

**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 2010 – 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</i>
<i>Attorney-</i>	<i>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</i>
	<i>Technology)</i>
Rev W Konjore (Mr)	<i>(Youth, National Service, Sport &</i>
	<i>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 Ilonga	<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. Kaveri
Mr T Gurirab *(Chief Whip)*
Ms R Namises

DTA OF NAMIBIA

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

MONITOR ACTION GROUP

Mr J Viljoen *(Chief Whip)*

NATIONAL UNITY DEMOCRATIC ORGANISATION OF NAMIBIA (NUDO)

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

REPUBLICAN PARTY

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

SWAPO OF NAMIBIA

Dr L Amathila (Ms) *(Deputy Prime Minister)*
Dr M Amweelo (Mr)
Dr K Amutenya (Mr)
Mr N Angula *(Prime Minister)*
Mr H Angula *(Minister)*
Dr S C Ankama (Mr)

Ms L Basson	
Ms A Bayer	
Ms C Bohitile	
Mr H Booyes	<i>(Deputy Chairperson of the Whole House Committee)</i>
Ms H Christian	
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 Ilonga	<i>(Deputy Minister)</i>
Ms E Ipinge	
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	<i>(Deputy Speaker)</i>
Dr N Tjiriange (Mr)	<i>(Minister)</i>
Mr T Tweya	<i>(Deputy Minister)</i>
Mr R /Ui/o/oo	

UNITED DEMOCRATIC FRONT (UDF)

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

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

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

**NATIONAL ASSEMBLY
ASSEMBLY CHAMBERS
WINDHOEK
03 MARCH 2010**

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 ON VISITS TO HARDSHIP MISSIONS

HON BASSON: Honourable Speaker, I lay upon the Table, Report on the Parliamentary Standing Committee on Foreign Affairs, Defence and Security's visits to Hardship Missions in Cuba, Ethiopia, Nigeria, Angola, Zimbabwe and the Democratic Republic of Congo during October 2008 for note-taking.

HON SPEAKER: Will the Honourable Member please table the Report? Any further Reports of Standing and Select Committees? Other Reports and Papers? Honourable Deputy Minister of Finance.

TABLING: REPORTS OF THE AUDITOR-GENERAL

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

1. Town Council of Arandis for the Financial Years ended 30 June 2003 and 2004;

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2. Town Council of Arandis for the Financial Year ended 30 June 2005 and 2006;
3. Town Council of Arandis for the Financial Year ended 30 June 2007;
4. Town Council of Rehoboth for the Financial Year ended 30 June 2006;
5. Town Council of Rehoboth for the Financial Year ended 30 June 2007; and
6. Town Council of Rundu for the Financial Year ended 30 June 2008.

HON SPEAKER: Will the Honourable Deputy Minister please table the Reports? Any further Reports and Papers? Any Notice of Questions? Chief Garoëb.

NOTICE OF QUESTIONS

QUESTION 99:

HON //GAROËB: I give Notice that on Thursday, the 11th of March 2010, I shall ask the Minister of Lands and Resettlement, Honourable !Naruseb, the following questions:

1. Under what circumstances are people from outside a particular Region considered and resettled before the qualifying persons from the same Region?
2. People are resettled at farming units while they do not have any

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livestock. How long is their grace period, if any, to acquire livestock and become self-sustaining commercial farmers or are they to remain disadvantaged for life?

3. What action is taken against people who fail to adhere to such grace period rule?
4. Under what circumstances may a resettled person sub-lease an under-utilised part of such land to another person?
5. Except for regional boards, is there any other legal entity or person who can move a resettled person from one unit to a different unit? If so, who is that?

QUESTION 100:

HON //GAROËB: I give Notice that on Thursday, the 11th of March 2010, I shall ask the Minister of Agriculture, Water and Forestry, Honourable John Mutorwa, the following questions:

1. Honourable Minister, are you aware that the formerly disadvantaged communal land farmers are still seriously discriminated against when it comes to the auctioning of their livestock, not because their livestock are of poor quality but because they come from the communal area?
2. Since the cattle are recognised by their brands, now that we are busy with re-registration of our livestock brands, can the Honourable Minister not consider the same basic brand for both commercial and communal land farmers? At a public auction I attended in the Kunene Region recently, communal land livestock prices started from N\$8 per kilogram to N\$11 per kilogram, while the livestock from the commercial farms started at N\$14 per kilogram and upwards.

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HON SPEAKER: Will the Honourable Chief please table the Questions? Any Notices of Motions? The Secretary will read the first Order of the Day.

**RESUMPTION OF SECOND READING: NAMIBIA INSTITUTE
OF PUBLIC ADMINISTRATION AND MANAGEMENT BILL**

HON SPEAKER: When the House adjourned Tuesday, 25 February, the Question before the Assembly was a Motion by the Right Honourable Prime Minister, that the Bill be read a Second Time. The Minister of Agriculture, Water and Forestry adjourned the Debate and I now give him the Floor.

HON MINISTER OF AGRICULTURE, WATER AND FORESTRY: Thank you, Comrade Speaker, Sir, Honourable Members of Namibia's National Assembly, thank you for the opportunity granted to me to participate in this very important debate.

The Bill under discussion is of utmost importance and has elicited enormous public interest. It is a Bill that articulates the broad, but also in specific terms, the best and noble interest of society as a whole. It is in that spirit that I am making my humble contribution during the Second Reading Debate of the Namibia Institute of Public Administration and Management Bill.

The Civil Service of any country is essentially its public administration. The Civil Service is thus an embodiment and a representation of women and men who are employed by the State to practically and professionally apply and implement the policies, laws, directives and regulations made by the Executive and Legislative Branches of such a State and it is in that spirit that I fully concur with the contributions made in this regard by my Colleague, brother and Comrade, Honourable Kawana. Somebody who is civil, Comrade Speaker, should also be polite. It means that such a person

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is well-mannered and well-behaved in general terms.

The Civil Service or bureaucracy should thus be seen as an administrative body or a sort of apolitical or neutral, professional administrative group of people whose task is to practically and professionally carry out the policies of the Government which are usually legitimised by the Legislature in a constitutional, democratic environment like Namibia's.

Section 2(1) of the NIPAM Bill states the following: *“There is established a public institute for training, operational research, capacity evaluation and consultancy to be known as the Namibia Institute of Public Administration and Management.”* For me, this section articulates the broad but clear terms, the mission, the mandate and fundamental policy objectives of NIPAM. Section 2(1) of the Bill, therefore, actually and essentially explains and clarifies the intentions of the policy-maker and that of the Legislature that is the Government and Parliament, for establishing NIPAM.

In debating and eventually passing this Bill, it is my humble submission that it is absolutely important that such policy and legislative intentions are further explained and clarified. Once the Bill is passed and promulgated as law, there should be no shadow of doubt on the part of those that will be entrusted with the actual practical implementation and application of the law as far as the real intentions of both the policy- and lawmakers are concerned. As such I propose for consideration that these key words that I have just quoted in Section 2(1), namely, *“training, operational research, capacity evaluation and consultancy”* need to be clearly defined, reflecting the intentions of the policy-maker. If possible, that definition should be given in the Bill itself or probably in the regulations thereof.

The provisions of Section 2(1) are also in perfect harmony with the provisions of Section 2 of the Public Service Act, 1995 (Act 13 of 1995) which clearly states the following:

“There shall be established a Public Service for the Republic of Namibia

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which shall be impartial and professional in its effective and efficient service to the Government in policy formulation and evaluation and in the prompt execution of Government policy and directives so as to serve the people of the Republic of Namibia and promote their welfare and lawful interests.”

Again for me the provisions of this section explain further the rationale for establishing NIPAM. It also gives us a clear hint as to what type of programmes, courses or subjects is NIPAM likely to offer. Obviously and undoubtedly, Section 5 of the NIPAM Bill clearly and unambiguously articulates and explains in detail the objectives, the powers and functions of NIPAM.

As NIPAM's target group or the core of its clientele is the Civil Servants in the unified Public Service of Namibia, as provided for in Section 5(a) of the Bill, I am arguing that the rules and regulations of NIPAM must make it very clear as to:

1. What the minimum admission requires for somebody to qualify to specific NIPAM programmes are and will likely be.
2. Are such admission requirements to be based, for example, on academic qualifications of the specific person that would like to participate, or on the position that the particular person holds in the Civil Service, the experience, the gender considerations, Affirmative Action, balanced restructuring? What are the considerations that will be taken into account in putting up the minimum admission requirements for somebody to qualify to participate in the programmes of NIPAM.
3. Are the employees of the Regional Councils, the Local Authority Councils and parastatals eligible to participate in NIPAM activities, courses and programmes as per the provisions of Section 5(a) of the Bill under consideration? I have taken note that reference is made in Section 7(2)(g) and (x) of the Bill that the Regional Councils,

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4. through the Association of Regional Councils and also the Local Authorities, through the Association of Local Authorities, will have representation on the council of NIPAM. Is that sufficient indication to inform us that necessarily the employees of the Regional Councils, the parastatals and Local Authorities are automatically classified in this unified Public Service and, therefore, clients for NIPAM programmes?

Surely, Comrade Prime Minister, I was looking for answers to these questions in Section 31(1) of the Bill and this section does provide some part of the answers, but Comrade Prime Minister, maybe you would wish to further expand on this particular issue of admission requirements in your response.

Is the appointment of the Deputy Executive Director, as per Section 28(1), optional, because the word “*may*” is used in that particular subsection, that the Board or Council may appoint a Deputy Executive Director of NIPAM, whereas my reading of Section 16(2)(b) seems to suggest that the appointment of a Deputy Executive Director of NIPAM is mandatory. The question is which is which? Maybe the Right Honourable Prime Minister could clarify during his response.

Section 28(2) of the NIPAM Bill entrusts the NIPAM Council to determine the powers and duties of the Institution’s Deputy Executive Director, which, of course, is absolutely in order, I do not have any fundamental problems with that provision. I am only arguing from the point that such powers and duties of the Deputy Executive Director to be determined by the Council should not fundamentally and radically differ from the powers and duties of the Executive Director, as outlined in Section 26(2) and (3) of the Bill. Why? Because any ambiguity in this particular case may result in unnecessary and unintended power struggles which must be avoided at all cost.

Finally, Comrade Speaker, as education and training are avenues and instruments for empowerment, enlightenment, character formation, liberation of the mind, lifelong learning, professional development and

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professional independence, surely I must fully support the Bill whose intention it is to provide training to the Civil Service. I support the Bill and I thank you.

HON SPEAKER: Any further discussion? Honourable Shifeta?

**HON DEPUTY MINISTER OF YOUTH, NATIONAL SERVICE,
SPORT AND CULTURE:** Thank you very much, Honourable Speaker. I would like to thank the Right Honourable Prime Minister for tabling this very important Bill to establish the Institute of Public Administration and Management which is long overdue.

I would like to quote from page 5, Section 5(c), which is the objects of the Institute: *“To foster among Public Servants a sense of values and traditions of the Public Service which serves the people of Namibia, who promotes their welfare and lawful interest.”*

It is sometimes good to examine ourselves and to interrogate ourselves as PROVIDERS of the Public Service, whether we are doing right. I sometimes say that the only thing which prevents the public FROM making queries and soliciting services from the public offices is because we only have one Government from which they have to solicit those services, because sometimes it is attributed to the lack of understanding of the concept, *“Public Service.”*

You sometimes find a person in an office discussing private matters on the telephone during working hours, using Government money and you wonder why the person does not have any fear whatsoever, just staring at you and discussing private matters. Maybe it is a lack of understanding of the concept *“Public Service”*, because the public require services from

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our offices because it is a right, not a privilege and the Public Servants have to render that service. People in the private sector say Public Servants do things the way they want, which is true. If you visit some of the offices, you find that a person arrives at work 08:30 and there is no remorse whatsoever, he feels he has the right to do so. The person leaves at 12:30 for lunch. (Intervention)

HON TJIHUIKO: May I as the Honourable Deputy Minister a question? Honourable Deputy Minister, I am listening to your contribution very carefully because you have been a Deputy Minister for the last five years. The things which you are complaining about are the things which were supposed to have been improved by you as a Member of the Executive. Now you are complaining in Parliament. Who do want to do these things? Is it not a waste of our time? If you do not have anything to say, sit down.

HON DEPUTY MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE: I do not know in what mood the Honourable Member finds himself today, but I think the Honourable Member was also a member of the Public Service and one of the latecomers. He knows exactly what he is talking about.

I am saying there is a lack of understanding of the rights of the public, that a member of the public needs to be assisted promptly. Sometimes the public have queries and the simplest thing to do is to ensure that those queries are attended to without delay, because you find that a person made a query on a simple matter six months ago and that person has made enquiries several times, until the person comes to your office and complain about receiving no response or not being granted an opportunity to make an appointed with an officer. These are things we encounter in our Public Service. (Intervention)

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HON DIENDA: May I ask the Honourable Deputy Minister a question? Parliament every day starts at 14:50 instead of 14:30. After the break, instead of starting at 16:00, we start at 16:20. Comes 17:45, we have already packed. Are we leading by example or what? Which message are we giving to the Public Servants?

**HON DEPUTY MINISTER OF YOUTH, NATIONAL SERVICE,
SPORT AND CULTURE:** What you need to do is just to improve, you came late today. What are you telling me now? You are just wasting our time, we are discussing a serious matter.

One of the objectives of the Institute should also be to train Members of Parliament, but the very important issue with this Institute is that it will be able to change the attitudes and behaviour of some of our Civil Servants. There are Civil Servants who lack understanding of the concept “*Public Service*” and it will contribute to service delivery, customer care and customer service which is lacking in some of our offices in the Public Service and also to create a friendly atmosphere.

Imagine a person visits our office, he wants something, but the Public Servant is discussing private matters on the telephone. Especially in the Regions where people are coming long distances, you find a person who is supposed to deliver the services taking his or her time, knowing that these people travelled long distances and five minutes before the time he says, “*no, my office closed.*”, knowing that those people have to travel back and return. The commitment and care need to be internalised by our Civil Servants. With these few remarks, Honourable Speaker, Honourable Members, I once again support this Bill. Thank you very much.

HON SPEAKER: I thank the Honourable Deputy Minister. Minister of Finance.

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HON MINISTER OF FINANCE: Thank you, Honourable Speaker. I want to add to those who have spoken in applauding the Prime Minister for tabling the Bill and to express my support for the Bill. I think it is a very important Bill because it intends to create an institution which is important for improving efficiency in the performance of the Public Sector and in the overall capacity-building efforts for our country.

I just wanted to make a few comments and one is that I hope that the institution would also provide professional training to various professionals in Government and that is not only going to concentrate on management issues and that such training would lead to qualifications that, hopefully, would be recognised by the Qualification Authorities and appropriately accredited by appropriate institutions in order that participants in these training programmes be able to use the qualifications acquired from this institution to move upwards on the ladder in the labour market.

I also hope that the institution would also engage in research, which is extremely important in our country, because currently we rely on experts from outside that may not be well-versed with the situation here and, therefore, not able to assist us in the manner that we would like to be assisted. In NIPAM we have a possibility for us to have a local institution that would support especially the research agenda of the Government and in the process also build local capacity for research, which is very important for the realisation of Vision 2030.

Finally, I hope that there would be proper cooperation and coordination between NIPAM as an institution of training and, hopefully, of research also and other public training institutions, such as UNAM, Polytechnic and others in order that we can optimise the full capacities that they offer. With these few remarks, I support the Bill.

HON SPEAKER: I thank the Honourable Minister. Dr Tjiriange.

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HON MINISTER OF VETERANS AFFAIRS: Honourable Speaker, I only have a question, but before I ask the question I want to say that I remember this idea was already alluded to during the time of the premiership of Comrade Hage Geingob, but it took us too long to realise it. I think it is good that at last we are there. Countries which have these institutions are doing very well, such as France and others. I just want to ask the Prime Minister one question:

This institution will also deal with in-service training and what if I am given the opportunity to go and study and leave my work for three months and then I disastrously fail. Am I going to be allowed to come back to my work when I failed? I am a Civil Servant, I am given a chance to go to this institution and I fail. Will I be allowed to come back to my work and that is the end of it?

HON SPEAKER: Any further discussion? Minister of Lands.

HON MINISTER OF LANDS AND RESETTLEMENT: Comrade Speaker, in the first instance I want to register my support to the Prime Minister for tabling this very important, but probably long overdue, Bill. My focus of interest is to look at the long-serving employees, who might not necessarily have the academic qualifications, but I know and many of us know that they have been the backbone of many institutions within the public arena. Now, in terms of upgrading their skills levels, which we evidently see in the way they are performing their task, but they lack the theoretical exposure that they, because of historical reasons, were not able to the beneficiaries of, is there some way that those people, if they fall within the economically viable considerations in terms of age, can be exposed to enrolling at this institution to empower themselves and then also in the long run, as they have always been doing, contribute to the overall well-being of society. That is the only small question that I have to the Right Honourable Prime Minister. All the other issues have been said and I might not add value by protracting my contribution. I thank you.

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

RT HON PRIME MINISTER: Honourable Speaker, let me first of all thank all the Honourable Colleagues who took part in this Debate – *Honourable Gurirab, Honourable Ankama, Honourable Peya Mushelenga, Honourable Kazenambo, Honourable De Waal, Honourable Riruako, Honourable Kasingo, Honourable Kaapanda, Honourable Kavari, Honourable Ilonga, Honourable Nambahu, Honourable Tjihiuko, Honourable Katali, Honourable Kawana, Honourable Kaura, Honourable Venaani, Honourable Shifeta, Honourable Mutorwa, Honourable Tjiriange, Honourable Kuugongelwa-Amadhila and Honourable !Naruseb.*

I thank you for your interest in this Bill, I realise that there is a great interest in what is happening in the Public Service and before I respond to some specific questions, I just want to highlight some of the problems which have been addressed. People were not really interested in addressing the Bill as such, they were more interested in how the Public service is performing.

First of all you should know that our Constitution does provide direction on the basis on which our Public Service is organised. Therefore, we have guidance about the Public Service in the fundamental law of our country, especially Article 112, Article 41 and Article 23(2).

Of course, the central law governing the Public Service is, of course, the Public Service Act. Some Colleagues are saying that the Public Service Act is out of date, it should be scrapped. I think that was the message by Honourable Ankama. Right now we are reviewing that Act, especially in terms of appointments, to delegate some functions to Ministries. Right now appointments of Public Servants, with the exception of the entry level, have to go all the way to the Public Service Commission and Office

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of the Prime Minister and that process takes long. Therefore, we are doing some process engineering here to make sure that the process is a bit shortened. However, when we delegate we must ensure that there is also oversight, to make sure that the delegation of power cannot be abused. Therefore, oversight is very necessary, especially by the Public Service Commission, to make sure that the right people are appointed in the right positions.

Under conditions of massive unemployment you cannot rule out the temptation for people to cut corners and, of course, the Public Service Commission is there to guard against that. Therefore, if you put them out of the picture, the risk of the system being abused is very high, but I said we are reviewing it and we are going to put up back stopping measures so that under delegation the system will not be abused.

I can tell you a story of when I was at the Ministry of Education. The Personnel Officers became creative, they encouraged students from their own areas, studying at UNAM or Polytechnic, to come there and work voluntarily during holidays, but they were aware that posts were going to be advertised. Now these voluntary workers also became aware of those posts and you found that the system was being abused by Personnel Officers and we have to guard against that. Therefore, we recognise that we have to at all times improve the Public Service Act so that we do something in terms of delegation, grievance procedures and disciplinary procedures.

We should also remember that the Labour Law also impeach on the Public Service. Some of the things which are provided for in the Labour Law have to be implemented in the context of the Labour Law, because Public Servants are also employees and are equally protected by the Labour Law and we should also take that into consideration.

Then somebody raised the issue about the role of the Ministers, saying that some Ministers abdicate their responsibility to lead their Offices, Ministries and Agencies. If that is happening, it is very regrettable,

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because as a Minister you are there as a representative of the people, you are representing the public, you are the public face of the Public Service. If you are not able to stand up for the rights of the public, then you as a Minister have let down the public. Political leadership of Offices, Ministries and Agencies is a must and as Political Office-Bearers the first thing we have to master is to understand the policies of the Ruling Party on the issues under our supervision. You have to understand that, because you as a Minister have to make sure that those policies are implemented and turned into programmes and programmes turned into activities and monitored. I therefore hope that this allegation is not quite true, but it can happen.

Another issue is performance management. Performance management is a tool for efficiency enhancement and accountability. When, as the Court is going to do another, reaffirm the voice of the people electing SWAPO as the Government, when the people elect us we enter into a contract with the people that we have to deliver services to them. That is a political contract. Political office-bearers must enter into a programmatic contract with the Public Service to make sure that there is efficiency and accountability in the system. I thought I should make those general statements so that we understand where we are.

NIPAM as an institution is an institution aimed at capacity-building and capacity enhancement in the public sector. Sometimes we use the words “Civil Service” and “Public Service” interchangeably. In my view public service is more inclusive. Even we as Political Office-Bearers are Public Servants, we are serving the public, and we are not private people in our functions. In that way we do also qualify if we want to go there and take a course at NIPAM. There will be courses at different levels. First we are talking about generic courses. When you enter the Public Service, you need to understand the Public Services, its rules, procedures, ethos, values and you have to be inducted. There will be induction courses.

Some people asked about entry requirements. There are not really entry requirements like you need 27 points to go to University. If you are a Public Servant, you already qualify for certain courses, not all of them.

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Somebody asked about the entry examination to the Public Service. If we are going to make our Public Service a professional body, we have to borrow something from the French. If you enter the French Public Service, you have to sit for a competitive examination and we must look at that so that before you are employed there, you have to compete and demonstrate certain competencies, so that you also value the position you have in the Public Service, you have worked for it.

If we are talking about professional Public Service, it is a Public Service which is competent, committed and professionally equipped.

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

RT HON PRIME MINISTER: Honourable Speaker, I was saying that NIPAM is there to promote efficiency and accountability. Now I will try to very quickly respond to some of the key issues raised by Honourable Members.

The issues of ethics came up and that is one issue NIPAM is going to deal with. The problem we currently have is that Public Servants do not have a common thread, because there are no common programmes of induction of the Public Servants in the Public Service. Therefore, the issue of ethics will be addressed once NIPAM is up and running.

Training for Change: Yes, presently we want to do things in a better way than we have been doing so far and I agree with *Honourable Kavari* that we must change the way we do our business and no more business as usual and I hope that NIPAM, by building up the capacity of the Public Servants, will do things in a different manner.

Honourable Ilonga complained that many of the courses are dealing with administrative matters. NIPAM is part of the higher institutions of learning and higher institutions of learning, as per our Constitution, should

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have professional autonomy and you cannot prescribe to them what to do.

Comrade Nambahu, as I said, the values and ethics are going to be attended to and also on the decentralisation of training programmes, there will be outreach programmes especially for the Regional Councils, Local Authorities and people in the Regions.

Honourable Tjihuiko is not here, but he was just shooting in the air. He claimed that there was no feasibility study, but there was a policy tabled in this House about NIPAM. Probably Honourable Tjihuiko was not here, because this thing started from the time of Honourable Hage Geingob. It has been collecting dust on the shelves there and I just resuscitated it. It is not my invention at all. Honourable Tjihuiko, your statements do not have a relation to reality.

I have dealt with the examinations and entry into the Public Service. Too much bureaucracy in the Public Service – “yes” and “no”. The Public Service by definition is a bureaucracy. Sometimes the bureaucracy is too much and as I said, we are trying to do some process engineering to make sure that things happen on time.

Honourable Riruako talked about untouchables in the Public Service, I am not aware of them. Perhaps they are there, but nobody drew my attention to these untouchables in the Public Services.

Honourable Kasingo talked about the salaries of Chief Executive Officers in the State-Owned Enterprises. We have just completed a study on the remuneration packages of Chief Executive Officers and senior management in the State-Owned Enterprises. Once the recommendations are accepted by the Cabinet, we shall table the document here. Some of the things are just perceptions.

Honourable Kaura mentioned professionalism, that we should develop a professional Public Service.

Honourable Venaani, it is true that sometimes the attitudes of our people

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are not really helpful and sometimes I suspect it is as a result of our own cultural backgrounds. If you are a chief, you are a chief, you will have the last word, right or wrong. However, I hope that as soon as we have the ethics of public servants some of these attitudes will be dealt with. We also have what is called a Service Charter and the public has the right to convey it if they are mistreated by a Public Servant. You have the right to complain.

Honourable Mutorwa raised some technical comments about appointments and I will look at those ones, but I think when we read these Bills, we should read them in comprehension. Some of the things might appear to be loose in certain Clauses, but they might have been expanded on somewhere else in the Bill. However, I promise that I will look at some of those things so that the Bill is properly balanced.

Honourable Venaani mentioned the problem of gatekeepers in the Public Service. Yes, one of the things I am accused of by some people is that apparently I have watered down the image, the *aura*, the dignity of the Honourable Prime Minister, because I do not have an entourage, but I happened to be a student of bureaucracy myself and I know that the more gatekeepers you have, the more likely those gatekeepers will become the rulers, because they are the ones who decide when to open the gate and when not to open it. Therefore, the Personal Assistant can actually become the Prime Minister, because this person will give you some correspondence and keep others back. I am very aware of that and that is why I try to cut down on bureaucracy. If you write me a letter, your letter will come to my secretary and my secretary will put that letter in my income mail. By 06:30 in the morning I clear my income mail, giving directions which one should be dealt with by whom. They decide whether to give a person an appointment or not, so gatekeepers are very powerful people and if you keep too many of them, you will become totally inaccessible.

In my view, in a republican kind of arrangement we should see ourselves as the servants of the people, not the other way around. We should try as

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much as possible to be accessible to people. Therefore, we should cut down on gatekeepers if we want to cut on bureaucracy.

For now I thank you all for supporting the Bill of NIPAM. This institution is an investment in efficiency and accountability in the Public Service of Namibia and I believe that the institution will live up to our expectations. I thank you.

HON SPEAKER: I now put the Question that the Bill be read a Second Time. Any objection? Agreed to. The Secretary will now read the Bill a Second Time.

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

**COMMITTEE STAGE
BANKING INSTITUTIONS AMENDMENT BILL**

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

HON DEPUTY MINISTER OF FINANCE: I so Move, Honourable Speaker.

HON SPEAKER: Any objection? Agreed to. The Deputy Chairperson of the Whole House Committee will now take the Chair.

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ASSEMBLY IN COMMITTEE:

HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: The Committee has to consider the Banking Institutions Amendment Bill.

Clause 1 put.

HON DEPUTY MINISTER OF FINANCE: Honourable Chairperson, I do not know whether this is the right stage, but I have noticed that there is a problem with the numbering. It goes from number 1 to 8 and then it starts with 10. I want to suggest that Clauses 10 to 42 be renumbered from 9 to 41. I so move, Honourable Deputy Chairperson.

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

Clauses 2 to 36 put and agreed to.

Clause 37 put.

HON DEPUTY MINISTER OF FINANCE: Honourable Deputy Chairperson, in the former Clause 38, which is now 37, I wish to propose the following Amendment:

That in Clause 37, substitute the following paragraph for Paragraph (b) of Sub-section (1) of Section 71(b):

“The requirements relating to the ownership or the citizenship and place of residence of the members of a board of directors or officer of a banking institution or a controlling Company.”

I so Move.

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HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Please table the amendments.

Amendment put and agreed to.

Clause 37, as amended, agreed to.

Remaining clauses and the Title agreed to.

ASSEMBLY RESUMED:

Bill reported with Amendment.

**THIRD READING: BANKING INSTITUTIONS
AMENDMENT BILL**

HON SPEAKER: Does the Honourable Deputy Minister of Finance Move that the Bill be now read a Third Time?

HON DEPUTY MINISTER OF FINANCE: I so Move, Honourable Speaker.

HON SPEAKER: Any further discussion? Does the Deputy Minister wish to reply?

HON DEPUTY MINISTER OF FINANCE: Honourable Speaker, I wish to express my gratitude to the Honourable Members for their support and I thank you very much.

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HON SPEAKER: I now put the Question that the Bill be now read a Third Time. Any objection? Agreed to. The Secretary will now read the Bill a Third Time.

BANKING INSTITUTIONS AMENDMENT BILL

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

**RESUMPTION OF SECOND READING: PAYMENT SYSTEMS
MANAGEMENT AMENDMENT BILL**

HON SPEAKER: When this Debate was adjourned on Thursday, 25 February, the Question before the Assembly was a Motion by the Honourable Minister of Finance, that the Bill be read a Second Time. Any further discussion?

HON DE WAAL: Thank you, Honourable Speaker. I must say at the outset that in principle I am always against price control, which we are doing in this Bill. However, having said that, I will come back to this a bit later.

The problem with our banks in Namibia is that they have over a period of time created such a bad reputation amongst the population that it is very difficult to fight on their behalf. Unfortunately that is the truth, because the way that they operate and treat their customers, the way that they do their pricing, the arrogance involved, I do not think if you speak to 5 people outside, you will get one that will say a good word about his or her bank and that is a sad situation. That has probably brought us where we

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are today where we have to accept this Payment Systems Management Amendment Bill.

Honourable Speaker, I can only speak of my own experience and that is that some years when we started with Internet Banking, we had quite a number of services available to us. For instance, you could see the balance of your credit card on your computer at home. Apart from the balance on your bank account, you could also see the balance on your credit card, so that if you think that you are spending too much money on your credit card, you could transfer from your bank account to your credit card to bring the balance to zero, thereby not paying any interest. In other words, you could manage the interest that you are paying on your credit card.

Similarly we had our housing loans available, so you could at all times see what the amount is and if there is a problem, you could transfer money from your Bank account to the housing loan account. We also had a facility where you could look at the history of your cheque account, for instance. If you have to pay somebody today and you want to check how much you have paid him and when were the last time you paid him, there was a little button on your computer saying "*History*", and you could then go back twelve months to see how much and when you paid that person.

At some stage my bank announced that they are now becoming Namibianised and then the next month the credit card facility disappeared and when we enquired, we were told that it will be back within 6 months. Up till today, which is now about two years later, this has not materialised.

In the meantime, some time last year, the "*history button*" also disappeared without anybody saying anything and at the moment you are basically sitting with the balance of your Cheque account and the balances of your housing account, nothing else. However, the cost of the Internet banking did not disappear with the "*history*" and the "Credit Card button", the cost of Internet banking remained the same.

What irks me a little bit is that currently, if you want to have your credit card balance, you must phone a consultant, then she will tell you that she

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must phone Johannesburg, which she will then do and then in half an hour or an hour later they will come back and give the balance on your credit card. I thought we were Namibianising and what is happening there really does not make sense to me.

That is my problem in discussing this Amendment Bill. Although I said that in principle I am always against price control, because I do not think that is the right thing to do, the banks in Namibia, some of them more than others, have made this Amendment Bill necessary.

I must say one more thing about my bank. When my bank makes a mistake, they call me to come and see them. If I make a mistake in my business, I ask the man, "*when can I come and see you to correct my mistake?*" However, if it is a bank and they make a mistake, they ask you to come in so that they can correct the mistake. That is what I am talking about and I hope the bankers in Namibia are listening. I also run a business, but if I make a mistake on an invoice or a cheque, I cannot phone him to come and see me so that I can correct my mistake. Where have you ever heard of something like that? Do they call that customer service?

I am therefore very sorry for the banks that this Amendment Bill is here, I am very sorry that I have to remain silent about it, but they had it coming and I hope that the Governor of the Bank of Namibia and the Honourable Minister of Finance will use the powers given to them by this Bill with care.

I also want to say, Honourable Speaker that over the last couple of years we have tried to get other banks involved in the Financial Sector in Namibia so as to get more competition. If I do not like the spade that Pupkewitz is selling, I can always go to Woermann Brock. That is the type of situation one wants to have with the banks as well. We are trying to get other banks from Europe or wherever to become interested in opening up in Namibia and we did not have any success and one must ask yourself your question, if it is true that the banks in Namibia make such a huge profit year after year, why is it that other banks are not prepared to

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come in? Maybe we are missing something somewhere, but I am just asking the question.

The second question that I want to ask is, now that we have the power to control the prices that Banks may ask, when new banks look at Namibia and they see this, will they are more inclined to come to Namibia or less inclined? We did not have much success before price control, will we have better success after price control? I do not know the answer.

We also said – and I agree with that – we do not want Court cases because it will create a bad image of our financial system. My question is, if a Bank is fined a million dollars, will they not in any case go to Court? These are tough penalties, N\$100,000 for every day that they do not comply, to a maximum of a million dollars and I am sure that if something goes wrong, that bank will definitely go to Court and then we are back to square one anyway.

We want banking services to be available to the lower income groups of our people and also in the rural areas. My question is, if we prescribe prices, would the existing banks not close down their loss-making branches in the rural areas? If we do not get new banks, will we not be worse off than we are today, because if you push somebody to the right, that person will push to the left. If you prescribe prices and they feel that they are not making enough profit, they may decide to close down the small branches which are run at a loss and then we are not reaching the goal that we wanted to.

Honourable Speaker, I just want to say that over many years many people have spoken to the banks in this country and one, unfortunately, got the impression that they are not listening and for that reason I want to repeat that I am against price control, but in this case it is very difficult to speak on behalf of the banks, because the way that they have operated and the arrogance that they have shown over the years, have made this Bill a reality now. I thank you, Honourable Speaker.

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HON SPEAKER: I thank Honourable De Waal. Honourable Kazenambo.

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

Thank you, Honourable Speaker. Since I came here, I have on a number of occasions spoken on the issue of Banks and the financial system in our beautiful country and I support the Bill. I always complain to the Deputy Minister, my neighbour here, about the banking system and I can only echo what Honourable De Waal has said. There is a saying that you cannot have your cake and eat it. If you are for a free market system, a capitalist system or a mixed economy where you do not want anybody to interfere in your activities, the only weapon you can use to prevent people from interfering is to regulate yourself and employ ethical norms and standards which are above board.

If you as a financial institutions or any business organisation are appreciative and happy with the Namibian environment, which is a free enterprise system or mixed economic system, but you are operating as if you are in a commanding economy, it is too contradictory. You tend to see private institutions in this country whose power has come absolutely corrupt. They are arrogant, they do not listen to anybody, and they do not consult, you have to toe their line or you are shown the door. Whenever a person is raising a grievance, security is called to remove that person or if security is not being called for you to be removed from the institution, you are threatened with lawyers. I really do not think that is the way of doing business. We cannot do business through threatening one another with security and Courts. Then that is no longer service.

I welcome the Bill that has been approved and this one we are dealing with. I hope it will bring compliance... (Intervention)

HON VENAANI: May I ask a question? Honourable Kazenambo, are you aware that banks punish you when you make arrangements to repay

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them, if you tell them, *“I owe you a million, I was supposed to pay you fifty thousand a month, but because of my conditions I can no longer do that, I want to pay you thirty thousand?”* Do you not think there is a need in our country to create a Financial Ombudsman to protect the rights of clients when dealing with banks in this country?

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

Honourable Venaani, I cannot agree more. That is the exact psychology here. To be honest, it is not a question of boasting, I was a poor student in Britain, a refugee for that matter. The attitude of the banks there is not only to serve you, but also to educate you on how to avoid debt. If I have to leave here for my office and be told that His Excellency has relieved me of my duties, the first place where I will meet with humiliation is at the bank. The attitude would have completely changed, because they have read that Kazenambo has been relieved of his duties. It is not a question of now engaging me, that now your status has changed and these are the mechanisms that we can use to help you as a client to get out of this situation. Once your situation has changed, you will notice it with the Clerk who welcomes you or even the security guard. These are the realities of our economy, the banking system is not supposed to be like that.

Our economy is an entrepreneurial one which is supposed to build an entrepreneurial environment and the Financial Institutions are the ones who are supposed to shape and influence the development of our economy, because they are holding the key to economic development, to business development and to the welfare of the people.

To be honest, what Honourable Venaani has just said is the real situation and it is in contrast to the situation in some other countries. When you are talking to an American graduate from University, they are proud that when they are graduating, they are going to set up businesses. It is known that businesses fail and when you fail, you try again, Therefore our banks should be partners in expanding the economy. (Intervention)

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HON DEPUTY MINISTER OF MINES AND ENERGY: May I ask a question? Honourable Kazenambo, you are doing very well in interrogating this Amendment Bill and I want to ask you a question. Are you aware that we are always encouraged to save with the banks with the aim of stimulating investments in the country, but when you go to the bBank to ask for a loan, then the decision is normally taken in Johannesburg? Is that really Independence or self-determination?

HON DEPUTY MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: As Honourable De Waal has said, we are the ones who were supposed to protect these very important institutions in our economy, however it is a pity that the situation has forced many of us to echo what you are saying and I was coming to that point of decision-making. Also, as Honourable De Waal has mentioned, apparently Namibianisation meant taking away certain services and one wonders why.

I was saying that our banking system should be a modern system which contributes to development and create wealth and I am telling you, the Namibians can create wealth if they have the tools needed to create wealth. (Intervention)

HON TJIHUIKO: May I ask Honourable Kazenambo a question? It is true that the decisions are taken in Johannesburg or Pretoria. Are you aware that out of the five commercial banks in Namibia, there is only one which does not, namely Bank Windhoek. (Interjections). Are you aware of the fact that Bank Windhoek is also now making decisions in Pretoria for those who are investing in Bank Windhoek. It means we have to see what can be done to have our own local bank.

HON DEPUTY MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: Maybe we can put that into perspective. Apparently what you are raising is in the previous Bill, but the issue of attitude and culture of business

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organisation is very important. What you are saying is very important from a patriotic, nationalistic point of view, namely to have a Namibian bank, but from a global business point of view, the ethics of doing business, the standard and norms have nothing to do with whether this is a Namibian bank. You can have a useless Namibian bank, owned by Namibian people. What is very critical is the service, the international standards and norms and ethics of doing business and this is what is lacking. (Intervention)

HON VENAANI: May I ask a question? Honourable Kazenambo, you are intriguing my mind. Would you agree with me that there is no problem with the fact where the banks' decisions are taken, because even decisions on credit cards are taken in Pretoria? The credit card system is an American system and even the people that you are calling in South Africa are enquiring that from New York or somewhere. Do you not think that the same company which controls American Express and controls credit cards treats its customers differently there, whereas the same company that is dealing with South Africa and here treats us differently? Do you not think what we need as a country is just customer service and we do not have a problem where the decisions are taken? Currently the bank managers are people who hassle you. They will make an arrangement with you that you must now pay N\$5,000 on your overdraft,

just an arrangement over the phone, but they did not ask you whether you have N\$5,000.

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

Honourable Venaani, and I will keep on agreeing with one another. Sometimes people treat you the way you allow them to treat you. Sometimes we allow ourselves to be treated that way either, because of ignorance of our rights and sometimes because we do not have consumer lobby organisation and we do not have recourse to seek remedy, you are at the mercy of these people. Maybe the idea of the Financial Ombudsman is a good one. We know very well that when the Government is doing

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what they are doing now, they will talk business politics and say the Government is interfering in the management of business, to the extent where they have pushed Honourable De Waal to the point where he does not know whether he should shame them or not.

I am saying institutions should practise international business norms and practices, irrespective of whether you are a local or international institution. However, what you are saying is important, maybe we need to demand more. Some of us demand more and that is why we end up being told that they will call security or we will be taken to court. Unfortunately in our system, maybe it will be Kazenambo who will be demanding and make a noise like he makes in Parliament and he will be told, "*this is not Parliament, get out of here.*" (Intervention)

HON MINISTER OF VETERANS AFFAIRS: Comrade Kazenambo, I want to speak the language of a common man. Do you not think Namibia is being used like a cattle post whereby the home is there and we are being served as if we are in the cattle post? The decision is taken there and it is only due to drought there that they have to come to the cattle post and at the end of the day you are secondary in consideration because you are a cattle post.

HON DEPUTY MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: Yes and no. Yes in the sense that many of the financial institutions who are here originated somewhere else and if you scrutinise the background of these institutions, for example FNB and Standard Bank, they will be linked to Standard Bank South Africa and they will be linked to a UK bank or an American bank because of the global version of the banking system. Now that Government is putting very important instruments in place, to enforce and implement these instruments is something else, where the citizens have to be aware of their rights. In terms of business we are treated as a cattle post because of our size and many of the things we are consuming here originate from somewhere else. However, it

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depends on how we will assert ourselves and demand how we should be treated.

A small economy such as Switzerland has positioned them and they are asserting themselves, therefore Germany is negotiating with them as if they are equals. If we as consumers are not aware of our consumer rights and also if we come with policy instruments but we do not evaluate and monitor them, everybody will violate them. Giving proper service comes at a cost, because you have to train your staff in order to give better services, it comes at a cost in terms of supervision, but sometimes you will find an ordinary Clerk already taking a decision. Then one wonders who this person is to take a decision on my financial well-being?

A friend of mine was joking with me – and I am saying it without prejudice – that some Managing Directors of our banks here cannot even sit with a General Manager of the originating bank. When they are there, they can only see an officer, they cannot sit with the Managing Director of the bank in South Africa, because this is a cattle post. It was a joke, but maybe it is the truth.

In conclusion, Honourable Speaker, I want to touch on the issue of interest rates. Some of the Banks are doing well, but sometimes when you pay your account there is peace and harmony, but when it comes to withdrawal, the war starts. You are asked this and that, but when you are asked to put your money in the bank, there are no gatekeepers. I think that attitude is exploitative, it is not friendly. Our banks need to improve on that situation. There should be a partnership in development, so that we can develop this country and I support the Amendment Bill and that the decisions must be localised with financial instruments that will empower us to create wealth for the Banks, because everything that we are doing is for the banks. I thank you.

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

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HON NAMBAHU: I also just want to congratulate the Ministry for coming up with this instrument. The other day I mentioned here that Banks make investments not necessarily in the interest of their shareholders and one Honourable Member was so puzzled that this guy is talking about things he does not know. I think the time has come for even those of us who are not financial professionals to interrogate the Banks on how they do their business. Times are gone where we used to think the banks know what they are doing. It is not true that Banks are always Mr Know-it-All, they are not.

When you want a loan, they ask for collateral so that they are securing whatever they are giving you, but what happens when they invest your money? Their investments most of the time do not have securities, which means it is based on speculation. Therefore, taking the banking institutions and the paying system together, will contribute to us actually understanding how the banks are doing business and if we talk in global terms, that these things are being done by the mother company, what can be done so that that practice does not infiltrate our system here and based somewhere else?

In a nutshell, it is like when you are getting a taxi from the North and when you arrive at these white buses, a person comes to you asking, “*Tatekulu (Equivalent to uncle or Sir) where are you going?*” However, if you demand any right once you are on the bus, then you will become *Oshisamane (Equivalent to you man)*. When you bring your money, you are treated cordially, but when you borrow, your status changes.

I do not even know what it means when we say our banking system. I do not know what it means, I do not get it. Is it our banks because we share geographical space with them or what is it that makes them our banks all of a sudden? The ownership is not there, they charge us without consulting us. They send pamphlets, they do not come to you to explain what they are doing. Why do they not send their staff instead of the pamphlets? Why do they not have workshops as part of their social responsibility? (Intervention)

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HON NAMBAHU

HON DEPUTY MINISTER OF LABOUR AND SOCIAL WELFARE: May I ask a question? Do you know that we are in the process of bringing NamPost to the level of a Bank, which we can regard as our bank, as per your question that you put, whether we are saying these are our banks because of geography? Do you know how those people advise NamPost? You want to invest with them, then they say because of the global economic meltdown, if you want your investment, you take everything and reinvest. I asked, *“how is your bank operating, the other bank is not operating like that?”* They say they do not operate the same, they have 32 days, which is a Call Account, but they cannot require me to take all the money. If I need all the money, I am the one to decide and not them.

HON NAMBAHU: I think it is time for us to have NamPost even in the villages where you do not find the big banks. However, when you talk to them, they have so many problems and we need to lend them a helping hand. We have to look into this if we want to get somewhere, because those decisions being taken elsewhere are not tailor-made to our conditions.

One day I was asking myself when we were talking about poverty, that you find so many people who are living in shacks making lay-byes on clothes, is it not possible for a bank to make arrangements that instead of a person making a lay-bye on clothes, he can make a lay-bye on window frames or something? I was just asking myself and these are probably what the banks could think about to take us out of this poverty. Otherwise they will continue using us as a cash cow, telling us how much they are bringing here, but they do not tell us how much they take.

Therefore, in my view, the issue of ownership and the control of the payment system go together and I would like to encourage the Ministry to continue taking these kinds of steps in order to alleviate the problems that our consumers are facing. Thank you.

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HON TWEYA

HON SPEAKER: Any further discussion? Deputy Minister of Finance.

HON DEPUTY MINISTER OF FINANCE: Honourable Speaker, I would not like to repeat what the other comrades have said, I only want to comment on the question whether this might not be scaring off competitors and why the others have not come in if the current banks are making huge profits.

I want to put the following on record and also for the people out there: This Amendment has been necessitated because we have a cartel at the present moment. We have four commercial banks here, three are still controlled from outside and the other one, although a Namibian bank, its behaviour is no different from the other three. Secondly, this cartel, because they are making huge profits, will not allow anybody else to benefit from what they are enjoying now. Thirdly – and I want us to appreciate that this is not money coming from outside Namibia, this is Namibian money. Honourable Nambahu just mentioned ownership and this is why we have passed the first Bill which addresses the ownership. There is no reason 20 years after Independence that we are not capable of managing our own resources. Then we must really dumb. (Intervention)

HON MINISTER OF LANDS AND RESETTLEMENT: May I ask the Honourable Deputy Minister a question for clarity's sake? If, because of circumstances, I am not able to pay my bond for three months, the Bank wants to recoup its money which is probably N\$25,000 and puts my house on auction, is there anything that we can do through a regulatory framework, like the one we are discussing now, to combat that phenomenon? How can we help the citizens and I am not trying to promote irresponsible conduct, but for a mere N\$25,000 you stand to lose your house which you have been paying ten years. Is there anything we can do?

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HON DEPUTY MINISTER OF FINANCE: I must disappoint my elder brother. I think that is something that we need to look at where people are losing their houses either through not paying water and electricity. That, unfortunately, will not be addressed by this specific amendment we are talking about. This amendment specifically refers to the charges or the fees that the Banks are charging the client for taking your money. (Intervention)

HON DR ANKAMA: Comrade Speaker, may I ask my neighbour here a question? Comrade Tweya, while you are responding to the other question, there is something I do not understand. When you buy a car through the bank, you are able to pay off that car within 5 years or less, but when you buy a house, you pay until you become old. What makes it so difficult to pay that house? A car costs you N\$300,000 and in less than 5 years you pay that car off. You buy a house of the same amount, you pay for that house forty years and what is the logic and how can we overcome this?

HON DEPUTY MINISTER OF FINANCE: That is the second part we have to address, the financing for your vehicle and properties, but I will unfortunately not be able to give you a satisfactory answer on the basis of the Bill we are discussing and I will leave that to the Minister, maybe she can in general explain those two scenarios. This is not only a Namibian issue, it is a global phenomenon.

I was saying that out of the 4 Namibian Banks, 3 have seconded officials from the so-called owner, who is not a Namibian, to manage Namibian money and obviously, their assignment is very clear – *to milk the cow*. I am saying that this money does not come from outside, it is Namibian money and that is why I want to address the ownership, but also the charges here, so that the people are not overcharged by the agents they have sent to *milk us to death*, so that we cannot develop and hardly breathe. This is not outside money, it is Namibian money. When you take your N\$400 to the Bank, the moment the Bank receives this money, it is already less than N\$400. When you go and withdraw, it is even less

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than that. We have been talking about that and we have been appealing to these Banks, but they could not give a damn because they want to satisfy the owner of that institution on our money. (Intervention)

HON DEPUTY MINISTER OF LABOUR AND SOCIAL WELFARE: May I ask a question? Comrade Nambahu spoke about ownership. Who is the owner of the bank? Is it not us whose money is keeping this person who says the bank is his or hers? Do you not think we should one day demonstrate to see who the owner is and then we all go and withdraw our money and see whether they can say it is their bank?

HON DEPUTY MINISTER OF FINANCE: Thank you, very much. I must say that as a Government and for us to grow our economy, I would still appeal to the Namibians to please take their money to the bank because it is good for the economy. We are putting these measures in place because we are the owners of the money and we, therefore, want to increase the ownership by Namibians because we are the owners of these entities. Therefore, please take your money to the bank, we are addressing this, including the disincentives. (Intervention)

HON TJIHUIKO: May I ask the Honourable Deputy Minister a question? Deputy Minister of Finance, I appreciate the way and the tone in which you are addressing this issue, which is very scary, but coming to my question, I am not very clear on what you said. Here you are talking about the ownership of the bank and then the bank charges. Are you trying to educate us that if these banks were not foreign owned, the charges could have been different? Do you really believe that if one compares the one local bank with the other three?

Secondly, could you as Deputy Minister of Finance not address this very sensitive issue in a different tone and approach rather than the way you are going about as if you are trying to address a SWAPO meeting in Okahandja?

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HON DEPUTY MINISTER OF FINANCE: On the first part, we have addressed the ownership issue. All we are saying is that we want to make sure that when you are in the bank, we want you to first think as a Namibian, is this in the interest of Namibians? What we have is that I am here to make sure that the owner gets the maximum return.

On your second part, what we heard is that “*you cannot do that because the law does not allow you to do that*”, hence the Amendment, so that I know when I take my money to the bank, technically I should earn interest, but on a daily basis I lose interest, somebody else pockets the interest. What incentive is there for me to take my money to the bank?

I should be given an incentive to take all my money to the bank because it will build the economy and I do not need to be exploited for contributing towards building the economy. That is what the Amendment addresses.

I also want to say that so far we tried to understand how much it costs to process a transaction and we could not get that response. The Bill itself will not solve that problem... (Intervention)

HON DEPUTY MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: May I ask a question? Is it allowed for a Member of Parliament to dress like a lawyer or a Judge with the intention to mislead the people that the Court outcome is in your favour?

