and to explore ways in which losses caused by wildlife can be offset by non-conservation members and people living outside conservancies.

The Government will work with conservancies and other stakeholders to increase the direct benefit of households in conservancies as a means of offsetting livestock and crop losses caused by wildlife. This will be done by assisting Conservancies to develop their full economic potential and devolve authorities over wildlife to the Conservancy in order to make wildlife more attractive as a land-use.

The Government views conservancy benefits that offset losses to human-wildlife conflict as one of the incentives of individuals to become conservancy members and committing themselves to conservancy.

The delegation of decision-making authority is another strategy. Destruction of an individual wild animal will not permanently remove human-wildlife conflict, but in some cases it becomes necessary to destroy a specific animal which persistently causes problems or threatens human life. In such cases it is crucial for a decision to be taken quickly so that the identified problem animal can be speedily dealt with. At the same time safeguarding needs to be in place to ensure that wildlife is destroyed for a good reason.

As in the past, individuals should have the right to defend themselves and their property against wild animals if attacked and this Policy does not aim to remove that right. There are also cases where, when a decision needs to be taken to destroy an animal, there should be some mechanism that has to be followed. For example, if an animal has attacked a human and escaped or has persistently killed livestock and escapes and there is fear in the community or good reason to believe that the animal will strike again, in such circumstances action might be needed to prevent such attack being

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repeated. In those choices there is a need to streamline the process of identifying such an animal and give permission for its destruction. This strategy will allow the Ministry to authorise staff members of the Directorate of Parks and Wildlife Management in the Regions to determine when to destroy the problem-causing animal. The authorised staff member will be responsible for deciding whether a problem causing animal should be destroyed and whether it should be destroyed by the Ministry's personnel or by conservancies to which authority has been delegated by the Ministry. The authorised staff member will also be responsible for ensuring that conservancies that have received the delegated authority comply with this Policy and all relevant legislation as well as reporting requirements.

Developing and implementing the best appropriate technology is also one of the strategies. One of the methods of managing human-wild conflict efficiently and effectively is to implement measures to prevent or to reduce conflict by a number of technical solutions to prevent conflict that have been tried and tested. However, some species, such as elephants, become habituated to certain solutions and there is a need for ongoing experimentation with new methodologies. Furthermore, there are different problems in different parts of the country even with the same species, that elephants in the north and north-east cause damage to crops, whereas in the arid north-west the main problem caused by elephants is damage to water installations.

The strategy will promote the development and appropriate application of appropriate and effective plans and measures to prevent or reduce human-wildlife conflict by relevant stakeholders.

Research and monitoring is another strategy which is identified in the Policy. In order to manage human-wildlife conflict efficiently and effectively, it is crucial to have adequate data that are available in usable form for key decision-makers. There is a need for more comprehensive data that enables the Government and other stakeholders to better understand the nature and the scale of the problem.

To develop solutions and monitor the success of the solution, data

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gathering needs to be standardised so that results can be compared from one area to another over the time. Data needs to be stored in a central database that all stakeholders have access to. This strategy will allow for the establishment of a national database in the Ministry and develop a standardised monitoring and reporting system on human-wildlife conflict that captures the most relevant data for use by all stakeholders. It will also allow the monitoring and evaluation effectiveness of the different human-wildlife conflict mitigation methods and dissemination of the findings to all stakeholders.

Another strategy is the building of self-reliance. It is crucial for effective and efficient management of human-wildlife conflict that organisations and individuals take responsibility for implementing measures to prevent or reduce the likelihood of the conflict. Prevention can considerably reduce the impact of human-wildlife conflict, but cannot be the sole responsibility of Government or the Ministry. It has been undertaken by landowners or occupiers themselves. Government can assist landowners and occupiers to use the most appropriate method and provide the necessary information and training to enable farmers and stakeholders to carry out their own preventative measures. This strategy will build the capacity of all stakeholders to develop a human-wildlife conflict management and mitigation plan. The strategy also introduces the human-wildlife self-reliance scheme.

As you are aware, it is not Government policy to provide compensation to farmers for losses due to wild animals. Furthermore, compensation schemes implemented elsewhere have proved to be very problematic and open to abuse. That is why we are talking about the self-reliance scheme.

The specific objective of the scheme is to provide the means to directly offset the losses of communities and individual farmers caused by wildlife. Payment under the human-wildlife scheme Self-reliance scheme are made to cover livestock losses at rates which may not cover the full value of the animal concerned, but aimed to partially offset the losses to the individual. Payments are determined on a rate basis, depending on those who are involved at a particular time.

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In terms of this Policy, livestock include cattle, goats, sheep, donkeys, poultry and the Policy will apply to incidents of livestock death caused by animals, provided no payment will be made for livestock killed in a national park or conservation exclusive wildlife zone. Payment will be made in multiple use areas only and not in the national parks. Livestock death must be reported within one day after the incident occurred unless a valid reason of not doing so can be made available.

Thirdly, the cause of the death must be verified by the staff of the Ministry and fourthly, no payment will be made if the livestock was killed without reasonable precautions being put in place and Ministry staff members, together with the conservancy staff and Traditional Authority leaders will inspect the livestock to ensure that the Report given is correct.

Payment to crops will be made to damage caused only by elephants and hippos. Damage by other animals, except for elephants and hippopotamus, are difficult to verify and can be misused. Such damage by other animals can only be controlled by farmers themselves.

The Ministry, when issuing quotas for trophy hunting in conservancies, will also make provision that the quota allows for funds to pay for the livestock and crop damage to members of such conservancy and where there is no registered conservancy, the source of funding for the human-wildlife self-reliance scheme shall be a contribution from trophy hunting, concessions on State land outside registered conservancies, trophy hunting for problem animals, tourism levy and concession and permit fees from trophy hunting through the Game Product Trust Fund. Contributions to this Fund would also be received from donors as approved by Government.

Another strategy is protected area. Many of the conflicts between people and wildlife occur when wildlife leave protected areas and enter neighbouring farmland. A situation where wildlife from protected areas amounts to the export of economic and social cost to the neighbours, undermines the conservation objective of the parks by creating negative and sometimes, hostile responses from the neighbours. The Ministry's aim is that parks should be net exporters of valuable resources and

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economic benefits to neighbouring communities. There is, therefore, a strong obligation on the Ministry to assist farmers in addressing human-wildlife conflict which results from wildlife leaving protected areas. This strategy will reduce the impact of wildlife that leave the protected area and cause problems on the park neighbours and provide economic and other benefits from protected areas to those neighbours.

Another strategy is the removal of problem-causing animals. The Ministry recognises that the removal of problem-causing animals either by lethal removal or by translocation, does not always solve the problem and there are conservation reasons for limiting lethal removal to those instances where it is absolutely necessary. However, there are times when removal will be necessary, in particular where life and property are threatened. The Ministry will, through this strategy, from time to time and as becomes necessary, increase hunting quotas in the short-term, including in areas outside the conservancy.

The last strategy is the establishment of the system of assisting affected families with funeral costs. This one is already in place, as many people who are killed by wild animals need that assistance. The Government has, therefore, decided to adopt a policy of providing funeral expenses for such family members. However, it has to be made very clear that the assistance is for the funeral and for nothing else and it should also be done in a way that it is not abused. The Policy will apply to *bona fide* instances and abuse will be avoided at all costs.

Another strategy is the application for revenue from problem-causing animals to avoid future conflicts and to address those losses of affected persons.

If generating income from problem-causing animals is to be successful in addressing problems at household level, then the income needs to be used to provide relief to those persons and that is why we are talking about the scheme. I have made the Policy available in this Chamber for your information. I may also inform the Honourable Members that on the 3rd and the 4th of September 2009 we are going to have a National Conference on the Implementation of the Policy. It will be at that time that everybody

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will be made to understand what the Policy entails.

Finally, Comrade Deputy Speaker, as we are talking about animals, most of them being in our parks, I distributed to the Members a brochure on our national parks and this is part of our strategy to market ourselves outside and inside Namibia. I thank you.

HON DEPUTY SPEAKER: Thank you very much. The Secretary will read the First Order of the Day.

**RESUMPTION OF SECOND READING:
ELECTORAL AMENDMENT BILL**

SECRETARY: Resumption of the Debate on the Second Reading – *Electoral Amendment Bill.*

HON DEPUTY SPEAKER: When the House adjourned in terms of Rule 90 of the Standing Rules and Orders on Tuesday, the 14th of July 2009, the Question before the Assembly was a Motion by the Honourable Minister of Regional and Local Government, Housing and Rural Development, that the Bill be read a Second Time. The Honourable Minister of Finance had the Floor and she may continue.

HON MINISTER OF FINANCE: Comrade Deputy Speaker, yesterday before we ended the business of the House, I was on the point of gazetting of Party names and their membership list before they are registered by the Electoral Commission of Namibia and I was saying that I support that, because some Political Parties use fictitious names, names of deceased persons in order to meet the minimum number of membership

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required for them to be registered. Others list names of living people who may not be truly their members and without their consent. This results in embarrassment for such people and in the erosion of trust that those people may have been invested into by other people who are not supporters of these Parties. If I am a loyal member of SWAPO and somebody puts my name there, saying I belong to that Party, that is not only an embarrassment to me, it also erodes the trust that those who elected me have in me. It can cause a lot of damage, it is not a small thing. (Intervention)

HON DIENDA: May I ask the Honourable Member a small question?

HON MINISTER OF FINANCE: No, let me finish this point first if you want me to answer. Your question: Gazetting allows the public to scrutinise this list and react by confirming or denying that they are really members and for the Commission to verify the authenticity of the list before registering the Party. (Intervention)

HON DIENDA: On a Point of Information. If the Honourable Member does not have proof of such things happening, then I cannot see why she is bringing it to this House. Where did it happen? Is there any proof of that?

HON MINISTER OF FINANCE: It is a Point of Information and I will not respond, wrong information for that matter. I, therefore, think it is appropriate that the law should provide serious penalties against the above behaviours of Political Parties. (Intervention)

HON T GURIRAB: On a Point of Information. I wish to refer this Honourable House to Section 39 of the principal Act which has sufficient safeguards for anybody, particularly Clause (7). If anybody puts your name, you can actually take such a person to a Court of Law. So, there is

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sufficient provision for that.

HON MINISTER OF FINANCE: He should take the Floor and have his say, I do not need his advice. I think that such unscrupulous behaviour of some of these Political Parties should really be dealt with in a manner that it deserves.

When it is established that some of the names on the list are fictitious and the Party does not actually meet the number of members to be registered, it should not be registered. If it was registered already, it should be deregistered. We should consider penalties that would limit the participation of such a Party in elections for a minimum period of time as punishment. (Intervention)

HON MOONGO: I have my doubts when a member of the SWAPO Party is talking about damage to the reputation of a person. You withdrew Mr. Shikongo from the Council and how many people's reputation did you damage? You are already guilty.

HON MINISTER OF FINANCE: Honourable Moongo, I am sure Mr Shikongo never asked you to speak on his behalf and it is this type of behaviour that we are talking about. I am sure he differs more than he agrees with you, leave the gentleman alone.

They should be prohibited from participating in elections for a minimum period because of this behaviour. (Intervention)

HON TJIHUIKO: On a Point of Information. There are laws in this country and if somebody uses my name wrongly, there is legal recourse that I can follow. There is no need for this Parliament to introduce a law specifically targeting an individual person or a specific organisation, that is wrong. Secondly, I was very suspicious about that Clause and now it is becoming very clear that there is a Political Party that has already been

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registered, but because of a reason known to whoever, somebody wants this Party to be deregistered and that is undemocratic and unacceptable. Let us face one another on the election floor, do not try to deregister them. Go and beat them, win them!

HON MINISTER OF FINANCE: We allow you as minorities to sit in this House and express yourself, but every time you get up, you will start to shout, trying to prevent us from speaking. It is fraud to provide false names on a membership list and it is wrong to present somebody as a member who is not a member and this Bill should address that. (Intervention)

HON T GURIRAB: On a Point of Information. I want to remind this Honourable House that this Honourable House is composed on the basis of the free expression of Namibians. Nobody sits here because the Government wants him to sit here. (Interjections).

HON DEPUTY SPEAKER: Honourable Minister, remember that you started yesterday, now you have one minute to conclude.

HON MINISTER OF FINANCE: I have talked about the possible penalties and obviously ... (Intervention)

HON MINISTER OF JUSTICE: On a Point of Information. Comrade Deputy Speaker, some Members here have spoken for three days, just for the record.

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HON DEPUTY SPEAKER: We agreed on ten minutes in this House.

HON MINISTER OF JUSTICE: For the information of Honourable Tjihiko, our laws do not operate retrospectively. If he has a Party in mind that he thinks is being talked about, our laws will not allow us to prosecute matters that have passed. The laws that we are enacting are forward-looking. He should just understand that.

HON MINISTER OF FINANCE: I just wanted to say that because of this unscrupulous behaviour by some Parties, cost recovery is very important. People should pay for the gazetting because they should not play around with public money. (Intervention)

HON TJIHUIKO: On a Point of Information. I appreciate what the Honourable Minister of Justice has just said. It was reported in the papers and it was not refuted that the very same Honourable Minister of Finance has gazetted retrospectively, back to 2007, to legalise an illegal activity that was taking place in Namfisa. If that can happen, what would stop them not to do it again?

HON DEPUTY SPEAKER: Honourable Members, let us not go back, can we not go forward?

HON MINISTER OF FINANCE: That is why charging for gazetting to cover the cost is important, so that people should not engage in this game where people come with false lists and the public pays for it. If you think that you have enough members to contest an election, you should be able to pay those costs, they are not exorbitant.

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Finally, I think we should consider to establish benchmarks by which Political Parties will be entitled to get those leftover votes. Like I said, even in mathematics you round off only when you have more than 0,5. You cannot take 0,1 and make it 1, you can only take 0,5 upwards. Therefore, you should have at least half of the minimum number required for you to get the leftover votes from other Parties and I hope that the members of the public out there whose names have been fraudulently listed by these unscrupulous Parties without their consent should seek redress with the Courts in order that these people learn a lesson not to abuse people anymore. Thank you.

HON DEPUTY SPEAKER: Thank you very much. Honourable Dienda.

HON DIENDA: Thank you, Honourable Deputy Speaker. I will first start by (Interjections). We learned some manners at school, you say thank you and whatever, but some people are saying “what”, they did not go to school.

Honourable Deputy Speaker, during the Presidential and National Assembly Elections Report of 2004, recommendations were made and only one of these recommendations is here, so I am wondering whether we are again wasting the time of the Opposition Party Members who came up with good recommendations, but yet because people know that when we will exercise these rights, the results might change for the better.

The first one, that the tendered system needs to be reviewed if not being done away with and it is not yet done. That elections last for one day only. Deputy Speaker, Namibia only has 900,000 registered voters. Why must we vote for two days? What is the reason behind this voting for two days? Countries with 80 million people are voting in one day, conclude, count and do everything. (Intervention)

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HON DEPUTY MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: On a Point of Information. With due respect, the point the Honourable Member is advancing of trying to look at the population is devoid of any reality. Namibia is a sparsely populated country and it is a very huge country, very remote in nature, no transport and people live in very remote areas. Namibia is not about Windhoek alone, it is not Oshakati, Katima and Keetmanshoop. We have voters living in remote areas and they must be accommodated. That is the geographical reality.

HON DIENDA: Honourable Deputy Speaker, you need to convince me why less than one million people must vote over a period of two days. No, you did not convince me, that does not make sense to me. Take the polling stations to the people, if need be, but countries with 80 million people are voting for a period of one day. (Intervention)

HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: Can you convince me why CoD does not even manage to get twenty people at their meetings. Can you tell this House why you cannot muster over a thousand people?

HON DIENDA: Honourable Jerry Ekandjo, if you want to join the CoD, feel free. If you want our inside secrets, feel free to join us.

Honourable Deputy Speaker, counting officials to be different from polling officials was a recommendation, but yet the Ruling Party ignored all these recommendations, the people from the South West Africa Peoples Organisation. (Intervention)

HON DEPUTY MINISTER OF LABOUR AND SOCIAL WELFARE: May I ask a question? Honourable Dienda, were you in this House yesterday? If yes, have you heard what Honourable Henk Mudge said about the attempt made by the Electoral Commission to recruit people

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on Constituency basis? Honourable Henk Mudge said it is only youth from one Political Party. What is your comment to that?

HON DIENDA: No comment because I am not the one questioning it. It is his right, it is freedom of speech.

My second point is on the mobile teams. (Intervention)

HON TJIHUIKO: May I ask a question, please? Honourable Member, you were saying that the people from the South West Africa Peoples Organisation. Are you aware that the South West Africa Peoples Organisation does not exist anymore? Do you know that SWAPO changed three times, the changed from OPO to SWAPO, South West Africa Peoples Organisation, to SWAPO of Namibia and then they changed from SWAPO of Namibia to SWAPO Party. If you do not have that information, that is what happened. Now they are going to change from SWAPO Party to SWAPO.

HON DEPUTY SPEAKER: There is one thing that I want to request this House that in order to allow the Members to contribute, we should not allow points of order and points of information. Can we agree?

HON P MUSHELENGA: I would plead that Members minimise the unnecessary Points of Order, but where there is really a need to correct information, it should be corrected, because not everyone will have an opportunity even if they put their name on the list of speakers. I also appeal to those who have the Floor not to abuse parliamentary privilege by saying things that are not true.

HON DEPUTY SPEAKER: Are you saying that we continue with the interventions?

HON MINISTER OF JUSTICE: Honourable Deputy Speaker, I am not going to be helpful to you, but I am also speaking under correction. The Rules were made through a process and if we are to change them midstream, we are creating a problem. The Presiding Officer is vested with powers, she can use her powers to direct without tampering with the Rules, because these Rules are like our Constitution to us, we cannot change the Constitution midstream, it must go through a process.

HON DEPUTY SPEAKER: But I cannot tamper with the Rules, I know I have powers where I can refuse, but if I deny one, I have to do the same to everybody. What I will do now, those who have asked questions in other speeches are no more going to be allowed. I will allow every person to put one question, that is all and those who have already made interventions, will not be allowed to make Points of Order.

HON DIENDA: I was on mobile teams. Honourable Deputy Speaker, Political Parties do not have officials to follow those mobile teams everywhere all the time, meaning that anything can happen with those mobile teams and I am totally against them. (Intervention)

HON DEPUTY MINISTER OF JUSTICE: On a Point of Information, Honourable Dienda. You do not need to be overly concerned, because in some areas you have no supporters. What do you want to chase? There is nothing left for you, in some areas not even a single supporter. Why do you want to follow a mobile team? That is exclusively the work of the ECN and the Police Force which has been entrusted with the mandate. There is nothing like that that you must be given a car. How many cars will we give to each and everyone?

HON DIENDA: Honourable Deputy Speaker, 45 years ago and

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twenty years ago when I was a member of SWAPO, you talked like me and you were also concerned about this.

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

HON DIENDA: Honourable Deputy Speaker, during the Committee Stage I shall move that the Principal Act 59 be amended to provide in a similar fashion as the Local Authorities Act for the Affirmative Action for female candidates. Honourable Deputy Speaker, our leaders have signed declarations of 30%, fifty-fifty for women to be on the Party list, to be represented in Parliament and all leadership positions, but when you look at the Party list systems, all the women are number 66 to 163 and I want a law to make sure that each and every Political Party will ensure that women will be represented fifty-fifty. (Interjections)

Honourable Deputy Speaker, these people from the South West Africa Peoples Organisation Party, page 52 of the principal Act, the powers and duties... (Intervention)

HON P MUSHELENGA: May I ask the Honourable Member a question? How will the fifty-fifty be done for Parties such as RP and MAG? Will one serve for two years and then another person serves?

HON DIENDA: Fifty-fifty is the Party list system and if number one is a man, number two must be a woman and so forth. We want the fifty-fifty zebra list system.

Then the powers and duties of accredited observers. Honourable Deputy Speaker, I was a polling agent for many years. Polling Party agents do not

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sign the results of the election, so I think this is a loophole in our system. If I cannot sign as a Party agent that yes, I agree with this result, how will I confirm in Court that these were the actual results that were announced. There is a need for all Political Party agents to sign for the results.

Honourable Deputy Speaker, I feel that we need to make more money available for registration. The last registration was done only on churches where the youth does not go to church anymore. The youth are visiting the malls, but there are no polling stations at these malls. The polling stations are at primary schools while the people who can vote are at the secondary schools. So, I hope with the second round in September, the registration will target places where the youth are being seen.

Honourable Deputy Speaker, my last point is on independent candidates for the National Assembly. Honourable Deputy Speaker, the Constitution of the Republic of Namibia talks about freedom of association. Provision is made for independent candidates for Regional elections but not for the National Assembly. Does it mean that people who do not want to contest under the name of a Political Party cannot stand as an independent candidate? This is also another loophole.

Honourable Deputy Speaker, I do support the one Amendment that was done, but I think that we need a review of the whole Electoral Act and I thank you, I rest my case.

HON DEPUTY SPEAKER: Thank you very much. Honourable Member, you cannot move an Amendment to the principle of the Bill. Honourable Mutorwa.

HON MINISTER OF AGRICULTURE, WATER AND FORESTRY: Thank you, Comrade Deputy Speaker. The subject under discussion is a very important subject indeed. Elections are universally accepted as the most credible and recognised method that enables the citizens to choose and select their leaders to govern public affairs on their behalf in an open

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and transparent manner. Therefore, an electoral law is a very important legal instrument to guide the management, the control or these activities called elections.

Therefore, when you carefully look at elections, they are very important, in my view even indispensable components of the whole democratic enterprise. Indeed, coming back home here, when one looks at Article 1(2) of the Namibian Constitution, this particular Article emphasises this important fact when it pertinently states the following and I am sure the founding fathers and mothers of our Constitution had in mind what I have just stated: *“All power shall vest in the people of Namibia who shall exercise their sovereignty through the democratic institutions of the State.”*

What are these democratic institutions? The democratic institutions that we are talking about here are institutions like this Chamber, the Parliament, the Cabinet, the Government, but also an institution like the Electoral Commission, which are very important democratic institutions that must enable the citizenry, the people to exercise their sovereignty by electing leaders to represent them and to articulate their interests in those institutions.

Political Parties are also very important institutions because they are vehicles through which the population exercise their democratic rights to choose their leaders, but Political Parties do so by presenting their manifestos to the electorate and, therefore, on that basis the electorate may then vote.

However, a very important aspect that I would like to bring to this Debate is that the Electoral Amendment Act is a law which makes provision for how the Electoral Commission must manage the elections on behalf of all of us in this country and, therefore, it is very important for us as lawmakers to ensure that once this law is passed, it will actually assist in a more efficient manner how these elections must be managed. We however see some Opposition political leaders here who simply do not pay attention to what the Amendment Bill is seeking. They simply abuse

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the opportunity to politicise it and to try and campaign on the Floor of Parliament.

I would like to make a specific contribution to the Electoral Commission itself and this is prompted by some of the contributions that insinuated as if the Electoral Commission is part and parcel of the Government, which is actually completely wrong.

First, in our situation the Electoral Commission is a very important independent, autonomous, impartial, professional body that is entrusted with the responsibility of managing and running elections. In actual fact, even the appointment of the Commissioners of the Electoral Commission does not originate from the Executive Branch of Government. Selected people apply and then there is a particular body which looks at who is to be appointed on the basis of their qualifications and then we here endorse the members of the Electoral Commission, which is a policy-making body, to manage the elections.

The Budget of the Electoral Commission is presented here. We debate it as an independent unit and then we approve the Budget. The point that I am driving at is that the Electoral Commission must also accept that it has very enormous and important national responsibilities and, therefore, when it comes to the staffing of the Electoral Commission, it is very important that those who are entrusted with the responsibility must be competent and professional in terms of running and managing elections.

So far we must state publicly that in the past elections at both the national level, regional levels, at the local levels, including the Village Councils, the Electoral Commission has done quite well, but there are certain technical deficiencies and shortcomings they must concentrate on in managing this very important and sensitive matter of elections. Of course, training is very important and I hope the Electoral Commission does conduct some training for its staff to equip them to manage and run the elections.

However, our business as Political Parties, right now in the Parliament, we are called upon to look at this Amendment, strengthen where we think we

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need to strengthen so that at the end of the day we give the Electoral Commission a legal tool to manage these elections. We should not waste time here, especially the Opposition ... (Intervention)

HON MUDGE: May I ask a small question? Who is the “we” that you are talking about? We must do this and we must now look at this Act and we must decide?

HON MINISTER OF AGRICULTURE, WATER AND FORESTRY: Honourable Mudge, if you are calling upon me to give you a basic lesson in grammar, I will gladly do so. This House is composed of 78 Members and these 78 Members are now called upon to scrutinise the Amendment Bill in front of us and I am saying “we”, meaning the 78 Members of this House. Our duty is to look at the proposal on the Table, which is the Amendment Bill and then strengthen it. We should not waste time here, pass the Bill so that once the Bill is passed and it is law, Honourable Mudge, then we shall now go out as Political Parties, as politicians, and campaign, prepare ourselves, mobilise the electorate to vote for our Political Parties on the basis of this electoral law.

Yesterday I heard you talking about the need to refer the Amendment Bill to a Standing Committee, hoping that if you refer this Bill to the Standing Committee that the elections will be postponed. The elections will not be postponed. Even if you think that this particular Bill has not been passed, the elections will come. Holding elections in Namibia has become a culture for us and therefore, Honourable Deputy Speaker, honestly speaking, let us pass this particular Bill to become law to enable our Electoral Commission to prepare themselves thoroughly for these very crucial elections. They have a heavy responsibility so that the elections are conducted satisfactorily and SWAPO Party emerges as the winner in those elections. (Intervention)

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HON T GURIRAB: Honourable Deputy Speaker, I just want to remind this Honourable House that there is no legal vacuum. Whether this Bill is passed or not, we have electoral laws and elections will take place. Do not be scared, elections will take place, there is no legal vacuum.

HON MINISTER OF AGRICULTURE, WATER AND FORESTRY:

Honourable Deputy Speaker, when I told Honourable Mudge that if he thought that by delaying and by referring this particular Bill to the Standing Committee that probably the election will be postponed, I exactly meant what you are saying. We do not have a vacuum. Even if we do not pass this, we will conduct elections on basis of the existing law.

Therefore, Comrade Deputy Speaker, without wasting time, I look forward to the speedy passing of this Bill. Let us strengthen it where we think we need to strengthen so that we give a legal instrument to the Electoral Commission to conduct our elections, so that Namibia maintains its reputation of a democratic, transparent society and State. I support the Amendment Bill.

HON DEPUTY SPEAKER: Thank you very much. Honourable Nambahu.

HON NAMBAHU: Thank you very much, Comrade Deputy Speaker. I rise to express my support for the Amendment Bill and also to call for the speedy passing thereof.

There have been two or three issues raised mainly by Members from the Opposition and some of them have been responded to by Comrade Mutorwa and ably so. There are however one or two points that I want to make reference to and one of them is the request for a postponement.

When it was argued that there is a need to postpone, one of the reasons

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advanced was for the civil society to make an input, as if the Political Parties themselves who are advancing the argument do not have trust in themselves that they can make that input. Therefore, I do not see merits in that argument and probably just to understand why some people say the Opposition Political Parties are so weak that they need to be replaced by even the civil society, because the Political Parties themselves do not have confidence themselves and are saying the Bill should be postponed for others to make their input that they themselves are unable to do. Therefore, I think that argument should be rebutted. (Intervention)

HON MUDGE: On a Point of Information. I think the Honourable Nambahu was not here yesterday. What was said was that the Electoral Commission invited the Political Parties and a lot of other organisations to make sure proposals based on the shortcomings that we experienced in the past elections, which was done, but – and that is the problem – almost none of those proposals were included in this Bill and this is the question that we were asking. Coincidentally, the civil society was also invited by the Electoral Commission to make their proposals, which they did. That is not because we are weak. Let us just make it very clear, there are serious proposals that were made to be included in this Amendment Bill, which was not done and the question we ask is, why not? Loopholes just create more loopholes.

HON NAMBAHU: Honourable Deputy Speaker, I think the process that led to the tabling of the Bill was by consensus. There was consensus amongst even the Political Parties of the Opposition that there was not going to be a major Debate because the consultations were so thorough and they even conceded that there was not going to be major arguments and Honourable Mudge was not present in the Standing Rules and Orders where Bill was discussed. (Intervention)

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HON MUDGE: You cannot discuss it in one Standing Rules Committee meeting.

HON NAMBAHU: It is really uncalled for to call for the postponement of the Bill and to be referred to the Committee. (Intervention)

HON DEPUTY MINISTER OF LABOUR AND SOCIAL WELFARE: May I ask a question? Comrade Nambahu, if you have a workshop and you invite people to attend the workshop, does it mean that all recommendations will be accepted? When Honourable Mudge had an argument with Honourable Kaura, why could he not accommodate the concern of others? If the NGOs want to become a Political Party, let them do so, but they must not hide behind Henk Mudge and send him to derail us.

HON NAMBAHU: Comrade Lilonga, I think we are all familiar with the delaying tactics. We have been dealing with this all along during the years of the liberation struggle and we know how to deal with them. (Intervention)

HON DEPUTY MINISTER OF AGRICULTURE, WATER AND FORESTRY: May I ask Honourable Nambahu a small question? You clearly said that consensus has been reached in the meeting which included all Political Parties. Is it really fair for one single Political Party with one single representative to ask for this Bill to be referred to a Committee while all other Political Parties have agreed that the Bill will be passed? Is that really fair?

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HON NAMBAHU: It is not only unfair, it is also undemocratic, because democracy is about numbers. (Intervention)

HON MOONGO: On a Point of Information. I would like to inform the House that everybody here has the right to put his standpoint. You may disagree with it, but I do not want us to waste time on this. (Intervention)

HON NAMBAHU: Honourable Moongo, you are correct. We allowed them to put their Party's position forward and we did not disrupt them. Therefore, SWAPO also has that right. If they have that right, we have the right to rebut. Honourable Deputy Speaker, I think that point should really be rejected with the contempt it deserves.

The other point that they have raised is the one of registration of Political Parties. Many of the Honourable Members here are attending a course at UNAM and you have heard of the Maxim *ab initio*. If a Party was registered in a manner that was lacking, it is like a contract that is vitiated and therefore, the call for it to be deregistered is in order and something we should look at. Actually we would fail our people if we do not look at that, because it is like entering into a contract with a minor or a slave and that contract is *ab initio* from the start, it does not exist. (Intervention)

HON TJIHUIKO: On a Point of Information. Honourable Nambahu, I appreciate what you are saying, but be careful with that Clause, because the investigating officer is looking at you very, very carefully. So, be careful.

HON NAMBAHU: The scare tactics that the Comrades were talking about here will not work with SWAPO. You can scare others, but in SWAPO's vocabulary the word "fear" does not exist.

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My last point is on the list. Would it not be fair to correct the injustice that has been done to SWAPO all along, where you had Comrade President Nujoma standing as a candidate for the SWAPO Party, but he did not appear on the parliamentary list. However, the Opposition Party candidates are on the presidential as well as the parliamentary list, which means that they do not have confidence in themselves and you must tell the people not to vote for them because even they themselves do not have confidence in themselves. I rest my case.

HON DEPUTY SPEAKER: Thank you very much. Honourable Geingob.

HON MINISTER OF TRADE AND INDUSTRY: Thank you, Deputy Speaker. It was not my intention to take the Floor on this Debate, but I thought I should appeal to the House. Firstly, we are building a Nation, all of us are trying to build the Namibian Nation. It is a very young Nation. 20 years is nothing. Some countries have been in existence for even 40 years and because of conflicts in those countries, they had to start afresh. Some of us have been sitting here since 1990, we have drafted the Constitution and we are nation-builders. We had elections, they may be imperfect, but even in the oldest democracies, like the United States, the elections are not perfect. We have to be careful how we express ourselves, what we say here, because people outside are listening, including those who are grading and ranking the countries.

One day I was asked to address a very prominent scholars' meeting in the UK. They asked me a question: "*Africa is now making progress, you have now gained electoral democracy, what more must be done?*" I said now we have to have processes, systems and institutions to buttress that democracy; processes to deal with electoral questions, Electoral Commissions, electoral laws, so that they are in place. It must be so that every person accepts the Electoral Commission's composition, accept it as independent, so that what that Commission declares as free and fair must

be accepted.

Sometimes memories are short. I used to be the Prime Minister and that Commission used to resort in the Office of the Prime Minister. I spearheaded the concept of taking it out of the Office of the Prime Minister to try to make it independent, because I strongly believe in processes which are perceived as free and fair and independent. We worked very hard with the Opposition, we had meetings and Comrade Tjiriange chaired the Committee. It was taken out of the Office of the Prime Minister, it was made independent and the Speaker tables its Budget. That is an effort on our part to try and build a Nation. It will be our own Nation and therefore, we have that process now and as somebody just mentioned, the process of electing appointments have been done by us through this House. That is the process. Therefore, we can regard the Electoral Commission as independent. Maybe it is not perfect yet. It is a process, but we cannot stand here as patriotic Namibians just to make it like it is a puppet of the Government.

We have to build a Nation and I said next is processes, systems and institutions. The process we are busy with is that of elections, the Commission and so on. If there are weaknesses, we have to make it stronger because it is our country. If we stand here and not even encourage those who are busy with the Electoral Commission, how do we encourage them to do a better job when we are damning all of them as if they have done nothing, they are just being used by somebody else.

