

**LIST OF MEMBERS OF THE
NATIONAL ASSEMBLY**

SPEAKER

Dr T-B Gurirab (Mr)

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

Ms Loide Kasingo

THE CABINET

MINISTERS

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

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

Mr C Namoloh *(Defence)*
Mr B Esau *(Fisheries and Marine Resources)*
Mr I Katali *(Mines and Energy)*
Mr K Kazenambo *(Youth, National Service, Sport and Culture)*

DEPUTY MINISTERS

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

Ms P Haingura *(Health and Social Services)*
Ms A Muharukua *(Gender Equality and Child Welfare)*
Mr A Muheua *(Labour and Social Welfare)*
Ms L Lucas *(Defence)*
Mr P Iilonga *(Agriculture, Water & Forestry)*
Mr E Uutoni *(Safety and Security)*
Mr T Nambahu *(Justice)*
Mr T Tweya *(Trade and Industry)*
Dr S C Ankama (Mr) *(Works and Transport)*
Mr P Mushelenga *(Foreign Affairs)*
Mr P Shifeta *(Youth, National Service, Sport & Culture)*

Mr W Isaacks *(Mines and Energy)*
Mr S Simataa *(Information and Communication Technology)*

Mr E Kaiyamo *(Home Affairs and Immigration)*
Ms P Beukes *(Regional and Local Government, Housing and Rural Development)*

Mr U Herunga *(Environment and Tourism)*
Mr C Schlettwein *(Finance)*
Dr. D Namwandi (Mr) *(Education)*

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 Ulanga *(Chief Whip and Party Leader)*

DTA OF NAMIBIA

Mr K Kaura *(Party Leader)*

Mr P Moongo *(Chief Whip)*

NATIONAL UNITY DEMOCRATIC ORGANISATION OF NAMIBIA (NUDO)

Mr K Riruako *(Party Leader)*

Mr A Tjihuike *(Chief Whip)*

RALLY FOR DEMOCRACY AND PROGRESS (RDP)

Mr S Bezuidenhout

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

Ms C Gowases

SWANU

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

SWAPO OF NAMIBIA

Mr B Amathila	
Dr M Amweelo (Mr)	<i>(Chief 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	<i>(Assistant Whip)</i>
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 F Ueitele	
Mr E Uutoni	<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>(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
13 SEPTEMBER 2011**

The Assembly met pursuant to the adjournment.

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

ANNOUNCEMENTS

HON DEPUTY SPEAKER: A few announcements. There is a likelihood that we will not have a Session tomorrow and I would like to announce in anticipation of the International Day of Democracy, the 15th of September:

Honourable Members, Parliaments around the world will celebrate the 4th International Day of Democracy, the 15th of September. In November 2007 the United Nations General Assembly declared the 15th of September as the International Day of Democracy. The United Nations stated that: *“While democracies share common features, there is no single model of democracy and democracy does not belong to any country or Region.”*

On the 15th of September the Inter-Parliamentary Union (IPU) and the Parliaments worldwide will engage in various activities in commemorating this day. The day is meant both to celebrate democracy and to serve as a reminder that the need to promote democracy is as urgent now as ever. The theme for 2011 International Day of Democracy is: *“What do citizens expect from their Parliaments?”* The theme derives from the preparation of the First Global Parliamentary Board which examines the changing relations between citizens and Parliaments globally.

Citizens from all over the world expect their respective Parliaments to pass good laws, hold Government to account and ensure the equitable

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**TABLING OF REPORTS
HON NGHIMTINA**

distribution of national wealth in the society. Parliament must promote the culture of dialogue, respect of human rights, the rule of law, gender equality and create an environment to deliver the benefits that people badly need, such as employment opportunity, food security, health care, education and development of the masses in rural areas. We can only achieve these challenges by facing them together in the spirit of optimism and realism. Long live democracy.

With these few words, I would like to welcome all of you Honourable Members to this spring Session. As the flowers bloom, I hope our discussions will also go along with nature.

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

**TABLING: ANNUAL REPORT OF THE PORT
AUTHORITY, 2010**

HON MINISTER OF WORKS AND TRANSPORT: Honourable Deputy Speaker, I lay upon the Table, Annual Report of the Port Authority for the year ended 31 August 2010.

**TABLING: ANNUAL REPORT OF
ROADS AUTHORITY, 2009/2010**

HON MINISTER OF WORKS AND TRANSPORT: I lay upon the

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

Table, Annual Report of the Roads Authority for the year 2009/2010.

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

TABLING: REPORTS OF AUDITOR-GENERAL

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

- Office of the Prime Minister; and
- Ministry of Finance for the Financial Years ended March 31, 2010.

HON DEPUTY SPEAKER: Please table the Reports. Honourable Minister of Defence.

**TABLING: ANNUAL REPORT OF THE
MINISTRY OF DEFENCE, 2009/2010**

HON MINISTER OF DEFENCE: Honourable Deputy Speaker, I lay upon the Table, the Annual Report of the Ministry of Defence for the year 2009/2010.

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**NOTICE OF QUESTIONS
HON RIRUAKO**

HON DEPUTY SPEAKER: Please table the Report. Any other Reports and Papers? Notice of Questions.

NOTICE OF QUESTIONS

QUESTION 25:

HON RIRUAKO: I give Notice that on the 22nd of September I shall ask the Minister of Foreign Affairs:

It was reported in the *Windhoek Observer* of 9 September 2011 that the Minister of State in the German Foreign Ministry responded to questions put to him by the German Bundestag and the Left Party Parliamentarian Group. Question 4 which was put to him: *“Since the Namibian National Assembly adopted a Motion in October 2006 supporting the Herero and Nama people demand for reparation, no official dialogue has taken place between the Bundestag and/or the Federal Government with the National Assembly and/or the Namibian Government on the issue of reparations. If so, what were the content and outcome in this dialogue?”*

The answer by Dr Harald Braun in his reply was: *“To date the Namibian Government has not raised the issue of reparation with the Federal Government within the framework of an official dialogue. The Namibian Government has not taken ownership of the Herero-Nama demand for compensation endorsed by the Namibian National Assembly.”*

Would the Honourable Minister confirm or deny the statement by Dr Harald Braun, Minister of State in the German Foreign Ministry that the reason why nothing has happened so far with the Ovaherero and the Nama demand for reparation is simply because of lack of interest by our Government?

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**NOTICE OF QUESTIONS
HON TJIHUIKO**

Is it true, Honourable Minister, that the Namibian Government has failed to take ownership of the Ovaherero and Nama's demand for compensation, as endorsed by the Namibian National Assembly in a resolution adopted in October 2006?

Honourable Minister, would it be fair for one to assume that the Namibian Government is simply not interested in the plight of the Ovaherero and Nama victims of German's genocide committed against innocent Namibians during that time?

The Namibian Parliament explained in no uncertain terms what her position is. I know the Honourable Minister replied to questions, but I would like the House to know and to hear from his side.

HON DEPUTY SPEAKER: Please table the Question. Further Notice of Questions? Honourable Tjihuiko.

QUESTION 26:

HON TJIHUIKO: Thank you very much, Honourable Deputy Speaker. I give Notice that on the 22nd of September 2011, I shall ask the Honourable Minister of Regional and Local Government, Housing and Rural Development the following question:

1. Is it true that the community for Epembe Constitution draws water from unprotected sources which they share with livestock, resulting into people contracting waterborne diseases to the extent that some of them ended up in hospital?
2. Would you confirm that children fall sick regularly and they are unable to attend classes because of these inhuman conditions they are exposed to?

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**NOTICE OF QUESTIONS
HON TJIHUIKO**

3. Honourable Minister, how do you feel when you read in the newspapers and see on television Namibians, especially women and children, are drinking contaminated water and eat at dump sites twenty-one years after Independence?
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QUESTION 27:

HON TJIHUIKO: I give Notice that on the 22nd of September 2011, I shall ask the Honourable Minister of Finance the following questions:

During the Budget Debate the Honourable Minister of Finance in her Budget speech informed this august House and the public at large about the Government's good intentions of creating jobs and in the process addressing poverty in our country. Can the Honourable Minister please answer the following questions?

1. Which Government Ministry or Department is the focal point or responsible for coordinating and implementing TIPEEG?
 2. Would the Honourable Minister concur with the views expressed by some experts that long-term future of job creation through TIPEEG is very much questionable?
 3. Do you agree with the view expressed by some of your Party affiliates that TIPEEG does not have a long-term plan on dealing with unemployment and that it only focuses on short-term jobs which are not sustainable:
 4. How many real sustainable businesses have been created through TIPEEG to date?
 5. Can the Honourable Minister answer the above questions by way of breaking it down to Regions, Constituencies and business sectors?
 6. How much money has been spent to date on job creation
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**NOTICE OF MOTIONS
HON HAUSIKU / HON MAAMBERUA**

HON DEPUTY SPEAKER: Please table your Questions. Any further Notice of Questions? Notice of Motions? I recognise the Deputy Prime Minister.

NOTICE OF MOTIONS

HON DEPUTY PRIME MINISTER: I give Notice that on Tuesday, the 20th of September, I shall Move –

That this Assembly –

Discusses and ratifies the African Charter on the Values and Principles of Public Service and Administration.

I so Move, Comrade Deputy Speaker.

HON DEPUTY SPEAKER: Any further Notice of Motions? Honourable Maamberua.

HON MAAMBERUA: Honourable Deputy Speaker, I give Notice that tomorrow, Wednesday, the 14th of September 2011, I shall Move –

That, considering the genocide historical facts of the place where the Independence Memorial Museum is currently being constructed, knowing that the place where the Independence Memorial Museum is being constructed was used as a concentration camp in the aftermath of the 1904 war;

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**NOTICE OF MOTIONS
HON MAAMBERUA**

Taking into account that as a result of the inhumane treatment of the inmates of this concentration camp many people have perished at this place;

Being aware that it is costly to erect another building of similar magnitude for genocide remembrance;

And further, cognisant of the fact that the construction is taking place at one of the most horrific places where past genocidal activities were committed, that is why it is called "*Orumbo rua Katjimbondi*";

Noting that this moment, though belatedly erected, is at the right place and is of the correct magnitude and stature;

That this Assembly considers discussing and debating the proposal to rename that Independence Memorial Museum currently under construction near the Alte Feste Windhoek National Museum and passes a resolution to rename the Independence Memorial Museum to a name that reflects the description that will at all times remind Namibia and the world about the genocide that took place in Namibia, the name proposed being Genocide Remembrance Centre.

I so Move, Honourable Deputy Speaker.

HON MAAMBERUA: I give Notice that on the 27th of September 2011, I shall Move –

That this Assembly –

Debates and discusses the importance of introducing interpretation services at all State health institutions, that is hospitals and clinics, and it debates and discusses the need for a health services ombudsman in Namibia and that the Assembly resolves to ask the Minister responsible for Health to consider to gradually introduce interpretations for patients in the said health institutions, that is hospitals and clinics, and that it resolves

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NOTICE OF MOTIONS
HON KUUGONGELWA-AMADHILA / HON KATALI

to ask the Minister responsible for Health to advise this House on the practicality or otherwise of the creation of a function for health services ombudsman.

I so Move.

HON DEPUTY SPEAKER: Please table your Motions. Minister of Finance.

HON MINISTER OF FINANCE: Honourable Deputy Speaker, I give Notice that on Tuesday, the 20th of September, I shall Move –

That leave be given to introduce a Bill to provide for transfer of judges' pensions and gratuities from the State Revenue Fund to the Members of Parliament and Other Office-Bearers Pension Fund; to repeal the Judges Pensions Act of 1990 and to provide for incidental matters.

HON DEPUTY SPEAKER: Please table the Motion. Honourable Minister of Mines and Energy.

HON MINISTER OF MINES AND ENERGY: Honourable Deputy Speaker, I give Notice that on Tuesday, the 20th of September, I shall Move –

That leave be given to introduce a Bill to provide for the establishment, constitution, powers and functions of the Earth Science Council of Namibia; to provide for the registration of earth scientists; to specify the education and training and qualifications of persons practising the earth science profession; to provide for control over the practising of earth science professions and to provide for incidental matters. I so Move,

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**MOTION OF CONDOLENCE
HON PROF KATJAVIVI**

Honourable Deputy Speaker.

HON DEPUTY SPEAKER: Please table the Motion. Honourable Katjavivi

MOTION OF CONDOLENCE

HON KATJAVIVI: Honourable Deputy Speaker, Honourable Members, I Move an unopposed Motion that deals with the passing away of the Chief of the Bondelswarts, Captain Anna Katrina Christian. As Members may recall, she passed away at the Katutura State Hospital on the 7th of September this year.

The Namibian Government acknowledged her role she played during the liberation struggle and for that she was honoured in August 2010 during the Heroes Day Commemoration in Lüderitz with an Order of the First Class Grand Commander of the Eagle Medal. Perhaps, Honourable Deputy Speaker, you might wish to call on the House to rise and to observe a minute of silence in memory of the late Chief. Let her soul rest in eternal peace.

THE HOUSE OBSERVES A MINUTE OF SILENCE

HON DEPUTY SPEAKER: Message from the Head of State? Ministerial Statements? Any other statements?

HON PROF KATJAVIVI: Honourable Deputy Speaker, Honourable

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ADJOURNMENT

Members, I have the particular pleasure to inform the House that Honourable Loide Kasingo, our Deputy Speaker, was conferred with an Honourary Professorship by the Jilin University in China on the 7th of September this year. Jilin University is one of the leading national Universities under the guidance of the Ministry of Education of China, located in Changchun, the capital city of Jilin Province in north-east China. I would, therefore, like on behalf of many of us, if not the whole House, to congratulate her for this splendid achievement. Honourable Kasingo, congratulations and well done.

HON DEPUTY SPEAKER: Thank you. The Prime Minister will adjourn the House.

RT HON PRIME MINISTER: Thank you, Deputy Speaker. Let me join Professor Katjavivi in congratulating you for the title of Professor of Jurisprudence. On that note, I Move that we adjourn until 20 September 2011 at 14:30.

HOUSE ADJOURNS AT 15:09 UNTIL 2011.09.20 AT 14:30

**NATIONAL ASSEMBLY
ASSEMBLY CHAMBERS
WINDHOEK
20 SEPTEMBER 2011**

The Assembly met pursuant to the adjournment.

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

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

**TABLING: REPORTS OF STANDING COMMITTEE ON
INFORMATION AND COMMUNICATION TECHNOLOGY**

HON DR AMWEELO: Thank you, Honourable Deputy Speaker. I lay upon the Table for discussion on Tuesday, 27 September 2011, the Report of the Parliamentary Standing Committee on Information and Communication Technology:

1. On the Study Visit to the Parliament of Uganda from the 1st to the 4th of November 2010;
2. On the Study Visit to the Parliament of Rwanda from the 14th to the 20th of November 2010;
3. On the Workshop on ITC Policy and Legal Framework held in Swakopmund from the 14th to the 17th of December 2010.

HON DEPUTY SPEAKER: Please table the Reports. Other Reports and Papers? Honourable Deputy Minister of Finance.

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**TABLING OF REPORTS
HON SCHLETTWEIN**

TABLING: REPORTS OF THE AUDITOR-GENERAL

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

1. The Ministry of Foreign Affairs for the Financial Year ended 31 March 2010;
 2. Ministry of Justice for the Financial Year ended 31 March 2010;
 3. Ministry of Trade and Industry for the Financial Year ended 31 March 2010;
 4. Minister of Finance (Department of Inland Revenue) for the Financial Years ended 31 March 2007, 2008 and 2009; and
 5. Ministry of Youth, National Service, Sport and Culture for the Financial Year ended 31 March 2010.
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HON DEPUTY SPEAKER: Any further Reports and Papers? Notice of Questions. Notice of Motions? Honourable Katjavivi.

LEAVE OF ABSENCE

HON PROF KATJAVIVI: I Move without Notice, that leave of absence, due to his illness, be granted to the Deputy Minister of Mines and Energy, Honourable Willem Isaack, until the 24th of November 2011.

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**NOTICE OF MOTIONS
HON NYAMU / HON MOONGO**

HON DEPUTY SPEAKER: Table the Motion. Any further Notice of Motions? Honourable Nyamu.

NOTICE OF MOTIONS

HON NYAMU: Honourable Deputy Speaker, I give Notice that tomorrow, the 21st of September 2011, I shall Move –

Given our collective resolve to foster and consolidate democracy and National unity –

That this Assembly –

Debates the occasional introduction and wording of Political Party colours in the House as well as the display and the indiscriminate hoisting or display of Party flags throughout the country in order to agree to a common amicable policy and practice for general observance by all. I so Move.

HON DEPUTY SPEAKER: Table the Motion, please. Any further Notice of Motions? Honourable Moongo.

HON MOONGO: Honourable Speaker, I give Notice that tomorrow, Wednesday, the 21st of September 2011, I shall Move –

That this Assembly –

Discusses the derogatory dehumanising and heartfelt expression, such as hate speeches and name-calling that originated from the liberation struggle

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HON HAUSIKU

and apartheid era which are still practised and expressed today towards Opposition Party Members after 21 years of Independence and that a law should be initiated to prohibit hate speech, disturbing other Political Parties' rallies that may cause political intolerance, conflicts and ultimately mass killings, such as genocide, as has been experienced in some parts of Africa. I thank you.

HON DEPUTY SPEAKER: Table the Motion. Any further Notice of Motions? Ministerial Statements? The First Notice of Motion is by the Deputy Prime Minister. Does the Deputy Prime Minister Move the Motion?

**CONSIDERATION: AFRICAN CHARTER ON VALUES
AND PRINCIPLES OF PUBLIC SERVICE**

HON DEPUTY PRIME MINISTER: I Move the Motion.

HON DEPUTY SPEAKER: Who seconds the Motion? Any objection? Agreed to. The Honourable Deputy Prime Minister has the Floor.

HON DEPUTY PRIME MINISTER: Thank you, Comrade Deputy Speaker, Honourable Members, by way of informing you on the background that led to the adoption of the African Charter on the Values and Principles of Public Service and Administration, just the following:

The Second Pan-African Conference of Ministers of Public and Civil Service, held in November 1989, mooted the creation of an African Public

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HON HAUSIKU

Service Charter to lay a strong foundation for governance and public administration in Africa. The Charter was subsequently adopted at the Third Pan-African Conference of Ministers of Public and Civil Service held in February in 2001 in Windhoek.

During the Fourth Pan-African Conference of Ministers of Public and Civil Service, held in May 2003 in South Africa, it was decided to broaden the work on the Charter and to integrate it fully into the African Union Commission's work programme.

The Fifth Pan-African Conference of Ministers for Public Service, held in December 2005 in Addis Ababa, Ethiopia, requested Algeria to lead the review process of the Charter and to facilitate its adoption by the African Union Commission.

Namibia, as the champion of the African Public Service Day thematic of the Ministers' programme, was co-opted on the review team. Yes, we played a critical role since the inception of the review to its logical conclusion as a continental authority on the Charter. This position emanated from a long history of implementation of the African Charter at country level and the fact that we have our own Namibian Public Service Charter as well as the cascading of the Charters through the development of Custom Service Charters to Offices, Ministries and Agencies.

The work of the Pan-African Conference of Ministers responsible for Public Service is underpinned by the African Governments and public administration programme. The said programme is supported by the long-term strategy for the transformation of African Public Service to a capable development stage. The Charter plays a pivotal role in this process and is thus a flagship instrument that will guide and aid in the realisation of capable developmental states across the continent.

The aim, Comrade Deputy Speaker, of the introduction of the African Charter as a normative framework was to provide countries with means to establish new approaches and adapt to changes taking place at an unparalleled speed on the whole continent. The Charter serves a change agent to provide African countries with a soft landing in the Public

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HON HAUSIKU

Service transformative process that is sweeping across the continent.

In addition, Comrade Deputy Speaker, it helps member countries to recognise and embrace the African Charter as an important catalyst to the Public Service reform agenda on the whole continent. The Charter promotes professionalism and attributes such as merits, ability to perform as well as honesty and adherence to the principles and values of democracy by employees.

The Charter covers the following areas:

- The definitions, objectives and principles of the Charter;
- The obligation attached to Public Service and administration;
- Rules of conduct by the Public Service employees;
- Guarantees of rights of Public Service employees;
- Management and development of human resources; and
- Implementation and monitoring of mechanisms

and lastly, a few final provisions that we have provided to you for reading.

The reviewed Charter was formally adopted by the Assembly of Heads of State of Government of the African Union Commission at the end of January 2011 in Addis Ababa, Ethiopia and from that day it is known as the African Charter on Values and Principles of the Public Service and Administration.

The Charter was presented to the Seventh Pan-African Conference of Ministers of Public Service held in Nairobi, Kenya, in May 2011. Namibia was one of the first few countries to endorse the Charter along with Kenya, Gambia, Mozambique and others on the 14th of May 2011 during the closing ceremony of the conference.

The Office of the Prime Minister, Comrade Deputy Speaker, subsequently approached Cabinet to report on the outcomes and decision of the Seventh Pan-African Conference of Ministers of Public Service as well as to seek further guidance from Cabinet on further administrative modalities on the ratification of the African Charter on Values and Principles of Public

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**AFRICAN CHARTER ON PUBLIC SERVICE
HON SHIXWAMENI**

Service and Administration. Cabinet, as a result of the aforementioned process, directed the Office of the Prime Minister to approach Parliament with a view to formally table and seek ratification of the Charter, which will pave the way for its full implementation and mainstreaming in our national governance and public administration programme.

Having said that, Comrade Deputy Speaker, Honourable Members of the National Assembly, I now Move that this Honourable House discusses this Charter and, indeed, finally ratify it as proposed. I thank you very much for your attention.

HON DEPUTY SPEAKER: Any further discussion on the Charter? I recognise Honourable Shixwameni.

HON SHIXWAMENI: Honourable Deputy Speaker, I congratulate you on your professorship from China and I Move that the Debate be adjourned until tomorrow.

HON DEPUTY SPEAKER: Any objection? The Debate on the Charter is adjourned until tomorrow. The second Notice of Motion is by Honourable Maamberua. Who seconds the Motion? Any objection? Honourable Minister of Justice.

**MOTION ON RENAMING OF THE
INDEPENDENCE MUSEUM**

HON MINISTER OF JUSTICE: Honourable Deputy Speaker, if I may

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**MOTION ON INDEPENDENCE MUSEUM
HON RIRUAKO**

be given the opportunity to explain my objection. I am a Member of the leadership of this country and I have observed the construction of the building and I have been waiting to know what is planned, at what stage we are going to be informed what it is and I just feel it is totally premature for us at this state to hijack a project that we see being constructed. This building is not being constructed by the National Assembly, it is being constructed by an institution of Government and, therefore, if we have questions, wanting to know what is being built, for what purpose and how it is going to be called, we have to find a platform. It cannot be hijacked on the Floor of Parliament that we want this building to be called whatever. It is not procedural and, therefore, I plead with this National Assembly that we should give those that are busy constructing this building an opportunity to do what they intend to do without interfering.

Therefore, Comrade Deputy Speaker, I propose that this discussion not be continued forthwith because it is premature. Thank you.

HON DEPUTY SPEAKER: Any secondment for the objection? In this situation the Chair has no alternative than to divide the House.

HON RIRUAKO: Honourable Deputy Speaker, that building is for a museum of this country. We are going to Germany to bring certain things to be put in that museum and do not know where the rejection of this museum comes from. The point is that we have to communicate with one another on what is meant by the Motion. That is a museum we are going to use after we come back from Germany. I want to know from the Mover of the Motion whether he has really found out where these skulls are going to be kept. The rejection of this is because it was not thoroughly checked. Could somebody elaborate on what are we building there? That is the point.

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**MOTION ON INDEPENDENCE MUSEUM
HON PROF KATJAVIVI / HON IIVULA-ITHANA**

HON PROF KATJAVIVI: Honourable Deputy Speaker, in the light of what had transpired, I suggest that we postpone the discussion of this issue for consultation.

HON DEPUTY SPEAKER: Honourable Members, you are putting me as the Chair of this House today in a dilemma, because the Motion was moved, objected to and it is problematic to adjourn the Debate.

HON MAAMBERUA: Comrade Deputy Speaker, which Rule is it that allows for a Motion which has just been tabled?

HON DEPUTY SPEAKER: You cannot ask the Chair that type of question. The House is divided. (Interjections) The objection should be withdrawn first. If it is not withdrawn, I am going to proceed as the procedure dictates me to do.

HON MINISTER OF JUSTICE: Comrade Deputy Speaker, I raised the objection on account of the fact that there was no consultation. The issue is just raised from the Floor of Parliament that we should name an institution that we are just seeing being built. If we are saying the issue should go for consultation, I have no objection, we can go for consultation so that the Member initiates the consultative process with all concerned. It cannot just be a single representative of a Party who dictates on the Floor of Parliament what should be done. That is not procedural, it is not fair.

HON MAAMBERUA: On a Point of Order. The Member alluded to a single Member dictating to the House and the Member being referred to is

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me. Can the Member please withdraw the word?

HON DEPUTY SPEAKER: For the sake of progress, Minister of Justice, please withdraw.

HON MINISTER OF JUSTICE: Comrade Deputy Speaker, the word “*dictating*” is not insulting, is not derogatory and is not prohibited according to parliamentary language and, therefore, I do not see any grounds to withdraw such a word.

HON DEPUTY SPEAKER: On that note this Motion is deferred for further consultation. The Third Notice of Motion is one by the Honourable Minister of Finance. Does the Honourable Minister Move the Motion?

HON DEPUTY MINISTER OF FINANCE: Honourable Deputy Speaker, I Move that this item be postponed to the 13th of October.

HON DEPUTY SPEAKER: This item is adjourned until the 13th of October 2011. The Fourth Notice of Motion is by the Minister of Mines and Energy. Does the Honourable Minister of Mines and Energy Move that the Bill be now introduced?

**INTRODUCTION AND FIRST READING:
EARTH SCIENCE PROFESSIONS BILL**

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**EARTH SCIENCE PROFESSIONS BILL
HON KATALI**

HON MINISTER OF MINES AND ENERGY: I so Move, Honourable Deputy Speaker.

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.

SECRETARY: *Earth Science Professions Bill.*

HON DEPUTY SPEAKER: Does the Honourable Minister of Mines and Energy Move that the Bill be now read a Second Time?

**SECOND READING:
EARTH SCIENCE PROFESSIONS BILL**

HON MINISTER OF MINES AND ENERGY: I so Move, Honourable Deputy Speaker.

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

HON MINISTER OF MINES AND ENERGY: Thank you, Honourable Deputy Speaker, Honourable Members of this august House.

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**EARTH SCIENCE PROFESSIONS BILL
HON KATALI**

Last week I have tabled the Earth Science Professions Bill and it is now my distinct pleasure to introduce this Bill to you.

Way back in the mid-nineties the Geological Society of Namibia took cognisance of the fact that Earth Science professionals, such as geologists, geo-physicists, geo-chemists and geo-technicians do not enjoy the same professional status as those practitioners who require registration to carry out their professions, such as engineers, lawyers and medical doctors, to name but a few. This became particularly evident during the WASCOM exercise of the Namibian Government when Earth Scientists were evaluated considerably lower than their colleagues from the engineering profession and the reason given was the lack of registration requirement. The fact that Earth Scientists had to undergo a tedious and long-term university education, which is in no way inferior to studies in engineering, was not recognised at all.

In addition, the Geological Society of Namibia also noted that the lack of registration requirements and, thereby, binding commitment to a code of conduct allows people to practise as Earth Scientists without any central control of their qualifications and experience. The Geological Society of Namibia, therefore, embarked upon a member survey to get support for an Earth Science Professions Bill.

After this support was received from a majority of members, drafting of a Bill commenced. The Drafting Committee used other examples, such as the Namibian Architects and Quantity Surveyors Act, the Namibian Engineering Professions Act as well as Earth Science legislation from other countries to base their draft on.

The first draft went through an intense interaction with the members of the Geological Society of Namibia, employees of the Ministry of Mines and Energy and the Cabinet Committee on Legislation, who made many changes necessary and the draft Bill is now ready for introduction.

Honourable Deputy Speaker, Honourable Members, Earth Scientists are key to the Namibian economy and are indispensable to ensure the smooth operation of our daily lives. They are the ones who find new mineral

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HON KATALI**

resources, who make our mining operations work, who find underground water, who investigate the foundations for our infrastructure development, such as roads, houses and dams, and they are the ones who research the composition of the earth beneath our feet so that it can be utilised in a sustainable manner for the benefit of all our citizens.

Earth Sciences are an indispensable tool for the development of our country and those practising Earth Science professions need to be recognised, while at the same time be held accountable.

The Earth Science Professions Bill, therefore, proposes an Earth Science Council of Namibia with voluntary registration of Earth Scientists, in particular those who have direct contacts with Government and the public. Such registration will indicate the level of professional competence and ethical standards. The Council would be a self-regulatory body recognised by statute. The registration is on the basis of academic qualifications and relevant experience. Registered Earth Scientists have to comply with professional standards of competence and a code of conduct which the Council has disciplinary powers over.

It is envisaged that the Earth Science Professions Bill will serve to obtain full recognition of the professionalism of Earth Scientists active in Namibia and to guarantee accountability of Earth Scientists to the public and to the Government and also to improve control on the quality of geological advice and reports. It will also serve to guarantee the quality and integrity of reporting by exploration and mining companies which is carried out by Earth Scientists.

In addition, the Earth Science Council of Namibia will provide legal recognition to Namibian Earth Scientists to allow them to operate on an equal footing with their foreign colleagues, as registration for Earth Scientists is a common requirement in many countries abroad and I just want to mention South Africa as an example.

Lastly, Honourable Deputy Speaker, Honourable Members, I would miss out on an important aspect if I did not mention that the Earth Science Council of Namibia will be self-funding by raising contributions from its

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HON DR AMWEELO**

registered members as well as sponsorships from companies and organisations with Earth Science activities. It will hence not create any demands on Government coffers.

