

## **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 Angola	<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 &amp; 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 &amp; Forestry)</i>
Mr J Kaapanda	<i>(Information &amp; 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 &amp; Social Welfare)</i>
Mr A !Naruseb	<i>(Lands &amp; 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	<i>(Mines and Energy)</i>
Mr K Kazenambo	<i>(Youth, National Service, Sport and Culture)</i>

## **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 Ilonga	<i>(Agriculture, Water &amp; 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 &amp; 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 Tjihuiko *(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	<i>(Minister)</i>
Ms E !Nawases-Taeyele	
Mr I Ngatjizeko	<i>(Minister)</i>
Ms N Nandi-Ndaitwah	<i>(Minister)</i>
Ms R Nghidinwa	<i>(Minister)</i>
Mr E Nghimtina	<i>(Minister)</i>
Mr U Nujoma	<i>(Minister)</i>
Mr P Shifeta	<i>(Deputy Minister)</i>
Ms D Sioka	<i>(Minister)</i>
Mr T Tweya	<i>(Deputy Minister)</i>
Mr Festus Ueitele	
Mr Erastus Utoni	<i>(Deputy Minister)</i>
Mr Piet van der Walt	
Ms L Witbooi	

#### **UNITED DEMOCRATIC FRONT (UDF)**

Mr J //Garoëb	<i>(Party Leader)</i>
Mr S Tjongarero	<i>(Chief Whip)</i>

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

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

**NATIONAL ASSEMBLY  
ASSEMBLY CHAMBERS  
WINDHOEK  
14 SEPTEMBER 2010**

The Assembly met pursuant to the adjournment.

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

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**HON SPEAKER:** Honourable Members, I have been informed by the Secretary Generals of the RDP and RP Parties that they have resolved that their elected Members should take up their seats in the Assembly. In this regard, the swearing-in of Mr Hidipo Hamutenya, Stephanus Bezuidenhout, Jesaya Nyamu, Agnes Limbo, Anton Von Wietersheim, Hinanane Naholo, Heiko Lucks and Henk Mudge will be done today, Tuesday, 14 September 2010. I now, therefore, call upon the Chief Justice, His Honour Peter Shivute, to administer the Oath or Affirmation to these Members in terms of Article 55 of the Namibian Constitution. I, therefore, instruct the Front Office that the designated person please escort them into the Chamber.

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**OATH OR AFFIRMATION OF NEWLY  
ELECTED MEMBERS**

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**CHIEF JUSTICE SHIVUTE:** Administers the Oath or Affirmation to newly elected Members.

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**HON SPEAKER:** I now declare the Honourable Members who have just been sworn in or who took the Affirmation, as duly elected Members of the National Assembly and I direct you to take your seats.

I would like to thank His Honour the Chief Justice, Peter Shivute again, for honouring us with his presence and carrying out his constitutional responsibilities for which we are once again most grateful. I will ask the Sergeant-at-Arms to escort His Honour out of the Chamber.

14 September 2010

**WELCOMING REMARKS  
HON DR T-B GURIRAB**

Honourable Members, guests and friends, I welcome you all back to the National Assembly from the recess and needless to say that the spirit of warm welcome to the newly sworn-in Members are equally included, but I would want to add more words in my brief comments.

We have work to do while numerous other factors, no doubt, affect Namibia's destiny and the well-being of our people. None is as decisive as the economy, social stability and the Rule of Law in all respects. The economy involves everybody and affects lives of it all. It makes us all members of one family at home and beyond Namibia's borders. Political or ideological competition that may serve personal interest has its time and place, but not during lawmaking and vital policy Debates. Debating is what Parliament is there for, but there is a difference between personal preference and public interest. Often the two are mistaken as being the same. That is wrong. The economy involves everybody and affects the lives of all. The economy makes us all members of one family, as I said, at home and beyond Namibia's borders.

I want to conclude my brief remarks, but first this one more point: This is what our Founding Father of the Namibian Nation and first President of the Republic said on the 21<sup>st</sup> of March 1990. He said, *"Our collective security and prosperity depend on unity of purpose and action. Unity is a precondition for peace and development. Without peace, it is not possible for the best and talented citizens of our country to realise their potential. These are the standards from which all who seek to emulate us shall draw inspiration. That remains the vision and wisdom I continue to live by and inspire others to emulate."*

On the 19<sup>th</sup> of March 2010, I expressed these words, which I want to reiterate on this occasion as well. I said, *"The Majority Party has once again been given the mandate to rule, but the Opposition Parties are entitled to be heard and their legitimate concerns taken into consideration. That is the ideal of democracy and peaceful co-existence. Political pluralism in Namibia dictates that to be the way to look at our lives as elected officials."* Political intolerance is unacceptable whether it comes from this side or that side and I hope that this would be the spirit in which we will continue our work.

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**TABLING OF REPORTS  
HON SCHLETTWEIN**

**HON SPEAKER:** Any Petitions? Any Reports of Select or Standing Committees? Other Reports and Papers? Deputy Minister of Finance.

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

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**HON DEPUTY MINISTER OF FINANCE:** Honourable Speaker, I lay upon the Table three Reports of the Auditor-General on the Accounts of the Town Council for Outapi for the years ending 30 June 2007, 2008 and 2009.

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**HON SPEAKER:** Any further Reports and Papers? Any Notice of Questions? Honourable Moongo.

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**NOTICE OF QUESTIONS**

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**QUESTION 1:**

**HON MOONGO:** Honourable Speaker, I give Notice that on Thursday, the 23<sup>rd</sup> of September 2010, I shall ask the Minister of Youth, National Service, Sport and Culture the following questions:

1. Can the Minister explain why sixty kids who were born during the struggle were forced to quit Berg Aukas and dumped in Ekuku under a tree?
2. Is it true that a list of the struggle kids was manoeuvred and favoured and another person was smuggled in and got the job first?
3. Is it true that the kids born during the struggle were taken by force and against their will? This is kidnapping which is a serious crime in Namibia.



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**NOTICE OF QUESTIONS  
HON MOONGO**

4. What would happen if one of the kids disappears or dies? Why did the Ministry not take them to their parents, Headmen or Councillor in their respective Regions?
  5. What plans does the Minister have to secure their job opportunity for registration?
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**QUESTION 2:**

**HON MOONGO:** I further give Notice that on Thursday, the 23<sup>rd</sup> of September 2010, I shall as the Honourable Minister of Defence:

It was a historical unforgettable event to test Namibia's capability and military power at *Omulunga wa Kolondo*. What was the good reason that it was done very near and among the cattle herders?

1. What is the reason with the old place used by the South African Army far from *Omulunga wa Kolondo*?
  2. Was the South African Army more careful with the lives of cattle herders than the Namibian Defence Force?
  3. Is the Minister aware that some of the shells landed and destroyed a cattle post and will they be compensated?
  4. What is the total amount involved in the military exercise?
  5. Will those who performed in the exercise get special pay so that they may have incentives in the future in the NDF exercises?
  6. Is it a good plan if a similar military exercise be done every five years and expanded to the SADC Region?
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**HON SPEAKER:** Will the Honourable Member table the Questions? Any further Notice of Questions? Any Notice of Motions? Honourable Minister of Agriculture, Honourable Mutorwa.

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**NOTICE OF MOTIONS**  
**HON MUTORWA / HON NGATJIZEKO / HON NGHIMTINA**

**NOTICE OF MOTIONS**

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**HON MINISTER OF AGRICULTURE, WATER AND FORESTRY:** I thank you, Honourable Speaker. I give Notice that tomorrow I shall Move that leave be given to introduce a Bill to provide for the prevention, detection and control of animal disease; to provide for the maintenance and improvement of animal health and to provide for incidental matters.

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**HON SPEAKER:** Will the Honourable Minister please table the Motion? Minister of Labour, Honourable Ngatjizeko.

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**HON MINISTER OF LABOUR AND SOCIAL WELFARE:** Thank you very much, Honourable Speaker. I give Notice that on Tuesday, the 21<sup>st</sup> of September, I shall Move that leave be given to introduce a Bill to provide for the establishment of a National Employment Service; to impose reporting and other obligations on certain employers and institutions; to provide for the licensing and regulation of private employment agencies and to deal with matters incidental thereto.

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**HON SPEAKER:** Will the Minister table the Motion? Honourable Nghimtina.

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**HON MINISTER OF WORKS AND TRANSPORT:** Honourable Speaker, I give Notice that on Tuesday, the 21<sup>st</sup> of September, I shall Move –

That leave be given to introduce a Bill to provide for the continued assistance of the Namibian Council for Architects and Quantity Surveyors under the name Namibian Council for Architectural and Quantity Surveying Professions; to provide for registration of architects, quantity surveyors, architects-in-training and quantity surveyors-in-training and other architectural and quantity surveying professionals; to provide for the reservation of certain kinds of work to architects and quantity surveyors and architectural and quantity surveying professionals; to provide for establishment of the Boards of Control for

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**MINISTERIAL STATEMENT  
HON DR KAWANA**

Architectural and Quantity Surveying Professionals and to provide for incidental matters.

**HON MINISTER OF WORKS AND TRANSPORT:** I give Notice that on Tuesday, the 21<sup>st</sup> of September, I shall Move –

That leave be given to introduce a Bill to provide for the establishment of the Namibian Planning and Construction Council and for its powers and functions; to provide for the registration of persons to engage in the Construction Industry; and to provide for incidental matters.

**HON SPEAKER:** Will the Honourable Minister please table the Motion? Any further Notice of Motions? Honourable Ulena.

**LEAVE OF ABSENCE**

**HON ULENGA:** Honourable Speaker, I move without Notice that leave of absence be granted to the Honourable Maamberua due to official business until the 21<sup>st</sup> of September 2010.

**HON SPEAKER:** Ministerial Statements? Attorney-General Kawana.

**MINISTERIAL STATEMENT:  
SUPREME COURT JUDGMENT ON ELECTIONS**

**HON MINISTER OF PRESIDENTIAL AFFAIRS AND ATTORNEY-GENERAL:** Honourable Speaker, I rise to make a Ministerial Statement in my capacity as Attorney-General regarding the meaning of the Supreme Court Judgment on the Election Application and the allegation of interference in the Judiciary by some Members of the Executive.

It is common cause that the people of Namibia had a long and bitter struggle for freedom and Independence. It is against this background that we cannot

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**MINISTERIAL STATEMENT  
HON DR KAWANA**

talk about our struggle for freedom and Independence without paying tribute to our forbearers, the heroes and heroines of our revolution, such as Hendrik Witbooi, Samuel Maharero, Nehale Iya Mpingana, Mandume ya Ndemufayo, Ipumbu ya Shilongo and many others. It is also common cause that the aims and objectives of our struggle for national Independence and freedom were to be masters of our destiny.

In terms of Article 1(1) of the Namibian Constitution, Namibia was established as a sovereign, secular, democratic and unitary State, founded upon the principles of democracy, the Rule of Law and justice for all. It is through the Namibian Constitution that we created three arms of the State, namely the Executive, the Legislature and the Judiciary. All three arms of the State, just like in any democratic country, are accountable to our Nation. In order to nurture our democracy, we committed ourselves to the principle of separation of powers.

Article 78 of the Namibian Constitution vests the judicial power in the Courts of Namibia, which consist of a Supreme Court of Namibia, a High Court of Namibia and Lower Courts of Namibia. The Supreme Court is the highest Court in our Republic, which is vested with, *inter alia*, power to hear Appeals emanating from the High Court.

As part of our democratic culture, any citizen of our Republic or any institution or person, for that matter, is entitled to approach a Court of Law for the resolution of any matter.

Article 46(1)(a) of the Namibian Constitution provides that Members of the National Assembly are elected by general, direct and secret ballot. Article 49 of the Namibian Constitution requires that elected Members of the National Assembly shall be on Party lists and in accordance with the principles of proportional representation. The allocation of seats is done in accordance with Schedule 4 of the Namibian Constitution.

Honourable Speaker, the Namibian voters went to the polls last year November to elect their representatives as Members of the National Assembly. In addition, they elected the President of the Republic in terms of Article 28 of the Namibian Constitution. In both these elections candidates of the SWAPO Party emerged victorious.

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**MINISTERIAL STATEMENT  
HON DR KAWANA**

There are Political Parties, which were not satisfied with the outcome of the elections. In keeping with our democratic culture, nine Opposition Political Parties, led by the Rally for Democracy and Progress (RDP), decided to challenge the outcome of the election results in the High Court on 4 January this year. I will refer to this case the RDP and Others versus the Electoral Commission of Namibia and Others.

In summary, the RDP and other Applicants sought an Order to declare the National Assembly election held on 27 and 28 November 2009 null and void and of no legal force and effect, and that, the said election be set aside. They also asked the High Court that as an alternative the High Court should nullify the announcement of the election results for the National Assembly and order the Electoral Commission of Namibia to recount the votes cast. The Applicants later sought to challenge the results of the Presidential Election as well, by filing an amplified Notice of Motion on 14 January 2010.

Consistent with Court procedure, the Applicants asked the High Court to order costs for those Respondents who were going to oppose the election application. The Electoral Commission of Namibia as the First Respondent and the SWAPO Party as the Second Respondent decided to oppose the election application. Again consistent with Court procedure, the Respondents asked the High Court to dismiss the election application with costs.

The case was argued for two days on the 1<sup>st</sup> and 2<sup>nd</sup> of March this year. On the 4<sup>th</sup> of March, this year the High Court handed down its judgment and ruled that the election applications challenging the National Assembly and the Presidential Election should be struck off the Roll with costs. The RDP and others were not satisfied with the High Court Ruling in respect of the National Assembly election results and, therefore exercised their democratic right to appeal to the Supreme Court.

In the Appeal, the Appellants asked the Supreme Court to order costs against respondents who would oppose the Appeal. Subsequently the Electoral Commission and the SWAPO Party opposed the Appeal and in turn asked the Supreme Court to dismiss the Appeal with costs. All these actions are allowed as part of our Court procedure.

On Monday, the 6<sup>th</sup> of September this year, the Supreme Court handed down its Judgment and found in favour of the Appellants. The Supreme Court also

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**MINISTERIAL STATEMENT  
HON DR KAWANA**

ordered the Respondents, namely the Electoral Commission and the SWAPO Party, to pay the costs of the Appellants as it was requested by the Appellants in the Appeal.

The effect of the Supreme Court judgment is that the election application case is referred back to the High Court for a Ruling on all those matters raised by both the Applicants and the Respondents who opposed the election application. The end-result is that until the High Court hands its Judgment down in the matter, no Judgment has been handed down regarding the merits of the election application.

Honourable Speaker, following the Supreme Court judgment which referred the matter back to the High Court, there are individuals and institutions who are going around, misleading the Namibian people with ulterior political motive. Allegations are being made that the SWAPO Party and the Electoral Commission were found guilty of rigging the elections by the Supreme Court. The allegation further says as punishment, the Supreme Court ordered the SWAPO Party and the Electoral Commission to pay costs. This misinformation is not only misleading and false, it also has a potential to cause instability in our country because some members, supporters and sympathisers of the SWAPO Party feel provoked.

I, therefore, appeal to those who are spreading such misinformation to refrain from such conduct. This case is far from being concluded. Let us all wait for the verdict of the High Court on the merits of the case as ordered by the Supreme Court. Let us all play by the democratic rules and procedures that we have established in order to continue maintaining peace and stability in our country for the sake of our children and the future generation. We must at all times play by the democratic rules and principles that we have set for ourselves for the sake of economic development and reconstruction in our country. Let us cherish peace and stability, which are cornerstones of our freedom and Independence.

Once again, I would like to clearly state that no Party has been found guilty of election irregularity. Neither the SWAPO Party, nor the Electoral Commission has been found guilty of election irregularity. Those who are spreading such rumours and falsehoods are doing so with a political motive. My appeal to them is that they must stop and stop it now.

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HON DR KAWANA**

I also wish to put it on record that the RDP and Others were ordered by the High Court in respect of Presidential Elections to pay the costs of the Respondents, in this case the Electoral Commission and the SWAPO Party. That Order stands.

Honourable Speaker, when the election application case was before the Supreme Court, some individuals and institutions were alleging that the delay by the Supreme Court in handing down its judgment was because some Members of the Executive were attempting to interfere with the judgment. This is a very, very serious allegation, which goes to the very heart of our democracy. This allegation is considered in a very serious light by the Government. It is contrary to Article 78(3) of the Namibian Constitution. Against this background, I invite such individuals and institutions to come forward with information so that those who are alleged to have attempted to interfere with the Supreme Court election application case could be identified and appropriately dealt with.

Together with my Office and by virtue of the powers accorded to my Office under Article 87(c) of the Namibian Constitution, we are prepared, that is the Executive, the Legislature and the Judiciary, to take prompt, adequate and effective action against such persons. In the event that no credible information is presented, I have no doubt that the Namibian Nation will harshly judge those who are spreading such allegations, which have the potential to set this country on fire.

Honourable Speaker, on 24 February this year I pointed out in this august House that the Judiciary is one of those institutions, which are heavily dependent on the Executive in the enforcement of its judgments. I may also add that the adjudication function of the Judiciary is such that one Party wins and the other Party loses. This is part of our democracy. Naturally, the Party, which loses, will always be disappointed. This must be accepted as normal in a democracy such as ours.

The function of adjudication is complex and therefore, in some cases it is difficult to ascertain. I always say that law is not an exact science. In science, one is always certain that water boils at hundred degrees Celsius and freezes at zero degree Celsius. This is not the case in law.

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HON DR KAWANA**

In recent times, we have witnessed demonstrations against the Judiciary. In some cases ultimatums against the Judiciary have been given. Let me put it on Record that even the Judiciary itself accepts the constitutional right of freedom of expression of our citizens, which includes the right to criticise the Judiciary as an institution. I have pointed out in the past that this principle is fully accepted and respected because in a democracy there are no holy cows.

However, criticism must be done in such a manner that our Nation should not lose faith in our Judiciary.

Honourable Speaker, I believe that our democracy will only take deeper roots if our people have faith and trust in our institutions of governance, which includes the Judiciary. Article 78(3) of the Namibian Constitution is very clear. It expressly states that:

*“No Member of the Cabinet or the Legislature or any other person shall interfere with Judges or Judicial Officers in the exercise of their judicial functions, and all organs of the State shall accord such assistance as the Courts may require to protect their independence, dignity and effectiveness, subject to the terms of this Constitution or any other law.”*

In our democratic set-up, no public institution or office is above criticism. From the Head of State, the President, to the lowest Public Official are not immune to criticism. This is an accepted principle of our democratic culture.

In conclusion, Honourable Speaker, I wish to reiterate the Government’s commitment to the principle of the independence of the Judiciary as enshrined in Article 78(3) of the Namibian Constitution. We must always remember that once we tamper with our democratic institutions, there is a likelihood of disturbing our peace, security and stability. These are the cardinal elements of our sovereignty. Let us not tarnish the good name of our Republic for selfish individual interests. I thank you, Honourable Speaker.

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**HON SPEAKER:** I thank the Attorney-General for his statement to inform the Nation. This is how it goes in respect of Ministerial Statements. The Minister or Deputy Minister is required to inform the Speaker in advance and Honourable Kawana did so. The Speaker enquired what the subject matter was and Honourable Kawana informed the Speaker about what you have heard as



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**ADJOURNMENT**

the subject matter, not in as great detail as he did now, and it was now left to the Speaker to make a judgment. Had Honourable Kawana not been Attorney-General, but a Minister of Education or Finance, the Speaker would not have allowed him to do so, but he occupies a special office, that of the Attorney-General and that is the reason why I allowed him to make the statement. However, that having been done, this House shall not now, tomorrow or for the rest of the time that the matter is now being handled between the Supreme Court and the High Court, discuss this case in this House. Any other Ministerial Statements? None.

That brings this august House to the end of the business as scheduled for today. It was a very productive day and I am very happy that the House is full, it makes the Speaker very happy and that being the impression created in the mind and the heart of the Speaker, I shall, therefore expect that every sitting of the House will be full. With that, the House stands adjourned until 14:30 tomorrow afternoon.

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**HOUSE ADJOURNS AT 15:15 UNTIL 2010.09.15 AT 14:30**

**NATIONAL ASSEMBLY  
ASSEMBLY CHAMBERS  
WINDHOEK  
21 SEPTEMBER 2010**

The Assembly met pursuant to the adjournment.

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

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**ANNOUNCEMENT**

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**HON SPEAKER:** The business of the House is called to Order. I welcome all of you who were not here last Thursday. I have an announcement on behalf of the Minister of Information, Communication and Technology who would like us to take photos of all the Members of the National Assembly for a Parliament poster to be produced as well as for use in other publications of the Ministry. This will be done on Wednesday and Thursday, the 22<sup>nd</sup> and 23<sup>rd</sup> of September in Room 35 next to the main entrance. I, therefore, on behalf of the Minister kindly request all the Honourable Members to take note of those two days.

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

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**TABLING: POLICY OF ERADICATION OF  
TRANS-BOUNDARY ANIMAL DISEASES**

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**HON MINISTER OF AGRICULTURE, WATER AND FORESTRY:** Honourable Speaker, I lay upon the Table a document entitled, "Policy for the Eradication of Trans-boundary Animal Diseases in the Northern Communal Areas of Namibia for the Honourable Members' information and reference.

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**HON SPEAKER:** Will the Honourable Minister please table the Report? Minister of Information and Communication Technology.

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**TABLING OF REPORTS**  
**HON KAAPANDA / HON KUUGONGELWA-AMADHILA**

**TABLING OF ANNUAL REPORTS:**  
**TELECOM NAMIBIA AND NAMIBIA POST**

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**HON MINISTER OF INFORMATION AND COMMUNICATION TECHNOLOGY:** Honourable Speaker, I lay upon the Table, the Annual Report of Telecom Namibia for the 2007/2008 Financial Year and the Annual Report of Namibia Post and Telecom Holdings Ltd. for the Financial Year ended on the 1<sup>st</sup> of September 2008.

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**HON SPEAKER:** Will the Honourable Minister table the Reports? Minister of Finance.

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**TABLING OF ANNUAL REPORTS**

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**HON MINISTER OF FINANCE:** Honourable Speaker, I lay upon the Table:

- The Strategic Plan of the Ministry of Finance;
  - Annual Report of the Development Bank of Namibia for the year 2009;
  - Annual Report of the Agricultural Bank of Namibia for the year ended 2008; and
  - Annual Report of the Road Fund Administration for the 2007 and 2008 Financial Years.
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**HON SPEAKER:** Will the Honourable Minister table the Reports? Any further Reports and Papers? Honourable Haingura.

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**TABLING OF REPORTS  
HON HAINGURA**

**TABLING OF THE NATIONAL STRATEGIC FRAMEWORK  
ON HIV/AIDS**

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**HON DEPUTY MINISTER OF HEALTH AND SOCIAL SERVICES:**

Honourable Speaker, I lay upon the Table –

The National Strategic Framework on HIV/AIDS for discussion and endorsement.

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**HON SPEAKER:** Will the Deputy Minister table the Report? Any Notice of Questions? Honourable Moongo.

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**NOTICE OF QUESTIONS**

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**QUESTION 3:**

**HON MOONGO:** Thank you, Honourable Speaker. I give Notice that on Thursday, the 30<sup>th</sup> of September 2010, I shall ask the Ministry of Justice the following:

Can the Minister confirm or deny that corruption is taking place in the Magistrate's Court D in Swakopmund? The Interpreter falsely translates in favour of the suspect or the Accused, which influences the Judgment against Article 12(1), which states that, "*all people shall be entitled to a fair and public hearing by an independent, impartial and competent Court*". It is also prohibited in the Criminal Procedure Act, 25 of 2004, Section 186, that an Interpreter or intermediary takes an oath to *tell the truth and nothing else but the truth, so help me God*.

What action will the Minister take to halt the dirty practice and see that the culprits be punished in a Court of Law?

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**NOTICE OF QUESTIONS  
HON MOONGO**

**QUESTION 4:**

**HON MOONGO:** I further give Notice that on Thursday, the 30<sup>th</sup> of September 2010, I shall ask the Minister of Regional and Local Government, Housing and Rural Development the following:

Is the Minister aware that a mother of three children, Albertina Shigwedha, of House 2988, is harassed to demolish her house in Okandjengeti without compensation by the Oshakati Municipality?

- (a) Is it true that corruption and nepotism is the order of the day?
- (b) Is it true that another favourite person is to be allowed to take her plot?
- (c) Is this not unfair eviction, which is prohibited in Namibian law?
- (d) When is the Minister going to intervene and correct or address the problem?

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**HON SPEAKER:** Will the Honourable Member table the Questions? Any further Notice of Questions? Any Notice of Motions? Any Ministerial Statements? Minister of Information and Communication Technology.

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**MINISTERIAL STATEMENT: AFRICAN UNION  
YEAR OF PEACE AND SECURITY**

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**HON MINISTER OF INFORMATION AND COMMUNICATION TECHNOLOGY:** Honourable Speaker, Honourable Members of Parliament, mention Africa and the rest of the world would visualise Africa as a continent ravaged by war, famine and disaster. In the eyes of the world, Africa is often perceived as a continent of despair, a continent that can only survive with the financial assistance and handouts from the West.

This dark picture can change if we as Namibians, in particular, and Africans, in general, embrace September the 21<sup>st</sup> together with the world to commemorate

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**MINISTERIAL STATEMENT  
HON KAAPANDA**

the International Day of Peace. Every year since 1982 this day has provided an opportunity for the United Nations and its Member States, as well as civil society, the private sector and individuals to join forces to advance global peace.

The African Union resolved in Tripoli, Libya, on the 31<sup>st</sup> of August 2009 at a special session on conflict resolution to proclaim 2010 as the Year of Peace and Security in Africa. This decision was made against the backdrop of the continued prevalence of armed conflicts on the continent, despite the progress made towards the promotion of peace in countries like Liberia and Sierra Leone. At this meeting, African Governments made the undertaking:

*“We are determined to deal with the scourge of conflicts and violence on our continent once and for all, acknowledging our shortcomings and errors, committing our resources and our best people, and missing no opportunity to push forward the agenda of conflict prevention, peacemaking, peacekeeping and post-conflict reconstruction. We as leaders simply cannot bequeath the burden of conflicts to the next generation of Africans.”*

This undertaking by African Heads of State and Government compels us as the elected leaders of the Republic of Namibia to sensitise and educate our Nation on the virtues of peace, security and stability in the Land of the Brave. We should also advocate at home and abroad that the prevalence of peace and stability is a prerequisite for prosperity, progress and economic development.

Since attaining Independence in 1990, Namibia has been blessed with peace, security and stability. This is an environment conducive for socio-economic development and for attracting foreign investment. The peaceful environment in Namibia was the consequence of a deliberate policy of national reconciliation that was introduced by the new Government of the Republic of Namibia at Independence. With this experience at home, Namibia positively contributed to the various UN peacekeeping efforts on the continent of Africa and beyond.

However, prevailing peace and security cannot be taken for granted. It must be nurtured and jealously protected, because once peace and stability is compromised, our people, our environment and our natural resources will suffer and the next generation will face a bleak future.

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**MINISTERIAL STATEMENT  
HON KAAPANDA**

It is up to us as lawmakers to ensure that our population lives in harmony and peace, that we as a Nation respect our democracy and that we collectively take responsibility to teach our constituencies the values of nationhood, peace, collective security and stability. To ensure the prosperity and well-being of the next generation, we are obliged to live peacefully and to address differences through dialogue, rather than through violence.

Honourable Speaker, Honourable Members of this House, the overarching theme for the AU Year of Peace and Security and the United Nations International Day of Peace on 21 September is to make peace happen. This message highlights the need to mobilise all stakeholders so that together we can take ownership of this initiative and commit to actions that will make the achievement of peace possible. On this day, it is expected from us as leaders to commit to signing and ratifying all AU instruments and to implement effectively the commitments contained therein, as well as by intensifying their efforts for peace.

This day should also serve to remind us to mobilise our Traditional and Community leaders, our Churches and our schools to promote peace and to teach our people that violence does not bring solutions.

The AU called on Africa to use the International Day of Peace on the 21<sup>st</sup> of September 2010 as a single rallying point for our continent to show that peace is possible in Africa. On this day there should be no violence, no conflict, no fighting on the continent and all Africans should experience peace simultaneously. The cessation of hostilities on this day will make it possible for people, particularly in conflict zones, to receive vital food, water, mosquito nets and other emergency supplies. The achievement of this objective will provide a very strong impetus for the promotion of lasting peace on the continent.

Peace Day is a symbolic focus of this commitment. While peace cannot be achieved in one day, September 21<sup>st</sup> nevertheless affords Africans the opportunity to celebrate notable success in the realm of peace building and to put peace in practice through a collective, cooperative moment of unity. More importantly a successful Peace Day will create hope for a better future for the entire continent.

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**SECOND READING: ANIMAL HEALTH BILL  
HON MUTORWA**

In commemorating International Peace Day, may I now request the Honourable Speaker to call on the House to rise to observe a minute of silence for peace across Africa? I thank you.

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**HON SPEAKER:** I thank the Honourable Minister for his statement. The Minister assured me before I came in that apparently his Colleagues, the relevant Ministers and himself want our Africans in our respective occupations and activities to observe a minute of silence.

**THE HOUSE OBSERVES A MINUTE OF SILENCE**

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**HON SPEAKER:** The First Notice of a Motion is the one of the Minister of Agriculture, Water and Forestry. Does the Honourable Minister Move that the Bill be now introduced?

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**INTRODUCTION AND FIRST READING:  
ANIMAL HEALTH BILL**

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**HON MINISTER OF AGRICULTURE, WATER AND FORESTRY:** I Move the Motion.

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

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**ANIMAL HEALTH BILL**

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

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**SECOND READING: ANIMAL HEALTH BILL**  
**HON MUTORWA**

**HON MINISTER OF AGRICULTURE, WATER AND FORESTRY:** I so Move, Comrade Speaker.

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

---

**SECOND READING: ANIMAL HEALTH BILL**

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**HON MINISTER OF AGRICULTURE, WATER AND FORESTRY:** Comrade Speaker, I thank you for granting me the opportunity to motivate the Animal Health Bill in the National Assembly.

Comrade Speaker, Honourable Members of the National Assembly, livestock farming continues to play an important role within the Agricultural Sector of the Namibian economy and remains the largest source of employment or livelihood for the majority of the Namibian people. Namibian livestock and livestock products are among those from very few African countries who have been able to consistently maintain export status to the lucrative South African, European and markets elsewhere.

However, twenty years after Independence, the Veterinary Cordon Fence continues to divide the country into a World Animal Organisation recognised disease free southern zone where most commercial livestock farming originates and the northern subsistence farming sector. The presence of trans-boundary animal diseases, such as foot and mouth disease and contagious bovine pleura-pneumonia, commonly known as lung sickness, are largely responsible for the lack of participation of this important sector of Namibia in the agricultural economy of the country.

Namibia continues to be challenged by the presence of trans-boundary animal diseases, such as foot-and-mouth disease and lung sickness. These diseases necessitate the division of the country into the northern communal areas, which comprise seven Regions – Caprivi, Kavango, Ohangwena, a very large part of Oshikoto, with the exception of the area south of Oshivelo, the whole of

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**SECOND READING: ANIMAL HEALTH BILL  
HON MUTORWA**

Oshana, the whole of Omusati and the northern part of Kunene Region – and southern commercial areas by the Cordon Fence.

Honourable Members, these trans-boundary animal diseases have the unpleasant effect of reducing livestock productivity and denies market access to over 1.6 million heads of cattle in the northern communal areas and roughly 2 million heads of small stock in the same area. The further effect is, therefore, a reduction in real investments into the livestock sector in these Regions and subsequently, the perpetuation of subsistence type of livestock farming in those affected Regions. The Cabinet of the Republic of Namibia had recently approved the Policy for the Eradication of Trans-Boundary Animal Diseases in the Northern Communal Areas, which I have just distributed to the Honourable Members, through which Government, in conjunction with or developmental partners, will and must decisively address this issue and eventually integrate the northern communal area's herd into the national livestock economy within the next five years or so.

The Animal Health Bill, which I am introducing and motivating to this august House, is actually long overdue. As the livestock sector continues to modernise, animal disease surveillance and control are still underpinned by the Animal Disease and Parasites Act (Act 13 of 1956), and Act that is 54 years old. The Sector has seen radical changes since then and, therefore new and appropriate legislation has not only been long overdue, but has become indispensable and unavoidable. A number of industries in the Agricultural Sector had evolved, such as agro processing, agri-businesses and diversification of traditional farming into wildlife farming, trophy hunting and environmental tourism. There is, therefore a very clear and legitimate need to modernise legislation to properly guide these new developments and to empower all stakeholders to co-exist in a constructive manner for the benefit of the country.

The Animal Health Bill attempts to address important issues, such as the import and export of livestock and livestock products and the declaration of livestock disease occurrence in the country.

The Bill introduces modern issues, such as animal identification and traceability, animal disease preparedness, the surveillance and control of Anthroozoonotic diseases at farm level and at food processing institutions,

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**SECOND READING: ANIMAL HEALTH BILL**  
**HON MUTORWA**

which include places such as informal slaughterhouses and informal meat roasters, more commonly known as *kapana* vendors.

Comrade Speaker, I therefore conclude my motivation by requesting all Honourable Members of this Honourable House across the political spectrum and divide to thoroughly study, reflect on, discuss the Bill and eventually pass it unanimously to ensure that we have a robust legislation, which will ensure the continued and harmonious growth of the livestock. This Bill, in our opinion as the sponsoring Ministry, is forward thinking and forward looking and the Bill is definitely not political. It is aimed to guide and regulate this vital sector of livestock in which all of us here in this House and outside are direct participants, today, tomorrow and forever more.

Honourable Speaker, I rest my case and I thank you very much.

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**HON SPEAKER:** I thank the Minister for motivating the Motion. Any further discussion? Honourable Tjihuiko.

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**HON TJIHUIKO:** Honourable Speaker, in the absence of any immediate contribution, I would like to adjourn the Debate to next Tuesday.

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**HON SPEAKER:** The Motion stands adjourned until next week, Tuesday. The Second Notice of a Motion is the one of the Honourable Minister of Labour and Social Welfare. Does the Honourable Minister move that the Bill be now introduced?

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**INTRODUCTION AND FIRST READING:**  
**EMPLOYMENT SERVICE BILL**

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**HON MINISTER OF LABOUR AND SOCIAL WELFARE:** I Move the Motion.

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**EMPLOYMENT SERVICE BILL  
HON NGATJIZEKO**

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

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**INTRODUCTION AND FIRST READING:  
EMPLOYMENT SERVICE BILL**

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

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**HON MINISTER OF LABOUR AND SOCIAL WELFARE:** I so Move, Honourable Speaker.

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

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**SECOND READING:  
EMPLOYMENT SERVICE BILL**

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**HON MINISTER OF LABOUR AND SOCIAL WELFARE:** Thank you very much, Honourable Speaker, Honourable Members of the National Assembly. I am very honoured to rise to introduce the Employment Service Bill.

Unemployment and the need to create sustainable employment for our people is one of the most talked about and challenging problems facing Namibia today. This Bill is one of a series of legislative and practical measures that will be introduced by Government to place the creation and facilitation of employment centre stage in the drive for national economic and social development.

The Employment Service Bill is intended to achieve the following:

- Establish the National Employment Service, which consists of the Employment Service Committee and the Employment Service Bureau.

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EMPLOYMENT SERVICE BILL  
HON NGATJIZEKO**

- To establish an Electronic Integrated Employment Information System to regulate private employment agencies, to advise on available skills in the labour market and on the employment of non-citizens.

I will now discuss its provisions briefly:

In accordance with international best practice, Part 1 of the Employment Service Bill places the professional services to the labour market, offered by the Ministry of Labour and Social Welfare, on a statutory footing, while providing an advisory and oversight body. This is provided through a National Employment Service established in Clause 2, which consists of the following two components:

- Employment Service Board, appointed by the Minister and composed by representatives of the State, trade unions and employers' organisations plus experts in the field of labour, immigration and education. The Board's functions include advising the Minister on the provision of employment services and related legislation; analysing labour market development concerning occupations and related training; advising the Minister on the regulation of private employment agencies; facilitating and coordinating multi-sectoral cooperation in relation to the objects of this Act. The Minister will annually table the report of the Board in this National Assembly.
- Employment Services Bureau, which is staffed by Public Servants, employment officers appointed by the Minister in terms of Clause 29 and employed in the Ministries Directorate responsible for labour market services. The Bureau has a wide range of functions, including: registering job-seekers and registering vacancies in the public and private sector; assisting job-seekers in finding suitable employment and to refer suitably qualified job-seekers to prospective employers; providing vocational guidance, career and labour market information; regulating and controlling the use of psychometric tests for selection and recruitment purposes; assisting and facilitating research for the board on employment related matters; maintaining the Integrated Employment Information System established in terms of this Act; maintaining the list of non-Namibian citizens granted work permits and advising the Minister on the training of

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EMPLOYMENT SERVICE BILL  
HON NGATJIZEKO**

Namibians in those occupations; and liaising with the Ministry responsible for Education in respect of educational and vocational training institutions and on vocational attachments and internships.

Clause 14 of the Bill establishes an Integrated Employment Information System to be established and operated by the Bureau, that is to collect all and update information concerning names, qualifications and occupations of job-seekers, vacancies in the labour market, training opportunities for retrenched workers and job-seekers, specialised skills and qualifications possessed by Namibian citizens and permanent residents, specialised skills and qualifications possessed by non-citizens residing in Namibia and employers in Namibia.

Part 3 of the Bill sets forth the obligations of designated employers and institutions to provide information required by the Bureau to facilitate employment and training.

Clause 15 provides for the Minister to designate the category of employers to whom the provisions of this part apply after consultation with the Board.

The principal obligation imposed on designated employers, whether existing or to be newly established is to notify the Bureau of any vacancies or new positions, whether temporary or permanent, in its employment establishment within a period to be prescribed by the Minister in accordance with Clause 16. The designated employer will be required to provide such information as the minimum qualifications requirement for employment in such a position and the date by which the position has to be filled.

Clause 16 further requires that the Bureau, upon receiving a notice of vacancy, must ascertain whether suitably qualified persons are registered with the Integrated Employment Information System, are available for work. It must refer the particulars of job seekers within a prescribed period. Although the Bill does not require prospective employers to hire such persons, it requires, *“no designated employer or prospective employer may fill a vacancy or a new position without considering in good faith any suitably qualified job seeker referred to it by the Bureau”*.

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EMPLOYMENT SERVICE BILL  
HON NGATJIZEKO**

Clause 16 also requires prospective employers to report to the Bureau whether it hired a job seeker referred by the Bureau and to provide other information required.

Clause 17 requires designated employers to submit a profile of its establishment to the Bureau, which will include such information such as the number of positions according to occupation, including apprenticeships, job attachments and vacancies, details concerning Namibian and non-Namibian employees, salary ranges for each occupation, available skills, development loans, bursaries and scholarships offered by the employer.

Clause 18 provides for the Minister to designate Vocational training or other institutions that are required to submit information to the Bureau, such information of persons who completed accredited educational programmes, persons who are currently under such programmes and the courses that are offered.

Although the employment officers in the Ministry engage in job canvassing at present, to identify vacancies in the labour market, they must rely on the willingness of the employer to provide information. This has proven not to be adequate. The new provision will compel employers to cooperate in providing relevant information, particularly about the structure of their workforces and existence of vacancies. This will greatly enhance the prospects of unemployed persons finding suitable employment, employers finding employees with appropriate skills and experiences and of interested persons finding training and bursary opportunities and of stakeholders ascertaining the changing skills needs of the labour market on an ongoing basis.

Private employment agencies: This Bill also provides for the regulation of private employment agencies, taking the lead from the ILO Convention 181 on Private Employment Agencies. Private Employment Agencies, as defined in Clause 1, are required to register with the Bureau and may not operate unless they have been issued with a licence to operate as such and to comply with the statutory requirements. The Bill provides that such agencies may not charge fees to job seekers. It also sets forth the obligations of private employment agencies, which include prohibitions against –

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EMPLOYMENT SERVICE BILL  
HON NGATJIZEKO**

- (i) Discriminating in the advertisement of positions or in the recruitment or referral of persons for employment;
- (ii) To refer persons for prospective employment to an employer that has an outstanding compliance order issued by the labour inspectors in terms of the Labour Act, is not in good standing in respect of contributions to the Social Security Commission, has not complied with statutory affirmative action requirements;
- (iii) Referring employees to a prospective employer unless the prospective employer gives an undertaking to employ every individual on terms and conditions not less favourable, than those provided for in a collective agreement for similar work in the industry and Region of employment.

The aforementioned provisions are intended to facilitate achievement of the employment that provides a living and decent work.

Part 5 provides for the appointment, duties and powers for employment officers. The powers are similar to those of labour inspectors.

Finally, the Act provides criminal penalties in several parts for violations of the various obligations imposed by this Act.

Honourable Speaker, Honourable Members, the Employment Services Bill has the potential to foster a new era of cooperation between Government and key stakeholders in order to provide professional, timely and relevant services to the labour market. It will introduce a regime that requires the commitment in particular of employers to provide information that is needed for the purposes of coordination and planning for employment and it will count on the goodwill of business to utilise the services of the Integrated Employment Information System to give the unemployed a chance to be considered for employment on the basis of their qualifications, regardless of their backgrounds or personal connections. We are confident that we are a Nation that is equal to this challenge. I rest my case and thank you very much.

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**SECOND READING**  
**PLANNING AND CONSTRUCTION COUNCIL BILL**  
**HON NGHIMTINA**

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

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**HON SHIXWAMENI:** In the absence of any further discussions and also in the absence of the Labour Force Survey Report, which I expect to get, I wish to adjourn the Debate until next week.

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**HON SPEAKER:** Any objection? The further discussion of this Motion stands adjourned until Wednesday, next week. The Third Notice of a Motion is the one of the Honourable Minister of Works and Transport. Does the Honourable Minister move that the Bill be now introduced?

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**INTRODUCTION AND FIRST READING: NAMIBIAN PLANNING  
AND CONSTRUCTION COUNCIL BILL**

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**HON MINISTER OF WORKS AND TRANSPORT:** I Move the Motion.

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**HON SPEAKER:** Any objections? Agreed to. Would the Honourable Minister please table the Bill? The Secretary will now read the Bill a First Time.

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**NAMIBIAN PLANNING AND CONSTRUCTION COUNCIL BILL**

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

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**HON MINISTER OF WORKS AND TRANSPORT:** I so Move, Honourable Speaker.

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**SECOND READING  
PLANNING AND CONSTRUCTION COUNCIL BILL  
HON NGHIMTINA**

**HON SPEAKER:** Any objection? Agreed to. The Minister has the Floor to motivate.

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**SECOND READING: NAMIBIAN PLANNING AND CONSTRUCTION  
COUNCIL BILL**

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**HON MINISTER OF WORKS AND TRANSPORT:** Thank you, Honourable Speaker, Honourable Members of the National Assembly. Allow me to motivate the Namibian Planning and construction Council Bill 2010 to this august House.

As you may all be aware, in Namibia, like in any other developing country in the world, the structure of the construction industry is dominated by the large foreign-based companies, with a low participation of the local firms and sub-contractors. This is the case due to the lack of domestic programmes to support and safeguard the local sector. In the construction environment, the market access for the small contractors is not guaranteed. This may include, amongst others, limited access to construction equipment, limited access to capital and credit facilities, lack of business training, shortage of technical and managerial skills.

Contrary to this, a well-regulated construction environment will provide a good platform for addressing industry related constraints and bottlenecks that suffocate and stifle prosperity of the players in the industry. By enacting, the law that is responsive and fits well with the changing trends of the industry will bring more benefits to the local firms. These efforts are not only limited to create yet another effective framework for the benefits of the industry at heart, but it will also expand the platform in which our construction industry problems can be raised and addressed.

It is a well-known fact that the survival of upcoming firms in the Namibian Construction Industry has proven to be an uphill battle. This has been attributed to inadequate or absence of support from the existing legislation and the presence of well-established organisation that sweep up limited opportunities available in the industry. The Government is committed and

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**SECOND READING**  
**PLANNING AND CONSTRUCTION COUNCIL BILL**  
**HON NGHIMTINA**

support the aspiring local firms in order to meet the requirements for the tenders issued for public sector works. The problems currently experienced in the Namibian construction arena have been widely reported by the players and spectators. They will further harm the industry if we cannot come to the rescue of our local construction firms. It is imperative to ensure that supporting mechanisms are put in place to facilitate skills and technology transfer as well as innovative ideas.

Honourable Speaker, Honourable Members, at the regional level Namibia is a founding member of the Southern African Regional Construction Industry Council, which was set up in 1996. This body was founded on the broad consensus of the need for the following at regional and national levels:

- (a) Providing a focal point for implementing a national construction policy;
- (b) Expanding the role of the domestic contractors and consultants through building public-private partnership;
- (c) Identifying constraints through carrying out comprehensive studies on the local Construction Industry; and
- (d) Developing specific programmes and measures to address the Industry's demands.

It is based on the above background and of the national construction industry requirements that the Ministry of Works and Transport has been involved in the pre-activities that propose the establishment of the Namibian Planning and Construction Council. The Council, upon establishment, will carry out the following functions, amongst others:

- Promoting and developing the construction in Namibia;
- Protecting the local industry against unfair competition;
- Facilitating industry to have access to resources for development;
- Liaising with other bodies in issues relating to the Construction Industry;

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**PLANNING AND CONSTRUCTION COUNCIL BILL**  
**HON NGHIMTINA**

- Promoting research, development and the use of local materials in the Construction Industry;
- Promoting and facilitating, where possible, the construction of affordable low-cost and medium-density housing;
- Promoting compliance to safety standards and relevant statutory laws in the Construction Industry, such as sector-related minimum wages;
- Prescribing, implementing and varying the categories for the registration of contractors engaged in the Construction Industry;
- Recommending to the Minister conditions under which a foreign firm may register and operate in Namibian Construction Industry;
- Promoting co-ordination and facilitating capacity-building in the Construction Industry;
- Keeping, monitoring and maintaining a service database for the Construction Industry;
- Monitoring and evaluating, from time to time, the capacity and progress of stakeholders engaged in the Construction Industry;
- Regulating the activities of the Construction Industry in Namibia through the concerned Boards and associations;
- Standardising the procurement procedures according to internationally recognised practices;
- Reviewing and recommending to the Minister the cost and benefits of bilateral agreements which have bearing on infrastructural development;
- Harmonising Construction Industry with the regional construction standard;
- Promoting and facilitating technology transfer and innovations in the Construction Industry;

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**SECOND READING**  
**PLANNING AND CONSTRUCTION COUNCIL BILL**  
**HON NGHIMTINA**

- Promoting sound labour relations;
- Promoting best practice standards and guidelines; and
- Performing such other functions as the Council deems necessary or expedient to achieve the objectives of this Bill.

Several stakeholder meetings were held together with working groups, consisting of industry experts, who have thoroughly deliberated on this issue. Cabinet approved the Bill to be tabled in Parliament.

Honourable Speaker, Honourable Members, with the respectable and enormous responsibility bestowed upon you by the electorate, I would like to request you, Honourable Members, to look into this Bill, which is aimed to benefit and fairly ensure equitable distribution of opportunities to the deserving individuals and enterprises in the Construction Industry. In light of the increasing need for efficiency and effectiveness in the Construction Industry and the social benefits that the Bill brings in terms of employment creation and poverty reduction in the country, I, therefore, would like to table this Bill and humbly request you to support and pass this Bill.

I am convinced that this Bill, once enacted into law, will make a significant contribution towards the construction industry of Namibia through its formal regulatory functions, developmental related activities and will promote the construction industry. I thank you for your attention.

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

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**HON SHIXWAMENI:** I Move that the Debate be adjourned until Wednesday, next week.

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**HON SPEAKER:** Any objection? The Debate on this Bill stands adjourned until Wednesday, next week. The Fourth Notice of a Motion is the one by the

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**ARCHITECTS AND QUANTITY SURVEYORS  
PROFESSIONALS BILL  
HON NGHIMTINA**

Minister of Works and Transport. Does the Honourable Minister Move that the Bill be now introduced?

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**INTRODUCTION AND FIRST READING: ARCHITECTS AND  
QUANTITY SURVEYORS PROFESSIONALS BILL**

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**HON MINISTER OF WORKS AND TRANSPORT:** I Move the Motion.

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

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**ARCHITECTS AND QUANTITY SURVEYORS PROFESSIONALS  
BILL**

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**HON SPEAKER:** Does the Minister Move that the Bill be now read a Second Time.

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**HON MINISTER OF WORKS AND TRANSPORT:** I do.

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

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**SECOND READING: ARCHITECTS AND QUANTITY SURVEYORS  
PROFESSIONALS BILL**

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21 September 2010

**SECOND READING  
ARCHITECTS AND QUANTITY SURVEYORS  
PROFESSIONALS BILL  
HON NGHIMTINA**

**HON MINISTER OF WORKS AND TRANSPORT:** Thank you once again, Honourable Speaker, Honourable Members of the National Assembly.

Allow me to motivate the Architects and Quantity Surveyors Professionals Bill of 2010 to this august House.

20 Years after Independence, Namibia is still using the Architects, Quantity Surveyors Act that is not inclusive of all different categories of architectural, and quantity surveying professions. This situation is negatively influencing the progress and advancement in the field of architecture and quantity surveying in Namibia. It is the wish of the Government to see equitable promotion of the architectural and quantity-surveying profession for the benefit of the concerned sectors in Namibia. In order to achieve this, it is clear that the governing laws must conform to the settings of the profession and that the laws should be aligned from time to time to enable us to effectively respond to the changing environment of the profession.

To minimise the harm that the old law may cause to the architects and surveyors profession, my Ministry has recognised the need to repeal the existing outdated law and replace it with a more friendly and unprejudiced law. The primary purpose to repeal the old Act would be to make it possible to establish the Boards of Control and create a viable platform for the recognition and professional registration of all architectural and quantity surveying professionals in Namibia.

Honourable Speaker, the current Act was amended in 1992, but it remains an inherited product of the colonial past. The Architects and Quantity Surveyor Act, 1979, as amended in 1992, makes provision for the establishment of the Namibian Council for Architects and Quantity Surveyors. However, the Amendment Act does not go far enough to address the inherent deficiencies of the original Act. This includes the fact that that Act does not cater for all different categories of architectural and quantity surveyor professionals. Limitations such as this, if left unattended will cripple the Government's efforts to create a level playing field in spheres of economic liberty, aimed to benefit the Namibian people.

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Further, solution-based structures need to be put in place for enabling the Council to register professionals in respective categories and allow them to establish their own controlling bodies or Boards of Control within the parameters of the proposed new law. To this end, the Namibia Council for Architectural and Quantity Surveying Professions and its rules and regulations will therefore be able to reach this objective.

In essence, such a change in the law will establish the new part, which is Part 5, for introducing the Boards of Control and inclusive of the recognition of professional registration for all architectural and Quantity Surveyor professionals by way of:

1. Providing the rules and regulations for the inclusion and establishment of Boards of Control for:
  - (a) Landscape Architects
  - (b) Interior Decorators
  - (c) Architectural Technicians
  - (d) Architectural Technologists, and
  - (e) Quantity Surveying Technicians
2. Making provision for any other profession in the course of which the work performed is allied to, or related to any kind of architectural and quantity surveying work;
3. Defining the rules and regulations of each Board of Control in the Council by one main member and one alternate member;
4. Allowing for representation of each Board of Control in the Council by one main member and one alternate member;
5. Defining the kind of work reserved for each architectural and quantity surveying profession;
7. Defining the fees chargeable by each architectural and quantity surveying profession;



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7. Changing the name of the Council from Namibia Council for Architects and Quantity Surveyors to Namibia Council for Architectural and Quantity Surveying Professions;
8. Removing the compulsory registration by the Namibia Institute of Architects as a prerequisite for the application for registration by the Council and, therefore, defining the Namibian Institute of Architects as one of the Boards of Control with voluntary membership;
9. Defining the powers of each Board of Control to supervise the membership and enhance the profession.

Honourable Speaker, Honourable Members, the existing law does not make provision for the disciplines mentioned in Part 5, Section 41, of the new Bill, which justifies the need to change the name and make it all inclusive of all related professions. In the past, only professional architects and quantity surveyors benefited from the allocation of work. If the new Bill is approved, it will include all the other professionals mentioned in Part 5, Section 41, of the new Bill.

During the intensive work that resulted in reaching the agreement on the above-mentioned concepts, various consultations took place between the Ministry of Works and Transport and the Namibian Council for Architects and Quantity Surveyors. After consultations, the Draft Bill was forwarded to the Cabinet Committee on Legislation, which eventually approved the principle of the new Bill. Thereafter Cabinet granted approval for the Bill to be tabled in Parliament for approval and enactment.

In conclusion, Honourable Members, there is an urgent need to harmonise the laws governing the architects and quantity surveyors profession. For rectifying the shortcomings that hindered the progress of the profession for too long, I would like to appeal for your undivided support to pass this Bill for enactment in order to implement the provisions as enumerated above.

I further request your support for the existing Quantity Surveyors Act, 1979, and the Architects and Quantity Surveyors Amendment Act to be repealed to pave the way for a new dawn for the new law which will be called in short,

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Architectural and Quantity Surveying Professionals Act, 2010.

I am convinced that this new law will make a significant contribution towards greater sustainable utilisation of talents in the different categories of architectural and quantity surveying professions. I thank you for your support.

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

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**HON MINISTER OF INFORMATION AND COMMUNICATION TECHNOLOGY:** Honourable Speaker, I would like to thank the Minister for bringing this Bill, which is really long overdue. I say this because this Bill is going to eliminate the discrimination that has been perpetuated between the formerly disadvantaged group that falls under the category of architectural technician, architectural design and drafters, quantity surveyor technicians and drafters and technicians. These people were always used by the architects and quantity surveyors to do work for them and they claim ownership for what the formerly disadvantaged professionals have produced.

In addition to this act of robbery, these people were also exploited because they were not recognised and were not represented in the Board of Control where the welfare of the professionals is discussed and the tariff assessments are made. They were completely left out, but this Bill will now level the playing field and recognise the technologists in whatever category whether it is architectural and quantity surveyor technologists, as professionals and they will be represented in the Board of Control, their tariffs will be set and their work will be recognised. This will definitely enhance the profession in the country.

With these few words, I would once again like to thank the Honourable Minister for bringing this Bill to the Floor of Parliament in order to eliminate the discrepancies in these professions. I thank you.

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HON KAAPANDA**

**HON KAURA:** Honourable Speaker, I would like to adjourn the Debate until next week, Wednesday.

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**HON SPEAKER:** Any objection? Agreed to. Right Honourable Prime Minister.

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**RT HON PRIME MINISTER:** Honourable Speaker, before I propose the adjournment, I would just like to put on Record for historical reasons that this Session has the highest number of aspiring Heads of State, led by Honourable Kaura who has been waiting for the last fifteen years. In the unlikely event that their aspirations are realised, I would like to urge them to listen to the contributions from this side very carefully so that they can prepare themselves for the job.