We know it is not true. There may be weaknesses, yes, not perfection, but just to condemn the whole process, how do we build a Nation?

Systems are Government systems. We have the Civil Service and that system must run while we have elections, fighting but service must be delivered. Institutions must be there, like our Supreme Court, our Courts, that when we dispute, we refer the issues to Court. Once the Court has ruled, we are supposed to accept the outcome.

I thought we are making progress, but when election time comes, then we lose it. We say all kinds of things, not remembering that journalists are

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listening, the election observers are listening and if our Electoral Commission declares elections free and fair, observers can never say they are free and fair because they listen to your statements and they have to report that there were some faults even if there are none, because they also exist in trying to challenge the election observers.

By the way, I do not believe in foreigners validating our elections as such. One day there should be no need for observers whatsoever, the Namibians must be their own observers, they should be the ones who declare elections free and fair. That is democracy. However, we know we are still on our way towards building that democracy.

Therefore we need the observers, we invite them to come, but if a person is so negative, then I am wondering where is our patriotism. Let us be aware that what we are saying here is recorded, is used by those who are armchair researchers, who grade the countries, but they sit in their offices. They say Nigeria's name is there, scratch that out, put Namibia in there. Same paper, same result, that is what our researchers are doing. When they hear what we are saying, they say, "*oh, Namibia is like that, let us add that their elections are flawed.*" All elections were flawed in Namibia, that is what I am told here. Since Independence all elections were rigged. When that kind of statement is made in this Honourable House (Interjections). I did not mention anybody. I am appealing to our conscience as leaders, not saying that we should not criticise, not saying that we should not question, but we have to be careful with certain statements we are making because we are destroying what we have built.

I have been on missions with my colleagues, I have been on a mission with Honourable De Waal and I was proud that we are there as Namibians. They could not even tell that we belong to different Parties because we were there as Namibians, but if somebody would listen to us as we are talking here, they would think Namibia is such a bad country. (Intervention)

HON VILJOEN: May I ask a question? We agree with what you are saying, we are all Namibians, we are proud to be Namibians, but how is it

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possible that the Ruling Party is not prepared to listen to suggestions from our side? Namibia is not a Banana Republic, why not identity documents? This is a problem for us. These are small matters, but you are not prepared to listen. Why not?

HON MINISTER OF TRADE AND INDUSTRY: With all due respect, Mr Viljoen, maybe you should have spoken in Afrikaans, but when you are saying “*does not listen*”, of course we are listening. When you say, “*they do not accept our Amendments*”, that is a different matter, but if somebody outside in New York hears that statement that SWAPO does not listen to the Opposition, is that correct? It is not correct. We are sitting here, listening. Seriously speaking, to say that we are not listening is wrong.

Democracy, somebody says, is majority rule, but it is also the protection of minorities and their views. However, in America I used to watch their Debates and when the Republicans controlled both the Houses, they had Committee hearings where the Democrats were making good contributions at Amendments and the Republican Party would say, “*let us go for vote*” and those who were defeated, they would reject and pass majority opinion. That is how it works. The only thing is to increase your numbers, because to say this is rubberstamping, that is also a wrong concept. If you have no votes to make this Parliament to be having only three votes difference, you can bargain not to be rubberstamped, but if Swapo has two-thirds, that is how it goes. Do not use terms like rubberstamping which send wrong signals about our beautiful country.

I hope that you accept my appeal that we move as mature, patriotic people. I thank you.

HON DEPUTY SPEAKER: Honourable Minister of Justice.

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HON MINISTER OF JUSTICE: Thank you, Comrade Deputy Speaker. I rise to support the Electoral Amendment Bill. However before I get to the main issue of my participation, I want to say a few words on something somebody has told me. That somebody was either telling me or instigating me, that we as the Ruling Party do not seem to understand the mentality of an Opposition Party and we must probably one day interrogate that concept. In my language we say (*Ongundu yo Mpirameno*).

There is a connotation that the Opposition Party is apparently supposed to oppose everything that is proposed by the Governing Party and I tend to accept the principle, it seems to be true. (Intervention)

HON MOONGO: On a Point of Order. Is it allowed for a Member to spoil the atmosphere of the House while the majority of the Opposition are supporting the Amendment?

HON DEPUTY SPEAKER: You are Out of Order. This is a general Debate, Second Reading.

HON MINISTER OF JUSTICE: Our Opposition Parties have the right to oppose whatever is proposed by the Ruling Party, but should that be the case? Should that be the case? I am asking this question based on what the Minister of Trade and Industry has just said – patriots, nationalists, Members of Parliament, whatever number of votes they scored, are here to represent the interest of Namibians. Do we have to oppose for the sake of Opposition? Do we have to satisfy the expectation of the gallery?

I was surprised – no, not surprised, knowing which paper this is, which was apparently recording our intervention in the Debate yesterday and this newspaper is doing so, knowing very well that it is being read worldwide on the Internet, (Interjection). So, you conclude it is *the Namibian*. Then

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I am not the only one who knows the trend of this newspaper. The headline is, “SWAPO gets it flimsy being caught with pants down.” Imagine a foreigner reading this Article based on falsehood, trying to make sense out of bias.

HON TJIHUIKO: May I ask a question?

HON MINISTER OF JUSTICE: Declined.

HON TJIHUIKO: On a Point of Information.

HON MINISTER OF JUSTICE: Is this according to the Rules? It is not according to the Rules, Honourable Deputy Speaker. You must read Rule 114.

HON TJIHUIKO: I am sure the Honourable Minister is referring to the article in *the Namibian* where the article was quoting somebody who has said it. It is not what the newspaper has said. It is a question of an old attitude against the paper that you bring into the House, but I do not think that is proper.

HON MINISTER OF JUSTICE: I thought since Honourable Tjihiuko got a Master’s Degree, at least he has a basic understanding of a quotation. If somebody is quoting someone you put quotation marks. I think this side of the House should not waste time considering what some of the Opposition Parties are saying, because they are doing so to attract their people upstairs there to write these nasty articles and tell the world that there is no democracy in Namibia, the Opposition Parties and the likes are not listened to. (Intervention)

HON T GURIRAB: On a Point of Information. Since the Secretary General of SWAPO is saying that the Opposition Parties are speaking here to give information up here, when I do rise and my Colleagues from the CoD rise, we rise to exercise our right here to represent the people who voted for us. I have to make that clear, when the five of us stand up, we speak in terms of the right all of us have to exercise our mandate and we do not speak for a newspaper.

HON MINISTER OF JUSTICE: Some Opposition Parties speak to the gallery, they want to discredit the country, the system and our procedures. That is my first conclusion.

My second conclusion is that some of our Opposition Parties want to systematically build a case, so that when the results come and they are properly thrashed, they will say, "*we have been saying that the procedures are flawed.*" Yes, this is very true, an objective observer can see what you are trying to do, not focusing on the Bill, trying to create the impression all over the place that SWAPO is aiming at rigging the elections. (Intervention)

HON NAMBAHU: May I ask a small question? Are you saying the Opposition Parties are actually rehearsing what they are going to do when they are defeated?

HON MINISTER OF JUSTICE: Yes, do not be surprised when the same song is going to be sung on that fateful day and they are building their case. Therefore, we should not waste time. This Bill is very important, it needs to be passed as soon as possible, so that the independent Electoral Commission starts preparing in earnest on the basis of the principal Act and the Amendment Bill. I can assure you, Honourable Colleagues, SWAPO Party is ready to score one hundred percent.

HON DEPUTY SPEAKER: Thank you very much. Honourable De Waal.

HON DE WAAL: Honourable Deputy Speaker, I will try to be very brief and in the spirit that was created by the Honourable Minister Geingob, I will refrain from saying other things and I will be very careful with my wording.

Honourable Deputy Speaker, I listened very carefully to what Honourable Minister Mutorwa said about the fact that the Electoral Commission is an independent body, not appointed by Cabinet, approved by Parliament and so on. Yes, it is true, but you must understand our position, Sir. When we were asked in the Standing Rules and Orders to extend the session of the Assembly so that we can look at this Bill, we were told that the Amendments by Cabinet will take a couple of days and that is our problem.

We have an independent Commission and if the Commission is independent, then let them be independent, let them draft the Bill and send the Bill to Parliament. Then we are on a levelled playing field, but what is still happening today is that they draft the Bill, but Cabinet decides what comes to Parliament and when you bring it to Parliament, you bring it very late and then the Honourable Secretary-General accuses us of not giving attention to the contents of the Bill. Is that fair, Honourable Members? Let me go a bit further:

When we appointed the trustees of our pension fund, what did we do? We said Cabinet will appoint so many, SWAPO Party will appoint so many and the Opposition will appoint so many. Why? So that we can all be represented by our trustees on the pension fund. Honourable Deputy Speaker, is an election not even more important than a pension fund? Why can you not take our proposal from many years back to appoint the Commission on the same basis as we appointed the trustees of our pension fund? Then we will have no problem. (Intervention)

HON DEPUTY MINISTER OF JUSTICE: On a Point of Information. Only a Private Member's Bill can come through that process which you are describing there, not to go through Cabinet. The Bills are the prerogative of the Government. It is the Executive which must initiate the Bills and Parliament can debate and agree to amend. You have to convince us here on the Floor that what you are saying is true or not. That is why the Bills are brought here for your input, that is the procedure, but you have to convince us.

HON DE WAAL: Honourable Deputy Speaker, I think the Honourable Member knows what I said and he understands it, but he does not like it and that is why he is trying to find an argument against it, which you will never find because your argument does not hold water.

Honourable Deputy Speaker, I also do not like this notion of going back and punishing people for what happened in the past. If we have to go that route, then let us allow the Anti-Corruption Commission to investigate those issues that were there before they came into being, then we can make a compromise.

Honourable Deputy Speaker, I hope that with the new Commission and the new Directorate of Elections the voters' roll this time will work, because since 1990 we as Opposition Parties have been fighting about the voters' roll, trying to get people off the voters' roll who do not belong there. When you go to the Magistrate and you talk about that, the man looks at you and says, "*what are you talking about, I do not have a clue what you are talking about.*" It was only this year at Omuthiya where it happened. For the first time in seventeen years that part of the Act was actually implemented and I hope it will be implemented this year.

Honourable Deputy Speaker, we are very happy with the idea that we will count the votes at the polling stations. That is a great improvement and it is because of that improvement that the DTA accepted that the Bill can be brought to Parliament on an urgent basis. It was only because of that Clause, not anything else and I just want you to know that.

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Lastly, Honourable Deputy Speaker, I hope that we will reach the stage where we can have an election in one day. We have now solved most of the problems, but there is still one problem left and that is the night in-between the two voting days. If we can take that night out as well and just have the election in one day, I will be very happy and I can tell you, many people will be happy. (Intervention)

HON MINISTER OF EDUCATION: Honourable Deputy Speaker, before Honourable De Waal concludes his statement, I just want to clarify one specific comparison he brought in, the one of the Members of Parliament and Other Office-bearers Pension Fund and the way they are appointed. It is true, it is three from Parliament and three from Cabinet, but these three from Parliament are not members of the Opposition Parties. There will never be fifty-fifty balance between a Ruling Party and an Opposition Party. Even if we have to appoint people on that basis, the majority Party will always have the heavier weight.

HON DE WAAL: No problem. Maybe I did not say it clearly enough. What happened is that Cabinet appointed three members to the trust, the Parliament appointed three members, but from the three, two are appointed by the Ruling Party and one is appointed by the Opposition. That is how you create national unity. You have majority rule but you also protect the minority. That is how it is done. (Intervention)

HON MINISTER OF JUSTICE: The statement of the Honourable Member can be misleading. I am not saying it is misleading, but it can be, because I understand him to mean that the Commissioners and whoever is in the Directorate of Elections are SWAPO members. Yes, this is how I understand it. The Commissioners are appointed by the President and I do not want to believe that there is a law that compels the President to appoint only members of SWAPO as Commissioners. The comparison between the appointment of Commissioners and trustees is also wrong,

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because this one is dealing with us as Members of Parliament and we have the powers. The other one is the President appointing and there is no law that says appoint only SWAPO members and I do not believe that the Commissioners are all SWAPO members.

HON DE WAAL: Honourable Secretary General, let us not talk about what is happening now, we want to improve and all I am saying is, if we really want to have a good election without people afterwards saying that the election has been rigged, let us talk to the President. I am sure he will not have a problem, I am sure the President does not appoint only SWAPO people, there is no doubt about that. What I am telling you is that in the current system somebody makes a recommendation to the President and the President looks at the names and he sends it to Parliament. (Intervention)

**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,
HOUSING AND RURAL DEVELOPMENT:** May I ask a question? Honourable Member, since the last election, whenever you address a rally, you only got five people. If you addressed in Omuthiya and you got twelve people, you address a rally with eight people, will you complain if you lose the election if during the year you have proved that you do not have members? I think the only Party that can complain is SWAPO, because at all our rallies we have thousands of people. If the result says SWAPO only managed to win two or three seats, we will definitely say something is wrong, but if MAG and RP fall out, they do not need to complain because it is obvious.

HON DE WAAL: Honourable Minister, people are funny things, you must be careful. People might attend your meetings, but that does not mean they are going to vote for you. I do not want to repeat the word, but do not think those whiteys will vote for you. They are looking for something. They come for the food, they come for the tenders, they come for protection, they come for business, but when they vote, they vote DTA. (Intervention)

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HON TJIHUIKO: May I ask Honourable De Waal a question? The Honourable Secretary-General of the Ruling Party was saying that the things that are being written in the newspapers that the Opposition are saying are being read all over the world and it creates a bad image. Now the Honourable Minister of Regional and Local Government, Housing and Rural Development is saying that if SWAPO loses elections, they are not going to accept it. Does he really want the newspapers to quote him correctly?

HON DE WAAL: Honourable Deputy Speaker, many years back when Honourable Geingob was still the Prime Minister, we had an example here where SWAPO Party had to pay a certain amount for Government assets that they used. We are continuing to do that now and that is one of the issues that should have been addressed in this Amendment Bill and I want to appeal to the leaders of SWAPO to stop using Government assets for fighting elections. (Intervention)

HON MUDGE: On a Point of Information. In 2001 one of the recommendations adopted by the SADC Parliamentary Forum Plenary Session here in Windhoek was that the Commissioners should be selected by a panel of Judges set up by the Chief Justice or equivalent on the basis of the individual's calibre, stature, public respect, competence, impartiality and knowledge of elections and political development processes. The selection of Commissioners should be done in consultation with all Political Parties and other interested stakeholders. The selected commissioners are to be approved by Parliament. I am talking about eight years ago that these recommendations were made.

HON DEPUTY SPEAKER: Those are norms and standards and I brought them two weeks ago. It is when I said that it should be domesticated. The media and NBC never showed it, because they want to hijack it. I tabled the Report of Omaheke, it was not shown, they were only showing my hand that day. The person who is editing is playing a role at NBC, so those norms and standards were not adopted by this

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House. I brought them here because I have been observing elections. For your information, Honourable Members, the observers who are coming here will respect the laws of the country. The Electoral Commission are the only people they trust, more than any Political Party, be it SWAPO, be it RDP, be it DTA. You can bring anything, they will never trust what you are saying, but they will respect the laws of the country. Keep that in mind. You can give wrong information, but they will respect the laws of the country.

HON DE WAAL: I must somehow agree with Dr Geingob, to me it is not very important what the outside observers are saying... (Intervention)

HON MINISTER OF PRESIDENTIAL AFFAIRS: May I ask a question for clarity's sake? Honourable De Waal, I am a bit at a loss. Are you advocating that we have to politicise the Electoral Commission? Because the principle is that they must be independent and impartial. Now, are you supporting that there must be members of the Opposition and members of the Ruling Party? Do you not think that will be worse because that Commission will be politicised?

HON DE WAAL: No, I disagree with you, Honourable Minister. I am saying, let us appoint on a Party basis. Then they can work out a Bill and they can bring it here and we will all accept it. After an election no Party can turn around and say the election was unfair. You were part of the election. Today when I win I will be happy with the Commission, tomorrow when I lose, I will be unhappy with the Commission. Just think about it, it is the same principle as the pension fund. It is just a suggestion, you can think about it, maybe we can look at it in future.

Honourable Deputy Speaker, I want to conclude by saying that SWAPO Party is getting more than 66% Party funding and they do not need to use

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Government assets to fight the elections. Thank you, Honourable Deputy Speaker.

HON DEPUTY SPEAKER: Thank you very much. Honourable Gurirab.

HON T GURIRAB: Honourable Deputy Speaker, I shall be brief.

HON DEPUTY MINISTER OF LABOUR AND SOCIAL WELFARE: On a Point of Order. I want to be guided, how many times may a person participate in a Debate? Honourable Gurirab has already participated in this Debate.

HON DEPUTY SPEAKER: I am advised that Honourable Tsudao Gurirab did not participate, he was just putting questions.

HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: He mentioned the people at sea. He took the Floor after Honourable Viljoen and then Dr Kawana spoke after him.

HON DEPUTY SPEAKER: Did you speak, Honourable Member? If there is a dispute, let me call the next person now and you can contribute tomorrow.

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HON T GURIRAB: Can you do that? I am shocked at the administration of the Chamber, because I thought the record is being kept of contributions being made.

HON DEPUTY SPEAKER: I have a list here. On the 9th it was Honourable Chase, Venaani, A. Iyambo, Kawana. On the 14th, it was Viljoen, Goreseb, Riruako, Tjihuiko, Moongo, Mudge and Amathila and Honourable Amathila continued today, the 15th, and Dienda, Mutorwa, Nambahu, Geingob, Ithana, De Waal and Gurirab. That is the list we have here. Honourable Gurirab, continue.

HON T GURIRAB: In view of the time and in view of what has happened, I would like to speak tomorrow.

HON DEPUTY SPEAKER: Honourable Kazenambo.

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

Honourable Deputy Speaker, Honourable Members, after the Minister of Trade and Industry has spoken, I thought that he has explained the process and the system and I thought I would not participate, but even in the attempt by the Secretary-General to put things in correct perspective, the melody of despair from those whose fate has been sealed continued to mislead and distort facts on the ground, continued to pollute the inside and outside environment and, therefore, I am compelled to continue preaching the gospel of truth, saying that we should respect offices and systems. Namibia is a democratic country for which the sons and daughters of Namibia have paid a high price. They sacrificed their souls and shed their blood for what we have today.

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The processes that the former Prime Minister has spoken about are built on a culture of trust, a culture of respecting one another, a culture of respecting systems, a culture of respecting processes and accommodating one another, because the success of a Nation is not determined by the strong alone, the weak also make a contribution. The minorities have a contribution to make because existence and governance is mutual.

It is really very sad that the Namibian people, because of their historical past and historical deeds, continue to reject and reject them.
(Intervention)

HON MOONGO: I would like to ask the Honourable Member whether he is aware that true democratic countries allow Political Parties to form a Standing Committee to scrutinise any Bill or Motion, so that there will be no tension in Parliament. They agree with each other before a Bill comes to Parliament.

HON DEPUTY MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: I am saying that the SWAPO Party has continued over the past nineteen years to respect the Rule of Law, to respect the processes, to respect systems of governance. Despite the majority that we have, we are building a spirit of national reconciliation, we respect processes and institutions. Despite our numbers we are educating our members to live in a democratic process.

HON DEPUTY SPEAKER: You will continue tomorrow. In terms of Rule 90, the House stands adjourned until tomorrow, 14:30.

HOUSE ADJOURNS AT 17:45 UNTIL 2009.07.16 AT 14:30

**NATIONAL ASSEMBLY
ASSEMBLY CHAMBERS
16 JULY 2009
WINDHOEK**

The Assembly met pursuant to the adjournment.

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

ANNOUNCEMENT

HON DEPUTY SPEAKER: Honourable Members, first announcement from the Speaker's Desk, I would like to recognise the presence in the Speaker' Gallery of Reverend Ngeno Nakamela, Father Lucas Katenda, Bishop Roy Wallis. They are most welcome to come and observe our Parliament.

HON DEPUTY SPEAKER: Any Petitions? Any Reports of Standing or Select Committees? Other Reports and Papers? Notice of Questions? Notice of Motions? Ministerial Statements? The Secretary will read the First Order of the Day.

**RESUMPTION OF SECOND READING:
COMMUNICATIONS BILL**

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

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**COMMUNICATIONS BILL
HON KAAPANDA**

HON DEPUTY SPEAKER: When this Debate was adjourned on the 7th of July 2009, the Question before the Assembly was a Motion by the Honourable Minister of Information and Communication Technology, that the Bill be read a Second Time. The Honourable Minister of Information and Communication Technology adjourned the Debate for his reply and he now has the Floor.

HON MINISTER OF INFORMATION AND COMMUNICATION TECHNOLOGY: Thank you very much, Honourable Deputy Speaker, Honourable Members. Allow me to reply to the Debate on the Communications Bill as introduced by me on the 3rd of June 2009.

First and foremost, I want to express my appreciation to the Honourable Members of this august House for their keen interest and the valuable contributions during the Second Reading of this important Bill that is set to transform the ICT industry of Namibia. I am impressed with the quality of the contributions that were made to enhance and improve the Bill.

To recap, this Bill replaces the Namibian Communication Commission Act, (Act 4 of 1992) and amends certain relevant Sections under the Post and Telecommunications Act, (Act 19 of 1992), among others. It creates a new and independent Communications Regulatory Authority as well as a Universal Service Fund, regulates competition in the sector, monitors the Namibian domain space and introduces a new approach to categories of licences.

The Bill is divided into 10 Chapters dealing with definitions, policy-making, regulatory authority, availability of information, competition, Telecom's licences, universal service, facilitation of interception, broadcasting services, radio spectrum management and domain space management.

I am very pleased to know that the Honourable Members support the necessity of this Bill except for some comments on Chapter 5 relating to

interception. However, there is unanimity on both sides of the aisle, supporting the principle of the Bill. It is much appreciated to know that the Opposition Parties recognised the need that the safety and security of the country and its citizens must be protected. They further also recognise that crime poses a threat to national safety and security and that Government should have measures in place to curb it.

I cannot agree more with Honourable Members of this House that this Bill is long overdue and eagerly awaited by the industry and the Nation. The Debate over the past few weeks raised important issues that touch on the following main areas: The creation and operations of interception centres, independence of operations and assets of the Communication Regulatory Authority of Namibia and competition issues.

It is a pity, however, that the media created unnecessary confusion through sensational reporting regarding the facilitation of interception through the creation of the necessary communication-related infrastructure, namely the interception centres. These has come to overshadow the Debate to the extent that even Honourable Members of this august House on the opposite side could not resist the temptation to join the fray and jump on the bandwagon.

I must say that as the tide of confusion has subsided, business is prevailing and better understanding and appreciation of the intention, purpose and importance of the Bill has taken root. In order to address the height of confusion and engage in constructive Debate to enhance better understanding of the Bill, I engaged the leaders of the Opposition Parties on the provisions of the Communication Bill on the 17th of June 2009. I am delighted to have noted more constructive contributions in this House by Opposition Colleagues after that meeting.

I have noted through the Debates that suggestions were made to make written representations, suggesting Amendment to certain provisions of the Bill. I received some representations that raise issues on the need for a warrant to institute interception, strict access control to the Interception Centres and a request to refer the Bill to a relevant Standing Committee.

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Honourable Deputy Speaker, I want to point out that the requirement for a warrant to conduct interception is an absolute necessity based on the law that gives the right to intercept. I wish to remind the Members about the clarifications given by the Right Honourable Prime Minister regarding the distinction between creating the right to intercept and to create the ability to intercept. I want to reiterate that the Communications Bill only creates the ability to intercept through appropriate infrastructures, it does not create the right to intercept.

The provision of Section 70(6) does not provide a discretion for an interception centre to intercept, but obliges the interception centre to perform its functions in accordance with the law that created the right to intercept.

The other concern expressed by the Opposition is regarding access to the interception centre. The Opposition Parties feel that there should be strict access control in order to prevent possible abuses. However, I am sure that you will agree with me that this is a procedural or administrative matter that can be adequately dealt with in terms of regulations under Section 77 of the Bill.

As for the request to refer the Bill to the relevant Standing Committee, I am of the opinion that it will not be necessary since we are addressing the concerns through Amendments to Chapter 5 relating to the interception centres. It is my sincere belief that there is a need to reinforce the already existing checks and balances in terms of the appointment of the staff of the interception centres as well as the integrity of such staff members. Therefore, we consider it prudent that the Security Commission, as established under Chapter 14 of the Namibian Constitution, be involved in the appointment of the staff members of the Interception Centres.

An Amendment to Section 70(2) is proposed to reflect that the Security Commission consents the designation of the staff members of the centre as designated by the Director-General. It is further proposed that these staff members take an oath of secrecy and diligence that would be prescribed by the regulations under Section 77. This additional Amendment will strengthen the already existing checks and balances as provided for in

Section 75 relating to penalties. It should now be clear that this Bill ensures that appropriate communications infrastructure is in place to facilitate prevention of cyber crime and to ensure national safety and security.

A comment was also made that the provisions relating to the facilitation of interception should not be included in this Bill. However, it will not be appropriate to provide that communication interception infrastructure should be created and established under each and every law that provides for the right to intercept, such as the Namibian Central Intelligence Service Act of 1997 (Act 10 of 1997). The current Bill enables interception only where another law gives the right to intercept and only in terms of a warrant issued by a Judge. Otherwise this provision cannot be effective on its own as it stands.

The proposal to amend the National Security Service Act of 1997 to include Part 6 of Chapter 5 in that Act will not be advisable since the administration of the communications industry will fall in the ambit of the Communications Regulatory Authority of Namibia which regulates the communication industry once the Bill is enacted.

There were concerns raised about the independence of the Communications Regulatory Authority of Namibia and its operations and assets. I wish to clarify that CRAN would be an independent and autonomous entity with independent decision-making powers, financial, staffing and operational autonomy from the Government. This is best practice throughout SADC and the rest of the world. The role of the Minister is limited to providing broad policy direction and certain approvals as well as making certain regulations.

As regards to competition issues and involvement of the Minister in transfer of licences, the two regulatory bodies, namely the Competition Commission under the Minister of Trade and Industry and the Communication Regulatory Authority will enter into a jurisdiction agreement on how to handle competition issues in the communication sector. Should competition, for instance, lead to the transfer of licences

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that result in a takeover of a licensed company, approval by the Minister as per Section 46 would be required.

Honourable Deputy Speaker, I trust that Members of this august House will now join me in swiftly adopting this important Bill to ensure that a level playing field is created for all communication operators in our country and I thank you.

HON DEPUTY SPEAKER: I now put the Question, that the Bill be read a Second Time. Any objection?

HON DE WAAL: Objection.

HON DEPUTY SPEAKER: Any secondment to the objection? The House is divided.

In favour	-	32
Against	-	10
Abstentions	-	0

The Secretary will read the Bill a Second Time.

The Secretary will read the Bill a Second Time.

SECRETARY: *Communications Bill.*

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

**RESUMPTION OF SECOND READING:
ELECTORAL AMENDMENT BILL**

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

HON DEPUTY SPEAKER: When the House adjourned in terms of Rule 90 on 15 July 2009, the Question before the Assembly was a Motion by the Honourable Minister of Regional and Local Government, Housing and Rural Development that the Bill be read a Second Time. The Honourable Deputy Minister of Regional and Local Government and Housing had the Floor.

HON DEPUTY MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: Thank you, Honourable Deputy Speaker. Democracy and also a functioning democracy like Namibia means participation of the citizens in the process of the governance of their country and I am touching a very, very important point, that one of allowing the citizens to exercise their democratic right of participating in elections. Therefore, I strongly appeal to the powers of this House that the Namibian citizens must be given a chance to vote in 2 days. I repeat, let us stick to the culture of allowing the citizens of this country to exercise their democratic right to participate... (Intervention)

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HON SCHIMMING-CHASE: May I ask the Honourable Member a question? Honourable Deputy Minister, what is undemocratic about voting in one day when the rest of the SADC Region, the African Union are all voting in one day, some of them having more than a hundred times the number of voters of Namibia? More importantly, we are signatories to the SADC Norms and Standards of Elections, to the African Union Principles, we have signed and those principles include voting in one day, counting the same day at the same place. What is undemocratic about that?

HON DEPUTY MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: I will answer that during my contribution. I am saying that yes, the entire SADC countries may be what my mother-in-law has explained, but the reality is that Namibia is 19 years old and many of these SADC countries have been independent for more than 40 years. The realities on the ground are not the same. Namibia is a vast country and in terms of infrastructure development and accessibility to rural areas, Namibia was underdeveloped. Our resources were developing South Africa and the DTA and Henk Mudge, the leader of RP, were happy to say, "*Pretoria, Pretoria.*" That meant underdevelopment of our people.

Namibians in the rural areas do not have access to roads and this calls for allowing our people to vote for two days. Some of the people are farm workers, domestic workers, some of them work on the Mines (Intervention)

HON TJIHUIKO: On a Point of Information. Before we signed these Protocols, we must have read the content of the Protocols. We must have known that what we are signing is for the voting to take place on one day. If the poor Honourable Deputy Minister does not read and signed for sake of signing, then that is his problem. What he is saying does not make sense. Once you sign a protocol, you stick to it and abide by it.

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HON DEPUTY MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: My learned brother from the University of *Okahitua*, when you sign a protocol you agree in principle, but then you must domesticate them based on your reality. That is why the Deputy Speaker brought the Protocol here for us to discuss and to domesticate it here. Signing the Protocol does not undo the reality and that is what I am saying. This country is vast, our people are in the rural areas, they are working for people who do not allow them to go and exercise their democratic right. (Intervention)

HON SCHIMMING-CHASE: What do you understand by the word “*domesticate*?” Does it not mean that if you sign an international agreement, you have to change your own laws in order to fit in with that? That is the first question. Could you please tell us what you understand by “*domestication*” and secondly, Honourable Deputy Minister, surely if the people are so far apart and the distances are so great, why do we not just put up more polling stations? We can take the millions that have now been taken for these Chinese things and use those millions to put up polling stations so that democracy can survive.

HON DEPUTY MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: Domestication, my mother-in-law, means the ratification and you bring it into your laws and you domesticate it based on the realities. (Intervention)

HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: If a certain Political Party signs an agreement and they agree that after their congress they will accept the results and when the results come out, they said, “*no, we are going to Court*.” If that can happen, why not allow our people to vote for 2 days? CoD agreed that they will have a congress in Keetmans, they will accept the results and then they said they will go to Court. Why can we

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not sign an agreement and then say we vote for two days, if they can do that?

HON DEPUTY MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: To conclude, Honourable Deputy Speaker... (Intervention)

HON DEPUTY MINISTER OF JUSTICE: On a Point of Information, on this thing of ratification and accession to conventions and protocols. When a State ratifies, it expresses its intention to comply with those provisions, but then it needs progressive implementation and I agree with Comrade Kazenambo that Namibia is one of the most unequal countries in terms of wealth distribution and, therefore, when we are saying that the rural areas are underdeveloped, there are no resources or facilities, it means we have to do those things. Unfortunately the wealth of this country was used to develop South Africa and we inherited nothing here. When we came here there were only Katjiuongua's little *kambahus* and now Katutura has tarred roads and everything. We were under dust every day. During election time when the DTA were threatening us with guns, we were (Interjection)

HON DEPUTY SPEAKER: Your point is very clear.

HON DEPUTY MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: In conclusion, Honourable Deputy Speaker, I am saying that in light of the realities on the ground, let us manage processes....(Intervention)

HON MOONGO: On a Point of Order. Is it allowed for a Member to cry in this House about the DTA Government which was not in power for even a year or six months while they dismally failed for 19 years. People are still squatting around Windhoek and people are shot with guns and they are poorer than when the DTA was in power.

HON DEPUTY MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: I will conclude with the statement that the reality of Namibia is that it has the problems which I have already alluded to and election outcome should not be predetermined by chicanery and manoeuvring based on political crookedness and cheating by some Political Parties in this country, especially the Opposition Parties. All their members all over the country, including their leaders, will not even fill one classroom of a school. They can collect their members and within 30 minutes their members have voted. Now, in order to avoid defeat, they want to deny the members of SWAPO their right to vote, because they know that their members cannot fill a classroom. Allow Namibians to exercise their choice!

HON MINISTER OF PRESIDENTIAL AFFAIRS: May I ask a question? Are you aware that since Independence the majority of the minority Parties conceded defeat even before elections? Schedule 4 of the Namibian Constitution says they must list 72 members and some of them listed less than 15. Are you aware of that?

HON DEPUTY MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: I am aware of that and that is why I am saying that the weakness and the sad *status quo* should not affect the majority. Let the Namibians exercise their choice and let those who cannot fill a classroom mobilise their members and vote in one day and the rest vote in two days. I thank you.

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HON DEPUTY SPEAKER: Thank you. I now recognise Honourable Gurirab.

HON T GURIRAB: Honourable Deputy Speaker, I rise to make a contribution to the Bill under discussion, but before I do so, let me point out that in terms of the Electoral Act of 1992, Part 4, the Parties contesting the National Assembly are required to submit a minimum of 24 candidates. That is what the law says. I thought I needed to point that out. It does not say you should submit 72, it says you may not submit less than 24. That is the law and you must read the laws. (Interjections).

Honourable Deputy Speaker, the electoral law which we are discussing will enable the Namibians to exercise rights already given... (Intervention)

**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,
HOUSING AND RURAL DEVELOPMENT:** May I ask a question? Honourable Tsudao, suppose come registration, all the other Parties abstain, they do not register for elections and CoD submits 24 names, do you think you will have a quorum in this House?