Honourable Deputy Speaker, Namibia is proud to have one of the most foremost geologists worldwide, our very own Founding Father of the Nation. This alone is reason enough to give better recognition to the Earth Sciences and those who practise in this important field. I, therefore, humbly request your support for this long overdue piece of legislation and I thank you.

HON DEPUTY SPEAKER: Thank you. Any further discussion? I recognise Honourable Dr Amweelo.

HON DR AMWEELO: Honourable Deputy Speaker, I Move that the Debate be adjourned until Thursday, this week.

HON DEPUTY SPEAKER: The Debate on the said Bill is postponed until Thursday, this week. I humbly request the Right Honourable Prime Minister to adjourn the House until tomorrow.

RT HON PRIME MINISTER: I Move that we adjourn the House now and return here tomorrow at 14:30.

HOUSE ADJOURNS AT 15:36 UNTIL 2011.09.21 AT 14:30

**NATIONAL ASSEMBLY
ASSEMBLY CHAMBERS
WINDHOEK
21 SEPTEMBER 2011**

The Assembly met pursuant to the adjournment.

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

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

NOTICE OF QUESTIONS

QUESTION 28:

HON MOONGO: Honourable Deputy Speaker, I give Notice that on Thursday, the 22nd of September 2011, I shall ask the Prime Minister:

It is unforgettable and obvious that some foreign Governments, individuals and various companies donated and assisted financially and materially to this House for the thousands of victims who were affected by the flood disaster this year.

1. Can the Prime Minister inform this House and the entire Nation as to whether the donations to the affected people were accounted for? If yes, by whom or by which office and were any irregularities or corrupt activities reported?
2. Can the Prime Minister give us a full report on how many tons of food was donated?

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**NOTICE OF MOTIONS
HON !NARUSEB**

3. How many tons were distributed to the affected individuals or households and how many were left over in the storerooms?
4. Was there any foodstuffs that got rotten or spoiled

HON DEPUTY SPEAKER: Any further Notice of Questions? Notice of Motions? Honourable Minister of Lands and Resettlement.

NOTICE OF MOTIONS

HON MINISTER OF LANDS AND RESETTLEMENT: Thank you, Honourable Deputy Speaker. I give Notice that tomorrow, the 22nd of September 2011, I shall Move –

That this Assembly –

In accordance with Section 63(2) of the Agricultural (Commercial) Land Reform Act 6 of 1995 resolves to appoint, upon recommendation of the Minister, Mr Jeff Uugwanga Mbako as a member of the Land Reform Advisory Commission for the remaining period of three years following the resignation of Mr Phillip Tjerije. I so Move, Honourable Deputy Speaker.

HON DEPUTY SPEAKER: Please table the Motion. Message from the Head of State? Any Ministerial Statements? Honourable Minister of Home Affairs and Immigration.

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**MINISTERIAL STATEMENT
HON NGHIDINWA**

MINISTERIAL STATEMENT

HON MINISTER OF HOME AFFAIRS AND IMMIGRATION:

Honourable Deputy Speaker, Honourable Members of this august House. I rise to inform the Nation on the current status of the automation of birth, marriage and death records.

In 2009, during the Budget speech I informed the Nation on the plan of the Ministry of Home Affairs and Immigration regarding the automation of birth, marriage and death records, to convert them from manual into an electronic system. Such project was given to a company called Document Warehouse and the project was started in 2010/2011 Financial Year. During the initial stage the company promised the Ministry that they will convert these records within two years. As a result, all files from the regional offices were sent to Windhoek for automation purposes.

Due to the fact that all these files are now in Windhoek for automation, the staff members in the Regions are sometimes unable to assist clients when they need duplicates of their documents. However, since August this year most of the files were scanned and indexed as well as documented in archives. In the beginning of September 2011, some of the Regions were connected with the system. However, there was some under-estimation of the population of the Namibian Nation, hence the capacity of the server was not able to carry such information at once. Now the Ministry and the Document Warehouse are ready to overcome such technical problem in due course.

The other factors contributing to that is that during the computerisation we observed that some Namibian people applied for birth certificates up to seven times and that also makes it difficult for a person to be allocated just one number. The second durable solution is the implementation of a National Population Registry System which will roll out in due course to support the abovementioned new automated system.

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**MINISTERIAL STATEMENT
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In the same vein, I would like to inform the august House that soon the Ministry will introduce the new birth, marriage and death certificates with security features. The new full birth certificate with security feature is waterproof and is difficult to be forged. Not only birth, but also marriage and death certificates. The Ministry will announce the launching of new birth, marriage and death certificates on a date to be announced.

Honourable Deputy Speaker, Honourable Members, I would also like to inform the Nation on the issue of Grade 12 learners who are not in possession of full birth certificates but only abridged birth certificates.

Arrangements have been made with the Ministry of Education and my Ministry. The letter is already sent by the Ministry of Education to all institutions of higher learning to accept abridged birth certificates while the Ministry is completing the project of automation of birth, marriage and death records. As usual, please come and collect your passports and identity documents. I thank you.

HON DEPUTY SPEAKER: I thank the Honourable Minister. Any further Ministerial Statements? The First Notice of Motion is the one by Honourable Nyamu. Does the Honourable Member Move the Motion?

HON NYAMU: Honourable Deputy Speaker, I Move that the Debate on this Motion be postponed until next Tuesday, the 27th of September.

HON DEPUTY SPEAKER: Any objection? Agreed to. The second Notice of Motion is by Honourable Moongo. Does the Honourable Member Move the Motion?

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HON SHIXWAMENI**

HON MOONGO: Honourable Deputy Speaker, I also Move that this Motion be postponed until next Tuesday.

HON DEPUTY SPEAKER: Any objection? The item is postponed to the 27th. The Secretary will read the First Order of the Day.

**RATIFICATION OF AFRICAN CHARTER ON THE
VALUES AND PRINCIPLES OF PUBLIC
SERVICE AND ADMINISTRATION**

SECRETARY: Resumption of Ratification of the African Charter on the Values and Principles of Public Service and Administration.

HON DEPUTY SPEAKER: When the Debate was adjourned on Tuesday, the 13th of September, the Question before the Assembly was a Motion by the Honourable Deputy Prime Minister. Honourable Shixwameni adjourned the Debate and he now has the Floor.

HON SHIXWAMENI: Thank you, Honourable Deputy Speaker, for the Floor. I would just like to make a very brief statement regarding the African Charter on the Values and Principles of Public Service and Administration in Africa. I must, of course, from the onset say that the document is basically noble and we should commend it that African Ministers for Public Service have come up with such a noble document. The question, of course, is implementation and that is what I would like to emphasise.

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Both the objectives and the principles, as stated in the document, are issues that we have already domesticated through the Public Service Act of 1995. Therefore, as we speak here and as we are asked by the Deputy Prime Minister to ratify this Charter, most of the ideas contained in this Charter, when you read the Public Service Act of Namibia of 1995 and the Public Service Charter of Namibia, you see that there is a cross-feeding from these documents that were generated by Namibia to the African Charter on the Values and Principles of Public Service. That is why I basically want to concentrate on implementation because that is where we are failing as Africa.

We adopt these good, nice-reading documents with laudable principles, but when it comes to their implementation we basically fail ourselves as a continent and I hope, as is indicated in the speech of the Deputy Prime Minister, that those ones who have already signed the Charter, the likes of Gambia and others, including Namibia, that we would be able to encourage other African countries to adopt the Charter as a guiding principle for all the African States. The problem with Africa, as put by analysts, is that you ratify, and then you sit at home and do not implement what you have ratified. Therefore, it would be good indeed to encourage that all African countries ratify it so that we apply the same norms to our Public Service and to our public administration. I hope the message goes to both the Right Honourable Prime Minister and the Deputy Prime Minister that they will take this issue to the African Union because there is confusion emerging from Addis Ababa. Many documents and agreements are agreed upon, but when it comes to its implementation, the Africans are divided. The last case scenario is the issue of the Ivory Coast and the way it was settled and if you look at Libya, the way it is now being resolved. It is a clear indication that although we prescribe to these noble objectives, at the end of the day we are not ready as individual countries to stand up and say what we have agreed upon should stand and should not fall. That, I guess, was the ideal that Kwame Nkrumah stood for, that Africans will stand as a united nations both at regional level and at international platforms. (Intervention)

HON DEPUTY MINISTER OF GENDER EQUALITY AND CHILD WELFARE: May I ask my brother from the old NANSO a question?

HON SHIXWAMENI: NANSO is not old, but you can ask the question.

HON DEPUTY MINISTER OF GENDER EQUALITY AND CHILD WELFARE: Honourable Shixwameni, we are discussing the ratification of a charter, but you mention Libya. When the things happened to Libya, did they ratify it or what happened? Can you tell the House and the Nation out there, because when Libya started like that, it was ratified. That is my question.

HON SHIXWAMENI: Mine is an encouragement to Africans to stand united, that when we sign documents we should live by it. We should not sign documents and then go back home and not do what we have agreed upon, whether at Addis Ababa or Accra or wherever. We should be able to all act in unison to implement what we have agreed upon, because when you read this document and the proposed actions that need to be taken, the de-politicisation of the Public Service, the point that is mentioned in Article 3, that the public servants should maintain continuity, is a very important principle, because Public Services in Africa, particularly the top crop of the Public Service in Africa, has been politicised so much that they cannot recognise that democracy is at work. They want to remain with the old crocs and when they are challenged, they basically are politicians themselves. The senior management in most Public Services are politicians onto themselves. This Charter is proposing that the Public Services throughout Africa should maintain continuity. We should be able to maintain administration.

If one looks at Italy after the Second World War, they had as many Governments per annum, the turnover has been so high, but because the

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Public Service is the core, the heart of the state for it to continue, they have changed prime ministers just as you can change underwear, but the Italian State has stood the test of time and is still standing.

If you look at Japan after the Second World War, they have changed prime ministers time and again, but the Public Service has ever remained consistent to serve the Government of the day and not to become a State onto themselves. (Interjection)

HON KAURA: Recently five in five years.

HON SHIXWAMENI: Yes, recently five in five years. That is why I am saying it is good for us that they have already started in Namibia with our Public Service Act and the Public Service Charter, that we should basically be the Messiahs spreading the message across Africa, let us do the things the correct way. The Head of State or the Cabinet, the Government of the day for a particular period in time should not manipulate the Public Service to the advantage of the Government of that time. (Intervention)

HON DEPUTY MINISTER OF EDUCATION: May I ask a small question? Can you explain to me what is meant or if you are to explain to a layman in the street there, by Article 3 of the African Charter on the Values and Principles of Public Service and Administration? 1) Equality of all users before the Public Service. What does that mean? 2) Continuity of Public Service in all circumstances. What does it mean, especially continuity of Public Service in all circumstances? Does it mean we should never release any Civil Servant? Would this not prevent from hiring new Civil Servants or what does it actually mean?

HON SHIXWAMENI: I do not know how to answer the Doctor because he knows exactly what it means. My Comrade here is saying it is the complete opposite of jobs-for-comrades. The Public Service is there to serve all nationals of a State. The factor of equality is that you serve the members of the public equally, irrespective of their politics, irrespective of their ideology, irrespective of their ethnic origin, irrespective of their tribe, because the Public Service represents the heart of the State.

On the other issue, the continuity of Public Service in all circumstances, as I have just explained, the Public Service, to take the example of Namibia, should be there to serve all Namibians. Should the APP take over Government, we should be able to guarantee... (Interjection)

HON MEMBER: When?

HON SHIXWAMENI: You know that the South African regime said that you will never come to power. You have forgotten that, but they were defeated. So, watch out for history.

Continuity of Public Service should mean one thing: The Public Servants that are currently serving under a SWAPO-led Government, should have security of tenure when the APP takes over and that they will not be victimised or that they will not be replaced summarily without the due process of law. I am sure the Doctor understands that. That is important because that is the core of the States that are thriving, because if we personalise State administration, we run the risk that at the end of the day when one Government is replaced, the Public Servants refuse to work with the new power. We have seen this example and that is why I am saying the Office of the Prime Minister in our country should drive the message across to all African States, because you see the situation in Zimbabwe where Public Servants, senior military officers are saying that they are not going to salute Morgan Tsvangirai if he becomes the president. Who are they? They are not the State? They should be able to serve just as they

served the Mugabe regime if Tsvangirai comes to power. They should respectively serve Tsvangirai. (Intervention)

HON DEPUTY SPEAKER: Can we confine ourselves to Namibia?

HON SHIXWAMENI: No, I am talking about the African Charter.

RT HON PRIME MINISTER: On a Point of Information to my dear Colleague. As one of the fathers of this Nation, and I know that you are an endangered species, I want to draw attention to Article 141 of our Constitution. Article 141 was put there with a purpose despite the fact we knew that the core of the Civil Servants we found here were not likely to be loyal to the new order. Now, do you not think that you are just preaching to the converted?

HON SHIXWAMENI: Thank you Right Honourable Prime Minister. I started off by saying that Namibia should be an example and should carry out its message to all other African States. Indeed, as you are correctly pointing out and that is the continuity of the State that Dr Namwandi was talking about, that we should ensure security of tenure to all Public Servants and should another administration take over, they should not worry that they would be kicked out of their jobs. That is the story that goes around, Right Honourable Prime Minister. The poor junior Civil Servants during election campaigns are told that if you show your colours this time, you will be fired; if you do this, you will be victimised. I know the Constitution guarantees that, I know the Public Service Act guarantees that, but those are the stories that are around.

In the African context, because we are talking in the context of the African

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Charter, what I am trying to say is that we Africans are good at signing things, but we do not adhere to it and I want to encourage our State to export this good example that we have around here to all other Africans.

The other issue that I want to talk about is Public Service, Article 10 point 3, that Public Service employees shall not use their functions and responsibilities for political or partisan purposes. I know that it is also incorporated within our Public Service Act that people at management cadre shall not occupy political office, but we know what the current practice is. Many of our Parties, in particular the majority Party, use Public Servants in the Regions at management level to basically campaign and to author articles and I think it is a practice... (Interjection) No, it is not a rumour, I can give you five names but not here on the Floor because they are not in the Chamber. There are structures that rely heavily on senior Public Servants in the Regions to campaign for a Political Party and I think we should live by what is written, because it is written both in this Charter and in our Public Service Act. Therefore, we should be able to take steps against those senior Public Servants who abuse their high-ranking positions in Government to confuse the electorate and to manipulate the electorate into one direction.

It is also good that we are talking about Article 11, incompatibilities and conflicts of interest, that senior Public Servants, whether we like it or not, are abusing their positions on many occasions, particularly when it comes to economic interest, benefiting from tenders because they have inside information and they are able to speak to their families to create shell companies in order to tender for projects. Since these things are very clearly articulated, I hope we would migrate some of the issues that are not in our Public Service Act, that would bring them in so that we would be able to deal with a clean Public Service which is not corrupt and the declaration of assets in Article 13 is highly needed because it cuts across Africa. The new African rich are indeed Public Servants in most cases because of this abuse of their position. They go in there as Permanent Secretaries or Directors, but when they come out of the Public Service, they are multi-millionaires and I think this is one trend that Africa should stem. We should also as Namibians act to stem this particular trend, so that senior Public Servants should be able to declare their assets and in

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terms of businesses, because I sometimes wonder when do senior Public Servants have time to do their job on the desk, because they sit on ten boards of directors, they have five companies and one wonders whether they do not abuse the time of the State to attend to their own private affairs.

However, it is laudable that we as Africans, because I am a supporter of African solutions to African problems, have identified these solutions and want to solve them. Africa would be clean, Africa would be corruption free, Africa will strive and I hope that the elements of the Charter which are not incorporated within our Public Service Act and within our Charter shall be migrated. It is a good start for Africa and we should give credit where it is due, that we have been able to identify these issues and I hope Africans will live up to the expectations and that we shall not do the chicken dance that we are doing at the United Nations. Some are voting for the MDC, some are voting against the MDC. We should not do what we did in the Ivory Coast, some are with Bagbo until the situation deteriorates. We should stand up and be awake and not slumber, because Africa is a continent with great potential and I think by doing the right thing, by implementing this Charter, we have an obligation and we shall be able to save Africa.

With those few remarks, I rest my case and support the Charter. Thank you.

HON DEPUTY SPEAKER: Thank you. Any further discussions?
Honourable Deputy Minister of Finance.

HON DEPUTY MINISTER OF FINANCE: Thank you, Honourable Deputy Speaker. I take the Floor to support the ratification of this very important Charter of Principles for the Public Service. I think, as was indicated in the Honourable Deputy Prime Minister's speech, we in Namibia have given effect to most, if not all, the provisions in the Charter. Therefore, there are no surprises in the Charter and the different chapters

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are all noble objectives that we in our legislative framework and in the Constitution are following in any case.

I have two questions, however, and first question relates to Article 13, that is the proposal to have declarations of assets. The Section reads: *“In order to ensure transparency in public life and to safeguard common property, Public Service employees appointed in certain positions of responsibility shall, upon taking and leaving office, declare their interests.”* My question is just to get some clarity on, one, which positions does the Office of the Prime Minister envisage to be subjected to the declarations and how are these declarations to be made? Are they declarations made in public or are they declarations made to a certain institution, just to get clarity for that.

The second question that I have is with regard to Article 15, which is the article that covers freedom of speech and association. I think it is one of the typical articles which can be used as an example of how we have given effect to these objectives already. I just have one question on Sub-article (3) which reads: *“National laws in force notwithstanding, in no case should membership of non-membership of Political Party affect the career of a Public Service employee.”*

If I recall, we have some limitations in our legislative framework that makes it impossible for certain Civil Servants in a certain rank to participate in public politics. If we ratify this, this becomes Namibian law and I just want to have clarity whether this *“notwithstanding laws in force”* would be a *de facto* Amendment of that provision that prohibits senior Civil Servants to participate in public politics. With that, I support the Charter. Thank you.

HON DEPUTY SPEAKER: Any further discussion? In the absence of any further discussion, I will give the Floor to the Deputy Prime Minister to respond.

HON DEPUTY PRIME MINISTER: Comrade Deputy Speaker, I think it is important that we provide more information on the comments made, specifically by the Honourable Shixwameni who compared our own Parties here with other African Parties and also the questions asked by the Deputy Minister. May I beg to Move that the House receives the answers on Tuesday next week?

HON DEPUTY SPEAKER: This item is adjourned until the 27th of September. In the absence of any item on the Order Paper, I will ask the Right Honourable Prime Minister to adjourn the House.

RT HON PRIME MINISTER: Honourable Deputy Speaker, I Move that we adjourn for today until tomorrow at 14:30.

HOUSE ADJOURNS AT 15:33 UNTIL 2011.09.22 AT 14:30

**ASSEMBLY CHAMBERS
WINDHOEK
27 SEPTEMBER 2011**

The Assembly met pursuant to the adjournment.

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

ANNOUNCEMENTS

HON SPEAKER: I have two brief announcements. The first one is entitled, "*We salute you Dr Wangari Maathai.*" A soul sister, Wangari Maathai of Kenya is dead, a victim of cancer. She has been beaten by many odds but stood firm facing her destiny, except we now know that that dreaded, but actually curable disease, cancer, would kill her, but like other odds she faced, Maathai gave it her very best until now.

Dr Wangari Maathai did Biology at University and through that found her larger calling to serve and indeed save humanity as a champion of the environment and bio-diversity. The Green Belt movement she founded planted more than 15 million trees in Kenya, particularly in and around Nairobi. She was looking forward to Rio Earth Summit next year.

On the political front she was a fierce advocate for multi-party democracy and political tolerance in her own country and the whole of Africa. She became Cabinet Minister and spoke publicly against all forms of corruption and violence against women and girls. A mother and wife who was abandoned by her husband. He found her too educated and talking too much about politics and advocating changes in society that he was uncomfortable with her. Wangari knew the world and the world knew her, indeed. After all, Dr Maathai became the first ever female in African Noble Laureate.

I have shared various multi-lateral platforms with her and highly respected her intelligence, dedication to worthy causes of her conviction, about Millennium Development Goals, global peace, African renaissance and

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the African Diaspora. With Saint Francis of Assisi I say to Dr Maathai, “*start by doing what is necessary, then what is possible and suddenly you are doing the impossible.*” That will show on her record, now on her journey to see the face of God. I ask the Honourable Members to join me in a minute of silence in honour of this great African Woman.

THE HOUSE OBSERVES A MINUTE OF SILENCE

I am using this platform to read out to the House that I issued, in my capacity as President of the IPU, but because of what it is, I thought it should also be reflected in the HANSARD of this Honourable House. It reads as follows:

The Inter-Parliamentary Union is delighted by the decision announced by His Majesty, King Abdullah of Saudi Arabia that Saudi women are to be given the right to vote, run in future municipal elections and be appointed to the Shura Council, which is a consultative Parliament of that part of the world. It is a historic moment and we offer congratulations to the Shura Council and to the women of Saudi Arabia. I also said that this is a first step in the right direction, there is no country left as a result of this act by the King of Saudi Arabia that discriminates against women when it comes to the right to vote and be elected. I said that I applaud the women of Saudi Arabia on their efforts and congratulate the Saudi authorities on their decision. Modern societies will be more humane and more equitable when all citizens are participating in public life.

I also take note of the role being played by the Secretary General of the IPU, Mr Anders B Johnsson, in making the facilities and expertise of IPU available to countries like Saudi Arabia and others who seek advice, support to further the ideals of democracy, political tolerance and, indeed, to help all Parliaments of the world represented in the IPU.

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

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**TABLING OF REPORTS
HON DINGARA**

**TABLING: REPORT OF STANDING COMMITTEE
ON CONSTITUTIONAL AND LEGAL AFFAIRS ON
ACCESSIBILITY OF LEGAL AND JUSTICE SYSTEM**

HON DINGARA: I rise to re-table the Report of the Standing Committee on Constitutional and Legal Affairs following its regional consultation on the accessibility of the legal and justice system of Namibia. The Committee conducted regional consultation, public hearings during the months of July and August last year in the Caprivi, Kavango and Otjozondjupa Regions. This Report was tabled in June this year, but I was informed that the Report has lapsed, hence the need for re-tabling.

I humbly encourage all Members of Parliament to set aside time to read the Report prior to my motivation during the course of this week or next week.

On behalf of our Chairperson, Honourable !Nawases-Taeyele and on behalf of all Members of this Committee and, indeed, on my own behalf as the Deputy Chairperson of this Committee, we are looking forward to a constructive Debate on this Report in the best interest of Namibian people. I so Move, Honourable Speaker.

HON SPEAKER: Will the Honourable Member table the Report? Any further Reports of Standing or Select Committees? Other Reports and Papers? Minister of Gender Equality and Child Welfare.

**TABLING: ANNUAL REPORT: MINISTRY OF
GENDER EQUALITY AND CHILD WELFARE**

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**TABLING OF REPORTS
HON SIOKA / HON MUTORWA**

HON MINISTER OF GENDER EQUALITY AND CHILD WELFARE: Honourable Speaker, Honourable Members, I lay upon the Table, Annual Report of the Ministry of Gender Equality and Child Welfare for the year 2010.

HON SPEAKER: Will the Honourable Minister table the Report? Honourable Minister of Agriculture, Water and Forestry.

**TABLING: ANNUAL REPORT:
MEATCO 2010/2011**

HON MINISTER OF AGRICULTURE, WATER AND FORESTRY: I lay upon the Table of this Honourable House the Annual Report of the Meat Corporation of Namibia (Meatco) for the year 2010/2011.

HON SPEAKER: Will the Honourable Minister table the Report? Any other Reports and Papers? Any Notice of Questions? Any Notice of Motions?

NOTICE OF MOTIONS

HON SHIXWAMENI: Thank you, Honourable Speaker. I give Notice that on Thursday, the 29th of September 2011, I shall Move –

That this Assembly –

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**NOTICE OF MOTIONS
HON DR KAMWI**

Debates the need for and adopts a resolution for the State to implement a basic poor house income grant as a measure to eliminate poverty in the country.

HON SPEAKER: Will the Honourable Member table the Motion? Any further Notice of Motions? Ministry of Health and Social Services.

HON MINISTER OF HEALTH AND SOCIAL SERVICES: Thank you, Honourable Speaker, Honourable Members. I give Notice that tomorrow, Wednesday, the 28th of September, I shall Move that –

This Assembly ratifies the Treaty and Protocol in connection with Nuclear Technology. I so Move, Honourable Speaker.

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

MINISTERIAL STATEMENT

HON MINISTER OF AGRICULTURE, WATER AND FORESTRY:
Thank you, Honourable Speaker, for giving me the Floor to make a Ministerial Statement to convey some pertinent information with regard to the Ministerial Meeting of the Zambezi Watercourse Commission (ZAMCOM) that was held in Maseru, Lesotho, last week.

The following countries, all members of the SADC, are also members of

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the Zambezi Watercourse Commission: Angola, Botswana, Malawi, Mozambique, Namibia, Tanzania, Zambia and Zimbabwe.

Article 5 of the ZAMCOM Agreement outlines and articulates the nine objectives and functions of the Commission. Some of such objectives and functions are:

- To collect, evaluate and disseminate all data and information on the Zambezi Watercourse as may be necessary for the implementation of this Agreement;
- To promote, support, coordinate and harmonise the management and development of the water resources of the Zambezi Watercourse;
- To advise member States on the planning, management, utilisation, development, protection and conservation of the Zambezi Watercourse as well as on the role and position of the public with regard to such activities and the possible impact thereof on social and cultural heritage matters.

The ZAMCOM Ministers responsible for water met on Wednesday, the 21st of September 2011 in Maseru, the capital city of the Kingdom of Lesotho, a day before the meeting of the SADC Ministers responsible for water. The Ministers noted that as per the provision of Article 26(2) of the ZAMCOM Agreement, the said Agreement came into force on the 26th of June 2011, which is thirty days after the depository of the two-third majority instrument of ratification. This comes after six of the eight countries that share the Zambezi River Basin completed the ratification processes and successfully deposited their ratification instruments with the SADC Secretariat in Gaborone, Botswana.

The 21st of September 2011 Maseru Ministerial Meeting thus formally confirmed that the required number of countries for the ZAMCOM Agreement to legally come into force had indeed been successfully reached. Ministers applauded the SADC Secretariat and the Zambezi River Basin riparian states for showing dedication and commitment that eventually led to the achievement of this important milestone of bringing

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the ZAMCOM Agreement into force.

Finally, Ministers accordingly directed the SADC Secretariat to facilitate the establishment of the ZAMCOM organs as provided for in Article 11 of the Agreement within a year. This will be done with the assistance of the existing interim ZAMCOM Secretariat, which is hosted by the Government of the Republic of Botswana in Gaborone. The interim secretariat was established in May 2011 and is financially supported by the Government of Norway through the Norwegian Embassy in Lusaka, Zambia. Comrade Speaker, thank you very much.

HON SPEAKER: I thank the Minister for the useful information. Honourable Kamwi.

MINISTERIAL STATEMENT

HON MINISTER OF HEALTH AND SOCIAL SERVICES: Thank you, Honourable Speaker, Sir, for giving me the Floor primarily to share some information on the high level meeting of the UN General Assembly on the Prevention and Control of Non-Communicable diseases.

Honourable Speaker, Honourable Members, as you may be aware, Heads of State and Government and representatives of States and Government assembled at the United Nations from the 19th to the 20th September 2011 in a high level meeting to address the prevention and control of non-communicable diseases worldwide with a particular focus on developmental and other challenges, social and economic impacts, particularly for developing countries.

At the end of the high level meeting a political declaration was adopted where the Heads of State and Government recognised the epidemic

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proportions of the challenge posed by non-communicable diseases and committed the whole of Government and the whole of society effort to respond to the challenge in an effort to reduce risk factors and create health promoting environments.

The Declaration also acknowledges the importance of strengthening national policies and health systems, the role of international cooperation, including collaborative partnerships; the need to actively promote quality research and the use of information and communication technology to improve programme implementation as well as monitoring and evaluation.

Honourable Speaker, Sir, Honourable Members, as the WHO Director General did put it during her address to the General Assembly: *“The high level meeting must serve as a wake-up call, a wake-up call not for the medical and public health professions because we are already wide awake and we know what lies ahead.”* In paraphrasing Dr Margaret Chan, I want to quote: *Right now medical and health professionals see the patients, dispense chronic care, manage the complications and disabilities, write the medical bills and agonise over the huge cost to families and societies. We plead for lifestyle changes and strict tobacco regulations, but Health Ministries acting alone cannot re-engineer societies in ways that protect entire populations from the well-known and easily modified risks that lead to these diseases and this is what needs to happen. This meeting must be a wake-up call for governments at the highest level.”*

Honourable Speaker, I am informed that a recent World Economic Forum and Harvard University Study estimates that over the next twenty years non-communicable diseases will cause the global economy more than thirty trillion US Dollars, representing 48% of global GDP in 2010. The United Nations invited Heads of State for this high level meeting because it was seen that this was responsibility falling on the Heads of State and Government, because the problem is too big and too broadly based to be addressed by any single Government Ministry.

The Heads of State and Government are involved because according to WHO the rise of these diseases is being driven by powerful universal forces, like rapid urbanisation and the globalisation of unhealthy lifestyles.

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Therefore, the response to these trends must come with equal power, with top level power that can command the right protective policies across all sectors of Government.

In Namibia WHO estimates that 19% of all deaths are caused by cardio-vascular diseases, 10% by other non-communicable diseases, 3% by cancers, 3% by diabetes and another 3% by respiratory diseases. Overall, 38% of total deaths in Namibia are estimated to be caused by non-communicable diseases.

According to WHO's 2008 estimates for Namibia, the standardised death rate per hundred thousand is higher for cardio-vascular diseases and diabetes, followed by chronic respiratory diseases and cancers. Clearly my observation at the Ministry, looking at the annual reports, cancer is killing Namibians. Prostate, breast and cancer of the cervix are becoming a common factor in this country. I urge that let us know our status, especially for those above the age of 45 years.

Honourable Speaker, Sir, Honourable Members, in the absence of urgent and concerted action, the rising financial and economic cost of these diseases will reach levels that are beyond our coping capacities. This will add to the mortality caused by HIV/AIDS and other communicable diseases, maternal and child mortality. Collectively we have the power to stop and reverse this disaster. Just like we have done it, just like we did bold action against HIV/AIDS, we should do the same for non-communicable diseases. We have the power to protect our people and keep our development efforts on track. It is about the political will, it is about us, with the knowledge to impart the knowledge we have.