On that note, I propose that we adjourn until tomorrow at 14:30.

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**HOUSE ADJOURNS AT 16:00 UNTIL 2010.09.22 AT 14:30**

**NATIONAL ASSEMBLY  
ASSEMBLY CHAMBERS  
WINDHOEK  
22 SEPTEMBER 2010**

The Assembly met pursuant to the adjournment.

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

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**NOMINATION OF MEMBERS TO  
STANDING COMMITTEES**

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**HON DEPUTY SPEAKER:** Honourable Members, I have been informed by the RDP that the following Members have been nominated to serve on the Parliamentary Standing Committees and International Groups as follows:

Standing Committee on Rules and Orders: Honourable Hinane K Nehova and Honourable Peter Naholo.

Standing Committee on Public Accounts: Honourable Jesaya Nyamu, Honourable Heiko Lucks, and Honourable Peter Naholo.

Standing Committee on Constitutional and Legal Affairs: Honourable Hidipo Hamutenya and Honourable Hinane Kandy Nehova.

Standing Committee on Foreign Affairs, Defence and Security: Honourable Hidipo Hamutenya and Honourable Agnes Limbo.

Standing Committee on Economics, Natural Resources and Public Administration: Honourable Jesaya Nyamu and Honourable Peter Naholo.

Standing Committee on Human Resources, Social and Community Development: Honourable Agnes Limbo and Honourable Anton Von Wietersheim.

Standing Committee on Information, Communication and Technology: Honourable Steve Bezuidenhout and Honourable Heiko Lucks.

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**TABLING OF REPORTS  
HON MUTORWA**

Standing Committee on Women and Gender: Honourable Agnes Limbo.

SADC Parliamentarian Forum: Honourable Hidipo Hamutenya, however the Membership numbers for SADC-PF is already exhausted.

Inter-Parliamentary Union: Honourable Hidipo Hamutenya, Honourable Kandy Nehova, Honourable Heiko Lucks

Commonwealth Parliamentarian Association: Honourable Hidipo Hamutenya, Honourable Jesaya Nyamu, Honourable Hinane Kandy Nehova, Honourable Steve Bezuidenhout.

We have already allocated the Members to the SADC Parliamentary Forum and I stand to be guided here as to whether we still have place for them, but we will come back to SADC-PF. In terms of Rule 38(6) of the Standing Rules and Orders, I now declare these Members as duly appointed Members of the said Committees and Groups with immediate effect.

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**HON DEPUTY SPEAKER:** Any Petitions? Any Reports of Standing or Select Committees? Other Reports and Papers? Honourable Mutorwa

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**TABLING: ANNUAL REPORT OF THE  
DIRECTORATE OF VETERINARY SERVICES**

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**HON MINISTER OF AGRICULTURE, WATER AND FORESTRY:**  
Honourable Deputy Speaker, I lay upon the Table for the information of the Honourable Members, the Annual Report of the Ministry of Agriculture, Water and Forestry's Directorate of Veterinary Services for the year 2008

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**HON DEPUTY SPEAKER:** Please table the Report. Any other Reports and Papers? Honourable Minister of Finance.

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

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**TABLING OF REPORTS  
HON KUUGONGELWA-AMADHILA**

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

- Town Council of Ondangwa for the Financial Year ended 30 June 2009;
- Town Council of Omuthiya for the Financial Year ended 30 June 2009;
- Town Council of Katima Mulilo for the Financial Years ended 30 June 2003, 2004, 2005 and 2006.
- Town Council of Lüderitz for the Financial Years ended 30 June 2006, 2007, 2008 and 2009.

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**HON DEPUTY SPEAKER:** Notice of Questions? Notice of Motions? Ministerial Statements? Honourable Minister of Mines and Energy.

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**MINISTERIAL STATEMENT:  
DIRECTORATE OF GEOLOGICAL SURVEY**

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**HON MINISTER OF MINES AND ENERGY:** Thank you very much, Comrade Deputy Speaker. Comrade Deputy Speaker, I would like to give some information regarding one of the less known Directorates of the Ministry of Mines and Energy, the Directorate of Geological Survey of Namibia.

As such, this Directorate is the National Institute for Earth Science and Mineral Resources and it is entrusted with management and research of one of our most important assets, the earth in which our life support system is rooted.

The Geological Survey's mission is to enhance knowledge and awareness of Namibia's geological resources. This is done through scientific investigation as well as application and dissemination of quality research data, thereby facilitating research for and the assessment of mineral resources, geological engineering and land-use planning and sustainable development with due regard to the environment.

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**MINISTERIAL STATEMENT  
HON KATALI**

The objectives of the Geological Survey of Namibia are:

- To provide geo-scientific information through research to sustain development and investment in Namibia;
- To guide land-use decisions to ensure the availability of sustainability of resources for the current and future welfare of our society;
- To stimulate in Namibia's mining sector in order to contribute to the development of Namibia's economy; and
- To create awareness of the earth sciences in order to enhance the understanding of the geo-environment and its interaction with the life-supporting system of the Namibian people.

In order to achieve its mission and objectives, the Institution carries out a wide variety of activities. Regional mapping is currently carried out in Kamanjab, Okahandja, Windhoek, Ais-Ais, Oranjemund areas, and geological maps for 66% of the country and readily available. Regional mapping is also combined with geological research to understand the evolution of rock formations, such as the Kamanjab Inlier the Gariep Volcanic belt, the Otavi group and the terraces along the Skeleton Coast.

Geologists of the Geological Survey of Namibia use this research to obtain post-graduate qualifications, such as Masters of Science and PhD and participate in a number of international research cooperation projects.

A high-resolution airborne geophysical survey started in 1994 and it will be completed this year. This total national coverage represents one of the largest national databanks in Africa and, indeed, in the world and has done much to sustain high exploration levels even in times of depressed financial markets. In addition, hyper-spectral and electro-magnetic surveys are cloned for both information on mineral resources and information on the environment.

The Geological Survey's Geophysics Division manages the Tsumeb Geophysics Station where a seismometer monitors seismic activities and where other scientific equipment also monitors the atmosphere on behalf of the Nuclear Based bond treaty Organisation. Six further seismometers belong to

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**MINISTERIAL STATEMENT  
HON KATALI**

The Geological Survey's seismic network and are located in Opuwo, Rundu, Kamanjab, Windhoek, Aus and also in Ariamsvlei. On the 31<sup>st</sup> of July last year the network detected the largest earthquake ever recorded in Namibia with a magnitude of 5.6 on the Richter Scale.

In an effort to promote Namibia's mineral potential, the Geological Survey of Namibia publishes the Mineral Resources Information Service. In addition, compilation of a dimension stone catalogue and database and a coal and oil prospect database is ongoing. A detailed database, the earth data, Namibia database is available for investors and other stakeholders and contains a wealth of information on data on geology, geo-physics, mineral deposits, geo-chemistry and environmental and engineering geology.

Complementing the Earth Data Namibia Database is the National Core Archives with storage facilities in Windhoek and Tsumeb where diamond drill cores of more than one thousand boreholes can be investigated. These cores contain invaluable information for research in the fields of mineral and water exploration and stratigraphy. All geo-chemical analysis required in-house as well as by stakeholders, such as small-scale miners, for example, is done by the Geological Survey's laboratory, which houses highly sophisticated analytical equipment.

Since 2000, the laboratory is running a regional geo-chemical survey, which will allow the compilation of geo-chemical anomaly maps. Such anomaly maps give valuable information for environmental and resource management.

Environmental monitoring of active mines and exploration activities is carried out by the Division of Engineering and Environmental Geology. In this respect, a strategic environmental, socio and economic assessment of the current uranium boom in the central Namib was undertaken and represents the first ever strategic environmental assessment of a mineral province in the world. Abandoned mine sites are also monitored.

The Division assists a number of authorities with advice on urban and land-use planning by providing information on ground stability and geo-risks as well as optimal waste disposal layout. It also gives assistance to small-scale miners in cooperation with the Directorate of Mines. Such assistance is in the form of training in mineral identification, evaluation, marketing, cutting and polishing.



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**MINISTERIAL STATEMENT  
HON KATALI**

The Geological Survey of Namibia runs the National Earth Science and Energy Information Centre and the National Earth Science Museum, the former being the repository of all geological literature in the country, while the latter is - entrusted with the curation of all geological materials. Paleontological research is also carried out by the Museum. Research results of the Geological Survey of Namibia are published in the communication of the Geological Survey of Namibia, the memoir of Geological Survey of Namibia and in special publications of Namibia. Since 2009, these publication series have gone digital.

The Geological Survey of Namibia is a member of the International Consortium of Geological Surveys, the Commonwealth Geological Survey Organisation and its Director is the Vice-president of the Organisation of African Geological Surveys. The organisation has a high reputation internationally and as a consequence, many staff members serve on international Commissions and Committees.

While there are some financial and personnel challenges, the Geological Survey of Namibia is a modern geo-science institution, ready to serve the needs of the Namibian society in the 21<sup>st</sup> century. Therefore, I appeal to the Honourable Members and the public out there to visit the Geological Survey of Namibia at the Ministry of Mines and Energy and see what it can offer. I thank you, Comrade Deputy Speaker.

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**HON DEPUTY SPEAKER:** Thank you for the information. Any further Ministerial Statements? The Secretary will read the First Order of the Day.

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**CONSIDERATION: NATIONAL STRATEGIC  
FRAMEWORK ON HIV/AIDS**

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**HON DEPUTY SPEAKER:** Does the Honourable Deputy Minister of Health and Social Services Move that the Report be considered?

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**STRATEGIC FRAMEWORK ON HIV/AIDS  
HON HAINGURA**

**HON DEPUTY MINISTER OF HEALTH AND SOCIAL SERVICES:** I move so, Honourable Deputy Speaker.

Honourable Deputy Speaker, Honourable Members, I rise to motivate the 2010/2011-2015/2016 National Strategic Framework on HIV/AIDS.

The 2010/2011 to 2015/2016 National Strategic Framework on HIV/AIDS succeeds the NDP3 that ended on the 31<sup>st</sup> of March 2010. The Framework provides strategic policy, planning and implementation guidance and leadership for the national HIV/AIDS multi-sectoral response of all structures of the public, private, civil society and community compositions. According to available information, HIV/AIDS remains the greatest socio-economic development challenge in Namibia.

The National Strategic Framework marks a paradigm shift for the national response from doing business as usual to evidence and result-based multi-sectoral and decentralised planning. It has mainstreamed gender and human rights in all aspects of the response planning and service delivery. The Framework is aligned to the three-in-one concept. These concepts are, one coordinating agency, one strategic framework and one monitoring and evaluation plan.

The priority for the National Strategic Framework is to prevent the occurrence of new HIV infections in the country. It aims to reduce HIV incidence rates by 50% by 2016 and the prevention of new infections remains a national priority sustainable strategy. The prevention strategy will capitalise and sustain the current trends in the reduction of HIV prevalence amongst several age groups, in particular, young people aged 10 to 14 and 15 to 24 years.

The Sentinel Surveillance Report 2008 shows that HIV prevalence declined from 12% in 2000 to 5% in 2008 amongst women aged 15 to 19 and from 20% in 2000 to 14% in 2008 amongst women aged 20 to 24 years.

According to Spectrum 2009, new infections in adults aged 15 years and older are projected to have declined to 3 025 during the 2010/2011 Fiscal Year and to 2 877 by 2012/2013.

The National Strategic Framework's strategy is to ensure that these projections are not only achieved but also sustained.

Interventions targeting behaviour by medical and the structural drivers of the epidemic will be intensified and implemented through a coordination strategy. The priority will be to focus on the drivers of the epidemic.

The second priority is improving the quality of life of people living with HIV/AIDS by reducing mortality through provision of comprehensive treatment, care and support services. It is anticipated that people will live longer and hence, life expectancy would have increased. The Ministry has thus changed the eligibility criteria of commencing ARV treatment from CD4/200 to CD4/350. This will enable more people to access treatment earlier and hence, live longer.

Orphans and vulnerable children have the most visible impact on HIV/AIDS. A revised National Plan of Action for Orphans and Vulnerable Children will guide provision of services to orphans and vulnerable children, including education, social protection, and respect for their basic rights, care and support.

Health and Nutrition: In and out of school orphans and vulnerable children will be offered life skills, HIV based education to strengthen their coping mechanisms, while service providers will be re-orientated in their roles and obligations as duty bearers. Orphans and vulnerable children will also be sensitised on their responsibility as rights holders.

The development of the National Strategic Framework was a broad and participatory process, a reflection of multi-sectoral and multi-stakeholder nature of national response. Governments, agencies, private sector, civil society, Regions, youth and development partners participated in the conceptualisation and development of the National Strategic Framework over a period of eighteen months. Prior to its submission to Cabinet and approval on 7<sup>th</sup> of July 2010, the National Strategic Framework was validated by stakeholders

and reviewed by the National AIDS Executive Committee during two full day sessions. The document was then submitted for independent international peer review to World Bank Technical Team, UNAIDS Regional Support Team and World Health Organisation Regional Team.

The revised version, which included comments and recommendations from the peer reviewers, was presented and discussed at the National Multi-sectoral

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HON MOONGO**

AIDS Coordination Committee, known as NAMACOC, meeting on the 2<sup>nd</sup> of June 2010. Thereafter it was then recommended to the National AIDS Committee for approval.

The National Strategic Framework contains the following sections. The document is in harmony with the National HIV/AIDS Policy, Vision 2030 as well as the Third National Development Plan. It contains Section 1 – Introduction, Section 2 – Epidemiology of HIV/AIDS in Namibia, Section 3 – NDP3 assessment of Achievements, Gaps and Challenges, Section 4 – Strategic Orientation, Section 5 – NSF Strategic Intervention, and 5.1 – Treatment, Care and Support, HIV Mitigation, Response and Management. Section 6 is Annexures.

I so Move, Comrade Deputy Speaker, and I thank you.

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**HON DEPUTY SPEAKER:** Thank you. Any further discussion?  
Honourable Moongo.

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**HON MOONGO:** Honourable Deputy Speaker, first allow me to congratulate the Ministry for a successful attempt to reduce infections, but there are many things to be discussed on the issue.

Firstly, we wanted to hear from the Ministry whether they still have the system in place where a person who ends up in hospital would stay there until he requests to be tested and ends up not able to speak, although the doctors and nurses suspect that the patient is suffering from this deadly disease.

They are supposed to inform him that they suspect he is infected that he has been caught in the crossfire in order for him to understand. (Intervention)

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**HON DEPUTY MINISTER OF GENDER EQUALITY AND CHILD WELFARE:** May I ask the Honourable Member a question? Honourable Moongo, you are talking about “he”, but what about “she?”

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**HON RIRUAKO**

**HON MOONGO:** It applies to both. We want them to be informed by the doctors or nursing staff that, “*we suspect you are infected*” in order for him or her to be tested, but the patient is left until she is unable to speak and dies. We wanted to hear if the Minister could elaborate on that point.

Another concern is the long queues where the people receive their tablets.  
(Intervention)

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**HON DEPUTY MINISTER OF WORKS AND TRANSPORT:** Honourable Deputy Speaker, may I ask my student a question? Honourable Headman, I heard you saying that you would want the nursing staff to suspect people are infected. Should they look at how thin they are, how fat they are, or what should they be looking at when they suspect that?

---

**HON DEPUTY SPEAKER:** No, it is not a question. Can you proceed?

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**HON MOONGO:** I was saying that the clinics where people receive their tablets are overcrowded and some people have to return to their remote villages without their medication. Could these people not qualify for the N\$450 pension in order to afford transport costs to obtain their tablets?  
(Intervention)

Is it not possible for the Ministry to have more doctors serving in those hospitals and clinics to do away with the long queues? I support the National Strategic Framework.

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**HON DEPUTY SPEAKER:** Any further discussion? I recognise Chief Riruako.

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**HON RIRUAKO:** Honourable Deputy Speaker, the Member cannot speak the way he ought to speak and that is not fair. You molested him during that particular time. You are molesting him here. It is true, I am not joking, and I mean it. If you call an expert, he will tell you the way I am telling you now.  
(Intervention)

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HON RIRUAKO**

**HON DEPUTY SPEAKER:** Honourable Chief, are you talking on the subject matter?

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**HON RIRUAKO:** This man was not born stupid and you made him to be stupid. (Laughter). (Intervention)

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**HON DEPUTY SPEAKER:** Honourable Chief, can you confine yourself to the subject?

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**HON RIRUAKO:** I am coming to the subject, but before I talk about those who are supposed to be defended, what about him? The man I am mentioning is Honourable Moongo and you know what I am saying. (Intervention)

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**RT HON PRIME MINISTER:** On a Point of Order. Is it true that the Honourable Member is stupid?

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**HON RIRUAKO:** I am not going to repeat what I have said, I am going to confine myself to the subject, but I do not want a human being to be molested. That is unfair. We have never said this before, but for too long, too many years it has become an issue and we are going to be punished for it.

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**HON DEPUTY SPEAKER:** Honourable Chief, can you confine yourself to the National Strategic Framework?

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**HON RIRUAKO:** I support what Honourable Moongo has said. What ought to be done is to take care of the HIV/AIDS patients who are not properly being taken care of.

Honourable Deputy Speaker, this is not how you are supposed to treat your own people. You want them to vote for you, but this is ridiculous, you are treating your people like animals. While they are doing that for you, you are

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**HON RIRUAKO**

not merciful to them. I am sorry about this. You ought to be told what you deserve. Honourable Deputy Speaker, this is not the way to treat your own people. I feel sorry for the people who happen to be infected during the crooked time and period where humans cannot be considered as human. This is not the way we are supposed to treat one another. I feel sorry for them and their own kith and kin are those who are really punishing them. (Intervention)

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**HON DEPUTY MINISTER OF GENDER EQUALITY AND CHILD WELFARE:** On a Point of Information. Honourable Dr Riruako is a doctor, is a good advisor, and is a Traditional Leader. The Leaders of Traditional Authorities are currently meeting and they need good advice. When is he going to advise them?

---

**HON RIRUAKO:** I am sorry about this, you should enjoy the fruit you are enjoying now, and those who are suffering and their time will come when you are going to suffer. There is no joke about it. These people suffer a lot. I am not talking about hearsay. The time will come when you are alone in bed when God will punish you and this is what you deserve.

We want a clean Government of the people for the people, but not to own everything and not be concerned with what they eat. This is not fair. (Intervention)

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**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT:** Honourable Deputy Speaker, may I ask His Excellency, the future President of the Republic of Namibia a question?

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**HON RIRUAKO:** I am going to accept the question, but the question is a crooked one.

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**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT:** Future Your Excellency, do you really understand what the subject matter is all about here?

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HON RIRUAKO**

**HON RIRUAKO:** I know what I am talking about. (Intervention)

---

**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,  
HOUSING AND RURAL DEVELOPMENT:** Then come to the point.

---

**HON RIRUAKO:** What point? You are the one who were campaigning for the President of this country, I do not know who put you in the road. (Intervention)

---

**HON DEPUTY SPEAKER:** Honourable Chief, this is a very important topic.

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**HON RIRUAKO:** We know what is going on, what goes around comes around. We know who you are. You are campaigning for yourself to become the Head of State. I do not know whether you deserve it or not.

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**HON DEPUTY SPEAKER:** Honourable Chief, will you confine yourself to the subject matter?

---

**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,  
HOUSING AND RURAL DEVELOPMENT:** May I ask you a question? You said you are supporting what Honourable Moongo said. Are you supporting him when he said nurses should start suspecting people are sick and start testing them? Is this what you are supporting now?

---

**HON RIRUAKO:** I am supporting for all of us to be tested and to get what we deserve, as simple as that. Are you supporting me on that? That is the gist of the matter. We cannot care for ourselves but we do not want to care for the other people.

Deputy Speaker, I am here to organise the structure. That is what is supposed



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**RT HON ANGULA**

to be discussed here, not jokes every day. There is a time to joke and a time to discuss serious matters. Change your behaviour and create a kind of understanding. Change your hearts!

Honourable Deputy Speaker, we are not serious about those infected with HIV/AIDS, we enjoy what is supposed to go to them, and we put it in our own pockets. I thank you.

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**HON DEPUTY SPEAKER:** Right Honourable Prime Minister.

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**RT HON PRIME MINISTER:** Thank you, Honourable Deputy Speaker. Let me thank the Honourable Deputy Minister for laying on the Table for discussion and introducing this very important strategic policy document. HIV/AIDS are serious diseases, which are taking the lives of our people, leaving some children vulnerable, and it is unfortunate that Honourable Members are trying to politicise this document, because you are trying to politicise the well-being and the lives of other people, perhaps for the sake of trying to get a vote for somebody.

Now I want to give some facts, especially to Venerable Honourable Paramount Chief Riruako. (Intervention)

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**HON RIRUAKO:** Who made me vulnerable? You! What was taken away from me you gave to somebody else to keep for you and to give to you whenever you want that gift. You made me vulnerable.

---

**RT HON PRIME MINISTER:** “Venerable” means “most respected” Paramount Chief.

Page 8 talks about achievements by all of us to contain this pandemic and the facts are very clear on page 8. The testing is being done. (Interjection)

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**HON RIRUAKO:** Of whom?

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**RT HON ANGULA**

**RT HON PRIME MINISTER:** Pregnant mothers are tested and based on that we estimate the rate of infection. The Honourable Deputy Minister told us that the infection has been increasing. It is only in the age group of 25 and above where the prevalence seems to be decreasing. Therefore, efforts are made to contain the disease.

With regard to treatment, care and support, everything is being done to support those who are infected and those who are affected. To say that nobody takes care of them is simply not true. (Intervention)

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**HON RIRUAKO:** Those infected in the remote areas that do not have any transportation to reach a clinic are not yet satisfied with what you are saying go ahead.

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**RT HON PRIME MINISTER:** I want you to look at page 9. The facts are clear on page 9, how many clinics, which are administering Anti-Retroviral medicaments, how many people are participating, the home-care based approach and everything is there.

On page 10, impact and mitigation, all the facts are there as far as the orphans and vulnerable children are concerned, namely that 104 438 orphans and vulnerable children are receiving cash transfers. That can only be done by a caring Government and this Government is a caring one. Your allegations are unfounded, you should not politicise a life-threatening activity, and you should take it seriously. Do you talk about votes, do not talk about not caring, people are being cared for and we want to do more caring. That is why we have the document here, to intensify our efforts.

Honourable Deputy Speaker, I just wanted to give this information to the public so that they are not misled. Thank you.

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**HON DEPUTY SPEAKER:** Any further discussion? Honourable Shixwameni.

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22 September 2010    **RECONSIDERATION: BANKING INSTITUTIONS  
AMENDMENT BILL  
HON KUUGONGELWA-AMADHILA**

**HON SHIXWAMENI:** I Move that the Debate be adjourned until Tuesday, the 28<sup>th</sup> of September.

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**HON DEPUTY SPEAKER:** The Debate is adjourned until the 28<sup>th</sup> of September 2010. The Secretary will read the Second Order of the Day.

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**RECONSIDERATION:  
BANKING INSTITUTIONS AMENDMENT BILL**

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**HON DEPUTY SPEAKER:** Does the Honourable Minister of Finance Move that the Assembly now reconsiders the Bill?

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

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**HON DEPUTY SPEAKER:** It is Moved that the Assembly goes into Committee and that I leave the Chair. Who seconds? Any objection? Agreed to.

**ASSEMBLY IN COMMITTEE:**

**DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:**  
Honourable Members, the Committee has to consider the Banking Institutions Amendment Bill.

Clause 1 put.

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**HON MINISTER OF FINANCE:** Honourable Chair, I propose that in Clause 1 we insert the following paragraph after paragraph (f) and renumber the rest of the paragraphs:

“(g) By the insertion after the definition of “*managerial responsibility*” of

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**COMMITTEE STAGE: BANKING  
INSTITUTIONS AMENDMENT BILL  
HON SHIXWAMENI / HON KUUGONGELWA-AMADHILA**

the following definition: *“Merger” means when one or more banking institution or controlling company directly or indirectly acquire or establish direct or indirect control over the whole or part of the business of another banking institution or controlling company in any way, including:*

- (a) *The purchase or lease of shares and interests or assets of that other banking institution or controlling company; or*
- (b) *The amalgamation or other combination with any other banking institution or controlling company.”*

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**DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:**  
Any discussion?

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**HON SHIXWAMENI:** If the Honourable Chair could assist at least those of us on this side in terms of the discussion that is going on now, because the Bill was referred to the National Council by the Fourth Parliament and it has come back now. Those of us who are seated here are in the dark as to where to do you insert this. Is it possible to postpone the Debate so that we can get the Bill so that we can see where these amendments fit in, because it really creates a procedural problem. This is the Fifth Parliament and it does not have the Bill in front of it.

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**DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:**  
My understanding is that the documentation was distributed to all Members of the House. Minister of Finance, in view of the view expressed by Members that they have just received the documentation this afternoon; can I have your guidance on this?

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**HON MINISTER OF FINANCE:** Honourable Chairperson I think the Honourable Member raised two issues, the one being the issue of procedure and the other relating to enough time to study the Amendments. With regard to procedures, I am not aware of any problem presented by these Amendments,

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**COMMITTEE STAGE: BANKING  
INSTITUTIONS AMENDMENT BILL  
HON KAURA / HON RIRUAKO**

but if the Honourable Members need time to study the Amendments, I would not have a problem to allow more time. I would request that we proceed with the presentation of the Amendments and defer the discussion and adoption of the Amendments to another date, if it does not violate any procedures.

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**DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** I think that it is being extremely kind and I think that we can proceed on that basis if the Honourable Member so agrees.

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**HON KAURA:** We need to make comparisons. The Bill that is being amended is not in front of us, we only have the Amendments.

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**DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** I think the copies of the Amendments were distributed earlier because I got my copy earlier. I do not understand why we cannot go through the Amendments and delay the discussion.

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**HON RIRUAKO:** Honourable Deputy Chair, we are supposed to know why the National Council sent this Bill back and why it was not explained in this House. If we are to participate in the discussion, the Bill must be scrutinised.

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**DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** I do not want this to become a controversial subject. The Minister agreed to allow time and I think perhaps we should simply accept that offer and continue with the discussion next week. Can I ask the Honourable Member to postpone the Committee Stage?

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**HON SHIXWAMENI:** I accept the offer by the Minister and I Move that the Committee Stage be adjourned until next Tuesday.

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**ASSEMBLY RESUMED:**

22 September 2010

**REPORT ON 122<sup>ND</sup> IPU ASSEMBLY  
HON DR AMWEELO**

**DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:**

Honourable Speaker, I report progress and request leave to sit again.

Leave granted to sit again.

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**HON DEPUTY SPEAKER:**

The Secretary will read the Third Order of the Day.

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**CONSIDERATION: REPORT ON 122<sup>ND</sup>  
INTER-PARLIAMENTARY UNION MEETING**

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**SECRETARY:** Consideration of Report on 122<sup>nd</sup> IPU Assembly and related meetings held in Bangkok, Thailand, 2010

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**HON SPEAKER:** This Report was referred to the Standing Committee on Rules and Orders on 14 July this year. Honourable Amweelo, the Mover of the Report, now has the Floor to reply.

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**HON DR AMWEELO:** Thank you very much, Comrade Deputy Speaker. Honourable Members of the National Assembly, it is my distinct honour to reply to the discussions in the Chamber on the Report of the IPU Delegation who attended the 122<sup>nd</sup> Assembly and related meetings at the IPU, held in Bangkok, Thailand, from the 27<sup>th</sup> of March to the 1<sup>st</sup> of April 2010. That Report was tabled in this august House on the 6<sup>th</sup> of July 2010 to stimulate discussions.

Comrade Speaker, I am grateful that all Honourable Members who took the floor on 6, 7, 8 and 14 July supported the Report. There were a number of important issues raised during the interventions that were crosscutting:

1. Importance of tabling Reports regarding international meetings, whether Parliamentary or National, for discussions instead of note taking.

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**REPORT ON 122<sup>ND</sup> IPU ASSEMBLY  
HON DR AMWEELO**

2. Importance of the preparations prior to the international meetings.
3. Importance of the consultations with stakeholders and in particular Line Ministries prior to meetings.
4. Importance of working together as a team when attending international meetings.
5. Importance of addressing African issues at international meetings.
6. Importance of acquiring negotiation skills at such international meetings, and
7. Namibia's duty to share international solidarity with the people of Palestine, people of Western Sahara and the people of Cuba.

I will now attempt to respond and comment on the interventions made by the individual Honourable Members and I would like to start with my neighbour here, Professor Katjavivi.

I thank the Honourable Member for supporting the Report and for sharing his delight that this Report has been brought to this august House. We are trying to do the things in the right way. We will now share this Report with the Line-Offices, Ministries and Agencies for possible implementation. It should be noted that prior to the Bangkok Assembly we have requested Line Ministries for their input, which they did share with the Delegation. Next year the IPU will, in terms of Article 7 of the IPU Statutes, ask Parliament, how it dealt with the resolutions adopted in Bangkok?

***Honourable Tjihuiko***, you were part of the delegation and I think as a Member of the IPU Group you should have requested for a closer liaison between the Colleagues of the National Council and the National Assembly. I have been informed that in fact the delegation met before they left for Bangkok and the Secretariat prepared an information kit, which included contributions from Line Ministries. I have also been informed that it is sometimes a challenge to bring Members of the two Houses together, because the National Council Members of Parliament are not staying in Windhoek during recess.

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**REPORT ON 122<sup>ND</sup> IPU ASSEMBLY  
HON DR AMWEELO**

*Honourable Prime Minister*, I thank you for supporting the Report. I have noted that you said it was not your intention to speak on the Report, but you did, and I really appreciate that. Your main concern is the situation in the Middle East and this is my concern as a Comrade and a former expatriate. During the time of the liberation struggle, we heavily relied on international solidarity. As Africans we should support Palestine, we should support Cuba, we should support our Comrades because as you rightly said, there were four issues always reflected in our thank you speeches during the hard days of the liberation. We thanked our foreign Comrades, brothers and sisters for material support, moral support, diplomatic support and humanitarian support. As the Namibian Delegation, we will always consider our friends in the days of need.

As the Honourable Speaker equally alluded to, we need to be much more active as a Government in support of the people of Western Sahara and Palestine. I hope the Honourable Members of the Pan-African Parliament took note of the Prime Minister's request that PAP should have a Committee on Palestine. PAP should also stimulate discussions regarding the Western Sahara issues.

On the travelling restrictions for people living with HIV/AIDS, I trust that by now the responsible Line Ministry has done something by lifting the ban on their status. It was an embarrassing situation.

*Honourable Kazenambo*, it is so ironic, that just on 6 July 2010 while we were discussing this Report, we had an incident where your Private Secretary was stopped at an airport in Germany and the treatment that goes along with that. Not so long ago you had a terrible ordeal at the Frankfurt International Airport. I am deeply sorry for what you must have gone through, it is just unacceptable. We treat our visitors, especially foreign dignitaries, with respect when they visit Namibia. I am supporting your intervention that Africa should not be treated as beggars at international forums, while the resources of Africa are exploited. As Africans, we cannot allow to be branded and, therefore, as delegates we should carefully scrutinise resolutions to avoid labelling and branding of Africa as beggars only. We must read the language of the resolutions and should, therefore, be well informed and prepared.

I have taken note of your comments on the resolution dealing with donor aid. I also agree that the image of Africa should be changed as we are not only receiving, but also giving.



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HON DR AMWEELO**

***Honourable Minister of Justice***, thank you for supporting the Report. As the Right Honourable Prime Minister said, I also support your concerns regarding the plight of the people of Palestine. I also agree that Namibia has exempted some countries on visa requirements while our diplomatic passports mean nothing to the very same countries that we have exempted.

I also agree that drug trafficking and human trafficking is not an African thing, but started somewhere in other countries. These countries now want to impose their laws on us. We are not manufacturing drugs, and we are not the drug lords. As Africans, we can talk about many other issues. I fully agree that we should try to steer our agendas and issues at international platforms, such as the IPU. We must also not forget that we are part of a global community. What happens in other countries will affect us directly or indirectly. I agree that we should address issues, for example, how do we feed the people on ARV treatment, what kind of food security do we have?

I cannot do otherwise than to directly quote my Secretary-General in her conclusion of this Debate. I, therefore, quote as follows: *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.*” That applies to all international meetings, be it IPU, be it PAP, CPA, the UN, African Union and SADC or whatever international organisation. It is advisable if we propose that the Ministry of Foreign Affairs compiles a reader-friendly guide on how delegates should prepare and engage at international meetings, whether it is the African Union, SADC, UN or the IPU or any other international meeting.

***Comrade Muharukua***, I have sympathy with you for the bad experience while in transit in London. Carrying cash has its implications as well. I also want us to educate ourselves on international regulations when we travel. In addition, the Ministry of Foreign Affairs should compile a guide booklet on what to do and what not to do when travelling abroad.

***Honourable Schlettwein***, you expressed yourself mostly on the resolutions on foreign aid. It is an important issue that we should take note of when attending forums and meetings addressing foreign aid, development assistance or overseeing development assistance. It is not in the interest of the donors to

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**REPORT ON 122<sup>ND</sup> IPU ASSEMBLY  
HON DR AMWEELO**

untie foreign aid while everyone is pleading for untied aid. As Namibia, we should not be supportive to overseas development assistance if conditions like forcing Namibia to employ the people of the donor country and to provide raw materials to the donor country. Such conditions are sometimes only in the interest of donors. We cannot use our procurement systems and rules to boost our economy. We should also not refrain from the use of our fiducial system, because the donors say it is not in their interest and that they want to know whom they pay. This is unfair. When South-South cooperation refers to free trade, it must be free trade without barriers.

I am also glad to know that Namibia is only funded by 5% donor assistance and 95% our own income. We are in a fortunate position. At least we can still determine our own destiny.

*Honourable Moongo*, thank you for supporting the Report and for supporting my Secretary-General on the point of being open-minded and well informed when attending the international meetings. We must be of the same mind when we attend international meetings regardless of our political affiliation.

*Honourable Chief Riruako*, thank you for supporting the Report and I agree with you, our economy is not here to be taken for a ride and that we should have principles when it comes to issues of national economy.

*Honourable Nambahu*, I thank you for supporting the Report and the fact that the Group brought this Report for discussion instead of note taking only. We should maybe try to define the status of Reports in the Rules of this august House, for example note taking, information, consideration, discussions, adoption, etcetera. This will give us direction as lawmakers on what is the legal status of such Reports. I agree with you that we should be careful of just signing on the dotted line when investors want to invest in Africa and Namibia in particular. When we hear these people want to create so many jobs, we just want to sign. I also agree that investors should expand the revenue base of the country. I also agree that as negotiators at international meetings, there should be some mind of checklist and database. I am sure the Ministry of Justice and the Ministry of Foreign Affairs could be instrumental in compiling such a checklist. It is high time that we as Namibians should tighten-up our negotiation skills at international forums. I am sure the Honourable Ministers of the two Ministries are listening.

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HON DR AMWEELO**

*Comrade Nujoma*, thank you for supporting the Report. I also thank you for pledging support from the Ministry of Foreign Affairs to delegations before attending international meetings.

*Minister of Defence*, I thank you for supporting the Report. I fully agree with you that we should attend and debate in international meetings with full conscience of how we live and what we want to develop as a country. I agree that we should not be forced to ratify conventions, agreements, and protocols that will affect the people of Namibia.

*Honourable Ilonga*, thank you for supporting the Report and for advising the IPU Group to be abreast, well informed and alert on the agenda items of the next Assembly.

*Comrade Sioka*, while I agree with your concerns, we experience challenges with regard to having regular meetings, mainly because Members of Parliament of the National Council are not based in Windhoek. We are trying our best to meet as a Group.

*Comrade Ben Amathila*, I agree that the IPU is one of the platforms where we can negotiate the Namibian position and, therefore, we need to consult. As you rightly said, the issue of Palestine and Western Sahara is still one of those issues that every Namibian who understands how we obtained Independence will be supporting. Comrade, you are right when you said that the resolutions contained in the Report would be reported on to the IPU. The IPU usually takes stock on an annual basis on how Member Parliaments deal with the resolutions passed.

*Honourable Deputy Speaker*, I appreciate your comments that Reports of this nature should be dealt with in this way, not for note taking but for discussion. You also said that other Parliamentary organisations, such as SADC-PF, Pan-African Parliament, and the Commonwealth Parliamentary Association should report in a similar manner.

You have also touched on a very important issue and that is the issue of implementation of the recommendations made by the Committees and passed in this House. We have made good strides, but we can still do more. I am thinking of a few cases where you could see improvements based on the Reports of Standing Committees.

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HON DR AMWEELO**

Report on the conditions of our military bases by the Standing Committee responsible for Defence, Report on identity documents and national documents by the Public Accounts Committee, Report on the Government Quarters dealing with the State Fixed Assets and Register of State Fixed Assets, Report on Customs and Excise on the issue of scanning machines at the airports, Report on the Parliament Access Centres, are just a few examples. We need to engage further on how we should follow-up on implementation of the recommendations passed in this House. As suggested, we should maybe engage the Office of the Prime Minister on how we should take this further. I also agree that there should be a specific Portfolio Committee dealing with youth issues.

*Comrade Kaiyamo*, thank you for supporting the Report. You have highlighted achievements, which are worth mentioning as follows: Namibia and especially SWAPO of Namibia's supportiveness to involve the youth in the decision-making, recent developments regarding the lifting of travelling restrictions by people living with HIV/AIDS. I am glad to hear that we are no more part of the fifty-two countries; Namibia's support to the people of Haiti; enactment of the Children's Status Act; establishment of the Ministry of Gender Equality and Child Welfare and the upcoming Children Protection Bill and the Millennium Development Goals are the brainchild of our Speaker when he was President of the UN General Assembly. Namibia is already far ahead compared to other countries regarding the resolutions passed by the IPU.

*Comrade Deputy Prime Minister*, thank you for supporting the Report. I fully agree with you that the participation of Namibia at international organisation, both bilateral and multilateral, is very significant and successful. We should continue doing it that way. There are many challenges, but we can improve. I also agree that we should create a culture of interaction and briefings with relevant Ministries. As Members of Parliament, we should listen to statements made by the Ministers and the President. This gives an indication on what Government's policy is. As you rightly said, we appreciate efforts by our Government supporting the Palestine, Western Sahara and the plight of Cuba in particularly the economic boycott by the United States of America on Cuba.

Honourable Speaker, Honourable Members, in conclusion, on behalf of the IPU Group, I would like to thank all Honourable Members who took the Floor during the consideration of the Report. Now we have a better view on how we should deal with international meetings and in particular on the issue of the

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**REPORT ON 122<sup>ND</sup> IPU ASSEMBLY  
HON DR AMWEELO**

preparations and how to address the challenges, through for example, negotiations. We trust that the Ministry of Foreign Affairs and the Ministry of Justice will be of assistance by compiling the proposed guide. We also understand the importance of consultation and the importance of reporting to this august House.

We understand that we should try to push the agenda of the people of Palestine, Western Sahara and Cuba always forward at international platforms.

Once this Report is adopted, it will be sent to the Line Offices, Ministries and Agencies for implementation. It is, therefore, my humble request to this august House to adopt this Report. I thank you.

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**HON SPEAKER:** I sincerely thank Honourable Dr Amweelo for doing justice to the Report on one of the important plenary sessions of the IPU Assembly held in Thailand. The Conference was so important that the Red Shirts came to pledge to us that they would not disturb the conference and until after we have completed our work, they would repossess the area, where the conference was held within hours. It was a successful conference and I hope it will not only be IPU Reports, but Reports of other Inter-Parliamentary or multilateral conferences, so that we benefit from what takes place in such conferences.

That brings us to the end of the business as scheduled for today. I want to inform the House, as you all know, I should be in New York right now where the Millennium Development Goals are being discussed, but I decided to forego that this time, but I shall be leaving for Geneva to preside over the Second Plenary Session of the IPU. I shall not be here when you reconvene on Tuesday; I should have arrived in Geneva on Tuesday morning for that purpose. I ask the Right Honourable Prime Minister to adjourn the House until Tuesday, the 28<sup>th</sup> of September, at 14:30.

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**RT HON PRIME MINISTER:** Honourable Members, I Move that we adjourn now and return here next week, Tuesday, 28 September at 14:30.

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**HOUSE ADJOURNS AT 16:28 UNTIL 2010.09.28 AT 14:30**

**NATIONAL ASSEMBLY  
ASSEMBLY CHAMBERS  
WINDHOEK  
28 SEPTEMBER 2010**

The Assembly met pursuant to the adjournment.

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

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**ANNOUNCEMENTS: BILLS REFERRED TO  
NATIONAL COUNCIL**

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**HON DEPUTY SPEAKER:** I have a few announcements to make. I have been informed by the Chairperson of the National Council that the Council, in terms of Article 75(2) of the Constitution, considered and confirmed the following Bills without amendment:

- Electoral Amendment Bill [B.8-2010];
- Regional Councils Amendment Bill [B.17-2010] and
- Criminal Procedure Amendment Bill [B.2-2010].

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

- Banking Institutions Amendment Bill [B.3-2010].

This Bill is placed on the Order Paper for reconsideration by the Assembly.

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**MEMBER NOMINATED TO STANDING COMMITTEE**

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**HON DEPUTY SPEAKER:** I further wish to announce that I have been informed by the SWAPO Party that Honourable Sylvia Makgone

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**TABLING OF REPORTS  
HON !NARUSEB**

has been nominated to serve on the Parliamentary Standing Committee on Foreign Affairs, Defence and Security. In terms of Article 38(6) of the Standing Rules and Orders, I now declare Honourable Makgone as a duly appointed Member of the said Committee.

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

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**TABLING: OF 2008/2009 ANNUAL REPORT:  
MINISTRY OF LANDS AND RESETTLEMENT**

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**HON MINISTER OF LANDS AND RESETTLEMENT:** Honourable Deputy Speaker, I lay upon the Table, the Annual Report of the Ministry of Lands and Resettlement for 2008/2009.

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**HON DEPUTY SPEAKER:** Please table the Report? Any other Reports and Papers? Honourable Minister of Finance.

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

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

- Village Council of Oshikuku for the Financial Year ended 30 June 2009;
- Village Council of Gochas for the Financial Year ended 30 June 2009;
- Village Council of Kamanjab for the Financial Year ended 30 June 2009;
- Village Council of Uis for the Financial Years ended 30 June 2008 and 2009;

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**NOTICE OF QUESTIONS  
HON RIRUAKO**

- Village Council of Witvlei for the Financial Year ended 30 June 1999.

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**HON DEPUTY SPEAKER:** Any other Reports and Papers? Notice of Questions? I recognise Honourable Chief Riruako.

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**NOTICE OF QUESTIONS**

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**QUESTION 22:**

**HON RIRUAKO:** I give Notice that on Thursday, the 7<sup>th</sup> of October 2010, I shall ask the Honourable Minister of Foreign Affairs on genocide and reparations that I have tabled in this House. The Motion was adopted in unity and it indicated to me that this House means to send a clear message to the German Government that this is a serious issue that needs to be addressed with all seriousness. It would also be in the interest of those who have been mostly affected as well as in the interest of both our countries. Failing to see it in that light would give impressions that the whole exercise was a bluff or was perhaps for the archive to collect dust and was never meant for actions.

The Motion was adopted on the 19<sup>th</sup> September 2006. It is four years now and I believe that four years are enough time for the two Governments to have done something to give effect to this Motion. I would like to know what kind of submission was made to the German Government by our own Government in this regard.

Honourable Members of this august House, we will make ourselves the laughing stock of our own future generations and the world at large to have passed a Motion unanimously adopted, but without corresponding political will to implement it.

Only recently on the 26<sup>th</sup> of August 2010 the Government organised a huge commemoration and burial of the remains of what is guessed to be those of our people who died in the war of 1904-1908. Distinguished Members of this House, if the Government in addition to the unanimous adoption can spend many State resources to stage such a huge commemoration and the burial of



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**NOTICE OF QUESTIONS  
HON MOONGO**

unknown remains in Lüderitz, what makes it difficult for our Government to engage the German Government in a dialogue with all the stakeholders? How many more years do we have to wait before we see some actions to give effect to the Motion of 19 September 2006?

It is against this background that I am asking the Honourable Minister of Foreign Affairs, Honourable Nujoma, to tell this House what practical steps our Government has taken to give effect to the Motion that we have adopted.

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**HON DEPUTY SPEAKER:** Can you table the Questions? Any further Notice of Questions?

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**QUESTION 23:**

**HON MOONGO:** Honourable Deputy Speaker, I hereby give Notice that on Thursday, 30 September 2010, I shall ask the Minister of Safety and Security the following:

1. Is the Minister aware that workers at the Police Mortuary and Forensic Laboratory are underpaid? Doctors are paid N\$3,000 per corpse while the Forensic workers are getting N\$30 per corpse in Namibia, Oshakati in particular.
2. Has the Ministry failed to implement Article 95(e) that states that “*ensure that workers are paid a living wage adequate for the maintenance of a decent standard of living and the enjoyment of social and cultural opportunities?*”
3. When is the Minister going to address the problem?

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**HON DEPUTY SPEAKER:** Please table the Questions. Any further Notice of Questions? Notice of Motions? I recognise Professor Katjavivi.

28 September 2010

**MOTION OF CONDOLENCE  
HON PROF KATJAVIVI**

**MOTION OF CONDOLENCE**

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**HON PROF KATJAVIVI:** Honourable Deputy Speaker, I wish to propose that before we start the business of the day, we observe a minute of silence in memory of Meme Priskila Tuhadeleni who passed away at the Oshakati State Hospital on the 23<sup>rd</sup> of September 2010.

Meme Tuhadeleni was born in 1925. She worked at a Finnish Mission and there she met her husband, Eliaser Tuhadeleni, well known to many of us as Kaxumba ka Kandola. Mrs Tuhadeleni together with her husband housed the first group of SWAPO freedom fighters when they returned from exile in order to prepare the people of Namibia for the liberation struggle. Soon these freedom fighters were spotted by the apartheid regime, and their house was raided on the Easter Sunday morning of 1966. The freedom fighters, together with Kaunda, retreated into the forest and eventually set up their camp at a place known as Ongulumbashe. The colonial forces searched in vain for these combatants, harassing Meme Tuhadeleni and her children, asking them to tell them where the freedom fighters went. She stood firm. When Kaxumba was released in 1984, she joined him.

On the 26<sup>th</sup> of August 1966, Ongulumbashe was attacked by the South African military forces. Her husband and many other comrades escaped and were thereafter wanted dead or alive. They were eventually captured, tried in Pretoria and imprisoned on Robben Island.

Since the attack on Ongulumbashe, Meme Tuhadeleni never had a moment of peace in her life under the South African occupation of Namibia. She and her children were constantly harassed and their house was under police surveillance. They were severely beaten up and what was left of the house was frequently searched for any evidence of SWAPO activities. She was six months pregnant and the police beat her up until she had a miscarriage of her unborn child. Eventually she had to send the rest of her children to different members of her family to spare them the daily harassment. Whatever happened to her, she never gave up. Even after the police destroyed her mahangu storage and looted her property, she still carried on with the fight. She was one of the first Namibians to visit her husband and the rest of the other comrades who were imprisoned on Robben Island.

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**MOTION OF CONDOLENCE  
HON PROF KATJAVIVI**

When Kaxumba was released from prison in 1984, she joined him going into exile. When they returned to Namibia in 1989 their home at Endola became a home to many children and young people within the community. Even to today, despite her poor living conditions, her house still acts as a boarding school and a place of shelter and care to many children going to Endola Secondary School. As you know, there is no boarding school at that particular school.

Even after Kaxumba passed away in 1997, Meme Tuhadeleni continued to share her meagre resources with those in need, despite her own failing health. She embodies the infallible spirit of the Namibian people who against all odds and despite all hardships have set out country free. Meme Tuhadeleni is an unsung heroine whose name will never disappear from the history of Namibia as her story is one of the five women heroines whose stories are written down in the book entitled, *“Tears of Courage – Five Mothers, Five Stories, One Victory”* by Ellen Namhila, published by the Archives of the Anti-Colonial Resistance of the Liberation Struggle Project of the National Archives of Namibia.

In the words of the First Lady, Mrs Pohamba, at the launch of this important book, she said the following: *“The only thing they had was faith, culture and the community to hold onto in the face of police harassment and the brutality of the military forces. Their bravery would have remained unknown had someone not taken the time to dig deep into their souls and their pain to record their stories.”*

As a Member of Parliament and a patriot, I can see through the recordings of this important story, how important it is to support research and to document our past.

Meme Tuhadeleni is no longer with us, but through this book, her history and spirit will live on. Her burial will take place on the 2<sup>nd</sup> of October 2010 at Endola. May her soul rest in eternal peace.

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**HON DEPUTY SPEAKER:** The House will observe a minute of silence.

**THE HOUSE OBSERVES A MINUTE OF SILENCE**

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28 September 2010

**MINISTERIAL STATEMENT  
HON DR KAMWI**

**HON DEPUTY SPEAKER:** Any other Notice of Motion? Message from the Head of State? Ministerial Statements? I recognise the Minister of Health and Social Services.

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**MINISTERIAL STATEMENT**

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**HON MINISTER OF HEALTH AND SOCIAL SERVICES:** Thank you, Honourable Deputy Speaker, Honourable Members. I rise to give an update on the recently reported cases of Meningococcal Meningitis in Windhoek, Khomas Region.

The Ministry of Health and Social Services has been monitoring the occurrence of sporadic cases of Meningococcal Meningitis in Windhoek very closely since June 2010 in line with the WHO guidelines. This includes early detection, daily reporting by health facilities, case investigation and management. As a result, all cases were traced in the community and contacts provided with antibiotic prophylaxes. Most of the cases were reported from Katutura area. As a result, Khomas Regional Health Directorate held weekly meetings to review and chart the way forward as the situation so dictated.

Honourable Deputy Speaker, it is for this reason that on the 15<sup>th</sup> September 2010, following the up rise and the increases of the cases, the Ministry anticipated a possible outbreak. Thus, a decision was taken to conduct a vaccination campaign, targeting Katutura area in order to contain the further spread of cases and that is in line with the WHO guidelines.

The vaccination campaign was carried out from the 21<sup>st</sup> to the 24<sup>th</sup> of September 2010, during which a total of 131 843 people were vaccinated. The age group was from two years and above. To date there has been a total of 43 suspected cases of Meningococcal Meningitis, of which twenty-one cases were confirmed. Unfortunately, five deaths had been reported.

The Ministry has planned to conduct a second phase of vaccination, targeting the rest of Windhoek district. This campaign is planned for the week of the 12<sup>th</sup> to the 15<sup>th</sup> October 2010. Furthermore, the Ministry will continue to monitor the situation in Windhoek district and the rest of the country, especially for Engela, Katima Mulilo and Walvis Bay districts who reported

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some cases of Meningococcal Meningitis.

Honourable Deputy Speaker, Honourable Members, Meningococcal Meningitis is a serious infection which affects the lining that surrounds the brain and spinal cord. The mode of spread is from person to person through droplets of respiratory or throat secretions. Close and prolonged contact or living in close quarters with an infected person facilitates the spread of the disease. The most common symptoms of meningitis include the following: A stiff neck, high fever, sensitive to light, confusion, headaches and vomiting.

Honourable Deputy Speaker, Honourable Members, once again I would like to emphasise the importance of prevention measures, which include proper hand-washing, regular washing with soap and water. This can prevent many infections, including Meningococcal Meningitis. Therefore, the advice is, if one has detected the symptoms that I stated above, please report to the nearest health facility immediately. If you or one of your immediate family members were exposed to a patient or a person with the symptoms of Meningococcal Meningitis, seek advice from a health practitioner. There have been a number of queries from the public regarding the above. The Ministry's contact person in this regard is Dr Jack Vries at telephone number 203 9111. I thank you.

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**HON DEPUTY SPEAKER:** I thank the Honourable Minister for the very important information. Any further Ministerial Statements? The Secretary will read the First Order of the Day.

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**RECONSIDERATION – BANKING INSTITUTIONS AMENDMENT  
BILL**

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**HON DEPUTY SPEAKER:** Does the Honourable Minister of Finance move that the Assembly now reconsiders the Bill?

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

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**HON DEPUTY SPEAKER:** It is Moved that the Assembly now goes into Committee and that I leave the Chair. Who seconds? Any objection? Agreed to.

**ASSEMBLY IN COMMITTEE:**

**DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:**  
The Committee has to reconsider the Banking Institutions Amendment Bill [B.3-2010].

Clause 1 put.

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**HON MINISTER OF FINANCE:** Honourable Chairperson, there is a proposal for amendment on that Clause and I am proposing that we insert the following paragraph after paragraph (f) and renumber the rest of the paragraphs:

“(g) By the insertion after the definition of “*managerial responsibility*” of the following definition:

“ ‘merger’ means when one or more banking institution or controlling company directly or indirect acquire or establish direct or indirect control over the whole or part of the business of another banking institution or controlling company in any means, including –

- (a) *the purchase or release of shares and interest or assets of that other banking institution or controlling company; or*
- (b) *the amalgamation or other combination with any other banking institution or controlling company.”*

I so Move, Honourable Chair.

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**DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:**  
Clause 1 put and agreed to.

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Clause 8 put.

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**HON MINISTER OF FINANCE:** Honourable Deputy Chairperson, in Clause 8 I propose that we add the following Sub-section to Section 12(a):

*“If the applicant referred to in subsection (1) is a financial institution as defined in Section 1 of the Namibia Financial Institutions Supervisory Act, 2001 (Act 3 of 2001), the applicant must establish a legal entity separate from the operations of the applicant to carry on its business as a controlling company and if a company, contemplated in subsection (1), has a financial institution as defined in Section 1 of the Namibia Financial Institutions Supervisory Act, 2001 (Act 3 of 2001) as part of its group of companies, the Bank and the Namibia Financial Institutions Supervisory Authority must enter into an agreement on matters of concurrent jurisdiction to give effect to the relevant legislation in respect of the functions of the bank and the Authority.”*

I so move, Honourable Chair.

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**DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:**

Clause 8, as amended, put and agreed to.

Clause 33 put.

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**HON MINISTER OF FINANCE:** Honourable Deputy Chairperson, I propose that in Clause 33 we substitute the following sentence for the sentence immediate following paragraph (c) of Sub-section (1) of Section 55(a), which reads:

*“or the soliciting of or advertising for, directly or indirectly, money or persons for introduction into or participation in a business practice in terms of the business practice referred to in this section, but does not include any activity of:*

- (i) the public sector, governmental or other institution; or*

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- (ii) *any person or category of persons designated by the Minister on the recommendation of the Bank by Notice in the Gazette if such activity is performed in accordance with the conditions that the Minister may specify in the Notice.”*

Clause 33, as amended, agreed to.

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**DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:**  
Clause 38 put.