HON T GURIRAB: Honourable Deputy Speaker, the tradition of this House is that we do not deal in hypothetical questions. I was telling the Colleagues what the law says.

Honourable Deputy Speaker, what I am saying is that the Bill which we are discussing is to enable us to exercise rights which have been given to Namibians in terms of the Constitution. Article 17 governs the conduct of political activity in our country. It reads: "*All citizens shall have the right to form and join Political Parties and subject to such qualifications prescribed by law as are necessary in a democratic society, to participate in the conduct of public affairs, whether directly or through freely chosen*

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representatives.”

Honourable Deputy Speaker, I was concerned, listening to the Debate over the last four days, particularly listening to my Colleagues on that side of the House. It would appear as if they consider the process we are busy with as a means to fix some people and that is not what lawmaking must be about. We cannot come here to fix individuals or create a law to fix this or the other.

HON DEPUTY MINISTER OF LABOUR AND SOCIAL

WELFARE: May I ask a question? Honourable Tsudao, can you be specific? Which Clause is to fix certain people? Can you point out the Clause so that you do not generalise?

HON T GURIRAB: Honourable Deputy Speaker, the Minister has come to this Honourable House to seek Amendments and the Minister in his statement listed twenty areas and items which he is seeking Amendments of. The last two are inadvertently in the previous law, but the Minister is basically asking us to amend the existing electoral law and one of those areas is to change the manner in which Political Parties register. Section 93 of the existing law sets out how we have been doing it and our view is that what the Minister is seeking is superfluous. In terms of the existing law, Section 43 is adequate to cover whatever concerns the colleagues are raising from that side. I hear colleagues talking about people who have not given their consent and they are put for the purposes of registration of new Political Parties. It s not true. (Interjections). The way I know you, you would have exercised your rights in terms of Sub-section (7) of Clause 39.

HON MINISTER OF PRESIDENTIAL AFFAIRS: On a Point of Information. The purpose of this Amendment is to further democratise our system and the Honourable Member is completely misinterpreting the

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current provision. The current provision gives absolute discretion to the Electoral Commission. If you are not invited to go and inspect in the office and some of our members are as far as Katima Mulilo, 1,200 kilometres from Windhoek, but now if that requirement of publishing in the Government Gazette is complied with, people will have access to those names and this Nation must be given that opportunity. The Honourable Member is misinterpreting the law.

HON T GURIRAB: Sub-section (7) of Section 39 – I thought you were going to give names of people who were wrongfully registered. Sub-section (7) of the present law reads, not this *Mickey Mouse* one: “*Any person who makes a false statement....*”

HON DEPUTY SPEAKER: Honourable Member, what do you mean by “*Mickey Mouse*? ”

HON T GURIRAB: *Mickey Mouse* means other laws, other than... (Interjections).

HON DEPUTY SPEAKER: It is an insult. I know your tricks of putting words. Withdraw that word. (Interjections).

HON T GURIRAB: I am reading from our law, this is the country’s law.

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HON DEPUTY SPEAKER: There is no law which is written “Mickey Mouse”, where have you seen that law? (Interjections) Do not change it, Honourable Nora, you are not the one who said it, do not defend it. I am talking to him.

HON T GURIRAB: I withdraw “Mickey Mouse” and “big mouths”, can I proceed?

**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,
HOUSING AND RURAL DEVELOPMENT:** Comrade Deputy Speaker, the other day the Opposition called it a flimsy law, now they say Mickey Mouse law and they are the cry-babies. We make laws and they ridicule the laws. The other day you called it flimsy and now they call it Mickey Mouse. They keep on calling the laws we make in this august House all kinds of names. Are they really serious? We are busy with a law, do not call it a flimsy law or Mickey Mouse.

HON DEPUTY SPEAKER: Honourable Minister, the words have been withdrawn.

HON MINISTER OF JUSTICE: I think there are times that we get involved in jokes in the House, but if we cannot make a difference between issues on which we can joke and serious business, then I do not know what we are doing. (Interjection)

HON DEPUTY SPEAKER: He has withdrawn *Mickey Mouse* and *big mouth*. He mentioned two things, Honourable Minister. (Interjections).

HON T GURIRAB: The Sub-section provides adequate recourse for all that is wrong.

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

HON DEPUTY SPEAKER: I would like to remind the House of Rule 108(e) that should be taken into account on the use of unbecoming, unparliamentary or offensive words against the Chair, another Member or the issue on the Floor. I will use this Rule from now on. Honourable Gurirab.

HON T GURIRAB: Honourable Deputy Speaker, I have two or three things to say before I sit down, but before I do that, let me withdraw “*big mouth*” and “*Mickey Mouse*.”

The Colleagues have already raised the question on the voters’ roll. The purpose of having election is that only those who are qualified to do so should cast their votes. The only way that all of us, all the participating Parties can determine that ... (Intervention)

HON DEPUTY MINISTER OF LABOUR AND SOCIAL WELFARE: On a Point of Order, Honourable Deputy Speaker. I asked the Honourable Gurirab to be specific and he failed to do that and now I want to give information in connection with Clause 10. Article 17 which you quoted says *all citizens shall have the right to participate in peaceful political activities intended to influence the composition of the policy of the Government.*” The important one which I want to mention is, “*all citizens shall have the right to form or join Political Parties and subject to such qualifications prescribed by law as are necessary in a democratic society.*” It is along those lines that the SWAPO Party Government makes laws. We follow the Constitution of the Republic of Namibia, the Supreme Law, to make sure that in order to exercise transparency, people cannot register in croocking way. If he or she wants to form a Party as

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per the Constitution, then be transparent. That is what I wanted to tell you.

HON T GURIRAB: The point I was making is that for elections to take place, we must be transparent and to ensure that only those of us who qualify to cast the votes should do so.

5 Years ago with the President and National Assembly elections I received voters roll from the Electoral Commission in 5 different boxes a week before the elections. We must ensure that that does not happen. You will not be able to check in the case of Omuthiya, so you should ensure that all of us get the voters' roll months before the votes are cast and not in boxes a week before elections. (Intervention)

**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,
HOUSING AND RURAL DEVELOPMENT:** May I ask a question? Honourable Tsudao, I think it was made clear here that maybe five, six or eight years ago the Electoral Commission was in the Office of the Prime Minister and then the Opposition insisted that it should be an independent body, which was now, an independent body. Are you assuming that the boxes were given by the Government? If the Electoral Commission is independent, do not imply that if anything goes wrong with the election, it is on the part of the Government. It is not on the part of the Government. Or do you not have trust in the members of the Electoral Commission?

HON T GURIRAB: Honourable Deputy Speaker, there is an interface between Political Parties and the Electoral Commission, so we should ensure that we get the voters' roll well in time before the elections. I am talking the Electoral Commission, again my colleagues have spoken about the administration, it is common cause that some Political Parties, including mine, took the Electoral Commission to Court at the end of the last National and Presidential elections and we did not succeed in that process. However, the Electoral Commission needs to read that

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Judgment, because there are certain accounts on which the Court found the administration of the Electoral Commission wanting. We do not want to go to Court at the end of these elections. (Intervention)

HON DEPUTY MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: On a Point of Order. It is really uncalled for and unacceptable that Honourable Gurirab of the CoD can stand up in this Parliament and try to cast aspersions and question the integrity of the Electoral Commission and also to intimidate them. It is really unfair that he is intimidating the Electoral Commission that the Court has pronounced itself on certain aspects. If they have failed to succeed, as he says, it means that by virtue of having failed and all their accusations having been rejected by the Court, they need to leave the Electoral Commission in peace. They have failed and they will fail again.

HON T GURIRAB: Honourable Deputy Speaker, I am happy to share a copy of the Court's Judgment with my good friend there, the Deputy Minister. Part of what we are doing by amending the law is to talk about the administration of elections and one of the things that we are saying is that the votes should be cast, counted and results posted at the Polling Stations.

In terms of the principal Act, there is a manner prescribed in which the Electoral Commission should deal with tendered ballots. In terms of the Amendment it says that tendered ballots will be put in envelopes, the Constituencies indicated and the Director will at the end of elections, in terms of what we are proposing and we are not dealing with that aspect, he will be posting the results at the Polling Stations. (Interjection)

HON MEMBER: Post the results where?

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HON T GURIRAB: At the polling stations, that is the Amendment which we are seeking, that the results will be posted... (Interjection)

HON MEMBER: Pasted!

HON T GURIRAB: Pasted? I am happy to say they will be posted at the polling stations. What the principle Act says is that the tendered ballots will be given to the Director. One of the things on which the Court was critical of the Electoral Commission in our court case is that the Director had announced the results without dealing with tendered ballots and votes that were cast outside the country. Therefore, we are missing some of that in the Amendment that the Minister is bringing.

**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,
HOUSING AND RURAL DEVELOPMENT:** The current Amendment says at the Polling Station where the people vote, immediately after the closure the counting starts there and once the results are out, the representatives of the Parties who are monitoring the whole process will sign. If, for instance, it says Katutura East or Windhoek East, CoD zero, SWAPO nine thousand, everybody there will sign. Now the results will be pasted on the wall. Why are you referring to something of the past which we are busy doing away with? You keep on about the Court and that is something of the past. What we are proposing, is it good or not good?

HON T GURIRAB: What I am saying to the Minister is that the Amendment is inadequate, it does not deal sufficiently with the tendered ballots.

Honourable Deputy Speaker, I accept the Minister's proposal on votes being cast fourteen days before the actual voting date for those who are outside the country. We do not know how we will deal with Minister

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Iyambo's people, those who are on the ships, because we are talking about people who are on land and not about those who are in the middle of the sea.

Some of the restrictions deal with the tendered ballots in the same manner as you are proposing for those outside the country, that people who will be at places outside their Constituencies vote before and if we allow for those outside the country to do so, why can we not have a similar provision for the people who on the date of the voting will be outside their Constituencies. I think it will make it easier if those outside their Constituencies, the same as those you are proposing who will be outside the country, would cast their votes before the date of the poll, so that on the date of the polling, they start counting those votes. I think that will make the administration easier and not as my good friend Kazenambo is proposing that we need a whole week to vote.

Finally, Deputy Speaker, on the media, because that is one of the things which my colleagues have referred to, the SADC norms and standards, that we ensure from this election that particularly the public media treats all participants equally and we are in the process of writing a letter to the Minister responsible. (Intervention)

HON MINISTER OF PRESIDENTIAL AFFAIRS: On a Point of Information. First I would like to concur with my learned Colleague on the issue of the voters' roll. I am one of those who advocate finalisation of the voters' roll prior to voting so that the voters' roll in any democratic election is one of the tools that can be used to gauge whether elections are free and fair. On that score I definitely agree with my Colleague. On the coverage by the media my experience in the past was – and Comrade Kaapanda will attest to this – that the minority Parties were given time and they never utilised that time and that can be proven, for your information.

HON T GURIRAB: The allocation of time at the moment is being done

by the management of NBC on the basis of past performance. There is no law for allocating time and as I said, we are in the process of writing to the Minister and we hope that will be rectified for the elections in November. I thank you, Honourable Deputy Speaker.

HON MBAI: Thank you, Honourable Deputy Speaker. I rise again for a very brief contribution. The right to vote and to be voted for should be accepted as a birthright and it is in accordance with the Universal Declaration of Human Rights. There should be provisions and practical arrangements for continuous voter registration, an updated voters' register and an agreed code of conduct that must be made available to every stakeholder in every election.

Honourable Deputy Speaker, I will fail in my duty if I do not comment and appreciate more especially the Electoral Commission for continuous consultations with Political Parties to level the ground for elections, more especially this time around. I believe the Bill under discussion is an effort to enhance and improve... (Intervention)

**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,
HOUSING AND RURAL DEVELOPMENT:** You mentioned that you appreciate the Electoral Commission for always consulting Political Parties. The same Political Parties or some of them are continuously blaming and condemning the Electoral Commission as if they are not consulted. Which one is which one?

HON MBAI: I believe that the Bill under discussion is more of a tool to enhance and to improve the current procedures and mechanisms to allow the voters to vote and people to be voted for. Therefore, Honourable Members of the august House, the relative stability prevailing in our country is not only because of good governance and security, but also if

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the delegation of representatives to this House and our structures and institutions of elected Members are not done in a transparent, accountable and democratic manner, Parliament will face growing expectations by society to resolve important issues and meet increasingly higher community expectations. Unresolved or ignored changes have the ability to destabilise governments, undermine efforts to promote reconciliation and reconstruction.

Parliaments dominated by one side that ignored the needs and inputs of the minorities were not sustainable in the long term. I would, therefore, like to express our profound appreciation especially to the other side of the House this time around for consulting the minorities before the Amendments were introduced in this august House. This is a step in the right direction that needs to be appreciated. Parliament would only work if there is a real and meaningful partnership.

Last but not least, Honourable Deputy Speaker, our dialogue and Debates in this House must be creative of nature and enhance reconciliation, peace and stability and even if powerful feelings could be heard at some stages of our Debates... (Intervention)

HON DEPUTY MINISTER OF LABOUR AND SOCIAL WELFARE: May I ask a question? Comrade Deputy Speaker, I just want to find out from the Honourable Member that if it were not for the principle of reconciliation of the SWAPO Government, I would not be sitting with Honourable Henk Mudge because I know what he did to me. Due to national reconciliation I shake hands with him without doing anything to him. Is that what you want to emphasise?

HON MBAI: We must make sure, Honourable Members....
(Intervention)

HON DEPUTY MINISTER OF JUSTICE: I really appreciate the comments of Honourable Mbai and I think that is the spirit in which we want to work with the Opposition and to be honest and say that there have been consultations and the consultations have been taken into account, but on the other side there are other Members of the Opposition who want to make the upcoming elections as unfair and undemocratic and they are insisting on these issues. If you call a dog a bad dog and you want to create the impression in the minds of the people that the Electoral Commission is not transparent and democratic and condemn everything, you are creating a situation of instability. You know what has happened in Kenya and Zimbabwe and this unpatriotic tendencies of the Opposition should be condemned.

HON MBAI: As I said, sometimes during our dialogue and Debates in this House and even if powerful feelings could be vented at some stages of our Debates, we must make... (Intervention)

HON DE WAAL: On a Point of Information. For many years after Independence, in fact every election after Independence, we complained about the voters' roll that was chaotic. We complained about the fact that we were not allowed to remove a name from the voters' roll. Nobody helped us. When we came to Omuthiya, SWAPO had a problem and they were helped. If we talk about these things, Honourable Nujoma, is that unpatriotic? What is your definition of patriotism? You are just standing there and making politics. Honourable Deputy Speaker, the Honourable Member is misusing your patience to stand and make politics and talk about things which are totally and completely irrelevant. Please do not allow him to do that because then he will misuse you, Honourable Deputy Speaker.

HON DEPUTY SPEAKER: I think everybody has already misused me here. Continue.

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HON MINISTER OF JUSTICE: On a Point of Information. The statement made by Honourable De Waal is quite misleading. At Omuthiya SWAPO was not helped. (Interjection)

HON DE WAAL: You were helped!

HON MINISTER OF JUSTICE: SWAPO applied in terms of the electoral law to a Magistrate's Court and the Magistrate's Court investigated and expressed its position. If the Opposition Parties have found a name that ought not to be on the voters' roll, they do not have to talk to the Electoral Commission, the law says a Magistrate will investigate whether the allegation is true or not.

HON DEPUTY SPEAKER: This is misuse of the Chairperson, because you are no more addressing the information to the Honourable Member. I am not going to allow any more questions to this Honourable Member.

HON MBAI: I want to conclude, Honourable Deputy Speaker. Even when sometimes our emotions are running high, we must try by all means that it does not result in provocation of violent behaviour amongst communities represented by politicians and Members of this august House. With these few remarks, I support the Bill.

HON DEPUTY SPEAKER: Honourable Nghidinwa.

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HON NGHIDINWA**

HON MINISTER OF HOME AFFAIRS AND IMMIGRATION:

Thank you, Comrade Deputy Speaker, Honourable Members. I rise to support the Electoral Amendment Bill under discussion.

Comrade Deputy Speaker, during the Debate on this Bill some of the Members of the Opposition Parties misled the people outside there, telling them that most of the people of Namibia do not have Identity Documents after 19 years, which is not true. It is not true, because we have many uncollected Identity Documents in our offices. We opened some sub-Regional Offices throughout the country... (Intervention)

HON TJIHUIKO: May I ask the Honourable Minister a question, please? Honourable Minister, you are saying that somebody was claiming that there are people do not have Identity Documents and then again you are saying there are so many Identity Documents in your offices, which means that they do not have Identity Documents. Get the Identity Documents to the people.

HON MINISTER OF HOME AFFAIRS AND IMMIGRATION: We also have mobile trucks going throughout the country to give identity Documents to the people.

Honourable Deputy Speaker, the issue of Namibians not having birth certificates is a problem inherited from the previous Government, because most of the Namibian people in the remote areas were not registered with birth certificates that time. (Intervention)

HON KAVARI: May I pose a question? Honourable Minister, are you aware that there is freedom of movement in Namibia and, therefore, people are spread all over the country in terms of work and living and some of them do not have identity documents and when they apply, they need a birth certificate. In order to apply for a birth certificate, you need to go back to the area in which you were born. There is quite a big group

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of people who came from the area of Ombantu who are working on farms and communal areas in Omaheke and they do not have Birth Certificates. I actually brought some of them to Windhoek, thinking that I am going to assist them to get birth certificates, but they could not be assisted because they were not born in Windhoek, they have to travel back to Ombantu in order for them to get birth certificates.

HON MINISTER OF HOME AFFAIRS AND IMMIGRATION:

There is a counter at the Northern Industrial Area for people from other Regions. If they were not issued with Birth Certificates, then there was suspicion that those people are not Namibian. We inherited the problem from the previous Government of the DTA. People were not issued with Birth Certificates in the remote areas. (Intervention)

HON MOONGO: On a Point of Information. I am shocked to hear that there are thousands of Identity Documents in the office of the Minister. If this is true, is it not sabotage of the coming elections? Can we call for a Commission of Enquiry to investigate and to arrest the Minister, because she is sabotaging the elections?

HON MINISTER OF HOME AFFAIRS AND IMMIGRATION: I will not comment on that. My second point is on the requirements to be eligible to be registered. I read that a passport and driver's licence is also on that list, but sometimes people with permanent residence can also acquire a driver's licence. If we are going to use the driver's licence as a requirement, the non- Namibians can also vote. That is why I wanted to look at the principal Act and the requirements for eligible voters in the elections.

To respond to what the Honourable Members from the Opposition misled the people yesterday, we are aware of the people who entered Namibia

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and applied for citizenship and once they were granted citizenship, they just applied for passports without applying for Identity Documents. (Interjections)

HON DEPUTY SPEAKER: Honourable Minister, the Minister is going to respond.

HON MINISTER OF HOME AFFAIRS AND IMMIGRATION:

Comrade Deputy Speaker, those are the people mentioned yesterday by Honourable Viljoen and I want Honourable Viljoen to tell those people to come and apply for Identity Documents and not use their passports as identity documents. Passports are travel documents, not identity documents.

Comrade Deputy Speaker, with those few words I support the Bill.

HON DEPUTY SPEAKER: I call on the Minister of Regional and Local Government, Housing and Rural Development to reply.

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

Speaker, I would like to thank all Honourable Members of the National Assembly, both those who participated and those who did not. Your concerns will be taken note of. The most important Amendment is Clause 10(a) on page 11 which deals with the registration of a Political Party which will be gazetted at the cost of the applicants. We have to amend that so that the State takes care of the costs and I will move an Amendment next Tuesday. Therefore, your concerns have been taken into account and I thank everybody. We hope we are going to have a free and fair election. I thank all Political Parties represented in the National Assembly, all your

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contributions are valuable. Thank you very much.

HON DEPUTY SPEAKER: 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.

SECRETARY: Electoral Amendment Bill.

**RESUMPTION OF DEBATE:
STATE OF HOUSING IN INFORMAL SETTLEMENTS**

SECRETARY: Resumption of Debate on the State of Housing in Informal Settlements in the Country.

HON DEPUTY SPEAKER: When this Debate was adjourned on Wednesday, the 18th of June 2009, the Question before the Assembly was a Motion by Honourable Tjihiuko. Honourable Tjihiuko adjourned the Debate for his reply and he now has the Floor.

HON TJIHUIKO: Thank you very much, Honourable Deputy Speaker. Allow me, first and foremost, to thank the Honourable Members for the mature manner in which they have debated this very important Motion. The Motion calls on us as lawmakers to consider the deplorable State of housing in informal settlements.

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HON TJIHUIKO**

Due to the time factor, Honourable Deputy Speaker, let me start by recognising some of the contributions made during the Debate. Let me start with ***Honourable Kazenambo and Dr Kawana***. Thank you very much for your good contributions. I was very much appreciative of your comradely spirit in which you have contributed.

Honourable Nujoma, your contribution was not only clear on what you wanted to say, but it also had clear recommendations and practical actions to be taken by Government. Your information was very much relevant and useful for the future.

Honourable Venaani, your idea of revisiting Local Authority regulations on the issue of subsidisation needs to be properly interrogated and be put into better perspective.

Honourable Jerry Ekandjo, your contribution did not only provide insight into the work of your Ministry, but most importantly, it has also provided an opportunity for the Honourable Minister to give information on the way forward. I sincerely hope that what the Honourable Minister Ekandjo said will be turned into a proposal before the next Budget so that the proposals may be accommodated in 2010/2011 National Budget. Otherwise all these good ideas and proposals may not see the light of day.

Before I conclude, Honourable Deputy Speaker, I would like to amend the Motion as follows: *That this Honourable House debates the Motion in depth and then refer it to the relevant Parliamentary Standing Committee for further consultations before it is presented to this Parliament for a final position to be taken.* I so Move, Honourable Deputy Speaker.

HON DEPUTY SPEAKER: Table the Amendment. I now put the Amendment. Any objection to the Amendment?

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HON MEMBER: Objection.

HON DEPUTY SPEAKER: Who seconds the objection?

HON MINISTER OF JUSTICE: Before we object, I just want to know whether this Amendment was discussed among Parties as it is usually done, so that at least at this stage we should not be seen as objecting. Was that done?

HON P MUSHELENGA: We were not consulted.

HON TJIHUIKO: Honourable Deputy Speaker, I think the Secretary-General is right that they should have been consulted. Because of the important Bills that we were discussing there was an oversight from my side and I hope that the Colleague will bear with me and support the Motion or otherwise I can quickly consult.

HON DEPUTY SPEAKER: Why can you not defer it to Tuesday so that you can consult?

HON TJIHUIKO: That will be fine.

HON DEPUTY SPEAKER: Then the Amendment stands over for consultation until next week, Tuesday. The Secretary will read the Fourth Order of the Day.

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HON IIVULA-ITHANA**

**RESUMPTION OF DEBATE:
MOTION ON TRADITIONAL AUTHORITIES**

SECRETARY: Resumption of the Debate on the Duties and Functions of Traditional Authorities and Their Remuneration and Other Benefits.

HON DEPUTY SPEAKER: When the Debate was adjourned on Wednesday, 8 July 2009, the Question before the Assembly was a Motion by Honourable Moongo. The House adjourned in terms of Rule 90. Any further discussions? Honourable Minister of Justice.

HON MINISTER OF JUSTICE: Thank you, Honourable Deputy Speaker, Honourable Colleagues. I missed the motivation by the Honourable Member who moved this Motion. Nevertheless, I hope my intervention will contribute to the enrichment of the Debate on the issue.

Honourable Deputy Speaker, the institution of Traditional Authorities has a long, long history, particularly in this country. Before colonialism our people were led by the various Traditional Authorities. No Government can claim to have created this institution. What we can probably say is that this institution was abused by the various colonial governments, to the extent that some of the Traditional Authorities came into existence during the colonial era for the sole purpose of furthering the aims and objectives of the colonialists. Therefore, I find it to be *ultra vires* for us to talk about the duties and functions of Traditional Authorities. We cannot talk about the functions and duties of Traditional Authorities. Those people know from time immemorial what they are supposed to do and how they are supposed to do it. What we can do is to enable and to smoothen their functions, but we cannot prescribe to them what they must do.

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When you say we have to debate, is it to add on, to subtract, to negate or what is meant here? We should be seen to be understanding our roles as Members of this National Assembly. If we interfere in institutions that are over and above our responsibilities, our people will lose respect for us. They will look at us as people who are lost, who do not know what to do, we are just jumping from one point to the other.

If the Honourable Member wants us to debate the issue of remuneration it is fine, we can debate it. We have inherited a system whereby we found that they were being remunerated. We can look into either the levels or whatever, that we can do, but I have serious difficulties that we discuss the Traditional Leaders functions and unless the Honourable Member rephrases his Motion, I am advising that this Motion should be thrown out because it is an interference in an institution that is not supposed to be debated here. I thank you.

HON DEPUTY SPEAKER: Thank you. Honourable Minister Ekandjo.

**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,
HOUSING AND RURAL DEVELOPMENT:** Thank you, Honourable Deputy Speaker, Honourable Members. This issue came out since the Mover was appointed as a headman of a village, from Uumkumwe to Omalaala. As the Honourable Minister of Justice has said, we in this august House cannot prescribe what the duties and functions should be. This has been in existence and we cannot interfere. This is a direct interference by this august House.

Secondly, Honourable Deputy Speaker, if we talk about remuneration, this is in relation to the employer-employee relations. If someone remunerates you, it means you are working for that somebody and I would not be happy to see our respected Traditional Leaders begging with the

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Government to increase their salaries or they will strike. What they are receiving from the Government is just an allowance and I would support what Honourable Ithana has said, that we really do not need to discuss this issue of Traditional Leaders here and the same also applies to the spiritual leaders. We do not need to discuss Traditional and Spiritual Leaders as they are separate entities from this august House and we should not discuss their duties here. If we do that, we should say, you must do this, you receive so much remuneration, you start at 08:00 until 13:00 and 14:00 until 17:00 and if you work Sunday it is overtime. We do not want that type of arrangement so that at the end our Traditional Leaders will strike and say, "*I will not hear cases under the tree because I have not been paid my overtime.*" We should not interfere.

Therefore, I would beg this House that this Motion be thrown out. Thank you very much.

HON DEPUTY SPEAKER: We do not say "thrown out", we say "reject".

**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,
HOUSING AND RURAL DEVELOPMENT:** I withdraw. I will say that we will support the Honourable Member hundred percent if he withdraws. We do not want to force you to withdraw, but we will support your withdrawal if you withdraw.

HON DEPUTY SPEAKER: Thank you. Honourable Kazenambo.

**HON DEPUTY MINISTER OF REGIONAL AND LOCAL
GOVERNMENT, HOUSING AND RURAL DEVELOPMENT:**
Honourable Deputy Speaker, I am supporting the rejection of this Motion

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with immediate effect. Honourable Deputy Speaker, on a Point of Information additional to what the two Honourable Ministers have said, the Traditional Authority Council has a committee that is looking into the welfare of the Traditional Leaders. They have been engaged with the Ministry on this matter, they have done various surveys and made recommendations which they are currently working on based on their structure and based on their request, we have been informed that Government is purchasing vehicles for them and building offices for the Traditional Authorities. (Intervention)

HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: Honourable Kazenambo, do you not think the Honourable Member wants to hijack the idea of a Reform Committee which has been put up by the Council of Traditional Leaders in their annual meeting? That committee will make a report to them in December when they are going to meet on all their benefits. Do you not think he wants to hijack the idea so that in the meantime we discuss it here, whereas the Reform Committee is already discussing the matter?

HON DEPUTY MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: I was not going to speak after the two Honourable Ministers made their interventions, but I wanted to give more information, that this is precisely a hijacking and we have been subjected in this Parliament to a culture by a certain Political Party to hijack. If they are not talking about the increment for pensioners, they hang around the Houses of Traditional Leaders and when the Traditional Leaders are talking about what they are busy with in the Council of Traditional Leaders, they come here and present it as if it is their ideas.

Please, let us not interfere, let us not intervene with the respected institutions. The Traditional Leaders are working on the reform that deals

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with their welfare and everything and therefore, this Motion must be rejected with the contempt it deserves because it is a propaganda Motion designed to campaign for a Party that is resting in the dustbin of political history.

HON DEPUTY SPEAKER: Thank you. Honourable Nambahu.

HON NAMBAHU: Comrade Deputy Speaker, I will joint my Colleagues in rejecting the Motion, but before that, I would like to give homework to the Traditional Leader present here. I would want to see in future the Honourable Member coming here to solicit support for the area of reform that is taking place. What do I mean?

I commute between Windhoek and my village and weekends I become a subject of the Traditional Leaders and what happens is that there are certain Traditional Leaders who are not ruling according to custom. They are actually oppressing their people and not governing in tandem with the norms laid down by the Constitution of the Republic of Namibia. Therefore, for someone to come and say we must give our blessing and continue giving more and more without them performing is not acceptable.

If a single woman's relative has passed on she cannot be given a field (*Oshikumbu oshahala epya ano? Nashi shune maandjago*), and these things are happening and Government should not give money to this institution while they are continuing in this way. (Intervention)

HON DEPUTY MINISTER OF AGRICULTURE, WATER AND FORESTRY: May I ask Honourable Nambahu a small question? Honourable Nambahu, you said on weekends you go back to your village and become a subject of the Chief. As you are sitting here, are you no

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longer a subject of your Chief?

HON NAMBAHU: I am still one and Honourable Katali, you are a Chief and when I am here I am also your subject. The point I am trying to drive home is that there is a need for the Traditional Authorities to be educated to govern in accordance with the laws of the Republic of Namibia and if we give money, the words that are not known in these institutions, namely “*transparency and accountability*,” should also be echoed in their day-to-day activities. If that is done I would support, but whilst that is not done and we are asking for remuneration, I will add my voice to the rejection of the Motion. Thank you.

HON DEPUTY SPEAKER: Thank you. Honourable Shifeta.

**HON DEPUTY MINISTER OF YOUTH, NATIONAL SERVICE,
SPORT AND CULTURE:** Thank you very much, Honourable Deputy Speaker. I really do not think this Motion is worth debating here and I think Honourable Moongo who is a Traditional Leaders knows the norms and statutory laws that we have passed here in this House and he knows exactly how the customary laws operate.

We have two statutory laws, one being the Council of Traditional Leaders Act of 1997, the other being the Traditional Authorities Act of 2000 which provides for the powers, functions and duties of Traditional Leaders. Therefore, I do not think it really makes sense for us to discuss something that has already been enacted. (Intervention)

HON DR ANKAMA: May I ask my Colleague a tiny question? If this Motion was physically close to you and there was an open bin, would you not throw it in the bin and close it because it is not useful?

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HON DEPUTY MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE: Yes, it does not even make sense for us to discuss it, because by discussing it we legitimate the whole thing and it is definitely something that we just need to ignore. A request was made here for us just to ignore the Motion, because the functions, powers and duties of Traditional Leaders are based on customary laws of different communities and customary laws regulate the operations of different Traditional Authorities. I think it is just for us to move on to other points and it is understood.

HON DEPUTY SPEAKER: Thank you. I now call on Honourable Moongo to reply.

HON MOONGO: Thank you very much, Honourable Deputy Speaker. It is good to know what is the level of understanding of our Members of Parliament of Traditional Leaders and I hope my colleagues and everybody understand and hear the thinking of the people in Parliament.

Anyway, let me thank the Prime Minister and others who participated in the Debate, although I do not know why they want to punish their Traditional Leaders and subject them to unfair services and duties. This is a non-political issue and I do not want to deal with it in a political atmosphere and, therefore, Honourable Deputy Speaker, Honourable Members, there is no social justice if there is poverty and imbalance in the community. Traditional leaders were given powers in the Constitution of Namibia in Article 102(5) and Article 19. Therefore, the Parliament must amend and regulate the provision of the small allowance which does not cater for the needs and which subject our Traditional Leaders to poverty and economic hardship and worsens the living standards of senior, junior and sub-headmen.

Honourable Deputy Speaker, Honourable Members, all people are equal before the law and are entitled to receive adequate salaries to prevent

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hardship and poverty, to maintain better living standards as stipulated in the Namibian Constitution.

Honourable Deputy Speaker, Honourable Members, I presented pamphlets of salaries and allowances of Traditional Leaders which are more advanced and adequate compared to the worst allowance of their counterparts in Namibia. I, therefore, propose that it is high time that this House and the relevant Committee come up with the necessary recommendations on better remuneration or benefits for Traditional Leaders, from the highest to the lower levels, to address the imbalances which were caused by the past dispensation.

Honourable Deputy Speaker, I also propose necessary Amendments in the Traditional Authorities Act, Act 17 of 2000, to the allowances, medical aid, funeral allowance and entertainment funds and also to amend Sub-section (15) of the Traditional Authorities Act which prohibits Members of Parliament, Regional Councillors, Local Councillors and Presidents of Political Parties to become Traditional Leaders. What about Directors of Companies, Permanent Secretaries, Bishops, Principals of schools. Any law must be of general application and nobody must be subjected to poverty and not be allowed to serve his community and to benefit like others. They are all human beings like you.

Therefore, Honourable Deputy Speaker, as Article 10 says *all people are equal before the law*, people must receive an adequate allowance in order not to be subjected to hardship. Now this Parliament is regulating the allowances of headmen, which can really not be accepted. This is intolerable and I tried to make you understand that Chiefs and headmen are subjected to a difficult situation.