Honourable Speaker, Sir, Honourable Members, given this background, I urge the nation at large to get back to the basics. Let us change our lifestyle by eating food of nutritional value, let us do manual work, exercise, refrain from eating too refined foodstuffs, such as consuming more white sugar in excess and eating polished white rice, for example, too fatty red meat. Let us do the best we can to establish gardening behind our backyards. In order to provide fruits and green vegetables, I advise those with bad habits of smoking, stop it for the sake of your family and

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neighbourhood. Let us refrain from alcohol and drug abuse. Overweight and obesity is not good health. I thank you for your kind attention.

HON SPEAKER: I thank the Minister for enlightening the House. I was witness to what the Minister has reported to the Chamber in a different capacity and I was amazed by how many Heads of State and Government attended this event. It is a global concern that we eat right and do all the things and more that the Minister has mentioned. Some of the things that define our culture and way of life are killing us and that is why the Minister was listing some of them. It is our lives, but we are better in serving the Nation when we are healthier than otherwise. Any further Ministerial Statements? The First Notice of Motion is the one of Honourable Maamberua. Does the Honourable Member move the Motion?

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HON MAAMBERUA: I Move the Motion.

HON SPEAKER: Who seconds the Motion? Any objection to the Motion? Agreed to. The Honourable Member has the Floor.

HON MAAMBERUA: Thank you, Honourable Speaker. In order to build my case I shall have an introduction, defining genocide and also

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elaborate a little bit as to the steps that are normally taken when genocide is committed. Then I shall also look at the horrific lives and conditions in the concentration camps at the time of 1904 to 1907 before I come to the final justification and conclusion of my case.

Honourable Speaker, Members of the National Assembly, I thank you all for this opportunity afforded to me to motivate the Motion of Genocide Remembrance Centre.

This is an emotion-loaded moment because the topic and issues we are dealing with today has the saddest and most unparalleled experience in Africa. There is a Nigerian proverb of the Yoruba people which states: *“If you go a place that no-one has ever been to before, you will see what no man has ever seen before.”*

Namibia, in 1904 to 1908, is a place where both the victorious and the vanquished and even the visitor have all been to, that place that no one has ever been to before. The place, of course, is none other than the Herero-Nama-Damara genocide, hereinafter referred to as the Namibian genocide.

Now let me look at what is genocide. What then is genocide? Olwoch in 2009 describes genocide as that place that exists as the final limit of destructive human experience and Raphael Lemkin, a Polish-born lawyer of Jewish descent, coined the word “genocide” in 1943 from the root words of “genos”, the Greek for family, tribe or race, and “cide” from Latin, meaning killing and used the term to signify the systematic, carefully planned and coordinated destruction of an ethnic group or a nation, setting it aside from the simplistic mayhem of mass murder. He believed then, as we do today, that genocide was not just a genocide a war crime, but a crime against humanity in itself and the immorality of genocide should not be confused with the amorality of war.

Genocide, as defined by the United Nations in 1948, is a crime against humanity and it is taken to mean, “acts committed with intent to destroy in whole or in part a national ethnic, racial or religious group and these acts

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include the following: Killing members of the group, causing serious bodily or mental harm to members of the group, deliberately inflicting on the group conditions of life calculated to bring about its physical destruction, imposing measures intended to prevent births within the group and finally, forced sibling, transferring children of the group to another group.”

This brings me to looking at how genocide is committed. If genocide is committed in a systematic, planned manner, what form, direction, proportion and methodology does it generally assume and how did it happen in Namibia?

A French critic, journalist and novelist, Jean Baptiste Alphonse Karr, described well the irony of life when he said: “*Plus ca change, plus c’est la meme chose*”, meaning, the more things change, the more they stay the same”, and what has not changed through all the ages are the nine stage of genocide. Eight of these stages were articulated by Gregory Stanton in his address to the US State Department in 1996. One added by Ian Olwoch and that is “pretext”. They rationalised that genocide was a process that developed in nine overlapping stages which they named as follows:

Pretext is the first stage; classification, symbolisation, dehumanisation, organisation, polarisation, preparation, extermination and denial. Each of these stages was predictable progressive but not unstoppable. Although these stages are indeed universal to all post-genocides, I shall present them in the context of the Namibian genocide. I am not going to present each and every one of these steps, but let me look at the first one, pretext.

It is during this preliminary phase that the negative emotions of a population are fomented, harnessed and then galvanised. For example, on May 25, 1894, Reverend Eich writes about the attitudes of the Ovaherero as follows: “*There is a great indifference to the Lord’s Word among the heathens, both at the station itself and in the outlying areas. Kambazembi is setting a bad example, he has not attended more than three services since he has settled here. He believes that he no longer needs the Word of God, the essence of which, to his mind, is that it forbids him to steal*

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because he has already been taught by the Reverend Hahn and has never stolen cattle and is thus assured of a place in Heaven.”

The other stage that I want to touch on is dehumanisation. Dehumanisation is the stage during which group denies the humanity of the other group. Members of the victim group are typically equated with animals, vermin, and insects of disease. Stanton hypothesises that dehumanisation helps perpetrators to overcome the normal human revulsion against murder.

In Namibia it was the order of the day for the indigenous blacks to be referred to as heathens and natives. For example, Hahn wrote the following about the heathens: *“How much will they understand when we speak of justice, sin, corruption, peace and even God?”*

Then we look at the stage called “preparation.” The preparation stage is actually the grand finale. According to the order of the 4th of August 1904, the various German sections were to advance on the enemy on the 10th of August the same year, while the attack was to commence on the 11th of August in terms of the following military sections: Von Estorff was to advance from Okomiparu, Von Der Heyde was to advance from Okakarara. Muller or Muhlenfels from Ombujotjimbari, Deimling from Okateitei, Von Fiedler to join Daimling Volkmann from Otjenga. That was the preparation for the extermination.

The extermination stage itself, which was already in process, was made formal policy on October 2, 1904, in General Von Trotha’s infamous “Vernichtungsbefehl” or Extermination Order, which is actually well known to many of you here and I shall not bother to recite that order of Von Trotha, basically meaning that he said all the Ovaherero people should be exterminated.

This brings me to a very important stage and that is actually the finally stage of genocide, the stage which Olwoch calls on all of us: *“For us to sit up and pay attention, the stage for us to take stock of events, to rethink our strategies, to focus on the welfare of our progeny and above all, think*

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to reclaim our humanity.” That is the final stage. However, we need to look at what denial is and what it entails.

Denial is the final stage that always follows the human catastrophe. It is the most diplomatic stage of genocide, it is the calmest, it is the most academic, it is the most imaginative and the most eloquent and yet in the same breath, it is by far the deadliest. Denial is, indeed, the surest indicator of the potential for further genocidal massacres. All through history the perpetrators of genocide dig up the mass graves, burning the bodies, try to cover up the evidence and intimidate the witnesses. In this context, this is what one guru warned about: *“When you see a snake slither with so much grace and swagger, there are many internal limbs at work invisible to the eyes of the average beholder.”*

In Namibia the colonisers have erected the Windhoek High School, the Alte Feste Museum, the Reiter and the Christus Kirche and very beautiful and aromatic gardens, being a desperate attempt for that environment to look innocent, holy, humane and sober. The Reiter, facing the Berlin, symbolises the victor’s aggression. The question is, how do we then portray the innocence of the vanquished, /” *Les Miserables*, according to Anon, of the wretched of the earth? Where are the weeping graves of the concentration camp inmates?

Fellow Members, 21 years after Independence still no symbol reminding us and the world about the genocide committed on our territory. Why? We should not be seen to deny our own history, let us agree now that on top of the new building the ever-burning torch shall be erected to render the many internal links in the stake visible for us and the world to see what had happened at Orumbo rua Katjombondi.

Under this stage of denial there are two issues of importance. One is called revisionism and the other one is negationism. I shall not deal with revision. I will look at negationism which is revisionism by denial. This is a structured stage and it is scientific and characterised by several categories and sub-categories, extrapolated by Olwoch from the works of Deborah Lipstadt, Michael Shermer and Alex Grobman and it includes the

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following: Outright denial, deflection, negationism and selective negationism and I shall deal with this in turn. (Intervention)

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

HON MAAMBERUA: Honourable Speaker, we are still at the stage of denial under a category called negationism, to negate, and under that there are three categories, outright denial, deflection, negationism and selective negationism.

Outright denial: This category rejects the very existence of the Namibian genocide and relegates it to the status of a civil war. For example, Herr Salnov, a German commander during the war who was with Von Estorff's section when the proclamation was issued, pointed out that the German soldiers, "*were not undisciplined, soldatska murdering at random but absolutely disciplined troops who would not shoot unarmed people without appearing before a military court to explain their actions.*"

Fritz Thiel, one of the then Schutz Truppe, also denied that they were ever given the order to shoot the women and children. That is outright denial.

Deflection, negationism admits the existence of the Namibian genocide, but channels the guilt for its perpetration in several directions, thereby creating several sub-categories. Based on the target onto which guilt is deflected, these include and these are now the following categories under deflection, negationism:

- (a) Historical arguments according to which the Namibian genocide was the price paid by the Herero, Nama and Damara for past atrocities on a subjugation of the other ethnic groups.

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- (b) Conspiratorial arguments according to which Von Trotha's defence in 1909 that he merely made his proclamation to make the Hereros understand that their period of domination was over, was probably the result of such sharp criticism levelled at him. It certainly did not agree with the facts. To him it involved more than the loss of domination of the Hereros, they had to get out of the country.
- (c) Defensive arguments according to which the Herero, by their aggressive actions, forced the Germans to resort to legitimate measures of self-defence. Von Trotha in his diaries wrote the following: *"This has to happen here as well. It goes without saying that war in Africa cannot be waged according to the Geneva Convention. A nation does not perish so quickly. My proclamation to the Herero nation had the purpose of making them aware of only one thought, namely that their rule was over. This could not have happened if they had asked for peace at Waterberg. That they did this and were turned away by me is a blatant lie for which there is no documentary proof."* Those are the words of Von Trotha.

Similarly, the stance of the current German Government is that international laws to protect civilians were not in force at the time of the conflict. (Intervention)

HON SPEAKER: I was remembering Rule 108(j) of the House. You may continue.

HON MAAMBERUA: Still under denial:

- (d) Reactive arguments according to which the disloyal manifested by Hereros towards the Kaiserliche Government or the German Imperial Government, triggered a backlash against them. Again Von Trotha is quoted as having said the following: *"The atrocities*

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against the dead and wounded German soldiers, the desperate conditions under which they had to pursue the Hereros and the steadily increasing number of typhoid victims caused him to change his attitude. The Hereros had to get out of the Schutz Gebiet or the protected area.”

Then the vindictive arguments in which German extremists suggest that the Hereros as a collective planned, provoked and orchestrated the Namibian genocide. Von Trotha again: *“They did not want to, they knew that they had to hand in their weapons, but they still believed that there would be negotiations as in the past. They believed that they would be able to return with their captives to the realms of their misdeeds.”*

Environmental arguments which highlight poverty, over-population and poor agricultural yields and finally, the multi-factoral arguments, which is actually a combination of all the arguments that are cited above. Then comes a very important stage still under denial and that selective negationism, which is a mixture of outright and deflective negationism:

Acknowledges that the genocide occurred, but denies any participation of one or other group in its perpetration. Its proponents typically deny involvement of their own countries in the Namibian genocide. For example, the German Minister of International Economic Cooperation, Ms Heidemari Wiczorek-Zeul at Ohamakari ascribed the genocide to General Von Trotha’s behaviour and not to the German Imperial State. Hence she declined reparation, instead she offered Namibia increase in economic cooperation. After she had concluded her speech at Okakarara a person from the crowd demanded an official apology and she replied: *“All what I have said has been an apology by the German Government.”* Of course, that was an indication that that was not her initial intention to apologise.

Now we have established that our Independence was hard-won and we need to cherish and protect it. Further we contextualised the processes that the Namibian genocide has followed, now the logical step is to bring

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forth evidential position on which we shall base our request for this august House to pass a resolution and hence, we are now looking at the impact of the concentration camps of which that one where the Independence Memorial Museum is constructed is one.

The war that culminated into genocide is said to have erupted with such ferocity that an estimated 80% of the Hereros, 50% of the Namas and 30% of the Damaras perished. This is according to Dressler in 1980. To this Emmet in 1909 adds that 1904 to 1907 wars not only resulted in calamitous loss of life, but drastically reshaped colonial policy. The demographic, social and political effects on the tribes who took part in the war were devastating. It was catastrophic, caused not only by the effects of the war but by the German measures during the war, such as the concentration camps and the native policies of the post-war years.

Amongst other cruel measures that ensued after the war, included putting people in concentration camps such as those at Shark Island, the Windhoek camp, or Orumbo rua Katjombondi, Swakopmund camp and many others. The German authorities gave each prisoner a number and meticulously recorded every death, whether in the camps or from forced labour, even including the name of each dead person in their reports. German enterprises were able to rent inmates in order to use their manpower and workers' deaths were permitted and even reported to the German authorities.

An official report on the camps in 1908 described the mortality rate as 45.2% of all prisoners held in the five camps. Graphical accounts of life in the concentration camps were described as follows: *“The prisoners were fenced in, either by thorn bush fences or by barbed wire and people were typically crammed into small areas. The Windhoek camp held about five thousand prisoners-of-war in 1906. Food rations were minimal, consisting of daily allowance of a handful of uncooked rice, some salt and water. Rice was an unfamiliar foodstuff to the Hereros and the Nama people and the uncommon diet may have contributed to the high death rate. Diseases in the camps were rampant and poorly controlled. A lack*

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of medical attention, unhygienic living quarters and lack of protein as well as high concentration of people in a small area contributed to the spread of diseases, such as typhoid, which then spread rapidly. Beatings and abuse were also part of life in the camps and the sjambok was often used to beat prisoners who were forced to work.”

A September 28, 1905 article in the South African newspaper, Cape Argus, detailed some of the abuse with the heading: *“In German South West Africa further startling allegations, horrible cruelty.”* That was the title of the article. It was written by Griffiths and he related his experience in the following manner: *“There are hundreds of them, mostly women and children and a few old men. When they fall they are sjambokked by the soldiers in charge of the camp with full force until they get up.”*

“A continuing desire to destroy the Hereros played a part in the German maintenance of such lethal camp conditions” writes Benjamin Madley. He notes elsewhere that, *“according to official German figures of 15,000 Hereros and 2,200 Namas incarcerated in the camps, some 7,700 or 45% perished”*, including the Orumbo rua Katjombondi in Windhoek.

This very first genocide of the 20th century paved the way for the prototypical mass slaughter of the century and that is the Jewish Holocaust. As summarised by Madley, *“the Herero genocide was a crucial antecedent to Nazi mass murder”* and he describes it in the following way: *“It created the German word “Konzentrationslager” or concentration camps and the twentieth century first death camp, like Nazi mass murder, the Namibian genocide were premised upon ideas like “lebensraum” or living space, annihilation war or “vernichtungskrieg” and German racial supremacy.”* In this respect it was aptly shown that individual Nazis were also linked to colonial Namibia. Herman Goering who built the first Nazi concentration camps was the son of the first Governor of colonial Namibia. Eugene Fischer who influenced Hitler and ran the institute that supported Joseph Mengele’s medical research at Ausswich, conducted racial studies in Auschwitz Namibia and Ritter Von Epp, godfather of the Nazi Party and Nazi Governor of Bavaria from 1933 to 1945 led German troops against the Hereros during the genocide.

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Final justification in conclusion: Much as we take the mission to Germany, that is now the recent one, to repatriate skulls of our people, a word of advice is in order: It will serve Namibia and its people better in the struggle for reparation if the skulls and other remains are repatriated with full documentation and information, detailing the dates, the places, the clans, the names of individuals, of when and from whom and from where these skulls were taken. More important is specific compensation from the German authority that will accompany these skulls and remains.

Hence, considering the national significance of the genocide, its magnitude and centrality to our Independence struggle for self-determination, knowing that an attempt was already made by the perpetrators to erase the traces of the genocide at Orumbo rua Katjombondi by erecting the Windhoek High School, Alte Feste and the Reiter, realising that Windhoek, the capital city, is the seat of Government, representing our unitary state, knowing that a building befitting the significance of the genocide is already being erected on the most appropriate site and guarding against what could be perceived as continuing the denial syndrome by erasing the weeping graves of our ancestors yet with another building not specifically dedicated to the genocide, therefore, Honourable Speaker, fellow Members, this, my motivation of the Motion today, is a patriotic call for all those who have seen or heard of that place, the place at the limit of human experience, the Namibian genocide, to tell the truth to inform, to teach, to learn, to reveal the truth and to display it for posterity of our unitary state, Namibia, and its future generations at the Orumbo rua Katjombondi.

Hence, in view of the consultations that took place between myself, the Mover of the Motion, and the Government, through the Ministry of Youth, National Service, Sport and Culture and others, I hasten to inform this august House that I was assured that the building under construction would cover and reflect the various epochs of Namibian political history. I was assured that the design is such that each of the floors shall reflect a particular epoch and shall contain an exhibition of the momentous events of such period. One floor of the building under discussion shall be dedicated to the genocide experience in all its ugly details.

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Furthermore, I was assured that an undertaking has been made to construct genocide remembrance centres at the various sites where genocidal activities had been committed across the country. In this respect, Government shall, as from the coming fiscal year, make budgetary provisions to fund the construction of such centres in remembrance of the genocide committed against Namibia. Though these centres have not been spelled out, they could include places such as Horingkranz, Hamakari, Ozombu zo Vindimba, Warmbad, Shark Islands, Swakopmund concentration camp, etcetera. Moreover, further assurance was given that the entrance to the building has been designed in such a way that the horrific experiences at Orumbo rua Katjombondi are in full display to reflect the sufferings and inhumane treatment that our people had to endure during and in the aftermath of the war of genocide.

Looking at the architecture of the building in question, one cannot help, but to interpret the three transparent pillars more or less in trinity as depicting a watchful eye from all angles of the building against any potential recommitment of genocide in any corner of Namibia.

Therefore, the name notwithstanding, I am convinced that for all intents and purposes this building is nothing else than a genocide remembrance centre. Therefore, Honourable Speaker, fellow Members, in view of the understanding that emerged and the undertaking alluded to above, I shall in anticipation for the realisation of these undertakings, Move to withdraw the Motion to rename the building, as the purpose of such had been satisfactorily addressed by the assurances given by Government. Let the world and Germany hear us speak in unison as we say: Never, never and never, ever again. I so Move, Honourable Speaker.

HON SPEAKER: I thank the Honourable Member for his eloquent statement. One needs not add on to what he has said and I thank you for your understanding and appreciation of what the Government has informed you, the intentions and the outcome of the project about which you spoke. The Honourable Member has withdrawn the Motion, it was his Motion

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and on the basis of his consultations with the Government and explanations given, he is satisfied that the objectives that he has sought to achieve through this Motion has been satisfied. That is how he wants the case to rest for now.

The Second Notice of Motion is one by the Honourable Minister of Labour and Social Services. Does the Honourable Minister Move the Motion?

**NOMINATION OF MEMBER TO
LAND REFORM ADVISORY COMMISSION**

HON MINISTER OF LANDS AND RESETTLEMENT: I Move the Motion.

HON SPEAKER: Who seconds? Objection? None. The Minister has the Floor.

HON MINISTER OF LANDS AND RESETTLEMENT: Thank you, Honourable Speaker, Sir, and may I take this opportunity to welcome you back

After having listened to the very eloquently delivered motivation of Honourable Member Maamberua, one is filled with a very deep sense of emotions that one really did not want to be awakened. I am standing up to ask your support to try to find a replacement for Mr Philip Tjerije, that you were so kind to endorse, based on my request, probably more than a year ago. Because of other competing assignments, Mr Tjerije has opted

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to accept the offer of advising the Honourable Minister responsible for Regional, Local Government, Housing and Rural Development and he now serves as an advisor to the said Minister. It is prompted by that, that I have asked you last week that I will table a Motion whereby I shall be asking for your support to assist the Ministry of Lands and Resettlement to find a replacement for Mr Tjerije.

We have identified Mr Jeff Mbako. I believe a curriculum vitae to this effect has been so distributed. It is perfectly within the context of the enabling legal framework that we are doing that and without too much ado, may I ask you to render me that backing so that we can have a full complement of the Land Reform Advisory Commission. I so Move. Thank you.

HON SPEAKER: I thank the Minister for the motivation of the Motion and the attached explanation why this has become the way to go. Any further discussion? Honourable Tjihuiko.

HON TJIHUIKO: Thank you very much, Honourable Speaker. Before I make my comment on the proposed name of a person that I know very well, let me use this opportunity to congratulate the new Zambian President, the President that has now been elected through a democratic process. We wish him all the best of luck and it is a good thing that we are seeing now especially in Southern Africa, that the message is very clear to the old liberation movements that the oppositions are now starting to move into the State House. Today it is Zambia, I hope in 2014, somebody else will shake hands with His Excellency President Pohamba and wish him all the best of luck as the former President and SWAPO will be the Opposition Party – hopefully.

Comrade Speaker, coming back to the person in question, I know Jeff very well, I think he is a good option to be appointed to this position, but

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Honourable Minister, it is a good thing to have the best horse riders, but if you do not have the right horse, you may not be able to win the race. What we are now reading in the newspapers about the activities of the Ministry, especially the fact that the Permanent Secretary of the very same Ministry is a beneficiary of a resettlement farm, I hope the same criteria that were used to select the Permanent Secretary, that you have not yet defended openly in this Chamber to tell us the criteria used, I hope that each and everyone witting in this Chamber will be able to qualify and will be able to assist us. I am saying this, because if you look at the salary and benefits of a Permanent Secretary and you look at the salaries and benefits of the poor backbenchers in the Chamber, one would see that the backbenchers in this Chamber will not be able to buy a car, let alone to buy a farm.

I only want to appeal to you that if you see applications from some of us and Honourable Hidipo Hamutenya looking for resettlement farms, we should be kindly considered based on the precedent that you have created. I support the candidate and thank you very much.

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

HON MINISTER OF LANDS AND RESETTLEMENT: Honourable Speaker, I most sincerely want to take this opportunity to thank the Members for their support by keeping silent. I have also taken note of the comments of *Honourable Tjihuiko*. I have not engaged this House in trying to explain why a citizen of this country, who happens to be employed as a Permanent Secretary, has become a beneficiary of our Land Reform Programme, for the simple reason that there is nothing to be explained, but now that you have prompted me to engage this august House, I shall gladly do so. However, I have a fundamental problem in the sense that we have the enabling legal framework, we have the basic

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fundamental law of this country, the Constitution, which prohibits us as a Nation to have certain standards for certain people. All people are equal, all people are equally expected to benefit from the natural resources of this country, of which there are so many examples of people who have benefited from the natural resources of this country, who have become rich and extremely rich because they have been able to benefit from the natural resources of this country for the simple reason that there is no discrimination in terms of our laws.

Coming to how come that the Permanent Secretary of the Ministry of Lands and Resettlement ended up, after several attempts, to benefit from land, which is a natural resource, to be allocated to her, we have what is being referred to as the Land Reform Advisory Commission. This Commission advises the Minister on many issues, which also include adjudicating over the process of when applications which have been invited are to be dealt with. Naturally, when her application was to be dealt with, she recused herself from the whole process from the beginning stages, very transparent as it was. At least there is some degree of integrity, if not complete integrity, in the whole process. There are so many people who use their sons, their daughters, their daughter's in-laws, but the process from the very basic beginning through the Regional Resettlement Committee, having been screened there, came through the national body, the Land Reform Advisory Commission, from which activities she recused herself. Somebody else took over the presiding function and she ended up being recommended. If the land reform programme of our country is premises on several approaches, one is... (Intervention)

HON VON WIETERSHEIM: On a Point of Order. Honourable Speaker, this is developing into a substantial statement on a very different issue than was raised by the Honourable Minister. Does that mean that this will develop into a discussion of the matter or do we take that specific topic to a different discussion?

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HON SPEAKER: It is quite relevant, the Minister is correct. The issue was raised and he said he did not intend to comment on this issue of the Permanent Secretary in the Ministry. It is because Honourable Tjihuiko made that an issue that the Minister is clarifying that. He is quite correct. Continue, Minister.

HON MINISTER OF LANDS AND RESETTLEMENT: It is premised on three approaches. One is Government buys land and distributes such land to the landless citizens of this country. The expectation is that you must have belonged to the previously disadvantaged sectors of our communities.

Secondly, through the Affirmative Action Loan Scheme, heavily subsidised in terms of interest rates payable, those members of the Namibian society who want to make use of such are entitled to apply and then we have our Communal Land Reform Act stipulated approaches to our land reform.

The fact that you happen to occupy a position of authority in the Public Service or probably also in the private sector, in terms of our Constitution and in terms of our enabling legal framework, you are not discriminated against as long as you conform to the criteria so attached and that is really the picture.

We are probably given to sometimes unintentional hypocritical approaches to issues that matter in our lives. I can very vividly recall there was a study commissioned by this very House which dealt with the subject matter of the way how Affirmative Action Loan Scheme beneficiaries are ending up enriching the ones who owned the land while they end up heavily indebted. I do not know whether we can recall such an incident.

If that is the case and if someone, through his or her own conscience, after having reconciled him or herself with the practical realities in terms of

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economic strength, has taken that deliberate decision that I am not going to make use of the Affirmative Action Loan Scheme but would rather want to make use of the land reform benefits that can come my way as a citizen of this country and goes about that exercise transparently as can be seen by anyone, why should we try to restrict that individual? The converse is also true, many people have obtained land through the land reform programme by using other people's names and that is a reality. She will not be the first Permanent Secretary, there are Governors, there are Ministers who have through proxies benefited from this land allocation. Please, let us be true to ourselves as a Nation and make pronouncements while we can clearly make those pronouncements without having other hidden things. (Intervention)

RT HON PRIME MINISTER: The Minister is saying that there are Ministers and many other people who used proxies to get land. To me that is a serious statement and I hope the Minister will have the courage of his conviction to name these people so that it is not seen that all of us used proxies to benefit from public resources. Thank you.

HON MINISTER OF LANDS AND RESETTLEMENT: Thank you, Right Honourable Prime Minister. You know, there is a principle of succession, but as much as that principle of succession exists, people have land and they know them. I do not have to come and mention people's names, they know who they are, they know whom they have asked to apply on their behalf to get land ever since the programme started. All I am saying, Honourable Speaker, is that let us be true to ourselves. That is really all I am saying. Let us not ostracise those who openly pronounce, because of circumstances peculiar to them, to benefit from the natural resources of our country, of which land is one and turn a blind eye to so many people getting rich because of making use of the natural resources of our country. Thank you.

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HON SPEAKER: Thank you. Honourable Nyamu.

HON NYAMU: Honourable Speaker, I am extremely disturbed by the statement of the Honourable Minister, pointing a very straight finger at the rest of us, but he is including himself, that category as well, that we have in the most crooked manner acquired assets, call it natural resources or whatever of the State. I think it is a very, very serious statement on which the citizens of Namibia will need more information. It cannot be left here, it cannot be left here. The Government of the day owe us more information on this score and if need be, those who investigate criminal activities, the Anti-Corruption Commission, should be called in so that this practice is exposed. I do not see any Member of this House and I do not believe there is anyone of them who would like this subject to be kept a secret. It is no longer a secret, it is now a public matter and Honourable Speaker, I add my voice to that of the Honourable Prime Minister that this matter is serious and the Ministry concerned or other authorities dealing with investigations of this nature owe us more information. I rest my case.

HON SPEAKER: Thank you. Honourable Von Wietersheim.

HON VON WIETERSHEIM: Thank you, Honourable Speaker. The Honourable Minister of Lands and Resettlement, in defending the allocation of resettlement land to a well-to-do, high-ranking and highly paid Government official, stated that the resettlement programme is there to fight poverty. I am deeply disturbed and disappointed. Saying we should be true to ourselves, these are two things that do not go together, buying up resettlement land, in this case for over N\$4 million for a farm, and resettling people who definitely do not fall under the poor. Of course, the law is not discriminating against them, but what you are doing, you are

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discriminating against all those out there who would be in need of a little piece of land just to survive and here we distribute the land to highly paid Government officials.

Those organs, like the Regional Resettlement Committees as well as the Land Reform Advisory Committee, did they not find people who were more deserving of being resettled on that piece of land? (Intervention)

HON MINISTER OF JUSTICE: On a Point of Order. I am seeking guidance in terms of the Rules, not in terms of the substance of the Debate. I was trying to find the specific Rule that could guide me with what I want to raise. However, the culture of this House is that when the Mover of the Motion concludes the Debate, that person is allowed the opportunity to answer the questions posed and concludes the Debate. Now I am asking myself; what are we doing? I thought the Minister was answering the few questions that were raised and the Debate would come to a close. Now we are opening another Debate. I do not know whether it is a new Motion on the Floor or what it is.

Comrade Speaker, I am appealing that we allow the Minister to conclude in terms of how we do things here and if there are Members who would like the issue that they are pursuing to be debated, they have ample opportunities to raise the issue and questions and then we can all participate in the Debate. That is all I am looking for, Comrade Speaker.

HON SPEAKER: The Speaker is guided by exactly what you are saying. I started by calling out the second Notice of Motion, any objections, agreed to, the Honourable Minister has the Floor and then we get to any further discussion and that is more or less where we are. A question was raised by Honourable Tjihuiko and that is where the issue started. The Minister got the opportunity to clarify that and that triggered other questions. After any further discussion, which I take is what is happening

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now, I am directed to say, does the Minister wish to reply and after that I put the Question. It is one thing triggering something else. The Minister not having answered would have also left implications. The Minister, having said what he wanted to say, that is what triggered, but I was exactly at the point now to put the Question for us to dispose of this particular Motion. We are on the same track, it is just that sometimes, particularly where Political Parties are represented, things do not form a linear line. Not allowing up to a point what has happened, would have been that the Speaker helping to cover up something and I did not want to do that. So, those who wanted an opportunity to air their view have done so. It is an independent discussion, if somebody wants to bring a Motion for us to discuss that, that will be done. Everybody who took the Floor before I put the Question were not wrong, that is what the Parliament is there for and having a Speaker to guide the proceedings, but we have done enough, we are bringing in other issues that are not related to this. It is an interesting topic and some things were said strongly, including by the right Honourable Prime Minister, so maybe it is an issue that requires an independent Motion to be discussed.