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**HON MINISTER OF FINANCE:** In Clause 38, I propose that we substitute the following subsection for Sub-section (4) of Section 71:

*“(4) Any banking institution or controlling company, as the case may be, on contravention of or failure to comply with any determination made under paragraph (a) of Sub-section (3):*

- (a) *as provided for in Section 28(5)(b) or (c), 28(a), 32, 45 or 43(6) in respect of a banking institution or controlling company; or*
- (b) *as provided for in Section 21(7), 28(1), Section 30(1)(d), Section 31(1), Section 33(1), Section 34(1) or (2), 46(2)(b) or 47(2)(a) in respect of any banking institution or controlling company is liable to a fine determined by the Bank.*
- (5) *A banking institution or controlling company that contravenes or fails to comply with a determination made under paragraph (b) of Section 3 is liable to a fine determined by the Bank and imposed in accordance with Section 73(a).”*
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**DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:**  
Clause 38, as amended, agreed to.

Clause 39 put.

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**HON MINISTER OF FINANCE:** In Clause 39, I propose that we substitute the following paragraph for paragraph (a) of Sub-section (1) of Section 72:

*“(a) Contravenes or fails to comply with any provision of Section 5, 19(a)(i), 46(3), 55(a) or 64(7).”*

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**DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:**  
Clause 39, as amended, agreed to.

Clause 40 put.

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**HON MINISTER OF FINANCE:** In the Bill, substitute the following Clause for Clause 40, by the substitution for paragraph (a) of Sub-section (1) of the following paragraph:

*“(a) Any provision of Section 8(2), Section 12(2), 12(d) and 12(e), 14, 16(1), 19(1) to (4), 20(1)(a), (2)(a) or (5), 21(1), (4), (6) or (7), 27(2), 30(1)(a), (g) or (c), 31(2) or (3), 32, 35, 36(1), 37(1), 39(1) or (2), 40(1) or (2), 42(2) or (4), 43(1) or (2), 45(4), 46(1) or (2)(a), 47(2)(b) or (3), 48, 53(1), 54(1), 55(1), 61(1), 62(1) or 63 or/and (b) by the substitution for paragraph (d) of Section 1 of the following paragraph:*

*“(d) any condition or requirement laid down under Section 8(3) or (4), 36(2), 47(5), 49(5) or 50.”*

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**DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:**  
Clause 40, as amended, agreed to.

Clause 41 put.

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**HON MINISTER OF FINANCE:** In the Bill add the following Clause after Clause 40 and renumber the rest of the Clauses:

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“Insertion of Section 73(a) and 73(b) in Act 2 of 1988:

*41. The principal Act is amended by the insertion after Section 73 of the following section:*

*Imposition of Administrative Fines by the Bank:*

- 1. If the Bank on reasonable grounds believes that a banking institution or controlling company contravenes or fails to comply with Section 26(16), 38(3), 49(6), 53(3) or 71(4) under which the Bank is required to determine a fine, the Bank may impose a fine not exceeding N\$100 000 for every day during which contravention or non-compliance with these sections continue.*
- 2. Before imposing a fine, the Bank must in writing:*
  - (a) Inform the banking institution or controlling company of its intention to impose a fine;*
  - (b) Specify the particulars of the alleged contravention or non-compliance;*
  - (c) Provide reasons for the imposition of the intended fine;*
  - (d) Specify the amount of the fine intended to be imposed; and*
  - (e) Invite the banking institution or controlling company to make written representations within fourteen days of receipt of the invitation and to show cause why the fine should not be imposed.*
- 3. If the Bank, after consideration of the representations made, decides to impose a fine, the Bank must by written notice inform the banking institution or controlling company that it must within thirty days of receipt of the notice pay the fine.*

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4. *A banking institution or controlling company may appeal to the Appeal Board against the decision made or fine imposed by the Bank by lodging a notice of appeal with the Minister within fourteen days of receipt of the notice referred to in subsection (3).*
5. *After consideration of an appeal, the Appeal Board may confirm, amend or set aside the decision made or fine imposed by the Bank.*
6. *If a banking institution or controlling company is dissatisfied with the decision of the Appeal Board, it may appeal to the High Court within fourteen days after the decision was made.*
7. *A contravention or failure to comply with any Section referred to in Sub-section (1) is not a criminal offence.*

*Appeal Board, 73(b)(i):*

1. *Upon receipt of the notice of appeal by a banking institution or controlling company against the decision of the Bank made under Section 73(a), the Minister must constitute an Appeal Board to decide the appeal.*
2. *The Appeal Board consists of a Judge of the High Court, who is the chairperson designated by the Judge President, and two other members appointed by the Minister.*
3. *The qualifications, terms and conditions and other requirements for appointment as members of the Appeal Board are as prescribed.”*

I move, Honourable Chair.

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**DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:**  
Clause 41, as amended, agreed to.

Title put.

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**HON MINISTER OF FINANCE:** I propose that in the Bill, substitute the following Title for the Long Title:

*“To amend the Banking Institutions Act, 1998, so as to provide for certain definitions; to provide for consolidated supervision; to provide for the registration of controlling companies and cancellation thereof; to regulate investment by controlling companies and the restructuring between groups of companies; to authorise foreign banking institutions to open branches in Namibia; to prohibit banking institutions from converting to branches of foreign banking institutions; to authorise the Bank to determine minimum capital funds in respect of banking institutions or banking groups; to oblige banking institutions and controlling companies to notify the Bank of nominations of any person for appointment as director or principal officer thirty days prior to such appointment; to prohibit and criminalize pyramid schemes; to subject the appointment of provisional liquidator, provision judicial manager, liquidator or judicial manager by the Master of the High Court to the recommendation of the Bank; to oblige the Master of the High Court to appoint persons designated by the Bank to assist provisional liquidators, provisional judicial managers, liquidators or judicial managers; to empower the Minister to regulate unfair terms in transactions and contracts between banking institutions and their customers or the general public; to empower the Bank to determine administrative fines; to provide procedure for the imposition of fines and decriminalize certain provisions; to provide for the appointment of an Appeal Board and to provide for incidental matters.*

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**HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE:** Title, as amended, put and agreed to. Honourable Members, I shall report the Bill with Amendments.

**ASSEMBLY RESUMED:**

Bill reported with Amendments.

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**HON DEPUTY SPEAKER:** Having considered the Amendments, the Assembly has passed the Bill and, therefore, concluded the business on this item. I shall now, in terms of Article 75(3), refer this Bill to the President to

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HON TJIHUIKO**

deal with it under Article 56 and 64 of the Constitution. The Secretary will read the Second Order of the Day.

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**RESUMPTION OF SECOND READING:  
ANIMAL HEALTH BILL**

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**HON DEPUTY SPEAKER:** When this Debate was adjourned on Tuesday, 21 September 2010, the Question before the Assembly was a Motion by the Honourable Minister of Agriculture, Water and Forestry, that the Bill be read a Second Time. Honourable Tjihuiko adjourned the Debate and he now has the Floor.

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**HON TJIHUIKO:** Thank you very much, Honourable Deputy Speaker. Honourable Deputy Speaker, I went through this Bill and I found it very interesting, because one of the things that we need to understand is that the Bill was meant to try to build in a protective mechanism to ensure that animal diseases are not getting into the country and if at all they are detected in certain areas, to be eliminated soonest.

On page 6 of the Bill, Section 2(1), it says that, “*Subject to the law governing the public sector, the Minister must designate a staff member employed in the Ministry who is a Veterinary to be Chief Veterinary Officer or to act as such*”.

When I looked at the Ministry’s Report that was tabled, I have realised that within the Ministry there is a fully-fledged division called Division: Animal Disease Control and if you look at the functions of this Division, they are not very far from the functions of the Civil Servants who are going to be overloaded, having been appointed to do a specific job, he or she will not be given a job of implementing, making sure that an Act has been implemented. I need the Minister to explain how these two functions are going to be carried out.

On the next page, page 7, I do not know why, having considered the importance of Bill, we should have one Civil Servant assigned to this function. Will this staff member be stationed at the head office in Windhoek and see to it

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that all thirteen Regions are taken care of and all constituencies or are we thinking in terms of appointing one person with all the responsibility in each and every Region or how are we going to do it, Honourable Minister?

Looking at page 8 under General Responsibility of the Veterinary Officials in conjunction with page 9, "*permit for importation of animal products and restricted material for the entry into Namibia*", Honourable Minister, let us be realistic with ourselves. Most of the people, not all of them, who are making themselves guilty of bringing in meat from restricted areas into other areas, are mainly the people with VIP stickers on their cars. They are the ones who are supposed to implement the laws, but they are also the first ones to break those laws. Let us start with ourselves. (Interjections). It is a fact as much as we are trying to deny it. Let us take off the stickers and allow the police officers to go through our vehicles at will. We are going to cry, I am telling you. Or even with the stickers, let us agree here that when we are coming in from Caprivi, from Rundu and Oshakati, the officers should not let one of the VIP cars pass without being checked. (Intervention)

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**RT HON PRIME MINISTER:** May I ask the Member a question? Honourable TjiHuiko, would you confirm or deny that the other day between Okakarara and Otjiwarongo you were caught with a coffin full of meat?

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**HON TJIHUIKO:** No, I think it must have been misinformation. Honourable Minister, I want you to look at page 18, Clause 12(1). "*The Chief Veterinary Officers, with the approval of the Minister, may establish at any place in Namibia on land owned and controlled by the State, a quarantine station where facilities are provided for.*" I just wanted to find out why it should only be on Government controlled land. I believe that the Minister must have the power to establish facilities whether it is private, commercial or State-owned if the need arises, because we had a situation where there reports in the papers that a number of small stock were smuggled from Namibia into South Africa and they were not smuggled from state land, it was done from commercial areas. Therefore, if we restrict it to State-owned land, we may open a gate that we will not be able to control. I want the Minister to look at this one aspect.

Minister, looking at page 19, "*a veterinary officer may issue a permit,*

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*authorising the movement of specific persons*". I am not a lawyer, when you say "persons" what do you mean? Is it animal, animal products, class of persons? Is that like Honourable Muharukua and myself or are you referring in legal terms to something else? I am not sure whether persons do carry animal diseases. When Honourable Kazenambo moves from Gam to Tsumkwe, I do not think he will be able to carry animal diseases from Gam to Tsumkwe. I need a legal opinion on that because I am not a lawyer. That is why we need the Dr Kawana's to help us with that.

Looking at page 21, Honourable Minister, I start to get the impression that this Bill was meant to close some loopholes after we have gone through this Gam-Tsumkwe issue and I am not sure whether we should bring in a law that is aimed at a specific case, because otherwise we may leave other things out. Let us look at that.

Going to page 30, Honourable Minister, where you say, "*The amount of compensation payable in terms of Sub-section (1) may not exceed the fair market value of the animal.*" This is something that needs to be properly defined, because if you look at the price of cattle in a communal area such as Okakarara and the price of the same cattle in the commercial, the prices are not the same. Which market value will you be looking at in that case?

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**HON RIRUAKO:** I would like to hear from the Minister of Agriculture what the market value in this country is, because the farmers determine their price and the communal people do not have the right to determine their price. We keep on telling you what is happening.

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**HON TJIHUIKO:** Thank you, Chief, very good. (Intervention)

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**HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE:** Is what is happening here a display of what we are reading that there is a crisis in NUDO and they are taking each other to Court?

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**HON TJIHUIKO:** Honourable Deputy Speaker, maybe to shed light on what the Honourable Kazenambo has said... (Intervention)

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**HON DEPUTY SPEAKER:** Please confine yourself to the Bill.

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**HON TJIHUIKO:** On a serious note, if you look at the price of cattle in Communal Areas, it is not more than N\$11 per kilogram and when you go to the Commercial Areas, it is higher than that. We may have a situation that since this has happened in the Communal Area, this is what you are going to pay, but since it has happened in the Commercial Area it will be higher, because the market value in the commercial area is higher than the communal areas and we are living in one country, we are being governed by the same law and I do not think there will be a justification for one to say, since you are a black person, you have been denied to be where were you supposed to be and now the current Government will also say, *“yes, you have been put there by the colonialists and, therefore, we will punish you further.”* I do not think that will be fair.

Coming back to the question, Honourable Minister, on the same page: *“A compensation payable under this section may not exclude any amount or loss of profit for production or other consequential loss.”* I am not very clear there. *“In the event of any doubt or dispute arising as to the entitlement of the person to receive compensation under this section, the Chief Veterinary Officer may cause the whole or part of the compensation payable to be retained until the right of the person to receive compensation has been established to the satisfaction of the Chief Veterinary Officer.”* Somebody will be sitting there and you need to satisfy that person. If it were said, *“according to the law”* I would understand that all these things would be done within the law. If it happens that Tjihuiko is sitting there and in order for you be compensated, you should satisfy me, I do not think that will be fair. Let us try to look at these things to be settled within the parameters of the law, not depending on the willingness of an individual. (Intervention)

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**HON TJIHUIKO**

**HON MINISTER OF MINES AND ENERGY:** Honourable Speaker, a piece of paper cannot go and stand there and implement what it says, there must be individual people and those individual people are the ones to implement the law and, therefore, that satisfaction is properly put in the law for the person to do so.

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**HON TJIHUIKO:** I do not know whether the Honourable Minister has a copy of this law. (Intervention)

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**HON RIRUAKO:** I am quite pleased if I do things according to law, but not according to an individual. Honourable Kawana, laws are being made here. What is your job?

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**HON TJIHUIKO:** That is a very clear question to Honourable Kawana to answer later on.

Honourable Deputy Speaker, the point is that in the event of any doubt or dispute arising regarding the entitlement of a person to receive compensation under this section, under which Section? Not an individual Section, under a Section of the Act. Therefore, it must be settled through the Act of Parliament, not an individual sitting there. (Intervention)

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**HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE:** On a Point of Information, with due respect to the Honourable House and the Deputy Speaker and with due respect to the Honourable Member. I know the Minister will answer, but it is unfair that we have to sit here and be deliberately tortured by a person who is politically twisting the contents of this Bill to try to gain cheap political capital out of it. One can take many policies and laws that have been passed in this country and finds that it was to be done to the satisfaction of the person who is implementing it. It is unfair of the Honourable Member on the other side of the aisle to say that the Government is punishing people. The Government is trying to level the playing ground. Our people beyond the red line are not benefiting and the Government is busy addressing that to level the playing ground. He is twisting the whole issue and it is unfair that we have to sit here and be tortured by a

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twister.

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**HON TJIHUIKO:** Honourable Deputy Speaker, this Bill was not meant for the people living wherever. We have one country and the Bill will govern everybody. Therefore, for the Minister to say that this Bill was meant to satisfy people in the North is wrong.

Let me move on to page 31, Honourable Minister, and I hope that the Honourable Minister of Youth will me give a bit of time to do my job, because otherwise I may ask for him to be arrested, it is where he belongs.

On page 31, Appeals: Honourable Minister, a person who is unhappy with the decision or action taken by the Chief Veterinary Officer or other veterinary officials may within a period and in the manner prescribed and on payment of the prescribed fees appeal against the decision or action to the Minister for determination by an Appeal Board to be appointed by the Minister.

Minister, I have a problem here. We are saying that we have a person who has been appointed by the Minister to implement this Act and there is a dispute between the two. This person is representing the Minister and we are saying, in simple language, that if there is a dispute, this person should have confidence in the Minister that has appointed this person to solve the problem. In other words, what we are saying is that there are two teams, the Chairperson of African Stars appoints the referee and we are saying that if there is a dispute between the referee and the other team, Black Africa should now go and appeal to the Chairperson of African Stars. Why can we not say that in the event of a dispute people resort to the Courts? We have an independent Judiciary, what is wrong with our Courts? Why are you trying to bring in avenues that would prevent people from going to Court? Let us develop confidence in our legal system and if there is a dispute, let us go to Court.

Before I conclude, Deputy Speaker, as I said, I do not personally think there is anything that should scare us from our legal process. Therefore, Honourable Minister, I do not think that this Clause will bring any justice into the process, it will create more suspicions, it creates the impression that we fear for the parties to go to Court. Let them go and get justice at our Courts. With those few comments, I rest my case. Thank you very much.

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**HON DR KAWANA**

**HON DEPUTY SPEAKER:** Any further discussion? Honourable Dr Kawana.

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**HON MINISTER OF PRESIDENTIAL AFFAIRS AND ATTORNEY-GENERAL:** Honourable Deputy Speaker, I rise to support the Bill before this august House and commend my dear brother, Comrade and friend for this very important tool that is aimed at keeping our animals disease free in our country, particularly in communal areas.

Comrade Minister, you know my views concerning the Cordon Fence. I hope this is not a substitute for addressing that problem. As you are aware, we have more cattle in communal areas than in commercial areas and yet our people in communal areas do not have unrestricted market access, as is the case in commercial areas. Therefore, I still appeal that a final and long-lasting solution be found to the Cordon Fence so that our people who live in communal areas could have access to other markets.

Then, Honourable Minister, I would also appeal that when we control animal diseases, particularly in border areas, it would be futile for us to take measures only within our boundaries without cooperating with other institutions, other neighbours. I particularly have the Republic of Angola, the Republic of Zambia, the Republic of Zimbabwe and the Republic of Botswana in mind. As you are aware, most of these diseases are imported in addition to those that break out locally, particularly foot-and-mouth disease as a result of buffaloes. However, I hope that this is not a long-lasting solution to the provocative question of the cordon fence, which is still economically depriving our communities in the communal areas to have access to the world market. Otherwise, I support the Bill.

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**HON DEPUTY SPEAKER:** Honourable Moongo.

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**HON MOONGO:** Thank you, Honourable Deputy Speaker. First of all, I would like to thank the Minister for tabling this Bill and before I forget, allow me to congratulate the Colleagues from RDP who came to join the Parliament. It is only a pity they found me busy, to hold the bull by the horns while I am

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**HON MOONGO**

busy politically castrating. They now have one testicle. They are going to be finished. (Intervention)

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**HON DEPUTY SPEAKER:** Honourable Moongo, please withdraw that.

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**HON MOONGO:** I withdraw that. Honourable Deputy Speaker, Honourable Members, the Animal Health Bill is very late, but late is better than never, because livestock play an important role in the Namibian economy. There are conditions, which prevent equal benefits from livestock resources, namely the veterinary Cordon Fence or redline, which divides the Namibian nation and farmers into two categories. Some are benefiting from the world meat market while communal farmers are left to tighten their belts, as they cannot sell their meat on the world market.

Honourable Deputy Speaker, Honourable Members, the so-called forward thinking and forward looking Bill dismally failed to give a master plan on how to remove the redline, where it will start and when will the draconian redline be removed to pave the way for equal benefits in the meat market in Namibia. The Minister still condones the old system that the old white minority system planned to enrich a small number of blacks and the whites. They are the only two benefiting, the rich minority elite and the white minority. Now the majority of the poor communities are suffering. We want equal benefits.

The approval of the policy for the eradication of trans-boundary animal diseases in the northern communal areas is another excuse. The Bill has good intentions. One is to decentralise the veterinary duty to the ordinary officials, which is in line with Affirmative Action, though I am afraid that they will misuse their powers. (Intervention)

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**HON MINISTER OF VETERANS AFFAIRS:** May I ask the Honourable Member a question? Honourable Member, you started off by saying the Bill is in the right direction because it is decentralising the powers, but you went on to say that now that the power will be decentralised, the ordinary people will not be able to cope, it will not be in the interest of decentralisation. Are you for decentralisation or against decentralisation?

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**HON MOONGO:** I will pass on that one because of time. I see the people who learned to drink tea when they came from the bush now want to go and drink tea.

I was saying it is a pity that if you just decentralise blindly, the people are not trained and the people will misuse their power and the system and mess things up. I hope I have answered your question.

My concern is whether these officials will be given a decent salary. They were given a decent job and they should be given a decent salary.

Honourable Deputy Speaker Part 3, Section 7 deals with the permits for importation of animals. As everybody knows, a person resides in Namibia but his uncles are in Angola and the cattle are crossing the border all the time.

Looking at this penalty of N\$1,000,000 if one brings cattle from Angola, I am wondering whether this law can be implemented successfully, because people share a common border, they are brothers and how many of them will be able to afford such a fine? I think you are joking, colleagues, that is not the Namibian style.

Honourable Deputy Speaker, Section 22 says stray animals must be detained for seven days by the one who holds them. Imagine, if you lost cattle, the one who found it will only have the right to keep it for seven days. Is that really the Namibian style? The Traditional Authorities used to keep the cattle for two years and then they took it to the King who again kept it for some months, but here you are proposing seven days before the cattle are destroyed. Is this not destroying the Namibian culture? Are you ready to support such a nonsensical proposal that the cattle have to be destroyed after seven days while the owner is busy looking for the cattle? This is draconian and this Section should be amended. Honourable Deputy Speaker, this law favours those who do not own cattle. How can you agree that the cattle have to be destroyed within seven days and no compensation is going to be paid? This is too much. Did you import this law or did you study it to see whether it can work in your country? Is it SWAPO's intention to change everything and do as other countries, which do not respect human rights? How can you destroy cattle if it comes into your kraal? Will you destroy it within seven days? It is too much. (Intervention)

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**HON RIRUAKO**

**HON DEPUTY MINISTER OF GENDER EQUALITY AND CHILD WELFARE:** May I ask a question? Honourable Moongo, you talk about Namibia and the SWAPO Government, but you were a SWAPO Member for a long time and I want to know from you whether the SWAPO constitution was changed after you left SWAPO or whether it is still the same?

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**HON MOONGO:** I follow the Namibian Constitution. It is not SWAPO's constitution. The SWAPO constitution is a one-party system, which I boycotted while I was in exile and that is why I left.

Therefore, I appeal to the House to reconsider, because the Namibians are poor, they cannot afford a million for stray cattle. I thank you.

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**HON DEPUTY SPEAKER:** Thank you. Honourable Riruako.

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**HON RIRUAKO:** I support what was said by my Honourable Colleague with only one exception and I have to say that it is not the end of the world, what happened among the farmers is that the thieves took the cattle to those Communal farmers and the owners did not have any right to go and remove the cattle from there. Even the old law defended them and that is not fair. Repeatedly the people went there and they shot one another at the gates of those farmers who stole the cattle. They do not want other people to enter those farms and the police helped them to do that. I do not know whether some of the police are in cahoots with these people. That is not fair and I appeal to the Minister of Justice that we want a clear-cut law that can defend our cattle. The attitude is that if a white person stole cattle, the communal farmers do not have any right to enter that farm and you assist those farmers at the expense of the people from the Communal Area.

The price of cattle is determined by the white farmers who buy them, but the owner does not have any right to do so. (Intervention)

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**HON RIRUAKO:** If it is nonsense it cannot be allowed.

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**HON RIRUAKO**

**HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE:** May I ask the Honourable Member a question? Honourable Chief, are you speaking to the Animal Health Bill or are you talking about white German Commercial farmers?

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**HON RIRUAKO:** You are not playing with me on that. I am not against the Germans. I am against evil. If you are one of them, I am against you.

According to you, stolen cattle must be kept in quarantine and even though they were not in quarantine, somebody went there and pushed them into the white farms. (Intervention)

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**HON DEPUTY MINISTER OF GENDER EQUALITY AND CHILD WELFARE:** On a Point of Order, Honourable Deputy Speaker. I heard a word coming from the mouth of the Honourable Chief. When Honourable Minister Kazenambo stood up, he said “*nonsense*”. I want to know, is he using this word “*nonsense*” here in Parliament or out there in Katutura?

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**HON RIRUAKO:** Honourable Deputy Speaker, I am not here to joke, we are talking about a serious matter, which can take us to war if my cattle are kept by a certain individual and I am not allowed to go and fetch it. We are trying to go into the right direction, but I warned an individual last week that joking could not solve the problem. You can enjoy yourself and still raise your predicaments. Differentiate between joking and serious matters. I cannot control your behaviour. You can do what you want.

Honourable Deputy Speaker, we are serious about this matter and we would like to discuss something tangible and reasonable. What we are talking about is a serious matter, therefore I support the Minister of Justice that some of the laws must be amended or repealed and we can come with a law, which befits the time we are living in now. This is what we are supposed to have and if not, we are going to come back and appeal until everything is correct and feasible. Thank you.

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**HON DEPUTY SPEAKER:** Thank you very much. Professor Katjavivi.

**HON PROF KATJAVIVI:** Honourable Deputy Speaker, I am standing up to make a brief statement on the Animal Health Bill, which was presented in this House by the Honourable Minister of Agriculture, Water and Forestry, Honourable John Mutorwa.

Honourable Deputy Speaker, due to the global trade in animals and animal products it is of paramount importance that developed and developing countries need to prevent, detect and control animal diseases. We would like to maintain and improve animal health as part of our development efforts. This concern is more relevant and applicable to a country like Namibia, because our livestock industry plays a vital role in agriculture and the manufacturing industry.

Deputy Speaker, we have formulated policies and implemented the necessary measures in order to ensure Namibia is a country free of animal diseases. However, in order to be on par with neighbouring and developed countries, we need to improve animal health in the whole country, from the south to the north, from the west to the east. In this respect, both importation and exportation of animals, animal products and restricted animal materials, together with disease surveillance, prevention and control measures are important.

Direct control and strict supervision of importation of animals and animal products and restricted animal materials are of vital importance to stop animal diseases. As we all know, our country is linked through international agreements concerning export and import of animals, animal products and restricted animal materials. Accordingly, the proposed Bill will support such international agreements. It is important that a central authority, such as a Chief Veterinary Officer, is responsible for the administration of this Act. With respect to import or export, an application requesting permission will ensure that such import or export is subject to control and preventive measures.

It is my understanding that the abovementioned measures under the old Bill are not properly enforced. As a result, we may be exposed to importation and exportation of animals, animal products and restricted animal products. Thus, through this Act, it is hoped that we will be able to look after our animal resources in an effective manner and engage in export and import of trade without risking our economy.



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**HON DR KAMWI**

Furthermore, Honourable Deputy Speaker, our procedures and measures will be in line with international agreements regarding the sale of animals and animal products, as shown in the draft Bill. It is against this background that I extend my full support to this Animal Health Bill. I thank you.

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**HON DEPUTY SPEAKER:** Thank you very much. Honourable Kamwi.

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**HON MINISTER OF HEALTH AND SOCIAL SERVICES:** Thank you, Honourable Deputy Speaker, Honourable Members. I rise to support the Animal Health Bill as introduced by my Colleague, friend and brother, the Minister of Agriculture, Water and Forestry.

I fully support the content in this Bill, but I wish to make some observations under Sections 19 and 20, that is the declaration of control of area and the declaration of protected area. Honourable Deputy Speaker, I wish to refer to Caprivi Region and Mukwe Constituency of Kavango Region. Clearly, these two Regions, following the close proximity of our border with Botswana and the point of reference here again to the close proximity is the Chobe National Park, which is opposite Caprivi Region. We know too well that the reservoir of foot-and-mouth disease remains the buffalos and we know too well that the buffalo's criss-cross that border and pose a serious danger. For this reason, I wish to support the control measures that you have put in place through Clauses 19 and 20.

Honourable Minister, as one enters Botswana, using the Ngoma Border Post, they have a permanent dip that is controlling foot-and-mouth disease, be it mankind just walking or vehicles that man use. That is highly commendable. I also commend what you, Honourable Minister, and your able team are doing with the spraying at the entry point at Caprivi Region. In terms of sustainability, I have been wondering whether you already have some plans that you could consider sharing with this Chamber in terms of introducing a permanent dip in order to control the further spread of the foot-and-mouth virus. Otherwise, I support the Bill in full. Thank you.

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**HON DEPUTY SPEAKER:** Thank you. Honourable Kazenambo.

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**HON KAZENAMBO**

**HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE:** Thank you very much, Honourable Deputy Speaker. I rise to support the Animal Health Bill.

Honourable Deputy Speaker, joining my senior brothers, the Bill is long overdue. Namibia is a developing Nation of which agriculture constitutes the mainstay of our economy. The majority of our people are dependent on agriculture, be it crop farming or livestock farming and the majority of our farmers in this country are based in the northern communal areas, from Caprivi, Kavango, part of Oshikoto, Ohangwena, Oshana, Omusati and Kunene and also part of Otjozondjupa East in the Tsumkwe area. They are all affected by this cordon fence.

If we can now go to an area such as Tsumkwe, Gam, etcetera, the livestock are their source of income. We are talking about 50% employment in this country, but out of that 50% that we are talking about, the majority of people are dependent on livestock for the means of survival, livestock that are found beyond the red line, that are worthless. Therefore, this move with this Bill is an economic empowerment measure and it is good that the Honourable Minister is applying caution and has built in strict control measures, but to be honest, we need to do something because the majority of our people are going to depend on agriculture in the foreseeable future, be it crop farming or livestock farming. I do not think that we can afford a partisan approach to these measures. This is an issue that we need to support unanimously. (Interjection). Yes, Chief, I agree with you, it is a bread-and-butter issue, a serious one for that matter.

There are people who are attempting to buy farms and the Government has a policy of Affirmative Action on agriculture, but if you have one hundred or two hundred head of cattle in Kunene or the Regions that I have mentioned and you want to buy a farm, you are worth nothing. When we talk about these things, people think that we are just thumb sucking, but it is about livelihood, a bread-and-butter issue. If you want to buy a farm today, you are worth nothing. If you sell you have a hundred cattle, it is just like a person who has ten cattle here. It is a question of economic justice, which we want to address here that, affects thousands and thousands of people and I know because I am from that part of the world where our animals are worth nothing and where people are toiling and working hard every day. If some of these policies in

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**HON NAMBAHU**

place cannot be harmonised with instruments like this, economic empowerment remains a dream for the majority of the citizens of this country. It is a question of fairness. It is a question of economic justice.

I want to put it in a way that I do not dilute it, but augment the provisions of the Bill. We educate our kids with money that we get from our livestock. We take our people to hospital with money that we get from our livestock. We work in the bush 24 hours around the clock, risking our lives with lions and everything and then our livestock are worth nothing. It is a question of economic empowerment. It must be understood as such and it is long overdue. That is why I welcome it wholeheartedly. It is an economic empowerment tool, which needs to be applauded. It is unlocking our livestock to marketing, to access the market for the improvement of our standard of living, which is the policy of our Government for economic reconstruction.

I thus stood up to add my voice and I really support it wholeheartedly, more so that it takes care of the commercial side, but this one is a political and economic unification exercise. I support the Bill.

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**HON DEPUTY SPEAKER:** Thank you. Honourable Nambahu.

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**HON DEPUTY MINISTER OF JUSTICE:** Thank you, Comrade Deputy Speaker. I also want to add my humble voice in support of this very important Bill. I want to join the previous speakers who have underlined the importance of this Bill, but maybe I could only recommend to the Minister to look into the issue of awareness creation and education, which is a very important component. Many of the issues that the previous speakers have alluded to are actually premised in cultures, customs and practices observed over generations. Therefore, in order for us to address it, we should have roll-out programmes to create awareness and go to the roots of what people have been practising and that might not unleash the economic potential that we would like to be unleashed and liberated in order to mean something economically.

Comrade Minister, I would suggest that we have an integrated cross-border strategy to address these kinds of issues. If we attach economic importance to this and take it as a poverty-reduction approach, then we have to look at what

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**HON NANDI-NDAITWAH**

is happening between Europe and North Africa. If your side is taken care of very well and the other neighbour's side is not taken care of, you may as well spill over to where you are. Therefore, the development of your neighbour is as important in this aspect as the development of yourself, because both of you will definitely reap the benefits.

A country like Angola has huge potential but their infrastructures were destroyed by the war, which was raging that side. I think that since we are very advanced in terms of veterinary and other aspects of animal husbandry, it would only be appropriate that we initiate this kind of approach immediately and maybe see how best we can cooperate. I do not want to pre-empt anything, I do not know whether there is a kind of WTO for animals or whether it is only for human beings, but we need to develop the region in that context. To sum it up, we say rivers do not know borders or floods do not recognise borders and diseases do not do that as well. Therefore, for us to be able to combat that we should have an integrated regional and SADC-supported kind of strategy, which should be rolled-out and supported by our neighbours, given the good cooperation that we have between them and ourselves?

I am not going to dwell on the issue of internal import and export that Honourable Tjiuiko was dwelling on. I was about to ask him, if you are transporting meat to Windhoek, does that mean you are importing, because I thought it was still inside Namibia. However, I leave it there for the Minister to answer. I rest my case, thank you.

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**HON DEPUTY SPEAKER:** Honourable Ndaitwah.

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**HON MINISTER OF ENVIRONMENT AND TOURISM:** Thank you, Honourable Deputy Speaker. I support the Bill on Animal Health. I only have a few comments on mobilising and sensitising our people to ensure that when we pass the laws, they are made to understand and implement in the best interest of the Nation.

When one looks at the definitions, there is a definition of an "*animal*", which is "any member of the animal kingdom, other than human, whether alive or dead, including a mammal, bird, fish and reptile". When we come to Clause 22, which deals with stray animals, one would want to understand that if you

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found a giraffe or a lion in your field, would you be allowed to isolate that animal? It is an animal and the Bill does not talk about livestock but animals. I think it has to be made clear if animals to be isolated are livestock.

When we come to the issue of trying to find areas which can be declared disease-free, we use the word, "*may declare an area to be a protected area*" and I think we already have an established understanding that when we talk about a protected area, we are talking about national parks. Maybe this should be included in the campaign so that there is no confusion between a protected area in this Bill and the protected areas, as we know them, being the national parks. If it is a question of drafting, I suggest in the Bill, one can talk about a disease-free area so that there is a clear understanding of what we mean.

With those comments Comrade Deputy Speaker, I support the Bill. The Ministry of Agriculture and the Ministry of Environment are working closely especially when it comes to wildlife, but the laws need to be clear so that when by the public, they will understand the content. I thank you, Honourable Deputy Speaker.

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**HON DEPUTY SPEAKER:** Any further discussion? Honourable Sioka.

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**HON MINISTER OF GENDER EQUALITY AND CHILD WELFARE:**  
Thank you, Comrade Deputy Speaker. I am also rising to join those who have spoken before me to support the Bill under discussion.

The Minister has already warned us in his motivation that the Bill is long overdue, therefore he needs the speedy passing of the Bill. As we are seated here, we do not know what is happening out there. There may be people who are illegally busy exporting and importing animals, therefore we need this Bill to be passed as soon as possible.

I did not intend to contribute but I was struck by Clause 11 on page 10 and maybe the Minister should elaborate on the restrictions and penalties mentioned here. The amount of N\$1 million is just too much. I am wondering how serious this offence could be that you have to pay a fine of N\$1 million. That is my question to the Minister. Otherwise I support the Bill.

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**HON MUSHELENGA**

**HON DEPUTY SPEAKER:** Any further discussion on this Bill?  
Honourable Mushelenga.

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**HON DEPUTY MINISTER OF FOREIGN AFFAIRS:** Thank you very much, Honourable Deputy Speaker. I actually had no intention to participate in this Debate, but listening to misinformation and disinformation by my friend on the other side of the House, Honourable Moongo, I think I should make a few observations.

I would want to ask the Honourable Member to read page 2 of the Bill. In this way, he will comprehend the essence of the Bill. There it tells you the purpose of the Bill, which is to control or to prevent and detect animal diseases. That is why this Bill was brought before this House. That is why it is stated in the Bill that people need permission from the veterinarians to import animals in order to ensure that there is no transmission of diseases between animals being imported and animals that are here.

Honourable Members, as we all know most of our people depend on the cattle for their livelihood. If there is no regulation and control of diseases, the very important commodity they have, which is the cattle, is going to diminish. That is why you need proper regulations and proper control. You can come here, politicise, and make slogans about the Cordon Fence, but you must know that there are implications if you remove the Cordon Fence just like that. We are exporting beef and if you remove the Cordon Fence just like that, there is no control. When those you are exporting your beef to, decide not to buy beef here, what are you going to do with that beef? (Intervention)

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**HON MOONGO:** May I ask a question? I would like to know from Honourable Mushelenga, who is from up north, to tell us whether it was a good step to discriminate against the people in the North and prevent them from marketing their animals? I want to hear from him.

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**HON DEPUTY MINISTER OF FOREIGN AFFAIRS:** Honourable Deputy Speaker, Honourable Moongo should not come here and speak as if this Government is trying to suppress or discriminate against the cattle owners.

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HON SHIXWAMENI**

I also own cattle, for Honourable Moongo's information and of course, I would want to access the market, but I know there are things that should be done in a correct manner in order for my cattle to be able to access the market. It is just a matter of educating people about that.

Comrade Deputy Speaker, I think it is now high time that we take our job seriously and try to debate national issues, taking into account the interest of the country, look at our economies-of-scale, look at the opportunities that we are going to lose if we take away some of the regulations without having done our homework. I know Honourable Moongo always listens to me and I have no doubt that today he will take this lecture as very good and friendly advice. I thank you, Honourable Deputy Speaker.

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**HON DEPUTY SPEAKER:** Honourable Von Wietersheim.

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**HON VON WIETERSHEIM:** Honourable Deputy Speaker, I would like to adjourn the Debate to Wednesday, the 6<sup>th</sup> of October.

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**HON DEPUTY SPEAKER:** The Debate on this Bill is adjourned to the 6<sup>th</sup> of October. The Secretary will now read the Third Order of the Day.

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**CONSIDERATION: NATIONAL STRATEGIC  
FRAMEWORK ON HIV/AIDS**

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**HON DEPUTY SPEAKER:** When this Debate was adjourned on Wednesday, the 22<sup>nd</sup> of September 2010, the Question before the Assembly was a Motion by the Deputy Minister of Health and Social Services. Honourable Shixwameni adjourned the Debate and he now has the Floor.

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**HON SHIXWAMENI:** Honourable Deputy Speaker, I rise to make a contribution to the 2010/2011 to 2015/2016 National Strategic Framework for HIV/AIDS, I would like to connect at the point where the Right Honourable

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Munekuto our Prime Minister ended up last week that the HIV/AIDS pandemic response should not be politicised. It is a national issue, it is a serious issue, people are dying out there and in order to formulate a proper response, that response must be inclusive. HIV/AIDS does not know the colours of political parties. It catches and kills everyone. Whether you belong to the APP or you belong to SWAPO or the RDP, if it gets you, you shall be ten feet under the ground.

I would like to start by the Namibian style that was just introduced to the House by Moongo. In the first place, I would like to express my appreciation that we have come to a level where we are in trying to contain the spread of HIV/AIDS in our country. There are many unsung heroes, the brave women and men who had the courage to stand up and publicly announce that they indeed are infected. These are the people that have been able to generally mobilise this solid response to the pandemic in order to ensure that everybody basically does introspection as to how do we respond to this particular disease that is disseminating our people. To these heroes and heroines of the HIV/AIDS response, I would like to say, *“Keep the courage, and keep the struggle, because the struggle is far from being won”*. I also join my brother and my sister, the Deputy Minister of Health and Social Services, to say that we probably need more and the testing that is being done needs to be intensified, because we all need to know our status. I think it is very important that each and everyone, including the Parliamentarians here, know our status regularly. That should be the Namibian way of doing it.

Secondly, I would also like to acknowledge the response of the Ministry of Health in spearheading the response to the pandemic and also in terms of rolling out the antiretroviral drugs to the community. I know that the effort is not enough, but it is helping people on the ground. We need to encourage all of us to speak with one voice in mobilising the necessary resources for the ARV programme to be able to reach out to each and everyone who is infected and affected. As Namibians, we need to take each other's hands on this. There are challenges that you indicate in the Strategic Framework, but I would also like to appreciate the efforts that are done by the Non-Governmental Organisations involved and I will say more about that later, but it shows that we have a collective vision of how to tackle this pandemic and for that we should congratulate those who are leading the response.

On page 111 of the document, it deals with the costing of the National



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Strategic Framework. We had a workshop on the effectiveness of aid, we looked at a bar chart where we see the aid by donors, and in fact, I must not forget to thank the donors that are giving money to help us meet the challenges of the HIV/AIDS pandemic. It is indicated in this costing that we are going to face a challenge very soon, because we cannot rely on donor money. I know the Global Fund and others are giving money. My question is, while we indicate the challenges, what is our response in terms of preparedness should we run this risk of losing this money due to mismanagement that has been indicated, due to corruption and all these kinds of things. Are we going to be able to take the bull by the horns and be able to attend to the HIV/AIDS pandemic that is unfolding?

It is exactly there where I want to talk about the Non-Governmental Organisation, because when I look at that bar chart and the structure of money received, most of the money received and that goes to the Non-Governmental Organisations are being spent on very hefty salaries for the Chief Executive Officers of these organisations. My question is, what are we doing given the limited resources that we have? The Government goes out there to mobilise these funds and when it comes, it is spent on salaries instead of being spent directly on the people that need it. The people do not need only support, the people need the Anti-Retroviral drugs. I have many Colleagues that are infected and affected, they take up to five, six tablets per day, and in many cases, these people do not have food to eat. The drug therefore kills you because you do not have the food to sustain taking this medication.

My appeal is that we need to sit down with the NGOs and restructure the salaries that are paid to the administrators as opposed to the funds reaching the people down on the ground. I would suggest that even if we have to make sure that part of the money that is given to these NGOs and hospitals or clinics, that part of the money be given to those who are infected in the form of food and transport coupons, because as is mentioned in this document, the challenge is getting the people who are infected to the clinics to receive their medication.

They have to travel long distances, some of them are poor, and we need to admit that, that many of our people who are infected are poor people. We need to see what can be done. Would food coupons help to alleviate the problem, that people stop taking the drug? Would transport coupons for them to come to clinics not be able to help them?

The next issue I want to talk about is the drivers of HIV/AIDS, as indicated in this book. We talk about sex workers, truck drivers and those people in uniform. The sex workers are there because there is a market for sex work and it the elite of this country needs to take responsibility. I want to see how we form a response that they are addressed, because in most cases they are the ones who buy sex, are the ones who entice the sex workers. (Interjections). In fact, if you challenge me, I am able to identify some people around here. (Intervention)

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**HON DEPUTY SPEAKER:** Honourable Shixwameni, you have started off well when you said this issue is so serious that it should not be politicised and I am going to add, not individualised and we should not make jokes like that. Anybody who stands up and make jokes will be ruled Out of Order.

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**HON SHIXWAMENI:** I still need to emphasise that the Ministry needs to look at this point, because most of the sex workers around the central business area are school dropouts of Grade 10 and Grade 12, but the people who are picking them up are old business people. People with money are the ones who are picking them up and they are the ones that force them to have sex without any protection. This issue needs to be looked at. It must be known that the drivers are not only the sex workers. The drivers are not only the truck drivers.

Another question is, what do we do to our men and women in uniform? You have identified in this Strategic Framework that they are a vulnerable group in terms of being infected with the disease. The mobile nature of the soldiers and the police, where they are repeatedly deployed to different police stations and leave their partners behind puts them at risk. This is one of the issues addressed in the National Strategic Framework. The question is, what is the response is being formulated around that area. We need to find a solution. Of course, if the man or the woman leaves his or her spouse behind and stays for a long period, the temptation would be there. Therefore, how do we address this problem of our men and women in uniform? That is not coming out very clearly in the Strategic Framework.

The last issue that I want to talk about is a national framework. Uganda and Botswana are praised that they were able to do what they have done in terms of containing and decreasing the rate of HIV/AIDS infection, because they took it

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as an emergency and not just another issue that needs to be addressed. I read the document twice and I could not see that. There is NANASO coordinating the NGO sector, but the Government's response is being coordinated at Ministerial level. I would like to see a situation where we have one single focal point to emphasise the seriousness of the disease, that we probably create a National AIDS Council to be headed by nobody else than the Office of the Right Honourable Prime Minister or the Office of the President, to emphasise the seriousness of this pandemic. That is one issue on which I would like to get your view as Minister and how we could go about doing that.

AIDS has created many orphans and the pandemic is still on the roll. One item that has been brought to my attention is the issue of AIDS orphans in the rural areas of whom both parents are deceased or one parent is deceased, who are unable to produce a death certificate of their parents. In some cases, if they do not produce the death certificate, the Ministry would not sign them up as beneficiaries of the programme for vulnerable children. I was just wondering, in the case where there are witnesses that indeed both parents of this child are deceased and they do not have death certificates, whether it is the Headman of the Village or a church elder, would it not be possible to get these children enrolled in order for them to receive the OVC grant?

With those few comments, I support the National Strategic Framework for HIV/AIDS and I really hope we will be able to implement it, because one thing I have learned as a Namibian is that we really like documents, but when it comes to the practical implementation, it leaves a lot to be desired. Nevertheless, I wish you good luck in the challenge to implement the Framework. Thank you.

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**HON DEPUTY SPEAKER:** Thank you. Honourable Ncube.

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**HON MANOMBE-NCUBE:** Thank you, Honourable Deputy Speaker, Honourable Members. Firstly, allow me to extend my profound gratitude to His Excellency, President Hifikepunye Pohamba, the SWAPO Party Government, the Minister of Health and Social Services, Dr Kamwi, who is also the Chair of the National AIDS Committee, the Deputy Minister of Health and Social Services and the entire team as well as Mr Kahuure who is the Chairperson of the National Multi-sectoral AIDS Coordinating Committee and

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his team as well as all others who made valuable contributions, in whatever capacity, in the crafting of this well-formulated National Strategic Framework for HIV/AIDS. This is indeed a job well done and needs to be applauded.

This National Strategic Framework for the dreadful HIV/AIDS pandemic has a singular preamble in the words of the Founding President and the Father of the Namibian Nation, His Excellency Comrade Dr Sam Nujoma, which profoundly states in the foreword of the Vision 2030 as follows: *“If we are to survive as a Nation, perhaps the greatest challenge we face now is to eradicate HIV/AIDS.”*

Honourable Deputy Speaker, I could not agree more with the Founding President in the sense that in the foreword of this very Strategic Framework for HIV/AIDS it is noted that almost one in every five Namibians is dealing with HIV. This, in my opinion, is a very worrisome state of affairs, because a small Nation such as ours, is destined to extinction, should this situation prevail and further aggravate.

Concrete and goal-driven action and not mere lip-service is right now required of all Namibian sectors and people at all levels to fight tooth and nail to curtail the further spread of HIV and eventually eradicate the HIV/AIDS disease from the face of Namibia.

Honourable Speaker, Honourable Members, this National Strategic Framework for HIV/AIDS, which is a five-year plan stretching from April 2010 to March 2016, is said to have a threefold approach towards the expected results. These are impact, outcome and output. I think that we are well acquainted with the impact of HIV/AIDS in our society, therefore we need to focus much more on outcome and output.

To reiterate what I said earlier, I have reason enough to believe that if there is a single person in Namibia who has not heard about HIV/AIDS or who does not even have the slightest clue of what HIV/AIDS is, then such a person must be from Mars. Since HIV/AIDS and its disastrous impact on our society is broadly known to our society, we do not have to reinvent the wheel about the pros and cons of HIV/AIDS as to what it is, how it is caused, who has it, how to prevent it or to protect yourself against it. However, what constantly puzzles me is the fact that while there is so much information available on HIV/AIDS and while there is so much awareness-raising being embarked upon

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and while there are so many ways and means at our disposal to protect ourselves against the disease, it unabatedly continues to spread and is affecting and infecting us in almost all spheres of our socio-economic life.

I believe that this National Strategic Framework will serve as a consolidated coordinate and be a guiding source for all HIV/AIDS related activities in our country, because what we are currently lacking is coordination of what is being done by various sectors in our society.

Honourable Deputy Speaker, what I am trying to say is that everybody seems to fight his or her own battle against HIV/AIDS. The public sector fights its battle, the private sector fights its own battle, the NGOs and other civil society groups fight their own battle and the faith-based organisations also fight their own battle and so does many others. This way we stand a very slim chance, if at all, to eradicate the dreadful HIV/AIDS epidemic. I believe that all sectors in society should use this Framework as a primary source of reference, because that way we will embark on this fight against HIV/AIDS from the same battlefield.

It should be borne in mind that I am not necessarily down riding the policy frameworks of other organisations and entities, but I simply suggest that it is imperative that we unite as a people fighting a common enemy and aiming for a common victory. After all, we are all in the same boat and should it sink, we will all go down.

Honourable Deputy Speaker, it is also vital that we should not only attempt to treat the symptoms, but look at the very root causes of HIV/AIDS. Of course, there are many psycho-social factors that can be attributed as contributing factors to the scourge of HIV/AIDS which can, among others, be poverty, the abuse of substances, unemployment, ignorance and of course, practising unsafe sex. If we deal with these issues, I believe we will be in a much better position to deal with HIV/AIDS. We, therefore, need to embrace the National Strategic Framework and internalise it.

As I am concluding, Honourable Deputy Speaker, there is an issue related to HIV/AIDS which in my view, is a matter of concern. As I have observed over the years, the very people who are HIV-positive or who has AIDS are largely excluded in awareness raising and public education about HIV/AIDS. It is mostly those who is not HIV-positive that is more actively involved in

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HIV/AIDS awareness raising and education. Those who are actually living with the disease are silent. Their voices are not heard and they suffer in silence.

Honourable Deputy Speaker, it is a fact that any message on a certain situation can be best articulated by the one who has first-hand experience of the situation. The same is applicable to HIV/AIDS. Those infected with HIV should be encouraged and provided a platform to speak out for them as well as to raise awareness, educate those who are not infected. Only then can people be exposed to the reality of HIV/AIDS, because those speaking to them have the disease and thus know what they are talking about. Of course, there is a fear of stigmatisation, but that can only be overcome once people talk for themselves instead of others always talking for them.

What is also saddening is the fact that those who reap most of the benefits of support that is aimed at the people suffering from HIV/AIDS are the ones who do not have the disease. They are the ones conducting workshops and seminars, giving training, spearheading awareness raising campaigns, heading organisations, etcetera. Subsequently they are paid salaries and allowances and the poor HIV/AIDS sufferers remain with empty pockets and empty stomachs. That is unfair, Honourable Deputy Speaker.

It seems we have an HIV/AIDS industry where people are earning big bucks. I think this situation needs to be redressed and those living with HIV/AIDS should work hand-in-hand with others in our fight against this dreadful disease.

Honourable Deputy Speaker, with these few words I support the proposed National Strategic Framework for HIV/AIDS and I thank you.

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**HON DEPUTY SPEAKER:** Honourable Riruako.

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**HON RIRUAKO:** Honourable Deputy Speaker, I am not here to quarrel, this pandemic has hit us at the wrong place, and you cannot run away from it if you are not protecting yourself. You are supposed to know what your attitude should be. (Intervention)

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**HON SCHLETTWEIN**

**HON MINISTER OF AGRICULTURE, WATER AND FORESTRY:**

May I pose a question to the Honourable Chief on this very important subject? Honourable Chief Riruako, I have here the NUDO Election Manifesto of last year, a very important document. On page 9 of this document you are summarising NUDO's policy stance on this issue that we are discussing and I quote: "*A NUDO Government will adopt a radical departure from the present genocidal HIV/AIDS practice and declare HIV/AIDS a national crisis by reduction in numbers of sexual partners*". Would you be able to explain as to what NUDO intends doing in reducing the number of sexual partners?

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**HON DEPUTY SPEAKER:** Honourable Chief, according to our records you have already taken the Floor on the 22<sup>nd</sup> of September 2010. I will give the Floor to the next speaker, the Honourable Deputy Minister of Finance.

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**HON DEPUTY MINISTER OF FINANCE:** Honourable Deputy Speaker, I thank you very much for giving me the Floor.

There is really no doubt about the fact that a national strategy for the HIV/AIDS pandemic is an absolute must and it is, therefore not surprising that the SWAPO Government has in fact moved in that direction to give guidance in terms of the national strategy.

Honourable Deputy Speaker, we are talking about a fifth of the population that is touched. (Intervention)

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**HON RIRUAKO:** On a Point of Information. I wanted to say this, accept that you are infected, do not hide it. AIDS is a disease like any other.

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**HON DEPUTY MINISTER OF FINANCE:** I was saying that the pandemic directly affects a fifth of the population and, therefore, one cannot be in any doubt of the priority that it must enjoy.

Comrade Deputy Speaker, I however think that one must also realise that the HIV/AIDS pandemic is not only a health issue, it is indeed a developmental issue that has to be addressed and I think inasmuch as the Strategy touches on

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some of the developmental issues, it falls a little bit short of realising the real impact of the pandemic other than the health side. I am not saying it in a derogative manner, I am trying to complement the efforts that we indeed have to engage in and I just want to mention four issues.

First, a national strategy on a pandemic of this magnitude must surely have a cross-sectoral responsiveness. It must be a responsive tool not only for the health sector, but it must be responsive to many other sectors that are involved directly and indirectly.

Let me talk about the Financial Sector. The Financial Sector is responsible for pension schemes, for Medical Aid schemes and for other social safety networks that would help vulnerable groups. The Strategy is not very clear and explicit on how the Financial Sector must be responsive to cater for people who are affected by the pandemic and obviously, there is a lot of evidence indicating that pension funds can be severely affected by the pandemic. Medical Aid schemes, in my opinion, do surely under-serve HIV sufferers. That need must be looked at. The factors, I think, are not mentioned sufficiently in the Framework. (Intervention)

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**HON TJIHUIKO:** On a Point of Information to the Deputy Minister. In fact, pension funds will not only be affected by AIDS, but will also be affected by the money that is going missing.

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**HON DEPUTY MINISTER OF FINANCE:** I said it is pension schemes, it is insurances, and it is Medical Aid schemes that all fall within the Financial Sector and the point I wanted to make is that this sector must be included in the strategy in its responsiveness to a pandemic of this magnitude.

The next factor is, of course, the Labour Market. I think there is ample evidence and literature available, indicating that it is affected through the erosion of skills which in turn affects our approach towards education, toward vocational training and towards satisfying the needs of the labour market as a whole. I think the labour market and all the ramifications of the pandemic have some impact in the labour market and this significant aspect needs to be dealt with in a national strategy.



Madam Deputy Speaker, not the least important but maybe the most important for us are the fiscal aspects. The document on page 110 states that the cost for the next Medium Term Expenditure Framework would be N\$12,7 billion. Obviously, we must have a strategy in place how to fund the costs of that magnitude. The document is realising that there is a significant dependency on the donor community, our development partners, but I think the figure alone almost knocks one over. Where would we get N\$12 billion in the next three years to fund a strategy, which is necessary to be addressed? Therefore, I think the Strategy must obviously not only pose the problem, but it must also talk towards how are we going to map out a plan of action in the next three years but also in the next ten years, because surely the pandemic will not leave us in the next three years.

I have two more points and the second last one is the proposed institutional arrangement. If one looks at the institutional arrangements that are proposed they are elaborate and I agree, they must be elaborate because you have to reach every corner, every individual in the country. Yet, I want to say that we are not without institutions. I urge that one look into the existing institutional arrangement that is there. It would appear on the face value of it that there are some overlaps. I am specifically talking to the need to plan nationally and we have a National Planning Commission that is representative of both the public, private and NGO sectors, which could play its role. This is not mentioned here. The only call I want to make is that one optimises existing institutions in the way forward.