Honourable Deputy Speaker, Honourable Members, of course there are senseless acts which are not patriotic, which I regard as interference in the performance of the duties of headmen and sub-headmen. (Interjections)

HON MEMBER: He is not responding, he is motivating. To what is

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he responding?

HON MOONGO: I am responding. Some power-hungry politicians are influencing senior, junior and sub-headman not to allow certain Political Parties to campaign in their villages while the headman is there for everybody. I appeal to you politicians not to influence the Traditional Leaders to prevent political campaigns, to prevent free elections in the villages. This is not your duty, your duty is to campaign. Your actions should be fair and reasonable as politicians. You must not interfere with the headmen. Leave the control of villages to headmen and do not influence them to prevent certain Political Parties.

I am, therefore, happy that I informed you, that I educated you and made you to understand, whether you accepted or not accepted that the blood your leaders who fought for liberation, Chief Iipumbu and others, waters the freedom of Namibia. You do not want to support the increase of their remuneration and allowance while they are sickly people and need medical attention. I, therefore, appeal to you to reconsider and adjust the allowances and provide medical aid to the Traditional Leaders. With this, I thank you very much.

HON DEPUTY SPEAKER: I now put the Question that the Motion be adopted. Any objection?

HON MEMBER: Objection.

HON DEPUTY SPEAKER: Who seconds the objection? The House is divided.

House divided:

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In favour:	3
Against:	34
Abstention	1.

Motion rejected.

HON DEPUTY SPEAKER: In terms of Rule 90 of the Standing Rules and Orders, the House stands adjourned until Tuesday next week at 14:30.

HOUSE ADJOURNS AT 17:45 UNTIL 2009.07.21 AT 14:30

**NATIONAL ASSEMBLY
ASSEMBLY CHAMBERS
21 JULY 2009
WINDHOEK**

The Assembly met pursuant to the adjournment.

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

HON DEPUTY SPEAKER: _____ Any Petitions? Any Reports of Standing or Select Committees? Other Reports and Papers? Honourable Minister of Labour.

**TABLING REPORT: RECOVERING FROM
THE CRISIS**

HON MINISTER OF LABOUR AND SOCIAL WELFARE: Honourable Deputy Speaker, I lay upon the Table a Report titled, “*Recovering from the Crisis – Local Jobs Pact*” from the International Labour Organisation.

HON DEPUTY SPEAKER: Table the Report. Honourable Minister of Education.

**TABLING: ANNUAL REPORT 2007:
UNIVERSITY OF NAMIBIA**

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**TABLING OF REPORTS
HON MBUMBA**

HON MINISTER OF EDUCATION: Honourable Deputy Speaker, I lay upon the Table the Annual Report of the University of Namibia for the year 2007.

HON DEPUTY SPEAKER: Table the Report, Honourable Minister. Notices of Questions? Notice of Motions? Honourable !Nawases.

LEAVE OF ABSENCE

HON !NAWASES-TAEYELE: I Move without Notice that leave of absence, due to his own illness be granted to Honourable Hans Booys until 23 July 2009.

HON DEPUTY SPEAKER: Table the Motion, Honourable Member. Ministerial Statements? Minister Nghimtina.

MINISTERIAL STATEMENT

HON MINISTER OF MINES AND ENERGY: Thank you, Honourable Deputy Speaker, Honourable Members. I have the honour and privilege to present to this august House the preliminary results of drilling activities in Block 17/11 by a contingent of joint venture partners who have been engaged in hydrocarbon exploration near Kunene mouth.

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HON NGHIMTINA**

In March 2006, Block 1711 operators, Sinteznetegaz Gas – 70%, Energulf Resources – 10%, PetrolSA – 10%, NAMCOR – 7% and Kunene Energy – 3% signed a petroleum agreement with the Government with the Republic of Namibia in connection with exploration of oil and gas in Block 1711.

The licence block is located in the northern part of the Namibian continental shelf and is part of Kwanza-Cameroon Oil and Gas-bearing Province. The northern part of the province, namely in the northern and central basin of Angola (Cabinda, Kwanza) the proven oil and gas-bearing reserves capacity are contained in the carbonate sediments of Albian age. The oil fields of the Pakassa formation in the lower Congo basin and the Bento formation in the Kwanza basin were chosen and used as analogues of the Cretaceous carbonate reservoirs.

Furthermore, additional seismic reinterpretation and reprocessing over the Kunene and Hartman prospects have demonstrated that both these structures can be correlated with the Apto-Albian sediments of the South West African Margin.

The operator and the co-ventures applied extreme effort and dedication to the evaluation of oil and gas in the license block. The site for the Kunene-1 exploratory well was determined on the basis of the reprocessed and reinterpreted 2000 km of 2D seismic and 685 km² of 3D seismic data that was originally acquired by Vanco. The well was spudded in April 2008 and drilled to a total depth of 5052 metres below mean sea level as per the Agreement with the Namibian Government. The Kunene-1 well is the first ever well to be drilled in Block 1711 over the Kunene prospect of the Namibe basin, testing a large 4 way dip structural closure.

The geological analysis of the drilling results, indicate the oil and gas potential of Block 1711 as well as good prospects for the Region as a whole. There were gas shows in the Albanian and Aptian sediments, confirmed by wire-line logging. It was not possible to fully evaluate the hydrocarbon potential of the penetrated section due to operational problems during testing. The reservoir quality of the tested zones was not

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very good, perhaps due to nearby igneous activity. However, seismic interpretation suggests that alteration of the sediments by the igneous activity may be localised to an area near the borehole, and therefore both the tested zones and some untested zones have great potential. PetroAlliance Service Co. of Moscow, a subsidiary of Schlumberger, estimates that the 4,698m – 4,747m interval could contain a potential gas resource of up to 14 trillion cubic feet.

All in all, the Government of the Republic of Namibia is happy to announce that Sintezneftegaz Namibia and its co-ventures have met their minimum work commitments to it under this license under often very difficult conditions. The global financial meltdown of last year negatively affected exploration efforts; however, it is anticipated that exploration activities will continue with the view to establish more accurately the quantities and commerciality of the hydrocarbons in block 1711.

I would like to state that this potentiality is high enough and requires more drilling to find more gas or oil. Thank you very much.

HON DEPUTY SPEAKER: Thank you very much. I now recognise the Honourable Minister of Labour.

MINISTERIAL STATEMENT

HON MINISTER OF LABOUR AND SOCIAL WELFARE: Honourable Deputy Speaker, Honourable Members of the National Assembly, I rise to report to the Honourable Members and the public on the extraordinary outcome of the 98th International Labour Conference which took place in Geneva last month under the auspices of the ILO.

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HON NGATJIZEKO**

A tripartite Namibian delegation attended the conference, consisting of the representatives of Government, specifically the Ministries of Labour and Social Welfare, Gender Equality and Child Welfare as well as Health and Social Services and the Namibian Employers Federation and the National Union of Namibian Workers. I had the honour to lead this delegation.

The 98th International Labour Conference opened at a time when the entire world was reeling from the effects of global economic crisis and when leaders of multilateral institutions, regional organisations and economic blocs, such as G8 and virtually every country, including our own, were urgently formulating crisis responses. The International Labour Conference brought together political leaders, Ministers of Labour, international experts and tripartite Constituencies from 182 Members to assist the current situation and to decide how to address the crisis, the disastrous impact of the crisis on employment, enterprises and social well-being.

Expert panellists offered the following analysis and advice:

- Prolonged increase in unemployment, deepening poverty and inequality are likely for many months to come;
- Recovery of employment would lag several years after economic recovery;
- Developing countries have been suffering from problems of unemployment, poverty and inequality long before the recent crisis, but the crisis has exacerbated these problems and has slowed down growth.
- The crisis has hit hardest among employees in irregular employment in the informal sector and especially among the youth.
- Urgent policies and stimulus measures are required to achieve recovery of employment and worsening poverty while an economic

development strategy that places employment creation at its heart is needed for sustainable recovery and growth;

- Delay in implementation of recovery strategies and programmes will prolong human suffering occasioned by the crisis.

Against this background the Conference discussions culminated in a historic global job summit in which world leaders spoke with passion and determination to chart a new course to overcome the crisis. President Lula Da Silva of Brazil stated the following: “*We cannot go on living with a financial system that creates paper mountains of speculation without creating a single job, without manufacturing a single nail, a single shoe, single shirt or a single tie. We cannot go on ignoring the fact that more than one billion people still face a struggle to eat at least once a day. Now is the time for us all to draw up a new proposal that needs to be heard by the G20, to be heard within each country and to be heard by every political leader. It is unthinkable that we could end the 21st century in the same way that we ended the 20th. If the African continent is the cradle of humanity, there must be something seriously wrong when Africa remains a very poor continent while possessing so much wealth. The economic crisis opens up an enormous perspective in which everything can be discussed by everyone.*”

Similarly President Nicolas Sarkozy of France stated as follows: “*We have seen financial capitalism become unreasonable, respecting no rules. Can we wait until the economic, financial and social and ecological crisis becomes a major political crisis at a global level before we decide to change? Have we not waited long enough to regulate the organisation which alongside the wealth and abundance also creates poverty and frustration? I would also propose a revolution in global governance to ensure that standards existing in international agreements be effectively applied based on the idea that specialised agencies can participate in international disputes, notably trade disputes, on the bases of harmed interest. Let us create new global governance so that the ILO can make its voice heard in the WTO, the IMF and the World Bank. In this way the trade module would no longer prevail over all others. I would like the*

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ILO to make specific proposals to ensure that the promotion of decent work is firmly entrenched in the rules that tomorrow will constitute a global order which is more respecting of human needs.”

Numerous other leaders, including the Presidents of Mozambique and Argentina and Vice-President of South Africa detailed their own countries' experiences in addressing unemployment and poverty as possible components of the crisis response. The following common themes and conclusions emerged from the speeches of the Heads of State:

- The global financial and economic crisis has exposed the failure of the international prescription for development imposed over the last two decades by some of the multilateral institutions and some of the most developed countries;
- Economic growth, as reflected in increased GDP, does not necessarily create employment or alleviate poverty;
- The neo-liberal project of deregulation and promoted economic growth based upon market speculation rather than growth of the real economy almost brought international financial systems to a total collapse;
- Continuation of the old ways of doing business, both at international and national level, cannot produce sustainable recovery or alleviate poverty;
- The active intervention of Government in the economy is required through well-targeted policies and regulations both to stimulate growth and to protect vulnerable persons;
- Countries must formulate paths to recovery and development that are suitable to their own local situations within the framework of global policy coherence and coordination.

The Conference thereupon adopted the landmark Global Jobs Pact as the ILO strategy for employment – centred recovery and development. That is the document that I have just circulated now. The Global Jobs Pact

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seeks to place employment and social well-being at the heart of coordinated multilateral strategies and programmes to bring about economic development.

At the same time the Pact provides practical policy options for crisis responses and longer term economic development at national level together with commitment to mobilise assistance to countries wishing to utilise the Pact. These include, *inter alia*, Government measures to boost employment and effective demand, active labour market policies and support for vulnerable people hit hardest by the crisis, including measures to prevent job losses, supplement income and temporary employment through public works programme, a minimum social protection floor for all, enforcement of minimum wages and labour standards, vocational training and entrepreneurial skills, development linked to employment creation particularly for youth and employees affected by the crisis; measures supporting the development of the informal economy and its transition to the formal sector; measures to enhance the competence and to increase the funding of public employment services and other labour market institutions and support for the growth and the sustainability of small and medium enterprises and macro enterprises, including ensuring access to affordable credit.

To implement the Pact, the Conference calls upon the ILO and other multilateral institutions and donor countries to support developing countries in both short term responses to the crisis and longer-term responses to the crisis and longer-term responses to structural unemployment, under-employment and poverty.

It encourages the international community, including international fiscal institutions, to make available more resources to poor countries; to keep commitments to increase aid to prevent serious setbacks to the Millennium Development Goals and to provide development assistance, including budgetary support, to give basic social protection on a national basis.

Honourable Deputy Speaker, Honourable Members, the Namibian delegation to the International Labour Conference returned home with the determination to utilise the Global Job Pact in order to address and

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effectively the problems of unemployment, under-employment and poverty that we face in Namibia more concretely and to work in a new way. We resolved to strengthen social dialogue among all stakeholders in order to fashion appropriate and sustainable solutions to the crisis and our Nation's economic and social development. To this end, the members of the tripartite delegation have already met to begin the process of implementation. We intend to formulate deliverable plans and achieve measurable results.

This week the Cabinet endorsed the Global Jobs Pact adopted by the International Labour Conference and referred it to the appropriate bodies for consideration and how it can be implemented. This is just the beginning. The Pact calls for a maximum policy coherence and coordination of economic and social strategies at international and national levels. This requires Namibia to take consistent positions when debating economic and social issues at various multilateral fora or institutions of which Namibia is a member, such as the World Trade Organisation, the World Bank and the International Labour Organisation. It also requires maximum coordination among Ministries and State-Owned Enterprises.

At national level the Ministry of Labour and Social Welfare and its social partners, the organisations of the employers and trade unions, are in the process of finalising the Namibia Decent Work Country Programme in cooperation with the ILO which will focus on employment creation in all economic sectors. This will become an important vehicle for the realisation of the objectives offered by the Global Jobs Pact.

However, the duty to place employment and social issues at the heart of planning and policy is not limited to the national level. We call upon all Regional and Local Authorities in formulating policies, programmes and taxation measures to consider their potential impact on the poor and to take affirmative steps to create employment through labour-intensive projects and to contribute to the provision of the basic needs of their constituents.

We also call upon commercial banks and institutions to follow the lead of

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the Bank of Namibia by lowering the interest rates to make credit more affordable to entrepreneurs. I have just distributed the Global Jobs Pact and commend it to you for study and distribution. I thank you very much.

HON DEPUTY SPEAKER: Thank you very much, Honourable Minister. The Secretary will read the First Order of the Day.

**COMMITTEE STAGE:
COMMUNICATIONS BILL**

SECRETARY: Committee Stage – *Communications Bill*.

HON DEPUTY SPEAKER: Does the Honourable Minister of Information and Communication Technology move that the Assembly now goes into the Committee Stage?

HON MINISTER OF INFORMATION AND COMMUNICATION TECHNOLOGY: Honourable Deputy Speaker, I wish to request the indulgence of the House to allow the Communications Bill to stand over until tomorrow in order to finalise the Amendments as proposed in my reply.

HON DEPUTY SPEAKER: Any objection? The Committee Stage stands over until tomorrow. The Secretary will read the Second Order of the Day.

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**COMMITTEE STAGE:
ELECTORAL AMENDMENT BILL**

SECRETARY: Committee Stage – *Electoral Amendment Bill.*

HON DEPUTY SPEAKER: Does the Honourable Minister of Regional and Local Government, Housing and Rural Development move that the Assembly now goes into Committee?

**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,
HOUSING AND RURAL DEVELOPMENT:** I so Move.

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 Committees to take the Chair. Honourable Peya Mushelenga.

ASSEMBLY IN COMMITTEE:

**HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE
COMMITTEE:** The Committee has to consider the *Electoral Amendment Bill.*

Clause 1 put.

HON T GURIRAB: Honourable Chairperson of the Whole House Committee, I just want to make sure that this is the Clause dealing with definitions. If so, under (e), temporary registration points it says it means,

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“a temporary registration point referred to in Section 13(a) of the Amendment Bill.” The issue I want to raise is whether these temporary registration points dealt with under Section 13(a) will only be on land or also at sea. That is really my problem because Namibians are at sea while we are only providing for those Namibians who are on land outside Namibia. That is my first issue.

Then Honourable Deputy Chairperson, under (g)(a) it deals with registration cards and it says a person with such a card is entitled and qualified. I thought “qualified” here is unnecessary and superfluous because you would only be entitled to if you are qualified. Those are my two observations and I thank you.

HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE

COMMITTEE: Does the Honourable Minister wish to respond to the questions?

**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,
HOUSING AND RURAL DEVELOPMENT:** Comrade Deputy Chair, the ships at sea are mobile and currently only those on land will be entitled to vote.

With regard to the second question, a person might be entitled but not qualified. Thank you.

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

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HON DR A IYAMBO / HON NUJOMA**

HON T GURIRAB: I do not know whether this is semantics, but I thought the criteria for entitlement are things like being a Namibian with the required documentation as specified and required age. If you have all those things then you will be entitled to vote, but I will not push it as maybe it is semantics.

HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Any further discussion? Honourable Abraham Iyambo.

HON MINISTER OF FISHERIES AND MARINE RESOURCES: Honourable Chairperson, I also raised the same point as Honourable Gurirab. Yes, people are voting on land, but if there are no provisions for those working at sea either to come fourteen days in advance, these people in their thousands will not vote. It has happened to them in the past and they have been asking the Minister of Fisheries to call back the vessels, but I cannot do that. If there could be a certain rule or gentleman's agreement to recall them, fine, otherwise thousands of Namibians will not be able to vote.

HON DEPUTY MINISTER OF JUSTICE: Comrade Deputy Chairperson, I am of the opinion that the Industry must organise itself to such an extent that it will be able to provide those who want to participate in this important election to be able to be available either fourteen days in advance or even during that time. We proposed two days of voting and it is just for them to make arrangements. The fish will not be depleted, the fish will always be there and they can come and participate in the election. It is important that they should take part.

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HON IILONGA / HON KAZENAMBO**

HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Thank you. Honourable Peter Iilonga.

HON DEPUTY MINISTER OF LABOUR AND SOCIAL WELFARE: Honourable Chair, I think the concern is very valid. One only has to find out whether there is a Clause under the principal Act to compel the industry to let these people vote, because they will deliberately not let these people vote. If the principal Act has a Clause which deals with regulations, then a regulation can be made which compels the companies to bring the sea-going employees to come and cast their votes and exercise their democratic right. That is my contribution on that one.

HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Honourable Kazenambo.

HON DEPUTY MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: Thank you very much. This is a serious issue and when Honourable Gurirab was speaking I thought he was just politicking, but it has to do with the rights of the workers that needs to be looked into seriously and accommodated somewhere because the Minister of Fisheries has said it is a concern. Just as we have accommodated the Political Parties, this one has to do with the workers' rights and it is a serious issue because we know how some companies in this country operate and if they are given an opportunity, they will deny the workers the right to participate in the election. Please, Honourable Prime Minister and other senior leaders, this is a serious issue and I join Honourable Gurirab and the previous speaker in saying this one honestly needs to be accommodated somehow.

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HON IIPINGE / HON EKANDJO**

HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Honourable Iipinge.

HON IIPINGE: Thank you, Honourable Chair. I think Honourable Kazenambo took my points and I want to support what he has said, that this is a serious issue.

HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Honourable Minister.

**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,
HOUSING AND RURAL DEVELOPMENT:** Honourable Chairperson, at this stage we can get an Amendment from the National Council so that we compel the employer to let the employees vote. We are going to complete the Committee Stage today, so let the National Council introduce an Amendment which will compel those at sea to ensure that the majority of the workers vote. It is one of the positive contributions Honourable Gurirab has thus far made in this House. The National Council can bring an Amendment and we will accept the Amendment. In the meantime we will also make a regulation to compel the employers, but a regulation alone will not suffice and an Amendment should come from the National Council.

HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Does the Honourable Minister not consider that for now we leave Clause 1 and proceed with the other clauses and then effect an Amendment on Clause 1 for tomorrow? We leave Clause 1 and we proceed with the next Clauses and we will ask the Minister to effect the Amendment for tomorrow.

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HON T GURIRAB / HON EKANDJO**

Clause 1 deferred.

Clause 2 put.

HON T GURIRAB: Honourable Chairperson, Clause 2 extends the right to Political Parties and NGOs to conduct voter education. I was a bit concerned by the language in this Clause. It says the Electoral Commission has direct control to promote voter education in respect of elections. In terms of the substantive Amendment we are making, we are saying NGOs should do it and what we want to do is to extend the ambit of the State to directly control that none State entities are allowed in this area.

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

HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: Comrade Chairperson, here we are dealing with Political Parties to conduct voters' education. This Bill is meant for Political Parties for them to conduct voters' education.

HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Any further discussion? Honourable Tsudao Gurirab.

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HON T GURIRAB: I wish to refer the Honourable Minister to page 13, Clause 12. It reads: “*Any natural juristic person other than a registered Political Party*” So, it is not only Political Parties but it will be all other. It says, “*any natural juristic person*”, like a church if it wants to do it in terms of what is empowered by this instrument, it can do so. It is not only Political Parties.

**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,
HOUSING AND RURAL DEVELOPMENT:** It says, “*any natural or juristic person other than a registered Political Party may apply to the Commission in the prescribed manner.*” If that is the case, why do you then ask the question? If it already says, “*any other*”, why ask the question if they are already included?

HON T GURIRAB: On the definition on page 4, I am asking whether it is the intent of the Government to direct and control? Is it the intent of the Government that the Electoral Commission directs and controls education activities of my church organisation in Usakos? I think the purpose of this Clause was to give my church organisation in Usakos to carry out voter education. Is the intent to direct and control them?

HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Honourable Members, I thought what the Honourable Minister has said is that this particular definition deals with the activities related to the election of the Electoral Commission, that it has a duty to direct, control and promote voters’ education without excluding other stakeholders to conduct voters’ education. If there is a voters’ education to be conducted, it should be within the norms, procedures, standards and customs of elections, because if there are other stakeholders conducting voters’ education, it should conform with the customs and norms of elections. Any further discussion?

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RT HON PRIME MINISTER: You have partially answered Honourable Tsudao Gurirab. You know that voters' education is the very start of elections, there must be some control somewhere. Otherwise I will conduct voters' education on the basis of negative campaigning and that would distort the whole process of elections. The Electoral Commission must have control. In any case, these people must have some kind of authority to do so, you cannot just stand up in the street and say, "*come for voters' education*" without being registered somewhere. You must be registered so that if you say things there which are not according to the expectations, you should be able to account for that. I think this is just a control mechanism to make sure that there is order.

HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Honourable Dr Nicky Iyambo.

HON MINISTER OF SAFETY AND SECURITY: Thank you very much, Honourable Chairperson. I think since Honourable Tsudao mentioned the church, there is information that some of the churches tell their members not to vote and we do not want that. Therefore, what has been clarified by the Honourable Chair and by the Right Honourable Prime Minister is quite in order. We already had those incidents.

HON T GURIRAB: Honourable Chairperson, in some jurisdictions in some countries voting is compulsory by law. I do not think and nowhere in this Amendment Bill is there any intention to make voting compulsory by law in our country. I have not read that here. Therefore, if a church organisation or whoever chooses not to vote or discourage people from voting, so be it, that is there right. But that is not what I am about. All I am saying is, anybody can choose not to participate in elections in our country. Anybody organisation can choose to discourage people from voting, because it is not compulsory by law, but that is not what I am

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talking about. I am not talking of people being discouraged what I am saying is that it will be perfectly within the laws of our country if they do so, but let me go back to voters' education.

Honourable Deputy Chairperson, my point was on voters' education and we want NGOs to do voters' education, but what we are saying here is that we want to control what they are doing. I wish to state from our side that we think this provision limits the rights of Namibians to educate each other.

HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE

COMMITTEE: Honourable Members, we are all mature lawmakers and I appeal to you not to bring into the Act what is not the intention of this Act. There is no intention to make voting compulsory. What has been explained here is that during elections Political Parties have a code of conduct for elections and when they campaign, they must say things that are appropriate. It is the same with those who are conducting voters' education. Inasmuch as they are not Political Parties, the language they are using in voters' education must be in conformity with the accepted norms, standards and customs of elections universally. This is what the intention is. Any further discussion?

HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,

HOUSING AND RURAL DEVELOPMENT: Comrade Chair, two or three months ago I attended a meeting at State House where there was a delegation of church leaders and they did not come there as members of the CCN. They were talking about free and fair elections, tolerance, etcetera and then one delegate said he is going to start educating the people in his church on all the Political Parties' manifestos. Then I told him I do not think it is proper, because if you explain the SWAPO Party Manifesto and you are not a member of SWAPO and you explain it in a wrong way, you may find that the people may say, "*Pastor, you are wrong, do not involve yourself in translating the manifestos of all the*

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Political Parties, you will just confuse the people.”

As Honourable Mushelenga has said, we have churches in neighbouring countries which tell the people not to vote. We also have churches here in Namibia who have destroyed marriages and they will come and say do not vote. It must be controlled so that there is law and order. Thank you.

HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Any objection to Clause 2?

Clause 2 agreed to.

Clause 3 put.

HON T GURIRAB: There is no law which says all Namibians must vote and I think we are off tangent. However, the use of the word “Regions” here in the new 13(b)(i) is another point I just want to be sure about, that the Region used here means one of the thirteen regions. I just want to be sure.

HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: Clause 13(b) says: “*The Commission shall appoint in respect of each Region a person to act as a coordinator.*” Honourable Gurirab wants to know whether the Regions referred to here are the 13 political Regions. Do we have other Regions than the 13 Regions? If I say I come from a Constituency or a Region, must one again explain which regions except the ones we have already? It is already clear which Regions we are talking about, we have 13 Regions. I do not have other Regions than the 13 we have.

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HON T GURIRAB: Honourable Deputy Chair, for electoral purposes we are creating regions outside the country with this law.

HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Any objection?

Clause 3 agreed to.

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

Clauses 4 to 9 put and agreed to.

Clause 10 put.

**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,
HOUSING AND RURAL DEVELOPMENT:** I Move that in Clause 10:

- (a) In Sub-clause (a), delete the words “*at the cost of the applicant*” in the introductory sentence of Paragraph (a) of Sub-section (4)(a); and
 - (b) In Sub-clause (b) delete the words “*and at the cost of that registered Political Party*” in Sub-section (5).
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HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE

COMMITTEE: Will the Honourable Minister please table the Amendment?

Amendment put.

HON DEPUTY MINISTER OF LABOUR AND SOCIAL

WELFARE: Comrade Deputy Chairperson, if one compares this Amendment, this draft was good for that particular Party, because it is not yet official. For example, if I want to change my name, the Ministry of Home Affairs and Immigration will not pay to publish my intention to change my name. I will pay for it to be published in 7 newspapers and I keep those copies and wait for an objection and only after there has been no objection, the Ministry will approve my new name.

However, I would have said the Director shall, prior to the registration of the Political Party, request that Political Party to publish those names in the different newspapers for scrutiny and thereafter the Director can gazette the official names because they have met the requirements. What happens if they fail to meet the requirements? Then the Government has just wasted money. It was only that it was not well discussed and I just wanted to make my point that they have to prove that they have those members and not later to blame the Director that maybe some of the names were left out or others have been inserted. I rest my case.

HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE

COMMITTEE: Honourable Katali.

HON DEPUTY MINISTER OF AGRICULTURE, WATER AND

FORESTRY: Thank you, Comrade Deputy Chairperson. I rise in support of the Amendment on the Table, simply because I understand that the list is submitted to the Electoral Commission and, therefore, it will not be proper for the Party to again take responsibility for the names after they

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have been submitted to the Electoral Commission. Therefore, that becomes the property of the Electoral Commission and the Electoral Commission will then have to publicise these names and anybody who finds that his name was wrongly put on the list, will not necessarily go to the Party, but will complain to the Electoral Commission which has the publicised list. It will then be for the Electoral Commission to go to the Party that has submitted the names to them. Therefore, I am in agreement and in support of the Amendment. I thank you.

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

Clause 10 agreed to.

Clauses 11 to 12 put and agreed to.

Clause 13 put.

HON T GURIRAB: If the issue about Namibians at sea is favourably considered, then we need to make a corresponding Amendment to this Clause as well.

HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Any further discussion? We leave Clause 13 for consideration tomorrow.

Clause 13 deferred.

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HON DIENDA**

Clauses 14 to 16 put and agreed to.

Clause 17 put.

HON DIENDA: Honourable Deputy Chairperson, mine is actually not that I want to say anything on Clause 59, but I want to make an Amendment to the principal Act by adding the following: “*at least 30% names of female persons as candidates in respect of such elections and the nomination of candidates for National Assembly elections.*”

Another Amendment on nomination of candidates for National Assembly elections is “*as an independent candidate whose nomination is supported by at least 300 registered voters from each of the 13 Regions in Namibia.*” Those are my two Amendments.

HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:

Any secondment? We are currently dealing with the amended version of the principal Act and the Honourable Member is Out of Order. I ruled the Amendment Out of Order, because we cannot change the principal Act, we can only amend the Amendment Bill we are busy with now.

HON DIENDA: I want to I put my Amendments then, because elections are coming and it will not come back.

HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:

I think the Honourable Members is very much aware of the legislative procedures. If they want to effect Amendments to a particular Act, there are laid-down procedures in terms of our Constitution and Standing Rules and Orders and that is the route to be followed.

Clauses 16 to 25 put and agreed to.

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HON DIENDA**

Clause 26 put.

HON T GURIRAB: Honourable Chairperson, in Clause 26 on page 25, the last but one sentence where it says “any candidates who are present”, I want to know whether it is necessary that it needs to be candidates. Could it not also be a representative? The issue I am raising is whether an Amendment cannot be effected to that part to read: “*any candidates or their representatives*” in the event that the candidate cannot be present.

HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE Any further discussion? Honourable Minister? Any objection to Clause 26?

Clause 26 agreed to.

Clauses 27 to 37 put and agreed to.

ASSEMBLY RESUMED:

Progress reported and leave granted to sit again.

RESUMPTION OF DEBATE: MOTION ON STATE OF HOUSING IN INFORMAL SETTLEMENTS

SECRETARY: Resumption of the Debate on State of Housing in Informal Settlements in the Country.

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**MOTION ON FOOD SECURITY
HON DR KAMWI**

HON DEPUTY SPEAKER: When this Debate was adjourned on Thursday, 16 July 2009, the Question before the Assembly was a Motion by Honourable Tjihiuko. The Debate was concluded and I now put the Question that the Amendment that the Motion be referred to a Committee be adopted. Any objection? Amendment adopted. I now put the Question that the Motion be referred to the relevant Parliamentary Standing Committee. Any objection? Agreed to. The Motion stands referred to the Committee. The Secretary will read the Fourth Order of the Day.

**RESUMPTION OF DEBATE: MOTION ON FOOD SECURITY
FOR PEOPLE ON ARV-TREATMENT**

SECRETARY: Resumption of the Debate on Food Security for People on ARV-treatment in Government Health Centres.

HON DEPUTY SPEAKER: When this Debate was adjourned on Thursday, 16 April 2009, the Question before the Assembly was a Motion by Honourable Dienda. The Honourable Deputy Minister of Health and Social Services adjourned the Debate on behalf of the Minister and he now has the Floor.

HON MINISTER OF HEALTH AND SOCIAL SERVICES: Honourable Deputy Speaker, Honourable Members, I rise to make a contribution to this long overdue Motion. Honourable Elma Dienda gave us food for thought relating to people living with HIV/AIDS who are on Anti-RetroViral treatment in public health facilities and their access to food of nutritional value.

The Motion also touched on other related issues, such as donor funding

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HON DR KAMWI**

and the Global Fund grants and how much of it goes to people living with HIV/AIDS, including the relationship between food insecurity, poverty and ability of people living with HIV/AIDS to raise funds for AIDS treatment. We were also provided with some statistics and that I will address towards the end of my contribution.

Honourable Deputy Speaker, I appreciate with thanks Honourable Dienda's motivation for the idea of bringing food insecurity to the Table for discussion at the level of Parliament. However, there is a need to address the factors related to the issues raised within the appropriate context and perspectives to avoid being misguided by less relevant questions to the risk of losing focus and pertinence.

While appreciating the level of Debate, I must admit there was little contribution made as a contribution to finding solutions to the question. Most of the premises raised in the Motion do not bear direct correlation to the questions of people living with HIV/AIDS and anti-retroviral services and food insecurity. Food production and its security is a national cross-cutting issue and the Motion did not seem to present it as such. The Motion did not dwell substantially on what the Parliament and other sectors can do to alleviate the problems of food production and its security, an area where they have a much greater role to play, even more than the Ministry of Health and Social Services.

The Motion highlighted the fact that only 4% of Global Fund grants go to people living with HIV/AIDS. Allow me to state that these resources are meant for psycho-social support interventions being implemented by two civil society organisations. It does not include other funding for ART-treatment and home-based care interventions. Therefore, it is not correct to lump figures as indicated without taking cognisance of the bigger picture.

Most interventions in the national response tend to build up to provide support to people living with HIV/AIDS. Thus, focus should not only be to address only the 4% that goes directly to people living with HIV/AIDS, but add up all the resources that are distributed to the other relevant parties and stakeholders in the fight against HIV/AIDS and which directly

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contribute to improving the lives of the people living with HIV/AIDS.

Honourable Deputy Speaker, of the total amount of US\$104,211,000 under the Global Fund budget for HIV/AIDS Round 2, Phase 2 had the following allocation:

1. 26% was allocated to human resources, constituting salaries, incentives for medical personnel and support staff for the HIV-programme;
2. 2% for technical assistance that is cost related to consultancy fees;
3. 10% for training of health professionals;
4. 13% for health products and health equipment, constituting procurement of condoms, home-based care kits, microscopes, HIV-laboratory tests, etcetera;
5. 24% for medicines and pharmaceutical products for ARV-medicines;
6. 9% for infrastructure and other equipment, constituting renovation for ARV-facilities, epidemic response vehicles, etcetera;
7. 3% for communication materials, constituting mass media campaigns;
8. 4% for monitoring and evaluation for surveys, research and routine programme evaluation;
9. 2% for the living support to clients for target populations related to psycho-social support for people living with HIV; and
10. 6% for other costs related to planning and administration with overheads.

