

**LIST OF MEMBERS OF THE
NATIONAL ASSEMBLY**

SPEAKER

Dr T-B Gurirab (Mr)

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

Ms Loide Kasingo

THE CABINET

MINISTERS

(21 March 2010 – Elected in terms of Article 133 of the Constitution)

Mr N Angula	<i>(Prime Minister)</i>
Mr M Hausiku	<i>(Deputy Prime Minister)</i>
Dr G H Geingob (Mr)	<i>(Trade and Industry)</i>
Ms P Iivula-Ithana	<i>(Justice)</i>
Mr N Mbumba	<i>(Safety and Security)</i>
Dr A Kawana (Mr)	<i>(Presidential Affairs & Attorney- General)</i>
Ms S Kuugongelwa-Amadhila	<i>(Finance)</i>
Mr J Ekandjo	<i>(Regional and Local Government, Housing and Rural Development)</i>
Mr U Nujoma	<i>(Foreign Affairs)</i>
Mr E Nghimtina	<i>(Works and Transport)</i>
Dr A Iyambo (Mr)	<i>(Education)</i>
Ms D Sioka	<i>(Gender Equality and Child Welfare)</i>
Mr J Mutorwa	<i>(Agriculture, Water & Forestry)</i>
Mr J Kaapanda	<i>(Information & Communication Technology)</i>
Ms N Nandi-Ndaitwah	<i>(Environment and Tourism)</i>
Dr N Iyambo (Mr)	<i>(Veterans Affairs)</i>
Mr I Ngatjizeko	<i>(Labour & Social Welfare)</i>
Mr A !Naruseb	<i>(Lands & Resettlement)</i>
Dr R Kamwi (Mr)	<i>(Health and Social Services)</i>
Ms R Nghidinwa	<i>(Home Affairs and Immigration)</i>
Mr C Namoloh	<i>(Defence)</i>
B Esau	<i>(Fisheries and Marine Resources)</i>

Mr Isak Katali
Mr K Kazenambo

(Mines and Energy)
(Youth, National Service, Sport and Culture)

DEPUTY MINISTERS

(21 March 2010 – Elected in terms of Article 133 of the Constitution)

Ms P Haingura	<i>(Health and Social Services)</i>
Ms Muharukua	<i>(Gender Equality and Child Welfare)</i>
Mr A Muheua	<i>(Labour and Social Welfare)</i>
Ms L Lucas	<i>(Defence)</i>
Mr P Iilonga	<i>(Agriculture, Water & Forestry)</i>
Mr Erastus Uutoni	<i>(Safety and Security)</i>
Mr T Nambahu	<i>(Justice)</i>
Mr T Tweya	<i>(Trade and Industry)</i>
Dr S C Ankama Mr	<i>(Works and Transport)</i>
Mr P Mushelenga	<i>(Foreign Affairs)</i>
Mr P Shifeta	<i>(Youth, National Service, Sport & Culture)</i>
Mr W Isaacks	<i>(Mines and Energy)</i>
Mr S Simataa	<i>(Information and Communication Technology)</i>
Mr E Kaiyamo	<i>(Home Affairs and Immigration)</i>
Ms P Beukes	<i>(Regional and Local Government, Housing and Rural Development)</i>
Mr U Herunga	<i>(Environment and Tourism)</i>
Mr C Schlettwein	<i>(Finance)</i>
Dr. D Namwandi (Mr)	<i>(Education)</i>

SECRETARY

Mr. J Jacobs

DEPUTY SECRETARY

Mr F S Harker

LIST OF MEMBERS AND PARTIES WHICH THEY REPRESENT

ALL PEOPLE'S PARTY (APP)

Mr I Shixwameni *(Chief Whip and Party Leader)*

CONGRESS OF DEMOCRATS (COD)

Mr B Ulenga *(Chief Whip and Party Leader)*

DTA OF NAMIBIA

Mr K Kaura *(Party Leader)*

Mr P Moongo *(Chief Whip)*

NATIONAL UNITY DEMOCRATIC ORGANISATION OF NAMIBIA (NUDO)

Mr K Riruako *(Party Leader)*

Mr A Tjihuike *(Chief Whip)*

RALLY FOR DEMOCRACY AND PROGRESS (RDP)

Mr S Bezuidenhoudt

Mr Hidipo Hamutenya *(Party Leader)*

Ms A Limbo

Mr H Lucks

Mr P Naholo

Mr K Nehova

Mr J Nyamu

Mr A von Wietersheim

REPUBLICAN PARTY

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

SWANU

Mr U Maamberua *(Chief Whip and Party Leader)*

SWAPO OF NAMIBIA

Mr B Amathila	
Dr M Amweelo (Mr)	<i>(Assistant Whip)</i>
Mr N Angula	<i>(Prime Minister)</i>
Dr S C Ankama (Mr)	<i>(Deputy Minister)</i>
Ms P Beukes	<i>(Deputy Minister)</i>
Mr E Dingara	
Mr J Ekandjo	<i>(Minister)</i>
Mr B Esau	<i>(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>(Deputy Prime Minister)</i>
Mr U Herunga	
Mr P Iilonga	<i>(Deputy Minister)</i>
Mr W Isaacks	
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	<i>(Deputy Minister)</i>
Dr R Kamwi (Mr)	<i>(Minister)</i>
Mr P I Kapia	
Ms L Kasingo	<i>(Deputy Speaker)</i>
Mr I Katali	<i>(Minister)</i>
Ms J Kavetuna	
Dr A Kawana (Mr)	<i>(Minister)</i>
Mr K Kazenambo	<i>(Minister)</i>
Ms S Kuugongelwa – Amadhila	<i>(Minister)</i>
Ms L Lucas	<i>(Deputy Minister)</i>
Ms S Makgone	
Ms A Manombe-Ncube	
Mr N Mbumba	<i>(Minister)</i>
Ms A Muharukua	<i>(Deputy Minister)</i>
Mr A Muheaua	<i>(Deputy Minister)</i>
Mr P Mushelenga	<i>(Deputy Minister)</i>
Mr J Mutorwa	<i>(Minister)</i>
Mr B Mwaningange	
Mr T Nambahu	<i>(Deputy Minister)</i>
Mr C Namoloh	<i>(Minister)</i>
Dr D Namwandi (Mr)	<i>(Deputy Minister)</i>

Mr A !Naruseb *(Minister)*
Ms E !Nawases-Taeyele
Mr I Ngatjizeko *(Minister)*
Ms N Nandi-Ndaitwah *(Minister)*
Ms R Nghidinwa *(Minister)*
Mr E Nghimtina *(Minister)*
Mr U Nujoma *(Minister)*
Mr P Shifeta *(Deputy Minister)*
Ms D Sioka *(Minister)*
Mr T Tweya *(Deputy Minister)*
Mr Festus Ueitele
Mr Erastus Uutoni *(Deputy Minister)*
Mr Piet van der Walt
Ms L Witbooi

UNITED DEMOCRATIC FRONT (UDF)

Mr J //Garoëb *(Party Leader)*
Mr S Tjongarero *(Chief Whip)*

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

Ms M Jankowski
Prof. P Katjavivi (Mr) *(Chief Whip and Deputy Chairperson of
the Whole House Committee)*
Mr C Schleittwein *(Deputy Minister)*
Mr S Simataa *(Deputy Minister)*
Ms S Swartz
Ms A Tjongarero

**NATIONAL ASSEMBLY
ASSEMBLY CHAMBERS
WINDHOEK
22 JUNE 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 Simataa.

**TABLING: ANNUAL REPORT OF NAMPA
2007-2008**

HON DEPUTY MINISTER OF INFORMATION AND COMMUNICATION TECHNOLOGY: Honourable Speaker, I lay upon the Table, the Annual Report of NAMPA for the year 2007/2008.

HON SPEAKER: Will the Deputy Minister table the Report? Any further Reports and Papers? Any Notice of Questions? Notice of Motions? Minister of Justice.

NOTICE OF MOTIONS

HON MINISTER OF JUSTICE: Honourable Speaker, I give Notice that tomorrow, the 23rd of June 2010, I shall Move –

That leave be given to introduce a Bill to amend the Criminal Procedure Act of 1977 so as to increase the maximum fines that may be imposed for certain offences; to increase the admission of guilt fine that may be paid in terms of a written notice or summons; to make provision for the payment of admission of guilt fines after appearing in Court; to further regulate release of an accused on warning; increase the fine that may be imposed on an accused after a

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**NOTICE OF MOTIONS
HON PROF KATJAVIVI**

conviction based on a plea of guilty only; to further provide for the protection of Witnesses and to provide for incidental matters.

HON SPEAKER: Will the Honourable Minister table the Motion? Any further Notice of Motions? Professor Katjavivi.

LEAVE OF ABSENCE

HON PROF KATJAVIVI: Honourable Speaker, I Move without Notice, that leave of absence due to official business be granted to the Deputy Minister of Education, Honourable Namwandi, until 8 July 2010.

HON SPEAKER: Will the Honourable Member table the Motion? The Notice of Motion is the one of Honourable Ulenga. Does the Honourable Member Move the Motion?

HON ULENGA: Honourable Speaker, owing to some overwhelming inflow of information with regard to this very Motion, which needs to be incorporated into my introduction, I cannot present the introduction today. Therefore, I ask the indulgence of the Honourable House to postpone the introduction to next Tuesday.

HON SPEAKER: With the explanation given, the introduction of the Motion will be done next week, Tuesday. I ask the Prime Minister kindly to adjourn the House until tomorrow.

RT HON PRIME MINISTER: Honourable Speaker, I wish to inform the House that the former President of Namibia is going to visit Namibia from tomorrow. The United Nations Council for Namibia was the Government of Namibia as far as I am concerned, and one of its Presidents is coming back home tomorrow. I hope that the citizens are going to receive him, give him

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ADJOURNMENT

smiles as it is an honour to Namibia.

With that announcement, may I propose that we adjourn now and return here tomorrow at 14:30.

HOUSE ADJOURNS AT 13:04 UNTIL 2010.06.23 AT 14:30

**NATIONAL ASSEMBLY
ASSEMBLY CHAMBERS
WINDHOEK
29 JUNE 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 Simataa.

OATH/AFFIRMATION BY MEMBERS

HON SPEAKER: The House is called to order. Honourable Members, I have been informed by the Secretary of the DTA Party that they have resolved that two elected Members, Mr Katuutire Kaura and Mr Philemon Moongo, should take up their seats in the Assembly before the end of June 2010. In this regard, the swearing in of Mr Kaura and Mr Moongo will be done today, Tuesday, 29 June 2010. I now, therefore, call on the Chief Whip to bring the Honourable Members in. I now call on His Lordship, Peter Shivute, to administer the oath or affirmation in terms of Article 55 of the Namibian Constitution.

CHIEF JUSTICE SHIVUTE: Administers the oath to Mr Kaura and Mr Moongo.

HON SPEAKER: I now declare Honourable Kaura and Honourable Moongo as duly elected Members of the National Assembly. Congratulations and resume your seats.

I want to thank His Lordship Chief Justice once again for responding to our request to carry out this onerous duty in the spirit of our Constitution and on behalf of the Republic of Namibia. Once again, Your Lordship, thank you very much.

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**TABLING OF REPORTS
HON DR AMWEELO**

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

**TABLING: REPORT ON 122ND ASSEMBLY OF
INTER-PARLIAMENTARY UNION**

HON DR AMWEELO: Honourable Speaker, I lay upon the Table for discussion on Tuesday, 6 July 2010, by this august Assembly, Report by the Namibian Parliamentary Delegation on the 122nd Assembly and related meetings of the Inter-Parliamentary Union (IPU) held in Bangkok, Thailand on 27 March to the 1st of April 2010 with the theme, "*Parliament at the Heart of the Political Reconciliation and Good Governance.*" I thank you, Comrade Speaker.

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

National Assembly;
Ministry of Home Affairs and Immigration;
Ministry of Environment and Tourism;
Ministry of Information and Communication Technology;
Ministry of Fisheries and Marine Resources; and
Electoral Commission;

for the Financial Year ended March 31, 2009.

I so Move Honourable Speaker

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**NOTICE OF QUESTIONS
HON MOONGO**

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

NOTICE OF QUESTIONS

QUESTION 8:

HON MOONGO: Mr Speaker, I hereby give Notice that on Thursday, the 1st of July 2010, I shall ask the Minister of Environment and Tourism the following:

Is the Minister aware or can the Minister confirm or deny that lions are still a threat to the community, if not to the Nation at large?

Honourable Minister, let me refresh your mind, here are the findings of my recent research which was conducted at Oshikoto and Erongo Regions: At the Late Punyu's Farm there are more than six lions; at the Kalangula Farm there are more than four lions; at King Kauluma Farm there are more than two lions.

1. Honourable Minister, how many livestock have been killed continuously by lions from 2009 up to the present day?
2. What compensatory measures are currently in place, if any?
3. Is the Minister also aware that one person was killed last year by an elephant in Omatjete, Erongo Region, and still there are animals which continue to pose a serious threat to the lives of thousands of the community and what is the possible course of action pertaining to this matter?
4. Are there compensatory measures, if any, based on the current market value or the livestock or is it still N\$1,000 as was proposed by the State? If not in line with the current market value, then there is no doubt that the SWAPO-led Government is sabotaging and/or both hindering economic growth of farmers and deny the citizens the right to safe and peaceful living conditions.

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**NOTICE OF MOTIONS
HON SHIXWAMENI**

HON SPEAKER: Will the Honourable Member table the Questions? Any Notice of Motions? Honourable Shixwameni.

LEAVE OF ABSENCE

HON SHIXWAMENI: I Move without Notice, that leave of absence due to official business be granted to Honourable Usutuaije Maamberua until the 2nd of July 2010.

MEMBERS NOMINATED TO STANDING COMMITTEES

HON SPEAKER: I have been informed that the following Members have been nominated to serve on the following Committees:

1. Honourable Loide Kasingo – Commonwealth Parliamentary Association;
2. Honourable Ignatius Shixwameni – Standing Committee on Information, Communication and Technology.

In terms of Rule 38(6) of the Standing Rules and Orders, I now declare these Honourable Members as duly appointed Members of the said Committees with immediate effect.

The First Notice of Motion is the one of the Honourable Minister of Justice. Does the Honourable Minister or Deputy Minister Move that the Bill now be introduced?

**INTRODUCTION AND FIRST READING
CRIMINAL PROCEDURE AMENDMENT BILL**

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

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**CRIMINAL PROCEDURE AMENDMENT BILL
HON NAMBAHU**

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

CRIMINAL PROCEDURE AMENDMENT BILL

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

SECOND READING: CRIMINAL PROCEDURE AMENDMENT BILL

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

HON SPEAKER: Objections? The Deputy Minister has the Floor.

HON DEPUTY MINISTER OF JUSTICE: Honourable Speaker, Sir, thank you very much for the opportunity to motivate the tabled Criminal Procedure Amendment Bill in this august House.

This Bill seeks to amend the Criminal Procedure Act 1977, known as the Act 51 of 1977 and known in the legal service of CPA in short.

The Criminal Procedure Act is the backbone of our criminal justice system, inherited from the then colonial South Africa with South African jurisprudence, as applied to the Republic of Namibia, then known as the Territory of South West Africa. This august House, however, passed the Criminal Procedure Act 2004, (Act 25 of 2004) which will replace the Criminal Procedure Act of 1977. However, this new Act has not yet commenced due to technicalities within the text of the new Criminal Procedure Act and due to the fact that the Magistrate's Courts Act referred to in the new Criminal Procedure Act has not yet been passed by this august House. However, due to the urgency of the change required, we have thought it wise to introduce the Amendment on the Table in order to achieve certain objectives,

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**CRIMINAL PROCEDURE AMENDMENT BILL
HON NAMBAHU**

as I will relate to you later, Honourable Members.

In addition to the administrative Amendments proposed and these relate to the securing of Accused persons to court to attend their trials and simply add the Public Prosecutor in as a role player, who may endorse certain admissions of guilt, the Bill seeks to introduce too many principle changes.

The first one relates to increasing the amounts of admission of guilt fines. As can be imagined, in 1977 the Rand, which is on par with the Namibian Dollar, in the amount of 300 was substantial in comparison with today. Those of you who were working can relate to it, that if you were earning N\$300 in 1977, you were actually earning a substantial amount of money, but if you today fine a person with N\$300, you can imagine how punitive that is compared to how it was in 1977.

This Bill seeks to move those amounts up to a total of N\$6,000. The direct benefit to be gained by the criminal justice system is that our judicial officers can now impose higher fines on guilty pleas in respect of minor offences without going through the motions of questioning an Accused in terms of Section 112(1)(b) of the Criminal Procedure Act of 1977. With this speedy dealing of cases we can hope for a reduction in the backlog of cases which have flooded the judicial system for some time now.

It may please the Honourable Members to note that the offences included are such as reckless and negligent driving, driving under the influence of alcohol or intoxicating liquor, defamation of character, theft, trespassing, assault, etcetera.

The Prisons and Police Service swell with these offenders sometimes after weekends and public holidays, with great discomfort to themselves and at a great risk to the State should anything befall them while incarcerated. Our objective is to ensure that those that do not need to be behind bars for a period do not need incarceration for these types of offences.

Mr Speaker, Sir, the second and probably the most important principle relates to the introduction of a Witness Protection Programme through which, if the Prosecutor-General on affidavit has granted such permission by a Judge in Chambers, may place the person under protective custody of the State in the interest of the Witness' safety or if it is in the interest of the Administration of

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**CRIMINAL PROCEDURE AMENDMENT BILL
HON SHIXWAMENI**

Justice. Whistle blowers require such protection as they soon become victims of their civic duty. A person has performed his civic duty and because of that he will definitely be sought after by those that he has turned in, hence the need for protection by the State in this regard and should this become the rule that they are victims, the justice system will grind to a halt and as the public has become afraid, no Witnesses will assist the Courts. I think this is natural and self-explanatory.

The current legislation is not adequate in this regard, Honourable Members, and learning from the experiences of the Caprivi Treason Trial and high-level corruption cases in our Courts, there is a need to act now and to put an Arsenal on the side of the State and not await the commencement of the new Criminal Procedure Act.

Mr Speaker, Sir, Honourable Members, the text of the Criminal Procedure Amendment Bill has been placed before this august House for its consideration based on the motivation I have presented. I look forward to this august House confirming the Bill and passing it urgently so that our criminal justice system can be empowered to deal with crime appropriately. I think the Honourable Members of this august House may recall that we promised in our Budget speech that we were going to push forward the passing of this Bill and there are definitely others to come so that we can strengthen the justice system in our country to deliver on its mission and mandate.

Therefore, Honourable Speaker, Honourable Members, I thank you for your kind attention and look forward to a fruitful Debate and support for a speedy passing of the proposed Amendments. I thank you.

HON SPEAKER: Any further discussion? Honourable Shixwameni.

HON SHIXWAMENI: I Move that the Debate be adjourned to Thursday.

HON SPEAKER: The Debate on this Motion stands adjourned until Thursday. The Second Notice of Motion is the one of Honourable Ulunga. Does the Honourable Member Move the Motion?

29 June 2010 **MOTION ON UNRESOLVED CASES OF CORRUPTION**
HON ULENGA

HON ULENGA: I do Move, Honourable Speaker.

HON SPEAKER: Who seconds the Motion? Any objections? None.
Honourable Ulenga has the Floor.

MOTION ON UNRESOLVED CASES OF CORRUPTION

HON ULENGA: Honourable Speaker, Honourable Members, I would like to start with my motivation speech by acknowledging and honouring those thousands of Namibia employed either in the Public Service or in the private sector, those who are unemployed currently and those who are farmers, big and small, who are working the land, those working for civic organisation, those working as public or political representatives, including Members of Parliament, and members of Regional or Local Authorities who toil honestly and correctly and are not involved in corrupt activities or practices.

Honourable Speaker, as matters stand now in our country, we are faced with a problem. The cancerous disease of corruption continues to grow and spread throughout the Namibian society, both in the public and private sectors, despite measures, including legislative action taken by this Assembly in the past to extract it from the Namibian society.

On the 21st of March 2005, President Pohamba in his inaugural address as second President of the Republic declared zero tolerance of corruption and pledged to fight corruption with a sledge hammer. Honourable Speaker, at that declaration there was euphoria and a fresh spirit of enthusiasm and hope as a result of his inspiring speech. Soon thereafter, Honourable Speaker, almost everyone jumped on the anti-corruption bandwagon and even songs, ditties and lullabies were composed on the anti-corruption theme.

In 2006, the Anti-Corruption Commission came into existence and this, of course, added to the high expectations the Nation had with regard to dealing with the malady. Sadly, however, by and by the enthusiasm abated and even the President's voice started to lose its edge. Some commented that the

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HON ULENGA

President was too quick to declare war on a devious foe, namely corruption, against whom he had not any dedicated army.

Through research work and surveys conducted by Civil Society organisations, it was revealed that despite the loud anti-corruption rhetoric, there has been no National strategy against corruption. Further it became apparent that political leadership in the fight against corruption has been limited to the President's speeches and that there was no sufficient political will amongst the rest of elected political representatives, both at executive and legislative levels. For instance, Honourable Speaker, there has been no enthusiasm amongst the majority of politicians to adhere to clear-cut codes of conduct and no willingness to declare assets publicly, etcetera. Talking of which, Honourable Speaker, the other day I was presented with this *Insight* magazine and I am sure many of you have received the same copy. Most intriguing perhaps is that in the last row below, in the middle there, also appears Ben Ulenga. This is just a minor hiccup from the journalists' side, it does not invalidate the case that he is trying to make.

As you know, Honourable Members, I was not a Member of Parliament at the time that the reporter is reporting on, but nevertheless, I think the point he is trying to make is valid. As Members of the National Assembly and other members or representatives of the Nation in the public sphere, we should cultivate the culture and the practice of reporting on our assets.

Honourable Speaker, also lacking was wide public mobilisation and support with an eye for broad-based action against corruption. As far as the duties of politicians and especially the duties of Members of this House are concerned, a holistic and legislative approach has been lacking. To date, even as we speak, there has been no strong, rigorous, comprehensive and complementary legal and legislative reform to fight corruption. In a specific instance, Honourable Speaker, as we stand here now, we have no law dealing with the forfeiture of proceeds from corrupt transactions. Further, our law does not provide comprehensive protection of whistle-blowers. We have no legal mechanism for the investigation of people with unexplained wealth, that is individuals who are wealthy beyond their known sources of income. Our regulations concerning declaration of assets by Public Officials are very patchy and *ad hoc*, indeed.

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HON ULENGA

Honourable Speaker, the so-called phenomenon of “*tendpreneurship*” is a term that is becoming very current in our days. “*Tendpreneurship*” is the practice of self-enrichment through obtaining Government tenders by public and private individuals via personal family or political connections in the Government or political sector. This phenomenon has emerged as perhaps the most malignant form of the cancer of corruption in our society today. This practice results in a small group, comprising members of the political elite in the country, inappropriately acquiring exclusive access to public resources through the control of Tender Boards and the public tendering process. In this regard, Honourable Speaker, a rigorous transparency regime needs to be put in place, including freedom of information legislation, providing for, amongst other matters, the publication of short-listed companies and those awarded Government tenders and all the individuals behind such companies and corporations. This will assist the anti-corruption authorities as well as the public to access information and to act on corrupt practices and bringing those involved to book.

Honourable Speaker, thirdly, meanwhile the Executive Branch of our Government does not even as much as pay lip-service to fighting corruption any longer. Long gone are the days of 2005 when President Pohamba first made his pledge. Our Executive have completely let go of all pretence in this regard. Full-blooded cronyism has won the day instead. If it were otherwise, Honourable Speaker – and I would like to demonstrate this by way of an example – why on earth has the Honourable Peter Tsheehama Tshirumbu, former Cabinet Minister, former Member of Parliament, been allowed full use of two Government vehicles, a sedan and an off-road 4x4 two full years and more after his resignation from Parliament? (Intervention)

HON MINISTER OF PRESIDENTIAL AFFAIRS AND ATTORNEY-GENERAL: On a Point of Order. Is it fair to mention the name of a comrade or a citizen of this country who cannot defend himself in this House? Is it allowed?

HON SPEAKER: I think it is a grey area, Minister. He is a former Member of the House, obviously no longer a Member and he cannot defend himself, but he was a former Member of the House and that creates a grey area.

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HON ULENGA

It is not a person who is outside, a citizen not linked to Government or Parliament. I will let him continue.

HON ULENGA: Honourable Speaker, I will have to repeat the sentence because I was interrupted.

HON SPEAKER: We heard you. Do not force me to rule you Out of Order.

HON ULENGA: Honourable Speaker, if it were otherwise, I was saying, why on earth has the Honourable Peter Tshirumbu Tsheehama, former Cabinet Minister and former Member of Parliament, been allowed full use of two Government vehicles, a sedan and an off-road 4x4 vehicle, two full years and more after his resignation from Parliament and the Cabinet?

HON MINISTER OF SAFETY AND SECURITY: On a Point of Information, Honourable Speaker. The Honourable Member needs to distinguish if his Motion is on corruption. In his statement he is asking why Honourable Peter Tshirumbu is allowed. You cannot be corrupt because you are allowed to do something. There must be somebody who has allowed you to do so. (Interjection)

HON KAURA: And that person is corrupt.

HON MINISTER OF SAFETY AND SECURITY: The reason why I stood up is because I am sitting in the office which was occupied by this person. This comrade is in poor health. He has fought for this country and few people in this House can claim to have fought as Peter Angula Tshirumbu and now we are criticising him. There is somebody who has the authority to authorise and if something is authorised, it cannot be classified as corruption. (Interjection)

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HON ULENGA

HON KAURA: The one who allowed is corrupt.

HON ULENGA: Honourable Speaker, on the grounds of the ruling earlier on given by the Speaker, I am very unwilling to comment directly on what the Minister is saying, but perhaps let me concede that this is not about criticising the Honourable Tsheehama. I think all Members will have their fair chance to respond to the issue once it is very clear what is being stated in the Motion. (Intervention)

HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: May I ask the Honourable Member a question? Honourable Members, you disputed the outcome of the election, you took the Government to Court, you do not recognise it and you receive your salary every month. Is that corrupt or not?

HON ULENGA: Honourable Speaker, our system will allow for a difference in opinion between Honourable Ekandjo and myself, so I am not worried. (Intervention)

HON MOONGO: I want to ask Honourable Ulenga whether he is aware that if the system is corrupt, all the roots and the branches are corrupt?

HON ULENGA: Honourable Speaker, I will continue, I am talking about the Executive Branch of our Government having given up paying lip-service to fight corruption. I am not talking about Peter Tsheehama, I just mentioned his name.

Honourable Speaker, the concerned former politician has been allowed full use of two Government vehicles, a sedan and an off-road 4x4, for two full years and more after his resignation from Parliament and Cabinet. Further, the concerned politician resigned from both Parliament and Cabinet on the 8th of April 2008 due to health reasons and was replaced by another from his Political Party in the House. However, up until November 2008,

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Mr Tsheehama was still in possession of three Government vehicles, the Executive Volvo S60 accorded him as part of his remuneration and use as Minister. (Intervention)

HON MINISTER OF FINANCE: On a Point of Order. If all of us were to bring our issues to this House and start to mention people's name and recount the incidences that we believe are corrupt incidences, then I think we would prejudice even the system of fighting corruption. If the Honourable Member thinks that he has a case that qualifies for corruption, there are systems by which those cases can be dealt with. However, to come here and try to get this Comrade convicted by public opinion as having benefited from corruption is an abuse of the privileges of this House and it should not be allowed.

HON SPEAKER: I think the Minister has a strong point. I listened, I do not know the rest of what is contained in your statement.

HON ULENGA: Honourable Speaker, I have a written speech and there is no way I can change it. Whatever I say was previously prepared.

HON SPEAKER: I will listen to you carefully, and then make a Ruling.

HON ULENGA: Honourable Speaker, if you will allow me to continue, in November 2009, one year and six months after the termination of his Parliamentary and Cabinet membership, Mr Tsheehama bought the Volvo S60. (Intervention)

HON DEPUTY MINISTER OF JUSTICE: May I ask the Honourable Member a question? Honourable Member, is it not an affront to your upbringing if a man is really in the state he is, no matter how big the grudge

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you have against a man in that position, is it really conducive for a person of your standing to talk about a man in that position, health-wise?

HON ULENGA: But retained the full free use of the two other vehicles until further notice. (Intervention)

HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: On a Point of Order. The Honourable Member keeps on referring to a person who is not a Member of this august House. He knows Honourable Mudge is still using an office here. He comes and uses the office and telephone here and he is not yet sworn in and they are in the same group who are boycotting and taking the Government to court.

HON SPEAKER: I will check into that, he has not been sworn in. I take it you mean the President of Republican Party is using an office here.

HON ULENGA: Honourable Speaker, indeed I agree, if there is such a thing, it should be investigated. (Intervention)

HON MINISTER OF AGRICULTURE, WATER AND FORESTRY: On a Point of Order. I am rising in terms of Rule 108(g) and I want to request the Honourable Speaker with all respect to assist us here. If you allow me, we can test the Rule against what is now happening here.

The Rule says: “A Member may not refer to the names of persons or any statements of fact unless they be necessary to render the question intelligible and can be authenticated.” Now for sure, the Honourable Member is motivating corruption and I think it cannot be accepted that he is using the name of a Member who has been here, who has not been tried in a Court of Law and found to be corrupt. I think in terms of this Rule the Honourable Member is completely Out of Order, because the name that he is raising is not going to assist him to authenticate the point of corruption. Thank you,

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Comrade Speaker.

HON SPEAKER: Actually I ruled on that earlier. The only reason why I allowed the Honourable Member to refer to Honourable Tshirumbu is that he was a Member of this House. That is the only reason, continue.

HON ULENGA: Honourable Speaker, it is to be appreciated that the said Honourable has been unwell for quite some time. Government, not him, could however have provided for its Members through proper and lawful coverage... (Intervention)

HON RIRUAKO: On a Point of Order with reference to the topic being discussed. First of all, we are supposed to be tolerant. We are tolerant of harassment. Germany terrorised us, we are tolerant. He knows it, he harassed us unlawfully. We have to be tolerant.

HON SPEAKER: Who is this one?

HON RIRUAKO: He knows what I am saying.

HON ULENGA: Honourable Speaker, as I was saying, Government could, however, have provided for its Members through proper and lawful coverage without sliding into devious practices. Above all else, Honourable Speaker, transparent and accountable behaviour is demanded from Government at all times.

Honourable Speaker, news of free bursaries granted exclusively to the children of certain Members of Parliament who study at certain universities in certain countries hit this country late last year with the velocity and violence of Hurricane Katrina. Honourable Speaker, several names were mentioned. (Intervention)

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HON MINISTER OF PRESIDENTIAL AFFAIRS AND ATTORNEY-GENERAL: On a Point of Order. Honourable Speaker, I am extremely disturbed by the motivation speech of the Honourable Member. Indeed, since I entered this office, I am experiencing this for the first time. First, implying that a Comrade who left service on account of ill-health is corrupt, secondly alleging that either the children he is referring to or their parents are corrupt and as I understand, corruption is a criminal offence in this country and I know of no Court of Law who has convicted those people. Now a CoD kangaroo Court finds everybody guilty and I have a problem with that, Comrade Speaker, and I Move for a division on this Motion.

HON SPEAKER: As the Presiding Officer I did not get affirmation that either the Honourable Member mentioned or the children themselves are corrupt. That has not been said. That is an entirely different matter, Honourable Minister and Attorney-General, I did not get it that they themselves were corrupt.

HON ULENGA: Honourable Speaker, certain names were mentioned, including those of top Government decision-makers, Ministers and even the top office in the country. When answers were demanded... (Intervention)

HON DEPUTY MINISTER OF WORKS AND TRANSPORT: Honourable Speaker, may I ask the Honourable Member a question? Honourable Ulenga, you are an investigator and a Judge at the same time. Having investigated you are judging everybody on your own investigation which I do not know how professional it was. If you feel what you are saying are legitimate cases, why do not simply go to the appropriate body and report so that it is handled there?

HON SPEAKER: Honourable Ulenga, you will have a chance to respond to that. The House will rise for refreshments.

HOUSE ADJOURNS AT 15:40
HOUSE RESUMES A 16:10 PURSUANT TO ADJOURNMENT

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HON SPEAKER: Honourable Members, the business of the House is resumed, but I need to say one or two things, before we proceed. The President's anti-corruption statement and zero tolerance to corruption was made at a very solemn occasion and we all know that. We proceeded and debated and enacted a law in this House. In the recent Budget Debate some of the Honourable Members spent a lot of time talking about corruption, our total commitment against it and incidents that were not consistent with what we as a Republic have declared against corruption. Honourable Ulenga does not have the last word, I see some names on my list. He is motivating his Motion and indications are clear that some of you do not like it and those of you who are on the list will have an opportunity to say how Honourable Ulenga is wrong, that his allegations are unfounded and the rest. So, I heard you, Attorney-General, that you intimated division of the House, but not now. I will let him finish his motivation, but I will allow those who have asked to take the Floor and after that the House will decide how to proceed. Honourable Ulenga you have the Floor.

HON ULENGA: Honourable Speaker, I was referring to a particular alleged incident that had hit the country with the velocity of Hurricane Katrina and I was saying that certain names came up, including even very high names in the country.

Honourable Speaker, when answers were demanded by the public, in my view, Government Officials dallied and obfuscated, creating smoke and mirrors as far as the eye could see and as we speak, there is still so much... (Intervention)

HON DEPUTY MINISTER OF GENDER EQUALITY AND CHILD

WELFARE: On a Point of Order. Comrade Speaker, Honourable Members, I want us to remember where we are coming from and I want you to remember what we said in this august House. We talked about properties, which Honourable Ulenga is talking about now. We asked ourselves how we are going to deal with the companies in Namibia, from the top at the President. Who is going to own companies? May Cabinet Members be involved or not? This House said we were all marginalised, including the Speaker, and we are allowed to do so. Now I hear mention of the child of the Minister, the child of the President as if the children of the President are not coming from the

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marginalised group. We are all in Namibia, we said we were marginalised and I want this House to remember that. Comrade Speaker, we must speak the truth and not confuse the public out there.

HON SPEAKER: I think you made your point, but I will make sure that the public is not confused.

HON DEPUTY MINISTER OF GENDER EQUALITY AND CHILD WELFARE: The Honourable Member said the public is complaining and confused. Confused by whom? By him, because he is saying the children of Comrade Pohamba are not supposed to go. Who are supposed to go? No, we cannot allow that.

HON SPEAKER: You mentioned the name that was not mentioned by Honourable Ulenga. Honourable Ulenga, continue and help us to move forward.

HON ULENGA: As we speak, Honourable Speaker, there is still much vagueness and murkiness and the facts of this sordid affair need to be laid bare. There is no any other way than to confront corruption and whenever and wherever it rears its ugly head.

Honourable Speaker, Namibia's international image and reputation has been negatively affected by the incidents and reports about corruption. The country's Corruption Perception Index (CPI) for 2008, according to Transparency International had dropped three places downwards from 57th in 2007 to 61st in 2008. Honourable Speaker, Namibia's score, according to the CPI Report, was a mere 4.5 points out of 10, not even reaching the 50% mark.

Mr Speaker, the Internet abounds of negative reports about corruption in Namibia and the current so-called Teco case, involving Namibian and Chinese businessmen and women with alleged Government ties... (Intervention)

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HON MINISTER OF PRESIDENTIAL AFFAIRS AND ATTORNEY-GENERAL: Honourable Speaker, I take your advice as one of my respected leaders. I wanted to invoke Rule 97 to terminate this Debate, but I take note of your wise counsel and I will not do so, I will participate in the Debate, but may I remind the Honourable Member that some of these cases are before Court and I am really shocked by the way the Honourable Member has behaved himself today. I never expected him as a leader of a Political Party in this country to behave the way he behaved today. This matter is before Court and I plead with him not to say anything on a matter that is before Court, through Comrade Speaker.

HON SPEAKER: I am very much grateful to you, Honourable Minister, for alerting me. Matters that are *sub judice* are not discussed here. Honourable Ulenga, you are a veteran of the House, so those matters that are before the Court are ruled out every time they are referred to and the last one is one of them. Move on to the next point.

HON ULENGA: Thank you, Honourable Speaker. Indeed, I will not discuss any matter before Court. What I did was a mere mention and not discussion and I am not inviting the House to discuss as such. I was saying the so-called publicity on it does not help matters.

Mr Speaker, corruption is not the monopoly of Public Officials and politicians. Indeed, corruption is equally serious and rampant... (Intervention)

HON DEPUTY MINISTER OF AGRICULTURE, WATER AND FORESTRY: On a Point of Order. I respect Comrade Speaker's advice, but I also want to Move that Rule 97 be invoked. Comrade Speaker, I want to remind Honourable Ulenga of when he misappropriated over twenty-five thousand of the Union that he was leading. Did he report himself to the Anti-Corruption Commission or to the police so that he can be as clean as he pretends to be? He is the one who already did that. Have you forgotten already? I just want to remind you.

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HON ULENGA: Honourable Speaker, my dear Comrade that side has the fullest right to discuss and that matter he can discuss here and even outside, I am prepared to hear him out, there is no problem there.

Honourable Speaker, corruption is not the monopoly of public officials and politicians. Indeed, corruption is equally serious and rampant in the private sector as it is in the Public Sector. The so-called white collar crime, highly prevalent in the private sector, is as pernicious as any other criminal activity or practice can be. The following example regarding price fixing from neighbouring South Africa is relevant to our situation seeing that there is such intricate and close economic and business links between our two countries.

The Competition Commission in that country announced recently that Sasol, seeking amnesty by jumping the gun on its partners in collusion, had blown the whistle on four other major fuel companies, which are also operating both in South Africa and Namibia, namely Shell, Engen, Total and Chevron, along with the South African Bitumen Association. According to the South African Competition Commission, collusive behaviour on the pricing of bitumen, the major substance in tar, has been going on since 2000 until December of 2009. A measure of just how much this has ultimately cost our taxpayers, in both countries I am sure, can be gained from the recommendations that the Competition Commission has made to the Competition Tribunal, namely that these companies be punished to pay a massive 10% of their turnover in fines.

Mr Speaker, both as elected Members of Parliament and representatives of the Namibian people we should be able to say the buck stops here as far as legislative and other relative action against corruption is concerned. The country's Constitution enjoins us all and gives us the authority as Members of Parliament under Articles 41, 42, 60, 63, as well as the relevant schedules, Schedules 2 and 3 where both Ministers and Members of Parliament take an oath or affirm accordingly, to take action under the guidance of the Constitution's objectives and led by public interest and our conscience, to regard ourselves as servants of the people of Namibia and to desist from any conduct by which we think to improperly enrich ourselves or alienate ourselves from the people - this is paraphrased in the Constitution as a matter of fact –

- to make an repeal laws for the peace, order and good governance of the country in the best interest of the people of Namibia,

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- to receive reports on the activities of the Executive, including Parastatal enterprises and from time to time to require any senior official thereof to appear before any of the Committees of the National Assembly to account for and explain his or her acts and programmes,
- to debate and to advise the President in regard to any matter which by this Constitution the President is authorised to deal with.

In the light of the above, Honourable Speaker, and given the seriousness of the corruption situation in our country, debate and action by the National Assembly can no longer be postponed. We need to debate and specifically consider the following recommendations:

1. Recommend that Government takes appropriate action to formulate a concerted National strategy on corruption, including beefing up anti-corruption legislation, including provision for protection of whistle-blowers;
2. Enhance the authority and capacity of the Anti-Corruption Commission by, amongst others, providing for more financial resources and independent investigative capacity to the Anti-Corruption Commission;
3. Provide for coordinated approach regarding transparency regulations, codes of conduct and declaration of assets throughout the public sphere, not only for Members of Parliament;
4. Provide for measures to allow for accountability to Parliament by the Executive regarding all public appointments made by the Executive, including the appointment of Judges, Ambassadors and Ministers so as to cut out perceived cronyism and so forth;
5. Legislate and regulate political funding of Political Parties by business;
6. Advise the Executive President, as per the Constitution, to investigate and report on the so-called political loans given in recent years to businesses, especially Small and Medium Enterprises in the north of the country;

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7. Legislate for the forfeiture of proceeds emanating from corrupt activities;
and
8. Take any other legislative action to fight corruption.

I so Move, Honourable Speaker.

HON SPEAKER: I thank the Honourable Member for his motivation.
Right Honourable Prime Minister.

RT HON PRIME MINISTER: Thank you, Comrade Speaker. Honourable Ulenga has proposed to this House to Move a Motion on an issue of great National interest. Some of us were looking forward to talk to this Motion. However, his introduction to the Motion has been disastrous, a total disaster. It was not meant to stimulate a healthy debate among the Members of Parliament and I want to put the record straight for Honourable Ulenga and the public out there to know what the Government has done and what the Government expects from the public, including from Honourable Ulenga.

As far back – if my memory serves me well – as 2002 or thereabout when this House legislated that an Anti-Corruption Commission should be established, that law has been on our books for quite some time. In 2006 the law was made operational and a statutory commission was created and that independent statutory commission is the arm of the Government to deal with the cancer of corruption in our society. Any law-abiding and self-respecting citizen will report suspected cases of corruption to that body in order for that body to investigate.

Honourable Ulenga sought in his investigation to try to conduct a public trial of individuals and of Government in order to put other people into bad light.

That is bad politicking, to say the least. He, in a very uncaring way, decided to use examples which any self-respecting citizen, especially a politician, is not supposed to use. When a fellow citizen is in a crisis, a life-threatening crisis, he is sick, he is bereaved, whatsoever, compassion is supposed to be the rule to help a fellow citizen to face the challenge of life with some empathy from the

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public and support, so that the fellow citizen can bear the circumstances in which he or she finds him or herself.