HON VON WIETERSHEIM: May I just comment on that?

HON SPEAKER: No, you had the opportunity. I am not going to give you the Floor. I now put the Question, that the Motion be adopted. Any objection? Agreed to.

The Third Notice of Motion is the one of the Honourable Maamberua. Does the Honourable Member Move the Motion?

HON MAAMBERUA: May I beg the indulgence of the House and that of the Minister to defer the motivation of this item to the 13th of October.

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HON SPEAKER: The Motion stands adjourned until the 13th of October 2011. The Fourth Notice of Motion is the one of Honourable Nyamu. Does the Honourable Member Move the Motion Who seconds? Objections? Agreed to. Honourable Nyamu has the Floor.

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HON NYAMU: I would like to join the rest of us in congratulating the people of Zambia and the Political Parties who have taken part in the last elections for a job well done. I think Zambia is providing an example to the rest of Africa, particularly to SADC, that in a multi-party environment and system you expect Parties to win and Parties to lose. I think it is very important and we congratulate all of them for carrying out these peaceful elections.

Honourable Speaker, I am going to speak to an issue which may to some of the Colleagues appear to be a non-issue or irrelevant, but I think we should do so for the sake of the generations to come, our children and grandchildren. I am a great-grandfather, so I am concerned about my great-grandchildren and I think we all are. I am speaking about something which we all know is happening in this country and this is the hoisting of Political Party flags and symbols everywhere in every corner of Namibia. (Interjections)

I would begin my introduction with a quote: *“In the spirit of the death, the living, the unborn, empty your ears for all impurities, all listen now that you may hear my story.”* These are the words of Mr Ngungi Wa Thiong’o , a Kenyan writer and author who wrote mind-blowing political statements about politics or political events in his own country, Kenya, and the continent at large.

I use this quotation as an antidote in an honest appeal to Honourable Members of this House and regardless of our political affiliations to listen

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to what I am about to denounce as the chronic misuse of display of Political Party flags and colours as instrument of political mobilisation and worse yet, public intimidation. (Intervention)

RT HON PRIME MINISTER: On a Point of Order. Is this Motion constitutional? I want that advice from the Chair, whether this Motion is no infringing on the rights provided for in Article 21 of our Constitution.

HON SPEAKER: The Article is entitled “*Fundamental Freedoms*”, a whole series of them. All persons shall have the right to. What I do not know is which particular aspect the Prime Minister finds the Motion to infringe on the Article. There are a whole series of them listed, but if the implication is that the Motion infringes on any or all of these fundamental freedoms, is it all of them or is there one particular one?

RT HON PRIME MINISTER: Article 21(a).

HON SPEAKER: Freedom of speech and expression, which shall include freedom of the press and other media. No, I do not think so, it does not.

HON NYAMU: Thank you, Honourable Speaker. Honourable Prime Minister, I think I will put your concerns to rest once I continue to explain what I mean.

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HON SPEAKER: Continue, Honourable Nyamu. When you get to the particular aspect I want to listen to you and if I feel that you are infringing on all or any of them as listed in Article 21, I will make my views known to you, but for now continue.

HON NYAMU: Throughout my extensive travelling and experiences spanning over five long decades, I can categorically state that it is next to impossible to find any other country permanently and indiscriminately dressed up in Political Party colours like Namibia. One can rightly declare that Namibia is politically and environmentally a highly polluted country. (Interjections)

HON SPEAKER: I take what the Prime Minister said very seriously, can we listen to one another? We cannot speak at the same time. Continue.

HON NYAMU: If you allow the status quo to prevail, there will be political and even environmental consequences, which we will all regret. (Intervention)

HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: May I ask the Honourable Member two questions? Honourable Member, I think some months ago I overnight at Casablanca, a small settlement on the other side of Oshivelo and in front of me there was a cuca shop with a big RDP flag. Was that flag put there to intimidate me, because you mentioned intimidation?

The second question, sometimes Honourable Maamberua in front of you also wears SWANU colours. Were you intimidated by those SWANU

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colours that you are bringing this Motion? I am saying this, Comrade Speaker, because according to the Constitution freedom of expression also means freedom of political expression and I do not really think we should now discuss here to come up with a law to prevent the community out there. He is Out of Order.

HON SPEAKER: No, I will say so. Sit down. Honourable Nyamu, continue.

HON NYAMU: It is a very short statement, if the Honourable Member will be patient and listen, I think I will provide him with an appropriate answer in my conclusion.

Before I proceed, I would like to dispel... (Intervention)

HON MAAMBERUA: On a Point of Information. Since the SWANU colours were mentioned, the colours that you see here actually depict the SWANU flag. I thought we are all comrades here and none of you congratulated SWANU on their 52nd birthday today.

HON NYAMU: Before I proceed, I would like to dispel any notions that I am advocating the banning of Political Party flags or colours. On the contrary, I am appealing for the use of Party flags and symbols responsibly and where appropriate in order to maintain political tranquillity and political tolerance for ours and the future generations to come. Our today's actions or inactions are bound to impact on the behaviour and attitude of our children and grandchildren.

This Motion, by the way, was prompted an inadvertent incident that took

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place in this House some four months ago. (Intervention)

HON DINGARA: I am worried, Honourable Speaker, when I listen to the introduction of the Motion and compare it to Article 17 of the Namibian Constitution. I am sure that Article 17 is being seriously violated. I can remember that in 1989 Honourable Nyamu was happy and I submit to the Speaker that the Honourable Member is Out of Order.

HON SPEAKER: No, that is the function of the Speaker. Continue, Honourable Nyamu.

HON NYAMU: This Motion was prompted by inadvertent incident that took place in this House some four months back, to be specific, on the 19th of April 2011, the day that marks the birth of the Ruling Party. Some Honourable Members from the said Party came to the Parliament donned in colours of their Party in full. Worse still, even before the aforesaid incident, some members of the same Party attended the House dressed in gowns with disguised Party colours as if they were suffering from some troubled conscience. (Intervention)

HON MWANINGANGE: On a Point of Order, Honourable Speaker. I want to ask this question: Is it correct for a priest to preach not to drink alcohol while he is holding a glass of whisky? If he does, he is not allowed in church. Can the Honourable Member tell the Speaker that it is only to photocopy the colours of his Party, RDP? We were in the Parliament in our SWAPO colours. Does it mean because those colours are on the clothes and the colours of his Party on his speech papers.

HON NYAMU: I am afraid I did not understand the question. In terms

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of our Constitution... (Intervention)

HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: May I ask the Honourable Member a question? Honourable Member, you are mentioning that on the birth of the Ruling Party some Members on this side of the House displayed their Party colours. My question is; is that paper you are holding in your hands an RDP colour? Are you also against that one if it is in a paper form or only against the clothes?

HON NYAMU: In terms of our sacred Constitution Namibia is a multi-party democracy. Therefore, lawmakers should avoid making the house of law a platform for political drama. I would, therefore, appeal for the indulgence of all Members from all Parties represented in this House to avoid a repetition of the same in order to prevent possible emotional confrontations.

Honourable Speaker, Honourable Members, allow me to repeat, I am not opposed to the display of Political Party flags and memorabilia *per se*. In fact, Party flags help to attract attendance at Party meetings or rallies. They help to direct members and supporters to offices of the particular Parties in question. Unfortunately, in our country their hoisting, particularly by the dominant Party, is often used to intimidate and frighten members and supporters of the minority Parties. (Intervention)

HON TJIHUIKO: Honourable Speaker, on a Point of Information. I am carefully listening to the Honourable Member and I have realised that we are trying to produce two issues here. The Honourable Member is talking about too many Party colours, he is not really talking about the Party colours on papers. People should not wear so many Party colours, the one of SWANU is in order.

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HON NYAMU: Honourable Members, it can be understood if Parties hoist their flags primarily during election periods and not everywhere throughout the year. (Intervention)

HON MINISTER OF HOME AFFAIRS AND IMMIGRATION:

May I ask a question? I would like to remind the Honourable Member that the first time I met him he was wearing SWAPO Party colours and it was not election time and he was so proud, introducing himself to me, saying "*I am a member of SWAPO Party.*" However, I have observed that the Honourable Member has a colour phobia. Most probably he visited Swakopmund where most of the houses have SWAPO flags and also wherever he went in the North, therefore he came up with this Motion. Comrade Speaker, he needs to go to a psychiatrist with that phobia.

HON NYAMU: Honourable Member, that was not a question, it was a statement. It can be understood if Parties hoist their flags primarily during election periods and not everywhere throughout the year. (Intervention)

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

On a Point of Order. Comrade Speaker, here in Namibia there are farms that rehabilitate German children with psychiatric problems. Would it not be good that some Members be referred there, so that once they return they are well rehabilitated?

HON SPEAKER: You are Out of Order.

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HON NYAMU: It is a sad reality that in our country you will find flags hoisted everywhere on trees and bushes and on the public roads, at residential buildings in urban and rural areas. (Intervention)

HON DINGARA: On a Point of Order. Comrade Speaker, when he gave an example, he gave only the example of the SWAPO Party, that the SWAPO Party's flags and colours are too much, but when he wants to correct the Parties, he is referring to all other Parties. Can he give other examples of other Political Parties that he has seen too many colours? It seems he hates only SWAPO Party.

HON NYAMU: This Motion is to all Political Parties. I mentioned SWAPO in passing, but frankly speaking, I am talking to all Political Parties, including the RDP. I was talking about flags on trees and bushes along public roads, at residential buildings in urban and rural areas and even at business outfits, particularly at *kambashus*. We have become intoxicated and addicted to flag flying. We need to fight this addiction right away.

Honourable Speaker, Honourable Members, we, the leaders, are responsible for the promotion of this culture of intolerance and divisiveness among our population. When a house is decorated with the Party flags, the message is clear: "*Those who do not belong to the same Political Party are not welcome to enter.*" This is madness or political partisanship. When a business outfit puts a Party flag at its premises, the message is clear: Those who belong to other Political Parties are not welcome to buy in those shops. This is a demonstration of a culture based on primitivism and general ignorance, which amounts to economic sabotage. (Intervention)

RT HON PRIME MINISTER: Honourable Speaker, I really believe

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that Honourable Nyamu is trampling on our constitutional rights. Today it is the Party flag, tomorrow he is going to talk about a particular newspaper, the next day he is going to talk about a particular religion and it will go on. Even the names of the Parties are likely just to be a, b, c, d, no names of Political Parties. I really plead that this intolerance of the highest order which he is trying to promote in the House.

HON SPEAKER: I take this quite seriously and the Right Honourable Prime Minister is the leader of the Government Business and together with the Speaker has the responsibility to defend the Constitution. As and when it is necessary we will go to the Attorney-General' Office, but since the Right Honourable Prime Minister said that the Motion infringes on the Constitution, I have the Constitution in front of me and I am waiting for that point at which Honourable Nyamu would appear to infringe on the Constitution and he is talking about all the Political Parties, he says. So, I am waiting for Honourable Nyamu to come to a point that in my judgment I would have agreed with you, Right Honourable Prime Minister, that he is infringing on the Constitution. He has talked about the majority Party in terms that the flags are too many. That might be one, but I will allow him to continue and, of course, there will be a Debate after his motivation speech and the Floor will be open. At the end of it I will give my Ruling as to whether he has indeed infringed on the Constitution or whether these are political views being expressed. Since the pinpointed the majority Party, of course it is understandable. Let us all look at the Constitution.

HON NYAMU: Some of us, especially those Honourable Members from the dominant Party, have been behaving like conquerors. (Intervention)

HON MINISTER OF JUSTICE: Honourable Speaker, I do not have to agree to what Honourable Nyamu is saying, but I want us to go back to the Rules of the House and if we go back to the Rules of the House, then we

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will be listening to each other. I want to follow what Honourable Nyamu is saying so that after he has finished his motivation, I will be able to ask for the Floor and speak. The culture here has been, and I am sorry to refer you to the culture because I failed to pick up the exact Rule, that when a Member is introducing a Motion, the House allows the person to speak without interruption. When the Mover of the Motion is concluding a Debate, that Honourable Member is allowed a non-interfered session to answer and say whatever the person wants to say, without any interruptions. But now, Comrade Speaker, I am really getting worried, because now you can no longer follow the motivation of a Member, it is questions, it is interjections, it is this and that. Is that really how we should conduct our business? Let us allow the Member to say his say and then we list ourselves to speak afterwards. That is all I am appealing, Comrade Speaker.

HON SPEAKER: There is a tradition, it is not a Rule, Honourable Minister of Justice, it is the politics of the House. The moment that something is said, normally what you are saying is what should have happened, that is why I am saying I am listening carefully because the Prime Minister said that the Motion infringes on the Constitution and he particularly directed me to focus on one article. In order for me to agree or disagree with the Honourable Prime Minister, I need to hear what he is saying. We do not actually know what the Points of Order mean, but when an Honourable Member rises I have to give him the Floor, some three times, four times and most of those are Out of Order. What you are saying is exactly my wish in order for me to make a judgment as to whether the Motion is infringing on the Constitution. I would, like you, Honourable Minister of Justice, would like the Honourable Member to be given an opportunity without disruption to finish. Shall we do that now without Points of Order? Honourable Nyamu, you have the Floor.

HON NYAMU: Thank you, Honourable Speaker, I am about to finish. Some leaders, as I said earlier, of the dominant Party, most of whom are

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my personal friends, have been behaving like foreign conquerors. During the middle-ages when a country was overrun by rival forces, the practice was that the area will be decorated with flags of the victorious army.

When Nazi Germany fell to the army of the Soviet Union, the red flags were seen everywhere, but long after that the flags were removed somewhat, but here in our country, 21 years after Independence, the flags of the dominant Party are still flying everywhere. The dominant Party in the country, thanks to its Chinese and Pakistani suppliers of these flags, is behaving as if it was an army of occupation *par excellence*. Namibia seems to be an occupied territory.

This practice must stop else we will all bear the blame arising from the political imposition and intolerance. Let me provide one example for all to contemplate:

The dominant Party, the main culprit in the culture of flag warfare of some of its cadres have attempted to decorate even churches and mosques with flags during funerals and weddings. At Oshigambo, the village of my birth, I, together with some of my Party colleagues, found ourselves subjected to abject insults by a group of Party fanatics of the Ruling Party wearing Party flags in the church and hoisting flags at the burial of my childhood friend, Spener Shigwele of my own village Ekamba where I was born, not even respect, my own village, the backbone of my upbringing. Some members of the congregation became infuriated and a physical confrontation could have broken out in the church. The Honourable Secretary General of SWAPO Party was present and I declare that she stands accused today for her role in this ugly incident.

Honourable Speaker, Honourable Members, if it were my conviction that the prevailing indiscriminate hoisting of Party flags was ideal or unavoidable, why is it that only the poor citizens, the barefooted shack dwellers (Intervention)

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HON SPEAKER: The House stands adjourned until automatic adjournment until tomorrow, 14:30.

HOUSE ADJOURNS AT 17:47 UNTIL 2011.09.28 AT 14:30

**NATIONAL ASSEMBLY
ASSEMBLY CHAMBERS
WINDHOEK
28 SEPTEMBER 2011**

The Assembly met pursuant to the adjournment.

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

ANNOUNCEMENT

HON SPEAKER: Honourable Members, I have been informed by the Chairpersons of the Standing Committee on Gender and Family Affairs and the Standing Committee on Human Resources, Social and Community Development that all Members are invited to a luncheon tomorrow, 29 September 2011 at 12:00 in the Parliament Restaurant. The occasion will be addressed by the African Union Commissioner, Mr Benyam Mezmur on issues regarding children. Your attendance will determine the success of the event.

HON SPEAKER: Any Petitions? Any Reports of Standing or Select Committees? Honourable Van Der Walt.

TABLING OF REPORTS

HON VAN DER WALT: Honourable Speaker, I rise to re-table for consideration by this august House, the Report on the International Parliamentary Union Conference on Minorities and Indigenous People's Effective Participation in Politics, held in Tuxla Mexico from 31 October to 3 November 2010.

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HON VON WIETERSHEIM**

I have tabled this Report during the June Session, but it has lapsed. Contained in the Report is the Chiapas Declaration that urges all Parliaments to hold a special Debate on the issue and adopt a plan of action to make equal participation and non-discrimination a reality for minorities and indigenous people. In the Namibian context we refer to these communities as marginalised communities. The IPU is also tasked to monitor implementation of the Declaration and to convene a meeting two years from November 2010 to review progress. IPU is, therefore, inviting our Parliament to implement the recommendations set out in the Declaration. The IPU would also be very pleased to provide whatever support our Parliament may require in undertaking this important exercise.

It is against this background that I Move the consideration of this Report still during this Session. I so Move, Honourable Speaker.

HON SPEAKER: Will the Honourable Member please table the Report? Other Reports and Papers? Any Notice of Questions? Honourable Von Wietersheim.

NOTICE OF QUESTIONS

QUESTION 29:

HON VON WIETERSHEIM: Thank you, Honourable Speaker. I give Notice that on Thursday, 6 October, I shall ask the Honourable Minister of Lands and Resettlement as follows:

Concerning the Permanent Secretary of the Ministry of Lands and Resettlement, Mrs Ludwina Shapwa, reportedly becoming the proud recipient of a portion of prime land, being part of the Farm Vogelberg, in the Oshikoto Region which was required for resettlement purposes, I wish

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**NOTICE OF QUESTIONS
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to know from the Honourable Minister:

1. How this allocation of resettlement land to a highly remunerated Government official, in this instance the Permanent Secretary, being in fact the highest paid public servant, complies with his stated objective that the resettlement programme is here to fight poverty.
2. Ministry spokesperson, Crispin Matongela, stated that she, the Permanent Secretary, was treated like anybody else who applies for resettlement. As long as you are previously disadvantaged your application will be considered. Does this imply, Honourable Minister, that any high-ranking and highly-paid Government official can apply for resettlement on land intended for alleviating poverty with a good chance to succeed in spite of the fact that such highly remunerated official would possibly qualify for a loan from AgriBank, maybe even on Affirmative Action Terms?
3. Which additional selection criteria did those organs and individuals in the Ministry of Lands and Resettlement, the Regional Resettlement Committees, the Land Reform Advisory Board and, finally, the Honourable Minister himself apply, resulting in the allocation of resettlement land to well-to-do people instead of those who are genuinely deserving in terms of poverty alleviation?
4. In her reaction to queries about her selection for allocation of resettlement land, the Permanent Secretary reportedly stated: "*Why am I questioned like this? There are so many other people in this Ministry that have been resettled.*" Will the Honourable Minister kindly provide this Assembly, which authorises the Budget for the Ministry of Lands and Resettlement under the assumption that this is intended for poverty alleviation, with the full names and ranks of all those people in the Ministry referred to by the Permanent Secretary who has been allocated resettlement land since 2006?
5. Will the Honourable Minister furthermore kindly provide this Assembly with the full names and ranks and/or positions of all Government officials outside his Ministry as well as all political

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office-bearers who benefited from the allocation of resettlement land since 2006?

6. The gap between rich and poor in our country constitutes a frightening reality and I wish to enquire from the Honourable Minister whether, in the light of all the above, he does not himself realise that the way the resettlement programme is applied or should I say, misused, the SWAPO-led Government continues to benefit those already decently employed or otherwise well-to-do under the guise of helping the previously disadvantaged to the detriment of those masses of have-nots who remain empty-handed and continue crying for land?
7. Finally, the Honourable Minister, while defending the Permanent Secretary's resettlement stated that, Ministers making use of the Affirmative Action Loan Scheme should also be frowned upon:
 - (a) While wholeheartedly agreeing with the Honourable Minister, I wish to know what has become of some of the criteria determining eligibility for an Affirmative Action Loan applied by myself as a Minister at some ancient time, for example the requirement to quit any other employment and to attend to the land on a fulltime basis?
 - (b) Will the Honourable Minister kindly supply the names and positions of all beneficiaries of Affirmative Action Loans awarded since 2006?

Thank you, Honourable Speaker.

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

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**NOTICE OF MOTIONS
HON PROF KATJAVIVI**

LEAVE OF ABSENCE

HON PROF KATJAVIVI: Honourable Speaker, I Move without Notice, that leave of absence, due to official business, be granted to the Ministry of Foreign Affairs, the Honourable Utoni Nujoma, until the 7th of October 2011. I so Move, Honourable Speaker.

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

MINISTERIAL STATEMENT

HON MINISTER OF GENDER EQUALITY AND CHILD WELFARE: Honourable Speaker, Sir, Honourable Members of this august House, I am giving a Ministerial Statement as we are aware that the Day of the Namibian Child was yesterday and will be celebrated today.

The 28th of September 1990 marks the day on which Namibia as a country ratified the UN Convention on the Rights of the Child. In the year 2000, Cabinet declared this day a national day and it is called the Day of the Namibian Child. The Ministry of Gender Equality and Child Welfare, in collaboration with the Regional Councils countrywide, were then mandated to organise the celebration of the abovementioned day on an annual basis. The celebration of the day of aims to raise awareness on the plight of children in the country, but also to take stock of what Government has achieved in terms of the rights and protection of all children in Namibia.

Since the year 2000, this day has been celebrated annually in all Regions. The theme of the Day of the African Child, as per guidance and decision

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of the African Union, and the celebration of the Day of the Namibian Child is usually the same as that of the Day of the African Child. While the commemoration of the Day of the African Child focuses on what is happening on the continent, the Day of the Namibian Child zeros in on the country's efforts in relation to the theme.

The theme for 2011 is, "*All Together for Urgent Action in Favour of the Street Children.*" This year's efforts in honouring the theme and the call by the African Union, the Ministry of Education made remarkable strides in the integration of children on the streets into schools and to keep them in schools.

Social Workers, education officers, school counsellors and communities are working hand-in-hand to identify children on the streets that are not attending school. These children are counselled together with their parents or caregivers and support and assistance are offered to families to ensure children are coming back into the mainstream of education if their age allows.

The Ministry of Gender Equality and Child Welfare, through the various social work programmes, are continuously embarking on assisting families to improve their quality of life. In this regard special focus was given to the prevention of baby dumping by the provision of alternatives, like foster care, adoption or special care as well as children that are neglected and living under inhuman conditions, for example, children eating from dump sites.

While the media was reporting on the matter, concrete measures were taken by Social Workers and senior staff members to trace families and work on alternatives for families in dire need. These are just a few examples of urgent actions taken in favour of the street children.

The theme usually gives guidance to adherence to the African Charter on the Rights and Welfare of the Child, its aims to address a particular phenomenon, not by a single event but rather continuous efforts to address the issues at hand.

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Honourable Speaker, the celebration of the Day of the Namibian Child will take place in all the regions throughout the country, organised by the National Days Committee led by the Regional Councils.

In the Khomas Region the day will be celebrated at the Otjomuise Project School in Casamba Street in Otjomuise, with approximately 600 children attending the event. Since it is a day of acknowledging the Namibian child, the programme directors will be Domingo Goagoseb, a member of the Children's Parliament. The welcoming will be done by Honourable Margaret Mensah-Williams, Councillor of the Khomasdal North Constituency, while Honourable Doreen Sioka, of the Ministry of Gender Equality and Child Welfare, will be the keynote speaker. The programme has intervals of entertainment for children by their peers to keep them interested and entertained. Refreshments will be served for children attending the event.

The celebrations are co-funded by the Ministry of Gender Equality and Child Welfare and the Regional Councils. The National Days Committee usually also solicits funding from local business people to support the celebrations.

In conclusion, the celebration and commemoration of national and international days are integrated in the strategies of the Ministry of Gender Equality and Child Welfare to advocate and raise awareness on the rights and protection of children. I thank you, Comrade. Speaker.

HON SPEAKER: Thank you. Viva children of the world. Any other Ministerial Statements? The Secretary will read the First Order of the Day.

**RESUMPTION OF DEBATE ON RATIFICATION:
AFRICAN CHARTER ON VALUES AND PRINCIPLES
OF PUBLIC SERVICE**

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SECRETARY: Resumption of Debate on the Ratification of the African Charter on the Values and Principles of Public Service and Administration in Parliament.

HON SPEAKER: When this Debate was adjourned on Wednesday, the 21st of September 2011, the Question before the Assembly was a Motion by the Honourable Deputy Prime Minister. The Honourable Deputy Prime Minister adjourned the Debate for his reply and I now give him the Floor.

RT HON PRIME MINISTER: Honourable Speaker, Honourable Members, I beg your indulgence to allow the Honourable Deputy Prime Minister to respond on Tuesday, next week.

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

**RESUMPTION OF SECOND READING:
EARTH SCIENCE PROFESSIONS BILL**

SECRETARY: Resumption of Debate on Second Reading – *Earth Science Professions Bill*.

HON SPEAKER: When this Debate was adjourned on Tuesday, 20 September 2011, the Question before the Assembly was a Motion by the Honourable Minister of Mines and Energy, that the Bill be read a Second Time. Dr Amweelo adjourned the Debate and I give him the Floor now.

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HON DR AMWEELO**

HON DR AMWEELO: Thank you very much, Honourable Speaker, and Members of this august House. First, I would like to thank Honourable Isak Katali, in his absence, for tabling this Earth Science Professions Bill. I am very proud to know that when this Bill becomes an Act, it will be leading to the establishment of the body which will be called the Earth Science Council of Namibia (Section 2), in order to provide for the registration of earth scientists.

Honourable Speaker, I would like to emphasise more on issues relating to the capacity building in this special area. We need to know how the earth system works as the first step in defining our relationship to it and how we extract the minerals we need for modern technology and understand our changing climate. We need to understand the transformation of atoms to minerals, because everything around us is made of atoms. Most objects are mixtures or compounds of different types of atoms. Earth image here represents a common item that is composed of only one or a few elements. The question is: what elements are in this common item? How many protons, neutrons and electrons are in common elements? How do crystals grow? We need to understand how do rocks undergo change and what stories do rocks tell. How are volcanoes related to plate tectonics? We also need to learn more about groundwater. How does water move through the ground? We need the capacity to understand fully the nature of science and how might a scientist investigate annual patterns of fire and how might we investigate scientific phenomena.

For this reason I feel that capacity building in earth science needs to take place at all levels – with students from primary to graduate levels, with employees on-the-job, with policymakers in the general public and institutionally.

The Earth Science Education Initiative in Africa sprung from requests by African National Committees of the International Year of Planet Earth and was announced by the Director General of UNESCO at the regional launch of the International Year of Planet Earth in Arusha, Tanzania, on 8 May 2008.

The initiative supports the next generation of earth scientists in Namibia

by providing them with the necessary tools, networks and perspectives to apply sound science to the challenges of sustainable development. Opportunities for earth scientists in the region are great, extending from traditional mineral extraction to environmental management, such as climate change adaptation, prevention of natural hazards and ensuring access to drinking water.

On page 4, Section 3 about the Objectives of Council, Section 3(d) states the information to be communicated to the Minister on matters of public interest. In relation to this section, I would like to suggest that the Council needs to publish an earth science newsletter which will cover issues related to rocks, global warming and extreme weather to get the lowdown on what the earth is trying to tell us.

On page 5, Section 4, Constitution of the Council: *“The first Council which must hold office for a period of one year.”* My concern here is with regard to the limited period. I think one year is a very short time, because in the first year the Council needs enough time to put its programme and planning in place and perhaps they may not be able to implement them in the same year. Therefore, I suggest that at least the Council must hold office for a period of three years.

On page 12, Section 17, in respect with Reports to the Minister: If we look at Section 17(1): *“The Council must in each year, not later than 6 months after the end of its Financial Year, submit to the Minister a report.”* Section 17(2): *“The president of the Council may from time to time submit to the Minister reports.”* Honourable Minister, I want to ask whether this is not a duplication of reports to be submitted to the Minister. I just seek clarity from the Minister because I was thinking that the reports from the president and the council could be merged, only to report once to the Minister.

With regard to the registration of earth scientists, Comrade Speaker, Section 20 on page 13 states: *“Any person who wants to be registered as an earth scientist in any of the earth science professions must apply for such registration to the Council.”* My question is, how do you measure the qualifications of the person? What performance indicators will be

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used to ensure that a person is eligible to become an earth scientist? In the engineering field, before the person registers as an engineer, he or she is usually given a research project which is supervised by a senior engineer who is experienced in the field.

Otherwise, Honourable Speaker, Honourable Members, with these few words I fully support the Earth Science Professions Bill. I thank you.

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

RT HON PRIME MINISTER: Thank you, Honourable Speaker. I rise to give my support to the Earth Science Professions Bill. As we know, the Namibian economy is a sector endowment driven economy, meaning that we depend upon export of raw materials, specifically minerals. Therefore, we must promote the professions related to exploration, engineering and metallurgy. Therefore, this Bill is quite important.

I have two concerns, Honourable Minister. One concern is on the registration of earth scientists, I hope that this registration will not be used to deny people opportunities, especially the small miners of Erongo. These small miners of Erongo are mining, they are earth scientists in their own right because they can identify minerals of value, but many of them have not entered any University. If we are not careful, we might deny our own people opportunities if we do not properly accommodate them in a Bill like this one, that those people who are going to be allowed to mine are only the people who are registered with the council or to run a mining operation. Therefore, I would like to suggest to the Minister that he should look into this matter, so that we do not use this legislation to deprive people of livelihoods. I am quite sure the Minister has taken note of that.

I am coming to the Schedule. I know the Council will from time to time recommend to the Minister to add disciplines to the Schedule. Already I

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can see some obvious ones which are missing, such as geomorphology, the discipline which is about the study of the history of the earth and you cannot understand the earth if you do not know its history, how it evolved.