HON DEPUTY MINISTER OF FINANCE: Let us wait for tomorrow. I want to conclude by supporting this particular Bill. (Intervention)

HON MINISTER OF PRESIDENTIAL AFFAIRS: May I ask the Honourable Member a question? There is one thing I do not understand about Economists. When you have debts, you are advised by the

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Economists to get even more money from the creditor to pay back the other creditor. You have to explain that one to me. When I get a loan and then I am about to default, then you are advised that we can lend you money to pay back. Does that make sense?

Secondly, I was amazed when at one time I had a shortage of a few dollars. I went to a shop to buy something on hire purchase, but I was asked to state whether I had done so before so that I can become credit-worthy. Does that make sense?

HON DEPUTY MINISTER OF FINANCE: When you are in need of money, you will be advised to take some more. When you take some more, they will advise you how to manage your debt, so that you remain in debt for the rest of your life. However, when you do not need money, they will get an invitation where they give you a credit line of up to N\$200,000, just to put you into debt, but when you need money, that is when they tell you, *“sorry, we cannot help you because you are not credit-worthy”* and that is, unfortunately how the banks work.

HON DE WAAL: Honourable Deputy Minister, I am a bit concerned when I listen to you as Deputy Minister of Finance and I just want to correct something. If you do not get interest on your money in the bank, it is your fault, not the Bank’s fault. Every bank will pay you interest. So, that is just not true, let us just correct the score there.

Secondly Sir, there is no difference between Lewis sending you something in the post to tell you that you can buy this bed and that cupboard at this price and we will give you an account. Lewis is in the business of selling furniture, Standard Bank is in the business of borrowing and lending money. There is no difference. Therefore, let us not go too far, Honourable Deputy Minister. If it were so easy to establish a bank, we would have had 20 banks in the country. It is not easy to establish a bank, so let us just be realistic about this matter.

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HON DEPUTY MINISTER OF FINANCE: As Deputy Minister of Finance I want to put on record for the second time that if you take your N\$400 tomorrow to any Bank, the moment they receive it, they charge you and that N\$400 will be less than N\$400. This is not a story, I know what I am talking about. This is why we are putting this in place. We have been talking to them directly, we debated it here, but there is no improvement. They say, "*We are taking your money for safe custody, therefore you pay for the assistance to keep your money safe.*" The Bank, which I will not mention, introduced what is called "*Card Wise*". For the low income they will not charge on deposits. There is only one bank that introduced that specific product, but the rest charge you for the safekeeping of your money. That is not a story, that is what is happening and we must get that correct. You need not be concerned, I am talking about things that are happening. When you ask for a balance, you are charged because they say they are rendering a service. There is no incentive.

I can tell you and the entire Nation that the challenge that we have is that more than 45% of Namibians are not willing to take their money to the bank because there is no incentive for them, it is better to keep it for themselves. These are not stories, it is the reality and it is not good for the economy of the country. You do not need to reserve your support for this one because there is more fear that we will not stimulate competition. We want things to happen, but those that are in charge of these institutions are more concerned about the profits of the owners of those institutions and not the owners of the money who made them what they are today.

I rest my case and I support the Bill. Thank you.

HON SPEAKER: Honourable Kaiyamo.

HON KAIYAMO: I Move that the Debate be adjourned until Tuesday.

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HON SPEAKER: I need to say something. In my book, recording the events of this House since I joined it in 1990, there was a Motion introduced by a now late Member of this House. It was debated here, it was taken out to the Standing Committee and the public, a job well done. In my book it would remain as one of the best ever motions introduced on this very subject we are talking about. It was a motion by late Kalla Gertze.

On that point the House shall adjourn until Tuesday, 14:30.

HOUSE ADJOURNS AT 17:45 UNTIL 2010.03.09 AT 14:30

**ASSEMBLY CHAMBERS
WINDHOEK
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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 ON BABY-DUMPING
IN NAMIBIA**

HON KAIYAMO: Comrade Speaker, I lay upon the Table, the Report on Baby-dumping in Namibia by the Standing Committee on Human Resources, Social and Community Development for note-taking.

HON SPEAKER: Will the Honourable Member table the Report? Any further Reports of Standing and Select Committees? Honourable Basson.

**TABLING: REPORT ON CLIMATE CHANGE
AND ENERGY**

HON BASSON: Comrade Speaker, I lay upon the Table, the Report on Climate Change and Energy Access for the Poor from the International Parliamentary Hearing for Southern African Legislators, held in Maputo, Mozambique, from the 18th to the 20th of September 2009 for note-taking.

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**TABLING OF REPORTS
HON TWEYA**

HON SPEAKER: Will the Honourable Member table the Report?
Honourable Tweya.

TABLING: REPORTS OF AUDITOR-GENERAL

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

1. Municipality of Karasburg for the Financial Year ended 30 June 2009;
 2. Municipality of Mariental for the Financial Year ended 30 June 2009;
 3. Municipality of Okahandja for the Financial Year ended 30 June 2006;
 4. Municipality of Okahandja for the Financial Years ended 30 June 2007 and 2008;
 5. Municipality of Omaruru for the Financial Year ended 30 June 2006;
and
 6. Municipality of Omaruru for the Financial Years ended 30 June 2007 and 2008.
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HON SPEAKER: Will the Honourable Deputy Minister table the Reports? Other Reports and Papers? Any Notice of Questions?
Honourable Viljoen.

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**NOTICE OF QUESTIONS
HON VILJOEN**

NOTICE OF QUESTIONS

QUESTION 101:

HON VILJOEN: Honourable Speaker, I give Notice that on Thursday, the 18th of March 2010, I shall ask the Honourable Minister of Youth, National Service, Sport and Culture the following questions:

1. The National Youth Service at Rietfontein is supposed to follow an approved curriculum for their training activities. Were this curriculum and the qualifications which can be obtained at the end of training course approved by the Namibian Qualifications Authority?
 2. How does it compare with the normal Grade 12 standards of academic schools?
-

QUESTION 102:

HON VILJOEN: I give Notice that on Thursday, 18 March 2010, I shall ask the Honourable Minister of Trade and Industry the following questions:

1. How many Chinese employers with registered businesses are in Namibia?
 2. How many of them are registered with the Namibian Employment Equity Commission?
 3. Who are they and when were they registered?
-

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

09 March 2010

NOTICE OF MOTIONS
HON KUUGONGELWA-AMADHILA

NOTICE OF MOTIONS

HON MINISTER OF FINANCE: Honourable Speaker, I give Notice that tomorrow, Wednesday, the 10th of March, I shall Move –

That leave be given to introduce a Bill to amend the Income Tax Act of 1981, so as to amend the definitions of “*person*”, “*pension*”, “*Preservation fund*” and “*retirement annuity fund*” to increase the amount which may be committed for a single tax-free payment; to increase the exemption from tax on the lump sum derive on retirement or retrenchment; to delete allowable deductions to mining companies in respect of rehabilitation expenditure; to provide for the administration of withholding tax on interest; to increase the threshold on income tax paid by individuals; to reduce the tax rate payable by non-mining companies and individuals; and to provide for incidental matters.

HON MINISTER OF FINANCE: I give Notice that on Thursday, 11 March, I shall Move –

That leave be given to introduce a Bill to amend the Transfer Duty Act in order to change the rates at which Transfer Duty is levied; and to provide for matters incidental thereto.

HON SPEAKER: Will the Honourable Minister table the Motions? Honourable Deputy Minister of Finance.

HON DEPUTY MINISTER OF FINANCE: Honourable Speaker, Sir, I give Notice that tomorrow, Wednesday, the 10th of March 2010, I shall move to amend the Value-Added Tax Act of 2002 so as to provide for further regulations of supplies made by agents; to provide for claim input VAT on debts; to zero-rate the supply of dry white and dry and wet brown granular sugar, fresh milk, medical and paramedical services and funeral undertaking services; to delete medical and paramedical services as an

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**NOTICE OF MOTIONS
HON TWEYA**

exempt supply and to provide for incidental matters. I so move, Honourable Speaker.

HON SPEAKER: Please table the Notice of Motion. Any further Notice of Motions? Ministerial Statements? None.

Before we commence with the business of the House, I want to say that because we do not meet on Mondays, the National Assembly missed commemorating the International Women's Day, which is on 8 March each year. As the saying goes, better late than never. As Members and as world citizens we must reaffirm our solidarity with womenfolk throughout the world, and renew our commitment to do more towards advancing women's rights globally.

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

**COMMITTEE STAGE: NAMIBIA INSTITUTE OF PUBLIC
ADMINISTRATION AND MANAGEMENT BILL**

HON SPEAKER: Does the Honourable Prime Minister Move that the Assembly now goes into Committee?

RT HON PRIME MINISTER: I so Move.

HON SPEAKER: Who seconds? Agreed to. I now call on the Chairperson of the Whole House Committee to take the Chair.

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**COMMITTEE STAGE: NAMIBIA INSTITUTE
OF PUBLIC ADMINISTRATION AND MANAGEMENT BILL
HON T GURIRAB**

ASSEMBLY IN COMMITTEE:

CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: The Committee has to consider the Namibia Institute of Public Administration and Management Bill.

Clause 1 put and agreed to.

Clauses 2 to 5 put.

HON T GURIRAB: Honourable Chairperson of the Whole House Committee, Clause 2 of Part 2, where it reads the shortened form is NIPAM and which should not be used as an alternative to an independent from that name. Mine is a question for education. Surely NIPAM should not be used as an alternative, but as an abbreviation, an acronym of the Institute. I do therefore not know whether indeed we want to say that is the fuller name of the Institute and NIPAM is used as alternative. I would have thought NIPAM is an abbreviation, it is an acronym.

Honourable Chairperson, in the first part it also talks about the short form. Is that really what we want to say? Do we want to say a short name of the Institute? That is my first observation, Honourable Chairperson. That is in Section 2.

In Section 4(4) it reads: *“All Courts, Judges and persons acting judicial must take judicial notice of the common seal of NIPAM are fixed to any document and presume that it was duly affixed.”* My observation here is whether this is no redundant, because that would be the normal practice in any event and whether we need to legislate on that which is normal practice?

Section 5(a) reads: *“to systematise capacity-building interventions and to function as a dedicated training and development institution for the unified Public Service.”* My observation is on the qualification of the

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**COMMITTEE STAGE: NAMIBIA INSTITUTE
OF PUBLIC ADMINISTRATION AND MANAGEMENT BILL
RT HON N ANGULA**

Public Service as unified. Unified as opposed to what? Do we need “*unified*” in that sentence?

In (c) it reads: “*to foster among Public Servants a sense of and purpose...*” and it continues to read, “*and traditions of Public Service which serves the people of Namibia and promotes their welfare and lawful interest*” as opposed to illegal. Again my question is about lawful interest. Why not just interest? Surely you do not create a public institution to promote illegal interest.

With regards to (f) of Section 5, Chairperson, it reads: “*to provide flexible learning opportunities and platform by way of a learning centre supported by authentic information*” as opposed to unauthentic. My question is, why the qualification? Do we need the qualification, the authentic information, lawful interest, unified Public Service?

Paragraph (g) reads: “*to have Public Servants develop cooperative relationships with colleagues, professionals and other persons, Offices, Ministries and Agencies.*” What about institutions and agencies beyond the Government ones?

Paragraph (j) is “*to establish an observatory of capacity-building.*” Surely, I am raising this to find out what is really meant there, since it is to establish an observatory of capacity-building needs. I do not know what it means and I will be grateful for clarification.

Lastly (k): “*To collaborate and strengthen partnerships between public administrations*” and I am sure we do not need the “s” there. I thank you.

CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Thank you very much. Right Honourable Prime Minister, on Clause 2.

RT HON PRIME MINISTER: I thank Honourable Gurirab for his command of the English language and semantics. Yes, perhaps the

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RT HON N ANGULA**

language can be improved a bit, but it does not at all detract from the purpose of the Institution, and therefore to say that it was drafted in Oshindonga, was unnecessary. Oshindonga is the language which was written far back in 1896. Therefore is a well-established literature and if you can learn it, you can read a lot of books, including the Bible.

The word NIPAM can be used independently from the whole name. The point is that if you look at the NIPAM symbol, it only has the word NIPAM not the whole name and you can just use as it is, just as you can use “*Tsudao*” and I will know that you are talking about Emmanuel. I can just say Tsudao and I will know it is you.

CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Any further discussions on clause 2? Any objections?

Clause 2 agreed to.

Clause 3 put and agreed to.

Clause 4 put.

RT HON PRIME MINISTER: In Clause 4, the “*fixed*” does not detract from the purpose of what is meant there.

CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:

Clause 4 agreed to.

Clause 5 put.

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RT HON N ANGULA**

RT HON PRIME MINISTER: Paragraph 5, unified Public Service. We have a uniformed Public Service, meaning the Police, the Army and the Prison Services. Then we have the teaching service, meaning the teachers and they have a different pay structure and all institutions have their own training institutions. The teachers have the College of Education, they have the National Institute of Education Development. When you come to the Police, they have the Patrick Iyambo and the Army has its training centres. They have institutions that cater to them, but the unified Public Services do not have an institution that caters for it. That is the difference.

“Lawful interest” is perhaps stressing it too much, it is just to say we only work within the law. *“Authentic information”* is just to say that the information should be verifiable, it is not something maybe. Perhaps it is too much of an emphasis, but I did take cognisance of your language concerns.

CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Thank you very much. Any further discussions? Honourable Tsudao Gurirab.

HON T GURIRAB: Honourable Chairperson, I also had observations on (j) and (k) and I do not know if the Prime Minister wishes to respond.

RT HON PRIME MINISTER: Yes, (j) and (k) are about an observatory for capacity. What is meant here is that it is just a system of instruments of measuring capacity in the Public Service. That is what is meant. Collaboration means that it has to be broader than just the public administration, the civil society and others. I think that is inclusive enough. Who is excluded? Everybody is included here, even institutions and bodies with similar objectives internationally.

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RT HON N ANGULA**

HON T GURIRAB: Honourable Chairperson, my observation on (k) was on Public Administrations as opposed to administration.

RT HON PRIME MINISTER: There is an Institution which promotes public administration in African Governments. What is meant here is actually other public administrations in Zambia, Zimbabwe and other places.

RT HON PRIME MINISTER: In that case my observation will be that instead of putting “public administrations” it should be “public administration institutions.”

RT HON PRIME MINISTER: I take your point, but for now, let us proceed.

CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Clause 5 agreed to.

Clause 6 put and agreed to.

Clause 7 put.

HON T GURIRAB: Clause 7(2) reads: “*the Members of Council, including the Chairperson, are constituted or appointed.*” I do not know whether you can constitute persons, but I thought “*appointed*” would suffice. I am not sure whether in the language we are dealing with you can constitute members and I am saying “*appointed*” would suffice.

In (2)(d) it reads: “*a person nominated by the Namibia Chamber of Commerce and Industry.*” My observation is that in proper drafting one

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should not name institutions as it may tomorrow change its name, but to say a person nominated by a body which represents that function.

Tomorrow they may call themselves the Patriotic Namibia Chamber of Commerce and then we have to come here to amend the Act. The point I am making is that if they change their name, we have to come here to legislate.

On (4), the last part, it says: *“Council may co-opt two persons as Members on a rotation basis from the countries of international organisations offering assistance and support in Public sector capacity-building to NIPAM or the Government and such Members may take part in deliberation of matters before the Council, but have no right to vote.”* It is the word order, I would have said it differently, but I accept the language as is. Those are my observations in Clause 7.

CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Thank you very much. Right Honourable Prime Minister.

RT HON PRIME MINISTER: I thank Honourable Tsudao Gurirab, at least he read the law and that is very encouraging, unlike another Honourable Member who was just shooting in the air without reading the law. I do thank you.

On Clause 7(2), you constitute a body called a Council and you appoint individuals to serve on that body. I agree with your remarks on the Namibia Chamber of Commerce, since you are going to be a businessman importing cars from Japan and you might go there and change the name. It could have been done better and I agree with you on that one.

The drafting of (4) is perhaps a bit flawed, but it is saying what it says. Thank you.

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RT HON N ANGULA**

CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Thank you. Any further discussion? Honourable Minister.

HON MINISTER OF VETERANS AFFAIRS: I just want to have clarity. There are certain things that the Prime Minister has agreed upon and what will be the consequences? When are they going to be amended?

RT HON PRIME MINISTER: I only agreed by saying it could have been done better. I am not saying it must be amended.

CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Honourable Riruako.

HON RIRUAKO: Honourable Prime Minister, I was thinking that you are going to be head of the new institution, according to what I heard. Why should it be NIPAM be like Oniipa?

CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: We have already passed that Clause. On which Clause are you?

HON RIRUAKO: The whole House was nearly dead, there must be life here. There must be some jokes, that green face is not needed here.

CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Conclude. We are not together. Any further discussions?

Clause 6 agreed to.

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HON RIRUAKO**

Clause 7 put and agreed to.

Clause 8 put.

HON T GURIRAB: In Clause 8(b): “*the powers and the functions of the Council are to approve strategic plan.*” It is either “*to approve strategic plans or approve a strategic plan*” and “*business plans or a business plan.*” I thank you.

CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Any further discussions? Dr Kawana.

HON MINISTER OF PRESIDENTIAL AFFAIRS: Honourable Speaker, maybe to assist my Colleague there. Within the established Rules and procedures, the person who drafted the Bill at the Ministry of Justice, after it is passed by the National Council, will go through to iron out those entire spell checks. That is allowed in terms of the Rules and the Honourable Member should not really be concerned with some of those technical things. Those are normally polished up before the President signs the Bill. That is provided for in the Rules.

CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Honourable Riruako.

HON RIRUAKO: The House is not allowed to iron out what is left over, but certain people who ...(Intervention)

CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: It is not the House.

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HON RIRUAKO**

HON RIRUAKO: Who? Can you help me on that? Perhaps my English is not understandable to you or what?

CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: He said before the President signs it, the mistakes are being corrected.

HON RIRUAKO: We are not entitled to iron it out? I need the information.

CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Honourable Tsudao Gurirab.

HON T GURIRAB: Honourable Chairperson, I think I am perfectly in order with what I am doing, because that is exactly the business of a Committee to iron out all of those and that is what I am doing.

RT HON PRIME MINISTER: Yes, I take note of the question of the language and that will be done by the drafters. I appreciate Honourable Gurirab's concentration, because some of us do not concentrate like he did and he should continue.

CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Any further discussions on Clause 8? Any objection?

HON RIRUAKO: There are no thorough explanations. Could you help us and put us in the picture? Honourable Kawana, could you explain this to us please?

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CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Right Honourable Prime Minister.

RT HON PRIME MINISTER: Yes, Honourable Chief Riruako, I know that today you are wearing a special tie for the television. The explanation is as follows: Honourable Tsudao has been pointing out some technical points such as spelling and articles left out. They will not change the meaning of the law. Those will be taken care of by the proofreaders before the Bill is signed into a law. That is what the Attorney General told us, but there is no harm in pointing them out as Honourable Gurirab has been doing, but let us not talk about things such as Oniipa and such things.

CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:
Clause 8 agreed to.

Clause 9 put.

HON T GURIRAB: Honourable Chairperson, in the light of the Prime Minister's explanation on Clause 5(k) of the intention to collaboration with public administration institutions outside our country, I am rising, in the light of his observation on (a) on the membership of Council, it disqualifies persons who are not Namibian citizens, who are not permanent residents in Namibia and I would have thought with an institution such as this one, the same as with all tertiary and academic institutions, you would wish to benefit from experience elsewhere and by doing what we propose to do under (a), will limit us from benefiting from such experience. We can only benefit by having persons from outside Namibia with experience instead of legislating against having those persons. We are part of the global village and we should benefit from such expertise and I would move that we delete (a) from the Bill. I so Move, Honourable Chairperson.

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HON RIRUAKO: Honourable Chairperson, I am quite disturbed, we are going to suffer because of so-called foreign experts. We have qualified people there and we leave them and go and look for friends outside the country. This is rubbish. We have qualified people here who can do better than the foreigners. Some are capable but they do not have jobs. All the jobs have been taken away from these people.

CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Honourable Chief that is general Debate. Where in this Clause is there mention of foreigners?

HON RIRUAKO: It speaks of foreigners. Do you not understand English or what happened? It says we are disqualified to hire foreigners. (Interjection). I can speak Chinese for you to understand.

CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Your point is clear now.

HON RIRUAKO: We are quite sick and tired that we are importing foreigners from their countries who do not have jobs there. We want our own people here and that is a fact.

CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Thank you. Right Honourable Prime Minister.

RT HON PRIME MINISTER: I concur with Honourable Gurirab and perhaps this Clause can stand over so that we remove Clause (a).

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CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Clause 9(a) stands over for amendment.

Clauses 10 to 12 put and agreed to.

Clause 13 put.

HON T GURIRAB: Honourable Chairperson, on Clause 13(4) on the quorum of the Council. The Council is set up in terms of Section 7 and has eleven members. Clause 13(4) reads: “*A decision of the majority of members present constitutes a quorum.*” I do not know whether that is what we want to say. It means if there are three or four members out of eleven present and three are agreeable with what is being moved... (Interjection). Read it closely, a decision of the majority of members present at a meeting. It does not say the majority of the members of the Council. What if you have a meeting where there are four members and three say it is a good idea? Unless that is what we want to say, that we want to say the majority of members present or a majority of members of the Council.

CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Any further discussions? Right Honourable Prime Minister.

RT HON PRIME MINISTER: There is an assumption made here that, in the first place, if there is no quorum, the Council cannot meet. Therefore, it is assumed that it is a quorum and the majority of those who are forming a quorum, if so decide, then it is a decision of the Council.

Clause 13 agreed to.

Clauses 14 and 15 put and agreed to.

Clause 16 put.

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HON T GURIRAB: Honourable Chairperson, on Clause 16(1), more for my education than for anything else. Clause 16(1) reads: “*The organisation and superintendence*” – it is that word which troubles me – “*of capacity-building interventions.*” I shall be grateful for a clarification on what it is we are saying. I thank you.

CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:
Further discussions? Right Honourable Prime Minister.

RT HON PRIME MINISTER: Honourable Tsudao, “*superintendence*” is perhaps an awkward word, but it means that it is of high importance. Perhaps it is not a common word.

Clause 16 agreed to.

Clause 17 put.

HON T GURIRAB: Clause 17(a) is again elegance of language and I will leave that to the Attorney General and his drafters.

Clause 17(b) reads: “*to coordinate with the Ministry of Education and National Planning Commission with regards to national capacity-building needs.*” Is that really what the administrative duties would be all about, about national capacity needs? There are other institutions, why with the National Planning Commission and the Ministry of Education? Is it assumed that, for example, UNAM is part of the Ministry of Education? Why do you mention these two institutions?

Clause (c) reads: “*to develop curricula training and design and implementation strategy of training programmes, courses, workshops and capacity-building interventions.*” What courses are these? Courses in

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general or what is the intent of this Clause?

Clause (d) reads: “*to determine the norms and standards for the award of qualifications and accreditation for approval.*”

What I wanted to say is that perhaps it is the language in (d) and (e). On closer reading, it is fine, but what I was going to say about (d) and (e) is that I would have thought that the determination of norms and standards is the mandate of the National Qualifications Authority. I thank you.

CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:
Further discussions?

HON RIRUAKO: We had a problem with the University and the other one. They were fighting one another because of names and here we are creating the same sort of thing. What happened is that the other one must not be called a University.

CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: No, Honourable Member, I am not going to allow you. We are not talking about Polytechnic and UNAM. Do you speak on anything that Tsudao Gurirab mentioned.

HON RIRUAKO: It is here, “*coordinate with the Ministry of Education and National Planning Commission with regard to national capacity-building needs*”. Why? Why do you neglect those who are there now? Why?

CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:
Thank you. Right Honourable Prime Minister.

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RT HON PRIME MINISTER: Yes, all these functions and powers are in order, Honourable Tsudao Gurirab. The Ministry of Education has what is called the Higher Education Council which actually coordinates the activities of higher education institutions to avoid what Honourable Riruako is saying. That is what is meant here. The National Planning Commission is responsible for the National Development Plans and within that framework we have to know what are being envisaged in the national plans.

With regard to the standards, before your standards are approved by the National Qualifications Authority you have to design your courses and then you have to determine at what level of standard is your course and convince the National Qualifications Authority that in fact that is what you are going to do. Therefore, National Qualifications Authority does not design courses, it is just an oversight body to ensure that institutions do what they have promised to do. I hope that takes care of the concerns of Honourable Gurirab.

The language issues will be dealt with by the drafters.

Clause 17 agreed to.

**HOUSE ADJOURNS AT 15:50
HOUSE RESUMES AT 16:25 PURSUANT TO ADJOURNMENT**

CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: The Whole House Committee is called to order.

Clauses 18 and 19 put and agreed to.

Clause 20 put.

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HON T GURIRAB: Honourable Chairperson, I must point out the language again in Clause 20(a).

CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Right Honourable Prime Minister.

RT HON PRIME MINISTER: I take note of the use of the word “*designation, designated*”.

CHAIRPERSON IF THE WHOLE HOUSE COMMITTEE: Clause 20 agreed to.

Clauses 21 to 25 put and agreed to.

Clause 26 put.

HON T GURIRAB: Honourable Chairperson, again an observation on Clause 26(1) for the Attorney-General and his drafters.

CHAIRPERSON IF THE WHOLE HOUSE COMMITTEE:

Clause 26 agreed to.

Clauses 27 to 37 put and agreed to.

Clause 38 put.

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HON T GURIRAB: Honourable Chairperson, the issue I wish to raise is on Clause 38(2). It is again a drafting matter. It says: “*A person who contravenes sub-section (1) commits an offence and is liable to a fine not exceeding N\$8,000 or imprisonment to a period not exceeding two years.*” Again I am not a drafter, but what I want to say is that putting an amount is not good drafting. It should say an amount which will be gazetted from time to time. Why I am raising this, Honourable Chairperson, is that if you say N\$8,000, in ten years from now N\$8,000 will be enough to buy *vetkoekies* in our Restaurants. Therefore, if you want to raise the amount, you will have to come back to amend the legislation and I say that is not necessary. If you say an amount, which will be set, by whoever the authority is, which in this case is the Prime Minister, then the Prime Minister will gazette an amount from time to time. I thank you.

CHAIRPERSON OF THE WHOLE HOUSE COMMITTEES:
Honourable Dr Kawana.

HON MINISTER OF PRESIDENTIAL AFFAIRS AND ACTING ATTORNEY-GENERAL: Honourable Chairperson, I think on this particular point my learned friend missed the point. It is established legal tradition and even the Courts are very sensitive on those issues. There is a certain discretion that is given to the Minister, there are certain issues that must be addressed in the principal Act, otherwise it amounts to legislation by one person and particularly when it comes to a fine and the term of imprisonment, it can never be delegated to a Minister or any other body because it always has to be in the principal Act. There are numerous decided cases in that regard.

CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Right Honourable Prime Minister.

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RT HON PRIME MINISTER: I could not have explained better than the Attorney-General did.

CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:

Clause 38 agreed to.

Remaining Clauses and the Title put and agreed to.

I shall report progress and ask leave to sit again.

ASSEMBLY RESUMED:

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

**RESUMPTION OF SECOND READING: PAYMENT SYSTEMS
MANAGEMENT AMENDMENT BILL**

HON SPEAKER: When this Debate was adjourned on Wednesday, the 3rd of March 2010, the Question before the Assembly was a Motion by the Honourable Minister of Finance, that the Bill be read a Second Time. Honourable Kaiyamo adjourned the Debate and he now has the Floor.

HON KAIYAMO: Comrade Speaker, after listening to the Colleagues last week, I thought of making some contribution to the Debate to support the Bill.

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I want us to be on the same page at all times, because if we are not on the same page, somebody might get lost in the arguments. Capitalism in its nature is bad. I can see some of the Colleagues may not have insight into capitalism. What you call globalisation is capitalism and the corner of that global village is Namibia. Namibia is part of the global capitalism.

The bourgeois are those people who are not in favour of the proletariat, who become apologists of capitalism and they know themselves. (Intervention)

HON RIRUAKO: On a Point of Order and a Point of Information. I do not understand when you say capitalism is bad. In today's world we do not have *Das Kapital*, we do not have the communism for which you are crying, and I am sorry about that. We have entrepreneurship, we do not have an economy of one particular person. It is a global society, it is a global economy, but you are supposed to introduce what Nkrumah said.

HON KAIYAMO: The bourgeois and the petty bourgeois become apologists of capitalism and defend their interests. What we had in mind in 1990 when we got Independence is that Namibia becomes part of global capitalism, but the Government wanted to protect the working people in that country. The transition from 1990 up to now was a peaceful one and I like it. The banks we are talking about here are part of the capitalist system and the State has to protect the working people. Some people, those we call the bourgeois, do not protect the working people and the State is supposed to protect the working people.

Some Colleagues spoke about "*our Banks*". Which are our Banks? These are capitalist Banks. (Intervention)

HON MINISTER OF PRESIDENTIAL AFFAIRS: May I ask the Honourable Member a question? Comrade Kaiyamo, I am reliably informed that in this House there are land barons on both sides of the

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House whose farms are worth millions. Are you referring to those as the bourgeois or whom are you referring to?

HON KAIYAMO: I am sure you know some of them. They are in this House. Honourable Kawana, let us just be practical, they ran away from Pioneers Park to this place in Klein Windhoek to buy a half a million dollar house. Our banks make a lot of money. (Intervention)

HON RIRUAKO: Now who is who? All of us here own farms. Who is the bourgeois, the big bourgeois who own the land, who are they? They are here. Now define that before you proceed.

HON KAIYAMO: Colleagues, listen carefully. The profit one of those banks you call your bank made was in yesterday's paper, Die Republikein.

The profit made by Standard Bank for 2009 was in yesterday's paper. Comrade Speaker, with all respect, I want us to be part of these banks, but then we must be protected and that is why we need to support this Bill which is protecting us. The profit made by Standard Bank for 2009 is N\$11 billion. In 2008, it was 14 billion. (Intervention)

HON DEPUTY MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: Honourable Speaker, while I share the sentiments and passionate love for communism and socialism, I want to provide some information based on the issue of the land barons, the bourgeois. Arriving at communism is a process. Having a classless society is a process and to arrive from each according to his ability, each according to his needs, which is the highest stage of communism and socialism, a country like this one will need to have... (Intervention)

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HON SPEAKER: Deputy Minister, with due respect, actually this is a very timely and important issue, but for the present irrelevant. If people could stick to the text and Honourable Members I ask you to formulate a Motion where the issue could be properly debate, but for now, let us stick to the Motion.

HON KAIYAMO: I did not use the word “*Communism*”, I talked about a scientific world outlook. In 2009, the profits of Standard Bank alone were N\$11 billion and in 2008, it was N\$14 billion, meaning that this bank is making money. Our Education Budget last year was N\$5 billion and for Defence, N\$2 billion. That is why I wholeheartedly support this Bill so that the proletariat, including the bourgeois, are protected. I thank you.

HON SPEAKER: Honourable Mushelenga.

HON P MUSHELENGA: Honourable Speaker, Honourable Members, I rise to contribute to the Debate on this important piece of legislation, namely the Payment Systems Management Amendment Bill of 2010.

We have recently also concluded a debate on the Banking Institutions Amendment Bill. These amendments are timely and underscore the seriousness of the Bank of Namibia, being the supervisory authority for Banking Institutions and the one responsible for the National Payment System, to affect prompt and timely services.

Recently, the Bank of Namibia beefed up its supervisory tool by implementing the Basel II as a guide to effective supervision. Aaron McPherson, a renowned Economist and researcher, contended in his discourse entitled, “*The Strategic Value of Centrally Managing Payment Systems.*” Banks can however play a strategic role in resolving the challenge of payment systems by implementing a common managing infrastructure. He argues that decentralised management of payment

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processes carries the following five benefits:

1. Information to make the process more efficient by eliminating bottle-necks and focusing IT investments on important areas;
2. More effective management of IT operational risk, facilitating compliance with Basel II, Sarbanes-oxylex and other regulations;
3. Quicker response to problems that may arise during the day that could cost the bank money, either by missing its cut-off time for submitting transactions for allowing fraud to occur;
4. Lower costs for payment system integration through more rapid identification and resolution of problems that arise from change to existing system and processes; and
5. Greater visibility for customers into the status of their payments which is in demand by corporate customers around the world.

Honourable Speaker, the National Payment System is an important system in the clearing of payments and in the effecting of payments to ultimate payees. Thus, the smooth functioning and management of the payment system is an integral part of the sound financial system and the stability of the financial sector is intricately linked to payment instrument systems. I am saying this because the default by one participant can easily have knock-off effects and under certain circumstances may cause the failure of other participants in the system. Hence, a robust payment and settlement system is crucial for financial stability since it enables transacting parties to exchange value and to conduct business efficiently.

From the aforementioned, it is obvious that the management of our National Payment System is equally important. In globalised economies the regulator of the system needs to ensure that confidence in the system is maintained and the security of the system is not compromised.

I am happy to note that this functionality, that is the National Payment System, is an extra milestone in achieving the Namibianisation of the

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operations of our banking institutions.

While ensuring the safety of our payment system, it is also timely that illegal credit card transactions are punishable by law. Fraudulent credit card transactions are worldwide problem. It is estimated that in the United States the losses from online credit card fraud alone had reached US\$3,2 billion in 2007. Measures must be introduced to curb illegal use of credit cards by criminals. For the maintenance of the confidence in the systems, all merchants need to be warned of the illegality of copying credit card information and later use such information to defraud the owners.

Additional requirements to benefit credit card owners must be insisted on, such as requiring the production of positive identification by users at all times and the reproduction of such details on receipts kept by the merchants. The banking authorities must move faster than criminals move and upgrade their credit card paying system so that criminals are not able to conduct their evil deeds on the same devices, as this is the current possibility.

The abuse of credit cards through such scams put the image of our countries at risk. This is because credit card scams mostly are targeting unsuspecting tourists who undertake visits to our countries, but they only become aware that they fell prey to such criminal activities when they return to their respective countries. Such unwelcome fates await tourists and will put them off about our countries as safe tourist destinations but will also cost them huge sums of hard-earned savings which could otherwise be wisely spend on our economy through tourism and in other deserving sectors.

Honourable Speaker, the issue of fees has been debated at length in this august House. I believe fees are generated by banks at the expense of our people who struggle to keep their savings. High interest rates themselves are not healthy for the growth of any economy. They can lead to descending public demand scale as the public becomes more unable to borrow. Richard Lipsey and Alec Chrystal support this proposition in their publication entitled "*Economics*". We have seen efforts by

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Governor Alweendo when he urged banking institutions to minimise their interest spread on the basis that the interest margin was too high. I only hope that the amendment on this issue is to empower the Bank of Namibia to regulate the issue of fees even further.

With these remarks, Honourable Speaker, I support the Payment Systems Management Amendment Bill and I thank you.

HON SPEAKER: Excellent. Honourable Tjihuiko.

HON TJIHUIKO: Thank you very much, Honourable Speaker. I have listened to the debate very carefully, a very interesting Debate and let me start by saying that I agree with some sentiments that have been expressed in the House – some of them – and the issue that we are discussing now, as far as I am concerned, is not something new. It is an issue that was started two, three years ago with the Motion of the late Kalla Gertze. Recommendations were made, a process of consultations has taken place with all the Financial Institutions and, obviously, as lawmakers, as representatives of the people in a democratic process, in a free market economy, we have given the Financial Institutions enough time, because when we are looking at two, three years of having allowed the Financial Institutions to come forward (Intervention)

HON DEPUTY MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: May I ask the Honourable Member a question? Since the Honourable Member is talking too much about the democratic process, do you believe in a democratic process or do you believe in a Court process?

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HON SPEAKER: Irrelevant.

HON TJIHUIKO: Honourable Speaker, I was saying that as lawmakers we have taken time to allow the process to take place. In fact, there were two options: Looking at the outcry of the public, we could have regulated immediately, we could immediately have come back and said we are going to bring in a law, but we have allowed the process to continue. We have given the Financial Institutions enough time for them to regulate themselves as it has been proposed by most of them. There was an element of “*give us time so that we can regulate ourselves*”. Three years down the line, nothing has happened. What we are seeing is *Aluta Continua*.

Therefore, when we are looking at this Amendment Bill... (Intervention)

HON MINISTER OF VETERANS AFFAIRS: May I ask the Honourable Member a question, please? You are correct that these things could have been corrected a long time ago, but Honourable Tjiuiko, you are a parliamentarian and if I am not mistaken, it was only once in the history of this House that there was a Bill initiated by a member who is not in the Ruling Party. Why, if you have all these good ideas, do you not come with a Bill as a parliamentarian so that we can support it? (Interjection)

HON TJIHUIKO: Honourable Speaker, I am supporting the Amendment, I am trying to justify the point that people should not look at this process as a process that is being imposed on the people. It should not be seen in the light that what we are doing right now is to try to punish the banks. It is a process that has necessitated us to act and to support this Amendment, because we have given the Financial Institutions enough time to come back to us and say, this is the self-regulatory mechanism that we have promised to create and implement. That is the point I am trying to make.

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Let me make it very clear that the issue here, as far as I am concerned, is not an issue of the banks making too much money, it is not an issue of the Banks making too much profit and looking at the Amendment, that is not the issue. The issue is the costs related to that profit making. If they were charging a reasonable, acceptable level of Bank charges, I do not think that we would have complained about it. The issue is the instinct of the banks to go for a kill while they are making enough profit. Therefore, the purpose of the Amendment is to address the issue of bank charges, not profit – not socialism, not capitalism, it must be seen in that light.

It should also not be seen in the light that Government or Parliament is trying to punish companies that are making profit. That was never the way I understood it. Those Colleagues inside and outside the House that are saying, what will happen next after the banks, the answer is simply that this Amendment Bill was meant to address the issue of bank charges and it is our responsibility as lawmakers to make sure that we protect the interest of our people, irrespective whether the institution that is operating in this country is foreign-based or locally based, black-owned or white-owned, that is not the issue. The issue is that the playing field should be levelled and I think that message should be very, very clear.

Honourable Speaker, in order for us to grow the economy, we need to be able to encourage our people to save money. We should have the attitude of saving money and if you put N\$50 into the Bank with the idea of saving, the Bank will send you a letter after three months, saying you owe us money because the N\$50 that you have put in the Bank is no longer there. How do you encourage people to save? That is the point. Instead of getting interest on what you put in the Bank, you are being punished because you are not using it. I think it was high time for us to say, *“Enough is enough, it cannot continue as business as usual”*.

Honourable Speaker, let me conclude by saying that the Financial Institutions and anybody else who comes to this country with the intention of being a partner in development are welcome. I however believe that even in a free market economy, even in a capitalistic system Government has a responsibility to act in the interest of the people, especially the poor

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and I believe that the idea of bringing this amendment is to try to protect the lower level of our people. People cannot afford to pay for these services. People are now being forced to keep money in the house and by keeping money in their houses, risking their lives, because of those who come in at night and do inappropriate things. This is an incentive for criminals to continue with their business.

Honourable Speaker, I wish to conclude by congratulating the Ministry of Finance for having brought this amendment at the right time before we conclude this Parliament. I thank you very much and I support the amendment.

HON SPEAKER: Chief Riruako.

HON RIRUAKO: Mr Speaker, Honourable Mushelenga and Honourable Tjihiuko made reasonable proposals and suggestions and those who are honest with themselves have to endorse that. Mr Speaker, I am not aiming this at individuals, I am aiming this at the House.

When you have money in the bank, they will withdraw money from your account and at one time, I took back my book and said, *“Look, you made a mistake here and here, put the money back”* and they did it, but to those people who cannot even defend themselves, it is a war itself. I admire the people who have decided to put their foot down, rather than to keep on talking. You can eliminate what is wrong with talking. Sometimes there must be action.

The point is we cannot talk about communism or capitalism. The issue is the high bank charges withdrawn from our accounts, and this is really the point. The bank cannot eliminate the account without the person who banked the money in their banks. They have to call their client and the client has to ask the bank why it is done. However, they do their thing without even informing their clients and that is where the problem lies. Therefore, we do not have choice, we had to take this decision. I thank

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the Minister who brought this Bill to this House to endorse it.

HON SPEAKER: Chief Ankama.

HON DR ANKAMA: Honourable Speaker, I would like to make a very brief contribution to this very important Bill. I would firstly like to highlight the importance of E-government that we have just introduced recently. E-government uses improved Internet-based technology to make it easy for citizens and businesses to interact with the Government, saving the taxpayers' money and streamlining citizen-to-government communication. Once this Bill becomes an Act, a volume of financial transactions, for example, foreign exchange and cross-border transactions, private bills will be eliminated. This kind of payment will be simplified and will probably be much better handled than ever before. This will also help to eliminate the carrying of cash. Just carrying money in the pocket is a serious problem. Nowadays these people will just come, tie your hands behind your back, and take the cash. I therefore think this is a very good move to bring this Bill to the table.

Further, it will also arrest money laundering in itself and further, it will force businesses to use Internet banking systems. We have serious problems here, there are instances where you can transfer money or pay money, but let me tell you one thing, Colleagues. You find long queues in the banks at the end of the month. With the introduction of the Bill, it will definitely simplify the payment system, because you pay through your Internet whomever you want to pay and at the same time, it saves time. I do not know what should be done, but I would believe that the Finance Minister would urge the institutions locally to make sure that when one pays, one should be able to get a receipt. Banks should improve upon the tracking system, to make sure that once I pay institution B, I should be able to receive a receipt from institution B, because in many instances, I pay Windhoek Municipality and I do not know how much I owe them.

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For a year, you pay and you receive nothing. Something must be done to compel institutions and individuals to issue a receipt to confirm that you have paid.

I know that currently if you want to find out which institutions you have paid six months earlier, you will probably be able to get that on a fee. Maybe this should be done cost free for twelve months, so that in twelve months time I would retrospectively go back and track down how many institutions or people did I pay and how much did I pay, so that this will simplify the taxation and VAT system.

Therefore, I think a Bill of this nature is a very good move, but I think we still need to pull some plugs so that the system can be synchronised. I thank you.

HON SPEAKER: Thank you very much. You should bring a Motion to lecture us on E-government. We are good students and you are such a wonderful teacher. At the right time, you should do that. Any further discussion? Does the Honourable Minister of Finance wish to reply?

HON MINISTER OF FINANCE: Thank you very much, Honourable Speaker. As expected, the Bill generated quite a lot of comments from the Members, some very useful comments that would help us to continue reforming and strengthening the system, so that it is better able to deliver what we expect of it. The Members raised similar issues, because the main concern is the charges and fees of banking institutions, which are considered by the majority of the Namibian people to be exorbitant. I think there is a general welcoming of the proposals that I made through the Amendment in order to curb the exorbitant charging of fees by banking institutions that discourage savings and actually impoverish our communities. I just want to underline that in the various forms that you have expressed these concerns, these concerns are noted and I assure you that that is actually the object of the Bill. What you are calling for is what this Bill is trying to do, to empower the Government through the Central

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Bank to be able to issue directives, requiring financial institutions to ensure that the structuring of their fees and charges is transparent and easy to understand by members of the public. Secondly, it will prevent that the fees and charges are not too exorbitant so that they discourage savings and economic growth. Thirdly, where there is a refusal to comply with a directive by the Central Bank from the side of any banking institution, the Bank of Namibia will be able to force the Banking Institutions to comply with this directive through the imposition of a penalty. That is actually, what is sought under the Amendment Bill and I want to assure the Members that we will continue to review the system and strengthen it where necessary in order that eventually we shape it into a system that we are all satisfied with.

Now to attempt to speak to some of the specific comments, which were quite numerous, and it will not be possible for me to respond to each and every one of them.

The concern about these exorbitant fees actually discouraging people from using the financial system will now be addressed through the Amendments that we are proposing here, that would empower Government to curb this tendency.

With regard to the security of our payment system and specifically the security features of the credit cards, the payment system requires that the financial products of financial institutions and the system through which the payments are made should be safe and secure. We currently do not have any information that our payment system is any less secure than other systems in the region or around the world, for that matter. All the credit cards we use here are not local instruments, they are instruments that are accepted and used around the world and, therefore, the basic security features meet the international benchmarks in this regard. I think to that extent we are quite on track and our information is that most of the credit card fraud that is taking place now is related to production of fake credit cards that people are involving themselves in, using the devices that this Amendment Bill is now criminalizing the possession thereof.

With regard to the mistreatment of customers by the banking institutions

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and the expressed need for a Financial Ombudsperson, I want to assure the Members that that is actually catered for in the Financial Markets Bill, which has now been approved by Cabinet. It is currently with the legal experts of Government, following which the Bill will be tabled in this House. In that Bill, we are proposing the establishment of a Financial Ombudsman's office and this will not only cater for the banking sector but also for the non-banking financial sector, because we have a small economy, and we cannot have a separate office for the banking and the non-banking institutions.

Together with that will also be a public education campaign to be spearheaded by the supervisory authorities for the non-banking institutions, NAMFISA, and for the banking institutions by the Bank of Namibia, so that the public actually understand what their rights are and where to seek recourse when those rights are violated by members of the Financial Sector.

It will also be important if the consumers can also organise themselves in a consumer lobby body that would really take along the other members of the public who may not be in a position to follow the education campaign that we will be carrying out. This body can also take up the issues with the ombuds-office, so that principle issues can be attended to by an organised body so that people who do not have resources to pursue these matters will be able to have these issues taken up on their behalf by a consumer lobby group.

The issue of time lag in the banks adjusting their rates after the Bank of Namibia announces its adjustments, has been addressed now between the Central Bank and the commercial banks. I would like to say that much of the undesirable things that are happening in the banking sector now are because there is not enough competition in the sector. There are too few stakeholders and naturally, when you have a situation like that, the participants tend to be exploitative and abusive in their conduct towards the public, because they are not threatened by competition to which the public can resort in the event of them delivering poor service or abusing the members of the public.

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Apart from putting in place control measures, such as we are trying to do through this Amendment Bill, we are also trying to improve the competition in the market through efforts to attract more participants into the sector through the amendment to the Banking Institutions Act that we recently agreed to in the House. We are also hoping that with the overall Competition Act and the Competition Commission that will be established, that the non-competitive actions of corporate citizens would then be taken up through that body and the members will be held accountable for their non-competitive conduct. Because we will now have clearer rules of the game and violators of those rules would now be brought to book.

I do not see these measures leading to a price control *per se* should raise alarm, because we are not going to say you should charge N\$2 for a deposit. We are only going to say, if you are charging N\$20 for a deposit, can you tell us what is the justification for this level of charge, how much cost did you incur by taking this deposit so that it should warrant you to charge N\$20. If there is no justifiable explanation, we will, through the Central Bank, say we think that this charge is too high and you should deal with that and if they are not dealing with that, and then we will also deal with them. However, we are not going to put up a price schedule for the services or products of banking institutions. We are not yet at that stage.

I think the deteriorating services relates to what I said earlier. Because there is no competition, people think they can get away with anything, but once there is competition and they realise they can lose customers to competitors, then they will be forced to improve their products. Here I also want to advise the public to make use of facilities such as the NamPost Savings Bank because you can actually also deposit your money with the NamPost Savings Bank and the returns realised with NamPost is not even taxed. We can thus also make use of that, so that these banks would also realise that there is an alternative to them, and they are not the beginning and the end so that they start doing more in order to retain their customers.

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I have already responded to the point on external processing of administrative issues by saying that there is a requirement that these payment issues should be addressed locally and administrative queries should also be settled locally. If there are incidents of these financial institutions actually having those resolved outside at the expense of the public who must now pay more in order to have these queries processed out there, this is something that we will be prepared to look into.

On the issue of the penalties being too high, this is actually a limit, it is not a fixed penalty, to say that once you do this, you are charged N\$100,000. The provision is that you can be charged up to N\$100,000. Depending on what you have done, it can be N\$30,000, but it can also be N\$100,000 if, for example, you are continually refusing to comply after being directed to change something.

The question was asked about what price control does for outreach and I think we have indicated that this is really not price control and that it is also not intended to disregard that there are costs to providing services.

The idea is not to force banks to provide services free of charge or below the cost. There is a recognition that there is a cost to their providing services and there is also a recognition that banks must make profit in order to meet their own expenses and also to live on shareholders, because every person gets into business for the purpose of making profit, but that profit cannot be to the detriment of other people.

It was stated that banks are making money for banks, not for shareholders. We had a discussion on this with my Colleague there. I am not aware of a situation here or elsewhere where the bank is making money for somebody else other than the bank. Because the moment you say the bank is making money for the bank, it means it is making money for the shareholders. It cannot mean anything else, unless you say employees of the bank or asset managers and investors are contracted by banks to manage certain investments and are keeping these returns for themselves rather than paying them back to the bank. That will then not be a bank making money for the bank, it will be an outright theft, which is punishable in terms of the law. We are not really aware of any such

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situation where these asset managers are stealing the returns on the investments that they were contracted to manage.

We, however, do know that the crisis in the world came as a result of banks and other financial institutions, including the investment managers, investing money in risky products, going after hefty returns. Yes, that is what happened. It was not really a case of somebody making money for something else, but people getting carried away and this is actually the balance that needs to be struck between ensuring that these institutions are profitable and also ensuring that the funds that they are utilising to generate the returns, which belong to other people, are safeguarded. That is now the responsibility of the Government.

Long tenure of home loans was raised by many people. There is no law that prescribes the maturity of a home loan or any loan, for that matter.

There is no law that says the tenure for a home loan must be twenty years and a car loan must have tenure of five or three years. The financial institutions would usually ask you what is your income and based on your income, they would propose to you tenure of a loan that would enable you to afford the payment on that loan, but the final decision lies with you. Even if you sign that loan contract, saying that you will pay back this loan by the fifth year, you will still have the discretion to pay back that loan in one year. You can even come back tomorrow and say, *“I got an inheritance from my grandfather and now I pay you back the total loan of N\$1,5 million at once”*. You can do that, but there is no flexibility with regard to lengthening the repayment period of a loan for movable property, such as a car, for example. It will be difficult to convince a bank that you want to pay off your car in ten years, because within those ten years that car may have lived its useful life.

On implementation, we are committed to ensuring that these amendments, which we are introducing here, will be fully implemented once approved, so that the public could realise the benefits that we want to bring to them through these amendments.