He referred to the assistance of the Government to somebody who is in pain as corruption. That is the highest form of moral decay, as far as I am concerned. It is the highest form of moral decay. If you find somebody in a life-threatening situation, your first call as a human being is to save life. That is your first call, to save life by all means. That cannot be called corruption, unless CoD has a special meaning to the word “corruption”.

It is unfortunate that the Honourable Member used a very wrong case, totally wrong. Today it may be Comrade Tshirumbu, tomorrow it might be me and the next day it might be you. We are all vulnerable to sickness and to the threat of death as we are mortal. In those circumstances we need other human beings to come to our rescue by all means and in my view, that is what makes us to be human. Anything else to me is inhuman.

Mention was made of study opportunities. To the best of my knowledge, resources permitting all Namibians have the right to study opportunities – all of them, provided that there are resources. To try to imply that certain children whose fathers and mothers are of a certain standing have no right to education can only emanate from a politically corrupt mind. Really, it is not worth a Debate in this House, not at all.

However, the subject of corruption is very, very important to the programme of the Namibian Government. A week ago I tabled in this House the Anti-Corruption Report, 2008 and 2009. Honourable Ulenga decided to ignore the contents of this Report, because he thought by making sensational generalisations he is scoring political points. At least he should have the courage of his conviction to look at this Report and I read a few things to him from this report.

On page 10 the report is talking about challenges and in bullet 2 it says:

“Challenges experienced: Failure by the public to understand that prosecution is not part of the Commission’s mandate has also led to unrealistic demands and expectations.” This is exactly what Honourable Ulenga has failed to understand, the mandate of the Commission, that theirs is to investigate and they have reported that they have investigated, I cannot

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remember the number of cases, and they handed over the dockets to the Prosecutor-General to make a decision whether to prosecute or not to prosecute.

We know that our justice system is overloaded with cases, some of corruption, some of criminal nature, etcetera. Why do you not wait and see the final outcome of those cases eventually before you make general statements which give the impression to the public out there that the Government is doing nothing about corruption. If you have established an institution, allow it to do its job. Why do you want to interfere in what that institution is doing?

I want to draw Honourable Ulenga's attention to a paragraph on page 11. Page 11 analyses the complaints or reports received about alleged corruption and 47% of the total cases reported involved private institutions and pure administrative matters. Where the Honourable Member got the notion that in fact it is the representative which is corrupt, I do not know. Perhaps from his fertile imagination. He should be guided by facts and I want to read some of the facts here.

According to this graph, no cases were reported for the Office of the President, no cases were reported for the Office of the Prime Minister – take note of that – and no cases were reported for the Ministry of Lands and Resettlement. No cases were reported for the Ministry of Gender Equality and Child Welfare. The highest cases reported in Government were for the Ministry of Education, which were 9% and 80% about State-Owned Enterprises. These issues sometimes have something to do with jobs and dismissals, etcetera.

On pages 12 to 18 examples of cases investigated and dealt with during that period have been summarised. If Government is not doing anything, how come these cases are reported? It is clear that Honourable Ulenga does not respect facts, he honours and worships rumour and he came to this House to spread rumours. It is only because of democracy that we did not rule him Out of Order, because this House is not a House for rumours, especially when the information is available in this report I tabled here in this House. Why did the Honourable Member not care to study it, rather than coming here to make wild statements which are misleading to the public?

Honourable Speaker, I think perhaps we have to change some of our Rules to make sure that Members of Parliament are not supposed to make statements

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which are not substantiated. Otherwise people will think statements made in this House, which is respected by the people of Namibia, are the truth when in fact it is an untruth. It is regrettable, especially when the information is available. The information is here, I tabled this Report here. What prevented the Honourable Member to read this Report in order just to make wild statements?

I, therefore, Move that Honourable Ulenga's statement should not be allowed to enter the HANSARD. I thank you.

HON SPEAKER: Honourable Dingara.

HON DINGARA: Thank you very much, Comrade Speaker. Honourable Ulenga decided to choose the right topic and when he read his first statement, I had the feeling that he was making sense, but as he went on I was taken aback. I think I will speak from the point of view of my culture where I come from and which I believed in as a small boy and still do, that when someone is seriously sick, we are prevented from making the person either angry or disappointed, because it can be detrimental to that person. I was groomed that when you do that, you may as well take a weapon and hurt that person because it has the same effect on a person who is seriously sick. Even if you are much angry with that particular person, you should avoid making the person disappointed or angry, because that alone can cause harm to that person.

This Parliament is not a secret room that Comrade Tshirumbu will not hear what has been said. He will hear it today and I was wondering whether it is really the correct thing to do to make one's dying Party survive after five years. Even if the intention was for the Party to score some points, I think the Honourable Member has spoiled any chance of that happening, because I am sure that 95% of the Namibian people will be disappointed in the Party of which Honourable Ulenga is the leader. The Party used to be big and it has become smaller and I know the party will no more come here because of that statement. Thank you, Comrade Speaker.

HON SPEAKER: Any further discussion? Honourable Kazenambo.

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HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE: Thank you very much, Honourable Speaker, Honourable Members. I want to make a contribution to Honourable Ulenga's purported Motion.

Honourable Speaker, amongst other points raised in Honourable Ulenga's Motion, he says that, "*this Assembly debates the alarming spread of the cancer of corruption which threatens to become endemic in Namibian society.*" That is number (i). Then in (ii) he says: "*Condemns in no uncertain terms the culture of corruption in the private sector and, indeed, other sectors of our economy and society.* (iii) *Explore ways of curbing corruption, including calling on the President to officially enquire into the current cases of alleged corruption.*"

Honourable Speaker, these three points speak volumes for the content of this Motion. Deducing from these points, the Motion is misplaced, totally confused, amounting to political insanity because it is repeating what has already been done, because a characteristic of insanity, be it political or otherwise, is doing the same thing repeatedly. That is insanity. You will repeat the same thing.

Again, it is misplaced because in (iii) it says, "*explore ways of curbing corruption, including calling on the President to officially enquire into the current cases of alleged corruption.*" This country has an independent Judiciary, it has Courts, it has the police, how can the President enquire into alleged cases of corruption? Honourable Ulenga, enquiring how? Through the police, through the Courts? Where does this leave the independence of the judicial system in this country? If the President will start enquiring into alleged cases of corruption, will that not amount to interference in the law and order system in this country? That is why I am saying the Motion is confused, it is misplaced, it is corrupt. I do not know how one addresses something that is so corrupt. How do you justify it if it is so corrupt, because it gives the President powers which constitutionally he does not have. Honestly, the Motion is corrupt, it defies logic.

Comrade Speaker, other than the Motion being corrupt, totally misplaced, it is one-sided and biased and a designed cover-up of the actions of CoD, the guilty conscience of the CoD and its President that he has been suffering based on the actions of his Party. He wants to make them collective while it should remain

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individual. The problems of CoD cannot become Namibia's problems, the problems of CoD cannot become the problem of all those working in the Public Sector.

It is on record that in the past session the Parliament was subjected to civil war, fighting about cheques amongst CoD leadership – lack of accountability for financial proceeds and he is carrying that to the point where we saw the melting down and eventual collapse of CoD in the political system. Unfortunately we cannot help and we should not be made party to that. (Intervention)

HON DEPUTY MINISTER OF GENDER EQUALITY AND CHILD WELFARE: May I ask the Honourable Minister a question? Are you aware that Honourable Ulenga adjourned his Motion as he knew SWAPO was going to reject it and to say to the public out there that SWAPO rejected the Motion because they are corrupt. Are you aware of that agenda?

HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE: This is exactly what I am saying. If you have stolen and hidden these things, please do not bring me to the spot where you have hidden the things and then say that all of us are guilty. We are not party to your guilt. We work in the Public Sector but we are not corrupt. CoD has a problem, it has failed to account in the Public Sector where they are operating, as testified by the cases pending in Court about the way they were spending money and recently it was in the public press. (Intervention)

HON SPEAKER: We agreed that we will not refer to cases before Courts.

HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE: Thank you for reminding me of that.

Comrade Speaker, I am using this opportunity to thank Honourable Ulenga for availing this opportunity to some of us to clear our names, because I saw him parading and displaying a magazine there and trying to distance himself from

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that magazine. Honourable Speaker, my name and photo also appears in that magazine, but I do not need to distance myself from it because the truth of the matter is that in terms of accountability and disclosure of assets, this Parliament has a system and all of us are declaring our assets. Where the report is, that I do not know, but since many Honourable Members and I entered this House we have been declaring. If on the part of CoD they have not done so, I cannot comment on that. (Intervention)

HON TJIHUIKO: Honourable Speaker, may I ask the Honourable Minister a small question, please? Honourable Minister Kazenambo, you are trying your level best, I can tell, but looking at the Order Paper, I do not see any issue to be discussed on specific individuals or specific Political Parties. Do you not think, Honourable Minister, that by trying to concentrate on an individual we are missing the point, namely to discuss corruption? Do you not think that as a Minister you should bring the discussion back on track, which is right now off track?

HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE: In my entire career – and it is a short one – I have never been a teacher and I know that I cannot qualify in that field. Therefore, I have no time to deal with slow learners. (Interjections). The Motion in paragraph (i) mentions the Public Sector. Political Parties are institutions that are operating in the Public Sector in this country. It is mentioned here and I am speaking to this Motion. I was saying that mechanisms are in place and Members of Parliament in this country are required to declare their assets. (Intervention)

HON MINISTER OF PRESIDENTIAL AFFAIRS AND ATTORNEY-GENERAL: May I ask a question? Honourable Minister, going by the so-called motivation of the Mover, can I also in my speech refer to what I have read in one of the dailies, that the Honourable Member grabbed a cheque which belongs to his Party and used it for personal purposes? May I use that example?

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HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE:

You can use that example and I can briefly add to that example, that when the Honourable Member resigned or was serving as Ambassador, he said he must be given to prepare himself, was that corruption? He was pleading on the basis of humanity and if that was applicable to and good for him, why is it not applicable to others who are in need? When he was High Commissioner to Britain, I do not know whether he resigned or he was fired. It was in the newspaper that he was pleading and his supporters were saying he was handled uncourteously because he was not even given time to prepare, because he was challenging Government. I will not dwell on that.

In this House we are declaring our assets and it is a public requirement that the Executive every year fill in forms to declare our assets to His Excellency the President who is the Head of the Executive and I assume that since the Honourable Member served as a Deputy Minister and a High Commissioner he has been doing it and if he has not been doing it, his guilty conscience must not become collective. Own up to your own responsibility, please. (Intervention)

HON DEPUTY MINISTER OF AGRICULTURE, WATER AND FORESTRY:

May I ask the Honourable Member a question? We declare our assets twice a year to His Excellency and we declare to the Speaker as Members of the Legislature. Where have we omitted to declare that it had to be followed up by the President and the Speaker to request us to declare?

HON MINISTER OF INFORMATION AND COMMUNICATION TECHNOLOGY:

On a Point of Information. Honourable Kazenambo, are you aware that when Honourable Ulenga was High Commissioner in London he used to drive himself instead of having a driver? When he left, the Mercedes Benz he had been driving for less than three years was turned into a *skoroskoro*?

HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE:

It is information, I am not surprised. (Intervention)

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HON TJIHUIKO: Honourable Speaker, may I ask the Honourable Minister a question, please? Honourable Kazenambo, do you really believe that a brand new Mercedes Benz can become *skoroskoro* in three years? Do you not think that perhaps it is possible that when the car was bought, knowing that Honourable Ulenga as a principled leader may not be a member of the Ruling Party after three years, he was given a *skoroskoro* by them?

HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE: I am not an expert auto-mechanics, therefore I cannot comment.

Honourable Speaker, sometimes when we debate our differences, we should...
(Intervention)

HON DINGARA: Honourable Minister, can it be correct that a person who has been working in a high post at the level of Minister without conducting corruption can now start being corrupt while being sick and bed-ridden? Can it be true?

HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE: I really do not know. What I am saying here is that we have systems in place and Namibia as a country must be commended for putting systems in place. Namibia has put in place an anti-corruption system and I have spoken clearly about the system of declaration of assets both in this House and in the Executive and I will not repeat. I am moving to another point.

The Anti-Corruption Act was enacted in this House, as the Right Honourable Prime Minister has said and I will not go into that in detail, because it is a fact, it is here.

On the brick-a-brack he is trying to advance based on unfounded facts, which Honourable Ulenga mentioned in trying to cover for the sins and ills of CoD in public financial management, for which he now wants all of us collectively to be punished. He was trying to create a smokescreen. Honourable Ulenga was saying that this Government has no backing policies, which shows a lack of

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political will. It is not true, this very same House has passed an Act on money-laundering. Money-laundering is about corruption, so where is the lack of political will? We have the Financial Intelligence Act which was passed here and many other policies which I will enumerate upon. The Prevention of Organised Crime Act was passed by this Honourable House. These are instruments of good governance and transparency. Namibia as a Government, Namibia as a people who were just liberated twenty years ago must congratulate ourselves, including the Opposition Parties. When I am talking about Namibia, I am not excluding the Opposition Parties. We need to congratulate ourselves, but those who have problems should not tarnish the name of Namibia because of their own circumstances, such as the waning of political popularity, which never even existed to start with. They should get used to their circumstances and learn to live with it, rather than tarnishing the image of the entire country.

Namibia, in terms of business index and perception, is one of the middle locations on this continent and it is a fact. It ranks as being a good destination for investment, it counts amongst South Africa, Botswana and other examples. (Intervention)

HON MINISTER OF MINES AND ENERGY: May I ask Honourable Kazenambo a question? Honourable Kazenambo, we came together to this House. You will remember that Honourable Ulenga was seated there, then he moved over there and now he has moved there. Can you tell me what would be his next move?

HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE: Comrade Katali, I have seen him sliding toward political oblivion. He is sliding towards political oblivion, towards the dustbin of political history because he is rejected by the public. He knows that he is surviving on leftovers and the owners of those leftovers are bitterly complaining, they want to change the laws, because those who were rejected are surviving in a manner that they do not deserve. It is a big worry.

Honourable Ulenga, Namibia has policy instruments in place to fight corruption. The Judiciary will remain independent and are supposed to remain

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independent. The police should play their role in curbing corruption.
(Interjection)

HON ULENGA: That is the fifth time you are saying that.

HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE: Yes, your concern may be genuine, but please come up with facts, not to repeat the political insanity and with these few words, the Motion belongs to the dustbin of history, it must be rejected.

HON SPEAKER: Honourable Moongo.

HON MOONGO: This is a maiden speech and I hope I will be protected. Honourable Speaker, thank you very much, we are together again and I have returned with refreshed determination to fight.

When President Pohamba made his inauguration speech, I thought everybody would heed his statements. (Intervention)

HON DEPUTY MINISTER OF GENDER EQUALITY AND CHILD WELFARE: On a Point of Order. The Honourable Member says it is his maiden speech, but after he was sworn in, he put a question which is on this blue paper. When you were asking that question, where did you prepare it, in which office?

HON MOONGO: I hope I will be protected. When President Pohamba gave guidelines to all Ministers and the Government that there will be zero tolerance of corruption, I thought that would be enough and you would follow suit. However, listening to you debating is really pathetic, because Article 18 says administrative action should be fair and reasonable. That means every

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department, every official is supposed to have zero tolerance for corruption, but the way you are arguing now means that you are challenging the President's guidelines and I think we must find the proper medicine to treat the mental corruption. It seems all the roots and all the branches are corrupt and I think administrative action will never be carried out properly and, therefore, there is no proper Government. (Intervention)

RT HON PRIME MINISTER: May I ask the Honourable Member a question? Honourable Moongo, I thought you absented yourself from Parliament since March, April, May, June in order to attend NAMCOL to polish up a bit your language. (Laughter)

HON MOONGO: I advise the specialist to treat the mental corruption among the elite, because it is serious and we need a change and we need administrative action which will serve the people and the will of the people and not to defend corruption as such. (Intervention)

HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE: May I ask Honourable Moongo a question? Honourable Moongo, is it not corruption when you agree with the public that you are going to represent them and for three months you absent yourself from duty?

HON MOONGO: We have to be advised by our voters. (Intervention)

HON KAURA: May I ask Honourable Moongo a question? Honourable Moongo, are you aware of the fact that the Honourable Prime Minister, with a Masters Degree from Columbia University, cannot pronounce the word "*social*", he pronounces it as "shosho?" (Laughter)

HON MOONGO: We were advised by our voters that justice should be done and we should allow the Courts to rule. (Intervention)

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RT HON PRIME MINISTER: May I ask the Honourable Member a question? Is the Honourable Member aware that authentic Africans and authentic Namibians speak authentic English?

HON MOONGO: I am an African, I speak African English, I am not a European. He is a Colleague from my Region, I will allow him to ask a question. (Intervention)

HON DEPUTY MINISTER OF SAFETY AND SECURITY: Honourable Speaker, we should not ignore the question raised by Honourable Muharukua, it is a genuine question. The Member was not sworn in by that time. We are talking about corruption and that was a genuine question.

HON MOONGO: I was talking about corruption of the mind of the majority SWAPO members. They need a specialist in order to be treated to become reasonable and to administer the country properly and not as they are doing now. (Intervention)

HON MINISTER OF PRESIDENTIAL AFFAIRS AND ATTORNEY-GENERAL: On a Point of Information. I am surprised that the Vice-President of DTA can make that remark about SWAPO. The truth of the matter is that at every Uukumwe shebeen you will hear Ndilimani songs and people singing, “*vote for SWAPO.*” Uukumwe is one of the major campaign managers for the SWAPO Party and I am puzzled that they went to Court.

HON MOONGO: Uukumwe is a business for all people and I do not prevent SWAPO members from working there or to make music. I do not worry as long as long as my workers are principled. I appeal to you that the administrative actions be fair and reasonable and not to treat veterans and those born in exile differently from those born in the country. (Intervention)

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HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: May I ask the Honourable Member a question? How do you feel when those songs are played in Uukumwe and all your workers are showing the SWAPO sign and you are the only one showing the DTA sign?

HON MOONGO: Many of them are showing the fist, but at heart they are DTA and many of you are also DTA. (Laughter). (Intervention)

HON TJIHUIKO: Honourable Speaker, may I ask the Honourable Chief a question? Honourable Moongo, do you remember that we have been complaining in this House about jobs for Comrades? Now the Honourable Minister and the SWAPO Information Manager are admitting that you are not providing jobs for DTA members, but you are providing jobs for Namibians, including SWAPO members.

HON MOONGO: I agree, but here they made a special law and those who were detained in dungeons are not supposed to benefit as veterans. Imagine, there are people who suffered in prisons here. Is that not corruption? (Intervention)

HON MINISTER OF FINANCE: I just want to submit the information that was provided to Honourable Moongo, which he seems to have confirmed, that SWAPO is actually saying that the Honourable Moongo is wrong in giving jobs to people who do not support his political ideas. That is actually what SWAPO is saying, that the SWAPO songs are part of the campaign strategy of SWAPO Party and when the Members of the Opposition play those songs, they are advocating for SWAPO while they belong to Opposition Parties and as a result of advocating for SWAPO, they are losing votes and, therefore, they cannot go to Court to look for these votes because they gave the votes away themselves by campaigning for SWAPO from their own headquarters.

As far as political pluralism within the Public Service is concerned, the Honourable Member who just finished bashing SWAPO Party and the leaders of Government resigned from his ambassadorial position. Why? Because he

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was leaving SWAPO. He said, “*because I am leaving SWAPO, I can no longer represent the SWAPO-led Government and therefore, I resign my position.*” After doing that he came to Government and started to cry about jobs for Comrades in Government. What a contradiction!

HON MOONGO: I heard my colleague here from Ongwediva and some people were paid and vacated and some were left and not paid because they are Opposition members. Is that not corruption? The whole country, the whole Government, the whole system is corrupt. (Intervention)

HON SPEAKER: I have been generous with you, Honourable Moongo, in giving you time, but you are repeating the same thing.

RT HON PRIME MINISTER: On a Point of Order. Honourable Moongo, is it true that you are a merchant of alcohol and, therefore, of National destruction – therefore corrupt?

HON MOONGO: That is only a sign that you are defeated, business-wise you cannot do anything, you depend only on Government and sing SWAPO slogans all the time and then survive just because of SWAPO. I am an independent person, I am a business-minded person and I can stand on my own, do business and survive. Therefore, I appeal to you to stem corruption of mind and corruption in kind. With these few words, I thank you very much.

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

HON RIRUAKO: Mr Speaker, corruption is something that we distance ourselves from, but if you defend corruption, you turn against yourself and what you say is not what you stand for and you cannot compare yourself to me. I can tell you what I have done through my own Political Party and you cannot

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even in one day do. You sweep them under the carpet and I want to say that.
(Intervention)

HON DINGARA: May I ask the Honourable Member a question? I heard the Honourable Chief saying they distance themselves from corruption. I take it that they are not fighting corruption together with us.

HON RIRUAKO: It teaches you how the corrupt minds should be treated. I had that kind of thing in my own Political Party but I had to expel them? I have never seen you doing that? People who are corrupt are being promoted. We must go back to where we began and double-check ourselves.
(Intervention)

HON DEPUTY MINISTER OF ENVIRONMENT AND TOURISM:
Honourable Speaker, may I ask the Chief a question?

HON RIRUAKO: Even if I allow you to ask a question, you are wasting time, there is no way to defend yourself.

HON DEPUTY MINISTER OF ENVIRONMENT AND TOURISM: I just want to be on record. Since I have recruited Members of your Party into the SWAPO Party, can we take it that you have also followed your people into the SWAPO Party?

HON RIRUAKO: I do not distinguish between SWAPO and NUDO. If you are a member of my society, if you are my subject, you are free to do anything among the people, but if you are not a member of SWAPO, you are in a very chaotic situation. That is how you operate. (Laughter). (Intervention)

RT HON PRIME MINISTER: May I ask the Honourable Chief a question? Are you saying that Honourable Ulenga is in a chaotic the situation?

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HON RIRUAKO: Even if he were my subject, he could not feel worse than he feels now. I have Opposition all around, but they are at home. I am their Chief and I act that way without discrimination. That is the way you are supposed to behave and you know what I am talking about. That is the freedom they enjoy they never enjoyed here. (Interjection). I do not have to say anything about you. If you give this liberty to the society, they will enjoy it without any accusation against you. I cannot discriminate even among the Councillors, that this one is SWAPO and that one is DTA. It does not matter to me. If they tell the truth and the truth alone, it is enough for me and not like you who fear your own shadow. Some of them fear their own shadow. (Intervention)

HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE: May I ask the Honourable Chief a question? Chief, is it true what I have heard, that some youngsters within NUDO are plotting seriously to remove you as the president.

HON RIRUAKO: They can try, they have been doing that several times and you know what happened. However, I did not beat them, I did not expel them from the organisation, I just told them how to behave. No one was expelled there and the fact is, they are young enough to be trained and be given focus. That is the way how to behave. (Interjection)

HON MEMBER: Where is the corruption?

HON RIRUAKO: Corruption is around here, but I can heal with words and not with the sjambok. Words changes a person's behaviour, and the advise they follow come from the words. Let us face facts, there is corruption, we cannot run away from it and let us face it, let us talk about it and get rid of it. That is the way how to do it. I thank you.

HON SPEAKER: I thank you. Honourable Katjavivi.

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HON PROF KATJAVIVI: Thank you, Comrade Speaker. The discussion that we are having – I am not quite sure how to characterise some of the exchanges so far, but let me share something with you that I have come across independently this morning. The Motion before us and the motivation by the Honourable Ben Ulenga do raise some serious concerns and that is being reflected in the discussion so far on this side of the House.

Obviously as a citizen of this country he is bound to be concerned about the future of this country and the need to fight against corruption. That is a given, but the Right Honourable Prime Minister reminded the House about the Report from the Anti-Corruption Commission which was presented just recently and I thought there was an omission on the part of the Members of this House, those who felt so strongly and then decided to miss that particular opportunity. They are obviously entitled to their views and nobody is going to prescribe to them.

As a former Ambassador, sitting here and listening to some of the comments, what came to my mind was the standing of this country. (Intervention)

HON DEPUTY MINISTER OF SAFETY AND SECURITY: Honourable Speaker, may I ask Honourable Katjavivi whether he is aware that Honourable Moongo is illegally occupying Government property, delaying the University of Namibia in Ongwediva to make progress? Are you aware of that? Is that not corruption?

HON PROF KATJAVIVI: My answer, if I am permitted to respond to that, is simply that I am not aware, but obviously as a former Vice-Chancellor of the University of Namibia, that is of great concern to me personally as well as to the Government in general. I suppose the Honourable Member has taken note of the concern expressed and hopefully he will be able to respond in due time.

Honourable Speaker, what I wanted to say on this particular subject was simply to say this morning I was talking independently with officials from financial and auditing institutions and these patriotic Namibians are not only doing business in this country but they go around in the whole Region, such as Angola, DRC and elsewhere within our Region. What was interesting for me to hear is the way they talk about we in Namibia here take auditing work for granted, how efficiently it is run in a very predictable and efficient way and

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how difficult it is when they are out there doing similar work. This is how far this country has advanced in so many ways.

As a former Ambassador, preoccupied with the image and standing of the country, one is always reminded of the fact that as a country we are doing extremely well. I am not saying that there is no room for improvement, for doing more, but I am simply saying that we are not doing badly and that is a fact that many observers who are looking at this country are also fully aware of.

My last comment is around the issue on which the Honourable Ben Ulenga has built his Motion. I listened a great deal and kept an open mind in terms of where he is driving his argument at, what is at the end of the day going to be the centrepiece of his Motion and I must say that that did not come out as adequately for me to feel any sympathy and appreciation of the Motion, because the examples given were to me very sensitive and as the Prime Minister alluded to, I felt it was a little unkind to the person in question.

Fighting corruption, in my view, if we are going to have a Debate about this, I believe and I am absolutely convinced that this is an issue that should unite the House and if we are going to choose to do a proper Debate and discussion and search our souls, we should be able to unite this House. I have no doubt about that, but for now I felt this particular Motion has missed the opportunity and I do not think it is actually going to be a very useful basis on which we can build and strengthen whatever mechanisms we already have in place.

Comrade Speaker, I hesitated to stand up, but I felt the issues that the Prime Minister has raised were really adequate to inform the House in terms of what progress this country is making in terms of the anti-corruption campaign and I felt that was an adequate basis on which we can actually evaluate ourselves. I am not saying that all is well. There is always room for improvement, but we have mechanisms on the ground that can actually do the job adequately.

Comrade Speaker, those are the few comments I wanted to make and I am basically reinforced by the independent views expressed by those who go around in terms of promoting good governance in the financial field, who hail Namibia as a country that is doing extremely well in these important areas. Thank you.

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ADJOURNMENT

HON SPEAKER: I call on the Right Prime Minister to adjourn the House until tomorrow.

RT HON PRIME MINISTER: Honourable Members, we welcome the two lost brothers and I would like to Move that we adjourn now and return here tomorrow at 14:30.

HOUSE ADJOURNS AT 17:45 UNTIL 2010.06.30 AT 14:30

**NATIONAL ASSEMBLY
ASSEMBLY CHAMBERS
WINDHOEK
30 JUNE 2010**

The Assembly met pursuant to the adjournment.

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

NOMINATION OF MEMBERS TO COMMITTEES

HON SPEAKER: I have a small announcement to make. I have been informed that the following Members have been nominated to serve on the following Standing Committees and Groupings:

1. Honourable Festus Ueitele – Standing Committee on Women and Gender;
2. Honourable Lucia Witbooi – Standing Committee on Human Resources, Social and Community Development;
3. Honourable Sophia Swartz, Commonwealth Parliamentary Association.

I now, in terms of Rule 88(6) or the Standing Rules and Orders, declare these Members as duly appointed Members of the said Committees and Groupings with immediate effect.

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

TABLING: REPORTS OF THE AUDITOR-GENERAL

HON DEPUTY MINISTER OF FINANCE: Honourable Speaker, I lay upon the table the following Reports of the Auditor-General –

1. Reports of the Auditor-General on the Accounts of the Department of Transport in the Ministry of Works and Transport; and

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2. Video and Development Fund of the Namibian Film Commission for the period ending 31 March 2009.
 3. Performance Audit Report on Identity Documents, a follow-up in the Ministry of Home Affairs and Immigration for the Financial Years 2007/2008 and 2008/2009;
 4. Municipality of Tsumeb and
 5. Town Council of Rundu
- for the period ending 30 June 2009.

HON SPEAKER: Will the Deputy Minister table the Reports? Any further Reports or Papers? Any Notice of Questions?

NOTICE OF QUESTIONS

QUESTION 9:

HON MOONGO: Thank you, Mr Speaker. I hereby give Notice that on Thursday, the 8th of July 2010, I shall ask the Minister of Regional and Local Government, Housing and Rural Development the following:

1. The gutting down of shacks in the informal settlements by fire has reached an alarming state. Surely an urgent intervention is swiftly required. Honourable Minister, is it not high time for the State to provide low income houses, affordable electricity, fire-alarms, fire extinguishers and a fire department to the poor in informal settlements.
2. Can destitute fire victims provided with material assistance, such as tents, blankets, food, water and other necessary needs?

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3. Why are the laws regulating the street vendors different from town to town? Should one law, as contained in our Constitution, not apply to all vendors as general application rather than selective?
4. Why are the street vendors being victimised by both the Municipalities who imprison them and by floods in the rainy season, which is inhuman?
5. When will these malpractices come to a halt? Can the Minister explain?

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

MINISTERIAL STATEMENT

HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE: Honourable Speaker, Honourable Members, allow me to update the public through the National Assembly on the progress made in the implementation of the Cabinet decision on the plight of the children of the liberation struggle.

In my first Ministerial Statement to this august House on the aforementioned issue, I have indicated that besides having been established in the year 2005, the core mandate of the Ministry of Youth, National Service, Sports and Culture is to develop and empower the youth while at the same time promoting sports, culture and arts.

Honourable Members, let me reiterate. The Ministry since its inception has laboured intensely to promote youth empowerment through addressing specific challenges which militate against progress and development among all the Namibian youth. In this regard, all youth are targeted with a slight emphasis on the out-of-school, unemployed, the not gainfully employed, the marginalised and the illiterate ones. As such, most of the programmes put in place are those that enhance the knowledge and skills of the youth so that they

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gain access to employment, leisure and adventure as well as financial and credit facilities in order to better their lives. In so doing, the example of programmes we have embarked upon as effective planned Government interventions to alleviate poverty and bringing about socio-economic development of the youth in Namibia, as earlier reported in my first Ministerial Statement, are the youth voluntarism, youth health, juvenile and child justice, capacity-building, Namibia Youth Credit Scheme, youth opportunities that are created through the National Youth Service, youth training, to mention but a few.

The impact of these programmes on the well-being of the youth cannot be over-emphasised. Without doubt, these programmes have not only alleviated rural youth poverty, idleness and frustration, but has also improved their knowledge on the dangers of drug and alcohol abuse and the surge of crime. I must also say that these programmes have also afforded the youth opportunities to gain skills in entrepreneurship and internship.

That having been said as background information, which I believe has clearly been given to you and is still fresh in your memories, allow me, Honourable Members, at this point in time to update this august House on the progress that is being made in addressing the plight of the children of the liberation struggle alluded to above. It is my distinct honour and privilege to make this statement on the current progress being made on the Cabinet Decision as it has been recently reported in both the electronic and print media.

I had earlier on indicated that the registration of the liberation struggle was done in three phases, that is, the first phase being done in 2008, the second one, the registration being done in 2009 and the third and last one, the one that was done from October 2009 to March 5, 2010. In the third phase the main activity was the verification process of all those that have been registered in all phases. The registration that took place in the third phase targeted those who had not been registered in the first and second phases.

I had further indicated in my first Ministerial Statement that by February 2010, 8 853 children of the liberation struggle have been successfully registered and verified. However, since the verification and registration during the third phase was attended to by massive turnouts in the Khomas Region, the formal closure of this process actually took place on the 5th of March 2010 as opposed

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to 24 February 2010, indicated earlier on. Against this background, allow me to report to this august House at this stage that the number of the children of the liberation struggle has risen to a total number of 9 119. This number represents the children of the liberation struggle who were able to come to the third registration, the first verification points in all the 13 Regions as follows:

Region	Grand Total Registered and verified
Caprivi	259
Erongo	371
Hardap	149
Karas	141
Kavango	229
Kunene	46
Omaheke	85
Omusati	1,818
Oshana	1,403
Otjozondjupa	417
Oshikoto	867
Ohangwena	1,520
Khomas	1,814
Total	9,119

The grand total is broken down into the verified numbers as per years, but I will not bother this House with the figures as from 2001 when the programme started for the sake of progress and time, but the list is here.

Honourable Members, after the verification task team, that was led by the Ministry of Youth, National Service, Sports and Culture, has submitted their detailed report, which I have indicated above, a meeting was scheduled and held between the said team and the Technical Committee of Permanent Secretaries from all Ministries on March 7, 2010 to discuss the Report. The Technical Committee of Permanent Secretaries that was appointed to deal with this issue enthusiastically discussed, analysed and evaluated the Report, finding that the Report was written by men and women of integrity and that it was worth forwarding it further. The Technical Committee recommended that the report be presented before the Committee of Honourable Ministers for further scrutiny and forwarding to Cabinet.

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The Ministers that scrutinised this Report are those that are serving on the Inter-Ministerial Committee of Ministers that is dealing with this issue.

As Minister responsible for coordinating the entire process at stake, I invited my Colleagues, that is the Joint Committee of Ministers, to appraise them on the Report in question. It should be noted that before the invitation was extended to my colleagues, I had forwarded to them the narrative part of the detailed Report for comments and analysis. Nonetheless, the meeting of Ministers to which we invited the Chairperson of the Verification Task Team took place. However, Honourable Ministers also put the Report under a microscope and went further to interrogate certain recommendations, found that the Report was well-written and indeed captured what the Government wanted to know.

Consequently, after recommending a few Amendments to the recommendations in the Report, the Committee of Ministers recommended that the recommendation of the Report be submitted to Cabinet for approval. The Cabinet, through Decision No. 4 of 26/04, has since responded and approved the recommendations contained in the Report and further directed that the recommendations be costed.

Honourable Members, it is my distinct honour to inform this august House and the public that the costing of the recommendations, as directed by Cabinet, had been done and through Cabinet Action Letter the costed recommendations were promptly done. In no uncertain terms I wish to further inform this august House that as we speak, Cabinet Decision No. 6/22.06.10/001 does not only indicate the promptness with which Cabinet responded and approved the costed recommendation, but I would like to report that our Ministry has been further directed to consult with the Ministries of Education, Labour and Social Welfare as well as all other Offices, Ministries and Agencies to seek financial assistance to those who are in tertiary education and also to inform these children to access disability grants for those that are disabled and vacant positions in the system are supposed to be filled, as directed by the Right Honourable Prime Minister.

In the same vein, we have been directed to approach the Ministry of Trade and Industry for financial assistance to those children of the liberation struggle who indicated that they are not interested in being allocated with jobs, but are

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interested in being assisted to expand and boost their businesses, because some of them have started their own businesses.

Through Cabinet Decision No. 6/22.06.10/002, Cabinet has also directed me as the Minister under whose jurisdiction the children of the liberation struggle and all other Namibian youth in the country fall, to inform the public that the Cabinet commends the Ministry of Safety and Security and the Ministry of Defence for their concerted efforts in recruiting the children of the liberation struggle and other unemployed youth in the country into the Police and Defence Force, respectively, as committed Government intervention with regard to providing employment opportunities. These two Ministries are singled out not to discredit other Ministries, but because they are making concerted efforts to respond to the plight of the children of the liberation struggle and other Namibian youth. Unfortunately, these two Ministries are at the receiving end of some of the children of the liberation struggle for having recruited all Namibians, including the San children, the Ovatus, the Ovahimbos from the marginalised communities. They are at the receiving end, they are being accused of being corrupt and I am not saying this to cover their corruption if they are corrupt, but the Government is appreciating their effort.

It is my sincere plea that other Offices, Ministries and Agencies, including the private sector, should also respond to the plight of the children of the liberation struggle and other unemployed Namibian youth, because the priority of the Government of the Republic of Namibia is to all Namibian youth, all unemployed Namibian people.

I have also been directed by Cabinet to engage the Council of Churches of Namibia (CCN) and the Red Cross Society of Namibia on the issue of the liberation struggle. I have already held a joint consultative meeting with the representatives of the CCN and the Red Cross Society on what their intervention could be and these consultations are ongoing under the guidance of the Right Honourable Prime Minister who has been helpful in guiding us in this matter. I thank you for listening to me. I thank you.

HON SPEAKER: I thank the Honourable Minister. The Secretary will read the First Order of the Day.

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**INTELLECTUAL PROPERTIES BILL
HON DR KAWANA**

**RESUMPTION OF SECOND READING:
INDUSTRIAL PROPERTIES BILL**

HON SPEAKER: When this Debate was adjourned on Wednesday, 16 June 2010, the Question before the Assembly was a Motion by the Honourable Minister of Trade and Industry, that the Bill be read a Second Time. The Honourable Minister of Presidential Affairs and Attorney-General adjourned the Debate and he now has the Floor.

HON MINISTER OF PRESIDENTIAL AFFAIRS AND ATTORNEY-GENERAL: Thank you very much. Honourable Speaker, I rise to support the Industrial Properties Bill in joining some of the Honourable Colleagues who have contributed to this very important piece of legislation. At the same time, I commend the Honourable Minister, Dr Geingob, for this very important piece of legislation, together with the Deputy Minister and the staff of the Ministry.

Indeed, I concur with what was said by Honourable Shixwameni, the president of the APP, and I just want to add a footnote to what my learned Colleague said on issues pertaining to intellectual property. I believe that we in the developing world in general and perhaps Africa, in particular, have for too long been robbed in the area of technology, trademarks and intellectual property rights by the industrialised world and I think the time has come, together with the Ministries of Trade and Industry and Education to look into this matter not only in the context of SADC, but maybe Africa as a continent to see what could be done to protect the intellectual properties of Africa. I also appeal to our institutions of higher learning, because some of these institutions are inadequately funded and as a result they are incapacitated to do adequate research in this field we are talking about. Maybe the time has come for African Governments to consider this aspect. I do not know whether the solution would be to create independent research institutions, so that we could assess the output of these institutions. Maybe we may consider that aspect.

Secondly, I could say it is partly a disease of Africa that we reward failure instead of those who succeed. The time has come for Africa to consider rewarding those who are successful, who innovate, as is the case in some other parts of the world, so that at least this would be a motivation to innovate, to ensure that we address the socio-economic plight of our continent by way of

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accelerating research and development, by way of advancing intellectual property, by way of protecting our trademarks, so that we cannot be taken for a ride, as has been the case for centuries, by developed countries.

As was mentioned, it is really painful that sometimes we receive so-called experts or consultants who come to the African continent to learn and after learning, acquiring knowledge of the local conditions and personnel, they leave and claim to have discovered this and that and Nationalities to which they belong acquire these patent rights, either as companies or as individuals and this scenario must definitely come to an end. The time has come for Africa as a continent, for SADC as a Sub-Region, for Namibia as a sovereign State to look into this matter and see how we can protect our citizens from this broad daylight robbery, if I may put it that way. Otherwise, I support the Bill and I thank you, Comrade Speaker.

HON SPEAKER: I thank the Minister for his contribution. Any further discussion? Honourable Van der Walt.

HON VAN DER WALT: I Move that the Debate be adjourned until next Thursday.

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

**MOTION ON LIVING CONDITIONS OF NAMIBIAN
WORKERS IN URBAN AREAS**

HON SPEAKER: When this Debate was adjourned on Thursday, 17 June 2010, the Question before the Assembly was a Motion by the Honourable Shixwameni, that the Motion be adopted. Dr Kawana adjourned the Debate and I give him the Floor.

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HON MINISTER OF PRESIDENTIAL AFFAIRS AND ATTORNEY-GENERAL:

Thank you, Honourable Speaker. I rise to join other Honourable Members who have contributed to the Debate on this Motion and up front to say as National leaders and I believe I am speaking for Honourable Members who are represented in this House, whether Opposition or Ruling Party, that it is not to our liking to experience the socio-economic plight of our citizens who live in these areas. It is our duty, indeed first and foremost of the Ruling SWAPO Party, to address this unacceptable state of affairs.

I listened to the Debate, Comrade Speaker, and some Colleagues, Honourable Members, referred to these areas as informal settlements, some referred to them as squatter camps, others referred to them as ghettos. Whatever name is given, the conditions are the same and as leaders of this very proud Nation we have a duty to address this situation.

However, where I differ from the Mover is that the SWAPO Party Government is not seized with this matter. We have committed ourselves in various policy documents of the Government and now we are in NDP3 and I invite my learned colleague to consult the document and he will find out that there are certain areas which are committed to addressing the plight of our citizens who live in informal settlements.

We have Vision 2030, which is our ultimate goal, and in that document the Honourable Member will discover that we are fully committed to addressing the plight of our citizens who live in these informal settlements. May I also invite the Honourable Member to scrutinise page 22 of the 2009 SWAPO Party Election Manifesto where we committed ourselves to ensuring that the plight of our citizens who live in informal settlements is addressed. We need better housing, we need to accelerate some of those programmes which were mentioned here, such as National Housing Enterprise, Build-Together and assistance to some of the associations, such as the Shack Dwellers Association.