Therefore, the above Budget components contribute to the treatment, care

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and support services of people living with HIV/AIDS. Even if we were to agree that some of the funds go to prevention, until very recently the national response was more focused on care and treatment than on prevention.

It is all well-known that the support required for people living with HIV/AIDS and reducing the impact of HIV/AIDS does not require their having to directly receive funds. People living with HIV/AIDS are involved in policy formulation, implementation and advocacy. Under treatment and care they play key roles in adherence to support, implementation of community home-based care and in prevention. They play lead roles in the implementation of interventions on prevention. In these various roles, people living with HIV/AIDS require skills and capacity-building which may not translate always into money directly placed in their hands. Their capacity is being built to empower them to lead healthy lives and contribute to the fight against HIV/AIDS.

Honourable Deputy Speaker, Honourable Members, let me take on the issue of food insecurity. This as I said earlier on, is a multi-disciplinary and complex matter that requires the efforts of many stakeholders outside the health sector. For example, the Office of the Prime Minister and the Regional Councils are in the overall coordination of food security related issues and poverty reduction at large in the country. The food supply to communities in the then flood-stricken areas is one such good example.

The people living with HIV-infection who are on ART benefited from the consignment received from the Office of the Prime Minister through the Emergency Management Unit. The Ministry of Defence, on the other hand, through its Air Force Wing, had done a brilliant job by airlifting the medicines, including ART drugs, to about 27 Clinics which were surrounded by water and airlifted patients on death row at the time.

The Ministry of Agriculture, Water and Forestry is primarily focusing on food production and how to ensure that food is available and affordable and “*food*” here refers to food of nutritional value. There is a need for production of food of nutritional value, such as spinach and garlic, amongst others. People in general and, indeed, the people living with

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HIV/AIDS themselves need to be encouraged to engage in gardening for production of vegetables in order to empower themselves. This is one area where I would have expected Honourable Dienda and so many of us to be more useful.

The Ministry of Fisheries and Marine Resources is focusing on food production by providing fish for high proteins, which is one of the major components of food for people living with HIV/AIDS. People living with HIV/AIDS are also beneficiaries in this regard.

The Parliament, on the other hand, has a duty to enact laws, review and amend those laws which seem to be discriminatory against people living with HIV/AIDS. Meanwhile, the Ministry of Health and Social Services' role is to identify and medically treat those infected with HIV/AIDS and other patients with compromised nutrition status and refer them to relevant sectors dealing with food supply and social support. These are some of the things that the Motion should have addressed to be able to alleviate some of the challenges faced by the people living with HIV/AIDS.

Honourable Deputy Speaker, I am proud to say that Namibia provides free ARV-treatment to people living with HIV/AIDS. By contrast some countries do not and Namibia has a policy in place that does not allow patients to be turned back from treatment under any circumstances. In light of this, the Ministry has made it a priority to provide universal access to people living with HIV/AIDS.

Honourable Deputy Speaker, Honourable Members, let me make reference to some of the statistics presented. The current available statistics from December 2008 to March 2009 put the number of people on ARV-treatment at approximately 76,629, of which 64,629 are being provided by the public sector and 12,000 the private sector. The estimated number of people in need of ART is 88,800, which represents coverage of 73%.

Namibia's HIV prevalence for adults stands at 17,8% based on a centennial surveillance using antenatal clinic attendance. That is the reference 2008, November.

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By contrast, the prevalence of 15,3% quoted in the Motion is based on a epidemiolgical module. Therefore, I wish to advise Honourable Members to consult the Ministry of Health and Social Services for relevant statistical data regarding HIV/AIDS in this country. We are the custodians on the subject and are transparent to share the data.

Honourable Deputy Speaker, Honourable Members, finally, I am pleased to inform Honourable Members that according to country performance rates, measured by HIV/AIDS epidemiological and funding data, Namibia is one of the leading countries regarding treatment, care and support for people living with HIV/AIDS in sub-Saharan Africa. This, however, does not remove the fact that we still have a lot of work to do as a country and I believe, together we will make a difference. Thank you very much.

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

HON DEPUTY MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT:
Thank you very much. It is a pity that I am speaking after my brother and

I do not want to dilute his very eloquent and academic thoughts and contribution in any way, but our experience on the ground sometimes goes against Government policies and programmes, because there are human beings involved other than the technical aspects which the Minister eloquently put in place.

Food security *vis-à-vis* the affected human beings on the ground, sometimes in this beautiful country of ours we put sound economic policies in place, but in some areas we are weak in realising the marketing aspects that are considered in marketing products. Even if I have to market this jacket, its colour might deter people from buying it. It has been proven by market research and I am raising this because sometimes

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the type of food provided by catering companies or whoever is responsible, does not appreciate the diet of those affected. Some people do not eat certain foods based on their cultural values and it is a reality and those stakeholders which the Minister has mentioned should take this into consideration.

If we were to call a spade a spade, there are some rural areas where people have food in their silos and I am telling you, if those people should come to a school or clinic somewhere, that will not be considered as food because it does not meet certain standards. It is a reality that if I take the dried fish, which I have eaten since I was young, to a clinic somewhere, it will be rejected as food. It is a reality outside there that there are people who have food in their silos, but because it is African food produced in the fields, it cannot be considered as food. It is about time that we determine who defines food for whom, because sometimes you find people going hungry while the food is there. It is a psychology of poverty that food is the food which comes from Woermann Brock and Shoprite which was produced in Cape Town. We must liberate ourselves from poverty.

Who are the real stakeholders in food distribution? They are normal catering companies which are subjected to tender regulations, but if we have to address this issue of food in our schools and hospitals, let us also encourage every producer who has a small garden to take food to Katutura Hospital for it to be considered as food. If it is biltong not produced by Meatco or Closwa, but produced by myself, I do not think it will pass the standards of any hospital in this country. How are we addressing poverty? These factors need to be taken into consideration and I am glad that the Minister mentioned food production and other players.

Before I sit down I want to mention the linkages between our various players. (Intervention)

HON KAURA: May I ask the Honourable Deputy Minister a question? Honourable Deputy Minister, I just want to find out, if I do not eat mahangu, is that a poverty mentality or is it a question of me not being used to that type of diet?

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HON DEPUTY MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: If I do not eat mahangu, it is not a question of poverty mentality, it is a question of what I said about marketing. Because I was not brought up with mahangu but with *omahere*, therefore the catering company should appreciate my culture. If I do not eat macaroni, if I do not eat spaghetti or rice, it does not mean that I am not civilised. However, as long as we have the restriction of SABS standards in this country, you are stuck with that food because the catering company does not appreciate that in my culture I was not brought up with mahangu or *omahere*. This is a vast country with cultural diversity which also includes food consumption.

In the Arab world in the Middle East and even in India you must respect their diet, that they are vegetarians and therefore, if you are talking about the meaning of food, you must also appreciate the food of those people.

You may have people with HIV whom you think you are providing with food, but what they regard as food in their villages is something different from what you are providing them and I am saying that the very food which is in those areas should find its way to our health centres and shops.

We encourage people to produce in their gardens, but when they produce what they eat in their gardens, it does not meet the standards required in what we describe as food.

In the area of Gam there is a big abandoned garden and some youth have organised themselves to reactivate that garden, but let us call a spade a spade, sometimes our monitoring mechanisms from both the Government and community level encourages laziness, it encourages lack of production. It defeats the purpose. How does it happen? You will find the agricultural extension officers deployed in the areas have become their own bosses, they are their own Ministers, because they have become Chiefs in those areas and the very same community which is suffering is protecting those agricultural extension officers. This also goes for health and education officers and even some Regional Councillors. Let us face that even some Ministers become kings on our own.

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You find that during the rainy season nobody knows the procedures to get access to the tractor. The tractor is there but I am telling you, to get that tractor on the fields is just like going to Heaven, it is difficult. The agriculture extension officer has no respect and due regard for anybody and it defeats food production, let alone to have access to markets.

Therefore, as we are approaching the rainy season, let us mobilise our resources and our equipment to the betterment of food production and let us open our markets so that our villages in the rural areas can produce food that could be consumed in our hospitals, clinics and schools. I rest my case.

HON DEPUTY SPEAKER: Thank you very much. I recognise Honourable Ithana.

HON MINISTER OF JUSTICE: Thank you, Comrade Deputy Speaker. I did not intend to participate in this Debate, but listening to the Honourable Minister of Health and Social Services, I felt I must make a small contribution.

Comrade Deputy Speaker, we are all Namibians, we are all one way or the other affected by the disease, HIV, either ourselves, our relatives, or our neighbours. Therefore, nobody can claim to have more sympathy towards people with HIV than others. This Government, the SWAPO Party Government, the South West Africa Peoples Organisation has been, it is and will continue to be a pro-poor, pro-people Government. Programmes have been put in place to help all those who come forward to be put on ART and there are many, the Minister enumerated the numbers. Currently when you walk in our streets, honestly, it will be difficult to see somebody looking strange, but a few years ago you could literally see that this brother or sister looks ill. Now everybody looks healthy. Maybe there are those who still do not want to be seen by doctors at the hospital and they are hiding and we are telling them, brothers and sisters, this is no longer a killer disease, this is no longer what it used to be, come out and get help,

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help in terms of medication and in terms of other support services. That is the reality.

Therefore, I feel it is not fair that we move Motions of this type to denigrate, to pit people against each other: SWAPO does not care properly, that is why there is a problem with feeding people with the disease. This is not true. We should not put ourselves down where we are making progress but rather pat each other on the back and express our thanks here that we are making progress. Give the devil its due, praise him. If he is not doing fine, tell the devil he is not doing fine.

The other day the Vice-President of the Ruling Party took time just to tell us as Namibians to be careful as to what we say, because what we say here does not end here, it goes out. The world has come out to support us, because we have not made our position a secret. We said we are affected by the disease and many organisations have come forward and offered assistance. Personnel are here from the Catholic Aids Action and others and they are helping us. If we cry here in Parliament as if nothing is happening, what is it that we are looking for?

The mentality of *autere* – Dr Amathila likes to use that expression and it took some time for me to come to understand what it means although I do not know how to pronounce it – this mentality of us for ever begging. Even when we are being given, we do not say how to say thank you, it is ever, “*give me some more, give me.*”

In many areas the people living with HIV have taken it upon themselves to grow vegetables to boost their health system. They are doing it themselves. Let us encourage them. Some of them are young, so let us encourage them to produce their own food other than to speak for them, “*give them, give them.*” What spirit is that? (Intervention)

HON KAURA: Will the Honourable Member accept a question? Honourable Minister, in view of the fact that water is so expensive in rural areas as well as in towns, how can you have a vegetable garden without

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water? Water is so expensive and the price is increasing not only through NamWater in rural areas, but even in the City of Windhoek it is becoming unaffordable. How can you have a vegetable garden with such expensive water?

HON MINISTER OF JUSTICE: Yes, it is true, water has become expensive, but are we going to ask those who are doing it already how they are managing? When you visit the homes of many of us, we do not grow vegetables, but lawns. We are watering our lawns almost every day. (Intervention)

HON DEPUTY MINISTER OF AGRICULTURE, WATER AND FORESTRY: May I ask the Honourable Minister a question? Honourable Ithana, is it not advisable for us to compare the prices of food that we are buying from the shops with the price of water and to put up our own gardens? I think it is cheaper to pay for the water and grow your own food rather than going to the shop and buy food which was produced by somebody who used his own water and made the food deliberately expensive. I do not think we should say it is because the water is expensive, maybe it is just because we are not ready to do the right thing.

HON KAURA: On a Point of Information. When you cultivate something and you spend money on it, it does not grow the next day, you will have to wait for three or four months before you can reap the fruits. If you spend money on water, what are you going to eat in the following three months?

HON MINISTER OF JUSTICE: Comrade Deputy Speaker, I grew up in the rural area and during my childhood, until I left this country, I hardly ever saw my mother or my father going to the shops for food, except for our clothes. Food was produced, whether mahangu, the staple food, the protein, the meat, the oils, name it, it was produced from home. Many of us have that background. However, I think we have adopted a mentality

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that says that to work on the land is primitive. Development is when you are seen pushing a trolley full of all kinds of stuff and the system here encouraged that mentality, let us face it.

My husband used to tell me that around Okahandja people used to have creameries and produced butter, cream and cheese and it was all killed for us to receive processed stuff from South Africa and to become “*Outere*” properly. (Intervention)

HON MOONGO: On a Point of Information. The Minister is mentioning a very good point, but does the Minister realise that that our current generation cannot produce oil, they are not interested, they are too modernised. Do you think in these modern times they can do these things?

HON MINISTER OF JUSTICE: That is precisely what I am saying. We are made to understand development differently and we in the leadership positions should start speaking a different language for people to emulate and follow what we are advocating. If we come here and advocate *autere*, what do you expect ordinary people to do? If our language is to tell people that we must be given, we must be provided for as if we are children, because water is expensive.

This year there was a lot of water and the pools of water are still everywhere. Natural water is still available, but my people, the Oshiwambo-speaking believe they should work in the garden when the rain is pouring from above and these pools of water are for the cattle only. Really, Comrade Minister of Agriculture, today I was talking about the content of our radio service, just addressing... (Intervention)

HON KAURA: There is plenty of water in pools, well and good, but to transport that water to the garden would require capital, would require machines and pipes and would require diesel to pump that water to the

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area where you are going to irrigate. You can no longer use a bucket, you cannot transport it to donkeys to irrigate your garden to raise those crops, you need capital investment to do that effectively. If you do not have that, how are you going to transport that water?

HON MINISTER OF JUSTICE: Comrade Your Excellency Kaura, with that attitude you cannot become the President of this country, otherwise everybody else is going to become *autere*. (Intervention)

HON MINISTER OF VETERANS AFFAIRS: May I ask a question? You are touching very important issues and you mentioned creameries that your late husband has talked about. Are you aware that in this country we were making our own butter in Gobabis and Kalkfeld. Those were flourishing towns because of those industries. At every station from the South to the North the farmers used to bring containers of cream and they were taken to these creameries and we were self-sufficient in butter. Now what happened to that? Now we are bringing butter from Cape Town and New Zealand while we have cattle here.

HON MINISTER OF JUSTICE: Comrade Minister, I do not know much of what had happened here, but I know just the tip of the iceberg. That is precisely why I am saying that although we want to believe we have defeated the system of colonialism, it is still here. We are still colonised. We want to think in terms of money, everything is money, but let me tell you, Honourable Kaura, for a vegetable garden with five bunches of spinach you need one bucket of water per week. I can assure you, you family will not be able to deplete that spinach, because when you take off the leaves, the following week the other leaves are there. (Intervention)

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HON DIENDA: May I ask the Honourable Minister a question, please? Honourable Deputy Speaker, I am on the point of *autere*. Honourable Minister, the Prime Minister submitted a detailed report regarding the spending of the Emergency Unit and N\$300,000 were spent on funerals for Ministers who can afford funeral policies. What do you call that? When we are talking about the less privileged of this country, those people who are unemployed, those people who became HIV/AIDS positive not because of their own fault and they cannot work, they cannot sustain themselves, now we are calling it *autere*. What is *autere* and what is not *autere*? Is it not *autere* when we are paying N\$300,000 for funerals with taxpayers' money and then we are saying the others are just *autere*?

HON MINISTER OF JUSTICE: I lost the question of my sister there.

HON DEPUTY SPEAKER: The question is that the Prime Minister tabled a report here about N\$300 000 were spent on Ministers' funerals and those people are not getting that money.

HON MINISTER OF JUSTICE: Comrade Deputy Speaker, I missed the revelation by the Right Honourable Prime Minister, I do not know in which context that revelation was made, I do not know how many Ministers have died here and truly, I do not want to indulge in that. What I was talking about, I am not saying the people with HIV are the ones who are begging, I did not say that, I am saying our language here as leaders is driving us towards *autere*, that people must be given. Let us examine our language and what we say to our people, to encourage them to produce their own vegetables, like those who already have gardens, for their own consumption and for selling. (Intervention)

HON MINISTER OF SAFETY AND SECURITY: On a Point of Information. The Honourable Minister said we should make a point of

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producing our own vegetables and then Honourable Kaura was saying water is expensive. There is an inexpensive system which is very effective, particularly when it comes to vegetables and that is the hydroponics system of producing vegetables where you do not use soil and I think the Honourable Minister of Agriculture and the Deputy could assist whoever wants to be assisted in that endeavour – very cheap and quite reliable. You do not need soil, you do not need to water it. It is very effective and it can be done. The information is available.

HON MINISTER OF JUSTICE: Comrade Deputy Speaker, what I am trying to do in this Debate is to appeal to us as leaders to take cognisance of the fact that what we say has an impact on the people we are leading. I knew that the Parliamentary Report is such a popular programme nowadays on television until somebody told me. Imagine when we are here and say things and our people say, “but are these our leaders?” Let us encourage our people even when they are poor and struggling. We should not be the ones to insist that they are poor, they must be given, they cannot do this and that. No leader speaks like that. Let us encourage them to try and do something and let us help those who are trying.

Therefore, I do not appreciate this Motion. It is out of place. We heard in the speech of the Honourable Minister that a lot is being done, so let us encourage the Minister and his staff to reach out to those they have not reached and tell those living with HIV/AIDS that the disease is no longer a killer disease. They should not sit at home and wait to be given because they are HIV/AIDS positive. There is help, let those who are not sick...

HON DEPUTY MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: May I ask the Honourable Minister a question? Comrade, when you travel to some countries with your biltong, it must be vacuum packed. Even our vegetables from Etunda must go to Cape Town and then be remarketed in Shoprite. How do we address this issue? With regard to the cream that used to be produced here, how do we encourage its reintroduction?

HON MINISTER OF JUSTICE: Comrade Kazenambo, if we have so much time to engage in Debates, talking about things that already happened. These are some of the areas where we could debate particularly those issues, because this is life and death of our Nation. Our creameries are closed and we must import butter from Australia and New Zealand, yet we had those enterprises here. (Intervention)

HON KAURA: The reason why we are having a controversy over EPA is because of inequality in trade. European, Australian and New Zealand products are so heavily subsidised, to the point that even if you produce butter here in Namibia, nobody will buy it. The people will buy the cheaper butter which is highly subsidised from Australia and New Zealand and that is why our own people cannot produce butter here in Namibia because nobody will buy it, it will be too expensive. These are the reasons why we are having a controversy over EPA in Namibia today and this is a very serious issue. Let us not just shove it away as if we are lazy or we do not want to produce, you just cannot compete with the European people and the international community.

HON MINISTER OF JUSTICE: That is precisely why I feel that we are wasting time on irrelevancies. There are issues here that we can spend time on, real issues such as you are mentioning, Honourable Kaura, other than just saying water is expensive, ARV patients are not being given food. The real issue is why our produce cannot be purchased. How much are we mobilising our population to buy Namibian products? We do not debate it here except on a few occasions during the Budget Debate. (Intervention)

HON KASINGO: I would like to ask the Secretary-General of the SWAPO Party a question. I agree with the Colleague who said that food production in Namibia needs to be protected and we need to ensure that what we produce gets a market, but I would like ask the Colleague

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whether she is aware that the war against Zimbabwe has started when Zimbabwe started to protect their homemade products? Are you aware of that?

HON MINISTER OF JUSTICE: I agree, but I am just saying that there is really a need and it is too late for us now to start protecting the homemade products. The moment you start doing that, then those people who would like to force us to sign at EPAS, will start penalising Namibia.

About three, four years ago a group or association started advocating for the buying of Namibian products. How many of us go into our supermarkets and look for Namibian products? Very few! I know there are those who do it, but I am saying, have we taken up that matter of advocating the buying of Namibian products? (Intervention)

HON NAMBAHU: When you are asking how many of us are buying Namibian products, where are we going to buy them from? Shoprite already has a contract with Bloemfontein for five years, so you are not going to sell your produce anywhere. Why do we not start the Chinese approach, that they only succeeded here when they managed to open their own outlets, otherwise they would not be selling those products.

HON MINISTER OF JUSTICE: What prevents us from opening our outlets? Why would the Chinese come all the way and open their own outlets here? It is because we do not trust our own goods. We have the Namibian Development Bank, but how many of us have put together a business plan to start enterprises? None.

HON DEPUTY SPEAKER: Honourable Minister, you will continue tomorrow. On that note the House stands adjourned in terms of Rule 90 until tomorrow, 14:30.

HOUSE ADJOURNS AT 17:45 UNTIL 2009.07.22 AT 14:30.

**NATIONAL ASSEMBLY
ASSEMBLY CHAMBERS
22 JULY 2009
WINDHOEK**

The Assembly met pursuant to the adjournment.

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

ANNOUNCEMENT

HON DEPUTY SPEAKER: I would like to inform all Honourable Members that during this recess our desks and seats will be attended to and repaired where necessary. Therefore, I would like to kindly request you to empty your drawers before tomorrow when the House will go into recess.

HON DEPUTY SPEAKER: Any Petitions? Any Reports of Standing or Select Committees? Other Reports and Papers? Right Honourable Prime Minister.

**TABLING: SECOND MILLENNIUM DEVELOPMENT
GOALS PROGRESS REPORT**

RT HON PRIME MINISTER: Honourable Deputy Speaker, Honourable Members, I lay upon the Table, the Second Millennium Development Goals Progress Report for Namibia, 2008. The National Planning Commission hereby kindly requests this esteemed institution and its Parliamentary Standing Committees to take cognisance of the major

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findings of the Report and to hold hands in ensuring that Namibia would achieve all the MDG targets by the year 2015. In this regard I want to draw attention to page 22 of the Report where child mortality in Namibia is being dealt with.

Honourable Deputy Speaker, I so Move.

HON DEPUTY SPEAKER: Table the Report. Other Reports and Papers? Notice of Questions? Notice of Motions?

NOTICE OF MOTIONS

HON MINISTER OF JUSTICE: Honourable Deputy Speaker, I give Notice that tomorrow, 22 July 2009, I shall Move, that this Assembly ratifies the Treaties between the Republic of Namibia and the Republic and Zimbabwe on Mutual Legal Assistance in Criminal Matters and Extradition.

I give Notice that tomorrow, 23rd July 2009, I shall move, that this Assembly ratifies the Treaties between the Republic of Namibia and the Republic of Angola on Mutual Legal Assistance in Criminal Matters and Extradition.

HON DEPUTY SPEAKER: Before you table the Notice of Motion, this Session was extended to deal with the two Bills. I do not know how urgent your Motion is.

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**POINT OF ORDER
HON DR TJIRIANGE**

HON MINISTER OF JUSTICE: Comrade Deputy Speaker, the ratification process is a simple process, because this is an Executive Act. Here it is a matter of formalities to present the documents to Parliament and for Parliament to ratify. Everything else has been done already. It has been negotiated between the two Governments, it has been signed and it is urgent.

HON SCHIMMING-CHASE: Honourable Deputy Speaker, we discussed this issue this morning in the Standing Rules and Orders Committee, and it was very clear that the Members of the Standing Rules Committee representing their respective caucuses felt that we cannot receive a document and ratify it without having studied it. We felt it was irresponsible and we will not be prepared to do that. We need time to read it and see what we are ratifying and it was agreed that it should be brought back in September.

HON P MUSHELENGA: We are going to consult during tea-break and come back to inform the Honourable Deputy Speaker.

HON DEPUTY SPEAKER: Table the Motion and then you can consult. Ministerial Statements? Honourable Members, we will proceed with the Second Order of the Day.

HON MINISTER OF VETERANS AFFAIRS: I want guidance because to me it is a very serious issue and before we go into the business I want us to have very clear directions on this issue. I have been in this Parliament since its inception and I remember at one point in time the former Speaker of the National Assembly, Comrade Dr Tjitendero, ruled

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that no document can be distributed in this House without the consent and authorisation of the Office of the Speaker, particularly so if such a document is offensive to the Parties represented in this House or the Government and the people of Namibia.

Yesterday I saw a document distributed in this House, offensive to SWAPO, within the premises of this House, vilifying SWAPO. I do not know who brought it and I want to be guided whether this Rule we have been living with all these years has been nullified and, therefore, as the Afrikaans people say, “*enige Piet en Paul*” may distribute a paper of this nature in this House which is vilifying a Party represented in this House. (Interjection)

HON DE WAAL: Can we also get a copy?

HON MINISTER OF VETERANS AFFAIRS: It was here in the House and, therefore, I really want to be guided because it may happen that anything offensive may just be circulated in this House. Is this Rule still in existence or not? This is very serious as far as I am concerned.

HON DEPUTY SPEAKER: Thank you very much, Minister. The Rule still stands. No document should be circulated inside or outside this House without the consent of the Secretary of Parliament and the Speaker. I do not know who put those documents outside, I also got a copy there yesterday.

HON SCHIMMING-CHASE: Honourable Deputy Speaker, I really need your guidance, because my understanding of “*circulated*” or “*distributed*” means that we received this document. We did not, it was

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HON SCHIMMING-CHASE**

not circulated. Even placing a document outside does not mean you have circulated it.

HON DEPUTY SPEAKER: We should know about all the documents and they should not be sneaked in.

HON SCHIMMING-CHASE: I am asking what does “*circulate*” or “*distribute*” mean, because it was not circulated to us. We did not see it. If you use the word “*smuggle*” or “*surreptitiously put down*”, but if you say “*circulated*”, it implicates us, that we have received the document. That is what “*circulate*” means.

HON DEPUTY SPEAKER: We always put the Order Papers outside here and anyone can pick it up while coming in or going to their offices. We should really not encourage this, for anybody to do this without the consent of the Secretary of the National Assembly.

HON MINISTER OF FOREIGN AFFAIRS: Comrade Deputy Speaker, I fully agree with you, but I want to request the Office of the Speaker to instruct the Police to find out exactly who came in here, because they are always out there. We want to know who brought the documents here. I think that is the least we can accept at the present moment.

HON DEPUTY SPEAKER: Thank you, we will. The Secretary will read the Second Order of the Day.

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**COMMUNICATIONS BILL
HON KAAPANDA**

**COMMITTEE STAGE:
COMMUNICATIONS BILL**

SECRETARY: Committee Stage – *Communications Bill.*

HON DEPUTY SPEAKER: Does the Honourable Minister of Information and Communication Technology move that the Assembly now goes into Committee?

HON MINISTER OF INFORMATION AND COMMUNICATION TECHNOLOGY: I so Move.

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

ASSEMBLY IN COMMITTEE:

HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: The Committee has to consider the Communications Bill.

Clauses 1 to 14 put and agreed to.

Clause 15 put.

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HON DEPUTY MINISTER OF LABOUR AND SOCIAL

WELFARE: In Clause 15, Sub-section (13) it is mentioned, “*notwithstanding the provision of Sub-section (5)*”, which deals with a majority to reach a resolution not just at a meeting of the Board by all members of the Board at that time present in Namibia and sufficient to constitute a quorum is valid and effective as if it has been passed at a meeting of the Board duly convened and constituted. My concern is that the resolution will just be drafted somewhere and if the members of the Board can sign it, why can a meeting not be called to do it? Somebody can just draft something and that resolution may have a different meaning. I just want to understand this. I mentioned this during my contribution but nothing has been done, therefore I need clarification on how something can just be drafted and be seen as having been done by all members. Why can they not come together and constitute a meeting and agree on that resolution? That is my concern, Comrade Chair.

HON MINISTER OF INFORMATION AND COMMUNICATION

TECHNOLOGY: Comrade Deputy Chair, the Sub-section concerned is part of the Government’s efficiency where an urgent matter needs to be dealt with as speedily as possible, where consent of all members will be sought by signing that resolution and after having secured the support of the majority members of the Board, then that resolution can be construed as having been passed by the majority of the members of the Board at a constituted board meeting.

The fact of the matter is that if all the Board members consent and sign that resolution, then it will be regarded as a resolution that received the support of the majority of the Board members and it will just be endorsed in the next Board meeting, because all the Board members have signed and agreed to the principle and content of the resolution.

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

Clause 15 agreed to.

Clauses 16 to 69 put and agreed to.

Clause 70 put.

HON MINISTER OF INFORMATION AND COMMUNICATION TECHNOLOGY: In Clause 70 substitute the following Sub-clause for Sub-clause (2):

“Interception centres are staffed by such staff members in the Namibia Intelligence Service as may be designated by the Director General with the approval of the Security Commission established by Article 114(1) of the Namibian Constitution.”

In Clause 70, insert the following sub-clauses after Sub-clause (2):

“(3) Before a staff member performs any function in relation to interception or monitoring of telecommunications contemplated in this part, he or she must before the Judge President in Chambers make an oath in the following form: “I (name), hereby swear and solemnly and sincerely promise that I, to the best of my ability perform all functions relating to the interception of telecommunications in accordance with the law of Namibia and that I will not knowingly participate or assist with any interception or monitoring of telecommunications that are not authorised by the laws of Namibia. So help me God.”

(4) A staff member designated in terms Sub-section (1) may in lieu of an oath make solemn affirmation in corresponding form.”

In Clause 70, renumber Sub-clause 3 to Sub-clause (5), Sub-clause (4) to Sub-clause (6), Sub-clause (5) to Sub-clause to (7), Sub-clause (6) to Sub-clause (8).”

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In Sub-clause (7) of Clause 70, substitute the expression “*Sub-section (8)*” for the expression *Sub-section (5)*” and renumber the Sub-clause to Sub-clause (9).

In Clause 70, renumber Sub-clause (8) to Sub-clause (1), Sub-clause (9) to Sub-clause (11). ”

HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:

Will the Honourable Minister please table the Amendments? Any further discussions on the amended Clause? Honourable De Waal.

HON DE WAAL: Honourable Deputy Chairperson, I do not know exactly how to do this, it is either the old Sub-clause (6) or the new Sub-clause (8), but that is the one I want to talk about.

Honourable Chairperson, we said during the Second Reading Debate that we have a serious problem with the old Sub-clause(6) and the reason for that is because it says that where any law authorises any person or institution to intercept or monitor electronic communication or to perform similar activities, that person or institution may forward a request, together with any warrant that may be required...” That is the problem, “*may be required under the law in question to the head of an Interception Centre.*” The moment you say “*may be required*”, you are also saying “*may not be required*’ and that is the big problem that we have.

HON MINISTER OF AGRICULTURE, WATER AND FORESTRY:

I am rising on a Point of Order in terms of Rule 114(b)(iv) to seek clarification on a procedural matter. When the Second Reading Debate was concluded, the question was put as to whether we could proceed to the next stage and there was an objection in principle and this House was divided and we had to vote. Now I just want to find out, if there was an objection in principle not to allow the Bill to proceed to the next stage, is

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it permissible for those who objected to participate in the Debate during the Committee Stage? (Interjection)

HON DE WAAL: We have done it a hundred of times.

HON MINISTER OF AGRICULTURE, WATER AND FORESTRY:
I am asking the Presiding Officer.

HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: We are now dealing with the Committee Stage whereby we are scrutinising the Bill Clause by Clause. The presiding officer does not see anything wrong with any Member seeking clarification on any Clause or posing a question on any Clause. Of course, the Honourable Member should not start invoking the Second Reading in the Committee Stage, but the Presiding Officer does not see anything wrong with any Member posing any question or commenting on any Clause during the Committee Stage. Please proceed, Honourable De Waal.

HON DE WAAL: Honourable Chairperson, we really thought that after we have discussed this issue with the Honourable Minister he would change Clause (6), because it will not change anything in the law, it will just ensure that the principle of no interception without a warrant issued by a competent Court will be enshrined in this Bill as well and we asked the Minister very politely to please change this “*may be required*”, because if you say “*may be required*”, you are saying it may not be required and we have a problem with that. We agree with the principle of interception as long as there is no interception without a court order and we want to ask the Minister whether he will not consider just changing the words “*may be required*” in Sub-clause (6). That is our request to the

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Honourable Minister.

HON MINISTER OF JUSTICE: Comrade Deputy Chairperson, I followed the Amendments as presented here and Sub-clause (3) of Clause 70 in my view covers the concern of Honourable De Waal, because it says: “*Before a staff member performs any function with relation to the interception or monitoring of telecommunication as contemplated in this Part*”, the whole Part, “*he or she must before the Judge President in Chambers make an oath in the following form.*” That is my understanding. I thought it covers the concern of the Honourable Member.

HON MINISTER OF INFORMATION AND COMMUNICATION TECHNOLOGY: The Honourable Minister of Justice is correct. I can remember during the Debate the Right Honourable Prime Minister said the Clause does not authorise interception, but facilitates the creation of the Interception Centre.

HON DE WAAL: Sub-clause 3 that the Honourable Minister of Justice has just referred to only deals with the oath to be taken by these people, it has nothing to do with the Interception Centre. It only says that the personnel must take an oath in the Chambers of the Judge. “*Before a staff member performs any function with relation to interception or monitoring of telecommunications contemplated in this Part, he or she must before the Judge President in Chambers make an oath in the following form.*” It has only to do with interception, it is just preventing them from doing the wrong thing and to be punished if they do.

Honourable Chairperson, I am afraid that maybe I do not understand English, but if in Sub-clause (6) the words “*may be required*” could just be changed to say “*may forward a request together with a warrant*” or

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“*shall be required*” or something like that. I think the whole House agrees that we do not have interception without a Court Order, so why must we continue to have these words “*may be required?*” It is a simple change, it will not do any harm and it just lays down the principle that we all agree with. So please, Honourable Minister, can we change those words?