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The issue of auctioning of houses to settle small amounts is a challenge. I can say that it is natural, even for financial institutions, that if you default on a loan repayment and you have other assets that are not fixed, they will opt for those other assets. It will be easier for them to convert these other assets to cash and one would expect that they would only resort to fixed assets if they have exhausted all other avenues and there is nothing else that they can sell off in order to recover their costs.

The challenge that we face now as the Finance Ministry, and here we are going to need the assistance of the legal minds, is how to say, that if you owe somebody N\$10,000 and you have failed to repay and you have property in the form of a house, that that person cannot sell off that house in order to recover their cost. That is a challenge, unless if you put up other mechanisms by which this other person, being the lender, will be assisted to recover the costs. If we do not put up any other mechanism, I do not know whether we can pass a law in this House to say if you are in a contract with somebody and this person does not pay you, you can confiscate any other asset and auction it to recover your costs except the house. That is the challenge, but I do understand the dilemma and I sympathise with those people who find themselves thrown out into the street by lenders for owing small amounts. In this regard, a consumer lobby could also help a lot. Maybe somebody sees that you have a plot in a prime area and they want to hurry to auction that off rather than allowing you to sell off your sofas and then pay them, in that case a mechanism like a consumer lobby would really come in handy and this could be one mechanism that we can promote in order to assist.

However, what I can say with regard to small outstanding payments, resulting in very harsh treatment by financial institutions and even shops is that this credit bureau will also now be better regulated under the Financial Institutions Bill that we are going to bring here, because now you can owe two cents and you are now listed by this credit bureau and for the next five years your name is on that list and you will not be able to borrow. What we want to control here is that at least they should also be responsible, i.e. they must first verify their facts to make sure that before they list this person, this person has truly failed to pay, because sometimes it is a matter of traders actually failing to keep proper records. They did

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not record that you have settled your account and they just give your name to the credit bureau and you are threatened with a lawsuit and when you produce your receipt, you are told, “*you have paid, now just go and pay the credit bureau*”, while it was actually their mistake for giving your name to the credit bureau.

Honourable Kawana mentioned borrowing to repay loans and that one might look like a very bad thing until you are in a situation where you need it. The financial crisis, for example, can result in a situation where, due to reduced profitability of companies, companies may not be able to meet their contractual obligations under the loan agreements that they have with financial institutions and they may be facing threats of foreclosure by the banks, but this borrowing to pay back can actually allow you to go to another bank, get a loan to re-finance the loan with another bank where you were not able to keep up with the repayment schedule, especially if you have an asset with an appreciated value that can enable you to raise more funds in order to settle the other debt, using the value of your assets. However, when it comes to the lending activities of some of the international institutions that have caused a lot of displeasure in our Region, including here in our country, I would say that Namibia as a country and our Government are also not quite comfortable with some of their practices and that is why we have been cautious in our dealings with them, because we know that some of the products that they offer as solutions to our problems may end up exacerbating our problems. Therefore, we have decided to go to them only as a last resort if we feel that we are not able to get this money from elsewhere.

Credit history requirement in loan processing: Yes, I agree that this creates difficulties, especially for our young people who may be going into business for the first time and I expect that any business person would at least want to look at the specific project for which funding is requested rather than to just as a principle require that you must have a credit history or collateral. If a project demonstrates potential to make money for the promoter of the business and also for the financial institutions, I expect that that banking institution should be willing to look at the project. However, I know that there has been a general aversion to taking risks by allocating credit to especially the newcomers to the business sector and we

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are expecting that with the Financial Sector Charter, where the industry has committed itself to specific benchmarks, including a percentage of the income of their banks that would be allocated to loans to SMEs, they would now at least be under increasing pressure to be a bit more bold in taking risks, rather than just saying you are a newcomer, you have no credit history, you have no collateral and your project can thus not be funded. They now have these targets to meet targets and they would be a bit more forthcoming in actually accommodating applications for funding for the newcomers.

Honourable Kaiyamo supported the Amendment Bill and I thank him, and *Honourable Mushelenga* emphasised the importance of the stability of the financial system and the security thereof and the need to curb credit card fraud. I have already referred to that in the beginning. As a way of also maintaining their customers and attracting new customers, every financial institution would like to make the public feel comfortable with the products that they offer and also with the system that is operative at its institutions and, therefore, they will as a result continuously upgrade their system in order to ensure that they respond to the new developments on the ground, including challenges related to fraud.

I have talked about education and supervision. On the receipts, companies, whether financial institutions or non-financial institutions, are required by law to keep financial records, which a receipt is part of. As to whether we can require the institutions to be able to give copies of these records to members of the public at no cost, I do not know whether we can do that, unless we establish that there is no cost attached to doing so, but if we require that they should not charge anything and they incur a cost to provide, we may face a legal challenge there. At least what is good is that, through the Amendment we are going to make sure that this continuous exploitation of the public through exorbitant charges would now be curbed. That one at least I can guarantee.

Maybe I should also urge the public that we should all try by all means to keep our own records, because you will never know when a bank has ripped you off if you do not keep your financial statements, to find that you have been charged for a petrol card while you do not have one. If you

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go to them and say, *“I think you have charged me for a petrol card but I do not have my statement, can you give back to me what you have deducted from my bank account”*, they would probably not want to give it to you, because you cannot prove that they have done so, nor would they be willing to give you a copy of the statement, especially if you are not paying the related costs.

Thank you very much, I thank the Honourable Members.

HON SPEAKER: I now put the Question that the Bill be now read a Second Time. Any objection? Agreed to. The Secretary will now read the Bill a Second Time.

PAYMENTS SYSTEMS MANAGEMENT AMENDMENT BILL

HON SPEAKER: I will now ask the Right Honourable Prime Minister to adjourn the House until tomorrow afternoon.

RT HON PRIME MINISTER: Honourable Members, may I propose that we adjourn now until tomorrow afternoon, 14:30.

HOUSE ADJOURNS AT 17:45 UNTIL 2010.03.10 AT 14:30

**ASSEMBLY CHAMBERS
WINDHOEK
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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 Hoffmann

**TABLING: REPORT ON A VISIT TO THE
PARLIAMENT OF ANGOLA**

HON HOFFMANN: Honourable Speaker, I lay upon the Table, the Report of the Parliamentary Standing Committee on Foreign Affairs, Defence and Security on its visit to the Parliament of Angola from 20 to 26 April 2009 for note-taking.

**TABLING: REPORT ON A VISIT TO THE
PARLIAMENT OF SOUTH AFRICA**

HON HOFFMANN: I lay upon the Table, the Report of the Parliamentary Standing Committee on Foreign Affairs, Defence and Security on its visit to the Parliament of South Africa from 23 to 29 August 2009 for note-taking.

HON SPEAKER: Will the Honourable Member table the Reports? Honourable Bohitile.

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**TABLING OF REPORTS
HON BOHITILE**

**TABLING: REPORTS ON THE WORLD TRADE
ORGANISATION FORUM**

HON BOHITILE: Comrade Speaker, I lay upon the Table –

1. Report on the World Trade Organisation (WTO) Public Forum on Global Problems, Global Solutions towards Better Global Government held in Geneva, from 28 to 30 September 2009.
2. Report on the Parliamentary Conference on the WTO, 19th Session of the Steering Committee held in Geneva on the 1st of October; and
3. Report on the Parliamentary Conference on the WTO, 20th and last Session of the Steering Committee, held at IPU Headquarters in Geneva on the 4th of December for note taking.

Comrade Speaker, I would ask for your indulgence to allow me to give a brief synopsis of the three Conferences.

Honourable Speaker, the WTO Forum was held at a time when the world experienced an unprecedented global economic crisis, on the one hand, and protracted problems in the Doha Round negotiations, on the other. Reference was, made to the relationship between rule-made law by the WTO's dispute settlement body and the Parliamentary supremacy.

In the panel discussions on global governance, the Director-General of the WTO spoke of a new global architecture in the making, wherein the G20, the international organisations, meaning WTO and IMF, and the UN system constituted the three distinct notes of a triangle in support of the Doha Round. Therefore, more courage, political engagement and hard bargaining are required to conclude the Doha Round by the end of 2010. However, if the recently demonstrated political will of the world leaders was translated into real substantive negotiation, the objective could be achieved and, therefore, parliamentary support in this endeavour will be crucial.

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HON BOHITILE**

As pertaining to the Seventh Ministerial Conference, Honourable Speaker, with the general theme being, “*The WTO Multilateral Trading System and the Current Global Economic Environment*”, it was widely acknowledged that the importance of the WTO extends beyond the Round. It was also noted that finishing the Round would be a stimulus package with limited fiscal costs and it is vital to ensure that the WTO remains relevant.

There was a strong convergence opinion on the importance of trade and the Doha Round to economic recovery and poverty alleviation in developing countries. Ministers of Trade reaffirmed the need to conclude the Doha Round in 2010 and for a stocktaking exercise to take place in the first quarter of 2011.

With regard to the least developed countries (LDC's), specific issues were underlined as needing particular attention, including duty free, quota free market access, cotton and the LDC waiver for service. There was strong consensus on the importance of accession to broaden and strengthen the WTO. There was wide recognition that providing market access to developing countries and LDCs is not enough on its own. The contribution, therefore, the WTO can make through removing barriers to trade in environmental goods and services were widely endorsed.

Finally, Honourable Speaker, the Steering Committee meetings at the IPU:

The members of the Steering Committee agreed that they will propose to the Trade Ministers in their respective countries to be included in their delegation of the Ministerial Conference in future, but Honourable Speaker, in the Namibian case it was different and, therefore, in my capacity as the Deputy Chairperson of the Standing Committee on Economics, Natural Resources and Public Administration and on behalf of the Members, I would like to express my appreciation to the Minister of Trade and Industry, Honourable Hage Geingob, for the opportunity given to me to present his speech on his behalf during the Plenary Session of the Ministerial Conference and to thank him for the manner in which he headed a real inclusive Namibian delegation.

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**TABLING OF REPORTS
HON DE WAAL**

Honourable Speaker, with these few remarks, I now have the honour to lay upon the Table, the Reports of the WTO Public Forum, the Seventh Ministerial Conference and the two WTO Steering Committee meetings held in Geneva from the 28th of September to the 1st of December and I thank you.

HON SPEAKER: Will the Honourable Member table the Reports?
Honourable De Waal.

**TABLING: REPORTS OF THE STANDING COMMITTEE
ON PUBLIC ACCOUNTS**

HON DE WAAL: I lay upon the Table, the following Reports for consideration:

1. Report of the Parliamentary Standing Committee on Public Accounts on the Audit Report of the Auditor-General on the Ministry of Fisheries and Marine Resources, Sea Fisheries Fund and Fisheries Observer Fund.
2. Report of the Parliamentary Standing Committee on Public Accounts on Local Authorities, Municipalities and Village Councils and the Auditor-General's Special Audit Report on Non-Submission of Financial Statements for the year ended 30 June 2007; and
3. Report of the National Council Standing Committee on Public Accounts and Economy on the Review of the Reports of the Auditor-General on Regional Councils and Local Authorities for

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**TABLING OF REPORTS
HON KASINGO**

the various Financial Years ending up to the 31st of March 2005 for Regional Councils and the 30th of June 2006 for Local Authorities.

HON SPEAKER: Will the Honourable Member table the Reports? Honourable Kasingo.

**TABLING: REPORT ON THE TRUST FUND FOR
REGIONAL DEVELOPMENT AND EQUITY PROVISION**

HON KASINGO: Thank you, Honourable Speaker. I lay upon the Table for information and note taking, the Report on Public Consultation of the Trust Fund for Regional Development and Equity Provision by the Standing Committee on Constitutional and Legal Affairs, which was held from the 27th of July to the 14th of August 2009.

I humbly invite and encourage Members of Parliament to read the Report and views shared on the Trust Fund for Regional Development and Equity Provision by relevant stakeholders. We have consulted all thirteen Regional Councils and many Local Authorities. As a Committee, we will send the Report to the Ministry of Regional and Local Government, Housing and Rural Development, which is the Line Ministry, to study the Report objectively in order to deal with the issues raised by Regional Councils and Local Authorities as well as the finding and recommendation by the Committee.

This Report is supposed to be tabled for discussion, but because the agenda points are too many, I was advised to table it just for note taking.

HON SPEAKER: Will the Honourable Member table the Report? Honourable !Nawases-Taeyele.

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**TABLING OF REPORTS
HON !NAWASES-TAEYELE / HON P MUSHELENGA**

**TABLING: REPORT ON A VISIT TO THE PEOPLES REPUBLIC
OF CHINA**

HON !NAWASES-TAEYELE: Honourable Speaker, I lay upon the Table for note-taking and information the Report on the Official Visit during October 2009 of the delegation of the Standing Committee on Constitutional and Legal Affairs to the National People's Congress of China, impressed and inspired by the vigorous Socio-economic Development and Advancement of the Peoples Republic of China in the fields of infrastructural and technological development, especially the City of Beijing and the City of Shanghai.

The Committee recommends that the relations between the Law Committee of the National Peoples Conference of China and the National Assembly Standing Committee on Constitutional and Legal Affairs be strengthened. The City of Windhoek ensures that it reaps tangible project-based benefits from the advanced development and infrastructure development of the City of Shanghai. The two cities have signed a twinning agreement. The National Assembly considers sending a parliamentary delegation to Shanghai with Expo 2010. I so Move, Honourable Speaker.

HON SPEAKER: Will the Honourable Member please table the Report? Honourable Mushelenga.

**TABLING: REPORT ON THE ANNUAL PARLIAMENTARY
HEARING OF THE IPU AND THE UNITED NATIONS**

HON P MUSHELENGA: Honourable Speaker, I lay upon the Table for note-taking and information, the Summary Report of the Annual Parliamentary Hearing in the IPU and United Nations, held in New York,

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**TABLING OF REPORTS
HON P MUSHELENGA**

United States of America on the 19th and 20th of November 2009.

The two-day Hearing under the theme, “*The Way Forward: Giving Political Support and Implementing Effective Responses to the Global Economic Crisis*”, discussed and debated the following topics:

1. Overview of the International Response to the Crisis;
2. Delivering a Green Recovery Solution for a More Sustainable Economy;
3. Addressing the Social Impact of the Crisis, Safety Nets, Public Groups and Workers’ Rights; and
4. Building Better Transparency and Accountability of Financial Systems.

As the Report shows, the event helped to bring to the fore many important questions about the effectiveness of the international response to the economic and financial crisis over the course of this past year. The main points highlighted at the end of each session clearly state the important breadth and depth of the very rich discussions that took place.

Parliamentarians are invited to review those main points as possible inspiration in their own Parliamentary work. Do not just put the Report on your shelves. The Report will be forwarded to the relevant Line Ministries for implementation where possible. I so Move, Honourable Speaker.

HON SPEAKER: Will the Honourable Member table the Report? Other Reports and Papers? Honourable Ankama.

**TABLING: REPORT ON ACCOUNTS OF THE
NAMIBIAN BROADCASTING CORPORATION**

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**TABLING OF REPORTS
HON DR ANKAMA**

HON DR ANKAMA: Honourable Speaker, I lay upon the Table for discussion the Report of the Parliamentary Standing Committee on Public Accounts on the Accounts of the Namibian Broadcasting Corporation (NBC) for the Financial Year ended 31 March 2007.

Honourable Speaker, Honourable Members, we are all familiar with the difficulties that our national broadcaster has been going through. In carrying out its task, the Parliamentary Standing Committee on Public Accounts reviewed the Auditor General's Report. The Committee invited the NBC management, the Permanent Secretary of the Ministry of Finance and Board of Directors of the NBC for further clarifications on the following matters as contained in the Auditor General's Report, namely, property, plant and equipment, payroll, commitments and contingencies, trade revenues, trade receivables, debtors, statements not submitted for audit purposes, rate adjustments, control over licence books, bank and cash balances, inventory investments and reserve funds, human resources, budget control, VAT returns and the going concern. The responses are contained in this very report.

The Chairperson also had a discussion with the Minister of Information and Communication Technology on the Audit Report as well as this Report. The recommendations in this Report are of crucial importance and I wish that Parliament adopts and approves it so that something drastic can be done to redress the situation at the NBC. Comrade Speaker, I so Move.

HON SPEAKER: Will the Honourable Member table the Report? Any further Reports and Papers? Any Notice of Questions? Notice of Motions? Prime Minister.

NOTICE OF MOTIONS

RT HON PRIME MINISTER: Honourable Members, I move that leave be given that I reintroduce a Bill to amend the Namibian

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**NOTICE OF MOTIONS
HON REV KONJORE**

Constitution so as to extend the waiting period required for acquiring Namibian citizenship by marriage from a period not less than two years to a period of not less than ten years of ordinarily residing in Namibia as the Spouse subsequent to such marriage; to extend the waiting period required for non-Namibian citizens who apply for Namibian citizenship by naturalisation from a period of not less than five years to a period of not less than ten years of continuous residence in Namibia.

- to decrease the limit of tenure of Members of the National Council from 6 years to five years.
- to subject the appointment of non-Namibian citizens as Judges to a fixed term contract of employment;
- to delete the word “*corruption*” from the functions of the Ombudsman;
- to insert an article on anti-corruption measures;
- to decrease the term of office of members of a management committee from three years to two years and six months;
- to substitute the term “*Correctional Service*” and “*Commissioner General of Correctional Service*” for the term “*Prison Service*” and “*Commissioner of Prisons*”; and to provide for incidental matters.

HON SPEAKER: Please table the Notice of Motion. Honourable Konjore.

HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE: Comrade Speaker, Honourable Members, I give Notice that on Thursday, 11 March 2010, I shall Move –

That this Assembly ratifies the UNESCO Convention on the Protection of the Underwater Cultural Heritage.

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**NOTICE OF MOTIONS
HON DR N IYAMBO**

HON SPEAKER: Will the Honourable Minister table the Motion? Dr Iyambo.

HON MINISTER OF SAFETY AND SECURITY: I thank you very much, Honourable Speaker, Honourable Members. I give Notice that tomorrow, Thursday, 11th March, I shall move –

That leave be given to introduce a Bill to amend the Prisons Act, 1988, so as to empower the Minister to amend the First Schedule to that Act and to substitute the First Schedule to that Act.

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

**MINISTERIAL STATEMENT:
ELECTION APPLICATION TO HIGH COURT**

RT HON PRIME MINISTER: Honourable Speaker, Honourable Members of this august House, I rise to make a Ministerial Statement regarding the outcome of the election application brought by nine Opposition Political Parties in the High Court and listen very carefully:

Mr Speaker, by their nature... (Interjections)

HON SPEAKER: The Prime Minister has the Floor. The Speaker is competent enough to maintain Rule of Law in the House. The only person speaking now is the Prime Minister.

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RT HON PRIME MINISTER: Honourable Speaker, by their nature elections mean that some make it and some do not make it. Therefore, all of those who regard themselves as democrats should subscribe to this principle. Bad losers are those who are not prepared to accept defeat even when the electoral process is democratic and transparent, as it has always been in Namibia. Unfortunately, such individuals and groups are mainly found on our continent Mother Africa.

In Africa, elections are only free, fair, democratic and transparent if these bad losers are declared winners. This African disease must be addressed in the interest of peace and stability and for the sake of socio-economic development of our continent. This disease is like any other disease whereby an African never dies of natural causes, it is always bewitched. That kind of nonsense must die.

Honourable Speaker, I want to repeat what the Government said in January this year: All patriotic Namibians must reconsider their position and leave this issue to rest for the sake of peace, security and the stability of our country. The High Court has handed down its Judgment, the nation is now waiting to see where to go from here. I do accept the principle that by their nature elections, especially national elections, can sometimes be divisive. They can divide communities, they can divide families, they can divide racial groups and they can divide friends. For a mature democracy such as ours, all patriotic Namibians, regard of party-political affiliation, must put the interest of Namibia first. We must accept to leave this divisive issue behind us and move forward as one nation.

As a Nation, we must pause and reflect on the achievements we have recorded to date and the opportunities that lie ahead. We must pause to reflect on the challenges facing our Nation and on how these challenges could be overcome as we chart a new direction towards a future filled with hope.

Namibia's post-Independence history has witnessed the consolidation of peace, progress and stability. In particular, the far-sighted adoption of the policy of national reconciliation and the commitment of the Namibian people to socio-economic development and nation-building have laid a

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firm foundation for a bright future for all our people. The freedom and Independence that we enjoy today was not given to us on a silver platter, it was brought about by the sacrifices, bravery and gallantry of the sons and daughters of our soil who stood firm to fight against colonialism and apartheid oppression. We owe an ever-lasting debt of gratitude to our heroes who sacrificed their lives and shed their precious blood so that we, the people of Namibia in the Land of the Brave can live in peace and in freedom.

Therefore, as leaders of this great Nation we must put the interest of our Nation first above personal aspirations. This is the call to all patriotic Namibians, this is the appeal to all peace-loving Namibians. We can no longer afford to divide our Nation along ethnic or political lines.

We cannot afford to divide our nation along racial lines. The only beneficiaries of this dangerous route are the enemies of our nation. This is the foundation upon which we can build a stronger and a more prosperous Namibia. It is the mountaintop upon which we can stand in order to clearly see further on the horizon. We must, all of us as Namibians, stand together on the shoulder of the giants of our history and join hands to build a better Namibia, a country that Namibians from all backgrounds can call their own. After all, Honourable Members, our heroes and come from all Parties of our country. It is these heroes who made us what we are today – a free, proud and independent Nation. Our citizens can walk tall and proudly pronounce themselves as Namibians thanks to those heroes whose blood waters our freedom.

Honourable Speaker, we should remember that in the Supreme Law of the Land we made provision for the Policy of National Reconciliation so that we can restore peace, tolerance and mutual understanding among our people. We were harassed and brutalised by the oppressing forces of apartheid colonialism.

We committed ourselves to the accelerating socio-economic development and to the improvement of the living standards of all our people. I am happy to confidently state that today Namibia is at peace with herself and with her neighbours. Our people are free to pursue the attainment of their

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**QUESTION ON MINISTERIAL STATEMENT
HON RIRUAKO**

full potential. We have built institutions of governance through which national development policies are being implemented. We should continue along this path because the opposite would be destructive to our nation and to the future of our people.

In conclusion, Honourable Members, I must add that in a democracy there is no loser. All of us are winners. Therefore, I appeal to all those with reason to put this matter to rest so that we can move forward as a united nation to successfully address our real enemy, which is poverty, disease, unemployment and under-development. I thank you for your attention.

HON SPEAKER: I thank the Right Honourable Prime Minister for his important statement. Chief Riruako.

HON RIRUAKO: Mr Speaker, today is a historical day, those words were supposed to come from our Prime Minister the very first day after the election, but it is too late, you delayed, you did not stand up before the Nation and apologise and tell them ... (Interjections). Let me say what I want to say. I do not have to answer you. You know what I am saying. Therefore, I think it is too late, but at least you know what you said and similarly, you know what happened.

Mr Speaker, I may say this in this august House without hindrance: This is our country, it is not a strange country and therefore, we are supposed to respect our rights and entitlements according to the law of the land and also according to the law of nature. The fact remains that what happened, happened. It created havoc and confusion and those who created it know why and what for. We never had this kind of thing happening in our country, it is strange and unusual, but it happened and, therefore, we are here to harness law, order and peace for everybody and for that part, we have to start somewhere in order to come to the right way of putting things and we are here to rescue the situation and whoever does not have a vision to see the result of the aftermath and its consequences. The fact remains that we are not cowards. (Intervention)

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**QUESTION ON MINISTERIAL STATEMENT
HON DIENDA**

HON SPEAKER: According to our Rules, after a Ministerial Statement has been delivered, there should be no debate, but the Speaker has the discretion to entertain questions, brief, specific questions.

HON RIRUAKO: I will come to that. The question is, we have to understand one another, there is wide room for communication and to come up with suggestions what is to be done and how it should be done. I thank you for that.

HON DIENDA: Honourable Speaker, since this matter is still with the Courts, did the Right Honourable Prime Minister consult with our lawyers before making a statement, because we also have the right to defend our case in the Court, which is the right way.

HON SPEAKER: Prime Minister, you may respond to that.

RT HON PRIME MINISTER: I made the statement on behalf of the silent majority who want peace and stability. Thank you.

HON SPEAKER: The First Notice of Motion is the one of the Honourable Minister of Finance. Does the Minister move that the Bill be now introduced?

**INTRODUCTION AND FIRST READING
INCOME TAX AMENDMENT BILL**

HON MINISTER OF FINANCE: I Move, Honourable Speaker.

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**INCOME TAX AMENDMENT BILL
HON KUUGONGELWA-AMADHILA**

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

INCOME TAX AMENDMENT BILL

**SECOND READING
INCOME TAX AMENDMENT BILL**

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

HON MINISTER OF FINANCE: I Move, Honourable Speaker.

HON SPEAKER: Any secondment? Objections? Agreed to. The Minister has the Floor.

HON MINISTER OF FINANCE: Honourable Speaker, Honourable Members of the House, it is a great honour for me to motivate the tabling of the Amendments to the Income Tax Act (Act 24 of 1981).

Honourable Speaker, Honourable Members, in pursuing tax policy as an instrument for improving competitiveness of business, alleviating poverty and the attainment of socio-economic objectives that our Nation has set itself to, as announced during the tabling of the Budget for 2009/2010, the Government of Namibia wishes to introduce the following amendments to the Act, amongst others:

1. The tax exemption applicable on the payment of retrenchment packages will increase from the current N\$100,000 to N\$300,000.

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**INCOME TAX AMENDMENT BILL
HON KUUGONGELWA-AMADHILA**

2. The amount that may be taken out as a full lump sum free of tax, from a pension, preservation or retirement annuity fund increases from the current N\$20,000 to N\$50,000.
3. The tax deduction in respect of rehabilitation expenditure on mining companies is being abolished.
4. The tax rate for non-mining companies is decreased from the current 35% to 34%.
5. The tax threshold applicable on individuals has been increased from N\$36,000 to N\$40,000 effective from the 1st of March 2009.
6. A tax of 37% has been introduced for those individuals earning income exceeding N\$750,000 per annum.
7. The tax brackets have also been changed as follows: Income exceeding N\$40,000 but less than N\$80,000 is to be taxed at 28%. Income exceeding N\$80,000 but less than N\$200,000 is to be taxed at 32% with the base amount of N\$10,800. Income exceeding N\$200,000 but less than N\$750,000 is to be taxed at 34% with a base amount of N\$49,200. Income exceeding N\$750,000 is to be taxed at 37% with a base amount of N\$236,200.

As indicated, the Ministry has proceeded to effect implementation of the tax relief for individuals, as announced during the tabling of the 2009/2010 Financial Year Budget effective from the 1st of March 2009. Complaints have been levelled against the Government for what is considered to be a delay in implementing the Amendments to the Income Tax Act. The Amendments, although we would have preferred to have them passed earlier, were only to be effective from 2010, except for the amendment to the tax threshold and the tax rates on personal income which were scheduled to take effect in 2009, which, as I indicated already, has been implemented effective from that date, specifically the 1st of March 2009.

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HON KUUGONGELWA-AMADHILA**

It is also important to highlight that the tax amendment Bills were considered on urgency basis in the various institutions of Government that they passed through, notwithstanding a long list of other equally pressing issues that compete for the Government institutions' attention. Contrary to media reports that seem to suggest that the Bills have been lying idle at the Ministry of Finance once cleared by the Cabinet Committee on Legislature around October last year, these Bills had to be resubmitted to Cabinet upon its resumption of duty earlier this year and we all know that Cabinet went into recess because of the elections, after which the Bills were again subjected to the legal drafting process by the legal drafters before they were ready for tabling in this House. These are mandatory steps in the formulation process for our Bills and given the full schedule of our public institutions, that I have alluded to last year, of which we are all aware, we actually had to make special efforts to ensure that these Bills can be tabled in this House this year still. I hope that this House will expediently deal with the Bills so that they can become effective on the dates that they are supposed to.

With these few remarks, Honourable Speaker, Honourable Members, I table the Income Tax Amendment Bill for the consideration and approval of the House. I thank you.

HON SPEAKER: I thank the Minister. Any further discussion? None.

HON MINISTER OF FINANCE: I wish to thank the Honourable Members for heeding my plea to expediently deal with the Bill. They have done so indeed and I hope that the other Chamber of Parliament would do likewise, so that we can proceed to gazette these amendments. Thank you very much.

HON SPEAKER: I now put the Question, that the Bill be now read a Second Time. Any objection? Agreed to. The Secretary will now read the Bill a Second Time.

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VALUE-ADDED TAX AMENDMENT BILL
HON TWEYA

INCOME TAX AMENDMENT BILL

HON SPEAKER: The Second Notice of Motion is the one by the Honourable Deputy Minister of Finance. Does the Deputy Minister move that the Bill be now introduced?

INTRODUCTION AND FIRST READING
VALUE-ADDED TAX AMENDMENT BILL

HON DEPUTY MINISTER OF FINANCE: I Move the Motion, Honourable Speaker.

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

SECOND READING
VALUE-ADDED TAX AMENDMENT BILL

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

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

HON SPEAKER: Seconded? Objections? Agreed to. I will give the Deputy Minister an opportunity to speak on the Bill, but for now, the House shall rise for refreshments.

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HON TWEYA

HOUSE ADJOURNED AT 15:40
HOUSE RESUMED AT 16:20 PURSUANT TO ADJOURNMENT

HON DEPUTY MINISTER OF FINANCE: Honourable Speaker, Honourable Members, I have the pleasure to motivate the Value-Added Tax Amendment Bill of 2010.

The elimination of Value-Added Tax on a few essential food items and services was duly considered as an option to assist the low-income consumers. The global financial crisis resulted in economic downturn affecting Namibia calls for domestic interventions.

As a caring Government and due to the consistent and persistent commitment of this Government to a pro-poor budget, the Government is occupied with identifying measures to mitigate the external shocks that adversely affect the citizens.

The various policy interventions that the Government has undertaken are to ensure that there are equitable options with negative impacts on the Namibian citizens. The Government has decided to further assist especially the low-income consumers and it was decided to add the following goods and services to zero rates:

1. The supply of wet and dry white and brown sugar;
2. To add to the zero rate the supply of fresh milk;
3. The supply of funeral undertaking services; and
4. The supply of medical and para-medical services and to delete the medical and para-medical services as an exempt supply.

It is, therefore, my pleasure to submit this VAT Amendment Bill to this Honourable House for consideration and approval. I thank you, Honourable Speaker.

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**VALUE-ADDED TAX AMENDMENT BILL
HON DR KAWANA / HON IIVULA-ITHANA**

HON SPEAKER: I thank the Deputy Minister. Any further discussion? Dr Kawana.

HON MINISTER OF PRESIDENTIAL AFFAIRS AND ACTING ATTORNEY-GENERAL: Thank you very much, Honourable Speaker. I rise to support the Value-Added Tax Amendment Bill and in the same vein to express my utmost disappointment in some of these business entities.

We as a Government are always trying to alleviate the plight of our economically disadvantaged Namibians and we forego tax in order to ensure that the economic conditions of our citizens are addressed, but more often than not, one experiences a situation that instead of the prices coming down, they are going up and I hope this will not be the situation regarding this matter. We have done our part as the Government and we expect the business community to meet Government halfway to address the plight of the poor and the marginalised. Should they continue, we would have to find another alternative to make sure that these benefits go to the intended beneficiaries. Otherwise, I support the Amendment Bill, but saying that I hope we are not going to experience a situation whereby these prices will go up. We are looking forward to seeing these prices coming down so that the poor can benefit. Otherwise, other measures must be put in place to control the capitalism that is really taking advantage of this Government and the poor people. I support the Amendment Bill

HON SPEAKER: I thank the Honourable Minister. Minister of Justice.

HON MINISTER OF JUSTICE: Thank you, Comrade Speaker. I rise to add my voice in support to the Value-Added Tax Amendment Bill. Let me start with what my Learned Colleague, Dr Kawana, has addressed, namely that when tax is reduced, either the price remains the same or it

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HON DR TJIRIANGE

goes up. My question to the Honourable Deputy Minister of Finance is on the mechanisms in place to make sure that our commercial business houses truly adhere to Government regulations and the law.

The other question I have is pertaining to the business dealings within communal areas. Communal farmers nowadays do sell their animals to commercial entities or business houses. These communal farmers do not have the means of providing proof of payment of Value-Added Tax, but those to whom they sell are required to pay Value-Added Tax. What can we do under the circumstance to ensure that those who are paying Value Added Tax and are buying from those who are not able to give proof that they added Value-Added Tax to the Bill? Are we not imposing hardship on those who are expected to pay Value-Added Tax, yet they did not receive such? I do not know whether I am clear. I am speaking from experience that, for example, abattoirs in communal areas buy their animals from communal farmers. For example, it is an old man with five heads of cattle who wants to sell his cattle because he wants to send his children to school, but this old man does not have the means of showing that the price given includes Value-Added Tax, but then the registered butcheries at the end of the day will have to pay Value-Added Tax as registered entities. How do we deal with such a question? It is a question to the Honourable Deputy Minister. Otherwise, I support the Amendment Bill. Thank you.

HON SPEAKER: Honourable Tjiriange.

HON MINISTER OF VETERANS AFFAIRS: Just briefly to express my predicament and frustration and at the same time to appeal to the compatriots who are indulging themselves in practices which undermine what the Government wants to achieve and which leads to nothing but disaster at the end of the day.

I have noticed with concern that whenever we make a law that is meant to address the plight of the masses of our people, there are those who are

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using the same laws to undermine what we want to achieve and even here we are now talking prices and they will keep quiet there and at the end of the day they will use the same law, within the four corners of the law, to exactly undermine what we want to achieve.

The other day I was talking about the land, where the option is given to the State to buy available land and then only after the waiver can this land be bought by other people, including foreigners. The brains out there use the same law and say, “*no, we are not selling land, we are selling companies*”. The land is now put in close corporations and when you want to buy, there is no land, you must buy the close corporation. (Intervention)

HON DEPUTY MINISTER OF LABOUR AND SOCIAL WELFARE: May I ask a question? Are you aware that what they do is that they write off that 15%, they make it the actual price and then they add something else and then the 15% still remains, it has not been reduced. We have to see whether something can be done about this.

HON MINISTER OF VETERANS AFFAIRS: This is exactly what I am saying. People think that they are clever, but at the same time, they are precipitating a situation whereby we can no longer act like a fire brigade for the tempers of our people. (Intervention)

HON VENAANI: I rise on a Point of Information in relation to the point that he referred to. Not only farms are put in close corporations, people are buying farms with a lease agreement of 99 years. This is why the Ministry never gets land because people do not need a waiver. I just say that I lease my land to the Right Honourable Prime Minister for 99 years, he buys it and when I die, his son or the wife will inherit it. Are you aware of this serious problem?

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HON TWEYA

HON MINISTER OF VETERANS AFFAIRS: This is what I am alluding to, that we are doing things in good faith, trying to help the situation, but the people are manipulating these things as if we are fools, but we are acting like a fire brigade in terms of putting out the tempers of our people, but there should be a limit to the behaviour of people. Today you want to achieve this for the people, then it is manipulated and the people are still in the same position until such a time that the people say enough is enough and once they say that, nobody is going to be safe, including those who are manipulating today.

Therefore, I appeal to the manipulators out there that they should not cut the branch on which they are sitting. You will fall down. As a Government, we are aware of these things and we shall not be tempted to surrender to fight for the benefit of our people.

HON SPEAKER: Deputy Minister, you have the Floor.

HON DEPUTY MINISTER OF FINANCE: Thank you very much, Dr Kawana. I remember that you and I had a chat on the ground with one business that blankly refused to adhere to this particular provision. I hope we will not have the same attitude as we had when we introduced the first zero-rating benefit.

At this point in time, the Ministry does not have an institutionalised entity that specifically could go and inspect the implementation of what we are putting on the table. However – and this links to the next question – for VAT, the law requires that you need to register with the Receiver of Revenue. At the moment the ceiling is that if your turnover is minimum N\$200,000, you can register and then claim your VAT. If you are not registered, you will obviously not get this benefit of the VAT claim. I have taken note of the shortcomings of not having that specific institution to check that once a decision has been made such as this one and if a company does not adhere to that, that we would have the teeth to bite and not only to wait until the consumers complain before we are aware that business A and B are not adhering to this one.

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Honourable Minister of Justice, the example you have given of the communal farmer, of course those individuals are unfortunately not registered with the Receiver of Revenue to claim that VAT and we will certainly look into that. The commercial farmer who is registered would claim and there is perhaps a loophole, because he or she is entitled to claim VAT and the one we want to benefit, who is not registered, would in any case be charged. They do not care, they charge a price and sell and claim. They do not care whether the communal farmers benefit or not, they just look after themselves. It is not just a matter of registering, you must have a turnover of minimum N\$200,000 to qualify to claim. We have certainly taken note of that, we shall revisit it and see how to specifically address that concern.

Dr Tjiriange, I do not want to say we share your frustration, it would not help us to get frustrated. (Intervention)

HON MINISTER OF JUSTICE: Comrade Deputy Minister, maybe I failed to explain the situation. The communal farmer is not a registered VAT customer. The person buying from the communal farmer is a registered VAT business house. When the business house pays VAT, he or she is taken as if he or she paid VAT when buying the cattle, therefore that business house must pay VAT in view of the purchases that have been made supposedly from a VAT registered person. Do you follow?

HON DEPUTY MINISTER OF FINANCE: I think that is how I understood you at the beginning. Because they are registered VAT, they would include, they do not care for the others from whom they bought who are not VAT registered. (Interjections) Maybe I am not getting it. (Intervention)

HON MINISTER OF JUSTICE: Comrade Speaker, it is not that the buyer does not care, the buyer is taken by the law as a seller. He is a seller

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and a buyer at the same time, because when he or she pays VAT, he or she pays as if the purchase was done, taking into consideration that this buyer is a VAT registered person. Do we understand each other?

HON DEPUTY MINISTER OF AGRICULTURE, WATER AND FORESTRY: Comrade Speaker, I understand the Honourable Ithana very well, but the information I would like to give is that you are not paying VAT because when you bought, you are paying when you are selling. It does not matter whether that item was bought or was just produced by yourself, at the point of selling you add the VAT and that is the VAT that you are paying to the Ministry of Finance. However, if you just bought something, that person will also not pay and he will also not be required to pay VAT on what you bought. You only pay VAT on what you sold, because that is what you have added on top of the price.

HON DEPUTY MINISTER OF FINANCE: When you supply, when you sell, you pay VAT. That individual who is not registered will not charge you because that person will not claim. To look at the specific example of cattle, I am not sure whether they are paying on cattle. (Interjections). Commercial farmers do pay. However, especially where you have commercial and communal farmers, we would have to look into that and fully understand how we can apply the law, but I am not sure

about cattle because I am not a cattle farmer. We would want to hear the specific examples so that we put a proper law in place to close the loopholes. The Minister may add.

HON SPEAKER: We have veteran experienced farmers on this side.

HON MINISTER OF FINANCE: I would just like to add a few points although the Deputy Minister is not necessarily missing anything. I would first start with the question on the compliance enforcement, as to whether there is a mechanism at the Ministry of Finance to enforce compliance

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with the provisions that we are enacting today as part of these amendments. I understand that maybe Honourable Tweya understood the question to say, would the Ministry be in a position to ensure that traders would reduce their prices as a result of the zero-rating of the items, but that is not exactly how the question came out, even if that is what was intended to be communicated. The question that came out was, do you have a mechanism to enforce what we are legislating today and I would say yes, we do have a mechanism, because it would have been a futile exercise for us to legislate if we do not have a mechanism to implement it. We have a Tax Department with an Inland Revenue Directorate which has, amongst others, tax auditors, and these tax auditors go out and audit taxpayers, including trading establishments. If they find that a trader is not charging VAT at the rates that are described here, that would constitute a violation and they are empowered by the law to take measures to force this person to comply or to otherwise institute charges. If they find that this person is charging at a higher rate, they can also have this person prosecuted, because it is obvious that this person will not pay over the totality of what they have collected to the Ministry of Finance because they know the Ministry of Finance is only expecting them to pay a certain amount.

Therefore, if the law says VAT is 15% and we find you charging 17%, you are arrested and we institute charges. However what we are not able to do is, you used to charge N\$10 for bread of which 15% is supposed to be VAT and then we zero-rate bread and you do not reduce your price, there we would not be able to arrest you because we have no mechanism to control the price. That is different from enforcing the compliance with the tax laws. That clarity is very important and I think this issue has come up in the House several times, as to whether we as the State can control prices and maybe it is an issue that we have to continue to debate and see whether we can actually find a solution to it.

Yesterday we were debating the issue of exorbitant fees and charges by banks and while agreeing that that is a problem, I think it is also the case in other sectors. If you look at some doctors, for example, they charge exorbitant fees, they are forcing medical aid funds into bankruptcy, and these are issues that we have to look at in general.

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Then there is the issue of prices for even basic commodities and professional services such as legal fees. Tomorrow we are going to amend the law in order to reduce transfer duty and this is the charge payable to the State upon the purchase of fixed property, but the real estate agents and everybody else involved charge exorbitant fees, 10%, 7% and at the end you buy house at N\$30,000 of which N\$10,000 go the lawyers and the real estate agent and everybody else along the way. To overcharge is really an across-the-board kind of problem that we have to discuss and if we conclude that it is not possible within our legal framework to control the price, then we put it to rest.

If you are an abattoir, you buy your cattle from a trader, from a producer who is not registered for VAT and therefore, do not charge you for VAT, whether you will be required to pay anything to the Ministry of Finance. I think part of that was answered by Honourable Katali and part by Comrade Tweya. Comrade Katali said your VAT liability arises out of your sales of products that are subject to VAT, because the law says certain products are subject to VAT and you as a trader are now supposed to collect that from whomever is buying from you and you pay over that VAT to the Ministry of Finance. When you buy, it is the one from whom you are buying, but only if they are registered for VAT, that is supposed to charge you VAT.

If they are not registered for VAT, they are not empowered by law to charge you VAT, because we at the Ministry of Finance cannot oblige them to pay VAT to us, because that is not provided in law. In other words, if somebody is not registered for VAT and they charge you VAT, they are violating the law because we will never be able to tell that they have collected that VAT from you because they are not registered with us. We will also not be able to close that loophole, because some people are selling but they are not necessarily regular traders. It may just be a person with say ten cattle. The son kills somebody and then the authorities decide you should pay N\$5,000. He sees somebody who is prepared to buy the cattle for N\$6,000 and then he decides to sell that one head of cattle. It is difficult to say to the person who is not a commercial trader that he should register, because otherwise you must require everybody in the country to be registered for VAT and they will have to file returns and go through

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everything that is required from those that are registered. That would really be very difficult.

However, those farmers, whether they are in the communal or commercial areas, that do engage in regular trading to the value that is cited as a benchmark for VAT registration are required by law to register and then they are required to collect VAT. If all things were in their proper place, the person who is not registered for VAT is actually supposed to have the flexibility to offer lower prices, but because of the fact that we have no mechanism to control prices we will not be able to say to this person, “*you are not charging VAT and therefore, you should sell your cattle for less*”, they can sell their cattle at the same price as somebody who is registered for VAT and they pocket the difference. (Intervention)

HON MINISTER OF SAFETY AND SECURITY: If there is an ordinary farmer who is not registered for VAT, we know how creative our people are, so he sells his six cattle and because I know, he is not registered, I give him my six cattle to also sell. If he not going to be made a scapegoat by us who liable to pay VAT, but we sell his cattle through him?

HON MINISTER OF FINANCE: It is very difficult for the Ministry of Finance to say whether a head of cattle, which was seen in your kraal was sold by him for you. If he agrees to sell for other people to a cumulative value, which is above the benchmark that obliges him to register for VAT, and if he does not register, then he is in contravention with the law. If we find that you were an accomplice, then you will also have to answer to the law.

HON DEPUTY MINISTER OF FINANCE: Comrade Speaker, I hope with that information things are now clear. I just want to conclude with the mechanism and say this is why we send the assessment form that you need to complete and if we suspect something, that is when we will send our tax inspectors to go and inspect, but we would not before the end of

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the Financial Year unless there is some kind of action that would prompt us to become suspicious. We have taken note of the other issues and we shall see how we can further strengthen that.

Honourable Tjiriange, yours was only the appeal to some of these unscrupulous and shrewd businesses. Maybe it is only the bodies that are here but the loyalties are elsewhere. I can only add to your appeal to the loyal Namibians to please comply and adhere to the laws because it is good for the order of this country. We do not want to play police officers with individual businesses who do not comply with the laws. We shall also intensify education to the general public.

I hope I have responded to all and thank you very much for your support.

HON SPEAKER: I now put the Question, that the Bill be now read a Second Time. Any objection? Agreed to. The Secretary will now read the Bill a Second Time.

VALUE-ADDED TAX AMENDMENT BILL

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

**RESUMPTION OF COMMITTEE STAGE – NAMIBIA
INSTITUTE OF PUBLIC ADMINISTRATION AND
MANAGEMENT BILL**

HON SPEAKER: Does the Honourable Prime Minister Move that the House now goes into Committee?

RT HON PRIME MINISTER: I so Move.

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PUBLIC ADMINISTRATION AND MANAGEMENT BILL
HON IILONGA**

HON SPEAKER: Any objection? Agreed to. The Chairperson of the Whole House Committee will take the Chair.

ASSEMBLY IN COMMITTEE:

CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: When progress was reported yesterday, Clauses 1 to 8 and 10 to 43 and the Title were agreed to. Clause 9 stood over.

Clause 9 put.

RT HON PRIME MINISTER: Thank you, Chairperson of the Whole House Committee. I would like to Move that –

In Clause 9, delete paragraph (a) and renumber the rest of the paragraphs accordingly.

Amendment put.

HON DEPUTY MINISTER OF LABOUR AND SOCIAL WELFARE: The disqualification in Clause 9 is separate from Clause 7, the constitution of the Council. It talks of the management, the people who take decisions. We have this in all laws and I do not know whether this will create a precedent and we are now going to amend all the Acts to allow people who are not Namibians to be part of the decision-making. That is one of my concerns. However, to have him or her on a technical basis, is not a problem, but to have him making decisions is where we sometimes go wrong. Comrade Prime Minister that is my concern.

RT HON PRIME MINISTER: We must keep in mind what we are talking about. We are talking about an institution of higher learning, an institution of higher learning operates in the market of knowledge sharing,

10 March 2010 **COMMITTEE STAGE-NAMIBIA INSTITUTE OF
PUBLIC ADMINISTRATION AND MANAGEMENT BILL
RT HON N ANGULA**

and knowledge sharing takes place in the global market. Therefore, we need to keep contact with other people from institutions doing similar things, so that we can learn from what they are doing and also benefit from their knowledge and if you domesticate an institution of higher learning, you are actually shooting yourself in the foot. You have to be open because you are operating in a knowledge market. It is not like TransNamib or Air Namibia, this is an institution of higher learning.

CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:

Amendment put and agreed to.

Clause 9, as amended, agreed to.

CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: I shall report the Bill with Amendment.

ASSEMBLY RESUMED:

Bill reported with Amendment.

**THIRD READING: NAMIBIA INSTITUTE OF PUBLIC
ADMINISTRATION AND MANAGEMENT BILL**

RT HON PRIME MINISTER: I would just like to thank the Honourable Members for having participated actively and convince the Namibian public that this Institution is going to serve their interests. Thank you.

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**THIRD READING: PAYMENT SYSTEMS
MANAGEMENT BILL
HON KUUGONGELWA-AMADHILA**

HON SPEAKER: I now put the Question, that the Bill be now read a Third Time. Any objection? Agreed to. The Secretary will read the Bill a Third Time.

**NAMIBIA INSTITUTE OF PUBLIC ADMINISTRATION AND
MANAGEMENT BILL**

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

**COMMITTEE STAGE: PAYMENT SYSTEMS MANAGEMENT
AMENDMENT BILL**

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

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

HON SPEAKER: Any objection? Agreed to. The Chairperson of the Whole House Committee will take the Chair.

ASSEMBLY IN COMMITTEE:

CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: The Committee has to consider the Payment Systems Management Amendment Bill.

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**THIRD READING: PAYMENT SYSTEMS
MANAGEMENT BILL
HON KUUGONGELWA-AMADHILA**

Clauses and the Title put and agreed to.

I shall report the Bill without Amendment.

ASSEMBLY RESUMED:

Bill reported without Amendment.

HON SPEAKER: Does the Honourable Minister of Finance Move that the Bill be now read a Third Time?

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

HON SPEAKER: Any objection? Who seconds? Agreed to. Any further discussion? Does the Honourable Minister of Finance wish to say something?

HON MINISTER OF FINANCE: Honourable Speaker, I just want to thank the Members once more for their interest, the active Debate that took place yesterday and the days before and finally for passing the Bill. Thank you.

HON SPEAKER: I now put the Question, that the Bill be now read a Third Time. Any objection? Agreed to. The Secretary will now read the Bill a Third Time.

PAYMENT SYSTEM MANAGEMENT AMENDMENT BILL

10 March 2010 **ILO CONVENTION ON EQUAL REMUNERATION**
HON DR TJIRIANGE

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

**RESUMPTION OF THE DEBATE ON THE RATIFICATION OF
THE INTERNATIONAL LABOUR ORGANISATION
CONVENTION 100 CONCERNING EQUAL REMUNERATION**

HON SPEAKER: When the House adjourned on Tuesday, 7 March 2010, the Question before the Assembly was a Motion by the Honourable Minister of Labour. The Honourable Minister of Veterans Affairs had the floor and he may now continue.

HON MINISTER OF VETERANS AFFAIRS: Thank you, Comrade Speaker. That day I was appealing to our male compatriots not to insist on maternity or paternity leave for the reasons that I gave and I think we have to be realistic and honest to ourselves. I think I have said enough on that one.