There is a new field of study, the study of rare minerals, rare minerals which are used in hi-tech industries. I am seeing now scientists who are involved in searching rare minerals in Namibia and I hope that the Minister will look at that.

Then you are the area of geothermal energy, which I do not see here and I think this Schedule should be seen as indicative, not exhaustive, so that the council should really take care of all the professionals in the field of earth sciences.

With those few words, I hope that the Minister has taken note of my concerns. Thank you.

HON SPEAKER: I thank the Prime Minister. I cannot resist the temptation to add my voice on the small miners, but not only limited to my Region, Erongo, but also Karas and some other parts of the country where there are unique stones and rocks. What the Prime Minister has said is very important. Equally also, I would like to advise the officials of the Ministry that Discovery Channel on television right now has a programme on when the earth started. Honourable Namhlo.

HON MINISTER OF DEFENCE: Comrade Speaker, I would also like to add my voice on this Bill. As a general we fight from earth and it should be protected.

I feel this Bill is overdue, it should have been introduced before. Looking at the circumstances of the environment and climate change, I think this is the effects of what our earth is doing. We also need to train our people because we used to believe that earth is eternal and it will stay as it is, but

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in the few years we have stayed on earth, we have seen some dramatic changes.

We are proud of our desert, however not knowing that the desert is expanding, not shrinking and we need to find ways and means to prevent its further expansion. Likewise, we see many phenomena, such as floods, etcetera and the earth will change. The earthquake that happened on Christmas Eve in 2004 and the one in Germany have moved the earth, its speed has been affected and Japan has moved some centimetres. We need to understand our surroundings.

If children study earth movements at school, they will also understand the universe around us. What role does the moon play in the changes in weather on earth? These are the sciences which the future children should understand. There are some theories that the moon is moving away from us and the more it moves away, the less we will be able to predict the weather. The moon was closer to us and that is why water was more deeper inland because of the pressure of the moon on earth. Those are some of the theories and scientific explorations being made and I think our people also need to understand that. We do not understand why our ancestors were looking at the moon and predict rain, etcetera. It was not researched but it meant something to them.

I think the Minister has done very well to bring this Bill to Parliament.
(Intervention)

HON MINISTER OF VETERANS AFFAIRS: I want to know whether I understood correctly what the Minister said when he said the moon was closer to us and therefore the underground water was deeper than now. As I was growing up, you could dig a well and get water easily, but now my experience is that the water table is deeper and now the Minister has put it the other way around. I want to know whether I understood him correctly. At least this is the experience of those of us who have farms, that you have to dig deeper to get water than before.

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HON MINISTER OF DEFENCE: What I meant is not the underground water, it is seawater which was more inland. That is why you see the dinosaurs' footprints where it was wet, the water was around us here and you can also see there are rocks which were underwater. It is because the moon was near and as it moves away, the seawater is also moving away.

Honourable Dr Amweelo mentioned the movement of plates and those will not be predictable in future. They now move because of the pressure of the moon which is closer to us. (Intervention)

HON NYAMU: I would like to ask the Honourable Minister a small question. He has raised a very interesting argument regarding the cosmos. Honourable Minister, are you saying that the moon has left its orbit and has moved away from us and who has measured it? Where did that information come from?

HON MINISTER OF DEFENCE: It is scientific research and it is moving three, four centimetres per year away from the earth. (Intervention)

HON NEHOVA: Honourable Speaker, I want to ask a question. What makes the moon move away from the earth?

HON MINISTER OF DEFENCE: It is just normal physics. If you move around, you are tempted to move far away from your normal position. (Intervention)

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HON VAN DER WALT: Honourable Speaker, I am not a scientist, but it is possible with the earthquakes and tsunamis that the earth can move by degrees on its axle to this side or that side and then it is possible that the moon can be a little further from the earth, but I do not think it makes theoretical sense that the moon itself is moving away from the earth. It is the earth which is turning around on its axle and if there is an earthquake or tsunami or anything else, it might happen that it is not always on the same degrees on its axle and it can make a difference.

HON SPEAKER: The House shall rise for refreshments.

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

HON SPEAKER: Honourable Minister of Defence, you have the Floor.

HON MINISTER OF DEFENCE: There was a question and somebody made a comment that it is not the moon which is moving away from the earth, but I insist that it is the moon moving away from earth. (Intervention)

HON VAN DER WALT: I have drawn myself a picture now because I also get confused sometimes. The sun is a million times bigger than the earth and the earth is also much bigger than the moon. You have the sun, then you have the earth and the earth is moving around the sun and the moon is also moving around the earth. Together they move around the sun. Where the water issue comes in, in wintertime when the earth is far

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away from the sun. The further the earth moves away from the sun then it is wintertime and closer it is summertime. That is why we have the different seasons. The moon has a gravity force and when the moon moves around the earth, it pulls the water upwards and that is why you have high tide and low tide, so the moon has a huge influence on water, but it will take millions and millions of years. There is a theory that the moon is moving away from the earth, but it will take millions of years. However, the moon has a huge influence on the water in the sea because of gravitation and that can have an influence on the sea.

HON MINISTER OF DEFENCE: That is exactly what I was saying, I am not saying it is happening tomorrow, it is three to four centimetres per year. It is not a big issue in terms of the distance between the earth and the moon. The weather we have on earth depends on the distance of the moon from us and it is good that people study this.

We have heard of dinosaurs which were on earth, but what has destroyed the dinosaurs may also destroy us and they must also look at how long we are going to survive on Mother Earth. Who knows what was there before the dinosaurs, because nobody up to now knows what was there before the dinosaurs. How long will we be on this earth? We have heard of doomsday, the 21st of December 2012, when we are going to go into galactic alignment and the poles will shake, north will become south and south will become north. That is also a theory, it can happen because the galaxies are also moving around and destroying each other.

It sounds very strange, but why are Russia, China and the United States sending rockets up? What are they watching? What do you think they are looking at? They are looking for life beyond earth because maybe one day this one will die. I go on my iPhone and what has been happening on the sun for the past two, three months is so frightening, because the sun is sending strong waves towards earth and during the past three months two comets and one meteorite went into the sun and it may help an influence on the atmosphere. One day if this emission will come directly towards earth, we may not have communication because all the satellites will be

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destroyed in space and there will be no mobile communication.
(Intervention)

HON MINISTER OF PRESIDENTIAL AFFAIRS AND ATTORNEY-GENERAL: Comrade Speaker, the more the Honourable Member goes into the doomsday theory and the scientific theories, the more I become scared. Can he maybe also address the positive?

HON MINISTER OF DEFENCE: On the positive side, we do not know whether we are already in the galatic alignment. We may be there and nothing is happening to us, therefore we will live for another billion years.

I want to support this Bill as we need our people to know what is going on around us and we should send our children to study. I have a telescope at my house and I always watch the sky. Get your children to know the earth and their surroundings. I thank you.

HON SPEAKER: Any further discussion? Honourable Katjavivi.

HON PROF KATJAVIVI: In the absence of further contributions from Members, may I postpone the Debate on this item until tomorrow, the 29th?

HON SPEAKER: The Debate on this Motion will continue tomorrow, the 29th of September. The Secretary will read the Third Order of the Day.

**MOTION ON WEARING OF POLITICAL
PARTY COLOURS IN THE ASSEMBLY**

SECRETARY: Resumption of Debate on the wearing of Political Party colours in the Assembly and the display of Party flags throughout the country.

HON SPEAKER: When the House adjourned on Tuesday, 27 September 2011, the Question before the Assembly was a Motion by Honourable Nyamu. Honourable Nyamu now has the Floor to continue.

HON NYAMU: Honourable Speaker, thank you for allowing me to conclude what I was saying yesterday regarding what I term as flag mania afflicting our country. Political flag mania is what we have right in front of us.

When the Honourable Minister of Health yesterday gave us advice on how best we can protect ourselves against communicable and non-communicable diseases, for example advising us what to eat and not to eat to remain healthy, he underlined that most of our people have died of cardiac diseases and I thought that the flag mania issue could as well have contributed to those numbers, because everywhere you go in Namibia there are political flags and some people do not like that. It creates mental stress and it is also a health problem. It is not an environmental problem alone, as I mentioned, and I think the Minister concerned will take note of that, that the environmental people should do something about these flags flying all around as should the health care officials do something about this. All of us must unite and try to find mitigation to this disease of flag mania. (Intervention)

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HON MINISTER OF VETERANS AFFAIRS: Just to understand, not that I have a big argument. The health hazard that the Honourable Member is referring to that will come about as a result of the colours, is this health hazard affecting everybody or only members of the opposition? If it is affecting everybody, then it is a national problem, but if it is only a segment of the population, then we can maybe deal with that.

HON NYAMU: I thank the Honourable Minister for the question. I think this affects everybody. I am not saying that only one Party is doing it, in fact, all the different Political Parties are doing this flag hoisting throughout the country to different degrees and I am sure the Members who support and believe in the philosophy of the Ruling Party do not want to see RDP flags all over their villages. Therefore, this applies to all of us, it is a health problem for all of us. (Intervention)

HON TJIHUIKO: May I ask the Honourable Member a question? Honourable Nyamu, I have listened to your contribution since yesterday and I find it very interesting. The point that you mentioned now that the Party colours should not be that much, are you proposing to have a system whereby each and every Political Party must have ten flags in Windhoek, ten flags in Okahandja or what is the formula so what everybody can be visible?

HON NYAMU: Thank you, Honourable Member, for your salient question. As I mentioned and underlined yesterday, I am not against the principle *per se* of hoisting of flags, I am talking about the indiscriminate and permanent hoisting of flags. Any Party can hoist their flag when they have their rallies or special events and at their offices and so on, but it is this thing of hoisting a flag at every natural vegetation, the bush, the tree. If we are not careful, very soon people will dress their cattle with their Party colours and send their children to school dressed in Party colours.

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This is a mania and unless we find a solution to it, it may get worse. You may find that people will wear Party colours to hospital when they are sick, as they have started going to church in Party colours. This practice is not found anywhere else.

Honourable Members, let us look at how other human beings behave politically. We are not the first ones to have Party flags, but why are we misusing them? What is the driving force that causes us to plant Party flags at every corner?

What is even worse is that even civil servants who are responsible for communities and leaders of communities are hoisting Party flags at their houses – Traditional Authorities, chiefs, headmen. (Intervention)

HON SPEAKER: You were not here yesterday, Deputy Minister. We reminded ourselves that when Motions are moved, we should allow the Movers to exhaust themselves. Jot down things you agree with, things you disagree with and after that take the Floor and make your case. So, I am not going to give you the Floor.

HON NYAMU: Thank you, Honourable Speaker. I know that some of us in this House have become traditional leaders as well and I personally have a serious question about that, that Members of Parliament and Cabinet are also becoming traditional chiefs. I wonder whether we are not messing up, whether it is legal or illegal, but I see that transparency in everything will be lost.

When it comes to our regional, town and village councillors, why is it that we allow them to hoist Party flags when they are leaders for every member of the community, when they need to consult, advise every citizen of this country, but we allow them to hoist these Party flags, which are divisive when misused, very divisive. When it comes now to people who are leaders of communities, how is it that they are allowed to hoist

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these flags? Minister of Regional and Local Government, Housing and Rural Development, tell us why is that allowed, that our councillors are hoisting their Party flags at their houses? They are becoming exclusive, they are only serving people of that particular Party. Is that constitutional, is that the right thing to do?

The main point I want to come to, if it is so important and critical for us to hoist flags everywhere, if it is inevitable, why is it that most Members of Cabinet and Parliament do not hoist these flags? We are manipulating our population because of the ignorance in which they find themselves. Why is it that Cabinet Ministers do not hoist flags at their houses? Why do they not put Party flags on their vehicles? We are manipulating the poor, the bare-footed and we promise them that if they hoist these flags here, they will be remunerated, they will get tenders and the erven in urban areas will be given to them free of charge. This is manipulating poverty, this is a crime against humanity.

HON SPEAKER: With that one you might be overstating the case. It is not a crime against humanity.

HON NYAMU: I hope not. I am really questioning myself why members of the Executive, Members of Parliament and members of the Judiciary do not hoist these flags at their houses, but they encourage the ordinary people who go hungry every night, who have no income to hoist these flags and we even distribute it to them. As I said, it is only some of us who are manipulating the ignorance of our people and at the same time we create permanent hostility and emotions among members of the same village, members of the same community. They are divided because of the flags.

It is no wonder that not long ago these poor people started grabbing the plots here in Windhoek, because they were promised to be given those plots if they hoist those flags, but when they found out that this promise

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cannot be met, they decided to take the law into their own hands. It is us who are guilty of incitement.

If you continue telling the people to hoist your flags, they will ultimately assume that you would fulfil your promises. Give them the plots! Why do you allow them to hoist your flags? These flags are all over in the most poorest of all areas, especially those old labour compounds is where you find this indiscriminate hoisting of flags. You are manipulating incredibly the poor Namibians. (Intervention)

RT HON PRIME MINISTER: On a Point of Order.

HON SPEAKER: Prime Minister, we agreed we will allow Honourable Nyamu to speak. I did not give you the Floor. That is what we agreed. We cannot break the Rule that we have agreed upon. We should have allowed the old tradition. You are debating with the Speaker now, Prime Minister and you should be the last one to do that. We should have allowed the old tradition to continue, but the Minister of Justice said the right thing, which is the normal practice, that the person who introduces the Motion is allowed to make the case and then after that we take the Floor and contribute. That is what you advised me and that is the Rule. Let us respect our Rules and that is what I have always been pleading for, let the person introduce the Motion, we are enough here to debate any issue. We have agreed, let him finish.

HON NYAMU: Honourable Speaker, Honourable Members of this Honourable House, as builders of a democratic culture in this beautiful country of ours, I leave it to each one of us to ponder on our past behaviour from the day of Independence to date. Have we contributed our energies and our laws to build a united country or have we done more to disunite our people in search of political hegemony and on account of political expediency? For most of us what comes first is my country. The first thing to me is my country, other things follow.

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Finally, I dare to remind us all that we seem to forget that we have one flag which binds us together. We have this flag here which binds us together.

Honourable Speaker, I am surprised and I have always been surprised, why is this flag not flying in this House? With the exception of our staff members whose gowns have this flag, I do not see it flying anywhere. That is probably why we are confused and we end up worshipping the Party flags. Let us think more about our national flag which is the undisputed symbol of sovereignty and togetherness as a nation. This is the flag which most citizens of all civilised countries would prefer to hoist at their offices and even at their residence, the national flag, not political flags. Let us all be proud citizens under one flag, our national flag. Let us all be Namibian first and I thank you, Honourable Speaker.

HON SPEAKER: I thank the Honourable Member. Now the Floor is open. The first Honourable Member is Honourable Witbooi.

HON WITBOOI: Honourable Speaker, Honourable Members, allow me to add my voice to Honourable Nyamu's Motion. The National Assembly is representative in nature and I quote Article 45 of the Constitution of Namibia: "*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, by the public interest and by their conscience.*" (Intervention)

HON MINISTER OF GENDER EQUALITY AND CHILD WELFARE: May I ask my Honourable Colleague a question? Can you tell me, did the national flag which was shown there, fight for this

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country or was it the SWAPO flag which fought for this country?

HON WITBOOI: It was the SWAPO Party that fought for this country. It is very important that you always remember that being a Member of this august House is through a proportional representation according to the performance of our Parties at the polls as per the choice of the Namibian people, the electorate. We are elected on a Party list and we do not come here as independent candidates. Although we are representing the interests, needs and aspirations of all the Namibian people, we are guided by the policies of our Parties on whose tickets we are here. For example, I am guided by the policies of the SWAPO Party. I am sorry for you, Honourable Member, if you are here by yourself.

In the Standing Rules and Orders of the National Assembly it says on page 65: *“Every Member should be properly attired in accordance with the dress code of the National Assembly at all times.”* Nowhere is prohibited the use of political colours in the House. Secondly Article 21(1) of the Constitution of the Republic of Namibia gives citizens the right of affiliation, to belong to associations and Political Parties of their choice. How individuals identify with their Parties and the way in which they identify their affiliation is their own choice, as long as their actions do not interfere with the freedom of other citizens.

If communities choose, through their own structures, to put up flags on whatever structures they choose, including trees and buildings, it is their choice. I do not understand why the Member is worried about it. Is it because you have noticed few flags of your association of choice on trees and you want to interfere with other people’s choices?

In conclusion, Honourable Member, SWAPO Party was not created as a fly-by-night organisation, it is rooted in the minds and hearts of many Namibians who are eager to sustain the Party and its colours and SWAPO Party is secure in all instances. No hoisting of other Party flags, whether on trees or mountains, will scare its members. Individual people will come and go, like you, but SWAPO Party will stay strong and even

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stronger forever and we will hoist the SWAPO Party flag.

There is a word in my language, Honourable Member, which I want you to get into your head. In my language they say, when you talk about the head, “*Sa !ga ≠khus !nâ uhâ re !Na*”. That means when you sleep you lie on it and you only think about it. I categorically reject the Motion. Thank you.

HON SPEAKER: Thank you. Honourable Mushelenga.

HON DEPUTY MINISTER OF FOREIGN AFFAIRS: Honourable Speaker, Honourable Members, this day reminds me of over 20 years ago when I witnessed Honourable Jesaya Nyamu on Tuesday, the 1st of January 1991 at around twelve o’clock standing in front of Oshigambo Lutheran Church, shouting a popular SWAPO slogan. It was the occasion to welcome him back in his community, having not been seen for about 27 years. Ironically, eighteen years later Honourable Nyamu wrote to Bishop Johannes Sindano, expressing his disillusionment about the same slogans that were made in the same church during the funeral of Comrade Spener Shigwele a SWAPO Party cadre who worked for the SWAPO Party Regional Office in Oshikoto Region. Yesterday he alluded to the same when he was motivating his Motion.

In his dramatised letter to the Bishop, Honourable Nyamu made serious allegations that do not have any iota of the truth, that the altar in the church was decorated with SWAPO Party colours. As a young man from the same village as Honourable Nyamu, I repeatedly read in disbelief what an older member of my community communicated to the servant of the Lord, the soft-spoken Bishop, in a letter message that contains calculated inaccuracies, misleading insinuations and falsified claims. I said to myself rhetorically: “*What went wrong with the old man Nyamu? May God deliver him.*” That was when Honourable Nyamu for the first time publicly expressed his resentment of the Political Party colours and

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yesterday he claimed that his Motion was prompted by members of SWAPO Party who came to Parliament donned in SWAPO Party colours to mark the birthday of SWAPO Party. For him to state that his Motion was triggered by the adornment of SWAPO Party colours by SWAPO Party parliamentarians in this House is a cover-up. Accordingly, Honourable Speaker, I really do not know when to believe the Honourable Member.

Honourable Speaker, when Honourable Nyamu gave notice of his Motion, I was looking forward to an informed presentation, addressing issues and advancing arguments based on scientific discourses. To my dismay, the Honourable Member's Motion was nothing else than an expression of his anger towards SWAPO Party and demonstrating his ability to make innuendoes, unsubstantiated claims and unreliable exaggerations. (Intervention)

HON VAN DER WALT: May I please ask you a question? Honourable Minister, what disappoints me is that the next floods are on its way to the North, we have unemployment and other problems, but now the Motion which I have to listen to in this House is about SWAPO colours, things which do not make sense. There are more important things to talk about in this House than SWAPO colours.

HON DEPUTY MINISTER OF FOREIGN AFFAIRS: Honourable Speaker, Honourable Members, I beg your indulgence, but I really want to make a serious contribution to this Motion. I said, for instance, Honourable Nyamu indiscriminately referred to SWAPO Party mourners at Oshiwambo as fanatic SWAPO members who could potentially cause a physical confrontation. Since I too was in attendance that day, common sense prescribes that I am not spared by his tirades. The rules of engagement in democratic politics suppose that I exercise my right of reply. After all, in his letter to Bishop Sindano that I earlier mentioned, Honourable Nyamu referred to, "*a prominent SWAPO leader from*

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Oshigambo who openly led SWAPO songs.” It is, therefore arguable, on a balance of probabilities that he was aiming at me from his uncoordinated angle of attack.

In responding to the Motion of Honourable Nyamu, I will not bring myself down to the Honourable Member’s incitements and agitations, nor will I imitate a single inch of his style which he demonstrated here yesterday when he indulged into hurling insults and abusive language. For example, he referred to the hoisting of Party flags at private premises as madness. I will raise the bar and stick to the honourable way of debating as a Parliamentarian. I have a duty to argue on matter of substance because I have taken an oath to serve the people of Namibia to the best of my abilities.

In the context of my abilities, I can certainly do better than indulging into disparaging vilifications and lackadaisical name-calling. After all, Honourable Nyamu is my subject and as his Traditional Leader I have a moral obligation towards him as a person to lead him to the podium of legislative decorousness that requires factual presentations.

Honourable Speaker, Honourable Members, the Motion introduced by Honourable Nyamu is a non-starter. It is ill-advised, illusionary, poorly argued and, therefore, self-defeating. Its essence puts limitation on the freedom of expression enshrined in Chapter 3 of the Namibian Constitution. Article 21(1)(a) and (e) of the Namibian Constitution states:

“All persons shall have the right to – (a) freedom of speech and expression; (e) freedom of association, which shall include freedom to form and join associations and unions, including trade unions.” These freedoms are restricted by Article 21(2) which states: *“The fundamental freedoms referred to in sub-Article (1) herein shall be exercised subject to the laws of Namibia insofar as such law imposes reasonable restrictions on the exercise of the rights and freedoms conferred by the said sub-Article which are necessary in a democratic society and are required in the interest of the sovereignty and integrity of Namibia, national security, public order, decency or morality or in relation to contempt of Court, defamation or incitement to an offence.”*

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The Motion of Honourable Nyamu should, therefore, be argued on the premises of the aforesaid constitutional provisions. Honourable Nyamu states that he wants the Party colours to be adorned by the respective members during specific times, such as elections only. As such he wants the limitation to be placed upon members of Political Parties in their freedom of expression. Freedom of expression is not only limited to speaking, it also includes wearing Political Party colours.

In his publication entitled “*Statutory Application – An Introduction for Students*”, Christo Botha propounds that “*in interpreting the words in statutes, their proper context should be considered and words should not be read in isolation. Thus, in the case of Nasilowski & Others versus the Minister of Justice & Another, 1998, Justice Maritz stated that freedom of expression include, for example, graphical expressions and materials. As he was deciding on a case related to indecency, the Learned Judge ruled that freedom of expression is not limited to pleasing inoffensive and indifferent material, but also to the one that disturbs and shocks.*”

Honourable Speaker, in terms of Article 80(2) of the Namibian Constitution, the jurisdiction of interpreting the Namibian Constitution rests with the High Court. Judgments of this Court therefore serves as authority on matters of constitutional debate. Honourable Nyamu appeared disturbed by the hoisting of flags and wearing of Party colours. He should have taken wisdom from the Judgment by Justice Maritz.

The environment in which political expressions are made in Namibia supposes that wearing Party colours is an expression. Honourable Nyamu has no choice but to respect the constitutional rights of fellow Namibians. Why should this august House limit people’s freedom of expression? In this case we need to look at the reasons enumerated in the Constitution that warrants a limitation on the freedom of expression. Is the limitation that Honourable Nyamu seeks to introduce in Namibia based on the reasons of public order, security, decency, defamation or incitement? I would like to submit to this august House that the wearing of political Party colours does not pose threats to any of the interests that are enumerated in the Constitution. If anything, looking at the expression in his Motion, Honourable Nyamu advocates public violence. Public

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violence is a crime in our law. On two instances he spoke about confrontation. He alleged that there was nearly physical confrontation, he alleged that a physical confrontation could have broken out at Oshigambo. Honourable Dr Nicky Iyambo and Pendukeni Ithana, who were there, can attest that this is the Honourable Member's own illusion.

He also cautioned about possible confrontation in this august House if people continue to wear Political Party colours. Honourable Nyamu spoke about the need for tolerance. If anything, it is the Honourable Member who should subscribe to the principle of political tolerance and tolerate the manner in which members of other Political Parties express themselves.

In his publication entitled "*Political Theory an Introduction*", Andrew Haywood writes: "*Debates about the proper realm of individual freedom often centres upon the idea of toleration. How far should we tolerate the action of our neighbours? Toleration refers to a particular form of inaction based upon moral reasoning and a specific set of circumstances. Toleration implies the refusal to interfere with, constrain or check the behaviour or beliefs of others.*"

People like Honourable Nyamu needs to appreciate the essence of tolerance, to refrain from interfering with the outfits of SWAPO Party members. It is a question of belief of these members, they think and dream about SWAPO Party and derive pleasure from adorning their Party outfits. They do so without preventing other people from other Parties to do the same. In the same vein, they expect other people to tolerate them as this stands at the core of the democratic values.

I recall in 2009, as members of the Standing Committee of Foreign Affairs, Defence and Security we were hosted for dinner by Honourable Moongo at his house in Omaalala. A cultural group welcomed us, singing that, "*we are here in Omaalala, led by Moongo and Kaura.*" It is common knowledge that Honourable Moongo is a headman of Omaalala, but Honourable Kaura has nothing to do with Omaalala as a village. The song was therefore referring to the two leaders as political leaders of the Democratic Turnhalle Alliance. Although the occasion was apolitical, we

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tolerated and allowed Honourable Moongo and Kaura to shine for a while. That is what tolerance is all about.

The wearing of Political Party colours or hoisting flags is a question of preference. Austin Ranney, a renowned academic and scholar of Political Science, writes in his publication entitled, *“Governing – An Introduction to Political Science”* that: *“People of course not only believe that certain things are true about politics, they also like some things and dislike others. For one thing they have different values and priorities.”*

In respect of SWAPO Party members, they have something that they like and prioritise, the colours red, blue and green. Their preference is, therefore, to use these colours and consistently identify with them, whether there are elections to be held or not. For Honourable Nyamu, he has his dislikes. He developed a spontaneous odium towards the blue, red and green colours. *Inasmuch* as he has his dislikes, he should respect the likes and preference of others. That is what democracy is all about. After all, Party members are in their Parties as a matter of choice. Why should someone shy away from demonstrating his choice in a manner that befits him and in the exercise of his constitutional rights? One will only shy away if you suffer from crisis identity.

Honourable Speaker, Honourable Members, I am not done yet, I must really deal with the Motion of the Honourable Member. Honourable Nyamu has made a regrettable mistake, he scratched where it does not itch. Now he will get what he asked for.

During his motivation Honourable Nyamu spoke about the hoisting of flags everywhere. A few years ago his Party, the RDP, requested someone in Ohangwena Region to hoist their flag on a tree under the cover of darkness. The poor young man fell and sustained injuries. If Honourable Nyamu has subscribed to the dictum that says charity starts at home, he would have long advised his Party against the hoisting of Party flags which resulted in disastrous consequences.

Now I would like to paraphrase what he said yesterday about the Secretary General of SWAPO Party when he said that she stands accused of what

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SWAPO Party members rightfully did at Oshigambo. In the context of the incidents in Ohangwena Region I will say that the Secretary General of RDP stands accused and liable of delictual claims for injuries sustained by a young man who fell from a tree whilst in the scope of duties of the RDP.

Honourable Nyamu stated that SWAPO Party members behave like conquerors. The Concise Oxford English Dictionary defines “conquerors” as: *“Someone who overcomes and takes control of, or by military force.”* I want to believe that Honourable Nyamu made this contention using a figurative rather than a literal language, but in any case, he stated that: *“The dominant Party in the country is behaving as if it was an army of occupation par excellence. Namibia seems to be an occupied territory.”*

Really, why should SWAPO Party behave like conquerors as if there was any difficulty to retain our long-held victory? After all, it is a matter of public record that SWAPO Party stays as a political giant, dwarfing its opponents and shattering their dreams of the kaleidoscope of politics. SWAPO Party swallowed its opponents, such as RDP, in manner that a python snake swallows a mouse. Like a mamba snake, SWAPO Party pumped poison in the central nerve of its opponents, leaving them politically paralysed and systematically wounded.

Honourable Nyamu intimated that the display of flags and the adornment of Political Party outfits intimidate members of the minority Parties. I doubt whether he speaks on behalf of other Parties. I have seen Honourable Members of minority Parties, including Honourable Maamberua yesterday in this august House, celebrating the anniversaries of their respective Parties by putting on Party colours as did SWAPO Party members on the SWAPO anniversary, something that has apparently disturbed Honourable Nyamu. Political Party flags of minority Parties fly all over and common sense propounds that SWAPO Party should do likewise.

The innuendos contained in the motivation of the Honourable Member are, therefore, far-fetched, baseless and imaginary nightmare. Self aggravated irritation and pretentious exasperation and political discomfort

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cannot be a legitimate barometer to determine public predilection.

The President of RDP, Honourable Hidipo Hamutenya, was a Member of the Constituent Assembly which drafted the Namibian Constitution. Further, he belonged to the Drafting Committee which did the actual drafting. I could imagine how much he is disturbed by the fact that his right-hand man has introduced a Motion which borders on challenging constitutional provisions, more so on issues of constitutional human rights provisions. Honourable Hamutenya is now put on the spot, he must do the right thing to reign in on Honourable Nyamu for the damage that he has caused to the Supreme Law that Honourable Hamutenya so much worked to bring about. One wonders if Honourable Nyamu's actions are not a sign of hidden insubordination, if not, holding his president as a drafter of the Constitution in contempt.

Honourable Speaker, finally, in motivating his Motion, referring to what happened at Oshigambo by then, Honourable Nyamu asserted that SWAPO Party members should have been mindful and considerate about the fact that Oshigambo was his birth place. Unfortunately for him, he does not enjoy the monopoly of the roots of Oshigambo. I rightfully and religiously claim the same attachment to my birthplace of Oshigambo. Therefore, whenever the two of us are present Oshigambo at the same time, there is nothing odd for my presence to be thunderously and distinguishably prevalent than that of the Honourable Member. There is something I should make loud and clear to the Honourable Member and his Party: Oshigambo is my home ground. Either they openly concede defeat or open a Political Party battlefield elsewhere in the political wilderness. When all is said and done, I reject this Motion with the contempt that it deserves and I thank you.