The last point I want to make was raised by my sister and that is that the whole HIV/AIDS pandemic has generated a whole HIV/AIDS Industry in the country. It is an important job creator, unfortunately not for ourselves, mainly for NGOs that channel the development funds or through which the development funds are channelled. As one of the first things we have to do, we probably have to evaluate the value we get for the services from many of those NGOs that we engage with, mind you, it is our money. It is pledged to the Namibian people and Namibian institutions and we have to see whether we do really get the bang for the buck from these institutions. My suspicion is that there is a lot of fat in the system and there are many benefits for non-Namibians and I think my sister is correct. We must make sure that the scarce funds that are made to our avail really reach the target group, which are the HIV sufferers. Thank you very much.

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HON MWANINGANGE**

**HON DEPUTY SPEAKER:** Next on the list is Honourable Mwaningange.

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**HON MWANINGANGE:** Thank you very much, Comrade Deputy Speaker. I have one short observation to make under the vulnerable groups in this National Strategic Framework on HIV/AIDS. Looking into the well-articulated issues in it, I would really like to express my feeling that the Ministry and its partners did great. There are however, categories of the vulnerable groups listed here, such as people who are disadvantaged by virtue of their socio-economic status, such as women and girls, orphans and vulnerable children, people with disabilities and people who are impoverished, including the urban poor.

My observation goes to another segment of our community who are unfortunately socially and historically much disadvantaged. These are the San community.

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**HON DEPUTY SPEAKER:** You may proceed tomorrow. The House adjourns until tomorrow, the 29<sup>th</sup> of September, in accordance with Rule 90(a),

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**HOUSE ADJOURNS AT 17:45 UNTIL 2010.09.29 AT 14:30**

**NATIONAL ASSEMBLY  
ASSEMBLY CHAMBERS  
WINDHOEK  
29 SEPTEMBER 2010**

The Assembly met pursuant to the adjournment.

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

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**ANNOUNCEMENT**

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**HON DEPUTY SPEAKER:** I have an announcement. I have received an invitation from Namibia Dairies for the Honourable Members to attend the launch of a new yoghurt range tomorrow in the Parliament Restaurant during tea-break or after the Session. Come and taste the products.

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

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

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

- Town Council of Okakarara for the Financial Year ending 30 June 2009;
- Town Council of Rehoboth for the Financial Year ending 30 June 2008;
- Town Council of Helao Nafidi for the Financial Year ending 30 June 2008;
- Municipality of Omaruru for the Financial Year ending 30 June 2009;
- Municipality of Usakos for the Financial Year ending 30 June 2008; and

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**NOMINATION OF MEMBERS TO THE  
SECURITY COMMISSION  
RT HON ANGULA**

- Town Council of Okahao for the Financial Year ending 30 June 2008.

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**HON DEPUTY SPEAKER:** Table the Reports. Any other Reports and Papers? Notice of Questions? Notice of Motions? The Right Honourable Prime Minister.

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**NOMINATION OF MEMBERS TO THE SECURITY COMMISSION**

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**RT HON PRIME MINISTER:** Thank you Honourable Deputy Speaker, I Move an unopposed Motion –

That, in terms of Article 114(2) of the Namibian Constitution, I recommend Mr Paulus Kapiya and Ms Nawases-Taeyele for appointment as Members of the Security Commission. In terms of the same article, the National Assembly is required to recommend these nominations to the President for appointment. I so Move, Honourable Deputy Speaker.

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**HON DEPUTY SPEAKER:** Kindly table the Motion. Any other Notice of Motions? Ministerial Statements? The Secretary will read the First Order of the Day.

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**CONSIDERATION: NATIONAL STRATEGIC  
FRAMEWORK ON HIV/AIDS**

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**SECRETARY:** Resumption of Consideration – National Strategic Framework on HIV/AIDS.

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**HON DEPUTY SPEAKER:** When the House adjourned on Tuesday, the 28<sup>th</sup> of September 2010, the Question before the Assembly was a Motion by the

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Deputy Minister of Health and Social Services. Honourable Mwaningange had the Floor and may now continue.

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**HON MWANINGANGE:** Comrade Deputy Speaker, I thank you very much, for once again giving me the Floor. I would like to observe with regard to the National Strategic Framework on HIV/AIDS at this time when Namibia, the Government and individual stakeholders are tackling this very crucial pandemic and I congratulate the Ministry of Health and Social Services for producing this strategic document for consideration.

Honourable Deputy Speaker, my observation is on the vulnerable groups under the prevention of HIV among the most at risk and vulnerable groups. It is said that this category of people in our society include women, girls, orphans and vulnerable children, people with disability, elderly caregivers and the impoverished, including the urban poor. These categories are under the vulnerable groups.

It came to mind, and I believe the Honourable Members are of the same view, that we have a community of Namibians who are apparently covered by the measures and programme of prevention against HIV/AIDS. This is the San community in our country. I would like to believe that even if they are not mentioned in the list of the most vulnerable groups, they need to be considered as being one of those, the reason being that their socio-economic background is still at stake in terms of poverty, unemployment and general health, even if the Government has special programmes for the San community in our country. We know great efforts are being made, but when it comes to HIV/AIDS, much has to be done in that regard.

A few years ago, I observed in the Regions where these communities are mainly predominant, such as Otjozondjupa, Oshikoto and Ohangwena. It was apparent that the San communities are organised in such a way that they are to be brought into the mainstream of socio-economic advancement. It is however a huge task and it cannot be done overnight, but with the HIV/AIDS pandemic in the country, we need to regard them, if not as a special group as they are, as also falling under the vulnerable groups. Alcohol abuse

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tends to be a serious challenge among the San community and they are no longer living in the remote areas where they used to live traditionally. They are even found in the settlements and town areas in the Regions. Therefore, I would suggest that it is very necessary to consider them as a most vulnerable group.

I want to comment on the structures and capacity building in place in the Regions, I am referring to the AIDS programme at the level of the Regional AIDS Coordinating Committee, and Constituency Coordinating Committee on AIDS, Home based care activity at community level. I feel this has to be intensified among the San communities wherever they are found.

Therefore, while I am wholeheartedly supporting and congratulating the Ministry for bringing this Strategic Framework, I would like to call on all the sectors in the public to consider the San communities as a vulnerable group. With these few observations, Honourable Deputy Speaker, I rest my case. Thank you.

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**HON DEPUTY SPEAKER:** Thank you. Honourable Swartz.

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**HON SWARTZ:** Thank you, Honourable Deputy Speaker. Honourable Deputy Speaker, I support the National Strategic Framework, but I also want to contribute.

Some cultural and traditional practices put people, especially women and young people, at risk of HIV infection. These practices and traditions should be identified and steps should be taken to address them by education or legislation. Traditional Authorities should play an important role in HIV/AIDS prevention strategies. Traditional healers and traditional midwives should be educated and informed about the transmission of HIV/AIDS and related issues.

Because of the predominantly subordinate position of our society, more women and girls are infected with HIV/AIDS than men and boys. If one looks at the statistics, you would see the numbers.

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Domestic violence and sexual abuse also increase their vulnerability to HIV infection. Programmes aimed at raising the status of women and eliminating adverse socio-economic and cultural factors that put them at risk of infection should be started. Programmes targeting men to take responsibility for the prevention of HIV transmission should also be put in place. Women and men should be equal in decision-making with regard to matters of family planning and reproductive health. Women have the right to information and the right to make informed decisions about their reproductive health and the right to insist on the use of measures to prevent transmission of HIV/AIDS.

Finally yet importantly, Honourable Deputy Speaker, Members of the august House, AIDS is real. It is very important for all the stakeholders, Political Parties and the nations around the globe to participate in the fight against HIV/AIDS. We appreciate what our Government achieved in the past against the deadly disease.

Honourable Deputy Speaker, I want to encourage our Members to be role models and if the Ministry of Health invites us for voluntary testing, we must do it to encourage the public. I thank you.

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**HON DEPUTY SPEAKER:** I thank you for the intervention. Honourable Uutoni.

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**HON DEPUTY MINISTER OF SAFETY AND SECURITY:** Thank you very much, Honourable Deputy Speaker. I also want to contribute on this item, the National Strategic Framework on HIV/AIDS.

Honourable Deputy Speaker, yesterday I listened to the contribution by Honourable Shixwameni when he raised a concern about the Namibian Police members whom he said are being transferred from one place to another and his statement painted a picture as if we do not have programmes in the Force aimed at educating the members about HIV/AIDS. I, therefore, also want to contribute and share some information with the House today.

Honourable Deputy Speaker, the Namibian Police Force has what is called a Strategic Plan on HIV/AIDS and I want to highlight some of the information.

The Institution has a Directorate, which during 2004 was assigned by the Inspector-General of the Namibian Police Force with the planning, coordination and management of HIV/AIDS activities in the Namibian Police Force. The Head of the Welfare Directorate has been given the responsibility to supervise HIV/AIDS activities. To ensure that operations go smoothly, the Namibian Police National HIV/AIDS Coordinator Office was established under the Welfare Directorate to ensure that HIV/AIDS activities are mainstreamed and reaches all police officers, from the senior level to the ground.

The Directorate acknowledges the seriousness of the HIV/AIDS pandemic and has thus initiated responses to minimise the social, psychological and organisational impact of HIV in the Force by providing resources, guidance and support to implement HIV programme activities comprehensively, national and regionally. The Directorate was further tasked:

- To assist the effectiveness of HIV/AIDS in the workplace in order to prevent and minimise HIV infection through the provision of education programmes psycho-social counselling, rendering counselling, testing and condom distribution;
- Enhance senior management involvement and support for the HIV/AIDS programmes, promote a non-discriminatory and stigma-free policy workplace programme and encourage openness;
- Encourage equity in the application of rules and regulations to all police officers and personnel regarding their social and medical status;
- Initiate, establish and support police workplace HIV/AIDS programmes and conduct research and formulate policy and sectoral plans in this regard.
- The mission of the Police Force when it comes to HIV/AIDS is:
- To prevent and control the spread of HIV/AIDS;
- To promote care and support for those members who are already infected and affected;



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- To reduce the psychological, social and economic impact of the epidemic in the Namibian Police Force.

What are the goals when it comes to this problem? It is to manage the impact of HIV/AIDS within the workplace.

Approach Strategies:

- To reinforce education, prevention, care and support by informing and preparing our members and the civilian components, including senior management, on issues pertaining to the fight against the deadly disease.

Social Structure:

The Honourable Member said people are being transferred, but maybe there is a problem that people do not have that information. We have structures, such as the AIDS Management Committee, Senior Health Officer, National HIV/AIDS Coordinator, Regional HIV/AIDS Management Committee, Regional HIV/AIDS Coordinators and Regional HIV/AIDS Advisor Committee at stations, units and divisions. This is the most important information I wanted to share.

Lastly, the Senior Health Officer is a member of the Management Committee and works under the supervision of the Welfare Directorate. The Senior Health Officer and his/her office conduct impact studies on HIV/AIDS prevalence in the Force. He or she is responsible for development and establishment of a HIV/AIDS databank. Therefore, the Police have these programmes to educate our members. Whether you are transferred from Khomas to Omaheke, you would find a well-organised unit. If you go to Caprivi, the same, the station has a coordinator and we are sharing this information with the Namibian Defence Force.

Last July we were invited by Retired General Namoloh and his team to the Country Club and we share this information. They have already developed a cassette, "*Marching Forward*" on how the members are being informed on the programmes with regard to HIV/AIDS. We also have the same cassette. What I am trying to say here is that there should not be information as if we are not

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**HON SIMATAA**

doing anything amongst the members, we have programmes that are educating our members. I thank you very much.

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**HON DEPUTY SPEAKER:** Honourable Simataa.

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**HON DEPUTY MINISTER OF INFORMATION AND COMMUNICATION TECHNOLOGY:** Thank you very much, Honourable Deputy Speaker. I am taking the Floor to join those who spoke before me, by offering my commendations to the Honourable Minister of Health and Social Services and his Deputy and their management team for having creating what I prefer to call a very comprehensive and well-costed – although expensive and Honourable Schlettwein alluded to that yesterday – National Strategic Framework for HIV/AIDS.

The plan that has been placed before this House, in my view, will put the Namibian Nation in a much better shape in what I prefer to call our eternal efforts to combat the unabated spread of the pandemic in our country.

While I agree with many speakers who spoke yesterday, I must add that the biggest threat to our HIV/AIDS mitigation efforts, in my view, lies in the pervasive poverty and unemployment and the seemingly persistent resistance in terms of changing our behaviour. These are the two biggest threats that we have.

Yes, we can attempt to achieve greater penetration in terms of the number of people who are taking ARV drugs, however what remains true, in my view, is that ARV drugs, taken on empty stomachs, can only be equated to a skydiver who jumps all the way from the sky, knowing that he or she is using a defective parachute. You can guess what the outcome will be. Yes, expecting the poorest of our citizens to take ARV drugs on empty stomachs, will only serve one purpose and one purpose only and that is to expedite the death of those whose lives we want to save.

Comrade Minister, I am submitting that our efforts to mitigate the impact of the HIV/AIDS pandemic should be located within the broader poverty alleviation initiatives. Without adequate nutrition, which is accompanied by positive behaviour change, ARV drugs will fail to deliver the desired results.

I have looked at the funding requirements and like Honourable Schlettwein indicated yesterday, the funding requirements are seemingly huge, but you cannot put a price on the life of a fellow human being. Perhaps what we need to do, as many other speakers have indicated yesterday and even much earlier, is that we need to examine how the current funds allocated particularly to multiple HIV/AIDS Non-Governmental Organisations are utilised, critically. We need to address the opportunity costs of maintaining multiple Non-Governmental Organisations and contemplate to persuade these organisations, in my view, to consolidate in one entity, so that in so doing we can eliminate the attendant overhead costs in terms of maintaining some of the bureaucratic structures within these organisations. I believe that money saved in this particular fashion is money that we can divert to critical HIV/AIDS mitigation activities.

On that very, very brief note, Honourable Deputy Speaker, I fully support the HIV/AIDS Strategic Framework.

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**HON DEPUTY SPEAKER:** Honourable Witbooi.

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**HON WITBOOI:** Honourable Deputy Speaker, Honourable Members, allow me to give my humble contribution to this very important Debate. I believe what gives particular substance to this Debate is the fact that it deals with a matter that is of not only concern, but also a matter that is eroding the social fabric of our society, especially our youth.

Honourable Deputy Speaker, Honourable Members, my belief is that I will do justice should I put more emphasis on sex, since sex, casual sex and in particular, unsafe sex practised is the real culprit in the spreading of HIV/AIDS. Therefore, if sex is then the predominant method through which HIV/AIDS is spread from one person to another, then HIV/AIDS is a non-communicable disease. It cannot be spread through common daily interactions, neither can it be spread in the air, which means that HIV/AIDS is also not airborne. Therefore, in order for the disease to be spread, there must be an intimate physical contact, be it through sex or blood exchanged through open wounds or cuts.

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**HON S TJONGARERO**

Of course, we all know these things already, but what I am trying to bring across is that we can have control over HIV/AIDS for the mere fact that it is predominantly spread through sexual intercourse and we are the ones who have control over sex. Sex is a natural desire and feelings, like all other desires, we as human beings can easily control. (Intervention)

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**HON RIRUAKO:** Sex is a national desire, it is a national habit, those two things combined ought to be respected, and I am here to set an example. Are you ready for that yourself?

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**HON WITBOOI:** There is a special programme in school called the Window of Hope Programme. The fourth window of the junior windows deals with sex and HIV/AIDS. Schools must take this programme seriously because it can contribute a lot to our young people's future. I would say it is a very good programme and if our learners follow that programme, then we will see results.

Honourable Deputy Speaker, Honourable Members, I would like to thank the Minister, the Deputy Minister as well as their entire staff component for coming up with this well-articulated National Strategic Framework. Honourable Deputy Speaker, I will end by saying, HIV/AIDS is real, it is with us and it is taking its toll. Do not ever gamble with your life on the turntables of HIV/AIDS. I support the 2010/2011- 2015/2016 National Strategic Framework for HIV/AIDS. I thank you.

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**HON DEPUTY SPEAKER:** Honourable Tjongarero.

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**HON S TJONGARERO:** Thank you, Honourable Deputy Speaker, Honourable Members of the august House. I rise to support the National Strategic Framework for HIV/AIDS. It is encouraging to observe that our effort to fight the pandemic is not totally in vain, although there is still a lot to be done to reach our ultimate goal.

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I would like to share with the Honourable Members Section 5.2, Treatment, Care and Support. *“The TB burden in our country has increased over the last two decades, to bring us to the highest TB case notification rate in the world.”* I was, truly speaking, under the impression that TB is under control, but after reading this, I am asking myself, what is the meaning of *“under control with the highest notification rate in the world”*?

The National Strategic Framework under review identifies quite a number of gaps, challenges, infrastructure shortfalls as well as challenges with human resources capacity. Our drastic plan of action to address what we have identified within the period of the next five years is very crucial. All sectors’ involvement and recommitment to do more is very essential. Effective functioning of Regional HIV/AIDS Coordinating Committees in all 13 Regions is our aim, but in some Regions, it is not the case. Even in some communities, the presence of our Traditional Leaders’ in our battle against HIV/AIDS is not remarkable.

Change in social behaviour, whereby every citizen of our country has responsibility to adhere with the aim to reduce the spreading of the disease, is another area of great concern. Alcohol abuse and how we as a proud Nation are geared to fight it step-by-step is another headache. Small contributions from all of us mean change and output at the end of the day, but talk without doing anything will bring us nowhere.

Honourable Deputy Speaker, with these few remarks I support the National Strategic Framework and I rest my case. I thank you.

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**HON DEPUTY SPEAKER:** The next on the list is Minister Kazenambo.

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**HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE:** Thank you, Honourable Deputy Speaker. I rise to support the National Strategic Framework for HIV/AIDS. (Intervention)

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**HON TJIHUIKO:** Honourable Deputy Speaker, with due respect, we know what he is going to say, so I just wanted to ask a question.

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**HON DEPUTY SPEAKER:** Please proceed.

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**HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE:** Honourable Deputy Speaker, when I have chosen the path of politics and especially in a society like ours, which is, composed of conservatives, of the religious – some of them fanatics and religious moderates... (Interjection). I am aware of what I am going to say and now I am going to say this against the backdrop of that harassment: HIV/AIDS is real, HIV/AIDS is a scourge that is haunting our society and I grant my support to this Strategic Framework, especially the preventative measures.

On the prevention of new HIV/AIDS infections, I would like to look at a factor, which the conservatives and the religious fanatics would not like to mention sometimes and that is the issue of the sex workers. I know that there are policies, which perhaps do not allow the practice of prostitution, the practice of sex work.... (Intervention)

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**HON RIRUAKO:** On a Point of Information. The Honourable Member talks about religions and we have all of them. Some of them do not allow sex before marriage, some of them do not allow you just to do anything until that time and that day comes. You may say some of them are anti-Christianity, but humans are humans, wherever they come from does not matter to me. The fact is, tell the world what is wrong, but do not distinguish, and talk to those to whom you want.

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**HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE:** I am appreciating the preventive measures and I am putting my view. I am a politician, and it unfortunately has taken me to unfortunate terrains and I will not retreat from that.

In Namibia, our people are vulnerable. When you drive along the bridges, those of us who find ourselves in privileged positions tend to ignore them as if they do not exist, but they exist, they are our sisters, they are our daughters, our mothers, our brothers, our fathers, because sexual activities are across gender. There are homosexuals, although it is also outlawed in this country, there are

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heterosexuals and these people exist in Namibia, we cannot wish them away. They are vulnerable, they are approached by men and women but they are vulnerable and I want to highlight their plight. I want to say that this should be a societal concern when we are dealing with strategies for HIV mitigation.

Honourable Deputy Speaker, we live in moving times, we are living in societies whose social structures are changing due to economic circumstances, due to natural disasters, due to many factors and a rich family today has no assurance that tomorrow it will remain rich. My daughter may find herself in the street tomorrow because of changing circumstances. Therefore, many societies around the world have legalised prostitution as a mitigating factor, because it is better to legalise them than wish them away. We can pretend and bury our heads in the sand, prostitution exists and the reality is that it is also contributing to the spread of HIV/AIDS.

If you go to certain countries, sex workers are organised. They are protected by the police, they are medically examined every month to determine if they are healthy and the question is, have we experimented with it? So what? I may have, maybe the other one may also have, but because of the culture, he will be hypocritical and pretend that he has not done it, but the reality is that it is done. It is there and Namibia is a society that upholds Human Rights and applies human dignity. (Intervention)

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**HON KAURA:** May I ask a question? Honourable Minister, what are you going to do to prevent someone to get involved in sex trade in order to put bread on the table, in view of the 51,2% unemployment rate in Namibia,?

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**HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE:** This is exactly what I am saying, these are the realities of the situation, and these are economic realities. Some of them are not deliberately caused by you and me, some of them are dictated by environmental change, by financial mismanagement, bad governance, but these people do exist and society must put laws that protect the strong, that protect the weak and that protect everybody. This is the opportune time when we are talking about mitigating strategies against HIV/AIDS. Let us acknowledge the reality that there are people outside whose circumstances have forced

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them and will continue to force them to go into the street. It is about time that Namibia comes up with laws. It is not the duty of the Ministry of Health and I said in my introduction that unfortunately, politics have made me to walk on the jaws of death, politics has made me to walk in unpopular terrain, politics have made me to speak the unspeakable and I am speaking on behalf of them. I am saying some of them have not chosen to go into the street, it is unemployment, it is poverty that makes these people to try to sustain themselves and I say they must be acknowledged in our Strategic Framework as they exist and they need to be taken care of. I am talking about sex workers. We refer to them as prostitutes, *Ovakazendu ovakorundu, Iikumbu*, but they are there. Please, let us legalise prostitution in this country, it is about time. (Intervention)

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**HON MINISTER OF ENVIRONMENT AND TOURISM:** May I ask the Honourable Minister a question? Honourable Minister, you are making a very important point which I think was also discussed in this House at one time. Do you agree that there are situations in some countries where the legalisation of prostitution has also brought prostitution down?

A second question: Are there also situations whereby prostitution is illegal but instead of prosecuting the sellers, the buyers are being prosecuted and this has again reduced the prostitution. Are you aware of that situation, Comrade Minister?

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**HON MINISTER OF ENVIRONMENT AND TOURISM:** We need to be open, we need to be honest to future generations and ourselves. We have chosen a path of taking responsibility on behalf of those who cannot speak for themselves. Prostitution is practised in this country and there is no difference between a person who sells herself and the married person who has 20 girlfriends. What are you doing? You are practising prostitution. (Intervention)

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**HOUSE ADJOURNS AT 15:40  
HOUSE RESUMES AT 16:00 PURSUANT TO ADJOURNMENT**

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**HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND**

**CULTURE**: Honourable Deputy Speaker, before I conclude and reiterate my support for the National Strategic Framework for HIV/AIDS, I would like to comment on the reduction of HIV/AIDS incidence to a lower threshold level, especially appreciating that the Ministry has identified the point that, “*changes in structure of the enabling environment to ensure access to HIV preventative programmes*” and then listed in bullet 4, “*issues such as gender norms, alcohol abuse, decline in marital and cohabiting unions, gender equality mobility and migration, education, poverty and income inequality.*” My real focus is on poverty although I support all the above points.

The issue of sex workers and prostitution is mostly based on the issue of poverty and income inequality and this is also the question that was raised by Honourable Kaura. It goes to the issue of poverty and income inequality and unemployment. Let us organise this industry and legalise it. I am appealing to the powers-that-be, from an economic point of view, let us legalise this sector. It is a job creation sector, it is a tourism sector, a development sector. (Intervention)

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**HON DEPUTY MINISTER OF AGRICULTURE, WATER AND**

**FORESTRY**: Comrade Deputy Speaker, may I ask a question? I agree a hundred percent with you on the issue of poverty, but if we start equating any issue to poverty which forces people to do that, what happens now to the those pocketing the money? How are we going to categorise them so that we say we justify this deed in order to prevent others not to be legalised.

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**HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND**

**CULTURE**: A very good question and I will answer it passionately. Why I was saying this is an economic issue, this is a job creation issue, there are countries that are leading in the Tourism Industry today and especially using this sector. Thailand is one of them. I know the negative and the dirty part of it. If you go to Amsterdam in Holland today, the red lights are there. (Intervention)

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**RT HON PRIME MINISTER:** May I ask Comrade Kazenambo a question? Are you aware that Honourable Shixwameni is so happy that he now has something to go and campaign about?

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**HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE:** It will be unfortunate if people politicise the vulnerable situation of other human beings and from all sides of this House, be it the Ruling Party, be it the Opposition, it will be very sad if we look at this issue from political angles. I said that I live in a conservative country, a religious country and I am speaking the unspeakable and that is why people are jumping and denying, but it is an economic reality. (Intervention)

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**HON KAURA:** May I ask a question? Honourable Minister, when you are travelling on B1, going north, as soon as you come at Van Eck Power Station and look on the right hand side, you see young ladies there in mini dresses, selling their bodies and if you look on the left hand side, you see ladies selling grass and these peels from the Camel Thorn tree and they are supporting children. Which morals in our country would you encourage? Those that are doing everything possible to make a living legally and honestly or those who are selling their bodies? Which morals would you promote in this country?

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**HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE:** As a student of business and economics, economics do not mean numbers. I am not saying that a human being would choose not to have morals, if you are hungry, it has nothing to do with your morals. I am saying that morality is there and that is why I am saying that it is an unpopular view of this country, but whether we like it or not, they are there.

The Honourable Member spoke about the Van Eck Power Station. If you drive around from 20:00 in Independence Avenue around Kalahari Sands, you will find kids of 11, 12, 14 years who are selling their bodies. They are forced by circumstances. The City Police are arresting them, but it is not a solution. (Intervention)

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**HON LUCKS:** Honourable Deputy Speaker, may I ask a question?

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**HON DEPUTY SPEAKER:** Honourable Member, I do recognise your right to speak, however the practice is that because you have not yet made your maiden speech, I advise you to make your maiden speech first.

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**HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE:** We live in a democracy and the conservatives must bear with me. (Intervention)

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**HON TJIHUIKO:** Honourable Deputy Speaker, may I ask the Honourable Minister a question? Honourable Minister, I appreciate the fact that you are trying to drive home the issue of economics or unemployment that is really destroying our people and you are trying to address that issue from what I have heard from you. My question is, and I think I am not far from what Honourable Kaura has asked - we have a situation where according to our laws young kids are not allowed to work. Are you saying that because of the economic situation that we are facing right now, these 12 to 15 years old kids who are being misused to some extent to look after cattle without being properly paid, should be allowed to be employed under those conditions because of the economic factor? Are you saying since we have a high unemployment rate, since our economy is not doing that well, everything for everybody? Is that what you are preaching?

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**HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE:** It is very sad and it is very unfortunate and can I make myself vocal and very clear on what I mean. I am not here advocating immorality in whatever form. (Intervention)

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**HON MINISTER OF LANDS AND RESETTLEMENT:** May I ask a question? Honourable Deputy Speaker, I want the Honourable Minister to confirm if my understanding of what he is saying is correct. Is it my understanding, Honourable Minister, that what you are saying is in essence that

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in as much as we as a Nation are underscoring the moral values of our society, the reality, which we cannot overlook and ignore, is that people are trading with their bodies to make ends meet. I have also observed that when you drive to Okahandja you see two groups of people sitting along the roadside, the ones who are doing what they naturally do in terms of the oldest profession on earth and the others who are gathering food from the Camel Thorn trees and grass. The ideal situation would have been that everybody does that, but we are not living in an utopia in Namibia, the reality is that some people are resorting to things that we would naturally not want to see and observe, but it is happening. If that is the case, are you offering an alternative? Is that what you are doing?

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**HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE:** I am saying that the HIV virus does not know borders that it originated from a sex worker or originated from a non-sex worker. A virus is a virus and there is also no evidence that those people who are decent and of high morality are not also transgressing or violating what we see publicly as being moral people. Otherwise, the newspapers and the Courts would not have stories of divorce based on extramarital affairs. If those who are legally married also indulge in extramarital affairs, what about a group of us who are too married? We are loose cannons. Maybe we will also end up picking it up and then we transmit the disease. (Intervention)

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**HON MOONGO:** I would like to know whether the Minister is aware that some street vendors who were selling *kapana* were rounded up, their things were confiscated and got rotten, while they were trying to make a living out of it so that their children could survive. Now it is the same Government who arrested those who are trying their best to earn a living and those who washed cars who want to legal prostitution. Where are you heading with this Nation?

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**HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE:** I am not saying that legalising sex workers can be compared with drug sellers. Drug traffickers and those who are stealing are committing theft, they are taking somebody's commodities illegally. If I am selling my body, I am providing a service.

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

Comrade Minister, does it mean that if one legalises prostitution, HIV/AIDS will decrease? Secondly, to repeat what Honourable Kaura has said, at the Van Eck Power Station on the way to Okahandja there are young girls, most of them very young, most of whom maybe do not have more than ten children, they are very young and they are selling their bodies under the pretext of unemployment and poverty. Next to them one finds ladies, some young, some old, selling grass and according to my information, they make N\$3,000 to N\$4,000 per week. They support their children, they support their extended families here in Windhoek and wherever they are. They also support their unemployed husbands. These ones who are selling their bodies, are they also supporting their husbands and their children? I am saying this because in comparison this is a risky work.

In the nineties truck drivers were engaged in this prostitution. They were parking their trucks somewhere in Windhoek and round about four in the morning this young girl woke up, because apparently, this truck has a bed somewhere in the back, and she went outside. The truck driver thought that the girl has left. Apparently, she wanted to relieve herself, she sat next to the wheels and this truck driver just started the truck and went. Therefore, it is risky.

If one enters Mariental from Windhoek, there are those curves of the mountain. There were two truck drivers in the nineties and while this one was driving the other one was having sex with a girl and apparently she was making a lot of noise. They were taking turns, this one wanted his turn, and at the same time he was driving and then the truck accidentally bumped against another car. I am saying this because if we go for legalising prostitution, if I see my male dog engage in male dog prostitution, I will say that is not a dog. If we speak about sex workers, are we speaking of male sex workers or female sex workers or are we speaking of both if we have to legalise it?

We have cultures in Namibia and although we say it has been there from time immemorial, we should encourage the unemployed to go and sell grass. Some of those who sell grass bought combis. Therefore, we should encourage our youngsters to work. If we legalise prostitution nobody will work anymore, because everybody who wants to make easy money will say, "Let me sell my body." Let us not legalise, but let us just encourage them to cut grass like the

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others. If we are to legalise prostitution, will HIV-infections decrease? That is the question to the Honourable Minister.

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**HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE:** My point is and I have acknowledged it right from the beginning is that the laws in this country should be attuned to the reality. Digging your head in the sand is not the solution and I do not think HIV-infection is increasing as a result of the sex workers. Therefore, the question of reduction or non-reduction when it comes to the sex workers is not the point. (Intervention)

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**HON RIRUAKO:** On a Point of Information and a Point of Order. You were asked by some Honourable Member here whether we are going to allow double standards, one for male and one for female prostitutes. I now want to ask you, are we going to allow the women to be prostitutes, but what about you? I am not talking about anyone else. It is the men. If you ask how the men can become prostitutes, I will tell you.

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**HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE:** I have made my point that we should legalise prostitution. In conclusion, banning prostitution does not mean that you have addressed it and it does not mean that it is not being practised underground. The point is to protect the sex workers who are infected by HIV who have nowhere to report, to protect sex workers who are hijacked by truck drivers, but the sector that they are involved is not legalised. In order to protect these people, let us be organised as it is organised in many other countries across the globe, so that those who abuse these people, after they get the service from them and then do not pay what they should pay, should account for their actions. We are not committing any crime, there are girls who do not go to the streets, who have five Managing Directors, ten Ministers, ten Chiefs and so on and they receive gifts. They are given clothes, they are given perfume and money and there is no difference between them and those on the streets.

There are married and single men who go to those 12-year old school kids and pay them with their Parliamentary money, Ministerial money, clergy money. I support the Motion.

**HON DEPUTY SPEAKER:** Before I give the Floor to Honourable Ben Amathila, allow me to make a comment concerning the Minister's intervention. Although the subject matter is to discuss the National Strategic Framework on HIV/AIDS, Honourable Minister Kazenambo brought up the very important question on legalising prostitution. To the best of my knowledge this is not the first time we discuss this. I do remember some of the senior retired Members of Parliament discussed this and they were also in favour of legalising it, for example the retired Dr Amathila. I would like to seriously suggest that somebody should bring a Motion so that a Standing Committee can go and test the ground, so that this issue can be referred to one of the Standing Committees to go and do research for us to know what we should do, We are not saying we are legalising it. It is a very serious and important issue. I give the Floor to Honourable Ben Amathila.

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**HON AMATHILA:** Thank you, Honourable Deputy Speaker. Let me from the onset thank the Minister, his Deputy and his staff for bringing this very important document to the attention of the House for scrutiny and adoption. The issue of HIV/AIDS has been with us for quite a number of years and the question as to whether we are succeeding in our efforts against HIV/AIDS or not is still a very big question mark.

Honourable Minister, the day before yesterday I came across a report in one of the newspapers, which says the unemployment rate in our country has increased to 51%. That was very shocking to me because I lived in the fool's paradise of believing that we are round about 30%. I do not know the authority on the quote, but be it as it may, 51% is quite a high figure and poses a serious problem to all of us sitting here to try to address this particular issue.

Before I go further, let me just read a small paragraph from the Strategic Framework for HIV/AIDS on page 36. It reads: *"Treatment for HIV has extended life for many people living with HIV and there is a need to undertake effective HIV prevention in the area of more generalised access to ARV. Most individuals would want to remain sexually active after they learned of their positive HIV status and this desire is even more likely as ARV drugs not only extend life, but also the quality of life for people living with HIV."*

I do not think we have any doctor in the House or maybe we do. I see a serious challenge here and this should be accommodated in the Strategy. The challenge is that people who go and receive this counselling and ARV-Treatment from the doctors will be advised to try and take the treatment on a full stomach and if you do not take it on a full stomach, the effect of those drugs are possibly not what it was intended for. If 51% of the employable people in Namibia have become unemployed, this will be a great risk for HIV-infected people who are not able to feed themselves while taking these drugs. To a layperson like me, it means that the inability of infected people to feed themselves before they take these drugs will possibly increase the mortality of people. It poses a serious problem in that the application of these drugs to unemployed people who cannot afford a meal will be more devastating than possibly hitherto.

I am just raising this question, Honourable Minister, that if we have 51% unemployed people, obviously our strategy should also include the possibility of providing food to these people. As a layman it would appear to me that if we do not do that, the drug would not have the desired effect and the challenge to all of us in the House is that we should take the question of unemployment very seriously among ourselves. When we are seated in this House, our pension is guaranteed, our salaries are guaranteed, but thousands of people do not have that comfort. If they are infected, the chances of them raising money to take these drugs on a full stomach leave a very big question mark. (Intervention)

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**HON MINISTER OF VETERANS AFFAIRS:** On a Point of Information. I think Honourable Amathila is right, but the information is also available, that when you take the statistics of the birth rate and the percentage of HIV-cases increasing in the country, research has shown that the number of HIV-cases has decreased. It has decreased, I believe, because people get information about the danger of HIV and about the way in which people may have to protect themselves as far as their sexual conduct is concerned.

What is of interest here is the death rate which is decreasing in spite of the fact that unemployment is increasing in the country, simply meaning that whatever means people have, they have been able to take the ARV drug. I think we should probably not despair because of unemployment in the country, but to give information and education on the danger of HIV. I only wanted to say



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that the number of unemployed people should not discourage us that we may have run-away HIV-figures, we should continue to educate our people to protect themselves.

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**HON AMATHILA:** Thank you, Honourable Iyambo. Obviously the statistics are there, but the risk is becoming greater with unemployment. I am trying to say that we should take into account that when unemployment becomes so high, all of in the House and not only Government, should take this issue as serious as it is and leave party-politics aside to serve the people of this country, to strengthen them to fight this pandemic. That is the only appeal that I am making and I hope the Minister will take that as part of the strategy. Some people can afford it, I can afford it should I need to take drugs, but there are thousands of people who cannot afford it. (Intervention)

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**HON DEPUTY MINISTER OF AGRICULTURE, WATER AND FORESTRY:** Comrade Deputy Speaker, may I ask my senior a question? Comrade Amathila, Honourable Iyambo said unemployment does not seem to increase the HIV-cases. Currently the Government of the Republic of Namibia has a programme of giving ARV-Treatment and we should not say we cannot cope because people are taking this medication on empty stomachs. We should not speak as if we do not have a programme in place. Let us encourage employment and I just wanted to add to what Dr Iyambo said, that we should not be discouraged by the issue of unemployment. We must also not forget that we are in a capitalist system, which was brought by those who wrote the Constitution.

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**HON AMATHILA:** Thank you, Honourable Ilonga. It is not that I am panicking or doing anything unbecoming, it is only that we are talking about a strategy and my contribution is that that strategy should take account of these high figures of unemployment, otherwise we may provide ARV-treatment, only to find that it is being taken on empty stomachs and may not be very effective. There is no question that the Government has done a lot, I think in the international rating Namibia stands very high in terms of what we have done on the question of combating HIV, but with the new figure of 51% unemployed, I thought I had to raise this issue for the attention of the Minister

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and his staff, to look at it as a potential improvement on the strategy against HIV/AIDS. I thank you.

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**HON DEPUTY SPEAKER:** Thank you. Any further discussion? In the absence of further discussion, I will now give the Floor to the Minister of Health and Social Services to respond to comments and questions.

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**HON MINISTER OF HEALTH AND SOCIAL SERVICES:** Thank you, Honourable Deputy Speaker, seeing that some of the interventions need consideration, I would beg that we given a chance to respond next week, Wednesday.

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**HON DEPUTY SPEAKER:** The Debate on this topic is adjourned until Wednesday, the 6<sup>th</sup> of October. The Secretary will read the Second Order of the Day.

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**RESUMPTION OF SECOND READING:  
EMPLOYMENT SERVICE BILL**

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**HON DEPUTY SPEAKER:** When this Debate was adjourned on Tuesday, the 21<sup>st</sup> of September 2010, the Question before the Assembly was a Motion by the Honourable Minister of Labour and Social Welfare, that the Bill be read a Second Time. Honourable Shixwameni adjourned the Debate and he now has the Floor.

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**HON SHIXWAMENI:** Thank you, Honourable Deputy Speaker. We know that we have the Employment Summit tomorrow, organised by the Prime Minister and after consultation with the relevant Minister, Honourable Ngatjizeko, we agreed that I adjourn the Debate until Tuesday, next week, because we need to see what is happening at the Employment Summit.

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HON IILONGA**

**HON DEPUTY SPEAKER:** I have other Members on the list. I give the Floor to Honourable Iilonga.

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**HON DEPUTY MINISTER OF AGRICULTURE, WATER AND FORESTRY:** Thank you, Comrade Deputy Speaker. I rise to give my support to the Minister, the Deputy Minister and the staff of the Ministry of Labour and Social Welfare on this very important piece of legislation.

I start with Clause 13(k) on page 10 and I also want to touch on Clause 28, which deals with exemption. Clause 13(k) deals with the registration of private employment agencies. As we know, the Supreme Court made a Ruling on Section 128 of the Labour Act, which deals with labour hire. I want us to see to it that these agencies, which are now going to be registered will not conduct slavery, because Article 9 of the Constitution deals with slavery and servitude and forced labour is prohibited. However, if you look at how our people are employed under the labour hire system, they are not employed, they are owned as a commodity. I do not know how we interpret that with Article 9 of our Constitution, because this person is owned and dumped at will if he or she no longer has energy to produce for the owner.

My last comment is on Section 28, which deals with exemption. Sub-clause (3) reads, *“On receipt of an application made in terms of Sub-section (2), the Minister must consider the application and if satisfied that there are good reasons for such exemption and that such exemption is in the public interest, in writing grants such exemption”*. Maybe there is an omission, because what happens if the Minister is not satisfied by the reasons given by such an individual? I hope something could be done to protect the Minister, because if there is no Clause, which says, in the event that the Minister is not satisfied, he has the right to refuse and then they can follow the procedures to appeal. If we leave it like this, the Minister will be forced to grant exemption for every application because there is no protection.

With those few remarks, I support the Bill.

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**HON DEPUTY SPEAKER:** Thank you. Honourable Professor Katjavivi.

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HON PROF KATJAVIVI**

**HON PROF KATJAVIVI:** Thank you very much, Deputy Speaker, Honourable Members. I stand up to make a brief intervention on the Employment Service Bill tabled in this House by the Honourable Minister of Labour and Social Welfare.

Deputy Speaker, as we all know, most countries would like to achieve full employment level of output in which both employment and output is maximised. With respect to employment, both labour supply and labour demands are equally important in the life of any country. In other words, achieving an equilibrium level of employment is a complex phenomenon that demands very much of relevant actors and factors working together.

Honourable Deputy Speaker, due to the inherited inequalities, there is a gap in our economic system because of the matching process and supply and demand, which does not always take place as expected. The proposed Employment Service Bill is to address the abovementioned challenge by facilitating and supporting access to employment opportunities through the National Employment Service, the National Employment Service has two organs, the Employment Service Board and Employment Service Bureau.

Honourable Deputy Speaker, the Employment Service Board will provide general advisory service to the Honourable Minister of Labour and Social Welfare and his team. This would be by way of investigating and assisting the Ministry of Labour and Social Welfare on various aspects of labour, market development as well as facilitating the attainment of the broader objectives of this Act. In fact, the Employment Service Board will provide the necessary dynamism in order to achieve full employment in the country.

The proposed Employment Service Bill is at the centre of labour market behaviour and its response. Currently the status of provision of labour market information is not satisfactory. It should be noted that labour market information is important to the prospective employees that is jobseekers and employers as well. In other words, prospective employees should systematically provide essential information about themselves to prospective employers, in this case the supply part of labour market, while the prospective employer should provide essential information with respect to job vacancies and the required qualifications and experiences to the jobseeker, this being the demand side of the labour market. Furthermore, advice, career guidance,

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HON PROF KATJAVIVI**

education, training and skills development are part and parcel of the above process and, therefore, very much to be welcomed.

Private employment agencies, in collecting analysing and dissemination of research outcome, are also a vital function of the Employment Bureau.

Honourable Deputy Speaker, I submit the Bill would contribute to Namibia being on par with some of the neighbouring countries with respect to employment service. As a result, we can expect that this Bill will be helpful in assisting and supporting the process of making sure that our labour supply would meet its demand in the country. In fact, our overall endeavour is to create employment opportunities that should be facilitated and supported by the Employment Service. (Intervention)

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**HON TJIHUIKO:** Honourable Deputy Speaker, may I ask the Honourable Professor a small question? Honourable Professor, I really enjoy your submission and I wish I could get a copy of it, but I just wanted to know from your side, having been the Director-General of the National Planning Commission, what is it that you need to have in place in order for you to create employment? Do you need a law that will be more restrictive and build in bureaucratic system? Alternatively, do you need a law that would help to grow the economy and in the process create jobs? In addition, if my thinking is right that that is the way to go, which chapter in this Bill is addressing the issue of creating a conducive environment, allowing the private sector to grow the economy? Is there any area in this Bill that refers to a specific strategy that would allow the economy to grow in order to employ people?

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**HON PROF KATJAVIVI:** That is not a small question, it is a loaded question and I do not object to the question. The question deals with the vision, the vision are a long-term objective that we all subscribe to. Obviously, we all want to get there, but how to get there would require a great deal of effort, dedication and all the resources that we can put together to make sure that we get there. I think the object of the exercise is to get there and from time to time, it requires periodical review to enable us to make sure that we are on course or not in terms of the long-term objection, Vision 2030.

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I think your question came before I could actually deal with some of the aspects that could be answered by my statement and I will come to that.

Lastly, I hope you will also direct the question to the Minister who introduced the Bill. The time will come for you to be afforded an opportunity in terms of the answer that the Minister may want to provide. Can I just continue?

In fact, our overall endeavour is to create employment opportunities that should be facilitated and supported by the Employment Service Act in order to achieve our broader development objectives, such as reduction of poverty, income equality and the drive to promote sustainable development in general.

Honourable Deputy Speaker, let me hasten to state that this initiative by the Ministry of Labour and Social Welfare must be seen against the current efforts that are being made by the Government of the Republic of Namibia to deal with the issues of unemployment in the country. A sizeable number of those unemployed Namibians include young and unskilled persons. As we already know, the Government has called for a conference of all stakeholders that is due to take place tomorrow in this regard. This conference, I submit, is expected to explore ways and means of tackling issues of unemployment by, among other strategies, looking at targeted areas with particular reference to our young people and unskilled citizens of our country. I fully support this Employment Service Bill and I thank you.

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**HON DEPUTY SPEAKER:** Any further discussion on this Bill?  
Honourable Shixwameni.

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**HON SHIXWAMENI:** The Debate that took place is like putting the horse before the cart and I want us to go to the Employment Summit called by the Prime Minister, so that after we have informed ourselves, we can then debate properly in this House. I Move that the Debate be adjourned until the 6<sup>th</sup> of October.

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PLANNING AND CONSTRUCTION BILL  
HON SHIXWAMENI**

**HON DEPUTY SPEAKER:** The Debate is adjourned until the 6<sup>th</sup> of October. The Secretary will read the Third Order of the Day.

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**RESUMPTION OF SECOND READING: NAMIBIAN PLANNING AND  
CONSTRUCTION BILL**

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**HON DEPUTY SPEAKER:** When this Debate was adjourned on Tuesday, the 21<sup>st</sup> of September 2010, the Question before the Assembly was a Motion by the Honourable Minister of Works and Transport, that the Bill be read a Second Time. Honourable Shixwameni adjourned the Debate and he now has the Floor.

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**HON SHIXWAMENI:** I thank you, Honourable Deputy Speaker. I perused the Bill several times and I must say that there is in fact reason to welcome the Bill on the Namibian Planning and Construction Council and the establishment thereof. I think it will do our country good and I do not have doubt that if put in place, we will be able to proactively and efficiently regulate the Construction Industry.

There are general issues about the Bill that I will come to, but I would like to take the House page by page.

The issue of foreign firms is being addressed in the Bill. I would right from the onset say that the Construction Industry, as the Agricultural Industry, has great potential to contribute to resolving the unemployment problem in our country, provided that we do the right thing and I think the Bill partly addresses doing the right thing, because as we debate in this Chamber, the Construction Industry is overrun by mostly foreign companies and I when this Council is established it is time that we reign them in. I have not seen a country that has been constructed by builders from other countries. We need to ensure that employment created, whether construction of roads or buildings, is done by Namibians, more particularly the trench-diggers.

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I must say I was really disappointed when they were constructing the new State House that workers from other countries were brought in to dig trenches. Do we want to tell our people that they are not capable of digging trenches?

The Bill, of course, addresses that and I hope it will be taken seriously, that foreign firms which win tenders to work in this country in terms of construction, that there will be a zero tolerance that they are not allowed to bring in labourers into this country, so that we would be able to create more jobs for our people, *albeit* temporarily.

The other issue that I want to talk about is the lack of a Namibian architectural identity. There are so many buildings being built from Oshakati to Ongwediva, right down to here in the capital, all different styles. I do not know whether our local architects are unable to give a Namibian taste to the architecture of our towns. You cannot go out internationally and say this is the Namibian architectural identity. Some go on the Internet, see a nice building and we build like that. We have multifarious kinds of buildings. The one is building Spanish style, the other one is building Cape Town style but there is no identity. Because it is a core function that is given to this Council to be established, I hope that through planning that will also be regulations in terms of planning our towns.

Whilst on town planning, I hope the Council will be able to empower towns to employ town planners, because I do not know whether there are town planners in this country, the towns are just building and scattering all over. There is no serious control. Oshakati could be a very beautiful town, just like Ongwediva where everything is regulated. It does not only apply to Oshakati, it applies to so many towns where everybody is able to set up a *kambashu* anywhere. Town planners would ensure that our towns look attractive, are liveable, etcetera.

If one looks at towns in the northern areas, such as Ongwediva and Ondangwa, to a certain extent, if we were to be creative, I would have suggested that Ongwediva and Oshakati be made one town. (Intervention)

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**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,  
HOUSING AND RURAL DEVELOPMENT:** On a Point of Information. I



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will very soon bring a Bill on town planning and maybe the Honourable Member should wait for that Bill.

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**HON SHIXWAMENI:** Circulate the Bill before you bring it to the House, so that we know what is in the Bill, but that is very good that we do that. I was saying that if you take Oshakati and Ongwediva, in particular, there is a sign board, which says “*Welcome to the Town of Ongwediva*”, but I wonder if one could distinguish that there are two towns there. I would have recommended that we simply make Ongwediva and Oshakati one town with one town Council. (Intervention)

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**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,  
HOUSING AND RURAL DEVELOPMENT:** The Honourable Member is discussing things, which are not in line with the discussion here. That Bill will come which deals with town planning. Why do you not wait until we bring that Bill?

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**HON SHIXWAMENI:** I will still speak when that Bill comes. This one is called the Namibian Planning and Construction Bill, therefore elements of town planning will also fall in this particular area and I still recommend that Ongwediva and Oshakati basically be made one big town. (Intervention)

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**RT HON PRIME MINISTER:** On a Point of Order. There are two Bills, one is about architecture and the other one about ... (Interjection)

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**HON SHIXWAMENI:** No, look at the Order Paper, there are two Bills tabled by the Minister of Works and Transport. The other one deals with architects and quantity surveyors, which is coming after this one, yet I am not talking about architecture. You are derailing me.

Another issue I would like to see in the construction industry as it is now being properly regulated by its own council is the enforcement of a minimum wage, because currently the minimum wage is not being adhered to. There have been

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complaints by workers and the construction industry federations that the Chinese pay not even half the minimum wage. I am talking about the real enforcement of our laws, that there are Construction Companies in this country who are wilfully violating the laws of this country. I hope this watchdog, together with the Ministry of Labour and Social Welfare, will be able to see to it whether it is our Chinese friends or whoever and adhere to the minimum wage in the Construction Sector.

There is also the issue of sub-standard construction. We should be able to particularly punish those with Government tenders who are doing sub-standard construction and blacklisting them, so that at the end of the day they are banned from doing construction work in our country.

Point 3, on page 4 deals with the Council members. I see that quite a number of Civil Servants will serve on the Council. Not long ago there were reports of senior members within Government Ministries, some of them Permanent Secretaries and Directors, who sit on Boards of other companies, but who still claim a sitting allowance on those Boards. I think the Boards should be monitored so that they do not pay people who are already paid a salary in their Government position. The conflict of interest needs to be taken seriously, so that we do not allow a Civil Servant who is earning a monthly salary and who is appointed to a Board to earn an extra salary, which sometimes equals the salary that they are earning already.

Point 3, on page 10 deals with the appointment of auditors. From the short experience on the Public Accounts Committee, we are experiencing problems with audited accounts of State-Owned Enterprises that they are very difficult to audit. Provision is made for the appointment of an auditing firm by the council on the recommendation of the Minister. I would like to see that since the Auditor-General is the one responsible for auditing the books of all companies, Parastatals and institutions, which receive money from the State, that it should not be the Minister who approves the appointment of the auditors but that that function should be given to the Auditor-General.

If you look at page 11, the qualification for registration, there is that provision and of course, we are trying to regulate the Industry, but I want to express caution here, because we know how the Construction Industry has operated. There are the old players, the big boys in the Industry that are mostly our white

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brothers and they basically dominate this Industry. I hope the qualifications there shall not be used to disqualify potential emerging Contractors in this Industry. If I can read one of the requirements, it says on page 11: *“The Council must, before registering a person or contractor pursuant to an application made under Section 21, take into consideration the following: his or her capital and other financial resources.”* How many of our black people would be able to present capital up front if they rely on tenders?

Point (b) reads: *“His or her managerial, professional, technical and other personnel”*. I know of old men who have been doing jobs for big firms who have now set up their own companies and they can do anything, because they are the ones who have been doing everything and enriching these people, but they will not be able to produce qualifications. Some of these items seem to be straightforward, but those ones administering might end up disadvantaging our people. Just a word of caution, I am not saying take it out, but just to alert the Council that we are there to promote a Namibian Construction Industry and our upcoming people may not necessarily meet the requirements. If you say they must have capital of one million, how many of our people would have that capital of one million in order to register? (Intervention)

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**HON MINISTER OF MINES AND ENERGY:** May I ask Honourable Shixwameni a question? You are making a very good point, but I do not know why you are shying away from it being included in the Bill. If we leave it up to the Council or the Minister to verbally inform the Council, it would mean that every Minister who comes into the Ministry will have to remember that the Council has to be reminded verbally. Is it not proper for us to include it in the current Bill?

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**HON SHIXWAMENI:** I thought along those lines and that is why I am cautioning the Minister. I feel strongly about this, but I do not have the legal technicians to move an Amendment. If we can agree, we can ask the Minister to move an Amendment so that this is included. I fully agree with you that it should not be left to the Minister to remind the Council. Minister, I hope you heard your colleague and that you will move an Amendment on that.

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Clause 25 on page 12 deals with the Tribunal. I am once again concerned about appealing to the High Court. I can tell you that many of our people cannot pay the deposit that the High Court requires for you to launch an Appeal. That would once again disqualify and discourage our people from launching an Appeal if they are refused registration, because if you were required by the High Court to post a deposit of N\$120,000 and you are dependent on a tender, how would this person go to the High Court? He would just give up. Therefore, this is another aspect that needs to be looked into. Instead of an Appeal being done to the High Court, create a Tribunal people can appeal to without much costs, so that our people would be able, after payment of a small sum, to get a Tribunal sitting. That is one idea that probably also needs to be attended to by the legal drafters.

The same applies to the striking off from the register, which is completely discretionary, that you leave it to the Director to decide on who to strike off and who not to strike off. I think we might end up with problems.

My last point I want to raise is on page 13, namely the fines applicable to the officials or to people who are found to violate the procedures in the legislation. My point and I think it is by now known in this House, is the issue of white-collar crime. White-collar crime is not being taken seriously in this country and we are allowing people to get away scot-free as opposed to those ones who steal a goat and serve 30 years in prison. The fine that is provided for here for violation of this Act is N\$2,000 or imprisonment for a period not exceeding six months or both such fine and such imprisonment. This has to do with an offence for contravention or failure to comply with any provision.

Somebody in the Ministry or somebody of a company who has failed to comply with the provisions or the regulations will be fined N\$2,000 or 6 months. Even if we were to read it with Clause 27, which provides for N\$20,000 and imprisonment of two years, it is still very low. Government tenders are not below five million. What is N\$2,000 or N\$20,000? The person is fined, he just calls his bank manager and a cheque of N\$20,000 is put on the table. These people deal with a lot of money and I feel the fines should be reconsidered. (Intervention)

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HON SHIXWAMENI**

**HON MINISTER OF VETERANS AFFAIRS:** May I ask a question? Do you see the discrepancies between our current discussions and the Bill we were discussing yesterday? If you bring an animal into the country illegally and the value of that animal is perhaps N\$3,000, then the penalty is N\$1 million. Then if you look at this one, it is something you cannot understand.