Now I am going to another level and I am not sure I would be as popular with my Colleagues on this particular one. (Intervention)

HON DEPUTY MINISTER OF JUSTICE: On that equal pay for equal work, I just wanted to ask Honourable Tjiriange a question. We have a tendency to adopt models of the developed world and then when it comes to implementation we have excuses. Why do we do that? If we adopt Swedish models that the man goes on paternity leave and they enjoy all the benefits, why should we be realistic here and not comply? When you look at those countries, they are highly developed, they have the resources and they can manage, but we are always following them. Why do we not adopt realistic models, which suit our circumstances, rather than coming up with excuses later? We just ratify for the sake of ratification and we have to think more critically. If we cannot comply, let us not ratify.

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HON DR TJIRIANGE

HON SPEAKER: You are beginning to show your bravery.

HON MINISTER OF VETERANS AFFAIRS: I think Comrade Nujoma is really amplifying what I have said earlier on, that you tailor your suit according to your size. What I was preaching here is the realistic situation in our country.

The second and last part – and I have already said it, I am not going to repeat it, and those who were present heard what I said that day: I want to caution that some practices that have been adopted by some of our female colleagues are putting themselves in a serious dilemma. There is a new institution – maybe an old one but with different dimensions – that is very popular nowadays and this is what is called cohabitation – *saamleef, saambly*. This institution is compromising the freedom of our female colleagues and I want to be very honest, here is a situation whereby the *man's money is our money, but my money is my money*. What I am saying is the reality. The man is renting a flat and the female colleague stays with him in that flat. He pays the rent, electricity, gives pocket money to the lady, pays for the transport, cell phone, everything and at the end of the day... (Intervention)

HON KAVETUNA: I am sorry to interrupt, but I want to ask, is it not the same situation, there are women who are in the same situation of paying the rent. Does the Minister want to tell me he only knows about the men, he does not know about the women who are also paying for men?

HON MINISTER OF VETERANS AFFAIRS: I am not talking about the drop in the ocean, I am talking about the practice. (Intervention)

HON MINISTER OF GENDER EQUALITY AND CHILD WELFARE: I am sorry to disturb the Honourable Minister, but I will

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HON DR TJIRIANGE

first ask a question and then comment. Does the Honourable Minister know that 59% of rural women are single heads of households? Secondly, 85% of women are doing household work without remuneration. Therefore, paying the rent is just the remuneration package for the women.

HON MINISTER OF VETERANS AFFAIRS: I am leading up to something. Do not put yourself in a situation where you are going to be a victim of scrupulous men. (Intervention)

HON MINISTER OF FINANCE: I have a question to the Honourable Minister through the Speaker. I agree that it is mainly women who move into the homes of men. However, I do not see it as a case of women putting themselves in that situation. I actually see it as a case of men having their cake and eating it. They are enjoying the benefits of marriage, having a woman in the house, cohabiting with him as if she is the wife and doing everything for him in every other way, but he is not legally obliged to do the duties a husband is expected to do for a wife. It is actually incumbent upon us to educate the men not to take advantage of women in this way. Women are victims because of the society that marginalised them. They are predominantly poor compared to the men. Customs and traditions actually force women to be in this situation, but they are not happy, they would prefer that this arrangement be formalised, that the man cannot say, *“take your child and go if you do not want to stay here”* and there is no child support. It is abuse of women.

HON MINISTER OF VETERANS AFFAIRS: Honourable Saara Kuugongelwa is just emphasising what I want to say. The situation that the people find themselves in results in them being exposed to this kind of situation, but that does not mean that is justifiable. I want to be realistic, as it is on the ground, that these people, because of those difficulties Honourable Kuugongelwa mentioned, find themselves in a situation that they are now subjected to exploitation because they cannot do things

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HON DR TJIRIANGE

because they are dependent on the other persons. You are selling your freedom. (Intervention)

HON TJIHUIKO: May I ask the Honourable Minister a question? Honourable Minister, you were saying that women are being exploited. What I want to know from you, Honourable Minister, being an experienced (Interjections). No, not experienced in that way, experienced in other ways. Do you not think that maybe what we need to look at is the whole question of marriage? Women are becoming prisoners in this relationship. Do you not think that maybe that if you are living together, the lady has her house, the man has his own house and then we meet if the need arises and then maybe the problem will be solved, because nobody would be exploiting the other, only the God-given nature will be satisfied?

HON MINISTER OF VETERANS AFFAIRS: The difficulty with this Debate is that I am just touching on the topic. I have not yet gone to the roots. What I am saying are the results of a bigger problem where, because of the economic situation prevalent in our society, our female colleagues sometimes find themselves in this compromising situation, where, wrongly so, it is the man who pays for the flat, who gives the pocket money, who buys the food, at the end of the day thinks this person is his property. Therefore, whatever he says, that person has no right to say no, but the person has been driven into that situation by the conditions prevailing in this country. (Intervention)

HON MINISTER OF PRESIDENTIAL AFFAIRS: May I ask my senior Colleague a question? Comrade Minister, are you aware that the trend in Europe and America is more cohabitation than marriage?

HON MINISTER OF VETERANS AFFAIRS: I am not against cohabitation, as long as it is fair. (Intervention)

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HON DR TJIRIANGE

HON DEPUTY MINISTER OF AGRICULTURE, WATER AND FORESTRY: On a Point of Order. The Convention deals with equal remuneration and I do not hear us touching on equal remuneration of men and women or men doing the same job. I thought that is what the Convention is all about, but I am seeing us discussing something else.

HON SPEAKER: I was just going to remind the Honourable Members to stick to what the purpose of the Convention is.

HON MINISTER OF VETERANS AFFAIRS: I think the problem is that we do not listen to one another. I am talking about situations whereby people are earning the same amount of money, but some people put themselves in a situation, which compromises them. You may earn the same salary, but within the society where we are living, you put yourself in a compromising situation because you have allowed yourself to be subservient to somebody else. (Intervention)

HON RIRUAKO: May I ask a question? Do you not know that you are compelled by your culture that as a man you are the husband in the house? As somebody said, cohabitation is popular in the world today, but whose fault is that if you put yourself into that position?

HON MINISTER OF VETERANS AFFAIRS: I will never condone a culture, which in essence is, such that it dominates other people, whether they are females or children. I am just saying that the persons earn the same salaries and sometimes the female even more, but our female colleagues put themselves in a situation whereby they are exposed to certain things that ought not to be. This is what I am trying to say. (Intervention)

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HON BOHITILE: Comrade Speaker, I really beg the indulgence of the Honourable Minister, when he talks about the women who cohabit somewhere in a flat paid for by a man. I still do not see the link to this Convention, because the Convention talks about the basic of minimum wage by an employer to a worker, male and female, saying that when men and women do the same work, they should earn the same salary. What exactly does cohabitation have to do with the employer who has paid a male and a female an equal salary for the same work?

HON SPEAKER: Honourable Minister, you said you understand, but you keep on harping on a point that is irrelevant. This Convention says that for equal work, men and women must receive equal pay.

HON MINISTER OF VETERANS AFFAIRS: Fine, maybe I have touched raw nerves, but what I wanted to say is that when you are earning the same salary through this Convention and the other day I was talking about the issue of maternity leave, because it was in favour of (Intervention)

HON DEPUTY MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: On a Point of Information. I think in a way I am following what the Honourable Minister is saying and the linkage to this is that when we are considering this Convention, please let us also have a culture of fairness.

HON MINISTER OF VETERANS AFFAIRS: The other day I was talking about maternity leave and it touched no raw nerves. Now I am saying that in a situation where all of us are covered... (Intervention)

HON !NAWASES-TAEYELE: I want to get more clarity. It is clear that when you are paying equal salaries to men and women, the salary of

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HON DIENDA

the woman will be put to good use, but the salary of the man will pay the rent of a third party. (Interjections).

HON SPEAKER: I think most of the interventions are taking us further away. All that the Convention is saying is that citizens of the world pay men and women the same salary – full stop. How culture dictates these things, the Convention is silent on that. Pay them the same amount.

Whether after they got the money they still made the kind of errors that the Minister is trying to advise them on is irrelevant. Pay men and women the same salary – full stop!

HON MINISTER OF VETERANS AFFAIRS: I cannot agree more with what the Speaker is saying. It is exactly what is supposed to be done. I was just trying to say that even under those circumstances there are certain things that compromise us and I rest my case.

HON SPEAKER: Honourable Dienda.

HON DIENDA: I thank you, Honourable Speaker. I would like to support this Convention, it is long overdue, but I was really under the impression that Namibia had already, through our Affirmative Action Policy addressed this matter.

I hope, Honourable Speaker, that proper measures will be put in place to solve the problem, so that not only managers and people with skills will benefit from the Convention, but also the unskilled, the farm workers, the security officers, the domestic workers, etcetera.

Honourable Speaker, I also have a concern regarding the Parastatals in our country. Will there be regulations in force that they must also adhere to this call, so that we will not only be looking at Government but also Parastatals and also the private sector and that equal remuneration will be

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HON DIENDA

paid across the board. Otherwise, there must be penalties for those people who do not adhere to this call.

Honourable Speaker, I would also like to see that women and men who are working in rural areas would enjoy the same benefits and I am talking about the living conditions, particularly in relation to housing, electricity and water supply, transport and communication. You find that people who are staying in the rural areas do not receive the benefits which other people are receiving and that is why teachers and nurses do not want to go and work in rural areas. Yes, they have the benefit of a housing loan, but they cannot use that housing loan because of other problems.
(Interjection)

HON MEMBER: That is why the men have to pay the rent.

HON DIENDA: Honourable Speaker, I would also like to encourage the provision of social services, particularly a network of child-care facilities to enable parents to combine family obligations with work responsibilities, so that the men who are claiming paternity leave understand what the meaning of paternity leave is, so that we can also see men carrying babies on the back.

HON SPEAKER: Let us for now ensure that they get equal pay.

HON VENAANI: May I ask the Honourable Member a question on the score of equal pay and paternity leave? Honourable Dienda, are you aware that the African black men change nappies and not occasionally but all the time?

HON DIENDA: My husband does it and I am very proud of that.

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HON DIENDA

HON SPEAKER: Honourable Dienda, can you speed up? I have been urged by the Leader of the Government Business to ensure that we dispose of some very essential items on the Order Paper for the remainder of the days until the 18th, on which day this House will rise on a note of good-bye and I would want us to adopt this Motion today before we rise.

HON DIENDA: My last point, Honourable Speaker. I also have a concern regarding social protection, which must be included in the salaries of women. During pregnancy certain types of work prove to be harmful to women and they must be moved from that work and not lose their income for that period. Honourable Speaker, I support the Convention and I thank you.

HON SPEAKER: I now put the Question, that the Motion be adopted. Any objection? Agreed to.

That brings us to the end of the business scheduled for today. The House stands adjourned until tomorrow afternoon, 14:30.

HOUSE ADJOURNS AT 17:45 UNTIL 2010.03.11 AT 14:30

**ASSEMBLY CHAMBERS
WINDHOEK
11 MARCH 2010**

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 ON THE ASSEMBLY OF
STATE PARTIES TO THE ROME STATUTE**

HON KAVETUNA: Honourable Speaker, I lay upon the Table, Report of the Parliamentary Standing Committee on Constitution and Legal Affairs on the Assembly of State Parties to the Rome Statute of the International Criminal Court at The Hague, the Netherlands, from the 18th to the 26th of November 2009 for note taking.

HON SPEAKER: Will the Honourable Member table the Report? Honourable Christian.

**TABLING: REPORTS OF THE STANDING COMMITTEE ON
HUMAN RESOURCES, SOCIAL AND ECONOMIC
DEVELOPMENT**

HON CHRISTIAN: Honourable Speaker, I lay upon the Table, the following Reports for note taking:

1. Report of the Parliamentary Standing Committee on Human Resources, Social and Economic Development on the Motion of Honourable Dienda on the Language Policy.

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**MINISTERIAL STATEMENT
HON KUUGONGELWA-AMADHILA**

2. Report of the Parliamentary Standing Committee on Human Resources, Social and Economic Development on the Motion of Honourable Dienda on the School Development Fund and Tertiary Education Fees.
 3. Report of the Parliament Standing Committee on Human Resources, Social and Economic Development on an Exchange Visit to the National Assembly of Botswana; and
 4. Report of the Parliamentary Standing Committee on Human Resources, Social and Economic Development on an Exchange Visit to the National Assembly of Kenya.
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HON SPEAKER: Will the Honourable Member table the Reports. Any further Reports of Standing and Select Committees? Other Reports and Papers? Any Notice of Questions? Notice of Motions? Ministerial Statements? Honourable Minister of Finance.

MINISTERIAL STATEMENT

HON MINISTER OF FINANCE: Thank you, Honourable Speaker, Honourable Members, I rise to inform this House and the public that the Appropriation Bill for the Financial Year 2010/2011 and the Medium Term Expenditure Framework for the period 2010/2011 to 2012/2013 shall not be tabled before the 21st of March 2010. This is because the remaining term for this House would expire much sooner than the time that we would require in order to dispose of the Bill in the House. If we were to present the Bill now, it would lapse because of the end of term of the House. The Bill and the Medium Term Expenditure Framework would, therefore only be tabled to the House shortly after the swearing in of the new Members of the National Assembly. Thank you.

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CONSTITUTION SECOND AMENDMENT BILL
RT HON N ANGULA

HON SPEAKER: I take it that the entire House is well pleased with the information by the Honourable Minister of Finance. Right Honourable Prime Minister, we did not have time for consultations, but I serve at the mercy of the House. Today is Questions Day. Shall we proceed with the Questions as is the tradition or shall we take up pressing matters whose delay may affect the work of Government? Could I get any indication?

RT HON PRIME MINISTER: I beg the indulgence of my Colleagues on the other side of the House that due to the pressure of time we go ahead with substantive matters. Those questions can be asked next time.

HON SPEAKER: The First Notice of Motion is the one of the Right Honourable Prime Minister. Does the Honourable Prime Minister move that the Bill be now introduced?

INTRODUCTION AND FIRST READING NAMIBIA
CONSTITUTION SECOND AMENDMENT BILL

RT HON PRIME MINISTER: I Move the Motion.

HON SPEAKER: Who seconds? Objections? Agreed to. Will the Prime Minister please table the Bill? The Secretary will read the Bill a First Time.

NAMIBIA CONSTITUTION SECOND AMENDMENT BILL

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

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**CONSTITUTION SECOND AMENDMENT BILL
RT HON N ANGULA**

**SECOND READING NAMIBIA CONSTITUTION SECOND
AMENDMENT BILL**

RT HON PRIME MINISTER: I so Move.

HON SPEAKER: Secondment? Objections? Agreed to. The Prime Minister has the Floor.

RT HON PRIME MINISTER: Thank you, Honourable Speaker. The Bill is called Namibia Constitution Second Amendment Bill.

Honourable Members of the National Assembly will recall that last year I had the honour to introduce in this august House the Namibia Constitution Second Amendment Bill. This august House considered the Bill and passed it. Subsequently the Bill was sent to the National Council for review. The National Council did a thorough review and detected some inconsistencies, which needed to be corrected. The Bill was, therefore returned to the Office of the Attorney-General to polish it up.

Today I have the honour to reintroduce the Namibia Constitution Second Amendment Bill in this august House. In order to refresh your minds, the Bill aims at amending the Namibian Constitution to:

- Extend the waiting period required for acquiring Namibian citizenship by marriage from a period of not less than two years to a period of not less than ten years of ordinarily residing in Namibia as spouse subsequent to such marriage;
- Extend a waiting period required for non-Namibian citizens who may apply for Namibian citizenship by naturalisation from a period of not less than five years to a period of not less than ten years of continuous residence in Namibia;

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**CONSTITUTION SECOND AMENDMENT BILL
RT HON N ANGULA**

- Decrease the limit of tenure of Members of the National Council from six years to five years;
- Subject the appointment of non-Namibian citizens as Judges to a fixed term contract of employment;
- Delete the word “*corruption*” from the functions of the Ombudsman;
- Insert an Article on Anti-Corruption Measures;
- Decrease the term of office of members of Management Committee from the three years to two years and six months; and
- Substitute the terms “*correctional service*” and “*Commissioner General of Correctional Service*” for the terms “*prison Services*” and “*Commissioner of Prisons*”.

Other technical amendments have been affected on Articles 115 and 123 for improved sequencing of Forces in terms of command authority, namely by rearranging the order: Defence, Police and Correctional Services.

As I mentioned in my introduction last year, these Amendments are technical in nature and I believe this House will approve them accordingly. I thank you for your attention and support.

HON SPEAKER: I thank the Right Honourable Prime Minister for motivating the amendment. Any further discussion? Honourable Gurirab.

HON GURIRAB: Honourable Speaker, I crave your indulgence to adjourn the Debate on this Bill to Tuesday, next week.

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PRISONS AMENDMENT BILL
HON DR N IYAMBO

HON SPEAKER: Any further discussion? The Debate on this Motion stands adjourned until Tuesday next week. The Second Notice of Motion is by the Honourable Minister of Safety and Security. Does the Minister move that the Bill be now introduced?

INTRODUCTION AND FIRST READING
PRISONS AMENDMENT BILL

HON MINISTER OF SAFETY AND SECURITY: I Move so, Honourable Speaker.

HON SPEAKER: Who seconds? Any objection? Agreed to. Will the Honourable Minister please table the Bill?

HON MINISTER OF SAFETY AND SECURITY: Honourable Speaker, Honourable Members, I move that this Amendment Bill be considered as an urgent Bill in terms of Rule 98 of the Standing Rules and Orders. Therefore, I request that the House deal with all the stages of this Amendment Bill. I so move, Honourable Speaker.

HON SPEAKER: I understand that consultations have taken place and this is the consensus of the House. Will the Honourable Minister table the Bill? The Secretary will now read the Bill a First Time.

PRISONS AMENDMENT BILL

SECOND READING:
PRISONS AMENDMENT BILL

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PRISONS AMENDMENT BILL
HON DR N IYAMBO

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

HON MINISTER OF SAFETY AND SECURITY: I so Move.

HON SPEAKER: Who seconds? Objections? Agreed to. The Minister has the Floor.

HON MINISTER OF SAFETY AND SECURITY: Honourable Speaker, Honourable Members, may I take this opportunity to introduce to this Honourable House the amendment to the Prisons and Correctional Services Amendment Bill to amend the Prisons Act of 1998 (Act 17 of 1998).

Honourable Speaker, Honourable Members of this House, this Bill introduces two issues. The first one is to substitute the First Schedule to the Prisons Act, 1998 with a new Schedule. This Schedule deals with the names of ranks for members of the Namibian Prison Service. The second issue is to insert a provision allowing the Minister to amend the Schedule by giving notice in the Government Gazette.

Honourable Speaker, in order to fulfil its mandate effectively, the Namibian Prison Service has been restructuring the department since 2008. This restructuring includes the Amendment of the salary and grading structure of its functional personnel and the expansion of the rank structure. A final submission was made to the Office of the Prime Minister last year, 2009, for consideration.

The Right Honourable Prime Minister, on the recommendation of the Public Service Commission, approved the revised salary scales, salary notches and the increments attached to the grades of the job category “*correctional officer*”, subject to the amendment of the First Schedule to

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PRISONS AMENDMENT BILL
HON DR N IYAMBO

the Prisons Act, 1998, reflecting the new ranks of Correctional Officer, before the implementation of the approval.

The introduction of a new rank structure entails the expansion of the rank structure to allow flexibility and mobility in terms of promotion of Prison Service members and to be in line with the regional and international ranking standards in correction services. The new Schedule is introducing one more rank for senior Prison Service members. This is the rank of Senior Assistant Commissioner. It will be a rank between the Assistant Commissioner and the Deputy Commissioner of Prisons. In case of junior Prison Service members, the Schedule is introducing new names of ranks and expanding it five different ranks instead of the current three. These new ranks are Correctional Officer 1, Correctional Officer II, Senior Correctional Officer, Chief Correctional Officer and Senior Chief Correctional Officer.

Honourable Speaker, funds are available on the current Budget for the implementation of the new salary structure. The funds may be returned to Treasury if not spent between now and the end of March 2010. Additionally, a prolonged delay in the implementation of the new salary structure will put a burden on the Budget of the Ministry of Safety and Security that will have to be backdated to the 1st of December 2009, which will be a big amount.

On the second issue, we did not find it necessary to have the whole procedure of enacting a law to be followed just to change names of ranks. Thus, the Bill is introducing a provision mandating the Minister, when the need arises, to amend the First Schedule by giving Notice in the Government Gazette.

Honourable Speaker and Honourable Members, due to the urgency of this matter, I urge the Honourable Members that this Amendment Bill be considered as an urgent Bill under Rule 98 of the Rules of this Honourable House. I have consulted the Presiding Officer, the Chief Whips of all the Political Parties represented in this Honourable House, and they have agreed. Therefore, there is a need for all three stages of this Bill to be dealt with today.

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PRISONS AMENDMENT BILL
HON T GURIRAB

In conclusion, Honourable Speaker, I am appealing to the Honourable Members of this Honourable House to support and pass this Amendment Bill as soon as possible.

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

HON T GURIRAB: Honourable Speaker, there were consultations and I rise to support the object of the Bill as well as its passing in one sitting. I understand that the Bill essentially deals with renaming of ranks in the Prison Service and for that reason, we believe it does not detract from the substance of the Bill as it stands now.

The Minister of Finance told us when the Budget for the new Financial Year would be tabled and I understand the Minister's fears that should the funds not be spent in the current Budget, the funds would be lost and it is for that reason that the Minister is talking about a delay. I do not think that it is this House, which has caused this delay, but having said that, I support the speedy passing of the Bill on the Floor of the House.

HON SPEAKER: Any further discussion? None. Does the Minister wish to reply?

HON MINISTER OF SAFETY AND SECURITY: I wish to thank Honourable Gurirab and to thank all the Honourable Members of the House for their support of this Amendment Bill.

HON SPEAKER: I now put the Question, that the Bill be now read a Second Time. Any objection? Agreed to. The Secretary will now read the Bill a Second Time.

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PRISONS AMENDMENT BILL
HON DR N IYAMBO

PRISONS AMENDMENT BILL

COMMITTEE STAGE
PRISONS AMENDMENT BILL

HON SPEAKER: Does the Minister of Safety and Security move that the Assembly now go into Committee?

HON MINISTER OF SAFETY AND SECURITY: I so Move, Honourable Speaker.

HON SPEAKER: Any objection? Who seconds? Agreed to. The Chairperson of the Whole House Committee will take the Chair.

ASSEMBLY IN COMMITTEE:

CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: The Committee has to consider the Prisons Amendment Bill.

Clauses and the Title put and agreed to.

CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: I shall report the Bill without Amendment.

ASSEMBLY RESUMED:

Bill reported without Amendment.

THIRD READING: PRISONS AMENDMENT BILL

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PRISONS AMENDMENT BILL
HON DR N IYAMBO

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

HON MINISTER OF SAFETY AND SECURITY: I Move so, Honourable Speaker.

HON SPEAKER: Any secondment? Agreed to. Any further discussion? None. Does the Honourable Minister wish to say something?

HON MINISTER OF SAFETY AND SECURITY: Honourable Speaker, I would like to thank the Honourable Members for the overwhelming support and the speed with which the Amendment Bill has gone through this Honourable House.

HON SPEAKER: I now put the Question, that the Bill be now read a Third Time. Objection? Agreed to. The Secretary will read the Bill a Third Time.

PRISONS AMENDMENT BILL.

HON SPEAKER: The Third Notice of Motion is one by the Honourable Minister of Finance. Does the Minister move that the Bill be now introduced?

INTRODUCTION AND FIRST READING:
TRANSFER DUTY AMENDMENT BILL

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**TRANSFER DUTY AMENDMENT BILL
HON KUUGONGELWA-AMADHILA**

HON MINISTER OF FINANCE: I Move the Motion, Honourable Speaker.

HON SPEAKER: Secondment? Objections? Agreed to. Will the Minister table the Bill? The Secretary will read the Bill a First Time.

TRANSFER DUTY AMENDMENT BILL.

**SECOND READING
TRANSFER DUTY AMENDMENT BILL**

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

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

HON SPEAKER: Who seconds? Objections? Agreed to. The Minister has the Floor.

HON MINISTER OF FINANCE: I thank you, Honourable Speaker. I rise to motivate the Amendment to the Transfer Duty Act (Act 14 of 1993).

In striving to improve the lives of our people and the safety net to relieve poverty, transfer duty schedules for individuals who buy property and property purchases by natural persons in terms of the Affirmative Action Loan Scheme for commercial farmland have been adjusted as follows:

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RT HON N ANGULA

1. The threshold for transfer duty on properties by individuals is increased to N\$400,000;
2. Property purchase value above N\$400,000 to N\$800,000 to be dutied at 1%;
3. Property purchase value above N\$800,000 to N\$1,5 million to be dutied at 5%;
4. Property purchase value above N\$1,5 million will be dutied at 8%.

Transfer duty for the purchase of farmland to be registered under natural persons who are benefiting under the Affirmative Action Loan Scheme would be as follows:

1. Threshold for transfer duty on commercial farmland will increase to N\$500,000;
2. Commercial farmland with a purchase value above N\$500,000 to N\$1 million would be dutied at 1%;
3. Commercial farmland with purchase value above N\$1 million will be dutied at 3%.

The transfer duty on property acquired by any person other than a natural person will be 12%. I thank you, Honourable Speaker.

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

RT HON PRIME MINISTER: I thank you, Honourable Speaker. It is a very important Amendment, especially for the prospective land barons. I, however doubt whether there is any commercial farmland of the

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HON T GURIRAB / HON KUUGONGELWA-AMADHILA

size of 2,000 hectares which will cost less than N\$3 million. I doubt whether there is a commercial farm in this country, which will give us the savings envisaged by the Amendment. Therefore, while we welcome the Amendment, we should express concern on the escalating price of land in this country, deliberately inflated to defeat the purpose of Affirmative Action Loans.

The Affirmative Action Loans are structured in such a way that the price of the land should be able to repay the loan. The current prices of commercial farms have nothing to do with the economic value of that land. Therefore, while I welcome the Amendments, I would like once again to appeal to my Colleague, the Minister of Lands to bring serious Amendments to the Commercial Land Act to this House, so that we close all the loopholes which are being used to frustrate the Affirmative Action land acquisition. I rest my case.

HON SPEAKER: Honourable Gurirab.

HON T GURIRAB: Honourable Speaker, I rise to express our support for the Bill. Honourable Speaker, a progressive tax regime is the one, which leaves most of the money in the hands of the individual or entrepreneur. Our understanding of what is being proposed, is that the taxman, and in this case, the taxwoman, will take less money from the public and that the public, therefore, has more money in his or her hands for his enterprise. We believe this is a good law, it is progressive legislation and for that reason we support this very important Amendment and I thank you, Honourable Speaker.

HON SPEAKER: Thank you. Does the Minister wish to reply?

HON MINISTER OF FINANCE: Honourable Speaker, I thank the Honourable Members who have expressed support for the Amendment Bill. I thank the rest of the Members of the House who by their silence

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HON REV KONJOORE**

have also condoned the passage of the Bill. I want to agree with the concern expressed with regard to the escalating prices of commercial farmland. I am confident that our Colleagues at the Ministry of Lands are going to deal with that with the support of all of us. I would however like to assure the House that at least from indications of the current beneficiaries of the Affirmative Action Loan Scheme we are optimistic that the value of the land that is purchased through the Affirmative Action Loan Scheme, is going to make some impact with these adjustments. It will make commercial farmland a little more affordable to this very important segment of our population. However, these Amendments would be rendered more effective if the escalation in land prices is curbed.

I also welcome the positive remarks from the previous Shadow Minister of Finance for the past five years and I hope that he moves on in that positive light. Thank you very much everyone for the support.

HON SPEAKER: I put the Question, that the Bill be now read a Second Time. Objections? Agreed to. The Secretary will now read the Bill a Second Time.

TRANSFER DUTY AMENDMENT BILL

HON SPEAKER: The Fourth Notice of Motion is the one of the Honourable Minister of Youth, National Service, Sport and Culture. Does the Minister Move the Motion?

**RATIFICATION OF THE CONVENTION ON THE PROTECTION
OF UNDERWATER CULTURAL HERITAGE**

**HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT
AND CULTURE:** I Move the Motion, Honourable Speaker.

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HON REV KONJORE**

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

HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE: Honourable Speaker, Honourable Members of this august House, I stand here to seek your support in motivating the ratification of one of the very important conventions, that is the Convention on the Protection of our Underwater Cultural Heritage.

Comrade Speaker, Honourable Members, following the discovery of the shipwreck in Oranjemund in April 2008, the international community was seriously advised Namibia to start the process of the ratification of the UNESCO Convention on the Protection of the Underwater Cultural Heritage. This Convention is in line with the provisions of Article 19 of the Namibian Constitution which provides that: *“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.”*

Furthermore, the objectives and aims of the Convention are also in line with Section 57 of the National Heritage Council Act (Act 27 of 2004) which provides for the protection, preservation of the remains of all shipwrecks that have been situated on the coast or in the territorial waters of the contiguous zone of Namibia for thirty-five years or more.

The discovered shipwreck and its related heritage material in Oranjemund have been lying on our coast for the past five hundred years. Therefore, I strongly believe that the ratification of the abovementioned Convention by Namibia will further enhance the protection, maintenance, preservation and promotion of Namibia’s underwater cultural heritage. It will also enable Namibia to seek the necessary and required technical and financial support from the international community with a vested interest in our underwater archaeological heritage material, such as the Oranjemund shipwreck, or any other heritage artefacts related to marine archaeology.

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Comrade Speaker, Honourable Members, in conclusion, may I now request this august House to support my Ministry in ratifying the 2003 UNESCO Convention on the Protection of the Underwater Cultural Heritage. I thank you, Comrade Speaker.

HON SPEAKER: I thank the Honourable Minister. Any further discussion? None. Does the Minister wish to say something?

HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE: Comrade Speaker, I am just rising to thank all the patriotic Namibians for the unanimous support and ratification of this very important Convention.

HON SPEAKER: I now put the Question, that the Convention be adopted. Any objection? Agreed to. The Secretary will read the First Order of the Day.

**COMMITTEE STAGE
INCOME TAX AMENDMENT BILL**

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

HON SPEAKER: Who seconds? Any objection? Agreed to. The Chairperson of the Whole House Committee will now take the Chair.

ASSEMBLY IN COMMITTEE:

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**COMMITTEE STAGE: INCOME TAX
AMENDMENT BILL
HON DE WAAL / HON KUUGONGELWA-AMADHILA**

CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: The Committee has to consider the Income Tax Amendment Bill.

Clauses 1 to 6 put and agreed to.

Clause 7 put.

HON DE WAAL: Honourable Chairperson, I just want clarity from the Honourable Minister. It says here that, "*the institutions exempted from withholding tax on interest are the persons contemplated in Section 16 of this Act to the extent that the Minister is satisfied that such persons are not liable.*" I am very sorry I could not find a copy of the Act. What I want to know from the Honourable Minister is that we have raised the threshold for taxing to N\$40,000 per year. The situation that we find is that somebody may receive N\$15,000 taxable income per year, I am talking of old people, 60, 70 years old who have a taxable income of N\$15,000 or N\$20,000 per year, but they also have N\$20,000 in the bank and they receive interest on that. If you take the N\$15,000 taxable income plus the interest that they receive on the N\$20,000 in the bank, they end up earning a taxable total income of N\$30,000 per year. Now we are taxing them on with 10%, the interest and if that were still the case after this Bill, I would plead with the Honourable Minister to make provision so that we can pay back that 10% in the case of the old people, because it is not fair. We say people below N\$40,000 taxable income must not be taxable at all, yet with this Bill, if they earn interest somewhere, we are taxing them 10%. That is my request to the Honourable Minister and I thank you, Chairperson.

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

HON MINISTER OF FINANCE: Thank you, Honourable Chairperson. The Honourable Member would probably be aware that when we started with this Amendment, we intended to have a threshold, as is the case with

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AMENDMENT BILL
HON KUUGONGELWA-AMADHILA**

the tax on income and profits. However, when we went out to consult the stakeholders, being the financial institutions themselves and tried to work out the administration that would be required in order to implement this, it turned out to be quite difficult and even the stakeholders were indicating that it is too cumbersome, they will not be in a position to administer that.

Previously we had a threshold of, I think, five hundred and I actually proposed that we increase that threshold to five thousand in order to exempt a big chunk of this income from tax. Because of the administration, which turned out to be quite difficult, we had to go into reverse gear and actually opt for a withholding, as it states here. This means that there is no claiming from that. It is a flat rate of interest and that has been reduced significantly to 10%, which I think would address a part of his concern because it is no longer a matter of having an income from your salary and the interest can be added to that so that can push you up to a higher rate of taxation. The interest is taxed separately at a flat rate. I also do not like the fact that this is a flat rate and that there is no threshold. I want to allay the concerns of the Honourable Member that it will not have the kind of impact that he is afraid of, that it can actually push up somebody's income level from a non-taxable income to a taxable income. It will not because this is a parallel system.

As is indicated by the initial effort that we wanted to make, we remain open. If we find that, there is a way to proceed in a manner that would not put an equal burden on those that we consider to be vulnerable, we would embrace that, but for now the administration will just be too cumbersome, we will not be able to cope.

CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Clause 7 agreed to.

Remaining clauses, Schedule and the Title put and agreed to.

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**COMMITTEE STAGE: INCOME TAX
AMENDMENT BILL
HON KUUGONGELWA-AMADHILA**

CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: I shall report the Bill without Amendment.

ASSEMBLY RESUMES:

Bill reported without Amendment.

**THIRD READING
INCOME TAX AMENDMENT BILL**

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

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

HON SPEAKER: Who seconds? Any objection? Agreed to. The Secretary will read the Bill a Third Time.

INCOME TAX AMENDMENT BILL

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

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

**COMMITTEE STAGE - VALUE-ADDED TAX AMENDMENT
BILL**

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VALUE-ADDED TAX AMENDMENT BILL
HON TWEYA

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

HON DEPUTY MINISTER OF FINANCE: I so Move, Honourable Speaker.

HON SPEAKER: Any objection? Who seconds? Agreed to. The Chairperson of the Whole House Committee will take the Chair.

ASSEMBLY IN COMMITTEE:

CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: The Committee has to consider the Value-Added Tax Amendment Bill.

Clauses and the Title put and agreed to.

CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: I shall report the Bill without Amendment.

ASSEMBLY RESUMED:

Bill reported without Amendment.

THIRD READING: VALUE-ADDED TAX AMENDMENT BILL

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

HON DEPUTY MINISTER OF FINANCE: I so Move, Honourable Speaker.

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HON NAMBAHU

HON SPEAKER: Any objections? Who seconds? Agreed to. Does the Deputy Minister wish to say something?

HON DEPUTY MINISTER OF FINANCE: I wish to thank the Honourable Members for their overwhelming support and I thank you, Honourable Speaker.

HON SPEAKER: I now put the Question, that the Bill be now read a Third Time. The Secretary will read the Bill a Third Time.

VALUE-ADDED TAX AMENDMENT BILL

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

**RESUMPTION OF DEBATE: CONSIDERATION NATIONAL
GENDER POLICY**

HON SPEAKER: When the House adjourned on Tuesday, 16 February under Rule 90, the Question before the Assembly was a Motion by the Honourable Minister of Gender Equality and Child Welfare. Honourable Nambahu had the Floor and he may continue.

HON NAMBAHU: Honourable Speaker, I once again want to register my support for this very important Policy and I want to refer to Page 20 where it deals with gender, poverty and rural development. The Policy objective here is to remove gender inequalities and improve access to productive resources to enable poor women and girls to overcome poverty.

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The Debate in this House yesterday concentrated on the evils and shortcomings faced by our female colleagues, especially in urban areas. Someone said money is actually the source of all evils and it is true, but I also contend that lack thereof is equally the mother of so many of the evils. Therefore, the approach and the strategy to reduce poverty should interrogate how best we can equip our female colleagues to get out of this rat race, to move away from poverty and be emancipated.

I want to emphasise access to property. You do not have to be a Marxist to understand that property is actually the determining factor that graduates you from the one class to the other and obviously, so many of us have escaped that poverty circle as a result of the bonds that we could register on our houses. Therefore, access to resources should emphasise the access to property and how improvements can appreciate the value of that property.

The other day I was talking about a certain house of a relative where I was staying before I went into exile and the only thing that has changed at that house from the seventies to now is probably just the paint, which means that property has not appreciated much and whether it is education or whatever needs to be done, property management has to be addressed if at all we want to solve this problem. (Intervention)

RT HON PRIME MINISTER: May I ask a question? Talking about the house of a relative, you stayed in exile for less than ten years. Has that house now changed since 1990 when you came back?

HON NAMBAHU: It has not changed much. Others have renovated their houses, they have added rooms and fences, but the point is that I see some of those relatives of mine going to Foschini to make lay-byes on clothes. Why do they not make lay-byes on bricks at Pupkewitz? When one talks about these things, you have to be a relative, otherwise you will be accused of all sorts of things, “*why are you talking about my house, why are you talking about my family members, why are you talking about my tribesmen?*” You have to be one of them if you want to talk about the

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shortcomings and ask them why they are not making improvements. I am talking about attitudes and habits, but if I talk about the habits of someone who is not from the tribal group, someone will accuse me of tribalism. As leaders we have to tackle these issues head-on and if it were not my relatives, someone would have said I am attacking someone else. However, when you go to Katutura, you find there are some sections who are renovating their houses while others do not. How do you expect them to get out of that poverty cycle? (Intervention)

HON KASINGO: May I ask a question? Honourable Nambahu, are you aware that since the colonial era up to now the properties of Katutura, including Wanaheda, and Soweto, are being considered as non-properties in comparison with Olympia and Klein Windhoek. Do you not think that the City of Windhoek is partly to be blamed for not coming up with a policy to upgrade the value of the properties of Katutura, so that it could also motivate people to renovate and extend their houses?

HON NAMBAHU: Comrade Kasingo, we should promote a Debate on this issue. Yesterday we were told about women being forced to cohabitate with men because they do not have access to residences. If we want to take a scientific approach, we have to go to the root causes of these things, otherwise we will be able to talk about it and above it. One does not like to touch on some of these issues, but I would like the Gender Policy to address the access to property also in rural areas. In urban areas the lack of property and poverty are generating the crimes we are talking about.

If you read the classics, you would find that even a long time ago people have discovered that lack of property is actually, what differentiates one class from the other and something has to be done if we want to get our people out of poverty. I just wanted to highlight that and maybe the debate should actually go in that direction, for women to have access to property. In rural areas, you would find that a woman is not being given an *Omukunda* because she is not married. All these things are shortcomings in our cultures and we have to address them if we want to

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HON TJIHUIKO

find solutions to the problem of poverty. With those remarks, I support the Gender Policy.

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

HON TJIHUIKO: Thank you very much, Honourable Speaker. I rise to look at the Gender Policy that has been presented. I was going through the document and I was trying to educate myself as to what is it that we want to achieve with this Gender Policy. Who are going to be the beneficiaries of this Policy? If we are serious about empowering women, including young women, we need to start from somewhere and as I was going through this, I missed one very critical point and that is a clear strategy to promote young girls into positions without getting there by virtue of Affirmative Action. We have to create a culture in the minds of young ladies that they have made it to the top not because somebody was feeling sorry for them, but because of the fact that they have competed and they have reached the top. We need to have a Policy that would address that and that needs to be done from the school level and I do not see that in this document.

Honourable Minister, on page 48 you have indicators on gender equality and women empowerment. In Point, two you mention education and training, proportion of girls completing tertiary education, proportion of girls completing vocational education, completing secondary education. However, if you look at your implementation strategies on Page 31, Honourable Minister, there is nothing that would promote girls getting to what you have indicated in your indicators. If you look at this, you are looking at women in positions, you are looking at those who are in positions right now. How would they be empowered to remain in those positions?

Obviously, if young women have not been prepared from the school level, they would not only have difficulties getting into the main areas, they will have an obstacle that they have to overcome. The old women who have

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created a buffer for themselves, must overcome that before they start intimidating some of us. Of course, we are going to resist, because our positions will be threatened. At least the buffer will be created by those who are implementing, who are supposed to create conditions for the young women to have a smooth flow into the mainstream of the system.

I am saying that the thirteen points of your strategy need to be revisited. You need to look at how do you promote, how do you encourage, how do you support young girls to develop confidence to overcome the obstacles in the system and to be prepared to face the world of today. That is one, Honourable Minister and I know that people are about to come to Parliament and some are leaving and we are starting to look at ourselves.

Honourable Speaker, I want to emphasise the point that those are the critical areas. If you want to empower women, we need to start from Grade 6 with specific programmes to create confidence. By the time they reach Grade 12, they must have the same confidence that you would see in the Minister of Finance. She is a good example, it is a fact that nobody would say that she got the position because somebody wanted to promote her. She has proven beyond reasonable doubt that she deserves it. I can now admit for the first time that perhaps in the SWAPO system she was guided into having that confidence to take the position of Minister of Finance. If that was a programme of SWAPO, at least they have succeeded in that regard. (Intervention)

HON MINISTER OF PRESIDENTIAL AFFAIRS AND ACTING ATTORNEY-GENERAL: May I ask the Honourable Member a question? Speaking of SWAPO successes and one example being Meme Saara, are you aware that of the first intake of medical doctors at UNAM, the majority are women?

HON TJIHUIKO: That is a good thing. It should not only be doctors. If you want to empower them, they should also take positions in administration, they must take positions in the Army, in the Police, in all the structures of our lives. You should not try to create the impression

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that women are only good to be doctors, they should also become presidents of this country.

In conclusion, Honourable Speaker, I just wanted to emphasise the point that yes, indeed, we need a Policy and the objectives and the strategies must support one another. That would definitely help us. Thank you very much.

HON SPEAKER: Thank you. Honourable Bohitile.

HON BOHITILE: Thank you very much, Comrade Speaker, Honourable Members. I want to make a very brief contribution in support of the National Gender Policy, this Policy being a review of the 1997 First National Gender Policy.

Comrade Speaker, Namibians must be proud of the fact that their Government at Independence committed itself to the improvement of the status of Namibian women. That is a fact and great strides were taken to this end, including Government being signatory to international legal instruments towards the promotion of gender equality. I want to site a few examples: The SADC Declaration on Gender Development, also its Addendum on the Prevention and Eradication of Violence against Women and Children; the Convention on the Elimination of All Forms of Discrimination against Women, 1997. Another example is the SADC Gender Protocol. All of these indicate the commitment by this Government.

Now a review policy is on the table with the aim of creating an enabling environment for all sectors in this country to mainstream gender in all their programmes in line with NDP directives. However, Comrade Speaker, despite the progress that has been made in social, economic, legal and political spheres, many challenges remain. Just to mention a few examples:

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High rates of gender-based violence remain. Comrade Speaker, just on Tuesday this week the newspaper reported that, despite the fact that a murderer admitted in Court that he killed a woman while he was trying to rape her, this murderer got bail of N\$1,200. After he got bail, he went out and he raped another fifty-year-old woman in the very same village of Koës. What do we say about this?

Secondly, women are still faced with the increased prevalence of HIV/AIDS, aggravated by the high rate of rape cases.

Thirdly, the high maternal mortality rate is persisting.

Sexual exploitation of women and girls is continuing, leading to teenage pregnancies in our schools and girls dropping out of school and not completing their education.

The under-representation of women at decision-making levels, in politics, in senior position levels is persisting.

Rural and urban women-headed households remain poor and many women remain financially dependent on their partners.

Comrade Speaker, Honourable Members, these challenges tell us that there is still a mammoth task ahead of us, and there is still a lot of work to do.

As I said, this Policy is a guideline, it creates an enabling environment to mainstream gender and programmes by all Ministries and Office, all Parastatals, the media, educational institutions – the university, the polytechnic, schools, our Courts, our banks, all stakeholder institutions. (Intervention)

HON TJIHUIKO: Honourable Speaker, may I ask a question just to enrich my understanding? Honourable Member, you have raised very critical points and my question is, after twenty years of knowing all these

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things, when are these issues going to be taken care of by the SWAPO-led Government?

HON BOHITILE: Honourable Speaker, the Honourable Member did not listen when I started my speech. I said the commitment by Government right at Independence helped us to make great strides in addressing many issues, but despite that, there are still challenges. (Intervention)

HON DEPUTY MINISTER OF JUSTICE: On a Point of Information. Honourable Tjihiuko must accept that we do not behave like ostriches with our heads in the sand. We do acknowledge the challenges and we are determined to overcome those challenges, but you must take into account that it has taken a country such as the United States three hundred years to reach the level where they are and you keep on talking about twenty years, Honourable Tjihiuko. I think it is unfair. It has taken France over 250 years, but they have not reached that level of total equality.

HON BOHITILE: My brother, I am aware that Rome was not built in one day and if we continue to work on these issues, we will get there.

What is important is that we address them and continue to do so.

Comrade Speaker, these challenges tell us that there is still a lot of work to do. I said that the Policy is a guideline, it creates an enabling environment to mainstream gender programmes and all entities, namely all the Ministries, the various Offices, the Parastatals, the media, the educational institutions, the universities, colleges and the financial institutions must participate in that process by ensuring that women are also covered when it comes to loans. The responsibility for the implementation of the National Gender Policy lies with all stakeholders. Nobody is excluded.

Chapters 2 and 5 of this Policy are of great importance as they give guidance in terms of the relevant laws and stakeholders. My plea would thus be that when the National Gender Policy leaves the Floor of this

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House, it would be distributed as widely as possible to all stakeholders and that these stakeholders sign that they have received this document and that be publicised, so that we know who got it and who did not. Each stakeholder should go through the document to see where that institution fits in, what is it in this Policy that is compelling that particular institution to look at these issues and address them, the issues of poverty, housing, education, all of that. Each institution should look at it and say, this is where I fit in and I will put this into my programmes. That is why it is important that it be distributed to all the institutions.

I would also like to plead, Comrade Speaker, for a more vigorous monitoring of implementation by the Ministry of Gender Equality and Child Welfare, but that they also raise the alarm when implementation is in reverse gear. In cases where rapist and a murderer gets bail of N\$1,200 the Ministry of Gender Equality and Child Welfare must shout, the women organisations must scream. I am pleading that the monitoring from now on be vigorous, Honourable Minister, and that they shout if something goes wrong along the way. I thank you, Comrade Speaker.

HON SPEAKER: Thank you. Honourable Shifeta.

HON DEPUTY MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE: Honourable Speaker, Honourable Members, first let me join the speakers before me by thanking the Ministry of Gender Equality and Child Welfare for a commendable job.

This Policy is primarily aimed at addressing, amongst others, poverty and rural development, health and reproductive health, HIV/AIDS, gender-based violence, trade and economic empowerment, governance and decision-making, media, information and communication, environment, issues of girl-child, legal affairs and human rights and most importantly, gender equality in the family context. In my contribution, I shall attempt to address those core issues mentioned hereinbefore.

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All these issues, in my view, concern both men and women working together as partners in order to eliminate unlawful discrimination and prejudice against men or women and access to decision-making on an equal basis.

Honourable Speaker, Honourable Members, gender equality means that men and women have equal rights, opportunities and conditions for realising their human rights and for contributing to and benefiting from economic, social, cultural and political development. Gender equality is, therefore, the equal valuing by society of the similarities and the differences of men and women in the roles they play. Gender equality is based on women and men being full partners in their homes, in their communities. Gender equality starts with equal value of girls and boys at homes, at schools and in their respective communities.

Whereas sex is a biological phenomenon, gender is a social construct, not a biological one and discrimination on this basis is consequently difficult to assess and address. Distinctions based on sex can be measured statistically, whereas gender issues entail more subtle distinctions in male and female roles.

Achieving gender parity in decision-making is just one-step towards gender equality in and through participation. While parity is a quantitative concept, equality is a qualitative one. Human rights protection and promotion of gender equality require a numerical equilibrium, it also requires conceptual virtues and a conscious effort to redress inequality as it exists now.

Nations aspire to have all the citizens enjoy basic human rights and attaining gender equality is a dream still to be realised. Gender equality is a substantive human rights issue. Given the impact of human rights as a topic in political Debate, the adoption of a second National Gender Policy confirms our willingness and the desire to attain gender equality as a Nation.

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Before Independence, the status of women was invidious and that suggested that serious steps had to be taken in order to redress such unfair and embarrassing disparities in society. It is not easy to get rid of this in shorter period, but we should appreciate the progress made so far. Immediately after Independence, many laws were made by this august House just to restore the dignity and equal standing of our women in society. For instance, before Independence, women, regardless of their marital status, did not have rights to property and their status in society was equal to that of a child. Women as individuals did not have both economic security and the political rights as guaranteed by the Universal Declaration on Human Rights, which is a UN resolution, and by two international covenants on civil and political rights and economic, social and cultural rights as well as our own African Charter on Human and Peoples Rights.

Women in rural areas did not have the right to occupy or remain on land allocated to their deceased husbands. After Independence all, these inequalities were redressed through the enactment of laws, such as Married Persons Equality Act of 1996, Affirmative Action Act of 1998, Communal Land Reform Act of 2002 and other legislation adopted by this very forum.

Human rights are rights inherent to all human beings, whatever nationality, place of residence, sex, national or ethnic origin, colour, Region, language or any other status. We are all equally entitled to our human rights without discrimination. These rights are all inter-related, independent and indivisible. Universal human rights are guaranteed by law in the form of treaties, customary international law, general principles and other sources of international law. International human rights law lies down obligations of governments to act in certain ways and to refrain from certain acts in order to promote and protect human rights and fundamental freedoms of individuals or groups.

The exclusive focus on numbers can present apparent progress and hide real patterns of discrimination and disadvantage. This is particularly true in measuring equality. In our cases, for instance, we say fifty-fifty for gender representation and this is something we are striving for because we

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have not yet achieved this although significant progress has been made in a short period. This suggests to us that equality requires adaptation. It is evident in this reviewed Policy that institutions and organisations which can impact on gender-related improvement, either by co-responsibility or general interest in promoting women's human rights are encouraged to participate in gender programmes to contribute to gender equality and promote human rights. These organisations should be requested to improve interest in shaping change, investing time and efforts in new methods, taking up challenges, lobbying, promoting strong leadership and enhancing training potentials.