RT HON PRIME MINISTER: Comrade Deputy Chairperson of the Whole House Committee, I know that Honourable De Waal is a bit fixated on something, but I want to appeal to him to read the whole Amendment including the oath, because the oath clearly indicated that this person is not supposed to do anything which is against any law and we have a law called the Intelligence Act which clearly stipulates that you must have the authority of a Judge or a Legal Officer. Therefore, it means your concerns are captured, you can take this person to Court if this person does something contrary to what is stated here.

HON KAURA: What is the difference in English between the words “*maybe*” and “*shall?*” Maybe I am going to Windhoek, I shall go to Windhoek. Which one of these two leaves you in doubt? I might go or I might not go, a warrant may be required or it may not be required. Why do you not say a warrant shall be required and then everybody is going to understand this fully because you know a warrant shall be required. What is the difficulty of just changing “*may be*” to “*shall?*”

RT HON PRIME MINISTER: Honourable Deputy Chairperson, I would like the Members to take Clause 70 in its entirety and not to cherry-pick. The oath says, “*to the best of my ability perform functions relating to the interception of telecommunications in accordance with the laws of Namibia.*” The Central Intelligence Act says you must actually have a warrant. It is a question of saying of Sub-clause fits to which one, but this one has the oath that has to be taken in Chambers. The law is

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already there that a warrant is required to intercept, it is already contained in another law. I do not see what the problem is, really, unless you just want to delay the passing of this law, which you said you would do when you objected in the Second Reading.

HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:

Honourable Kaura, please sit down. No Member takes the Floor on their own unless given the Floor by the Chairperson and I really plead with Honourable Kaura to cooperate. You now have the Floor.

HON KAURA: Honourable Deputy Chair, in normal life no Police Officer will enter my house without a warrant and there is no ifs and buts and maybes. A warrant is required for a Police Officer to enter my house. Now in this Communications Bill you leave it open-ended by saying “*maybe*”, which simply means it can be done without a warrant. That is our concern.

HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:

Any further discussion? Honourable Dr Amutanya.

HON DR AMUTENYA: I have a slight problem, maybe somebody has to help me here. There is a Central Intelligence Act which allows for interception and there is a Clause in this law which says that a warrant is required. (Interjection)

HON DE WAAL: Which Clause?

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HON DR AMUTENYA: In the Central Intelligence Act. This law is for the creation of Interception Centres, that is my understanding and if it says “in accordance with the law”, it means it is referring to the law that is authorising interception. That is how I understand it and, therefore, this one is only for the creation of interception centres and I think it is clear that the necessity for a warrant is already in an existing law which authorises interception.

HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Honourable Nora Schimming-Chase.

HON SCHIMMING-CHASE: Honourable Deputy Chairperson of the Whole House Committee, you will recall that this is exactly what we said during the Debate. If it is in the law, keep it in the law of the Intelligence Act. Do not bring it under communications. Now that you have brought it under communications, we insist that it must be “*must*” and not “*may*”. If it is in the other law it is fine, our laws must be marriageable with each other. Why should the one law say “*must*?”

HON DEPUTY MINISTER OF LABOUR AND SOCIAL WELFARE: On a Point of Order. Comrade Deputy Chair, the Honourable Members are now reverting back to the Second Reading Debate and you must guide the House. They have taken us back to the Second Reading, so let them do the same.

HON SCHIMMING-CHASE: As I was saying, since we have it in the Intelligence Act as “*must*” and not “*may*”, we should equally have it in this Act that it is a question of “*must*” and not “*may*”.

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HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:

Honourable Members, there are two views before the House, one that the phrase may be required to be amended to “shall” and another one that this phrase is carefully taken care of, first in this particular law and also in other laws. Therefore, the House is divided. There are no new views coming up, we are all repeating similar views and that is why I am saying the House is divided on that. Is there any objection to Clause 70? (Interjections). I am not going against the Rule. There have been discussions until it reached the point of repetition. I am not getting anything new from either side. Honourable De Waal.

HON DE WAAL: Honourable Chairperson, in our country all laws are equal, except the Constitution which is above all other laws. The two laws we are discussing are equal partners on the same level. There is no way that the Central Intelligence Bill is higher than this one. I am pleading to the Chairperson to use your own thinking, if you now have two Bills on the same level, the one saying “*shall*” and the other one saying “*may*”, which one is it now? But if you want to push it through, fine.

HON MINISTER OF INFORMATION AND COMMUNICATION TECHNOLOGY:

Honourable Deputy Chairperson, I find the argument by the Opposition very ironic because I had a discussion with them on this issue and requested them to present Amendments for consideration, which they failed to do. Apparently it was a tactical move. Yes, why could you not do that? You had time to present Amendments and you failed to do that. The issue you are raising is definitely covered in the Amendment and the Clause in the Bill does not authorise interception and interception is also taking place in the other law. (Interjection). No, that is your own interpretation and I am very sorry about that. For what purpose should I do that? I think the Opposition just wants to cause unnecessary confusion and attract publicity.

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HON MUDGE: On a Point of Order. Honourable Deputy Chairperson, I would like to ask the Honourable Minister a question. Is there any reference in this Bill to the National Intelligence Act? Is there any reference, because if not, then I would have thought that where it refers to “*any other law*”, it could refer to the specific Section in the National Intelligence Act so that there could be no misunderstanding.

Another thing that the Minister should consider and this is something that I am very disappointed about, that I cannot understand, is that if we put in “*shall*” it would make this Amendment so much stronger. Why not make it stronger? What is this fuss about not changing it from “*may*” to “*shall?*” The Opposition has been very lenient with accepting this Bill and now that we have a point to make, what is the issue? Will it not make this Bill stronger? We are not making it weaker and this is what we are supposed to do, to make laws so that there is no misunderstanding.

HOUSE ADJOURNS AT 15:45

HOUSE RESUMED AT 16:15 PURSUANT TO ADJOURNMENT

HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Before we went for tea-break, the Minister of Information had the Floor. Minister, you may continue.

HON MINISTER OF INFORMATION AND COMMUNICATION TECHNOLOGY: Honourable Deputy Chairperson, the Sub-section in question is crafted taking into consideration other existing laws. It accommodates other laws which make provision for interception, because interception may not be for one industry specifically, therefore it caters for possible crimes that may be perpetuated through any possible communication or any other means. Therefore, it is crafted in such a manner that it is flexible, having in mind the possible laws that require

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interception. If you put it in a definite form, namely “shall”, then you confine the operations of interception in a particular law and when the need arises for interception, then you may require a law to do that and in the meantime the crime is perpetuated and you have no means or instrument to combat it. Therefore, I fail to understand why the Honourable Members are so concerned about the wording while the Amendment we have provided addresses the concern. We cannot accommodate the proposal by the Opposition as it does not work that way. Thank you.

HON KAURA: I would like to table an Amendment which reads as follows:

“Amendment to Clause 70(6), new Sub-clause (8): Substitute Sub-clause (6), new Sub-clause (8), for the following:

Where any law authorises any person or institution to intercept or monitor electronic communications or to perform similar activities, that person or institution shall forward a request together with a warrant that shall be required under the law in question to the head of the Interception Centre.”

HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Will the Honourable Member please table the Amendment? Any discussion on the Amendment? Right Honourable Prime Minister.

RT HON PRIME MINISTER: The Amendment proposed is superfluous and I want to demonstrate that. First of all I want to draw the attention of the Honourable Members and the public to Article 13 of the Namibian Constitution. Article 13(1) reads as follows;

“No person shall be subjected to interference with the privacy of their homes, correspondence or communication, save as in accordance with law and as necessary in a democratic society in the interest of national security, public safety or the economic well-being of the country, for the protection of health, morals or the prevention of disorder or crime, for the protection of the rights and freedoms of others.”

We are starting from there. Starting from there, I now come to “in accordance with law.” Section 24 of Act 10 of 1997, the Namibia Central Intelligence Service Act, 1997, states:

“Prohibition of interception and monitoring:

Any person who without a direction issued under Sub-section (2), (a) intentionally and without the knowledge or permission of the dispatcher intercepts a communication which has been or is being or is intended to transmitted by telephone or any other manner over a telecommunication system or, (b) intentionally monitors a conversation by means of a monitoring device so as to gather confidential information concerning any person, body or organisation, or (c) intentionally and without the permission of the person who is lawfully in charge or occupation of any premises enter upon the premises to search the premises, etcetera, that person under this law shall be guilty of an offence and on conviction be liable to a fine not exceeding N\$20,000 or to imprisonment for a period not exceeding (5) five years or both such fine and such imprisonment.”

Therefore, privacy is protected both by the Constitution and by this Intelligence Act which under Section 26 authorises the Director General of the National Intelligence Agency to intercept messages under certain conditions. Those conditions which are required are provided for here in this law. You should read Clause 70 as a whole.

The intention of this Clause is to establish an Interception Centre, not to authorise interception. The interception has been authorised in this law. In order to be in Parliament you first have to be elected and there is an Electoral Act which guides the election. In terms of interception there is this Act 10 which authorises interception under certain conditions.

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For you to make laws, you need to be in this House. This House has not been established under the Electoral Act, it is established under a different law, but since you have been elected to make laws, you have to come to this institution. For interception to take place, you must have a centre where interception is going to take place and that centre is established under the Communications Bill because it is a communications centre and all the safeguards have been put there.

The President must establish such Interception Centres as are necessary for the combating of crime and national security. The President is the only person who has the mandate to do that because the President represents the will of the people. It is only the President who is authorised to establish an interception centre and Interception Centres are staffed by members of the Namibia Intelligence Service, governed by this law. The conduct of these people is governed by this law and the Minister has gone further to say that in order for somebody to work in an interception centre he must take an oath and the oath is provided here and the oath is very clear, it goes together with what is provided under the prohibition of interception.

Therefore, I really do not understand the concerns of the colleagues of the Opposition. Their aim is actually to see that this law is not passed by this Assembly and that it lapses. That is their aim. (Interjections). When we catch you red-handed you do not want to accept. The public is protected both by Article 13 of the Constitution and by the Central Intelligence Service Act which prohibits illegal interception and by the fact that it is their President who is going to authorise the establishment of Interception Centres.

I hope that the Honourable Members in their deep conscience are satisfied that these interception centres are there to do a job to protect the public.

HON MUDGE: We have listened to a lot of explanations now and my question is, why not be prepared to change that one word “*may*” to “*shall?*” What difference is that going to make? I am just asking, what

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difference is that going to make? The Opposition will be happy with that, so what difference is that one word going to make? You just want to show that you can force this through.

RT HON PRIME MINISTER: I know Honourable Mudge does not read the laws of this country.

HON SCHIMMING-CHASE: I am sorry to interrupt the Right Honourable Prime Minister but I had my hand up before he said we do not read the laws. The Honourable Minister said you cannot use the word “*shall*” in a law and I want to quote from the Constitution which is the Supreme Law. (Interjections). I agree that there are many laws that have “*may*” and there are many that have “*shall*.[”] It says, the President may appoint Deputy Ministers. We now have vacancies, it does not mean “*must*”. It says the Prime Minister shall, it does not say may. It says a Deputy Minister shall, the President shall be obliged to terminate the appointment of any Member. So, when the Honourable Minister of Information says that we cannot use “*shall*” in a law, it is not right, the Supreme Law has it.

RT HON PRIME MINISTER: Yes, I was saying that the Honourable Members of the Opposition are trying to make a point to confuse the public, but the reality is that in 1997 this august House passed the Namibia Central Intelligence Act and let me read Clause 24(2):

“Notwithstanding the provisions of Sub-section (1) or anything to the contrary contained in any law, a Judge may, subject to the provisions of Section 25, issue the Service with a direction authorising the Director General or any other staff member or other person authorised thereto by the Director General under Section 26.”

Why has this word “*may*” become correct now? Why is this one correct and that one is not?

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HON DE WAAL: He is a Judge, he can decide, yes or no.

RT HON PRIME MINISTER: I do not know why you are now becoming allergic to the word “*may*” while you have accepted it already. The word “*may*” is used throughout this Act.

HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: I now put Clause 70 as amended by Honourable Kaura. Does the Minister want to say something?

HON MINISTER OF INFORMATION AND COMMUNICATION TECHNOLOGY: I object to the Amendment.

HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: There is an objection to the Amendment by Honourable Kaura and the House is divided. The Amendment is rejected. I put the Amendment to Clause 70 by the Honourable Minister. Clause 70, as amended by the Minister is agreed to.

Clauses 71 to 74 put and agreed to.

Clause 75 put.

HON MINISTER OF INFORMATION AND COMMUNICATION TECHNOLOGY: In Clause 75, Sub-section (a):

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“Any person who performs any service relating to interception contemplated in this Act or information stored in terms of this Part, who reveals any information or performs any other action that will or, is calculated to have an effect that the interception or collection of information may not provide the information sought.”

- (b) *Performs any service relating to interception contemplated in this Part or information stored in terms of this Part and who discloses or in any other manner makes use of information obtained by means of the activities in question for another purpose than the purpose for which the interception or collection is intended;*
- (c) *While performing any service relating to the provision of telecommunication services provides information or permits information to be provided to an Interception Centre, unless he or she has taken all reasonable steps to ensure that the information concerned is part of the lawful interception or monitoring as contemplated in Section 70(8);*
- (d) *performs or has performed any service relating to the provision of telecommunication services whether as an employee of the provider concerned or otherwise and reveals information obtained while performing such service or obtained by virtue of use or the employment with the provider of telecommunication services otherwise than -*
 - (i) *As required by this Act or any other law;*
 - (ii) *For technical or administrative purposes under circumstances that will not compromise the confidentiality of the information as may be required to ensure the efficient rendering of the services concerned; or*
 - (iii) *In order to comply with an order of any Court; commits an offence and is liable on conviction to a fine of N\$100,000 or*

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imprisonment for a period of (10) ten years or both such fine and such imprisonment.”

Clause 75, as amended, put and agreed to.

Remaining Clauses, Schedule and Title put and agreed to.

HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: I shall report the Bill with Amendments.

ASSEMBLY RESUMED:

Bill reported with Amendments.

**THIRD READING:
COMMUNICATIONS BILL**

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

HON MINISTER OF INFORMATION AND COMMUNICATION TECHNOLOGY: I so Move, Honourable Deputy Speaker.

HON DEPUTY SPEAKER: Any objection? Agreed to. Any further discussion?

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HON EKANDJO

HON MINISTER OF INFORMATION AND COMMUNICATION TECHNOLOGY: Honourable Deputy Speaker, I wholeheartedly thank the SWAPO Party members who supported this Bill with determination. They are in full force in the House and they have demonstrated their determination to ensure the security of this country is guaranteed. They have indeed done a great job for Namibia, irrespective of the political affiliation of our citizens. Once again, Colleagues, I thank you, for a job well done.

HON DEPUTY SPEAKER: I now put the Question, that the Bill be read a Third Time. Any objection? The Secretary will read the Bill a Third Time.

SECRETARY: *Communications Bill.*

**COMMITTEE STAGE:
ELECTORAL AMENDMENT BILL:**

SECRETARY: Committee Stage – *Electoral Amendment Bill.*

HON DEPUTY SPEAKER: Does the Honourable Minister of Regional and Local Government, Housing and Rural Development move that the Assembly goes into Committee?

**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,
HOUSING AND RURAL DEVELOPMENT:** I so Move.

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

ASSEMBLY IN COMMITTEE:

HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: When progress was reported yesterday, 21st July 2009, Clauses 2 to 12 and 14 to 37 had been agreed to. Clauses 1 and 13 stood over.

Clause 1 put.

HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: Comrade Deputy Chair, Clause 1(e) refers to 13(a) and that is why I move that Clause 1 remains as it is and (e), which refers to 13(a), then we can go to 13(a). Thank you.

Agreed to.

Clause 13 put.

HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: Comrade Deputy Chair, Honourable Members, I Move –

In Clause 13, in Sub-clause (b) the substitution of Sub-section (1)(a) of the following Sub-section:

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HON EKANDJO**

“(1)(a) Despite anything to the contrary in this Act, an election for the President or for Members of the National Assembly taking place at Polling Stations –

- (a) outside of Namibia shall be held fourteen days; and
- (b) in the instance of persons who are on board any vessel within the waters of the territorial sea of Namibia, the contiguous zone of Namibia and the Exclusive Economic Zone of Namibia as defined in Sections 2, 3(a) and 4, respectively of the Territorial Sea and Exclusive Economic Zone of Namibia Act, 1990 (Act 3 of 1990) shall be held at a harbour town within Namibia during a period determined by the Commission by notice in the Gazette, which period shall not be longer than thirty days and not shorter than fourteen days, provided that for purpose of Section 73(5), reference to “polling period” means the period determined by the Commission in this Paragraph, before the polling date determined therefore in terms of Sub-section (1)(b) upon which a poll shall be taken in respect of such election at Polling Stations within Namibia.”

Amendment put and agreed to.

Clause 13, as amended, agreed to.

Title put.

HON SCHIMMING-CHASE: Honourable Deputy Chairperson, before we vote on the Bill, I would like to record my objection and explain.

Honourable Deputy Chairperson of the Whole House Committee, this whole discussion was introduced by the Honourable Deputy Speaker who spoke about the domestication of the SADC Protocol on Elections as well as the African Union. The Honourable Minister in his motivation speech

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stated that part of the reason for the Amendment is to ensure that we shall vote in one day and count the same day. It is in the motivation speech of the Honourable Minister, we can go to the Hansard. Based on that I took the Floor and said I support the Bill specifically because it was stated that we will vote the same day and count the same day. I, therefore, object, I shall not agree to voting two days. We do not want to go to Court, if you feel strong enough to win the election, vote the same day, count the same day, put up the results. I thank you.

HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Any objection to the Title? Agreed to. I shall report the Bill with Amendments and the objection by Honourable Nora Schimming-Chase shall be recorded as such.

ASSEMBLY RESUMED:

Bill reported with Amendments.

**THIRD READING:
ELECTORAL AMENDMENT BILL:**

HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Does the Honourable Minister move that the Bill be now read a Third Time?

**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,
HOUSING AND RURAL DEVELOPMENT:** I so Move.

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HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Any objection?

HON SCHIMMING-CHASE: I object.

HON DEPUTY CHAIRPERSON OF THE WHOLE JOUSE COMMITTEES: Who seconds the objection? The House is divided. This one should not be recorded as an objection because it is a walk-out. If you divide the House you have to sit for the voting. You cannot just walk out if you have divided the House. Then there is no objection. Any further discussion? Does the Honourable Minister wish to say something?

HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: Comrade Deputy Speaker, we are going to vote for more than one day. Namibia is vast, our people is scattered all over and transportation is a problem. The other Parties do not have members, their members can vote even within one hour. If a Party has only twenty members they do not need even one hour. The Namibian people must be accorded the opportunity to vote.

Therefore, when the going gets tough, others run away. That is an indication to the Namibian people that these are the people who want to rule this country, but when the going gets tough they run away. The Namibian people will not allow this type of people to take over the Government, because once the situation is critical, they will even abandon the Executive and run away. With this I thank everybody, because our Founding Father said when the history of a free and independent Namibia is written one day, SWAPO will go down as having stood firm where others wavered. They sacrificed whereas others compromised and that is what is happening today. I thank you very much.

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**MOTION ON FOOD SECURITY
HON IIVULA-ITHANA**

HON DEPUTY SPEAKER: I now put the Question that the Bill be read a Third Time. Any objection? Agreed to. The Secretary will read the Bill a Third Time.

SECRETARY: *Electoral Amendment Bill.*

RESUMPTION OF DEBATE: MOTION ON FOOD SECURITY FOR PEOPLE ON ARV-TREATMENT

SECRETARY: Resumption of the Debate on Food Security for People on ARV-treatment.

HON DEPUTY SPEAKER: When this House was adjourned in terms of Rule 90 on Tuesday, 21 July 2009, the Question before the Assembly was a Motion by Honourable Dienda. The Honourable Minister of Justice had the Floor and she may continue.

HON MINISTER OF JUSTICE: Honourable Deputy Speaker, in view of the fact that the Mover of the Motion is not here, I postpone the Debate until tomorrow.

HON DEPUTY SPEAKER: The Motion stands over until tomorrow. The Secretary will read the Fourth Order of the Day.

**RESUMPTION OF DEBATE:
MOTION ON GRADE 10 AND 12 RESULTS**

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**MOTION ON CONSERVANCIES
HON MOONGO**

SECRETARY: Resumption of the Debate on Grade 10 and 12 Results of 2008 to Look at the Root Causes of the Problem.

HON DEPUTY SPEAKER: When the Debate was adjourned on Wednesday, 3 June 2009, the Question before the Assembly was a Motion by Honourable Dienda. Honourable Chilinda adjourned the Debate and he now has the Floor. Any further discussion? None. I now call on Honourable Dienda to reply. The Secretary will read the Fifth Order of the Day.

**RESUMPTION OF DEBATE:
MOTION ON ESTABLISHED CONSERVANCIES**

SECRETARY: Resumption of Debate on the Established Conservancies in View of the Increasing Conflict between Man and Beast.

HON DEPUTY SPEAKER: When this Debate was adjourned on Thursday 11 June 2009, the Question before the Assembly was a Motion by the Honourable Kaura. Honourable Moongo adjourned the Debate and he now has the Floor.

HON MOONGO: Honourable Deputy Speaker, first of all I would like to congratulate Honourable Kaura who introduced this Motion, who realised that the conflict between wild animals and humans are so serious.. (Intervention)

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**MOTION ON CONSERVANCIES
HON MOONGO**

HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: May I ask a question, please? Honourable Member, if you see someone on your side stand up, you just stand up and join, is it the way you want to rule this country? When the going gets tough you run away and next year you want to become the Prime Minister of this country. Will you be able to take it?

HON MOONGO: This Motion is overdue because we have lost many lives. People have been killed by animals while fetching water from the rivers. (Intervention)

HON DEPUTY MINISTER OF LABOUR AND SOCIAL WELFARE: On a Point of Information. The Motion under discussion has been overtaken by events, because the Minister of Environment and Tourism tabled a policy in this House and the Honourable Member has a copy. Therefore, I do not think it is proper to discuss something which has already been dealt with.

HON MOONGO: I was saying that we have lost many lives, people's properties were destroyed and did not receive compensation. In my area lions have been roaming around the people and have killed so many cattle. The lions stayed more than three weeks at Oshivelo until the Army came to rescue the situation, which means these animals are not being properly controlled by the State. (Intervention)

RT HON PRIME MINISTER: May I ask the Honourable Member a question? Honourable Member, talking about the lions, do you know that you are provoking the totem of the lions, the *aakwananime*?

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**MOTION ON CONSERVANCIES
HON MOONGO**

HON MOONGO: I understand that the Minister introduced the policy... (Intervention)

HON MINISTER OF JUSTICE: On a Point of Information. Honourable Moongo does not live at Oshivelo, I am a resident of Oshivelo and there are no lions at Oshivelo. The lions are in Etosha and not at Oshivelo.

HON MOONGO: It is a pity that some Ministers do not know in what situation the communities have to live and how the communities are daily affected by elephants and lions. The lions roamed around Oshivelo for three weeks and a helicopter came to rescue the people. (Intervention)

HON DR AMUTENYA: Will the Honourable Member accept a question? It has always been said that the SWAPO Party is intolerant about the views of others. Now we have seen that the Opposition Parties have walked out of Parliament twice in less than one hour. Who are intolerant? Now the majority in the House are listening to one person. Can people demonstrate who is tolerant and who is intolerant?

HON DEPUTY SPEAKER: The people out there will judge.

HON MOONGO: We are here to talk. The policy to regulate the conflict between wild animals and humans is welcomed as conflicts occur more or less every week or every month. (Intervention)

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**MOTION ON CONSERVANCIES
HON MOONGO**

HON MINISTER OF HOME AFFAIRS AND IMMIGRATION: On a Point of Order. I would want the Honourable Member to read this book because what he is saying is already stated in here. He is just wasting our time.

HON MOONGO: Honourable Minister, I think I know that policy better than the Minister, but the value of human lives does not feature in that policy. (Intervention)

HON MINISTER OF FINANCE: On a Point of Order. I want to know whether it is fair to the Members of this House to be subjected to the kind of presentation Honourable Moongo is making while he has demonstrated the highest form of intolerance by walking out because he did not want to witness the voting. I think it is unfair even to the taxpayers and the electorate that sent us to this House that the Honourable Members should receive their salaries for nothing, because we are supposed to earn our salaries by sitting down in this House and legislate and discuss issues to find solutions to the problems and not for us to jump up and walk out. If it requires that our Rules should be changed to accommodate that, I think that should be done.

HON DEPUTY SPEAKER: Honourable Member, I do not want to comment on intolerance, I think we are mature enough, we are ruling. Let us allow the Colleague to continue.

HON MOONGO: That is worse than walking out. (Intervention)

HON DEPUTY MINISTER OF JUSTICE: On a Point of Information. In view of the intolerant behaviour displayed here a few minutes ago, I think it is really unfair for one person to come and lecture

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**MOTION ON CONSERVANCIES
HON MOONGO**

us on human-wildlife conflict while the Minister has already presented a policy on human-wildlife conflict. Everything he is narrating there has been addressed in the policy, such as compensation and when somebody has died because of this conflict. Therefore, it is not fair for us to be lectured by somebody who has not even looked at that document. We cannot be subjected to torture and cruel, inhuman and degrading intolerance.

HON DEPUTY SPEAKER: Honourable Member, I think you are right, but the Motion came before the Policy, so let us allow him.

HON MOONGO: Since the people want to address the policy, let me start by saying that the policy is saying that the only compensation is to cover the funeral and the life of a human is not valued and that is not acceptable. Traditional law says that the loss of life of any human should be compensated and this policy should be changed to cover the value of the human life and not only cover the funeral.

Another stipulation is that N\$1,200 will be paid as compensation for cattle and nowadays the value is more than N\$5,000 as that is what we get from the Angolans when they come to buy cattle at the auctions. In that policy the price of a goat is N\$250 and it is peanuts. It needs to be N\$500 or N\$700, which is the current value of a goat. The compensation for a donkey is only N\$150 in the policy. What is worse is that when your garden is destroyed.... (Intervention)

HON MINISTER OF FISHERIES AND MARINE RESOURCES: We have a good and coherent policy and what the Colleague is doing is abusing that. I, therefore, move for the Deputy Speaker to invoke Rule 70(b) which reads that the Presiding Officer should instruct the division of the House. Whenever a division is demanded, and I am demanding a division, the Presiding Member, before instructing the division, shall

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HON MOONGO**

satisfy him or herself that at least two Members support the demand for such division and my Colleague here supports the division. I am demanding a division because the policy is very clear.

HON DEPUTY SPEAKER: I think the Minister's opinion is misplaced. I think the Rule he was supposed to invoke is Rule 97 for the closure of the Debate. Who seconds the closing of the Debate?

HON KAURA: Honourable Deputy Speaker, we want to do justice to the norms this House has followed up to now. If the policy was tabled in this House for discussion, then we could have gone through it and made our suggestions especially as far as compensation is concerned, because the compensation contained in the policy is completely unfair and unacceptable. For example, if my cow which is worth N\$20,000 is killed by a lion, you are going to compensate me with N\$1,500. That is completely unreasonable. If that report was tabled here for discussion, each and every Member could have seen that it is absolute fallacious and it needs to be corrected. On the basis of the statement of the Minister, you cannot say we must now stop the discussion of this Motion if we want to proceed in accordance with the Rules of this House.

HON DEPUTY SPEAKER: Could you read Rule 97. The House is divided, Honourable Member. Those in favour of the Motion to be discussed, please rise. Those against the Debate of the Motion?

Abstentions? None.

In favour	-	3
Against	-	42.

The Debate is closed. The Secretary will read the Sixth Order of the Day.

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**MOTION ON OLD-AGE PENSIONS
HON IILONGA**

**RESUMPTION OF DEBATE:
MOTION ON INCREASE OF OLD-AGE PENSION**

SECRETARY: Resumption of Debate on the Need to Increase the Old-age Pension to N\$1,000 per month.

HON DEPUTY SPEAKER: When this Debate was adjourned on Thursday, 11 June 2009, the Question before the Assembly was a Motion by Honourable Kaura. Honourable Venaani adjourned the Debate and he now has the Floor. Any further discussion?

HON DEPUTY MINISTER OF LABOUR AND SOCIAL WELFARE: Comrade Deputy Speaker, I want to contribute to this Motion by Honourable Kaura.

HON MINISTER OF PRESIDENTIAL AFFAIRS: May I ask a question? Honourable Iilonga, would you advise that maybe the Deputy Speaker grants us permission to fill those chairs?

HON DEPUTY SPEAKER: You are Out of Order.

HON DEPUTY MINISTER OF LABOUR AND SOCIAL WELFARE: I have taken the Floor to make a contribution to Honourable Kaura's Motion on the increase of old-age pension. I am seriously disappointed by the apparent tradition in Honourable Kaura's motivating

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**MOTION ON OLD-AGE PENSIONS
HON IILONGA**

statement, which is clearly designed to stir up emotions.

HON MINISTER OF JUSTICE: May I ask the Honourable Member a question? Honourable Iilonga, I do not know how long you have been in Parliament, but have you noticed that every year when there are elections, the Honourable Member moves a similar Motion? Do you know that and if you know that, why do you waste your energy and time to join the chorus of the Honourable Member? That is his campaign strategy. Do you know that? Can you please relieve us of this torture? We have heard this a hundred times before.

HON DEPUTY MINISTER OF LABOUR AND SOCIAL WELFARE: Therefore, I take this position to say something on this torture, but if there is a move to close the Debate, I can adhere to that, but currently there is no proposal for the closure of the Debate.

HON P MUSHELENGA: May I ask a question? Would you take advice from your Whips that you move to close the Debate?

HON DEPUTY MINISTER OF LABOUR AND SOCIAL WELFARE: I am already on the Floor, I cannot move the closure while I am in the process of addressing the public out there, because I want to clear the confusion created by this Motion. Therefore, I am not addressing the Mover of the Motion, but I am addressing the public out there.

The Motion is to portray the SWAPO Party Government as a non-caring Government despite its past track record which speaks volumes. One would have forgiven Honourable Kaura if he was not aware of the global economic meltdown, but he made specific reference to that in his motivation statement, but he obviously did not understand the fact that a

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HON II LONGA**

global economic meltdown means that Governments of the world, including the Government of the Republic of Namibia, now have little money as a result of the economic crisis and have to struggle to fund even their most important social programmes, including old-age grants. Honourable Kaura, this logic is not rocket science, it is as simple as a, b, c.

The motivation statement of Honourable Kaura is loaded with misleading statements and inaccuracies. He said that the senior citizens use their social grants to support the AIDS orphans. Honourable Kaura is supposed to know that the SWAPO Party Government has a support scheme for orphans in place. The Minister of Gender Equality and Child Welfare pays monthly grants to all registered orphans and vulnerable children. If Honourable Kaura is not aware of this, then this is ignorance of the highest level. Honourable Kaura must stop stirring up emotions for cheap political points. The SWAPO Party Government has the interest of its senior citizens at heart and it has taken good care of them since it has inherited them from the exploitative DTA transitional puppet regime which Honourable Kaura proudly served.

I would now like to give a condensed synopsis of what the SWAPO Party Government has done since Independence for its senior citizens.

The Ministry of Labour and Social Welfare has on numerous occasions demonstrated...(Intervention)

HON NAMBAHU: May I ask the Honourable Member a question? In view of what Comrade Ithana has said and taking cognisance of the last phrases in the motivation of Honourable Kaura where he said: "*Regardless of what happens to the Motion, he will bring it again and again, regardless of what we do.*" Are you going to waste your energy because he will always bring it regardless of what we do?

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HON DEPUTY MINISTER OF LABOUR AND SOCIAL WELFARE:

We will continue condemning it, condemning it, condemning it. The Ministry of Labour and Social Welfare on numerous occasions has demonstrated its commitment towards the senior citizens through a number of efforts which were reported in this august House by my senior Minister. Thus, I want to once more shed light on these specific issues that are so-called burning concerns to Honourable Kaura.

If Honourable Kaura could remember and I want the House and the people out there to bear with me as the same explanation was provided to this august House before, but the Honourable Member appears to have a condition known in the medical circles as amnesia. He is always forgetting. Therefore, for the benefit of the Honourable Member I want to remind him that the SWAPO Party Government has a track record of caring for its senior citizens.

Prior to Independence the senior citizens' grants were paid in terms of the Social Pensions Act (Act 37 of 1973). This system was characterised by extreme inequalities, whereby white Namibian senior citizens were receiving R382 per month, compared to as little as R55 or R40. In 1992 the National Pensions Act (Act 10 of 1992) was promulgated by this august House through Notice 46. Through the introduction of this Act the SWAPO Party Government brought about harmony and eradicated all forms of discrimination in terms of the amount paid to our senior citizens.

In 1994 a social grant amounting to N\$135 per month was paid to all Namibians who reached the age of 60 and older. This translated into 14,5% increase in just 4 years. In 1996 the amount was again increased to N\$160, which represented 19% and then increased from N\$160 to N\$200, which was another 12,5%. In the year 2002 it was again increased to an amount of N\$250, representing an increase of 25% and in the year 2004, it was again increased to N\$300 per month, representing a 20% increase. In the year 2006 it was increased to N\$370, representing an increase of 20% and in the year 2008 it was increased to N\$450, representing an increase of 20%, which is the current amount every senior citizen receives per month.