HON SPEAKER: Honourable Simataa.

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HON DEPUTY MINISTER OF INFORMATION AND COMMUNICATION TECHNOLOGY:

Thank you, Honourable Speaker and Honourable Members. Of course, when Honourable Nyamu was motivating the Motion we endured untold torture and now is our chance to torture you too in turn, but unfortunately for you we were tortured by one individual and in your case you will be getting multiple torture. So, good luck.

Honourable Speaker, Honourable Members, in debating this Motion, in my view, we need to answer the question as to whether the issue the Honourable Member is seeking the indulgence of this House is real or perhaps the issue is imaginary. I tend to agree with the latter. Is this issue a societal problem or is it simply one confined to an individual or in the alternative, a group of individuals who have not made peace and need to do so with the fact that they left the majority Party voluntarily and as such, should not and cannot prescribe to others how to express their support for the Party of their choice.

In motivating the Motion, the Honourable Member made a number of assertions and pronouncement, like, for example, Members on this part of the House and the other part of the House on his left, “*behaving or acting like conquerors.*” He and his fellow Party members should not lay the blame for people rejecting them on us as leaders, it is the people who are decided and who have decided and not ourselves.

The Honourable Member and his Party, I believe, claim that they are democrats. How then do we define democracy, Honourable Speaker? Is it not leaving the choice of any given issue to individuals, even if such choice is for or against us? I know that displaying Party flags out of one’s own volition may anger those of us who are obsessed with eternal hatred for the SWAPO Party, but in my view it does not infringe on the rights of others. On the contrary, Honourable Speaker, Honourable Members, what the Honourable Member is advocating in tabling this Motion, like the Right Honourable Prime Minister observed yesterday, borders on limiting the right provided in Article 21(1)(a) of individuals to express themselves, of course, provided such expression does not infringe on the rights of others. The question is, does this Assembly have the right to

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sanction covert actions to curtail fellow citizens' rights? Surely we cannot for we have taken the oath to defend our Constitution.

I cannot recall a general circular or directive that was issued by the SWAPO Party - maybe if the RDP issued one, then they need to indicate it was – for members to display Party flags on their residences or trees in areas that they are residing. Displaying a flag for a Party of one's choice does not say that fellow Namibians who belong to other Political Parties are not welcome. All that it communicates is that you are welcome, however – and it is a big however – take note and be forewarned that I, as provided for in Article 21(1)(e) of the Namibian Constitution, belong to and have the right to belong to, in this particular case, the SWAPO Party. That is all that it is communicating. It is not telling you, “*do not approach so*”, it is saying, “*do so, but you are doing so at your own peril*”, politically speaking. (Intervention)

HON MINISTER OF JUSTICE: May I ask the Honourable Member a question? Honourable Comrade, may you raise your left hand like this? What is that metallic item that you are wearing on one of your fingers?

HON DEPUTY MINISTER OF INFORMATION AND COMMUNICATION TECHNOLOGY: A ring.

HON MINISTER OF JUSTICE: What does it mean?

HON DEPUTY MINISTER OF INFORMATION AND COMMUNICATION TECHNOLOGY: I am spoken for.

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HON MINISTER OF JUSTICE: I want the Honourable Member to explain the meaning of wearing a ring. What does it tell the public, that metallic ring you are wearing? What does it say to the public when you are going around?

HON DEPUTY MINISTER OF INFORMATION AND COMMUNICATION TECHNOLOGY: Thank you very much, Comrade Secretary General. Wearing the ring clearly indicates to those who still retain an interest in me that, unfortunately, you were late in expressing your interest. Insofar as I am concerned, until such time that my commitment is dissolved, tough luck on you with your interest, I am committed eternally until I decide otherwise, which I do not intend to do for now. That is what it means.

In this particular context of the flags, let me reiterate what I said earlier, Honourable Nyamu. You see the SWAPO colours on my dwelling and if you can process the unspoken language, all that it says is, “do not even waste your time, because even if you do, the outcome, whether today, the day after today, tomorrow, will forever remain the same. Therefore, people are saying, whether I am rich or poor, I am staying at the compound, as you referred to earlier, I am employed, I am not employed, please keep in mind that in the first place I support the SWAPO Party, but over and above that, I happen to be a proud Namibian. (Interjection). I was fighting, read my history. You were also fighting, but you betrayed the fight that you stood for. I remained steadfast. (Intervention)

HON MINISTER OF GENDER EQUALITY AND CHILD WELFARE: May I ask a question? Comrade Simataa, are you aware that the Mover of this Motion still has hatred deep in his heart? Are you aware that he is the very person who burnt the letter from the SWAPO Party and this hatred is still growing and burning in his heart and that is why he brought this Motion? Are you aware of that?

HON DEPUTY MINISTER OF INFORMATION AND COMMUNICATION TECHNOLOGY: Thank you Honourable Minister. Indeed, I am aware. My Colleague who took the Floor before me spoke about choice, spoke about tolerance. I think Honourable Nyamu is better advised to renew his association with these two fundamental principles: choice and tolerance. He made his choice in the public domain by burning the letter. I was watching him, Namibia also watched. Why should he now demand that Namibia be compelled, through his Motion, to make different choices? Why? To me, what he is asking is an issue that he himself has to deal with.

Like I said earlier, his Motion is self-imposed and a self-inflicted problem that he himself and only he himself should and must address, because if he does not, one day whilst we are debating, going about our business in this Chamber, he is running the risk of collapsing prematurely. He is tempting fate, he is asking God to allow him to depart prematurely. My advice is, Honourable Nyamu, make peace. (Interjection)

HON NYAMU: Is that a message from SWAPO?

HON DEPUTY MINISTER OF INFORMATION AND COMMUNICATION TECHNOLOGY: It is a message from me, make peace. Make peace with your decision, give the latitude to other fellow Namibians to make their decision and make their choice, then deal with what we have concluded to be your demon. Your demon is called SWAPO and that demon, for your information, will not go away through the introduction of this particular Motion, it is going to remain and remain forever.

Yesterday the Honourable Minister of Home Affairs and Immigration advised you to seek psychiatric treatment. The difficulty that I have is that an ordinary psychiatrist will not be of help. Maybe what we need to recommend is that UNAM should produce a political psychiatrist, but I

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am afraid it will take time.

Honourable Speaker, in my view, in conclusion, there are no merits for now for this trivial issue to be elevated to the level the Honourable Member is attempting to do through this Motion. There are no merits. Even on the basis of principle there are no merits whatsoever.

On that note, Honourable Speaker, Honourable Members, I join those who spoke before me in, first of all, condemning in a very subtle way the ill-intentions of this Motion and also advancing my support in rejecting this Motion and placing it in the dustbin, because in a way, debating this Motion is simply wasting our precious time. I thank you very much.

HON SPEAKER: Right Honourable Prime Minister.

RT HON PRIME MINISTER: Thank you, Honourable Speaker, I will be very brief, because I do not want to be quoted by the researcher that I was just sitting in the Parliament, those who go and count how many lines a person has spoken. To me that is not important, what is important is the substance.

Honourable Speaker, to be honest with you, I am disturbed by this Motion because I believe it is violating the spirit of the Constitution. Things start very simple like this. Today it is about a flag, tomorrow it will be about something else. I am quite sure many of us are aware of how Joseph McCarthy was talking about the mega-society in the name of anti-communist crusade.

Namibia is a country ruled by law, Namibia is a country of institutions. Our fundamental law is this Constitution. This Constitution says in Article 17: *“All citizens (including citizen Angula) shall have the right to participate in peaceful political activities intended to influence the composition and policies of Government. All citizens shall have the right*

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to form and join Political Parties and subject to such qualifications prescribed by law as are necessary in a democratic society.” The Constitution also guarantees fundamental rights and one of those rights is freedom of speech and expression, which shall include freedom of press and other media. Other media.

The limitation to this freedom is provided in Article 21(1)(d), that in doing so it must be peaceful and without arms. That is the only limitation. A flag, a newspaper, a political programme or a manifesto is a message which is intended to influence the political decisions of the population. A flag in itself is a peaceful thing, it is the interpretation you put to it yourself which creates problems. Those are individual problems, it is in your own head, but the flag is part of political branding and it is an identity. (Intervention)

HON NYAMU: May I ask the Honourable Prime Minister a small, friendly question? Prime Minister, first I want to correct what most of you have alleged, interference with the democratic choice and all these things. (Interjections). If you are allergic, let me then ask my questions. What does the Prime Minister think about the time of the Nazis in Germany, when you see on television or in history books how the Nazis were spreading their flags all over Germany? What do you think about that?

RT HON PRIME MINISTER: Nazism is a Fascist ideology, represented by the Swastika, for example. It is an offensive thing, everyone knows that. Are you saying that the SWAPO flag represents evil? Are you saying that? No, the SWAPO flag represents freedom, it represents democracy, it represents above all identity with the aspirations with the Namibian people.

When the Namibian people have reclaimed their dignity, they associated with that flag, the flag of commitment and sacrifice. That is what it is, you cannot compare it with Nazism. I cannot explain it better than your

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member behind you. You had better ask him, perhaps he can explain it better.

What I am saying is that a flag is a symbol of a political idea and it is a means of influencing the political decisions of the population. It is part of the democratic process, just like you have this very destructive method of mobilisation. You go to Windhoek, you take one car, Swakopmund another car, Walvis Bay another car, Eenhana another car, you put together all the cars of your members and make a convoy and drive to areas where you do not have members. That is even more provocative because it is just like an invasion force. People know that you do not belong there, but you now want to conquer with a convoy. That is a destructive way of mobilisation, the convoy politics.

However, we say it is fine, you can have your convoy politics, but do not provoke people by parking your convoy in front of somebody's house where you do not have permission. If someone takes a SWAPO flag and tries to bring it into your yard, that is provocation, it should never happen, but if I put the SWAPO flag on the top of my own tree, I have the right to do so.

Today you are talking about the flag, tomorrow you are going to complain about the Herero dress and the next time it is the Oshiwambo dress, Nama dress. That is what you are going to do next time because of the colours of things. To me this is bordering on intolerance. The Constitution is very clear on influencing the political process, but not through violence.

Of course, as I said earlier, if somebody, while you are sleeping, comes with a SWAPO flag and puts it in front of your house, that is provocation and you should report it to the Police, provided that it is on your land and not municipal land.

Honourable Speaker, I am more troubled by the intention of this Motion. It borders on intolerance and it borders on preventing free expression. That is not good for democracy. Let us exercise our democracy, whether publishing a newspaper, putting your point of view without offence, whether you are going to do your convoy without provoking anybody,

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especially parking it near somebody's house who does not belong to your Party. If you want to hoist your flags, put your flags where you are not provoking anybody in terms of trying to invade somebody's space. Otherwise you should have the freedom to influence the political decision of the citizens because that is part of democracy and that should not be limited simply because you hate a particular colour.

If I were you, I would have called on this Assembly to pass a resolution for a referendum on SWAPO colours. We will just go and tell our people that these people want to deny you your identity, the identity of the struggle, the perseverance and victory. We shall win. Thank you.

HON SPEAKER: Thank you. Honourable Moongo.

HON MOONGO: Thank you very much, Honourable Speaker. This Motion is trying to educate us, because today we learned that there is no Government flag in this Assembly. I thought a big one should fly there and I thought maybe SWAPO wanted their flag to hang here because they opted for a one-party State and they want to indoctrinate the Namibian people to know only the SWAPO flag and nothing else.

Constitutionally I cannot support the Motion hundred percent because Article 17 deals with freedom of expression and Schedule 6 deals with the flag and all of us swore to uphold the Constitution and the flag and not Party flags. Party flags are not mentioned anywhere. That means Party flags are unconstitutional. (Interjections). Read Schedule 6, there is no mention of Party flags. (Intervention)

RT HON PRIME MINISTER: Every time I pass at Oshivelo, I see a DTA flag flying there. Are you violating the Constitution?

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HON MOONGO: I agree with the Prime Minister that the aim of a flag is to influence, but the point is, do we get equal resources to buy flags in order to influence equally? SWAPO gets the biggest share and influences everybody in all corners of Namibia. (Intervention)

RT HON PRIME MINISTER: Are you aware that there are certain Political Parties here who brief certain Embassies every now and then? What do you think they do that for?

HON MOONGO: I think we should amend the Motion of the Colleague to say we should share the resources equally, so that we can influence the Namibian people with flags on an equal basis. However, now only SWAPO has enough money to influence people everywhere and it is disturbing the peace, because you find that one house has four flags and they are fighting, there is no peace in that house. We have a problem of trying to keep the peace among the communities. One is SWAPO, one is RDP and they are fighting because of the flags and you are sitting here while the people have flags in every tree. (Intervention)

HON MINISTER OF ENVIRONMENT AND TOURISM: Comrade Speaker, may I ask the Honourable Member a question? The Honourable Member is talking about the resources not being shared equally and I remember that I motivated in this House the Motion that brought about the funding of Political Parties and to ensure that there is equal distribution.

As members of Political Parties we do make our individual contributions and we have our individual responsibilities. Do you understand that the Government's contribution to Political Parties is based on individual contributions, to the extent that it is not based on a Party but on the members that you have in the Parliament. Is that the inequality you are talking about? You have to take the figure and divide it by the number of

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Members sitting here, so that each one of us sitting here has an equal share in order to do your political work. What is the inequality that you are talking about?

HON MOONGO: SWAPO is getting these flags from China while other Parties do not have any donor and, therefore, we have only a few flags. (Intervention)

HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: Honourable Speaker, may I ask the Honourable Member a small question? Honourable Member, do you support the Motion of Honourable Nyamu or are you against it?

HON MOONGO: I support part of it. Let us share the resources and let us have the same donors to supply us with flags so that we all influence the people, not only SWAPO. (Intervention)

HON TJIHUIKO: May I ask the Honourable Member a small question? Honourable Moongo, on the issue which was raised by the Minister of Environment and Tourism, the sharing of the Political Party cake, do you not think that a better way of sharing that cake is not looking at the number of people that a Political Party has, but is to have a hundred dollars divided by the Political Parties elected into the House equally?

HON MOONGO: I was not a Member of the House when that Debate took place, but I would have opted for equal sharing. Article 10 says we

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are all equal before the law and now we are receiving only a little and therefore, we have only a few flags. With this, I do not support the Motion hundred percent.

HON SPEAKER: The House stands adjourned until tomorrow, 14:30.

HOUSE ADJOURNS AT 17:48 UNTIL 2001.09.29 AT 14:30

**NATIONAL ASSEMBLY
ASSEMBLY CHAMBERS
WINDHOEK
29 SEPTEMBER 2011**

HON SPEAKER: I just want to take advantage of you all being here to read out to you the following statement and it is a matter that comes under Rule 118 of our Standing Rules and Orders.

I wish to inform the Honourable House as well as announcing to the public at large the following good news: The President – for us Speaker – of the National Assembly of Angola will pay an official visit to Namibia as my guest of honour from 4 to 6 October 2011. In this context I have extended, in terms of Rule 118 of the Standing Rules and Orders, an invitation to His Excellency Eng. Antonio Paulo Kassoma, with the concurrence of the National Assembly, to address the august House on Wednesday, 5 October 2011 at 14:30. His Excellency Eng. Antonio Paulo Kassoma was the Deputy Minister of Defence for Weapons Technology from 1978 to 1979 in the Government of the Popular Movement for the Liberation of Angola, MPLA. He was later Deputy Minister of Transport and Communication from 1988 to 1989, then Minister of Transport of Communication from 1989 to 1992. He was moved to the post of Minister of Territorial Administration on 9 April 1992. He was the Prime Minister of Angola until September 2008 until the new Constitution replaced his role with the Vice-President in February 2010. He studied Electro-Mechanical Engineering, the same field that the President of the Republic of Angola also studied in, that is why he is also called Eng.

On 26 September 2008, following the MPLA's victory in the September 2008 parliamentary elections, the MPLA Political Bureau chose Kassoma to succeed Farnando da Piedade Dias Dos Santos as Prime Minister. In accordance with the Political Bureau's decision, President José Edward Dos Santos appointed Kassoma as Prime Minister on 30 September 2008.

Under the terms of the new Constitution passed by the National Assembly on 21st January 2010, the Office of the Prime Minister was abolished. Kassoma was then designated as President of the National Assembly, replacing Fernandos Dias Dos Santos who was appointed as Vice-President of Angola, the position he occupies to date.

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I trust that I will have a full House on Tuesday and Wednesday, but on Wednesday I would count the Honourable Members to join me in welcoming His Excellency in the National Assembly and accord him the opportunity to address the House. I wish I had said this in a formal setting, but it is information, just the same. I take it that the House concurs with my proposal. So decided. I will repeat it on Tuesday, but I thought you should know so that you can arrange your travel plans accordingly.

The House stands adjourned until Tuesday, 14:30.

HOUSE ADJOURNS AT 15:09 UNTIL 2011.10.04 AT 14:30

**NATIONAL ASSEMBLY
ASSEMBLY CHAMBERS
05 OCTOBER 2011**

The Assembly met pursuant to the adjournment.

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

HON SPEAKER: The business of the House shall now commence. As announced earlier, we have in our presence His Excellency Antonio Paulo Kassoma, President of the National Assembly of Angola.

Right Honourable Prime Minister, Honourable Members of the National Assembly, esteemed members of the delegation, Excellencies, fellow Namibians, media operators. Excellency Antonio Paulo Kassoma, President of the National Assembly of the Republic of Angola, I, on behalf of the National Assembly, welcome you and your delegation to Namibia and especially to this august Chamber. Welcome, dear Colleague, and feel at home.

Your Excellency, your delegation, includes yourself, old Comrades, sisters and brothers and personal friends. We are delighted and extend greetings and best wishes to one and all. Welcome.

The President, Josè Eduardo Dos Santos Eng., Head of State of the Republic of Angola, on the 25th of October 2007 addressed this National Assembly. We recall on this occasion the joy and remembrances of that splendid engagement. The Honourable Members remember the inspiring words spoken, the reiteration of all-round solidarity between the two sisterly countries and peoples who share history and deep kinship over many centuries.

The President also stressed the urgency of the democratisation process, hard work on economic productivity that must include all and, indeed, the importance of regional cooperation to ensure stability and promotion of joint venture initiatives. Certainly much has happened since, including frequent exchange of high level political and business delegations. Only very recently Namibian Trade and Industry Minister, Dr Hage Geingob,

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ADDRESS BY DR KASSOMA

accompanied by a large delegation of interested parties, paid an extended official business visit to Luanda and other places in Angola. The visit was a great success.

Excellency, you joined us today at the Heroes Acre for requiem of the martyrs ceremony. I have just mentioned history and kinship. We met recently for SADC Parliamentary Forum meeting in Lubango. Our bilateral talks were productive and we agreed on this official visit to Namibia. All was well indeed. I had, however, to leave earlier for Soweto to attend the funeral of Ma Albertina Sisulu.

We are winning and making progress, moving forward. There is no denying the challenges of high unemployment, youth development and gender imbalances measured by Millennium Development Goals. Talking of winning, I must heartily, on behalf of the National Assembly, join you, dear brother, and your delegation and, indeed, the Angolan people at large in the continuing celebration for the crowning of Ms Lina Lopez of Angola as Miss Universe 2011. Is she really not beautiful? Viva!

I now, with great happiness and confidence for the future, invite His Excellency Dr Antonio Paulo Kassoma, President of the National Assembly of the Republic of Angola to address the Honourable House. It is a great fact of our Assembly that you are the first ever Speaker of the National Assembly of Angola to address our Parliament. Excellency, you have the Floor.

HIS EXCELLENCY DR KASSOMA: Excellency Dr Theo-Gen Gurirab, President of the National Assembly of the Republic of Namibia, Excellencies, distinguished guests, ladies and gentlemen.

It is with profound and immeasurable emotion that we appreciate the welcome and hospitality we have been offered since our arrival in Windhoek and the kind invitation to be part of this Plenary Session of the Namibian National Parliament.

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The joy we feel at this time has to be a deeper reason. The strong sense of solidarity between two people who were able to overcome with courage and determination the most difficult moments of their trajectories as free Nations and the opportunity to express the deep salutations from the Angolan Deputies to their Namibian brothers.

The ties that bind us are special and unbeatable because they have a common identity shaped in defending the causes of our respective Sovereign Nations and consolidate ever-increasing the challenge of building and development in our countries.

Cassinga is and will always be alive, the historic symbol of solidarity between the peoples of Angola and Namibia which distinguishes them as one family. Both peoples have committed themselves as the causes of each and both paid the price with tears of mutual solidarity.

It is under the sign of high identity of our common causes that our late President Agostinho Neto said: “... *in Namibia, Zimbabwe and South Africa is the continuity of our struggle.*”

It is from this rich heritage of solidarity and patriotism that His Excellency President Jose Eduardo Dos Santos has shaped the strategic cooperation with the sister Republic of Namibia, which greatly contributes to the Independence of the Namibian people and to peace in Angola.

It is also the mantle that covers us as we move here in Namibia and we will certainly seize the occasion to exchange views and reflect on the establishment of a programme of parliamentary cooperation.

Excellency, dear Speaker Theo-Gen Gurirab, dear Members, we want the parliamentary cooperation to track the level of cooperation between the two Governments in order to respond ever better to the wishes of our people. In fact, the existence of people who share the same culture elevates our relationship to a level of not only political and governmental, but also economical, cultural and even blood, making them a single people.

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Although circumstantial grounds are separated into two territories, in terms of affection we are still more united in honour of our common ancestors, as the King Mandume who knew how to interpret the will of freedom, autonomy and Independence of our people.

Before we were united through the prism of the struggle for freedom and peace for our countries and peoples and today we remain united in the great challenge of building and developing our respective Nations.

For this purpose, Angola had the high honour and responsibility to pass on January 21,^t 2010 the Constitution of the Republic of Angola. Therefore, after thirty-five years of Independence for the first time the Republic of Angola adopted its Constitution that reinforces the great achievements of the Angolan people in the field of rights, freedoms and guarantees of citizens as well as defining the political, economic and social state.

Following this historic act of paramount importance to our history, the Angolan Parliament, during the Third Session of the Second Legislative Legislature, has worked extensively in the process of forming the ordinary laws within the new constitutional framework.

The National Assembly of the Republic of Angola is a unicameral body, representative of all Angolans, which expresses the Sovereign will of the people and exercises the legislative power.

The current representatives were elected by universal elections, free, equal, direct, secret and regular by the citizens through a system of proportional representation for a term of four years. The recent Constitution already allows in its point 2 of the 142nd article a mandate of five years.

The election is by electoral districts. There is a national constituency and eighteen provincial constituencies corresponding to each of the provinces that make up the political and administrative division of Angola, 130 members of the national constituency and 90 members representing the provincial constituencies.

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The last election campaign was held in September 2008 where 220 deputies were elected, with 191 from the MPLA, representing 8% of the total votes, thus resulting in an absolute majority, a universe in which UNITA won 16 seats, eight seats PRS FNLA and ND two and three seats, respectively.

However, it should be noted that Parliament has a composition of 85 women, which makes up approximately 39% of all deputies.

In this context, I wish to inform this House that we are in the Magna process of discussion and approval of the electoral legislative package that will support the legal framework provided for in the next election pledges for the year 2012.

Today the world is experiencing moments of enormous concern about the financial crises and economic consequences for our economy in Africa are known to be serious. The great centres of the world took economic decisions which would once again require large sacrifices on the part of states to overcome them.

In this area, Africa and SADC in particular should be alert to find solutions within the framework of bilateral and multilateral cooperation, based on the strengths and comparative advantages that our countries possess.

It is, therefore, of paramount importance to our presence in the SADC Parliamentary Forum and the Inter-Parliamentary Union that your Speaker is the current President and we are very proud on behalf of our country and the region.

Namibia was a pioneer in the creation of regional parliamentary mechanism, with the initial design of Windhoek, which culminated in the institutionalisation, the Summit of Heads of State and Government of SADC in 1997, the SADC Parliament Forum, whose headquarters is here in Windhoek.

In this regard, allow yourself, Your Excellency, from this rostrum to pay once more and before this tribunal a tribute to the late President Mosé

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**VOTE OF THANKS
RT HON ANGULA**

Tjitendero who participated very actively in the realisation of this desire of the peoples of SADC.

The mission and vision of our predecessors in this field have not been fully implemented yet, but we are on the right track and will continue to devote efforts to ensure that this aim can be properly implemented with consensus.

I would, therefore, like to congratulate the Parliament of Namibia for the tremendous support in the realisation of the plenary meetings.

By ending up my speech, I would like once more to express on my own behalf and on behalf of the delegation accompanying me the deep gratitude and appreciation for the hospitality and manner that we were greeted and welcomed. We hope that our relationship will continue and become closer and more solid for the benefit of our people.

Excellency Dr Theo-Gen Gurirab, Speaker of the Parliament of Namibia, it is with great honour that Angola and the National Assembly would want to welcome you very soon for an official visit to our country. Thank you very much.

HON SPEAKER: I thank you very much, Excellency. I now have the honour, on behalf of the National Assembly, kindly to request the Right Honourable Prime Minister to express a word of thanks.

RT HON PRIME MINISTER: Thank you, Honourable Speaker. First and foremost, I sincerely thank, commend and congratulate you for getting here our brother, His Excellency Engineer Antonio Paulo Kassoma to Windhoek. I tried to get him here previously when he was a Prime Minister like myself, but our schedules could not enable us to do so.

I would also like to thank His Excellency Kassoma for gracing this House with your eminent presence. What you have said has inspired all of us.

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**VOTE OF THANKS
RT HON ANGULA**

Our Parliaments are truly the expression of the sovereign rights of our people to elect their representatives and we all represent the aspirations and hopes of our people.

You were right to say that Angola and Namibia are countries occupied by people with common historical bonds and common culture. The boundaries which they imposed on us are just boundaries and they remain that, but our people are bound together by our historical ties and we should continue to strengthen these ties.

We have many things our Parliaments can discuss, things of common interest. We share the same resources, for example, we share the water of the Kunene River and we can talk about that as Parliaments. We also share a long common border, all the way from Zambia to the Atlantic Ocean. Our people are ever communicating among themselves and I am quite sure we could serve their needs if we can regularly meet as lawmakers.

I would like to inform you, Excellency that on the part of Namibia, my Colleague, the Minister of Education, assured me that he is going to intensify from next year the teaching of the Portuguese language so that we can enhance communication among our people.

Please, you are very welcome to your country, you should regard this as your country. We have many of your countrymen and women here in Namibia and I hope you will be able to meet them. They should allow you to go to Katutura, you will meet them there. You are welcome, I look forward to meet you tomorrow with your delegation, otherwise let me thank you sincerely for gracing this House with your eminent presence. Thank you.

HON SPEAKER: Thank you very much, Right Honourable Prime Minister. With your kind indulgence, would you allow me to recess the House for a few minutes to escort His Excellency out?

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**TABLING OF REPORTS
HON SCHLETTWEIN**

BUSINESS SUSPENDED

BUSINESS RESUMED

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

TABLING: REPORTS OF THE AUDITOR-GENERAL

HON DEPUTY MINISTER OF FINANCE: Honourable Speaker, I lay upon the Table four Reports of the Auditor-General:

- Department of Transport in the Ministry of Works and Transport for the Financial Year ended 31 March 2010;
 - Department of Works of the Ministry of Works and Transport for the Financial Year ended 31 March 2010;
 - Ministry of Defence for the Financial Year ended 31 March 2010;
 - Ministry of Environment and Tourism for the Financial Year ended 31 March 2010.
-

HON SPEAKER: Will the Honourable Member please table the Reports? Honourable Amathila.

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**TABLING OF REPORTS
HON AMATHILA**

**TABLING: REPORT ON SADC
REGIONAL SEMINAR**

HON AMATHILA: Honourable Speaker, I lay upon the Table, the Report on the SADC Regional Seminar titled, “*Parliamentary Engagement in Making Aid More Effective – Focus on Evidence.*”

The conference was held in Maputo, Mozambique, on the 3rd-5th of May 2011 for discussion on Tuesday, the 11th of October 2011.

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

NOTICE OF QUESTIONS

QUESTION 30:

HON MOONGO: Thank you, Honourable Speaker. I give Notice that on Thursday, the 13th of October 2011, I shall ask the Minister of Defence the following:

1. Is the Minister aware that communities in the eastern and northern Regions appreciate the sacrifices and contributions made by the NDF members as a rescue team during 2010-2011?
2. Why were the members discriminated against by not getting a humanitarian incentive allowance like other Government employees who were also involved in the exercise? Article 10(2) of the Namibian Constitution states: “*No person may be discriminated*”

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**NOTICE OF QUESTIONS
HON MOONGO / HON LUCKS**

against.” When will the NDF members benefit from the incentive like other employees?

QUESTION 31:

HON MOONGO: I give Notice that on Thursday, the 13th of October 2011, I shall ask the Minister of Defence:

Is it true that a sergeant major, force number 17045091, stationed at Suiderhof Military Base, joined the Force in 1990 with the same rank, but twenty years after Independence he has not been promoted because it seems he is from the minority Himba group. What is the reason behind this that he could not be promoted? When will the policy of affirmative action start in the NDF?

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

QUESTION 32:

HON LUCKS: Thank you, Honourable Speaker. I give Notice that on Thursday, 13 October 2011, I shall ask the Honourable Minister of Youth, National Service, Sport and Culture the following:

With respect to the standard and performance of the Namibian National Rugby Team and the ongoing Rugby World Cup in New Zealand:

- (a) Is the Honourable Minister satisfied with the overall performance of the Welwitchias?

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**RATIFICATION: AFRICAN NUCLEAR
WEAPON FREE ZONE
HON DR KAMWI**

- (b) Would the Minister agree that the score line is not reflective of the ability, the guts and determination of the National rugby team?
- (c) Is the Minister of the opinion that the level of funding of our National rugby team is adequate?
- (d) What measures does the Honourable Minister intend putting in place to deepen and consolidate the development of rugby at schools and at junior level?