Indeed, prior to the Honourable Member coming to this House, the Honourable Minister of Finance tabled a policy document, in fact an Amendment, which exempts taxation to certain categories of transactions in the field of low-cost housing and this goes to show that we are fully committed to addressing the socio-economic plight of our citizens who live in these informal settlements, particularly with regard to housing.

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As a result, I would like to join my learned colleague, the Honourable Minister of Regional and Local Government, Housing and Rural Development, to plead with the Honourable President of APP for this House just to note this Motion, because if we are now forced to vote on it, we risk being divided.
(Intervention)

HON TJIHUIKO: May I ask the Honourable Minister a question, please? Honourable Minister, I am sorry to disturb, but I have realised that you are going to conclude and there is something I wanted to know before you sit down. You have mentioned a number of documents, NDP3, Vision 2030 and the 2009 SWAPO Election Manifesto. Yes, indeed, it is true that there are clear commitments in these documents. What I am expecting from you, Honourable Minister, and the public out there is to be informed as to what mechanism have we put in place to implement these noble documents, not the National Housing Enterprise because everybody knows that there is nothing going on. Tell us about the committed strategies that have been put in place by the SWAPO-led Government as to how best can these be implemented. We have read the documents, but what programmes are taken from these documents to address the issue that is on the Table?

HON MINISTER OF PRESIDENTIAL AFFAIRS AND ATTORNEY-GENERAL: I believe the Honourable Member is asking this question just for the same of asking. If he were in this House during the Budget Debate, he would have heard which programmes are already funded towards addressing the plight of informal settlements, including sanitation. In addition to that, the line Minister made a Ministerial Statement in this House, detailing the programmes and projects that are in place. This is not propaganda and I referred to some of those programmes and projects. We are very serious to address the socio-economic plight of our Nation and I believe that we will need the support of the minority Parties, which I referred to as Opposition Parties, because it is the duty of each and every Namibian to make sure that we address poverty in this country. Those people are our families, they are our citizens and we would not like to see them living in such conditions.

Therefore, if we come up with policies particularly directed to affirmative action, policies which are directed to previously disadvantaged, some of you

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will not oppose. In addition, the Honourable Member referred to Article 95 of the Namibian Constitution. It is our duty as a State, as a Parliament, as the Executive to address the socio-economic plight of our citizens, the workers, women and all those who are socially and economically marginalised. When we come up with those programmes, including land reform, some of the Honourable Members from that side are opposed to some of these programmes which are being implemented and I believe that from now on there will be consensus so that all of us fight poverty tooth and nail in Namibia to the benefit of our Nation. I support the plea that this Motion be noted as opposed as being voted for. I so Move, Honourable Speaker.

HON SPEAKER: Any further discussion? Honourable Kazenambo.

HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE: Honourable Speaker, I was not in the House when the Motion was tabled, but I have read Honourable Shixwameni's motivation and I have also followed the contributions by some Honourable Members on both sides of the House. (Interjection). I know he was going to say that I was the former Deputy Minister of Regional and Local Government and Housing and it is exactly the information I am going to provide him with, so just wait.

I said I followed the Debate and firstly let me say that I join the Honourable Members who are appealing that we should not be forced to be divided.

Therefore, Honourable Shixwameni must amend his Motion so that it can be noted by this august House and I am joining those who are appealing for that because this Motion touches on some issues which are supposed to be treated on a non-partisan basis and it would be regrettable if we were forced to take a partisan position on this Motion, because it is a Motion that touches on issues that are affecting our people that are right at the centre of the development of our country. It touches on issues which have long-term implications and effects on my children and grandchildren.

My appeal is based on two thoughts, especially deducing from the content of Honourable Shixwameni's motivation statement which I have read, although I was not in this House when other remarks were made on the Floor.

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Firstly let me say that I do not agree with Honourable Shixwameni that housing is a crisis in Namibia. I do not agree that housing in Namibia could be described as a crisis and I do not agree based on practical experience of other countries and Nations. That statement drives us into a partisan position. However, there are challenges in the housing sector and the transport sector, which we need to acknowledge and appreciate. Housing in Namibia cannot be described as a crisis, but rather as a challenge which is part of a developing economy, an economy that is being reconstructed.

I will not repeat the Government programmes as they have been eloquently mentioned already. (Intervention)

HON DEPUTY MINISTER OF GENDER EQUALITY AND CHILD WELFARE: Honourable Minister, may I ask a question? Which houses are we talking about? Are we talking about traditional houses in Kavango or the houses in towns?

HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE: You are asking a question which I am going to address in my intervention. I said I will not repeat what has been said by Honourable Kawana on Government programmes and there are many Government programmes. To be honest, we know when we came here twenty years ago, there was not a single street light in Katutura and shelter is not only about the house where a person sleeps, it covers the entire environment. There were no tarred streets in Katutura and many locations across this country. I am not mentioning this to say that enough has been done, but I am mentioning them to show that when the first people were taken there from the single quarters, there was no single house. Go and check the houses which are there today, but I am not saying that is enough, because in saying that, I will be taking a partisan position. However, let us acknowledge where concerted efforts have been made.

Going by the definition of the UN, we do not have slums in Namibia and that is a fact, we have informal settlements that have the potential to become slums and that is what we ought to manage. (Intervention)

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HON KAURA: Can I find out from the Honourable Minister, how do you define a slum and how do you define an informal settlement that has not yet become a slum? What is a slum and in what category does these informal settlements fall which we have all over the place and when would they become slums, when they have reached which stage?

HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE: Thank you very much for the question. According to the UN Habitat definition of a slum there is only one slum on this continent and it is Kibera in Nairobi. What makes it a slum? It is because in Kibera in Nairobi the size of the population cannot be compared to any population in our informal settlements and the houses are not congested in a manner that an ambulance cannot pass through. At Goreangab Dam it nearly developed in that fashion, but Government intervened and through the municipality we arranged for streets. Slums are found in India because of the size of the population in those places and the arrangements and activities.

Based on our population, if we do not manage and put in place mechanisms and management systems in informal settlements, they may develop into slums. (Intervention)

HON KAURA: May I ask the Honourable Member a question? Honourable Member, we have lived in places such as Brooklyn in New York where you have high-rise apartment buildings with electricity and flush toilets, but because they are infested with cockroaches and rats, they are referred to as slums. When you look at informal settlement in Okahandja and you do not call it a slum, can you define what would you call a slum if brick houses with flush toilets and electricity are referred to as a slum?

HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE: I think I will answer Honourable Kaura when I am making my second intervention, when I will also answer Honourable Muharukua, otherwise I will be delaying everybody here.

Honourable Shixwameni in his Motion, other than the issues that I disagreed with, raised some issues on which I agree with him as they are also of concern

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to me and which are issues very critical for development. That is why I agree that we should not take a partisan position.

For example, this morning I was driving behind a bus from Katutura and I do not know whether it is a municipal or private bus and on the back of that bus it is written, "*Be Assured.*" It is not fair to transport in a bus in such a condition. One does not know whether the sign, "*Be Assured*", means that they should be assured they will arrive at their destination. That is why I am saying that some of the points that he raised are also of concern to me and we should not accused one another on this issue. The way our people are being transported is a concern. They are loaded like cattle into trucks by companies that are making millions and millions from this economy and what Honourable Shixwameni is saying is the truth. It is a question of having a very dignified transport system in this country and I support Honourable Shixwameni that our transport system needs to be taken care of. One cannot transport people in that fashion. It is outdated, it is abusing the worker, it is not dignified. It is just like you are loading cattle and the companies need to take responsibility.

I am appealing that the Government and the private sector should find a solution to this problem and that is why I am appealing that we should take note of that, because it is not only the SWAPO Government that is facing this challenge, it is the whole society that should address these issues because it is deplorable and unacceptable.

Again on the issue of housing for workers, the Namibian Government should be commended on housing because in this continent and even in some neighbouring countries housing is not prioritised, but the Government of the Republic of Namibia has prioritised housing for its employees. Any Government employee can be subsidised based on his or her income and that is why I agree with Honourable Shixwameni, the private sector should take responsibility for the housing of their workers. Many of them have washed their hands, they do not care about housing the Namibian people and they are making millions and millions.

Honourable Speaker, I have done some checking with some financial institutions and I am also an employer, but there are giants in this country that are making billions, hotels, banks and mining houses, but if you go to mines in this country, they do not care about how they house their workers. At Aussenkehr we are exporting our grapes to Europe, but the conditions in which

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the people who are producing these grapes are living are pathetic and Government cannot be blamed for that.

I was also checking on the Internet and you find that in the UK, for example, they have private sector policies and strategies for housing their workers and when I did my research on the issue of housing, I was told by the banks that two or three of the Honourable Members who are sitting in this House count amongst the best in housing their workers and the things they have done for their workers. We need to come up with a reward or acknowledgement for those farmers who have built houses for their farm workers and shame and condemn those companies and farm owners who are still housing their workers like they did in the colonial era. No, Namibia should move on, we should move on with progressive policies for people who are becoming rich and the private sector must respond. That also goes for transport.

To conclude, Honourable Speaker, because I am coming from the Ministry of Regional and Local Government, Housing and Rural Development which is responsible for municipalities, some municipalities are conniving with lawyers and bankers to repossess houses of old-age pensioners for outstanding amounts of only N\$10 and those houses are bought by land barons. This amounts to disempowerment of our people and all of us need to come up with collective policies and mechanisms to protect society against those who are acting unscrupulously.

That is why I am saying that the Motion of Honourable Shixwameni is really dealing with a very, very sensitive and critical issue of socio-economic development of the citizens of this country and on that score, I rest my case.

HON SPEAKER: Honourable Ulenga.

HON ULENGA: Honourable Speaker, on this particular Motion I was thinking that I should Move that the Debate be adjourned until next Tuesday, because I intend to speak then. I would like to Move.

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HON SPEAKER: Any further contributions? Then the Debate on this Motion stands adjourned until Tuesday next week. The Secretary will read the third Order of the Day.

**RESUMPTION OF THE DEBATE: ON THE MOTION ON CURRENT
UNRESOLVED CASES OF CORRUPTION**

HON SPEAKER: When this Debate was adjourned on Tuesday, 29 June 2010, the Question before the Assembly was a Motion by the Honourable Ulenga. Honourable Tjihuiko adjourned the Debate and he now has the Floor.

HON TJIHUIKO: Honourable Speaker, I will be very brief. Thank you very much for the opportunity.

Honourable Speaker, when Honourable Ben Ulenga indicated that he wishes this august House to debate the issue of corruption, I was very excited. I was excited in the sense that I believed that this Motion will give us an opportunity to look at what we have done, look at the system that we have put in place and how our systems complement one another. However, yesterday when I listened to the motivation of the Honourable Member and the reaction that followed, I was not much disappointed by the way Honourable Ulenga has motivated, I was disappointed by the fact that some of the issues that became an issue of discussion were very unpleasant. Honourable Speaker, I am talking about the situation where we ended up mentioning names in this House. Not only that names were mentioned, but the manner in which it was mentioned. That has disturbed me a little bit.

I was trying to put myself in the shoes of a person who is very sick listening to this Debate, a grandfather, a great-grandfather, the whole family sitting around the bed of this Honourable Member for the family to listen to what we were talking about yesterday. I thought that was the lowest that one could have gone. Yes, we can still debate issues, we can avoid mentioning certain names, but the way we behaved yesterday, I do not think that was the best way for Honourable Members to behave. Honourable Speaker, I am not pointing a finger to anybody, I am just expressing my views on this.

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Honourable Speaker, I did not know that Honourable Mbumba could also get angry, but in the last six years that I have been in this House I have never seen Honourable Mbumba as angry, quite understandably so, but the comments that the Honourable Minister made brought me to the question of looking at the whole issue of corruption. What do we call corruption, how do we define corruption and I am asking this question because I really want to know if an Honourable Member is given assistance by Parliament to do certain things, that would constitute corruption or theft. That is the first question on which I want to try and educate myself.

I looked at the definition of the Oxford English Dictionary of corruption and it is being defined as “*dishonest or illegal behaviour.*” What we were talking about, was it really dishonesty by an Honourable Member? Can we regard that as being a corrupt practice? I am a bit worried, because if we go that way, who is going to be corrupted or who is going to be regarded as being corrupt? The Honourable Members sitting in this House have vehicles and car allowances, but when we are travelling, we are not using those vehicles, Parliament is giving vehicles. Can that be regarded as being corrupt? I think we need to look at some of these things because I am also in the same boat. I can also find tomorrow that what I thought I was doing honestly, could easily become a corrupt practice. Maybe when we talk about corruption, we should stick to the letter and spirit of corruption.

I also looked at the whole question of corruption and theft. How does one define theft? Once we know these things, then we know exactly what we are talking about.

Honourable Speaker, I just wanted to mention this as my introductory way of getting to the Motion, because I was disappointed and I hope that when we talk about human beings, we should also know that they may not be in a position at that particular moment to respond and that it hurts.

Coming back to the point in question, yes indeed, they say I was looking at this Motion, I wanted to try to find out what we have done in order for us to try and arrest the problem of corruption. I know that the necessary structures have been put in place, legal and otherwise, but what we need to look at is the question of how this system is being linked. We need to look at the courts, we need to look at the Traditional Courts, we need to look at the role of the churches and try to link all these players into a unit in order for us all to

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address the question of corruption. Of course, as Parliamentarians we also have the responsibility of our oversight function. Have we as Parliamentarians called in the relevant institutions under our supervision to know exactly how they have gone about to solve this problem? Have we tried to look at the bottlenecks that may inhibit them to do their jobs effectively?

I think what I am trying to get at, Honourable Speaker, is that we need to take stock of what we have put in place and link it to what needs to be done and justifiably come to a point of saying that nothing is moving, there are problems and bottlenecks and come up with a recommendation on what needs to be done.

Talking about corruption, trying to point fingers will not help anybody. It is all of us in the same pot. (Intervention)

RT HON PRIME MINISTER: May I ask a tiny question? According to this report which is in front of you, 928 cases of alleged corruption were reported to the Anti-Corruption Commission. The Commission investigated and found that 93 cases were prosecutable. Would you say that the Anti-Corruption Commission is doing its job or not?

HON TJIHUIKO: It is quite a tricky one. Right Honourable Prime Minister, looking at the statement made yesterday, I am sure that sometimes we are pointing fingers to the Commission, but if you read newspapers and see the complaints by people that certain people are being arrested and others not, then would one expect the Director of the Commission to send somebody to arrest Honourable Ulenga because somebody has said he has been involved in certain activities? Of course not, because otherwise it will become chaos. Therefore, I agree with you that yes, something has happened, but it is still our responsibility to put meat on the bones. I do not want to disassociate myself from the problem, if nothing is happening I have the responsibility as a lawmaker to call them in and ask why the situation is happening this way or not happening this way. Unless and until such a time that we have done that, it will be unfair for me to say nothing is happening.

Yes, I want us to strengthen the capacity of the institution. Yes, indeed, I want all of us to be part of solving the problem. It does not mean that we should not

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criticise and I am not opposed to anybody criticising, what I am saying that to some extent there are certain things that we should admit as leaders, that I have a stake in this and we need to put our shoulder to the wheel to address the problem of corruption. We are doing it in a small way, but we need to accelerate that.

In conclusion, Honourable Speaker, let me say that NUDO and I are committed to making a contribution to the fight against corruption. (Intervention)

HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE: May I ask the Honourable Member a question? Honourable Member, since you are talking about corruption, are you one of the Members of NUDO who are plotting to oust the President of NUDO, since you are saying “NUDO and I?”

HON TJIHUIKO: That is corruption and I have said zero tolerance of corruption as far as NUDO is concerned and in my view, to oust the NUDO President is like moving a mountain, and it cannot happen. (Intervention)

HON MINISTER OF SAFETY AND SECURITY: May I ask Honourable Tjihuiiko a tiny question? Honourable Tjihuiiko, Moses Katjuongua used to say “my Party and I”. Could plagiarising also be considered as a form of corruption?

HON TJIHUIKO: That is what I was saying, that anybody can find yourself in a situation where you will be accused of corruption, so I could easily be arrested when I go out of here. (Intervention)

HON DEPUTY MINISTER OF GENDER EQUALITY AND CHILD WELFARE: On a Point of Information. The Honourable Member is talking

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about “*NUDO and I*”, but his wife is a SWAPO member and that is why he cannot talk of “*NUDO and others.*” (Laughter).

HON SPEAKER: I do not know if it is fair to Honourable Tjihuike, his wife is not here. Chief Riruako yesterday said everybody belongs to NUDO.

HON TJIHUIKO: Honourable Speaker, democracy in this country is so strong, freedom of choice is so strong that I will not be surprised that my wife in an unlikely event could be a SWAPO member, but it is possible.

In conclusion, Honourable Speaker, when we talk about corruption, I want us to have an opportunity to evaluate progress, to look at the reports and to see the capacity of our Courts, to see the capacity of the various stakeholders and to try and beef up the capacity of this institution in order for us as a country to fight corruption. I support the Motion.

HON SPEAKER: Honourable Kaura.

HON KAURA: Thank you, Honourable Speaker. Honourable Speaker, I want to be careful with what I am going to say as carefully as possible. What happened yesterday was such that a sensitive issue was brought on the Floor of this august House and one could feel that Honourable Ulenga was maybe not compassionate enough. However, one of the Honourable Members asked Honourable Moongo that, “you were just sworn in, but how did it happen that you asked a question, where did you get that paper to ask a question because you were not yet a Member of Parliament” and it made a lot of sense that he had a paper from this Parliament while he was not a Member of Parliament and he asked a question and that could be interpreted as corruption. That was very correct.

What I want to say is this: In the future, if we want to occupy a high moral ground in a situation where one of our Colleagues ceases to be a Member of Parliament, whether a Minister or whatever, especially a Minister who was using Government vehicles, Cabinet has the ability to offer that Member those

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vehicles to purchase or even write them off out of compassion for that person. Then these questions would not arise. This is just advice for the future, so that someone cannot come up with this type of evidence and a person who ceased to be a Member of Parliament or who ceased to be a Minister was granted usufruct of Government vehicles while another person has taken his place and that could be interpreted that those who allowed that situation to prevail, allowed corruption or acted corruptly. The Government has all the machinery at its disposal to offer those vehicles to that person to buy, which has been done before when Ministers were offered to buy their vehicles when the five years lapsed, or compassionately you could donate those vehicles to that person. It would not be corrupt, it would be a Cabinet decision. However, if that person continues using those vehicles while he is ceased to be a Member of Cabinet, those questions could arise and I hope you will take note of that and this will not be repeated in the future. Thank you, Honourable Speaker.

HON SPEAKER: Any further discussion?

HON MINISTER OF PRESIDENTIAL AFFAIRS AND ATTORNEY-GENERAL: I beg the indulgence of the House to adjourn the Debate on this Motion to Wednesday next week.

HON SPEAKER: Any objection? The Debate on this Motion stands adjourned until Wednesday, next week. That brings us to the end of the business scheduled for today. I ask the Prime Minister to kindly adjourn the House.

RT HON PRIME MINISTER: I Move that the House adjourns until Tuesday, next week.

HON SPEAKER: Any objection? The House stands adjourned until Tuesday, next week.

HOUSE ADJOURNS AT 16:20 UNTIL 2010.07.06 AT 14:30

**NATIONAL ASSEMBLY
ASSEMBLY CHAMBERS
WINDHOEK
06 JULY 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 or Papers? Honourable 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 Municipalities:

1. Municipality of Tsumeb for the Financial Year ending 30 June 2007 and 2008;
2. Municipality of Gobabis for the Financial Year ending 30 June 2007;
3. Municipality of Grootfontein for the Financial Year ending 30 June 2009;
4. Municipality of Grootfontein for the Financial Year ending 30 June 2008;
5. Municipality of Henties Bay for the Financial Year ending 30 June 2008; and
6. Municipality of Henties Bay for the Financial Year ending 30 June 2009.

I so Move Honourable Speaker

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**NOTICE OF QUESTIONS
HON KAURA / HON MOONGO**

HON SPEAKER: Will the Honourable Deputy Minister please table the Reports? Any other Reports or Papers? Any Notice of Questions? Honourable Kaura.

NOTICE OF QUESTIONS

QUESTION 11:

HON KAURA: Thank you, Mr Speaker. I give Notice that on Thursday, the 15th of July 2010, I shall ask Minister of Agriculture, Water and Forestry, Honourable John Mutorwa, the following:

What law in Namibia stipulates that if Namibians move their livestock from one area to another within the same constituency, that livestock becomes Government property?

The Namibians living in Gam moved their livestock within the Tsumkwe constituency and that livestock has become Government property with concomitant suffering for those Namibians that are survivors of the Von Trotha massacre. If there is no law that prescribes those draconian steps by Government, is it not right to return those cattle to their rightful owners?

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

QUESTION 12:

HON MOONGO: I hereby give Notice that on Thursday, 8 July 2010, I shall ask the Minister of Regional and Local Government, Housing and Rural Development the following:

1. Is the Minister aware or will he deny that more than fifteen workers were unfairly dismissed from work PPP Municipality of Swakopmund in the last two months?

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HON TJIHUIKO**

2. Is it subsequently true that conditions of work were not met as contained in our Labour Law?
3. Was a Notice of Dismissal issued to these individuals? If so, were the workers subsequently remunerated for the years of their employment as stipulated in the Labour Law (Act 11 of 2007)?
4. Is it true that the Ministry failed dismally to implement the Labour Act or does the Minister condone such unfair, unconstitutional and, thus, unlawful, inhuman practice?
5. When are they going to be reinstated forthwith? Can the Minister explain?

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

QUESTION 13:

HON TJIHUIKO: Honourable Speaker, I give Notice that on the 8th of July 2010, I shall ask the Honourable Minister of Education, Dr Abraham Iyambo, the following questions:

I understand that Namibia has been benefiting from general scholarships and bursaries from a number of countries, such as Cuba, China, Russia, India, etcetera.

1. Can the Minister inform this august House as to how many scholarships from the abovementioned countries were offered to Namibians for the last three years, 2008 to 2010?
2. I would appreciate if the Honourable Minister could inform this august House as to the area of study being followed by these students?
3. What are the criteria that have been used to select these candidates?

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HON TJIHUIKO**

4. How regionally are they represented?
-

QUESTION 14:

HON TJIHUIKO: I give Notice that on the 8th of July 2010, I shall ask the Honourable Minister, Abraham Iyambo, Minister of Education, the following questions:

1. After your extensive visit almost to all 13 Regions and Constituencies, it was reported in the press that you were shocked by what you have seen on the ground. Having seen what you have seen, Honourable Minister, what would your immediate action be or how long will it take to institute remedial action in order to arrest this situation?
 2. Honourable Minister, your Ministry has been receiving the biggest Budget allocation for the last how many years now. To put our curiosity to rest, can you please present to this august House a breakdown of your Ministry's spending for the last five years?
 3. Honourable Minister, everything being equal, what would be your estimate Budget that would put our education system back on track?
-

QUESTION 15:

HON TJIHUIKO: I give Notice that on Thursday, the 8th of July 2010, I shall ask the Minister of Health and Social Services the following questions:

1. As you are aware, this House passed the Tobacco Products Control Bill on the 8th of December 2009 with urgency. The Bill has been signed by the President and published in the Government Gazette. However, up to now the Bill has not been operational. In terms of Section 28 of the Bill, the Minister should by Notice in the Government Gazette determine the date, but it has not been done yet. Why?
2. As per the Act, smoking zone areas are not allowed, which will, in my view, have a serious effect on certain businesses, tourists, industry,

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3. etcetera. Smoking areas are worldwide practised and legally accepted. Why did we exclude this practice from this Bill?
4. Does this mean that businesses which already have provisions should now do away with that and that all smokers should leave premises to go and smoke outside?

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

NOTICE OF MOTIONS

LEAVE OF ABSENCE

HON PROF KATJAVIVI: Honourable Speaker, I Move without Notice, that leave of absence, due to illness, be granted to Honourable Ben Ulenga until the 15th of July 2010.

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

HON MOONGO: Mr Speaker, I give notice that tomorrow, the 7th of July 2010, I shall Move –

That this august House discusses the delay in the implementation of the marshal plan as proposed by the affected community members of the Municipality of Oshakati to uplift, clear and level the affected ground by the floods in Caprivi, Kavango, Omusati, Ohangwena, Kunene and Oshana Regions.

HON SPEAKER: Will the Honourable Member table the Motion? Any further Notice of Motions? Honourable Maamberua.

**REPORTS OF AUDITOR-GENERAL
REFERRED TO NATIONAL COUNCIL**

HON MAAMBERUA: Honourable Speaker, I Move without Notice, that in terms of Article 72(1) of the Namibian Constitution, the Reports of the Auditor-General for the following Local Authorities and Regional Councils be referred to the National Council for scrutiny:

1. Municipality of Henties Bay for the Financial Years 2004 and 2005;
2. Municipality of Karasburg for the Financial Year 2007;
3. Municipality of Karasburg for the Financial Year 2008;
4. Municipality of Karasburg for the Financial Year 2009;
5. Municipality of Karibib for the Financial Years 2005 and 2006;
6. Municipality of Mariental for the Financial Year 2006;
7. Municipality of Mariental for the Financial Year 2007;
8. Municipality of Mariental for the Financial Year 2008;
9. Municipality of Mariental for the Financial Year 2009;
10. Municipality of Okahandja for the Financial Year 2006;
11. Municipality of Okahandja for the Financial Years 2007/2008;
12. Municipality of Omaruru for the Financial Year 2006;
13. Municipality of Omaruru for the Financial Years 2007/2008;
14. Municipality of Otjiwarongo for the Financial Years 2006/2007;
15. Municipality of Otjiwarongo for the Financial Year 2008;
16. Municipality of Outjo for the Financial Years 2005 and 2006;
17. Municipality of Swakopmund for the Financial Year 2007;
18. Municipality of Swakopmund for the Financial Year 2008;
19. Municipality of Swakopmund for the Financial Year 2009;
20. Municipality of Usakos for the Financial Year 2007;
21. Municipality of Usakos for the Financial Years 2005/2006;
22. Municipality of Walvis Bay for the Financial Year 2008;
23. Municipality of Windhoek for the Financial Years 2003/2004;
24. Municipality of Windhoek for the Financial Years 2004/2005;
25. Municipality of Windhoek for the Financial Year 2006;
26. Caprivi Regional Council for the Financial Years 2006/2007;

27. Erongo Regional Council for the Financial Years 2006/2007;
28. Hardap Regional Council for the Financial Years 2006/2007;
29. Karas Regional Council for the Financial Years 2006/07;
30. Kavango Regional Council for the Financial Years 2006/2007;
31. Khomas Regional Council for the Financial Years 2006/2007;
32. Kunene Regional Council for the Financial Years 2006/07;
33. Ohangwena Regional Council for the Financial Years 2003/04/05;
34. Ohangwena Regional Council for the Financial Year 2006/2007;
35. Omaheke Regional Council for the Financial Years 2006/2007;
36. Omusati Regional Council for the Financial Year 2002;
37. Omusati Regional Council for the Financial Years 2003/2005;
38. Omusati Regional Council for the Financial Year 2006;
39. Omusati Regional Council for the Financial Year 2007;
40. Omusati Regional Council for the Financial Year 2008;
41. Oshana Regional Council for the Financial Years 2006/2007;
42. Oshikoto Regional Council for the Financial Year 2006;
43. Otjozondjupa Regional Councils for the Financial Years 2002/2003;
44. Otjozondjupa Regional Council for the Financial Years 2000/2001;
45. Otjozondjupa Regional Council for the Financial Years 2004/2005;
46. Otjozondjupa Regional Council for the Financial Years 2006/2007;
47. Arandis Town Council for the Financial Years 2003/2004;
48. Arandis Town Council for the Financial Years 2005/2006;
49. Arandis Town Council for the Financial Year 2007;
50. Eenhana Town Council for the Financial Year 2006;
51. Eenhana Town Council for the Financial Year 2007;
52. Eenhana Town Council for the Financial Year 2008;
53. Khorixas Town Council for the Financial Years 2002 to 2004;
54. Khorixas Town Council for the Financial Years 2005 to 2007;
55. Nkurenkuru Town Council for the Financial Years 2008/2009;
56. Okakarara Town Council for the Financial Year 2006 and 2008;
57. Okahao Town Council for the Financial Year 2006;
58. Ongwediwa Town Council for the Financial Years 2007/2008;
59. Oshakati Town Council for the Financial Year 2007;
60. Outapi Town Council for the Financial Year 2004;
61. Rehoboth Town Council for the Financial Years 2006 and 2007;
62. Rundu Town Council for the Financial Years 2007 and 2008;
63. Aranos Village Council for the Financial Years 2002 to 2005;
64. Aroab Village Council for the Financial Year 2006;

65. Bethanie Village Council for the Financial Year 2008;
66. Gochas Village Council for the Financial Years 2003 to 2008;
67. Kalkrand Village Council for the Financial Years 2006 and 2007;
68. Kamanjab Village Council for the Financial Years 2007 and 2008;
69. Leonardville Village Council for the Financial Years 2005/2006;
70. Oshikuku Village Council for the Financial Years 2006 to 2008;
71. Otavi Village Council for the Financial Year 2006;
72. Ruacana Village Council for the Financial Year 2009;
73. Stampriet Village Council for the Financial Year 2006;
74. Uis Village Council for the Financial Years 2003 to 2007.

HON SPEAKER: Will the Honourable Member Table the Motion? Any Ministerial Statements? Minister of Fisheries and Marine Resources.

MINISTERIAL STATEMENT

HON MINISTER OF FISHERIES AND MARINE RESOURCES: Thank you, Honourable Speaker, Honourable Members. The exploitation of the Cape Fur Seal along the Namibian coast represents one of the oldest commercial fisheries in the Region and dates back to the seventeenth century. The annual seal harvesting season has been set for the 1st of July to the 15th of November. However, for the current seal harvesting season delays were experienced pursuant to administrative and bureaucratic issues, which has been amicably addressed now.

The annual total allowable catch (TAC) for 2010 to 2012 is set at 80,000 pups and 6 000 bulls, while cows are not harvested due to population dynamics. The harvesting of seals in Namibia is done in the presence of a Fisheries Inspector and is harvested in line with the Marine Resources Act of 2000.

The principle of sustainable management is taken into consideration whenever seals are harvested. This is in line with the FAO Code of Conduct for responsible fisheries. This provision is also contained in the Constitution of the Republic of Namibia, Chapter 11, Article 95 of the Namibian Constitution, which reads and directs us as follows: *“The State shall actively promote and*

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**MINISTERIAL STATEMENT
HON ESAU**

maintain the welfare of the people by adopting, inter alia, policies aimed at the maintenance of ecosystems, essential ecological processes and biological diversity of Namibia and the utilisation of living natural resources on a sustainable basis for the benefit of all Namibians, both present and future.”

The Namibian seal sector consists of three rights holders which harvest at three colonies along the Namibian coast, namely Cape Cross, Walvis Bay and Atlas Bay. The sealing sector is important in terms of GDP, in terms of employment as well as in terms of investment contribution.

There are two operational seal clothing factories in Namibia which employ a significant number of people. The number of employees is directly dependent on the quota magnitude. Employees in the seal sector are Namibians and have required culling skills as per our Marine Resources Act of 2000. The labour relations are good and compensation is performed.

As of recent, seal products have attracted more investments in Namibia and Namibia is expecting Hatem Yavuz Group from Turkey, the biggest seal skins importer, to transfer skills of processing seal skins in Namibia by opening a value-added processing plant. This investment will result in a workforce of more than one hundred workers. Moreover, the Ministry of Fisheries and Marine Resources is embarking on a project in consultation with the industry and the Ministry of Education to advocate the distribution of seal oil in the form of capsules to all schools in Namibia for consumption, the reason being that seal oil is rich in the long chain of Omega 3 fatty acids. The benefits, therefore, include enhancing brain, the eyes, the heart and the cardiovascular system.

It is also important to inform you that the two factories pre-process the seal oil for local consumption. There are two commercial users for seal oil for industrial grade oil, used for the production of cosmetics, paints, soaps and manufacturing of low-grade margarine.

As a seal hinge State, Namibia has become aware of the importance of seal derivatives to the health and the medical fraternity. Health products, such as Omega 3 oils and capsules derived from seal products, have already been part of over-the-counter medicine in some countries, Namibia included. Possible surgical implants from seal tissue have been on the tables from an international scientific point of view and this will also have a positive impact on human

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health globally as well as in Namibia. The usage of seal heart valves for human heart surgery has of late shown to be very promising.

In view of the EU banning seal products into their markets, this had not major economic impact on us, because we still maintain the largest seal products market. Namibia still continues to penetrate new markets with our products.

In conclusion, the Namibia seal harvest has been labelled inhuman by animal activists. The Ministry of Fisheries and Marine Resources on several occasions asked for public opinion on a more humane way of culling. However, up to date no animal rights organisation could come up with an alternative method. It is my sincere belief that Namibia has the most ethical laws of culling seals.

It is against this background that Namibia shall continue with the sustainable management of all its natural resources, both living and otherwise, including the seal population and I thank you for your attention.

HON SPEAKER: I thank the Minister for his update on the activities of his Ministry. Any further Ministerial Statements? The Secretary will read the First Order of the Day.

**RESUMPTION OF SECOND THE READING:
CRIMINAL PROCEDURE AMENDMENT BILL**

HON SPEAKER: When this Debate was adjourned on Tuesday, 29 June 2010, the Question before the Assembly was a Motion by the Honourable Minister of Justice, that the Bill be read a Second Time. Honourable Shixwameni adjourned the Debate and he has the Floor.

HON SHIXWAMENI: Thank you, Honourable Speaker. Let me, as usual, just say that I have gone through this Bill and it is a straightforward Bill, dealing with the amounts to be determined by Magistrates when deciding on fines for criminal activities that do not warrant detention. For that aspect I must say it is quite a straightforward Bill. However, it is a pity that 20 years

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after our Independence we still have laws dating from colonial times on our statute books, most of which have already even repealed in the Republic of South Africa. All that I can say is that twenty years after Independence I would like to urge the Ministry of Justice and, in particular, the Law Reform Commission, to pull up their socks in terms of looking at colonial laws, many of which are in conflict with our Constitution. It is a challenge that we all as Namibia should throw around the responsible institution, not just in terms of criticising, but that we need to enhance the process of amending these laws in order to bring them in line with the Constitution of our Republic. I know it is a daunting task, but I think it is still a task that can be overcome.

Since this particular Amendment Bill deals with the old Criminal Procedure Act dating from the seventies, I know and many know that in this very House in 2004 the Criminal Procedure Act was passed which was supposed to repeal the 1977 statute, but when I enquired as to what exactly is holding up the implementation of this particular Act, I could not find any explanation. I would like to ask my Honourable Colleague, Dr Kawana, whether he is able to explain. The law was passed both here in the National Assembly and the National Council, but where is the bottleneck, why can this law not be put in place, because most of issues that are dealt with by this particular Amendment Bill have already been dealt with in the Act passed in this House in 2004. Of course, in his speech he made reference to there being some problems between the Criminal Procedure Act and the Magistrates Courts Act that still need to be brought to this House, but what are those issues that cannot be amended so that we have a full law that deals with all the issues on the table, so that we deal with the problems that are being experienced by Magistrates Courts once and for all, instead of dealing with issues in a piecemeal way.

The O'Linn Commission already in 2005 or 2006 proposed Amendments to the Criminal Procedure Act and the Magistrates Courts Act, almost thirteen years after the fact, but we have not been able to harmonise these laws, so that we put them on the table and say we have a Namibian Criminal Procedure Act and Magistrates Courts Act that would ensure that everything is dealt with at once.

Having said that, I must still also say that I was pleased when I read through this Amendment Bill, as was also the case with the Criminal Procedure Act of 2004, that the Ministry has been gender sensitive and for that I commend and congratulate you.

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The other issue I wanted to raise is whether it is not possible to consider the issue of Small Claims Courts, because this is something that has been long overdue. If we are to decongest the Magistrates Courts in particular, we must find a way to deal with petty crimes and how people can reach agreements which are still legally binding.

Another issue which is indeed considered in the Magistrates Courts Act is community service. We talk so much about jail terms, whether three or six months, we talk about fines, but I think it is time that we also consider the issue of community service for people who have committed petty crimes, so that we also decongest the prisons, because a lot of money is being put into the Prison Service and I would think that it would make good sense that a person who commits petty crime, instead of serving a sentence of six months and losing his job, is sentenced to do community service.

Another issue that I wanted to raise is Court attendance. It is time and again emphasised in this Bill that you can be arrested and fined for not attending Court. I consulted a couple a lawyers on this issue and the problem is basically the unlimited periods that you have to attend Court. You are told to come at 10:00, which is also the case with medical practitioners, but if you are attended to at 10:00, you are the luckiest person. The problem at our Courts is that the 10:00 results in a person basically being at the Court the whole full day. I want to see a situation as we navigate through our legal system, reforming it, trying to make it people-friendly, that if you are told to attend at 10:00, there should be somebody to attend to you at 10:00. People have to take time off from their jobs to go and attend Court cases, but end up spending the whole day there. This is another element that needs to be looked at.

On the whole issue of the value money and the juggling if these amounts in terms of fines, N\$1,000 in 1970 probably made you a rich man, but N\$6,000 today does not make you any more worth than N\$600. Basically it is so difficult for many people to afford that. I do not know how we can strike a balance, that when the Magistrates are dealing with this whole issue of sentencing, that they also look at the conditions of the person who has committed a crime. If a woman commits shoplifting by taking a sweet for her kid, she has to look for Bail, go to Court several times for an issue that could easily have been attended to and of course, you cannot sentence that person to six months in prison for taking a sweet and sometimes by accident. This is

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something that our legal system needs to look at seriously, that for petty crimes we do not need to be so very much rigid.

My last point is on page 8, the issue of placing a person under protection. I feel this is a welcome move that basically that State Witnesses in criminal matters are protected. It is also a welcome move for whistle-blowers, so that there are people who will readily come forward to give evidence in a criminal case. However, on page 10, subsection (4), there seems to be a contradiction, because it deals with the issue of termination of this placement under protection, that the Prosecutor-General can terminate it or a Judge might refuse to grant protection to somebody. It says in the same section that at the conclusion of proceedings, this protection is basically withdrawn and we know that in the African tradition and throughout the world revenge takes place later on. You got me convicted for six months, I go to prison and come back and still follow you. What would be done in that particular instance when this person that was a State witness in a criminal case approaches the Prosecutor-General and the Courts and say, *“I am still being threatened by the people whom I testified against.”*

Subsection (7) talks about the evidence presented by such witness, that it cannot be reported. It is still of public interest to know exactly how this person got convicted, what evidence was placed before the Judges in order to convict this particular person. In other jurisdictions I have seen that people will not call a Witness that is under protection by his name, but they would call him Witness X, Z or Y. Is there not a possibility that this could be considered, so that the facts are still reported but the identity of that particular person is protected.

Otherwise, I think the Amendments are welcome, I feel they will decongest the courts, they would relieve the prison services and I support the Bill.

HON SPEAKER: I thank you for your thoughtful contribution.
Honourable Mushelenga.

HON DEPUTY MINISTER OF FOREIGN AFFAIRS: Honourable Speaker, Honourable Members, I rise to contribute to the Debate on the Criminal Procedure Amendment Bill which was introduced by the Deputy

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Minister of Justice, Honourable Tommy Nambahu. Before I do that, allow me to welcome Honourable Katuutire and Honourable Philemon Moongo back to this House after a peculiar sabbatical leave.

Coming back to the Bill, Honourable Nambahu would recall that during my contribution to the Budget Vote of the Ministry of Justice this year, I raised the issue of the Criminal Procedure Act 51 of 1977 vis-à-vis the Criminal Procedure Act 25 of 2004. The introduction of the Bill before the House, I believe, is the first phase towards realising the aspirations of the Act of 2004 and its eventual full implementation. The Law Reform Commission should work around the clock to ensure that new legislations are introduced to improve the impediments in the justice system and address matters of judicial expediency and effective justice administration.

I concur with the Honourable Deputy Minister that the issues addressed by the Bill are urgent, but I still encourage the Ministry to follow up on the technicalities that hamper the implementation of the Criminal Procedure Act 25 of 2004 as well as the Draft Criminal Code. The implementation of these legal instruments would boost the efficiency and effectiveness of our legal system.

Honourable Speaker, during the previous term of the Fourth Parliament I had an opportunity to visit the police cells as a Member of the Standing Committee on Foreign Affairs, Defence and Security. I, therefore, fully concurred with the Honourable Deputy Minister when he motivated the Bill that we should strive to accommodate obliging and compliant offenders so that they may not necessarily have to languish in cells, but rather enter a guilty plea and pay their fines to reduce the accumulation of cases. Information available reveals that the tradition of plea bargaining dates back to the early 1800s, that it was introduced as a principle way to adjudicate criminal matters. This trend has become the norm in a number of legal systems and serves to ensure progress in resolving heaps of cases. A renowned firm in Colorado, United States, called Anderson and Traverse LRC, discusses the essence of guilty plea as follows:

“A plea agreement is an understanding between the defence and the prosecution regarding the resolution of a case. It is meant to serve as a compromise that is acceptable to both the defendant and the prosecutor, depending on the strengths and weakness of each position. A plea agreement

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allows both sides to avoid the uncertainty, delay and expenses associated with going to trial.”