The mainstreaming of gender into human rights seeks to increase successful practising of gender mainstreaming. We should, increase gender equality and implementation of both women and men's human rights universally. For decades, gender equality was promoted from an empowerment perspective. The time has come to change and human rights must be viewed through a gender-sensitive lens. It is necessary to combine all efforts geared towards promoting human rights to take a new direction at gender responsiveness to enhance the outcome of these interventions.

Core new principles need to be introduced to ensure that our actions are guided towards gender equality, to give birth to a new generation of gender-sensitive Nation. In our socialisation and teachings, we should constantly remind our children and young people of the importance of gender sensitivity and the rights of men and women both. We should, commit ourselves in a better way to new principles on human rights and gender equality.

As a Nation, our programmes and policies should keep the goal of gender equality centre and efforts to engage men and women should actively promote women's empowerment and in no way undermine women's human rights, as it was the case before independence. Women are entitled to live in dignity and in freedom from want and from fear. Therefore, empowering both women and men equally is also an indispensable tool for advancing development and reducing poverty. Empowered men and

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women on equal basis contribute to the health and productivity of the whole family and the communities and improved prospects for the next generation.

The importance of gender equality is underscored by its inclusion as one of the eight millennium development goals. Gender equality is acknowledged as being the key to achieving the other seven goals.

Discrimination against women and girls, including gender-based violence, economic discrimination, reproductive health and equality and harmful traditional practices remain the most pervasive and persistent forms of inequality. Women and girls bear enormous hardship during and after humanitarian emergencies, especially armed conflicts. Gender equality has been in the forefront of advocating for women promoting legal and policy reform on the gender sensitivity, data collection and supporting projects that improve women's health and expand their choices in life.

The denial of rights and justice to women must be understood in the context of other forms of injustice and human rights abuses and the struggle for gender equality should be seen as part of the broader struggle for social justice and human rights. Framing the gender equality struggle in this manner can be a powerful means to mobilise many men to work towards gender equality, linking their desire for justice with gender equality.

The male power that maintains women's empowerment and that produces gender inequalities is not simply a matter of reactions, but actions of individual men in their personal lives, restructured by the major institutions of society, social, political and economic. Engaging men in work for gender equality involves not only working with individual men on change in their personal lives, but also mobilising their support for structural change, focusing on the institutions that express and reinforce male power.

Gender equality must be defined as a goal that should concern and involve men and women. It requires the development of integrated gender equality policies with the focus on both men and women, rather than

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separate parallel policies for men and women and all efforts focus on gender equality. It is important to refer to men and boys explicitly in gender equality policies, rather than assuming the relevancy of such policies for men. It is important that men be accountable for their complicity in systems and practices of gender equality. This involves creating spaces and building capacity for reflecting on both individual attitudes and behaviours and institutional policies and procedures in organising the ways in which this serves to empower women. This self-awareness is the basis of any commitment to change and requires parity about men's different experiences of power and privilege as well as various forms of inequality, for example based on class, based on ethnicity.

Where there are people there are always gender issues and the potential for gender-based violence. This implies that when people work, organise, socialise or educate together, gender dimensions of work are present and must seriously be taken into account. (Intervention)

HON DEPUTY MINISTER OF JUSTICE: May I ask Honourable Shifeta question? Honourable Shifeta, you are doing extremely well and I agree entirely with what you said. This is in conformity with the SWAPO policy, programmes and objectives to empower women and to achieve gender equality. My question is: Some people claim to be the so-called champions of women's rights and yet when somebody is raising this important issue in this House, they are not listening, they are opposed to what you are saying, yet they go out there and say they are the so-called champions of women's rights. I find it disturbing. For example, Honourable Namises and the other one are trying to preach that every day. Are you aware of that?

HON DEPUTY MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE: I am aware of that and that is why we call them Opposition, to oppose everything. (Interjections).

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We need to examine the roles gender may play in our programmes, the importance of gender equality and gender mainstreaming in the national policies and programmes. Gender equality is an integral part of human rights and, therefore, it is fundamental to human rights education. This relationship implies that human rights workers or educators should be knowledgeable about gender issues, gender inequality, and have the competencies to address these ills.

Conversely, working on general issues with children and youth is also an important approach for preventing human rights violations and for strengthening human rights education. There are various approaches to preventative work in relation to gender. Preventative work should not be only negatively understood in terms of stopping something from happening, but also positively, the space and the experiences that allow reflection and personal development.

Gender mainstreaming involves incorporating equal opportunities for women and men into all policies and activities of an organisation. Mainstreaming the gender perspective is a process of assessing the implications for women and men of any planned action, including legislation, policies or programmes. (Intervention)

HON TJIHUIKO: On a Point of Order. Do we not have a provision in our Standing Rules and Orders that require that if a Member is boring the House then you call on him to sit down?

HON SPEAKER: There is a Rule, but that applies to repeated irrelevancies.

HON DEPUTY MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE: There is a strategy for making women as well as men's concerns and experiences an integral dimension of the design, documentation, monitoring and evaluation of policies and programmes in all political, economic and social spheres, so that women

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and men benefit equally and inequality is not perpetuated. The ultimate goal is to achieve gender equality.

Finally, gender equality is a human rights issue. Human rights entail both rights and obligations. States assume obligations and duties under international law to respect, to protect and to fulfil human rights. An obligation to respect means that States must refrain from interfering with or curtailing the enjoyment of human rights. The obligation to protect requires States to protect individuals and groups against human rights abuses. The obligation to fulfil means that States must take positive action to facilitate the enjoyment of basic human rights. At the individual level, while we are entitled to our human rights, we should also respect the human rights of others. With these words, I wholeheartedly support this Policy. Thank you very much.

HON SPEAKER: I thank the Honourable Deputy Minister for his contribution. Honourable Dienda.

HON DIENDA: Thank you, Honourable Speaker. Honourable Speaker, there is no need for one to write a book just to make a point. Honourable Speaker, Honourable Members, I would like to make my humble contribution towards this Policy. Some improvements were made, but I have observed the following and I would like to propose some Amendments towards this Policy.

Honourable Speaker, in most places the draft Policy maintains the feministic approach. We cannot and we will not ignore that there is a backlog, but our policies should not leave boys and men behind. We are being criticised that we teach and empower women and then they go back to a home where the partner and the cultures remain unchanged. It is also my opinion that we must ensure that attention to boys and men does not overwhelm women's needs, as has often happened in the past. We need community education on how we are socialising our boys and our girls.

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Honourable Speaker, on Page 18 of the Policy, I would like to propose some Amendments in the Policy Objectives under 3.3.2.1 and I want to add the words, “*resources and services such as land, credit, markets, employment and training for both women and men*” and also as one of the Policy Objectives, “*strengthen institutional mechanisms to address the needs of women and men.*” I would also to bring in a further one: “*Increase school completion rates for girls and boys and improve women’s and men’s access to vocational training, science and technology.*”

Honourable Speaker, on Page 23 of the Policy, under 4.2.1.4: I assume that this Policy is meant to dovetail with our separate National Policy on Disability. That is why there are no particular strategies regarding women and men with disabilities.

I have also looked into the challenges that we are facing and the first challenge is economic structures. Honourable Speaker, with due respect, women are still facing problems when we want loans for our businesses. The bank will send you back to bring a policy, which is ten years old, and we are being challenged with the fact that they want to have surety and all these types of things. Therefore, I think the women are still facing problems.

Our second challenge that women are facing is political practices. Namibia is one of the three southern African countries that have already ratified the 2008 SADC Protocol on Gender, which has a specific target of 50% women in all areas of decision-making by 2015. It is in line with the African Union’s 50% target, but there is still a glaring gap in Namibia’s electoral practices with regard to women representation at local, national and regional level. Honourable Speaker, I think Namibia as a country is ready to see our next President being a female. It does not matter whether it is from SWAPO or CoD, I do not care, as long as it is a female. I will even campaign for that particular woman. Honourable Speaker, I can see some women who already qualify to be presidents of our country and I will mention them: The Honourable Minister of Finance, Honourable Ndaitwah, Honourable Pendukeni Iivula-Ithana, Nora Schimming-Chase, Dr Libertine Amathila, Margaret Mensah. (Interjections)

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HON SPEAKER: The Honourable Members asked the Honourable Member who has the Floor to name them and that is what she is doing.

HON DIENDA: Therefore, Honourable female Members of Parliament sitting in this House, I think it is time for us to say we can do it and we have to challenge the men. (Interjection). I just mentioned only a few, but I was first looking in order of seniority and those women who are already of an advanced age. We will follow them soon.

Honourable Speaker, the first-past-the-post system for Regional Council elections is least conducive to women's participation and little or no efforts are made to review the system. (Intervention)

HON DEPUTY MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: May I ask the Honourable Member a question? I agree with the fifty-fifty idea of SADC, but I want to find out from the Honourable Member that in a scenario where a party has only Member, how does one make it 50/50?

HON DIENDA: Honourable Kazenambo, I am looking at your own Party's participation. I am looking at what we as women can achieve. I do not care whether we belong to which Party, as long as we as women will make a difference in a fifty-fifty scenario.

Honourable Speaker, the first-past-the-post system for Regional Council elections is least conducive to women's participation and little or no efforts are made to review the system or to explore options within the system. When will this gentlemen's agreement.... (Intervention)

HON VENAANI: May I ask the Honourable Member a question? Honourable Dienda, I hear what you are saying and I support the view that we need to have a woman as president of the country, but at the global

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level, we have not yet seen a female UN Secretary. Do you not think we should first have a female UN Secretary before we do it domestically?

HON DIENDA: Honourable Speaker, we have to start at home. I cannot go to the UN and preach for a female Secretary-General, but here in Namibia we failed to bring in a woman as the president.

Honourable Speaker, when will this gentlemen's agreement be implemented to put women first? We do not want to see this lip service anymore. (Intervention)

HON TJIHUIKO: May I ask the Honourable Member a question, please? Honourable Dienda, I did not quite get what you were saying a gentlemen's agreement.

HON DIENDA: Yes, it is called a gentlemen's agreement. Political parties play a critical role in opening the door for women to enter and participate in decision-making. I also agreed with the Deputy Minister of Education that women's lack of support for each other is a matter of concern. We must first vote for another woman before we vote for the man next to us.

Another challenge facing us is our culture and our traditions. (Intervention)

HON MINISTER OF PRESIDENTIAL AFFAIRS AND ACTING ATTORNEY-GENERAL: May I ask the Honourable Member a question? My dear sister, are you aware that in South Africa there was an all-female Political Party and in the elections they were right at the bottom. Are you aware of that?

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HON DIENDA: That was before we were enlightened. Now we know our rights and we know where we stand.

Culture and traditions, Honourable Speaker, customary law enjoys special constitutional status. Article 66(1) of the Constitution states that 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 this Constitution or any other Statutory Law. My question is how one reconciles the basic human rights of individuals, especially women, with the traditions and heritage in a society such as Namibia whereby our cultures are so diverse.

Priorities of Namibia on Page 7 of the Policy: Honourable Minister, I would like to propose two further priorities and the first is, where and how is violence against unborn and newly born babies addressed? It is a matter of concern in our country. Is it not a gender issue that mostly affects women who are rejected or could not live with the stigma of having a baby out of wedlock? In 4.3.5 there is mention of “*conduct of research and public awareness raised on the impact of abortions and other options for dealing with unwanted pregnancies*”, but I do not see us making it a priority area and I want it to be one of them.

The other issue is that of the boy child we can also bring that in, Honourable Minister.

Honourable Speaker, on page 8 of the Policy: “*A multi-sectoral approach to the implementation of the Policy will strengthen effective service delivery for gender and women’s programmes.*” Honourable Speaker, one of the criticisms against gender programmes is that men are being left behind. Our policies should be addressing both women and men issues. In fact, most of the issues women are better with are caused by men, such as insecurity, misplaced powers, etcetera.

Honourable Speaker, on Page 9 of the Honourable Minister’s speech: Honourable Minister, can you please include the years when these declarations or policies were signed or ratified.

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Honourable Speaker, I would also like to urge the Ministry of Gender Equality and Child Welfare to make available a database of all qualified women and men for consideration of highly paid positions, such as on Boards of Directors, CEOs, and etcetera. It will be useful if it is regularly updated and it will help us only if employers and international agencies agree to use it. Honourable Speaker, if we can do this, we will ensure that we are not making use of the same people every time when those positions need to be filled.

Honourable Speaker, on Page 43: A relationship with the Ministry of Gender and the Women's Caucus will be appreciated and I hope that in the new Parliament, which will be sworn in, provision will be made for them. We all agree that the Women's Caucus was a dead body for the past five years. There was no coordination or networking between your Ministry and us. In order to bring this Women's Caucus to life, can we please implement what the Policy is saying. This Policy is saying that there must be a network. Could we please work on that? Honourable Speaker, I support the Policy and I thank you.

HON SPEAKER: I thank the Honourable Member. Honourable Minister Namoloh.

HON MINISTER OF DEFENCE: Thank you, Honourable Speaker, I want to speak on behalf of the endangered species.

Before I comment on the Policy, which only has gender in its heading, but in the content, there is more feminism, I would like to draw the attention of the Honourable Minister to Page 39, Paragraph 2. We need to make a correction there where it says, "*particularly the Defence and Security Council and armed services*". I think it should just read Defence and Security Agencies.

On Page 47, Paragraph 11: "*The same proportion percentage of women in managerial positions in Defence and Security Agencies.*" I do not know what you mean with "*protection services*", I thought it should be

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Defence Agencies. However, this matter of the percentage of women in managerial positions in Defence is also very sensitive and I have mentioned it before.

Honourable Speaker, if we want to have policies for gender, it should not be crafted with emotions. It should reflect and address issues of both genders. When I read this Policy, I am afraid of what will happen in future. I fear for my sons, because they will not be represented in the future. If they are not in schools, nobody will speak for them, but if the girls are not in school, it is a concern and to make things worse, they do not have any representation, no Ministry, nothing, while the girls have a Ministry to go and complain. (Interjection)

HON MEMBER: It is a gender Ministry. (Intervention)

HON MINISTER OF DEFENCE: Yes, gender is only in the heading, but not in the content and we should revisit this. (Intervention)

HON MINISTER OF INFORMATION AND COMMUNICATION TECHNOLOGY: I would like to ask the Honourable Member whether he is aware that the word “*gender*” in our context is synonymous with women.

HON MINISTER OF DEFENCE: Exactly, I am aware of that. (Intervention)

HON SPEAKER: Minister, are you serious?

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HON MINISTER OF DEFENCE: Honourable Speaker, the general understanding of the word “gender” by many people is that it refers to women. (Intervention)

HON SPEAKER: Do you know what the meaning of “gender equality” is? I just want to assist you.

HON MINISTER OF DEFENCE: I think when the authors of this Policy sat down, they sat there to discuss issues pertaining to women. Many people understand it that way and that is why you see that the content is so biased. If you look at the introduction of the Minister, the preface there, they seem to be very satisfied when the girl-child surpasses the boys in school. They are happy about that. Why should it be an issue that you are happy about? What about the boys if they are not in school? (Intervention)

HON DEPUTY MINISTER OF EDUCATION: On a Point of Information. I just want to clarify something to this House. As the Honourable Minister just said that when one mentions gender, people think it is about women’s affairs, it is the same if you mention Affirmative Action. People think it is the formerly disadvantaged, black versus white. These policies are only relevant where there has been kind of discrimination before. You cannot have Affirmative Action if you did not have discrimination before that. Therefore, it only makes sense in Namibia or in America where it was started by Johnson, because you had party discrimination before. When you want to rectify it, you will talk about Affirmative Action. African societies generally are male dominance, even if the women are in the majority. Because we want to redress the inequalities that were there, you have to talk about the girl who was left in the kitchen as a matter of rule by the parents, to say that those children should not be sent to school. Eventually you are seen as if you discriminating, but before the girl was discriminated against because she was not seen as fit to go to school. Therefore, we understand within the context of the country that sometimes a man will think that we are pushing

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the girl's agenda ahead of the man, but actually we are also looking after the boys and we are sponsoring the boys where there is need. In any case, so what, we are the majority, so we should be the majority in everything.

HON MINISTER OF DEFENCE: It is likewise, whereas girls were left in the kitchen, the boys were left at the cattle post. There is no difference. (Intervention)

HON GURIRAB: On a Point of Information on this issue of what gender deals with. I heard what the Deputy Minister of Education said, but what one wants to address when dealing with gender is the culturally and socially assigned roles to the sexes. That is what gender relation is all about. In that cultural and social scenario, we are allocating different roles to the sexes and we are saying, should the woman always be the secretary, should be the one who is always doing the cooking? Those are the issues we want to address, the socially and culturally assigned roles, to see if we agree with what has been assigned socially and culturally, and to correct those.

HON MINISTER OF DEFENCE: Honourable Speaker, I think this gender is like one of the written books, to say it is possibly our time to eat now. You have eaten enough. In the fifty-fifty scenario, there will be a time when this fifty-fifty will be questioned, that the majority should rule. It is driving to that.

Therefore, I think we need to formulate our policies with open hearts without hidden agendas, so that all of us will be able to support it, because most of the laws made are all targeted against the men. For instance, the Maintenance Act is only targeted against men and not women. It is only the man who should pay the maintenance. (Intervention)

HON NAMISES: Honourable Speaker, on a Point of Information. I understand that some of our men misunderstood what this whole issue of

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equality is all about and I further understand that the issue is “them versus us” and that some have not made the paradigm shift to embrace the women. Is that what I hear?

HON SPEAKER: Honourable Minister, you will have an opportunity to continue. The House shall rise under automatic adjournment and reconvene Tuesday, 14:30.

HOUSE ADJOURNS AT 17:45 UNTIL 2010.03.16 AT 14:30

**ASSEMBLY CHAMBERS
WINDHOEK
16 MARCH 2010**

The Assembly met pursuant to the adjournment.

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

**ANNOUNCEMENT:
SWEARING-IN CEREMONY**

HON SPEAKER: Honourable Members, as the business of the House nears the D-day for transition, I would like to provide further information and clarify related matters on the present calendar of the last sitting of the Fourth Parliament.

The swearing-in ceremony of all Members of the First Sitting of the Fifth Parliament will take place on Friday, 19 March 2010 at 09:00 in this Chamber. His Lordship, Chief Justice Shivute, will administer the Oath or the Affirmation as may be required. The public is invited.

All the Political Parties that were elected last year to the National Assembly have duly been invited in writing by the Speaker's Office to participate in the swearing-in ceremony as indicated above. That should be clear to all concerned.

As regards the other matters of public interest, the Minister of Finance informed this Honourable House on 11 March 2010 thus and I quote:

"I rise to inform this House and the public out there that the Appropriation Bill for the Financial Year 2010/2011 and the Medium Term Expenditure Framework for the period 2010/2011-2012/2013 shall not be tabled before the 21st of March 2010 due to the fact that the remaining term of this House would expire much sooner than the time that we would require in order to dispose of the Bill in the House and if we were to present the Bill now, it would lapse because of the end of the term of this House. The Bill and the Medium Term Expenditure Framework

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**TABLING OF REPORTS
HON KUUGONGELWA-AMADHILA**

would, therefore, only be tabled to the House shortly after the swearing-in of the new Members of the National Assembly.”

With that in mind, the programme of work of the new National Assembly, including the National Budget, will be determined when the details of the composition of the new Cabinet and other considerations are finalised.

As in the past, we all need to just hold onto our seats for now and wait until we are told what it is in order to plan, knowing what the deal is. The Auas mountains are not going anywhere and Comrade Hifikepunye Pohamba is and will be the President of the Republic of Namibia. Let us move on with confidence. That is all for today.

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

TABLING: REPORTS OF THE 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:

1. Municipality of Outjo for the Financial Year ended 30 June 2005 and 2006;
 2. Municipality of Swakopmund for the Financial Year ended 30 June 2009;
 3. Town Council of Okakarara for the Financial Year ended 30 June 2008; and
 4. Regional Council of the Omusati Region for the Financial Year ended 31 March 2008.
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**NOTICE OF MOTION
HON KATALI**

HON SPEAKER: Will the Honourable Minister please table the Reports? Any further Reports and Papers? Any Notice of Questions? Notice of Motions?

NOTICE OF MOTIONS

HON MINISTER OF LANDS AND RESETTLEMENT: I give Notice that tomorrow, the 17th of March 2010, I shall move –

That this Assembly –

In terms of Section 4 of the Agricultural (Commercial) Land Reform Act of 1995 appoints the following persons as members of the Land Advisory Commission:

1. Ms Martina Mokgatle-Aukhumes
 2. Mr Phillipus Tjerije
 3. Mr Mandema Gosbert Sikerete
 4. Ms Sara Nicoletta Bok.
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HON SPEAKER: Any further Notices of Motions? Ministerial Statements? The Secretary will read the First Order of the Day.

**RESUMPTION OF SECOND READING NAMIBIAN
CONSTITUTION SECOND AMENDMENT BILL**

HON SPEAKER: When this Debate was adjourned on Thursday, 11 March 2010, the Question before the Assembly was a Motion by the Honourable Prime Minister, that the Bill be read a Second Time. Honourable Tsudao Gurirab adjourned the Debate and I now give him the Floor.

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CONSTITUTION SECOND AMENDMENT BILL
HON T GURIRAB

HON T GURIRAB: Honourable Speaker, Honourable Members, a constitutional Amendment is an important Bill. It is not every afternoon we come here to amend the Constitution and for this reason, I have to support the Bill tabled by the Right Honourable Prime Minister Thursday last week.

Honourable Speaker, as the Right Honourable Prime Minister pointed out, this Bill was already in front of this Honourable House, it went to National Council and has been referred back to this Honourable House for consideration that is to consider the Amendments being proposed by the National Council. Both in terms of our Constitution, specifically Article 75 as well as the Standing Rules and Orders of our House, there is a procedure set. In terms of the Constitution it is dealt with by Article 75(4)(a) and (b), which are also reflected in Section 68 of our Rules and Orders. Why I am citing those provisions, Honourable Speaker, is that the Bill that has been sent back to us, the National Council is not taking issue with the principle of the Bill, but they have made certain Amendments for our consideration.

Honourable Speaker, I have a few observations to make.

The first observation is on Page 3. The observation I am going to make relates to Clauses 2, 3, 4 and 5. What are proposed in those Clauses are to substitute “*Correctional Service*” for what is now referred to as “*Prison*” in the Constitution. I am mindful that there is a Government department, a Ministry indeed, called Ministry of Safety and Correctional Services. The point I am making is of general nature. My observation on this is that I do not know whether the intention is that every time we have a re-christening of the Government departments we are going to come back here and amend the Constitution. That is the first observation I wish to make, whether it changes anything. I know the words “*Correctional Services*” are more politically correct, but whether indeed the substance changes and we, therefore, need to amend the Constitution. That is the first observation I wish to make.

The second observation I want to make already here because it also affects the labour provisions, but I want to make it here and it refers to the last

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part of Clause 3 which reads: “... *for achieving a balanced structuring of the Public Service, the Defence Force, the Police Force, and the Prison Service.*”

The second observation I want to make is that in legal drafting, instead of referring to a Government department, one should refer to a function. That would avoid the need for coming with Amendments every time when the name of a department changes. If you have a Department of Finance and Planning and the department is renamed to Finance, Planning and Youth, you will have to come and make an Amendment, but if you in law refer to a function of carrying finance or planning, then you do not need to because then we are not referring to a department.

Honourable Speaker, Clause 7 on Page 4 refers to the present Article 82 of the Constitution. Article 82(4) of the Constitution at the moment reads: *All Judges, except Acting Judges, appointed under this Constitution shall hold office until the age of sixty-five but the President shall be entitled to extend the retiring age of any Judge to seventy.*” The present provision foresees that a Judge may be over seventy. The proposal in this Amendment Bill is to cut the age of Judges at seventy. (Intervention). The present position in terms of Clause (4) says that: “*All Judges, except Acting Judges, appointed under this Constitution shall hold office until the age of sixty-five but the President shall be entitled to extend the retiring age of any Judge to seventy.*” I am saying in the Amendment we are now proposing to delete that part and cutting the upper age of the Judges at seventy. I do not know if the Prime Minister told us in his motivation why it is the intention to do that. The part that is in bold is not in the present Act.

Then the second part in the Amendment Bill reads: “*provided that non-Namibian citizens are appointed as Judges under a fixed term contract*”. I am not quite sure why we want to do this, because one of the primary reasons why Judges appointed for a fixed term or for life is that it gives them security of tenure. It therefore enhances their consideration of matters brought in front of the Judge and that they are not unduly influenced by matters such as the consideration of extension or termination of their term. In this provision, we are proposing to give them

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a fixed term, which means they do not need to look all the time behind their backs as to whether they will have a job tomorrow when they make their judgments.

In Article 93, I have already observed about the Prison and Correctional Services and the same principle applies to Article 93.

I am not quite sure what the object of the amendment in Article 107 is. It is only the language, which changes, but it essentially says the same thing. The present provision reads: *“The remuneration of allowances to be paid to Members of Regional Councils shall be determined by an Act of Parliament.”* In this Amendment, we are proposing to take that out and substitute that for something, which reads: *“Members of Regional Councils are entitled to such remuneration and allowances and other benefits as are determined in accordance with an Act of Parliament.”* I cannot see what the addition is. It says the same thing.

Honourable Speaker on Page 8, savings and transitional provisions: I must be missing something here because again, I want to ask the Minister of Safety and Security what the object is of what is being proposed here, whether the intention is to add to the Constitution what is on page 8 under 16. Is that a new provision, which is proposed to be inserted into the Constitution?

Finally, on Page 9 on the Short Title and commencement of the Bill, Clause 17(2), it says: *“Sections 6 and 12 commence on the date the term of office of the existing Members of the National Council ends.”* Perhaps I am missing something. Is that we are proposing to write into the Constitution? I thank you, Honourable Speaker.

HON MINISTER OF FISHERIES AND MARINE RESOURCES:

Comrade Speaker, I want to refer to Article 94A, Chapter 10A of the proposed Amendments.

Honourable Speaker, I see that under this Clause (1) it reads: *“the State shall put in place administrative and legislative measures necessary to*

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prevent and combat corruption.” I read this that there will be a law which will deal with the issues of corruption and if that is the case, if we have a law which already established the Anti-Corruption Commission, appointed the Director and Deputy-Director and stipulates their duties, would it not be enough only to have Clauses (1) and (6) of these Amendments? It seems that this is a duplication of the existing law.

Secondly, Honourable Prime Minister, under Point (3) it says: “*The Anti-Corruption Commission shall be an independent and impartial body,*” which is good. However, we have established many of these entities, but I find it difficult to determine under which institutions they resort, because everybody will claim independence and impartiality. Will the body be under the Office of the President, a Ministry or are they more independent somewhere there?

I feel that Points (1) and (6) already seem to cover Points (2), (3), (4) and (5), so that these are more legislative matters that are covered by an Act of Parliament, as well as the first one, that the State shall put in place measures. Those are administrative and legislative matters. I am rising this because I was lobbied by many members of the public on this issue, that the public seem to be uncomfortable that we put this as part of the Constitution. Although we have already discussed this in the Cabinet and other structures, I want to find out, as a result of the concerns expressed by the majority of people who are speaking to us, whether, if the Amendment is not too urgent, it could be put on hold in order to discuss further on this. However, if it is very urgent, I have no problem to continue. It was just to inform the Assembly that some of us are being lobbied by the public on this point. Thank you very much.

HON SPEAKER: This Bill was here and was subjected to panel beating and went to the other House, the other House looked at it and referred it back to us. It looks like we are beginning again.

HON DEPUTY MINISTER OF LABOUR AND SOCIAL WELFARE: Thank you, Comrade Speaker. That is exactly one of the

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concerns. Section 10, which with the Anti-Corruption Commission and we already have an Act of Parliament, which establishes the Anti-Corruption Commission. In the Constitution, we have the issue of the Ombudsman, which also dealt with corruption, and the main concern is to appoint a Director and Deputy as per the Constitution. Nothing, which is constitutional, is like an Act of Parliament, which we can amend at any time. Therefore, I want to support what Honourable Iyambo said, that if this is not urgent, let us discuss it further.

Further, Comrade Prime Minister, we already have a problem with this body. When they act in combating corruption, I do not know whether they really end where corruption ought to be fought. Deputy Ministers and Ministers were given cars as vehicles, we have drivers who operate those cars, these cars have its own rules, such as the third car which cannot go out unless otherwise directed, but you find that the staff of the Anti-Corruption Commission take their own liberty to find a driver and say, that third car is just to bring the driver from home to the Minister and has to be parked there. However, you have an off-road car, which the Minister could take any time and when the Minister is in Cabinet, he says that car must collect the children and we never got any information from the Office of the Prime Minister that those are no longer our rights and that is the only benefit we have as Ministers. We do not have a thirteenth cheque, we do not have a car allowance, but now we may not use this car while we are paying for the petrol.

I really want the Prime Minister to inform us if anything has changed, so that we know we do not have that right. My driver uses that car to drive my wife and he was asked to pay bail of N\$3,000. Is that corruption? Therefore, we have a fear that if we put this institution under the Constitution, we will not have control. We could also be targeted as if we are the corrupt ones. (Intervention)

HON VENAANI: May I ask a question? Honourable Ilonga, I want to understand the argument advanced by Honourable Iyambo and yourself. Are you saying that by us putting the powers and functions of the Anti-Corruption Commission in the Constitution would make the body too

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powerful or is the argument – and pardon my ignorance – that if we put in the Constitution that the body’s Directors must be appointed by this National Assembly we give too much power or what is the argument? The other issue is a by-issue of how the body is operating, but I want to understand what the problems are as it stands currently.

HON DEPUTY MINISTER OF LABOUR AND SOCIAL WELFARE: If you are honest with yourself, the power given by the Constitution is not the same power given by legislation passed by this House. Therefore, you might find difficulties when it comes to appointments. If you see something wrong with that individual, you might have difficulties to deal with that person. (Intervention)

HON DR ANKAMA: Comrade Speaker, I would like to find some clarity from my Colleague. Comrade Iilonga, what is the work of the directors of the Anti-Corruption Commission? How many are they and what are they doing?

HON DEPUTY MINISTER OF LABOUR AND SOCIAL WELFARE: Their functions are defined in the Act of Parliament which we already passed in this House and you can familiarise yourself on that.

With regard to Honourable Venaani’s question, I only have a problem that nothing constitutional is easy to handle. If that director is not performing, you cannot do anything and you will never reach an amicable solution to deal with that. My concern is only that we already have an Act, which appoints these people, but now we want those powers to be constitutional. The Minister of Lands and Resettlement earlier moved a Motion to appoint people, but not constitutionally. It does not preclude this House to appoint the Director through an Act of Parliament rather than constitutionally. That is the difference.

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HON DEPUTY MINISTER OF JUSTICE: Comrade Speaker, I also want to give my support to the Namibian Constitution Second Amendment Bill, but I just wanted to comment on Clause 10, which deals with the Anti-Corruption Commission. I will agree with Honourable Iyambo that the administrative and legal measures have already been established in the Act. Perhaps it is high time that we postpone this Amendment, particularly Clauses (1), (2), (3) and (5), so that we could have a look at these issues, because I have other matters in mind.

For example, in other countries the Anti-Corruption Commission is subjected to a board, which is highly representative, so that we do not use this body to settle old scores, because it happens with politicians. That is why I would advise that we have another look at this, so that we can have a holistic approach to this issue.

For example in other countries, these bodies are not stipulated in the Constitution and it is important that we have another look at this. We want a body that is really going to look after the interest of this country, so that it is not abused. If you have listened to the comments by Honourable Lilonga, some of our drivers are subjected to so much harassment. They cannot even buy bread. You are a human being, you are hungry, and you are not even allowed to buy bread at a shop. This is inhuman!

HON SPEAKER: How does the Commission prevent the drivers from buying bread?

HON DEPUTY MINISTER OF JUSTICE: They are arrested immediately. Lunchtime a person wants to buy bread, he cannot eat, or do anything else. If he goes to a toilet, he is arrested. What is this?

HON SPEAKER: I am asking the Deputy Minister because my drivers told me this, but I thought it was a rumour from their part. If you are saying that, I believe you.

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HON DEPUTY MINISTER OF JUSTICE: That is why I think it is important... (Intervention)

HON MINISTER OF GENDER EQUALITY AND CHILD WELFARE: On a Point of Information. In 2008 I was working overtime, I was supposed to fly on Sunday and I sent my driver to pick up my secretary so that we go to the office. Then they did not come, I called and called and was told they were arrested. Fortunately my brother was here and he drove and when I got off the car, I broke my foot and I had to travel with crutches. My brother's car is a high car, I was angry, and when I jumped off, I broke my ankle. That is what is happening to us, we are being humiliated.

HON DEPUTY MINISTER OF JUSTICE: Comrade Speaker, I think it is important we have another look at this issue and consult more. (Intervention)

HON DEPUTY MINISTER OF FINANCE: May I ask a small question? If you as the Deputy Minister of Justice look at the merits of this, that if you have Sub-clause (1) that says "*the State shall put in place administrative and legislative measures necessary to prevent and combat corruption*" and the second one, "*there shall be established by an Act of Parliament an Anti-Corruption Commission with its powers and functions provided for in such Act*", for me as a layman it is adequate that this provision already empowers this House. Do we still need to continue with (3) to (6)?

HON DEPUTY MINISTER OF JUSTICE: I think you have said it all. It is provided for and this Body has acted according to that and the body has been established. I will again repeat by asking the Honourable Prime Minister, because I do not see any hurry in this, we already have the body with its functions and powers, that we look at it properly, so that tomorrow we are not accused that this body has been established under the

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Constitution. In other countries, the Anti-Corruption Commission resorts under the Ministry of Justice, but here it resorts under the Office of the Prime Minister and it also has its own problems with regard to the administration of justice. I would propose that we have another look at this. I thank you.

HON SPEAKER: Honourable Kazenambo.

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

Thank you, Honourable Speaker, Honourable Members. I rise to support the Amendment Bill. My understanding of the Amendment Bill differs. I support it as it stands here and I must register that. I however share the concerns expressed by the previous speakers, Comrade Iilonga and Comrade Nujoma. Perhaps this goes deeper to the scrutiny of our Acts of Parliament that we pass here, rather than the implementation, whether it is implemented in the letter and the spirit in which they were enacted. To be honest, one is really disappointed that one comes up with public policies that are supposed to be watertight and above board, but the practical reality is that they become personalised and certain people are targeted and immediately people start creating a perception as if you are implementing a public policy instrument. There is a miscarriage of the whole thing, because it becomes suspicious. It appears as if they are untouchable and then you do not know where we are starting from and where are we ending. That is why I am saying my concerns are different. I do not want to associate mine with those of my Colleagues, because mine may as usual be critical, but I do have a serious problem.

HON SPEAKER: Deputy Minister, you are bringing in other issues. At least your Colleagues have been pointing at specific references to the Amendment Bill. Yours is a political assessment of the implementation of the Bill and that is a different matter. This Bill has been returned to us by the National Council and we have established this Commission. We have debated all the issues concerned and those that we left untouched have

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been discovered by the other House. We are now to rectify those that were identified by the other House. Whether or not we accept them is a different matter. Now we are restarting even before the Bill was brought here to establish the Anti-Corruption Commission. Are we doing the right thing? In the process, we are indicting ourselves that we do not carefully scrutinise Bills that come here. How could we have passed this Bill if nobody likes it? The sense that I get is that we should throw it in the dustbin. What the Prime Minister would like us to do is to speak to the technical and legislative faults that were discovered and not to political concerns we have about the Bill. I will give you the Floor when we return. The House shall rise for refreshments.

HOUSE ADJOURNS AT 15:40

HOUSE RESUMES AT 16:20 PURSUANT TO ADJOURNMENT

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

Honourable Speaker, before I sit down, Clause 94A (1) reads: “*The State shall put in place administrative and legislative measures necessary to prevent and combat corruption.*” That to me is the crux of the matter. While I support the amendments wholeheartedly, but please, this one should be based on definitions. These measures should be based on some definitions: Whether if a person is pursuing innocent business opportunities and there are no proven wrongdoing in running twenty shops or twenty banks; whether you are a politician or not or own a farm; whether that amounts to corruption or if you are a driver of a GRN car, driving a Minister, whether that amounts to corruption. Honourable Speaker, these measures should really define corruption. Otherwise, I support the Amendments,. I have no quarrel with the whole Amendment Bill, as it is, only the measures, which have to be accompanied by definitions, so that you cannot be accused of corruption because you own butchery or a farm. Thank you.

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HON MINISTER OF VETERANS AFFAIRS: Honourable Speaker, I did not intend to take part in this Debate, but I thought I just have to express one or two words on this particular issue.

I do not see any problem with the provision as it stands here. This is an enabling provision within the Constitution that gives us the powers to do certain things, including putting administrative and legislative measures in place, allowing us to have an Act of Parliament which will deal with concrete issues that relate to the activities that may be regarded as corrupt. Let us therefore not confuse two different things. An enabling legislation like this one is the mother of the legislation. When we talk about being harassed by the Anti-Corruption Commission or not, those are the things that we have to discuss in the legislation that will be put in place based on this one.

Therefore, as it is now, I do not think that we have to waste time and talk about other things. This is enabling us to do exactly the things that we are talking about. Let us just adopt it as it is and when we come to the legislation, we shall discuss whether this is right or wrong. Thank you.

HON SPEAKER: I thank the Minister. Any further discussion? None. Does the Right Honourable Prime Minister wish to reply?

RT HON PRIME MINISTER: Thank you, Comrade Speaker. Let me thank all the Honourable Members and Comrades who took part in this Debate. As I intimated in my introduction, this House actually passed this piece of legislation last year. What we were supposed to concentrate on are those proposals, which were made by the National Council, because we agreed to the principles and contents of this amendment last year. However, let me try to shed light for the sake of record.

Honourable Gurirab is saying that the Amendments to call the Prison Service, Correctional Services could have been done better just to give it a generic name, so that we do not amend all the time. Yes, perhaps so, but

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for the time being I hope that the Honourable Member will accept that this is the best we could do.

The question of the Defence Force, Police, Correctional Services, those have been in the Constitution before, it is only the rearrangement because of the nature of the command structure of these forces. If the country is in serious threat, the defence force takes over. You have seen what happened when there was a problem in the Caprivi Region, that the President had to invoke certain constitutional powers to allow the Defence Force to be in overall demand. That is just to make it a bit, as things should be, but that is just a technical arrangement.

On the Amendment of Article 107, Page 6: Previously there were no other benefits for the Regional Councillors and that has disadvantaged the Regional Councillors in terms of the benefits they were receiving from Government. The Amendment is just to make sure that this is reflected, so that those who are administering them cannot say the Constitution does not provide benefits for the Regional Councillors.

On the savings on page 8, this is a very technical matter. What happened is that we passed a law first before we established the institution in the Constitution and we have to take care of how the law was implemented before the institution was brought into the Constitution. It is a kind of a deeming provision, in other words. We have to make sure that this provision on the Anti-Corruption Commission would have been deemed as if it was there before the law was enacted and that is a technical issue. I hope you understand my argument on that one. It is just to deem it as if the institution was established in the Constitution.

Honourable Iyambo referred to Article 94. You will remember that when I first introduced the Bill there was a heated Debate about this, but in our wisdom as the Legislature we said we should not be seen by the public as detracting or retreating from our commitment to fight corruption. That is why we said fine and we found that we have established a Ministry for ourselves. However, for the other Comrades who have commented on this, I do take note that your comments are actually about how they are operating and I fully agree with you that there are a lot of complaints

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about how this institution is operating. The other time I was forced to write a letter to the Director. What happened is that my driver parked the car and went to the Autobank to draw money. He was just on his way to come and pick me up and he wanted money. Unfortunately, as he was doing that, these Anti-Corruption people were somewhere. He came back with his money and then the Anti-Corruption people said, *“Did you come with a government car to come and get money from the Autobank?”* Comrade Nujoma was talking about the same situation where somebody went to buy something somewhere. He was explaining that he has a trip authority and everything and then the man felt intimidated and he apologised. Then these people said, *“Oh, you have admitted that you are wrong”*, so he slept in prison. He had to pay bail. Sometimes these individuals misuse their power.

I do agree fully with the comrades who are saying that we should amend the law and create an oversight commission, because there is nobody who is look after these people, they are just law onto themselves. Perhaps we need to amend the law and put up a commission to oversee the operations of the Anti-Corruption Commission. I fully agree with that, but we have to put that in the Anti-Corruption Act and you should just prepare something for the next Prime Minister, I have only three days to go, but I do support the idea.

Therefore, Colleagues, I am actually in a dilemma because as much as I understand your concerns, what I am doing here I am doing on the mandate of the Cabinet. This is not really my law, it is a Cabinet mandate I am carrying out, I would like you to help me to pass this Amendment, and then we will come back to the other issues later.

You will recall that when I introduced this Amendment, there were many other things in the Constitution that people wanted to be looked at. We proposed that perhaps the best way to do that is to establish a constitutional review body or committee, so that we can really look at all the issues comprehensively. If we do that, we will do justice to the people, because the process will be transparent and everybody will have a say, so that we do the right thing.

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**COMMITTEE STAGE: TRANSFER DUTY
AMENDMENT BILL
HON KUUGONGELWA-AMADHILA**

Honourable Speaker, I thank you for your support and direction.

HON SPEAKER: I thank the Prime Minister for his reply and I now put the Question, that the Bill be read a Second Time. Any objection? Agreed to. The Secretary will now read the Bill a Second Time.

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

**COMMITTEE STAGE:
TRANSFER DUTY AMENDMENT BILL**

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

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

HON SPEAKER: Who seconds? Any objection? Agreed to. The Chairperson of the Whole House Committee will now take the Chair.

ASSEMBLY IN COMMITTEE:

CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: The Committee has to consider the Transfer Duty Amendment Bill.

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**COMMITTEE STAGE: TRANSFER DUTY
AMENDMENT BILL
HON KUUGONGELWA-AMADHILA**

Clause 1 put.

HON MINISTER OF FINANCE: Honourable Speaker, I am proposing an amendment to Clause 1, for Sub-section (b) to be deleted. We want to deal with this issue later on in a more comprehensive manner.

CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Table the Amendment. Discussions on the Amendment?

Amendment put and agreed to.

Clause 1, as amended, put and agreed to.

Clause 2 and the Title put and agreed to.

CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: I shall report the Bill with Amendment.

ASSEMBLY RESUMED:

Bill reported with Amendment.

**THIRD READING
TRANSFER DUTY AMENDMENT BILL**

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

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

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HON NAMOLOH

HON SPEAKER: Any objection? Who seconds? Agreed to. Does the Minister of Finance wish to say something?

HON MINISTER OF FINANCE: Honourable Speaker, I just want to thank the Members for their support and for enabling the Bill to pass through the House in such an expedient manner.

HON SPEAKER: I now put the Question, that the Bill be now read a Third Time. Any objections? Agreed to. The Secretary will now read the Bill a Third Time.

TRANSFER DUTY AMENDMENT BILL

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

**RESUMPTION OF DEBATE: CONSIDERATION NATIONAL
GENDER POLICY**

HON SPEAKER: When the House adjourned on Thursday, 11 March, under Rule 90, the Question before the Assembly was a Motion by the Honourable Minister of Gender Equality and Child Welfare. The Honourable Minister of Defence had the Floor and he may now continue.

HON MINISTER OF DEFENCE: Thank you, Honourable Speaker. As I was saying on Thursday, this Policy may be biased and it does not reflect the aspirations of the other part of the gender issue. Maybe it is through ignorance, but I do not know if the men were also involved in the discussion of this Policy. If not, then I think this is denying other people their rights. Many of the Acts being enacted, be it in Namibia or elsewhere, are mostly discriminating in one way or the other.

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HON NAMOLOH

As I went through this Policy, I noticed that that there is mention of gender disparity, but I think truth does not change with the seasons, facts do not disappear. It is said that the girl child or women are more disadvantaged in one way or another, but in the areas where I grew up the boys were more disadvantaged than the girls, because boys had to go and work on the farms, in the factories and in the mines in order to earn money for the females to attend school. They were attending school while we were working on the farms. The people who are literate in the areas where I come from are the women, not the men.

If we want to address these gender issues, it should not say men are more favoured than women did because it is not like that and we should not try to develop policies because we are emotionally offended or something. It should represent us all. Maybe you imply that we are against the women, but it is not the case, we just want to be equal, which is what you want. However, to say you want to be more equal than ourselves, then we cannot allow that. I am serious that it should represent all of us.

For instance, my son wants to marry a girl. There is no girl nowadays in our society who will accept to be married out of community of property. They say, *"You do not love me, you have to marry me in community of property"*. If I am well-to-do, she will demand to be married in community of property. However, if the mother of the girl is well-to-do and my son is not well-to-do, she will not be allowed to marry in community of property. We are talking from experience, not unexpectedly. These things we have seen and it is not rumours, it is not hearsay, it is the truth of what is happening in our societies. (Intervention)

HON MINISTER OF FINANCE: I do not want to do this, but is it not true that men, when they are wealthy, do not want to marry? They cohabit with the woman so that they can kick her out when it is convenient or when they marry, they marry outside community of property, so that when they are eventually tired of her, they say, *"get out and leave everything, you never came with anything to this house."* Some of them, even when they are married inside community of property, are not trying to hide behind outdated colonial laws to justify dispossessing

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HON NAMOLOH

the women from the collectively accumulated assets of the family. Is that not true, Honourable General?

HON MINISTER OF DEFENCE: Normally, Generals are not asked questions, they are the ones who ask questions. That issue, Honourable Minister of Finance, is in the minority. There are only a few cases of that nature. (Intervention)

HON VENAANI: I am rising on a Point of Information and I am talking about the community that I come from. Men of fifty and above – and Honourable Kaura can testify to this experience – who is farming in the communal areas sell their cattle to pay for your wife's expenses. But when you sell your cattle, you repay your wife with another head of cattle, to the point that when an old man is dying and you have to help with the estate, you would hear that he has only twelve cattle, all the other cattle belong to his wife. If Kaura is selling cattle to pay for his wife's expenses, he has to repay her. Therefore, in the areas where I come from the wealth is in the hands of the women and that is the reality.

HON MINISTER OF DEFENCE: This is exactly what I was saying, Men are now the most disadvantaged, not women. (Intervention)

HON KAVARI: On a Point of Information. In cultures, which are also greatly influenced by the Bible, we know that the husband is being called the head of the household and they are so proud to be called the head of the family, but every position comes at a price. You want to be called the head of the family, but you do not want to share the responsibility that goes with that. If the order of that household is that the husband is the head of the family, things would be done that way, but if there is equality in the household, which the Policy is trying to achieve, then we can share the responsibility of looking after the family. However, in our cultures, the husband is the head of the family and he is paying the price.

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HON MINISTER OF DEFENCE: Comrade Speaker, I think we are trying to be very cosmetic. In any situation there should be a leader, you cannot have dual leaders, it cannot happen. (Intervention)

HON MINISTER OF ENVIRONMENT AND TOURISM: Honourable Minister, you have given the history of how the boys did not attend school while girls attended school. However, I want to find out, about now that the girls are attending school, especially in the community where you have grown up and both of you are at hostel where you are supposed to concentrate on your studies. The girls have to get up early in the morning and prepare mahangu to feed the whole hostel while the boys are either asleep or preparing for their studies. Are those girls not disadvantaged? They have gone to school to study but now they are the ones who have to work to feed everybody in the hostel. That is the imbalance that we say needs to be addressed.

HON MINISTER OF DEFENCE: Honourable Speaker, there are things in society which we cannot change. There are things in natural life, which cannot change. When we grew up in those communities those times, the girls had to get up and pound the mahangu in the morning and in the afternoon. After school, the boys had to do the hard work, brick-making or clean the yard. It is true, we were the ones cleaning the yards. (Intervention)

HON KAURA: May I ask the Honourable Minister a question?

Honourable Minister, are you aware of the new phenomenon, when people are married in community of property, nowadays husbands die mysteriously and the wife is driving a station wagon with a tyre at the back and the ladies are now boasting that, "*I will send him away and I will drive this car with the tyre at the back.*" Are you aware of that?

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HON MINISTER OF DEFENCE: Honourable Kaura, I heard rumours about that, but I am not sure that it happens. (Intervention)

HON MINISTER OF JUSTICE: On a Point of Order, Comrade Speaker. I have watched debates pertaining to gender issues in this House and it has gone from serious to very, very disgusting propositions. Let us be serious. The issue under discussion is reality in our society and if we turn the Debate into some laughing stock, it will lose its substance. I do not know what the people listening to us will think of us. To go to the extent of mentioning something like this, the death of a person is something serious. What we are saying here is echoed in the society and tomorrow you will hear of women being battered because there are allegations that women are the ones who are killing their husbands. It is very serious and, Comrade Speaker, I want the Debate to be directed in a manner that will be constructive to us all and to the society that is listening to us.

HON SPEAKER: I fully agree with the Minister of Justice. There is indeed a way that issues relating to women or marriage are treated in a particular way that is demeaning to women, but also raises questions about our attitude. We are sitting here as husbands, fathers, prominent people of the community and I echo what the Minister of Justice said. What she said is what I would have said and I hope that from now on we would stick to the seriousness of the issue.

HON MINISTER OF DEFENCE: Honourable Speaker, I think people want to add some flavour to the Policy, just to make it more interesting.

Honestly, Comrade Speaker, as I was saying, this Policy needs to be thoroughly discussed by all stakeholders. What we are saying here is not that we are against, but we want improvement on the Policy so that we do not criticise it and then it is rejected by some. We want it to be for all of us. (Intervention)

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HON DR ANKAMA: I would like to ask the General a question. Comrade General, the question that caught my interest is the issue of marriages in community of property. Should we introduce something along that line, saying that the contract entered into between the couple should probably be deferred until later in order to decide whether it should be in or out of community of property? What do you think the situation would be?