HON SPEAKER: Will the Honourable Member table the Questions? Any further Notice of Questions? Notice of Motions? Ministerial Statements? The first Notice of Motion is the one of the Honourable Minister of Health and Social Services. Does the Honourable Minister move the Motion?

**RATIFICATION: TREATY OF AFRICAN NUCLEAR WEAPON
FREE ZONE TREATY & ADDITIONAL PROTOCOL TO THE
SAFEGUARD AGREEMENT TO THE NATIONAL ASSEMBLY**

HON MINISTER OF HEALTH AND SOCIAL SERVICES: I so Move, Honourable Speaker.

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

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**RATIFICATION: AFRICAN NUCLEAR
WEAPON FREE ZONE
HON DR KAMWI**

HON MINISTER OF HEALTH AND SOCIAL SERVICES: In May 2005 this august House approved the Atomic Energy and Radiation Protection Act No. 5 of 2005. One of the objectives of this Act is to create the necessary mechanisms to facilitate compliance with the obligations of Namibia under international agreements relating to nuclear energy, nuclear weapons and protection against the harmful effects of radiation.

For this reason I have the honour to introduce the following international instruments connected with the use of nuclear energy. The first instrument is the African Nuclear Weapon Free Zone Treaty, commonly known as Treaty of Pelindaba.

The Treaty declares Africa a zone free of nuclear weapons as an important step towards the strengthening of the non-proliferation regime, the promotion of cooperation in the peaceful uses of nuclear energy, complete disarmament and the enhancement of regional peace and security. It came into force during July 2009 and the first Conference of State Parties to the Treaty took place in Addis Ababa, Ethiopia during November 2010.

In line with Article 14 of the Treaty, the Conference elected twelve members to three year membership of the Commission. These countries are Algeria, Burkina Faso, Cameroon, Ethiopia, Kenya, Libya, Mali, Mauritius, Senegal, South Africa, Togo and Tunisia. The Conference also endorsed the decision to establish the headquarters of the Commission to be in South Africa.

Honourable Speaker, Sir, the Treaty encourages states to promote the use of nuclear science and technology for economic and social development. As a result, I wish to inform the Honourable Members that Namibia has an active technical cooperation programme with the International Atomic Energy Agency for the promotion of nuclear science and technology. This programme is defined in the Country Programme Framework, which is a five-year planning document agreed between Namibia and the International Atomic Energy Agency for the promotion of nuclear science and technology in areas such as health, agriculture, water resource management, energy and nuclear regulatory infrastructures. Therefore,

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ratifying this Treaty will enhance the framework for similar cooperation on the African continent and between states on the African continent.

I would like to reiterate that nuclear non-proliferation is at the core of the Pelindaba Treaty as it primarily seeks to ensure that nuclear weapons are not developed, produced, tested or otherwise acquired or stationed in any of the countries on the African continent. The Treaty puts the states under obligation to conduct all activities for the peaceful use of nuclear energy under strict non-proliferation measures in order to provide assurance of exclusively peaceful uses. As a means of compliance the Treaty calls on states to complete a comprehensive safeguard agreement with the International Atomic Energy Agency for this purpose.

Honourable Speaker, Sir, Honourable Members, permit me to use this opportunity to equally introduce the Second Legal Instrument which is before this august House for your consideration.

The Treaty on the Non-Proliferation of Nuclear Weapons, of which Namibia is a signatory since 1992, is the centrepiece of global efforts to prevent the further spread of nuclear weapons and represents a balancing of rights and obligations with regard to nuclear disarmament, non-proliferation and peaceful uses.

There are two instruments under the auspices of the International Atomic Energy Agency which seeks to promote the non-proliferation of nuclear weapons. The first one is the Safeguard Agreement for the application of safeguards in connection with the Treaty on the Non-Proliferation of Nuclear Weapons. The objective of the Safeguard is the timely detection of diversion of significant quantities of nuclear material from peaceful nuclear activities to the manufacture of nuclear weapons or of other nuclear explosive devices or for purposes unknown and the deterrence of such diversion by the risk of early detection. Namibia in fact ratified this agreement in April 1998.

The second is the Model Protocol additional to the Safeguard Agreement, which seeks to strengthen the effectiveness and improved efficiency of the

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Safeguard System. It is developed to equip the system with better tools to provide assurance about both declared and possible undeclared nuclear activities. The shift in the focus of Safeguard's implementation is from verification of declared nuclear material at declared facilities to understanding and assessing the consistency of information on a state's overall nuclear science and technology programme. The Protocol was signed in March 2000 and I am now seeking the approval of this august House for its ratification.

Honourable Speaker, Sir, Honourable Members, the international legal instrument which I tabled is an important tool that will assist Namibia to demonstrate its commitment to the international community with respect to nuclear non-proliferation and peaceful applications of nuclear energy. Therefore, I plead with you, Honourable Members, to support the approval of the African Nuclear Weapon Free Zone Treaty and the Model Protocol additional to the Safeguards Agreement. I so move, Honourable Speaker, for the consideration of this application. Thank you very much indeed.

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

HON SHIXWAMENI: Thank you, Honourable Speaker. With the concurrence of the Minister, I would like to adjourn the Debate to Wednesday, the 12th of October.

HON SPEAKER: The consideration of this Motion stands adjourned until Wednesday next week. So decided. The second Notice of Motion is the one by Honourable Moongo. Does the Honourable Member Move the Motion?

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HON MOONGO

MOTION ON HATE SPEECH AND NAME CALLING

HON MOONGO: I Move the Motion.

HON SPEAKER: Who seconds the Motion? Objections? None. Agreed to. Honourable Moongo has the Floor.

HON MOONGO: Thank you, Honourable Speaker, Honourable Members for allowing me to motivate my Motion and I would like to start by asking my Colleagues in the opposition to control our tongues and mouths, because the mouth which we use to insult people is the mouth which... (Intervention)

HON SPEAKER: Honourable Moongo, nobody said anything, you are the only one speaking. Just motivate the Motion.

HON MOONGO: I appeal for unity.

HON SPEAKER: Say something first so that I can have an idea.

HON MOONGO: I moved that this House debates the cause, the manifestation and consequences of this side's verbal communications made in public by some members of the opposition and some members of

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the Ruling Party who attack each other. Whenever they meet they are not at peace and I want peaceful relations in Namibia so that we have a peaceful Nation.

Some officials or individuals use intimidation or discriminatory tools to rob the people of Namibia of their rights and freedoms as enshrined in the Namibian Constitution and I quote Article 23(1): *“Apartheid and Affirmative Action: The practice of racial discrimination and the practice and ideology of apartheid from which the majority of the people of Namibia have suffered for so long shall be prohibited and by Act of Parliament such practice and the propagation of such practice may be rendered punishable by the ordinary Courts by means of such punishment as Parliament deems necessary for the purpose of expressing the revulsion of Namibian people.”*

These ugly experiences of the apartheid era was held up by the ideology and the propaganda of derogatory, dehumanising and hurtful expression and name-calling utterance which violated the dignity of Namibian people both directly and indirectly and that is the reason why Article 23 has mandated this august House to enact a law that makes such offences criminally punishable.

Unfortunately this august House has in the past twenty-one years of Independence not initiated, debated and passed a specific law that directly prevents a repeat of the apartheid-like behaviour. It is, therefore, not surprising that such discriminatory and derogatory and dehumanising utterances are practised in this country as a political weapon of mass destruction twenty years after Independence against political opponents, which we want to bury once and for all so that we become one Namibia, one nation, a Nation with good relations.

Mr Speaker, Honourable Members, before Independence Namibia or South West Africa was divided along tribal lines and, therefore, the tribal hatred has affected every man and woman in this country. Everyone adopted that philosophy from South Africa. The then colonial South African administrative system was not aimed at educating Namibians, but they taught us how to hate each other and because I am an Ovambo, I

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must like the Ovambo, I must first help the Ovambo. Thus we were wrongly brought up by the then South African regime and we do not want this to continue now and we do not want Party-to-Party hatred.

A lack of democracy leads political administrators to subject citizens to derogatory, dehumanising and hate speeches. The citizens were also influenced to retaliate, accusing each other with terms like *Omaramba mbongo*, traitors, *Oondaadhi*, spies, Iikulo, terrorists or in songs, like *Iinyakwi ya Kandove*.

Today we are experiencing similar utterances and accusations, like *omashenge* – homosexuals, *aatondi* – enemies or puppets or Satan and Judas Iscariot. This we hear 20 years after Independence and as a peaceful Nation we want to bury this once and for all and if not, you are not a Nation. Namibia needs peace and we need cooperation and peaceful co-existence amongst all of us.

Recently we heard officials calling each other Satan and Judas Iscariot. For how many years did we not know about this Judas Iscariot thing, we read it in the Bible and it is written in the Bible so that we do not continue with that. It is being made in public by influential persons and the Ndilimani Cultural troupe sing revolutionary songs which dehumanise Namibians. These derogatory songs must not be played in public.

Mr Speaker, those who are using hate speeches today were regarded as the true freedom fighters, because we were taught by the South African minority whites to instigate or to challenge each other so that we hate each other and tribalism can take root. Are you happy with this situation? Let us change now and let us change our hearts first and let us control our mouths and our tongues.

Therefore, in the true spirit of the liberation struggle, reconciliation and unity in Namibia should be implemented by the political leaders and enforced through a law. The darkest chapter of our history should be dealt with honestly and truthfully. Those who behave like the ANC Youth League leader, Julius Malema, should be brought to book in the name of peace. (Interjection)

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HON SPEAKER: He is not here.

HON MOONGO: Peace, justice and unity in diversity, true unity and justice through nationhood and the national pride through campaigning should be allowed in every Region and in all corners of Namibia.

Mr Speaker, Honourable Members, in order to have a genuine, unshakeable strong democracy and true justice in Namibia, we need to have some principles of democracy and principles of justice inseeded into our minds and enforced to control the day-to-day behaviour of our people. Otherwise democracy will fail and we will say democracy is a difficult system to implement as we still continue blaming the South African minority regime after twenty years of Independence. We are supposed to change things and we are supposed to unite our Parties and our people. True unity and justice should be advocated in every Region and in all corners of Namibia.

Having said this, I Move that this National Assembly must bury hatred between Parties and must not intimidate each other when we campaign and stop these nonsensical things. We should become a true Nation, a Nation of democratic minds and I hope the Prime Minister is ready for it.

The National Assembly to initiate a law which should be debated and passed to prohibit hate speeches that may cause political revenge, conflict and ultimately, mass killings, such as genocide which is experienced in some parts of Africa. I, therefore, propose as a matter of urgency that the Motion be accepted and be referred to the relevant committee for its consideration and public input. With this I hope I will get your support.

HON SPEAKER: I thank the Honourable Member. As the Presiding Officer I have the following to say: I found a lot of good things in your Motion, Honourable Member, that speak to what we advocate as political tolerance. Some of the names you mentioned in different languages I did

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not understand what they actually mean. Those who understand them will respond to them. But first, before I get to the serious part, Honourable Muharukua pressed the button even before Honourable Moongo made his speech. In the process you also used the expression “*mass destruction*” and the implication of that is that it is quite serious. Whether it was just so to speak or whether you actually have evidence in these 20 years of Namibia’s Independence that some form of this took place, and I would like to put the expression in inverted commas because I do not know what it means, but if it means what I know by that expression, I hope it will become clearer in the course of the discussion of the Motion. Any further discussion?

HON DEPUTY MINISTER OF GENDER EQUALITY AND CHILD

WELFARE: Thank you, Honourable Speaker, Honourable Members. As a mother I want to thank the Namibian Government, particularly the Head of State of our Republic for bringing our forefathers and mothers back home.

Secondly, I want to thank our Parliament, particularly Comrade Speaker, for allowing the Speaker from Angola to come to Namibia to deliver a good statement. We have to thank you for that.

Honourable Speaker, Honourable Members, I agree with the headman from the Omalaala Village in the Ndonga Traditional Authority. Yes, we are 21 years old, but when you are old you have to speak the truth because the Nation expects the truth from us. I remember at one time I said nobody is coming from heaven to rule Namibia, there is nobody coming from the developed country, this country is ruled by the Namibian people.

Honourable Moongo, you talked about many things, name-calling and you referred to the history. When we talk about history, we cannot forget what somebody did to other people. I am saying this because we are trying to go into the deeper history of Namibia. As I said, yesterday and today we attended a ceremony for our forefathers and mothers who were killed by other people. The German era and apartheid was not a joke. Even when

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you left the country to fight, your people were killed by Germans. We have our people in South Africa, Angola, Botswana, Zimbabwe, but you say you are called names. You came back to tell the whites who were colonising us the different words. Why do you want us to forget your name? Me as Muharukua is not going to forget that.

Comrade Speaker, Honourable Members, Honourable Moongo provoked me with his question to the Minister of Defence and I stand here to tell this House and the public out there that your question is not true. You talked about promotion for the Himba people in the police and army. Why do you talk about that?

Comrade Speaker, Honourable Members, the public out there have opened their minds, their eyes, their ears to listen who of us are talking the truth and who not. I am representing the Himbas together with other Colleagues who are assigned to the Region, particularly the Oshiwambo-speaking. When those people go to the Region, there is no tribalism. The Deputy Prime Minister came from there yesterday.

You people on the other side went there to mobilise my people and that is why they are confused. Our people who deserve to be promoted are promoted. (Intervention)

HON SHIXWAMENI: On a Point of Order. According to the Rules a Member may not anticipate business that has been put on the Order Paper and the Honourable Member is basically answering the question that has been put to the Minister of Defence. Is that allowed?

HON SPEAKER: No, I did not understand it that she is replying, she is taking that as an example.

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WELFARE: Honourable Speaker, I am not responding, I said what was said is not true about the promotion for Himbas. I want to give an example. Our culture is that the Himba women do not speak when among the men, we do not eat together with men. In our culture women do not propose to men. When I came here I was a proper Himba, I did not go to school and there were many things I did not know, I did not eat with the men, I did not sit among the men and it took me a long time to get used to that. I even did not use to wear a trouser to Parliament, but now I do. I now do all these things because I was promoted by the leadership of the SWAPO Government. I joined this House after the second election in the Republic of Namibia in 1995. To come to Parliament is a big promotion for the Himbas. Some people do not know my background. Please, if you want to read the book, you are not going to read the book to me, go back to Kunene, people will tell you about my background. I am pure, pure Himba, wearing the skin like others, but I came here because of the SWAPO Government, because of the SWAPO leadership, but you want to tell that people are not calling others names.

In 2004 I got promoted to Deputy Minister of Women Affairs. Until today I am in the SWAPO Government. Yesterday I came from Opuwo because I said you went to my people to confuse them and now I want to tell this House, Comrade Deputy Prime Minister, I want to inform you and the public that I went to my people and said we are 21 years old, we are not going to listen to you, all the time opposing everything for development. The development is coming from the SWAPO Government, we are not going to develop the old people who are getting social grants, the development we are talking about is for the younger generation, the future generation.

Comrade Prime Minister, I want to inform you that when we take development to the people particularly on the other side of the redline, we cannot listen to some people who call themselves leaders. We cannot listen to you, Honourable Moongo, because you are confusing the people and you want to promote your shops there and while you want to promote your shops there, you went to the Ministry of Gender, giving them blankets because you want to be seen, but you are telling the people to

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refuse development from the Government.

Comrade Speaker, from now on I want us to behave as old people, as leaders who make laws for the future generations of Namibia, because tomorrow they are going to blame us at our graves there. We can make good laws for the future generations. I want to inform this House, please, even if I was Honourable Moongo I could not have read that statement today because today was a good day to our people when we were welcomed by the Head of State and when we welcomed our visitor from our neighbouring country. If I were Moongo I would have waited until tomorrow, not today. Thank you for your kind attention.

HON SPEAKER: Those Honourable Members who were in the Chamber when Honourable Muharukua came here first, would agree with me that at the rate at which the Honourable Member is able to deal with the English language, both in terms of grammar and delivery, that the Deputy Minister Namwandi's status is seriously threatened. (Laughter) Any further discussion?

HON ULENGA: Honourable Speaker, I would like to propose the adjournment of this Motion until Tuesday, next week. I so Move.

HON SPEAKER: Any objection? The discussion of the Motion stands adjourned until Tuesday, next week. The Third Notice of Motion is the one of Honourable Shixwameni. Does the Honourable Member Move the Motion?

HON SHIXWAMENI: I Move that the introduction of the Motion be adjourned until Tuesday, next week.

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HON SPEAKER: The introduction of the Motion stands adjourned until Tuesday, next week. The Secretary will read the First Order of the Day.

**RATIFICATION: AFRICAN CHARTER ON VALUES
AND PRINCIPLES OF PUBLIC SERVICE**

SECRETARY: Resumption of Debate on Ratification of the African Charter on the Values and Principles of Public Service and Administration in Parliament.

HON SPEAKER: When this Debate was deferred on Wednesday, the 28th of September 2011, the Question before the Assembly was a Motion by the Honourable Deputy Prime Minister, that the Charter be ratified. I now give the Floor to the Deputy Prime Minister.

HON DEPUTY PRIME MINISTER: Thank you, Comrade Speaker, Honourable Members. I thank you very much for agreeing to the postponement twice of the response on the Charter on Values and Principles of the Public Service and Administration of the African Union Commission.

Comrade Speaker, Honourable Members, let me begin by extending my gratitude to Honourable Members for their tacit and expressed support of the African Charter on Values and Principles. I have a general comment first in view of the contributions, specifically by Honourable Shixwameni who has made extensive comments and then sharing information on our contribution, which was also emphasised in the contributions of the two Members who have taken the Floor on what we have done and what we are doing in order to promote the implementation of the Charter.

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As I have said earlier, two Honourable Members directly participated in the Debate. Honourable Shixwameni's contribution centred around the necessity and importance of implementation of the Charter by all African Union Member States and, indeed, encouraged the Office of the Prime Minister to play a crucial role in urging member states to implement the Charter.

Honourable Shixwameni also made comments relating to recent political and security developments in the Ivory Coast and Libya, where in both cases decisions taken were not strictly adhered to by all member states. The Honourable Member indeed blamed lack of unity and cohesion within the African Union on the present African leaders. Comparing the *status quo* with what leaders like late Kwame Nkrumah stood for, Honourable Shixwameni stated clearly that the ideals of Kwame Nkrumah, "*that Africans will stand as a united nation both at regional and international platforms.*" I fully agree and say yes, that is what Nkrumah and many of our principal African leaders stood for and still stand for today.

The same principle, Honourable Shixwameni, is reflected in the Constitutive Acts of the African Union in Article 3 under Objectives and I chose to quote only two paragraphs:

- (a) To achieve greater unity and solidarity between African countries and the people of Africa.*
- (b) To defend the sovereignty, territorial integrity and Independence of its member states."*

This speaks volumes. When we talk about defending the African integrity, we are talking about exactly what is happening, rejecting invasions of the African countries and rejecting interference by bigger powers in the African countries and Honourable Shixwameni, I assure you that these objectives are well known by all member states and leadership and they have signed and accepted them.

Thus, it cannot be factually correct and morally right to blame all member states and all leaders on the continent of failing to maintain and

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courageously state late Kwame Nkrumah's ideals and the objectives in the Constitutive Act.

I fully agree and of course, Honourable Moongo has just made the statement today of the opposition people. When you analyse that statement of the "*opposition people*", I do not know what it really means, but to me it is serious that somebody decides him or herself to be an opposition person. For how long I do not know and what you want to achieve I also do not know.

However, what I am trying to say, Comrade Speaker, Honourable Members, is that these objectives are well known and I believe that what lacks and what I think there are is a shortage from many of the leaders, (specifically those who are calling themselves opposition people), are steadfastness, persistence and consistency, specifically when defending the interest of the African continent, the African people and, indeed, the African natural resources. There we have some shaking grounds throughout.

I believe that what is needed in actual fact is for all of us to understand that defending the continent's interest, its people and resources is the responsibility of all Africans, not only of Heads of State. In short, maintaining the principle on cohesion, as reflected in the Constitutive Act, that is indeed one of the shortage we have within the leadership on the African continent.

Similarly I want to state that Africans should learn to give credit where it is due. Those who are following the ongoing Debate at the UN General Assembly in New York would have heard repeatedly that Namibia and a number of member states stood by the collective decisions of the AU and its Peace and Security Council. I would have liked Honourable Shixwameni to give credit to our Head of State and his colleagues who stood their ground at the General Assembly, clearly indicating that they do not accept the interference and the way the West and the United States of America have ignored the African Union proposal on the Roadmap on Libya. I would have liked that all of us stand together and say yes, here we have leaders who, despite pressure from the big powers, are still saying

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exactly what our organisation stands for.

Honourable Shixwameni, I believe that when our leaders stood at the United Nations, expressing exactly the stand of the African Union and its Security Council, it was a reflection of the principle that Dr Nkrumah stood for. We all agree of course and encourage criticism, but we should never do so to please those opposing progress on the continent, because ignoring exactly what has happened and what is happening and is un-African Honourable Members I would like you to go and read our Head of State's statement, and maybe also the statement of President Robert Mugabe. This is really what is important for us as leaders, whether we are in the Opposition or Ruling Parties, we have to acknowledge and encourage our leaders when they stand firm and express the taken decisions by the organisation.

I fully accept your support for the principle of African solutions and I appreciate that. Of course, as we go on, many Honourable Members will start to realise the importance of promoting the African solution as opposed to interference.

Comrade Speaker, Honourable Members, *Honourable Schlettwein* raised pertinent concerns and queries which are of legal nature and they have to do with the incompatibility and conflict of our national laws and the Charter. I have taken serious note and will inform the Honourable House at the end of my statement on the consultation I held with our legal minds.

Now to come to specific requests to the Office of the Prime Minister in order to make sure that we promote the implementation and ratification of the Charter on the continent. Just to share with you our experience in terms of what we have done, both internally and externally, the objectives and principles as stated in the Charter have already been domesticated in our Public Service. These high-level issues are adequately reflected in our Constitution and the Public Service Act 13 of 1995, the Public Service Code of Conduct, the General Principles of Namibian Public Service Charter and the Functional Customer Service Charter developed by the Offices, Ministries and Agencies.

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Given the aforementioned background, we are far ahead of most of the African Union Commission Member States in respect of domesticating the African Union Charter internally. We have gone quite far and I am sure that we are doing well. Of course, with your support we will do more.

On the implementation at the continental level, it is important to note that the Conference on the Implementation of the African Public Service Charter was held from the 3rd to the 7th of October 2005 in Swakopmund. The aim of the workshop was to examine the progress made by various African Union Member States on the implementation of the Charter and to determine the way forward for service delivery and governance improvement. In actual fact, this seminar looked at exactly what Honourable Shixwameni wants us to do and key recommendations emanating from this conference were:

1. Setting up of committee to review the Charter before it is submitted to the Pan African Conference of Ministers for Public Service for endorsement and before Member States start adapting it to their national policy and environment.
2. Harmonising the monitoring and implementation mechanisms of the Charter with existing legislative and regulatory instruments and structures in every country.
3. Developing benchmark documents to guide Member States with Charter implementation process.

These are all the issues you were concerned about, Honourable Shixwameni and Honourable Deputy Minister, that you thought we should do.

Honourable Members, we are presently deemed as a continental authority on the implementation of the African Charter on the Values and Principles of Public Service and Administration. The Efficiency and Charter Unit in the Office of the Prime Minister is at all times inundated with requests to support the other African Union Commission Member States on Charter related issues as well as organisations of the African Union and we are

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giving our support where we are ready to do so.

As an example, recently, the Office of the Prime Minister was invited from the 14th to the 18th of March 2011 to a continental workshop on capacity-building in Addis Ababa, Ethiopia on promoting professionalism in the public service. At this conference we presented a well received paper on implementation challenges and strategies. Representatives from 35 countries attended this workshop and, indeed, they were very happy with our contribution.

On the perception – of course we have reasons to have this perception – of lack of implementation, as alluded to in my initial statement, the second Pan African Conference of Ministers for Public and Civil Service, held in Rabat, Morocco, in December 1998, set the foundation for the establishment of the Charter for Public Service in Africa. A notable achievement on the part of Namibia was the adoption of the Charter at the third Pan African Conference of Ministers for Public Service in February 2001 in Windhoek. Already that time we did so.

However, it was noted that the original Africa Public Service Charter was not a binding legal instrument since it had not been subjected to the AU Commission institutional, organisational and legal scrutiny and approval. The intention, therefore, is to have the African Charter on the Values and Principles of Public Service and Administration ratified to ensure full-scale implementation and to enhance accountability for improved monitoring and evaluation of the Charter.

Comrade Speaker, Honourable Members, there were substantive points raised, specifically seeking some clarity and I want to make the following comments:

On the continuation of the Public Service under all circumstances: Again, Honourable Shixwameni emphasised that and we all agree. I think the Honourable Prime Minister has partly indicated in the discussion specifically what we did at Independence. The inherent rights of citizenry and users of public service should not be compromised due to external and/or internal political or administrative contingencies, like change in

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Government, civil strife, etcetera. This is the principle we all have to maintain.

Equality of all users of Public Service and administration: In addition to what was already stated in my introduction last week, this principle entailed the following: It calls for non-discrimination in the provision of public service and I think we are doing very, very well. In any case, if there is any of our staff members within Government that discriminate, we have offices to resort to, namely the Ombudsman and the Public Service Commission. You can even go to the Anti-Corruption Commission if it happens.

It espouses the need for recognition of the inherent and of the equal and inalienable rights of all members of the human family and that simply means they have to be treated equally and nothing else.

Lastly, Comrade Speaker, Honourable Members, as I indicated earlier, Comrade Schlettwein has raised a concern on the possible conflict of law and I have consulted widely. As a matter of procedure our legal minds have advised that should a situation of conflict arise, legal procedures will be followed to harmonise the relevant legal instruments to make sure things happen in the positive way that we want them to happen as Government and as a continent.

Comrade Speaker, I believe that I have made enough comments and I have given clarity on issues raised by the two Honourable Members who have taken the Floor. I thank you very much and, of course, ask your support, Honourable Members, to ratify the Charter. I thank you very much.

HON SPEAKER: I thank the Deputy Prime Minister for his reply. I now put the Question, that the Charter be ratified. Any objection? Agreed to. The Secretary will read the Second Order of the Day.

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**EARTH SCIENCE PROFESSIONS BILL
HON BEZUIDENHOUDT**

**RESUMPTION OF SECOND READING:
EARTH SCIENCE PROFESSIONS BILL**

SECRETARY: Resumption of Debate on Second Reading – Earth Science Professions Bill.

HON SPEAKER: When this Debate was adjourned on Wednesday, 28 September, 2011, the Question before the Assembly was a Motion by the Honourable Minister of Mines and Energy, that the Bill be read a Second Time. Professor Katjavivi adjourned the Debate. Dr Amweelo.

HON DR AMWEELO: Comrade Speaker, if there is no other Member to speak on this, I would like to adjourn the Debate on behalf of Professor Katjavivi to Tuesday, the 18th of October 2010.

HON SPEAKER: Any further discussion?

HON BEZUIDENHOUDT: Thank you, Honourable Speaker. On the Earth Science Professions Bill, I refer the Minister to Page 5, the Constitution of the Council, Subsection (4)(i), the interim council to assist in establishing the proper council and all the procedures. There is a bit of a language problem, because when you say “*first council which must hold office for a period of one year, consist of five members appointed by the Minister, who must refer to the Minister, who must, subject to the provisions of Section 6, belong to any of the many earth science professions.*” I think it is just a matter of relooking at it and ensuring that the way the sentence is constructed is proper.

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Secondly, there is no indication as to the duration of the subsequent councils and how long their term of office will be, unless I have missed that. The Minister can just have a look at that one.

In Section 5.1 on co-opted members it reads: “*The Council may, subject to subsection (2), nominate one or more registered persons to be appointed as co-opted members of the Council.*” My basic question is, is there no maximum for these co-opted members?

Then on page 13 of the Bill, the registration of earth scientists, my question is that some of these professions which we need in this country also have an element of a scarce human resource and if there is any person coming from outside Namibia on a temporary basis to come and do service here, would there be a temporary registration or a temporary licence for a specific period for a specific work done under this Bill?

I thank you for the opportunity, Honourable Speaker.

HON SPEAKER: Thank you very much. Any further contributions to this Motion?

HON DR AMWEELO: Honourable Speaker, I Move on behalf of Professor Katjavivi that the Debate be adjourned until Tuesday, the 18th of October 2011.

HON SPEAKER: Any objection? The further consideration of this Motion stands adjourned until Tuesday, the 18th of October. The Secretary will read the Third Order of the Day.

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**MOTION: WEARING OF PARTY COLOURS
HON NAMOLOH**

**MOTION ON WEARING OF POLITICAL PARTY
COLOURS IN THE ASSEMBLY**

SECRETARY: Resumption of Debate on the wearing of Political Party colours in the Assembly and the display of Party flags throughout the country.

HON SPEAKER: When this Debate was adjourned on 28 September 2011 in terms of Rule 90(a), the Question before the Assembly was a Motion by Honourable Nyamu. Any further discussion? Honourable Namoloh.

HON MINISTER OF DEFENCE: Thank you very much, Honourable Speaker. I also want to add my voice on this Motion. I know this Motion is very emotional but I want to look at it from another angle. I know many of us would want to act on face value, but I know in normal circumstances there are rules and regulations for the hoisting of flags. Even our cultures there are rules on when and where to hoist marriage flags.

I think we need to look at Honourable Nyamu's Motion from another perspective to see how we can regulate certain behaviours. It can happen that we will follow people who are doing things not in the normal way. I am the Minister of Defence and I look at the people in the Defence structures. It is not only colours in the Assembly, but colours everywhere in the country. We have witnessed that some soldiers and police also display the colours of their Political Parties when they are on leave, which is not proper.

I feel we need to express ourselves in a very modest way as to how we should use our Party colours. It is not a restriction, but a guide as to where

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and when they should be used, because if you say you cannot use the colours on your private car, it will be said it is free choice and we know soldiers and police should not do that. (Intervention)

HON DEPUTY MINISTER OF GENDER EQUALITY AND CHILD WELFARE: May I ask the Minister a question? You talk about Political Party colours and flags and here in this House we talk about the Namibian Constitution which was written by different Political Parties. That makes this House to be a Namibian House. Because somebody left SWAPO, he is now starting to complain about the flag of SWAPO.