It is stated that guilty plea exercise is favourable to the offenders as they only need to shed reasonable doubt and the nitty-gritty of the offence, unlike the unpredictable outcome of trials which could be risky. Such positive purpose, notwithstanding, expedience resulting from plea bargaining has its critics too. The learned Dr Candace McCoy, Associate Professor of Criminal Justice, Rutgers University, New Jersey, wrote: *“Skeptics claim that plea bargains is inevitable, because overburdened court systems simply cannot give a full dress trial prior to every felony case.”*

However, the learned Professor was quick to add: *“Critics of plea bargaining, however, do not claim that every case should go to trial, only the ones in which there is factual ambiguity or those in which desperate defendants might be able to convince juries to give mercy from application of ill-advised legislation, such as mandatory sentencing laws.”*

Unlike the like-minded of the biblical Doubting Thomas, I am a proponent of plea bargaining procedure that is being introduced. The growing trend of backlog cases in Namibia has tainted a black spot on our judicial system and it is only when legislation like the Bill before the House is enacted that we will remedy the situation remarkably.

The increase of the admission of guilt fines proposed in the Bill is in order. Thirty-three years ago when the Criminal Procedure Act was passed, the economies of scale and currency value was different from the current ones. It is thus commendable that this Bill takes this economic factor into account by adjusting fines to significant figures. Offenders and criminals will now have to pay for a fair share of their conduct.

The insertion of Section 57(a) in the Bill to deal with witness protection is a move in the right direction. Protection of State Witness is important to ensure spontaneous giving of information necessary to attain full justice. This was underscored in the Indian courts in the case of Zahira Hibibulla H Sheikh and another versus State of Gujarat and Others, when Justice Arijit Pasayat argued:

“There comes the need for protecting the Witness. Time has come when serious and undiluted thoughts are bestowed for protecting Witnesses so that ultimate

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truth is presented before the Court of Justice trials and that the trial is not reduced to mockery. The State has a definite role to play in protecting the Witnesses. As the protector of its citizens, it has to ensure that during a trial in Court the Witness could safely depose the truth without any fear of being haunted by those against whom he has deposed.”

Honourable Speaker, I had the opportunity to attend a Court session of the International Criminal Tribunal for Rwanda (ICTR) in Tanzania where Witnesses were protected from the sight of the perpetrators, making it possible for witnesses to give enough evidence without fear of prejudice. Even the voice devices are tuned to ensure that the voice of the Witnesses are not easily recognisable to prevent possible tracing by the perpetrators.

On many occasions thieves and crooks go scot free just because full evidence could not be obtained for fear of repercussions on the part of the Witnesses. John Prichard writes in his publication, *The New Penguin Guide to Law* that victims who have to provide evidence before Court, they too are intimidated. They feel hopeless and vulnerable due to the criminal justice system that has failed them.

Honourable Speaker, I, however, feel that there are some issues that need to be clarified in respect of Witness protection. The Bill stipulates that the Prosecutor-General may apply to the Court for the protection of the Witness. However, it is not clear whether the Prosecutor-General applies for such a protection on his or her own volition or whether the Witnesses may advise the Prosecutor-General to seek such protection. To the ordinary man and woman who may not be familiar with the legal principles and human rights elements this issue needs to be clarified in unambiguous terms.

Moving to the conclusion, Honourable Speaker, I would like to say the issue of Witness protection should, however, not be exaggerated and taken out of context. In the trial Thomas Lubanga, the Democratic Republic of Congo rebel leader, the first person to be tried by the International Criminal Court, the Presiding Judge, Justice Adrian Fulford, advised that a balance should be struck between the safety of Witnesses and the rights of the defendants and the Learned Judge said: *“The principle of open justice is of high importance and requests for immunity should not be lightly granted. It is important that these applications are not routinely made in expectation that they will be routinely granted.”*

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Judge Fulford further stated that:

“Though personal preference or subjective fear can be considered, they are not enough factors that can determine the granting of Witness protection. It is, therefore, important that the provision of Witness protection should not be abused by Witnesses who want to settle scores with perpetrators by levelling all sorts of accusations while taking advantage of hiding behind immunity.”

With these words, I register my support for the Bill and I thank you.

HON SPEAKER: The House shall rise for refreshments.

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

HON SPEAKER: Business resumed. Professor Katjavivi.

HON PROF KATJAVIVI: Honourable Speaker, I would like to make a few points on the Draft Criminal Procedure Amendment Bill before us. Looking at the Bill along with other relevant documents that have been submitted to this House by the Minister of Justice, including the recent Budget statement by the Honourable Minister and the Annual Report, we can see clearly while the Ministry of Justice is seeking to amend the old Act of 1977 with a view to bring in measures that will respond appropriately to the challenging confronting the administration of justice in our country today.

Honourable Speaker, first of all, it is obvious that there is an urgent need to update our legal instruments in order to deal with the challenges that our Courts have to deal with. It is also essential that we continuously review and strengthen our legal instruments in order for us to continue to provide an efficient and fair service to our citizens.

Honourable Speaker, we welcome this initiative from the Ministry of Justice on this important matter. It is a matter that is important not only in domestic terms, but one that could equally affect the image and good standing of our

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country abroad, that is if we do not streamline our legal system timeously as proposed in this Bill.

Furthermore, it has become quite clear in recent years that there is unrelenting pressure on our Courts that calls for prudent and deliberative action. Therefore, it is incumbent upon us as lawmakers to act on this draft Bill as a matter of great urgency. Honourable Speaker, I thank you.

HON SPEAKER: I thank the Honourable Member. Honourable Minister Kamwi, Minister of Health and Social Services.

HON MINISTER OF HEALTH AND SOCIAL SERVICES: Thank you, Honourable Speaker, Honourable Members. I rise to support the Criminal Procedure Amendment Bill and to make a few observations.

I cannot agree more with Honourable Professor Katjavivi that the legal system, the Judiciary, is certainly in good hands. I have an observation on the last page of the Amendments under point 10, where the heading is, "*Production of Documents by Accused at Criminal Proceedings.*" From the layman's point of view, and I quote: "*Where any law requires any person to produce any document at any criminal proceedings at which such person is an Accused and such person fails to produce such document at such proceedings, such person shall be guilty of an offence and a Court may in a summary manner enquire into his or her failure to produce the document and unless such person satisfies the Court that there is a reasonable possibility that his or her failure was not due to any (fault on his or her part);*" etcetera.

When I read this together with the Namibian Constitution, under Article 12(1)(f), which reads: "*No person shall be compelled to give testimony against themselves or their spouses, who shall include partners in a marriage by Customary Law and no Court shall admit in evidence against such person's testimony which has been obtained from such person in violation of Article 8(2)(b) hereof,*" then I look at it that it violates an Accused's right not to incriminate him or herself. However, as I said earlier, this is not my area. I would appreciate if the Minister, together with the Deputy, may look at this and see whether it makes sense and whether there is not a contradiction with the Constitution.

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The other aspect, Honourable Speaker, is really a question of accuracy and, of course, we are being advised to be more gender sensitive. I see that from page 1 up to page 7 it is mostly said, "*his arrest*" and I advise that this be corrected when the final document is edited.

The other aspect also relates to the question of accuracy. If one looks at page 3, there is a paragraph which reads, "*Release the Accused on Warning tinder*" and

I think that is under Section 72. Then I saw on page 5, Section 4, where it reads, "*such notice where the written not ice contemplated.*" I suspect this could be "*not as*".

Another one is under Section 7(a), "*the presiding lodge*", I think it is the "*presiding Judge*". Otherwise I support the Amendment Bill. Thank you very much.

HON SPEAKER: I thank the Minister. Honourable Moongo.

HON MOONGO: Thank you, I have a short question. While we are dealing with the Amendment Bill, I would like to know whether it is not high time that more powers be given to the Traditional Authorities to adjudicate on cases, because they also deal with habitual criminals who repeat the same crimes and the Traditional Authorities have no teeth to send somebody to prison to be detained.

I see the Community Courts as a remedy for the Traditional Authorities. When will the Community Courts be implemented? I thank you.

HON SPEAKER: Thank you. Any further discussion? Honourable Mutorwa.

HON MINISTER OF AGRICULTURE, WATER AND FORESTRY:
Comrade Speaker, Honourable Albert Kawana, has requested me to adjourn

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this Debate for him to make a contribution on this very important topic tomorrow.

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

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HON SPEAKER: Does the Honourable Dr Amweelo Move that the Report be considered?

HON DR AMWEELO: I thank you very much, Comrade Speaker, Honourable Members. As newly elected Vice-Chairperson of the IPU National Group, I am pleased to table this Report for discussion. I trust that Honourable Members had an opportunity to peruse the Report.

The IPU Group already realised that there is a need to have its Reports discussed in the Assembly instead of tabled for note-taking only. This was evident when Honourable Mushelenga tabled in the House for discussion the Report of the Parliamentary Conference on the Global Economic Crisis attended by a delegation of the IPU National Group from 7 to 8 May 2009. The Report was debated, discussed and adopted in the Assembly on 11 February 2010.

It is our belief that such interactions will give the Legislature authority to investigate resolutions and decisions made at forums of interNational organisations. The time has come for Parliaments as the Legislature to implement procedures for Parliamentary monitoring of, and input into international negotiations as well as overseeing the positions adopted by the Government; to introduce mechanisms that allow for Parliamentary scrutiny of activities of international organisation and input into the deliberations; to introduce mechanisms for ensuring National compliance with the international

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norms and the Rule of Law, Inter-Parliamentary cooperation and Parliamentary diplomacy.

Furthermore, it has become important that the reports tabled, decisions made, recommendations and resolutions adopted in the House are implemented, if possible. I am aware that some recommendations of the Standing Committees adopted in this House are being implemented, but we need to find a workable, effective internal system in this regard for the sake of accountability.

Honourable Speaker, Honourable Members, I will now revert back to the Report and on the pertinent questions of how the resolutions will impact on Namibia as a country. The theme of the Assembly was "*Parliament at the heart of the political reconciliation and good governance.*" Issues discussed were the role of our Parliaments in strengthening the solidarity of the international community towards the people of Haiti and Chile in the wake of the devastating natural disasters and urgent actions required in all disaster prone countries to improve disaster risk assessment, prevention and mitigation.

As IPU and Parliamentarians around the world, we acknowledge the growing evidence that both disasters and climate change hit poor Nations and communities the hardest and that disaster risk reduction for immediate climate change adaptation is a strategic step towards sustainable development. It is our duty to respond to international crisis and disaster and to show solidarity to the vulnerable people all over the world.

You would be pleased to note that Namibia as a country has contributed when Haiti was hit by the earthquake. The resolution prompted by the recent earthquakes in Haiti and Chile calls upon Governments to make a disaster risk assessment an integral part of planning for post-earthquake recovery and reconstruction impacts.

It has become time for Namibia as a country also to intensify discussions on how ready are we in the event of natural disasters of this nature and climate change adaptation. The Ministry of Environment and Tourism plays a leading role and should follow up.

We are aware that the Right Honourable Prime Minister tabled the Namibia National Disaster Risk Management Policy. It is now the duty of the IPU

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National Group and the relevant Standing Committee to follow up on how this policy is implemented by the Office of the Prime Minister.

During August 2009, an earthquake measuring 5.6 on the Richter Scale shook the Erongo Region, with tremors felt as far afield as Windhoek. As elected representatives we should ensure that mechanisms are in place for any eventuality. The Directorate of Geological Survey in the Ministry of Mines and Energy plays an important role.

Problems concerning the degradation and the abuse of woman prisoners: Women prisoners are often regarded as the forgotten population and they are probably the most vulnerable to violence, as their only protection is the mercy of their perpetrators. Therefore, women Parliamentarians have a unique and a powerful voice to raise public awareness about violence against women and the plight of women prisoners. Therefore, as Parliamentarians we should investigate the condition of our female prisoners. Members of Parliament of the relevant Standing Committee are encouraged to visit the prisons and police cells to assess conditions under which women prisoners live.

Cooperation and shared responsibility in the global fight against organised crime, in particular drug trafficking, illegal arms, sale and human trafficking and cross-border terrorism:

In the Standing Committee on Peace and International Security a resolution was passed that:

Invites IPU Member Parliaments to strengthen the respective legal systems in accordance with the International Convention for the Suppression of the Financing of Terrorism with a view to combating money-laundering and financing of terrorist activities and to ensure that all measures are in line with their respective States' international obligations.

The resolution also calls for universal ratification of the United Nations Conventions Against Corruption and asks Parliaments to support the newly established United Nations Convention Against Corruption (UNCAC). Efforts should also be intensified illicit cultivation, production, manufacturing, sale, abuse, transit, trafficking and distribution of narcotic drugs and psychotropic substances, especially heroin, cocaine and its derivatives. It is our duty as Parliamentarians to conduct oversight to ensure that our Government

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constantly updates legislation on prevention and fighting drug trafficking, human trafficking and illegal small arms sales.

The resolution urges Parliaments to mainstream gender equality concerns into all legislation to ensure that women and children are protected from abuse and that they are provided with legal, medical and other forms of assistance.

According to the Namibian policy, Namibia, because of the demographic location, is a favourable target to the drug syndicates who are constantly exploring new routes and avenues to traffic drugs like cocaine. The Ministry of Safety and Security assured the IPU Group that Namibia committed itself towards fulfilling the international obligations and participate in important platforms, such as the IPU and similar events.

At National level legislation has been boosted with the enactment of the Prevention of Organised Crime Act, Anti-Money-laundering Act and the Financial Intelligence Act. At the international level the Government of Namibia has ratified and acceded to the United Nations Drug Convention, the United Nations Convention Against Organised Crime, UN Convention Against Corruption and the SADC Protocol Against Drug Trafficking. The Ministry of Safety and Security, especially the Namibian Police, should be vigilant against drug trafficking, human trafficking and organised crime. The Namibian Police should also be vigilant, because our kind and humble nature as Namibian citizens, our good democracy, our hospitality is abused and taken for granted by criminal from our very neighbouring countries by making the Namibian borders transit routes for drug trafficking, human trafficking and organised crime. Sometimes these criminals are assisted by our own citizens.

The second Standing Committee on Sustainable Development, Finance and Trade adopted a resolution on the role of Parliaments in developing south-south and Triangular cooperation with a view to accelerate achievement of the MDG's. The resolution invites southern and northern Parliaments and Governments to support and develop south-south and Triangular cooperation to align their south-south cooperation agenda with the MDG's.

It also urges southern countries' Parliaments and Governments to see to it that the funds allocated to MDG-related programmes and sectors are effectively used for the target programmes.

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Impacts on Namibia: Namibia is fully involved in south-south and Triangular operations. There are a number of case studies in this regard. The last is with regard to youth participation in the democratic process.

The third Standing Committee on Democracy and Human Rights adopted a resolution of youth participation in the democratic process. The resolution invites Parliaments, if they have not done so, to set up specialised bodies to streamline youth issues throughout parliamentary work and to monitor the fulfilment of the Government's obligations under the Convention on the Rights of the Child to ensure respect for children's rights to be heard and express their views freely and without any form of discrimination.

Impacts: The Ministry of Youth, National Service, Sports and Culture and the Government of Namibia acknowledge the importance of enhancing people's awareness of, and commitment of human rights and democracy, the promotion of the inter-cultural dialogue and understanding in a spirit of respect for diversity, the combating of racism, xenophobia, intolerance and action aimed at undermining democracy. Governments is considerate of the importance of youth contribution, social cohesion, especially by combating exclusion and preventing ills that affect the people.

Travel restrictions for people living with HIV/AIDS: As Parliamentarians of the world at the IPU, Governments were called upon to remove travel restrictions for people living with HIV/AIDS. There are about 52 countries, territories and areas that have some form of HIV specific restriction on entry, stay and residence that is based on positive HIV status.

Impact: It is commendable to note that Namibia is in the process to amend existing regulations which will lift travel restrictions for people living with HIV/AIDS. The Ministry of Home Affairs and Immigration is called upon to expedite this process.

Honourable Speaker, Honourable Members, there should be no doubt that the Report speaks to all Parliamentarians. I am now humbly calling on Members to discuss this Report. I thank you.

HON SPEAKER: Before I give the Floor to Professor Katjavivi, I just want to say, with respect to Namibia's polecat status in respect of limitations on the

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movement of people who are HIV/AIDS positive, that it was a great embarrassment to me after the opening session of the Assembly Session in Bangkok. I was accompanied by other people and was questioned by the international media. It was there that I learned that that was the case. I have subsequently learned that we are revisiting that problem with a view to do the right thing as a country and I hope those responsible are attending to that. Professor Katjavivi.

HON PROF KATJAVIVI: Thank you, Honourable Speaker. Let me follow in the footsteps of my neighbour, simply to say this is indeed a commendable report and I am delighted that it has been brought before this House.

As it could be seen from the table of contents of the Report, a number of important topics have been covered in various sections of the Report. Thus the IPU Assembly dealt with a number of issues that occupy the attention of most Parliaments in today's life.

At that IPU Assembly a number of issues were debated and decisions were adopted that are now expected to be acted upon by member institutions, including our own Parliament.

Honourable Speaker, a great number of these issues covered at that Assembly are at the heart of our Parliamentary work. As indicated by the theme of that Assembly, these are the role of Parliament in developing a south-south form of cooperation, accelerating the achievement of the MDG's, youth participation in the democratic process, human rights and democracy, peace and international security cooperation and the shared responsibility in the global fight against organised crime, matters pertaining to finance and trade, improving disaster risk assessment in disaster prone countries. I must say this is an issue that relates to climate change and it has been well reflected in the post-disaster needs assessment report produced by the Government of the Republic of Namibia in collaboration with its development partners following the 2009 floods that have hit our country.

Honourable Speaker, this is by all means not a complete list of what was discussed in Bangkok. However, there are specific resolutions and recommendations that were adopted that do now require our attention in terms

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of implementation. Overall, it is essential that the outcomes of an important event such as the Bangkok Assembly are taken forward and fully implemented.

There are also those issues that must be brought to the attention of our National institutions, including a number of our Line Ministries.

Honourable Speaker, this Report provides clear testimony of the skilful leadership provided by our own Speaker, the Honourable Dr Theo-Ben Gurirab, in your capacity as the President of the Inter-Parliamentary Union. We commend you, Honourable Speaker, and the entire Namibian delegation for the excellent manner in which you represented Namibia at that crucial Assembly. Well done and thank you, Honourable Speaker.

HON SPEAKER: Honourable Tjihuiko.

HON TJIHUIKO: Thank you very much, Honourable Speaker. Honourable Speaker, I just wanted to emphasise something on page 14 of the recommendations.

Honourable Speaker, these recommendations are very clear and it is very important for the various institutions and Ministries to look at what has been recommended and to inform those who are representing the country at international fora, because sometimes when we are sitting in meetings and you have your Speaker of the National Assembly being the President of an institution, it is crucially important for you to know exactly what is going on in your own country to enable you to express the views that would represent the feeling or the position of the country. Sometimes we attend these meetings, not knowing exactly what the Ministry of Justice think about certain issues, the Ministry of Trade and Industry think about certain issues and once we comment on the recommendations here, it would help whoever is going to attend these meetings to take it along, knowing exactly what the Namibian position is.

Secondly, Honourable Speaker, the other thing that I have noticed we really need to look at seriously is that we had a delegation from the National Assembly and a delegation from the National Council. Looking at the way we were behaving there, instead of having one delegation, there were two distinct

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delegations and we hardly came together to talk about issues to be discussed the following day. In most cases we met in the hall and I think we need to have a situation where we should have one or two meetings before the delegations leave the country so that we can be on the same page and know exactly what we are going to say. Not only that, sometimes we make mistakes where the Namibian Government has this position and we vote differently from the official position of the Government. That can be very embarrassing, especially when you have our Speaker as the President of the IPU.

These are some of the comments I wanted to make and with those comments, Honourable Speaker, I support our Report.

HON SPEAKER: Thank you. Right Honourable Prime Minister.

RT HON PRIME MINISTER: Thank you, Honourable Speaker. It was not really my intention to speak to this Report because it is self-explanatory, but I want to comment on two issues. Issue number one is on page 13, item 8.5, "*IPU Committee on Middle East Question.*"

Honourable Speaker, the situation in Palestine is really a matter of concern to some of us, especially those of us who had an opportunity to live in a more or less similar kind of environment. You cannot have a people, members of a large International community, who are just cut off and they feel that they have been forgotten. It took some brave solidarity workers from Turkey to try and break the blockage of Gaza. They had to pay with their lives and, disturbingly, they paid with their lives on high seas, not because they were in some persons' territorial waters, but in international waters.

Our Parliament said nothing about it, but we have the experience of Cassinga's of this world, the Shatotwa's of this world, the Vietnam of this world, those names of combat places where serious attacks were made against our people. Apparently we have a short memory, we have forgotten. In those days international solidarity mattered and it sustained us. The Yugoslavs sent planes to pick up the wounded, the manufactured artificial legs to assist our people. The Cubans sent planes to pick up the young people from Cassinga and created schools for them in Cuba. So the story goes on. That was true international solidarity.

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However, now with the situation in Palestine we seem to have forgotten and I believe it is high time our Parliamentarians, especially those who attend Pan-African Parliament meetings, to make sure that they establish a Committee on Palestine, so that the people of Palestine should feel that they are not forgotten by the world, as is the case now. Of course, as Parliament we want to promote peaceful resolution of the conflict and that is our duty. I am aware that the Honourable Speaker visited Palestine, but we as a Parliament have not done anything to really promote solidarity with the people of Palestine. We are betraying our own history and our own experience as Namibians.

When our people were massacred by the Germans, they crossed Omaheke into Bechuanaland. Segome Khama accepted them and they lived there for generations. I remember a group of my friends who went into exile and they could not get off the train in Francistown. They went up to Mahalape and they were assisted by Namibian Diaspora. One lady asked them, “*Uakuatuerua pi?*”, they say, “no, we were not arrested (Intervention)

HON TJIHUIKO: May I ask the Right Honourable Prime Minister a small question? Right Honourable Prime Minister, you mentioned the people who were massacred by Germans, went to Botswana and were accommodated by those colleagues, but are you aware that the offspring of these people are back, settled in Gam and they cannot move around even in the same Region? Are you aware of that?

RT HON PRIME MINISTER: I am saying that how can we Namibians, as children of solidarity, forget to express solidarity with other people in difficulty, such as the Palestinians? I think it is our duty and responsibility and I hope that the Namibian delegation to the Inter-Parliamentary Union will put a Member into this Committee of Palestine so that we can make our contribution as a country. That is very close to my heart and very important.

My other contribution is on page 10, item 8.2, “*Lifting of Travel Restrictions for People Living with HIV.*” As the Honourable Speaker has said, this question is a big embarrassment to many of us. Last year I had to sign letters to various international leaders to convince them that Namibia was going to remove this restriction yesterday. Up to date this restriction has not been

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lifted. I made the promise on behalf of the Government of the Republic of Namibia. I am now talking to those concerned.

A week ago I had a meeting on the same issue and I have been told conflicting stories. As I tried to remove this restriction on HIV/AIDS, they came with something on TB. I was as frustrated as everybody else. Attorney-General, I know you are listening wherever you are, please, the next meeting of the UN AIDS Organisation is going to take place soon and the Director-General, Dr Sidibé, intends to read the names of the countries who have removed the restrictions and I am under heavy pressure from the UN that Namibia be should be part of the list of names. It is simple, it is just gazetting a regulation. Therefore, I join the Speaker in saying that all of us are embarrassed and I hope that something would be done yesterday. Thank you.

HON SPEAKER: Thank you very much. Honourable Prime Minister, you said so many things, thank you that you face the same embarrassment. Michel Sidibé and I were the joint presiding persons taking questions when I was embarrassed with this in Bangkok, Thailand. I did not know anything about it. Let us do something about about the Government policy on restriction on HIV positive persons entering Namibia.

I however also want to say something about Palestine on which you spoke. I went there as the IPU President, but everybody under the sun knows who I am. I went to Palestine as General Assembly President in 2000 without asking permission from Israel, because the question of Palestine is a decolonisation question on the agenda of the United Nations, so I went there and I talked to the Palestinians. The second time I went back to Gaza, but I also went to Tel-a-Viv and met with the President, Simon Perez, with whom I signed the agreement to establish diplomatic relations. In that capacity I was talking to the Government as well.

On the question of Palestine, Right Honourable Prime Minister, when the SWAPO Party organised its own induction course, I spoke very passionately about not only the question of Palestine but, also about the question of Western Sahara, the Government policy now is the policy of SWAPO on both Western Sahara and Palestine, it has not changed. Every time that I hear our leaders reiterating our support and solidarity with the people of Western Sahara or

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Palestine, it begins and ends there. We are much more active as SWAPO in the support of the people of Western Sahara and Palestine than my Government is today. Honourable Kazenambo.

HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE:

Thank you, Honourable Speaker. I am happy with the tone of both the Prime Minister and the Speaker as the former young person who used to listen to SWAPO leaders at various platforms around the globe. Our mission was very clear and more vocal and it is really reassuring that my leaders put something that still sounds like yesterday. Thank you for that.

Coming to the Report with the theme, "*Parliament at the heart of political reconciliation and good governance,*" what prompted me to stand up is the country interventions, comments and experience in paragraph 2, where it says: "*It was noted with concern that many countries in Africa will not achieve the MDGs by 2015.*" This is of great concern to me, living in the continent of Africa and listening to these measurements. Not meeting the Millennium Development Goals is a serious concern.

In Annexure 4 there are resolutions about the Organisation for Economic Development and Cooperation, the Development Assistance Committees and these resolutions, good as they are, realistic as they are, the scale is only putting emphasis on the development assistance which the developing countries are receiving, but what often lacks in documents of this nature and what is missing in discussions at the international level is the amount of natural resources tapped from the African continent. Poor as we are, poor as we are portrayed at international fora, we are not told about the quality of our diamonds that are taken from this continent, of our copper, the quality of the tea produced in African countries, the fish exploited from our sea and our Uranium. Of course, it may be of our own making and we have to take responsibility and the blame. However, we are portrayed as if we are just an empty shell that is forever being assisted, we are good for nothing. This is not good.

I am not accusing our representative here, but what I am saying is that we are not the beggars we are being portrayed to be, we also contribute. Our countries are also contributing and we want fair trade. So, while we are talking about trade to so-called developing countries, it must be accompanied by the

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need and requirement for fair trade, because what those who are giving us trade are tapping from this continent, which is supporting their economies, surpasses the trade given to this continent. I am grateful to those who are assisting us, but that needs to be said at this platform.

Again it goes to the branding of the continent of Africa. We have allowed ourselves for too long to be called poor people. I was reading a very insulting document which is being circulated in this House, "*Poverty and Inequality in Namibia*" and typically the author is saying that for the past 20 years Namibia has not come up with any strategy of addressing poverty, but what we have been concentrating on is just emotions.

Honourable Speaker, this document is entitled, "*Parliament at the heart of political reconciliation and good governance*" and now I wonder whether it is emotions when the Namibian Government for the past twenty years has been promoting the policy of reconciliation. Is it emotions when the Namibian Government for the past 20 years has been promoting good governance and when they have not marched into the farms and grabbed them? Is it emotions when the Government is promoting Rule of Law, order, peace and stability? (Intervention)

RT HON PRIME MINISTER: May I pose a question to Honourable Kazenambo? Honourable Kazenambo, are you aware that the author of this document seems to be a economic refugee from England?

HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE: Yes, Comrade Prime Minister, and that is why I am appealing to all Members attending the IPU and not the Speaker alone, that it is about time that Africa is stopped being referred to as being poor. Sometimes they say to kill a dog, you give it a name and we have allowed that.

I agree with the Right Honourable Prime Minister that the people are dying to come to this continent are the very ones who are referring to this continent as very poor and they are the very ones who are enjoying... (Intervention)

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HON TJIHUIKO: May I ask the Honourable Member one or two questions? Honourable Minister, when we look at things, we need to look at the positive side of the coin instead of concentrating on the minor negatives. When I was looking at the document you are referring to, I was so impressed to see that Government has done so well, that when you look at the poverty rates by Regions, poverty has come down in all the Regions. I think that is a very positive side the Honourable Minister was supposed to be happy about, rather than now highlighting the smaller negatives. The question is, what is it that you want to achieve by your statement, because your statement does not seem to go anywhere. Here you talk about this document, you talk about the Report, you talk about this and that, what is it you want to say? Can you just now come to the point because the time is not on our side?

HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE: The Honourable Member may be listening to what I am saying, but he is not hearing what I am saying because is preparing to move to the next Political Party.

Honourable Speaker, what I was saying is that branding and image is very, very important. The resolutions in this document is the language used everywhere at international platforms. Sometimes when we engage donors, they talk as if they are not getting anything from the African continent. They talk as if they are not getting anything from Namibia. That is the message, Honourable Tjihuiko. (Intervention)

HON DEPUTY MINISTER OF JUSTICE: On a Point of information. Comrade Kazenambo, are you aware that in the code of conduct, both written and implied, for the trans-Nationals, they are told not to report on the things that they extract from Africa. They are only saying what is it that they bring in terms of social responsibility and they put that on the magnifying glass without saying how much they get from Africa. Do you know that that is the case?

HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE: You are so correct and what we are addressing here is the sophistication and the psychology of the liberators, not the liberated, those who would like to do something for us *Ava taa ningilwa sha*. We are our own

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liberators. Those who wait, do it for me, and that is why they cannot remain in Political Parties and shape them, they want a ready-made one.

I am saying that we should advance the language of saying that we cannot be portrayed as poor people forever.

On the issue of trade balance we are calling for fair trade and the Right Honourable Prime Minister has mentioned the issue of migrants, which also goes to the heart of development aid, because the assistance that is so often reflected in documents goes together with consultants who come and enjoy the good weather here and earn money. (Intervention)

RT HON PRIME MINISTER: Honourable Kazenambo, may I ask a tiny question?

HON SPEAKER: I am not quite sure whether we are discussing the Report that Honourable Amweelo submitted. It is a very interesting discussion, table a motion, but now it has become a general debate.

RT HON PRIME MINISTER: Honourable Kazenambo, would you suggest that in view of this very important Report about aid, trade, investment and everything else, that our Parliamentary Standing Committee on Economics investigates and report to this Parliament on the huge difference between our Gross Domestic Product and our Gross Net Products and why there is such a huge difference between the two?

HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE: I agree with the Right Honourable Prime Minister and the problem that we have in this continent is that we censor ourselves. When these European countries talk about us, when we travel, we censor ourselves in the name of diplomacy and those people treat us that way. (Intervention)

HON SPEAKER: Minister, make a Motion so that we discuss it.

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HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE: Comrade Speaker, in Resolution 30 it says that donor Parliaments should ensure that their Governments honour their commitments despite the economic crisis, given the importance of predictable aid flow for the realisation of south to south and Traingular cooperation. It is what it says. What about the things that they are taking from here? Why is it not contained here? It goes on that Parliaments should oversee implementation of the present resolution and Government action to implement the recommendation of the United Nations High Level Committee on South to South Cooperation.

These are the things I am highlighting, we are dealing with investment and the thrust of my argument is based on investment, that Africa is also giving something, it is not only a receiver. Let us brand Africa that what it gives must be recognised in documents like this one. This is all I am saying. (Intervention)

HON MINISTER OF ENVIRONMENT AND TOURISM: May I ask the Honourable Minister a question? On the issue of trade, do you remember that at one point under this programme of Women and Peace, the African women wanted to conduct an audit in which they wanted to know how much comes into Africa in terms of what is called international donations and what goes out of Africa to buy weapons, and as much as women projects were so attractive to fund, that particular research could not get a single funding. What do you think is the problem?

HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE: That is what I am saying. Here we are told that the theme is "*Parliament and Political Reconciliation and Good Governance.*" We have to promote peace, but how do we promote peace with poverty? Poverty is one of the causes of conflict, poverty is one of the causes of war and we do not manufacture weapons here. Weapons are manufactured in the developed countries, we do not have the technology. Let us talk about technological transfer, let us talk about fair trade and this audit that you are talking about cannot be funded because it exposes the criminality and the image of Africa must continue and we must continue censoring ourselves, that that is our image.

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If you do research on this HIV issue, the culprits are the black people from the African continent. Recently I travelled to Germany and my personal assistance was stopped right away at the airport. I do not know whether she is HIV-positive, but she was stopped and that is the treatment that we receive as blacks.

However, when they arrive here from wherever, they receive red carpet treatment, no questions. *Why can we not talk about these things*” I thank you and I rest my case.

HON SPEAKER: Minister of Justice.

HON MINISTER OF JUSTICE: Thank you, Comrade Speaker. Comrade Speaker, I have been away and the mission I have undertaken was the burial of a very, very close friend and comrade, the late Comrade Paolo De Seiro George. SWAPO was invited to say a few words as to how we felt with the demise of that comrade and if I have to quote myself, I described Comrade George as one of those giants on whose shoulders some of us as freedom fighters had to stand in order to be seen and to be heard. Comrade Speaker, I am saying this as a prelude to what I want to say arising from this Report of IPU.

We as Namibians call ourselves children of international solidarity, which is true. We had shoulders on whom we cried and stood and backs on which we were carried. I am looking around myself and my country and the world around me, I am looking around for the giants that could *abba*, that could shoulder the oppressed, those who are crying to be assisted.

Comrade Speaker, I am seeing nobody. Maybe I am becoming blind the more I am getting older. I am seeing nobody, neither for the Palestinians, nor for the Saharawi people. Tell me where are the giants? Are we the giants? Is Namibia big enough to shoulder these two struggling Nations? What is it that has gone so wrong that the OPEC countries that used to be the giants of the Middle East are nowhere to be seen, nowhere to be heard? What has happened? How come that when the Turkish ship was attacked I have not heard a word from any Arab country except Iran? What has happened? Has

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the oil evaporated or was it really just the oil that was making the Arab world tick that time as we were growing up?

Looking at what is now happening in the world and looking at ourselves, if we are to shout, if we are to scream, who will hear us? How far can our voice travel to be heard and by whom?

Comrade Speaker, we are globe-trotting, we are attending very important conferences, we are taking serious resolutions and we are giving very, very heartbreaking and touching speeches. Is it just lip-service or are we evaluating what we are doing? (Intervention)

RT HON PRIME MINISTER: May I ask a small question? Do you remember that after every Central Committee meeting we issued a statement, thanking those who were helping us and we mentioned three things? Do you remember the three things?

HON MINISTER OF JUSTICE: You can remind me.

RT HON PRIME MINISTER: There were four. We thanked them for material support, moral support, diplomatic support and humanitarian support. Now moral support is very important. Thank you.

HON MINISTER OF JUSTICE: It is true, it is important that we have to make them four. We did not just say moral support – period. Moral support alone, Comrade Prime Minister, is not enough. No, the Palestinians need to reconstruct their country, they need material support. They are blockaded and I remember seeing an American Foreign Ministry’s spokesperson being asked a question after the attack on this ship, whether they are condemning what Israel has done. This man was going around and around just to avoid the word “*condemning*”.

We have been signing conventions and agreements on anti-terrorism and what not. It is not that I am opposed to those agreements, but those agreements have

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totally castrated the world. Nobody in this world can stand up and say anything any longer. The American Government has facilitated the Israelis to acquire nuclear weapons. I am saying it here in this open House. The American Government has helped the Israelis to develop nuclear weapons, to arm them to the teeth, yet here we are keeping quiet. We must condemn, we must implement UN resolutions on sanctions against Iran. Where is the difference? This world is so hypocritical and our conscience is being killed whilst we watch. Our minds are being throttled and yet we keep quiet.

The other day I was asking our Foreign Minister, why is it that we have abolished visa requirements to certain countries in the word and they can come here free of charge? They come here as tourists, yet the red Diplomatic Passport of Ministers and Members of Parliament means nothing in those countries if you do not have a visa. You will rot at the Airport. How come that the law of reciprocity is not being respected in our countries? Why? (Intervention)

HON TJIHUIKO: May I ask the Minister a small question? Honourable Minister, you mentioned the point of visa, that we have abolished the visa and the other people are not doing same and we are being mistreated. Can we as a Government re-institute the visa so that we can treat them the way they are treating us in their countries? You are the Government, so you can do it.

HON MINISTER OF JUSTICE: Comrade Speaker, I am saying this to amplify on what Honourable Kazenambo has said. We ourselves are buying into these hypocritical policies of these countries which are the biggest donor countries. We say yes and, therefore we abolish the visa, you can come here twenty-four hours. No comrades, we are doing it to ourselves, because in Europe black is just black. We are lumped together, it does not matter who you are and a white person in Europe is just a white person, whether you are from Nigeria or from Namibia. They do not even care about your Nationality if you are a white coming from wherever, as long as this skin is white.

Comrades, I am saying this out of experience. If we do not stand up for our rights, for who we think we are, we should not expect other people to do things for us, to throw out the red carpet for us. The world is not what we think it is. I even went to the extent of saying there are people who say your country is

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beautiful, but what they are failing to say is, “*can we give you space in your country, we do not need you, what we need is your country. It is your land we want, you are nothing.*”

Therefore, at these meetings we attend we must also design a way of articulating our issues. This list of recommendations on drug trafficking, human trafficking or whatever are their issues, they are not our issues here. They are the ones manufacturing the drugs with the hope of poisoning our minds, they are the ones who are trafficking prostitutes and whatever else, it is not us and bombard us with these issues so that we do not talk about our own issues. (Intervention)

HON DEPUTY MINISTER OF JUSTICE: I would not like you to conclude without touching on the issue of global governance and its institutions and instruments. When people talk about Human Rights, it is for those governments to go over, so that you condition yourself to become more governable. These things come from IMF, they come from these conventions that we sign, from peer review and if we do not understand the politics of global governance and the institutions, we will not get anywhere. I want you, before you conclude, to touch on some of these things and educate us in that respect, otherwise we will not understand it.

HON SPEAKER: Honourable Minister, you may continue tomorrow. I want to say a last word. In 1959 the Cubans seized power through the barrel of the gun and total war was declared against them, including embargo. The Cubans decided then and there to say no, we are not going to move, Cuba is our country and they have survived. The Zimbabweans were subjected to a similar kind of onslaught, they said no and they are surviving. Do not blame other people for your own weaknesses.

The House stands adjourned under automatic adjournment until tomorrow.

HOUSE ADJOURNS AT 17:45 UNTIL 2010.07.07 AT 14:30

**NATIONAL ASSEMBLY
ASSEMBLY CHAMBERS
WINDHOEK
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The Assembly met pursuant to the adjournment.

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

TABLING: REPORTS OF THE AUDITOR-GENERAL

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

- (a) Educational Development Fund for the Financial Years ended 31March 2007 and 2008;
- (b) Diamond Valuation Fund for the Financial Years ended 31December 2006 and 2007;
- (c) Namibia Students Financial Assistance Fund for the Financial Year ended 31March 2008; and
- (d) Fisheries Observer Fund for the Financial Year ended 31March 2009.

HON DEPUTY SPEAKER: Kindly table the Reports, Honourable Minister. Notice of Questions? Honourable Moongo.

NOTICE OF QUESTIONS

QUESTION 16:

HON MOONGO: Honourable Deputy Speaker, I give Notice that on the 14th of July 2010, I shall ask the Minister of Fisheries and Marine Resources the following:

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**NOTICE OF QUESTIONS
HON MOONGO**

It is a fact that workers in all industries are rightfully entitled to benefits, such as medical aid, sick leave, compassionate leave, maternity leave, and social security according to the Labour Act (Act 11 of 2007).

1. What prompted the United Fishing Enterprises Company to disobey and
2. disregard the Labour Law of our country and cause such inhuman treatment of their work force, some of whom served for more than twenty years, only to leave without fringe benefits.
3. Is it subsequently true that N\$2 million were given to the United Fishing Enterprises Company as a grant?
4. Hence, on what ground was this amount allocated to the fishing company? Perhaps some forms of favouritism or foul play was involved.
5. If yes, when will all the workers of the United Fishing Enterprises Company receive a share from the State?
6. Is it also true that the Social Security funds of the employers and employees of United Fishing Enterprises Company are payable annually and not monthly, as stipulated in the law?
7. What will happen if an employee dies in the middle of the year? How will the Fund be covered? Can the Minister explain?

QUESTION 17:

HON MOONGO: I further give Notice that on Thursday, 14 July 2010, I shall ask the Minister of Education the following:

It is a fact that in Government schools it is compulsory for every learner to wear uniforms and jerseys.

1. Is the Minister aware of how a costly endeavour that can be? Often the learners in these schools come from disadvantaged backgrounds and cannot afford those jerseys. Why not allow those learners to wear other jerseys, especially in the winter season?

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**NOTICE OF MOTIONS
HON EKANDJO**

2. What are the most important reasons why this is prohibited by Government schools?
3. Can the learners without uniform not achieve academic excellence?
4. Does a uniform guarantee quality education in Namibia? Can the Minister explain?

HON DEPUTY SPEAKER: Table the Questions. Any further Notice of Questions? Notice of Motions? Honourable Minister Ekandjo.

NOTICE OF MOTIONS

**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,
HOUSING AND RURAL DEVELOPMENT:** Comrade Deputy Speaker, I give Notice that tomorrow, Thursday, the 8th of June 2010, I shall Move –

That leave be given to introduce a Bill to amend the Electoral Act, 1992, so as to extend the term of office of the current members of the Electoral Commission to 30 June 2011 and to provide for matters incidental thereto.

**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,
HOUSING AND RURAL DEVELOPMENT:** Comrade Speaker, I give Notice that tomorrow, Thursday, the 8th of June 2010, I shall Move –

That leave be given to introduce a Bill to amend the Regional Councils Act, 1992, so as to reduce the period of office of the Members of the Regional Councils and to provide for incidental matters.

HON DEPUTY SPEAKER: Please table the Motions, Honourable Minister. Any further Notice of Motions? Ministerial Statements? Honourable Nghidinwa, Minister of Home Affairs and Immigration.