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**HON SHIXWAMENI:** On that note of Honourable Iyambo, I would like to say that we would need to give the Minister an opportunity to look at the points that have been raised and not rush the Bill through now, but rather correct some of the potential deficiencies in the Bill. Otherwise, I support the Bill because it is going to help the construction industry to be regulated properly. Thank you.

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**HON DEPUTY SPEAKER:** Before the Assembly is adjourned in terms of Rule 90, I would like to extend an invitation to all Honourable Members from the Ministry of Agriculture, Water and Forestry. You are kindly invited to take a one-kilogram bag of rice from Kalimbeza. The aim is to taste and market it. With this, I adjourn the House to next Tuesday, 5 October at 14:30.

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**HOUSE ADJOURNS AT 17:45 UNTIL 2010.10.05 AT 10:30**

**NATIONAL ASSEMBLY  
ASSEMBLY CHAMBERS  
WINDHOEK  
05 OCTOBER 2010**

The Assembly met pursuant to the adjournment.

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

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**ANNOUNCEMENTS**

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**HON DEPUTY SPEAKER:** I have a few announcements. I want to remind the Honourable Members that the launch of yoghurt by the Namibian Dairies is still ongoing. All Honourable Members are invited to go and taste the yoghurt during tea break or after the adjournment today.

Secondly, the Right Honourable Prime Minister has invited all of us to attend the official opening of the Sub-Regional Conference on the Rights of Indigenous People and/or Marginalised Communities and the launch of the Overview Report on the Rights of Indigenous People in 24 African Countries, including Namibia, which will take place on the 11<sup>th</sup> of October 2010 at Safari Hotel at 09:00. The invitations are on your tables.

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**HON DEPUTY SPEAKER:** Any Petitions? Any Reports of Standing or Select Committees? Other Reports and Papers? Honourable Deputy Minister of Finance.

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

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

- Veterinary Council for the Financial Years ending 31 March 2005 and 2007 and 31 March 2008 and 2009.

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**NOTICE OF MOTIONS**  
**HON EKANDJO**

**HON DEPUTY SPEAKER:** Please table the Reports. Notice of Questions? Notice of Motions? Honourable Minister Jerry Ekandjo.

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**NOTICE OF MOTION**

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**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT:** Comrade Deputy Speaker, Honourable Members, I give Notice that tomorrow, the 6<sup>th</sup> of October 2010, I shall Move –

That leave be given to introduce a Bill to amend the Special Advisors and Regional Representative Act of 1990 in order to provide for the appointment of Regional Governors and for matters incidental thereto.

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**HON DEPUTY SPEAKER:** Please table the Motion. Any further Notice of Motions?

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**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT:** Thank you, Comrade Deputy Speaker. I give Notice that tomorrow, the 6<sup>th</sup> of October 2010, I shall move –

That leave be given to introduce a Bill to amend the Regional Councils Act of 1992 to provide for the separation of the Office of Chairperson of the Regional Council and that of the Governor of the Region and to provide for matters incidental thereto.

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**HON DEPUTY SPEAKER:** Please table the Motion. Any further Notice of Motions? Right Honourable Prime Minister.

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**MOTION OF CONDOLENCE**

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**MOTION OF CONDOLENCE  
RT HON N ANGULA**

**RT HON PRIME MINISTER:** Honourable Deputy Speaker, Honourable Members, one of the founding Members of this Parliament, a renowned freedom fighter and military strategist, Comrade Peter Tshirumbu Angula Tsheehama, passed on this weekend and I wanted to ask the indulgence of the Chair for the House to stand and observe a minute of silence.

**THE HOUSE OBSERVES A MINUTE OF SILENCE**

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

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**RESUMPTION OF SECOND READING:  
NAMIBIAN PLANNING AND CONSTRUCTION BILL**

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**HON DEPUTY SPEAKER:** When the House adjourned on Wednesday, the 29<sup>th</sup> of September 2010, the Question before the Assembly was a Motion by the Honourable Minister of Works and Transport, that the Bill be read a Second Time. Any further discussion? Minister Kazenambo.

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**HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE:** Thank you very much. Honourable Deputy Speaker, I rise to support the Namibian Planning and Construction Council Bill wholeheartedly. Before I proceed, I would like to say that I think this Bill needs to be especially scrutinised by the drafters before it is passed into law. It is a very important and long-awaited Bill in terms of planning and construction, but joining my former Comrade and brother, who ran away from his responsibilities and whom we do not know whether he is the leader of the APP, on the concerns that he raised on page 11, I would like to refer to page 10 which deals with prohibition of carrying on business.

Honourable Minister, Honourable Members, Clause 19(1) says that, “*no person (contractor) may carry on business in the Construction Industry in Namibia* – and I underline “in Namibia” – *unless he or she is registered under this Act.*” Fine, no problem. Then in Sub-Clause (2) it says: “*No person, (contractor) being registered under this Act may carry on business category in*



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*respect of which he or she is not registered.*” The Council must maintain a register, the Council must decide on the minimum threshold and on categories for registration for the purpose of this Act, keep and maintain in the appropriate prescribed form a register of persons (contractors) engaged in the construction industry.

I understand the legality of this content and I appreciate it because I believe in legal regulation, but at the moment, Comrade Minister, Honourable Members, these Clauses still somehow need qualifications and I will explain before I go the point contained on page 11, the application for registration.

As we are sitting in this august House at this moment, there are thousands and thousands of small contractors, small builders in the rural areas across this country and there are many of them also in the urban areas who are engaged in this industry and if we are saying that no person in Namibia shall carry on business in the Construction Industry, what about those who are in the Rural Areas? How will you cater for them, because they are there at the moment and how are they going to be sub-contracted? Many of these contractors are working as sub-contractors and should a big contractor realise that this law has been passed and it does not have a Clause that takes care of those small sub-contractors, who are in the majority outside there, how will they be taken care of? Some of the sub-contractors build for the big contractors and when it comes to payment, it is a struggle. They are not paid in time and what if the big contractor says, *“I was using you as a tiler or a plumber, but you are not registered, you are not supposed to carry on business”*. Therefore, what recourse do these people have in terms of law? It says on page 10 under registration: *“No person (contractor) may carry on business in the construction industry in Namibia unless he or she is registered.”* What about those who are building small houses in Gam? (Intervention)

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**HON DR ANKAMA:** May I ask a very small question? Comrade, I would like to ask you whether the Bill prohibits small and medium contractors to register. Are they being sanctioned to register?

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**PLANNING AND CONSTRUCTION BILL**  
**HON KAZENAMBO**

**HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE:** I have not seen that the Bill says the small and medium contractors are prohibited to register, but the reality of the situation is that there are people in the Rural Areas who do not have the means to register. Colleagues, we have to step down from our ivory towers, because we like to talk from our ivory towers. Can we step down from the air-conditioned ivory towers? I am saying the law must create room for those who cannot afford to register. Not all of them are in the areas where the Ministry has offices. For example, there is a person in Katwitwi or Koës who has been subcontracted by a big company and he is a skilled Namibian and then he is not paid and the educated person will use this document and say, *“by the way, you can go because you are not registered, you are not supposed to be in this business.”* These are the realities.

There are many disempowering factors. Education is one for people who are literate but not academically skilled and for some of them it is a question of means. (Intervention)

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**HON DINGARA:** May I ask a question to the Honourable Minister? If one looks at the list of people that would form the Council, it is only employers of those institutions that will be represented. Do you not think, Honourable Minister, the employees should also be represented on the Council?

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**HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE:** Another very valid and important point from a trade unionist and I agree with you that the employees must be represented. It is up to the custodians of the law to accommodate that point, because construction does not only involve contractors. (Intervention)

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**HON MINISTER OF MINES AND ENERGY:** On a Point of Information. Honourable Kazenambo, you are making a very good point, but I want to remind you that we are making the laws. The draft came from the Ministry, but it is for us to pass this law. Therefore, it would be proper if we perfect the law and include the issues that we want to be included and not to ask questions to the Minister or to the legal drafters. This piece of paper is ours, we are the

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ones who have to perfect it. I think the best way would be to make suggestions and not complain and complain. That is the piece of advice I would give so that we make progress. Once we find something is not proper, we say why it is not proper and then we suggest an alternative. Otherwise, you are making a very good and valid point. Thank you.

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**HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE:** If it sounded as if I am criticising and complaining, please accept my apologies. Maybe it is my way of talking and if somebody is taking it that way, it is not my intention. I am trying to do exactly what you are suggesting and the intention is also not to criticise the Minister. I know the Minister as a person, he is not defensive, he is objective, I am willing to tackle him in that way, my intention is to make suggestions, and the suggestion is that we cater for those who are not in a position to be covered by this Clause.

Secondly, how do we include the others involved in the Council, namely the workers in the Construction Industry? They are very important people in ongoing projects and we have to see how they can be included.

On page 11 it deals with qualification for registration. It says: “*Council must, before registering a person or contractor, pursuant to an application made under Section 21, take into consideration the following: his or her capital and other financial resources.*” I will not belabour this point because Honourable Shixwameni has already mentioned that our people do not have the means and do not think that when we are talking about “*our people*” it is the blacks. No, even the majority of the white people are not making it, only a few companies do, but many of the players here are foreign companies from our neighbouring and also from Asian countries. They are now established here in this industry and they are very, very strong, no doubt about that, and the other contractors have been wiped out, they are now struggling.

Therefore, our people must somehow be helped because they are good plumbers and bricklayers but they lack the means and the capital mentioned here must not be millions and millions. They must also distinguish between the criteria to register, because if I go to the Zambezi River and collect reeds and build my house, what would be the requirements, how much am I supposed to

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pay in order to qualify for me to cut the reeds and build my house or even to collect cow dung and build a house. (Interjection)

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**HON MEMBER:** Then everybody will have to register.

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**HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE:** This is exactly my point. If I collect cow dung and build my house, it is construction. It would make sense to distinguish, because if I am cutting trees and building a traditional house, it is also construction. The law should be helpful and categorise the types of construction we are talking about so that it could be clear.

It further states: *“His or her managerial, professional, technical and other personnel; in the case of individuals, his or her qualifications and skills.”* They are tilers, they are plumbers, some of them have not entered a Vocational Training Centre but they are good. I can show you projects and houses that they are building, you cannot believe that this person cannot write his name.

*“Whether he/she has a vehicle, plant, implements, tools, and other goods and supplies with unlimited categories.”* It is too general. *“Any other requirements which the Council may determine for each category to enable him or her to discharge this satisfactorily.”*

In conclusion, these are the points that I wanted to raise so that we can categorise the type of projects, the amount required, so that we are designing these laws in good faith and not leave our ordinary people totally outside. I support the Bill.

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**HON DEPUTY SPEAKER:** I give the Floor to Honourable Iilonga.

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HON IILONGA**

**HON DEPUTY MINISTER OF AGRICULTURE, WATER AND FORESTRY:** Thank you, Honourable Deputy Speaker. I rise to make my contribution to the Namibian Planning and Construction Council Bill.

One always finds a Clause at the end of a Bill, which deals with repeal, but in this case, no law is being repealed, which means it is a new Bill. This Bill is dealing with a very important industry, and we know this is one of the industries, which are owned by a few.

Comrade Minister, Clause 3 on page 4 deals with the composition of the Council and it mentions the Construction Industry Federation (CIF). The Construction Industry Federation has relations with the trade unions, where they always engage each other and agree on a minimum wage, which is negotiated between the unions and the employer through the Ministry of Labour and Social Welfare. However, when I look at the composition here, the workers are not represented. Under 3(k) it says one member representing civil society in Namibia and I want to find out from the Minister what exactly is meant by this “*Civil Society*” and what role are they going to play there? Is this maybe supposed to be a trade union representative? This is in line with the question put by Comrade Katali to Comrade Kazenambo, because we cannot have an industry, dealing with workers, and the workers’ representative is not included.

Clause 11 deals with the powers of the Council. As I said, this industry was owned by a few Namibians and these people want to prevent any new entrants. Therefore, when I look at the powers of the Council, Sub-Clause (c) says, “*recommend the institutions in Namibia and outside Namibia for the training for persons engaged in the construction industry*”. We know that we have people who qualified in this country as contractors, but as long as they do not have a certificate from South Africa, they are not regarded as qualified. How will the Council determine the training institutions outside Namibia?

I have another question under Sub-Clause (e): “*Obtain and collect all publicly available information concerning existing and proposed projects and advise persons engaged in the construction industry.*” That is a very important task for the Council, but I just want to find out how they are going to make sure that a person who builds in Okanguati is going to get this information? This body

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needs to have offices in the thirteen regions and, if possible, even in the 107 constituencies.

Clause 11(f) states: “*Employ such professional, technical and administrative officers and clerks...*” Here we need to be careful not to exclude people who might be regarded as not professional enough because they do not any possess any certificates from South African institutions. That is only a warning.

Then I proceed to Clause 19, which deals with prohibition. I really do not want to say much on this as Honourable Kazenambo touched on this one and I will proceed to Clause 20 that the Council needs to maintain a register. My concern is on Clause 20(3): “*Every person (contractor) registered under this Act after the 31<sup>st</sup> of March each year must pay to the Council such annual fee as may be prescribed.*” Honourable Ankama put a question to Honourable Kazenambo on the Small and Medium Contractors. If they are not mentioned here, how are they going to survive, because in most cases they are either contractors or Sub-contractors? How are they going to be regulated if they are not mentioned here and what will happen to the poor contractor who could not even get a tender for the whole year? How is he or she going to be in a position to pay an annual fee? Will there be any exemption for those who cannot afford the annual fee?

Clause 21 deals with application for registration. They maintain the register and again here application for registration and I do not understand because it says, “*Under this Act*” and the Act is not yet in existence. Which comes first? Are they to be registered first and then those who register others, because the Bill talks more of those already in the Industry? That is one concern, which I have.

Clause 22(a) determines that the person must have capital and without capital, he cannot be registered, because that is a requirement. Then he or she must possess managerial skills, professional, technical and other personnel. This is already a prohibition for people without education to enter this industry, but they are the ones doing all the work. If a person has no managerial skills, how will he or she be registered, because those are requirements for registration?

In Clause 22(c) it says, “*in the case of Mangwayingwayi, his or her qualifications and skills.*” I am happy with that, but it is negated by (d),

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because if you need capital to be registered as a contractor, then you are already disqualified.

Clause 22(f) deals with the minimum threshold and categories for registration and maybe here we also need more qualifications.

Clause 23: “*Must issue a certificate to every person who is registered under this Act*” and then after two years that person must reapply for registration.

My other concern is under Clause 26, which deals with the striking off from the register. “*Undertaken work in a category other than that in respect of which he or she is registered.*” I am a contractor and I am supposed to build a flat or a double-storey and now I am found building a normal house. I think Honourable Kazenambo was right when he spoke about cutting reeds and building a house, which means under this Bill I will be disqualified. People now want their houses to be built with wood, not bricks. Should the contractor do that, will he or she be disqualified? I think this Clause needs some explanation. (Intervention)

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**HON MINISTER OF VETERANS AFFAIRS:** May I ask a question? One of the problems in this country why we cannot make progress with Housing Construction, particularly low-cost housing, is these requirements by our Local Authorities that houses built with local materials should not be accepted as houses in Local Authorities. That is really a problem. If you go to the Research Centre in Katutura, there are superb houses built with local materials, but unfortunately, those houses cannot be erected in the municipal area of Windhoek, but they tolerate corrugated iron houses. Is that not a contradiction when we have materials that we can use for houses but we are forbidden to use them?

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**HON DEPUTY MINISTER OF AGRICULTURE, WATER AND FORESTRY:** Comrade Minister, you are hundred percent correct. Let me answer your question by giving information. If you go to where Independence Avenue ends you will find a green shopping centre on your left and on the

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right side there are houses which were built under the supervision of the Municipality, but they say you cannot be given a loan to buy one of those houses because the walls are single brick walls, but they are the ones who allowed them to be built. This is really a contradiction.

That is why we say we do not need this Bill. We pass laws here and when it is implemented, it causes problems. It is going to cause our police to be the ones facing the public. We had a law on shebeens here and we were fighting it. We should not allow these laws, which have these loopholes. (Intervention)

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**HON MINISTER OF INFORMATION AND COMMUNICATION TECHNOLOGY:** I want to share some very important information surrounding the drafting of this Bill with my Colleague. This Bill was drafted under the guise of the national Government and will as a result override any other construction Bill in our country. I think we should understand it in that light, that this will be the Namibian Planning and Construction Bill. Maybe it will also address the constraints currently experienced, which forbids the utilisation of local materials in a Municipal area. This Bill is going to be superior to any other Bills, if they at all exist. This Bill will regulate the Construction Industry. I thought I should share this with the Honourable Member.

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**HON DEPUTY MINISTER OF AGRICULTURE, WATER AND FORESTRY:** No one doubts that the drafting was done by the SWAPO Party Government, but we must know that all the laws we pass here will come back for amendment. That is when we start to see the loopholes, because we do not want laws, which will prohibit the disadvantaged Namibians to enter the industry, and that is why I say this problem will always be levelled against the Government and the Minister. You cannot say, "*Undertake work in a category other than that in respect of which he or she is registered*". (Intervention)

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**HON MWANINGANGE:** The law says what must be done legally. There was a time when I went to oversee a road construction at Eenhana and Sub-contractors built the bridges. Certain materials were used under the bridge for



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the runaway of water and when we questioned it, the planner came there and inspected the bridge. He discovered that the person who built that bridge was not qualified to do that work and he was disqualified. To my understanding that is what is said here, it does not discriminate against any person, but it does clarify who should do what type of work. That is how I understand it.

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**HON DEPUTY MINISTER OF AGRICULTURE, WATER AND FORESTRY:** It is true that it is legal and technical, but we are here talking about registration. If you are lucky to win a tender and the tender has certain specifications and you fail to honour those specifications, that is understandable and in that case I do not have a problem. However, here it says when you register as a contractor, you register as a builder or whatever, but there many aspects when building a house. The people, who build the bridges, former Governor, are the *Mangwayingwayi*. Those who build bridges do not have certificates, but they do it as per specification. If this Clause (f) intends to do that, it needs to be clarified that in the event you are given a responsibility with clear specifications and do not meet the requirements, then that person must definitely be punished.

I still feel that some issues need to be looked at legally and technically, so that we make sure that the law is not going to block our people to make inroads into the industry. I thank you and I support the Bill.

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**HON DEPUTY SPEAKER:** With that, the House adjourns for tea.

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**HOUSE ADJOURNS AT 15:40**  
**HOUSE RESUMES AT 16:30 PURSUANT TO ADJOURNMENT.**

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**HON DEPUTY SPEAKER:** Honourable Kapia.

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**HON KAPIA:** Thank you very much, Deputy Speaker. I rise to make my contribution, but since I was not in the House last week and some of my comments were already taken by Honourable Kazenambo and Comrade Ilonga, I can just add that the definitions of this Bill need to be looked at again and then there are many technical issues in the Bill which we cannot discuss in the House.

Honourable Kazenambo and Comrade Ilonga emphasised that this is a new Bill, which will become a law for the Namibian people and particularly the Small and Medium Enterprises and the communities in the rural areas will be affected by this Bill. I want to suggest that this Bill must be referred to the relevant Standing Committee to go out and discuss this Bill with all the stakeholders. There is no way that we can perfect this Bill on the Floor of this House. I have five to seven pages with technical issues, some even touching the Constitution of the Republic of Namibia. I want to move that this Bill be referred to the relevant Standing Committee to scrutinise and solicit inputs from the community and all stakeholders. I support the principle of having such a very important tool in this country. Thank you very much.

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**HON DEPUTY SPEAKER:** Honourable Kapia moved that the Bill be referred to the relevant Committee, but I should think it is just democratic to allow other people who would like to take the Floor. I recognise Honourable Deputy Minister of Finance.

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**HON DEPUTY MINISTER OF FINANCE:** Thank you, Honourable Deputy Speaker. I also rise to support the Bill and its principle inasmuch as it tries to register and regulate some aspects of the Construction Industry. However, there are some comments I want to make that aim to lessen the risk of over-regulating.

The first comment I want to make regards the section on definitions. I would suggest that it is proper to define “*contractors*” in the Bill instead of having consistently “*persons (contractors)*”. I do not really know what that means. My suggestion is to define the word “*contractors*” in the definition.

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The second issue with regard to contractors is that I suggest that the Minister will be given the power under the regulatory power to create different categories of contractors to whom different sets of criteria are applicable. This would help the notion, which I support, that Small and Medium Enterprises and small and medium-sized contractors can get different treatment to the bigger contractors. I think the essence of one part of the Bill is to make it easier for small contractors, especially in rural areas. (Intervention)

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**HON MINISTER OF MINES AND ENERGY:** On a Point of Order. May I ask Honourable Schlettwein a question, please? Honourable Member, you are using the word “*contractors*” and I think it also appears in the Bill. Is there a certain group of people called contractors or does a person become a contractor when that person is contracted to do a certain job?

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**HON DEPUTY MINISTER OF FINANCE:** Honourable Minister Katali, you are right, words do have meaning and a contractor can be a contractor outside the Construction Industry. What I meant with the word is a business in the Construction Industry that has received a contract to construct something, but you are right, one must be careful with the word “*contractor*” and that is why I said it must be defined what we mean by contractor, saying it is an entrepreneur or an entity that is busy in the Construction Industry. Just the word “*contractor*” is far too wide. You can have many other contractors. Therefore, you are right and hence my proposal to have it properly defined.

Comrade Deputy Speaker, the next comment I want to make is with regard to the financial provisions. The proposal in the Bill is that the Council will receive money from anyone and from anywhere, meaning it can be moneys appropriated, it can be grant moneys, it can be indirect taxes levied, it can be fees levied, it can be anything that the Council can think of, but then it does not make the Council accountable to those entities that give the money. The example is if moneys are appropriated to the Council, then obviously the accounting must be done to this House through the Auditor-General’s Report and not through the Minister, as proposed. I do not feel comfortable with a Line Minister becoming the auditor of books and I think that is also not the

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intention and my proposal is to amend that and make sure that for public funds it is the Auditor-General.

There is, however, also another principle that one wants to talk to and that is to what extent are we comfortable with raising indirect taxes, which makes it more expensive for Small and Medium-sized entrepreneurs to enter the Industry if they have to have a host of fees and levies and taxes to pay upfront to the Council, but that is besides the point at this juncture. What I am getting at is, if we levy indirect taxes, what we are actually doing is, we are diverting revenue outside the Budget and we give the Council more authority to generate its own revenue, which will be missing in public revenue, because obviously it is all deductible from taxes. It is a deductible expense, so we will lose that revenue in the State Revenue Fund and we lose with that the authority to make sure to which area it is then appropriated or availed. Therefore, I think the whole principle of creating a host of funds, a host of indirect taxes, in my opinion undermines the central Budget, which, from a financial point of view, is undesirable. Maybe you would want to look at that matter when it is referred to the Standing Committee.

To say the least, I think if there are indirect taxes levied then we should exclude the possibility to appropriate additional moneys to the Council. They cannot have their cake and eat it. Either you get moneys to be appropriated for you or you have your own revenue regime. My preferred option would be that moneys are appropriated to the Council and we remain with the authority to make resources available as the need arises.

The next area where I have some principle comments is on the provision for offences. Clause 27 is a very general provision that says: *“Any person who contravenes the provisions of this Act commits an offence and will be liable for a fine of N\$20,000 and to imprisonment of a term of two years and in case of continuing an offence, to a further fine of N\$2,000 for each day during which the offence is continued with.”* If we go with that provision the Minister himself must be very careful, because if he omits to appoint the Board timely, that is an offence and he will pay N\$20,000 and then every day that continues, another N\$2,000. I use this as an example of showing the risk of this very general criminalisation of things and I thought this type of Act should in fact be decriminalised totally. There are provisions when people can be struck by the roll if they contravene, but it does not need to be criminalised. In any

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event, I think our judicial system is overloaded already and we should not overload it by criminalising unnecessary. I think the punitive matters as they stand in the Act are sufficient and we do not need to criminalise non-compliance.

The last point is also under the regulations. I have already said that I propose that the Minister will be given the power to make regulations to create categories of contractors, so that we can appropriately cater for small and medium categories, but I also see under (d) that there is a part that makes provision for the registration, training and regulation of foreign firms carrying on business in the Construction Industry. Does that include any other business or any business that is supplying services to the construction industry, car hires, equipment hires or whatever? I do not think that this is the intention and we should be more precise. Paragraph (e) deals with disciplining and I do not know whether this Act would override disciplinary actions as per the Labour Act, which is the principal legislation that talks to disciplinary actions.

I do also in conclusion support the notion that it must be referred to a Standing Committee so that we have wider consensus when we table the Bill again. I thank you.

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

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**HON DEPUTY MINISTER OF JUSTICE:** Thank you very much, Comrade Deputy Speaker. I also want to give my support for this very important Bill and say the following:

I am very impressed by the title, Namibian Planning and Construction Council Bill. As far as I am concerned, the aspect of planning is very important whether it is inclusive of the areas that the previous speakers have alluded to. I have seen some people were very happy when they saw this Bill, especially those who own construction and design close corporations, namely the engineers and all those. However, as they read the Bill, I saw their enthusiasm fading

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because they felt they were not being catered for and they would probably not make any profits.

Comrade Minister, this is a good Bill as a beginning and we cannot expect something perfect, being a country and society in transition. Nevertheless, when it comes to a Bill of this nature there are issues that are of paramount importance and chief amongst them is the issue of public safety. Inasmuch as we want to bring people on board, the issue of public safety should also be of importance to us and sometimes you hear people talking about urban planning and when you are in Hakahana or Ombili, you do not know whether you fall under that category of urban planning.

The issue of safety becomes critical in those areas. If a fire breaks out somewhere, you would find it very difficult to call a Fire Brigade or to find your way to the last *kambashu* that has caught fire. I do therefore not know whether the issue of safety will be included here or if planning takes care of that. We hear of urban planning, but what about village or settlement planning? Development is taking place haphazardly and the issue of safety again comes to the fore and is of concern to us. Maybe something of this nature has to be considered, maybe not be included in this Bill, but maybe it is time that we start exercising our minds in this direction.

It sometimes appears as if we are a bit too concerned to accommodate those who are already in the industry and not so much catering for those who are outside to make their way into the Industry. A Bill of this nature should be addressing those issues.

Another issue that ought to address is ethics under performance and people honouring their obligations and the consumer also to have recourse to a body, which regulates these people. I have construction in the rural area in mind, where this guy digs the foundation, lays the foundation and he leaves and you are struggling to find out where the guy came from as it was all very informal, he only gave his cell phone number.

In other professions there is jargon called *overreaching*. It is when you overcharge a person. A person was charged this much for this kind of house

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and for the same house somewhere else they are charged twice as much. Where do you go for consumer protection? Can we not do anything as far as that is concerned in order to protect our people? I just hope that we will exercise our minds in this direction.

Someone would ask, what are the drafters doing? Drafters are simple drafters, they cannot perform the role of policy-makers otherwise we will be abdicating our duty by assigning them functions that they are not supposed to be performing. Therefore, as previous speakers have said, it is opportune that we do what we are expected to do and not expect other people to do so. I know they have been done that at times when the policy issue is not clear and they end up becoming policy engineers, but that is not what they are supposed to be doing.

We have to take care of some of these issues and see if we cannot come up with something. Maybe we should be content for now with what we have, but this should only be a beginning.

Comrade Minister, when it comes to the last function of the Council, to generally perform such other functions that the Council considers necessary, maybe they should be assigned functions by the Minister where it is deemed necessary or where an omission has been seen. For example, in the rural areas there are no regulations of any kind for contractors. People are blocking watercourses and when I block on my side I do not care. Perhaps at some stage one has to assign them functions even to assist in the planning in the areas where there are no proper construction and planning bodies.

Overall, I consider it a good beginning and we probably should be prepared to get more coming as we progress and make headway to establish ourselves as a country and a new democracy. However, for now our economy is in transition, everything is in transition and perhaps we should be content with what we have. With those remarks, I support the Bill.

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**HON DEPUTY SPEAKER:** Honourable Mushelenga.

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**HON DEPUTY MINISTER OF FOREIGN AFFAIRS:** Thank you very much, Honourable Deputy Speaker. I also rise to make my humble contribution to the Bill on the Floor of this House, the Namibian Planning and

Construction Council Bill. I will start by saying I agree with the previous speakers and while I applaud the initiatives of the Honourable Minister of Works and Transport, I think there is still much that needs to be done in order to improve on this Bill.

When reading this Bill from a legal perspective, it seems there needs to be another Bill or else this Bill needs to be expanded, because this Bill is basically about the establishment of the Council. The Council is supposed to perform some regulatory tasks, which should be in accordance with certain regulations that already exist. For example, if I just take one function of the Council, “*to regulate activities of the Construction Industry in Namibia in consultation with the concerned Boards and Associations*”, this Construction Industry cannot just be regulated in consultation with the Board, they must be regulated in terms of a given law. That is why I say, either we stand on this current law or we actually need to have a law that deals with regulating the construction, *per se*. For example, a Bill that will regulate that if you build a building, you need to be paid this amount of money, there should be a retention amount until after a certain period. If the building starts cracking after so many years, you are supposed to refund or rectify the problem. We need to have a Bill addressing these issues.

When one looks at the qualifications in Clause 5, I want to talk about the uniformity of laws. It says you can be a member of the Council except when you have been convicted for a term of six months imprisonment without the option of a fine. When you look at the Constitution, for example, to be a Member of Parliament you should not have been convicted for a period of twelve months without the option of a fine. Are you telling me it is more important to become a member of the Council than to become a Member of Parliament, because qualifications here becomes more restrictive than when one becomes a Member of Parliament.

We have to look at how this Bill will affect our ordinary people, especially the registration of individuals and the issues that the Council has to take into



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account. Would individual builders really have most of the things listed here, namely implements, tools, etcetera? Are we not going to exclude most of our individual contractors, especially in the rural areas? Just because they do not have this equipment, they will not be able to be registered and when they still engage in construction activities, they will be deemed to be contravening this Act and fined to N\$20,000. I really agree with what Honourable Kapia said that one needs to go and consult on this in the relevant Standing Committee. (Intervention)

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**HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE:** May I ask the Honourable Member a question? Honourable Mushelenga, on the issue of ownership of a plant, vehicle, etcetera, are you aware that the majority of the builders are ordinary people coming from Katutura and Khomasdal?

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**HON DEPUTY MINISTER OF FOREIGN AFFAIRS:** This is the point that I am making, Honourable Kazenambo. The majority of these people who do the actual work do not necessarily possess these means such as vehicles, plant, and equipment and so on, yet they have the necessary skills.

Look at the example of a person who worked at a Garage for five or ten years who would be able to start repairing vehicles on his own and earn an income from that. There are no restrictions whatsoever. If you work for a construction company, the fact that you do not have the necessary means... (Intervention)

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**HON DEPUTY MINISTER OF AGRICULTURE, WATER AND FORESTRY:** May I ask a question? You raised a very important point. Before you come to Ondangwa before that big fig tree, there is a garage and those men never attended any Vocational Centre, they are only *handlangers*, (handy men) but they are the people who are doing the real work.

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**HON DEPUTY MINISTER OF FOREIGN AFFAIRS:** That is what I am saying, that we will exclude people just because they do not have these means, but they are able to do the job anyhow. Not everyone may have the

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qualifications from a Vocational Training Centre but they will be able to do the job. If you go to the rural areas, people involved in the construction industry have not gone for vocational training. Maybe one or two have done so, but the majority of the labour force has not and they are doing wonderful jobs.

In terms of this Bill we are going to exclude a lot of people and some of these people do not really care about having money, because they construct for subsistence living. Now we are going to exclude them from the industry because of the restrictions put in this Act. (Intervention)

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**HON MINISTER OF HOME AFFAIRS AND IMMIGRATION:** I would like to ask the Honourable Member a small question. Honourable Mushelenga, are you aware, that most of the people involved in construction are those who maybe went through vocational training on their own. The boss is just standing there to see how the people are building. If they are going to be excluded and only those with money in the bank remain, what is going to happen?

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**HON DEPUTY MINISTER OF FOREIGN AFFAIRS:** I agree with you, but as I said earlier, we are going to exclude many people.

Coming to striking people from the register, it says for example, “*If one ceases to carry on a business in the Construction Industry.*” It depends on why you are not carrying on with the business. We have things like an economic recess and for six months or a year you may not be able to carry on with the business, not because you do not want to, but because you cannot, however when the economy picks up you would want to continue. Simply because you were not carrying on business, you will be struck off the register. Then you will again have to apply.

Some of the institutions we create become monsters, because some of those in the Council have particular interests, especially from the big industries. They would put measures in place for registration that would serve their interest and not really in the interest of the people or in the interest of safety, quality and standards. After all, when these big contractors get tenders, they subcontract the work to smaller companies. Now they want to be the only people able to

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access registration and the smaller companies, which are not registered, will do the work under their name. The workers are going to be exploited through this Bill and some of the Colleagues have been asking why there is no representation on the Council for trade unions. Of course, there is representation for civil society, but civil society is a broader concept. Civil society covers the broader spectrum of Non-Governmental Organisations. What would some of the civil society members have to do with Construction?

Then it says that one member representing the academic institutions in Namibia. Is it all academic institutions or technical institutions, because some of the academic institutions are purely academic and not technical? They do not give technical courses and we need to specify. It is also not a secret that our institutions of learning fight over smaller things, they will be fighting over representation in this Council, and these are the issues we need to address.

With these few words, Honourable Deputy Speaker, I think I have stated my case. Let us do the proper thing, because otherwise, we will pass a Bill today and tomorrow it will be back, because especially this provision I was talking about on the striking people off the roll for not carrying out business, borders on being unconstitutional, because there is a provision on the freedom of trade and profession. If I have the freedom of trade and profession, I should be allowed to say I would not be trading in this profession for this period until I recover. That is why most of the Acts, which come here, somehow contravene the principles of the Constitution. Thank you very much, Honourable Deputy Speaker.

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**HON DEPUTY SPEAKER:** Next is Honourable Dr Kawana.

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**HON MINISTER OF PRESIDENTIAL AFFAIRS AND ATTORNEY-GENERAL:** I thank you, Honourable Deputy Speaker. Let me join my Honourable Colleagues who have contributed to this very important Bill.

Honourable Deputy Speaker, my bottom-line in supporting this Bill is that the object of the Bill should be to open up the industry so that the previously disadvantaged Namibians can be assisted to play their role in the Construction

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Industry. It is common cause that we have entered the second phase of our struggle, namely the economic struggle with a view to empower previously disadvantaged Namibians. If the objective of this Bill is to protect clients from those who might bring about substandard products in the industry, then I wholeheartedly support the Bill. However, as other Colleagues have pointed out, there is indeed a need to provide a definition in the Bill for the word “*construction*”, because if the word “*construction*” is not defined, the consequence would be that if I would want to build my *kambashu* in my village and I am not registered, I would be committing a criminal offence and will be liable to prosecution. That is why the word “*construction*” for the purposes of this Bill is very important in order to exempt our citizens who would like to construct their houses, traditional or otherwise, in particularly unproclaimed areas. I see no reason, if I happen to make my own bricks, why I cannot build my own house in an unproclaimed area anywhere in Namibia. These restrictions must apply to those buildings which are constructed in proclaimed areas or, alternatively, in those areas where the public have access to buildings. Then that restriction will be reasonable, Honourable Deputy Speaker.

I also join my Colleagues who have said that the membership of the Council must be scrutinised. Currently we have what we call NARNKER members who are also involved in the construction industry particularly in the communal areas. They are however not represented in the Council and these citizens have previously been discriminated against. Therefore, the membership of the Council is very important.

We also have citizens who have acquired these skills through mere experience, the best example being our citizens from Rehoboth. In fact, these citizens are even building in Ludwigsdorf and yet, when this law comes into operation and they did not have formal training, some of them might be affected.

In addition, I am really surprised that our National Housing Enterprise is not represented in the Council. I would have thought it is a foregone conclusion and I am surprised that they have been omitted.

There is also a need to phase in the registration period and that registration must be in categories. There are those categories where people are just building low-cost housing and at least in this area the period for registration

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**HON UUTONI**

must be extended. There may be other categories where people construct middle-income houses and there are those who construct offices. At least we can identify which categories must be registered within a certain period and which ones should get an extension.

I also propose that there is a need to provide the full names of institutions before the abbreviations. I have noticed that the Bill refers to an institution by its abbreviated name, which is really not the standard way of drafting. Normally one would provide the full name and the abbreviation and thereafter the abbreviation.

Lastly, I hope that the aim of this Bill is not to exclude people who are entering the Industry. Our experience in the field of the Legal Sector, the Medical Sector and the Engineering Sector, among others, should always serve, as a lesson to us, because a number of our citizens became victims of racism, became victims of economic status. I hope this is not the intention of this Bill and I see here that the Bill is intended to protect the Construction Industry from foreign domination and foreign domination must be defined. It should not only be foreign domination by far-off continents, but there is also cross-border foreign domination. We must call a spade a spade and some of these companies are the ones who dominated the Industry here until other competitors came from elsewhere and that is when we had this outcry.

If the intention is to empower our people, black or white, as long as they are Namibians, I will wholeheartedly support the Bill and I support the Motion that this Bill must be referred to the relevant Standing Committee, so that those who are affected, particularly our members in communal areas and the previously disadvantaged, must have a voice before this Bill is passed into law. I thank you.

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**HON DEPUTY SPEAKER:** Honourable Uutoni.

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**HON DEPUTY MINISTER OF SAFETY AND SECURITY:** Thank you very much, Honourable Deputy Speaker. I would also like to make my humble contribution and support the Bill and the views of the previous speakers.

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Honourable Deputy Speaker, as the other speakers have already said, the purpose of this Bill is to regulate the Construction Industry and to help as many people as possible to enter the Construction Industry in Namibia, irrespective of vehicle, financial status or whatever, as long as they have interest in the Construction Industry. The aim is to create more jobs for the Namibian people, because we have been emphasising on the creation of jobs for our young people, more especially those graduating from vocational schools.

Some graduates from vocational training institutions who came across this Bill were happy, saying that they are now going to become employers and I am happy that the Minister brought this Bill. Many were saying, *“Yes, it is now time for us to become employers, no longer becoming employees”*. However, Section 22(1)(a) and (d) have already made it difficult for them to do so in terms of finances, plant, vehicles, etcetera.

I want to make a suggestion here, that perhaps there should be a provision in this Bill for the exemption of those graduates or those who do not have any financial capability to register and then be given a timeframe within which to do business and only to pay thereafter. It is the same as with the students at UNAM and Polytechnic who are given loans. They have to utilise those loans and once they have graduated, they have to pay back those loans. Maybe a provision can be made for exemption of these people who are not financially sound.

I have experienced in the Local Authority system that if you want a town to develop fast, you service the land at a certain price and if the developers do not have money to buy the land, incentives are provided to them. We enter into agreements that they may construct and start paying for the land after five years. In that way, you allow people to develop. Maybe in this case we should also allow people to register and develop the country, thereby creating more jobs and empowering our own people to become employers.

We are all aware that the financial institutions in Namibia require collateral and our people cannot access loans in order to go and register, yet the Bill requires that they must be financially sound. Therefore, I think it would be good that we provide a provision for exemption. With this, I also want to thank the Minister and support the Bill.

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**PLANNING AND CONSTRUCTION BILL**  
**HON RIRUAKO**

**HON DEPUTY SPEAKER:** Honourable Chief Riruako.

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**HON RIRUAKO:** Honourable Deputy Speaker, we have a tendency of going around the problems we are facing. We have people who are crying aloud. These are the contractors from Khomasdal, Rehoboth and Keetmanshoop who trained themselves and today they are the underdogs. No contract is given to them nobody cares about them. If you go to Rehoboth today, you are going to find shacks because they do not get jobs and they travel from Rehoboth to here in order to find a job as an underdog. (Interjection)

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**HON MEMBER:** Section?

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**HON RIRUAKO:** Do not talk about Sections. That is your hiding place where you are not going to be touched and I am not here to joke, I mean what I am saying and if it hurts you, please be honest and come out and tell us why you are doing it.

They are our people and their money remains here, they do not take the money to other countries. We are giving money to be taken somewhere else and that is wrong. Our money belongs to the citizens of this country but nobody gives them a job. These people are well trained, they have been building houses here and they are not getting what they deserve although they are citizens of this country.

Dr Kawana is asking “*what section*”, but your section does not mean anything to me, the problem we have has not yet been addressed and you are going to your so-called Sections. Those people are well trained. Go to Katutura, look at the houses, go in town, they have been building these houses, but they are not given a job, you give it to the boss who is going to give kickbacks and I am sorry to say this. I am not here to play games, let us face the reality, enough is enough and we cannot tolerate things forever. We have to get out of this mess and face the problem and be men of our own. I thank you.

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**HON DEPUTY SPEAKER:** Honourable Moongo.

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**PLANNING AND CONSTRUCTION BILL**  
**HON MOONGO**

**HON MOONGO:** Thank you, Honourable Deputy Speaker. First of all, I am happy to see that many of the SWAPO Members are becoming progressive and that is why I sat and listened.

I would only like to say that any law, which contravenes the policy of the Government, is unconstitutional, because it is against the Affirmative Action policy. The indigent and disadvantaged people were left out and that means this Bill is unconstitutional. Imagine how much money was spent to draft such a Bill and now you are suggesting that it be sent to a Committee, for the Committee to go around the country. What information do you need? Do you not know the poor people are there and the contractors are there who have built up this country for a long, long time without these so-called experts? What do you need to go and investigate? This Bill must be returned to the drafters. (Intervention)

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**HON DEPUTY MINISTER OF AGRICULTURE, WATER AND FORESTRY:** May I ask a question? Honourable Moongo, you started by saying the Members are progressive and I thought you would be even more progressive, but while you are questioning the money spent on drafting, you are saying it must again be sent back to the drafters. The Bill is in existence and you as a backbencher are supposed to thank the people who suggested this, so that you go and ask those contractors you have mentioned to give their side. I only want to know from Honourable Moongo, are you not happy to go and hear from your people? If it is sent back to the drafters, will it not come back the same? Get other ideas and then we will make progress.

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**HON MOONGO:** I thought he is one of the progressive ones, but now he is showing his real colours.

A lot of money was already spent on this Bill which was supposed to protect the disadvantaged and it is unconstitutional. (Intervention)

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**HON DEPUTY MINISTER OF FOREIGN AFFAIRS:** On a Point of Information. I want to give information to Honourable Moongo so that he can really comprehend. (*Tashiti elalakano lyo veta olili ngeyi, takuti*)



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*waakambadhala kusindi, waumba umba kuyaha. Minister sho a eta o veta muno mo Parliament, okwei eta mo opo aantu ya gwedhe mo shaashi iihuku yokwiiyengela ihayizi).* I was simply trying to explain to Honourable Moongo that the Honourable Minister has tried his level best to bring a Bill to this House, because you cannot have a Minister who is not taking any initiatives at all, but the purpose is for us to add flesh to the bones. That is why we are saying that the Bill should be taken by the Committee to the Regions so that we can have the views of as many people as possible in order to come up with the right Bill. I think now he understands.

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**HON MOONGO:** I do not blame the Minister, but I question the drafters. Do they also look at Affirmative Action, do they represent the disadvantaged people, those simple contractors? It seems they are not taking the poor people into account. Colleagues, how many Bills of this type have been sent here? We are tired of this, let it be returned and let them amend it. (Intervention)

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**HON MINISTER OF HOME AFFAIRS AND IMMIGRATION:** Honourable Deputy Speaker, I thought Honourable Moongo is by now an experienced Member of Parliament and could teach others how to contribute to the Bills. Now he is taking us back to square one and he is confusing this august House.

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**HON MOONGO:** The Bill is undemocratic and it has to be returned to them to be amended not to be in conflict with the policy of Affirmative Action. (Intervention)

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**HON MINISTER OF ENVIRONMENT AND TOURISM:** On a Point of Order. As mentioned by Honourable Minister Nghidinwa, Honourable Moongo is a veteran of this House and it is not really allowed to point fingers at people who are not here to defend themselves. The drafters are not here and I thought the Deputy Minister of Justice was very clear in explaining the role of the drafters, but Honourable Moongo continues to point a finger at the drafters. Is that fair, Honourable Deputy Speaker, if people are not here to defend them and while the position was explained by the Deputy Minister of

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HON MOONGO**

Justice?

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**HON MOONGO:** I do not want to argue too much on a Bill, which is in conflict with the policy of Affirmative Action. If anybody here supports that idea, he is wrong and he will remain wrong as the Bill is in conflict with the policy of Affirmative Action. With this, I request the House to send it back.

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**HON MANOMBE-NCUBE:** On a Point of Information. The Honourable Member has started very well by saying that the SWAPO Members are making progress. When we are suggesting that the Bill should be taken to the people, is that not the right thing to do? The grassroots people have expressed their appreciation that we are always telling them about the laws they do not know about. Do you not think that it is the correct thing for the Bill to be taken to the people on the ground, because you have been doing this with all the other motions and Bills?

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**HON DEPUTY SPEAKER:** Honourable Member, in addition to that, I just want to remind you that last year you took part in the course on drafting and the lawmaking process at UNAM. Do you not think what you are saying is contradicting what you have learned?

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**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,  
HOUSING AND RURAL DEVELOPMENT:** Comrade Deputy Speaker, I have a question. Was the bar open when we went out for tea break?

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**HON MOONGO:** I want to round up by saying that if the Bill has loopholes or you need information from the masses, you have the right to consult them, but what do you not understand in this Bill? Are you not in touch with the communities? We are aware of the shortcomings in this Bill and we do not need to waste time, we want to send it back for them to take into account the policy of Affirmative Action so that it suits the needs of the poor people and the poor contractors. With this, I appeal to the House to support me that it be sent back. Thank you.

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**SECOND READING  
ARCHITECTS AND QUANTITY SURVEYORS  
PROFESSIONS BILL  
HON IILONGA**

**HON DEPUTY SPEAKER:** Honourable Manombe-Ncube.

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**HON MANOMBE-NCUBE:** I Move that the Debate be adjourned until tomorrow.

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**HON DEPUTY SPEAKER:** The Debate on this Bill is postponed until tomorrow. The Secretary will now read the Second Order of the Day.

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**RESUMPTION OF SECOND READING: ARCHITECTS  
AND QUANTITY SURVEYORS PROFESSIONS BILL**

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**HON DEPUTY SPEAKER:** When this Debate was adjourned on Tuesday, the 21<sup>st</sup> of September, the Question before the Assembly was a Motion by the Honourable Minister of Works and Transport, that the Bill be read a Second Time. Honourable Kaura adjourned the Debate.

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**HON MOONGO:** Honourable Kaura is on an official mission and anybody can contribute.

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**HON DEPUTY SPEAKER:** Honourable Peter Iilonga.

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**HON DEPUTY MINISTER OF AGRICULTURE, WATER AND FORESTRY:** Thank you very much, Comrade Deputy Speaker. I rise to contribute to this very important Architectural and Quantity Surveying Professions Bill. This Bill will lay the foundation for the disadvantaged architects who have never been allowed to enter the profession.

Comrade Deputy Speaker, let me start with Clause 1 on the definitions and I only want to mention one where I already have a problem. This is even worse

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than the one we were dealing with just now. It says, “*Architect*” means a person registered as an architect in terms of Section 23. I am in disagreement with that, because a person is not an architect because he registered as an architect, he or she is an architect by virtue of training and acquiring a certificate or a degree and the registration is just a process. Therefore, the Bill has already started off on a bad footing.

Clause 4 deals with the constitution of the Council. “*The Council consists of the following members appointed by the Minister subject to the provisions of this Section as follows: (a) all persons who are registered as architects in terms of this Act, elected in the prescribed manner and in accordance with the prescribed procedures by an association or institution representing registered architects recognised by the Council.*”

That is already starting off on the wrong footing. We know that this is one of the fields, which are not easy for people to enter into, and it will become worse.

When a doctor completes the required years of study, that particular person has to do an internship and there is no way this person is going to be asked to write a special examination. That person will be regarded as a doctor and he or she can practise the profession. However, that is not the case in this Bill. In this case, the person only becomes an architect after being registered and not after spending years of study to become one.

There is an omission in Clause 18(2)(b)(ii), because whenever a person is liable to any fine, it will not exceed such amount. I think the Minister should look into that one.

Clause 19 deals with the requirement for registration. “*No person qualifies to be registered under this Act, unless he or she possesses the qualifications prescribed in terms of Section 20 and passed the examination or assessment prescribed in terms of Section 21. “Subject to Sub-section (1), the Minister must, on the recommendation of the Council, prescribe the qualifications obtained by virtue of examination conducted by any educational institution or other examining authority which when held singularly or co-jointly with any other qualification entitles any holder thereof to registration under this Act if*

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*he or she has before or after the acquisition of the qualification in question complied with such condition or requirement as may be so prescribed."*

*"A qualification obtained by virtue of examination conducted by any educational institution or other examining authority situated outside Namibia may not be prescribed under this Section unless (a) such qualification entitles the holder thereof to practise such profession in the country or State in which such examinational institution or other examining authority is situated."* We have already seen that people who were trained by SWAPO while in exile are still not members of the existing Architectural Council and still this Bill is going in that direction. We do not know whether those people will be registered as such.

Examination: A person talking about a qualification obtained in an examination or examining authority, when it comes to the definition, the person is not an architect because of the qualification, but because of being examined by the Council. This is wrong and I am saying this is even worse than the other Bill, because in the other one there was no examination, you were only required to have capital, a vehicle and tools. In this one, you have to be examined and if you do not manage to pass, you cannot be registered even though you passed your examinations.

Comrade Deputy Speaker, honestly speaking, we need to look at this Bill as this Clause is the same as in the existing law. People are still subjected to examination as long as they did not attend institutions in South Africa. Look at how Comrade Kafidi struggled to be part of this profession even though he has the skills and we have many of them here. It is said that building was designed by that person and those who qualify under this legislation are the ones whose designs will be approved. We cannot allow this to happen.

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**HON DEPUTY SPEAKER:** The House stands adjourned in terms of Rule 90 until tomorrow, 14:30.

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**HOUSE ADJOURNS AT 17:45 UNTIL 2010.10.06 AT 14:30**



**NATIONAL ASSEMBLY  
ASSEMBLY CHAMBERS  
WINDHOEK  
06 OCTOBER 2010**

The Assembly met pursuant to the adjournment.

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

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**HON DEPUTY SPEAKER:** Any Petitions? Reports of Standing Committees? Other Reports and Papers? Honourable Deputy Minister of Finance.

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

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

1. Municipality of Gobabis for the Financial Year ending 30 June 2008;
  2. Municipality of Gobabis for the Financial Year ending 30 June 2009;
  3. Municipality of Keetmanshoop for the Financial Year ending 30 June 2008.
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**HON DEPUTY SPEAKER:** Notice of Questions? Notice of Motions? Message from the Head of State? Ministerial Statements? The First Notice of a Motion is by the Honourable Minister of Regional and Local Government, Housing and Rural Development. Does the Honourable Minister move that the Bill be now introduced?

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06 October 2010

**SPECIAL ADVISORS AND REGIONAL  
GOVERNORS APPOINTMENT BILL  
HON EKANDJO**

**INTRODUCTION AND FIRST READING:  
SPECIAL ADVISORS AND REGIONAL GOVERNORS  
APPOINTMENT AMENDMENT BILL**

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**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,  
HOUSING AND RURAL DEVELOPMENT:** I Move the Motion.

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

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**SPECIAL ADVISORS AND REGIONAL GOVERNORS  
APPOINTMENT AMENDMENT BILL**

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

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**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,  
HOUSING AND RURAL DEVELOPMENT:** I so Move, Honourable  
Deputy Speaker.

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

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**SPECIAL ADVISORS AND REGIONAL GOVERNORS  
APPOINTMENT AMENDMENT BILL**

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**SECOND READING**  
**SPECIAL ADVISORS AND REGIONAL GOVERNORS BILL**  
**HON EKANDJO**

**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT:** Comrade Deputy Speaker, Honourable Members, the purpose of addressing this august House is to brief the Honourable Members about the intention to amend the Special Advisors and Regional Representatives Act, Act 6 of 1990, to provide for the appointment of Regional Governors and other related matters.

The Special Advisors and Regional Representatives Act provide for the appointment of Regional Representatives by the President and shall hold office at the pleasure of the President. The same Act spells out that the terms and conditions of employment of the Regional Representatives shall be determined by the President.

During the first two years of Namibia's Independence, the Special Advisors and Regional Representatives Act was applied in the absence of legislation specifically dealing with Regional Government. It was then replaced by the Regional Councils Act, Act 22 of 1992 through which Chairpersons of the Management Committees of the respective Regional Councils serve as Governors of the respective Regions.

Regions by nature are an extension of Central Government and are well positioned to directly deal with the population on a day-to-day basis. They are complementary structures without which the Government cannot effectively carry out its policies and programmes. Due to the importance attached to the role Regions play in extending Government policies and programmes in our unitary State, it has been deemed imperative that the status of the Heads of the Regions be elevated to grant such Heads the powers at par with the responsibilities attached to the Regions. For this reason, I am introducing the Special Advisors and Regional Governors Appointment Amendment Bill to provide for appointment of Heads of the Regions by the President.

The appointment of Governors enables such Governors to act as representatives of the Central Government in the Regions concerned, and serve as a link between the Central Government and Regional Councils, Local Authorities and Traditional Authorities. I, therefore, seek the support of all Honourable Members to enable the enactment of the Special Advisors and Regional Governors Appointment Amendment Bill. I thank you, Comrade Deputy Speaker.

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**SECOND READING  
SPECIAL ADVISORS AND REGIONAL GOVERNORS  
APPOINTMENT BILL  
HON DR GEINGOB**

**HON DEPUTY SPEAKER:** Any further discussion? Honourable Minister of Trade and Industry.

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**HON MINISTER OF TRADE AND INDUSTRY:** Honourable Deputy Speaker, Honourable Members, I would like to make a few observations about the Motion to amend the Special Assistants Act. The Motion in front of this august House is for two reasons: One, to strengthen the unitary nature of the State and secondly, to remove the possibility of any antagonistic, divisive or tribal tendencies creating unrest.