HON MINISTER OF DEFENCE: I think this should depend on individuals and it should be relaxed, not to be as it is now. If you go to any other church where people are getting married, the certificate is there, the priest is there, it is just to officiate that it is in community of property even if the people do not understand and this is why people have problems afterwards when the husband dies after three weeks or so. Then the problem starts, because it is just too early to claim the property. It should be an education for people to understand what they are getting into and not only those girls who refuse to get married. (Intervention)

HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE: On a Point of Information. Practices may differ from congregation to congregation or denomination, I do not argue against that, but I know that provision is made that whenever you prepare a couple for marriage, you provide this information and the decision is theirs. When they would decide they want to get married outside community of property, it is provided for. They go to a lawyer, draw up an agreement and it is brought to you as the officer who will solemnise the wedding and it is recorded accordingly. Therefore, it is a decision by the couple to say with or without ante-nuptial contract.

HON MINISTER OF DEFENCE: Sometimes they do not necessarily go to a lawyer, it is just done there and it is finished, because there are those who are licensed to officiate at such ceremonies.

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What I was trying to answer is on the head of the family. We can argue as much as we like, but there should be a head of the family. It is natural and we will never abolish this. (Interjection)

HON MEMBER: It is contested nowadays.

HON MINISTER OF DEFENCE: Well, if it is contested, then it is futile to contest this. (Intervention)

HON DEPUTY MINISTER OF JUSTICE: May I ask the Honourable Minister two questions? I noticed that there were some very good cultural practices when we were in the war, which has helped us a lot to empower our women and I remember that our ladies were not cooking during the war, because it was not allowed for women to cook, so we were cooking ourselves and we brought this food to our ladies. The girls were pounding, of course, but at the pot it was only the men. (Interjections) Yes, it is true! Those are some of the good cultural practices we have inherited and it is good that the men also from time to time go to the kitchen. Some would like to fry and egg, but unfortunately, some of our women will consider it taboo to see you in the kitchen. In Oshiwambo we say (*owa tulwa mo*).

The second question is on the issue of who makes the first moves, who proposes. (Interjection)

HON MEMBER: Nowadays it has changed!

HON DEPUTY MINISTER OF JUSTICE: If it has changed, then I do not have an issue. Thank you.

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HON MINISTER OF DEFENCE: Comrade Nujoma, there was always division of labour and at that particular time the women were not allowed to cook, we were cooking. (Intervention)

HON SIOKA: On a Point of Information. It is not true that we were not cooking. Maybe their platoon or detachment had no girls, but in the detachment I was serving, we cooked, including me. It is not true that women were not cooking in the war.

HON MINISTER OF DEFENCE: I can clarify. If you are in training, the girls can cook, but in combat the women will not cook, I can vouch for that.

On the head of the family, we should not fight over who is the head of a family. Naturally, in even the language, “*father and mother*”, we cannot merge these two words. It is the father and when the children in the household say “*father*”, it is distinctive that there is a role the father plays in the house. (Intervention)

RT HON PRIME MINISTER: I am sorry to disturb my Colleague, but if you think that this thing of the head of family is not discriminatory, can you translate to this House what a house is called headed by a woman?

HON MINISTER OF DEFENCE: In which language? English, Herero, or Damara? There are several which will be discriminatory. A house with a male as head of family is called (*Eumbo*), “*big house*” and a house with a female head of family is a “*small house*” (*Okaumbo*) (Interjections). The Prime Minister asked me to translate. Give me time to translate. Even in the Oshivambo culture, a house, which belongs to a man, is called (*Eumbo*), meaning that is a full house and a house belonging to a woman is called (*Okaumbo*), which means a small house. What does it mean, Comrade Speaker? The size of the house owned by a man is big and the house owned by a woman is small. We should not mix

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things now with European houses. There are no longer (*Okaumbo*) that is in our tradition. (Intervention)

HON DEPUTY MINISTER OF AGRICULTURE, WATER AND FORESTRY: On a Point of Information. I think my elders are missing the point. *Okaumbo* culturally is because women were never allowed to have a house of their own. An unmarried woman will always be under the care of an elderly man and usually it is actually that man who will build a small house for a woman who is not living with him in the household. That is where that name came from, because it is normally small in size.

HON MINISTER OF GENDER EQUALITY AND CHILD WELFARE: In my language a small house means *#ari-oms* which is a toilet.

HON MINISTER OF DEFENCE: It was a literal translation which the Prime Minister asked me to do. Comrade Speaker, when we were attending hostels ... (Intervention)

HON MINISTER OF HOME AFFAIRS AND IMMIGRATION: On a Point of Information. Both men and women have equal roles and responsibilities. When the house owned by the woman is small and the one owned by a male is bigger, it is discrimination, but when you go to a house owned by a man only, you can see the house is not in order. Where the woman is, the house is always in order. That is why the woman is very important.

HON MINISTER OF DEFENCE: I am very aware of that. I was also going to mention that a man who lives alone in a house is called *Eumbo lyomupombo lume*. It is a single man's house, it is not a house like an ordinary house, and he is not head of a family. (Intervention)

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

On a Point of Information. I think you are touching on wrong nerves and that is what is important with the gender issue that we need to take the diversity and sensitivity of cultures into consideration. Even in the Herero culture, we have the issue of *Eumbo* and *Okaumbo* we need to be sensitive when dealing with this.

No matter how rich you are, whether you are woman or a man, there are certain things in certain cultures, which cannot make your household to become a house while certain people are there, because if you are lady, no matter how rich you are, no matter how old you are, there certain things which she cannot do culturally. Even when I enter a new village, my mother cannot have an *Ehi kuami*, cultural ritual in my home, no matter how rich I am. My uncle will remain the head of the household. That is why there is *Onganda* and *Ohambo*

HON SPEAKER: As much as we are trying to appreciate the diversities and try to understand them, it is not helping us to advance on what the discussion is all about. The Minister had a particular concern and he was given an opportunity to explain them and he is not necessarily convincing everybody, but he wants to speak to his understanding and disagreement.

HON MINISTER OF DEFENCE: Before I conclude... (Intervention)

HON MINISTER OF VETERANS AFFAIRS: I did not want to disturb, but he said he is concluding. Before he concludes, there is something I deliberately did not mention, but now that you are concluding, you may try to address the following before you conclude and this is prevalent.

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I do not know whether you call it tradition or maybe a new culture, but you were talking about education and that the women nowadays are more educated of the men. Are you aware of the fact that it is now very difficult for a less educated man to be given a wife who is educated and even if you are educated yourself, you are going to pay? All of us marry twice. We go and marry at our tradition and then we marry in the church or at the Magistrate. When we start with the traditional marriage we are given conditions, that my child has a degree, so if your boy marries my child, this is the price and it is paid there. If you do not have a degree, you may not even be given that woman. That is the reality and I do not know how we can put this in the context of what we are discussing. Let us not behave like ostriches, we are talking about the situation in which we are living.

If you go to my village, they will ask you *“is your boy educated? How can he marry my girl who has a degree?”* If you say that he is not educated, but he is rich, then it is asked, *“How many cattle?”*

HON MINISTER OF DEFENCE: Comrade Minister, that was also my concern, that we must have a policy, which addresses all our concerns, and in making such policies, we must not ignore our surroundings, things that concern us, because only then will it reflect our situations. (Intervention)

HON MANOMBE-NCUBE: I would like to ask a question to the Honourable Minister. This policy is actually to affirm people, because women were left behind and this is trying to affirm. Do you not think that this is addressing the affirmation of the women and then when we are all equal, we can maybe try to address the issues equally? First of all us have to be at the same level and I think this is what the policy is trying to address and then we can address those differences.

HON MINISTER OF DEFENCE: Just as I said last week, Honourable Speaker, we should not have hidden agendas. Now it is out that they are

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trying to address only their issues. What we are saying is that we should address issues, which concern us all. (Intervention)

HON KAVARI: Honourable Speaker, on a Point of Information on the payment of *lobola*. We are talking about a sum of money, which is a token of respect for the girl that you are marrying. When the parents say the daughter is educated and, therefore, as N\$10,000, it is just a token, but she is not worth N\$10,000. You are taking this girl with all her wealth and she is going to contribute to your family. The N\$10,000 is nothing compared to the value that woman is going to add to your family.

HON MINISTER OF DEFENCE: Comrade Speaker, you pay *lobola* to somebody and still you are not the head of the family, you must be on par. Honestly, we should not say there should not be a head of a family. I am not saying we should dominate them, but even the children in the house say what *Meme* should do and they say *Tate*, they know what he should do and I am the head of the family because I provide protection to them and protection is from a man. When you go somewhere and say, “*Woo*”, I must come running to protect you. That is why you are called “woman”, you are the one who says, “*Woo*” when you call for protection and I run to protect you. You never hear a man saying, “*Woo*”. (Intervention)

HON MINISTER OF FINANCE: I would like to pose a question to the Honourable Minister on that point of the man being the protector. Given the fact that most men will be found at other places than their homesteads when their families are actually requiring their protection, will they be in a position to hear the woman saying “*Woo*” at home or they will come back to find that the neighbour who heard actually protected his family while he was somewhere doing other things?

HON MINISTER OF DEFENCE: No, let us not go to individual cases, but in general. We are Christians and I think there is no argument that the

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man is the protector, He is the Creator, and He is the Almighty. We pray to *our Father*. (Interjections).

In conclusion, Comrade Speaker... (Intervention)

HON DR AMUTENYA: I have been listening to the Debate and I have a word or two to say. Gender issues is not a problem, but we will only be able to address gender issues and their disparities affecting both men and women if we recognise what happened before and what was wrong before. What is that which we need to address? I am inclined to agree with the Honourable Minister of Defence by saying that the formulation of the Policy at the present moment is making one sex to be the culprit, while the solution that we are trying to find is that of treating ourselves equally and bringing ourselves out of disadvantaged positions. It is not always a hundred percent so that if one side is in an unfavourable situation, that the other one is not in an equal position in something else.

Therefore, being an Honourable House, I thought we were going to endeavour to find solutions to the disparities that are there, affecting both men and women and see how we can live further better and well. Thank you.

HON MINISTER OF DEFENCE: Honourable Speaker, I was going to conclude on the same tone, that this Policy needs some panel-beating, so that we can all support it and have something we will not dispute in future. I thank you.

HON SPEAKER: Thank you. Honourable Kavetuna.

HON KAVETUNA: Honourable Speaker, Honourable Members, it is indeed with humility that I rise to add my voice to this very important Debate on the reviewed National Gender Policy.

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Before I go in-depth with my contribution, allow me to express my gratitude to Honourable Muharukua, the Deputy Minister of Gender Equality and Child Welfare for tabling this long-awaited reviewed Policy.

Furthermore, I would like to say Namibia is a mile ahead of many countries with regard to the issue of gender equality. We have done a lot, but not enough.

Honourable Speaker, a policy is termed to be a principle of action adopted by a certain structure and I am of the opinion that such a vital document should explicitly speak in volume. I am wholeheartedly supporting this Policy, but I deemed it necessary to outline criticisms that will strengthen a regulating paper of this magnitude. Please understand me correctly, I am not disputing that women are disadvantaged, but addressing the disparities in terms of advancing one group will disadvantage the other group.

Generally speaking, as most previous speakers alluded to, the word “*gender*” in the title of the Policy does not move in conformity with the content of this Policy. This Policy is indeed a Policy for women. The lack of a specific mechanism on how we will strike a balance between the two sexes is detrimental to the implementation of this Policy.

Let us for example take, the Ovahimba boy who is not taken to school because he has to look after the cattle. If the Policy only talks about ensuring the well-being of the girl-child, it means that the future generation of Ovahimba men will remain illiterate. I believe it will be gender sensitive enough to ensure that issues affecting boys and girls are addressed on an equal basis in this document.

The concept of thinking globally and acting locally to me is absent in this Policy. Yes, the Beijing Platform of Action critical areas of concern are universal and are good guidelines for operation and it was good enough to work on them at the initial stage of the first document. As before and after 1995 the world moved on and came up with declarations, protocols, and treaties with regard to the issue of gender, which makes the Beijing Platform of Action not the only guiding principle that will ensure

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achievement of a gender just society. We have others like the Millennium Development Goals, our own Vision 2030 and the National Development Plans.

I find a missing link within the above instruments, especially the Namibian ones. All that is needed is integrating them in order to engender the Policy. With this, I mean not all the Beijing Platform of Action critical areas are essential to our situation, we have a lot of local issues that need to be prioritised in this Policy. (Intervention)

HON MINISTER OF VETERANS AFFAIRS: Comrade Kavetuna, can you please duplicate that document and distribute it among us? It is making a lot of sense.

HON KAVETUNA: Thank you. We have local issues that need to be prioritised in this Policy, the economic discrimination against women and men, the multiple concurrent sexual partnership and extramarital affairs that are contributing factors to evils in our society, the issue of the disability among men and women, the issue of children brought up by grandparents due to the absence of both or one parents. These are Namibian issues and they need a place in this Policy.

Honourable Speaker, Honourable Members, on Page 10 of this Policy there is a list of laws passed in this House under the heading, *“Progress and Achievement”*. Listing them as such does not do justice to the content of this important piece of legislation. This needs teeth to bite for real. Why have them, if the situation is still the same? For instance, the Gender-Based Violence Act, why is the media still reporting on a daily basis on cases of this nature that are becoming barbaric and inhuman? On the Maintenance Act, you will hear the Comrades on this side of the House complaining when the election is coming closer that, *“raise the money of the senior citizens because they cannot afford to pay school fees”*, but the Maintenance Act is still in force. Is this not why this law is in place, to ensure that children are maintained by both parents? With this, I would like to illustrate and emphasise that the Policy needs to

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broadly elaborate how the Nation will ensure that this Policy is implemented and justice prevails. The trend of seeing it fit for our senior leaders to remain in leading positions is rooted worldwide and its branches stretch all over, even to Namibia. I believe that 99% of the participants at the Beijing Platform of Action that came up with the guiding document that we are using were our elder brothers, sisters, mothers, and fathers. Therefore, the youth and their empowerment was not an issue at that platform, but for Namibia, it is a priority above priorities. Some of us are joining the elder's club, we want to see young men, and women who are groomed to come into the system to avoid a generation gap and this Policy should address issues important to the young people to make a just society.

The education and sensitisation of this Nation about gender issues is crucial to the realisation of gender equality. With due respect, Honourable Members, there is a need for a national Debate about this topic. To many this issue of gender is about the women, the men, and then us. It will never enjoy a national priority while there is so little understanding in all sectors. The Policy, therefore, should address this issue as a fundamental one.

In a previous policy there was a structure called the Gender Commission. Now it is talking about the Permanent Gender Task Force. Why did the other one never see the light of the day and how effective will this one be which we anticipate to have?

In conclusion, Honourable Speaker.... (Intervention)

HON DEPUTY MINISTER OF JUSTICE: We want to hear more and that is why I rise to ask a question. Do you consider gender equality as a right or is it an ideal which we want to achieve?

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HON KAVETUNA: I thank my brother for that good question. I think gender equality is like any other right, because in the Convention on the Elimination of Discrimination against Women it is explicitly defined that gender equality is a right and we need to understand it as such.

In conclusion, Honourable Speaker, Rwanda is leading the world with 57% in terms of women representation in Parliament, but this did not bring about gender equality in the entire social and economic spheres. The thousands of women and men out there are still fighting for equality, so having representation of the masses in Parliament or decision-making does not have an effect in any way, it is not worth a fight. Gender equality and women rights are all essential to advance development, peace and security in the world at large. (Intervention)

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

HON SPEAKER: I am not going to give you the Floor, Deputy Minister, because there is a joke that I would rather not hear.

HON KAVETUNA: If he does not have a question, I will proceed.

HON DEPUTY MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: I want to ask a question. Honourable Kavetuna, you mentioned the issue of maintenance. How would you like to see the question of maintenance being reflected in this Policy, because sometimes there are situations where a man is paying maintenance, but there is no accountability on how the money is used and you find the child is suffering?

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HON KAVETUNA: Honourable Member, I would advise you to read the Maintenance Act. I only emphasised that the Act needs to be implemented and there is nothing new that I mentioned here, it is just the law that you have passed before I came to Parliament.

Linkages and existing rights instruments and frameworks are crucial to tracking progress towards gender equality. We are a society that can advance in our own right. Let us stand together and remove the barriers of saying “*men against women*”. We are one, we can fight together and we can make this society a gender-just society. I thank you for your attention.

HON SPEAKER: Not as the Speaker, but as an elected Member Parliament, you can count on me, I will join your club. That said, this is the Honourable Member who has, as it should be, interrogated the legislation. She applied her mind and she has pointed out areas, whether you agree with her or not. That is what Parliamentary Debate is supposed to be like.

On that note, the House shall rise under Rule 90 until tomorrow afternoon, 14:30.

HOUSE ADJOURNS AT 17:45 UNTIL 2010.03.17 AT 14:30

**ASSEMBLY CHAMBERS
WINDHOEK
17 MARCH 2010**

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 Mushelenga.

**TABLING: REPORT ON MOTION ON WATER
DEBTS OF COMMUNAL FARMERS**

HON P MUSHELENGA: Honourable Speaker, I lay upon the Table, Report on the Motion on Water Debts owed to NamWater by Communal Farmers by the Parliamentary Standing Committee on Economics, Natural Resources and Public Administration for note taking.

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

TABLING: REPORTS OF THE AUDITOR-GENERAL

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

1. Namibia Broadcasting Corporation for the Financial Year ended 31st March 2008; and
 2. Karakul Board of Namibia for the Financial Year ended 31st March 2009.
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**MINISTERIAL STATEMENT
HON DR TJIRIANGE**

HON SPEAKER: Will the Honourable Deputy Minister please table the Reports? Any further Reports and Papers? Notice of Questions? Notices of Motions? Ministerial Statements? Honourable Dr Tjiriange.

MINISTERIAL STATEMENT

HON MINISTER OF VETERANS AFFAIRS: Comrade Speaker. I would like to take this opportunity to thank you, for having permitted me to make my last and final Ministerial Statement in this august House.

It is my distinct pleasure that I served the Namibian Nation in the Parliament since its inception in 1990 until today when I am now announcing my retirement as a Member of Parliament. I have been a Minister of our SWAPO Government since the Independence of our country and I wholehearted and sincerely thank both the Founding Father and the incumbent President for having had trust in me and kept me in a ministerial position for such a long time. In fact, I made history of being the longest serving Minister of Justice not only in SADC, but also in the world. I am sure even the appointing authority itself does not know about this fact.

I have been addressing this august House all these years in the English language. It is correct, it is supposed to be so, because we deliberately chose English as our National language. However, there is room for us to speak our own languages too. I remember one person did that, I do not know whether it was Pretorius or who did that at one point.

HON SPEAKER: It was the Late Honourable Geelbooi Kashe, a member of the DTA.

HON MINISTER OF VETERANS AFFAIRS: Therefore, I am going to do that and I will tell you why. I would like to say, I speak and understand most of the languages, but I know one more than I know

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others. The mere fact that I am going to speak that one, does not mean that I belittle the others or I would think this one is much better than the others are. It is only that it is the one I know best.

Now I would like you to be prepared for the interpretation and I will be very brief. Those of you who do not understand Otjiherero may use your earpieces.

Honourable Speaker and Honourable Members of the National Assembly, I extend my gratitude and thank you very much for having allowed me to speak in the language I am going to speak in this august House. I am doing this because I would like the youth to understand and hear my statement today. People sometimes think or believe that if you abandon your natural roots you have become an important person. Sometimes they think that you speak a foreign language while you have forgotten your own language. Even when you are asked a simple question, such as "*what is your telephone number*", you would reply that it is one, two, three, and not use your own language.

What is important in life is that as a human being you must you must know your roots, you must know your background, you must know from where you originate. I know every person sitting in this august House, we have fought together for the Independence of this country and the reason they engaged themselves in the protracted liberation struggle is because they knew their backgrounds, their roots and they knew their origin. That is why they waged the liberation struggle. The people who are sitting in this august House were in exile in foreign countries, they have fought from different fronts across the world, but the reason why they continued to the last day to obtain Independence is because they knew their historical roots and origin and that is why they could not forget where they came from and that is why they pursued the liberation struggle to its logical conclusion.

I really do not want us Namibians to be some referral cases where some leaders in their own country govern, using foreign languages and when they are sleeping in their own houses, they dream in foreign language and when they are no longer in power, they leave their own countries and go

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and live in foreign countries. That is why I decided to speak in this language that I am using now, to bring the message home to the youth that they should love their language, they should be patriotic to their nation and they must love their country. We must get rid of the mentality that when you are speaking a foreign language, you are proud of speaking a foreign language, which you have not even mastered. When you are speaking your own language, it appears as if it is not important. I am now departing from the issue of language usage and I am going to my last point.

Firstly, I would like to extend a word of thanks and appreciation to all those gallant citizens of this country who have fought so that today we can have the Independence that we enjoy today. I know for sure that amongst some of you sitting in this House, there are people who have tirelessly fought for the Independence of this country without wavering to the logical conclusion of that historical mission. I am grateful to you and I am thanking you because you have fought a mighty colonial Government, a Government, which thought that it is strong and mighty. You have fought it with bravery, determination until you got rid of that colonial Government, and today we are proudly sitting in an Independent Namibia. I would have loved to mention your names, but I will avoid that because I do not want to step on the toes of certain individuals.

Now there is freedom, you have fought hard and you have raised the flag of freedom, the flag of the country. We have a National Anthem, we have the National Assembly, the Executive and the Judiciary. We are enjoying peace, we are in a free country, which has been brought about by the blood of the brave, but we there are still many challenges that need to be addressed: There is hunger, poverty, our land question has not yet been addressed to the extent where we want to see it. We do not visit the graveyards of our fathers, mothers or grandmothers, because their remains are buried in land that still belongs to other people. People do not eat flags, they do not eat the National Anthem. We must bring about other things which would add to the Independence and freedom we are enjoying.

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**MINISTERIAL STATEMENT
HON DR TJIRIANGE**

Some of us have brought about Independence and now those of you who are taking over from us, please address those other things that are yet to be addressed. Please do not say that you do not want to be reminded of the history, because history reflects where we came from. If you do not want to remember your historical background, then you will be empty and shallow. You must always remember your historical background so that you can take it forward from where we have left off.

Dr Hage Geingob, Dr Theo-Ben Gurirab, Dr Libertine Amathila and I were youngsters when we pioneered this liberation struggle as well as people I see across the aisle, such as Honourable Riruako and Kaura were also youth. We fought, we made our contribution and Namibia attained its Independence. This historical mission was completed and now you, the youth, have to take it over from us and liberate us from our other challenges. Liberate us from hunger, please bring back our land, and eradicate the diseases, which are killing us. We must live in peace and prosperity. These challenges we are leaving to you and we are going to rest.

I am speaking specifically about myself, but I am using the word “we” because Dr Libertine is also here. I am retiring from Government, I am not more going to be a Minister, and I will no longer come to this National Assembly in my current capacity. My hands are now untied, now I will start using my hands which I untied from Government for SWAPO. Now I have more time to work harder for SWAPO. It does not mean that when I retire from Government that I am now going to lock myself up in a room. The point that I want to emphasise is that people do not only elect Governments, people elect Political Parties that are going to set up Government. If your party is not up to it, you will not be able to set up a Government. Therefore, when those of us who have fought for Independence are no longer here, it is incumbent upon us to work for our parties, so that our parties can remain strong in order to continue setting up a Government, so that my party will always win in order to be in Government.

My hands are no longer tied by the full plate of the Government schedule, therefore I am going to use my intelligence and wisdom to strengthen my

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Party, so that my Party will always win. These my words which I wanted to communicate to you.

Lastly, we have brought about Independence, now you must take over where we left off. We liberated you from difficult situations, we have removed the enemy from this country, now please liberate us from hunger, bring back our land and eradicate the diseases, which are killing us. Those are my words to those who are taking over. Thank you very much.

HON SPEAKER: Any further Ministerial Statements? None. The Notice of Motion is one by the Honourable Minister of Lands and Resettlement. Does the Honourable Minister Move the Motion? Any objection? Who seconds? Agreed to. The Minister has the Floor.

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HON MINISTER OF LANDS AND RESETTLEMENT: Honourable Speaker, Honourable Members, please allow me to move this Motion which is aimed at getting the approval by this august House of four persons whom I endorse and recommend for appointment to serve on the Land Reform Advisory Commission for the period starting on the 1st of April 2010 to the 31st of March 2013 in terms of Section 4(1)(g) of the Agricultural (Commercial) Land Reform Act (Act 6 of 1995).

The term of the current Land Reform Advisory Commission ends on the 31st of March 2010. In addition to the members appointed to the Land Reform Advisory Commission by the Minister of Agriculture, Water and Forestry, the Minister of Justice and the three staff members from the Ministry of Lands and Resettlement, the Commission draws membership from the Agricultural Bank of Namibia, associations involved in agricultural affairs as well as four persons who are not employed in the Public Service and who have suitable credentials, having regard to the

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functions of the Commission. The law requires that the four persons nominated directly by the Minister of Lands and Resettlement be appointed only with the approval of the National Assembly, which I now humbly request this august House to endorse.

The Land Reform Advisory Commission is tasked to make recommendations to the Minister of Lands and Resettlement or to advise the Minister in relation to any power conferred upon the Minister by the Agricultural (Commercial) Land Reform Act (Act 6 of 1995). The Commission is further empowered to investigate and consider, either on its own accord or upon a request by the Minister, any other matter relating to the exercise of the powers of the Minister and the Agricultural (Commercial) Land Reform Act.

The Commission advises the Minister on land reform and resettlement matters as it relates to commercial agricultural land. Having regard to the functions of the Commission, I am convinced that Ms Martina Mokgatle-Aukhumes, Mr Phillipus Tjerije and Mr Mandema Gosbert Sikerete and Ms Sara Nicoletta Bok possess, individually and collectively, the skills required to advise the Minister of Lands and Resettlement in the exercise of the powers conferred upon him and that they can particularly advise on the modalities to ensure a successful land reform programme for the Land of the Brave.

The nominated persons, Comrade Speaker, Sir, have amongst them the agricultural, financial and social skills that can render the Land Reform Advisory Commission effective in carrying out its mandate.

Honourable Speaker, Sir, Honourable Members, I therefore humbly request the indulgence of the House in disposing of this crucial function and plead that this august House approves and endorses the appointment of the four persons to the Land Reform Advisory Commission for the period starting on 1 April 2010 to 31 March 2013. I thank you.

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HON VENAANI**

HON SPEAKER: I thank the Minister for motivating the Motion. Any further discussion?

HON VENAANI: Thank you very much, Honourable Speaker, Honourable Members. I rise to support the proposal to approve the nomination of the said members to the Land Reform Advisory Commission.

Honourable Speaker, allow me also to make my valedictory remarks to this great Assembly of our people's representatives.

Honourable Speaker, before I come to the issue at hand, I would want to thank wholeheartedly my Party, my leadership and Colleagues who have worked with me for many years in this House as a legislator and I want to thank them for the opportunity, through the democratic political structures, to be the youngest Member of Parliament in the history of this country up to this moment and I remain the youngest even in the Fifth Parliament and, therefore, an unbeaten record. It is a small history, but it is history

I want to thank Honourable Kaura in person as leader of my Party and great teacher, a historian whom I am have worked with collaborated with for many years. I also want to use this opportunity to thank a person with whom I fought so many times, but who always had my admiration and respect, Chief Riruako, and for the role he has played in my upbringing as a young man and later as a leader.

I want to thank you, Honourable Speaker, for the opportunity that I have had to engage in many matters of national concern. You are the one person that I would always admire because of your razor-sharp wit and intriguing mind when addressing issues of national importance. I in particular want to thank the Right Honourable Prime Minister, because when I came into this House a few years ago, he was the first man to welcome me in this House, a great humanist, I believe, and a humorous person with whom we always shared jokes and addressed issues of

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national importance. Before I however leave here, I want to end my time here with this joke, that every time when I came into the House, he always said jokingly that Venaani seems to be spending his money on suits and I want to return the favour, that my suits are for sale now that I am no longer in the limelight and I will give him the first option to buy them. (Laughter).

Honourable Speaker, I cannot thank each person in this House, but I want to thank those friends across the aisle, that were ready to be friends with somebody they never knew. One of them is Dr Hage Geingob whom I consider as a good friend, a great leader and a person who does not hesitate to make friends across political divides.

I also want to thank those mothers of mine, in the absence of my own parents – Pendukeni Ithana, Nora Schimming-Chase, in absentia.

Honourable Speaker, to paraphrase Voltaire who once said, “*a person might be disgusted with what you are saying, but he will always defend the right for you to say it*”. I think this is the path that this Assembly must always take. We might hate what other people are saying on the other side of the Isle, but as a democracy, we should continue to defend the right of opposing views to be said. If we do that, we will nurture the culture of democracy and promote our democracy to greater heights.

Honourable Speaker, our country is confronted with many challenges and these challenges need concerted efforts by all across the divide to make sure that we address them. Among these challenges is the question poverty, which was eloquently raised by Honourable Tjiriange that we are confronted with large proportions of poverty and we have a commitment in the Millennium Development Goals that we need to achieve.

Coupled to the question of poverty, Honourable Speaker, is the question at hand, namely that of land reform. I believe that the resettlement of our people is a noble ideal, which can only be achieved if this is a multi-dimensional policy and I want to leave this House with this suggestion to the Minister of Lands and Resettlement: While we are struggling to have

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access to land as a result of land prices in this country, the Ministry of Lands and Resettlement should broaden the scope and dimension of land to include urban land, because I think resettlement is important for us to be able to avail even to poor rural women in urban centres for them to get out of the trap of poverty. Sometimes you get N\$50 million for the land resettlement programme, but you only buy three farms per year. It is therefore important to diversify the land resettlement policy in this country so that our people have greater access to wealth and you can only have access to wealth when you have a piece of property that you own. Therefore, as we are approving these Commissioners, it is important for them to come up with new ideas on how we can improve and push back the frontiers of poverty.

Honourable Speaker, the issue of housing and sanitation is a very serious issue that needs a concerted effort by all to be addressed. Sanitation is a serious issue. If, in a country such as Kenya, you want to marry someone's daughter, the first question you are asked is, "*can you give my daughter a flush toilet?*" It has become a condition of life that you have to provide a toilet and a people's human dignity is always lost because of issues of sanitation. This is one area where we have to make a concerted effort to ensure that our people have flush toilets in this country.

The question of housing is a serious problem and complex in its nature globally, but we must not be left wanting in our quest to provide better housing to our people. I think the private sector must play a greater role in zeroing in, assisting Government efforts to provide shelter for the needy and the poor amongst us.

Honourable Speaker, I am leaving this Assembly tomorrow with a sense of gratitude to have worked and to have rubbed shoulders with the first generation of men and women that have brought liberation to this country. One day when I write my *Memoirs*, I will be able to translate to younger generations how I rubbed shoulders with Theo-Ben Gurirab, Hage Geingob and even the President of the country who was a Minister in this House. I am very glad to have been given that opportunity to rub shoulders with these great men and women of our country.

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HON KATALI**

Honourable Speaker, I am greatly thankful for the work that I have undertaken as a Member of Parliament, especially nationally and globally, because I can say with a sense of gratitude that my mind has been ever expanded by the new engagements that I had to deal with in the National Assembly. I leave this House with an expanded mind that has achieved small but great things in my own way through the opportunities that were given to me.

Honourable Speaker, it is very sad to leave and to say goodbye, but I want to end and paraphrase Shakespeare who once said, *“Whether we shall meet again, we know not; if we do, we shall smile; if we do not, then this goodbye is well meant.”* I thank you.

HON SPEAKER: Honourable Venaani, you are leaving the Chamber, but you are not leaving Namibia and we too have been able to discover and admire talents that you have – eloquence of language, a sense of debating. These are all good things for Namibia, wherever you are going to be, you will take them along with you. Congratulations with your contribution. Honourable Katali.

HON DEPUTY MINISTER OF AGRICULTURE, WATER AND FORESTRY: Honourable Speaker, I rise to thank the Honourable Minister of Lands and Resettlement for tabling the appointments of the members to the Land Reform Advisory Commission. Honourable Speaker, I am in particular happy that the Honourable Minister tabled the names before the expiry of the current term of the members of the Land Reform Advisory Commission. I am saying this because at times the House is confronted with new members while the term of the old members has already expired two months ago.

Honourable Speaker, I served in the Ministry of Lands and Resettlement with three Ministers. I found one there and she left me there. The other one found me there and he left me there. The third one found me there and we left together. All that time that I was there, I familiarised myself with

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the work and the functions of the Land Reform Advisory Commission and one of them, as stated by the Honourable Minister, is to advise the Minister and I will limit my comments to that time when I was there:

I noticed that the Land Reform Advisory Commission rarely, if ever, advise the Minister on land reform issues. What I have observed is that they are there to allocate farms when the farms become available for resettlement. In all the meetings, in all their proceedings, from the minutes I have read, I could hardly see them coming up with advice to the Minister how land reform ought to be carried out. Therefore, I would like to appeal to the new Members, through you Comrade Minister, that they should not limit themselves to the application for and allocation of land, but to take this function holistically, that they are there to look at how the land reform can be either hastened or other methods of allocating the land.

I must also inform them that the Minister and Deputy Minister are always criticised. (Intervention)

HON MINISTER OF FISHERIES AND MARINE RESOURCES:

May I ask the Honourable Colleague a question? The Honourable Deputy Minister is saying that the former advisory body used to allocate land. Did they allocate land or did they recommend? Who is allocating the land, the Board or the Minister?

HON DEPUTY MINISTER OF AGRICULTURE, WATER AND

FORESTRY: To be exact, they are to recommend the allocation of land to the Minister – my apology. I was saying that at times the Minister and the Deputy Minister are criticised by the public because the Land Reform Advisory Commission recommended to the Minister that certain people must be allocated land while that person may not qualify.

HON SPEAKER: The House shall rise for refreshments.

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HON T GURIRAB**

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

HON DEPUTY MINISTER OF AGRICULTURE, WATER AND FORESTRY: In conclusion, Comrade Speaker, the people are saying the Ministry resettles a person who owns a chicken, one goat and two donkeys. I personally have not seen such a thing, but that is what is said by the public and, therefore, I would like to advise the new members that at least when they recommend the allocation of land to applicants, they must ensure that the applicants have the required number of livestock.

With that, Honourable Speaker, I support the Motion by the Honourable Minister. Thank you.

HON SPEAKER: I thank the Honourable Deputy Minister. Honourable Gurirab.

HON T GURIRAB: Honourable Speaker, I rise to support the Motion because if I do not do so, it will cause problems in the family.

Mr Speaker, we have looked at the CVs of the four people proposed for the Advisory Board and we believe that in the main they have the necessary qualifications and experience to do the work that is expected of them. Honourable Speaker, I however also share the sentiment, which was partly expressed by the former school principal, Deputy Minister Katali, on the competence of the Boards, which we are appointing.

Honourable Speaker, four years ago in this Honourable House we passed the State-Owned Enterprises Act and the idea was to standardise the management of State-Owned Enterprises across the board. Unfortunately, the architecture as foreseen in the State-Owned Enterprises Act is still not in place. Why I am saying that, Honourable Speaker, is that once it is in place, we can set standards of the management of these enterprises, which

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are applicable across the Board at this level. Very often, we come here and debate when Reports are tabled. I took one minute to look through the Audit Report of the Namibian Broadcasting Corporation, which was tabled this afternoon and until tomorrow, I serve on the Public Accounts Committee. This is the Report of 2008 and many of the things, which have been queried by the Auditor General, are things, which I have seen for the duration of my stay for NBC and all other State-Owned Enterprises.

The question one asks is: What is the value of a Report like this if the recommendations and observations of the Auditor-General are not put in place? We can minimise receiving a report like this by looking at the quality of the people whom we select to serve on these Boards, because if this were a private enterprise, these are the people are being entrusted with the shareholders' money and the same is true for public enterprises, that the persons who have been selected to serve on the Boards of these entities have the same fiducial responsibility as a private enterprise, because we give them taxpayers' money, we ask them to oversee the expenditure. Therefore, the same standards, which are applicable to private enterprises, must be applicable to the public bodies as well and the State-Owned Enterprises must ensure in the same manner as the private enterprise that the shareholders' money be spent in a proper fashion and we must have the same standards.

For that reason and having looked at the CVs of these people, I am confident that these four will be able to do exactly that, but it must be public enterprise wide, it must be across the whole spectrum of the State-Owned Enterprises.

Honourable Speaker, the question of land reform is an important one. All of us here rise to talk about the extent of poverty in our country and one instrument through which we can address it is this one, but I am sure that all of us will also agree at the same time that the records of land reform of the last twenty years is one we cannot be proud of. I understand that currently the responsible Ministry is looking at the two Acts which regulate land in our country, namely this one as well as the Communal

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Land Reform Act. We hope that through this process the Ministry and the Government will also revisit the National Land Policy, because the Acts derive from the policy document and it is in the Act where the categories of persons to be resettled are mentioned and that needs to be revisited if we wish to make progress in the area of land resettlement.

With those few observations, Honourable Speaker, I support the appointment of the four persons mentioned to this important Advisory Board and I thank you.

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

HON DEPUTY MINISTER OF JUSTICE: Thank you, Comrade Speaker. I rise to support the Motion tabled by the Honourable Minister !Naruseb. I see that the Minister has nominated four people to this important Land Advisory Commission. When I was looking at it, I was thinking about the rationale for appointing four people only. I thought it would be better if this Advisory Commission could be enlarged by two members so that you have this odd number. When people vote, the Chairperson has a casting vote. I am also thinking that we need to look at the geography and the representation of our people geography. There are areas where there is critical land shortage and there may be farmers in those areas who really qualify for resettlement and if they do not have a representative on this board, people will not know. Therefore, it is important that we increase the number to seven and add those other Regions where people have more cattle. It also works against the ordinary people in the communal area where you find a person with ten thousand cattle and I think it is automatic that this person can qualify.

Comrade Speaker, may I also respond to Honourable Tjiriane in the language I know best?

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HON SPEAKER: You can do that, but you have to provide interpretation, as he did.

HON DEPUTY MINISTER OF JUSTICE: I wanted to respond in my language.

HON SPEAKER: Another day, not now. Honourable Booy's.

HON BOOYS: Thank you, Honourable Speaker. Honourable Speaker, I rise to support the Motion on the Land Advisory Commission and especially the members nominated to serve on this Commission.

Honourable Speaker, some of these members are known to me and I have no doubt that they will serve to the best of their ability in this Commission.

Honourable Speaker, the past few weeks we have been reading in the newspapers about the dubious manner in which the farms are sold to each other among our white compatriots and the fact that they are using some loopholes in the law and sell these farms without any waiver. I hope that the Minister of Lands and Resettlement will not wait for facts to be brought to him, but should work on these rumours in the newspapers to see whether the manner in which the land is currently sold is in conformity with our laws.

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

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

HON RIRUAKO: Mr Speaker, land reform is something that is disturbing to all of us. We have people at Gam and since 1983, there has

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been no resettlement whatsoever and who was the first fighter of this country? They suffered before anyone else here and they are there next to the border with Botswana. They are running around left and right, they must take care of their own kith and kin. What kind of habit is that? We have a Government of the people, for the people, by the people. However, what is your responsibility now?

Some of the commercial land was taken away from the owners, the fellow was shot in front of his wife, and children and the children have become servants of that so-called boss. Our Government knows this history and they do not even think about it. (Intervention)

HON DEPUTY MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: On a Point of Information. When you are talking about land where people were shot, are you talking about *Ongeyama* (better known as Mix) where my grandparents are buried in Okahandja?

HON RIRUAKO: I know better than you do, you are younger than I am. I am a historian by nature. I may say something is not that good. It is a plea to our Government to see who was where and who was shot where. Some of the people were suffering during those days.

Nicodemus Kavikuna used to have a place called Otjozomboha on the way to Aminuis. He was taken from his farm in Gobabis, arrested and then shot in public. (Intervention)

HON SPEAKER: Chief, the Motion is about endorsing the names of the people.

HON RIRUAKO: We are talking about land and land has some history.

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HON SPEAKER: This is not about land, you need to make up your mind. I would encourage you to do that. Chief, could you look at the names to see whether you know those people, whether you have read their backgrounds and whether they are suitable to be appointed.

HON RIRUAKO: Geographically those people's names are not the only names, which are supposed to be there.

HON SPEAKER: I have Honourable Moongo on the list, I do not want us to discuss the land.

HON MOONGO: Honourable Speaker, the CVs of the names appearing here are in order and I hope they will do their best to advise the Ministry, especially to advise them on the people from Kavango who have thousands of cattle in the Mangetti where the people have no land. I think this is a good time for this Commission to advise the Ministry properly in order to find some commercial farms for those thousands of cattle from Kavango. I support the Motion. Thank you.

HON SPEAKER: Honourable Namises.

HON NAMISES: I also rise to add my small contribution by saying that I think there are quite a lot of challenges in terms of the Commissioners, especially when land is to be allocated, because the beneficiaries are mostly women. Even in the last Commission, we had some women and I think that with the names on this list, the challenges may be addressed upfront and in a very transparent and open manner, rather than being quiet. The team mates nominated now are working on the ground, they have first-hand experience and they are aware of the challenges women are facing and the lack of skills and, therefore, can come up with tangible suggestions and advice to the Minister. Therefore, I hope that in future,

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we would hear what the Commissioners have contributed and, therefore the fees they would be getting, would mean something to them. I support the Motion.

HON SPEAKER: Thank you. Honourable Tjihuiko.

HON TJIHUIKO: Honourable Speaker, thank you very much. Just a small question. Honourable Minister, I was looking at the CVs of the colleagues who have been recommended for appointment and I was trying to educate myself as to what is the responsibility of the Commissioners, what is expected of these Commissioners, what are the experiences needed to advise the Minister correctly in order for the Minister to make the correct decisions. I was especially looking at their work experience and I think you need to know this in order for you to be able to advise the Minister.

The first one I was looking at is the work experience of Sikerete. It is 1966, shop assistant, PTK as clerk, ENOK as Assistant Manager at Curio Shop and processing. 1980 to 1981, Trainer of business in Kavango Region under AMCOM, bookkeeping, stock control and pricing. Therefore, that is actually the experience that we need for somebody to advise on land reform. I am not sure and I was a bit surprised. (Intervention)

HON DEPUTY MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: _On a Point of Order. I wonder whether Honourable Tjihuiko is only going to mention the name of one Commissioner or whether he will discuss all of them and say in what context. If he is going to mention all of them and say in what context, I will have no problem, but if it is only one, I do not think that is the way to go.

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HON TJIHUIKO: Honourable Speaker, I am just trying to understand what are the criteria and what experience is needed for Commissioners to advise the Minister on a critical issue as the land issue.

I was also looking at the CV of Sara Nicoletta Bok. Honourable Minister, if you look at one, you will see the school attendance, RC Mission School in Gibeon, highest grade passed, Grade 7. If you look at the various courses attended, these are short courses attended for certificates, no qualifications. (Intervention)

HON MINISTER OF GENDER EQUALITY AND CHILD WELFARE: On a Point of Order. First, let me salute Comrade !Naruseb for coming up with fifty percent of women on the Board. This is a great improvement. I know Sara Bok very well and she might not have qualifications on paper, but I am telling you, just ten kilometres from Gibeon she has done a lot on communal land.

HON TJIHUIKO: Let me continue and try to finish what I started, because what I said is that I want to understand the functions of these Commissioners. If somebody has experience, the Honourable Minister will be able to justify that yes, indeed, we have considered this person based on a, b, c.

The last one is the one of Mr Phillip Tjerije. As I was looking at the background, the qualifications are fine, degrees and I was looking at the knowledge of agriculture. The qualifications are fine, but in advising on land reform, you need people with a lot of experience and that is why we want the Honourable Minister to explain to us and I will support for now.

HON SPEAKER: Honourable Minister.

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HON MINISTER OF LANDS AND RESETTLEMENT: Honourable Speaker, I want to register my deep sense of appreciation for the very open manner in which the Honourable Members of this House supported the submission of the Motion for the appointment of the members of the Land Advisory Commission.

It is so abundantly clear that as citizens of this country, as nationals we are very common in our quotes with regard to issues that we need to be sensitive about and one such issue is access to land and the deprivation of access to land, which is the historical legacy that we all hail from, has to be dealt with by the present-day Namibians. I really want to assure you that it is a very daunting challenge. There are no easy fixes, because those with land naturally want to be in possession of land. The converse is equally true, that those who, because of historical realities, do not have a piece of land that they can refer to as “*mine*”, are also equally up in arms, wanting to gain access to land. Therefore, you can juxtapose those realities and understand the situation that your country, through the Ministry of Lands and Resettlement, has to find an amicable, acceptable solution. That is the background.

The responsibility of this Commission that we want to put into place when the term of the present Commission ends at the end of this month, is to advise the Government on how we as a Nation must deal with the question of land and land reform. In our quest to do that, we are opening ourselves up to both skilled individuals within Namibia and those individuals who, probably not through reasons that are solely to be attributed to themselves, were not exposed to academic training, but has proven in our respective societies that they are equal to the task of meeting the challenges that they are confronted with on a daily basis.

I am mandated by the enabling legal framework to nominate four individuals and the four individuals are not the sole members of the Commission. I have initially alluded here for the benefit of Honourable Nujoma that there are other stakeholders that nominate members to this Commission. I have referred to sister Ministries, notably Agriculture, Justice, I have referred to the different stakeholder organisations, the Farm

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HON !NARUSEB**

Workers Union of Namibia, the Namibia Federation of Farm Workers and then you have the Namibia Agricultural Union, which are equally mandated to nominate members of the Commission. Therefore, if you see me proposing two names, it should not be taken that only those four names would constitute the membership of the Commission.

Taking the geographical reality of our country into account, some of us are acutely and painfully aware of that reality. That is when we are tasked in terms of our mandate to compose membership of various statutory bodies, that we deliberately go out, taking cognisance of the reality of the composition and nature of our country.

Coming to *Honourable Tjihuiko*, with all respect, Honourable Tjihuiko, you are very cynical in the sense that you know what you were trying to do. The point that you attempted to make is that we constitute a Commission with people who might not be suitable to carry out their responsibilities. I want to disclose to you that we did wide consultations and we were informed by the experiences of the people on the ground who has recommended particularly the first individuals that you have mentioned by name, Mr Sikerete and Ms Bok. The information at my disposal is that these individuals command respect in their respective communities where they hail from that some of us would probably only dream about, in terms of achievements, in terms of the very rudimentary backgrounds that they hail from and what they have achieved. That is the background and it is based on that that we felt it proper to complement the other competencies that we have in the Land Advisory Commission.

With those remarks, Honourable Speaker, I thank you.

HON SPEAKER: I now put the Question, that the Motion be adopted. Any objection? Agreed to. The Secretary will read the First Order of the Day.

17 March 2010

**COMMITTEE STAGE: NAMIBIAN
CONSTITUTION SECOND AMENDMENT BILL
RT HON N ANGULA**

**COMMITTEE STAGE: NAMIBIAN CONSTITUTION SECOND
AMENDMENT BILL**

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

RT HON PRIME MINISTER: I so Move.

HON SPEAKER: Who seconds? Any objection? Agreed to. The Chairperson of the Whole House Committee will now take the Chair.

ASSEMBLY IN COMMITTEE:

CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: The Committee has to consider the Namibian Second Amendment Bill.

Clauses and the Title put and agreed to.

I shall report the Bill without Amendment.

ASSEMBLY RESUMED:

Bill reported without Amendment.

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

**THIRD READING: NAMIBIA CONSTITUTION SECOND
AMENDMENT BILL**

17 March 2010

**COMMITTEE STAGE: NAMIBIAN
CONSTITUTION SECOND AMENDMENT BILL
RT HON N ANGULA**

RT HON PRIME MINISTER: I so Move, Honourable Speaker.

HON SPEAKER: Any objection? Who seconds? Agreed to. Any further discussion? Does the Right Honourable Prime Minister wish to say something?

RT HON PRIME MINISTER: I just want to thank the gallant Members of this House for passing this Namibia Constitution Second Amendment with a two-thirds majority.

HON SPEAKER: I now put the Question, that the Bill be now read a Third Time. Any objection? Agreed to. The Secretary will read the Bill a Third Time.

NAMIBIAN CONSTITUTION SECOND AMENDMENT BILL

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

**RESUMPTION OF DEBATE:
RECONSIDERATION QUORUM OF THE
ASSEMBLY**

HON SPEAKER: When this Debate was adjourned on Wednesday, 10 February, the Question before the Assembly was a Motion by the Honourable Minister of Veterans Affairs. Honourable Kaiyamo adjourned the Debate and I now give him the Floor.

17 March 2010 **RECONSIDERATION: QUORUM OF ASSEMBLY**
HON KAIYAMO

HON KAIYAMO: Comrade Speaker, Honourable Members, I fully agree with Comrade Tjiriange, especially with what he told us this afternoon, that we reconsider the quorum. We are on the same page, because the issue of quorum is so important to some of us who are serving on the Committees. I think Comrade Tjiriange's point of departure is very patriotic. He wants to ensure that everything is in place before he goes on unpaid leave.

Comrade Speaker, when the founding fathers and mothers of our Constitution, under the dynamic leadership of the first Prime Minister, many years ago agreed to Article 53 to determine a quorum of thirty-seven, they did not fully realise the road ahead.

Lenin in 1917 was correct when he said that you need to take a longer road to construct a democratic road. We are thankful for everything the founding mothers and fathers have done in the first phase of that democratic process, but now we need to continue building on the lessons learned from those hard realities. The work of Parliament and the Committees is being disturbed because of the quorum issue. However, I need to give credit where it is due.

Since I came to this Parliament, I have realised that Comrade Nujoma, Comrade Nahas Angula, Comrade Nghimtina, Comrade Goreseb, Comrade Kawana, the Deputy Speaker, Comrades Kazenambo, Amweelo, Christian, Viljoen and Tjihiuko have been attending Parliament regularly for the past two years. I am not saying the others did not, but in a class, there is always an A-group and a B-group. (Intervention)

HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE: Comrade Speaker, on a Point of Order. I would like to enquire from the Honourable Member whether he is talking about Committee Members attending Committee meetings or Members attending the National Assembly and if he is talking about the National Assembly, I am afraid what he said is not totally fair. There are also many others.