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**MINISTERIAL STATEMENT
HON NGHIDINWA**

MINISTERIAL STATEMENT

HON MINISTER OF HOME AFFAIRS AND IMMIGRATION:

Honourable Deputy Speaker, Honourable Members of Parliament. Kindly allow me this opportunity to formally announce the Amendment recorded in Government Gazette No. 4514 relating to the removal of HIV/AIDS and other infectious diseases from the Visa application forms warranting entry, stay and residence in Namibia of people living with HIV/AIDS.

Even though there is no example of the enforcement of the regulation in Namibia, its existence created the wrong impression of Namibia as a democracy and its National and international commitments to human rights-based approach, responding to HIV/AIDS and fostered that stigma and discrimination towards people living with HIV/AIDS.

The National HIV/AIDS Policy and the frameworks clearly state the need for greater efforts to ensure that people living with HIV/AIDS have full access to rights and services and continue to participate actively in Namibian society. In order for this to materialise, Namibia must examine its legal instruments and how these discriminate against the most vulnerable and discriminated population, so that our National AIDS response comprehensively addresses this National development strategy.

Honourable Deputy Speaker, Honourable Members of Parliament, it was an oversight that this regulation was placed on the Visa application forms. It took account of the following diseases as grounds for restriction by the Ministry of Home Affairs and Immigration. The Immigration Control Regulation promulgated in terms of the Immigration Control Act in Government Notice No. 134 of 1994 were listed in terms of item no. 10 of the Visa application form, such as follows: Tuberculosis or any other lung diseases; trachoma or any other contagious eye diseases; Frambesia, yaws, scabies or any other contagious bacteria or other skin diseases; syphilis or any other contagious diseases; leprosy and Human Acquired Immune Disease and Syndrome Virus (HIV/AIDS).

I am pleased to inform the Nation that the Amendment has now taken place and the regulation will now read as follows: *Contagious infection or viruses or diseases. Any contagious infection or virus or disease or airborne or*

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**MINISTERIAL STATEMENT
HON NGHIDINWA**

transmitted through casual contact that exists or may develop from time to time that is declared as public health emergency (PHEIC) of international concern and which warrants restriction of international travel and mobility as per the International Health Regulation adopted by the 58th World Health Assembly 2005 to which Namibia is a party, including any Amendment to which Namibia becomes a party is regarded as contagious for the purpose of paragraph (e) of subsection (2) of Section 95 of the said Act.

It is with great pleasure that I am informing this august House of this Amendment as it is the culmination of efforts by a number of stakeholders to create a protective legal environment for those affected by and living with HIV/AIDS.

Praise is due to the Right Honourable Prime Minister, Nahas Angula, and his office, Honourable Dr Richard Kamwi, Minister of Health and Social Services, Honourable Pendukeni Ithana, Minister of Justice as well as Honourable Ngatjizeko, Minister of Labour and Social Welfare. I also wish to extend thanks to the following organisations for their continuous advocacy efforts:

His Excellency Mathiew Gail, Ambassador of the United States of America, Egge Kari, Resident Coordinator of the United Nations and the United Nations Country Team, Dr Magda Rubalo, Representative of the World Health Organisation, Henk Van Retnerghem UNAIDS Country Coordinator as well as organisations representing people living with HIV/AIDS who were in direct contact with my office.

Honourable Deputy Speaker, following this Amendment, the following action will be taken by the Ministry of Home Affairs and Immigration: A public and press release on the Amendments will be issued. The website of the Ministry of Home Affairs and Immigration will delete item 10 from Annexure 1, the Namibia Visa Application Form of the Immigration Control Act 7 of 1993. This Amendment will be communicated to all the immigration officers, points of entry, border posts, airports and the Namibian Missions abroad to inform prospective visitors to Namibia on the changes made with regard to the Visa application conditions. With these few words, I now rest my case and I thank you.

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**CRIMINAL PROCEDURE AMENDMENT BILL
HON DR KAWANA**

HON DEPUTY SPEAKER: Any further Ministerial Statements? The Secretary will read the First Order of the Day.

**RESUMPTION OF SECOND READING:
CRIMINAL PROCEDURE AMENDMENT BILL**

HON DEPUTY SPEAKER: When this Debate was adjourned on Tuesday, 6 July 2010, the Question before the Assembly was a Motion by the Honourable Deputy Minister of Justice, that the Bill be read a Second Time. The Honourable Minister of Presidential Affairs and Attorney-General, Honourable Kawana, now has the Floor.

HON MINISTER OF PRESIDENTIAL AFFAIRS AND ATTORNEY-GENERAL: Thank you very much, Honourable Deputy Speaker. I rise to support the Criminal Procedure Amendment Bill. Allow me, Honourable Deputy Speaker, in the same vein to congratulate my senior Minister, the Honourable Minister of Justice, the Deputy Minister and staff for bringing this very important piece of legislation, which will go a long way to addressing efficiency in the Administration of Justice. I would also like to congratulate two Colleagues who are aspiring to become lawyers by tribe and I was very impressed by their contributions yesterday, namely Honourable Shixwameni, who is aspiring to be a lawyer, and also Honourable Mushelenga. I noticed that they are very bright characters and I hope particularly Honourable Shixwameni will not desert the profession as he did in terms of Political Parties, but that he will stick to the profession, which is a noble profession, and I look forward to him joining the club.

Coming to some of the issues which were addressed or pointed out yesterday, first by Honourable Shixwameni, I know that the capable Deputy Minister of Justice and the Honourable Minister herself will respond to some of these issues, but as a person who is associated with the administration of justice, I would also like to say the following:

Honourable Shixwameni yesterday alleged that nothing was done following the O'Linn Commission Report and that report was submitted to the appointing

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**CRIMINAL PROCEDURE AMENDMENT BILL
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authority during the late 1990's. Contrary to what Honourable Shixwameni said, since the submission of that report, the O'Linn Commission Report, a number of laws have come on board and a number of Amendments were effected in a number of our laws which are on the statute books, one of them being the Criminal Procedure Act of 1997. This Act has been amended several times in order to be in line, in the first place, with the Namibian Constitution as well as some recommendations of the O'Linn Commission.

In addition the Magistrate's Courts Act of 1944 was also amended several times to be in line with the Namibian Constitution as well as the recommendations of the O'Linn Commission.

One aspect which the Honourable Member also addressed was the need to come up with a Small Claims Court. On this one I would like to join my Colleague to appeal to the Ministry of Justice to bring that piece of legislation, which will go a long way to addressing efficiency in the administration of justice.

I recall that at the time when I was the Minister of Justice we have provided a first draft, which maybe the Honourable Minister together with her team may wish to look at. We had done the spade work in that regard and in this regard I have no doubt that the Honourable Shixwameni will have the opportunity when the Honourable Minister tables that Bill before this august House. It is not that the Ministry has been neglecting this field, indeed, it is receiving attention to the best of my knowledge.

Coming to the issue of Witness Protection, I concur with the Honourable Shixwameni and Honourable Mushelenga that we have to amend the Bill to the effect that there should be two scenarios where the State must protect a Witness. The first scenario is where the Witness herself or himself requests protection of the State before giving evidence. The second is what is in the draft, whereby the Prosecutor-General can apply to a Judge in Chambers to grant permission to protect a Witness.

I also agreed with the two Colleagues when they said that there should be two approaches when protection is withdrawn. One is at the request of the Witness if the Witness feels that there is no longer a threat. Then that protection could be withdrawn. Also, if the Prosecutor-General is of the view that there is no longer a threat, in consultation with the Inspector General of Police, with

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**CRIMINAL PROCEDURE AMENDMENT BILL
HON DR KAWANA**

credible evidence to show there is no longer a threat, protection may be withdrawn.

The other area where I would like to make a recommendation is with regard to the admission of guilt fines, which at the moment are relatively low and as a result, those who pay admission of guilt are not necessarily brought before our Courts. However, in order to avoid this inconvenience, one could consider to put a substantive provision in the principal Act to empower the Minister to adjust the amounts of admission of guilt by regulation and possibly also to give guidelines by saying not exceeding X-amount. Whenever there is a need to adjust these amounts, there will be no need to come to Parliament to amend the legislation.

Those are the two issues on which I wanted to offer some advice. I have no doubt that the increase of admission of guilt will go a long way in addressing delays in our administration of justice. Maybe to explain to Honourable Shixwameni in his absence, admission of guilt is the exclusive choice of the person who makes a decision. Normally when the person receives a summons, the person has an option either to go for a full trial or to admit guilt and pay the specified amount at the nearest Court. The advantage of admission of guilt is that there will be no criminal record on that person's file, because admission of guilt is regarded as minor offence, but should that person opt to go for trial and is found guilty in a formal trial, then there will be that record of criminal activity, which will not be to the benefit of the Accused. Therefore, contrary to what Honourable Shixwameni said, there is that choice that is given to the Accused to choose.

In addition, the increment of admission of guilt will go a long way to address the overcrowding in our cells. Not only that, I am of the view that it will also guide the authorities, firstly, the Ministry of Safety and Security whenever there is a need to reprieve certain prisoners in terms of the Prisons Act and secondly, it will go a long way as a guide to the pardoning authority, in terms of Article 32 of the Namibian Constitution, namely the President of the Republic of Namibia, whereby he is empowered to pardon some prisoners. Therefore, in some of these minor cases, the President will be at liberty to pardon some of these prisoners and at the same time to remit some sentences, some of these defined criminal cases whereby at least you will be at liberty to consider the trivial nature of the transgression.

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Once again let me take this opportunity to wholeheartedly thank and commend my senior Colleague, the Honourable Minister of Justice, for this very important piece of legislation. I support the Bill.

HON DEPUTY SPEAKER: Any further discussion? I now give the floor to the Honourable Deputy Minister of Justice to respond.

HON DEPUTY MINISTER OF JUSTICE: Thank you, Honourable Deputy Speaker. May I ask for the indulgence of the House to respond tomorrow?

HON DEPUTY SPEAKER: The Debate is adjourned until tomorrow for the Deputy Minister's response. The Secretary will now read the Second Order of the Day.

**CONSIDERATION: REPORT BY IPU
NAMIBIA GROUP ON 122ND ASSEMBLY**

HON DEPUTY SPEAKER: When this House adjourned yesterday, 6th of July 2010, the Question before the Assembly was a Report by Honourable Dr Amweelo. The Honourable Minister of Justice had the Floor and she may now continue.

HON MINISTER OF JUSTICE: Thank you, Comrade Deputy Speaker. Yesterday I was in the middle of addressing the issues that I thought are inimical to us as Africans, as blacks, emanating of course from some of the recommendations of the Report. I was asking myself the question: Why is it that we spend the little money that we have to attend meetings very far away, but from the looks of things, we attend these meetings on the invitation of others and probably to discuss their agenda. Do we have an agenda as Namibian Parliamentarians when we go to these meetings? What is it that we take for these organisations to follow?

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Africa in general is afflicted by many, many ills, a plethora of them indeed.

The only issue that I think is relevant and pertinent to us is not even the discrimination against people living with HIV/AIDS, no, what is more relevant to us is the assistance that is required by those people. People who are living with HIV/AIDS who are able to go to Indonesia in order to experience the discrimination there are well-off, they can afford the tickets, they can afford all the luxuries that go with it, whereas we here on the African continent are not even able to buy bread before they take their Anti-Retroviral Treatment. They cannot afford it, but we seem to be bothered that those who are gallivanting around the world are discriminated against. It is true, discrimination is not proper, whether it is against people living with HIV/AIDS or blacks in general. It is not proper, but I think the emphasis is misplaced. If the world is concerned about the welfare of its citizens, it should be concerned about those that are afflicted by the pandemic and who are not able to take their medication because of lack of food or those that are afflicted but have no access to the treatment. That should be the issue.

The second priority for Africa is education of our children. We keep on saying it is only education that is going to liberate us. (Intervention)

HON DEPUTY MINISTER OF GENDER EQUALITY AND CHILD WELFARE: On a Point of Information. The Secretary-General is mentioning true things. Last June I went to Barbados via London and at the Airport the police brought a dog and opened my handbag while I had a Red Diplomatic passport as a Deputy Minister from Namibia. The people who took our diamonds here brought a dog to sniff in my handbag and they found three thousand US Dollars. They said, "*what is this?*" The dog is big and poor Muharukua said, "*I came with the three thousand from home.*" "*Which home are you talking of? Africa? We do not know Africa, where is Africa?*" I said, "*Africa, Namibia.*" The other people looked at me, the dogs surrounded Muharukua. Colleague, it is only the colour and the name of the African continent which is the problem.

HON MINISTER OF JUSTICE: Thank you, Comrade Muharukua, for substantiating what I am trying to say here. I am talking about education

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because we have said and many people believe that education can liberate.
(Intervention)

HON TJIHUIKO: Honourable Deputy Speaker, may I ask the Honourable Minister a question, please? I am a bit disturbed by the information provided by the Deputy Minister. Namibia and Britain have diplomatic relationships. We have our High Commissioner in London, they have their High Commissioner in Windhoek. What I want to find out, after our Deputy Minister has been insulted to that extent, what has our Ministry of Foreign Affairs done? It is serious for a Deputy Minister to be humiliated the way the Deputy Minister is explaining. This is a specific case, it is a test case and I want to know from the Ministry of Foreign Affairs whether they have taken up this case, where are we now with that case and what is the procedure that we need to follow as a country as far as the treatment our Deputy Minister has received in London is concerned?

HON MINISTER OF JUSTICE: The question is bypassing me, going over to that side.

Comrade Deputy Speaker, what I was saying is that education is a liberator and the other day I was reading a very interesting article, quoting a black American. I think this person is either a Muslim preacher or something. He is talking about the question of a black person and he is saying we are not oppressed because we are blacks, we are oppressed because we are ignorant. It is ignorance that keeps us at the bottom, not the blackness. Therefore, I feel that we need to take education very, very seriously as our priority.

We go to these meetings and we are given a plethora of issues that are not even ours. Some of these issues which are taken to all these international meetings can be dealt with at the local level. *“Cooperation and shared responsibility in the global fight against organised crime.”* It is them who are instigating organised crimes, sometimes in a clandestine fashion to get our resources. Iraq today is plundered, the oil in Iraq is plundered. Is that not organised crime at the highest level? The Iraqis have no control over their oil. (Intervention)

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HON MINISTER OF LANDS AND RESETTLEMENT: I want to ask my senior Colleague a small question. Honourable Minister of Justice, you are doing well and because of that I was prompted to ask the following question: Is it true what one picks up in the community, that because of the enactment of laws such as the Prevention of Organised Crime and the Financial Intelligence Act, the indigenous Namibians are at the receiving end, because if they take over N\$30,000 to the bank, they have to respond to a host of questions? Did we pass those laws as a Nation without giving them due consideration, probably at the behest of those who have their own agendas, who are making a noise that we have to pass them? Is that what we are driving at?

HON MINISTER OF JUSTICE: The question is to far from what I am addressing here. I am saying, we are invited to go to far-away places to go and debate issues that are not our issues. To start with, we do not have that kind of money, neither the power to organise to go and raid other Nations and plunder their resources. Those who are doing so are the ones keeping us busy talking about their issues and then at the end of the day we are forced to come home and enact laws that would enable them to see how much Pendukeni is depositing in her account. (Intervention)

HON RIRUAKO: On a Point of Information. We put ourselves in that category, we accept everything. The point is this, we allow ourselves to be f*** around with, that is the way we are and now we are complaining and we do not treat our own people fairly and we say yes to them.

HON DEPUTY SPEAKER: Honourable Chief, can you just withdraw? It is not Parliamentary.

HON RIRUAKO: I withdraw, but that is the way it goes. It is not fair and really, we praise them for what they are doing to us and we turn against one another. To those who have this kind of mentality, divide and rule belongs to certain foreign aliens and not here in this House. We must be one and united to fight whoever becomes an intruder.

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HON MINISTER OF JUSTICE: I still go back to my issue, education will liberate us so that we will be in a position to understand the intentions of others before they even approach us.

Some time ago a read or heard that a certain country decided.... (Intervention)

HON TJIHUIKO: On a Point of Information. Some of us have serious problems when our intellectual capacity is being questioned. We were here campaigning for the position of presidency of the IPU, knowing exactly what IPU stands for, knowing exactly what the IPU is going to do and now we have a Report from the institution that is being chaired by our Speaker and now you are saying the Report has been given to us as if we are now seeing it for the first time. What are you trying to say? If we want to address the issue, let us address the issue. The moment we start saying that they are deciding and we implement, what does it mean? Does that mean that Africans cannot think, we are always taking everything that others are telling us? I think that is an insult and totally unacceptable.

HON MINISTER OF JUSTICE: I am not surprised by this coming from Honourable Tjihuiko. The Honourable Member has been a very distractive Honourable Member and I am told even in the IPU he behaves in the same fashion, so I am not surprised.

What I am saying, Comrade Deputy Speaker, I am not just addressing the issue of the IPU, I am talking about meetings that we attend as Namibians, as Africans. (Intervention)

HOUSE ADJOURNS AT 15:40

HOUSE RESUMES AT 16:13 PURSUANT TO ADJOURNMENT

HON MINISTER OF JUSTICE: Comrade Deputy Speaker, I am moving to the end of my intervention, but before I do that, I would just like to say that globalisation is a policy that was designed by those who designed it. We had no way of preventing it being implemented worldwide in our countries.

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HON IIVULA-ITHANA

Globalisation has opened our borders, has eliminated restrictions in terms of goods and services and globalisation has a purpose, the purpose of making our Government subject to other Governments. This is the reality and I just want to caution ourselves that we must keep at the back of our minds that the meetings we are attending – I am not talking about the IPU only, I am talking about international meetings that we attend – are meant to achieve a purpose and this purpose may not necessarily suit our interest.

I thought by now I would have informed Parliament on one of the meetings I attended in Kampala on the review of the International Criminal Court Statute, where the agenda for the International Criminal Court became very, very apparent. While all other crimes that are now being pursued are defined and their scope properly explained, there are two crimes still outstanding. They are not defined and as we were trying to define them, we met with vigorous Opposition. Luckily enough Africa went to this meeting with one purpose, we had agreed before on our agenda and we are going to stick to this agenda.

The crime of aggression is not yet defined and while the definition was provided, other forces felt that the definition can only be accepted if the UN Security Council is the one to decide whether or not a country has committed the crime of aggression. In the absence of that, that crime should still remain outside the scope of the International Criminal Court. As we all know, so far those who have suffered under this Court are 95% Africans and a few from former Eastern Europe. The world is not fair, the world is not just and if we take it for granted that the world is fair and just and give one cheek after another, we will find ourselves with no cheek whatsoever.

Therefore, Colleagues, it is good that we are attending these meetings, but let us keep our eyes open. Let us also discuss among ourselves when there are these meetings, so that we exchange experience and information, so that by the time we go to these meetings, we know precisely what is likely to happen and who is likely to call the shots.

Comrade Deputy Speaker, with that I think I will rest my case.

HON DEPUTY SPEAKER: A very good contribution. I call on the Deputy Minister of Finance.

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HON SCHLETTWEIN

HON DEPUTY MINISTER OF FINANCE: Thank you, Honourable Speaker, I just want to make a short contribution on this very elaborate and long report.

The first comment I have to make on the Report is that I think the IPU tried very hard to cover everything and also to be so general that no one is harmed and no one is actually benefiting from it. The resolutions are so wide-ranging that they are *de facto* not implementable, because it looks like an effort to do everything at the same time.

Be that as it may, I think the core of the matter was eloquently portrayed by the Honourable Minister of Justice and that is, we are talking about how well do we fend for our interests. The Honourable Speaker, as my mentor, gave me a very important hint when he said in politics there are no friends, there are only interests. Therefore, I think the Debate is about how well do we fend for our interests or how well do others fend for their interests and it looks as if we have – at the moment at least – the small end of the stick.

Let me go through four points. Firstly, development assistance. I think everyone is pledging for untied aid, but on one is implementing it. Now why would that be? My contention is that it is not in the interest of those that give aid to untie it. If you have conditions that if I give aid to Namibia, then I must force Namibia to employ my people, to buy my commodities and give my raw materials to that donor, then that fits the interest agenda of that country and they are very successful at doing that.

In spite of having agreed in the Paris Declaration to untie aid, the contrary is happening is that we as the recipient country cannot use our procurement measures to benefit local economies and to get the benefits to our target groups, because of aid tying says one cannot use our procurement rules, but theirs. We cannot use our fiduciary system because the donor says it is not in their interest, they want to know where the money goes and they want to know whom they pay. We are so desperate to get the money that we at the end of the day put our priorities and agenda as secondary and we allow them to impose their agenda on us and that is again where we have to sharpen our pencils. We must be the ones who say that is our priority and we have to stick to it. If it does not fit our development agenda, we should have the courage to say thank you very much, it is not worth our while. But I think to pick a fight with them would be the least of our interest because we have to recognise that there are

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links. We are still using their markets to sell our commodities and raw materials and we can never go so far to say we can live in an ivory tower and not be interlinked to other countries on the globe.

The agenda of the south-south cooperation chapter talks of free trade. If you look at free trade, what does it mean? It would mean that there are no barriers whatsoever, quota free, and tariff free access. That is fine, but if you look at it a little deeper, it is not fine at all, because we are sitting in the situation where the commodities that come from the north are heavily subsidised and we must now compete without tariffs against a subsidised commodity. Obviously our commodities will be uncompetitive and our people that manufacture them will be running dry, no anymore. If we talk about free trade and aid for free trade, we must bargain for a level playing field that is really even instead of only one aspect that suits them.

The third issue is dependence on donor assistance. Namibia is in the fortunate position that of our total Budget, only about 5% is donor assistance, 95% is funded by our own income. Therefore, I would suggest that we are in a extremely good position to critically analyse what is beneficial for us and what is not. We could easily say no to some of these unfavourable conditions that are attached to donor assistance because we are not in a very desperate situation. We are talking about 5% of our total Budget, so we can probably sharpen our pencils, as the Honourable Minister of Justice said, and say no to this because it is just not beneficial.

On a lighter note, two examples of how we are treated in Europe. The first example, I was invited to a European country as a Permanent Secretary with a delegation to attend a Conference. When we arrived, the host had a reception for us to greet us. We were about five or six, I was the only white person. The host greeted all the black ones because they thought the white one is probably from us or a consultant and I was not part of that delegation. (Laughter).

The second example was when we had to travel to a Caribbean island and we had to transit through a European airport. We were again four in the delegation, three black ones and me, the white. We all had the same passports. Our flight was delayed and we had to stay over. I was the only one who passed through without problems, the other three stood behind the counter. I then asked the official, "*what is happening to these three?*" "*No, it is not your business.*" I said, "*it is my business, they are my colleagues, they have the*

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same passports.” The answer I got was, “*if you have a problem with it, go back to where they are.*” Therefore, discrimination does happen and it is not a good thing.

HON DEPUTY SPEAKER: I give the Floor to Honourable Moongo.

HON MOONGO: Honourable Deputy Speaker, my contribution will also be very brief. I would like to say that I also went on a trip and enjoyed sharing ideas and understanding on the International Court of Justice going into the Dominican Republic. When Zimbabwe had sanctions, I used to think they are far away, what do I have to do with that, but later on when I participated in the discussion, I realised the serious effects and that people are suffering. Therefore, I support the Minister when she says we have to be open-minded, because sometimes we will benefit, sometimes we are negatively affected and we must be careful.

With regard to the effects of global warming, if we are only in Namibia we will not have up-to-date information and I attended a meeting on small arms and many others and those are very good platforms where you can share and learn from other experiences. If you are only in Namibia, you do not meet other Nations and we need to learn from bigger Nations. We know sometimes the bigger Nations are dangerous and they suppress us, but we have to meet them and share ideas and understandings. With this I also support the Report. Thank you.

HON DEPUTY SPEAKER: The next on the list is Honourable Chief Riruako.

HON RIRUAKO: I am pleased that the Honourable Minister of Justice came up with something tangible. Although we wanted her to come to the point, it has taken long for us to be convinced and I appreciate what was said by Honourable Schlettwein.

The people who have reached the point is the Japanese and the Chinese who happened to learn the tricks and turn around the tricks back to where it came

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from. Most of the people are saying that they are flooding Europe and the United States with their commodities, but they learned for several years in order to get where they are today.

We were complaining about mistreatment, we were complaining about our own freedom and some of them were citizens of the countries I mentioned until they liberated themselves as an Independent Nation who can take care of themselves, however they cannot continue to put the shoe on without getting back what they deserve. Politics is a give and take issue and if they give us this side, we have to get this side, but not all the way.

We join these forums and after that we are not careful to get into the forums. We did not have the purpose of joining. Now let us have the purpose of joining the forums of those international organisations. There is a reason for it, we cannot run away, but we have to show them what is good and what is bad and for the sake of what we do not have, we are going to remain with you, but you have to know how we feel about your operations. You do not have to say yes to everything, sometimes you have to say no. I congratulated our Government once when they refused to sign an agreement on meat issues and until now they are struggling to get the document signed and I hope they have learned a bit.

We have products and minerals that are supposed to go to Europe, but we have to decide its cost and the other side has to decide what would meet their requirements. However, they tell us the cost and then we buy the same materials. This way we are not going to beat them, there must be a struggle as we struggled for Independence. Our economy is not here to be taken for a ride. Those who are in the notion of giving away have to be in the notion to develop this Nation. That is how we feel and I hope this is just the beginning.

We cannot run away from the global society, but we have to come up with our principles to be linked to our economic operations. I thank you.

HON DEPUTY SPEAKER: Thank you. Honourable Nambahu has the Floor.

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HON NAMBAHU

HON DEPUTY MINISTER OF JUSTICE: Thank you very much, Honourable Deputy Speaker. I also want to congratulate the colleagues who formed part of this delegation who tabled the Report for debate, because sometimes when it is tabled for note-taking, it does not enjoy the benefit of scrutiny and debate that this one is enjoying and we must really commend you and urge you to keep this as the practice and the standard for reports containing very informative and important issues like these.

I want to recap on the discussion yesterday when Members and even the Speaker cautioned that we should not blame others for our own shortcomings and also the issue of education that is very important so that we can interrogate issues.

I read one sentence on page 7 of the Report where it says, "*Parliaments and Governments must conduct a more serious approach at all levels to stop the expansion of poverty.*" Taking that in to account, with what do you curtail and stop poverty? It is resources and resources. The problem, as far as I am concerned, is how we negotiate. I have been developing a line of thinking here where I encourage people not to be satisfied with the issue of salary. If an investor is coming to Africa and investing in our resources, it seems that as soon as we hear that person is going to create a hundred jobs, we ask where is the dotted line so that we can quickly sign. To me that is a problem.

Again, when you listen to Budgets in Africa, you will hear the Ministers of Finance talking about a small and reduced resource revenue base. Can we as negotiators not make it a point that whoever is coming to invest here should, apart from job creation, contribute to the revenue base for our economy to grow, because we always say the cake is limited. How do we grow that cake? Only through taxes, only through salaries? Is it only Parastatals that have to pay dividends?

In African societies we sometimes talk about people rethinking and we are termed radicals and all kinds of things. The Chinese are now rethinking their strategy because they have been hard hit by the economic crisis because they are an export-oriented economy. If they have to export to the world that is hard hit by the economic crisis, the chances are that those people are not going to buy more. They have to stimulate growth at home and that has to be stimulated by consumption. This is not rocket science and you do not need to be an economist to understand these issues.

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Is it not time for us in Africa to set up a centre of negotiations, so that whoever is negotiating the resources of Africa to be invested in has a certain check list – royalties yes, tax yes, but what about shares to the Governments so that it can grow its economic base? We are thinking in the right direction by creating an organisation like Epangelo Mining, so that we do not only depend on taxes.

Yesterday I was thinking that financial corporations are almost prohibited from publishing how much they take from Africa. They are prohibited. I heard one person talking on the BBC and it was said, “*yes, you are now priding yourself on your social responsibility and how much have given to Africa, but how much have you taken yourself?*” She was brutally honest by saying, “*we are discouraged from disclosing that kind of information.*” What does that tell you?

If you take the reservoir you have and how much of it has been taken and take the amount that has remained behind, you are going to be shocked that Africa was probably supposed to be the super power if it had the command and usage of the resources that it share. These are the issues that I would like us to ponder on.

The other issue is that one of global governance. We sometimes go to these kinds of these organisations so that we are at arms length, we do not run into the hands of the competitors. It is like you are walking your dog and you do not want to run, but every time it runs, you run.

In the seventies global governance was human rights. If you do not have human rights in your organisation, you do not do this and you were told to domesticate it in your law. What does that tell you? It is to condition you even in your thinking so that you do not come up with radical changes. If you do not sign this in your country, then it goes to a regional organisation where you sign up and then you are going to domesticate that law. Therefore, what we do not want to accept here goes in through the backdoor. However, the problem is always going to be how to reduce poverty if your resources are so limited, if your revenue base is so limited and the only thing you can do is to increase the taxes of the poor citizens. Political economy told us that and unless we Africans sharpen up our negotiation skills, we will not be able to go far because we give our resources away on a silver platter and that should be stopped. (Intervention)

HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE:

May I ask my Colleague a question? On the issue of multi-Nationals and other companies that are doing business in Africa, are you aware that realistically speaking, many of the companies that we call investors, to the extent that we sign everything even without checking, are run in this continent with an empty handbag and a paper and the money that they are raising are raised through our local banks or a tender has to be given where Government will commit resources before they start investing. In many cases Government has to sign an order and on the basis of that order, they will start trading.

HON DEPUTY MINISTER OF JUSTICE: I am aware of that, Comrade Kazenambo, and in fact, the most painful issue is that as we shout about Black Economic Empowerment, others do not shout it but they do it, empowering their brothers quietly and effectively. We talk so much about it but we do little.

If you go the Internet and you want to buy a second-hand car from Europe, it is half the price at which you can buy it here, but no bank in this country would want to finance that. When there were some blacks here, trying to import certain things, the man himself who owns these things did not condemn them, but they found Nambahu to condemn them on their behalf. You attack them, they do not attack you, they find your brother to attack you and you have somebody who is commanding a bank, insulting even the Parliamentarians, that he is a shareholder when he is an employee like any other employee in that organisation. Where are we going to go?

If you say things that are condemned in Europe, you know nothing, you are a good-for-nothing, you do not understand these issues, but when you look at the qualifications of the guy, you are probably more qualified than him.

Unless we take serious steps against these things, we will not be able to go far, because if you want to access aid, you are given conditions and you keep quiet and you are told you are the good boy and now you can get the resources, but in the feudal system, slaves were only given salaries so that they can survive and continue to work tomorrow, not to go and invest and develop and this is a developmental state, so therefore the revenue base should be created and expanded. With those words I support the Report.

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HON NUJOMA

HON DEPUTY SPEAKER: I thank you. The next on the list is Honourable Nujoma.

HON MINISTER OF FOREIGN AFFAIRS: Thank you, Comrade Deputy Chair. First of all, I rise to contribute to the Debate on the Inter-Parliamentary Forum and before I do that, I would like to clear up a few things. I am wearing World Cup memorabilia and I just want to assure the colleagues who thought I was wearing something strange, some thought Utoni has formed his own Political Party. I want to make it clear that we are committed to SWAPO, this is just a World Cup scarf from South Africa.

My contribution to the Debate is that I agree with the previous speakers who have very eloquently addressed the issues and I think, as Comrade Nambahu said, all these forums, even the United Nations and the Commonwealth, are donor funded and donor driven and they have their interests at the back of their minds. If they sponsor something, they want something from us, the Africans, they want us to endorse what they present to us. We are being used and that is the reality. We are flown there and sometimes we even pay ourselves. We are flown there, fed there and then told to adopt the resolutions which are not in the interest of Africa and our own people, the Namibian people. Therefore, we should be very much aware that the Western countries have their own interests when it comes to trade issues and international cooperation.

The other day Honourable Geingob was saying when President Al-Bashir was indicted and so many other leaders were indicted, they were saying you have signed this treaty, what are you saying? We and the other Nations have not signed up, so it is of no force and effect to us, so we can go and attack other countries and our leaders will not be indicted because we have not signed up. However, here we are told we must implement the human rights agenda, we must agree to this convention which is detrimental to us. Those are some of the issues and I would urge Members that when we go to these countries, please let us consult. The Ministry of Foreign Affairs is there, we have experts in certain fields and the Ministry of Trade and Industry also has a lot of experts. Even when our President undertakes a trip, he will call everybody and consult on our agenda, what do we want to achieve. Let us continuously engage ourselves. (Intervention)

HON MINISTER OF VETERANS AFFAIRS: I would like to ask a question. Not to go so far, but to think quite close to our home ground, do you not think what we are discussing here is perhaps a good lesson to Members of this Parliament, mindful of what we are as Namibians, that we should not ever openly condemn Zimbabwe? What they are doing they are doing for the sake of their people and we must take lessons that one day we will also be able to do something positive for our people, like what Honourable Nambahu is trying to do. It need to be inappropriate for some Members of Parliament to continue condemning Zimbabwe.

HON MINISTER OF FOREIGN AFFAIRS: Thank you, Comrade Minister, I agree with you and this is the problem with Africans, we do not have our own agenda, we do not drive our own agenda. As Comrade Nambahu was saying, they will use our own black people to condemn us and they have succeeded in doing that. They use our own black people. They form a so-called newspaper and if you look at the agenda of that newspaper, it is just to condemn the Government and to condemn its own people, so that you look like people with no agenda, no future, no integrity, no dignity. (Intervention)

HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE: May I ask you a question? On the issue of the International Criminal Court, are you aware that this Court is very clear in its operations that it cannot bring to trial any leader of the so-called developed countries? As the Honourable Minister of Justice was saying, even on the crime of aggression George Bush cannot appear there, Tony Blair cannot appear there. Any leader of the G8 is exempted and only leaders of the developing countries may appear there. It is a clear policy of the International Criminal Court. Are you aware of that?

HON MINISTER OF FOREIGN AFFAIRS: Yes, and do you know why they immediately started with the Criminal Court when it comes to Africans? It is because Africans were regarded as the so-called barbarians, they need to be contained because they are murdering each other, they are not like the Europeans. If they invade another country, they talk of bringing democracy, peace and development. We were invaded here, we were enslaved, we were transhipped from here to build other countries, but nothing is being said about

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compensation. I know Honourable Riruako will agree with me on that and up until now we are sitting with a problem. When you look at the Jews, they faced genocide and up to this moment they are being compensated and because we are considered to be people who must continuously be assisted through development assistance, there is no need to compensate us.

HON MINISTER OF JUSTICE: I am very sorry to interrupt the Honourable Minister of Foreign Affairs, but just a little information. One time we had a discussion with some diplomats and as we discussed a variety of issues, one of us made a comparison: “*Why do you think that Africans do not need to be compensated when you continue to compensate the Jews?*” That diplomat was blunt, he said, “*this is different, it is just different*” and then we asked, “*how different?*” “*No, well, it is just different.*” He realised he said something that was untoward, he could not explain further. Thus, on the issue of compensation, in the eyes of other people the lives of Africans are not equal to the lives of Europeans, therefore you can die *en masse* with no compensation.

HON MINISTER OF FOREIGN AFFAIRS: I agree with you, Honourable Minister, and I think we are considered not to be worth that value of a human being. That value is not considered. Nevertheless, the problem with us is because they have the capacity. They own the newspapers and everything and they have managed to convert some of us. Some of our black people think they are white. When he is together with them, he thinks he is now a white man, he has reached that level. As they say in Afrikaans, *hy is nie soos die ander nie* and this is the problem. Thank you.

HON DEPUTY SPEAKER: I give the Floor to the Minister of Defence.

HON MINISTER OF DEFENCE: Thank you, Honourable Deputy Speaker. I would also like to add my voice to this very interesting topic. When you look at the theme which was discussed there, “*Parliament at the heart of political reconciliation and good governance,*” one can understand what was wanted at this forum.

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I listened to what was said by the speakers before me and I think what it tells us is that we should always be presented with *fait accompli* issues. Things must be tailored to our size and our needs. I think all of us who are sitting here have clothes which fit us nicely. If Comrade Utoni and I had to swap clothes, you would not see me, but it will be very awkward for him, it would be tight. I think at these conferences our input should be as per our conscience, that this is how we live and this is what we want to develop.

Of course, sometimes when you go there, the theme has already been prepared and you can talk to them, but they may not listen to you because they have already made up their minds. You can talk as much as you can, but the conclusions have already been made. (Intervention)

HON RIRUAKO: They have their own topics. One, servitude to the Kaiser. They do not want you to know their tricks and that is why you have to have second-hand education, not to allow yourself to think aloud.

HON MINISTER OF DEFENCE: Thank you, Chief. I know you have more experience than myself, I know you came before me and you have that advantage.

On the other hand, Honourable Members, sometimes we are victims of our own making. We signed some conventions and protocols blindly and when they had to be applied, we realised that they are dangerous. When you delay signing something in order to first have a look at it, you are being told that it must be signed now, it is needed.

If you look around in our Region, we have been discussing issues of security and sometimes we say the Region is Africa. Africa should have its own security apparatus and not be influenced from outside, but at the end of the day you find that some are behaving differently from what you wanted to set up. For instance, Africom was first based in the United States, then it changed and went to Germany and from Germany they wanted it to become to Africa, because it is Africom. Africa is so vast, so they would want to have influence here, not only in India. They have ships all over the oceans of the world, maybe they want to be in Walvis Bay, they want to be in Maputo. Then you

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find that some of your Colleagues are conducting exercises with Africom. Sometimes it is we who undermine our own principles in our determination to be as independent as we can be. Africa has come a long way, some countries have celebrated over 50 years and we came together with our experience to be able to stand on our own.

We always talk of globalisation and sometimes we are happy to say it is globalisation, not knowing that this terminology is just termed. Those who have studied Marxism and Leninism understand that globalisation is imperialism, the highest stage of capitalism and this is exactly what is happening now.

For us now there is nothing we can do and I am not sure that we can tackle poverty in our countries, because what we have is like spoon-feeding. You cannot walk on your own, you cannot develop anything outside globalisation. The Chinese manufacture cars, GWM, Great World Motors, but the engine is a Toyota. What they have put is a name and maybe we can also be very clever to do the same, but we will never produce a different engine here. Maybe, but it will take you some time because all the other technologies are denied to you, because you need to manufacture an engine after you have manufactured a machine. You cannot panelbeat it with your own hands and say I produced an engine here. You would even need a hammer and where do you buy hammers? You buy them at Metje & Ziegler and Pupkewitz, you cannot even make a hammer anymore. As we were growing to develop, we were doing things on our own. We discovered the Tsumeb copper mine and when they came, they took over from us. (Intervention)

HON KAURA: May I ask the Honourable Minister a question? Honourable Minister, I thought the Werewolf vehicle, which is anti-landmine, is manufactured here in Windhoeker Maschinenfabrik. Do you not think we are doing well in manufacturing these vehicles ourselves?

HON MINISTER OF DEFENCE: Honourable Member, we import the engines and chassis from Germany. We also import the metal and it is only the design that is done here. What I want is that the whole product belongs to us. Look at us as Africans, look at ourselves in this Honourable House, we cannot

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proudly say the clothes we are wearing are Namibian. You bought a suit in Pakistan, I bought mine in India, the other one in Germany. (Intervention)

HON RIRUAKO: On a Point of Information. We used to make our own clothes here in the past. We had tailors all over. They were black Africans, some Coloureds and even some Malay from South Africa and these people used to cut our clothes here and we did not buy from Europe or anywhere. They measured everything and when you returned, everything fit. However, we did not want that because our bosses wore suits from the shops and we have to do as the bosses say. We are sick.

HON MINISTER OF DEFENCE: You have been globalised because you go to Otto Mühr and buy something already tailored for you and you do not want something that you can fit yourself.

There is also a theme on global security. The Minister of Justice said this world is not fair and it has not been fair to us. Only a few people understood and were fair to us and helped us to be what we are today and it is only that it came when we were on the verge of globalisation, otherwise we would not be here. We would have ended up like the Palestinians.

If what has happened in Palestine with that convoy of ships bringing supplies to Gaza, the people who live under constant siege, if it was done by any of the countries outside there, Iran or whoever, there would have been sanctions and even invasion because good governance must be brought there by force. However, there are not even sanctions at the United Nations, this is business as usual. (Intervention)

HON DEPUTY MINISTER OF SAFETY AND SECURITY: May I ask the Honourable Minister a question? Honourable Minister, this document is talking about reconciliation, but have you heard that the German Government wants further sanctions against Zimbabwe because the son of a white German was taken by the Zimbabwean Government? Now I do not know which reconciliation we are talking about. Are you aware of that information?

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HON IILONGA

HON MINISTER OF DEFENCE: I am very much aware, Honourable Deputy Minister. If there are negotiations anywhere in the world and the G20 or the G8, the so-called privileged, have not taken part in those negotiations, they are null and void.

There was a mission from Brazil and Turkey, that Iran was ready to have their nuclear processed there and it was never accepted, because those who negotiated are not regarded as tangible negotiators and they are people of a lesser entity. If they were there, then it could be accepted, because they will come there and force issues so that Iran will never have a nuclear power station in their country, unless it is controlled there.

If they were not there in the negotiations on reconciliation, it will not be reconciliation. If you take the example of our country, we have been negotiating for all those years, but it is only when they came in that it was accepted. The AOU Negotiating Committee was there and many of our leaders tried, but it had to be taken to the United Nations Security Council. There are many other settlements in Africa, go to Somalia, Sudan, everywhere, if they had no input there, then no solution is acceptable. We have to live with it. We as Africans and developing countries should not totally dismiss what is discussed here, all of us can find a common denominator to be able to find our destiny. That will come, we have not doubt. Sometimes these forums give us strength and ideas of what others are doing and I think we need to address it, that when it comes to such, we must have an agenda which can be drawn up. We can have technical people to first go to SADC when we have discussed it and then they draw up an agenda of our own and this is where we will find out common destiny and this we should do also with these other forums. With these few words, I support the Report.