As the Members of this august House know well, the Preamble in Article 1 of the Constitution stipulates that Namibia would be a unitary State. Specifically Article 1 reads as follows, “*The Republic of Namibia is hereby established as a sovereign, secular, democratic and unitary State founded upon the principles of democracy, the Rule of Law and justice for all.*”

Some of the Members will also recall that the constitutional principles prescribed by the Western Five Contact Group have stipulated that Namibia would be a unitary State. Namibia is, therefore, a unitary State and not a federal one. As we have agreed on the concept of a unitary State, it therefore implies that the Regions were to be administrative units. In a unitary State and particularly a unitary State like ours where Regions are administrative and have no legislative functions, meaning that only administrative powers are delegated to the Regional Councils and Governor. In federal systems, on the other hand, the provinces or States have legislative power and power of taxation. That is a big difference.

At the time of the drafting of the Constitution and coming from a division of our country and people, SWAPO Members were unanimous in their belief that an Executive Presidency was essential for building a unified State. Namibia needed a leadership structure that would promote cohesiveness by bringing together various ethnic and racial groups who have been divided under apartheid rule. Anything short of that structure had the potential of undermining the fragile unity of our society. Therefore, SWAPO argued for a strong Central Government.

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HON DR GEINGOB**

Thus, the President is elected by the whole country as one constituency. The whole country becomes one constituency when they are electing the President. Therefore, the whole country is considered as one constituency.

He also appoints Ministers from among those who are elected by the whole country. Appointment of Governors by the President to represent him in the regions would similarly go beyond the Governors just being the representatives of one of the many Regional Constituencies, as the case is now, as pointed out by Comrade Jerry Ekandjo. Moreover, we have created decentralised structures, such as the Regions, the Regional Councils, the municipalities and town councils to bring the Government closer to the people. The intention was never to compromise the unitary nature of the state.

In order that the divisive tendencies do not undermine the unity of the State, many culturally and politically diverse countries have sought to place the representatives of the constitutional Head as the Heads of the Regions. Such is the case in India. The Governors of India's various provinces are appointed by the President on the advice of the Ruling Party at the centre. If a federal State like India considered it prudent to have Governors appointed by the constitutional authority to ensure the unity of the country, I would think that there would be even stronger reason for a unitary State such as ours to select this mode of appointment for the Regional Governors.

As things stand, the Chairman of the Management Committee in the Region, who is elected by his or her equals who are all Regional Councillors, is at the same time the Governor of the Region. I have talked to some former Governors and present Governors and there is general agreement that the arrangement is lopsided. Because of their responsibilities as Governors, some of them ignore their Constituencies and that situation is not healthy. We are proud to belong to our different ethnic groups, but we in SWAPO and, I believe, many of the Honourable Members on the other side are busy with nation building by moulding these different ethnic groups into one Namibian Nation. Hence or slogan, One Namibia, One Nation, in other words, unity in diversity.

However, lately some centrifugal forces want to practise diversity in unity. We should discourage that from happening, as it will only promote tribalism.

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**HON EKANDJO**

Therefore, Honourable Deputy Speaker, I feel very strongly that Governors should be appointed by the President as the representatives of the constitutional Head in the various Regions.

Further, the appointed Governors should not be one of the Regional Councillors. This noble appointment would strengthen the unitary nature of the State and make positive contribution to the concept of taking Government to the people. In addition, it would allow the Councillors to work as a team, working for the benefit of the whole Region.

Therefore, in conclusion, let us hold hands as one people to maintain peace and unity for the better future of our children. I thank you.

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**HON DEPUTY SPEAKER:** Any further discussion? Honourable Moongo.

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**HON MOONGO:** I Move that the Debate be adjourned until Tuesday, next week.

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**HON DEPUTY SPEAKER:** Any objection? The Debate is adjourned until Tuesday, next week. The second Notice of a Motion is by the Minister of Regional and Local Government, Housing and Rural Development. Does the Honourable Minister move that the Bill be now introduced?

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**INTRODUCTION AND FIRST READING:**  
**SECOND REGIONAL COUNCILS AMENDMENT BILL**

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**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,  
HOUSING AND RURAL DEVELOPMENT:** I Move the Motion.

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

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**SECOND READING**  
**SECOND REGIONAL COUNCILS AMENDMENT BILL**  
**HON EKANDJO**

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**SECOND REGIONAL COUNCILS AMENDMENT BILL**

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**HON DEPUTY SPEAKER:** Does the Honourable Minister of Regional and Local Government, Housing and Rural Development move that the Bill be now read a Second Time?

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**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT:** I so Move, Honourable Deputy Speaker.

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

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**SECOND READING: SECOND REGIONAL COUNCILS  
AMENDMENT BILL**

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**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT:** Comrade Deputy Speaker, Honourable Members, just a moment ago I tabled the Special Advisors and Regional Governors Appointment Amendment Bill in this august House and sought the support of all Honourable Members in enacting this Bill. I am once again humbled to be accorded this platform to table and seek the support of all Honourable Members for the enactment of the Second Regional Councils Amendment Bill.

The Second Regional Councils Amendment Bill is a sequel to the Special Advisors and Regional Governors Appointment Amendment Bill. The introduction of the Special Advisors and Regional Governors Appointment Amendment Bill has necessitated the amendment to the Regional Councils Act of 1992 (Act 22 of 1992) to align the provisions of this Act with the latter Bill.

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**SECOND REGIONAL COUNCILS AMENDMENT BILL**  
**HON MOONGO**

Section 18(1) of the Regional Councils Act reads, “*There shall be a Management Committee for every Regional Council, consisting of a Chairperson who shall be called the Governor of the Regional Council*”. The Governor will no longer be appointed from among the members of the Regional Council, but by the President.

The Second Regional Councils Amendment Bill grants that the Governor shall be aware of all management meetings for the Regional Councils and reserve the right to take part in the deliberations. However, she or he will not have the right to vote at any meeting of the Management Committee.

With the tabling of the Second Regional Councils Amendment Bill in the National Assembly, I seek the support of all Honourable Members and I thank you, Honourable Deputy Speaker.

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**HON DEPUTY SPEAKER:** Any further discussion?

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**HON MOONGO:** I Move that the Debate be adjourned to Tuesday, next week.

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**HON DEPUTY SPEAKER:** The Debate on this Bill is adjourned until next week. The Secretary will read the First Order of the Day.

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**RESUMPTION OF DEBATE: CONSIDERATION: NATIONAL  
STRATEGIC FRAMEWORK ON HIV/AIDS**

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**HON DEPUTY SPEAKER:** When the Assembly adjourned on Wednesday, the 29<sup>th</sup> September 2010, the Question before the Assembly was a Motion by the Honourable Deputy Minister of Health and Social Services, that the National Strategic Framework be adopted. The Honourable Minister of Health and Social Services adjourned the Debate to reply and he now has the Floor.

**HON MINISTER OF HEALTH AND SOCIAL SERVICES:** Honourable Deputy Speaker, I thank you, for giving me the Floor.

Honourable Deputy Speaker, Honourable Members, I would like to start by acknowledging the interest shown on the Debate around the 2010/2011 to 2015/2016 National Strategic Framework for HIV/AIDS, with thanks. I wish to thank all those who took the Floor to raise concerns, offer comments or simply support the document. I would also like to thank those who remained silent on the proposed framework. It is said that silence means consent; therefore, I take it that they too considered the document to be well articulated and are in agreement with its contents.

Honourable Deputy Speaker, in his foreword on the Vision 2030 document, the Founding Father and first President of the Republic of Namibia, Comrade Sam Nujoma, had this to say and I quote: *“If we are to survive as a Nation, perhaps the greatest challenge we face now is to eradicate HIV/AIDS.”*

During the official opening of the National Employment Creation Summit, His Excellency President Hifikepunye Pohamba had this to say, *“Namibia, like many other countries in the world, is threatened by the HIV/AIDS pandemic which is also a major contributing factor to the slow growth rate of the labour market. However, I believe this can be stabilised through proper implementation of our HIV/AIDS policies and successful rollout of the Anti-Retroviral programme. I urge all stakeholders involved to ensure that such policies and programmes are successfully implemented.”*

Honourable Deputy Speaker, Honourable Members, I am deeply convinced that these two reflections from our most senior citizens in Government should guide our actions. They are not only reflections, but also directives and have to be heeded.

As I said at the Employment Summit last week, I carefully and attentively listened to the various speakers who so eloquently spoke about how we as a Nation should work together to boost our economic growth, create employment and reduce poverty. I enjoyed listening to the statements and to the various options that were proposed, but I have to say, Honourable Deputy Speaker, I was somehow taken aback by the fact that none of the speakers did make reference or considered HIV/AIDS as the most formidable challenge to economic growth, employment creation and poverty reduction or articulated

proposals that take into consideration the impact of HIV/AIDS in our country.

On the other hand, the National Policy on HIV/AIDS encourages that we all factor HIV/AIDS into our policies and plans and our development strategies. All our options and approaches to development should include and consider the HIV/AIDS challenges as an important variable and identify programmes and components to deal with it. Otherwise, we are setting ourselves up for a failure.

Honourable Deputy Speaker, this is what a multi-sectoral approach about HIV/AIDS is all about. We need to consider HIV/AIDS in all our policies, thus I would like to urge Honourable Members to join hands in our efforts to turn around the tide. We have the responsibility to coordinate the multi-sectoral response individually and collectively. The roles of each sector are clearly defined and spelled out in the National Strategic Framework and this was done in close consultation and collaboration with designated experts and focal points.

Honourable Deputy Speaker, I would now like to address some of the concerns raised by some Honourable Members on the National Strategic Framework for HIV/AIDS. The document was introduced by the Honourable Deputy Minister of Health and Social Services, Comrade Petrina Haingura. I would like to thank her most sincerely for doing so. Let me share with you in terms of where we are with the national response to HIV/AIDS.

As we speak, Namibia made a pledge of a sum of US\$750,000 to the Global Fund to fight AIDS, tuberculosis and malaria during the Global Fund Replenishment Conference which took place in New York yesterday. This pledge will be disbursed over a period of three years as a contribution of our Nation to the efforts of the international community to fight the three scourges of humanity. I would like the Honourable Members to know that to date the Global Fund has approved over US\$ 225 million in grants to Namibia to help tackle AIDS, tuberculosis and malaria. Another important contributor to the fight against HIV/AIDS has been the United States Government through the President's Emergency Programme for AIDS Relief (PEPA). From 2004 to 2011, the PEPA programme in Namibia will have disbursed over US\$ 630 million to fight AIDS and strengthen the health system. As you also know, fifty percent of the financial needs to implement the national response are provided by the Government of the Republic of Namibia.



To complement my overview on the progress of the response to date, I would like to state that this country has over 80% of people who need treatment of Anti-Retroviral Therapy. Of the estimate 202,000 people living with HIV/AIDS, around 140,000 are under care and treatment. I am proud to say that the Ministry of Health and Social Services has managed to treat, care and support for people living with HIV/AIDS to the extent that 85% of those put on treatment are alive and living productive lives. Thus, I would like to join the Right Honourable Prime Minister in saying that we should appreciate what has been achieved to date.

On the African continent, Namibia is among the top countries in terms of provision of treatment, care and support to those in need. Indeed, this is recognised worldwide.

Honourable Deputy Speaker, we have just come from New York together with my colleagues where we accompanied His Excellency President Pohamba to the United Nations Summit on the Millennium Development Goals. I must inform the august House that for the first time the Namibian President was a special guest to a breakfast meeting of Heads of UN Agencies and invited guests and experts on the elimination of mother-to-child transmission of HIV and synergies for achieving the Millennium Development Goals 4, 5 and 6. During this breakfast meeting, His Excellency was showered with praises for his commitment and quality leadership and the enviable progress his country is making towards conquering HIV/AIDS.

Honourable Members, let us appreciate that we are making great efforts and that we are making progress. We know that much more remains to be done, but we should not see the glass as half empty, but rather half full. Treatment, care and support of people living with HIV/AIDS is a responsibility of all sectors, public and private, including the civil society. Every Ministry and Honourable Member in this august House has a role to play.

The Honourable Members of this august House also expressed concern over the lack of human resources. I think we are all aware of the historical background of the Bantu Education and are all able to relate to the root causes of the scarce skills not only in the health sector, but also across the board in most, if not all, the service-providing institutions. However, with the help of our partners we have managed to recruit over two thousand complementary staff to assist with service provision as a long-term solution. You are all aware

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that we have established a School of Medicine to train our medical doctors locally and are in the process of establishing a School of Pharmacy come 2011. This morning, together with my Colleague, the Honourable Deputy Minister of Education, Dr Dawid Namwandi, we were privileged to inspect the progress being made in the company of the Vice-Chancellor, Professor Lazarus Angula. I must say it is quite encouraging. They are building a state-of-the-art medical school.

On the issue of increasing the number of people tested for HIV/AIDS and testing all patients who appear to have signs and symptoms, you should be aware by now that we have a national testing day campaign on an annual basis to encourage people to know their status. All are invited. The Ministry has introduced the WHO recommended provided initiated testing and counselling strategy where all those who visit health facilities are offered counselling and if agreed, they are offered testing for HIV. We will also be rolling out outreach units, which will include HIV testing. However, as you know, HIV testing is not mandatory by law in this country.

Honourable Deputy Speaker, there was also a concern on targeting our uniformed men and women with HIV/AIDS prevention and control services. I would like to inform the august House that not only the National Strategic Framework has clearly articulated actions in this regard, but there are also programmes in place directed towards our uniformed men and women. This is a result of a very close collaboration between the Ministry of Health and Social Services, the Ministry of Defence and the Ministry of Safety and Security. I believe you all will remember “*Elifas*”, the prominent film targeting the uniformed forces. The Correctional Services under the Ministry of Safety and Security is implementing HIV counselling and testing in prisons with support from the Ministry of Health and Social Services. I am sure you are also aware of the military branded condoms, the opening of ARV clinics in Windhoek and Grootfontein, just to mention a few of the actions targeting the uniformed men and women.

It was also mentioned that people living with HIV/AIDS are voiceless and not involved in awareness creation. I would like to say that people living with HIV/AIDS have been participating in HIV awareness-raising campaigns and this can be attested by the increasing number of those declaring their HIV status publicly. To ensure adherence of those newly put on treatment, HIV-

positive people are involved and they provide support to people enrolled on treatment at clinic level.

Honourable Deputy Speaker, Honourable Members, permit me to address the issues raised in relation to provision of nutrition and transport vouchers to people living with HIV/AIDS. We all know that nutrition is extremely important for people living with HIV/AIDS, particularly those on treatment. Indeed, we are all aware of the transport challenge in our country given the long distances. However, it is important for us to know that it is neither possible, nor sustainable for the Government to provide food and transport allowances to people living with HIV. Our commitment is to ensure that those in need of treatment are cared for so that they can lead healthy, productive lives, go back to work and are protected from discrimination, and that they would be able to generate income to cater for themselves and their families in dignity and as full and responsible members of society.

We know that poverty fuels the HIV/AIDS pandemic and that HIV/AIDS can throw people into or deepen their poverty. That is why we should all work together to devise the best strategies to reduce poverty, create employment, stimulate economic growth and foster social development.

The same principle would apply to the San community. While I agree with the Honourable Member who mentioned the particular challenges faced by the San community, I, however, am not of the opinion that they should be considered as a vulnerable group as far as HIV is concerned. It will create further stigma and discrimination if vulnerable groups are designated based on ethnicity.

Under the Office of the Prime Minister, there is a special programme addressing the particular needs of the San people and that is how we should address their problems related to excessive alcohol consumption, high prevalence of drug-resistant TB, education, etcetera. Indeed, we all appreciate the efforts spearheaded by the Honourable Deputy Prime Minister in this regard. Alcohol is just one of the drivers of the epidemic that we need to address in a multi-sectoral and multi-disciplinary manner.

Honourable Deputy Speaker, as I draw close to the end of my statement, I would like to touch on the important issue of coordination of the HIV/AIDS response.

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The coordination of stakeholders is clearly outlined from district to national level and from one sector to another. Whether you talk of the RACOC's and NACOC's, are in place. It is also suggested that the coordination of the response needs to be moved under the Office of the Prime Minister or under the Office of His Excellency the President. I wish to say to those who make such suggestions, whether they are proposing that His Excellency the President or the Right Honourable Prime Minister should be doing the job himself or herself. As far as I know, the President is Chairperson of Cabinet and even if the coordination is placed under him, the job will still be done by a Cabinet Minister, as is the case today.

We all need to appreciate the fact that HIV/AIDS is a disease in the first instance. As such, it should not be orphaned. It is a disease with multiple social and economic implications and which requires coordinated intervention from all sectors, but unless we have a strong health sector response and are able to provide treatment, care and support to all those in need and prevent new infections, we will not be able to conquer this pandemic. Namibia, it is acknowledged worldwide as I said earlier, provides exemplary leadership in fighting the Namibia. It means the work being done by the Ministry of Health and Social Services with your support is of great quality. This should be acknowledged. We have reached the universal access target of putting people on treatment due to hard work from the Ministry in collaboration with all the sectors and our most valued partners. Let us appreciate what we have achieved to date.

Honourable Deputy Speaker, Honourable Members, the last but not least important concern I would like to address, is the one related to sex work or prostitution. This is probably the most controversial issue raised during the National Strategic Framework Debate and there are reasons for that. Prostitution, in my view, is both a social problem and a form of violence against women in the case of female prostitution, which I think is being discussed here. It is also considered an immoral and illegal activity, but from the Ministry of Health and Social Services, we need to approach this matter with the care, attention and professionalism it deserves so that collectively we find the best options to address it, based on the evidence and facts on the ground.

It was raised in this august House, for example, that there is a need to consider law reform in relation to prostitution. It is important that we work towards

identifying the diverse and complex range of legal, social and economic elements that are related to prostitution in order to establish adequate policy and legislative options that will regulate, deter, prevent or reduce prostitution in our country. In doing so, it is imperative that we address the concerns related to public health and HIV, the stigma and discrimination of prostitutes that may negate them their right to access health care while at the same time we reduce the demand for prostitution and create an environment for prostitutes to exit prostitution. This rather complex matter needs to be given full attention in another opportunity, but we recognise that it is necessary to address it in a broader context of human rights, public health, social and economic determinants and Namibia's Constitution and international obligations.

Finally, Honourable Deputy Speaker, Honourable Members, I would like to make a correction on the organogram and composition of one of the key coordination structures proposed under the National Strategic Framework. This is in relation to the membership of the National AIDS Executive Committee (NAEC), whereby I would like to correct the United Nations membership to be as follows: The United Nations will have three seats in NAEC, one to be occupied by the World Health Organisation representative, UNICEF and the other one by the UNAIDS Country Coordinator who will represent all the other UN Agencies.

As you know, UNAIDS is a joint United Nations programme on AIDS and the WHO is the lead UN agency on health, responsible for coordinating health matters, provide technical, policy and strategic advice on health matters and monitor health trends. Furthermore, the WHO is globally mandated to coordinate the health sector response to HIV/AIDS. On the other hand, UNICEF is the global lead agency on the orphans and vulnerable children, adolescent HIV-prevention and paediatric HIV-treatment and care. My Office will make sure these necessary corrections are made before the document is finalised and printed.

On this note, Honourable Deputy Speaker, Honourable Members, I move that the 2010/2011 to 2015/2016 National Strategic Framework for HIV/AIDS be adopted. I thank you for your kind attention.

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**HON MANOMBE-NCUBE**

**HON DEPUTY SPEAKER:** I now put the Question, that the National Strategic Framework on HIV/AIDS be adopted. Any objection? Agreed to. The Secretary will read the Second Order of the Day.

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**RESUMPTION OF SECOND READING:**  
**NAMIBIAN PLANNING AND CONSTRUCTION BILL**

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**HON DEPUTY SPEAKER:** When this Debate was adjourned on yesterday, the 5<sup>th</sup> of October 2010, the Question before the Assembly was a Motion by the Honourable Minister of Works and Transport, that the Bill be read a Second Time. Honourable Manombe-Ncube adjourned the Debate and she now has the Floor.

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**HON MANOMBE-NCUBE:** Thank you, Honourable Deputy Speaker, Honourable Members. At the very onset allow me to congratulate the Ministry of Works and Transport for the establishment of the Namibian Planning and Construction Council, an entity that I believe is long overdue. I have consulted with previous Ministers of Works and Transport on matters of this nature. I am, therefore, grateful for the establishment of this Council.

I am particularly interested in this Council because I have enough reason to believe that it will eventually redress the public concern, which has constantly boggled my mind, if not disturbing my peace and that of countless others who has to contemplate a situation similar to mine on a daily basis.

However, Honourable Deputy Speaker, before I further elaborate on the proposed Bill, I would like to bring a few things under the attention of the Honourable Members of this august House. I have a feeling that some Members have already sensed what I am trying to say. Nevertheless, there are specific members in our society whose lives are affected either directly or indirectly by a legal entity as the Namibian Planning and Construction Council.

Even though considerable efforts have been made by some Construction Companies to make buildings and other physical infrastructure, both public

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**HON MANOMBE-NCUBE**

and private, user-friendly and easily accessible for persons with disabilities, heavily pregnant women, etcetera, quite a number of newly constructed and old buildings are, to say the least, completely no-go areas for such persons who also require the services provided there.

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**HON DEPUTY SPEAKER:** You may proceed after tea-break.

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

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**HON MANOMBE-NCUBE:** Honourable Deputy Speaker, in singling out persons with disabilities, allow me to emphasise the word “disability”. The United Nations Convention on the rights of persons with disabilities describes “disability” as follows: *“The Treaty does state that the term “disability” includes persons who have long-term physical, mental, intellectual or sensory impairment that in the case of various negative attitudes or physical obstacles, buildings included, may prevent those persons from participating fully in society.”* This makes it clear that people with disabilities people with disabilities are not disabled by their physical or sensory limitations, rather they are being disabled by the physical environment and infrastructure within the society. These include, of course, buildings that are inaccessible for various members of our society.

Honourable Deputy Speaker, in the light of what I have just mentioned, I urge the Namibian Planning and Construction Council to recognise these realities when carrying out their duties and functions in order to ensure that construction companies, both local and foreign, adhere to this when constructing buildings or other physical infrastructure for public use.

Honourable Deputy Speaker, the composition of the proposed Namibian Planning and Construction Council is in my view incomplete in the sense that those members of our society who are negatively impacted by inaccessible buildings is not represented. It would be advisable that a person with disability and an elderly person also be part of the Council so that they can give their inputs and advise as persons who have practical experience. The MVA Fund

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should be included since they are dealing with people suffering from a variety of body impediments because of car accidents and can give valuable inputs with regard to construction of buildings and other physical infrastructure.

Honourable Deputy Speaker, Honourable Members, even though the proposed Namibian Planning and Construction Council Bill does not seem to give a clear-cut mandate to the Council to take action in this regard, I believe that the Council can still look into the accessibility and user-friendliness of all buildings.

I recently saw on the front page of a local daily newspaper the Chief Executive Officer of the City of Windhoek being pushed down Independence Avenue in a wheelchair. I could only conclude that he was personally experimenting with the daily experience a person using a wheelchair has when trying to get to from A to Z up and down Independence Avenue, even with the construction of the pavements on the road. That he has put himself in the precise situation of those facing the problem in order to test the problem situation is indeed commendable, because one can only best know about the situation if you are in that situation yourself.

Honourable Deputy Speaker, the Namibian Planning and Construction Council can do likewise if the Councillors would not just sit in their offices, but also get out and get some *munoko* on their hands and practically consult with construction companies at the construction sites about the building of ramps and implementation of other measures to make buildings user-friendly and accessible. In fact, the Namibian Planning and Construction Council must compel builders and contractors to make sure that every building is accessible. Of course, some policy frameworks exist in this regard, but it is not taken seriously since they are not enacted. Hence, buildings are not revisited during construction and after.

The Namibian Planning and Construction Council should constantly monitor and evaluate all physical infrastructures to make sure that they are user-friendly to all the people of the Namibian society. Should that not be the case, the Council should take drastic measures to remedy the situation for the buildings to be made accessible before construction is completed.

As I am concluding my contribution, Honourable Deputy Speaker, Honourable



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**HON NGHIMTINA**

Members, the United Nations Convention on the Rights of Persons with Disabilities reads, “*Accessibility involves providing equal access to facilities and services in the community for all members in society, including persons with disabilities.*” Against this backdrop, I would suggest that we do away with stairs at public and private buildings wherever possible. After all, all people can use ramps, but not all people can use steps.

Honourable Deputy Speaker, with these few comments, I support the Namibian Planning and Construction Council Bill, anticipating that some suggestions that I made will be considered for inclusion and I also concur with my other Colleagues who have suggested that this Bill be referred to the relevant Committee. I thank you.

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**HON DEPUTY SPEAKER:** Any further discussion on this Bill? Does the Honourable Minister of Works and Transport wish to reply?

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**HON MINISTER OF WORKS AND TRANSPORT:** Thank you, Deputy Speaker. In view of the proposal that this Bill be referred to the relevant Committee, it would be good if the ideas and proposals could first be considered by the technical people for inclusion in the Bill. We first take all the ideas by the Honourable Members and then come up with Amendments. I move that the Debate be adjourned until next Wednesday.

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**HON MINISTER OF JUSTICE:** Comrade Deputy Speaker, I am very sorry that I am behaving like a novice to Parliament, but I became a bit confused when the Bill was referred to a Committee. However, since the Honourable Minister is amenable to taking ideas from our deliberations, I now wonder whether I could still be accommodated to make my contribution for the sake of strengthening this Bill. I would like to adjourn the Debate until Tuesday next week.

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**HON DEPUTY SPEAKER:** The Debate is adjourned until Tuesday next week. The Secretary will read the Third Order of the Day.

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PROFESSIONS BILL  
HON IILONGA**

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**RESUMPTION OF SECOND READING: ARCHITECTURAL AND  
QUANTITY SURVEYING PROFESSIONS BILL**

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**HON DEPUTY SPEAKER:** When the House adjourned yesterday, the 5<sup>th</sup> of October 2010, in terms of Rule 90(a) of the Standing Rules and Orders, the Question before the Assembly was a Motion by the Honourable Minister of Works and Transport, that the Bill be read a Second Time. The Honourable Deputy Minister of Agriculture, Water and Forestry, Honourable Peter Iilonga, had the Floor.

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**HON DEPUTY MINISTER OF AGRICULTURE, WATER AND FORESTRY:** Thank you, Comrade Deputy Speaker. I want to continue where I ended yesterday with Clauses 20 and 21, qualifications and examination.

Currently we have existing Councils, which deal with these professions, but the formerly disadvantaged Namibians especially experience problems with entering institutions. I was looking at the definition of a architect and the Oxford Dictionary says it is a person who designs buildings and supervises the process of constructing them. That is an architect. It is a profession. Irrespective of being registered in terms of Clause 23 or writing an examination, it is a profession, which a person studied for in an institution of higher learning.

I was also looking at the issue of a qualification obtained outside Namibia. This Bill cannot prescribe in that regard. I do not know whether that country where the person obtained a degree as an architect would say, "*Only if you work in our country would you be entitled to be prescribed as an architect in Namibia.*" That needs to be looked at so that we do not perpetuate the situation where only persons will be recognised who studied in a certain country, while an architect who studied in Cuba is not being prescribed unless Cuba says you can also work in Cuba as an architect. Who is designing their buildings there if they cannot train their people as architects? Are Namibians doing the designing in those countries? I feel we need to look at this Clause

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seriously. (Intervention)

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**HON MINISTER OF MINES AND ENERGY:** May I ask a question? Honourable Iilonga, you are making a very good point, but I would like to ask you whether you agree with me that the argument you are putting for the architectural profession should also apply to the veterinary doctors who for many years were not able to practise after they have obtained veterinary degrees as there were certain requirements before they could be registered? Do you agree with me on that?

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**HON DEPUTY MINISTER OF AGRICULTURE, WATER AND FORESTRY:** I agree, Honourable Minister, and I came to your office with a similar question. That is why I feel so strongly that we cannot allow the situation to continue, especially if they want to make the Ministers the culprits.

The Bill says, “*the Minister must on the recommendation of the Council prescribe the qualification obtained by virtue of examination conducted by any institution or other examination authority which, when held singularly or conjointly with the other qualification.*” This is exactly what they have done in the case of the veterinarians. These people are employed to work for them while the professional has a degree or diploma. Some of them even have the title of doctor, but they do not have the right to practise because they did not qualify in South Africa. That is the cause of disagreement.

The Oxford Dictionary defines a quantity surveyor as a person who calculates the quantity of materials needed for constructing a building and how much they will cost. That is another profession.

The Webster Comprehensive Dictionary, which is the American one, defines “architect” as one whose profession is to design and draw up the plans for buildings, but it does not say after examination. When he acquired that, it became his profession and it cannot become his profession after being examined by certain people. How many of our architects, quantity surveyors or veterinarians in Namibia did not have to do anything, they were just accepted and even some of our young compatriots in this country just came

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from school like his fellow Namibians and he or she is allowed to continue and become a doctor easily.

Comrade Minister, we want to help you to panel beat the Bill to ensure that when it becomes an Act we are not going to experience problems and we do not want the blame to be shifted to our Ministers. (Intervention)

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**HON DEPUTY MINISTER OF JUSTICE:** May I ask the Honourable Member a question? Comrade Deputy Minister, you are actually articulating the aspirations and frustrations of so many of our professionals that have been excluded, discriminated against and done all kinds of things by other people who are protecting their own interests and professions. Are you implying that, apart from this Bill being referred to the Portfolio Committee, the representatives of this profession should be summoned to the Parliamentary Committee to come and justify why they do what they are doing or anything short of that, they should probably lose that access. We should have a Rule in the Committee on Privileges that prevents abuse of Ministers. (Intervention)

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**HON DEPUTY MINISTER OF AGRICULTURE, WATER AND FORESTRY:** Yesterday Comrade Kapia proposed that this Bill be referred to a Committee and I think it is the task of the Committee to summon all relevant stakeholders to answer questions. We will reach that stage.

Clause 27 deals with the refusal of applications and in this Clause it does not say “*may*”, it says “*must*”, which means if anything is refused, it may not be questioned. The Council must refuse any application of any person who does not qualify with the requirements as per Section 19. Section 19 says that if you obtained a qualification outside Namibia, they have the right to refuse. Clause 21 says if you do undergo an examination, you cannot qualify to be registered as an architect or a quantity surveyor. I just want us to look at those Clauses.

Clause 50 deals with bookkeeping and auditing. Comrade Minister, I do not know whether this Council will be a private institution, but I thought the Auditor-General would audit the books, but here they want the Council to be given the right to choose their own auditors. I just want the Minister to look at

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Clause 50(3)(iv) because it seems to be problematic.

Clause 51 deals with remuneration and allowances. I see that people not in the employ of the Public Service are to be remunerated, which means that this is a body of the State and when it comes to auditing, it should follow the procedures followed by other State institutions and not choose their own auditors. On the question of remuneration of Board members, directives have been put in place that the allowance will be at a certain level. I do not see why these people are remunerated differently and I do not think it can be decided by the Board itself.

Clause 41 deals with the establishment of the Board of Control in respect of a certain profession. This profession must be like any other profession, that you undergo training at institutions, do internship and then you will qualify. I explained yesterday that a person does not first become a nurse and thereafter registers as a nurse. The student nurses are already members of the Nursing Council in order for them to work with patients. Similarly, if I choose to be an architect or quantity surveyor, I cannot become a member of the professional body afterwards, I must be registered and then from there the internship and internship is not to write an examination. These are the people currently used by those companies, which say they are registered as quantity surveyors or architects. They use the people whom they do not want to register. Comrade Minister, this is something, which should not be allowed, especially when we have the physical example that our people are not being allowed to register in the Engineering Council, the Land Surveyors Council.

With those few remarks, let me say I support the principle of this very important Bill, but we have to panel beat this Bill, so that a person who wants to register should first write an examination. Why are only a few professions in this country required to write examinations? If you want to be a magistrate, you have to write examination. When it comes to the Engineering and Veterinary Councils, the same principle applies.

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

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**HON DEPUTY SPEAKER:** Deputy Minister Simataa.

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HON SIMATAA**

**HON DEPUTY MINISTER OF INFORMATION AND COMMUNICATION TECHNOLOGY:** Thank you, Honourable Deputy Speaker. I will try to be very conservative and to the point in my intervention in the interest of according others the opportunity to also intervene.

My first intervention is on page 4, Part 1, under Definitions. I am of the view that it would be advisable to define the word “*household*”. If I were to ask my neighbours here to give me a brief definition of “*household*”, they would attempt to do that and if I were to ask Honourable Moongo to do the same, I am sure that he will come up with a very different definition. Imagine what will happen during the implementation process if the words we are using in the Bill are not defined. People will end up with so many definitions. Some of us will conveniently say we thought household only refers to our children and brothers and not the others in the extended family. On that basis, I submit that in order to avoid different interpretations, it is indeed advisable that we attempt to define the word “*household*” so that implementation will not be challenging to us.

My second observation is on page 6, Clause 3 under Functions, Duties and Powers of the Council. I tried my level best to go through that Section and thought that I would come across the primary responsibility of a Council of this nature to also contribute to the process of determining the standards of training, particularly in institutions of higher learning that are training Namibians in the area of architecture and quantity surveying. Unfortunately I thought that would be embedded in Clause 3(k) to (l), but after reading and rereading several times, I could not locate that. Deputy Speaker, can you imagine a situation where people enrol in institutions of higher learning to study architecture and quantity surveying, only to be told on qualifying that the qualification that you have obtained within the borders of Namibia cannot be recognised. That is why I tend to agree with Honourable Ilonga. That would be a big travesty of justice and wastage of time and resources.

I submit that we need to provide for this responsibility within the functions and powers of the Council, because in my view, if we do that, it will strengthen the latter part of the Bill that deals with the recognition of qualifications obtained by people who are aspiring to be architects and quantity surveyors.

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My next intervention is on page 11, Clause 8, Meetings of the Council. Looking at Sub-Clause (7), Comrade Deputy Speaker, why should we place the *onus* to declare interest on the collective body called the Council and not on the individual? I find that to be a bit strange. Why do we want to remove the burden of doing that from the individuals and place the burden on the shoulders of the collective body? We need to follow the standard reflection when it comes to issues of that nature and expect the individual to declare interest on an issue under consideration and that being the case, recuse him or herself. Then we will not be placing the burden onto the shoulders of the Council. Briefly, I am saying that I do not think it is appropriate, inasmuch as we should encourage collective integrity, for us to place the burden of doing that on the shoulders of the collective body. That, in my view, needs to be carefully looked at.

On page 14, Clause 14(b), deals with remuneration and says members of the Council and of any Committee who are not members of the Council who are not in full-time employment of the Public Service, may be paid such remuneration of allowances as well as such other benefits as the Council, with the concurrence of the Minister, may determine. I am trying to understand why, as it is reflected in Clause 48(3), the Minister responsible for Finance is not brought into the picture here, because the standard way of doing it is with the concurrence of the Minister in consultation, as stated in Clause 48(3). I do not know what the reasoning here is, but when you go to Clause 48(3) you will realise that that Section correctly reflects what is usually regarded as the standard way of reflecting this particular responsibility.

With those very moderate and few interventions, I also advance my support to the draft Bill.

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**HON DEPUTY SPEAKER:** Honourable Dr Amweelo.

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**HON DR AMWEELO:** Thank you very much, Comrade Deputy Speaker, Honourable Members of this august House. Allow me to join my Colleagues and thank the Comrade Minister of Works and Transport and his Deputy for tabling this very important Bill.

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Clause 63 states that this Act is called the Architectural and Quantity Surveying Professions Act, 2010. It is fitting to combine these two so that those who conceive the buildings and those who create the buildings in which we live and work are acknowledged in the same forum.

Clause 59 deals with the rectification of the errors, which is very important. We need to ratify these errors. We sometimes selected our building construction and building maintenance workers on a trial and error basis, which has been costly to construction companies and unsatisfactory for many of the workers involved. Therefore, what I am suggesting here is a list of the operational competencies required of workers who can be accredited as building construction and building maintenance builders. Such competencies shall be written up by our consultant engineers in a series of competency-based job descriptions that would be built into a career structure for all builders level of occupations in the building maintenance and building construction industry.

Comrade Deputy Speaker, this is a very serious issue because we know that human error can occur in the design or construction of a building and these needs to be considered. Last year we went around with a Committee to certain areas and we were told that a school building was constructed only six months ago. When we went there, we found a very big crack. Sometimes the construction materials are not tested, because according to the law the bricks and everything must be tested in a laboratory to see whether it complies with the specifications.

Comrade Deputy Speaker, the Bill addresses some problems for the future in the following areas, for example, the education and training of young Namibians on an equitable basis in the field of architecture and related disciplines. Our buildings are like blood vessels in our bodies. Just as our health depends on the well-being of our blood vessels, socio-economic development in our country is impossible without good and well-maintained buildings.

In order for the managers of our Building Construction Industry networks to optimise the meagre resources available in our country for spending on Building Construction and to maximise, the condition of our buildings, constant training and capacity development is very necessary. Let us



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encourage our young people to attend vocational training institutions. We are talking about unemployment, but let us identify their potential and send them for vocational training. This has to be an ongoing project, because technology changes and whoever is in the market needs training. To strengthen capacity is very important.

The Bill will help with the creation of opportunities for more young Namibians from previously disadvantaged groups to become registered architects. Even when I was Minister of Works and Transport, I actually called a meeting because we observed that some architects from, for example, socialist countries are not allowed to register, because those who are registered are the ones who are going to get tenders and those who are not registered will be locked out. Therefore, most of those from former Socialist countries will not be allowed to register. (Intervention)

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**HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE:** May I ask the Honourable Member a question? Doctor, which professional body has registered you or have they refused?

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**HON DR AMWEELO:** Comrade Deputy Speaker, continued pursuits of developing a unique Namibian architectural style, harmonising the best of modern technology with the virtues of traditional Namibian buildings and materials. Sometimes when the architects do the blueprints, they copy from other countries, but it is very important that our architects do blueprints, they do it according to our situation. They can even interact with the traditional method and use traditional construction materials and not to order from outside.

Should you copy the blueprints from China, for example, they are doing it according to their situation where they experience earthquakes and some buildings are rotating up there. If you copy their blueprints and implement it here, our situation is different from their situation. Therefore, I say traditional Namibian buildings and traditional local materials need to be used here.

The promotion of skills and services to neighbouring countries, especially

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Angola and the DRC, I believe that many of our architects, builders, quantity surveyors and consulting engineers have already taken on these challenges and I think this Bill can play a role in assisting our neighbours with their considerable development needs. (Intervention)

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**HON DEPUTY MINISTER OF JUSTICE:** In assuming, the rationale is to avoid copying those blueprints from somewhere else. Why do these professionals assume that these blueprints are not applicable here? Why do those professionals not bother to go and find out what are the standards from those institutions where these people are coming from? They simply conclude that those blueprints are not applicable here, but they do not go and find out.

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**HON DR AMWEELO:** I think you are hundred percent correct, I support the idea. They can go and see what the others are doing and make it applicable to our situation.

We can promote our skills to our neighbouring countries to help them. (Intervention)

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**HON KAPIA:** May I ask Honourable Amweelo a question? Honourable Amweelo, are you in support of registering a person before starting his career or after completion of the qualification?

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**HON DR AMWEELO:** Everything has procedures and programmes to be followed. For example, when you want to specialise in a certain area according to international law, you will be asked to do practical service. If I want to be an engineer, for example, I will be asked to do a practical for six months in order to gain practical experience, because theory alone means nothing. Lenin said theory and practical runs parallel. If you only have theory, you are not qualified, you need to have both the theory and practical experience.

We want to prepare our professionals in certain fields to do the job

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accordingly, because if we construct culverts today, we do not want them to be broken down by the floods tomorrow. We want our buildings to last one hundred years, just as State House will be lasting for hundreds of years according to the materials and the specifications. (Intervention)

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**HON MINISTER OF MINES AND ENERGY:** Dr Amweelo, for the sake of clarity, you indicated that we as Namibians must go and help our colleagues in Angola or the DRC or neighbouring countries. If a Namibian is going to practise in the DRC or Angola, will that person be required to register in that country first or is there no need to do that?

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**HON DR AMWEELO:** There are so many protocols in SADC and one of the protocols has to do with transport, which has already been signed by the Heads of State. The aim of that protocol is to have uniform infrastructures per specifications. It means that if you are registered here, you will be required to a job in the SADC Region because we have the same protocols, which were signed by our Heads of State.

I fully support the Architectural and Quantity Surveying Professions Bill and I thank you.

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**HON DEPUTY SPEAKER:** Honourable Kazenambo.

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**HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE:** Thank you, Honourable Speaker. I rise to support and at the same time propose that this Bill, just like the other one, be referred to the relevant Committee.

Coming to the content of the Bill, I would like to start with page 6, Functions, Duties and Powers of Council, paragraph (f) which reads: *“To determine the levies payable to Council by architects and quantity surveyors and architectural and quantity surveying professions in respect of the training and education of architects or quantity surveyors”* etcetera. In (g) it says: *“To*

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*determine from time to time and in conformity with the principles and the formula prescribed in advance by the Minister, the minimum tariffs of architectural and quantity surveying fees according to which an architect or quantity surveyor or architectural or quantity surveying professional may calculate the amount chargeable by him or her in respect of rendering by him or her of architectural or quantity surveying consulting services.”*

These are lucky people, they are determining, they are deciding and many of them are doing that. They will tell you that this is the standard rate and you want to collapse with a heart attack when you receive the bill for an ordinary residential house. Unfortunately the formula is not indicated anywhere in this document, but maybe the Ministry has a policy and this is an issue that the Committee needs to look into.

On the issue of the levies, my understanding is that the Council has a big role to play, but maybe I will leave it to the colleagues who are experts in that field. However, my concern from a layperson’s point of view is whether this Council is going to determine the levy and how will that link to the Budget of the Ministry of Finance? I do not know who is going to determine what and my concern is that if these types of levies are not well-defined and clarified, other than perhaps not using the strong word of “*undermining*” Treasury and the budgetary system, whether they could not be used to inhibit entrance into this lucrative market by the formerly disadvantaged Namibians and new young players, irrespective of their colour, who are graduating from school who are setting themselves up in businesses but who will perhaps be inhibited by these requirements if they are not clearly defined, categorised and clearly indicated what is what. If it is left to the Council along without clear guidelines and specifications, it may pose a problem. The problem in this situation is that the lady or gentleman who is offering the service will always pass the bill on to the customer. It is the same the doctors are doing, if the fees go up, they pass the bill on to the customers to foot the bill.

In paragraph (x) it says: “*To recommend to the Minister the kind of work in connection with the projects, undertakings or services of an architectural or quantity surveying nature which must be reserved for architects or quantity surveyors or architectural and quantity surveying professionals.*” I may not have a quarrel with that because practically I do not understand what it means

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and maybe I do not need to, thus let me move on to (k): *“To make an order as reasonable cost incurred by Council or any person in connection with an enquiry conducted into the alleged unprofessional conduct by any of the persons engaged in the architectural or quantity surveying profession.”* Again, this one needs a clear definition. Is it Council, which is going to pay here, or is it Government? What are the circumstances behind the enquiry of the misconduct? If it is in the case of the Government, should the Government pay? If it is not in the case of the Government or Council, then that may be clear because the Council who is conducting the investigation should define the nature of the allegations or the nature of the misconduct and why Government or Council should pay. (Intervention)

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**HON DEPUTY MINISTER OF AGRICULTURE, WATER AND FORESTRY:** May I ask Honourable Kazenambo a question? Comrade Kazenambo, on page 7 under Clause (i) the Council recommends to the Minister to reserve certain work only for architects and quantity surveyors. The Government employs qualified architects and quantity surveyors to do work for the Government, but now the Council has to determine the price and it becomes law. Will this not become an issue of take it or leave it?

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**HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE:** The issue of certain work reserved for architects is not only mentioned here, it appears elsewhere in the Bill and your concern is my concern, however I am a layperson and I will leave it to the experts to address it.

Let me move to another concern, which I forgot to raise on the other Bill and it is on the constitution of the Council. Four persons from the association, but we know the composition of these associations and in (b), again four persons who are registered as quantity surveyors in terms of this Act and it goes on. In (c) the plot thickens, one architect in the full employment of the Public Service and in (d), one quantity surveyor in the full employment of the Public Service. Practically the people in this Council who are from Government are only two. There are four from the associations. Then there is one person who, in the opinion of the Minister, has knowledge and experience of public affairs and the

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economic requirements of Namibia and is particularly suited to judge how the public interest insofar as it may be affected by the architect and quantity surveyor professions can best be served. What about the rest? In whose interest are they acting? We must be serious, who is fooling who when they bring these things? Do they think that we do not read or what? Must we just pass them? What are they trying to imply here? These things are unacceptable, all the people must act in the economic interest of Namibia, public interest and they must have qualifications. These things are annoying when you read them, with due respect.

In (iv)(f) it goes on to say, *“one person registered as an architect and as an architectural and quantity surveying profession in terms of an Act and an alternate member for such person elected in the prescribed manner”*, and I can continue and continue but I am considerate of others and I will stop here. On page 5 it mentions co-opted members and these co-opted members may be appointed by the Minister and they say, *“co-opted members referred to in subsection (1) serve as co-opted members for a period of one year, have no voting power on matters discussed by the Council, may not be counted when determining quorums of the Council”* and then under (v)(d) I have a concern, *“must be excluded from any meeting of the Council having any professional disciplinary matter relating to any registered professional architect, quantity surveyor and architectural or quantity surveying professional being discussed.”*

If a quantity surveyor or an architect has messed up on a Government project, the co-opted member appointed by Government should not be privy to the information being discussed. What are they hiding? We are talking about things that affect us, structures that are collapsing, and exorbitant costs and yet these people have the audacity to put a Clause like this that a co-opted representative of Government should not be part of the discussion. We are subjected to these things every day, we experience them and they are affecting us. If a professional has messed up, the co-opted member cannot vote and cannot be privy to the information.

These are some of the points to be considered. Here we have members appointed by the President, they are participating in the discussion but they cannot vote and that is standard. Why in this case if a crook has done a job,

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the representative of the Government should not be part of the disciplinary hearing? What are they covering up?

I would like to continue but with these words, I am rounding up. I support Dr Amweelo on the usage of local materials, because Namibia must start using its local materials for construction. I thank you.

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**HON DEPUTY SPEAKER:** The Right Honourable Prime Minister may take the Floor and then the rest can take the Floor tomorrow.

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**RT HON PRIME MINISTER:** Thank you, I will be very brief. This Amendment Bill is actually an improvement on the previous Act and it is an improvement in the right direction. I understand the emotions of the Colleagues who have talked about some of the sections of this Bill and those emotions are based upon the history we have gone through.

The Architects and Quantity Surveyors Council membership is changing very fast in this country. It might not be so that in the very near future the majority might actually be people who were previously disadvantaged. We had to make a balance to make sure that the professional body is a professional body. We also had to make a balance that the professional body is answerable to the public interest and I think the Honourable Minister has attempted to do that by strengthening the supervisory and oversight power of the Minister to intervene and to approve where approval is needed and to listen to the complaints of those who might be affected.

A few years ago, some young people who obtained their qualifications outside Namibia were really having a tough time to be accepted by this Council. Even the Minister did not have power to do anything, so eventually as the Prime Minister I had to summon the Minister, the members of the Council and the young people and put them under one roof to hear from each one of them and we realised that there was simply no communication between the two. I asked the professional Council, *"None of you were born as a quantity surveyor or an architect, how did you become one? Somebody along the way must have assisted you. Why can you not assist these young people even to register them*

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*as architects or quantity surveyors-in-training so that they gain experience from you?"* I believe there was consensus since these young people never came back to me.

The other law did not have the powers for the Minister to oversee the work of the Council and that was unfortunate. Now the Minister is given powers to do so.

I agree with Comrade Ilonga that the Council might mislead the Minister, but why should the Minister allow himself or herself to be misled? He defends the public interest and if the Council makes a recommendation, which he thinks is not in the public interest, it is his duty to say to a particular recommendation, I shall not approve.

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**HON MEMBER:** We take you to the High Court.

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**RT HON PRIME MINISTER:** Yes, we can go to the High Court and fight it there. That is why we have the High Court. Just get lawyers to defend you if you think you are right. We make laws, if the laws are defective, do not be afraid of Courts, the Courts are part of the governance of this country.

I want to draw the attention of the Honourable Minister to Clause 20. Clause 20 should be properly synchronised with the long title of the Bill. The long title of the Bill provides for the registration of architects and quantity surveyors, architects-in-training and quantity surveyors-in-training, but this section does not provide for that. I think that aspect should be brought in, that those in training should also qualify to be registered, not after the training.

We also have to understand the works of the professionals in order to understand the implications of the Bill. The examination, which is being talked about here, is not an examination to qualify as a quantity surveyor, it is an examination about municipal and town regulations and laws regarding buildings. If you have to put up buildings adjacent to each other, there are requirements that you have to put up certain barriers to prevent the spread of fire. There are certain regulations and you have to understand those laws are



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enacted for the safety of people. I know Comrade Ilonga touched on this, but it is important for you to understand. There must be control and standards. You are dealing with the safety of the people. What we are saying is that that control should not deliberately be discriminatory, as it appears to have happened historically, but by removing controls, you are also forsaking your responsibility as a public person to protect the lives and safety of the people. We must understand this.

Therefore, we must strike a balance between popular views where you want a chaotic situation and the safety of the people in crowded areas. We must understand it as such. If you are an architect, your duty is to design a building or a bridge or whatever. You design it, you put the standards, what standards to expect this building to conform to. Once you have put the standards, you have to check that the builder adheres to the standards for the sake of public interest and you must be professionally qualified to do that.

The other day we were complaining about those culverts along the road from Engela to Okalongo. When the floods came, they were all washed away. Then we were saying that the bridges, which were built during colonial times withstood the water and now we go around and say that in fact there must not be any control. That is not being responsible.

Colleagues, let us balance the public interest with the interest of those who want to enter the profession. I think the profession is changing. That is the hope we have and I hope that those who are going to be in the profession will not exclude others. The Minister is there to see that nobody is excluded, however the standards must be there. I thank you.

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**HON DEPUTY SPEAKER:** Honourable Deputy Minister of Finance, will you adjourn the Debate until tomorrow?

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**HON DEPUTY MINISTER OF FINANCE:** I Move that the Debate be adjourned until tomorrow.

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**HON DEPUTY SPEAKER:** With this, the House is adjourned until tomorrow at 14:30.

**HOUSE ADJOURNS AT 17:45 UNTIL 2010.10.07 AT 14:30**

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

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

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**ANNOUNCEMENTS**

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**HON DEPUTY SPEAKER:** The Honourable Members are reminded of the State funeral of late Peter Tshirumbu. The memorial service will take place tomorrow at 15:00 in the Parliament Gardens and the State funeral will take place on Saturday at Heroes Acre. We are all requested to attend.

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**HON DEPUTY SPEAKER:** Any Petitions? Reports of Standing Committees? Other Reports and Papers? Honourable Sioka.

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**TABLING: 2008 ANNUAL REPORT: MINISTRY OF GENDER  
EQUALITY AND CHILD WELFARE**

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**HON MINISTER OF GENDER EQUALITY AND CHILD WELFARE:** Honourable Deputy Speaker, Honourable Members, before I lay upon the Table the Annual Report of the Ministry of Gender Equality and Child Welfare, I would like to give some insight on the Annual Report.

Honourable Deputy Speaker, Honourable Members of this august House, it is with pleasure that I present to this august House the 2008 Annual Report of the Ministry of Gender Equality and Child Welfare. This Report serves to provide our stakeholders with insight into what the Ministry has been doing during the year under review, being 2008. During the period under review, the Ministry embarked upon the process of aligning its 2005-

2011 Strategic Plan to the balance scorecard in terms of the Performance Management System. This resulted in the development of the new five-year

Strategic Plan 2009-2013 that outlined objectives and initiatives that are geared towards achieving the set objectives. The Strategic Plan also makes provision for the Ministry to be able to measure its performance against the set targets and indications.

Honourable Members, the year under review also marks the second year of implementation of the National Development Plan (NDP3) and the Ministry is pleased to report that the set target of ensuring that 70% of orphans and vulnerable children are benefiting from the child welfare grants are being met. In addition, the Children Status Act regulations were also finalised and gazetted during the period under review. This enables the Children status Act (Act 6 of 2006) to be enforced as from November 2008.

Namibia as a SADC Member State signed the SADC Protocol on Gender Development in August 2008. One of the landmarks of this Protocol is that it raises the bar for women representation and politics and decision-making from 30 to 50% by 2015.

Honourable Members, addressing gender-based violence is a continuous struggle that we must win as a Nation. In this regard, the Ministry undertook various gender awareness and legal literate activities, addressing traditional and community leaders and ordinary community members as well as young people. In addition, Namibia annually commemorates the sixteen days of activism campaign against gender-based violence with the purpose to sensitise the society on gender-based violence.

During the year under review, an Inter-Ministerial Committee on gender-based violence was launched by His Excellency Hifikepunye Pohamba. The main aim of this Committee is to advise the Ministry of Gender Equality and Child Welfare and other stakeholders on the best way to combat gender-based violence and in particular against women and children.

Honourable Members, during the year under review the Integrated Early Childhood Development Policy was approved by Cabinet. The Policy will guide the service delivery of IECD programmes, while at the same time promoting the rights of children to protection, special treatment, care and education.

Further, a training manual on income-generating activities has been developed

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**TABLING OF REPORTS  
HON SCHLETTWEIN**

and is used for training on income-generating activities and best business management skills.

In its effort to live up to its mission of creating a conducive environment for socio-economic development, construction of community craft centres was completed in Caprivi, Kavango and Ohangwena Regions.

In conclusion, Honourable Members, despite various challenges, both internal and external, the Ministry managed to achieve most of the critical planned activities for the reporting period. Now, I would like to thank the staff members of our development partners and the public at large. Without their support, our mandate would not have been realised. I, therefore, lay upon the Table the Ministerial Annual Report of the Ministry of Gender Equality and Child Welfare.

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**HON DEPUTY SPEAKER:** Please table the Report. Any further Reports and Papers? I recognise the Deputy Minister of Finance.

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

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

1. Municipality of Otjiwarongo for the Financial Year ending 30 June 2009;
  2. Village Council of Berseba for the Financial Year ending 30 June 2005, 2006 and 2007;
  3. Village Council of Berseba for the Financial Year ending 30 June 2008 and 2009;
  4. Special Report on the Non-Submission of Financial Statements by Municipalities, Town Councils and Village Councils.
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**RESPONSE TO QUESTIONS BY HON MOONGO  
HON LUCAS**

**HON DEPUTY SPEAKER:** Any further Reports and Papers? Notice of Questions? Ministerial Statements? We will now start with Question 19 by Honourable Moongo. Does the Honourable Member put the Question?

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**RESPONSE TO QUESTIONS**

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**QUESTION 19:**

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

**HON DEPUTY MINISTER OF DEFENCE:** Honourable Deputy Speaker, Honourable Members of this august House, I am taking the Floor to respond to the questions raised by Honourable Philemon Moongo regarding the conduct of a field training exercise at *Uulunga wa Kolonde*, which most of you Honourable Members have witnessed.