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HON KAIYAMO

HON KAIYAMO: I am the senior of the backbenchers because I have been here for the past ten years and we have an attendance register. (Intervention)

HON DEPUTY MINISTER OF LABOUR AND SOCIAL WELFARE: On a Point of Information. Comrade Kaiyamo, when you started you thanked the former Secretary-General of SWAPO, Comrade Tjiriange and he told us that he knows Comrades who have fought without wavering, but he is afraid to mention names because he might omit some. You have not followed that good advice and you fell into the trap. Some of us were never absent unless we were on missions.

HON KAIYAMO: Honourable Member, your name is here, but what I am saying is that in a class there is always an A-group, B-group and a C-group. (Intervention)

HON BOOYS: Honourable Speaker, I think Honourable Kaiyamo is venturing into my field. For the past two and a half years, I have been working with the register, marking those who are present and absent and he is venturing into my field without my permission.

HON KAIYAMO: The Parliament has its own register and I did research. I only wanted to give credit to those people who attend regularly. Some people are at their farms, they do not attend Parliament. (Interjections). My name is not here, I am not among the best. (Intervention)

HON DIENDA: Honourable Speaker, on a Point of Information. My name was not mentioned and that is why I stood up, because the only times when I was not here was when I went on official trips and I cannot understand how Honourable Kaiyamo's name is there and not mine while we are always together on trips.

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HON KAIYAMO: I am not among the top ones. The reason why people are not in Parliament is many missions. Sometimes they have workshops, sometimes they go abroad, sometimes deaths in the families, but despite all this, those whose names I have mentioned are always here and even on time. (Interjections)

HON SPEAKER: Honourable Kaiyamo is saying that even he is in the top A-Group, he has absented himself sometimes, so even his name is not in the top group.

HON DEPUTY MINISTER OF GENDER EQUALITY AND CHILD WELFARE: On a Point of Order. I want us to dispose of this Motion by Honourable Tjiriange today.

HON KAIYAMO: Comrade Speaker, the Committees cannot sit because of lack of quorum and this is a very serious situation. The quorum is also a problem in other countries. (Intervention)

HON BASSON: May I ask a question? Comrade Kaiyamo, I want to find out whether the research that you did is since 2005 up to now or is it only the last two years.

HON KAIYAMO: For the past five years. The quorum problem in our country is solved already. India, with its 552 Members of Parliament has one-third as a quorum. In Botswana, one-third is a quorum. In Kenya 30 out of 110 is a quorum, in the UK 40 out of 646, Australia one-fifth, Uganda one-third. In Finland, even two people can form a quorum if there is nothing to be discussed. Zambia is one-third, Zimbabwe 25. (Intervention)

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HON KAIYAMO

HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE: May I put a question? Is the House continuing whilst there is nothing to discuss or is the House continuing when there is nothing to decide? These will be two different issues as far as I am concerned. If there is nothing to discuss, what does the House do and how does it continue?

HON KAIYAMO: Sometimes we have only items on the Order Paper to be debated and nothing to decide on and the Parliament can continue. However, in our case, if only one person is absent, we cannot continue with the work with Parliament. When there is a need for a decision to be taken, then it could be thirty-seven.

I fully agree with Comrade Tjiriange that there might be a need to change the quorum, so that we only need a quorum when a Bill needs to be passed, but the Parliament can discuss with a reduced quorum. (Intervention)

HON TJIHUIKO: Honourable Kaiyamo, before you conclude, most of the issues that are being discussed in the House need a decision to be taken. Do you not think that by saying that we will have a system whereby the staff has to determine whether the issue under discussion does not need a quorum for a decision to be taken, that would be very difficult for them to do?

Secondly, having Members of Parliament from the Executive who are loaded with other work, do you not think you would create a situation whereby, given the nature of their work, the system could be abused and then only have ten people present in the House. How is that going to be controlled?

HON KAIYAMO: Comrade Speaker, I hope everybody heard the motivation of Honourable Tjiriange. (Intervention)

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HON DR AMUTENYA: I am trying to get some clarity. The question before the House is whether the quorum could be reduced in order for the House to carry on with its activities. It is my understanding that the current position is a constitutional one that two-thirds of the Members of Parliament should be present. We have just passed the Namibian Constitution Second Amendment Bill and I did not see that part being amended although this Motion was on the Floor. I am now trying to find common ground, whether what we are trying to do is killing time or finding a solution. I do not see us finding a solution in this case until we have changed that constitutional provision which is guiding the work of this House.

HON KAIYAMO: This Motion has been on the Order Paper before the Second Amendment Bill on the Constitution, therefore I cannot answer the question. (Intervention)

HON DEPUTY MINISTER OF LABOUR AND SOCIAL WELFARE: Comrade Amutenya referred to Article 53, but we first do this exercise to determine whether it should be amended. The Article says 37 Members of the National Assembly should be present when voting.

HON KAIYAMO: Comrade Speaker, I fully support the Motion by Honourable Tjiriange.

HON SPEAKER: Honourable Members, I have asked virtually every Speaker of Parliament that I have met in my current line of work and almost all of them, if not all of them, cannot understand why we made the decision we made in our Constitution. They ask, "*How can you work?*" We looked at all the Constitutions before we thoroughly drafted our Constitution, but maybe it should have been in the Rules and Orders rather than in the Constitution. However, now that we have put it in our Constitution, it is albatross around our necks. There can be 36 people, but

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HON SIOKA

you cannot conduct the business of the House. It is not to carry on, it is to start the business of the House that we must have 37 voting Members of the House. If they are not there, you cannot. None of my Colleagues understands what the wisdom was why we did that and I am one of them. Any further discussion? Honourable Sioka.

HON DEPUTY SPEAKER: Comrade Speaker, Honourable Members, thank you for the opportunity to speak on this thorny issue. I regard this as a thorny issue as a result of being the Deputy Speaker and I am sure that also applies to the Speaker.

Every day we come here, we take an Oath to defend the Constitution and laws of the Republic of Namibia. Therefore, I felt I should say something about this issue, whether in my role as Presiding Officer or as a Member.

This issue has been a thorn in the sides of the Presiding Officers of both the Assembly and the Committees. This issue has been addressed at several platforms. The Right Honourable Prime Minister and the Speaker mentioned that the quorum creates a problem and we should change our attitudes. We tried to address this issue in the Standing Rules and Orders and Internal Arrangements, but there was no progress.

The public has been talking. When I went on my outreach programme this was the first question I was confronted with. They say we are sleeping on duty in Parliament and I have to explain and defend the Members of Parliament on this issue. I have to defend the absenteeism of Parliamentarians and I wish whoever would take over, as Presiding Officers when we are gone will solve this problem of absenteeism from Parliament and the lack of a quorum.

Comrade Speaker, I have read the Constitutions of other countries, such as the Republic of Jordan, South Africa and Botswana, but one could see they are also stuck on the two-thirds majority as we are. We called on the caucuses to address the issue of quorum in the Parliament, but still there was no progress. What surprised me is that sometimes we start the proceedings at 14:45, but once it is tea-time, the Members would be

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sending messages to the Presiding Officer, “*teatime, teatime*” while we started late. Once I even punished them a bit, I went on and there were many messages coming to me. (Intervention)

HON DEPUTY MINISTER OF AGRICULTURE, WATER AND FORESTRY: May I ask Honourable Sioka a question? Do you not think that those who are asking for teatime are those who came before 14:30 and are it not right for them to demand teatime because they came on time?

HON SIOKA: Even though you came earlier, on another day you came late. (Intervention)

HON DEPUTY MINISTER OF AGRICULTURE, WATER AND FORESTRY: You will always find me here.

HON SIOKA: Not always. That is why your name was not mentioned as part of the list. Sometimes we start with a quorum, but during teatime, people would disappear. We tried to address this issue and I will come up with a proposal at the end of my speech.

The Presiding Officers of the Standing Committees have been reporting to the Standing Committee on Standing Rules and Orders about the quorum and there is a Rule that if you are absent on three consecutive meetings, the Chairperson will write you a letter and then you will be expelled and I know of some Members who have never attended a single Committee meeting. I came to Parliament in 1995 and I was a Whip until I became Deputy Speaker.

Comrade Speaker, without wasting time, I would like to propose that a blue book, similar to the ones used by the Committees, should be established also for the Assembly, so that the names of those present are registered. Whether you are on a mission or absent without apology,

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HON REV KONJORE

every month that book should be exposed to everybody, even our voters, for him or her to know if I am going to vote for you, I know you are going to do the work. If you are ever absent, the voters should take that decision that they are not going to vote for that Party and that will paint a bad picture of your Party if you are ever absent.

I have been a Whip and I kept a register when I started in 1995. One person was giving me a hard time, saying, "*He can come late and leave earlier, that one can come and sleep here*". I think a blue book would be the solution to expose everybody.

Comrade Speaker, let me thank Comrade Tjiriange. I have known Comrade Tjiriange since 1975, you, Comrade Speaker, Comrade Geingob, Helmut Angula. In 1975, I was in Shatotwa when you came back from your studies and you came to open up the Institute. I have known Comrade Tjiriange since that time when he was also the Secretary for Justice in exile. I know he is a serious man and I know, Comrade Tjiriange that we are not going to miss you, as you will still be involved in the Party. I was planning to bring a Motion on the quorum issue, but you read my mind and I thank you very much and I wish you all the best in your endeavours.

HON SPEAKER: Minister Konjore.

HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE: Thank you, Comrade Speaker. Comrade Speaker, first of all, I would also like to thank Honourable Tjiriange for bringing this Motion to the Floor of this House. I must admit, that having also been a Presiding Officer that it is very difficult to do the job without a quorum. My view however is that this needs thorough discussion, because I am not so sure that by changing the quorum in the books will really solve the problem. I also served as a Whip in my party and I think discipline is the most important aspect to be addressed. If you are elected, your yes must be your yes and your no must be your no, and if you pledge and agree to

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HON REV KONJOKE

be here in the House and you absent yourself without a good reason, this means there is no discipline.

Therefore, I think the first aspect to be addressed is the discipline in our Parties. The Party Whips and Party Members in the Assembly should address the question of discipline and, therefore, I was not quite happy when names were mentioned of people who are always present while other names were left out, because I can also testify that there are Members who may be absent from Parliament with due leave of absence being given by the Chief Whip of their Parties. If it happens that during their absence there is no quorum, I do not think they can be blamed for breaking the quorum. The Members who are in town but not attending should be blamed. (Intervention)

HON KAIYAMO: May I ask a question? Colleague, do you know that there are Colleagues who are supposed to be in Parliament but doing shopping?

HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE: I must say I did not keep any record of them, so I cannot say who they are, but I will agree that those are the culprits and not necessarily those who are on missions with leave of absence. I therefore find that it is unfair not to indicate that they had leave of absence.

However, I agree that if somebody is in town here and doing shopping or other business during Parliament time, that is the culprit and these people have to be pointed out and disciplined by their Parties, However we cannot change the Constitution and the Rules just because of those. (Intervention)

HON KAIYAMO: May I ask a question? Are you also aware that we have people who come on time, such as the Right Honourable Prime Minister and “*Broken Head*” and these are the people I have mentioned and I said not everybody is in the A-class or B-class.

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HON DR TJIRIANGE

HON SPEAKER: Honourable Kaiyamo, what we say is electronically recorded, so the students who are reading the HANSARD would want to know who the Broken Head is. (Laughter)

HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE: Comrade Speaker, without claiming, I can say that many of us, without mentioning names, are coming on time and it would be unfair of me as a teacher if twenty of my learners of a class of thirty were on time, but I would only mention the names of ten. What about the other ten? It would be unfair. Therefore, that specification causes ill feelings. I would say that if we say that there are people who are coming on time, there are some people who do not come on time, it is acceptable and say there are people who make themselves guilty of absenteeism whilst in town. However, if only certain names are recognised for coming on time, it becomes unfair and that is why I disagree with it. That is why I am saying discipline is the most important aspect to be addressed as far as attendance and the breaking of quorum is concerned. I fully agreed with the Honourable Deputy Speaker when she said – and we experienced it many times – that until teatime you will have a full house, but after tea there would be lack of quorum. Where are the people then? However, in my view, the root cause is discipline and commitment and that has to be addressed first before we tamper with our Rules or our Constitution. Comrade Speaker, with these remarks, I rest my case. Thank you very much.

HON SPEAKER: I give the Floor to the Minister to reply.

HON MINISTER OF VETERANS AFFAIRS: Comrade Speaker, I will try my best. I have something here, which I want to read in terms of the Motion, you will bear with me, and I think I have enough time. For the sake of consistency and the seriousness of the issue, I have to point out a few things before I come to the Motion.

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Comrade Speaker, allow me to respond to only a few of the issues that have been raised here. Article 53 of the Namibian Constitution requires the presence of at least 37 Members of the National Assembly entitled to vote other than the Speaker or the Presiding Member to be present in the House in order to constitute a meeting of the National Assembly for the exercise of its functions.

Order 17(a) of the Standing Orders of the National Assembly adopts the abovementioned provision of the Constitution and requires 37 Members of this august House before it resumes a Sitting and during its deliberations of the day. The situation, therefore, is that even in those cases in which the National Assembly is debating an issue which is simple and which does not call for a vote at the end, that quorum of 37 Members must be maintained. That is the problem.

The National Assembly has on occasions failed to meet due to lack of quorum and other times the House adjourned sessions without a quorum.

The mischief we are trying to remedy is that of the House failing to meet or deal with matters for a lack of a quorum, hence the proposal to reduce the prerequisite number of Honourable Members to constitute a quorum.

Honourable Members, if you pause for a moment, you will recall that the Constituent Assembly did not determine a quorum of all 72 Members of the House. We settled for half of that number. The Constituent Assembly settled for other figures. Say 15 is being proposed now because the same body did not settle for 72.

I listened attentively to the contributions by Honourable Members. Although supporting or not supporting Option 2 of the Motion, I have closely followed the proposals to amend the Motion. It is, however, not possible for me to respond to each contribution made. I will suffice to respond to one or two.

When I moved the Motion, I stated that I am not advocating or propagating for laxity, laziness or irresponsibility, I am just trying to be realistic, reasonable and practical. As lawmakers we cannot legislate on

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the question of morals, that is to make and feel Members morally obliged to attend Parliament, but we can legislate or make Parliament continue working in circumstances where there are fewer Members to perform its required functions. Consequently, the Motion does not propose that we do away with the requirement of a quorum altogether.

Therefore, there is a need for the requirement of quorum in specific cases, such as where a decision or voting is to take place as per the provisions of the Constitution.

Option 2 proposes to have different quorums, that is a lesser quorum for General Debate and business of the House, for example fifteen Members and we can change that number and a quorum of 37 for decision-making and voting. Consequently, the following Amendment is necessary to facilitate this: The presence of at least 37 Members of the National Assembly entitled to vote other than the Speaker and the Presiding Member is necessary for the quorum of a meeting of the National Assembly *for the exercise of its voting powers, provided that the presence of at least 15 Members constitute a quorum for General Debate or deliberations not requiring a decision or taking of a vote.*

I have all the articles here that require voting, but I do not time to read them for you. This option addresses the problem mentioned above by providing for the lesser quorum for the General Debate and deliberations and a larger quorum for voting. By doing so, we would have solved the problem where the National Assembly adjourns without doing any work just because there is no large number of Members of the National Assembly to discuss issues. Therefore, there will be a need to amend Order 17 of the National Assembly Standing Orders accordingly to bring it into conformity with the amended Article 53 of the Constitution.

Finally, before I sit down, the Honourable Prime Minister's contribution was noted, particularly when he said the National Assembly is a representative institution and reducing the number of Members constituting a quorum for the General Debate may be seen as a reduction in the representation of the House. The present quorum of 37 is already a

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reduction in the representation because we have 72 Members. A reduction in the number of Members forming a quorum, however, will not stop all the 72 voting Members being present at the commencement of and during the session of the National Assembly. Thus, the principle of representation is not compromised by lowering the quorum for special occasions when there are few Members of the House but there is work to be done which does not require voting. This is the point.

The Right Honourable Prime Minister referred to Article 63 of the Constitution, which provides for the functions of the National Assembly. A close look at those functions shows that half of the functions require the National Assembly taking a vote, while the others do not require vote. What is important is that the reduction in number of Members to constitute a quorum does not affect the composition of the House and the exercise of vote. A quorum of less than 37 Members will not affect the functions of the National Assembly. That is the bottom-line.

Article 33 anticipates that when the House is performing those functions there is a quorum, but it does not require that the National Assembly vote in every matter disposed of by the House. The Article, under Paragraph (a) and (b), provides for the specific situation where the National Assembly should take a legal vote, either two-thirds or a simple vote as required and that is in the Constitution. This is the only provision in the Constitution dealing with the commencement.... (Intervention)

HON SPEAKER: Can I seek the collective wisdom of the House? Shall we compel Honourable Tjiriange to be here tomorrow under any circumstances? In which case you can continue tomorrow.

HON MINISTER OF VETERANS AFFAIRS: I only need one minute.

HON SPEAKER: If that is the case, we will have to decide. I wanted to give you time to sleep over this, so that you have a sober mind when you decide what you want.

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HON DR TJIRIANGE

HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE: On a Point of Order. Comrade Speaker, with all due respect, sometimes we are breaking our own Rules, I am afraid and become illegal, because there was no extension of time.

HON SPEAKER: I am Ruling you Out of Order. The Speaker has discretion to ask what I am asking now at the pleasure of the House. I am still asking whether you would want us to allow the Minister to finalise.

RT HON PRIME MINISTER: I seek the indulgence of the House to allow Honourable Tjiriange to continue with his statement.

HON MINISTER OF VETERANS AFFAIRS: I am about to conclude. Article 63 says that when the House is performing those functions, there is a quorum but it does not require that the National Assembly vote in every matter disposed of by the House. The Article cited under (a) and (b) provides for the specific situation where the National Assembly should take a legal vote, either a two-thirds or a simple vote, as the case may be. This is the only provision in the Constitution dealing with the commencement of the deliberations and the composition of a meeting of the National Assembly. This Article does not deal with the form of voting in the House. That is left to the Articles listed in this (a) and (b). Therefore, we are not violating anything.

Finally, the National Assembly, at the commencement and during its deliberations, deals with the deliberative quorum of minimum 37 Members with voting rights. It is proposed that this figure be reduced to 15 Members. No provisions requiring two-thirds or simple majority will be affected.

However, how could we achieve the objective? Article 53 is composed as I have proposed to amend it to meet this. Now I want to suggest that, Mr Speaker, I move that this House takes note of the concerns rose during this

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Debate and that they be considered by the new National Assembly at an appropriate time.

HON SPEAKER: In light of the Amendment made by the Honourable Minister, the Motion is noted instead of adopted. I now put the Question that the Motion be noted. Any objection? Agreed to.

With that, the House stands adjourned until tomorrow and I am pleading that you all will be here and that each one of you would assume a patriotic duty to call on your Colleagues who are not here, to be here. Tomorrow is the last day of the Fourth Parliament. The House shall rise under automatic adjournment until tomorrow, 14:30.

HOUSE ADJOURNS AT 17:48 UNTIL 2010.03.18 AT 14:30

**ASSEMBLY CHAMBERS
WINDHOEK
18 MARCH 2010**

The Assembly met pursuant to the adjournment.

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

ANNOUNCEMENT

HON SPEAKER: I have two announcements to make. I have received an invitation to all Members of Parliament to join His Excellency, President Hifikepunye Pohamba, and President-Elect of the Republic of Namibia, at the parking area in front of the Kalahari Sands Hotel. The expected time of arrival at the venue will be 09:00 on Saturday, 20 March 2010. That is the communication addressed to my Office from the Ministry of Foreign Affairs.

For today during tea-break we will have a group photograph in front of the building for record purposes.

HN SPEAKER: Any Petitions? Any Reports of Standing or Select Committees? Honourable Basson.

TABLING: REPORT ON A VISIT TO GERMANY

HON BASSON: Comrade Speaker, I lay upon the Table, the Report on the Visit by the Chairperson and the Parliament Standing Committee on Foreign Affairs, Defence and Security to the Federal Republic of Germany, Berlin and Brussels.

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**TABLING OF REPORTS
HON KAIYAMO**

**TABLING: REPORT ON VISITS TO PRISONS, POLICE
STATIONS AND MILITARY INSTALLATIONS**

HON BASSON: I lay upon the Table, the Report of the Parliament Standing Committee on Foreign Affairs, Defence and Security on its visits to Prisons, Police Cells, Police Stations, Border Posts and Military Installations in the following Regions: Erongo, Omaheke, Hardap, Karas, Kavango and Caprivi for note-taking.

HON SPEAKER: Will the Honourable Member table the Reports? Honourable Kaiyamo.

TABLING: REPORT ON A VISIT TO OHANGWENA

HON KAIYAMO: I lay upon the Table, Report of the Parliamentary Standing Committee on Human Resources, Social and Economic Development on the field visit to Ohangwena and Kunene Region for note taking.

Comrade Speaker, the Report contains very important recommendations the Committee thought must be implemented by the incoming Government. In the same spirit, I was also tasked by my Committee to thank the Ministries of Health, Education, Gender and Labour for the good working relations we had for the past five years. In the same spirit, I want to thank the Speaker and his able team for funding and their help to do our work as a Committee.

Lastly, I was also tasked to thank the United Nations System who funded some of our visits. We hope that they will continue doing so in the next Parliament. I so Move, Comrade Speaker.

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**TABLING OF REPORTS
HON P MUSHELENGA**

HON SPEAKER: Will the Honourable Member table the Report? Honourable Mushelenga.

**TABLING: REPORT ON THE 15TH SESSION OF
CONVENTION ON CLIMATE CHANGE**

HON P MUSHELENGA: I lay upon the Table, Report of the Parliamentary Standing Committee on Economics, Natural Resources and Public Administration on the 15th Session of the Conference of the Parties to the United Nations Framework Convention on Climate Change (UNFCCC) and the Conference of the Parties serving as the 15th Meeting of the Parties to the Kyoto Protocol held in Copenhagen, Denmark from the 7th to the 18th of December 2009 for note taking.

HON SPEAKER: Will the Honourable Member table the Report? Any further Reports of Standing or Select Committees? Other Reports and Papers? Any Notices of Questions? Notice of Motions? Any Ministerial Statements? Deputy Prime Minister.

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HON DEPUTY PRIME MINISTER: Thank you, Honourable Speaker, Honourable Members. It is never easy to say goodbye, it is safer just to stay away and let people make their own conclusions that you have left. Again this is unpatriotic behaviour, therefore I have decided, despite the risk of emotion and perhaps tears, which obviously involves this particular goodbye, decided to do just that, to officially bid farewell to the House, to you Colleagues, and through you, to the Nation.

I have been in this House day and night for twenty years. The first Parliament was full of *Tanganyika's* and now after twenty years the

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Tanganyika's have dwindled to one Dr Nickey Iyambo in the House. The time is right for Tanganyika to call it a day and I have decided to do just that. I will cherish the memories of this House. I will Minister of Safety and Security you all. I want to thank you for listening to me and the friendship and comradeship you showed me in this House all these twenty years.

I was wondering when I was planning my speech whether I should just say goodbye and sit down, but I thought that there are young people, such as these ones upstairs, whom I want to know and I will briefly run through the road I took in the last twenty years and I hope you will excuse me for that.

I arrived in Namibia on the 18th of June 1989 on a very cold, dry day with yellow grass along the tarmac and brown mountains with seemingly dead trees. I was disappointed and I asked a neighbour in the plane, "*is this we fought for?*" He also responded disappointedly, "*but the trees are dead*". As we were speeding to town after all the formalities on the tarmac, there were signs such as "*DTA Land*", "*Muyongo Land*" written on the tarmac.

The Tuesday after the elections the election results were announced: "*Bethanië – DTA, Koës – DTA, Gochas – DTA, Kalkrand – DTA*. DTA was the winner of all small towns in the South. I was concerned and dumbfounded. I stood on my knees early in the morning and I talked to my mother and particularly my grandmother. I asked them to wake up and to protect my Party and me. I said, "*After a bitter struggle you cannot allow this, SWAPO cannot lose.*" This was, of course, ignorance as to the sizes of the towns, which were broadcast all night with DTA as the winner. However, at 06:00 in the morning, BBC Africa Service put my heart back in its place by saying the northern, northeastern giants are still to come, the cards will turn, and this is exactly what happened. By 07:00, SWAPO has won with a two-thirds majority. SWAPO Government was formed.

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Honourable Jerry Ekandjo as the Deputy Minister and Dr Shoombe as Permanent Secretary. First, we were Ministers-in-waiting because we had to be appointed officially on the 21st of March 1990. This was a virgin Ministry, I had no clue how and where I should start. I decided not to invent the wheel and embarked on familiarisation trips. I visited Botswana, Zimbabwe, Kenya and Ivory Coast. By the 21st of March I already knew where to start and how to do it.

First, we had to deal with the squatters who were occupying even the graveyards, riverbeds and every open space in town. Some of you will remember the place was scattered with squatters. Jerry and I decided to convince the squatters to move. All of you remember the history of squatters, how they were bombarded by the Police and all that and we wanted to avoid that.

We got plots from the then *Nasboukor* and we put up flush toilets and water taps at every plot. I went and asked tents from TransNamib and they gave us tents. We put these up and then we came and told the people, “*We want to move you.*” The Municipality gave us trucks, but the drivers were so scared, because they were afraid people are going to stone them. The people went on the trucks peacefully, we moved the squatters to Okuryangava, and it was a covert operation, because we did not want the newspapers to come after them and start writing stories, as usual. By the time, the Namibians woke up, the squatters have long moved to Okuryangava.

Second on the list were the street children. The street children were all over the town, they were sniffing glue, they were grabbing handbags of the women, and they were smoking dagga. The street children programme was undertaken and within a year, we sent them back to school and one of them actually graduated at UNAM. I do not know how many of you know that there is a children’s centre between Khomasdal and Katutura. I personally designed that building.

Thirdly, the Alienation Scheme. I remember that Municipalities promised at the time of moving people to Katutura and to other towns in similar

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houses that the houses will revert to the people after thirty years. I was in Okahandja when my mother was given a house. I went with her and we were told the same thing. On returning to this country, people were still paying for municipal houses. Thus, we worked on a project to return the houses to the people. Those who lived in the houses for seven years upwards were eligible to buy the houses for N\$100 and N\$11 for transfer fee, because transfer fee was not affordable to the people, but the Law Society closed their eyes and said just N\$11. Therefore, people could buy the house and the plot for N\$111. Countrywide 4,000 houses were alienated, but to my shock I was informed that according to some Ordinance, women are regarded as minors by law and cannot buy houses, they must come with their husbands. I had that Ordinance repealed with immediate effect and women were eligible to buy houses.

Then we were faced with a housing backlog. The Build-Together Programme was introduced. We hired a consultant from Sri Lanka Mr Lalik to help us set up the programme, particularly how to organise financing and repayment schedules. Mr Karel Gowaseb was appointed as Director and assigned to that programme and the repayment rate at the end of the day of women was 85% and the men, 5%. Fortunately, most of the beneficiaries were women. I started with the first houses in Katima Mulilo. You all know this programme. It is in my opinion the single biggest achievement in history of provision of housing to poor people in Africa. We received two awards for that programme and the programme was designed for people earning N\$2,000. This programme is continuing. Tate Jerry, if you return to this position, you must ensure that the programme goes back to the Ministry.

The Horseshoe Market: At Independence, people, both local and foreign, started with the selling of *kapanas* in Kaiser Street, which today is Independence Avenue. I went on national television, I spoke all the languages I could muster, and I gave them one month to vacate the streets and move to Horseshoe Market, which I again designed myself. The drawings are in a horseshoe shape and I did it deliberately to save on Municipal services.

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I was sick and tired of seeing the dirty markets I saw elsewhere in Africa where we were and then I warned them that Namibian markets will be hygienic and clean. I still go there for lunch. They were provided with electricity, water and cubicles. Those of you old enough will remember the complaints in the Namibian paper. There was a woman sitting with her baby and I have supposedly denied her income by chasing her from her *kapana* in Kaiser Street.

Similar markets were built in Rundu in partnership with Luxembourg Development. There too were problems of people not wanting to move, but if you go to Rundu today, that market is a thriving business place.

The tarring of Katutura streets. All of you remember when we came back that Katutura was full of dust morning to night. I convinced the Municipality that I was not going to sign any project for development in town until Katutura roads and streets were tarred. I was on that big machine to launch the programme and of course, there were many complaints from business people that people could not get to their shops and I told them they are shortsighted. Anyhow, today Katutura's plume of dust has disappeared. Not only did we tar Katutura, but we also made Independence Avenue right through to the end of Katutura. We planted trees and there was a big event where I planted my first tree. I was a bit concerned that people might misuse these trees and they may die of lack of oxygen – you will understand what I mean. You know what the men do, but fortunately the trees are growing and it looks good.

During the discussion of tarring the roads and putting lights all the way to Katutura, some of the men were very suspicious. They said to me, no, we cannot put these normal streetlights, we have to have spotlights because the people of Katutura will stone these lights. I said this is not a prison, we cannot have spotlights there, I want ordinary streetlights like anybody else and I am happy that not a single stone was thrown at those lights.

The other thing we started with was peace in the Caprivi. I must admit –

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and I am very proud to say that – that I scored a major diplomatic breakthrough and brought the two Chiefs, Chief Moraliswane II and Chief Mamili, to shake hands and peace was restored in Caprivi. Comrade Kawana, thank you for your assistance in that regard. Muyongo also needs to be thanked for the part he played – never mind whom he is today.

Vekuui Rukoro, as Attorney-General, also helped the process and I thank everyone who helped me to do that.

Lastly – in that Ministry – all the female Councillors and Mayors you see all over Namibia happened thanks to the Clause I put in which stipulated that 30% of Local Councillors should be women. I do not know how many of you remember the discussion in this very House about it and when we were having Committee Stage on a Friday, they were all tired and they wanted to go, they approved that Clause. I however failed to do the same with the Regional Councils Act, because that one was winner-takes-all and that is why you see only three or four women there.

Honourable Ekandjo, my friend, I thank you for wonderful working relationships. I truly appreciated your friendship, your comradeship and the respect you gave me. Never did you ever refuse any assignment by me, you always happily complied with my requests and there were many.

I am now going to move to the next Ministry, from 1996 to 2005 at the Ministry of Health and Social Services. This Ministry was already established and the first Minister was Dr Nickey Iyambo a Tanganyika Group member. I was deputised by Mr Mujoro and then Dr Kamwi became my Deputy Minister and Kalumbi Shangula was our Permanent Secretary. I am just going to touch on the highlights of a few things I brought in addition to what I found there.

I built five clinics in Kunene, I found almost no clinics there. Okanguati Clinic was burnt down. These clinics were Otjiuu close to Sesfontein, Oruvandjai Clinic, Ohandungu Health Centre, Okanguati Health Centre and Otjikavare Clinic. Then I introduced Anti-Retroviral Treatment in July 2003 and by the time I was transferred I have covered 20

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hospitals out of 34. I thank Dr Kamwi for keeping up the pace of that programme. Today that programme has reached the clinics. Thank you very much.

Then I set up a Cardiac Unit on the second floor of the Central Hospital. Honourable Kaapanda, who was an Ambassador to India, hosted me in India during the planning phase and introduced me to the Cardiac Hospital in New Delhi and a professor from India came to Namibia to help me set up the unit. They built a Cardiac Unit with a five-bed ICU. After completion of the unit, Dr Shangula and I started the hunt for cardiologists and equipment for the unit. He went to the Soviet Union to recruit a cardiologist and I was working with our stakeholders to equip the unit. The Kenyan Government helped us. Kenya trained twelve cardiac nurses. They operated on 49 cardiac patients at half the cost of the same operation in South Africa. Unfortunately, we were both transferred, but I read in 2008 that the unit has been opened and it is functioning.

Now I am standing here as the Deputy Prime Minister. I was mighty upset, as I felt that I was sent into early retirement. This office seemed dormant, I felt I am being deleted from my history I helped to make. My trusted friend said to me, *“Doctor, just take it, I am sure very soon you will find something interesting to do.”* At the onset, I want to thank Honourable Moongo for posing a question in this House with his usual accusing manner to the Prime Minister. He asked, *are you going to deny or can you say it is not true that a Bushmen male died in Kavango?* I said in answering that question that I do not know, but as soon as we go into recess, I am going to find out about that. That started some development programme.

I went around and what I saw initially during my visit was terrible. I was shocked that a group of citizens were living and perishing in the mountains in Kunene. Urgent attention was given to those people, I was assigned to remedy that situation and bring those people to live among us on the ground. You all know about that programme, it is so fresh in your minds and I do not want to go into details.

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I was humbled, to be honest, and deeply touched by what I found out. Citizens of this beautiful Namibia living in the depths of despair with no hope of pulling themselves out of it and actually accepting it as their way of life, encouraged by some of us that it is their tradition, it is their culture, that is the way they should live. I said to those who confuse poverty with culture that no Namibian should be encouraged to live and die in poverty. Today these communities are sending their children to school. Now and then, I am called from their cell phones. These people had no idea that you actually use a cup to drink water and not your hand, because they were going to the rivers to get water like this to feed their kids. These programmes have brought out from deep inside me the humanitarian trait I actually did not know I had.

Let me begin to wind up by expressing my vote of thanks to the following people who shaped my life:

A man called Ludwig Stanley in Omaheke, I am thanking him for taking me across the Namibia-Botswana border at great risk to his own safety. I remember Mr Stanley that you did not charge me a blue penny, but you were rendering a patriotic service. He is still alive.

Tate Sam, our former President and Father of the Namibian Nation. I met him in Dar-Es-Salaam in 1962. The same Mr Stanley who took me in the same truck just months after you are said to have been transported by him, is the man who made us to meet. Since then you have been part of my life. You trusted me, rated me very high in your opinion and appointed me even to start a virgin ministry. You always said, "*That one, she will do it.*" I cherish everything you did for me and it will take a book to express my thanks and appreciation for unwavering trust and support you gave me to this day.

Tate Pohamba, our incumbent President, apologies for my initial apprehension. When you appointed me as Deputy Prime Minister I said that you have sent me to retirement, but I think what you had in mind was for me to save the Namibian Nation. Thank you very much.

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After thanking President Pohamba, I want to thank my Party, SWAPO Party of Namibia for giving me opportunities to study medicine in Poland and all of you people were not there that time. I joined SWAPO in 1962 and left the country with my yellow SWAPO Party card. My door is open, I am SWAPO and SWAPO is I. I will continue to serve my Party unreservedly.

Comrade Nahas, you and I come a long way. When I arrived in Lusaka in 1975 on a Tuesday at the Old Farm in the outskirts of Lusaka, you were there. After that, we were transferred to Nyango, and we were cutting poles, me to build my Hospital and you to build your Schools. It is not a coincidence that we are together today. The last five years I spent with you were remarkable. You made life easier for me, you trusted me, you sat with me and you assisted me with anything I needed from you. You created such an environment for us to be able to work, because you left me at peace, I could do the work the way I did it. Our friendship has come a long way through thick and thin and I was very happy that I was able to work with you and I feel we have made many milestones because of the relationship of trust and respect. I thank you very much.

The next are my secretaries, my Permanent Secretary, Ms Mbako and Mr Elliot. You have helped me to do my emergency work, because the type of work I was doing did not need letters to be written and waiting for this and that. If I needed something, I needed it yesterday. I was sitting in the mountains with no communication, but if I wanted something by Friday, it came. I actually invited them to go and see what I was doing so that they understand and they really helped me, my Permanent Secretary and Elliot.

My team are all sitting up there: Gerson Kamatuka, Mr Aaron Clase, Mr Thomas Shilongo, Mr Andrew Swartkalf and Costa Oroseb, without you I was not going to reach the people's spirit and soul, the marginalised communities we were serving. Our motto was, ***“finish today what can be done tomorrow and move to the next programme”***. Sunday to Sunday, we travelled with tents, pots and pans and always a kettles for Axue (Tea).

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All of you up there have known how to cook. I thank you very much.

To my trusted secretary, Rendha, she said she is not coming because she does not want to cry. You took over my life and you run it better than I could have done myself. You are the best secretary in the whole of Namibia. Your lovely, kind heart, your focus on what you do and your commitment, albeit strict, in protecting me from *outeres*. Some letters would come and Rendha would put them aside.

Ms Mathe Mayira, my assistant, you have been with me for a year but you have learned fast, I think your future is guaranteed. Thank you very much.

My transport assistants for over ten years, these are my brothers, you took me into the mountains, the desert, into the Caprivi and Kavango, we criss-crossed this country without an accident all these ten years. The Lord protected us, never did I have to wait for you, you were always on time, and I will miss you both, Jafet and Tate Kapere and my security guard, Phillip, thank you for being invisible to those who did not know I had security. Because you do not want your communities to be searched, he would be there in the corner. Thank you very much for your good behaviour.

Lastly, I want to give a message to the new incoming Cabinet. The *Tanganyika's* have laid a solid foundation and built a strong Nation of proud Namibians who are free to express their views. Therefore, democracy is alive and well. No person of the media has been jailed for his or her views. Continue on that foundation and build on it. The *Tanganyika* Group has reached their goal, that of nation-building, unity and democracy. Maybe we were not perfect, but we have given you a conducive atmosphere to prosper. Move on and close the loopholes we might have left behind. Move with the change, but do not tamper with peace and unity. You must build and develop this country. We will watch you.

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I am retiring as a proud citizen with a record of accomplishment. I am ready to serve the nation not from this House, but from my house and my farm when you need me. To my two communities, the San people and the Ovatie, your trust in me has given me strength to serve you. You are a great community, you are clever, creative and hardworking, particularly the Ovatie. These two communities shaped me into a very patient and tolerant person. You always said, "*Libertine has told this and that and it will happen, she will come*" and I always kept my word. I will visit you and continue to assist you where I can. Keep the children in school that will guarantee your future development. Do not drop out on the wayside.

Now it is my honour to bid you farewell. I was sent a letter and before I sit down, I am going to read it. A man, one of our freedom fighters, sent me this letter and said I must read it:

"Dr Libertine Amathila, on behalf of the youth and old and those born under your care, inclusive my own daughter at Nyango, Zambia, you served with distinction, love and selfless dedication, please accept these flowers as a token of our deepest appreciation for the service rendered and the way you touched our hearts. On this day of retirement from active politics, we would like to know that there was one better. Signed Mwahafa."

I thank you very much.

HON SPEAKER: There are good ways to sometimes humanise our Chamber. That was a wonderful tour-de-force, a beautiful sentimental journey. I was just two weeks behind you and I saw all at the airport in Tanganyika when you and Marco Shivute boarded the plane. Honourable Helmut Angula.

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HON MINISTER OF WORKS AND TRANSPORT: Honourable Comrade Theo-Ben Gurirab, Speaker of the National Assembly, Right Honourable Nahas Angula, Prime Minister of the Republic of Namibia, Honourable Members of this august House. The moment has come that I must say goodbye to this Honourable House. I have been a Member of this House since 1990 save for a short interruption of four months, December 2004 to March 2005. I have no better words that can fully express my profound gratitude to the people of Namibia, through their elected representatives in this Honourable House. It has been a distinguished honour and privilege to serve the Namibian Nation as a lawmaker.

From the humble beginning at the Ontananga, ward this former, current young man pulled through Ontananga, Olukonda, Oniipa, Onayena and RhyNSE Herero Primary Schools including Lyceum Distance College of Education of Johannesburg.

It was at the Bauka Old Location where the regimental political knowledge acquired in Ovamboland was refined by the teaching of Comrades Ya Otto, Mutumbulwa, Nganyone, Karuhumba and other SWAPO activists of the early 1960's. My earlier political educators were Comrade Toivo Ya Toivo and Sakaria Shikomba. It was, however, Comrade Ya Otto who brought to me practical political activism by enrolling me in the translation to Oshiwambo of *Unity Wing*, the first SWAPO mouthpiece. This prompted the Bantu officialdom to deny me the right to live and stay in Windhoek.

In search of liberation I set off and trekked into foreign lands. It was the policy of the SWAPO leadership to follow a parallel track of preparing young people for both military and education programmes. This former young man ended up in the American Peace Corps run Nkumbi International College in Zambia. At one time, I think we were six of us here, we have been reduced to a mere three and after my departure too, only Nangolo Mbumba and Nahas Angula remained. There we met other nationalists from the southern African Region, where we for the first time were exposed to internationalism as the students came from all over southern Africa.

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During that period, the world was polarised into three main ideological camps. The American war of aggression in Indo-China has reached its climax. The Suez Canal war between Egypt and Israel led to the death of President Abdel Nasser. Yom Kippur, also known as the Seven Day Arab-Israeli War, had contributed to the world being divided further between the former colonial powers under the leadership of US imperialism and the socialist community of nations, led by the Union of Soviet Socialist Republic, on one hand, and the Non-Aligned Movement formed by the newly liberated nations of Africa, Asia and some Latin-American countries, on the other hand.

The Federal Socialist Republic of Yugoslavia was the only European State Member of the Non-Aligned Movement. It was under those conditions that our political orientation towards proletariat internationalism was moulded. At Voronezh State University in the USSR many students from embattled Indo-China, southern Africa, north-western Africa, particularly Guinea-Bissau and Cape Verde, Palestine, Middle East and Latin-America found academic shelter. With zeal, we participated in voluntary work in factories to raise funds in support of the Vietcong's war effort in South Vietnam. In the meantime, we became active members of the WFDY World Federation of Democratic Youth and the International Union of Students, representing the fighting youth and students of Namibia under the leadership of SWAPO. This background shaped us to be the people we are today, truly internationalists.

During the training, I must say, my Professor Khagan who was a Russian Jew, asked me, "*Helmut, where will you use this knowledge that we are putting into you*" as at that time there was hardly any institution of higher learning apart from the USSR, "*it is a waste time, you are wasting our time.*" I said, "*The broader the knowledge, the better and it will not be long before I invite you to the celebrations marking the Independence of Namibia.*"

I was indeed honoured by SWAPO, under the leadership of Dr Sam Shafishuna Nujoma, to be appointed as teacher upon completion of academic training and later to head the Namibian Education and Health Centre as its Director in Zambia after the departure of the Right

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Honourable Nahas Angula. It was a duty that I fulfilled with dignity and honour. How can I not cherish the trust that my Party and its leadership bestowed upon me when once more in 1977 it delegated me to be its spokesperson in Cuba, the Caribbean and Latin America. Indeed, it was in those years that I was able to mobilise the support amongst governments and solidarity organisations to rally behind SWAPO of Namibia, from the Mexican pyramids to the Patagonians of Argentina and across from the Andes to the Caribbean Sea. At that time, there would have not been any workers' union, federation, or syndicate, any youth organisation or student organisation that does not know the name SWAPO and Namibia. It was during that period that I was, indeed, able to broaden my revolutionary horizon. Our contact with the Sandinistas of Nicaragua, the Farabundo Marti Liberation Front, the Grenada Revolutionaries and others were a case in point.

I have fond memory when accompanying Andimba Toivo Ya Toivo to Nicaragua, joined Commandante Daniel Ortega to the frontline where the Sandinista were facing the Contra Revolutionary revolutionaries, supported by the US, operating from El Salvador.

Once more I was honoured when in 1986 SWAPO, under the leadership of President Nujoma, mandated me to represent our great movement to the international community in United Nations organisations. During that tenure, my diplomatic horizon was further expanded as I joined the UN at a crucial time of the struggle for the Independence of our country. My most difficult task and challenge at the UN was indeed during the UN Security Council Debate on the incorporation of the infamous Resolution 435/978 and during that Debate, unfortunately, I was not properly informed by the top leadership about the existence of informal notes. The Honourable Theo-Ben Gurirab shook his head when I asked him, *"comrade chief, what am I supposed to say, these people are insisting on this, I know nothing about this and I say they do not exist"* and I was told, *"go and ask your leaders."* True to his diplomatic note, he did not want to instruct me to accept things that may look like betrayal, neither does he want to instruct me to say that is indeed the case. It was left to me to judge whether these informal notes should indeed be accepted and incorporated into Resolution 435. That became the case.

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Back home, I was truly privileged to have served the Founding President and the Father of the Namibian nation, Comrade Sam Nujoma and Comrade Hifikepunye Pohamba in various portfolios. Firstly, as the Deputy Minister of the Ministry of Mines and Energy in 1990 to 1991 under the able leadership of Comrade Ya Toivo. There I was indeed honoured to be entrusted with formulating the National Policy on Energy, in particular the Policies on Petroleum Exploration and Rural Electrification. Today all of them are reality.

As a next step, I was entrusted to formulate a national policy and to establish the Fisheries and Marine Resources Ministry as its first Minister in 1991 to 1995. With the unwavering support of President Nujoma, we ended the illegal fishing in internationally recognised Namibian waters, including especially the proclamation of the Exclusive Economic Zone.

I remember one time from from Cuba via Madrid and of course, that time in Spain I was the most wanted man by the Spanish authorities and a voice came out during the stopover at the Airport that, *“passenger Helmut Angula, you are required to report to the desk, there is somebody looking for you”*. Of course, I never dared because I had no pre-arrangement to meet anybody, so I remained and locked myself up in a specific place until my departure. (Laughter).

While serving as Minister of Finance from 1995 to 1996, I moved for the creation of trade and tourism centres, later renamed industrial parks, the creation of waterfront centres, which I personally participate in sketching drawings although I was not an architect and further the return of at least one-third from our savings from abroad with a view to build investment in our own local production.

Yet, once more, at the then Ministry of Agriculture, Water and Rural Development, 1996 – 2004, I was entrusted with the reshaping of the Agricultural and Water Policies, which resulted in the establishment of NamWater, a State-Owned Company in the water sector and the establishment of the Green Scheme. The Green Scheme was coined by the officials, because they were scared of my own name, which was the Green Revolutionary, and the small-scale farming concept. In all the

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above-mentioned initiatives, I enjoyed the unreserved support of the appointing authority.

Having gone into retirement in 2004, His Excellency President Pohamba recalled me to duty to head the National Planning Commission as Director General in 2005 to 2008. At the National Planning Commission, I dutifully put in my efforts to the best of my ability. Looking back, I am proud to mention that one of the major tasks entrusted onto me, which was to negotiate the grant financing with the US Government, is to date bearing the desired fruits. In addition to the previously mentioned, I led the successful negotiations for the Multi-million European Development Fund Ten. At present, many Namibian contractors, including especially the SMEs, are beneficiaries of these ongoing contract works in the infrastructure development, thus resolving the acute unemployment of this country.

Yet once more President Pohamba did not doubt in my ability and competence, hence he entrusted me with another assignment of leading the Ministry of Works and Transport with its challenging human and professional service management. I cannot help but rejoice and appreciate the collective effort and support from my Deputy, Honourable Paul Smit, and the team of professionals at that Ministry. The implementation of the Government programmes and Capital Projects has gained momentum. Staff unity and loyalty to the Ministry has been reinforced.

Comrade Speaker, looking back through all of my political and administrative careers, I must admit there were indeed moments of consternation. This I must be frank with you, Honourable Members, it was not that rosy all the time. Firstly, I regret most that having failed to convince Government and stakeholders to bring back savings for investment in our economy, which are enriching other countries, especially our neighbours. I proposed that at least one-third of those investments be repatriated home to build low-income housing for Civil Servants, instead of us continuing to cry and borrowing expensive money when we have allegedly been proud of having N\$35 billion invested in foreign investment portfolios. How could it be so acceptable? In fact, I tried to explain, if you take just an ordinary retiring Civil Servant, he takes

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peanuts of N\$10,000 as cash and after that will live on N\$800 per month, yet we are proud to announce that N\$35 billion are invested. For what reason? The challenge is for the future legislators to bring some of us money back so that we solve acute unemployment and poverty problems. As I said, I regret profoundly that I was unable to convince the Government and other stakeholders.

Secondly, for non-implementation of small-scale farming programmes which would have gone a long way to solve some of the land shortage for which we are craving daily in this House and outside.

Thirdly and most unfortunately, the lack of support towards the negotiations of the Millennium Challenge Account grant financing, which to date constitute the largest public programme investment with its attended benefit to the ordinary people, that is in terms of job creation especially in the area of education sector upliftment.

If I am to be asked what has been my saddest moment in my life, my answer would be: the dastardly cowardly attack on Cassinga where hundreds of young lactating and expecting mothers perished in that barbaric attack by the then Pretoria regime. I have always had sentimental feelings about it. That happened in 1977. Commander Dimo Amaambo commandeered me to train the teachers, for he wanted now to open up a school at Cassinga. I trained the first bunch of the teachers who opened up the school at Cassinga and I had to build those shacks and when I learned on that fateful 4th of May of the attack when I was on my way from the eastern front where in the battle of Inishu we lost Commandant Kashipuka, it was a sad day to know that many of those teachers and children perished in that terrible attack.

In addition, the question: My happiest moment in my life - The ultimate victory, the 21st of March of 1990. Not only that we rejoiced and we laughed, we also truly cried because it was an unbelievable moment, because to live for so many years and to find that finally what we have fought for was now ahead, was indeed a touching moment.

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What a fulfilling career has this therefore been for me? I shall remain ever indebted to President Nujoma, President Pohamba and the entire SWAPO family, the fellow Members of Parliament from across the aisle. To my mother, a freedom fighter in her own right, for she has sheltered many of the underground combatants here in Donkerhoek, Windhoek. To my family and to the masses of our country, it is always joyful and very sometimes uneventful moment to enter a career, yet always very emotional and heartbreaking to part ways with your peer group, but Namibia being a tiny country population-wise, we will not miss one another for long. To you, my fellow comrades, I will continue to serve you as your dedicated Secretary for Transport in the SWAPO Party.

Notwithstanding all I have said, I wish you, Comrade Speaker, your roaring voice, the lion of Usakos. I remember those days of the 1st of April when we were really down and we walked together to a small restaurant. That was a week after the 1st of April, we looked at each other, and I said, "*What then?*" You said, "*Do not worry, God will ever be on the side of SWAPO*". That is what you said, Comrade Speaker. You were my chief then as Secretary for Foreign Affairs and I indeed enjoyed your company, your wisdom and advice during my diplomatic career.

I, of course, have great admiration for all of you, my leaders. My first leader abroad was Nangolo Mbumba at Kazambula when mosquitoes were biting us, big ones, when I said, "*you are doing nothing to let us out of this place*". I told him write letters to Kwame Nkrumah. He had to write letters to Emperor Haile Selassi, to Queen Elizabeth. Only Queen Elizabeth replied and she sent some rice through the Red Cross.