HON DEPUTY SPEAKER: The last speaker on this topic is Honourable Peter Iilonga, Deputy Minister of Agriculture, Water and Forestry.

HON DEPUTY MINISTER OF AGRICULTURE, WATER AND FORESTRY: Thank you, Comrade Deputy Speaker. I just rise to contribute to the Debate on the Report of the IPU on the 122nd Assembly. If you take that Namibia is only twenty years old, it means that people have been in this business of this organisation for 102 years.

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HON IILONGA

I was not here yesterday when the other Comrades contributed, but I heard what our Secretary General had to say about how our ignorance sometimes causes us to be tricked. It is not really ignorance and I can give examples.

These people who colonised us, studied us and understands us very well and they only give us a heading, such as democracy or globalisation, as if those are new terms. It is not new terms, because they came up with globalisation, they had what they called multi-National. It is again that one which was just baptized to suit the current situation.

They brought democracy in, they colonised us as ethnic groups and they realised that people no longer go along those lines and what they did, they introduced the multi-party principle. We defended it, we said it is a good thing, but we forgot that this is divide and rule – divide them and rule them. That is why in Africa we cannot unite ourselves to defend ourselves. When sanctions were instituted against Zimbabwe we never stood up and said, “*that is your problem with Zimbabwe, we will openly trade with Zimbabwe.*” We have that fear.

There are workers in Iran, but you have never heard the workers in America and Britain say to their Governments not to institute sanctions against Iran because their fellow workers will suffer, never! They stand together with their Governments. In the other instance they came, they sent their delegates and he said you are a democratic trade union, you are on your own, but there they stand together with their unions and with their Governments.

The theme, Parliament at the heart of political reconciliation, is very interesting. Are the Palestinian people not people who can be reconciled, if they are the ones who committed any crime? They are killed daily – no sanctions. The ships from Turkey with humanitarian aid were attacked, people were killed – no sanctions.

If you look at page 15, point 10 of the Report, our Comrades and friends are now going to represent Namibia on these three Committees, because we are not saying we must not participate in these important fora. One of these Committees is going to deal with violence, but who fuels the violence? We are not of that tradition of involving ourselves in fighting, that came through that well-calculated slogan, “*democracy and multi-party*” and when you now go fighting or that small cake in disunity, because we are not united, we think that

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is true and that is why we say that mindset makes us even like Honourable Moongo who is already afraid. I just want us to think deeper, that whatever agenda we implement is not our agenda. (Intervention)

HON RIRUAKO: On a Point of Information. It is not too late to do things even if we have a multi-party system. We have been accommodating one another without any Europeans here. For more than three hundred years we did not have a battle between us, only skirmishes. What happened? What spoiled is the big earning, now we became jealous of one another. It is our own fault. We have to sit down and think what is the problem that made us to be that way. Let us think and for that matter, we have what is called a colonial mentality and I am sorry to say that, that comes from Nkrumah. We have been colonised by the colonialists, you read what they say, you do what they ask you to do and you become colonised automatically. Let us meet one another and find a way out. We have that choice. We have been divided not by ourselves but by the foreigner. Let us think about ourselves, we divide ourselves with funny things for nothing. We said our forefathers were stupid, they were not educated, but they kept us together for years. There must be something wrong somewhere.

HON DEPUTY MINISTER OF AGRICULTURE, WATER AND FORESTRY: Comrade Deputy Speaker, last week Dr Kenneth Kaunda made a very, very good revelation. He said that at our time when we were faced by colonialism, it was not possible to have multi-party, because by that we would not have been in a position to liberate ourselves as we did and that is the truth. (Intervention)

HON DEPUTY MINISTER OF GENDER EQUALITY AND CHILD WELFARE: May I ask a question? Are you aware that somebody who stood here said we can unite ourselves. In 2009 a group of Members of Parliament went to Halua condemning the projects the Government gave to the Ovatus and the Ovahimba communities. Now which unity are you talking about here? The Government wanted to take development to the people and the Members of Parliament, the legislators, went there to mobilise the people not to accept it.

HON DEPUTY MINISTER OF AGRICULTURE, WATER AND FORESTRY: Thank you, I am fully aware of that. We need to unite ourselves, we need to reconcile. It is practically demonstrated by Rwanda and Burundi. The Tutsi and Hutu have been in that country all along and there was no fighting, but when the so-called multi-party system came, what happened? (Intervention)

HON MOONGO: On a Point of Information. While we are now discussing true reconciliation, on the one hand we are paying those who were born in exile and we do not give anything to those who were born inside the country. Is that fair? While we are talking about true reconciliation, you are paying those who were detained inside the country and you do not want to pay those who were detained in exile. Is that really reconciliation?

HON DEPUTY MINISTER OF AGRICULTURE, WATER AND FORESTRY: Comrade Speaker, that topic is completely different, it is not part of the Report. (Intervention)

HON MINISTER OF VETERANS AFFAIRS: Comrade Deputy Speaker, it is very unfortunate if we distort facts. I am the person in charge of the Ministry of Veterans Affairs and as far as I know, the veterans are people who have been in exile and those who have been at home. Both are going to be paid, those who were in exile and those who were at home. Those who were detained abroad and those who were detained at home will both be considered. Please, if you want information, Honourable Member, come to me and I will give it to you as it is.

HON DEPUTY MINISTER OF AGRICULTURE, WATER AND FORESTRY: To unite Africa we should have our own agenda. Twenty years ago Iilonga who is standing here was regarded as a terrorist and that is why I will never condemn a terrorist, because is it really true that this is really terrorism? The terrorism mentioned in this document, who are these terrorists and terrorists because of what? These are the questions we need to ask

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ourselves and we must not use some terms. The people of Afghanistan are fighting for their rights. America and its friend want the opium which is there, nothing else. In Iraq it is just the oil which is there, nothing else. That is why we say we should avoid using terms, such as combating terrorism.

Those who are going to represent Namibia on the 4th to the 6th of October, please take note that Namibia has its position. Whenever it comes to violence, we always call on our people to be tolerant and that is what we maintain. (Intervention)

HON DEPUTY MINISTER OF JUSTICE: May I ask the Honourable Member a question? While you are on that topic of the Namibians attending that conference and talking about the issue of Palestine, how do you explain that a Nation which always asks other people to have sympathy with it because they are children and grandchildren of the survivors of the holocaust, people who have been exterminated, people who were hunted down by the Nazis, but these same people are now doing this to others? You are trying to tell your child to be adverse to the practice of Nazism, but here you have the victims of yesteryears who are now practising something worse than what they suffered and what they ask others to have sympathy and empathy for. How do you explain that?

HON DEPUTY MINISTER OF AGRICULTURE, WATER AND FORESTRY: Comrade Nambahu, we suffered together with the Palestinian people and we still suffer together with them. I recall a statement which was made in this House by our current Speaker with the death of Yasser Arafat, when he said that as long as there are women in Palestine, there will be another Arafat. That is a strong statement. That is why we want to see that we also move resolutions, calling on the Israelis to withdraw from Palestinian land. We must also move resolutions for the lifting of sanctions against Iran and North Korea. Israel possesses nuclear weapons, Israel attacks people and they are not condemned.

I recall when I was in the Ministry of Labour we passed resolutions in Geneva, condemning Israel, but in this forum there is nothing. There was a topic in the Committee on Human Rights, we are supposed to have a resolution which condemns the brutality of Israel against the Palestinian people. The question

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was put that if that ship was attacked by Iran, then there would have been war, but in this case nothing happened.

We must also look at the third Committee which is going to deal with the funding of Political Parties. Go with the understanding that the policy of Namibia is that we do not fund Political Parties which are not in Parliament, because there are already some who are advocating that Political Parties which are not here must be funded. You must be clear that we cannot allow those things. (Intervention)

HON TJIHUIKO: On a Point of Information. In the Report on page 13, paragraph 8.5, there is a heading, "*IPU Committee on Middle East Questions*" and if one looks at page 13 to page 14 at the top, there is a resolution that was taken on the behaviour of Israel.

HON DEPUTY MINISTER OF AGRICULTURE, WATER AND FORESTRY: No, there is no resolution. Can you read it out? (Interjection)

HON TJIHUIKO: You all have the Report.

HON DEPUTY MINISTER OF AGRICULTURE, WATER AND FORESTRY: There is no resolution there, they are only urging. What is urging? Does it say we should condemn them?

With those few words and observations I rest my case and we will see how we can improve.

HON DEPUTY SPEAKER: Thank you. Honourable Dingara.

HON DINGARA: Honourable Deputy Speaker, I Move on behalf of the Chairperson that the Debate be adjourned until tomorrow, the 8th of July,.

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

**RESUMPTION OF DEBATE ON THE LIVING CONDITIONS OF
NAMIBIAN WORKERS AND THEIR FAMILIES LIVING IN URBAN
AREAS**

HON DEPUTY SPEAKER: When this Debate was adjourned on Wednesday, the 30th of June 2010, the Question before the Assembly was a Motion by the Honourable Shixwameni, that the Motion be adopted. Honourable Ben Ulenga adjourned the Debate and he now has the Floor. I take note that both Honourable Shixwameni and Honourable Ulenga are not here. Any further discussion?

HON TJIHUIKO: Honourable Deputy Speaker, I beg the indulgence of the House to adjourn the Debate until next week, Tuesday.

HON DEPUTY SPEAKER: The Debate on this item is adjourned until next Tuesday. The House stands adjourned until tomorrow at 14:30.

HOUSE ADJOURNS AT 17:46 UNTIL 2010.07.08 AT 14:30

**NATIONAL ASSEMBLY
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? Other Reports or Papers. Minister of Finance.

TABLING: REPORTS OF THE AUDITOR-GENERAL

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

1. Town Council of Khorixas;
2. Municipality of Tsumeb; and
3. Village Council of Aroab;

for the Financial Year ended June 30 2009 and

4. Town Council for the Khorixas for the Financial Year ended June 30 2008.
-

HON SPEAKER: Will the Minister table the Reports? Notice of Questions? Notice of Motions? Ministerial Statements? The first Notice of Question is by Honourable Moongo. Does the Honourable Moongo put the Question?

RESPONSES TO QUESTIONS

QUESTION 8:

HON MOONGO: I put the Question.

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**RESPONSE TO QUESTION BY HON MOONGO
HON NANDI-NDAITWAH**

HON MINISTER OF ENVIRONMENT AND TOURISM: Honourable Speaker, before I answer I would want your guidance, because I have learned not to correct mistakes with mistakes and when this question was first raised, Honourable Muharukua raised a very genuine question, which was later supported by Honourable Kaura, that Honourable Moongo asked this question, using a Parliamentary document to which he did not have access and as lawmakers, I am just worried about the implications for our Parliament. I have to be guided whether I should answer that question or he could be asked to put it again for us to have clear records for our Parliament.

HON SPEAKER: No, the Speaker assumes all the responsibility and I direct you to answer the question.

HON MINISTER OF ENVIRONMENT AND TOURISM: Thank you for that directive and I now rise to respond to the questions that were posed by Honourable Moongo with regard to human-wildlife conflict. Before I go to the specific questions, I would like to say the following:

Addressing human wildlife conflict requires striking a balance between conservation priorities and the needs of the people who live with wildlife. We are all aware that most Namibians depend on the land for their livelihood. The presence of many species of large mammals and predators, combined with certain settlement patterns of people, lead to conflict between people and wildlife. It is, therefore, necessary that mechanisms are created for rural communities and farmers to manage and benefit from wildlife and other natural resources.

The scale and urgency of the problem require Government to develop an integrated, flexible and comprehensive policy towards dealing with wildlife conflict that can provide a framework for all stakeholders and can meet the country's National and international commitments to biodiversity conservation, while taking into account the rights and development needs of its people.

Therefore, in 2009 Cabinet approved the National Policy on Human-Wildlife Conflict Management that was made available to this House and debated upon.

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**RESPONSE TO QUESTION BY HON MOONGO
HON NANDI-NDAITWAH**

This Policy provides for Namibia to manage human-wildlife conflict in a way that recognises the rights and development needs of local communities, recognising the need to promote biodiversity conservation, promote self-reliance and ensure that the decision-making is quick, efficient and based on the best available information.

However, it must also be noted that despite all this, in wildlife conservation and benefits thereof, the Ministry of Environment and Tourism recognises that living with wildlife often comes at a cost. Increased wildlife population and expanded range into communal and freehold farming areas result in conflict between people and wild animals. The Government also recognised that such conflict has always existed where people and wildlife live together and it will continue in the future. This means it will not be possible to eradicate conflict between human and wildlife. Attempts are only made so that the conflict can be managed in the most effective and efficient way possible.

As stated in the question, Honourable Moongo mentioned that the findings of his recent research at Oshikoto and Erongo Regions indicated the following: *“At the late Punyu’s farm there are more than six lions. At the late Kalangula farm there are more than four lions and at the King Kauluma’s farm there are more than two lions.”*

Honourable Speaker, I do not know of the three farms which one is in Oshikoto and which one is in Erongo Region. However, I have to inform you that unless wildlife, including lions, are in confinement areas, are moving and only when one sees them at different places at the same time, can one say you have seen this number. Otherwise you may end up seeing the same animals and think they are different ones.

Recently three lions were reported in Mangetti and Cham Cham area of the Oshikoto Region. One lion was immediately killed by officials of the Ministry, while the other two have been offered to a professional hunter, so that communities, through the King Nehale Conservancy, can generate income out of those animals. One lion was already killed by a professional hunter, bringing the total number of two lions destroyed during the past two, three weeks in that area. Therefore, we have not yet spotted these big numbers.

However, in order to prevent those predators from leaving the Etosha National Park and to reduce incidents of human-wildlife conflict, the Ministry is now

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**RESPONSE TO QUESTION BY HON MOONGO
HON NANDI-NDAITWAH**

upgrading the Etosha National Park. The new fence is planned to elephant and predator-proof free, electrified and fitted with an alarm.

Last weekend I went to see progress on this fence and I was informed by the contractor that on Thursday elephants tried to break that fence. Elephants are a different species, because in this case, because they have seen something different, first they just came and looked at the fence and then went back. Then two of them came and tried with their tusks and their trunks, but the fence would not move. Then they tried with their backs and the fence would not move, so they went back. However, you never know what is their next plan when they know that a different fence now exists in the area. That is why I am saying, this fence we are erecting is an attempt and one cannot come back and say the Government said this, but still the elephants are breaking out. However, when the fence is completed, it is going to have three safety nets – the fence itself which is strong will be electrified and have an alarm and whenever the elephants first try, the alarm will immediately report and our officials will come to the spot where there is an attempt. These are just some of the ways to try to prevent human-wildlife conflict.

Let me now go to the specific questions which Honourable Moongo has raised.
Question 1: How many livestock have been killed continuously by lions from 2009 to date?

We have recorded a total of 342 livestock throughout the country that were killed by predators from January 2009 to date. This number of livestock includes cattle, goats, sheep, donkeys and chickens.

The second question: What compensatory measures are currently in place, if any?

It has thus far been impossible for the Government to pursue a policy of direct compensation to individual farmers or communities due to the complexity of the compensation scheme. It has been proved in other neighbouring countries – and I know people often refer to Botswana – that the compensation is not only unsustainable, but also difficult to verify and control. It is not easy to assess and determine the value of the losses caused by wildlife. Such scheme is also open to abuse. It should also be recognised that people and wildlife live in an interconnected and dynamic environment, that land-use patterns are

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**RESPONSE TO QUESTION BY HON MOONGO
HON NANDI-NDAITWAH**

changing and that wildlife distribution patterns are equally changing as populations recover and recognise farmers part of the distributed areas.

However, Government has recognised the need to find other means to offset the losses caused by wildlife and at the same time, build the self-reliance of farmers. It is for this reason that a strategy on human-wildlife self-reliance scheme has been incorporated in the National policy. At this stage I have to inform this House that trials on human-wildlife reliance scheme are being considered and there are a number of conservancies who are involved in this and some of their members are already beneficial to the scheme when they lose their crops as well as their stock. This system may have some weaknesses at present, but also holds a high promise and with the full support from Government it could be improved and expanded.

Payments under the human-wildlife reliance scheme are made to cover livestock losses at rates which may not necessarily cover the full value of the animal concerned, but aimed to offset the loss to the farmer. A payment at a determined rate would also be made to cover for damage to crops. Funeral assistance at a determined rate to families who lost their members to wild animals is provided for within the framework of the policy.

The human-wildlife self-reliance scheme will be funded in different ways. For example, the Ministry will, when issuing quotas for trophy-hunting in conservancies, make provision that the quota allows for funding to pay for the livestock and crop damage to members of the conservancies by the conservancies themselves. In this way the communities handle their own funds from wildlife and pay for the damage caused by them.

We, however, have to assist conservancies through the Game Trust Fund with starting funding and make sure that they are in a position to generate their own income and manage this scheme. Where there are no conservancies, the resources for funding for human-wildlife self-reliance scheme shall be contributed from the hunting concessions on State land outside registered conservancies, trophy-hunting of problem animals, concessions and permit fees from trophy-hunting through the Game Trust Fund. For that reason, to mitigate human-wildlife conflict impact for 2010 harvesting season, officials of the Ministry are now making assessment to determine the assistance to be given to the affected communities.

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**RESPONSE TO QUESTION BY HON MOONGO
HON NANDI-NDAITWAH**

Question 3: Is the Minister also aware that one person was killed last year by an elephant in Omatjete?

I am not aware. The only incident I know of in Omatjete is the unfortunate incident which occurred on the 12th of August 2007 where the late David Tjakura was killed.

The elephants now in that area all have radio collars and we are monitoring them here in Windhoek and whenever we see them moving into the communities, we immediately alert our officials in the area to move in. That is one measure we have now taken in as far as that specific area is concerned.

Question 4: Are the compensatory measures, if any, based on the current market value of livestock or is it still N\$1,000 as was proposed by the State?

Honourable Speaker, Annexure 5 to the National Policy on Human-Wildlife Conflict Management has provided the guiding figures in mitigating the impact of human-wildlife conflict. Those figures, that can be reviewed from time to time, differ from one animal to the other and the figure of N\$1,000 is not mentioned anywhere. Maybe Honourable Moongo, being a traditional leader, got mixed up because when a person is fined to pay a cattle and opt to pay cash, the value of the cattle has been raised from N\$800 to N\$1,000. I thank you, Honourable Speaker.

HON MOONGO: I would like to thank the Minister for the answer, though she is good at making statements here, but what we need is action. As we are here today, the lions are in the areas of Okatope, Etunda and Onampungu. There are plenty of lions there and I would like to know when was the lion population reduced, because they are still increasing.

The Millennium Challenge Account provided some funding to build stone fences and I want to know whether she is aware that there are even rhino in that area, which are very, very dangerous. When is the Minister going to intervene? Today they are in those forests and they are killing animals and human lives may be lost.

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**RESPONSE TO QUESTION BY HON MOONGO
HON EKANDJO**

HON MINISTER OF ENVIRONMENT AND TOURISM: Thank you, Honourable Speaker. As I have mentioned in my response, lions, like any wildlife, move around and I cannot deny that there are lions, but what I can tell you is that whenever they are spotted and we are informed, we do move in and when we fail to drive them back, they are put down by either the staff of the Ministry or if the nearest professional hunter has a customer, it can be given to be hunted so that the community can benefit from that. As you are now mentioning those places, they may not even be there any longer.

As I was saying, we are not denying that there are lions, but we have not identified the numbers mentioned by you, however two are being followed by our officials.

Comrade Speaker, let me make a correction. The Millennium Challenge Account does not make funds available for the fence, this fence is being erected with Government funds which were Budgeted for through the Ministry of Finance and approved in this Chamber. It is true, considering the size of Etosha, that it would take time to be completed because it is not a cheap fence and I am not even in a position to tell you how much one kilometre of fence would cost, because we are tendering and looking at the best offers. That is why we may not be able to explain to you how expensive it is, but rest assured, it is not as cheap as we may think and it may take us some time to complete the whole Etosha to make sure that we have the strongest fence possible. I thank you.

HON SPEAKER: I thank the Honourable Minister. Question 9 is by the same Honourable Member. Does the Honourable Member put the Question?

QUESTION 9:

HON MOONGO: I put the Question.

**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,
HOUSING AND RURAL DEVELOPMENT:** Honourable Speaker of the National Assembly, Honourable Members, I take this opportunity to respond to questions raised by Honourable Moongo, as to why laws regulating street vendors differ from town to town.

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**RESPONSE TO QUESTION BY HON MOONGO
HON EKANDJO**

The Honourable Member also wanted to know why street vendors are victimised by both municipalities who imprison them and by floods in the rainy season, which is inhuman. He further asks and I quote: “*When will these malpractices come to a halt?*”

Honourable Moongo, I am going to respond to your questions in the order in which they were asked.

On the first question, the Honourable Member must be bear in mind that the Local Authorities are not faced with the same challenges. The reason why regulations differ from town to town is that the circumstances differ from town to town. Local Authorities are autonomous bodies with mandates to introduce appropriate regulations. It can, therefore, be expected that different regulations will be introduced to address challenges or situations regarding vendors in their areas.

On the question of imprisonment of vendors, the Ministry needs more facts with regard to the town and the names of those that are imprisoned. In the absence of this information we regard the Honourable Member’s question as based on mere allegations. Those who violate the street vendors’ regulations are even given a warning or pay a certain fine.

The Honourable Member must understand that floods are beyond human control and cannot be termed as victimisation on the part of councils. In areas prone to floods, like Oshakati and Katima Mulilo, the Ministry has done and continues to do all that is humanly possible to introduce prevention measures and where floods have occurred, the minimise the floods’ effects on communities.

As to when the so-called malpractices will come to a halt, hoping the Honourable Member refers to the imprisonment of those violating the street vendors’ regulations, I wish to emphasise that this has never been a practice in any of our local authorities. If Honourable Moongo has specific cases, the Ministry would be more than willing to investigate such cases. I thank you.

HON SPEAKER: I thank the Minister. Question 10 is by the same Honourable Member. Does the Honourable Member put the Question?

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**RESPONSE TO QUESTION BY HON MOONGO
HON EKANDJO**

QUESTION 10:

HON MOONGO: I put the question.

**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,
HOUSING AND RURAL DEVELOPMENT:** Honourable Speaker of the National Assembly, Honourable Members, I take this opportunity to respond to questions raised by Honourable Moongo in this august House as to whether it is not high time for the State to provide low-income houses, affordable electricity, fire-alarm, fire-extinguishers and a fire department to the poor and informal settlements. The Honourable Member further said and I quote: *“The gutting down of shacks by fire in the informal settlements has reached an alarming state. Surely an urgent intervention is swiftly required.”*

Honourable Moongo, there are a few things that you ought to know:

1. Some informal settlements are not legal.
2. The informal nature of the areas makes it difficult to provide services, such as fire-alarms.
3. In some areas they are served by the Local Authorities' fire departments. It is not possible to have a fire department for each informal area.
4. The Ministry has a programme to supply fire engines to all the local authorities.

Therefore, as long as they are informal, it will remain difficult to deal with fires in those conditions for any Local Authority.

With regard to the provision of low-income houses, the Honourable Member is aware that the Ministry of Regional and Local Government, Housing and Rural Development facilitates funds to the sub-National Governments to provide housing to the low-income people. This programme, called the Build-Together, caters for all Namibians earning less than N\$3,000 per month. The maximum amount is N\$40,000 and it is heavily subsidised. The interest varies from 4% to 7%, payable over twenty years.

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HON EKANDJO**

Furthermore, low-income families could also join the community-based organisation, such as Shack Dwellers Federation, and house themselves through saving schemes. Therefore, low-income families living in the informal settlement areas should be encouraged to take advantage of the available opportunities and improve their living conditions. I thank you, Comrade Speaker.

HON MOONGO: I would like to thank the Minister for the answer, but I also want to know how many lives have been lost in 2010 due to shacks burning down?

**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,
HOUSING AND RURAL DEVELOPMENT:** Comrade Speaker, we are still in 2010 and we do not know how many will die tomorrow. Thank you.

HON SPEAKER: I thank the Minister. We revert to the Order Paper. The First Notice of Motion is the one of the Honourable Minister of Regional and Local Government, Housing and Rural Development. Does the Minister Move that the Bill be now introduced?

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

**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,
HOUSING AND RURAL DEVELOPMENT:** I Move, Honourable Speaker.

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

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HON EKANDJO

ELECTORAL AMENDMENT BILL

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

SECOND READING:
ELECTORAL AMENDMENT BILL

HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: I so Move, Comrade Speaker.

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

HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: Comrade Speaker, Honourable Members of this august House, I am happy to stand before you in this august House today to motivate the approval for the Amendment of the Electoral Act, 1992 (Act 24 of 1992) regarding the extension of the term of office of the Electoral Commission until 30th June 2011.

Section 7 of the Electoral Act of 1992 makes provision for a member of the Commission to hold office for a term of five years subject to the provision of Section 8(2), which deals with vacancies caused by death or vacation of office by any member of the Commission. In such a case the vacancy will be filled for the unexpired portion of the period of office.

The term of office of the current members of the Electoral Commission will expire on the 31st of July 2010. This is approximately three months before the Regional Councils and Local Authorities elections take place in November 2010. If new Electoral Commission members are appointed at the expiry of the current term, they might not have enough time to adequately prepare for the important role and task for the preparation and holding of the elections to

08 July 2010 **SECOND READING: ELECTORAL AMENDMENT BILL**
HON RIRUAKO

be held in November 2010. For this reason, it is proposed that the term of office of the members of the current Commission be extended until 30th of June 2011.

In conclusion, based on the motivation provided above, I hereby request this august House to approve the Electoral Amendment Bill of 2010 and I thank you, Honourable Members.

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

HON RIRUAKO: I am not a position to agree to the proposal. It is the very same electoral body that caused the chaotic situation in which we are today. We have many other people who could be appointed and put in those positions to do the job more accurately than the current Commission. That can be done by the same authority, by the same Government. I may say it is better for us to come with normal and purely secure positions for the State not to be disrupted by the former Commission. (Intervention)

HON SPEAKER: I think you should speak to the purpose of the Bill. You are out of order, Chief.

HON RIRUAKO: No, that is the issue and we support it.

**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,
HOUSING AND RURAL DEVELOPMENT:** I thank everybody for supporting the Amendment, Comrade Speaker.

HON SPEAKER: The Secretary will now read the Bill a Second Time.

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**REGIONAL COUNCILS AMENDMENT BILL
HON EKANDJO**

ELECTORAL AMENDMENT BILL

HON SPEAKER: The Second Notice of Motion is the one of the Minister of Regional and Local Government, Housing and Rural Development. Does the Honourable Minister Move that the Bill be now introduced?

**INTRODUCTION AND FIRST READING :
REGIONAL COUNCILS AMENDMENT BILL**

**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,
HOUSING AND RURAL DEVELOPMENT:** I so Move, Comrade Speaker.

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

REGIONAL COUNCILS AMENDMENT BILL

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

**SECOND READING:
REGIONAL COUNCILS AMENDMENT BILL**

**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,
HOUSING AND RURAL DEVELOPMENT:** I so Move, Comrade Speaker.

HON SPEAKER: Who seconds? Any objection? You have the Floor.

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REGIONAL COUNCILS AMENDMENT BILL
HON MOONGO

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

Comrade Speaker, Honourable Members of this august House, I am happy to stand before you in this august House today to motivate the approval for the Amendment of the Regional Councils Act (Act 22 of 1992) as amended, regarding the period of office for the Regional Councillors and members of the Management Committees.

Currently the term of office of the Regional Councils is provided under the Regional Councils Act, 22 of 1992, and it stands at six years. You may recall that the Namibian Constitution Second Amendment Act of 2010 among the Amendments made provides to decrease the limit of tenure of Members to the National Council from six years to five years and also to decrease the term of office of the Management Committee from three to two years and six months. This calls for an urgent need to amend the Regional Councils' term of office from six to five years and Management Committee from three years to two years and six months to be in line with the Namibian Constitution Second Amendment Act of 2010.

Another reason requiring the urgent Amendment of the Regional Councils Act is the upcoming Regional Council and Local Authority elections scheduled to be held in November, 2010.

In conclusion, based on the motivation provided above, I hereby request this august House to approve the proposed Regional Councils Amendment Bill of 2010 and I thank all Honourable Members for their support.

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

HON MOONGO: Thank you, Honourable Speaker. First of all, this Amendment is in line with the Constitution and nobody can dispute that, but will it not affect the salaries and benefits of those officials? If not, I support the Amendment.

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**CRIMINAL PROCEDURE AMENDMENT BILL
HON NAMBAHU**

**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,
HOUSING AND RURAL DEVELOPMENT:** Comrade Speaker, I appreciate the support of all the Members and I thank the Honourable Members for supporting this Bill.

HON SPEAKER: The Secretary will now read the Bill a Second Time.

REGIONAL COUNCILS AMENDMENT BILL

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

**RESUMPTION OF SECOND READING:
CRIMINAL PROCEDURE AMENDMENT BILL**

HON SPEAKER: When this Debate was adjourned on Wednesday, 6 July 2010, the Question before the Assembly was a Motion by the Honourable Deputy Minister of Justice, that the Bill be now read a Second Time. The Deputy Minister adjourned the Debate for his reply.

HON DEPUTY MINISTER OF JUSTICE: Thank you, Comrade Speaker, for affording me this opportunity to reply and I will start off by thanking the Honourable Members who have really shown interest and expressed their unwavering support to the Amendment Bill.

In the first place, I think there is general interest in these Amendments because of the purpose behind the tabling of the Bill, which is actually to bring about speedy justice. I should thank *Honourable Shixwameni* for a thorough perusal of the Bill and we will definitely look into the issues that he has proposed. However, the issues that he has raised regarding pulling up of socks is what we are already doing and the explanation on where the 2003 Criminal Procedure Act is, is just to say that it is enjoying our utmost attention. While we are ironing out those and getting consensus from the different stakeholders regarding, for example, the Magistrates' Courts Act, we have thought it

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**CRIMINAL PROCEDURE AMENDMENT BILL
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prudent to bring about these Amendments and forge on while we are sorting out those and I can say it is a priority in our Ministerial legislative calendar and comes the next session, you will see us tabling some of the Bills which are relevant to what we are doing now.

I also thank you for supporting our efforts to be gender sensitive and we will attempt to bear that in mind.

We are also looking at Courts for petty crimes, but we do not want to be selfish and put aside the Bills coming from the other Ministries and only concentrate on ours, therefore we are trying our best with the shortcomings and shortage of personnel in the legislative division, which is really something all of us as Government should look into.

The congestion of prisons is going to be addressed by this Amendment Bill and I should inform this august House and the public out there that they should not only look at the increase in the amounts, for example from N\$300 to N\$6,000, because it says not exceeding N\$6,000, which is the ceiling, and the Courts have a discretion to fine a person with any amount up to the N\$6,000.

With regard to people attending Court the whole day we have a situation where different processes are followed with people pleading guilty or not guilty. A plea of guilty may result in the case supposed to only last ten or twenty minutes, therefore it is very difficult for us to say you must come at 10:00. I invite you to attend court and to see what is happening there. It will not be possible to say I will call you at 08:00 and then the next person will be called at 08:15. It does not work that way. We would have liked it to be that way, but the nature of the job does not allow it to be that way.

If you read the section dealing with the placement of persons under protection, you would see that it reads: *“When a person is, in the opinion of the Prosecutor-General, likely to give evidence on behalf of the State at criminal proceedings in any Court and the Prosecutor-General, from information placed before him or her by any person, including that person that is affected...”* If you have read it properly, some of the questions would not have been posed.

Honourable Mushelenga, thank you for your comments, your kind words and your support. Equally, the technical aspects of the 2004 Act are being looked

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**CRIMINAL PROCEDURE AMENDMENT BILL
HON NAMBAHU**

into. We would really like to put that on the front banner and we would definitely do just what you are suggesting. As I have said, Witness protection can be initiated by that person or by the Prosecutor-General.

Professor Katjavivi, thank you very much for your kind words and for the dimension that you have brought to the discussion, stating that some of the things we are doing and even some comments made have effects not only domestically but internationally. Therefore, if we improve on the delivery of justice here, that would give us a good rating by the international community.

I was talking to someone who told me that the reason why people invest in Singapore is that if you go to Court, everything is computerised, justice is speedily dispensed and if you are wronged, you are served judicially in a very speedy manner and the investors like that. We do not have resources of that nature, but we are not lacking in aspirations.

Honourable Dr Kamwi, thank you for your comments. You have made some editorial observations and those ones will be taken care of. When it comes to the issue of juxtaposing the production of documents versus the Constitution, Article 7 that is, the Criminal Procedure Act of 1977 dedicates a whole chapter to the production of evidence and everything is dealt with clearly there. Whether it is computer generated documentary evidence or whatever evidence, it is properly stipulated in that Act. Therefore, the problem of us violating the Constitution will not really arise because the Constitution being the supreme law will definitely prevail if there were to be any conflict between what we are proposing and what is in the Constitution. Therefore, it is our duty to ensure that conflict does not arise.

Honourable Moongo, we are also thankful for your support. This is just a first phase of our efforts to reform the Judiciary and the laws that we have in our statutes. Time and resources allowing, we will look at the need for community courts and the necessary support to be put in place. Many things will come into play and I have seen that you are now using very good terms after attending a course at UNAM and you are no longer a bush lawyer, as you used to call yourself, and I would urge you to continue sharpening your skills in the area of law. You are doing well, continue in that way. We will definitely be looking at some of those issues.

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Dr Kawana, thank you very much for coming to our aid, as usual. Being a veteran of the Ministry, you have an insight and we will definitely tap from your knowledge when the need to do so arises. You were saying that the fines should be determined by regulation and we are going to take care of that in the 2004 Act once we are working on it. Your suggestion is well taken.

Those were mostly the issues raised, but for the public, I am not emphasising that these are minor offences and we are not decriminalising and this should be understood. If a person drives under the influence, it is not for us to say it is a minor crime, because what happens if that person crashes into a house where people are sleeping? The consequences are too ghastly to contemplate. Therefore, we still feel that the society should condemn this harmful conduct and be punished accordingly. It is not for that reason that we are trying to bring about modern ways of dispensing with these kinds of issues, but they are not losing their gravity in our consideration. We are as serious as we used to be with regard to these kinds of crimes. Therefore, the fines and all the punitive and deterrent considerations are kept in mind when we are carrying out this duty, because we are of the opinion, as it should be, that we have a duty towards our citizens and towards the State.

With those remarks, I thank everybody that has participated and I will probably give more detailed answers in the Committee Stage. I thank you very much.

HON SPEAKER: I thank the Deputy Minister. I now put the Question, that the Bill be now read a Second Time. Any objections? So decided. The Secretary will read the Bill a Second Time.

CRIMINAL PROCEDURE AMENDMENT BILL

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

**RESUMPTION OF SECOND READING:
INDUSTRIAL PROPERTY BILL**

08 July 2010 **SECOND READING: INDUSTRIAL PROPERTY BILL**
HON PROF KATJAVIVI / HON KASINGO / HON KAZENAMBO

HON SPEAKER: When this Debate was adjourned on Wednesday, 30 June 2010, the Question before the Assembly was a Motion by the Honourable Deputy Minister of Trade and Industry, that the Bill be read a Second Time. Honourable Van Der Walt adjourned the Debate.

HON PROF KATJAVIVI: Honourable Speaker, I Move in terms of Rule 28, that the subject of the Industrial Property Bill be referred to the Parliamentary Standing Committee on Economics, Natural Resources and Public Administration for scrutiny and report back in terms of Rule 65. I so Move, Honourable Speaker.

HON SPEAKER: Will the Honourable Member table the Motion? Any objection?

HON DEPUTY SPEAKER: I support the referral of the Bill to the said Committee, Honourable Speaker, as Moved by the Chief Whip of the Ruling Party, SWAPO.

HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE: Comrade Speaker, on a question of procedure. According to the Order Paper it says, "*Resumption of Debate on Second Reading – Industrial Property Bill* and it was adjourned by Comrade Van Der Walt and some of us personally wanted to contribute to it. If it is referred to the Parliamentary Committee, will it come back to be debated at that stage?

HON SPEAKER: We must always stick to this one. They prepared it or between after preparing it they put they on the blue, something happens to their brains. I am going by what they write for me on these little white papers and I trust that they are good Christians and believers, otherwise one or the other, the one on the white paper would be one and the same thing, then I have discovered some other things too, that they are one, two, three, that they have bosses in the offices, but they are all wrong. So, from now on I am going to go by this one. In this case the Minister is correct and I should have read

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something like it is Second Order of the Day, he should have read that one and I would have said, “*bla-bla-bla-bla*”, referring to what is number two on the Order Paper and that was adjourned by, who adjourned that? Van Der Walt.

That is the one. I call on Van Der Walt. If he is not there, does anybody want to take the Floor on that one? Minister, you have the Floor.

HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE: Thank you very much, Honourable Speaker, Honourable Members. I want to welcome the tabling of the Industrial Property Bill in the National Assembly.

Honourable Speaker, Namibia is on the path of industrialisation, is a developing Nation that is on the move, it has a functioning economy and this Bill is a very important instrument in equipping and protecting those who are using their imagination, those who are using their academic and artistic talents to discover something that may help in the development of Namibia, technologically and otherwise.

With that appreciation as background, before I go chapter by chapter, point by point on my queries on this Bill, I would like to highlight that upon its conclusion, a communication strategy by the Ministry concerned to the public and all interested Parties will be very critical so that this Bill is interpreted widely and its content is understood widely by many sections of our community and our country, because it deals with our lives and existence from a socio-economic point of view.

There are some specific queries that I want to pose, even to those who sit in that Privileges Committee. My queries are on page 4, Part 8, and it deals with voluntary licences. In 51 it says “*formal recording of licence, prohibited terms in licence, licence rights, effects on non-brand and invalidation of packets.*” In the main body an explanation is given and I tried to read the explanation, but the language contained there will only be properly understood by my brothers and sisters who attended law schools and amongst them in this House, Comrade Peya Mushelenga, Comrade Shixwameni, Comrade Nambahu, Comrade Nujoma and many others. However, to be honest, even the documentation still leaves me without knowledge. That is where my plea comes in, that this should be translated into layman’s language, so that when I

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discover something to shave the hair of the donkey, I must know how it can be protected.

The same also goes to Part 9, compulsory licences for non-working or insufficient working, which is legal jargon. Compulsory licences based on inter-dependence of patents, compulsory licences in public interest and it goes on and I am at risk of repeating my plea.

Honourable Speaker, Chapter 4 of the Bill deals with trademarks and collective certification marks and trade names. This is again very critical and when I was reading this chapter, the situation of the Uri car in Gobabis came to mind. Namibia was in the process of joining the industrial world in manufacturing a car which was industrial property, very critical to job creation and it simply disappeared. The plant has closed down and it is said that is now being used in South Africa. I know they are comrades, but economically we are competitors and that is the reality. The Uri was a good car for farms and now it is being manufactured in South Africa and we are buying it. Under what terms and conditions it was sold one does not know.

Comrade Speaker, under trademarks, collective and certification marks and trade names it deals with artistic products and again under that one the issue of music is excluded from this document. Before I go to industrial application, I want our Committee members to look into the situation of the artistic products of the Ovahimba that they are trading with. This is not only about the Ovahimba in Kaoko, but all the traditional artefacts across all communities are being copied by other people and that is why I am saying this Industrial Property Bill is overdue, because some people are saying we are selling ourselves cheaply out of ignorance. The tourists come here, they take your photo and they add industrial value to it and patent it and this also goes for the area of medicine.

I do not want to go back to yesterday's Debate, but the ordinary *omaere* made from *ondjupa*, cannot become a commercial product, patented and protected and we are the very same persons who say these products do not need the health standards or the SABS standards or we will say it is not international standard, it was manufactured in places which have not been inspected. That is why I am saying perhaps this thing will add to our economic resources, in patenting or food or traditional *omitjira*, which is a traditional dress for kids. Therefore, this goes to cultural products that need to be respected and patented,

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because if you are talking about industrial property, you are talking about commercial property and it goes into intellectual property. Our researchers in the University of Namibia and the Polytechnic who are researching various economic field should be protected by this Bill. It goes deeper than what we are seeing here and that is why I am saying this is a very important Bill, it should be translated into all local languages if possible, so that our people should appreciate that the things that we are using, even the dresses, are industrial properties. It is a question that we do not patent them. We have our own butter, but because it is not patented and not treated as industrial property, we cannot develop it into a commercial property. We are flooded with products, some of them identical to our properties, but as the Secretary General yesterday said, we are being beaten not because of our colour, but because of ignorance. Others are emulating our products and industrial properties, things that could be of value and be marketed.

Honourable Speaker, the Committee should apply their minds when they are dealing with the issue of industrial application. We are saying in point 16: *“An invention may be considered to be industrially applicable if it can be made or used in any kind of industry.”* Then it says, *“Matters excluded from patentability are the following”* and they refer to discovery of scientific theories and mathematical methods. I do not understand what it means and it needs elaboration, because there are instruments that we are using in mathematics, such as calculators and others. Maybe I am ignorant and that is why I am saying it needs further elaboration.

Our researchers, both at the University of Namibia and the Polytechnic, are embarking upon scientific research and through that they will come up with scientific discoveries and I do not know what this chapter means. It also goes to say that literally, dramatic, musical or artistic work or any other aesthetic creation, skills, rules of method for doing business, performing purely mental acts or playing games are excluded, programmes for computer, presentation of information, diagnostic and surgical methods for treatment of humans and animals, plants and animals other than micro organisms and any essential biological processes for the production of plants and animals other than non-biological and micro-biological process, the human body and all its elements in whole or in part, the whole or part of natural living beings and biological materials found in nature, even if isolated from it or purified, and it goes on.