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The Ministry of Labour and Social Welfare has approximately 152,000 recipients of the social grant of which 131,000 are old-aged pensioners. The rest are people with disabilities. The total Budget for the payment of the social grant for the current Financial Year amounts to N\$820,800,000. However, the Ministry also anticipated the current number of pensioners to increase by 5,000 this year. Thus an additional of N\$27 million would be required to meet the cost of social grant benefits.

Complementary to the above, the Ministry introduced a funeral benefit from the year 2001. Under this plan all pensioners are covered and are entitled to claim a funeral benefit of N\$2,200. Currently an amount of N\$32 million is paid per annum on the insurance premium and with the addition of new applications up to the end of this Financial Year, an amount of N\$34 million will be required.

In conclusion, I would like to request Honourable Kaura, instead of making unrealistic demands during the global economic difficulties, to rather advise those senior citizens, orphans and people with disabilities who are not yet on the registry of the Ministry of Labour and Social Welfare to approach the nearest office of the Ministry of Labour and Social Welfare to be registered in order to be given that grant.

Finally, Honourable Kaura must know that no member of SWAPO, be it in this august House or outside there, will say the current N\$450 given to our senior citizens is enough. No one is saying that. Therefore, I do not think we need to carry on, I now propose that we invoke Clause 97.

Thank you.

HON DEPUTY SPEAKER: The House stands adjourned in terms of Rule 90 until tomorrow at 14:30.

HOUSE ADJOURNS AT 17:40 UNTIL 2009.07.23 AT 14:30

**NATIONAL ASSEMBLY
ASSEMBLY CHAMBERS
23 JULY 2009
WINDHOEK**

The Assembly met pursuant to the adjournment.

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

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

TABLING: ANNUAL REPORT LÜDERITZ WATERFRONT COMPANY

HON MINISTER OF FINANCE: I lay upon the Table, Annual Reports for the Lüderitz Waterfront Development Company for the Financial Years 2007 and 2008.

**TABLING: ANNUAL REPORT:
DEVELOPMENT BANK OF NAMIBIA**

HON MINISTER OF FINANCE: I lay upon the Table, Annual Report 2008 of the Development Bank of Namibia.

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**MINISTERIAL STATEMENT
HON EKANDJO**

HON SPEAKER: Table the Reports, Honourable Minister. Further Reports and Papers? Notice of Questions? Notice of Motions? Ministerial Statements.

MINISTERIAL STATEMENT

**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,
HOUSING AND RURAL DEVELOPMENT:** Honourable Deputy Speaker, Traditional Authorities in the Republic of Namibia play a vital role in the maintenance, promotion and practice of traditional norms in respect of all members of the society. Traditional practices are cultural systems which have evolved throughout the existence of each traditional group. Each of the diverse Traditional Authorities in the Republic of Namibia finds its identity and purpose in such norms and practices.

The notion of belonging to a noble institution, organisation or group is essential to the consigns of each and every individual for it is what constitutes us as human beings.

Namibia is endowed with a wealth of many different traditional practices which have been solidified by generations over generations. Recognising the traditional practices form part of the fabric of the Namibian society and the positive role Traditional Authorities play in steering the society's cultural and social norms. The founders of the Namibian Constitution ensured that the rights of citizens in practising traditional activities are provided for therein. Article 66 on customary and common law, under Section 1 of the Constitution reads: "*Both the customary law and the common law of Namibia in force on the date of Independence shall remain valid to the extent to which such customary or common law does not conflict with the Constitution or any other statutory law.*"

Section 2 further reads: "*Subject to the terms of this Constitution, any part of such common law or customary law may be repealed or modified*

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**MINISTERIAL STATEMENT
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by Act of Parliament and the application thereof may be confined to particular parts of Namibia or to particular periods.”

Additionally, Article 19 under Chapter 3 of the Namibian Constitution ensures traditional practices and reads: “*Every person shall be entitled to enjoy, practise, profess, maintain and promote any culture, language, tradition or religion, subject to the terms of this Constitution and further subject to the condition that the rights protected by this Article do not impinge upon the rights of others or the national interest.*”

The Government of the Republic of Namibia has enacted the Traditional Authorities Act, 2000 (Act 25 of 2000) governing the establishment, the conduct and the functions of Traditional Authorities. The recognition of Traditional Chiefs and heads of traditional communities is validated directly by the Head of State in terms of Section 6 of the same Act, which validation must be done through proclamation in the Government Gazette. No one is permitted to proclaim him or herself as a Chief or Head of traditional community if Section 6 of the Traditional Authorities Act, 2000 (Act 25 of 2000) has not been fully observed.

The Act also compels prospective Chiefs or Traditional Councillors or the community to apply on the prescribed form to the Minister for approval. The prescribed form, amongst others, requests the applicant to indicate the communal area inhabited by the particular community in which the prospective applicant would preside over. Equally, Section 10(1) empowers Chiefs or Heads of traditional communities, duly recognised, to appoint from amongst the members of their respective communities, Senior Traditional Councillors to assist such Chief or Head in the performance of their duties and to exercise or perform other powers, duties or functions as may be delegated or assigned to any of them by such Chief or Head.

Sub-section (4) under Section 10 reads: “*Any Chief or Head of a traditional community who has in accordance with this Section appointed his Senior Traditional Councillors or Traditional Councillor or caused any such Councillor to be elected, shall notify the Minister of such appointment or election in writing, specifying the name, office, traditional*

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**MINISTERIAL STATEMENT
HON EKANDJO**

title, if any, date of appointment or election of the Senior Traditional Councillor or Traditional Councillor concerned and the name of the traditional community in respect of which such Senior Traditional Councillor or Traditional Councillor has been appointed or elected.”

Sub-section (5) continues: “*The Minister shall, on receipt of a notice referred to in Sub-section (4), make the appointment or election of a Senior Traditional Councillor or Traditional Councillor known by notice in the Gazette, setting out in such notice the particulars referred to in that Sub-section with regard to such Senior Traditional Councillor or Traditional Councillor.”*

Therefore, a Senior Traditional Councillor or a Traditional Councillor can only be recognised if all the provisions of the Act have been adhered to. Any person purporting to be a Senior Traditional Councillor or a Traditional Councillor and attempts to carry out traditional functions as outlined in the Act shall be guilty of an offence, punishable and can be convicted and/or imprisoned.

I have stood to point out and to warn that the Ministry of Regional and Local Government, Housing and Rural Development will not tolerate the violation of the Traditional Authorities Act, 2000 (Act 25 of 2000). All Chiefs, Heads of Traditional Authorities, Senior Traditional Councillors or Traditional Councillors must not carry out functions in areas of jurisdiction other than the areas to which their communities belong. All members of the community must also adhere to the practices of Traditional Authorities in which they reside.

The following Traditional Authorities are the only ones exclusively recognised by the Government of the Republic of Namibia in terms of the provisions of the Act:

Kavango Traditional Authorities:

1.1 Mbunza Traditional Authority, official title, Chief. Name: Alfons Kaundu, Office: Kapako. Traditional title: Hompa. Postal Address: P.O. Box 507, Rundu. Telephone: 25557. Physical address: Kapako.

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HON EKANDJO**

1.2 Sambiyu Traditional Authority, official title, Chief. Name: Angelina Matumbo Ribebe, Office: Kapako. Traditional title: Hompa. Physical address: Kayengona.

1.3 Qirigu Traditional Authority, official title, Chief. Name: Kassain Shiyambi, Office: Ndiyona. Traditional title: Hompa. Physical address: Mamuno, Ndiyona.

1.4 Kwangali Traditional Authority, official title, Chief. Name: Daniel Sitentu Mpasi, Office: Kahenge. Traditional title: Hompa. Physical address: Mayara.

1.5 Hambukushu Traditional Authority, official title, Chief. Name: Erwin Mbambo Munika, Office: Mukwe. Traditional title: Fumu. Physical address: Mukwe.

Owambo Traditional Authority

2.1 Ondonga Traditional Authority, official title, Chief. Name: Immanuel Kauluma Elifas, Office: Oluno. Traditional title: Omukwaniilwa. Physical address: Onamugundo.

2.2 Uukwaliudhi Traditional Authority, official title, Chief. Name: Josia Tshikongo Taapopi, Office: Tsandi. Traditional title: Omukwaaniilwa. Physical address: Tsandi.

2.3 Ongandjera Traditional Authority, official title, Chief. Name: Jafet Malenga Munkundi, Office: Okahao. Traditional title: Omukwaniilwa. Physical address: Okahao.

2.4 Uukwambi Traditional Authority, official title, Chief. Name: Herman Iipumbu, Office: Uukwangula. Traditional title: Elenga Enene. Physical address: Uukwangula.

2.5 Ombalantu Traditional Authority, official title, Chief. Name: Oswin Shifiona Mukulu, Office: Utapi. Traditional title: Elenga Enene. Physical address: Utapi.

2.6 Uukolongadhi Traditional Authority, official title, Chief. Name: Daniel Shooya, Office: Onesi. Traditional title: Elenga Enene. Physical address: Onesi.

2.7 Uukwanyama Traditional Authority, official title, Chief. Name: Martha Krisian, Office: Ohangwena. Traditional title: Ohamba. Physical address: Ohangwena.

2.8 Okalongo Traditional Authority, official title, Chief. Name: Mathias Ualaula, Office: Okalongo. Traditional title: Elenga Enene. Physical address: Onandjamba.

Caprivi Traditional Authority

3.1 Masubiya Traditional Authority, official title, Chief. Name: Maiba Kisko Liswani III, Office: Munitenge Royal Establishment. Traditional title: Munitenge. Physical address: Bukalo.

3.2 Mafwe Traditional Authority, official title, Chief. Name: George Simasiku Mamili, Office: Liynanti. Traditional title: Litunga. Physical address: Linyanti.

3.3 Mayeyi Traditional Authority, official title, Chief. Name: Boniface Lutibezi Shufu, Office: Sankwali. Traditional title: Shikati. Physical address: Sankwali.

3.4 Mashi Traditional Authority, official title, Chief. Name: Josef Tembo Mayuni, Office: Choi. Traditional title: Litunga. Physical address: Choi.

Damara Traditional Authority

4.1 /Gobanin Traditional Authority, official title, Chief. Name: !Gariseb Stefanus, Office: Otjinene. Physical address: Goreses Reserve.

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4.2 !Khomanin Traditional Authority, official title, Chief. Name: Gawa-!nab Josefat. Physical address: Arovlei.

4.3 !Oe#Gan Traditional Authority, official title, Chief. Name: Immanuel #Nu-axa !Gaseb. Physical address: Okombahe.

4.4 Tsaoxudaman Traditional Authority, official title, Chief. Name: Chief Bethuel Haraseb. Physical address: Otjimbingwe.

4.5 /Gaiodaman Traditional Authority, official title, Chief. Name: Chief J. M. Haraseb. Physical address: Marianhohe.

4.6 ≠Aodaman Traditional Authority, official title, Chief. Name: Ukongo Petrus . Office : Inhoek. Traditional Title: Gaob. Physical address: Inhoek.

4.7 Dauredaman Traditional Authority, official title, Chief. Name: Elias Taniseb. Office : ≠Nu-danab. Traditional Title: Gaob Physical address: ≠Nu-danab.

Nama Traditional Authority

5.1 Witbooi Traditional Authority, official title, Chief. Name: Christian Rooi (Acting). Office : Gibeon. Traditional Title: Kaptein. Physical address: Gibeon.

5.2 Bondelswats Traditional Authority, official title, Chief. Name: Anna Katrina Christian. Office : Warmbad. Traditional Title: Kaptein. Physical address: Gaiganabes farm (Warmbad).

5.3 Soromaas Traditional Authority, official title, Chief. Name: David Fredericks. Office : Bethanie. Traditional Title: Hoofman. Physical address: Bethanie.

5.4 Kai-//Kaun Traditional Authority, official title, Chief. Name: Petrus Aimon Kooper. Office : Hoachanas. Traditional Title: Kaptein Physical address: Hoachanas.

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5.5 Topnaar Traditional Authority, official title, Chief. Name: Set Kooitjie. Office : Kuiseb Valley. Traditional Title: Kaptein. Physical address: Kuiseb Valley.

5.6 Afrikaner Traditional Authority, official title, Chief. Name: Hendrina Afrikaner. Office : Kappsfarm. Traditional Title: Gaos. Physical address: Koherab.

5.7 Swartbooi Traditional Authority, official title, Chief. Name: Daniel Luiperd. Office : Gainatzeb-Transfontein. Traditional Title: Kaptein. Physical address: Transfontein.

5.8 Blouwes Traditional Authority, official title, Chief. Name: Hans Johannes Titus. Office : Driehoek. Traditional Title: Kaptein. Physical address: Driehoek.

5.9 Vaalgras Traditional Authority, official title, Chief. Name: Joel Stefanus. Office : Vaalgras. Traditional Title: Kaptein. Physical address: Vaalgras.

5.10 Simon Kooper Traditional Authority, official title, Chief. Name: Frederick Hanse. Office : Amper Bo. Traditional Title: Kaptein. Physical address: Amper Bo.

Tswana/Kalahari Traditional Authority

6.1 Batswana ba Namibia Traditional Authority, official title, Chief. Name: Constance Letang Kgosimang. Office : Mokaleng. Traditional Title: Kgosi Kgolo. Physical address: Aminuis.

6.2 Bakgalagadi Traditional Authority, official title, Chief. Name: Hubert Didimalo Ditshabue. Office : Mokaleng. Traditional Title: Kgosi Kgolo. Physical address: Aminuis.

Mbanderu traditional Authority

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7.1 Mbanderu Traditional Authority, official title, Chief. Name: Nguvauva Munjuku II. Office : Omaozonjanda Pos 3. Traditional Title: Ombara Onene JovaMbanderu. Physical address: Pos 3 Epukiro.

Herero Traditional Authority

8.1 Kambazembi Royal House/Traditional Authority, official title, Chief. Name: Tuvahi David Kambazembi. Office : Okakarara. Traditional Title: Ombara. Physical address: Okakarara.

8.2 Zeraeu Traditional Authority, official title, Chief. Name: Christiaan Eerike Zeraeu. Office : Omatjete. Traditional Title: Ombara. Physical address: Omaruru, Omatjete.

8.3 Otjikoako Traditional Authority, official title, Chief. Name: Paulus Tjavara. Office : Opuwo. Traditional Title: Ombara. Physical address: Opuwo.

8.4 Maharero Traditional Authority, official title, Chief. Name: Alfons Maharero. Office : Otjinene. Traditional Title: Ombara. Physical address: Otjinene.

8.5 Kakurukouje Traditional Authority, official title, Chief. Name: Vemuui Tjambiru. Office : Etanga. Traditional Title: Ombara. Physical address: Etanga.

8.6 Ovaherero Traditional Authority (New), official title, Chief. Name: Kuaima Riruako. Office : Aminius. Traditional Title: Ombara. Physical address: Aminuis.

San Traditional Authority

9.1 Ju/' Hoan Traditional Authority (New), official title, Chief. Name: Tsamkxao #Oma. Office : Nyae Nyae. Traditional Title: Chief (H'Aiha). Physical address: Tsumkwe.

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9.2 !Kung Traditional Authority (New), official title, Chief. Name: John Arnold. Office : Mangetti. Traditional Title: //Aiha. Physical address: Omatako Valley.

9.3 Hai-//om Traditional Authority (New), official title, Chief. Name: David Khamuxab. Office : Outjo. Traditional Title: Gaob. Physical address: Outjo.

9.4 #Kao-//Aesi Traditional Authority (New), official title, Chief. Name: Fredrik Langman. Office : Gobabis. Traditional Title: Gaob. Physical address: Skoonheid (Omaheke North).

9.5 !Xoo Traditional Authority (New), official title, Chief. Name: Sophia Jakob. Office : Gobabis. Traditional Title: Gaob. Physical address: Korridor 17.

Comrade Deputy Speaker, Honourable Members, in my concluding remarks I wish to state that any Chief or Traditional Councillor who may have appointed Senior Traditional Councillors or Traditional Councillors, he or she must withdraw such appointment as it does not conform to the spirit of traditional practices and is in contravention of the Traditional Authorities Act. This means that if a Traditional Authority appoints his or her Traditional Councillor in the area of jurisdiction of any other Chief, it is illegal and that person must be withdrawn with immediate effect. Thank you, Comrade Speaker.

HON DEPUTY SPEAKER: Any questions? Question 47 is by Honourable Schimming-Chase to the Minister of Works and Transport. Does the Honourable Member put the Question?

RESPONSE TO QUESTIONS

QUESTION 47:

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**RESPONSE-QUESTIONS HON SCHIMMING-CHASE
HON SMIT**

HON DEPUTY MINISTER OF WORKS AND TRANSPORT: The question by the Honourable Member is that before Independence NGOs and CBOs were very concerned about Bantu and Coloured Education and got involved in alternative education projects. When the interim Government wanted to blow up the old compound, these organisations held demonstrations and marches until they were given permission in writing to convert the market into classrooms and offices. The Peoples Primary School was founded to help the oppressed and using donor monies (approximately N\$50,000) classrooms were built. After Independence the Ministry demanded that the building be handed over. They were asked to provide the documentary evidence that was demanded by the Ministry, after which the Ministry would consider a refund. Therefore, the first question:

Since the law stipulates that, provided written evidence of the permission and this was done, why is the Ministry refusing to do so?

There is written evidence of the permission that was granted to the school by the interim Government to utilise the properties. However, I am not sure which law the Honourable Member is referring to. I would like to make it clear to the House that unless specifically agreed to in writing, all upgrading/renovations done to a facility, whether private or Government, becomes the property of the asset once it is fixed to the existing building or structure of a permanent nature. Whether the occupant used donor or individual funds, those additional improvements automatically become part of the property. And at the time the occupant moves out, there is no refund consideration whatsoever, which is the case with Jacob Morenga School.

In addition, the Ministry of Works and Transport went at length in search for advice from the Government Attorney. The advice obtained confirms that the Ministry of Works and Transport has no legal obligation to compensate the school.

Question 2: Does this not smell of nationalisation which is against the Constitution?

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HON KUUGONGELWA-AMADHILA**

The answer is no. This is not the case, because the property belongs to the Government. Documents on the Ministry's record indicate that the property was just rented out to the school for N\$120 per annum.

Question 3: Is the Minister aware that this money is being requested to build classrooms at Jacob Morenga Tutorial College in order to accommodate more previously disadvantaged children?

Honourable Member, the point here is not how the money being requested will be utilised, but rather if there is a legal obligation for the Ministry to refund the school, which I have already given the answer in question 1.

Question 4: Since the Ministry is benefiting from the use of the old building, can the Minister, especially since we have a pro-poor policy, not assist these children of the poor by refunding the money?

I am in disagreement with the analysis of the Honourable Member that the Ministry is benefiting from the property. The Government is the rightful owner of the property and was always the rightful owner and it is not correct to say that the Ministry is benefiting from the use of the building.

Honourable Deputy Speaker, lastly, in a letter addressed to the principal of the school, dated 18 September 2007, the Ministry made it clear that no compensation will be done in this regard and the Ministry remains on this position. Thank you, Honourable Deputy Speaker.

HON DEPUTY SPEAKER: I thank the Honourable Deputy Minister. Question 57 is by Honourable De Waal to the Minister of Finance. Does the Honourable Member put the Question?

QUESTION 58:

HON MINISTER OF FINANCE: Honourable Deputy Speaker, the Reports will be tabled in Parliament after the recess. Currently they are

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HON LUCAS**

still being finalised. I must highlight, however, that there is no legal requirement that these reports be tabled in Parliament. Air Namibia has been established in terms of the Companies Act and in terms of that law, the company is required to submit reports to the shareholder, who is the Executive on behalf of the Namibian public, and the submission of these reports in this House is simply an indication of the Government's commitment to transparency, but there is no legal obligation that that company's reports should be tabled in this House.

Having said that, I will in line with tradition submit these reports to this House during the next session, because they are now being finalised and they are quite a number.

HON DEPUTY SPEAKER: Question 59 is by Honourable Viljoen to the Minister of Foreign Affairs. Does the Honourable Member put the Question?

QUESTION 59:

HON DEPUTY MINISTER OF FOREIGN AFFAIRS: Honourable Deputy Speaker, in response to a question whether Namibia voted in favour or against a UN Resolution, criticising Iran on human rights violations, I wish to inform this august Assembly that as a matter of principle, the Government of the Republic of Namibia does not condone violation of human rights anywhere. As clearly stipulated in Chapter 3 of the Namibian Constitution, our Government believes that no person should be subject to torture or to cruel, inhuman or degrading treatment or punishment. Needless to say, as a Nation we have abolished the death penalty as a means of punishment. Our Government, therefore, upholds that fundamental law enshrined in the Constitution.

However, when certain countries are targeted or accused of human rights violations because of politicisation, double standards and selectivity on the part of the sponsors of these countries' specific resolution, Namibia's voting pattern in the UN General Assembly has been to abstain. This has

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HON NUJOMA**

been a conscious and consistent position.

Having said that, Honourable Deputy Speaker, I wish to point out that the human rights records in some of the very developed countries which condemn human rights violations in developing countries are far from being perfect domestically and internationally. It is an undisputable fact that should any developing country attempt to criticise the situation of human rights in a developed country, such an attempt is met with stern warnings and threats of withdrawal of development assistance. The situation in Western Sahara and Palestine is a case in point. The occupying powers of these non self-governing territories continue to violate human rights with impunity while some of their allies turn a blind eye and pretend to champion the protection of human rights globally.

In conclusion, it must be pointed out that Namibia may not have the capacity to independently verify violations of human rights in any country. However, we believe that there should be a level playing field in condemning, investigating and scrutinising such incidences in all Member States of the United Nations. I thank you.

HON DEPUTY SPEAKER: Thank you very much. Question 60 is by Honourable De Waal to the Minister of Justice.

QUESTION 60:

HON DEPUTY MINISTER OF JUSTICE: Honourable Deputy Speaker, Honourable Members, I thank Honourable De Waal for his question, which reads as follows:

“How many approvals (warrants) by a Judge have been granted to the Namibia Central Intelligence Service or any other person or institution to intercept or monitor electronic communications or to perform similar activities for the period of 1 January 2007 to 31 May 2009.”

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To my recollection, my Minister has already answered this question on many occasions. She did so when she was Attorney-General and she did so when she was Minister of Justice and Attorney-General and now she is doing it again when she is Minister of Justice. What should be noted is that the Central Intelligence Service resorts under the Office of President and that office is represented in Parliament.

The Honourable Judge President confirmed that no approvals (warrants) were granted by a Judge to the Namibia Central Intelligence Service or any other person or institution to intercept or monitor electronic communications or to perform similar activities for the period 1 January 2007 to 31 May 2009.

HON DEPUTY SPEAKER: Question 61 is by Honourable De Waal to the Minister of Finance. Does the Honourable Member put the Question?

QUESTION 61:

HON MINISTER OF FINANCE: Honourable Deputy Speaker, I assume that the Member is trying to establish whether efforts have been undertaken to strengthen capacities in areas identified in the ASAP Report, as requiring such. On this I would say the following:

Subsequent to this report, the regulatory and supervisory framework for non-banking financial institutions has been revised to be in line with international best practice. A draft Bill has been finalised in consultation with industry players. NAMFISA's internal processes were also reviewed and revised to comply with best practice and enable the authority to procure the necessary technology that would enhance its function of supervisory oversight. Efforts are currently ongoing to build the necessary capacity to make optimal use of these systems.

As to whether the Prowealth incident is proof of lack of supervisory capacity at NAMFISA, I would say not. In spite of the Prowealth incident, the system remains sound and appropriate measures have been

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taken when the Prowealth situation became known in order to limit losses to investors and to similar occurrences. It is important to point out that even with the best practice regulation and supervision, it may not be easy to completely rule out such incidences. However, with the lessons from the current global crisis and coordination amongst regulators around the world, it is possible to effectively detect and minimise this type of financial crime.

On the second question I answer the following: As I have indicated above, the legislative framework was comprehensively reviewed and the Amendment Bill drafted and the current draft is an improvement over what was initially available and the additional revision became necessary following extensive stakeholder consultations.

The last question is quite interesting. The Honourable Member wants to know as to whether NAMFISA and the Minister of Finance must take full responsibility for the loss of investment at Prowealth and here I will unfortunately have to depart from the tradition of just accepting unfounded accusations, as it is most unfortunate that the Honourable Member seems to be trying very hard to find a reason to blame this on Government. It is becoming clear that he wants the Government to pay out the investors. Unfortunately things do not work that way in our country. If the Honourable Member feels that any specific person is guilty, he will have to lodge a complaint with the Courts and the Court has to find the instances guilty and sentence them accordingly. It however, cannot just be that the Honourable Member would pose a question to the Minister of Finance and say, "*I think this is what happened and therefore, you should compensate the investors.*" I do not think it is helpful either for cooperation among all stakeholders, for us to combat this type of practice. In fact, it undermines the current cooperation that is going on between NAMFISA and the investors and everybody involved in resolving this issue.

HON DE WAAL: Honourable Deputy Speaker, the Honourable Minister keeps on referring to the draft Bill, but my question is, when will the Bill

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HON KUUGONGELWA-AMADHILA**

come to Parliament? As long as the draft is lying in the offices of Namfisa, it does not really make any contribution. The draft must come to Parliament and the question is, when will that happen?

My last question is, why do we pay NAMFISA if they do not do their job? Why must every person with an insurance policy in this country pay a levy to NAMFISA every single month? Why must we do that if they cannot do their work and see to it that people who invest their money in recognised financial institutions, supervised by NAMFISA, are properly audited and controlled?

HON MINISTER OF FINANCE: Honourable Deputy Speaker, with regard to the question about the Bill lying at NAMFISA, legislating is a process. A Bill does not get itself on the desk of this House, a Bill cannot just be brought here, being devoid of any improvements. We have found it appropriate to further work on the Bill so that the improvements would be effective. As I have said, the draft Bill has been finalised and it will be submitted for legal review, following which it will be tabled in Parliament. Given the long queue of draft legislation, I am hoping that this will be able to receive the attention of the legal experts and we will be able to table it in Parliament during the next session. However, we are not going to run because this Member said it should be here now, otherwise we will not do a proper job.

The Honourable Member wants to know why the State has to pay the NAMFISA employees of the Prowealth incident could take place. I believe that this is a rhetoric question, because if you and I really believed that once we have established a supervisory authority there would not be such incidents, then we would not have a law to penalise those who engage in it. The reason the law penalises those incidents is because we all know that even if you put in place a law, there would be violators and when there are violators, we should be able to deal with them. I think it is unreasonable to expect that in a country with Namibia's level of development we can measure success by zero level of violation. Even in the developed nations there are these kinds of problems. I am not saying I

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am excusing the NAMFISA staff for the oversight, but I think they are working very hard and that is why our economy was not affected to the extent that other economies have been affected, because our people who are working in the system are doing the very best they can. We are not saying there is no room for improvement, we will continue to improve, but we have to appreciate the efforts being made.

HON DE WAAL: Honourable Minister, the stealing in that Company started in 2003 and NAMFISA did not pick up anything until the beginning of this year. Yet the people at NAMFISA are getting the salaries of qualified people, so something is seriously wrong at NAMFISA.

HON DEPUTY SPEAKER: Question 63 is by Honourable De Waal to the Minister of Finance. Does the Honourable Member put the Question?

QUESTION 63:

HON MINISTER OF FINANCE To the first question the answer is that NAMFISA is not concentrating on one or two Companies, it is in fact extending its actions over all companies that it has regulatory powers over, but not to other entities that do not resort under it. NAMFISA has and is continuing to explore every means possible to protect the interest of investors.

The answer to the second question: NAMFISA is pursuing the approach that would best serve the interest of the public, including the investors. Such best approach may not be what is preferred by the Honourable Member and I think I have said this earlier on. However, since NAMFISA is accountable to the Namibian public for its actions, it will have to exercise its judgment and not just be led by individuals'

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HON KUUGONGELWA-AMADHILA**

preferences, because if we must sit in this House and tell NAMFISA to this and that, who will be held accountable for negative consequences, us or NAMFISA? NAMFISA will exercise its professional judgment and protect the interests of the investors and the public in the best manner that it knows how.

NAMFISA's regulatory powers will be executed over all entities under its regulation, but not to those which do not resort under it. I know that when our people hear of money being missing somewhere, they think of the Ministry of Finance. They do not think of what the statute says. Sometimes you have an entity and it has a Line Minister vested with certain powers. Therefore it is not just because there are suspected financial irregularities that this must be the responsibility of NAMFISA. No, the law allocates powers to individuals and they exercise those powers in terms of those statutes and NAMFISA will exercise its powers over those set of companies under the Prowealth family that resorts under it, but not those which do not resort under it. This is also an issue that is being pursued in the liquidation process and I do not know whether the Honourable Member intends engaging in a dialogue with me to the extent that I should even list the name of the investors. It cannot happen like that. You ask for information which you cannot get anywhere else. To come to Parliament and repeat questions on the same things even deprives the House of the opportunity to discuss other things.

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

HON DEPUTY SPEAKER: The first Notice of Motion is by the Honourable Minister of Justice.

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**TREATY ON EXTRADITION
HON NUJOMA**

**TREATY ON EXTRADITION AND MUTUAL LEGAL
ASSISTANCE IN CRIMINAL MATTERS**

HON DEPUTY MINISTER OF JUSTICE: Honourable Deputy Speaker, I have the honour to table before this Honourable House the Treaty on Extradition and Mutual Legal Assistance in Criminal Matters concluded between the Republic of Namibia and the States of Angola and Zimbabwe. I will deal with the treaties simultaneously as the content is the same.

An Extradition Treaty and a Mutual Legal Assistance Treaty was concluded with each of these brotherly States. Honourable Deputy Speaker, Honourable Members, the SADC, of which Namibia, Zimbabwe and Angola are Members, adopted Protocols on Extradition and Mutual Legal Assistance in Criminal Matters. These Protocols were adopted in recognition of the increased incidents of crime at national and trans-national level, the relative ease of cross-border movement within SADC which enables offenders to escape arrest, prosecution, conviction and punishment and the need to promote cooperation among Member States in combating crime and enhancing human security.

This Honourable House approved municipal legislation on extradition and mutual legal assistance in criminal matters. These are the Extradition Act 11 of 1996 and the International Cooperation in Criminal Matters Act 9 of 2000. Both Acts are in force and regulate the scope of international cooperation in these areas. Both Acts make provision for Namibia to enter into agreements with other States for practical implementation.

Honourable Deputy Speaker, this Honourable House ratified the United Nations Convention against Trans-national Organised Crime, otherwise referred to as the Palermo Convention and two of its three protocols. The three protocols deal with the combating, the manufacturing of firearms and ammunition, preventing and suppressing human trafficking and prosecuting human traffickers and preventing the smuggling of migrants by land or sea. This Honourable House subsequently approved legislation

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HON NUJOMA**

to incorporate the provisions of the Palermo Convention. These are the Prevention of Organised Crime Act, 29 of 2004 and the National Intelligence Act, 3 of 2007. The two pieces of legislation came into force in May 2009.

Recognising the fact that it is in the national interest to adopt concrete legal measures to combat crime and to bring offenders to justice, the Republic of Namibia, through my Ministry, entered into bilateral agreements on extradition and mutual legal assistance in criminal matters, respectively with the Republic of Zimbabwe and Angola. The purpose of the extradition treaties is to provide a framework for extradition of fugitive criminal offenders for trial and to serve sentences imposed by competent Courts and to facilitate mutual cooperation in criminal justice matters.

The purpose of the Treaties on Mutual Legal Assistance in Criminal Matters is to facilitate cooperation in other aspects of criminal proceedings and investigations other than the extradition of fugitive offenders. Pertinently, these include without limitation thereto mutual cooperation in providing requested information, serving documents, searching and seizing objects, evidential material, witness testimony, tracing, confiscation and forfeiture of assets of procedure of criminal enterprise.

The treaties were negotiated within the framework of cooperation established by the Joint Permanent Commission of Cooperation between the Republic of Namibia, on the one hand, and Angola and Zimbabwe, on the other. They are undoubtedly the clearest manifestation of commitment to cooperate in combating criminal activity, in particular the more serious crimes that pose a threat to peace and human security. These crimes include organised crime, illicit trafficking in drugs and other toxic substances, cross-border motor vehicle theft, money-laundering and terrorist activities.

Honourable Deputy Speaker, Honourable Members, it is in the public interest that this Honourable House ratifies the Treaties in order to facilitate their implementation. Once ratified, the instruments of ratification will be submitted to the Republics of Angola and Zimbabwe

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respectively through diplomatic channels. The Republics of Angola and Zimbabwe are, in accordance with the Treaty provisions, obliged to similarly ratify in terms of their national laws these treaties and exchange the instruments of ratification with the Republic of Namibia.

The Treaties will become effective after publication in the Government Gazette. It is, therefore, imperative for the Treaties to be urgently ratified to trigger the processes predicated to implementation. The National Assembly has the power and function under Article 63(2) of the Constitution of the Republic of Namibia to agree to the ratification of international agreements negotiated and signed by the Executive in terms of Article 32(3)(e) thereof. Ratification of the Treaties signifies the consent to be bound and will make the Treaties legally binding and enforceable by Namibia, provided that other conditions stipulated in the text of the Treaties are met.