I am pleased to note that Honourable Members have a keen interest in these matters relating to the activities of our Defence Force, which is good in a democracy like ours. Before answering the questions, let me first inform the Honourable House that the conduct of the field training exercise was the last phase of a series of events that took place many months before. These events included, amongst others:

- (a) Consultations with a wide range of stakeholders whom we felt would be affected by the conduct of such an exercise;
- (b) Planning and development of the exercise scenarios;
- (c) Conduct of reconnaissance missions in the training area to ascertain and determine its suitability for the exercise; and
- (d) Extension of invitations to Honourable Members of Parliament, eminent political leaders, businesses, traditional and spiritual dignitaries, including among others, Chiefs of Defence Force of Namibia's neighbouring states.

I am mentioning this, Honourable Speaker, to prove that much thought was put

into the planning of the exercise in which the safety of the local population residing within the boundary or vicinity of the training area was one of the major factors that was considered right at the conception of the idea to mark the twentieth anniversary of the Namibian Defence Force in the form of a field training exercise.

The extension of invitations to such a large audience to the event was not a public relations exercise, but a moral duty to inform and raise awareness about the activities of the Defence Force. What Honourable Members witnessed in terms of the fire power and the military equipment and assets which were committed in the exercise was the result of the twenty years of investment in the defence and security of our motherland in which you, Honourable Members, have played a pivotal role in approving the Defence Budget, without which we would not have achieved so much.

With regard to Honourable Moongo's questions, I have the following to say and I ask Honourable Moongo to listen attentively so that we put this matter to rest for the last time:

In his first question, Honourable Moongo would like to know the reason why the exercise was conducted near and among the cattle herders. Before I respond, I would like to state that the question is rather ambiguous. It implies that cattle herders were there when the exercise was taking place. The fact is that at the time of the actual conduct of the exercise no local civilian and livestock were present near the training area. This is because people were warned well in advance about this exercise through what I earlier alluded to as stakeholders' consultations. I hope the Honourable Member will explain what he meant when he said that the exercise took place among the cattle herders and I challenge him to provide those names.

Furthermore, I would like to inform the Honourable Member that *Uulunga wa Kolonde* is one of the proclaimed and gazetted training areas of the Namibian Defence Force. By virtue of this proclamation, all the training areas are declared out of bounds and danger zones that should not be inhabited or used for any communal or commercial purposes because of the likely presence of unexploded ammunition and explosive devices that could be fatal.

The Ministry of Defence has warned local people on several occasions to desist from settling in and around the NDF training areas. This warning has

not been honoured, as a result, we still experience problems with local people who settle or graze their livestock in our training areas. Those of you who were observant would have seen deserted homesteads around the exercise area. These homesteads were deserted because of the warning that was issued several months before the actual date of the exercise.

In terms of the law relating to the proclaimed and gazetted land, I have the power to forcibly remove anyone or in the worst-case scenario, lay charges for trespassing. I have reserved this right for reasons that land is a sensitive subject in our country. I also understand that the people who encroach on our training areas are desperate individuals who are looking for a means of survival. It is because of this understanding that you will still find pockets of settlements around some of our proclaimed training areas. When we realised that restricting people from these areas would be a difficult undertaking, we allowed some local people to graze their livestock in the areas, if they desisted from erecting permanent structures. As a matter of policy, each time an exercise is planned, people are warned well in advance to move away from the area for their own safety and the safety of their livestock.

In Question 2, the Honourable Member wanted to know whether the South African Army was more careful with the lives of cattle herders than the Namibian Defence Force. I thought that the Honourable Member knew much better about this than us who were in exile, because he lived and worked in the old dispensation. Anyway, if the Honourable Member has forgotten, let me remind him that before Independence *Uulunga wa Kolonde* used to be a training area of the South African Defence Force. During that time civilians never visited the area because it was a restricted place. By virtue of such restriction, trespassers were not compensated for any damage arising from their behaviour.

With regard to Question 3 in which the Honourable Member wanted to know whether I was aware that some shells have landed and destroyed their cattle posts, the answer is **NO**. To qualify my response I wish to state that during the training exercise on the 3<sup>rd</sup> of September 2010 no firing went beyond the demarcated areas where the ammunition was expected to land. Thus, no report of human casualty arising from such activity was received, no cattle post or kraal, for that matter. However, I challenge the Honourable Member to provide the name where the incident referred to took place and destroyed property. At *Okamulonga gwaembashu* area one kraal caught fire which was



caused by wildfire. It was not hit by any shell whatsoever. I am also pleased to note that no loss of human life or livestock was reported in that incident.

On question 4 with regard to the total cost of the exercise, I wish to state that the annual Defence Budget allocated a portion of the funds to be used for training exercises. The total figure would be made available through the normal procedures of the Government when Parliament would wish to be apprised over this matter. We should know that maintaining a well-trained and well-equipped Defence Force is a costly exercise.

In Question 5, the Honourable Member wanted to know whether those soldiers who participated in the training exercise would be rewarded in the form of special pay to boost their morale or as an incentive for future exercises. Before responding to this Question, I would like to request Honourable Moongo to tell this august House how many times would the Windhoek Fire Brigade members be paid each time they conduct emergency fire-fighting drills or exercises. Although the NDF and the fire brigades are different entities, the principles upon which they both operate are the same. They both train to respond to unforeseen eventualities and to be able to respond appropriately when the need arises. They need to perfect their training through vigorous exercise and rehearsals. The NDF's training motto is, "*Train Hard, Fight Easy*".

Field training exercises are part of the NDF's routine. To be well trained and to be able to perform their duties, every NDF member is expected to participate in training exercises. Therefore, no special incentives are required because this activity is part of their job description for which they are paid as Government employees.

On Question 6 with regard to the frequency of the training exercises, I wish to state that each NDF formation has its own annual training calendar. The calendar of activities, which is derived from the Chief of Defence Forces Annual Training Directives, stipulates the frequency of field training exercises to be conducted by each formation or unit, but for a major field training exercise like the one the Honourable Members have witnessed, it was decided that such events would be held every five years. Plans are underway to hold a similar exercise in the year 2015.

Honourable Deputy Speaker, I have done justice to the questions raised by Honourable Moongo and I thank you very much.

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**HON MOONGO:** I would like to thank the Honourable Deputy Minister for her answer.

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**HON DEPUTY SPEAKER:** Honourable Members, allow me to revert to Question 1 put by Honourable Moongo the Minister of Youth, National Service, Sport and Culture. Does the Honourable Member put the Question?

**QUESTION 1:**

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

**HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE:** Honourable Deputy Speaker, I would like to answer on the questions raised by Honourable Moongo and I wonder if I am also allowed to ask questions to the Honourable Member on whether it is allowed that an Honourable Member of a dissolved Party can still sit in this House?

Honourable Deputy Speaker, Honourable Moongo asked the Minister to explain why sixty kids born during the struggle were forced to quit Berg Aukas and dumped under a tree in Ekuku.

The explanation is that the Ministry is not aware of kids who were forced out of Berg Aukas and the Ministry is not aware that the kids were dumped under a tree at Ekuku. What the Ministry is aware of is that we have conducted a programme surrounding the issue of the children of the liberation struggle, we have reported to this august House, we have reported to Cabinet and the issue is being addressed. Some kids were employed, some are still at Berg Aukas, but there were reports of some kids who were disturbing the peace in the Grootfontein area, harassing citizens, leaving the camp illegally, harassing even other young children from the liberation struggle who are in the camp. There were reports from the commander of the camp, the citizens of Grootfontein and the neighbouring farms that the farms were being invaded by some of these kids and I do not know whether the Honourable Member are referring to these kids, because we have not forced any kids to leave. Neighbouring farms were invaded, poaching took place and this became a serious issue that disturbed peace, stability and law and order near Grootfontein.

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Cabinet deliberated on this issue and was left with no other option than to remove these kids through legal procedures in order to bring peace to Grootfontein and the neighbouring farms and in the camp where the majority of the kids are. No force was employed, but Government had to bring peace and stability to the area and it was done through the involvement of the Ministry of Safety and Security through normal procedures. Whether these kids were dumped under a tree at a place named Ekuku, as Honourable Moongo is saying, that is information and it has nothing to do with the process of removing these kids and bringing peace and law and order to Grootfontein.

In question 2 Honourable Moongo is asking whether it is true that a list of the kids of the struggle was doctored and another person was smuggled onto it and got the job. Again, it is not true that the list of the children of the liberation struggle, that was compiled by a task force, which was assigned to carry out this exercise across the country, was doctored. The list was not doctored, the list was compiled, a technical team scrutinised it, an Inter-Ministerial meeting composed of various Ministers and chaired by myself looked into this issue and the list was submitted to Cabinet. Ministries and Agencies were directed to employ the kids of the liberation struggle and it was explained repeatedly in the Honourable House how the procedure was being carried out and the list is genuine, it is there in the office and it is open for public scrutiny.

With regard to the incident of smuggling, as an honest and Honourable Member who believes in the truth, the Ministry is investigating a few cases and after we got all the facts, we will report to the Honourable Prime Minister so that he can advise us on this matter as the Head of Government. We are aware of some cases that were reported to us, that during the recruitment process some reactionary people at the Ministries, Agencies were abusing this call, and that is why I said I have to make a public statement, but we are still investigating. It was reported to us that when jobs were released for these kids to apply, some reactionary elements replaced the names of these children with the names of their relatives and friends. However, this is still being investigated, we do not have concrete evidence, but I must admit that incidents of that nature have been reported to our Ministry and we appeal to those who are doing this to cease from doing it because it undermines the whole process. This, however, has nothing to do with the genuine list that is there, it is the actions of unbecoming reactionary elements in the structures of those institutions.

Question 3: *“Is it true that the kids born during the struggle were taken by force against their will, which is kidnapping and a serious crime in Namibia?”*

In this case, Honourable Moongo, I am not aware of any kidnapping case. Kidnapping is a crime in Namibia, but if you are referring to the kids of the liberation struggle and the kids that I mentioned earlier on, it was not kidnapping. I have another understanding of the definition of kidnapping, but if the Honourable Member has another definition, it is not applicable to the children of the liberation struggle whom I referred to earlier on. As a Ministry, we cannot comment further on this because it has nothing to do with the process that we are administering.

Question 4: *“What if one of the kids disappeared or died? Why did the Minister not take them to their parents, Headmen and Councillors?”*

Honourable Moongo, the first part of your question is a hypothetical one based on sarcasm and I have no answer, because you are not providing any evidential material that one kid died or disappeared, therefore it is speculation and wishful thinking. You are wishing other people dead, you are wishing other people to disappear and I leave it to their parents to respond to you, but unfortunately that was not given to us that some kids died or disappeared. Keep wishing them dead, but it is not my wish or intention to wish anybody dead or to disappear. This process was done through the law and order agencies, as I have explained.

As to why the Minister did not take them to their parents, Headmen or Councillors, unfortunately I am not provided with a list of their Headmen or their Councillors, nor have I been provided with a list of their parents and again, it is not an exercise which the Minister should do, it was an exercise through Government machinery based on Government directives and the Ministry of Safety and Security, through the police, are the ones who conducted this exercise. Our duty was to identify the kids concerned who were causing instability and harassing others in the camp and the matter was handled as such. Therefore, Honourable Moongo, spare me, I do not have any list of their parents, Councillors or Headmen, so I could not take them anywhere. I think I have done justice to your questions, Honourable Moongo.

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**HON MOONGO:** I would like to thank the Honourable Minister for his response although the kids were taken against their will and left under a tree, which is really inhuman. Government cannot take such actions. I want to

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know when they will be taken to their parents or Traditional Leaders.

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**HON DEPUTY SPEAKER:** He did answer that question. Question 20 is by Honourable Moongo the Minister of Justice. Does Honourable Moongo put the Question?

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**HON MINISTER OF AGRICULTURE, WATER AND FORESTRY:** On a Point of Order. Comrade Deputy Speaker, I thought hard about taking the Floor, but I want the guidance of the Chair. When I looked at this question and I specifically looked at Rule 79(e)(v) and (vii) of our Standing Rules and Orders, I am just trying to find out whether this particular question, which question, in my view, is making some inferences on the Judiciary which is the third organ of the Namibian State, conforms and complies to this specific Rule that *“a question shall not be asked reflecting on the character or conduct of any person, which conduct can only be challenged on substantive motion”* and then (vi), *“a question shall not be asked soliciting the expression of an opinion or the solution of a strict legal question of a hypothetical proposition.”* I know my Colleague is able to provide the answer in terms of the contents, but I just wanted to check whether we are really abiding by our rules in terms of this particular one.

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**HON DEPUTY SPEAKER:** I thank the Honourable Minister for reminding us of the provisions of Rule 79. However, I will allow the Deputy Minister of Justice to respond to Question 1. In terms of the Rules, question 2 can be ruled Out of Order.

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**QUESTION 20:**

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

**HON DEPUTY MINISTER OF JUSTICE:** Thank you very much, Comrade Deputy Speaker. As the senior Minister has properly pointed out, this is what people in the profession used to refer as questions that are vague and embarrassing and that you cannot provide an answer to because of lack of clarity. Obviously, we are actually obliged and willing to provide factual and

evidence-based answers to the questions, but the formulation of this question is such that it lacks information as to whether these allegations do take place on a daily basis or they were limited to a certain incident on a certain given day and who was involved so that we can really conduct a proper investigation and provide a proper answer.

Therefore, in the interest of justice and transparency, we would rather like the Honourable Member to shed more light as to when, where, how and by whom so that we can conduct a proper investigation. We will not be able to be helpful to the Honourable Member, neither will we be in a position to help the system as such. Therefore, Honourable Member, professionally speaking, I would ask for further particulars of claim. I would rather ask for the question to be deferred to next Thursday, so that the Honourable Member could interact with us and provide us with information, so that we can conduct a proper investigation and give a factual answer to him, if that meets with the approval of the Chair.

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**HON DEPUTY SPEAKER:** The question is referred back to Honourable Moongo to do thorough research and reformulate it.

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**HON MOONGO:** In other words, the Minister cannot investigate corruption in Court B in Swakopmund? I mentioned Court B in Swakopmund. What else do you need?

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**HON DEPUTY SPEAKER:** With that, I Rule that the question be referred back to the Honourable Member to be reformulated. I proceed to Question 21 by Honourable Moongo to the Minister of Regional and Local Government, Housing and Rural Development. Does the Honourable Member put the Question?

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**QUESTION 21:**

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

**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,  
HOUSING AND RURAL DEVELOPMENT:** Comrade Deputy Speaker, before I respond I want clarity on the question. Does the Honourable Member mean that Ms Albertina Shigwedha stays at Erf 2988 and that she has to demolish her house on that erf and that erf to be given to somebody else? Is that the question?

Comrade Deputy Speaker, Honourable Members, I stand to respond to questions posed by Honourable Moongo of DTA, whether or not I am aware that a mother of three children by the name of Albertina Shigwedha of house number 2988 located in Okandjengedhi is to demolish her house, meaning her house on that erf 2988 without compensation by the Oshakati Municipality. Honourable Moongo also wanted to know if it is true that corruption and nepotism is the order of the day, and whether or not it is true that another person is to be allowed to take plot 2988 where she has to demolish her house. Honourable Moongo further asked, *“Is this not an unfair vacation which is prohibited in Namibia?”*

Comrade Speaker, Honourable Members, Okandjengedhi settlement is located in the south of the main road via Oshakati to Ruacana before reaching Okandjengedhi bridge. A few people settled in the area before and after Independence. During the course of 2000, the Council thought it was appropriate to formalise some of the informal settlements around Oshakati, hence Okandjengedhi was one of the locations to be formalised with the aim of bringing order to the area. The area in question is accommodating about 3 500 inhabitants and such an area lacks basic services, such as proper roads, water and electricity. In order to provide these services, the Council needed to do proper planning. In the 2000/2001, Financial Year the Council made budgetary provision for the area to be formalised. Procedures were followed and a provisional layout plan was presented to the community public meeting at which it was fully explained and residents were advised not to build until such time that the layout has been approved.

During this first meeting, the town planning procedures were fully explained and emphasis was given not to erect any structure without Council's approval.

On the 14<sup>th</sup> of May 2001, and remember you asked the same question last year and I responded to it here, the second public meeting was again held for the community to approve the final layout plan before it was taken to Council for a

resolution on the approval of the layout plan. After approval by the Council, application is made to the Minister for township establishment via the Township Board. The Township Board evaluates the application in terms of Section 3 of the Township and Division of Land Ordinance of 1963 for recommendation to the Minister for his decision on this application. The same information was given to the residents who were requested to identify their structures on the plan and see how the layout has affected their properties.

Comrade Deputy Speaker, Honourable Members, the layout plan was first approved by the community and then approved by the relevant bodies according to regulations in place. Town planning procedures are time-consuming and we are all aware of that. It is very unfortunate that Mrs Albertina Shigwedha did not wait for the process to be completed when she erected her house in the particular street concerned. She also did so without Council's knowledge and permission. The issue came to the Oshakati Municipal Council's knowledge only after the land surveyor was appointed to survey the approved layout plan. The information was communicated to her that she has erected her house in the street. The Council went out of its way to offer her erf 2988, as an alternative solution, which she refused.

Now, there is no structure on erf 2988, as Mrs Shigwedha did not yet erect a structure on that erf. As we speak now, she illegally based her structure in the street at Okandjengedhi. Any person intending to erect any structure in the municipal area should submit building plans to the Council for approval before such development takes place. This is done in order for the Council to advise the residents on municipal regulations and requirements. In this case, Mrs Albertina Shigwedha has failed to do so and decided to do it her own way.

The Council has made concerted efforts to educate the community during the planning process and Council is not obliged to compensate Mrs Shigwedha. This is particularly so because the Council offered Mrs Shigwedha a partially serviced erf 2988 with water to erect her house and further advised her to apply for a Build-Together loan, all of which she declined.

It is a fact that Council did advise Mrs Shigwedha to move from the street into erf 2988 in order to allow the utilisation of the street. The Council knows of no corruption and nepotism involved in the case of Mrs Shigwedha, nor has it been approached with allegations of this nature.



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It is also not true that another person is favoured to be allowed to take over her plot 2988, because the erf 2988 is still registered in the name of Mrs Shigwedha. Erf 2988 is empty, still waiting for her, serviced with water, she refused to move from the street to erf 2988. The Honourable Member said they want to move her from 2988 while she is not on that erf. She is in the street. How can we move her if there is nobody on the erf and the erf is still registered in her name.

I trust that the response rests the unfounded speculation over the eviction of Mrs Shigwedha and that a favourable judgement is exercise for the issue to be put to rest. With this, Comrade Deputy Speaker, I rest my case and I take no further questions. Thank you very much.

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**HOUSE ADJOURNS AT 15:50  
HOUSE RESUMES AT 16:20 PURSUANT TO ADJOURNMENT**

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

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**RESUMPTION OF SECOND READING: ARCHITECTURAL AND  
QUANTITY SURVEYING PROFESSIONS BILL:**

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**HON DEPUTY SPEAKER:** When this Debate was adjourned yesterday, the 6<sup>th</sup> of October 2010, the Question before the Assembly was a Motion by the Honourable Minister of Works and Transport, that the Bill be read a Second Time. The Honourable Deputy Minister of Finance adjourned the Debate and he now has the Floor.

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**HON DEPUTY MINISTER OF FINANCE:** Thank you, Honourable Deputy Speaker. I take the Floor in support of the Bill and let me start with what my understanding of the principles of this Bill is.

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First, a similar legal framework is in existence since 1976 and it was then amended in 1992. The purpose of this legislation, to my mind, is threefold. It, on the one hand, makes sure that there is some protection of standards, as the Right Honourable Prime Minister has said. There must be a rather rigid maintenance of standards so that we, the citizens, are assured that there is a minimum risk of failure of physical structures in urban areas. I think that is the first principle that is contained in the Act.

The second principle is, if you want to maintain those standards, there must be a legal framework that prescribes who has the responsibility to implement and maintain these standards. Those are the architects and the quantity surveyors with the relevant qualifications that are then prescribed.

Thirdly, the Act then says if you want to maintain those standards for the buildings and the infrastructure itself and we have these professionals, we then also want to reserve certain types of work for these professionals so that we implement the standards and ensure that they are carried over into the building industry and to do that, their reward for the work is determined by law, their tariffs are fixed.

Those are the three or four principles contained in this Act and I think they are correct, they must be there. What is however not very clear in this Act is who is then liable if there is a failure of an infrastructure. I think that maybe needs to be addressed, that is the other side of the coin. If an architect or a quantity surveyor has a protected job, has a protected pay and is the principal implementer of standards and maintainer of standards, in lieu of that there must be some acceptance of liability if it goes wrong. Therefore, I think that is an aspect that I would suggest needs to be covered.

The second aspect that I think needs some clarity relates to the definitions. Honourable Deputy Speaker, I will use an example of what I am saying. This Act is about architects, quantity surveyors and the ones that are in training and architectural professionals. If you look at the definition of an architect it says, *“Architect” means a person registered as an architect in terms of Section 33.*” I go to Section 33 and there it says: *“On receipt of an application made in terms of Section 22, the Council must consider that application and if the Council is satisfied that in the case of an application for registration as an*

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*architect-in-training or quantity surveyor-in-training or architectural quantity surveying professional, the applicant holds a qualification prescribed under Section 20.”*

I am referred to Section 20, I go to Section 20 and it says, “*Subject to Sub-section (2) the Minister must, on the recommendation of the Council, prescribe the qualification of training by virtue of examination conducted by any educational institution.*” The problem I want to demonstrate is that we do not know who an architect is, who an architect-in-training is, who an architect professional is, because it is all referred back and back and back until we come to a section that tells us, “*we do not know yet, it will be prescribed.*” I understand that it is difficult to exactly prescribe in an Act what a professional is where there is a host of institutions that confer degrees on people, but if an Act preserves a job to a certain group of people, we must know who these people are and I think that is the cause of concern or the worry that some of the previous speakers voiced. They are not so sure whom are we talking about, for whom are we protecting these jobs, for whom are we keeping rewards, is it equitably distributed and does everyone have access to this privilege? I think this problem needs to be addressed.

There is a small issue in Section 11, which concerns the funds by Council, and I want to speak to Section 11(3) and (4) specifically. In (3) it says: “*The Minister may, in consultation with the Minister responsible for Finance, advance to the Council out of moneys appropriated by Parliament for that purpose, such amount as he or she may think necessary in order to enable the Council to carry out its functions and duties*” and the (4) goes on says: “*Any money advanced in terms of Sub-section (3) must be made on such conditions and is repayable at such times as the Minister may, in consultation with the Minister of Finance, determine.*” This is nothing else but Government giving a loan to the Council. With all due respect, I do not think that that needs to be legislated for, because that is already covered in the State Finance Act. In each Budget, we must say for what purpose we want to use the money and the conditions are then laid down, whether it is a loan or a grant. Therefore, there is no need to legislate for it in this case and my suggestion is that we look at it and be smart about it.

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The next point that I want to look at is the section that gives the Minister the obligation to receive Appeals. The point I want to raise here is that I think it is proper that the Minister, as political head, takes responsibility for matters that are within the ambit of his portfolio and that includes the implementation of this legislation, the surety or guaranteeing of standards for physical infrastructure. Therefore, it is correct if the Minister is empowered to supervise the Council, it is correct that the Minister is empowered to query the Council and to ask for information and investigations. It is also correct that the Minister can regulate to stipulate specific criteria to be used by the Council, to identify and ensure that only a certain group of people are touched by this Act. If the Minister has all those powers, I am not so sure, whether it is also correct to make that Minister the judge of those rules that he himself made. I would suggest, that instead of making the Minister a *de facto* judicial person, strengthen the powers of the Minister to query, to get reports and to question actions of individuals and the Council rather than to make him responsible for a *de facto* judicial process. I am saying that because the Act also says that this the very Council that he is regulating can take him to Court and have the Minister's decisions reviewed. I can just imagine that that is not the intention of the legislation. The intention is that the Minister is properly empowered to regulate and implement this piece of legislation.

Comrade Deputy Speaker, there is another issue that can raise a concern, namely that the Bill provides for the fact that fines that are levied against members or any other misconduct by the Council is for the benefit of the Council. I think that may create a wrong incentive to levy fines, especially where you have a provision that that very Council can determine the amount. It could be misused as a money-generating tool for the Council and the Board. I have no problem with the Council being empowered to impose fines, but then the proceeds of those fines should rather be for the benefit of the State Revenue Fund so that it takes away the incentive to impose fines to fund your own activities. I support the Bill and I thank you.

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**HON DEPUTY SPEAKER:** Any further discussions. Honourable Tweya.

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**HON DEPUTY MINISTER OF TRADE AND INDUSTRY:** Honourable Deputy Speaker, I support this Bill in principle, but allow me to also add my concerns towards strengthening it.

First, I want to start with Clause 4. As the others have already indicated, that deals with the constitution of the Council. I am not sure whether this Council is to regulate Namibian professionals or only for the private sector, who in my view are the minority and the Public Sector being the largest, but they are the least representative. The private sector has four representatives from the quantity surveyors and architects, but one from the Public Sector, which is the biggest. I fail to see the logic why it should be four and only one from the Public Sector. I thought it is supposed to regulate the profession, public or private. Maybe the intention then becomes a bit suspicious. What about any other bodies? Are these the only two bodies that we have in the country or are there other bodies? I am specifically aware that the previously disadvantaged were excluded from this particular profession as an exclusive club and they are not catered for here, but we are asked to endorse the same thing and we are not empowering Namibians to be part of the profession. They are not catered for.

Clause 6 deals with the disqualification. Would there perhaps be any damage if in 6(a), instead of saying that a person may not be appointed as a member to the Council if he or she is not a Namibian citizen and we delete the rest, because we want to give the responsibility to Namibians to regulate the growth of the profession in terms of Vision 2030, while others would still be welcome to assist with their professional experiences? All these other things, in my view, are just clouded and it is missing the gist of the issue of disqualification.

I actually had a question on what the previous speaker just stated under Clause 20, but let me just raise it the way I understood it. It was explained that it is to ensure quality. These qualifications are of people that are to register even before they obtain the qualifications. Have we compromised on the quality that we put upfront? I fail to understand that.

Clause 22 refers to “*a qualification obtained by virtue of examinations conducted by an educational institution or other examining authority*” - I do not know which authority this could be – “*situated outside Namibia may not be prescribed under this section unless....*” The current reality we have with

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Namibians is that if they get qualifications in Kenya, Tanzania or elsewhere, they are affected here, but if they have obtained it in South Africa, then they are not affected here. This type of discrimination against Namibians who have obtained qualifications outside South Africa is a perpetuation of this and we are asked to pass such a law. It is bit mind-boggling.

Clause 32(b) talks about private company that may conduct practice. As I understand it, they would come to Namibia, establish a private company, as long as an architect own shares there, bar the Namibians from participating. I am trying to appreciate how this has improved on the previous one to accommodate the silent suffering Namibians to really participate in building their own country. In addition, here I cannot see how this Clause 32(1)(b) would address the issue of quality that is our concern.

In Clause 33, the Bill establishes the Council. How would the relationship be between the Council and the Board of Control? Both of these, unfortunately, would get separate funding from Parliament. The Council gets money from Parliament, the Board of Control again gets money from Parliament. Can we really afford the luxury of dishing out this money? It is a bit mind-boggling. What do we really want to achieve? I would want to believe that the purpose of this Amendment is to strengthen, but also to create an enabling environment for young professionals and those who have been excluded by virtue of their skin to be active participants and I fail to see this in this particular Bill.

There is also confusion in terms of the functions of this Board of Control and maybe it can be clarified in the definitions of all these tasks, whether it is interior decorators and all the other things. Why can it not be performed by the Council, as the Council has been mandated in the same Bill to establish its own Committees to perform those functions. Now both these bodies will have their own Committees. (Intervention)

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**HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE:** May I ask the Honourable Member a question? On the issue of people being disadvantaged on the basis of their skin colour, with which I agree hundred percent, are you aware that the current reality is that this profession is a club of the big guns, to the extent that even if you are pure

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white and blond and you are a young Namibian, born after Independence or grew up after Independence, if you or your parents are not part of the club, you also do not have access to the club. It is a new dynamic that young whites are also suffering, they do not access these things. It is a club and only those with connections to the big guns are entering the market. It is a question and a piece of information.

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**HON DEPUTY MINISTER OF TRADE AND INDUSTRY:** Yes, I am aware of that and that is why I referred to the young Namibian graduates who are also being sidelined. Then I further quantified with the other qualification of the blacks and that this is still a reality. I am aware of the reality and I want to see some solutions, if not relief, in this Bill, but it is mind-boggling that unfortunately the Bill does not address that, we continue excluding the young Namibians who want to contribute and that is why I deliberately used the word “club.” I might be wrong but I am talking about the reality. (Intervention)

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**HON MOONGO:** May I ask the Honourable Deputy Minister a question? The Member is talking about whites discriminating against blacks, but does he know that also blacks discriminate against other blacks because of political affiliation?

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**HON DEPUTY MINISTER OF TRADE AND INDUSTRY:** Thank you very much for the question. I am not aware of any discrimination on the basis of political affiliation. I referred to the club and that club has both those. That is why they keep it to themselves as an exclusive club.

Clause 48 refers to the fees that I have already addressed. Clause 48(1)(a) says that funds of this Board of Control consist of the fees and fines contemplated in Section 54 and 54 talks about the powers of Council to make rules for Board of Control. This is about the rules of control and about fees. I am not sure what is actually being referred to here.

Under Clause 54(1)(iv) it deals with the fees payable to the Board of Control in respect of such registration and the annual fees payable to the Board of Control

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by persons so registered, including the amount of such fees and the manner in which it shall be payable.” This is over-taxing of people, I referred to the young graduates who want to start a career, and here we are over-burdening them. You must pay fees to register to the Council, to pay fees to register at the Board of Control. For God’s sake, we have already killed their future there is no hope. Can we help them? They want to be part of the economic development.

Having raised those few concerns, Comrade Deputy Speaker, if we could perhaps get some clarity on that one, primarily that it addresses the opening up, for Namibians to be part of the process, it may be very helpful, so that we do not perpetuate these particular clubs where other people think that they have the monopoly of controlling quality in the country and the monopoly of having the skills in the country and at the same time crying that we need skills in the country while we do not harness these skills. This is sometimes very painful. If this House could apply its mind to make laws to enable Namibians to contribute effectively, we would do justice instead of closing our ears to the cries of our people. I so submit, Madam Deputy Speaker. Thank you.

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**HON DEPUTY SPEAKER:** Any further discussion? Honourable Moongo.

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**HON MOONGO:** I move on behalf of Honourable Mudge and Honourable Kaura that the Debate be adjourned until Tuesday.

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**HON DEPUTY SPEAKER:** The Debate on this Bill is postponed until the 12<sup>th</sup> of October. The Secretary will read the Second Order of the Day.

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**RESUMPTION OF SECOND READING:  
ANIMAL HEALTH BILL**

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**HON DEPUTY SPEAKER:** When this Debate was adjourned on Tuesday, the 28<sup>th</sup> of September 2010, the Question before the Assembly was a Motion by



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the Honourable Minister of Agriculture, Water and Forestry, that the Bill be read a Second Time. Honourable Von Wietersheim adjourned the Debate and he now has the Floor.

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**HON VON WIETERSHEIM:** Thank you, Honourable Deputy Speaker. It sounds a bit strange after having served in this House for five years to make a maiden speech, but I suppose it is like in a second marriage, the maiden is gone but there is still a first time in the second marriage. This will be my maiden speech on this side of the House.

The excitement caused by the tabling of this Bill and the sense of historic achievement as regards the eventual removal of the Veterinary Cordon Fence, also called the Red Line, and has to be put into perspective.

Honourable Members would have taken note of the long schedule of Acts, in fact most of them Amendment Acts, which are simultaneously repealed in order to be replaced by the present new piece of legislation on the Table.

At a first glance, therefore, it may appear as if the Animal Health Bill is just a rewritten, scooped-up version of the old 1956 Animal Diseases and Parasites Act, as amended so many times. After closer scrutiny, however, it becomes clear that this Bill is not a modernised old Act, but that some innovations of major importance are contained in the Bill, with the most important ones being the sections on “*Animal Movement Control and Traceability*” and “*Export of Animals, Animal Products and Restricted Material*”, which are tailored to the latest requirements of, and of particular importance, for the continued access to Namibia’s lucrative export markets, which the Honourable Minister referred to during his introduction of the Bill.

The real novelty, however, seems to be – without it being mentioned in the Bill – the intention of applying it countrywide in future, that is, including the hitherto virtually sealed off and scarcely attended to northern communal areas. To understand this and to comprehend the enormous challenges posed by the extension of this Bill to the northern communal areas, one has to study, together with the Bill, the Policy for the Eradication of Trans-Boundary Animal Diseases, which was tabled simultaneously. Only then will it become clear that this Bill is primarily intended, apart from its continued conventional

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application, as the tool for the intended gradual implementation of the abovementioned policy over a number of years, with the final objective being the eventual removal, or rather, relocation of the Veterinary Cordon Fence.

Yes, the dominant perception seems to prevail that it will be impossible to remove the Cordon Fence completely and the Directorate of Veterinary Services in the Ministry of Agriculture seems to have identified the Okavango River, where it passes through Namibia across the Caprivi Strip, as the new demarcation line for the Cordon Fence, thereby still maintaining Eastern Caprivi isolated.

During the last annual congress of the Livestock Producers Organisation, a guest speaker and foot-and-mouth disease expert, Dr Gavin Thomson, made some remarkable observations regarding animal health and international trade, which I would like to add to the Debate about the Cordon Fence and disease eradication.

He served as a member for twelve years, of which three years as president, of the Scientific Council for the World Organisation of Animal Health (OIE), which is the institution advising the World Trade Organisation on the animal health status of exporting countries and is maintaining remarkably close relations and cooperation with the Namibian Directorate of Veterinary Services. OIE is the originally French name of this World Organisation of Animal Health.

Dr Thomson is of the opinion that the strain of foot-and-mouth disease affecting southern Africa is a rather mild one, which will not spread rapidly, be neither harmful to humans, nor dangerous to animals. On the other hand, he regards it as virtually impossible to eradicate the disease completely under the prevailing environmental circumstances along the borders of the northern communal areas and that efforts to that effect may prove futile. He furthermore feels that the effects of the disease have been blown out of proportion due to economic interests at international level, and to the disadvantage of economies of countries like Botswana and Namibia. He, therefore, advises to concentrate efforts on providing proof to importing countries that products supplied by Namibia do not constitute any danger to those countries.

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He categorically states, for example, that if Namibia was exporting pure beef without any lymph nodes or bones, there cannot be any transfer of foot-and-mouth disease, even if it is still prevalent in the country. This option may be worthwhile following up as an interim and alternative measure during the gradual implementation of the Disease Eradication Policy and especially as a possible future alleviation measure for the Eastern Caprivi. It will be interesting to hear from the Honourable Minister how far investigations or negotiations have progressed towards this possible additional or alternative course of action.

As to the proposal before us, Honourable Deputy Speaker, it will also be interesting to be enlightened about any calculations made as to the additional expenses to be expected with regard to the implementation of the Disease Eradication Policy in terms of, on the one hand, huge infrastructural requirements and, on the other hand, massive increases in staff requirements by the Directorate of Veterinary Services in order to be able to execute the functions and responsibilities in terms of the Bill and whether appropriate preparations for budgeting have been made or are underway.

From the 2008 Annual Report of the Directorate of Veterinary Services some disturbing facts emerged about staffing, financing and qualifications within that Directorate. There may, of course have been some changes and improvements over the last two years, which the Honourable Minister will probably inform us about accordingly.

The Directorate was, on average, understaffed by 22%, that is vacant posts. However, even more worrying is the fact that the largest percentage of those vacancies, namely 33%, occurred among key positions, seemingly all veterinarians. In addition the Head of the Directorate as well as the Head of the Central Veterinary Laboratory have been employed in acting capacities only for a number of years now, which raises questions about the availability of professionals in the country, particularly in the light of the forthcoming most ambitious expansion exercise ever required by the implementation of the Bill on the table in terms of the Disease Eradication Policy.

Coming back to the earlier mentioned World Organisation of Animal Health (OIE) and its close cooperation with Namibia, the abovementioned Animal Report of the Directorate of Veterinary Services covers an evaluation visit by

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the OIE to Namibia during 2008 and presents a summary of their findings. From the OIE's perspective, development and growth of many countries today depend on the performance of their agricultural policies and economies, and this, as far as animal production is concerned, directly relates to the quality of their veterinary services.

Our Veterinary services were acclaimed by the OIE to be very competent, characterised by extremely well-trained professionals. However, the OIE also identified the glaring number of vacancies and questioned the lack of a local veterinary school, which may contribute to a sustainable supply of professional staff. They also identified the close and strong partnership between Veterinary Services and the private sector, particularly regarding the very robust animal identification and traceability system as well as export standards and procedures, with significant participation by the private sector, in this instance the Meat Board of Namibia.

In the light of international emerging infectious diseases and the threat of a potential pandemic form of Avian Influenza, the cooperation of the Ministries of Health and of Agriculture was investigated by the OIE. The difference of existing policies on abattoir inspections between those for domestic consumption and those for exports is of particular importance. While the Permanent Secretary of the Ministry of Health proved to be very cooperative, the Permanent Secretary of the Ministry of Agriculture seemed to have been too busy to accommodate the investigative team, therefore no progress could be reported on this issue.

Other criteria of poor performance, which to my mind would be of importance for the effective implementation of the Bill in terms of the new policy, concerned physical resources and funding and the capability to invest, as well as some critical competencies as far as the Veterinary Laboratory and its diagnosis, quality assurance and residue testing is concerned, which would urgently require improvement. Risk analysis, early detection and emergency response, as well as some of the interaction with stakeholders were regarded as below average.

I learned, however, that representatives of the OIE are presently in the country to do a follow-up investigation and it will be interesting to note how their latest findings compare. It would be appreciated if their report, especially in the light

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of the proposals on the table, could be communicated to us as it is finalised and not only after a couple of years.

Returning to the question of financial implications for a Directorate, which already seems to struggle with its present allocation, I am told that it is estimated that the budget of the Directorate of Veterinary Services may require an increase of up to 50 percent or more if and when the Bill is being implemented in terms of the new policy.

As we are studying the implications of implementing the Bill, Honourable Deputy Speaker, it is becoming clear that it will require one thing in the first place, and that is political will, which gives rise to my key question: Will the Honourable Minister be able to muster the collective political will of his Colleagues in Cabinet to provide his Ministry with the required means to actually proceed with this enormous and historic stride in agricultural development?

During the AU Summit meeting in Maputo 2001 and then during the SADC Heads of State and Government meeting in Dar-es-Salaam 2004, the Namibian Government adopted the Comprehensive Africa Agriculture Development Programme and was committed by its representatives there to “*allocate at least 10 percent of national budgetary resources*” for agricultural development within the next five years, which ended last year.

On the Agriculture Investment Conference held in Windhoek last month, the Director-General of the Planning Commission, Tom Alweendo, urged Government to implement the minimum 10 percent public investment of the national Budget in agriculture. He pointed out that Namibia’s average public investment in agriculture from 2005 to 2010 remained at about 5% on the basis of constant prices of 2004, that is seven years after committing regionally and internationally to a minimum allocation of 10%.

I am not sure, Honourable Deputy Speaker, this kind of political inconsistency bodes well for the Honourable Minister’s ambitious project.

There is a saying that comes to my mind in this context, quoting George Bernard Shaw: “*The people who get on in this world are the people who get up and look for the circumstances they want, and if they cannot find them, they*

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*make them*”. After getting up twenty years ago, the Red Line still prevents us from finding the circumstances we want. Obviously, it is time to change from waiting to find the circumstances we want to make them. High expectations are created by this Debate, Honourable Deputy Speaker, and it will be the Cabinet’s responsibility to provide the responsible Ministry with the required means in order to achieve progress in implementing its noble objective.

It is generally accepted, Honourable Deputy Speaker, that the agricultural sector is the largest employer in the country, and I venture to state that it also has the potential for providing the largest increase in employment opportunities, especially in the light of the envisaged relocation of the Cordon Fence as well as with additional aggressive public and private sector investments, which will hopefully materialise in the near future. These, however, require clear and consistent policies and may not be subject to the kind of Government intervention that the mutton-producing sector of the South has been experiencing for the last six years in the form of export restrictions.

The way the latest Cabinet decision on sheep export restrictions has been enforced on sheep farmers, against the common proposal and professional advice from all quarters of the industry, is likely to destroy investor confidence, and even worse I would say, it is destroying many a livelihood of small communal farmers in the South.

Similar worrisome signals are sent out by the continuous tampering with Meatco, an organisation that has proven its worth manifold as a large, solid employer, an effective value-adding processor, which is earning valuable foreign currency with its extremely successful export venture. In this regard, I would like to quote Martin Wolf of the Financial Times, Honourable Deputy Speaker, who stated:

*“Developing countries are gaining much more in terms of social advancement and poverty eradication if they increasingly embrace free trade. Closed borders and national protection measures encourage corruption, inefficiency and a lack of opportunities, while discouraging technological transfer, improving standards and growing aspirations.”*

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Now, Honourable Deputy Speaker, allow me a few remarks about some of the technicalities of the Bill and I am not going to repeat concerns or observations by the other Honourable Members.

I would wish to be informed by the Honourable Minister which particular qualifications the veterinary officials referred to under section 2(1) of the Bill, as well as a “*member of a class of persons specified by notice in the gazette to be veterinary officials*” under Section 3(2), respectively, must possess to qualify for such appointment, which eventually have the same title. These veterinary officials are assigned wide-ranging powers and functions, which will have to be executed with great care and responsibility, as these are not only going to involve intricate veterinary tasks, but may also result in interference with persons’ fundamental rights, as would otherwise only be permissible to properly trained security personnel.

In this regard, Section 28 of the Bill, in paragraphs (1) to (3) authorises the interference with a person’s fundamental right to privacy, to be enacted on the authority of Article 13 of the Namibian Constitution, which is quoted in parts. In my opinion it should be quoted in full, or at least include the reference to “*enactment of constitutional authority in the interest of the economic well-being of the country*”, because I think that is which it is made for.

Honourable Deputy Speaker, the Honourable Minister’s response concerning the training of veterinary officials with regard to both their professional functions as well as their understanding of fundamental human rights, will have to satisfy, on the one hand, our disquiet about the possible lack of qualified staff in order to even think about implementing the Bill and, on the other hand, to allay our fears about the probability of human rights violations, which would otherwise require amendments to the relevant sections of the Bill.

Other sections of the Bill, which will have to be reconsidered, are those concerning compensation to persons who wrongfully suffered losses through actions in terms of the Bill, as well as Appeals by persons who feel unjustifiably treated in terms of the Bill. In both instances members of the public, who suffered losses by official decree or were wronged by official errors, are then additionally burdened with bureaucratic delays or even payments of fees in order to be rehabilitated.

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The provision in Section 30(5) amounts to official extortion, if in the case of a dispute about compensation “*the whole or part of the compensation payable is to be retained until the right of the person to receive compensation has been established to the satisfaction of the Chief Veterinary Officer.*” If this Bill is to be applied in the communal areas, it may be affecting people who will be forced to accept whatever handout they are given, instead of initiating a dispute, which may leave them penniless for an undetermined time.

The same applies to Section 31, requiring a person feeling subjected to an injustice to pay a prescribed fee in order to be allowed to Appeal. In addition, the Appeal will be subject to a cumbersome bureaucratic process, which may, force the appellant once again to let it be and accept the administrative injustice – something that is explicitly condemned by Article 18 of the Namibian Constitution.

In summary, Honourable Deputy Speaker:

The Bill has to be placed in perspective about the number of years it would probably take to implement it in terms of the Diseases Eradication Policy.

I was looking at the vast requirement of staffing and financial resources and that it is high time to honour the commitment of minimum 10 percent of budgetary allocation to agriculture.

The contemplation of a veterinary training institution instead of a multi-purpose vaccine institution, instead rather improving the Veterinary Laboratory.

Investigations into alternative marketing avenues, independent from the eradication of diseases.

Aggressive private investment promotion in agro-industry to complement the communal area development, without compromising free trade principles and practices to or own detriment and in the light of the latest developments. Honourable Minister, I am not standing for a complete free-for-all. I think there are regulations to be adhered to, but they should be done in a spirit of mutual respect.



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Proper scrutinising of the Bill in order to provide for all eventualities before implementation and assure properly trained and skilled personnel.

The Honourable Minister asked us to study, reflect on and pass this Bill: We have studied and reflected, we are discussing, however, the passing still depends on the Honourable Minister's further elaborations and explanations.

I am concluding with another and my last quotation by Thomas Edison: "*If there is a way to do it better – find it*". There is a way, Honourable Deputy Speaker. Together, Honourable Colleagues, we can do better.

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**HON DEPUTY SPEAKER:** Thank you. Any further discussion? I recognise Honourable Dr Iyambo.

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**HON MINISTER OF VETERANS AFFAIRS:** Thank you very much, Honourable Deputy Speaker. I rise to make a short contribution to this very important Bill before us. I want to make a short observation and then point out some of my concerns relating to the Bill before the House.

The observation that I want to make is that the Colleague who spoke before me is an expert on agriculture, I am not, however I want to say that in spite of the shortcomings in this country in terms of human resources, no major animal health diseases have occurred in this country for the last fifty years, including the feared foot-and-mouth disease and, therefore, I want to agree with the sentiment of the expert the Honourable Member referred to, that the infectious animal diseases, particularly in southern Africa, are very mild. While they are very mild in the subcontinent, we seem to have been punished severely by what I want to call "*meat politics*".

Certainly, bacteria are more virulent in tropical climates. When you compare Southern Africa to South America, for example, you would think that the climate conditions in South America are more typical compared to Southern Africa, yet Europe, which is fanatic about health standards when it comes to meat coming from Southern Africa, in head continue to import meat from South America. It was barely last year or so that Brazil was heavily affected

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by foot-and-mouth disease and it was suspended for a few months and thereafter the export was allowed. Namibia, which did not have these diseases for more than forty years or so, cannot enjoy that freedom of exporting meat to Europe. Yes, they allow de-boned meat after health scrutiny, but one cannot really understand why there continue to be these two zones applicable to the meat from Namibia when it comes to export to Europe. I see no reason why meat from the northern areas, for example, could not go to Europe. I cannot be given any scientific, concrete proof on that, except to say there is a suspicion that it could be infected by foot-and-mouth from across our northern border. Yet, the northern neighbour has not experienced foot-and-mouth disease. Why do we continue to be penalised because of that? That is overwhelming to me and I can only say that probably meat politics is at play here. We cannot be a threat to European countries as far as export of meat is concerned. Currently it is Namibia and Botswana and even our quotas together are so insignificant, the rigorous regime being enforced is not realistic.

Experts from the World Animal Health Organisation are here, but rest assured, they would not agree that Namibia might now export freely. They will come up with issues of human resources not being there, the Director of the Veterinary Laboratory not being present, but they will send meat from here that is not hygienically controlled to prove that it cannot be exported, in spite of the fact that the laboratory does not have a head. The head of the laboratory should not be used as an excuse because there are personnel working in that laboratory. Therefore, I am concerned about what is happening. I must also say that those visits have not just started, it has been going on since the time of the other Minister and in my time, they have been here, but their findings are not convincing at all. That is with regard to the observation of restriction of meat that has to get access to the European market.

Latin America does not even have cordon fences. In Brazil, the animals roam around everywhere. In Namibia, my farm may be affected, but my neighbour's farm may be protected because the animals are fenced in. However, they are saying that in Latin America, the animals have a chip and one can detect where it has been. (Intervention)

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**HON MINISTER OF JUSTICE:** Comrade Deputy Speaker, I am very sorry to interrupt my Colleague, but I am doing so to enlist information being a

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layperson in the subject matter being addressed. The Honourable Minister continues to argue the point that he does not see the reason why there are so many restrictions on the exportation of meat from Namibia. It is not because of Namibia, but because of animals beyond the Red Line that are supposedly infected. Comrade Minister, are you telling us that Namibia and probably, Botswana, are being penalised because of certain considerations that are not disease related? Is this what you are saying?

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**HON MINISTER OF VETERANS AFFAIRS:** Honourable Minister, from my experience when I was responsible for that Ministry and the little I know about health issues, I can definitely say that it is on account of something else and not on animal health. It cannot be, as forty years is just too long. Less than ten years ago, there was foot-and-mouth disease in Britain, mad cow disease, and as we speak now, all those countries are exporting freely. I have been to Britain and I can say that the hygienic conditions of some of their facilities cannot be compared to the one we have here. If you go there, you will see they cannot be compared to the conditions we have here. Therefore, I think it is because of something else, but it cannot be on animal health related issues.

That is the observation I wanted to make and Honourable Minister, I want to enlist your understanding that we must be very careful with the removal or the shifting of the Cordon Fence. I hope it will not be moved physically. Let it be physically there. It should however not be used as a barrier. It should be put to use whenever in the history there would be a disease and not only that one, you can even close the one that comes from the south and passes via Windhoek to the north or you can close the one to the east. They should remain there, but they should not be used as restriction for movement of meat and meat products now as we speak. If that is the understanding, I will be very happy that the idea is not to physically move the Cordon Fence, but simply to emphasise the point that when it comes to meat and meat products. You may have a different viewpoint on the Eastern Caprivi and we could most probably look into that one because of the buffaloes that we have there.

Honourable Minister, you have an enormous task before you, which perhaps you would like to retain the way it is here. Clause 7 deals with permits for importation of animals, animal products and restricted materials for entry into

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Namibia. Sub-Clause (11) deals with the penalty for contravention of that provision, which is N\$1 million or twenty years imprisonment or both. We know that very often, we have animals cross from Angola into Namibia and vice versa and recently, animals were taken from the southern part of Namibia into South Africa. How are you going to implement this penalty when these things happen? I have a problem that this penalty is just too hefty and you may want to look into this, because you can impose it on somebody, but so what.

The same goes for Clause 11(4). There the penalty is also N\$1 million and I think these penalties are going to make you an ineffective Minister because you will simply not be able to carry this out. I wonder whether you could not look at these penalties. In Clause 13(8) it is the same and it is too hefty. These are the penalties if somebody brings an animal or animal product into the country to eat or to sell and the person is not aware that this animal is infected, but when the person actually knows that the animal is infected, then the penalty is less, as can be seen from Clause 14(3) and Clause 15, disease prevention and control, because it is a person who knows that an actual problem exists, yet he tries his luck. Honourable Minister, you may want to look into those aspects.

Colleagues, as Members of this House we need to stand together, the meat politics that affects Namibia is just too much. It has nothing to do with the lack of human resources, you have to convince me of that, because if it was because of human resources, then there should have been overwhelming evidence of detection of diseases. Yes, salmonella has been detected here and there, but it can be found in America and everywhere. However, this major one that led to this ban should not be used as a pretext. Thank you.

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**HON DEPUTY SPEAKER:** Any further discussion? Does the Honourable Minister wish to reply?

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**HON MINISTER OF AGRICULTURE, WATER AND FORESTRY:**  
Thank you, Honourable Deputy Speaker. The Second Reading Debate has

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**ADJOURNMENT**

ended on a very, very high note where the second Minister of Agriculture of Namibia and the fifth Minister of Agriculture have made very good inputs. Therefore, to do justice not only to their contributions, but also to the contributions of those who participated in this Debate, I would like to request that my response be provided on Wednesday, the 13<sup>th</sup> of October 2010. I so Move.

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**HON DEPUTY SPEAKER:** The Debate on this Bill is adjourned until Wednesday, 13<sup>th</sup> of October 2010. The House stands adjourned until Tuesday, the 12<sup>th</sup> of October 2010 at 14:30.

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**HOUSE ADJOURNS AT 17:45 UNTIL 2010.10.12 AT 14:30**

**NATIONAL ASSEMBLY  
ASSEMBLY CHAMBERS  
WINDHOEK  
12 OCTOBER 2010**

The Assembly met pursuant to the adjournment.

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

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**HON SPEAKER:** I take it that the Honourable Members are aware that we were advised by the Minister of Health and Social Services that the second round of the mass meningitis vaccination campaign will run from 12 to 15 October 2010 throughout the entire country. The Minister has arranged for us to get the injections outside. I will allow Members to go out one by one.

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**TABLING: OF THE 2009 ANNUAL REPORT OF THE  
OFFICE OF THE OMBUDSMAN**

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**HON SPEAKER:** I lay upon the Table, in terms of Section 3 of the Ombudsman Act, Act 7 of 1990, the Annual Report of the Office of the Ombudsman for the period 1 January to 31 December 2009

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

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

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

1. Agronomic Board for the Financial Year ending 31 March 2010;
  2. Government of Namibia for the Financial Year ending 31 March 2009.
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**NOTICE OF QUESTIONS  
HON MOONGO**

**HON SPEAKER:** Notice of Questions?

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**NOTICE OF QUESTIONS**

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**QUESTION 24:**

**HON MOONGO:** Honourable Speaker, I give Notice that on Thursday, 15<sup>th</sup> of October, I shall as the Honourable Minister of Defence:

Can the Minister explain why the Ministry dismally failed to implement the principle of the State policy, which is part of the Supreme Law of Namibia, Article 10 of our Constitution, which states that, “*All persons shall be equal before the law?*” Article 95(e)(i) also states that, “*The State shall adopt a policy aimed at ensuring that workers are paid a living wage adequate for the maintenance of a decent standard of living and enjoyment of social and cultural opportunities*”.

1. What is the good reason that the payment of S&T to soldiers was stopped when they go to missions inside and outside Namibia?
2. Can the Minister deny or agree that the S&T will only be paid from the rank of Colonel to the top?
3. If yes, can I regard such action as economical monopoly or naked discrimination or exploitation of lower ranked soldiers by the higher ranked soldiers?

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**HON SPEAKER:** Will the Honourable Member table the Questions? Notice of Motions? Ministerial Statements? The Secretary will read the First Order of the Day.

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**RESUMPTION OF SECOND READING: SPECIAL ADVISORS AND  
REGIONAL GOVERNORS APPOINTMENT BILL**

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**SECOND READING**  
**SPECIAL ADVISORS AND REGIONAL**  
**GOVERNORS APPOINTMENT BILL**  
**HON MOONGO**

**HON SPEAKER:** When this Debate was adjourned on Wednesday, 6 October 2010, the Question before the Assembly was a Motion by the Honourable Minister of Regional and Local Government, Housing and Rural Development, that the Bill be read a Second Time. Honourable Moongo adjourned the Debate and I give him the Floor.

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**HON MOONGO:** Thank you, Honourable Speaker, Honourable Members. The SWAPO Government is making a mockery of decentralisation, which was supposed to bring the Government closer to the people, the voters in the Regions and in the villages. Now all of a sudden an Amendment Bill is brought here to reverse the decentralisation process and to place the decision-making power of the voters in the hands of the President.