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I was wondering why a plethora of issues are excluded from industrial property, because I know very well that even if you enter the US today or even the UK, you cannot simply enter with plant and animal products from a certain country without proper scrutiny and this goes to the protection of animals based on veterinary, animal health advice, and scientific research made. I need further elaboration on this as to why our industrial policy does not cover plants and animals.

Honourable Speaker, there are many Namibians who are depending on their artistic talents, be it performing arts or others and the issue of piracy is a big issue. If I compose my own music it should be covered somewhere if this policy does not cover that. If you come up with something to protect those who compose music and do other things, then I will be satisfied, but if we do not protect those who are using their imagination and creativity, it is a problem and they need to be assisted. Piracy of music and other things is an offence in some countries. You cannot just download music from the computer and here it needs further explanation on whether we have ways to protect these colleagues. With these few observations I support the Bill. I thank you.

HON SPEAKER: I thank the Honourable Minister. Chief Riruako.

HON RIRUAKO: Honourable Speaker, I think property rights refer to the urban areas alone. Why am I saying this? The people in the rural areas do not have any production and they do not earn anything from the banks and they are not developed in the rural areas. That is an unfairness that remains in this country. How can they develop themselves? They normally used to have shops and they had access to the banks, but now our own stores do not have access to the banks and that was during the White Administration. What happened to ourselves, how are we going to protect ourselves and our businesses in the rural areas? What caused them to be indebted? They are not promoted.

We want the big companies to go to the so-called Owamboland and I was against Woolworths going there. It is taking away from Punyu, it is taking away from Indongo and you people allowed that to happen. You do not give protection to those folks in the rural areas, no one cares. You either join the

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company of Woermann Brock as shareholder and you do not protect your own to grow up and to compete. What is in our minds and how are we going to promote our own people wherever they are? Where are we heading to? For how long must we be reluctant to protect them?

We talk about this Bill going to the Standing Committee and are you going to think about them or are you going to think about yourselves as the shareholders in the big companies? Do you really mean what you say? Really, I am so depressed by our own people. You do not think about yourselves, you think about the other people first, but charity begins at home. What makes you to be so naïve and negative about yourselves? What makes you to be this way? Tell us where you are going to take us and how long we must wait for your trade and industry? Who are you going to promote, who do you want to become millionaires in this country and are we excluded or not? Where are you putting us? Think about where you have started. Now if you die you say to God, “I came naked, I am going naked” and now we remain naked from where to where? This is serious, it is not the joke of the day, we have been watching this motto.

You join the companies and the industries and you remain in those companies. You become heads of the companies, but what about the ordinary man who is trying to create something for him to live on? We are observing that he is the Director of so and so, he is on the board of so and so, it is all about himself, but what about his kith and kin? You should look back at where you come from and thereafter start again to refresh your mind and to refresh yourself and take the right route. I thank you.

HON SPEAKER: Any further discussion? Honourable Minister of Finance?

HON MINISTER OF FINANCE: Honourable Speaker, I rise to support the Bill and I have only two minor queries, the first one in regard to whether this Bill would protect the rights of communities to the use and the protection of especially medicinal plants that have traditionally been used by those communities. We have marginalised communities who are not empowered financially and skills-wise to be able to record the community’s knowledge and to be able to tell which of these medicinal plants have been traditionally used

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by their communities and what they have to do in order to ensure that the patents are not registered by other persons who now exploit the commercial benefits. I just want to know whether there is any provision in the law which would preclude those who are powerful and knowledgeable from coming here and identifying these plants and patent them, so that when the communities become aware of how they can benefit, these things would already have been taken up by other people. I think it is important that the law should have that, otherwise our communities would be given a raw deal.

My second query is with regard to those rights that have already been patented in regard to similar items. I was very saddened when I attended an international conference and international companies were made presentations and one of the companies made a presentation with regard to a very successful case where they have used an indigenous medicinal plant which they said was indigenous to South Africa, but on further elaboration turned out to be indigenous from a certain part of Namibia that is inhabited by the small communities. This company has come in and has registered it and they actually did not discover it, this community has been using and is still using it, but under which conditions I do not know and I am wondering whether it should be possible under this kind of law, not to divest the right from this company but to oblige them to share the benefits with this community, even if it means Government actually intervening and negotiating and some of these strategic resources on behalf of our communities.

These are queries or comments to probe the thinking in the House so that we see what can be done in that regard. Thank you.

HON SPEAKER: Any further discussion? It was in respect of this Motion that the Chief Whip made the proposal. If there is no further discussion, then I want to revert back to that. The Question was whether the House supports the Motion by the Chief Whip. The Bill is referred to the relevant Committee. The Secretary will read the Third Order of the Day.

**CONSIDERATION: REPORT BY THE IPU NAMIBIA GROUP
TO 122ND ASSEMBLY**

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HON SIOKA

SECRETARY: Consideration of Report by the IPU Namibia Group Delegation to the 122nd Assembly and related meetings of the IPU.

HON SPEAKER: When this Debate was adjourned on 7 July 2010, the Question before the Assembly was a Report by Honourable Amweelo. Honourable !Nawases-Taeyele adjourned the Debate.

HON SPEAKER: Honourable Sioka.

HON MINISTER OF GENDER EQUALITY AND CHILD WELFARE:
Thank you, Comrade Speaker. I am rising to support the delegation which went to Bangkok and brought this very document to this House. As a former member of the IPU Committee from 1995 to 2005, I want to commend you on the theme of the Conference, namely, *“Parliaments at the heart of political reconciliation and good governance.”*

We are talking about the global village and the world is becoming smaller and therefore, we need to share information and the information you brought to us is very important. As I understood, our seniors were not attacking the Report, they were just informing us that once we attend these types of conferences, we should also try to put Namibia on the map and discuss Namibian issues on those platforms.

Comrade Speaker, a question was yesterday raised by Honourable Tjihuikeo on the question of consultation before attending these types of conferences. That is exactly what we were doing before. The Ruling Party and Opposition met and consulted, but at the end of the meeting you would see that we were divided. I had the experience of the issue of France and Kuwait, where even the Speaker gave me the voting right. He moved out and I took over and I voted, Namibia had eleven points. I voted at the end of the day, but we consulted and the point of Honourable Tjihuikeo on consultation has been the practice, we were always meeting before the conferences.

On page 11 it deals with the restriction on people with HIV/AIDS. It is not only the Government which is restricting these people, but also the insurance companies. Immediately you go to those people, you will be asked your status.

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I had to be tested several times. I was tested for my house in Caprivi, I was tested for another house in Khomasdal and I was tested for this one when I went for a loan. This practice should be changed and they should not have these restrictions. I am saying this because I am sure everybody is sick. I do not know whether you have people who are ever negative. The majority of the people are infected and therefore, these restrictions should not be considered to be by Government only, it is also implemented by the institutions I have mentioned here.

On page 12 we have the recommendations made and I see there is mention of the Minister of Justice and Gender on page 15. Colleagues, you have to consult the items on the agenda with the Ministries before you attend, so that we give you our views on how far have we gone with the protection of children and human trafficking. I know you have brought good recommendations, but it is better that we consult before you attend so that we have points to put on the table of whatever conferences we attend.

Comrade Speaker, I support this Report and I commend the Honourable Members who attended. I thank you.

HON SPEAKER: Any further discussion? Honourable Amathila.

HON AMATHILA: Comrade Speaker, I also rise to support the Report presented to us. I have been listening to the inputs by Honourable Colleagues yesterday and I got the impression that somehow there is possibly a misunderstanding on what the Report is saying and of the procedures of the Inter Parliamentary Union. My understanding was that it is our collective decision to have a special group within the Parliament to represent us at the Inter-Parliamentary Union, because that is where all the countries with Parliaments send their delegates to exchange views and experiences and to tackle those issues that have a bearing on other Parliaments. Namibia being a country which came about as a result of the concerted effort by the Namibians themselves and a greater role played by the international community, which led us to attain our Independence, cannot steer away from those international gatherings which could serve as a platform for us to make our inputs and also to solve our problems through the strength of the others.

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My experience at these particular conferences or workshops is that that is where you have a platform to negotiate your position. It may be true that the agenda is set by our other people, but the groupings of those developing countries together sometimes have the power of reshaping issues which are negative against smaller countries. Therefore, what Honourable Sioka was saying is totally true and correct, that our Members of Parliament should consult widely to see what issues to bring to the fora whenever we are attending these conferences.

I saw that the purpose of the presentation of this particular document was to make us all aware of what happens, so that the delegations can prepare themselves next time around when they attend these conferences so that at least they have the input by all of us. I think that was the main purpose.

I thought the last paragraph on page 13 was very beautiful in the sense that the issue of Palestine has been with us all during the time of our occupation until our Independence, but the people of Palestine have not yet found solace in succeeding to liberate themselves from the yoke of occupation by the Israelis. This particular paragraph was agreed upon by all the members who attended this conference and it is one of those issues where people negotiate with one another in order to have a formula which is agreeable to each and everyone, so that that could pass as a resolution of the IPU. I commend our delegation to that conference for their contribution in supporting those Committees to bring about this resolution.

Palestine and Sahara are still one of those issues that every Namibian who understands how we obtained our Independence will not easily forget until these situations have been corrected.

Comrade Speaker, in my view the recommendations on page 14 are efforts by the Committee, inviting the Ministries listed to react to those issues, because this delegation of Namibian Members of Parliament who will attend the next IPU Conference will have to reflect and represent the view of all Namibians and the view of the Parliament, including the Executive. I think that is the reason why all these recommendations have been made and I thought that was a very beautiful approach by the group that attended this conference to invite the Ministers listed here to give their views and arm the committee, when they go back, to correct or represent or to sharpen our input.

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HON KASINGO

On that note, Comrade Speaker, I know that you are the President of the IPU and I think Namibia should be seen to be united in getting to some of these international conferences, but before we attend those conferences, both from the Executive side and the side of the backbenchers, we have to consult as widely as possible so that we put Namibia's case squarely and fairly to the international community. I support the Report.

HON SPEAKER: Any further discussion? Honourable Deputy Speaker.

HON DEPUTY SPEAKER: I thank you for the Floor, Honourable Speaker. Initially I wanted to postpone the Debate until next week, but the Mover of the Motion, Dr Amweelo, said that he will not be available next week, therefore I am going to make a short contribution.

As a preamble I want to recognise the seriousness and the positive Debate by all Members of this august House. It is one of the Debates where we are of the same mind and before I comment on specific recommendations contained in the Report, I just want to propose the way forward, that to enable all of us to have enough information, this way should be the way to go in terms of tabling all the Reports of this nature, not for note-taking, but for discussion, inclusive of SADC Parliamentary Forum, Pan-African Parliament and Commonwealth Parliamentary Association. When these Reports are tabled for note-taking, we as busy Members of Parliament will not know the contents thereof.

We have done well for the past five years in terms of Ministries taking up recommendations of Reports from Committees. The Ministry of Defence and the Ministry of Safety and Security have taken seriously the recommendations by the Committee on Defence and Security as well as other Ministries, but I have to say that for the rest the recommendations of Committees remain where they are although it is discussed and approved by this august House and there is no follow-up. On that basis I would like to seriously recommend that there should be a permanent structure on the part of the Executive component and I would like to propose that that component should ensure the follow-up of all the Reports and recommendations approved by the National Assembly and that it should be within the Office of the Prime Minister, so that at the end of the

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HON KASINGO

day it should not be left to a relevant Committee to follow up at the Ministry. In that way we will be able to ensure that the need expressed by our people through different portfolios are addressed.

Secondly, I would like to refer to some of the recommendations in the Report, the question of youth participation in the democratic process. On pages 13 and 14 it calls on certain Ministries, amongst others the Ministry of Youth, Sports and Culture. I think this democratic participation of the youth should not be left alone to those relevant Ministries. I have to mention here that even the relevant Committees of the National Assembly should also ensure that we must have a Portfolio Committee which deals with youth issues.

I am happy that recently we have established a new Committee on gender and women and I do know that we intend revising the name. Maybe in that Committee we can add the component of the youth, like in the Pan-African Parliament we have a Committee on Gender, Youth and People with Disability. This is just a proposal and it can also be rejected.

I also want to commend you, Honourable Speaker, for the Children's Parliament. It was mentioned there at IPU that the Namibian Parliament has come up with a Children's Parliament and it is one of many ways in which the Namibian National Assembly addresses the participation of youth in the democratic process.

On the question of Palestine and the Saharan Republic, I do agree with the sentiment expressed and I support the Minister of Justice when she said it appears as if the whole continent has been castrated. Some of us attend the Pan-African Parliament and it is supposed to address the issues really affecting the African continent and to follow where Nkrumah ended, but I can tell you that the spirit of Pan-Africanism is dying. I do remember that a member of the Saharan Republic at the Pan-African Parliament who struggled for two years to ensure that the question of the Saharan Republic is put on the agenda of the Pan-African Parliament. I am just mentioning these things to support all the comments made by various Members of this Parliament and I am happy that our senior Members of our Political Party are aware of this problem of Africa and that we are not taking Africa anywhere. That also brings us to the question of the intellectuals within Africa and what they are doing.

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HON KAIYAMO / HON DR GURIRAB

Those are the questions and I want to emphasise the point that there must be a permanent structure within the Executive component to ensure that the recommendations are implemented by the Line Ministries. With those few words, I rest case and I congratulate my colleague, Dr Amweelo, for being elected as Chairperson of the National Group of IPU and for tabling this Report. I support the Report.

HON SPEAKER: Thank you. Honourable Kaiyamo.

HON DEPUTY MINISTER OF HOME AFFAIRS AND IMMIGRATION: I Move that the Debate be adjourned until next week Tuesday.

HON SPEAKER: Before I do that, I became Speaker in 2005 and I was told that the Speaker is the leader of the IPU Group. When the delegation goes abroad, then the Speaker becomes the leader, but here at home there is somebody called the Chairperson of the National Group and that is Honourable Dr Amweelo. Now that I am President of the IPU, I am not the leader of the National Group. When I come back home and I assume that, I will play that role differently. While I am not part of the Namibian delegation when we go there, it does not mean that they should not consult me, they know that I am there and the delegation should always go united and the delegation should go there knowing the programme, to consult with the portfolio Cabinet Ministers, consult the Portfolio Committees, so that when we go abroad we would be speaking with one voice. The delegation consists of both Houses, the National Assembly and the National Council.

The Debate on this Motion stands adjourned until Tuesday. Honourable Amweelo.

HON DR AMWEELO: Honourable Speaker, I just need to be guided, because next week I will not be available to respond and I think next week we are going into recess. I want to know whether the Report would not lapse. If not, then there is no problem.

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HON MUTORWA

HON SPEAKER: It will not lapse. The Secretary will read the Fourth Order of the Day.

**RESUMPTION OF DEBATE: MOTION ON UNRESOLVED CASES OF
ALLEGED CORRUPTION**

SECRETARY: Resumption of Debate on the current unresolved cases of alleged corruption.

HON SPEAKER: When this Debate was adjourned on Wednesday, 30 June 2010, the Question before the Assembly was a Motion by the Honourable Ulenga. Honourable Kawana adjourned the Debate. Honourable Minister of Agriculture, Water and Forestry.

HON MINISTER OF AGRICULTURE, WATER AND FORESTRY:
Thank you, Comrade Speaker. In the absence of any Honourable Member who is ready to take the Floor now, I have been requested by Honourable Kawana, who is out of town on official business, to adjourn his Debate on his behalf until next week.

HON SPEAKER: The Debate on this Motion stands adjourned until next week Tuesday. Before I adjourn the House, when we started Tuesday, both the Right Honourable Prime Minister and I lamented what I called then the polecat status that the Republic of Namibia was placed in. That is what we used to call apartheid South Africa as being isolated from the rest of the international community. A polecat status is almost like a quarantine, not to mix with other Nations and peoples and it was in respect of the treatment that the Republic of Namibia has been meting out against the people living with HIV/AIDS and I, in reporting back about Ireland and the IPU Assembly there, confessed that I did not know anything about it. The Prime Minister too said the same thing and it was at this conference that I was co-chairing with Michel Sidibé, the Head of UNAIDS, that that news publicly, in the presence of the international press, was exploded in my face. I did not know and I had to go back to the years of the sixties and seventies to whitewash that information to the best of

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HON DR GURIRAB

my ability, that it was not quite bad, we were going to change. I have good news now today and the headlines, and the Minister also spoke and appreciated what the Prime Minister and I said, and in the press statement of today the headline says, today the 8th of July, “*Namibia lifts travel ban for people living with HIV/AIDS.*”

I do not know when this was done, but it comes from UNAIDS so I believe them, they would not have done this unless they got an official communication from the relevant Line Ministry or from the Prime Minister’s Office, that indeed we have finally lifted this ban on people living with HIV/AIDS.

HON MINISTER OF VETERANS AFFAIRS: Comrade Speaker, I am seeking guidance about the information that Namibia has now lifted the travelling ban on HIV/AIDS, because it was on the statute but Namibia never prevented any HIV-positive person from coming in or to leave. It was on our statute, it is true and what we are trying to do is to remove it.

HON SPEAKER: We do not need to debate, Namibia was one of the countries. It reads as follows:

“UNAIDS applauds the decision by the Government of Namibia to lift its travel restrictions for people with HIV/AIDS and align the country’s legislation with international public standards. The reforms which took effect on 1 July also remove entry restrictions against people with other contagious diseases. Restrictions that limit movement based on HIV/AIDS positive status are not only discriminatory, but violate human rights. There is no evidence that such restrictions prevent HIV transmission or protect public health. Furthermore, HIV related travel restrictions have no economic justification as people living with HIV/AIDS can live long and productive working lives. I am heartened by this announcement in Namibia, said Michel Sidebé, UNAIDS Executive Director. HIV related travel restrictions serve no purpose and hamper the global AIDS response. UNAIDS advocates for an individual’s right to freedom of movement regardless of HIV/AIDS status. After the removal of Namibia’s restrictions, UNAIDS counts fifty-one countries, territories and areas that continue to impose some form of restriction on the entry, stay and residence of people living with HIV/AIDS based on their HIV status. Five countries deny visas even for short-term stays, twenty-two countries deport

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individuals once their HIV-positive status is discovered. The United States of America and China removed longstanding HIV/AIDS related travel restrictions earlier this year. Several other countries, including Ukraine, have pledged to take steps to remove such restrictions.”

That is all of it and on that note the House stands adjourned until Tuesday, 14:30.

HOUSE ADJOURNS AT 17:08 UNTIL 2010.07.13 AT 14:30

**NATIONAL ASSEMBLY
ASSEMBLY CHAMBERS
WINDHOEK
13 JULY 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 or Papers. Deputy Prime Minister.

**TABLING: ANNUAL REPORT:
OFFICE OF THE PRIME MINISTER, 2008/2009**

HON DEPUTY PRIME MINISTER: I lay upon the Table the Annual Report of the Office of the Prime Minister for the year 2008/2009.

HON SPEAKER: Will the Deputy Prime Minister table the Report? 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 the:

1. Diamond Board for the Financial Year ending 31st December 2005 and 2006;
 2. Marine Resource Fund for the Financial Year ending 31st March 2004 and the
 3. National Arts Council for the Financial Year ending 31st March 2006, 2007 and 2008.
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**NOTICE OF QUESTIONS
HON KAURA**

HON SPEAKER: Will the Honourable Deputy Minister table the Reports? Other Reports and Papers? Notice of Questions? Honourable Kaura.

NOTICE OF QUESTIONS

QUESTION 18:

HON KAURA: Honourable Speaker, I give Notice that on Thursday, 23rd September 2010, I shall ask the Minister of Justice the following?

1. Are you aware of the article that appeared in the Informanté newspaper, dated 1 July 2010, which reads: *“Chinese foreman fires man and forces him to walk home naked. Vista Mambibo experienced the biggest humiliation of his life when he was forced to take off his overalls and walk home naked.”*
2. Is mistreatment of Namibians permissible in an independent Namibia?

HON SPEAKER: Any further Notice of Questions? Notice of Motions? Ministerial Statements? Right Honourable Prime Minister.

MOTION OF CONDOLENCE

RT HON PRIME MINISTER: Honourable Speaker, yesterday we all have learned with shock and sorrow of the senseless killing of people in Kampala, the capital of Uganda. On behalf of Parliament, I would like to express our sadness and sorrow to the affected families and to the entire Ugandan people and to tell them that the Namibian people are with them in their hour of sorrow. We condemn those who have perpetrated this heinous deed and demand that they be brought to justice. If someone somewhere has a particular grievance in Africa, we should learn to solve our problems through peaceful means. I thank you.

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HON SPEAKER: I thank the Right Honourable Prime Minister for a very appropriate statement. We ask the House to rise and observe a minute of silence.

THE HOUSE OBSERVES A MINUTE OF SILENCE

HON SPEAKER: The Notice of Motion is the one of the Honourable Moongo. Does the Honourable Member Move the Motion? Seconded? Objections?

**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,
HOUSING AND RURAL DEVELOPMENT:** I have an objection.

HON SPEAKER: Honourable Minister, I have ruled and I will stick to that Ruling, Honourable Minister. I would allow Motions to be put and since these Motions are on the Order Paper, there should be a way in which the Government side and the person who moved the Motion should consult. I do not think it is a good practice to shoot down Motions before they have been motivated. If you shoot them down after the motivation we know what the Motion is all about.

**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,
HOUSING AND RURAL DEVELOPMENT:** Comrade Speaker, can I just explain why for the record? It is for the simple reason that the Motion will be discussed in Cabinet and I do not see why the Oshakati Master Plan which will be discussed in Cabinet should at the same time be discussed here. I sent him a note, asking if he cannot wait until Cabinet discussed. It is our Master Plan, very soon it will be before the Cabinet and at the same time we will discuss it here.

HON SPEAKER: I agree with you, Honourable Minister. This is a different matter. As I said in my remarks, unless there is prior arrangements between the person who is moving the Motion and the Government or the

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HON KAURA

Minister concerned, as is the case now, then I am not going to do what I said. The Minister is informing me that he contacted you and I should actually have known about this before. The Secretary will read the First Order of the Day.

COMMITTEE STAGE :
ELECTORAL AMENDMENT BILL

HON SPEAKER: Does the Honourable Minister of Regional and Local Government, Housing and Rural Development Move that the House now go into Committee?

HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: I so Move, Comrade 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 Whole House Committee is called to Order. The Committee has to consider the Electoral Amendment Bill.

Clause 1 put.

HON KAURA: Honourable Chairperson, I would like to have this placed on record, that given the pending Court case that is still with the Supreme Court, we shall not oppose the extension of the life of the Electoral Commission to 30th of June 2011, because we want them to be in their positions when the verdict is delivered by the Supreme Court. If it were not for that fact, we could have objected to the extension, because we feel we were given a raw deal

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HON KAURA

during last year's election and they do not deserve to continue running elections coming at the end of this year in November. (Intervention)

HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE: On a Point of Information. My father-in-law, Honourable Kaura, knows very well that he has only himself and his Party to blame, because he was ululating the formation of the RDP here and he said that they will take over from SWAPO and then they took over from you. He must not blame other people, he must only accept the reality and blame himself.

HON KAURA: The Electoral Commission is facing is an allegation of incompetence in the administration of last year's elections and it is before the Courts. That is the only reason why we shall allow the extension of the lifetime to next year, because we are awaiting the verdict and we would like them to face the music or to be exonerated. If there was incompetence, they will face the music. (Intervention)

HON MINISTER OF FOREIGN AFFAIRS: On a Point of Information. When the RDP was formed here, the Opposition, in particular the DTA, were ululating and welcoming the RDP and I told Mr Moongo that they will not take a single seat from SWAPO, they will take from you guys and now you are crying crocodile tears.

HON KAURA: I remember the prophetic words of Honourable Hage Geingob when he was Prime Minister when he said if he Opposition is weak, we shall create our own Opposition. SWAPO has created its own Opposition.

All I am saying is that we could have objected to the extension, but we are not objecting to the extension because of the fact... (Intervention)

HON RIRUAKO: My Colleague said it bluntly, but I have decided not to get into SWAPO fighting one another, to rescue one of them.

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HON DR GEINGOB / HON RIRUAKO / HON TJIHUIKO

HON KAURA: If I could just conclude. We are not objecting to the extension as long as the pending court case is not completed, until we get the verdict, but we are objecting to the fact that they are going to run the Regional and Local Elections this year. I rest my case and I thank you.

HON MINISTER OF TRADE AND INDUSTRY: I would not have stood up but my name was mentioned in a very irregular way. My concern that time was about democracy and I was lamenting the fact that the Opposition is so weak and that time I urged them to put their house in order so that we can have a credible Opposition. Now what happened? Since they are failing, they are just multiplying among themselves instead of coming together. Now they are just taking votes from each other, not from this side. That is what I am lamenting even today.

If the Honourable Kaura is waiting for the court case, why is he here? Why did he not wait for the Court case outside this Assembly?

CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Any further discussion on Clause 1?

HON RIRUAKO: I am not here to help anyone here, let everyone face his own music, that side and this side. Let the two bulls fight one another, let us not go between them, let them fight one another. I will allow you to fight RDP but not to fight me, sorry!

CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Honourable Tjihuiko. Confine your comments to Clause 1.

HON TJIHUIKO: Thank you very much Honourable Chairperson of the Whole House Committee. It is crucially important for us to continuously look at our structures to see where the loopholes are and strengthen those loopholes in order for us to strengthen our democracy. It is important that from time to

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HON TJIHUIKO

time we be given an opportunity to look at our laws and make the necessary Amendments to those laws. Yes, that is very important, but the fact of the matter is that when you have the same commissioners on a continuous basis and in 2004 there were problems, we ended up in Court, in 2009 the same thing happened. (Intervention)

HON DEPUTY MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE: On a Point of Information. In Committee Stage we are not supposed to discuss the principle of the Bill. Honourable Chairperson, we cannot allow people to discuss the principle of the Bill here, we have already passed that stage and they are wasting our time.

HON TJIHUIKO: Honourable Chairperson of the Whole House Committee, the point I want to make is that yes, indeed, what Honourable Kaura has said that there is this Court case and perhaps if the Commissioners are being removed it will affect the process. I do not think so, because the fact of the matter is that the issue in Court is the issue in Court. The issue that we are now talking about now is that we want to strengthen our democracy. These Commissioners have proven themselves that they are not able or capable of doing their job, therefore they are completely incompetent or they are doing it intentionally and, therefore, they do not deserve any extension. Extending the life of these Commissioners is a betrayal of our democracy. I rest my case.

CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Clause 1 agreed to.

Clause 2 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:
ELECTORAL AMENDMENT BILL**

HON SPEAKER: Does the Honourable Minister of Regional and Local Government, Housing and Rural Development Move that the Bill be now read a Third Time?

**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,
HOUSING AND RURAL DEVELOPMENT:** I so Move, Comrade Speaker.

HON SPEAKER: Any objection? Secondment? Agreed to. Any further discussion?

**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,
HOUSING AND RURAL DEVELOPMENT:** Comrade Speaker, I will be brief. This is the fifth Presidential and National Assembly elections. The first two elections the Electoral Commission of Namibia was in the Office of the Prime Minister and everything went well. It was headed by a Judge appointed by the President. Then the Opposition cried foul and said no, they should be independent. Then with the last three elections the Electoral Commission was independent. With the third election the DTA took it to Court, the fourth election CoD took it to Court and with the fifth election the RDP coalition took it to Court. Therefore, I think it is high time that the Electoral Commission should be in the Office of the Prime Minister as it has been before, because when they were there, there were no Court cases and everything went well.

Therefore, if they cry about the inability, it is of their own making, they are the ones who said the Commission should be independent. If they are independent, do not blame the Government, we are not there. I think we have to amend the law so that they should be in the Government, then you will never cry foul. I thank you.

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**COMMITTEE STAGE: REGIONAL COUNCILS
HON EKANDJO**

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

ELECTORAL AMENDMENT BILL

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

**COMMITTEE STAGE:
REGIONAL COUNCILS AMENDMENT BILL**

HON SPEAKER: Does the Minister of Regional and Local Government, Housing and Rural Development Move that the Assembly now goes into Committee?

**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,
HOUSING AND RURAL DEVELOPMENT:** I so Move, Comrade Speaker.

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

ASSEMBLY IN COMMITTEE:

CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: The Whole House Committee is called to order. The Committee has to consider the Regional Councils Amendment Bill.

Clauses and the Title put and agreed to.

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

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**COMMITTEE STAGE: REGIONAL COUNCILS
HON EKANDJO**

ASSEMBLY RESUMED:

Bill reported without Amendment.

**THIRD READING:
REGIONAL COUNCILS AMENDMENT BILL**

HON SPEAKER: Does the Honourable Minister of Regional and Local Government, Housing and Rural Development Move that the Bill be now read a Third Time?

**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,
HOUSING AND RURAL DEVELOPMENT:** I so Move, Comrade Speaker.

HON SPEAKER: Any objections? Secondment? Agreed to. Any further discussion? Does the Minister wish to reply?

**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,
HOUSING AND RURAL DEVELOPMENT:** Comrade Chairperson, we all have to comply with the provisions of the Constitution, whether we like it or not, therefore we must fulfil the wishes of the Second Amendment of the Constitution. I thank you.

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

REGIONAL COUNCILS AMENDMENT BILL

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

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**COMMITTEE STAGE: REGIONAL COUNCILS
HON IIVULA-ITHANA / HON SCHLETTWEIN / HON NAMBAHU**

**COMMITTEE STAGE:
CRIMINAL PROCEDURE AMENDMENT BILL**

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

HON MINISTER OF JUSTICE: I so Move.

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

ASSEMBLY IN COMMITTEE:

CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: The Whole House Committee is called to order. The Committee has to consider the Criminal Procedure Amendment Bill.

Clauses 1 to 6 put and agreed to.

Clause 7 put.

HON DEPUTY MINISTER OF FINANCE: Honourable Chair, it is just to confirm whether the title in Clause 7(a) was corrected, namely "*the presiding Lodge*" which I think must be "*Presiding Judge.*"

HON DEPUTY MINISTER OF JUSTICE: Those editorials have been taken care of. It is "*Presiding Judge, Regional Magistrate or Magistrate.*"

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**COMMITTEE STAGE: REGIONAL COUNCILS
HON IIVULA-ITHANA**

CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: What do you mean by saying that it has been taken care of? Could you explain to the Whole House Committee?

HON DEPUTY MINISTER OF JUSTICE: Honourable Chairperson, on the advice of the senior and more seasoned Parliamentarians, those Clauses with typographical errors should stand over until tomorrow so that we table the proper Amendments.

CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Clause 7 deferred.

Remaining clauses and the Title put and agreed to.

I shall report progress and ask leave to sit again.

ASSEMBLY RESUMED:

Progress reported and leave given to sit again.

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

**CONSIDERATION OF REPORT BY THE IPU NAMIBIA GROUP
DELEGATION TO THE 122ND ASSEMBLY AND RELATED
MEETINGS OF THE IPU**

HON SPEAKER: When this Debate was adjourned on Tuesday, the 8th of July 2010, the Question before the Assembly was a Report by the Honourable Amweelo. The Honourable Deputy Minister of Home Affairs adjourned the Debate and he now has the Floor.

13 July 2010 **CONSIDERATION: REPORT BY IPU NAMIBIA GROUP**
HON KAIYAMO

HON DEPUTY MINISTER OF HOME AFFAIRS AND IMMIGRATION: Comrade Speaker, as usual I would like all of us to be on the same page, especially in the light that we have some new Colleagues who are learning some of these tricks in this Parliament.

In supporting the Report and the recommendations, I would like to say the following: I hope everybody in this House is aware that Namibia is the one driving the IPU now. Namibia as a country has the Presidency of the IPU and Comrade Gurirab is the President of the IPU. That is why I could not understand why we have different point of departures. When the Report was introduced and the Colleagues were speaking, we did not have the same point of departure. I noticed some departing from Ombili, some departing from Oshakati, some from Kunene, some from Karas, meaning that we are not on the same page and I want us to be on the same page so that everybody knows that we are the ones determining the agenda for IPU and these are the realities on the ground.

We sent the Namibian delegation to the IPU. The conference in Thailand was attended by a Namibian delegation consisting of all Political Parties and when these Political Parties were there, they were representing the Republic and its people. The Report recommends that the youth be included in the decision-making process and it has been SWAPO's idea all along that the youth must be part of the decision-making process at all levels.

I also support the Report, because it requests the Youth Charter to be implemented by African countries. The Report recommends solidarity with the people of Haiti. Namibia was in the forefront, Namibia is doing well as the presidency of the IPU. Namibia is giving the direction and the Report is in line with what Namibia is doing.

As for the lifting of travel restrictions for people living with HIV/AIDS, my Minister issued a statement the other day and we as a Ministry received many congratulatory messages for doing that. Namibia is no more part of the 52 countries with travel restrictions. We are now among those progressive countries which have progressive ideas.

In relation to the role of Parliamentarians in fulfilling the Convention on the Rights of the Child, Namibia has just in recent years crafted the Children's status Act. Equally, Namibia has a Ministry of Gender and Child Welfare, run

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HON RIRUAKO

by two able Honourable Ministers. I was advised that soon the Ministry will bring the Children Protection Bill to this House.

As for the creation of the resource centres, Namibia has over seventy-two resources in the country. The Report also talks of supporting the Millennium Development Goals. Those goals are the brainchild of our Speaker. Namibia is the country that brought to the global village these Millennium Development Goals when Comrade Gurirab was the President of the United Nations General Assembly.

I support the Report and its recommendations as Namibia is already far ahead of many other countries in Africa regarding these recommendations. I would like to conclude by referring to the book written by Dr Kenneth Kaunda, entitled, "*Letter to my Children.*" In that book he writes of having learned from his mistakes and advises his children, being everybody inside the country, to learn from the past. I support his ideas because Kenneth Kaunda supported Comrade Gurirab's presidency of the IPU and Namibia became the President's office.

I would like to take this opportunity to sound a word of advice to Africa to stop the idea of "*now is our time to eat*", this must be "*our time to work.*" I support the Report.

HON SPEAKER: Any further discussion? Honourable Riruako.

HON RIRUAKO: We are not going avoid participation in the international community, we are going to join them but with our criteria. That cannot be minimised because we are a member of the IPU. We were mistreated and this respect must be known from now onwards. Whoever becomes a member of the IPU must respect himself and the whole country. That is imperative. I thank you.

HON SPEAKER: Yes, Namibians first before the IPU. Honourable Hausiku.

13 July 2010 **MOTION ON UNRESOLVED CASES OF CORRUPTION**
HON NUJOMA

HON DEPUTY PRIME MINISTER: I Move that the Debate be adjourned until tomorrow afternoon.

HON SPEAKER: The Debate is adjourned until tomorrow afternoon. The Secretary will read the fifth Order of the Day.

RESUMPTION OF DEBATE: MOTION ON UNRESOLVED CASES OF ALLEGED CORRUPTION

HON SPEAKER: When this Debate was adjourned on Wednesday, 30 June 2010, the Question before the Assembly was a Motion by Honourable Ulenga. The Minister of Presidential Affairs adjourned the Debate Minister of Foreign Affairs.

HON MINISTER OF FOREIGN AFFAIRS: Comrade Speaker, if there is nobody who wants to contribute, I would like to adjourn this Debate until tomorrow.

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

MOTION ON CONDITIONS OF NAMIBIAN WORKERS LIVING IN URBAN AREAS

SECRETARY: Resumption of Debate on conditions of Namibian workers and their families living in urban areas

HON SPEAKER: When this Debate was adjourned on Tuesday, 7 July 2010, the Question before the Assembly was a Motion by the Honourable

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HON SHIXWAMENI

Shixwameni that the Motion be adopted. Honourable Ulenga adjourned the
13 July 2010

Debate. Any further discussion? None. Does Honourable Shixwameni wish to reply?

HON SHIXWAMENI: Honourable Speaker, I would still like to consult with the affected Ministries and those who pleaded that the Motion be taken note of. Therefore, I will reply on Wednesday afternoon.

HON SPEAKER: The reply will be heard tomorrow afternoon. I call on the Right Honourable Prime Minister to adjourn the House.

RT HON PRIME MINISTER: I Move that the House adjourns until tomorrow at 14:30.

HON SPEAKER: Before I gave you the Floor, I should have levelled with the House that I shall be departing tomorrow for Geneva where the Headquarters of the IPU is situated for the Third Speakers' Conference, where about 150 Speakers of Parliaments of the world will gather. I was associated with the first one in 2000 as General Assembly President, I joined the second one in 2005 when I became Speaker and this will be the third one, but unlike the first two that took place in New York, this one will be in Geneva and it will be the largest of the three. There will be Members of Parliament designated to attend there, but once again, I will not be there representing Namibia, I will be there presiding over the Speakers' Conference. The House stands adjourned until tomorrow.

HOUSE ADJOURNS AT 15:48 UNTIL 2010.07.14 AT 14:30

**NATIONAL ASSEMBLY
ASSEMBLY CHAMBERS
WINDHOEK
14 JULY 2010**

The Assembly met pursuant to the adjournment.

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

**NOMINATION OF MEMBERS TO
COMMITTEES**

HON DEPUTY SPEAKER: I have been informed that the following Members have been nominated by their Parties to serve on the following committees:

Honourable Katuutire Kaura: Standing Committee on Standing Rules and Orders; Standing Committee on Privileges; Standing Committee on Economics, Natural Resources and Public Administration; Standing Committee on Information and Communication Technology, Inter-Parliamentary Union; SADC Parliamentary Forum and the Commonwealth Parliamentary Association.

Honourable Philemon Moongo: Standing Committee on Public Accounts; Standing Committee on Constitutional and Legal Affairs; Standing Committee on Foreign Affairs, Defence and Security and Commonwealth Parliamentary Association. He has also been nominated by his Party to serve on the Pan-African Parliament, but unfortunately this place has already been filled by one of the Opposition Parties. Unfortunately Honourable Moongo is late.

Honourable Ignatius Shixwameni: Standing Committee on Women and Gender.

In terms of Rule 38(6) of the Standing Rules and Orders, I now declare these Members as duly appointed to the said Committees, except for the Pan-African Parliament.

HON DEPUTY SPEAKER: Any Petitions? Any Reports of Standing or Select Committees? Other Reports or Papers. Deputy Minister of Finance:

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**TABLING OF REPORTS
HON SCHLETTWEIN**

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. Municipality of Okahandja for the Financial Year ended 30 June 2009; and
2. Village Council of Koës for the Financial Year ended 30 June 2006, 2007 and 2008.

HON DEPUTY SPEAKER: Will the Honourable Deputy Minister table the Reports? Other Reports and Papers? Notice of Questions? Honourable Kaura.

NOTICE OF QUESTIONS

QUESTION 19:

HON KAURA: Honourable Deputy Speaker, I give Notice that on Thursday, 23 September 2010, I shall ask the Minister of Finance the following:

According to one definition given in Chapter 1 of the Labour Act and Chapter 1 of the Social Security Act, it states the following: “A *person who has another person working for him or her or who remunerates such a person for the work delivered is regarded as an employer.*”

According to these Acts such an employer has legal obligations towards the employee and refusal to adhere to the prescriptions in the Acts would land such an employer in court. Examples of such legal obligations are: Labour Act, annual number of leave days, number of sick leave days, severance pay, Social Security Act, registration of employee, monthly Social Security contribution.

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**MINISTERIAL STATEMENT
HON IILONGA**

One category of workers/employees that fall under the definitions given under these Acts is the domestic workers.

Let me now draw your attention to the Income Tax Act. The definitions given in the Income Tax Act and who and what constitutes an employer and which subsequently has stipulations, for example, an employer who is engaged in trade is defined the same as with the two previously mentioned Acts. Now the question is:

When will the Income Tax Act be amended to reflect the definitions of what an employer is as set out in the Labour Act and Social Security Act?

HON DEPUTY SPEAKER: I believe the question will lapse in terms of Rule 24(b). Any further Notice of Questions? Notice of Motions? Ministerial Statements? Honourable Iilonga.

MINISTERIAL STATEMENT

HON DEPUTY MINISTER OF AGRICULTURE, WATER AND FORESTRY: Thank you, Honourable Deputy Speaker. I rise on behalf of my Minister to make a Ministerial Statement on the Green Scheme Policy.

The Government of the Republic of Namibia, through Cabinet Decision No. 22/25.11.08/003, formally adopted the Revised Green Scheme Policy. The Revised Green Scheme Policy addresses the identified shortcomings in the original policy which was adopted in the year 2002/2003. The main objectives of the 2008 Green Scheme Policy is to ultimately increase Namibia's food production capacity for both domestic and export markets. The Policy also seeks to support individuals and institutions with access to irrigation water to increase output through specified incentives.