Under the relevant articles, ratification, followed by exchange of instruments of ratification, is a necessary condition to bring the Treaties into force. The parties are obliged under the terms of the Treaties to undertake this process and to notify each other before the Treaty can become operative.

Honourable Deputy Speaker, although the Republic of Namibia has not yet received notification from the Republic of Angola and the Republic of Zimbabwe that they have contemplated the necessary legal procedures for enforcement, the Republic of Namibia does not have to wait on them. With respect to Angola, during the Fifth Session of the Joint Permanent Commission on Cooperation held in Windhoek during the period 11 to 13 March 2009, both sides advised that they were attending to the process of ratification. Both sides were urged to expedite the process in order to bring the Treaties into operation without further delay. These commitments were reiterated during my Minister's official working visit to Luanda, Angola during the period 27 to 30 May 2009.

Under the Treaties on Extradition, the Republic of Namibia shall bear the cost of proceedings in its jurisdiction arising from the request and of conveying extradited fugitives from Angola and Zimbabwe, including

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transit cost and cost of transfer of property when it is the requesting State. The Republic of Namibia shall similarly bear the cost incurred in its territory in connection with seizure and surrender of property or arrest and detention of the requested fugitive.

Under the Treaties on Mutual Legal Assistance in Criminal Matters, the Republic of Namibia bears the ordinary cost for execution of the request, in respect of the cost of travel and security of witnesses and experts, translation, interpretation and transcription and cost of expert opinions or reports.

Honourable Deputy Speaker, this Honourable House is fully aware of the upsurge in illicit trafficking in drugs through Namibia by foreign nationals, including Angolans. Namibia is now both a transit route for illicit drugs and a consumer destination for illicit drugs. These measures, coupled with the laws to combat trans-national organised crime, will ensure effective law enforcement and bring to justice criminal offenders.

Honourable Deputy Speaker, I therefore request this Honourable House to ratify the four Treaties that I hereby table before you, namely the Mutual Legal Assistance in Criminal Matters Treaty between the Republic of Namibia and the Republic of Angola, the Extradition Treaty between the Republic of Namibia and the Republic of Angola, the Mutual Legal Assistance in Criminal Matters Treaty between the Republic of Namibia and the Republic of Zimbabwe, the Extradition Treaty between the Republic of Namibia and the Republic of Zimbabwe. I, therefore, urge you to speedily ratify these two treaties so that we can go into recess. I thank you.

HON DEPUTY SPEAKER: Thank you very much. Any further discussion? I recognise Honourable Henk Mudge.

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HON MUDGE**

HON MUDGE: Honourable Deputy Speaker, I need some clarity, because according to my understanding this session was extended by a decision of the Standing Rules and Orders Committee to deal with the Electoral Bill which was said to be urgent and I do not think it was meant that any other business should be discussed during this session. That is point number one.

Secondly is that we received these Treaties on our desks this afternoon at 14:30 and I think reasonably it cannot be expected from us to now ratify something that we have not had time to read. (Intervention)

HON DEPUTY MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: On a Point of Information. When we take the oath every afternoon here, we say we must respect one another and now we have this selective morality of picking and choosing issues. If this House was supposed to deal with the Electoral Bill, we were not even supposed to deal with the questions and therefore, the Honourable Member is being selective. He did not pose the same question when we were dealing with questions. Now that he hates something, he wants us to join him to hate it. It is unacceptable, let us continue.

HON MUDGE: Honourable Deputy Speaker, I said that we have not had time to read this in any case. In all fairness, I think this should stand over until the next session so that we can read through it and ratify something that we know what is going on. You cannot expect from us to ratify it if we have not had time to read it.

HON DEPUTY SPEAKER: Honourable Mushelenga.

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**TREATY ON EXTRADITION
HON P MUSHELENGA / HON SCHIMMING-CHASE**

HON P MUSHELENGA: Honourable Deputy Speaker, we on this side of the House want to thank the Minister of Justice for tabling these Treaties for ratification. Our prisons are full of foreign nationals who are being fed by the taxpayers of this country who can otherwise serve their sentences in their respective countries, thereby alleviating us from the burden of taking care of them in our prisons.

It is the same Opposition Parties that always complain about the Budget and all other things. Therefore, this is very important because we have a number of them. Members of the Foreign Affairs, Defence and Security Committee will agree that we have visited a number of places in this country and there are a number of foreign nationals in those prisons. We must do the right thing at the right speed and at the right time and I, therefore, urge everybody to support the ratification of these Treaties. The right time is now. Thank you.

HON DEPUTY SPEAKER: Honourable Schimming-Chase.

HON SCHIMMING-CHASE: I have a question for clarity. I understand that this is supposed to be urgent, we need to do it today. I have received it now, I did not even receive it before tea and I see that the two agreements have been signed, one in July 2006 and one in July 2007. Therefore, we are rushing through ratification of agreements that have been signed three years and two years ago, respectively. I have full understanding and respect for Honourable Mushelenga who feels that on that side there is nothing to be done but to agree and I would crave the same understanding that on this side we would wish to read and know what we sign. I do not think that it is something that one cannot ask, I think that we owe it to the people who have elected us and we owe it to the Namibian Nation that we cannot agree to ratify a document that we have not read. I, for one, cannot and when the time comes, I will ask that

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RT HON N ANGULA**

my opposition under Rule 69 be recorded in the minutes of this session. Thank you.

HON DEPUTY SPEAKER: Thank you. Right Honourable Prime Minister.

RT HON PRIME MINISTER: Thank you, Honourable Deputy Speaker. I fully understand the concern of everybody in this House that we should not ratify or endorse something we have not read. However, I would like to impress upon the Colleagues on two or three things.

When we return here, God willing, in September, this House should not be burdened with too many things, because all of us know we are going to try to convince the voters to return us to this House to continue to serve them. That being the case, we also know that extradition treaties follow a particular standard and these two Treaties are similar. The only difference is there where they put “Angola” and “Zimbabwe”. There is no difference. Yes, it is nice to read them, but I can assure you that you are not going to add anything to them. These extradition treaties are standard. The only principle argument you could advance is whether we need to enter into extradition treaties with the two countries. If you advance that principle argument, one can understand, but when you talk about the text, the text is standard.

However, if you do not want us to sign an extradition treaty with the two countries, that is a different matter. (Intervention)

HON SCHIMMING-CHASE: If I could clarify. The Right Honourable Prime Minister is talking as if we are opposed to the Ratification Treaties. Completely wrong, we do not want to be misquoted. Not at all! I am saying, if it was that urgent, why do we have to wait three and two years

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respectively and the difference of the one month that we are on recess. What is making it so urgent?

Secondly, as a matter of principle I do not sign blank cheques, because I do not want to be told one day that in my account, somewhere where I have had a holiday, there are so many millions. It is a question of principle of not signing. I do not intend voting against this at all, but I do not intend voting for it either. I have to live with my conscience and I cannot sign it.

RT HON PRIME MINISTER: Honourable Schimming-Chase, I respect that position, but if you listened very carefully to the Deputy Minister, at one point he was reading and I thought what he was saying is irrelevant, but I really understood why he had to say it. He was saying we ratified the Palermo Convention, we passed a law here about money-laundering and another law about organised crime. It is within that context that we have to take these Treaties, that in order to facilitate the work of our officers dealing with these things, we need these Treaties in place so that they can do their job. It was presented in that respect. It is true that these Treaties were signed a long time ago, but at that point we have not passed those laws, but now they are urgent because these people need to be assisted by other people. You should see it in that light.

When Comrade Nujoma was motivating I thought he was reading irrelevant things, but I realised that he is trying to say that because of these laws we have passed and the Treaties were ratified, we have to ratify these extradition treaties with our neighbours so that we can facilitate the work of the Government on these other laws. You should understand it in that respect.

Therefore, Honourable Members, please, we are not trying to bulldoze these things through the Parliament, but we are just trying to ensure that our law enforcement agencies have the necessary instruments to carry out their jobs.

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HON DEPUTY SPEAKER: Thank you. Honourable Kazenambo.

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

Thank you, Honourable Deputy Speaker. I rise to support the ratification and I also rise to mention that the Deputy Chief Whip of SWAPO has given some of us an assignment when these documents were put in this House, that we must utilise whatever little time to scrutinise these documents on the basis of the urgency and we utilised that time to read these documents and we concentrated on reading these documents. We have read these documents because of their urgency and importance and as much as we respect the position of our Colleague who has equally been elected like us, our members who have elected us have spoken through our Chief Whip, they have spoken through our Party leadership, that this is an urgent document and that is why the Minister and the Deputy Minister brought it at this hour to this Parliament. We have those clear instructions, we are faced with that situation and therefore, we worked around the clock, we denied ourselves a break to work in the interest of the people and I fully support that these Treaties must be ratified. I thank you.

HON DEPUTY SPEAKER: A question was raised by Honourable Henk Mudge that the session was extended for the two Bills. It is true that that is how we agreed in the Standing Rules and Orders and yesterday I raised it here and I asked the views of the Whips. The Chief Whip of SWAPO said they have to consult and I thought the Whips have consulted and you cannot come back with the same story again. Honourable Nambahu.

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HON NAMBAHU: I also rise to express my support for the ratification. I really think that these Treaties are long overdue and I was under the impression that we already have extradition treaties with our neighbouring countries. Now that we have this onslaught on our country by criminals, I think we should do it as a matter of urgency in order to put another weapon in the arsenal of the State to combat organised crime and the likes.

As Members of Parliament we should be on twenty-four hours standby. If there is any threat to the sovereignty of this country, we must be expected to be phoned in the night to come and pass urgent laws here to protect the country. I do not see any other excuse. I do respect the position of the Opposition under normal circumstances, but as the Prime Minister said, these are almost standard and obviously, this will strengthen Government's, case because sometimes we are put at a disadvantage in Court because of things which are not in place.

Therefore, with due respect, I do not think that this is something that we can postpone, but must put in place procedures and mechanisms that strengthen the State's hand in combating crime.

With those words, I support the Bill.

HON DEPUTY SPEAKER: Thank you. I recognise Honourable Moongo.

HON MOONGO: Thank you, Honourable Deputy Speaker. Sometimes too much power is dangerous to the future of the Nation and, therefore, the two-thirds majority may boomerang on the community and the entire population of Namibia. (Intervention)

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HON DEPUTY MINISTER OF LABOUR AND SOCIAL

WELFARE: On a Point of Information. Honourable Moongo needs to know that a country which has no power to take decisions is ungovernable. If you want to make Namibia an ungovernable country we will never allow it. This is in your interest, but you are always against and just imagine, yesterday you walked out twice and we came and listened to you talking.

HON MOONGO: I would only like to say that sometimes it is dangerous that a powerful majority can go to the over the extent of democracy. (Intervention)

HON P MUSHELENGA: On a Point of Information. Democracy is about the rule of the majority, but the SWAPO Party has always been considerate despite the numbers we have and consulted the Members of the Opposition. Now the problem is that when Members of the Opposition are consulted, they want the Ruling Party to take their position. Yesterday the Honourable Members were consulted and they said they are not going to support it. They should be honest here, they were consulted and they said they are not going to support these treaties. It does not mean if they are not going to support it we should not go ahead with it. We consulted you and please, let us speak the truth and let us tell the Nation the truth. Yesterday the Opposition Parties were misbehaving here. They ran away and came back and we listened to them. I can tell you, if you want to, you can walk out now. We should not come here and accuse each other when we are trying to do right things. We should not come and try to fool the Nation just because we want to score political points. We are here to make laws, we are a responsible Party, we do consultations, but if you think there was no consult, fine.

HON SCHIMMING-CHASE: On a Point of Order. If any Member of the Opposition would have dared to say the Ruling Party was misbehaving, we would have been told to withdraw.

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HON DEPUTY SPEAKER: You have the right to demand a withdrawal, then I will instruct him to withdraw if you feel it is an insult.

HON SCHIMMING-CHASE: It is true that the majority rules in a democracy, that is what it is about. The majority will have their way and the minority will have their say. It is as relevant to democracy. But I would like the Honourable Deputy Speaker to call some of the Honourable Members to Order who do not know what parliamentary language is. “*You this, you that*”, it is “*the Honourable Member*” and we as a minority will insist on having our say because it is part of democracy and we also have the right to demonstrate by walking out when we feel that something is wrong and whether the Honourable Mushelenga likes it or not, the Opposition will not ask the permission of the Ruling Party to decide what action it takes in a Debate. Thank you.

HON MOONGO: I would like to say that the SWAPO Government survived 19 years without this Treaty and now all of a sudden it is so urgent, but the Government survived for 19 years. (Intervention)

RT HON PRIME MINISTER: On a Point of Information. Inasmuch as for the last 19 years we did not have this Treaty, the terrorism, drug trade, money-laundering and other crimes were not as endemic as they are today. That is why we want this so that we make sure we arrest these things.

HON MOONGO: Those of us have been Members of this Parliament before Independence are more experienced than you when it comes to security. (Interjections).

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HON DEPUTY MINISTER OF LABOUR AND SOCIAL WELFARE: On a Point of Information. It is true, Comrade Deputy Speaker, if Honourable Moongo says they are more experienced. Yes, they are experienced in killing the Namibians, in being puppets, in getting slush funds. Yes, they have experience of that.

HON MOONGO: I am saying there were dangers in previous times...
(Intervention)

HON MINISTER OF VETERANS AFFAIRS: On a Point of Order. The Parliament in which we are sitting here was created as a result of the Constitution of Namibia, drafted by the Namibians and it is not a continuation of puppet Parliaments. Therefore, to say this Parliament is a continuation of that is an insult to our Parliament, because that Parliament was constituted of puppets who were not elected and this is not a continuation of a puppet Parliament. This is a Parliament which was created by the Constitution which was drafted by ourselves.

Also to amplify on what the Right Honourable Prime Minister has said, there are certain things happening now which have never happened before. Just to give you an example, how many people have been arrested this year who have been smuggling drugs in their body? Has it happened before?

HON MOONGO: Secondly, I would like to say that it was motivated this morning and the documents were provided after 14:00 and we cannot ratify it without reading the Treaties. I think it is against the Rules of this House and it is not acceptable. (Intervention)

RT HON PRIME MINISTER: May I ask the Honourable Member a question? Honourable Moongo, do you know how to read?

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HON MOONGO: I thought the Prime Minister taught me some time back when I was a commander. We came for some studies and you know about it and I know how to read. (Intervention)

HON DEPUTY MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: On a Point of Information. Surely some of us do not have experience of how to be in puppet Parliaments. (Interjection)

HON MOONGO: You can insult me, it is against the Rules of this House.

HON DEPUTY MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: Secondly, as much as the minority Opposition have been rejected with the contempt they deserve by the majority of the Namibian people, the majority who represents the majority view of the Namibian people also have the right to participate in decision-making to facilitate the interests of the Namibian people. As much as you have the right to your say, we have the right to take decisions in the interest of the Namibian people.

HON MOONGO: The rights of the people of Namibia should first be discussed and ample time must be given to Members of Parliament to scrutinise Bills and everything tabled in this House. I, therefore, say the majority is now dangerous. (Intervention)

HON NAMBAHU: May I ask a question? Honourable Moongo, you

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always boast of having been a commander in the past. If there is a threat to the existence of this country and you are required to come to this Parliament to pass a certain law in the interest of the citizens of the Republic of Namibia, will you say, "*no, the enemy is advancing, but I first need to be consulted?*"

HON MOONGO: I would only like to correct my Colleagues who are on the side of the majority that in my understanding the majority have to listen to the people of the country and now you are bulldozing everything. (Intervention)

HON MINISTER OF JUSTICE: On a Point of Order. Is it allowed for outsiders to correspond with Members of Parliament during the Debate?

HON DEPUTY SPEAKER: Is there anything of that nature? I did not see it. It is not allowed. Those in the gallery are here to observe what is going on, not to send letters inside here.

HON MOONGO: I did not get any document.

HON MINISTER OF JUSTICE: I think the Rules of the House should be respected by ourselves and those who come here to listen to what is going on. I have noticed a trend of people writing notes from upstairs, sending SMSs from upstairs.

HON DEPUTY SPEAKER: Anyone who is doing that should refrain from it. Proceed.

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HON MOONGO: I want the majority to understand the rights of the majority. (Intervention)

HON DR ANKAMA: May I ask the Honourable Member a question? Honourable Moongo, you said you have been a commander and of course you have run away, you said you are an experienced Parliamentarian. Yesterday you ran away twice, now should we really trust that you, when this country is in need, will immediately pass Motions or ratifications? Should we trust that you will not run away?

HON MOONGO: When we are in the House and demand our right to scrutinise the Bills ... (Intervention)

HON SCHIMMING-CHASE: Honourable Deputy Speaker, I would like to be guided by you. I think the Constitution of the Republic of Namibia says there is freedom of association. If we come here and we swear that we will be faithful to the Constitution of the Republic of Namibia and somebody exercises that constitutional right and you say the person has run away, is that what the Constitution allows?

HON MOONGO: It is a parliamentary norm to walk out and when we demand our right which is enshrined in the Constitution, which is also in the Rules and Orders of Parliament, the majority is against the right of the MPs to read and scrutinise everything which comes to the House. The Motion was tabled yesterday, it was motivated this afternoon and it would have been good if we received the documents yesterday, but now we got it at 14:00 and we have to ratify it 14:15. Is that the right the majority has? Is that not dangerous to the future of this country?

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HON MINISTER OF EDUCATION: May I ask the Honourable Member a question? Honourable Moongo, what time is it now? We were here from 14:30 up to now and you are talking about ratifying something at 14:30.

HON MOONGO: If you want to change the Rules of the House, please bring it here so that we can accept it, but do not force us. (Intervention)

HON DEPUTY MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: This is my last intervention. I want to correct the information that is going out there. It is not true as Honourable Moongo is putting it, that the majority SWAPO Party is not consulting and that the SWAPO Party is enforcing its majority. With the Communications Bill and the Electoral Bill the Opposition put proposals which were accommodated here and they even said publicly that because those matters were accommodated, they will support it. Then they changed and they walked out. Therefore, to say that SWAPO is enforcing things is not true, they are consulted.

HON MOONGO: I would only like to say that you must not abuse the mandate given to you by the people and I appeal to you not to be a danger to the future and the democracy of this country. You can pass the Motion, we know you are the majority, but you are abusing your majority power and I think the people will realise how you misbehave and abuse your power and majority. Thank you.

HON DEPUTY SPEAKER: Thank you. Honourable Kaiyamo.

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HON KAIYAMO: Colleagues, democracy must be guided. The people of Namibia elected the SWAPO Party to govern this Republic and gave us the Government. The Government feels it is good that the Treaties must be ratified and I do not want us to waste time, I want to demand a division under Rule 70.

HON MINISTER OF TRADE AND INDUSTRY: Comrade Deputy Speaker, I am getting up to support the Prime Minister who admitted that it is late, but he said it is a standard document. Therefore, you have made a very good statement by saying that you need time to read the documentation and I agree with you. However, I appeal to you, having admitted that we should have brought this earlier, can we endorse and ratify the Treaties and say that it will not be repeated in future?

HON MUDGE: On a Point of Order. I just want to confirm that I have not been consulted and secondly, I want my objection to be noted. I do not want to vote against and be seen that I am opposed to this, therefore I will just abstain from voting.

HON DEPUTY MINISTER OF JUSTICE: I would like to thank the Honourable Members for their support and for recognising the importance of these two Treaties between Namibia and Angola and Zimbabwe and for recognising the importance of the speedy ratification. I would like to thank you wholeheartedly from the bottom of my heart.

HON DEPUTY SPEAKER: I now put the Question, that the Motion be adopted.

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**MOTION ON FOOD SECURITY
HON IIVULA-ITHANA / HON DIENDA**

HON SCHIMMING-CHASE: Honourable Deputy Speaker, in terms of Rule 69 I request that my reservations be recorded in the Minutes of today's meeting.

HON DEPUTY SPEAKER: Your reservations will be recorded and, therefore, there is no objection. The Motion is adopted. The Secretary will read the First Order of the Day.

**RESUMPTION OF DEBATE: MOTION ON FOOD
SECURITY FOR PEOPLE ON ARV-TREATMENT**

SECRETARY: Resumption of Debate on Food Security for People on ART-treatment at Government Health Centres.

HON DEPUTY SPEAKER: When the House adjourned in terms of Rule 90 on Tuesday, 21 July 2009, the Question before the Assembly was a Motion by the Honourable Dienda. The Honourable Minister of Justice postponed the Debate and she now has the Floor.

HON MINISTER OF JUSTICE: Honourable Deputy Speaker, I Move that the Debate be postponed until September.

HON DEPUTY SPEAKER: Any further discussion? The Motion will stand over until September.

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HON DIENDA**

HON DIENDA: Honourable Deputy Speaker, thank you so much. This Motion will lapse if it is postponed. Honourable Deputy Speaker, before I thank any person, I would just like to read some excerpts from my speech.

Proposed action points by Parliament: Honourable Deputy Speaker, this Motion did not ask for any “*outeres*”. I do not see any “*outeres*” in this Motion. (Interjections). Ask Honourable Pendukeni, she was saying it is an odorous Motion. This Motion was purely asking for Parliament to look into prevention, care, treatment, patients on ART receiving food and nutrition every day, for agricultural projects to be put in place. (Intervention)

HON MINISTER OF TRADE AND INDUSTRY: On a Point of Order. What does “*outere*” mean? Is it parliamentary language?

HON DIENDA: Ask Honourable Ithana.

HON DEPUTY SPEAKER: It was used here yesterday by the Minister of Justice, I think it is allowed.

HON DIENDA: Honourable Deputy Speaker, this Motion was asking the Members of Parliament to define the consequences of the HIV/AIDS pandemic in relation to food and nutrition supply and to clearly map out ways to facilitate effective action and efforts from individual household members to national policy-makers to turn our knowledge into positive action. This Motion did not ask for any “*outeres*” or whatever, Honourable Deputy Speaker. Therefore, I want to thank each and every Honourable Member who responded to this Motion positively and it is a pity that Honourable Pendukeni took my Motion out of proportion.

Honourable Deputy Speaker, I would, therefore, like to move as an

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Amendment that this Motion needs immediate attention and the health facilities and civic bodies which are in possession of the data and records of people on ARV-treatment to make their information available to the Minister of Health and Social Services. I have discussed this with him. The Emergency Management Unit of the Prime Minister should be extended to cover people who are on ARV-treatment at Government facilities if resources permit.

Honourable Deputy Speaker, I so Move.

HON DEPUTY SPEAKER: Table the Amendment.

HON MINISTER OF SAFETY AND SECURITY: The best that we can do after the reply is for the House to take note of this Motion. The Motion will be noted and we end there, because everything she has said is what the Honourable Minister of Health and Social Services yesterday said is being done. It is, therefore, sufficient that the Motion be taken note of. If she would agree to that, it would be fine as far as I am concerned.

HON DEPUTY SPEAKER: Thank you very much. The Secretary will read the Second Order of the Day.

**RESUMPTION OF DEBATE:
MOTION ON GRADE 10 AND 12 RESULTS OF 2008**

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**MOTION ON GRADE 10 AND 12 RESULTS
HON CHILINDA**

SECRETARY: Resumption of Debate on Grade 10 and 12 Results of 2008.

HON DEPUTY SPEAKER: When this Debate was adjourned on Wednesday, the 3rd of June 2009, the Question before the Assembly was a Motion by the Honourable Dienda. Honourable Chilinda adjourned the Debate and he now has the Floor.

HON CHILINDA: Thank you, Honourable Deputy Speaker. I rise to support the Motion by Honourable Dienda that this Honourable House debates the ongoing educational crisis, particularly the very worrying situation of the high failure rate of Grades 10 and 12 and the deteriorating condition of the education infrastructure, more especially in the rural areas. It is for this House to deliberate on issues that would seek broad national and lasting solutions to this crisis.

Honourable Deputy Speaker, education is the backbone of any Nation the world over. I agree that if this House understands that education is the cornerstone of economic and social development, that primary education is its foundation, we will all seek to investigate and understand the value of having a good education system. Our founding fathers and mothers understood and highly appreciated the role education could play in the transformation of Namibia from a colonial jungle to a democratic State. Why can we not also use education for our economic emancipation?

Honourable Members, education improves the productive capacity of societies and their political, economic and scientific institutions. Hence the entrenchment as one of the fundamental human rights enshrined in our Constitution ... (Intervention)

**MOTION ON GRADE 10 AND 12 RESULTS
HON CHILINDA**

HON DEPUTY MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: On a Point of Information, Honourable Deputy Speaker. The Vice-President of the CoD cannot use the ticket of education and try to campaign with it. Just yesterday, for his information, the Deputy Minister of Education and I represented our Ministers, Nangolo Mbumba and Jerry Ekandjo, together with the thirteen Governors from the thirteen Regions and the Chief Executive Officers and Directors of Education in the Regions, and we witnessed the launching of the first phase of the decentralisation of primary education, libraries and hostels and as we are talking now, CoD's propaganda has been overtaken by events and it is politically obsolete, because the people in the rural areas have been empowered by the Ministry of Education.

HON CHILINDA: While the Member has the right to say whatever he has said, I still have the right to say whatever I want to say in this Honourable House.

Honourable Members, education improves the productive capacity of societies and their political, economic and scientific institutions. Hence the entrenchment as one of the fundamental human rights enshrined in our Constitution to ensure both social and economic development of the Namibian people. Article 20 in particular provides that all persons shall have the right to education and that the State shall provide reasonable facilities for compulsive, free primary quality education. (Intervention)

HON DEPUTY MINISTER OF LABOUR AND SOCIAL WELFARE: On a Point of Order, Honourable Deputy Speaker. Honourable Chilinda of the CoD has been a Civil Servant. How many schools have been built by the SWAPO Party Government in this country in nineteen years compared to 106 years of colonialism which your neighbour was part of? Why do you not appreciate that? You always criticise instead of appreciating. You have been a Civil Servant, Honourable Member. We are trying to improve what we inherited after 106 years. Please be positive and have that sense of appreciation.

**MOTION ON GRADE 10 AND 12 RESULTS
HON CHILINDA**

HON CHILINDA: Honourable Deputy Speaker, I will not take time to respond to the Honourable Member because he is fighting the truth and he is fighting the facts on the ground. If you say that each and every Region is satisfied, I will take my hat off, but there are still problems and I do not feel guilty when I am addressing issues that are there and I hope that the Honourable Member knows that there are still problems. There is no way one can deny that the infrastructure at some schools is still problematic and that there is still a high failure rate. This is a fact and this is what I am trying to address.

Honourable Members, let us not forget that Namibia has ratified the United Nations Convention on the Rights of Children with four general principles of the Convention being:

1. Non-discrimination;
2. Ensuring the best interest of children;
3. The right of survival, life and development; and
4. The right to express views and have them taken into account.

I believe that this Honourable House will agree with me that the education crisis currently experienced in our country therefore negatively affects the human rights of our most cherished resources, the human resource which is the backbone of any development venture of any country worldwide. It is with no doubt in my mind that I can clearly state that the current high failure rate in external examinations of our education system is annually contributing to an army of unemployed and unemployable youth who might become ungovernable tomorrow. Already there is a worrying increase of criminals from this specific age group who are filling our prisons and police cells. These young people are inexperienced in life and see no other future for them and resort to crime as their only source of income. As leaders we need to realise that unless we revamp our education system to reduce the failure rate, we are socially excluding our youth from taking part realisation of our beautiful Vision 2030.

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By ignoring the calls to discuss the education system, we are definitely facing a time-bomb which, when it explodes one day, we might not be able to contain. We need to appreciate that the future of the youth that are continually dumped on every street of different towns in Namibia will highly depend on what we prepare for them today.

One learned person once said: “*The future is not a place you are going to, but a place you are creating today.*” Fellow lawmakers, what place are we, therefore, creating today for the youth of tomorrow who are the future leaders of this country? How do we achieve a knowledgeable society in which other forms of development are based on this high failure rate? I believe that education more than pays for itself when it is the right system and when mixed in the right proportion.

I further believe, Honourable Deputy Speaker, that it is not too late to make the necessary improvements to our education system so as to avert a catastrophe that awaits this beautiful country. The required necessary changes can be made in the management of the education system with effective training of Board members, particularly at regional and school level.

In some instances, non-delivery of textbooks to most schools, particularly for core examination subjects, is a cause for concern as it highly contributes to the failure rate in our schools. I, therefore, believe that the quality of education that children should receive is critical to genuine learning and human development. This calls for not only urgent, but the timely equal distribution of materials to all schools so that the school children can start early in that school to prepare for the end of the year examination.

Education should not be seen only from a political mass production where quality is compromised in the name of political scores of saying, we have produced so many children who have passed last year, but should be also of quality to respond to market demands and economic development of our country.

I wish to also remind all of us here present that Vision 2030 states that

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Namibia shall be developed by her human resource. How are we going to achieve this noble objective when our education system leaves so much to be desired?

In conclusion, I must emphasise that we should look at the major concerns of our school children, particularly those undertaking external examinations and concentrate on revamping our primary education school level which is a seed of our school education level eventually to the institution of higher training. I hope that this august House understands the relationship, that as the local economy becomes national economy and more recently, global economy, places of work become increasingly remote from the local school and its community. I thank you.

HON DEPUTY SPEAKER: Thank you. Dr Kawana.

HON MINISTER OF PRESIDENTIAL AFFAIRS: Thank you, Honourable Deputy Speaker. Given the fact that the SWAPO Party has already recognised these challenges and at the same time also some successes, ETSIP has been implemented and as we heard from Honourable Kazenambo, we are decentralising education at secondary and primary level. Therefore, given these facts, I beg the indulgence of this House to adjourn this Debate to 1 January 2010.

HON DEPUTY SPEAKER: Minister Mbumba.

HON MINISTER OF EDUCATION: Honourable Deputy Speaker, I am glad Dr Kawana has proposed that we adjourn this Debate until January next year.

Education is very important in any society and education is an ongoing

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Debate from generation to generation. I am not surprised, I am not embarrassed, I am not shocked when people start talking about education, because it is a natural thing. Just imagine, in a country like the United States which is over 200 years old the President is talking about improving education and we are only 20 years old. There is competition between countries on the best method, the best books and education is a topical item every time.

When some Parties on the eve of elections, on the eve of a campaign ask for a national conference for education, I thought this is the time and the moment, for that matter, that every Political Party of substance must have its own policy on education in its manifesto or any other document so that the people and this Nation can know the difference between policies. Just to come every year and say education is bad, education is bad, is the same as saying, "*my mother is poor, my mother is poor*" but it does not make my mother rich by repeating it every single morning.

SWAPO of Namibia has nothing to apologise for in its policy and practices on education. I do not see any doctors on your side, but I count more than ten on this side in medicine, politics and science. Where are your doctors you have trained? The issue here is the challenge of national development, the challenge of national socio-economic development. Even if we have to train every child, is our economy capable of absorbing every child we are training? Therefore, why should this blame be set only on the Ruling Party? Are you also not community members?

This year alone the SWAPO Party has made history, even its own Founding President graduated from university with a degree in Science. Its Secretary for Youth become a doctor this year and I want you to tell me if your Secretary for Youth is a doctor in any subject. What are we talking about? (Intervention)

HON DIENDA: May I ask the Honourable Minister a question? Honourable Minister, I am challenging all the doctors and all of us to sit down and write a test about parliamentary procedures and we will see who will pass that examination.

**MOTION ON GRADE 10 AND 12 RESULTS
HON MBUMBA**

HON MINISTER OF EDUCATION: Very good, we can write that test in January. I just want to say that when speaking about education, we should not only talk about Grade 10 and 12. We must prepare our communities, parents, our big brothers and sisters right from the start to really help with the development of our children. If you do not train the child from the beginning, what is the child going to do when it reaches Grade 10? It is going to perform poorly, which you call failing.

In the first place, all top universities in the world are now being blamed for this economic meltdown, because even the best of professors could not see what was coming and yet, the only thing we do is to knock ourselves down. It will not take us anywhere. We have private institutions, we have private individuals with means who have contributed from their own pockets or from their own companies. Old Harold Pupkewitz has given his own money.

The other day I was at Windhoek High School and Namib Mills and Frans Indongo Group of Companies have decided to put up a national competition so that the best students from poor families in rural areas can attend Windhoek High School, stay in the Windhoek High School hostel and they will pay for them from Grade 8 to 12. If we are really committed to education, those are the things we should do. Let us commit our resources instead of just talking.

Comrade Deputy Speaker, let us continue to polish our policy documents on education, let us include Clauses in our manifestos on the training of our people, but I have no time and resources to organise a national conference on education while I am preparing to go and campaign for my Party to be elected. I thank you, Honourable Deputy Speaker.

HON DEPUTY SPEAKER: On that note I would like to give the Floor to the right Honourable Prime Minister to adjourn the House until 15 September 2009 at 14:30.

23 July 2009

ADJOURNMENT

RT HON PRIME MINISTER: Thank you, Honourable Deputy Speaker. Honourable Members will know that we have been working very hard this time. We allowed the Budget, we allowed the Opposition to have as many Motions as possible and all of them were answered properly.

Now at this juncture we need a break so that we can go and recharge and revitalise and come back transformed as good Parliamentarians who are ready to listen and tolerate each other and in so doing, enhance the welfare and the well-being of the Namibian people. On that note I Move that we adjourn now until the 15th of September 2009 at 14:30.

HOUSE ADJOURNS AT 17:40 UNTIL 2009.09.15 AT 14:30