The President is already the Commander-in-Chief of the Defence Force, he appoints the Prime Minister and the Ministers, Deputy Minister, the Attorney-General, the Director-General of the National Planning Commission, the Chief Justice, the Judge President and Judges, the Ombudsman, the Prosecutor-General, the Auditor-General, the Governor of the Central Bank, the Chief of the Defence Force, the Inspector-General of Police and the Commissioner of Prisons. These powers vested in the President by the Constitution to appoint the abovementioned people should be enough.

I do not know where our country, Namibia, is heading. We are now expected to amend the Bill that would enable the President to appoint Governors of the Regions. Very soon, we may expect other Amendments in this House, stating that His Excellency should be the one to appoint the mayors, the principals of schools, Traditional Leaders and so forth. (Interjections). He will probably also appoint Members of Parliament from the Opposition to come to Parliament. This situation is getting worse and worse. This is nothing else than taking over all the powers that were vested in the people of Namibia and placing it with one person. What we are seeing in this case is that Namibia is heading towards becoming an autocratic country.

Honourable Speaker, Honourable Members, there is nothing wrong with decentralisation as it was giving powers to the people to, amongst others, vote for their regional leaders in order to strengthen democracy and unity. Now we



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have reached a stage where regional leaders will be imposed on the people undemocratically. It is obvious that His Excellency is going to appoint those regional leaders who can produce SWAPO membership with the hope of keeping SWAPO in power.

Honourable Speaker, Honourable Members, it cannot said that this Bill will strengthen the unitary nature of the State, it will instead cause unrest and divide the people on account that regional leaders are imposed on them and the State expects the people to accept them. Let the Nation choose who they want instead of imposing leaders on them, which is undemocratic.

In conclusion, Mr Speaker, Honourable Members, our country should not be compared with India. The fact that Governors in India are appointed by their President does not justify Namibia doing the same. We know in Angola they are doing the same and although the Opposition won the majority of the Regions, the Governors are appointed by the President from the Ruling Party. Why do you waste time and money on elections, why do you not make it a one-party State, appoint principals of schools, and appoint everything as you wish?

India is a federal State with a population of more than a billion. It did go through many crises' and problems, therefore Namibia should not be compared to India. Namibia went through negotiations and we achieved our Independence through the UN Resolution 435. That is the reason that appointment of Governors by the President is justifiable, but in Namibia we are two million people and besides that, we are not a federal State like India.

It is a pity that that road which the SWAPO Government took, is a betrayal of the people of Namibia. With this I hope the Bill be rejected once and for all. Thank you very much.

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**HON SPEAKER:** I thank the Honourable Member. Any further discussion? Honourable Shixwameni.

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**HON SHIXWAMENI:** Thank you, Honourable Speaker. I have a small contribution to make to this Bill. (Interjection)

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**HON MEMBER:** In support?

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**HON SHIXWAMENI:** I do not think I do. I have three things that are important for this Bill. This Bill is very anti-historic, anti-democratic and a Bill whose time for tabling in this House is completely wrong. I do not believe that whilst we are living in an era of democratisation and modernisation we should go back to appointments.

When we attained Independence in 1990 and there was no other means of getting people to run the Regions, we as a Nation collectively agreed that in the absence of any structures to have them democratically elected, we could appoint people in the Regions to serve as the ears and the eyes of the Central Government in those Regions. However, eighteen years since the 1992 Regional Councils Act was passed, we want to go back to this measure while there are elected leaders in every Region. I think we are on the wrong path with this particular Bill. We are completely wrong to go back to appointments instead of being elected.

We in the APP would like to see one simple thing only, elect the Regional Governors just as we elect by universal suffrage the President of our country. Do not appoint, let the residents in each region elect their Regional Governor. We would even go further to recommend that the mayors of the big towns be elected instead of them being appointed. Let us move away from appointments because they are autocratic. Who is the Governor that is going to be appointed going to serve while there are already elected leaders on the ground?

I think all of us as elected Members of this Assembly and as elected leaders of this country should do one thing, namely to reject this Bill. I do not know where the Honourable Minister got this idea. We must reject it and advise the Electoral Commission, if we are true democrats that this Bill becomes the subject of a referendum, to call upon the people in the Regions so that they

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themselves can say whether they want appointed Governors or elect their own Governors. That is my call to this House, because I do not think that after all the sacrifices that everybody in this House has made to establish a democracy this is the route to go. That is my contribution and I hope we would have introspection and think about it. We have not done it. Which Regions have you consulted? Let me be told who has been consulted on this Bill. Be honest with yourselves, you pretend to be Christians around here, but you come and lie in this House. We take an oath and we pray every day but we still lie to ourselves. Who has been consulted on this Bill? I think the honest thing to do is to refer this Bill to a Committee so that the Bill can be scrutinised. Otherwise, we make it the subject of a referendum in the November 28 and 29 elections so that the Nation can have its say and get its way. With those remarks, I thank you, Honourable Speaker.

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

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**HON BEZUIDENHOUT:** Honourable Speaker, I am honoured and privileged for the task bestowed upon me by the citizens of Namibia who elected me to this National Assembly and on whose behalf I took the Oath on the 14<sup>th</sup> of September 2010. The sacred promise I made to be faithful to the Republic of Namibia and its people and to uphold and defend the Constitution and laws to the best ability is, to say the least, very dear to my heart and my conscience.

The national desire for Independence, to mention only three, a unitary Independent State and to have the universal right to decide our own destiny were, among other things, the fuel that kept the struggle for Independence alive. The Preamble of our Constitution captured our rights as equal and inalienable, as indispensable for freedom, justice and peace. It even in paragraph 3 puts scorn on those political systems, which denied us these rights by saying: “*Whereas these rights have for so long been denied to the people of Namibia colonialism, racism and apartheid*”.

Honourable Members of the House, these rights and the foundations of the

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Republic of Namibia are anchored in the ultimate sacrifice of many citizens who bravely fought for this country and paid a very dear and supreme price with their precious lives. As a citizen, I will be forever grateful for this supreme contribution. I hope all of us would as lawmakers honour the memory by remaining faithful to the Republic of Namibia, and its people, and to uphold and defend the Constitution as we affirm every day.

Honourable Speaker, Honourable Members of the National Assembly, let me now focus my attention and contribute on the Special Advisors and Regional Governors Appointment Bill, which was brought to this House for consideration.

Firstly, allow me to quote a phrase of Edelberto Torres Rivas, a South American sociologist. In his book, “Democracy and a Metaphor of Good Government” he said; “*The existence of political democracy does not guarantee good government, but good government is the only viable option within a political democracy*”. This short sentence is a mouthful. Let me repeat it: “*The existence of a political democracy does not guarantee good government, but good government is the only viable option within a political democracy*”.

On our responsibilities as Members of Parliament, I want to quote from Chapter 7, Article 45 of the Namibian Constitution, which reads: “*The Members of the National Assembly shall be representative of all the people and shall, in the performance of their duties, be guided by the objectives of this Constitution and the public interest and by their conscience*”. The last part deals with the performance of our duties and I want to elaborate very shortly:

We are constitutionally obliged to be guided by the objectives of this Constitution. To the best of my knowledge, and I hope the writers of the Constitution will correct me if I am wrong, the Constitution does not intend eroding some of the rights, obligations and responsibilities as contained in our founding document.

Honourable Speaker, Members of Parliament, the public interest should guide us or at least be taken into account when we contribute and ultimately decide on the Special Advisors and Regional Governors Amendment Bill. The basic

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question on this issue is, and I hope the promoters of the Bill will elaborate when the time comes: In whose interest is the appointment of Governors by the President? Is this proposal in the interest of the people, the thought by our conscience?

One guiding light we are called upon to apply equally in the performance of our duties as Members of this Assembly is our conscience. This is a very complex source of inspiration because it is personal. It is developed in our formative years, influenced by our upbringing, guided by our religious influences, conformed by our belief systems and by interacting to our various communities. Nonetheless, we are called upon by our Constitution to apply our conscience in dealing with matters before us.

Honourable Speaker, our ultimate decision and what method we will be using to reach the decision, we are compelled by Article 45 to be guided by the abovementioned three criteria, namely the objectives of our Constitution, the public interest and our conscience. In the fourth motivation in favour of the Bill, arguments were put forward which encompass good and noble intentions, but history has revealed to us that in the actual implementation of such good and noble intentions, we are failing and we have disappointed.

Honourable Speaker, Honourable Members, I want to highlight, which in my view are some examples of our collective failure to the Namibian Nation: Black Economic Empowerment, land reform, housing delivery, decentralisation, education reform, employment creation, electoral reforms, Public Service charters to improve service delivery to citizens and the list goes on and on. The effect of this proposed Amendment Bill will not enhance any efficiency, as intended. It will not improve regional service delivery that we so desperately need. It will create power struggles and chaos between appointed and elected leaders. It will legitimise possible cronyism, nepotism and corruption. It will promote personalised authority and, therefore, weak Institutions will encourage no level of accountability in political life and it will bring into our democratic system unacceptable practise of autocracy and will exclude political competition and good governance.

Honourable Speaker, Honourable Members of the National Assembly, the democratic principle of being ruled by the people will be replaced by the

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principle of being ruled by political patronage. We trust our people, the citizens, at whose pleasure we are serving as their representatives in this House, to elect the President, elect Regional Councillors and Local Councillors. Why do we not trust the citizens to elect their own Governors?

In conclusion, I would like to place it on record that we daily, like today, before commencement of business solemnly affirm to be faithful to the Republic of Namibia and its people and promise to uphold and defend Namibia's Constitution and laws to the best of our ability. Some Members of this House who were part of the struggle made individual supreme sacrifices and I honour them for that. These were made for our Independence and our constitutional democracy. The envisaged appointment of Governors is bad, very bad for our principles of democracy. Let us not falter on this commitment for the sake of political expediency.

Finally, I would like to put on Record that I, compelled by the objectives of our Constitution, compelled by the public interest and compelled by my conscience cannot support the proposed Amendment to the Special Advisors and Regional Governors Appointment Bill and I thank you, Honourable Speaker.

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

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**HON KAURA:** Thank you very much, Honourable Speaker. We are most probably all Christians and this Bill reminds me of the biblical Garden of Naboth. This poor man, Naboth, had a small patch of land, but for whatever reason, this small piece of land became attractive to the King of Israel and he requested this piece of land that belonged to this poor man and said, "I want that piece of land." His reply was, "*it belongs to my ancestors, I cannot give it to you*" and because of his refusal he suffered the consequences.

There are thirteen Regions in the Republic of Namibia and only one Region is under the control of the Opposition Parties, namely the Kunene Region. The rest are in the hands of the Ruling Party. (Intervention)

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**HON DEPUTY MINISTER OF GENDER EQUALITY AND CHILD WELFARE:** On a Point of Order. Honourable Speaker, I am standing here for Kunene. Kunene is not colonised by the DTA. Please, if you are from an Opposition Party, do not mention Kunene while I am sitting here. Thank you.

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**HON KAURA:** The Honourable Meme is talking like Meme Mahangu. She talks like that. Only the Kunene Region is under the control of the Opposition Parties. (Intervention)

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**RT HON PRIME MINISTER:** I am sorry to disrupt my elder's speech, but could he withdraw that comparison to Meme Mahangu?

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**HON KAURA:** Why? You do not like mahangu, do you?

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**HON SPEAKER:** Unfortunately I do not know what it means.

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**HON KAURA:** I withdraw. Honourable Speaker, only this little patch of land, only one Region in the whole of Namibia is in the hands of the opposition Parties and still the Ruling Party is vying for that. The Opposition Parties must not have the right to appoint a Governor in the one Region they have, so the Honourable Minister is coming with a Bill to ensure that even if the Opposition wins a Region, they will never have any Governors whatsoever. (Intervention)

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**HON MINISTER OF JUSTICE:** On a Point of Order, Comrade Speaker. The Honourable Member is misleading the public, because the Governors are appointed by the majority of the Councillors and the majority of Councillors in Kunene Region are UDF. They are not from the Opposition Parties.

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Therefore, he should put the Record straight, that it is a Governor from one Party, not from Opposition Parties.

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**HON KAURA:** I do not know how the Honourable Minister understands this. Maybe the English is failing her.

Honourable Speaker, the Honourable Minister had questions whirling around his head when he tabled the Stock Theft Bill, where if you steal any livestock valued more than N\$500, you immediately went to prison for twenty years and you know what? It was immediately after people stole 63 goats from his farm when he rushed this Bill through this Parliament, a vindictive Bill he rushed through this Parliament and people were questioning that when you kill somebody you go to prison for ten years, when you steal his goat, you go to prison for twenty years. (Intervention)

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**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT:** On a Point of Correction, the Honourable Member is misleading the Nation. When I introduced the Amendment in the nineties, it was not because somebody stole my goats. You should put the Record straight. It was a demand of the people. I had a meeting in Otjinene, I had a meeting in Ruacana and all over, the country and the people were complaining about stock theft. They were saying that if you steal the cow of an old woman, it is just like stealing the bank of a person. It was based on the concern of the community, not because somebody stole my goats.

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**HON KAURA:** The Okahandja Police have the Records, the Honourable Minister laid a charge of theft of his 63 goats and after that he rushed this Bill through Parliament and he stands accused of that, that today someone is given ten years for murder or rape, but if you steal a goat, twenty years.

Now, for whatever reason, he is coming with this Bill to Parliament, maybe expecting that in the coming election the Opposition Parties might get more Regions. Therefore, he must pre-empt that by bringing the Bill to ensure the



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Opposition Parties will not appoint Governors, but the President must now appoint Governors. When you amend a Bill, you must point out the imperfections in the Bill. The Bill, which provides for Regional Councillors to elect among themselves a Governor, is still perfect. The Honourable Minister did not take the trouble to point out the imperfections in this Act, but he has only come with this Amendment and, therefore, this Bill is highly suspect, it is undemocratic. The President can appoint six experts to this Parliament as Members of Parliament, but they still have to make sure that even if the Opposition wins Regions, they should not appoint Governors. This continues to propagate sibling rivalry between the National Council and the National Assembly, because the National Council Members feel as if the National Assembly is playing big brother to the National Council. They are the people who are going to be affected and this Bill is divisive. (Intervention)

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**HON MINISTER OF FISHERIES AND MARINE RESOURCES:** May I ask Honourable Kaura a question? Is it true that the law of diminishing returns is applicable to the DTA and that is why they are standing up and talking?

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**HON KAURA:** I do not know whether the law of diminishing returns has taken effect or not or whether the thief has been caught and he is awaiting a verdict. I do not want to go further than that, the thief is caught and only awaiting the verdict.

Therefore, I think this Bill is highly divisive, uncalled for and inopportune and the Honourable Minister must withdraw this Bill to preserve the dignity of this House and the unity of Namibia. Thank you very much.

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

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**RT HON PRIME MINISTER:** Thank you, Honourable Speaker. I want to put the Amendment under discussion within the policy context, constitutional framework and the governance imperative so that the Honourable Members' fears should be allayed, if they are flexible enough in their political thinking.

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From the policy perspective, Honourable Members, we have not made a significant dent in the development of our Regions, but the majority of our people are locked up in those Regions in the Rural Areas. Ask yourself the question why. (Intervention)

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**HON SHIXWAMENI:** May I ask the Honourable Munekuto Prime Minister a question? The Right Honourable Prime Minister is saying that from a policy perspective we have not made a significant dent in the development of our Regions. Is the Right Honourable Prime Minister admitting that we have failed to develop the twelve Regions run by SWAPO, policy-wise?

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**RT HON PRIME MINISTER:** You have to ask the question, why? The reason is that the leaders in these Regions have a long-winded route to get their points to the highest authority. They have to go to the Minister, the Minister has to go through the National Planning Commission, the National Planning Commission has to go through Cabinet and Cabinet now has to address it. (Interjection)

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**HON MEMBER:** That is democracy.

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**RT HON PRIME MINISTER:** Yes, but people are suffering, people need attention and the priority of the SWAPO Government now is to pay attention to the people in their Regions, in their homesteads. (Intervention)

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**HON KAURA:** May I ask the Right Honourable Prime Minister a question? Right Honourable Prime Minister, why do you not do the simple thing and just abolish the National Council?

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**RT HON PRIME MINISTER:** The people of Namibia in their villages, in their homesteads, in their Regions need attention. (Intervention)

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**HON SHIXWAMENI:** May I ask a question? You are saying that people need attention. I want two answers before I can ever come close to the appointment of Regional Governors. Why do you have Regional Councillors, Constituency Councillors in the first instance? Why do you not abolish the Constituency Councillors first if they are not doing their job before you appoint somebody to do the job of the Regional Councillors?

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**RT HON PRIME MINISTER:** Honourable Shixwameni, I am one of the fathers of the Nation. You must understand the governance structure of this country. The governance structure of this country is based upon checks and balances. (Intervention)

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**HON RIRUAKO:** May I ask a question? Who created this Council and what was the purpose of it, and who discovered that they are helpless? Is the public well informed about the illegitimacy of the Council?

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**RT HON PRIME MINISTER:** Venerable Chief, I was just explaining the basis of the Namibian Constitution, it is based upon the principle of checks and balances. When we proposed the National Assembly, somebody proposed that in order to check and balance the National Assembly there must be a House of Review, the National Council, and that House of Review should consist of representatives of the Regions on equal footing, namely two people whether you are a big or small Region. That was the logic behind the creation of the National Council. Therefore, it is still relevant because the Constitution of Namibia is created on the principle of checks and balances.

I was saying that Regions should not receive political priority so that they have a direct line to the Head of State. They must have a direct line to the Head of State, not through a Minister, not through the National Planning Commission or other institutions, so that they can clearly articulate the priorities of their Region to the Head of State himself or herself. That is a very important principle. (Intervention)

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**HON KAURA:** What prohibits the Governors from having a direct line to the President and what position would this new Governor apply which will give them a direct line to the President and if there is a direct line that could be given to the President, why do we not give it to the present Governors?

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**RT HON PRIME MINISTER:** That is a very relevant question, so that you clearly understand the language of this Amendment. You must understand it. What is currently happening is you elect Constituency Councillors who constitute themselves in an electoral college. They elect the Governor and they elect the Management Committee under the Regional Councils Act. That Regional Councils Act is administered by a particular Minister. Unless you create a special dispensation within that Act to provide direct contact between the Regions and the Head of State, the current arrangement will not take care of that. You should understand this. (Intervention)

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**HON SHIXWAMENI:** May I put a small question to the Prime Minister? I am trying to understand your logic. Your logic is that Governors are reporting to the Minister of Regional and Local Government, Housing and Rural Development, so what you are saying by implication is that you have a vote of no confidence in the Minister of Regional and Local Government, Housing and Rural Development. (Interjections). The Prime Minister is identifying a bottleneck and the bottleneck is the Ministry of Regional and Local Government, Housing and Rural Development. Then why do we not abolish the Ministry of Regional and Local Government and Housing and make them report directly to the President?

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**RT HON PRIME MINISTER:** I know you want to disturb my speech but I am answering. There are different types of activities happening in the Regions. Clinics and schools are being run there, roads are being constructed, social welfare is being administered and so forth. Those are not functions related to a particular Ministry, those are crosscutting functions and they need a central point of reference. (Intervention)

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**HON RIRUAKO:** On a Point of Information. If I recall, we had Dr Jansen, the former South African Governor here who was appointed by the Queen. He went back to the old system of England and there was no Local Government Ministry here. It was directly from South Africa to the Governor. He had to institute whatever South Africa decided and if you compare the present system and the others, they are married one another.

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**HON SPEAKER:** The Honourable Member may respond when we come back.

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

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**RT HON PRIME MINISTER:** Honourable Speaker, this time I am going to ask the Honourable Members to be honourable and allow another Honourable Member to exercise his democratic right to make a coherent statement to them and to the public.

I was saying the Regions need attention from the central authority, because if we do not develop the Regions, forget about fighting poverty, forget about fighting inequities, forget about fighting unemployment in our Regions. We have to discover the potential of each of our Regions and focus our development attention to those potentialities in order to empower people in the regions. It is very important and the Head of State is the only person who can order the various players from different sectors to work with the Regional Councillors, the Governor and, of course, the bureaucrats in the Region to solve regional problems.

Many a times since decentralisation Regional Governors and their Councillors had to come to my office and asked me to call Minister X, Y, Z around the same table to address issues related to coordination in terms of development. Of course, that is not really the function of the Office of the Prime Minister, but I had to facilitate that for the sake of the people in the Region.

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Moreover, the current system of regional Constituency Councillors electing the Governor creates problems within the Region. First, once you are elected as the Governor you are supposed to act impartially to everybody, including every constituency, but you do have a constituency and you have this divided loyalty and sometimes it is an undesirable situation. (Intervention)

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**HON SHIXWAMENI:** On a Point of Enlightenment, because you are talking about the functions of this Governor, I would like to know from you on the Floor of this House, being concerned with issues of allocation of power, who is going to have powers in the Region? Is it the democratically elected Regional Councils or is it the appointed Governor who was not elected? I would like to know exactly who is going to be in charge of the Region. Honourable Prime Minister, can you elaborate on this issue so that we are able to understand whether we are shifting the power from the elected leadership to the appointed leadership? Are we going to be democratic consistently or undemocratic?

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**RT HON PRIME MINISTER:** Yes, that is an important question, I was moving towards that. May I ask you the question, what is the function of the Governor as proposed in this Bill? The central function of a Governor, as proposed in this Bill is the function of oversight, to monitor, to evaluate and to plan together. Otherwise, Regions should still have their Executive Committees and Chairpersons of Executive Committees. They will still have their executive powers and those are guaranteed in the Constitution. Therefore, the central function of Governor is actually oversight.

As I said, our Constitution is based upon the principle of checks and balances. (Intervention)

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**HON MAAMBERUA:** May I ask the Right Honourable Prime Minister a question? What criteria are the President going to use to appoint Governors or to identify Governors?

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**RT HON PRIME MINISTER:** I will come to that in a minute. I was saying that the principle of our governance system is checks and balances, everybody should have a counter, just as you are checking what the Executive is doing, which you sometime do not do. Sometimes you allow your job to be done by *Informanté*, because you relinquish your responsibility. You are supposed to do the checks and oversights of what happens there and that is the central function of a Governor, amongst others. (Interjection)

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**HON RIRUAKO:** May I ask a question?

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**HON SPEAKER:** A lot of questions were asked and I let you all put your questions and I let the tea-break recharge us on either side and when we returned the Prime Minister was to answer the question put to him before we adjourned for tea. Allow him to answer the questions you have already put.

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**RT HON PRIME MINISTER:** Yes, I am answering the questions as put by Honourable Members, because this is in the interest of the public out there. (Intervention)

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**HON RIRUAKO:** We are facing hard and tough history. Let us face one another and sit down in the bush. I can count those who came to me one by one, those who do not, do not even understand what I am saying. I may say, ladies and gentlemen, let us face the reality, these are hard times for us to look for a big, thick bush and sit down around it ourselves. (Interjections). If you do not understand, keep quiet. This is the time for us to find our way out, let us find one another around a thick bush where we are going to have a heart-to-heart talk. I do not want to play like this, this is a waste of time. Let us face one another. It is high time for us to sit down. (Interjections)

Please, those who understand are keeping quiet, those who lost the boat are shouting because you do not understand, you do not even listen to what I am saying. It is high time for us to come together, face the reality, and sit down behind a big bush to find out what is happening here. We are not going to

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waste the time of the public and everybody here, we have our own time, let us come together and find a way out.

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**RT HON PRIME MINISTER:** Honourable Chief, I want us to take a leaf out of the Herero history. Listen very carefully, in the 1860s the Herero communities were faced with an external enemy. At one point, they decided to appoint one central authority as a central commander in order to meet the threat.

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**HON RIRUAKO:** And they sat down behind a bush.

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**RT HON PRIME MINISTER:** Paramount Tjamuaha, if I am not mistaken.

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**HON RIRUAKO:** No, Maharero.

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**RT HON PRIME MINISTER:** Maharero Katjamuaha became the supreme commander of all the Herero communities to face the external enemy. If we want to face the enemy of poverty, unemployment, hunger, disease and ignorance, we must have a central commander. That is the only way we can fight these enemies and this is the point. (Intervention)

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**HON MINISTER OF JUSTICE:** On a Point of Information. Comrade Prime Minister, have you heard that most of those who have been appointed by their peers, peers being Regional Councillors, have almost without exception declined to stand as Councillors, because they have realised that their chances of being re-elected were very slim on account of the fact that whilst concentrating on their governorship, to which they were not elected, they neglected their own constituencies and there are people in those constituencies who were complaining that they were being neglected, they did not have a



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councillor, their Councillor became the Councillor for the whole Region? Have you heard about that Comrade Prime Minister?

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**RT HON PRIME MINISTER:** Yes, that might be a fact but this one is an initiative of the central authority.

Let me now come to the constitutional aspect. Article 1(2) reads, “*All powers shall vest in the people of Namibia who shall exercise that sovereignty through the democratic institutions of state.*” Do you hear that?

If you go to Article 38, “*The President shall be elected through direct universal and equal suffrage.*” These are the people of Namibia exercising their power as a sovereign people. They vest that power in a person, the President. Whatever the President is doing is done on the authority of the people who elected this person through direct universal and equal suffrage. There is no contradiction. Honourable Bezuidenhout, this is all within the principle of the Constitution, there is no contradiction. The Constitution is being respected in both letter and spirit.

Article 32(g): “*The President shall establish and dissolve such Government departments and ministries as the President may at any time consider to be necessary or expedient for the good government of Namibia*”. That is the principle. The Regions are established more or less as Departments or Ministries, so the people of Namibia have exercised their sovereign power to the President and when the President appoints Governors, he is doing it on behalf of the people of Namibia. That is the point and I hope that the Honourable Members understand this.

Article 27(2): “*The executive power of the Republic of Namibia shall vest in the President and the Cabinet.*” I am now answering the question of Honourable Maamberua on how the President will appoint the Governors.

As to the criteria whether they are going to be short or tall, educated, uneducated, female or no female, that is an administrative matter, it is not a legislative function of the Government, but I can tell you that the President will always do that for the purpose of good governance of Namibia. Take note of

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that. (Intervention)

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**HON SHIXWAMENI:** May I ask the Right Honourable Prime Minister a question? You are referring to our noble Constitution. Would you agree with me across the Floor that it is probably high time that we do a national constitutional review, which would identify all the shortfalls that you are now referring to, so that we do a once-off amendment of the Constitution instead of picking and selecting the things that we like. Would you agree?

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**RT HON PRIME MINISTER:** I am not selecting the things I like, I am referring you to the provisions of the Constitution, which underpin the principle of the President to appoint Governors. That is what I am doing. As for your proposal for constitutional review, that is your democratic right to move a Motion in the House that this House considers the appointment of a Constitutional Review Commission. That is a different issue, that is your democratic right to do so, but for now we must focus on regional development, we must pay attention to the needs of our people in the Regions. The President should have power to receive accurate information from the Regions about their development plans and what the bottlenecks are, what the constraints are, so that the President can now order his Ministers to address the problems in the Regions. That is the only purpose, no other purpose, it is for the purpose of development. I thank you for your understanding and support for this Amendment Bill. I thank you.

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**HON SPEAKER:** Any further discussion?

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**HON MAAMBERUA:** Thank you, Honourable Speaker. In our opinion the Bill before us for consideration is actually running against the grain of our Constitution. (Intervention)

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**RT HON PRIME MINISTER:** I have a question. Do you know who was

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the first Governor of Kunene Region?

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**HON MAAMBERUA:** I will answer that towards the end of my speech. In this context, I should point out that the intention of the crafters and framers of our Constitution was to create a democratic state, so that the regions should be able to govern themselves, to be as independent as possible, (Interjections) not independent in the Republic, but independent in terms of governance so that they are able to elect their own representatives. That is the spirit of our Constitution. (Intervention)

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**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,  
HOUSING AND RURAL DEVELOPMENT:** May I ask the Honourable Member a question? Can you pinpoint the word “Governor” in the Constitution?

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**HON MAAMBERUA:** I did not say the Constitution provides for Governors, I said “governance”.

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**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,  
HOUSING AND RURAL DEVELOPMENT:** If there is no word such as “Governor”, did the Constitution make provision for any constituency Councillors to be the Governor? I am saying this because you say it is a grey area in the Constitution, as if we disregard the Constitution.

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**HON MAAMBERUA:** In the system that we have in place with the National Council, the Local Authorities, are actually to have checks and balances that system has not failed us so far, and that is the spirit that we support.

Considering the purpose and objective of amending the Act, it is actually disappointing to note that so far the movers of the Amendment have not comprehensively, fully and properly.... (Intervention)

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**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,  
HOUSING AND RURAL DEVELOPMENT:** Honourable Member, do you know that from 1992 to the beginning of 1997 there was no Act mentioning the word “Governor”. Are you aware that when SWAPO introduced the word “Governor” in an amendment the opposition also opposed it? They were saying the Constitution stipulates that the National Council will elect a Chairperson of the Management Committee. In 1997 when Dr Iyambo was the Minister of Local Government and we introduced that Clause, providing for the powers of the Regional Governor, the opposition even walked out and voted against it. Are you aware of that? (Interjection)

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**HON MEMBER:** The Honourable Minister is economical with the truth.

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**HON MAAMBERUA:** Let us proceed. What I am saying is that the reasons so far advanced for changing the present system are not convincing and plausible.

On the extension of Central Government, we are saying the appointment of a Governor by the President actually represents the unwanted extension of the boundaries of Central Government to the arena of the regional level and that is not desirable. It is also a way of depriving the local populace of their hard-won right to be represented by people that they have elected themselves.

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**HON MINISTER OF JUSTICE:** On a Point of Information. I want to read Article 1(4) of the Namibian Constitution: “*The national territory of Namibia shall consist of the whole of the territory recognised by the international community through the organs of the United Nations as Namibia, including the enclave, harbour and port of Walvis Bay, as well as the offshore islands of Namibia and its southern boundary shall extend to the middle of the Orange River.*” Sub-Clause (1) reads, “*The Republic of Namibia is hereby established as a sovereign, secular, democratic and **unitary** State.*” What does that mean?

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When the Honourable Member talks about the linkages that are being created between the Central Government and the Regions, do you not know that you are now talking contrary to the letter and spirit of the Constitution.

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**HON MAAMBERUA:** That very important reminder now brings me to the question of decentralisation. In this exercise decentralisation is one aspect of our governance that is going to suffer and this move is diametrically opposed to the concept of bringing Government closer to the people and hence one would want to beg for further clarification from the Minister concerned of the following concepts: One is de-concentration of Central Government functions to Central Government outlets in the Regions and the other concept that needs clarity is the delegation of authority to regional offices or devolution of power to Regional Government. Which is which in the particular exercise that we are busy with? (Interjection)

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**HON MEMBER:** Both.

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**HON MAAMBERUA:** Oh, all of them? Then there is confusion because you cannot have all these concepts applied at the same time and that is the clarity on the Bill that we are interested in. (Intervention)

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**HON MINISTER OF VETERANS AFFAIRS:** On a Point of Clarification. Honourable Member, there is no confusion here, the issue is that when you decentralise, you first delegate the power before you devolve the power. Right now as we speak, we are at the point of delegation of power, not yet devolving power. Therefore, it is a process and I just wanted to make that clear. (Intervention)

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**HON MINISTER OF FOREIGN AFFAIRS:** May I ask the Honourable Member a question? Honourable Maamberua, Article 1(5) provides that Windhoek shall be the seat of the Central Government. Is it not in the best interest of our people if the President delegates those powers through the

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Governors to the Regions? In this way, the President will have direct contact with the people through his own representatives appointed by him. Do you not think that is in the best interest of our people, because we are targeting issues of poverty, unemployment, as has been clearly articulated by the Prime Minister? (Interjection). No, I am asking a question and he allowed me, I am not asking Honourable Kaura.

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**HON MAAMBERUA:** Honourable Speaker, I am enjoying this discussion because the questions seem to suggest that they are aware of what is actually intended here. The answer to the question by the Honourable Minister of Foreign Affairs is just what I was going to discuss now.

What we are saying is that this Bill does not only introduce the destabilising notion of two centres of power and one centre of such power is the unelected authority in the form of presidential appointed Governors and attendant army of special advisors and assigned bureaucrats. (Intervention)

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**HON DEPUTY MINISTER OF AGRICULTURE, WATER AND FORESTRY:** Honourable Maamberua, first of all, there is nothing, which is unauthorised. The President who is going to appoint these bodies was elected constitutionally and given that power to appoint, just as you were appointed as a Permanent Secretary and occupied that position of power. They did not even take into account that you belong to SWANU, until you yourself decided that you wanted to go to university. Do you want to tell us that the Ministers here who are not on the SWAPO Party list, who were appointed by the President, are unauthorised? Even this Bill tells you that if the Councillors are sitting, the Government has the right to take part in the deliberations, but when it comes to a decision by the Councillors, he or she will not have a voting right. Please do not use the word “*unauthorised*”. If they are unauthorised, what about you? You are here because of our votes.

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**HON MAAMBERUA:** The Honourable Member is making a very important statement. Actually, the Honourable Member is suggesting that it is a good and noble thing for the President to appoint the Governor and other

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Government officials from SWANU, which is actually the unitary State aspect that you were talking about. (Intervention)

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**HON RIRUAKO:** May I ask a question? What we are doing is irrelevant it is theoretic. Once the verdict is announced, we are going to have a new form of Government. What is the use of arguing on this matter? I think it is a waste of time.

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**HON MAAMBERUA:** We cannot pre-empt the rationale prevailing in the House, we expect that we are being reasonable and rational and we have to debate the issues, we cannot just think that a decision was already taken. It is our democratic right to express ourselves. (Intervention)

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**HON MINISTER OF JUSTICE:** On a Point of Information. The first Governor of Kunene Region was Comrade Veii. Comrade Veii is not a SWAPO Member and he has never been a SWAPO Member. That is just for public information.

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**HON MAAMBERUA:** The other dimension of this power that we are talking about is actually to affix unelected Central Government representatives, in the name of Governors, against Regional Councillors that are democratically elected and that is a situation that is going to bring about conflict and that is not very good. (Intervention)

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**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT:** May I ask the Honourable Member just a small question? If the President appoints Ministers who are not elected, do you regard them as Ministers or not and if my memory serves me well, six Members are appointed by the President to this National Assembly. Do you regard them as unauthorised *vis-à-vis* you who have been elected?

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**HON MAAMBERUA:** I am approaching the discussion from the concept of decentralisation and governance at the local level. I am not talking about Ministers and others who are after all also elected through their Political Parties onto the structures.

The other aspect that I am concerned with is the budgetary constraints, the budgetary impact of additional Governors with these special advisors and assigned bureaucrats on our fiscus.

With these few remarks, the oldest political formation in this country implores this august House to simply drop the proposed idea honourably. However... (Intervention)

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**HON DEPUTY MINISTER OF JUSTICE:** May I just ask a question? Honourable Member, you have talked about unauthorised and made some insinuation. Do you have a problem when the President appoints Ambassadors and why the Ambassadors are called His or Her Excellency? Can you answer that question?

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**HON MAAMBERUA:** I did not use the word “*unauthorised*”. About the Governors, we are talking about governance in terms of local democratic structures, decentralisation, unemployment, poverty reduction through existing democratic systems and structures plus the reasons that have not been advanced as to why they have to change the system.

Honourable Speaker, in conclusion, since I can see the two-thirds majority already sitting here and somebody referred to a foregone conclusion, the alternative would be the following: If the worst comes to the worst and the Governors are to be appointed by the President, let them be approved by this House. That is one. The other alternative is that 50% of those Governors must be women and it has to be enshrined either in the Bill or in the regulations that will follow. The third alternative, and I am not prescribing, I am offering mature alternative considerations from the oldest political formation, is that at least a third of these Governors must come from minority groups and minority groups have already been identified in this country. The fourth alternative is



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that the President, before appoint Governors that are going to be approved by this House, must consult with all political parties represented in this House. Those are my submissions, Honourable Speaker, and I thank you very much.

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**HON SPEAKER:** Honourable Iyambo.

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**HON MINISTER OF VETERANS AFFAIRS:** I thank you, Honourable Speaker. Honourable Speaker, I think the Colleague on the other side of the House is putting the cart before the horse, because he has already started from a wrong footing. He seems to have convinced himself that there are no positive endeavours from SWAPO's side in suggesting Governors of the Regions to be appointed by the President for he wants the current system to continue. I think that is a wrong premise. Experience will tell you that when you are running an institution, you are also taking stock of what is happening in order to convince yourself to continue or to make an adjustment, all for the good. From SWAPO's side we have been taking stock ever since the Regional Councils were established and the office that came in also, the Regional Governors. We have seen the dichotomy among the Regional Councillors, as other Colleagues have already mentioned. These people are all at the same par when they are elected and then they give one from amongst themselves the honour to be Chairperson of the Regional Councils and that person, by virtue of the Act, is called the Governor.

A Governor cannot simply get up and go to the other one's constituency and speak to the people, question development, without the permission of his fellow Councillors. (Intervention)

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**HON KAURA:** May I ask the Minister a question? By virtue of the fact that we have elected the Speaker from among us, does that mean that he is at the same level as us? That is your argument, that by virtue of the fact that Regional Councillors elect the Governor, he is equal to them. He is not equal to them, just as the Speaker is not equal to us.

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**HON MINISTER OF VETERANS AFFAIRS:** When we are elected, we are all equal in the House, but when we elevate one of us to be Speaker, certainly he is the Speaker of the House, but as you see him sitting, he is elected by the people of Namibia. The Speaker is the Head of this House. Therefore, even if the Governor is going to be appointed, he/she will not have a constituency. (Intervention)

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**HON MINISTER OF JUSTICE:** Comrade Speaker, on a Point of Information. Comrade Minister, do you agree with me that inasmuch as our Speaker has the authority over all of us here as Members of Parliament, the Honourable Speaker cannot stand up here and come to my office and try to supervise my work?

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**HON MINISTER OF VETERANS AFFAIRS:** Exactly, Minister, you are right. The Speaker guides the deliberations of the House, but when it comes to voting, the presence of the Speaker does not count. The same will happen with the Regional Councils. The Governors will be sitting in those meetings of the Councillors. The Councils will deliberate and in the case of the Governor, he can participate, but when an issue is to be voted for, the Governor cannot vote. In other words, the executive power of making decisions for the Regions rest with the Councillors. You have taken us in bad faith on these things, because you seem to think that the Central Government is now going to impose itself on the Regions, with the Regional Councils being toothless Tigers. That is not the case, Colleagues. We should not mislead the public. (Intervention)

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**HON SHIXWAMENI:** May I ask the Honourable Minister a question? When I read this document, it is very clear that the special advisors and regional Governors would report directly to State House and the Regional Councils will report through the Minister. Who would be executive of whom? Where would the power be located in the region? (Interjection). A person who is not elected cannot oversee an institution, which was elected. That is just logical. Where would the power be located in this particular case, because you are going to establish the Office of the Governor, fully staffed and responsible to report to the President and then you establish again a Regional

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Council with full powers, reporting to the Minister? Who is the boss in the Region?

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**HON MINISTER OF VETERANS AFFAIRS:** Honourable Member, the policy decisions are all made by the Central Government and that is what the Governor is going to be representing, but the administrative functions in the Region are the responsibility of the Regional Council and the Governor will coordinate. I learned that you are a historian and that is probably the problem, but I am speaking of the functioning of administrative issues. (Intervention)

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**HON SHIXWAMENI:** Therefore, you are telling this House today that Regional Councillors are going to be reduced to administrators. They are not politicians. No small wonder when we went to the regions the Regional Councillors were asking us what are they expected to do. Are you confirming that Regional Councillors are going to become administrators and will no longer be politicians?

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**HON MINISTER OF VETERANS AFFAIRS:** Honourable Member, should the Regional Council want to formulate a policy that would have a national character, they have to come to Central Government. It is not going to be your Bantustans as it were, this is a unitary State and it will remain one. I only want to inform you, Colleagues, that you have the illusion that this is going to be a diminutive structure to the Regional Councils, that is definitely not the case.

I hope as we deliberate on these issues you would examine yourselves and see whether what you are now pronouncing here in front of the Namibian people is in the interest of the country. It is not. I hope you would see for yourselves that this side of the House has an honourable thinking about the Governors to be appointed by the President. Thank you.

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**HON SPEAKER:** I thank the Minister. Honourable Kawana.

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HON DR KAWANA**

**HON MINISTER OF PRESIDENTIAL AFFAIRS AND ATTORNEY-GENERAL:** Thank you, Comrade Speaker. Let me join the other Members who have contributed to the Debate on this very important Bill. It was not my intention to contribute because the Bill is straightforward, but I was tempted to do so to clarify certain issues.

In a democracy such as ours, I wholeheartedly respect the position taken by the Opposition Parties. It is their democratic right because those positions are more political policy than legal and constitutional and in that regard I take note of their position to agree to disagree in a democratic manner.

Secondly, let me take this opportunity to congratulate Namibia, the Government, and the State for the very high rating that we got in terms of this Ibrahim rating in terms of good governance in Africa. Congratulations Namibia.

Indeed, I heard some Opposition Parties telling us about democracy, but I do not want to say anything about what goes on in their Political Parties, I reserve that for another day, because we cannot be lectured here about democracy while some of the things happening in their Political Parties leave much to be desired *vis-à-vis* democracy. (Intervention)

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**HON RIRUAKO:** On a Point of Order. I do not have to say what happened, everyone has to come here with evidence and be exemplary, but if you dodge the example around the corner, it is unbelievable. I am not here to play games and you are playing games. If you mess with democracy, it must be thrown out the window for everyone to see where you come from.

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**HON MINISTER OF PRESIDENTIAL AFFAIRS AND ATTORNEY-GENERAL:** Comrade Speaker, this is a person who respects tradition. The problem is that the Honourable Chief is also a leader of a community and I am going to respect him in that regard, but if I had to take him on at the political side, I do not think he would like what I want to say. However, for now I am going to spare him.

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Honourable Speaker, it has been said that what we are doing is contrary to the letter and spirit of the Constitution and this is why I am tempted to clarify this issue.

Firstly, in terms of Article 1 of the Namibian Constitution, as the Honourable Minister of Justice and Secretary-General of the SWAPO Party alluded to, Namibia is a unitary State as opposed to a federal State. In a unitary State, the policies of the Executive take precedence across the country, because whoever is democratically elected is given the power, the mandate by the Constitution, by Acts of Parliament to rule every corner, every metre of Namibia. That is our democratic culture in terms of the unitary State, in terms of Article 1 of the Namibian Constitution as opposed to a federal State where even at the regional level you have regional Parliaments and regional gazettes. That is the difference. (Intervention)

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**HON KAURA:** May I ask a question? Is there no separation of powers in a unitary State? Is that what you are trying to tell us?

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**HON MINISTER OF PRESIDENTIAL AFFAIRS AND ATTORNEY-GENERAL:** I will come to that, Honourable Speaker. That is now in terms of Article 1 of our Constitution.

The question was posed on what legal basis the President appoints Governors. Article 32 of our Constitution empowers the President to appoint certain office-bearers. In terms of the Constitution and the same Article 32 says in terms of an Act of Parliament and that is why we are bringing this Bill. Once it is passed, it will empower the President to appoint Governors. That power will come, primarily, from Article 32 of the Constitution as well as the Bill that we are going to pass. In that sense there is no way the President would act undemocratically, will act contrary to the Constitution, will act contrary to the laws of our Republic. I wanted to make that very clear.

Article 41 of our Constitution says, *“All Ministers shall be accountable individually for the administration of their Ministries and collectively for the administration of the work of the Cabinet both to the President and to*

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*Parliament*”, just to answer the question by Honourable Kaura, President of the DTA. This is what we call checks and balances, but this Article 41 must be understood in the context of a unitary State. Even if we decentralise, for example, the water function and should something go wrong, the Minister responsible for water will be accountable to the President and to Parliament. That is the letter and spirit of the unitary State we are talking about as opposed to the federal system.

Therefore, decentralisation or no decentralisation, Ministers will still be accountable both to the President and to Parliament and this is what we call checks and balances and, therefore, there is nothing wrong with this Bill, it is not unconstitutional, it is not illegal. The President will be given the power, in terms of Article 32 of the Constitution, in terms of the law we are going to pass here, in terms of the letter and spirit of a unitary State according to Article 1 of the Constitution, to appoint Governors. I rest my case.

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**HON SPEAKER:** That is a very high level of Parliamentary Debate. Not only are we convincing one another, but we are also educating the public. That is the level of Debate that makes sense. Any further discussion?

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**HON MINISTER OF FOREIGN AFFAIRS:** I Move that the Debate be adjourned until tomorrow.

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**HON SPEAKER:** The Debate on the Motion stands adjourned until tomorrow. The Secretary will read the Second Order of the Day.

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**RESUMPTION OF SECOND READING: SECOND REGIONAL  
COUNCILS AMENDMENT BILL**

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**HON SPEAKER:** When this Debate was adjourned on Wednesday, 6 October 2010, the Question before the Assembly was a Motion by the Honourable Minister of Regional and Local Government, Housing and Rural Development, that the Bill be read a Second Time. Honourable Moongo

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adjourned the Debate and I give him the Floor.

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**HON MOONGO:** Thank you, Honourable Speaker. According to my understanding, this Amendment is a violation of democracy and I interpret Article 1 that anybody who was elected democratically should remain in power, rather than somebody who was appointed. (Intervention)

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**HON KAVETUNA:** I want to ask Honourable Moongo, does he know that the Governors will be democratically elected?

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**HON MOONGO:** If the Governors are going to be appointed by the President, who is the Namibian? It is not the President, it is the people of Namibia. The people of Namibia gave the power to the President and, therefore, they also gave the power to the Councillors and the Councillors became Governors. (Intervention)

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**HON MINISTER OF SAFETY AND SECURITY:** Honourable Speaker, let the Honourable Moongo make himself very, very clear. Is he saying that the President is not a Namibian? Can we really have an elected President in Namibia who is not a Namibian?

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**HON MOONGO:** I was saying the citizens of Namibia are the ones who voted for the President and, therefore, he is given the power by the people of Namibia. The Councillors were also elected by the people of Namibia on an equal footing and, therefore, you are taking the power too far. I want this Amendment Bill to be rejected. Thank you.

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**HON SPEAKER:** Any further discussion? Honourable Shixwameni.

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**HON SHIXWAMENI:** Honourable Speaker, I will be brief. This

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Amendment is technical and is necessitated by the first Amendment that we have discussed. Therefore, I would just like to state a couple of things here.

Philosophically speaking we are taking a step back on our road to democratisation, whether we like or not. We are stabbing decentralisation and devolution in the back, because what is going to happen here, philosophically speaking, we are going to create dual power in the Regions. (Intervention)

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**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT:** May I ask a question? Honourable Member, you are saying that we are taking a step back. Does it mean that if one is a member of the Central Committee of the SWAPO Party, and moves forward to Deputy Minister of Information, then moves forward to the CoD, and then moves forward to the APP, are you moving forward or are you moving backwards?

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**HON SHIXWAMENI:** The problem with the Minister is that he refuses, after fifty years in SWAPO, to rise to a philosophical level where he can get *on par* in terms of reasoning with the rest. He still remains stuck in the liberation struggle, singing old liberation songs. What I am talking about here is not about going from one Party to the other. That provision is enshrined in our Constitution, that you can wear this jacket this day and if you so decide and you so choose when you are dissatisfied... (Intervention)

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**HON MINISTER OF JUSTICE:** On a Point of Information. I know Rukwangali and Oshiwambo are very similar and I want to verify whether I am correct. When you hop backwards they say in Oshiwambo, *Omushunimonima*. What is the expression in Rukwangali?

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**HON SHIXWAMENI:** Honourable Speaker, I get so embarrassed that people who were my seniors on that side and with whom we fought the struggle, are stuck in the politics of the liberation movement while we are supposed to be moving forward in terms of modern and democratic politics. Modern and democratic politics dictates that you are a free person, do not keep yourself in



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bondage, and do not chain yourself. (Intervention)

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**HON DEPUTY MINISTER OF GENDER EQUALITY AND CHILD WELFARE:** May I ask Honourable Shixwameni a question?

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**HON SHIXWAMENI:** I decline a question from Opuwo.

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**HON DEPUTY MINISTER OF GENDER EQUALITY AND CHILD WELFARE:** On a Point of Information. You are talking about Councillors and Governors, the President is not going to appoint somebody from among the Councillors, and he is going to appoint somebody from outside. You are saying they are destroying the democratic rights. Now that the President is going to appoint somebody from outside, you are talking, talking, and rejecting the Amendment.

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**HON SHIXWAMENI:** I think you can sort that point out with Honourable Kaura.

What I am saying is that whether we like it or not, we like creating many structures with the same functions and powers. That is exactly what we are busy doing and God forbid that we do not come here in a very short time to resolve the conflict that would arise between the Governor's office and the Regional Council. You had a problem with the Councillors and I hope the people from Hardap have already arrived at the head office. This is a reality and I think the best way to handle this issue would have been to consult broadly, whether we need dual power in the Regions. I can say it here, that even the majority of you seated there are not happy in your hearts and I have spoken to some Regional Councillors who are not happy with this particular Amendment.

It is important that we do what is in the best interest of the Regions, that we do what is in the best interest of the Nation.

I did listen carefully to the Right Honourable Prime Minister trying to explain

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and trying to coat it with it with sweet candy, but the fact remains that we are creating a situation of dual power in the Region. (Intervention)

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**HON MINISTER OF SAFETY AND SECURITY:** May I ask Honourable Shixwameni a question? Honourable Shixwameni is hammering on the issue of doing this and doing that and talking about unity and consulting the people. Did you have a national referendum before you started the APP? Secondly, is it in the national interest to form a tribal Party?

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**HON SHIXWAMENI:** I would reply to it extensively if the Honourable Speaker would allow me to continue my speech tomorrow, because it is a very good question that the Honourable Minister asked. In the first instance, you do not have a national referendum in order to start a Party. Even the Party of the Honourable Minister, the Deputy Secretary-General of the SWAPO Party, ever held a referendum in Namibia before the Owamboland Peoples Organisation, as it was known that time, was started. There was no referendum at all.

Here we are dealing with national legislation, we are not dealing with a sub-entity. If we were to hold referendums in order to form Parties, that would be moving backwards, because you want SWAPO members to express them on whether they should exist or not exist. Those are issues that are done and for your own information, Political Parties are voluntary organisations, they are not organisations that are coupled together. It is people that identify themselves with the ideas and goals and they say that we are going to form a Political Party. That is what we did. People came voluntarily from the DTA, from SWAPO and CoD, we came together and decided to form an organisation that would serve the interest of those ones that are not being served by SWAPO and the others. I must put on Record in this National Assembly that it is a complete and total lie to say that the APP is a tribal Party. I challenge the Secretary-General and the Deputy Secretary-General to come out and prove that we are tribal. (Intervention)

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**HON MINISTER OF VETERANS AFFAIRS:** On a Point of Information. Honourable Shixwameni, I think you have some experience in Parliamentary language. People do not use the word “*lie*”. You may say it is not true, but

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you do not say it is a lie.

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**HON SHIXWAMENI:** It is untrue to say that the APP is a tribal Party. It is also untrue to say that it is a family Party. (Intervention)

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**HON KAURA:** May I ask the Honourable Member a question? Honourable Member, if a Political Party selects presidential candidates and these presidential candidates are from one tribe, is that Party not a tribal Party?

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**HON SHIXWAMENI:** You have just hit the nail on the head because it is true. Let us look at ourselves in this Parliament, let us pause a bit and look at it. I can bring statistics of the leadership of the various Parties and I can tell you that one or the other Party's leadership is 60% members of one ethnic group. Therefore, let us not play a game here of trying to profile other people, because profiling can bring difficulties and I hope that this propaganda will be stopped because it is divisive for our 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? Why, at one time during the election, was your brother giving an interview and he was saying the "*Shixwameni Party*?" He mentioned that on television.

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**HON SHIXWAMENI:** Once again I would like to challenge the Honourable Minister to produce that tape. (Intervention)

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**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT:** May I ask you a question? Why did your brother go to Noordoewer for a whole day and when in the afternoon the NBC-TV asked, "*Where are the people*", he said they are still coming. He was alone and he came back without addressing the people? Does

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it mean that you spent such a lot of money from Kavango to Noordoewer, only to come back empty-handed?

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**HON SHIXWAMENI:** Honourable Speaker, the word that I withdrew is “*lie*”. If you would allow me to say it in Parliamentary language, because I will tell the Honourable Minister there that the day that the Rally was being held in Aussenkehr, your NBC ... (Intervention)

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**HON SPEAKER:** I am being too democratic, these things are very irrelevant for both sides.

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**HON SHIXWAMENI:** Honourable Speaker, what I want to say is that it is neither a Shixwameni Party and for your own information, we are born only two men and two men cannot translate into more than 11,000 votes. We are not an organisation that relies on one ethnic group because our votes are scattered all over Namibia.

I was saying that my contribution was going to be brief, but the other side prolonged it. I am saying that we are going to create dual power in the Regions there will be problems eventually. Please do not come back and cry to this House again that we want to abolish this and that structure because there is a conflict between the structures. All we want is that there must be concrete socio-economic development in the Regions. We want this statistic of 51% unemployment done with. We want poverty done with.

With that, Honourable Speaker, I must put on Record that we do not support the two Bills tabled. I thank you.

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**HON SPEAKER:** Thank you. Any further discussion?

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**HON MAAMBERUA:** Thank you, Honourable Speaker. In terms of the functions of the proposed Governors to be appointed by the President in Clause 4(c), it reads as follows, “*Generally to act as a link between the Central*

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*Government and the Regional Council or any local or traditional authority in the region concerned.”* My concern here is that the same function is also vested in the Local Government Ministry. Therefore, I am not hundred percent sure that there would not be conflict between this particular function of the Governor and that of the Minister of Regional and Local Government, Housing and Rural Development. We need to be reassured that indeed, there is no contradiction and there will not be any conflict in terms of that. Thank you.

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**HON SPEAKER:** Any further discussion?

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**HON VON WIETERSHEIM:** Honourable Speaker, I Move that the Debate be adjourned until Wednesday, the 13<sup>th</sup> of October.

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

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## **RESUMPTION OF SECOND READING: ARCHITECTURAL AND QUANTITY SURVEYING PROFESSIONS BILL:**

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**HON SPEAKER:** When this Debate was adjourned on Thursday, 7 October 2010, the Question before the Assembly was a Motion by the Honourable Minister of Works and Transport, that the Bill be read a Second Time. Honourable Moongo adjourned the Debate on behalf of Honourable Kaura and he now has the Floor.

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**HON KAURA:** Honourable Speaker, in view of the fact that there is only one minute left, I move that the Debate be adjourned until tomorrow.

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**HON SPEAKER:** Any objection? The Debate on this Motion stands adjourned until tomorrow. The House stands adjourned under automatic adjournment until tomorrow, 14:30.

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**HOUSE ADJOURNS AT 17:45 UNTIL 2010.10.13 AT 14:30**