The Ministry of Agriculture, Water and Forestry is aware of some individuals' concerted efforts aimed at discrediting the Green Scheme's noble efforts and successes that are being achieved. Examples of such attempts are the following newspaper and magazine articles:

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**MINISTERIAL STATEMENT
HON IILONGA**

1. 14 July 2010, a front page article in the *Namibian* newspaper, entitled, “*Green Scheme Debacle.*” There is nothing like that.
2. 14 July 2010, the *Namibian*, page 2: “*Uvungu-Vungu: Dairy Cows Dying Like Flies.*” There is nothing like that.
3. *Insight Magazine*, June 2010, “*Green Scheme Still faltering.*”

Comrade Deputy Speaker, for now the Ministry of Agriculture, Water and Forestry wishes to provide the following information:

1. All planned activities at our projects, for example Kalimbeza Rice Project, Shadikongoro, Shitemo, Ndonga-Linena, Uvungu-vungu, Mashare, Shikondo, Musese, Etunda, Hardap Research Station, Naute, Orange River are being executed as planned and the results are visible in line with the Government’s and Nation’s expectations. Here I want to quote His Excellency President Pohamba who said: “*Those who cannot believe if they cannot see, must go and touch. If they have no lips and arms, they must lick with their tongues.*” It is wrong to distort what is visible.
2. The Ministry of Agriculture, Water and Forestry and all our genuine partners are happy about the visible progress and successes made so far and with all the efforts made to overcome challenges on the way.
3. With regard to Shikondo, the Government of the Republic of Namibia, through the Ministry of Agriculture, Water and Forestry, would like to reiterate our gratitude towards Homba Alfons Kaundu, the Mbunza Traditional Authority, the Regional Council and the residents of the areas for the wonderful cooperation and support that will ensure that the Shikondo Project is completed on schedule as planned.
4. The Ministry of Agriculture, Water and Forestry is currently compiling detailed and updated progress reports on the individual projects, indicating the progress made, shortcomings and envisaged activities.

Such reports will be made available soon.

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**CRIMINAL PROCEDURE AMENDMENT BILL
HON NAMBAHU**

The Ministry of Agriculture, Water and Forestry is determined to ensure that all our planned activities are implemented according to schedule without any unnecessary distractions.

Comrade Deputy Speaker, we know and understand that there are people who were benefiting from the old policy, which they were just given into their hands to do whatever they want. The Green Scheme Policy is now directing the Government under the Ministry of Agriculture, Water and Forestry to directly control. That is why we took over Uvungu-vungu and Shadikongoro as it was badly administered. I thank you for the opportunity.

HON DEPUTY SPEAKER: Any further Ministerial Statements? I call on the Secretary to read the First Order of the Day.

**RESUMPTION OF COMMITTEE STAGE
CRIMINAL PROCEDURE AMENDMENTBILL:**

SECRETARY: Resumption of Committee Stage – Criminal Procedure Amendment Bill.

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

HON DEPUTY MINISTER OF JUSTICE: I so Move Honourable Deputy Speaker.

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

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**CRIMINAL PROCEDURE AMENDMENT BILL
HON NAMBAHU**

It is now Moved that I leave the Chair. Any objection? Who seconds? Agreed to. I now call on the Deputy Chairperson of the Whole House Committee to take the Chair. Professor Katjavivi.

ASSEMBLY IN COMMITTEE:

DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:

The Committee has to consider the *Criminal Procedure Amendment Bill*. When progress was reported yesterday, Clauses 1 to 6, 8 to 12 and the Title had been put and agreed to without Amendment, while Clause 7 stood over.

Clause 7 put.

HON DEPUTY MINISTER OF JUSTICE: Thank you very much, Honourable Chairperson of the Whole House Committee. We have made the proposed Amendment to the Clause that stood over yesterday, that the word “Lodge” be replaced with the word “*Judge*”. The drafters indicated that if the Honourable Members notice anything of this nature, they are usually corrected in the last draft that goes to the National Council, but pursuant to the Ruling yesterday, we are tabling the Amendment as required.

DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:

Any further discussion on the Amendment? Any objection? Agreed to. I shall report the Bill with Amendment.

ASSEMBLY RESUMED:

Bill reported with Amendment.

**THIRD READING
CRIMINAL PROCEDURE AMENDMENT BILL:**

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

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HON HAUSIKU

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

HON DEPUTY SPEAKER: Who seconds? Any objection? Agreed to. Any further discussion? Does the Honourable Deputy Minister of Justice wish to say anything?

HON DEPUTY MINISTER OF JUSTICE: I would like to thank the Honourable Members for the prompt and speedy passing of this Bill and their understanding and support. I thank you very much.

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

CRIMINAL PROCEDURE AMENDMENT BILL

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

**CONSIDERATION OF REPORT BY THE IPU NAMIBIA GROUP
DELEGATION THE 122ND ASSEMBLY AND RELATED MEETINGS
OF THE IPU**

HON DEPUTY SPEAKER: When this Debate was adjourned on Tuesday, the 13th of July 2010, the Question before the Assembly was a Report by Honourable Dr Amweelo. The Deputy Prime Minister adjourned the Debate and he now has the Floor.

HON DEPUTY PRIME MINISTER: Thank you, Comrade Deputy Speaker. I want to add my voice to the Honourable Members who spoke before me. I

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HON HAUSIKU

am welcoming this Report of our delegation to the 122nd Assembly and related meetings of the Inter-Parliamentary Union. I also want to put on record in congratulating Comrade Dr Theo-Ben Gurirab for providing successive leadership to the organisation since his assumption of the IPU presidency.

Comrade Deputy Speaker, just a few comments on a number of issues raised by the Report and, indeed, commented on by many comrades and Honourable Members from the Opposition.

Firstly, I want to put on record, Comrade Deputy Speaker, that the participation of Namibia in international organisations, both bilateral and multilateral, is very significant and successful. Namibia is one of the countries which could pride itself because we joined many of these organisations and attended these meetings before Independence during the liberation struggle and as such we have built up a wealth of experience and recognition.
(Intervention)

HON RIRUAKO: On a Point of Order. We were not talking about the Opposition, those who were invited by the Governments of those international bodies were members of the Ruling Party and they were part of us, whether you want it or not and, therefore, you must be accurate in your expressions and say that we happened to be forecasting through those organisation, but not to maltreat our own people. That was our complaint. Be accurate on that, thank you.

HON DEPUTY PRIME MINISTER: Thank you, Honourable Chief. I was just saying that we are one of those Nations... (Intervention)

RT HON PRIME MINISTER: On a Point of Information, Honourable Members, including the venerable Chief Riruako, SWAPO of Namibia before our independence represented the Namibian people in the international fora authentically.

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HON HAUSIKU

HON DEPUTY PRIME MINISTER: Comrade Prime Minister, this is exactly what I was saying, that we should consider ourselves to be one of those lucky nations that had an opportunity to participate in these organisations during our liberation struggle.

Our joining of these institutions after Independence was an issue of formality and our achievements in the international fora are so respected by many Member States and we should continue building on that and be proud of that.

Comrade Deputy Speaker, allow me to relate one story. (Intervention)

HON DEPUTY MINISTER OF GENDER EQUALITY AND CHILD WELFARE: Comrade Deputy Speaker, may I ask a question to the Honourable Member? Honourable Comrade, are you aware that during the formation of the interim government, the Honourable Chief was the one organising the groups from Kavango and wherever to beat SWAPO members to prevent them joining the IPU? Are you aware of that?

HON DEPUTY PRIME MINISTER: Yes, Comrade Deputy Minister. (Intervention)

HON RIRUAKO: Honourable Deputy Speaker, on a Point of Information. I have an office in Divundu, but I have never beaten the Kavangos. It is news to me.

HON DEPUTY PRIME MINISTER: Yes, Comrade Deputy Speaker, I know, but let it be something of the past.

Comrade Deputy Speaker, I was relating my experience in one of the Asian towns during the Non-Alignment Movement ministerial meeting and we were making statements. Namibia made its statements through its Foreign Minister and during the break a number of colleagues, specifically from the African continent, came to me and said, “*dear friend, we are behind you on the issue of*

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HON HAUSIKU

Palestine, on the issue of Western Sahara, but we are facing a problem, we cannot balance our Budgets, that is why we cannot speak out like you are speaking out.” They were very honest and I said it is not only a question of balancing your Budget, it is a question of principle and Namibia, being a child of the international community in terms of its struggle for liberation, we have to continue doing that. However, they were very honest.

These are some of the statements and pronouncements from Member States that give us the courage to be proud of what we have achieved in the international fora.

My dear friend Tjihuiko talked about the importance of knowing exactly the line of Government on policy issues when we attend these meetings and I agree with him. I thought that we should start cultivating a culture of interaction, briefings with relevant Ministries and institutions dealing with issues pertaining to the meetings that we are attending to enable us to know exactly what progress has been made and what new issues are on the agenda of the implementation of those institutions.

Also, in terms of policy issues, we are always listening to statements made by Ministers on behalf of Government, made by the President and the one I specifically recall on the issue of Palestine and Western Sahara was made by the President just a few weeks ago during the visit of His Excellency President Banda of Zambia. These statements are always an indication of the policy line of Government and it is important that Honourable Members of Parliament and other institutions should take not only note, but study those statements so that you are able to realise the line of thinking of Government in terms of policy issues.

Comrade Deputy Speaker, we spent some time talking about Western Sahara and talking about the issue of Palestine. Again, I think we are doing more than what we believe we are doing. Our practice of making statements at the General Assembly by the Head of State on the issue of Palestine and Western Sahara, reiterating our positions, which of course, as I have indicated earlier, started during the liberation struggle. We also had the issue of the economic boycott by the United States on Cuba. We have been very, very vocal on those issues in almost all our statements at the international fora.

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HON PROF KATJAVIVI

When I was reading the Report of the IPU Committee on the Middle East Question, I agreed with the Prime Minister that the Report and the discussions at that meeting fell short of condemning the recent attack on the humanitarian ship on its way to Palestine. I thought that since we are discussing this Report as a Parliament and since we did not condemn that action, we would still have time to condemn it after discussing this Report, that we do not accept that. It is important, Comrade Deputy Speaker, because as we speak now there is another humanitarian ship that is going to the same area from Libya that is being threatened to be attacked. Of course, they are bit more careful now, but we may have a similar situation. That is why I think that in view of the concerns expressed by the Prime Minister, it is still within our power to make a very strong statement and condemnation on the attack on that ship.

Comrade Deputy Speaker, lastly, I think we really have to congratulate our delegation and I will continue to call them our delegation because they were sent by our Parliament. We should congratulate our delegation and encourage them that in the future it is important that the preparation for these meetings are carefully studied and that if need be, we should insist that the agenda of the IPU should also look at the issue of Western Sahara. These issues do not just come on the agenda, they should be initiated by Member States and it has been our culture as a Government to talk about it at every meeting of this nature and maybe it should also become the culture of our Parliament to make sure we are making a contribution towards the discussions of Western Sahara.

Comrade Deputy Speaker, Honourable Members, I thank you very much for your attention.

HON DEPUTY SPEAKER: Thank you. Any further discussion on this Report? Professor Katjavivi.

HON PROF KATJAVIVI: Honourable Deputy Speaker, I Move an unopposed Motion, that the Report by the IPU Namibia Group delegation to the 122nd Assembly and related meetings of the IPU be deferred to the Parliamentary Standing Committee on Standing Rules and Orders and Internal Arrangements for further scrutiny and to report back to this Assembly. I so Move, Deputy Speaker.

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HON DR KAWANA

HON DEPUTY SPEAKER: Please table the Motion. The Secretary will now read the Third Order of the Day.

**RESUMPTION OF THE DEBATE ON THE CURRENT UNRESOLVED
CASES OF ALLEGED CORRUPTION**

HON DEPUTY SPEAKER: When this Debate was adjourned on Tuesday, the 13th of July 2010, the Question before the Assembly was a Motion by Honourable Ulenga, that the Motion be adopted. The Honourable Minister of Foreign Affairs adjourned the Debate on behalf of Honourable Kawana.

HON MINISTER OF PRESIDENTIAL AFFAIRS AND ATTORNEY-GENERAL: Thank you very much, Honourable Deputy Speaker. The Honourable Minister of Foreign Affairs adjourned the Debate on my behalf and I thank him in his absence.

Honourable Deputy Speaker, I rise to contribute to the Debate on the Motion by Honourable Ben Ulenga, President of the CoD. For the sake of the record, some of the contents of the CoD Motion include the following:

That the Executive is doing very little to address corruption in our country; that apart from legislation to combat corruption, no other legislation or administrative measures have been taken to address corruption; that the Government favours small contractors in the North who fall under the umbrella of NANCA when awarding tenders to small contractors and that such conduct smells of corruption.

The Honourable Member goes further to insinuate that some high level Public Officials are corrupt and he gives the example of scholarships to the learners who went to China. The Honourable Member went further to mention by name some citizens who have not been found guilty by a Court of Law or Tribunal as examples of corruption. The Honourable Member also seems to imply that those who are guilty of corruption come from the Public Sector and more specifically, from previously disadvantaged Namibians, that some appointments, including appointment of Judges, are done in a corrupt manner.

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In summary, the Honourable Member describes the state of corruption in the country as out of control, to the extent that the situation has become hopeless.

Honourable Deputy Speaker, I will attempt to address some of the allegations made by the Honourable Member in his so-called Motion. I chose to take the Floor and speak last. This is deliberate and the reasons will become apparent at the end of my intervention.

Allow me, Honourable Deputy Speaker, to state upfront that corruption is a cancer which must be fought by all Namibians. Indeed, corruption is a threat to our democracy because those who can afford to pay their way can do so at the expense of justice. In a corrupt system the pillar of the State can be corrupted. The police officer, a Judge, a prosecutor, a customs official, an immigration official, a Mining Commissioner, a Member of Parliament, an electoral official, a school principal or a teacher and many other officials of the State can be bribed to the benefit of the few. In addition, corruption is an instrument of oppressing the poor in society because they have no means to pay their way.

Against this background, corruption denies medicines to the poor because the State revenue is shared between a corrupt customs official and the one who is bribing; the State revenue shared between a corrupt Inland Revenue official and the one who is bribing. At the end State Hospitals remain without medicine, schools remain without decent buildings and books, no money to build decent housing, no money to build roads, no money to take potable water to our people, especially those who live in rural areas. No money to develop rural areas, no money to build the communication infrastructure, etcetera.

In short, corruption is nothing but a crime against our Nation. Indeed, corruption should be fought tooth and nail. The resources of our Nation must, first and foremost, benefit our people. It is, therefore, in our interest as leaders to ensure that we join in the fight against corruption.

Honourable Deputy Speaker, where I vehemently differ with the so-called Motion against corruption is the attempt by the Honourable Mover to use measures which are targeted only against a specific group of individuals or class of individuals. This will amount to a witch-hunt, which is against the Namibian Constitution. It is very dangerous to give an example of corruption by mentioning a person who has not been convicted in a Court of Law. In a

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democracy such as ours we believe in the Rule of Law as enshrined in the Namibian Constitution, our Supreme Law of the Land. We cannot assume that because this or that leader or may I say, big fish, as a preferred terminology to some, has a big house, he or she must be corrupt; because he or she drives an expensive car, he or she must be corrupt; because he or she has a farm, he or she must be corrupt and must explain how he or she acquired this or that property.

In law there is there a difference between mere suspicion and proof. Since corruption is a criminal offence, the burden of proof is on the State during prosecution to prove that the accused is guilty of the offence of corruption. It is illegal for the State to start confiscating other people's property because they did not explain how they acquired such property. The burden of proof, as I said, lies with the State, not the suspect, as motivated by the Mover of the so-called Motion.

Our struggle was about justice and democracy. It is, therefore, embarrassing for the Honourable Member to advocate kangaroo Courts in Namibia. This is contrary to Article 1(1) of the Namibian Constitution, which states that our Republic is founded upon the principles of "*democracy, Rule of Law and justice for all.*"

It is a well-established principle of the Rule of Law that no citizen is punishable except for a breach of law established in the ordinary legal manner before the ordinary Courts of the land. Therefore, the Rule of Law is an antidote or arbitrary powers and dictatorship. Indeed, Chapter 3 of the Namibian Constitution, which protects fundamental human rights and freedoms, will never entertain what the Honourable Member is advocating in his so-called Motion.

Article 12(1)(d) states in part that, "*persons charged with an offence shall be presumed innocent until proven guilty according to law.*" Regrettably, none of the persons mentioned by the Mover of the Motion have been found guilty in a Court of Law. It is, therefore, unforgivable to implicate an innocent Comrade and more so, who is sick. I take issue in the strongest possible terms for the Honourable Mover of the so-called Motion to tarnish the good name of a comrade who dedicated his entire life to the struggle for liberation of our country. Justice demands that we have a duty to speak on behalf of our citizens who cannot defend themselves.

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I am aware that the CoD is politically a fossilised Party. It politically died many years ago. Its representative in this august House is only a reminder, just like fossilised skeletons of dinosaurs which remind us that millions of years ago there were living dinosaurs roaming the earth. I compare the CoD with a sailor who is caught up in a storm in the middle of the mighty Zambezi River. To make matters worse, the sailor is in a hopelessly small canoe and he does not know how to swim. While the canoe is sinking and in a vain attempt to save himself, he jumps into the mouth of a hippo which has just given birth. The outcome is one hundred percent predictable. In the same vein, nothing will save the CoD from political extinction. I am surprised why the Honourable Member did not use himself as an example in his so-called Motion. We read in the print media that the Honourable Member is accused of using CoD cheques from the State for his personal use. He was accused of manipulating the CoD congress delegates list in order to save himself from certain political defeat during the CoD leadership contest. Honourable Shixwameni may be the best Witness in this regard.

As a democrat and as a person who subscribes to the principles of Rule of Law and democracy, I will not say because I read the accusations in the print media the Honourable Member is guilty of what he is accused of. As long as he is not convicted in a Court of Law, I will always give him the benefit of the doubt. Unfortunately for him, however, he was already judged last year in November by the Namibian electorate. It is for this reason that today the CoD is politically dead.

Honourable Deputy Speaker, the tendency of looking at all public figures in Government as corrupt must be condemned with the contempt it deserves. We should remember that given the fact that most of our leaders were actively involved in the struggle for national liberation at home and abroad, if they loved money, they could easily have been bought by the apartheid colonial regime. We should not forget that it was only yesterday when the colonial puppet regime was calling upon our leaders to abandon the struggle for liberation in return for money, but they stood firm. It is, therefore, an insult to suggest that they are all corrupt without providing concrete proof. Please, if you have proof, expose those who are corrupt within the meaning of the law and leave those who are innocent alone.

I also have a problem with the notion that their families or children, regardless of age, can only do what their parents tell them, even if they are adults

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themselves. This is also wrong. These family members are Namibian citizens, they enjoy all the rights which are guaranteed by the laws of our Republic. As long as they enjoy such rights in accordance with the laws of our Republic, nobody should complain. Those who have evidence of wrongdoing, especially when it involves corruption, should know by now where to report.

Honourable Deputy Speaker, it is most unfortunate to accuse some of our leaders of corruption without hard facts. I am aware that since the creation of the Namibia Students Financial Assistance Fund in 1997 to last year, about 35,000 students have been assisted. In 2000, Parliament passed the Namibia Students Financial Assistance Fund Act, 2000 (Act 26 of 2000). The Act lays down procedures for student financial assistance. Among other requirements, only those children whose parents' combined income does not exceed N\$150,000 per annum qualify for assistance. Contrary to the Honourable Member's allegations, those Chinese scholarships which were offered to the Ministry of Education were awarded in accordance with the student financial assistance requirements as per the Ministry's press conference of 2nd November 2009.

In addition, direct scholarships offered to individuals by Embassies are offered according to the criteria of their Governments. We have no power to dictate to foreign Governments on the issue.

I should also point out that beneficiaries of such scholarships are adults who are capable of deciding their own future. It is, therefore, unfortunate to accuse their parents when, by the laws of our Republic, beneficiaries are capable of deciding for themselves as adults.

Honourable Deputy Speaker, I am shocked by the allegations of the Honourable Member when he says that only members of NANCA get Government tenders in the North. The Honourable Member made such serious allegations without providing proof. In the absence of proof, the allegation of the Honourable Member must be rejected out of hand. I am one of those who support small and medium enterprises to formally organise themselves so that it is easier to set standards, it is easier to discipline those who break the agreed behaviour and it is easier to monitor fairness and transparency in the award of tenders. Our previously disadvantaged citizens have a right to benefit from the resources of their country. To me it is not a privilege, but rather their birthright.

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I should remind the Honourable Member that the days when the resources of our country used to benefit a few are long gone. We should with pride economically empower our citizens who were excluded from the economic benefits of our country. After all, this is part of the reason why we waged the struggle for freedom and Independence.

It is most unfortunate to create an impression that corruption is only in the Public Sector. It is unfortunate to create an impression that corruption is only committed by one race. This impression should be dismissed with the contempt it deserves.

We want to put it on record in no uncertain terms that we will always demand that those who were previously disadvantaged Namibians should equitably benefit from the natural resources of Namibia. This is not a privilege but rather a birthright. We can no longer afford the luxury of seeing those who were previously advantaged becoming richer at the expense of the previously disadvantaged through Government tenders. This must be stopped and it must be stopped now.

It is against this background that I commend the Tender Board by ensuring that Small and Medium Enterprises throughout the country, including NANCA members, successfully win tenders. This is one way of addressing poverty among our people. As long as they meet tender requirements and specifications on issues such as price and quality, we will always support them. As long as the process is transparent and is done in accordance with the Tender Board Act, they will always enjoy my unqualified support.

The time has come to economically empower our citizens, otherwise the struggle for national liberation will be meaningless. Those who sacrificed their lives would have sacrificed in vain. Some of us can no longer allow the situation to continue.

I should also point out that, contrary to the dramatisation of corruption in our country, I invite the Honourable Mover of the Motion to read the 2008/2009 Anti-Corruption Commission Annual Report, particularly page 10 of the Report. It is reported that the Anti-Corruption Commission received 928 reports of corruption during the reporting period. Out of this number only 93 cases or about 10 percent were referred to the Office of the Prosecutor General for prosecution. It is said that less than 10 percent will end up in successful

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prosecution. The rest of the cases did not constitute corruption within the meaning of the law and, therefore, the allegations of the Honourable Member are baseless.

Honourable Deputy Speaker, Article 32(4)(a)(aa) empowers the President to appoint Judges of the High and Supreme Court. Since Independence these Judges have always been appointed by the President on the recommendation of the Judicial Service Commission. The Honourable Mover now suggests that a different procedure should be used to appoint Judges, implying that there is corruption in the manner in which Judges are appointed. The Honourable Member, therefore, is advocating the Amendment of the Namibian Constitution. It is not only embarrassing, but shameful for the Honourable Member to imply corruption in the appointment of Judges. He has not produced a single example of corruption. We will, therefore, never allow the CoD to introduce a kangaroo Court in our Republic. Accusations without proof are hallmarks of dictatorships. This will not be allowed in a democratic Namibia.

It is also unfortunate for the Honourable Member to allege that the Government has not taken sufficient measures to combat corruption. On the contrary, the following measures were, *inter alia*, taken by the Government:

- The enactment of the Anti-Corruption Act of 2003;
- The Anti-Corruption Commission was established;
- The Prevention of Organised Crime Act of 2004 was passed which empowers the Courts to issue orders to seize tainted property in terms of Section 32 of the Act;
- The Financial Intelligence Act of 2007 was passed to combat money-laundering;
- The Criminal Procedure Amendment Bill is before this august House and, indeed, has been passed now. One of the reasons for Amendment is to protect Witnesses, including Witnesses in corruption trials.
- We amended the Namibian Constitution to provide for the Anti-Corruption Commission as a constitutional body.

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I must point out that the proposal to amend the Namibian Constitution came from the SWAPO Party and the SWAPO Party Government. The Opposition, which is hopelessly outnumbered, could not amend the Namibian Constitution which requires a two-thirds majority. This was in good intention by the SWAPO Party Government to amend the Namibian Constitution to provide for the Anti-Corruption Commission as a constitutional body.

By 5 August 2004, Namibia was the only country in SADC which had ratified the AU Convention on Preventing and Combating Corruption. By 3 August 2004, Namibia was the only country in SADC which had ratified the UN Convention against Corruption. Malawi followed on 21 September 2004. On 14 August 2001, Namibia was one of the country which had signed the SADC Protocol against Corruption and subsequently ratified it on 28 April 2004. On 12 April 2002, Namibia ratified the UN Convention against Trans-national Organised Crime. On 25 February 2009, Namibia ratified the UN Convention against Illicit Trafficking in Narcotic Drugs and Psychotropic substances. The Government, in addition, under the Vote of the Right Honourable Prime Minister's Office nearly doubled the Budget of the Anti-Corruption Commission in the current Budget with a view to effectively fighting or combating corruption.

Honourable Deputy Speaker, it is clear from the above clarification that Namibia has achieved a remarkable record in putting mechanisms in place aimed at fighting corruption. It is no wonder that in terms of good governance, our country ranks amongst the top performers on the African continent.

Against this background it is clear that the so-called CoD Motion on corruption is nothing, but political propaganda. It is aimed at misleading not only the Namibian Nation, but the world at large. The SWAPO Party Government is fully committed to fighting corruption. What it needs is more encouragement to continue the fight, not the insults that it has been subjected to by this so-called Motion.

Honourable Deputy Speaker, we will continue to fight against corruption both in the public and private sector. We will continue to fight corruption in all communities and across races and gender. It is for this reason that his insulting Motion is uncalled for.

Against this background, I would like to invoke Rule 97 to terminate the

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Debate on this insulting so-called Motion. I so Move, Honourable Deputy Speaker and I thank you.

HON DEPUTY SPEAKER: Any further discussion on this Motion? I take note that Honourable Ulenga is not in the House, he submitted leave until tomorrow, but since the Assembly is disposing of all the items on the Order Paper today and Honourable Ulenga is not here to reply, this Motion therefore lapses in terms of Rule 24(3).

The Secretary will read the Fourth Order of the Day.

**RESUMPTION OF DEBATE ON CONDITIONS OF NAMIBIAN
WORKERS AND THEIR FAMILIES LIVING IN URBAN AREAS**

HON DEPUTY SPEAKER: Honourable Shixwameni adjourned the Debate for his reply, but before you reply, I give the Floor to Honourable Moongo.

HON MOONGO: I did have time to give my views on this Motion, but allow me to express some of the concerns of the community.

In almost all the newly proclaimed towns, sections of the towns are still in darkness and they do not benefit from electricity, such as Onethindi and Oshakondo. I want to appeal to the Ministry concerned that those shanty towns are in darkness and they also need development. Therefore, those towns who are still in darkness should be considered.

Many members of the community have individually paid for transformers since before Independence and have been promised by the Government that they will be compensated for those transformers. (Intervention)

HON DEPUTY MINISTER OF AGRICULTURE, WATER AND FORESTRY: Honourable Deputy Speaker, on a Point of Information. This

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Motion has nothing to do with transformers, it deals with transport and housing.

HON MOONGO: I think the Honourable Member does not understand the concept of “housing”. (Intervention)

HON KAPIA: On a Point of Order, Honourable Deputy Speaker, I need guidance. The housing we are discussing is not about individual transformers. The Motion s about housing in urban areas and residents in urban areas do not apply for transformers. I am completely lost. Honourable Deputy Speaker, the Mover was supposed to reply and Honourable Moongo is out of order.

HON DEPUTY SPEAKER: I will still give him an opportunity to proceed.

HON MOONGO: The Colleague wants housing without electricity. (Intervention)

RT HON PRIME MINISTER: On a Point of Order. Honourable Deputy Speaker, is it allowed that an Honourable Member who deliberately stayed away from this House, turns up at the end of the Debate and he wants to reopen the Debate. Is it allowed for him to do so? Secondly, is it allowed for an Honourable Member who comes from Onethindi to come and talk about Onethindi here? Is that not a conflict of interest?

HON DEPUTY SPEAKER: Honourable Moongo, confine yourself to the problem of housing in urban areas.

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HON MOONGO: I thought Onethindi is also an urban area and, therefore, I was speaking to the Motion. There are many towns, such as Oneshila and Evululuko, which since Independence are still making use of the outdated sanitation system which is a health risk to the community. One wonders why 20 years after Independence some towns still do not have flush toilets. I support the Motion.

HON DEPUTY SPEAKER: Honourable Minister of Trade and Industry.

HON MINISTER OF TRADE AND INDUSTRY: It was not my intention to speak today, but if the Honourable Deputy Speaker would allow me I want to say a few things and ask questions on this Motion.

Honourable Deputy Speaker, I am a concerned citizen when I listen to some of our brothers sitting on that side. When they are talking about this beautiful country, you would think they are talking about a country which is in a terrible condition, a country which is about to collapse, a country in which nothing has improved since Independence 20 years ago and I was wondering what is it that makes them talk like that. Is it a lack of patriotism or why are they doing that? When you stand here and talk like that, it is recorded somewhere else and based on those statements, Namibia is being graded. (Interjection)

HON MEMBER: Do you want to hide it or what?

HON MINISTER OF TRADE AND INDUSTRY: That is what I want you to tell us, what are you saying? Are you saying that there was no improvement since Independence? It is always said that people are getting poorer since Independence and I was not going to use this, but since it comes from somebody else, not from us and it has been tabled here, it will be good to go through these statistics here.

If you talk about poverty, they have defined what poverty is, which I agree with. Then they talk about poverty rates for Namibia in urban and rural areas. It is here, do you read? We have produced other documents which reflect this,

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but do you read? It says here about: “*Share of poor individuals in percentage: Namibia – 1993-1994: About 58% poor people; 2003/2004: 38%. If you did not go to school, I will teach you mathematics. 58% went down to 38% – not SWAPO’s propaganda. Please, what are you doing to our beloved country?*”

Then it states that in urban areas versus the rural areas where poverty is prevalent, in 1993/2004, it was 31% poor people and in 2003/2004, 17%. 31% Going down to 17%, do you hear? That is not SWAPO’s propaganda. It is stated here and you stand there and talk as if nothing has changed since 20 years ago. The rural areas, 1993/2004: 69% and I am not going to say how it was when DTA was ruling here, it could have been about 90% poor people. In 2003/2004 it is 49% poor people. Does anyone really doubt that SWAPO is not concerned about poor people? Do you really doubt that? Do you doubt that we care about poor people and their conditions? We do care and we are working hard to address that issue. We did not create poverty, we found it that way, but you act as if we came to create poverty. Here it shows that things have improved. (Intervention)

RT HON PRIME MINISTER: May I ask a question? Comrade Geingob, Honourable Moongo benefited from apartheid when he left us in the thick of the struggle and he is benefiting from the independence we brought about. Do you not believe that Honourable Moongo is better off than he was during apartheid?

HON MINISTER OF TRADE AND INDUSTRY: It is not only Honourable Moongo, Honourable Prime Minister, the Namibians who were benefiting before independence and I do not want to talk about colour, are still benefiting much more. Please, are we not being patriotic, what are we doing? The notion in this country is that you sacrificed half of your life in exile and somebody is saying that you could have come back and benefited, but you said you will stay and fight to the end. You come back, your children should not benefit because you are a Minister. After you have sacrificed for your children’s sake, they should not benefit because you are a Minister. (Intervention)

HON MOONGO: On a Point of Information. Since we went through the liberation struggle, the Colleague is suggesting that some towns have to remain

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in darkness, electricity must not be taken to them and any mistake done by SWAPO must not be mentioned. Is that what you want to indicate?

HON MINISTER OF TRADE AND INDUSTRY: Honourable Moongo, we are very open and transparent people. I asked, do you doubt that we are worried about poor people's fate? Do you doubt that? If things are still not what they should be, it is because maybe there is no money, but to doubt us that we are worried about the poor people's fate, then I do not know which world you are living in.

I agree with you, we would like every Namibian to have lights in their houses and that is what we were fighting for and hence you see the figures going down. Why do we not sometimes accept the truth when the truth is there? Why should you oppose for the sake of opposing?

Let me quote from this paper to help us to be patriotic once in a while. Here they have the poverty rates by Region for 2003/2004: Kavango is the only Region where it did not improve. We are very honest and transparent people. Kavango: In 1993 it was 58% and it went up to 64% and we have to address that. In the Ohangwena Region it was 78% and now it is 56%. (Intervention)

HON MOONGO: Who wrote those things?

HON MINISTER OF TRADE AND INDUSTRY: Your people, your bosses. (Interjection)

HON MOONGO: You yourself wrote it.

HON MINISTER OF TRADE AND INDUSTRY: I will give you the source after I have finished. In the Oshikoto Region it was 70% and now it is down to 49%. In the Hardap it was 42.2% and it remained the same, nothing changed. Omaheke was 61% and it is down to 41%. Otjozondjupa was 47% and it is down to 39%. Omusati was 64% and it is down to 38%. Kunene was 73% and it is down to 37%. Caprivi from 75% down to 37%.

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Karas from 44% down to 33%. Oshana from 70% down to 26%. Erongo Region was 33% and it is down to 14%. Khomas Region, 22% and now 8%, a single digit.

We have single-handedly, without anybody's involvement, maintained peace, democracy and poverty has gone down. The source of "*Poverty and Inequality*" is the Friedrich Ebert Stiftung. Thank you very much.

HON DEPUTY SPEAKER: Any further discussion? None. I give the Floor to the Mover of the Motion, Honourable Shixwameni, to respond.

HON SHIXWAMENI: Let me start off by saying I was starting to wonder whether the Honourable Dr Hage Geingob was talking to Honourable Moongo or talking to whom, because as you correctly asked, do we read? I think you must ask Kazenambo, because when he was talking the other day, he condemned the same paper that you are now praising. The answer as to who reads..... (Interjections).

HON DEPUTY SPEAKER: Please reply.

HON SHIXWAMENI: I am replying. The other day I decided to read one of the second-most read booklets in the world, I think second only to the Bible and the Koran, namely the book titled, *De Manifesto Kommuniste*. I decided to read it after listening to the Honourable Members passionately talking about socialism and since I have not read it for some time, I decided to look at it to see what it says and to recap. (Interjection)

HON MEMBER: On your way back to SWAPO.

HON SHIXWAMENI: My Motion is intended or was intended to be a non-partisan Motion. For those that hear, for those that listen, I did right from the outset in the second paragraph of my statement acknowledge Government's

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efforts and the efforts of the National Housing Enterprise to try to address the problem of housing for the workers of Namibia and I did in fact say in my motivation that the efforts, whilst commended and recognised, are a drop in the housing backlog ocean.

Coming back to the Communist Manifesto, it says: “*Workers of the world, unite, you have nothing to lose but your chains to break and the world to conquer.*” I think we are all agreed in this House, judging from the interventions that were made, that both housing and the issue of transport for Namibian workers are indeed serious issues that need to be addressed and fast-tracked. We are all agreed that housing needs to be addressed, that it is in the pipeline, but what I am saying in my Motion is that we need to move urgently and fast-forward. That is all that I am saying, I am not disputing that efforts are being made.

Indeed, I had the opportunity, probably stemming from this Motion, to attend a briefing by the National Housing Enterprise when they briefed the Members of the Standing Rules and Orders Committee and they themselves acknowledged that there are many challenges that need to be overcome and I think we are all agreed. However, it seems from the interventions that there are misunderstandings and I think my brother, Honourable Utoni Nujoma, basically did misunderstand the Motion. I hope Dr Hage Geingob, as a teacher, would be able to coach people that you must understand the person properly before you make an intervention. My Motion was simply aimed at urging the private sector in our country, the companies in our country, to pull up their socks and to ensure that they provide decent housing and transportation to their workers.

I must acknowledge and commend those private sector companies that are already doing this. I know that Government does provide housing subsidies, that it does provide transport subsidy, but we must work as a team of Namibians, the private sector, the unions and the workers, to ensure that those in the Private Sector who are not providing a housing subsidy and transport are prompted to look at this matter as a question of social responsibility towards their workers, because at the end of the day it is the workers of this country that creates the wealth that is enjoyed by those of us who live in Ludwigsdorf, in Kleine Kuppe, Auas Blick and all these places. We as leaders of this Nation have a responsibility to speak on behalf of those ones that do not have a voice

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for themselves and take the issue of housing and transport seriously in a non-partisan manner.

I will not deal point-by-point with the contributions, all that I would like to do is to thank the Honourable Members who have contributed for their understanding of the issue, for emphasising the fact that it is time that the private sector gets told, or in the words of the Right Honourable Prime Minister, that maybe it is time that we start talking to them. Probably it is not the time to look at policy and legislation, but that we need to talk to private sector companies to take up this issue as a matter seriousness.

When I came here I said I want to make a contribution and that contribution is a non-partisan contribution. The idea might be mine, but I am sure anyone else here could have laid upon the Table this very same important Motion for our country and I would like to proceed in a non-partisan way, that we basically take each other's hands in this House to ensure that at the end of the day we shall have a system in place that would enable the private sector to come up with something five, ten years from now.

Talking about the Constitution, which was debated here, I think the mixed economy system that we have adopted as a country provides more room to Government to manoeuvre. We do not need to wait until that time – as my brother, Honourable Maamberua would say – when a socialist state is established, but we can work within the current legal framework to ensure that these issues are attended to.

My second-last point is that whilst Government and parastatals which are dealing with housing are seized with this issue, there is the issue of repossession of houses that also need to be looked into, because in this divide of us in Windhoek, with the rich living on the eastern side and the poor living in the western outskirts of our town, one finds that the banks and other financial institutions are basically exploiting a loophole which exists in the current legislation, where they take the houses of poor people and auction them. So, whilst Government is pushing for home ownership, for housing for all, there are these other people who are indeed sabotaging the very same purpose of achieving full ownership.

In the National Housing Enterprise briefing that we had, we talked about this whole issue and the question was asked that, if one can buy a Mercedes Benz

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ML for N\$800,000 and pay it off within five years, why can the same not be done with houses? I must say I appreciate that the National Housing Enterprise reduced their repayment period of fifteen years, negotiable. I would like to see the Government of Namibia negotiate with the banks and the other financial institutions on the high interest rates that are paid on home loans and further negotiate that the repayment period on home loans is shortened in order to promote home ownership in Namibia.

Linked to that is the issue of the auctioning of erven. This is the latest book from the Municipality for the auction that they are going to have. The cheapest erven in this whole book, out of more than five hundred erven that are going to be auctioned, are N\$92,000. What happens in most cases is that when the bids open, these prices would basically triple and you will not pay less than N\$300,000. Where do you get the money to build the house? Again it comes back to us as a Government that this needs to be looked into. If need be, we need to ensure that the prices of erven are controlled to a certain extent, because if it goes on like this – and this is happening in all towns across Namibia – it is our own people who are being condemned. You can call it squatter camps, you can call it slums, you can call it ghettos, but it is our own people, who are in the majority, who are being condemned to the squatter camps by the auctioning of properties. As long as the prices of plots and houses keep on sky-rocketing, we will have our people living in slums.

In order to get more information on these particular issues of housing and transport for the Namibian workers and being a non-partisan speech, having listened to my Colleagues on the other side, asking that this House should not be divided and promoting that very same patriotism that the Honourable Dr Hage Geingob is talking about, I would like, in the spirit of unity in this House, to Move an Amendment to my Motion:

I Move, that the Motion is taken note of by the House and that the Motion is referred to the Parliamentary Standing Committee on Human Resources, Social and Community Development for further investigation and enquiry and to report back to the Assembly thereon. I so Move, Honourable Deputy Speaker.

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HON DEPUTY SPEAKER: Table the Amendment, Honourable Member. Any objection to the Amendment to refer the Motion to the relevant Standing Committee? Honourable Iilonga.

HON DEPUTY MINISTER OF AGRICULTURE, WATER AND FORESTRY: Comrade Deputy Speaker, it is not really an objection, but you cannot move an Amendment and then put conditions. It is a noble decision by the Mover that note be taken of the Motion, but then he puts a condition that it be referred to a Standing Committee. If it is referred to a Committee, it will be studied and come back here. We can only agree on the note-taking – period.

HON DEPUTY SPEAKER: I also have a problem. If you table the Motion for note-taking, I understand it stops there. However, if you refer the Motion to a Committee, it appears to be the same as if the Motion has been adopted by the House. Can you clarify why you have moved an Amendment for note-taking and then the Motion is referred to the relevant Committee?

HON SHIXWAMENI: I have come to that conclusion after consulting with the relevant Ministries and it is up to the Majority Party to decide as they have the vote. However, I consulted the relevant Ministry and the issue is that in order for this House to be well-informed and well-vested on which companies out there are providing housing subsidy and transport subsidy, can only come out by way of a study. Our Parliamentary system, unless we amend or short-circuit it, provides that if it goes to the Committee, the Committee can have Hearings with the companies that are identified to provide this particular information. It was our calculated opinion that in order to get more information on this particular situation, that we indeed refer it to the Standing Committee and the Standing Committee would then be able to get more information.

HON DEPUTY SPEAKER: Honourable Deputy Prime Minister.

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HON DEPUTY PRIME MINISTER: The Deputy Minister of Agriculture is correct. Let it go to the Committee and after the Committee has done its job, it comes here for note-taking, but you cannot have both at the moment. Otherwise the compromise is just to note it and it ends there.

HON DEPUTY SPEAKER: Dr Kawana, do you have the same understanding?

HON MINISTER OF PRESIDENTIAL AFFAIRS AND ATTORNEY-GENERAL: Comrade Deputy Speaker, the Honourable Member said he consulted some of our senior colleagues and that was the agreement. The procedure would be to refer it to the Committee and the Committee will report back to the House for note-taking.

HON DEPUTY SPEAKER: Honourable Shixwameni, personally I have a problem, I do agree that you cannot propose two options, note-taking and referral to the Committee. You must choose one of the two.

HON SHIXWAMENI: In the spirit of give and take, I propose that we refer the Motion to the Committee and the Committee will report back.

HON DEPUTY SPEAKER: Any objection to the Motion being referred to the relevant committee? Agreed to. The House will go into recess today until the 14th of September. I request the Right Honourable Prime Minister to adjourn the House to the 14th of September.

RT HON PRIME MINISTER: Honourable Deputy Speaker, I thank all the Honourable Members for maintaining the quorum during this Session. I Move that the House adjourns until 14th September 2010.

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HON DEPUTY SPEAKER: The House stands adjourned until the 14th of September 2010 at 14:30.

HOUSE ADJOURNS AT 16:45 UNTIL 2010.09.14 AT 14:30