Honourable Mbumba was a humble man, he always had a very humble answer.

My Comrade, Nahas Angula, during those difficult days when you were establishing Nyango under difficult conditions of rains, expecting and lactating mothers carrying wood from the forest to build our own shelters, to cultivate our own food for our consumption and our own front line.

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To Dr Libertine who was always there to treat us, to give us moral support. She was the beauty queen of the struggle.

I will not say that we did not have problems, we had problems, especially during the Shipanga rebellion. Yes, some of us were left in a situation where armed men and women were outraged against the SWAPO leadership and those of us who were in administrative positions. Yes, united we stood and we withstood those waves. At that time they were saying, *when the engine knocks, do not overhaul take it out and put in a new engine*. That was the language of the youth of the time of Shipanga.

Of course, I have fond memories. When I travelled with my brother throughout the USSR, like Dr Tjiriange, we were only three of us in that vast country at one time. Three years I spent without speaking my mother tongue in that country. I was very overwhelmed. Of course, we were all leaders we had no Indians. Tjiriange was the president and I was the vice-president.

When I first met my brothers from the Americas, I said, “yes, *here we have leaders who are prepared psychologically*” and they were more revolutionary than ourselves from the socialists. Those are the Honourable Hage’s and others who may not necessarily be with us now. They helped especially with the formulation of SWAPO Party communicae. We had to learn then how to draft. It was from them that we learned how to draft I must thank our own creation, the Doreen Sioka’s, product of Nyango. Many of them were occupying very important government positions. Yes, we trained them from Grade 2 and 3 upwards and today they are leaders in their own right.

How could I not remember my own Colleagues with whom we entered from the SWAPO Youth League to the leadership of SWAPO. Those are the Honourable Ndaitwah’s. We were negotiators and it is not that we were always old.

In conclusion, I urge the new House to be sworn in tomorrow to take the national interest as panacea to the elimination of underdevelopment in this Land of the Brave. All these quarrels we have, the gender issues, the

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regional issues, the family nepotism issue will never arise if we are an advanced economic country. The solution is not in replacing one another., The solution is not to undermine one another, but to work day and night to make sure that Vision 2030 is achieved.

Those imitations that we try to copy, whether it is from Sweden or Malaysia, can never materialise because the economy cannot mechanically manufacture, it must move according to the development. We must raise the standard of living. If people were organised, there will be no question of asking, "*What is your tribe*" or seeking the surname in order to establish to what tribe someone belongs.

To my political rivals, continue to be responsible, continue to answer the call of the Namibian people to work hard, to mobilise, so that one day you will have a chance of taking the mantle of leadership. It cannot come through Courts. It can only come through hard work, especially if you work together with the Government to solve problems. Do not run away from Government. One day the Government will need the Opposition. We need you to work together with you. I will miss you, Chief Riruako. Indeed, brother Kaura, I will miss you and my brother, Moongo. We have been together and we shall continue to live together in a free, independent Namibia, but we must work and solve the poverty issues without pointing fingers. I thank you very much.

HOUSE ADJOURNS AT 16:10

HOUSE RESUMES AT 16:45 PURSUANT TO ADJOURNMENT

HON SPEAKER: I have been consulting with the Right Honourable Prime Minister to see how we manage the business from now on until we close the session and looking at the items on the Order Paper, the only item that is substantive is that of the Minister of Gender Equality and Child Welfare. During the Debate on the Policy there were some substantive issues raised and I would want to accommodate the strong points that were raised during the course of the Debate by some Members,

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so I do not know whether the Minister would want the item to stand over to be reintroduced by her or any other Minister. Prime Minister, what do you propose?

RT HON PRIME MINISTER: We need the views of the Minister herself as to what she suggests to the House on how to proceed.

HON MINISTER OF GENDER EQUALITY AND CHILD WELFARE: Comrade Speaker, I am ready with my response and I would like to pass the Reviewed Gender Policy today.

HON DEPUTY MINISTER OF GENDER EQUALITY AND CHILD WELFARE: Comrade Speaker, as the Minister has said, we want this House to pass the Policy and we take note of the input by the Members of Parliament.

HON NAMISES: I hear what the Minister is saying, but if she could allow me to make a few points.

**RESUMPTION OF THE DEBATE ON THE CONSIDERATION OF
THE NATIONAL GENDER POLICY**

HON SPEAKER: When the House adjourned on Tuesday, 16 March under Rule 90, the Question before the Assembly was a Motion by the Honourable Minister of Gender Equality and Child Welfare. Any further discussion? Honourable Namises.

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HON NAMISES: Thank you, Honourable Speaker, and also to the Minister for allowing us to make a last contribution.

Honourable Speaker, Honourable Members, I am maybe one of those few Members of this House that have gone through saying farewell and then coming back to be welcomed and now I am again finally saying farewell.

I also just want to contribute, but before doing that, Honourable Speaker, I remain one of those human rights and social activists and will remain so to speak my mind if I do not agree with certain issues or certain views. This has been my original reason to rebel against the South African system. For those of us who have been born in the Ou Lokasie before Independence, where there is the sour fruits that our elders could survive from, it has been very tough. I carry collective memories and very personal memories of the pre-independence time. As young and vibrant as I was – and when my elder aunty was speaking and my elder brother was speaking, I could not help thinking that those of us who were not in the country could not have the opportunity to narrate today all those great experiences, the one that the Namibians were yearning for, the education and to share our skills and our capability by starting and bringing them back, but you went out and did that for us. We however had to stay right in the belly of the beast and the lion's den and sacrificed our time.

I remember this time as a young, vibrant girl, clever, working in the old hospital under the system and we were moved to Katutura Hospital to open that and we were denied to have something as simple as a cup of tea at night and I rebelled against that and I was threatened that I would be thrown out of that hospital. So the memories come back, when I was taken in Katutura only because of a braai that we were organising for the Party that I was a member of then. I was thrown in the basement and carried away without anybody knowing, just to be incarcerated for some time.

Therefore, I do not want to dwell on the many matters that the Members mentioned on the Policy, but say that what the Policy is saying for me is to again focus our energy, to lobby as churches, as political partners, as women organisations, to create the institutional framework.

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Honourable Speaker, my concern is that the implementation of this beautiful Policy and the laws of our country are not moving very well. The implementation is very slow, it is challenging and it needs some work to be done.

Honourable Speaker, especially the implementation of the Combating of Domestic Violence Act and the Affirmative Action Act, also the Communal Land Act and the Local Authorities Act needs to be spread across the board so that everybody can get part of it.

Then I want celebrate the maternal health that has declined. I do not know whether it was done through the realisation of the fertility rate or it has declined through our own awareness of women, but I think I want celebrate the decline of the population growth rate in our country.

The policy on learner pregnancies encourages girl learners to parent and to complete their education. I also want to celebrate the rollout of the ARV. I remember in 2003 when Honourable Amathila was speaking to me and said she would make sure it happens. (Intervention)

HON DEPUTY MINISTER OF JUSTICE May I ask the Honourable Member a question? Honourable Namises, what are you celebrating? You are celebrating the decline of the fertility rate. The question is, why the decline and what are the factors that have caused that decline?

HON NAMISES: The population growth rate has declined in our country. We have learned how to plan and that helps our mothers to recover, it helps our children to grow, it helps us to become a bit stronger as women. (Intervention)

RT HON PRIME MINISTER: On a Point of Information. What Honourable Namises is saying is true, because we have seen in certain areas the Grade 1 enrolment has gone down. As we teach awareness

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against HIV/AIDS, condomise, abstain and all those things, the fertility rate is going down.

HON NAMISES: Honourable Speaker, I am also very happy about the institutional framework, because it includes the various players, leaving the Ministry to take the lead, but also mentioning the various task forces, Parliament and the Parliament Caucus, development partners, gender focal points and in there it really says how we need to play our role. I said I am concerned about implementation and it is here with that institutional framework that we will be able to go ahead and make sure the implementation is smooth. It also calls on us to develop plans, budget and strategies to go about the implementation and making sure that these will continue.

Honourable Minister, we will be ex-Members of Parliament, we will not be coming and I call on you to include us, so that we can get together amongst ourselves and form ourselves into a forum or association with experienced members who are articulate in understanding this National Gender Policy, so that we do not spend our time idle, not knowing what to do with ourselves. That will also keep us young and then we can bring meaning to the lives of our sisters out there. We will play an advisory, educative role, we will play a catalytic role and ensure that when there is monitoring and evaluation of this policy, we will be able to act as consultants to our own people and we do not need to bring in other people.

I am saying goodbye to all of you and thank you for working together again, but I think we will meet out there and I am following my sister's footsteps, I am active in the community and I will continue to do so and be the activist for you, Honourable Utoni. Thank you.

HON SPEAKER: Thank you. Honourable Iilonga.

HON DEPUTY MINISTER OF LABOUR AND SOCIAL WELFARE: Thank you, Honourable Speaker. I rise to contribute on this

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very important Policy. Comrade Speaker, I wanted to identify seven points, which I wanted to speak on, but due to the time factor, I will only mention two.

The first one is on Page 11, Point 2.2.1 – Poverty and Rural Development. Comrade Minister, there are many things we want to be considered in this Policy. Gender is a culture, but this document does not deal with culture, it focuses more on women and girls. Therefore, Comrade Speaker, the serious point I want to make is on 2.2.3 – Gender Health, Reproduction Health and HIV/AIDS. We see there is a decline in the fertility rate. If that is caused by the fear of contracting HIV, it cannot be celebrated and as stated in the Policy, it cannot make our women to participate in business. It says that due to the decrease in the population rate, women can participate in business. (Intervention)

HON MINISTER OF ENVIRONMENT AND TOURISM: Comrade Speaker, there is a misunderstanding on the use of the word and that is really understandable, because when you are talking about “fertility” in this context, it is like the one in Oshivambo *Okakwiyu*, which means every year the person will come *ta mono okanona*, which was risky to the health of women when the spacing was not there. I have always been sharing with the Parliament and the Namibian public. You will remember that my two last sons were born in 1991 and the other one in 1992 and I tell you, with the last one I was confined to bed for a week because my legs were swollen like this and it is because of the age and not spacing. Because of that information, people are now spacing. You can have your ten children, but you need to space them properly and that is the population growth rate that is mentioned.

HON DEPUTY MINISTER OF LABOUR AND SOCIAL WELFARE: Honourable Speaker, I want to quote: *“This can be attributed to women’s greater participation in normal economy: 1. Higher level of education and better access to utilisation of contraceptive Depo Provera”* That is why I say, if we have fear of contracting HIV, this must not be the only fear we have. We must not only have a fear for

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contracting HIV, we must also have a fear of human beings becoming extinct on this earth. (Intervention)

HON MINISTER OF SAFETY AND SECURITY: On a Point of Information. This is a social science question. If a country's fertility rate is higher than your GDP growth, the danger is that you will never be able to provide for those children, cater for their education and their well-being. This goes not only for Namibia it is worldwide. You can do what you want, but that is the social science explanation for it, that the fertility rate must be lower than the GDP growth of the country. Then you can serve your people well.

HON DEPUTY MINISTER OF LABOUR AND SOCIAL WELFARE: You are talking as a doctor, we need to have planning, but we cannot say hallelujah to contraceptives. I have no problem if we educate our people on family planning, but if we say people must use contraceptives, of course the fertility rate will decrease. It is in order if partners decide to use condoms, but if we say that people must use contraceptives, we will open a Pandora's Box and we will have HIV

HON SPEAKER: I was sincerely hoping that we would concentrate on this particular item on the Order Paper in order to allow more people to take the Floor. Apart from Honourable Iilonga, I have Honourable Lipinge, Honourable Basson and Christian on the list. We are not going to meet the deadline, so we will have to extend the time, as we have to finish today.

HON DEPUTY MINISTER OF LABOUR AND SOCIAL WELFARE: Comrade Speaker, we are always talking about poverty and rural development and what we want to see in this Gender Policy is that we accommodate our culture. An example was already given by a previous speaker of our womenfolk being selective, that when something

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happened, caused by men, then it is an issue, but I will leave that one and come to my last point, which is Gender, Legal Affairs and Human Rights on Page 16. If that body is serious in taking care of poverty amongst women and protection of the vulnerable children, that body must come up with an inheritance law to balance the reality we are facing today. As I said, if it is a man, it is a big issue, but if a woman found me with my children before I married her and these children are out of wedlock, the day I die ... (Intervention)

HON SPEAKER: Honourable Deputy Minister, I do not know whether we are making progress, whether we are speaking on the issue. This is a cultural discussion we are having. Continue.

HON DEPUTY MINISTER OF LABOUR AND SOCIAL WELFARE: Comrade Speaker, we need to have a policy and come up with an inheritance law which would protect the mothers who are left with nothing after their sons have died.

Comrade Speaker, I have said my say and I thank you.

HON SPEAKER: Thank you. Honourable Iipinge.

HON IIPINGE: Thank you, Honourable Speaker, Honourable Members. I rise to contribute to this very important document, the Revised Gender Policy 2009 – 2018. I thank the Minister and congratulate her and the Ministry for introducing this very important document, containing very important issues.

As a student of Gender and Development Studies, I followed the Debates in the House with keen interest and to summarise, I think there was both resistance and some of them perceptions and some of them fear of the

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unknown, but I think they are very important and I hope the Ministry will take note of what has happened in the House.

Coming to page 2 of the Policy, the Preface, the Minister has mentioned the review of the 1997 Gender Policy and I do not know whether it is only me, or perhaps others, but I thought it would have been better if we could have been provided with the Impact Assessment of the 1997 Policy, so that we will be able to see the progress that has been made, the challenges faced in implementing that twelve-years Policy and progress and opportunities. As it is now, I have a problem of really knowing what has happened, having no documents that indicate the implementation of the earlier Policy to me.

At the same time, the Deputy Minister in her motivation speech mentioned that the Ministry is in the process of drafting a plan of action. The question remains why the plan of action is not drafted at the same time as the Gender Policy, because that could have helped us to understand the activities. Now we have priority areas in the Policy, but we do not know how these priority areas are going to be translated into the daily activities, such as issues of Budget, monitoring and evaluation. These are the two concerns that I have and I urge the Ministry to work on that. (Intervention)

HON TJIHUIKO: May I ask the Honourable Member a small question? Honourable Iipinge, listening to what you are saying and the view that has also been expressed by some other people, do you not think that perhaps we may be doing an injustice to this very important Policy if we push it through now, rather than giving it time to be reintroduced to enable more people to participate and have an opportunity to make Amendments, if need be?

HON IIPINGE: This is an Executive Policy and I am just trying to make some suggestions on improvements. As I said, that assessment would have made us aware of what has happened during the implementation of the 1997 Policy. For instance, in the area of economic empowerment, the

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Labour Force Survey reveals that unemployment in the country is 51%, of which 48% are men and 58% are women. Already that indicates to us that these priority areas that we have identified in 1997 remain a problem and that the imbalances are on women. (Intervention)

HON DEPUTY MINISTER OF JUSTICE: May I ask Honourable Ipinge where she got these figures, because I am not aware of those figures? Where did you get the figure of 51% unemployment?

HON IIPINGE: As I said, if you read the current Labour Force Survey, you would find the figures there. Unless I did not get it right, but this is what I found in that document. We have been implementing that priority area since 1997, but to date those are the indicators.

The point I am trying to put across is that it would have been better if we were provided with the Impact Assessment and the review of the Policy of 1997 so that we would be able to know where imbalances exist and be able to give suggestions where to focus. As it is now, the document remains a very good document. It however lacks those kinds of things, which makes it very clear, and to know where you are coming from and where you are going and the problems that you have encountered in implementing the Gender Policy. That is what I am trying to put across and I am trying to emphasise the importance of the Plan of Action, which includes the budget and monitoring and evaluation. That will help us to be able to know what we are doing, where we have failed and where we are making progress. I rest my point and I urge the Ministry to really work on that. Thank you very much.

HON SPEAKER: Thank you. Honourable Christian.

HON CHRISTIAN: Thank you, Honourable Speaker, I will be very brief. Comrade Speaker, Honourable Members, I thank the Minister and her able team and all the stakeholders who contributed to this Gender

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Policy which seeks to create an enabling environment for sectors to mainstream gender in line with the National Development Plan.

I would like to contribute on a matter that I regard as very important in our society, which is social development as a Nation. That is what I would call a family policy and how it affects us as the citizens of this country.

Let me start by stating that in the different cultures of Namibia there are gender roles, which are assigned to the different sexes in terms of how we express our cultural norms, values and customs. We as parents make the mistake of giving different roles to girls and boys, which results in these children growing up and seeing one another as different and, therefore, the one inferior to the other. This has an effect in the later life of these children when they grow up and assume responsibilities in the society. When we refer to gender equality, we refer to it as the absence of discrimination based on sex, in allocating resources and benefits and in accessing services. We as parents should, therefore, revisit how we assign roles to our children while growing up, knowing that the seed of gender equality has already been planted at home and that they grow up respecting the other and that they are equal regardless of sex.

In gender analysis it identifies and informs actions to address inequalities from a different roles for the equal power relationship between men and women. The ongoing debate on the National Gender Policy, therefore, addresses the issue of equal opportunities to men and women in all areas of life.

In order to ensure that gender equality is reached, it is therefore my view that this Policy should also include men and the role of males in advocating gender equality should be highlighted. Let men take part in addressing the issues of gender equality, gender mainstreaming and issues of woman and child abuse. I think the men should come out. Let men be seen to be caring, as they do at home, and because some of the inequalities are caused by men, why should they not participate? Those men who advocate equality should come to the forefront.

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Let us harmonise both sexes from childhood and in raising our children, distribute just equality to both girls and boys. Boys should not be given tasks that make them look like they are superior over girls, but both should have these tasks to help them to respect one another.

In conclusion, Comrade Speaker, the long-awaited Gender Commission has to be established as a priority when the main Policy is effected, to ensure that the challenge of implementation is strengthened. Such Commission must oversee the implementation of the Policy and also play the facilitation and coordination role and bring up balances and fairness to the burning issue of gender equality. I thank you.

HON SPEAKER: Does the Honourable Minister wish to reply?

HON MINISTER OF GENDER EQUALITY AND CHILD WELFARE: Comrade Speaker, Sir, Members of this august House, before I respond, I would like to quote Ms Hubbard, a gender researcher at the Legal Assistance Centre who presented a public lecture on the 16th of March 2010 on the following topic, “*Celebrating Twenty Years of Progress towards Gender Equality*” and I quote:

“The Namibian Constitution, the starting point for gender equality, women activists lobbied, both individually and through churches and political party structures, for strong statements on women’s rights. In the new Namibian Constitution, unlike many other national constitutions, Namibia’s Constitution explicitly prohibits sex discrimination. Some countries, such as the USA, do not even mention sex or gender and many African countries make exceptions to the rule against sex discrimination in such as marriage, divorce and inheritance. For example, only 21 out of the total 46 African Constitutions, including Namibia’s, make it clear that the provisions on discrimination take precedence over anything to the contrary in the customary law. Few constitutions go as far as Namibia’s to explicitly cover Affirmative Action for women, equal rights as to marriage, during marriage and at its dissolution, for men and women on policies on equal pay for equal work and maternity benefits. Namibia’s

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constitutional provisions on citizenship are completely gender neutral, in contrast to the constitutions of many African countries, which apply different rules on citizenship for men and for women. The Namibian Independence itself provided a strong starting point for gender equality. Although we have not yet succeeded in apply the constitutional provisions on gender to all spheres of life, the Constitution has changed the very atmosphere of the country when it comes to gender issues. Studies indicate that men and women, in both urban and rural areas, are aware of the changing legal and social status of women. Not everyone thinks that it is a good idea."

Comrade Speaker, Honourable Members, birds need two wings to fly. If one wing is left on the higher level than the other is, definitely there will be a hindrance for this bird to fly. Something needs to be done to uplift and assist the weaker wing. To do that, you need to put mechanisms in place to assist the weaker wing and, therefore, more emphasis must be put on the weaker wing to come to the same level in order to improve moment of the bird, for the sake of the bird and not for the weaker wing. When we put mechanisms in place to address gender inequalities, just like in favour of the weaker wing, how can we as leaders state that we advance only one group? Who is fooling whom?

It is also disgusting to notice that every time issues regarding women are discussed, we make a mockery of this Debate on the plight of women and the girl-child. On the 16th of March 2010, after Parliament I was informed in Maltahöhe district on a communal farm that a four-year old baby girl was raped, murdered and buried in a shallow grave at the homestead by her own uncle in whose care the mother placed her while going to collect firewood to feed her family. After a few days, the police discovered the fresh grave. Investigations are ongoing. While on this topic, I pray for the protection of the Almighty. May the passionate Son of God wipe away the tears, reach out His hand of love more than ever before during this difficult time, and hold the mother close to His heart. I made a pledge, Comrade Speaker, to contribute N\$2,000 towards the funeral of this baby girl.

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Our land needs healing, the society is sick. In the real sense, after mechanisms have been put in place to stop gender-based violence, the cases did not increase, but the truth is, the instruments brought more awareness and the Acts of Parliament in place, improved people's understanding on their human rights and, therefore, more cases are now being reported than in the past. When these mechanisms and instruments were not in place, women and children suffered. (Intervention)

HON SPEAKER: Honourable Minister, I see you are not responding.

HON MINISTER OF GENDER EQUALITY AND CHILD WELFARE: Because of the time, I am not going to pinpoint each question, because some are related. Let me answer first on Namibia's political will.

Therefore, Namibia has signed international instruments and ratified them and I will mention just a few: The SADC Gender Declaration of 1997, the SADC Protocol on Gender and Development.

HON SPEAKER: There were discussions and you are supposed to respond.

HON MINISTER OF GENDER EQUALITY AND CHILD WELFARE: I will try to be brief, but the discussions were so long and we need to accommodate each and everyone for the sake of democracy, but if we are pushed into a corner, it is really difficult.

There was a question on the Report and the assessment. It is already in place through the Beijing Report and that is the assessment plan, which will come up on the impact on the implementation. Apart from that, for the first time we worked together with the National Planning Commission and gender is now mainstreamed into our NDP3.

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The Ministry of Gender Equality and Child Welfare is working on a managing tool to see how the different sectors are implementing it. According to the strategic plan and the work plan of 2005 to 2010, the Directorate of Gender has implemented 85 percent of its policy. There is no point in sending the Revised Gender Policy to the Committee Stage as this august House already passed and adopted the Gender Policy, 1997.

On the Gender Commission, the Ministry did not abandon the idea. However, a Commission cannot be created without an enabling Act of Parliament. The Ministry is, therefore, busy reaching for the best way to come up with such a law to ensure that the Gender Commission is established. In implementing the 1997 Gender Policy, we also realised a structural gap of only having focal point as a vehicle to mainstream gender in the institutions. The gap is now being closed by formalising various platforms where all stakeholders are engaged in implementing the gender policy. This time around, we only brought the Policy back because of important new, emerging issues at national, regional and global level, which may influence the attainment of gender equality, unless the Honourable Members are denying that we are in a changing world and that Namibia is an island that cannot be affected by these issues.

The Charter of the United Nations, signed in San Francisco in 1945, was the first agreement to proclaim gender equality as a fundamental human right.

In conclusion, Comrade Speaker, let me express my appreciation for all Members who participated in this Debate. I thank you for strengthening the Revised Gender Policy through your questions for clarification, recommendations and support. It was overwhelming and showed that some of the Honourable Members do not understand gender equality and its sensitivity, as well as the vulnerability of women and the girl-child. Any policy is flexible and it is open for amendment. We will definitely incorporate all recommendations and consider further amendments and additions to strengthen the Revised Gender Policy. The strategies, evaluation and monitoring mechanisms will be refined. I thank you all, Honourable Members, for the support.

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**CLOSING STATEMENT
HON //GAROËB**

HON SPEAKER: I thank the Minister. I now put the Question, that the Policy be adopted. Any objection? None. Agreed to.

The Leaders of the Parties who want to say something, now have the opportunity to do so. Honourable //Garoëb.

CLOSING STATEMENTS

HON //GAROËB: Honourable Speaker, Honourable Members of this august House, we have come to the end of the Fourth Parliament of Namibia.

Honourable Speaker, we came a long way under your able guidance. A great number of laws and other Motions, of which some sometimes commanded fierce Debates in this august House, went through our hands for the good of the Namibian people.

Honourable Speaker, the last elections, however, brought a division, which is not conducive for a new beginning. The political solution failed us dismally and we are now heading for legal statutory solution.

I am standing on the crossroads. The choice is mine to be sworn in or not to be sworn in tomorrow. Yesterday I got a message from the UDF Branch as far north as Katima Mulilo did. Notwithstanding the final decision of the UDF Executive Committee, they want me to be sworn in, they want me to serve their interests from within. Yes, indeed, I will do just that.

Honourable Speaker, while welcoming our new Members to the Parliament, it is only human that I bid goodbye to my few Colleagues who could not make it to the Parliament under these deplorable circumstances with a heavy heart. We will, however, be together in All-Party meetings. Even members from the other Political Parties whom I learned to appreciate and cooperate with, more specifically the Parliamentary Standing Committees, thank you for your good relations and cooperation.

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HON DE WAAL / HON RIRUAKO**

I am convinced that our paths will cross again. Namibia is but a small country. God bless you. I thank you.

HON DE WAAL: Thank you, Honourable Speaker, I will be very brief. First, I want to thank you personally, Sir, for whatever you have done for my Party and me. I have learned a lot from you as an experienced politician. Even yesterday, you made a remark that I will never forget in my life. Also, to all the other Colleagues in the House, I have been in this House now for fifteen years and I must say that I enjoyed every minute of those fifteen years and I plan to enjoy every minute of the next fifteen years, God willing.

To those people who are coming back, I wish you all the strength and I hope that you will continue in the manner that we have been doing the last fifteen years and for the new Members who are coming in, do not be too clever too soon, listen to the old people. Even if I do not always agree with them on that side, at least they have wisdom and they know where they are going. Let us keep the country peaceful and let us develop the country and let us all fight poverty and I will make my contribution as from next week, Tuesday. Thank you, Honourable Speaker.

HON SPEAKER: Thank you. Honourable Riruako.

HON RIRUAKO: Mr Speaker, there is a way to go. I thank you that you allow me to say something today despite the hiccups, that could change the human heart, but the human heart is greater than that. I have been longer in politics than the other people in this House except for a few and you know that by now.

Mr Speaker, the law is there and the Constitution is here to protect us whatever happens and, therefore, one is today in a predicament and tomorrow it is the others who are going to face the same predicament.

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**CLOSING STATEMENT
HON VILJOEN**

Nothing on earth remains permanent. It is just for a certain period that one is given a choice, but somewhere, someone decides. Therefore, I am not worried, what happened, happened, but they who command will decide when is the time to go and that time shall come.

I am not here to run away from this House. I can face any predicament. There is a time to win and there is a time to lose, but this House belongs to the people of this country and whatever happens here, nobody is going to run away. I have been talking to my friend over there one day, the Honourable Prime Minister and I said, "*When are you going to hear what I hear and I am going to be your Colleague*". He understood me. You have to learn out of that. It is the name of politics. We are here to show the public how we play our cards here and I thank you for your determination and the outcome and the input.

Mr Speaker, some of my Colleagues here have become few. Some of them have become nil, but it is not the end of the world and if you are a coward you can say, "*no, I cannot be in the House*", but if you are a man, you can come back.

To those who have just joined, in a few months or in five years, something is going to change in the House. This is the House for the people, for you to suffer and for you to get up and tell the world where I am. To those who are not coming back, who happened to be here for a long time, it is not the end of the world, just the end of your duties. To the Iron Lady, Honourable Amathila, you observed your role from the beginning to the end and now you can go to the next stage, as it is time to go. I thank you.

HON SPEAKER: Thank you. Honourable Viljoen.

HON VILJOEN: Honourable Speaker, I will be very brief. I wish to thank you for your guidance, for your wisdom, protection and understanding. Right Honourable Prime Minister, Honourable Deputy Prime Minister, every Minister, every Deputy Minister, all Honourable Members, every one of you has left a fingerprint in my mind, in my heart.

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**CLOSING STATEMENT
HON T GURIRAB**

I have learned from everyone. Thank you for the interaction, for friendship and the respect. I have learned more in five years than I have learned in a lifetime. I am just an ordinary *Boer* without a square inch of land, without one goat, except the one in my fridge, but I am a Namibian and was born in this beautiful country. I respect the Government and its officials, from the President down through the ranks. Many of you came through the struggle, many of you have lost loved ones in the struggle. I have learned in the House how you feel how you think and how you react.

Honourable Speaker, but I have something on my heart, which I want to share. My request is that you should remember the past, but may you find mercy and wisdom not to use it as a tool to instigate hatred and revenge. I can assure you that we, the *Boers* of this country do not have hidden agendas, we love this country with a passion. We do not have two passports and especially those of us who were born in this country or accepted it as our country, want to make our full contribution and if it should happen that it is necessary to protect our country, we will support the Government and sacrifice in a way you have not seen before. We are not enemies. Why do you not use us more? Why do you not use us in Committees, the Land Reform Committee, the committee advising the Minister of Education, the committee advising the Minister on Spy Bill? We will not jeopardise or sabotage the laws of this country we will contribute.

Honourable Speaker, I wish to thank God for giving me the opportunity to serve my Party in Parliament. It was a privilege. He is also the God of history and of politics, He is the God of love and forgiveness, for from Him and through Him and to Him are all things. I thank you.

HON SPEAKER: Thank you. Honourable Gurirab.

HON T GURIRAB: Honourable Speaker, I join Colleagues who have spoken before me in thanking you for the manner in which you have guided our work over the last five years. I thank you too for the beautiful certificate you have given to us.

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HON T GURIRAB**

Honourable Speaker, Honourable Members, I rise to say that there is a time to come and a time to go. I, therefore rise to make my last intervention during this Fourth Session of Parliament and to announce that I am advancing to the rear.

Honourable Speaker, Honourable Members, to be elected to serve and represent the citizenry in this organ of the State is always an honour and privilege. It is the only national body, which truly represents their choices of our people, and we as the representatives represent the Nation.

Honourable Speaker, in the nature of a representative democracy, it is an honour only a few in every Nation will be accorded. This is, indeed, a privilege and responsibility, a sacred trust. We must, therefore, carry out this responsibility with utmost diligence and circumspection.

Honourable Speaker, the welfare of all our people, the prosperity of all our people are dependent on the judicious, well-considered, and properly debated laws passed by this Honourable House. Moreover, the manner in which we tax and distribute the proceeds therefore to meet the multiple and competing needs of our Nation in a manner, which brings the greatest good to the greatest number of our citizens. Our challenge, Honourable Speaker, our mission is the welfare of all our people in their diversity, irrespective of their political, religious, cultural, racial, ethnic or any other attribute. Such is the calling of the Honourable Members.

Honourable Speaker, whilst my Colleagues and I leave this afternoon, for now, our Party will continue to be represented in this Honourable House. Tomorrow I shall bring in for swearing in a bright new young member, full of zest and *woema* to continue to articulate the values we represent.

Honourable Speaker, during our tenure here we have availed ourselves of our presence to contribute to making good laws, which we hope will make a difference to the quality and standard of life of all our children. Honourable Speaker, I still vividly remember our contributions on HIV/AIDS, the rolling out of ARVs, when Government's policy was hazy on this. I remember our contributions for a formal pre-school policy by Government when Government did not have one. I recall our vociferous

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pleading for women's advancement when Government Ministers in this House were mocking out our fifty-fifty gender policy and programme as a lesbian agenda. I remember our pleas that the Government re-examines the agrarian programme and resettlement programme and generally address poverty head-on. Moreover, all this, despite the protestations of Members here, the HANSARD will bear us out, or as Fidel Castro will say, *a historia me abolvera*.

I am happy to note, as I shall leave my sparring partner, the able Minister of Finance, has finally come around to my view that indeed we need an independent Revenue Authority in our country to increase tax collection efficiency.

Honourable Speaker, allow me to take this opportunity to pay homage and tribute to the veterans of our liberation struggle and veterans of this Honourable House, led by the sweetheart of the Nation, Dr Amathila. Dr Tjiriange spoke yesterday and Minister Angula who spoke today. All did this in the most dignified manner in front of this House.

Honourable Speaker, we too congratulate all the Members of the Fifth Parliament of our country on their election. On their shoulders now rests the responsibility to continue to deepen the democratic foundation of this land made over the last twenty years, for democracy is always work in progress. It is never completed, it is never perfect, but as Parliament you must remain the frontline in the defence of our values and way of life as enshrined in the Constitution of our land and it is to you as elected Members that we must rightly look up, that as deliberate, you will always act in the best, but only the best interest of all or people.

Honourable Speaker, the statistics on poverty, the disparity of wealth in our country, the number of those with ill health, without land, etcetera, is out there for all and need no debate but action. Given our resources, we can change all this for the better.

Honourable Speaker, the advantage of us achieving Independence late is that we can draw lessons from those who have gone before us. There is no need to pay school fees twice. We do not need to repeat the mistakes

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that others have made. In fact, by learning from their mistakes, we can leapfrog them. I believe that is the lesson of China, at least in my view. It is axiomatic that democracy means a multiplicity of views and voices, and that is correct. We as Parliament must, must continue to protect even the vilest of opinions.

When I went to England as a young student, on English University campuses there was a campaign of no platform for racists and fascists and given the background that I came from, *I said yes, we should not allow them to speak*. I however came around to understand that of course it is wrong, you must allow the racist, you must allow the fascist to speak because you must win the argument, because if you suppress their views, they will pursue it by other means. Therefore, a democratic system allows all voices to be heard. (Interjections) You cannot qualify democracy, all voices must be heard, and you must win the argument. You cannot do that by suppression. That is in fact, the lesson of our own struggle. We must win the arguments and win the hearts and minds of the people. The converse of not doing that, Honourable Speaker, is to drive people to actions, which detract from democracy.

Honourable Speaker, as we approach the twentieth anniversary of our country, the political atmosphere in our country is most foul. Our political transaction is for the most part conducted in a language of name-calling and vituperation. We suspect the motives of each other. This is not a plea that politics be conducted like a Sunday school class. Of course, politics must be robust, but we must take on our adversaries on their policies and programmes, poke holes in them thereby convincing Namibians, and win the hearts and minds.

Honourable Speaker I conclude, that interaction in democratic space debates of multiplicity of views, rightly the Government of the day will attract more opprobrium. Why? Because, one, the Government of the day spends the citizens' money and must account. Then of course, also, the other aspirants want to be where the Government of the day is. Therefore, the Government of the day will attract more opprobrium. Still we must win the Debate but not through name-calling. So, let us all drop the daggers, let us leave the pangas aside and look each other in the eye and

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argue our case. I do not believe that any of the Political Parties in our country are involved in any illegal and clandestine affairs – touch wood. Let us go out and celebrate the twentieth anniversary of our beautiful country. I thank you.

HON SPEAKER: Before I give the Floor to the Right Honourable Prime Minister, there are two Honourable Members of the House who too want to say goodbye and they are the Deputy Minister of Education and Honourable Mbai.

HON DEPUTY MINISTER OF EDUCATION: I thank you, Honourable Dr Theo-Ben Gurirab, Speaker of the National Assembly and President of Inter-Parliamentary Union. First, allow me to sincerely thank you and your Office for the innovative memorabilia presented to us with finesse this afternoon. Thank you for these beautiful gifts that will serve both a farewell gift to me as I retire from Parliament, and as a birthday gift. Today, the 18th of March 2010, is my birthday, I turned 54 years through the glory of God and His Grace has been sufficient unto me and shall continue to abide.

In Jeremiah 1:5, God tells us that even before we were formed in our mothers' wombs we were called by our names, the hairs on our heads were counted, and we are called according to God's purposes. In other words, I believe that I have never been, and shall never be at a particular place in time and space by accident, but according to God's purposes for my life, according to His plans.

Thank you, Right Honourable Speaker, for this opportunity to deliver what I will call my valedictory speech. Having spent five years in this Chamber and amongst Honourable friends and Colleagues, I will surely miss the infinite patience, kindness and wisdom I have enjoyed. There is a Scripture that says: "*But as for me, I continue in what I have learnt and have become convinced of because I know from those I have learned from*". In other words, as for me, I could see this far because I was, by the grace of God, able to climb on the backs of giants.

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I must thank specifically my President, His Excellency the President Hifikepunye Pohamba and, of course, our Founding Father, His Excellency Dr Shafishuna Nujoma, who saw it fit to call me to serve my country in this capacity as the Deputy Minister of Education. To me it was thing of trust, honour, privilege and huge responsibility. Thank you.

I will also not forget the fountain of learning I drank from, from my senior Colleagues in this House, especially from the Right Honourable Prime Minister, Nahas Angula; from the Honourable Speaker for his patience, even sometimes in the midst of heated Debates; from my Honourable Daddy, Honourable Minister of Education, who quietly taught me the intricacies of politics and often grounded me at every opportunity. Thank you so much.

The Honourable Deputy Prime Minister, my senior sister in whose footsteps I followed from the Zebra Mountains of Kunene to the Mangetti Dunes in Tsumkwe, Otjozondjupa Region, from her I have learned how to serve the people in humility, close proximity and selflessness. How can I forget my Colleagues with endless jibes and interesting Debates from both sides of the divide? God bless you all.

To the incoming Members of Parliament, I need to stress that Namibia is greater than any individual, sectional block or parochial interest. The watchword, even though we are politicians, must be *“professionalism, commitment and integrity”*.

In the final analysis I am gratified that most of us, if not all of us, have worked tirelessly and to the best of our abilities and I am proud of our collective achievements at our Ministries, at Parliament and beyond. As an individual I must thank all those who were used as instruments of goodwill and who helped to facilitate my being called and being used by my nation in this educational landscape of Namibia that beyond, ETSIP shall never be the same.

As an individual, people will ask, *“what have you achieved?”* Maybe I shall say that I sacrificed my full professorship to serve my Nation in the hope that out of the many Namibian children, especially in rural areas of

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our country, shall arise many professors, many teachers, doctors, engineers and others. In this regard, I also want to say that individual achievements are but a collectivity because we always work as a team.

Whatever I seem to have achieved was because of the team spirit that we have nurtured at the Ministry of Education. Working with approximately 577 000 children/learners in schools, 10 000 students in higher education, employing ±36 000 employees at the Ministry of Education, being the biggest Ministry of the Government, I cannot claim that I have had individual achievements, but together as a team we did achieve, and the improved results of education shall be seen in the future.

I want to conclude by drawing inferences from a quote by Dag Hammarskjöld who was regarded as one of the most incredible Civil Servants of his age and he was the second Secretary-General of the United Nations. He died under mysterious circumstances in the Congo in September 1961, just like the Pan-African revolutionary, Patrice Lumumba, and he said: *“It is false pride to register and to boast to the world about the importance of one’s work, but it is false humility and finally, just as destructive not to recognise and recognise, with gratitude, that one’s work has a sense.”* Let us avoid the second fallacy as carefully as the first and let everyone of us work in the strong conviction that what we have done and, indeed, what I have done has a meaning beyond the narrow, individual section, but meant something more for the Namibian children, in my case, our future. There is more in the work we do for our motherland and, indeed, more for our humanity.

In conclusion and as the greatest statesman Africa has produced is quoted as having said: *“Education is the greatest equaliser. Let us , therefore, use it as such.”* To God be the glory and honour, I thank you for your kind attention and thank you, Honourable Speaker, Honourable Members and goodbye until we meet again.

HON SPEAKER: Yes, we shall indeed meet again. Honourable Mbai.

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HON MBAI / RT HON N ANGULA**

HON MBAI: Thank you, Honourable Speaker. Honourable Speaker, the first time I came near this very important and auspicious building, was in 1967 when I came to acquire my Standard 6 Bantu Education examination results at the then “*Unie Gebou*”. The second time was when I came back to take oath to represent the interests of the Namibian people in 2005 and I rise to bid farewell after my stay for the past five years in this House. It is always difficult to say goodbye, but very easy to be welcomed or welcome somebody. I appreciate the way I was welcomed in this House for the first time. It made me feel very proud that I found myself among the cream of the Namibian political leadership.

Honourable Speaker, I thank you in particular and all the Members of this august House that for the few moments I rose to make a statement, I was never interjected or interrupted and I did not interrupt or interject anybody during my five years’ stay in this House. During my five years’ stay in this House I could really experience how peace, stability and unity was sustained and promoted. I believe the House, through its oversight and legislative responsibilities, will continue to address poverty, unemployment, racism and inequality. With this, I wish all of you and the new Members a prosperous term. I thank you very much.

HON SPEAKER: Thank you. Right Honourable Prime Minister.

RT HON PRIME MINISTER: Thank you, Honourable Speaker, Sir. Before I say what I want to say, I want to read an article from the Namibian Constitution as the farewell message to Honourable Tsudao Immanuel Gurirab. Article 23(1) reads as follows:

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

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RT HON N ANGULA**

Honourable Members, we have reached yet another milestone. For the last five years we sat here, we debated, we argued on issues, we agreed, sometimes we agreed to disagree, but in most cases we made decisions on consensus, not through divisions. That is very important. That means that we all knew our responsibilities despite the fact that we sometimes looked at issues from different angles. That is to be expected. However, at the end of the day we took important decisions on consensus. I want to congratulate you all for that spirit of understanding you displayed during the last five years.

Of course, as we have witnessed for the last two days, history is now on the move and I was very touched by the statements of Honourable Comrade Tjiriange and most Honourable Deputy Prime Minister, Comrade Amathila. They have voluntarily decided to call it a day, but they were gracious enough to share with us their ideas of tomorrow and to remind us where we came from. I think these must be told, because these stories form the foundation on which we are building the nation. You cannot build a Nation without roots and these stories form those roots. We need role models, we need young people to aspire that one day I want to accomplish what Dr Libertine Amathila did, one day I want to write a story like that of Dr Tjiriange. That is very important and I would like to sincerely thank them both and say that you have enriched our lives with your life stories and I hope that the tasks you have left unfinished we shall be able to continue from where you left and move on.

To the Colleagues who are not coming back, you should know that there is always a tomorrow. When we go out there, we should continue to do the best we can do. Five years down the line is not a long period. I am quite sure that some of you, especially the young ones, will be able to come back one day. However, at the same time I must thank you all for having assisted each other to make laws for this country, to debate issues affecting our country and to reach consensus on many of those issues.

I would particularly like to thank the Speaker. This was not a very easy House to manage, not at all, but patiently he did his best to ensure that business is being transacted and he succeeded. Thank you, Sir, for your wisdom.

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RT HON N ANGULA**

I would also like to thank my Party leaders, represented here by the Vice-President of SWAPO Party and the Secretary-General for really helping me to manage the Government business in the House. At times, it was not easy. I remember at one time the SWAPO Members were about to cannibalise each other. They were saved by Honourable Venaani who adjourned the Debate. It is true, during the Debate on the MCC, the SWAPO members were ready to cannibalise each other. Thanks to Honourable Venaani who proposed an adjournment, there was a breather to go and recollect ourselves as SWAPO members and to come back with a consensus. Well, democracy is active and Members of Parliament are supposed to be active.

One of the things we did not have is time. Time was always a very scarce resource. As we saw today, I felt pity for Honourable Marlene Mungunda, knowing well that she is not going to come back this time around, she wanted to complete business of her Ministry, but unfortunately, there was no time, she was not able to properly deliver her statement closing the business of her Ministry. We are here to debate and to express our thoughts and opinions on issues of national importance and everybody wants everybody to participate, but sometimes I found it very difficult to balance time limitation and the right of people to participate. It has not been very easy when you want a decision to be taken but another Member wants to enrich the Debate. That is also, where the Speaker demonstrated his skills of time management and for that I would, once again, like to thank you.

To my Colleagues, the SWAPO Comrades, I really want to thank you. I know when you started five years ago, many of you were sceptical that this very hyperactive gentleman will not be able to manage the affairs of this House in terms of leading the Government team. I know that there was a lot of scepticism, but there was also wisdom in many of you that you gave me a chance to try. I am grateful that we were able to manage the last five years together, to build the foundation of this nation, to consolidate them and to leave something behind for our people. Nations are built on precedents. People will always look back and say, how did our founders manage the affairs of the Nation and that is the responsibility we have, to leave good precedents for the coming generations.

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RT HON N ANGULA**

Honourable Speaker, history, of course, is on the move, but we also have the future to look forward to. Tomorrow, those of us who have been honoured by the citizens to represent them here, shall meet here at 09:00 to be sworn in for further responsibilities for the next five years and I must thank the Colleagues from the opposition parties who say they are going to represent those who elected them here, not outside. That is the right thing to do. We should know that when people invest their trust in us, they expect us to represent them here. Yes, it is your right to go to Court, but for now duty is calling that we must come here and represent the citizens of our country, articulate their needs, their concerns, their hopes and their aspirations. We debate, sometimes we win a debate, sometimes we do not win it, but the citizens have heard. That is why you have the camera here to record what we are saying.

Those who decide to betray the trust of the people, history will judge them and history will judge them harshly. I hope that within the next twelve hours they will reconsider their position so that they can come here and join the family, to represent the people of this country. I hope wisdom will prevail in them, so that tomorrow we come here as a united Nation, are sworn in and then we conduct business on behalf of our people.

Finally and most importantly, I am also saying farewell because I do not know where I am going to be next time around and I would like to express my gratitude to His Excellency President Hifikepunye Pohamba for having invested his trust in me to serve in this House as the Leader of the Government Business. I hope I have not disappointed him and I hope that I have not disappointed my Vice-President.

Comrades, let us look into the future with hope and confidence. Let us build our Nation for the same of our children and our children's children. You are all invited to come to celebrate the inauguration of our President on the 21st of March, Sunday, by 08:30, so that you join the Nation in consolidating our democracy. I thank you for your attention.

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HON SPEAKER**

HON SPEAKER: I thank you very much, Honourable Prime Minister, for the invitation to join our President and his family and other dignitaries to celebrate our 20th anniversary as a Nation.

I thank you all, starting with the Right Honourable Prime Minister, the Deputy Prime Minister, all of you, my dear Colleagues. I thank you for the trust that you had in me some five years ago as presiding officer of the National Assembly. Thank you for the understanding, solidarity and support to me personally, but to my loyal and dedicated Deputy Speaker, Honourable Doreen Sioka. I personally pay tribute to her for assisting me in every possible way in the office and during my frequent absences from this House.

As the greatest man of letters said, “*life is a stage with its entrances and exits.*” We come to serve the people, actually less the Political Parties, but the people. Even if we indirectly come to the National Assembly, we come by virtue of having been elected on our respective party lists. Therefore, we thank them for not only directing us to come here, but also having been behind us throughout, ensuring by maintaining peace, stability, and kindness that they so often extend to us.

I have listened to many maiden speeches from 1990 up to this moment, I have also listened to valedictory speeches. It is through those speeches, particularly when they come from the heart, off-the-cuff, that we are able to appreciate the measure of the individuals who are coming to the House, who have served in the House.

The Tanga Group, otherwise known as the *Tanganyika Group*, while not indispensable, has managed to reinvent itself as a group for public service and I am sure, speaking for that group, that they continue to count their blessings and are ready to serve. We listened to Dr Libertine Amathila and we listened to Minister Helmut Angula. Their service to the Nation will not end by leaving the House. They pledge – and knowing them as I do, they will continue to serve and I know them, not only the Namibian nation, not only Africa, but because of their qualities and achievements in

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the wider global community.

We have participated in two elections in the recent past in 2004 and 2009. We have been able to do that because we enjoy peace, stability and functioning democracy in our country. As Leader of the Government Business, Right Honourable Prime Minister, you have assisted me here in the House and behind the scenes and I thank you, I thank your Office, I thank your Deputy, the leaders of my Party. I am still to know what my next assignment is, but I would find ways to reinvent myself and make myself relevant that they will re-deploy me as necessary.

Parliament is meant for debating and debating requires preparation on public policy issues, on social issues and generally, in what we imagine are on the minds of the people who sent us here. The SWAPO Party saw something in me and sent me into a field where debating was a regular way of doing business and I had to pull up my socks with my limited intelligence to be up to that task. Therefore, debating for me is like – I suppose one cannot say that in Parliament, I look for it, I treasure it and I think I am up to the task regardless of where I am and whatever the topic is. Therefore, this is a House of debating, but it is also – and this is what people want – a House of listening to one another. Debating becomes meaningless if people are not able to listen to one another. We have enough space outside to settle personal scores or even the differences between or among Political Parties. Nevertheless, when we come here, the people want us to pass laws. Laws and policies require debating, and there is room for disagreement in that. We have survived as the Ruling Party because we have encouraged that and we must say thank you to ourselves, thank you to the Namibian people, thank you to our Political Parties that they have allowed us to serve them here in the House.

Tomorrow those who have been designated by their political parties and who have won elections are going to be sworn in. Those who come back – I know I will come back, because my Party said I must come back – must be here not later than 08:45 and the Chief Justice will play his role by swearing us in. We would not know until after the President of the

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Republic has been sworn in on Sunday and has made known his arrangements who will be the Ministers and Deputy Ministers who would sit in this House representing the Executive. All these things will happen and once again, we are grateful that our country continues to enjoy peace, stability, and functioning democracy.

I am proud when I travel out to introduce myself as being a citizen of Namibia, the Speaker of the National Assembly and so on, because I am proud of my country and as a student of history and politics, I keep on saying, if you think our National Assembly is in a mess, you should every lunchtime watch the British House of Commons. That is the kind of Debate that I would like to see happening in our House, but in terms of good manners and good behaviour, it would be an insult to compare that House to our House. We are an orderly bunch here.

With all that wisdom from Tanganyika man, we shall rise, but before we rise, you particularly, because you are such a good writer and poet, Honourable Deputy Minister of Education, you touched me with the manner in which you manipulated the language and that Namibia has in store other assignments for you and who knows, you might come back to this House.

We shall rise and I hereby declare the last Session of the Fourth National Assembly closed.

HOUSE ADJOURN AT 19:00 UNTIL 2010.03.19 AT 09:00