HON MINISTER OF DEFENCE: Honourable Muharukua, I do not see reference to a particular colour, but it is in general according to what I read here, unless there is another interpretation of what is written here. It is Party colours and I have seen many colours displayed in Namibia in public places and elsewhere, not only SWAPO colours.

We as parliamentarians have issued instructions, but it is becoming uncontrollable if even those in the security services are putting colours on their cars. That is mostly my concern.

As lawmakers we can be emotional, but we can also be very objective about what we want to achieve and not just to dismiss an issue on face value, but look at what other dangers exist. Somebody's interpretation may be that it is only this colour, but what about other colours also being displayed? I am talking in general, not on specific colours and this is a concern to me. (Intervention)

HON DEPUTY MINISTER OF JUSTICE: May I ask the Honourable Minister a question? I follow your line of argument. As an example in the Middle East, when you hear Iran's nuclear program is a threat to the

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neighbours, do you take it generally that it is a threat to the neighbours or you take that it is a threat to a neighbour because we know the neighbour that they are implying in that kind of thing. Can you probably not make the same analogy as to whose those colours are? Certainly maybe those colours are of a certain small Political Party of one person might not be the one that is being referred to. Can you not make that analogy?

HON MINISTER OF DEFENCE: Honourable I do not want you to draw me into what you would want to think but it is what I see what I have expressed here and I want to express by sincere conclusion and analysis on what have been said and on my observation. My own observation is not an information it is what I have seen but what I have observed as a person involved in the security sector, but I am saying it can be an interpretation in the other but what myself I have observed on the issue being under discussion is something we need to look at. That is what I want us to look at. (Intervention)

HON DEPUTY MINISTER OF EDUCATION: Honourable Speaker, can I ask the Minister a tiny question? I can see that the Minister is talking from a military background. Should we assist the Minister to regulate the staff of the Ministry of Defence with regard to the colours, or is the Minister implying that the restriction should apply to the entire Nation. If that is the case then, is that not another way of circumscribing or confining freedom of association of the people of Namibia? It is just a very innocent question Mr Minister?

HON MINISTER OF DEFENCE: As I stated earlier that this issue is very sentimental and very emotional, you need to think deeper in order for you to understand what I am saying. It not that I wanted to circumscribe to the Ministry of Defence how to regulate. (Intervention)

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HON KATALI**

HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT HOUSING AND RURAL DEVELOPMENT: Honourable Speaker, I think the topic of the Minister is different from the Motion, because Honourable Nyamu's question or concern is the wearing of Political Party colours in the Assembly and the display of Party flags throughout the country from the security point of view whether police, prisons and defence. I think it is easy. The Minister just make orders and say no wearing as long as you are a force member, do not wear it.

The Motion is about putting flags on the trees and the Honourable Minister's concern is that the security personnel are putting flags on their cars. I think in that case he can just give an order to the Chief of Defence and everything will be fine. It is not the same as to what Honourable Nyamu said, it is two different topics.

HON MINISTER OF DEFENCE: Honourable Speaker, I thought it was a wider topic and I was just trying to point out the other consequences of this topic. We have already issued these orders, but we as legislators can expand it to make it easier for everyone to be able to understand. That is my point. Of course, as much as we speak about values here, if we want to change values, to differ from one person to another, then I think we will not find solutions to some of the problems we face.

That is how I wanted to understand this issue, Honourable Speaker, and I thank you.

HON SPEAKER: Thank you. Honourable Katali.

HON MINISTER OF MINES AND ENERGY: Thank you, Honourable Speaker. I was not in the House when Honourable Nyamu motivated his Motion, but I am very much confident by looking at the

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Motion itself, that even without having read his statement I can contribute.

The Motion is about the colours in the Chamber and elsewhere throughout the country, but before I come to the political colours, let me first start with the issue of just colours, because it is not only the Political Parties who have their colours, every country has its own colours. Even in sports, whether soccer, rugby, netball, volley ball, hockey, they also have their colours. (Intervention)

HON SPEAKER: Honourable Minister, in defence of Honourable Nyamu, Honourable Nyamu wants only the national flag to fly. He even brought two specimens to show, so he was not talking about the kind of colours you are talking about. He wants only the national flag colours to be flown.

HON MINISTER OF MINES AND ENERGY: Yes, Honourable Speaker, I am aware of that, but this is my preamble just to bring the issue of colours to the House, that there are different colours.

These colours have a purpose, they are not just being used as colours for the sake of colours and our Constitution allows for different Political Parties and the Constitution also does not prohibit each Political Party to have their own colours. Even if it is not said, it is implied. Now what are the reasons for the Political Parties to have their colours and transform them into flags, into clothes, scarves, various articles, bangles? What are the reasons? One of the reasons for these colours, Honourable Speaker, is for identification purposes. People want to identify themselves with, firstly, the Party and also with the people who are also wearing the same colour. Why? Because they want to be seen to be united with those people and that is why I brought in the element of the national flag. It is because of the same identification purpose. (Intervention)

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HON DINGARA: May I ask a question? The Honourable Minister said he was not here when the Motion was introduced. I listened to Honourable Nyamu and when I realised that he is using one word many times, then I started counting although I did not count the first ones. The term that he was repeating is the “dominant Party” and from the middle of his speech when I started counting, he repeated it fifteen times and he meant that SWAPO is the dominant Party. He said he is tired of colours of Political Parties. It was also clear that his Party is not dominant in Namibia, that SWAPO is dominant and he recognised it.

Do you believe that after Honourable Nyamu has spoken and repeatedly said SWAPO is the dominant Party, that he really meant all Political Parties or he only meant SWAPO Party?

HON MINISTER OF MINES AND ENERGY: If he did so then it is obvious what he meant. Honourable Speaker, I was saying countries have their national flags and the purpose is the same, just to identify themselves with that country, with the people of that country, just the same as I said with the Political Party colours.

When it now comes to restrictions, that you start restricting Political Parties to fully utilise their Party colours and express themselves in their Party colours, it is tantamount to saying when you are at the United Nations you should not wear a badge which reflects your national colours. When Black Africa and African Stars beat all the other teams and they come with their colours, you will again say they should not wear their team colours because they are too dominant, they are beating all the other teams and, therefore, the spectators must not come with those colours. (Intervention)

RT HON PRIME MINISTER: Comrade Katali, may I ask you a small question? When the Japanese started to manufacture cars, do you know what they did? They would buy a car from America and systematically

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dismantle it and systematically reassemble it, which is called reversed engineering or something like that. Out of that they were able to manufacture Toyotas and all the cars we drive, including the most modern one. Do you not think Honourable Nyamu's intention is actually to do political reversed engineering?

HON MINISTER OF MINES AND ENERGY: Honourable Prime Minister, I think that can be one of his intentions, that he wants the dominant Party to tell its members, through a Motion in Parliament, that they should not wear their Party colours and then he starts mobilising his Party members to actually do that.

I was saying, if you now start prescribing and restricting, this would affect even some churches? Some choirs have their flags and colours and you will come and say no, because your songs are so beautiful and you are now becoming too many, therefore you should not wear these colours. I really do not think this Assembly should be brought to that level of regulating some of these things.

The other reason why people like these colours and want to associate with those colours is actually pride. Some of us are proud. When I join a Political Party I am proud of that Political Party and, therefore, it goes together with the colours of that Political Party and the people in that Political Party and if you say I should not express my pride here in the National Assembly, you are denying me that right? Can the National Assembly really be asked to take the Nation's pride away just because Honourable Nyamu feels the way he feels? Is it really for us to do that?

The last reason why we put these flags everywhere is because SWAPO has some assembly points under some trees and we put them there and I know the DTA also has trees. Otherwise they must remove those flags if the trees are not theirs, then the owner of the tree can put his flag there. When we put flags on our cars, we are actually attracting members and that is why the colours are so carefully chosen. You do not choose a dull

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colour that does not attract anybody. Those colours are well chosen to attract members and, therefore, if you belong to a Political Party or you are a leader and you are being prevented through Honourable Nyamu's Motion to attract or to be attracted by the flag, I think your right is being infringed and that is not permissible in a democratic country like Namibia. Therefore, we must be at liberty to put our colours wherever we want. (Intervention)

HON DEPUTY MINISTER OF FINANCE: Will you allow me to ask you a question? You just made reference that you believe that it may be impermissible restrictions imposed by the Motion and therefore, I want to ask you, if you read Article 17(1) of the Constitution which deals with political activity, it reads: *“All citizens shall have the right to participate in peaceful political activity intended to influence the composition and policies of the Government. All citizens shall have the right to form and join Political Parties and subject to such qualifications prescribed by law as are necessary in a democratic society to participate in the conduct of public affairs, whether directly or through freely chosen representatives.”*

If you then go to 21(2) of that same article it says: *“The fundamental freedoms referred to in sub-article (1) hereof shall be exercised subject to the laws of Namibia insofar as such laws impose reasonable restrictions on the exercise of the rights of freedom conferred to by the said sub-article which are necessary in a democratic society and are required in the interest of the sovereignty and integrity of national security, public order, decency or morality or in relation to contempt of Court, defamation or incitement to an offence.”*

The question is: Is it not clearly guided in the Constitution which would be a reasonable restriction and the question, therefore, is; is the proposed Motion by Honourable Nyamu not an unreasonable restriction in your opinion?

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HON MINISTER OF MINES AND ENERGY: Honourable Deputy Minister, I think it could be unreasonable and from what you have quoted it can also be termed as unconstitutional, because the Motion is asking the Assembly to prohibit something which has been allowed by the Constitution. Therefore, Honourable Speaker, the Motion of Honourable Nyamu must be rejected so that we allow the people of Namibia to exercise their rights to the freedom of association and expression in whatever form they prefer. I rest my case, Honourable Speaker.

HON SPEAKER: Thank you. Honourable Tjongarero.

HON S TJONGARERO: Honourable Speaker, Honourable Members, thank you for the opportunity to participate in this very sensitive Debate. This Motion, if one carefully looks at it, requires much more understanding. The motivation of the Motion brings about too many issues that may cause possible counter reactions. Wearing of political Party colours in the Assembly, display of Party flags throughout the country, the possibility to promote the national flag to strengthen national unity are all in our good hands with the unique purpose of establishment.

When you observe specific Political Party colours in the Chamber, you immediately realise this is their special day and we congratulate each other as part of our Political Party history. (Intervention)

HON DEPUTY MINISTER OF GENDER EQUALITY AND CHILD WELFARE: On a Point of Information. He is talking about a very serious issue. He forgot that he is coming from the Party called UDF which practise tribalism as they do not even want people from Kunene to work in their UDF area. What is wrong with the flag and the people to talk about chasing somebody away as a teacher?

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HON S TJONGARERO: In a case where a short-sighted national leader wears his Party colours in this Chamber, as mature as we are Honourable Members, we have to apologise for him or her. With due respect, I do not foresee the need for legislation to control this august House in this regard.

When it comes to the display of Party flags throughout the country, allow me to start with the number one flag, the national flag. It is common knowledge that the national flag is the most important flag in any given country and it has, besides others, the purpose to unite the Nation. It is also a common fact that the colours of the national flags represent the historical background of a Nation, as is the case with our national flag. We are aware of the obligations we have to respect and promote national unity through our national flag. To keep this noble commitment of unity, we do not have sufficient reason to do away with the display of Party flags throughout the country, because the Party flags have their own purposes and roles to play.

When it comes to the display of Political Party flags throughout the country, my own Party, UDF, is also guilty. However, my great concern is, where does our national flag come in our societies if nationally respected traditional leaders and Honourable Members of the Parliament hoist Party flags instead of hoisting the national flag? I observed a very uniting example in Ghana where Honourable Members of the Parliament with Government subsidised motor vehicles put the national flag on their motor cars. That very simple deed indicates that they are national leaders.

HON DEPUTY MINISTER OF GENDER EQUALITY AND CHILD WELFARE: Comrade Speaker, may I ask my former Governor from Kunene a question? Are you aware that when the people from your Party, the UDF, distributed drought relief food, they were wearing UDF T-shirts?

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HON IILONGA**

HON S TJONGARERO: Perhaps you did not follow me. Even in their cultural exposure you observe their national colours which are part of their national flag. Why is it so difficult for us to cement our national unity rather than Party affiliations?

With these few remarks, I think it is complicated to support the Motion at hand. Nevertheless, the Motion gave us homework to seriously consider ways and means how to promote national unity within the context of respecting and expressing our constitutional Party freedom. I thank you.

HON SPEAKER: Honourable Iilonga.

HON DEPUTY MINISTER OF AGRICULTURE, WATER AND FORESTRY: Thank you, Honourable Speaker. I rise to contribute to this Motion which is not sensitive, only sensitive to those who are allergic to SWAPO Party colours.

Comrade Speaker, we died for that blue, red and green flag. We lost families because of that blue, red and green flag. We lost comrades and we have comrades whom we could not even bury after we have won and you never put on those unknown graves any flag than that one of SWAPO Party which Honourable Nyamu is allergic to. (Intervention)

HON MOONGO: I do not want to misunderstand the Honourable Member. Did the people die for the SWAPO flag or did they die for the cause of liberation of Namibia?

HON DEPUTY MINISTER OF AGRICULTURE, WATER AND FORESTRY: Comrade Speaker, Honourable Nyamu started this issue at

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Oshigambo ELCIN Church during Comrade Shigwele's funeral. Shigwele was related to some members who became RDP and when Shigwele, who was the SWAPO Party Coordinator in Oshikoto Region, passed on, the SWAPO comrades overwhelmingly wore SWAPO colours. Therefore, he cannot complain and this complaint was echoed by some leaders of various churches who even said that Nyamu is allergic to the SWAPO members, because we did have the DTA, we did have the CoD or UDF, but it is only after RDP came into existence that everything became complicated.

Comrade Speaker, this House cannot be turned into something that is unconstitutional. As I said, this issue started at late Shigwele's funeral and this caused confusion among our church members. The majority, who are SWAPO members, are members of our various churches and they used to wear their SWAPO colours and there was no complaint.

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

HON SPEAKER: The House stands adjourned until Tuesday, 11 October 2011 at 14:30

HOUSE ADJOURNS AT 17:45 UNTIL 2011.10.11 AT 14:30

**NATIONAL ASSEMBLY
ASSEMBLY CHAMBERS
WINDHOEK
18 OCTOBER 2011**

The Assembly met pursuant to the adjournment.

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

HON DEPUTY SPEAKER: Any Petitions? Reports of Standing Committees? Honourable Maamberua.

**TABLING: REPORT ON REVIEW OF THE
AUDITOR-GENERAL REPORTS**

HON MAAMBERUA: I lay upon the Table for discussion, Report of the Parliamentary Standing Committee on Public Accounts on the Review of Auditor-General Reports on the Central Government for the Financial Years ended 31 March 2007 and 2008, respectively. I so Move, Honourable Deputy Speaker.

HON DEPUTY SPEAKER: Please table the Report. Other Reports and Papers? Honourable Professor Katjavivi.

**TABLING: ANNUAL REPORTS OF THE
ELECTORAL COMMISSION**

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**TABLING OF REPORTS
HON PROF KATJAVIVI / RT HON ANGULA**

HON PROF KATJAVIVI: I lay upon the Table, the Annual Reports of the Electoral Commission of Namibia for the years 2008/2009, 2009/2010 and 2010/2011.

HON DEPUTY SPEAKER: Please table the Reports. Any other Reports and Papers? Right Honourable Prime Minister.

**TABLING: NEW EQUITABLE ECONOMIC
EMPOWERMENT FRAMEWORK**

RT HON PRIME MINISTER: Honourable Deputy Speaker, I lay upon the Table, the New Equitable Economic Empowerment Framework for discussion tomorrow.

**TABLING: ANNUAL REPORT OF THE
PUBLIC SERVICE COMMISSION, 2010**

RT HON PRIME MINISTER: I lay upon the Table, the Annual Report of the Public Service Commission covering the period 1 of April 2010 to 31 March 2011.

HON DEPUTY SPEAKER: Please table the Reports. Any other Reports and Papers? Notice of Questions? Honourable Moongo.

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**NOTICE OF QUESTIONS
HON MOONGO**

NOTICE OF QUESTIONS

QUESTION 33:

HON MOONGO: Honourable Deputy Speaker, I give Notice that on Thursday, 20 October 2011, I shall ask the Minister of Health and Social Services the following:

1. Is the Minister aware that Namibian patients are now reluctant to visit state clinics and hospitals for fear that they may not come back alive or properly healed due to the high risk of medical negligence which is now common in Namibia and regularly reported in local newspapers?
 2. Can the Minister tell this Assembly how many deaths resulted due to shortage of surgical supplies in the state hospitals during 2010/2011, as was reported in the *Namibian* of the 27th September of the Baby Lot?
 3. How many deaths were as a result of lumbar puncture procedures during 2010.2011?
 4. How many deaths were as a result of wrong administration of medication during 2010/2011?
 5. How many deaths were as a result of patients not attended to but every time told to go home and wait or to come on another day because nothing could be done during 2010/2011?
 6. What is the Ministry doing to build and gain the confidence and trust of state patients which they have lost with the Ministry of Health institutions in Namibia?
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**NOTICE OF QUESTIONS
HON NYAMU**

HON DEPUTY SPEAKER: Please table the Questions? Any further Notices of Questions? Honourable Nyamu.

QUESTION 34:

HON NYAMU: Honourable Deputy Speaker, I give Notice that tomorrow, the 19th of October 2011, I shall ask the Honourable Prime Minister, citizen Angula, alternatively the Honourable Minister of Regional and Local Government, Housing and Rural Development, Honourable Jerry Ekandjo, the following questions with respect to the function or dis-function of the Electoral Commission of Namibia:

Expressing broad public sentiments, the *Namibian* newspaper of the 7th of October 2011 commented as follows: *“In the High Court Judgment in which the Parties’ election challenge was dismissed, Judge Petrus Damaseb and Collin Parker were scathing about the conduct of the Electoral Commission of Namibia (ECN), especially its Chief Administrator, Moses Ndjarakana, even recommending to face criminal charges. Furthermore, the following statement by the two Judges has far-reaching implications for future elections in this country: “It will be unfortunate if the people responsible for these lapses at ECN are allowed to participate in the conduct of elections and to unnecessarily put the country in suspicion that characterised the aftermath of the Namibian National Assembly elections.”*

Now follows the question:

1. Considering that both the Prime Minister, Nahas Angula, and the Honourable Minister Jerry Ekandjo have taken oath to defend and protect the Constitution and laws of the Republic, what steps have they taken to ensure that the culprits of electoral malpractices are brought to book?
2. Would the Ruling Party embrace the Opposition and hold extensive consultations to ensure credibility for future elections in Namibia?

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**NOTICE OF QUESTIONS
HON WITBOOI**

3. Should the Ruling Party remain unmoved and unconcerned about past electoral malpractices, would it be surprised if the Opposition would one day find it justifiable to boycott elections altogether?
4. What lessons has the Ruling Party learned from recent elections in South Africa and Zambia? Would SWAPO of Namibia relinquish power to the Party which would have won majority votes in future free and fair elections?

HON DEPUTY SPEAKER: Table the Questions, Honourable Member. I recognise Honourable Witbooi.

QUESTION 35:

HON WITBOOI: Honourable Speaker, I give Notice that on Thursday, 3rd of November 2011, I shall ask the Honourable Minister of Safety and Security the following questions:

As we all know, police officers are the first to be called to scenes of accidents and violent acts in our community. I am also aware that rescue services are also called to such scenes for emergency assistance. At the accident scenes police officers are sometimes exposed to very horrific scenes and situations, for example, they witness very gruesome accidents and see the victims at these scenes. On their arrival at the scenes which at times can be twice of more per week, they come face to face with their own siblings, relatives or friends who have been involved and will be victims of these horrific acts. The officers are humans and they get shocked and traumatised. We all know that traumatic events have lasting effects on human beings unless they get help to deal with such situations.

In the absence of adequate and appropriate assistance, the situation affects individuals' lives negatively, which may lead to poor performance, absenteeism, even the abuse of alcohol, drugs and other substances. All

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**NOTICE OF QUESTIONS
HON VON WIETERSHEIM**

these may result in poor service delivery to our communities and destroy lives of the affected officers, their families and communities.

In this regard, I would ask the Honourable Minister of Safety and Security the following questions:

1. Can the Honourable Minister inform this august House of the facilities or programmes in place apart from the training to which traumatised officers have access to, to deal with their traumatic experiences?
2. How many cases or caseloads is the Ministry handling? Can the Minister segregate the numbers of police officers who are on the programme per Region, if any?
3. If there is no programme for the traumatised police officers that is being implemented by the Ministry of Safety and Security, can the Honourable Minister inform the House how the Ministry is currently handling the affected officers and as to when such a programme will be in place?

HON DEPUTY SPEAKER: Table the Questions. Before I give the Floor to the next Member, I just want to remind the Honourable Members that when they ask questions, they should keep in mind Rule 79(d) which says: “*A question shall not contain argument, inferences, opinions, imputations or hypothetical cases.*” When the time comes for the Honourable Minister to answer the questions, you should keep in mind this rule. Honourable Von Wietersheim.

QUESTION 36:

HON VON WIETERSHEIM: Honourable Deputy Speaker, I give Notice that on Thursday, the 27th of October 2011, I shall ask the Honourable Minister of Education:

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**NOTICE OF QUESTIONS
HON VON WIETERSHEIM**

Can the Honourable Minister confirm that the School Calendar Committee was tasked to develop a new school calendar for 2012 school year and that the said committee suggested a number of options, amongst which was one for a four-term school calendar, which also seems to have been the preferred and recommended option of the committee?

Apparently, Honourable Minister, the four-term option enjoys the support of the majority of stakeholders as Regional Education Directors, Education Inspectors, School Principals as well as affected members of the public have advised strongly to change to a four-term school calendar, not least in order to mitigate the disruption of normal school operations and possible closure of schools in flood-prone areas in the event of another season of floods next year. The Honourable Minister himself seems to have favoured the four-term option, stating that four terms would provide more teaching days and make better provision for the annual floods and it also allows for better assessment of pupils throughout the school year.

Apparently Cabinet has decided to ignore the opinions and the advice of Education stakeholders at all levels and to retain the three-term calendar, in effect maintaining the *status quo* with the accompanying experiences of floods for the past two years, reportedly basing its decision on its willingness to accommodate the National Examination Assessment and Certification Board which, again reportedly, is unwilling and too lazy to change its planning schedule. Honourable Minister, does this imply that in principle, as far as the school calendar 2012 is concerned, the decision has been finalised and the three-term calendar is maintained with all its required contingency planning and practical repercussions as well as disruptions and additional administrative burdens in the event of floods?

HON DEPUTY SPEAKER: Please table the Questions. Any further Notice of Questions? Notice of Motions? Honourable Maamberua.

18 October 2011 **REPORTS REFERRED TO NATIONAL COUNCIL**
HON MAAMBERUA

REPORTS OF AUDITOR-GENERAL
REFERRED TO NATIONAL COUNCIL

HON MAAMBERUA: Thank you, Honourable Deputy Speaker. I Move without Notice, that in terms of Article 74(1)(d) of the Namibian Constitution, the following Reports of the Auditor General on Municipalities, Regional Councils, Town Councils and Village Councils be referred to the National Council for scrutiny:

- Omaruru Municipality for 2009 and 2010;
- Grootfontein Municipality for 2008 and 2009;
- Swakopmund Municipality for 2010;
- Karibib Municipality for 2007 and 2008;
- Gobabis Municipality for 2007, 2008, 2009 and 2010;
- Henties Bay Municipality for 2008 and 2009;
- Tsumeb Municipality for 2007, 2008 and 2009;
- Otjiwarongo Municipality for 2009;
- Usakos Municipality for 2008;
- Keetmanshoop Municipality for 2008;
- Okahandja Municipality for 2009;
- Karasburg Municipality for 2010;
- Mariental Municipality for 2010;
- Outjo Municipality for 2007 and 2008;
- Walvis Bay Municipality for 2009;
- Windhoek Municipality for 2007.
- Omuthiya Town Council for 2009;
- Nkurenkuru Town Council for 2010;
- Okahao Town Council for 2007 and 2008;
- Okakarara Town Council for 2009;
- Omuthiya Town Council for 2010;
- Katima Mulilo Town Council for 2003 to 2008;
- Rehoboth Town Council for 2008;
- Lüderitz Town Council for 2006, 2007, 2008 and 2009;
- Outapi Town Council for 2006, 2007, 2008, 2009 and 2010;

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- Rundu Town Council for 2009;
- Khorixas Town Council for 2008 and 2009;
- Helao Nafidi Town Council for 2008 and 2009;
- Ondangwa Town Council for 2009;
- Ongwediva Town Council for 2009;
- Oshakati Town Council for 2008 and 2009;
- Tses Village Council for 2005, 2006, 2007, 2008 and 2009;
- Koës Village Council for 2006, 2007 and 2008;
- Berseba Village Council for 2005, 2006, 2007, 2008 and 2009;
- Uis Village Council for 2008 and 2009;
- Gochas Village Council for 2009;
- Kamanjab Village Council for 2009;
- Witvlei Village Council for 1999;
- Oshikuku Village Council 2009;
- Aroab Village Council for 2007, 2008 and 2009;
- Aranos Village Council for 2005, 2006, 2007, 2008, 2009;
- Leonardville Village Council for 2007, 2008 and 2009;
- Ruacana Village Council for 2010;
- Bethanie Village Council for 2009;
- Khomas Regional Council for 2008 and 2009;
- Oshana Regional Council for 2008 and 2009;
- Erongo Regional Council for 2008;
- Karas Regional Council for 2008 and 2009;
- Kunene Regional Council for 2008;
- Omusati Regional Council for 2009 and 2010;
- Oshikoto Regional Council for 2006 and 2007;
- Otjozondjupa Regional Council for 2008, 2009 and 2010;
- Kavango Regional Council for 2008 and 2009.

HON DEPUTY SPEAKER: Please table the Reports. Any further Notice of Motions? Honourable Nyamu.

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**NOTICE OF MOTIONS
HON NYAMU / HON LUCAS**

NOTICE OF MOTION

HON NYAMU: Honourable Deputy Speaker, I give Notice that tomorrow, the 19th of October 2011, I shall move –

That this Assembly –

Discuss in depth the current Government policy on land redistribution, including the Affirmative Action Loan Scheme and the Resettlement Programme in order to assess the successes or failures of the said policy and to propose new strategies to deal with the challenges related to the land hunger in Namibia. I so Move.

HON DEPUTY SPEAKER: Table your Motion. Any further Notice of Motions? Honourable Deputy Minister of Defence.

HON DEPUTY MINISTER OF DEFENCE: Thank you, Honourable Deputy Speaker. I give Notice that on Thursday, the 20th of October 2011, I shall move –

That this Assembly –

Discusses the Sectoral HIV/AIDS Policy of the Ministry of Defence.

HON DEPUTY SPEAKER: Please table the Motion. Any further Notice of Motions? Message from the Head of State? Ministerial Statements? I recognise the Deputy Prime Minister.

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**MINISTERIAL STATEMENT
HON HAUSIKU**

MINISTERIAL STATEMENT

HON DEPUTY PRIME MINISTER: Thank you, Comrade Deputy Speaker, Honourable Members. The 2010/2011 rainy season had both negative and positive impacts on Namibia as a country and its citizens in general. The Southern African Regional Climate Outlook (SARCO) and the Namibian Meteorological Services in October 2010 reported that the region would receive normal to above normal rainfall between October 2010 and May 2011.

By November 2010, Comrade Deputy Speaker, heavy rain was reported in the south-eastern part Namibia and northern parts of South Africa. As a result some dams on the South African side received too much water that increased their volumes and forced the South African authority to release some water from those dams.

The combination of both the released water and heavy rain flooded the Orange River, affecting residential areas on the Namibian side. A trunk road and a rail line between Karasburg and Ariamsvlei were badly damaged, resulting in both rail and road transportation services disrupted.

As part of our urgent response, the Office of the Prime Minister availed an amount of N\$35 million from the National Emergency Disaster Fund to the Ministry of Works and Transport to restore or repair the damaged facilities.

Late January and early February the Regions of Ohangwena, Oshana, Omusati and Oshikoto received good rains as well. On the 2nd of February 2011 heavy rainfall was reported in areas of Oshakati, Ondangwa, Omulonga and Okankolo, to mention but a few. By then Regional Authorities reported that water pans or *oshanas* were full of water and that rainwater started infiltrating the towns of Ondangwa and Oshakati. A similar situation was observed in other Regions where residents and learners were reportedly wading through deep water to reach clinics and schools, respectively.

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HON HAUSIKU**

Some constituency offices, schools, churches, clinics, health outreaches and businesses were badly affected and completely cut off. Many properties were submerged and as a result damaged. Losses of lives were recorded mainly in the north and north-central Regions.

The floods in Kavango arrived a bit late this year and had lesser impact on communities compared to previous years. Nevertheless, impacts of floods in Kavango could have been minimised should people living along the river adhered to early warning messages by the Hydrology Division in the Ministry of Agriculture, Water and Forestry that the Kavango River was rising and people should move to high ground.

In the Caprivi Region floods arrived in mid-January 2011. Places such as Muliwa Isand and villages north of Schucksmansberg were reported surrounded by floodwater by then. Though the Regional Authority conducted a pre-assessment on the flood-affected areas and recommended actions to be taken, including evacuation for the affected communities, the influx of water was so heavy that massive evacuation had to be undertaken as a last resort.

For the first time, Honourable Deputy Speaker, Honourable Members, after so many years we experienced flooding along both the Kuiseb and Kunene Rivers that affected about 200 people in each of the respective river systems. Both the Kuiseb and the Kunene flooding affected crops, large and small stock that form part of the Topnaar and Ovatjimba agricultural produce.

Due to the combination of both heavy rains and floodwater from neighbouring Angola, His Excellency the President of the Republic of Namibia, Comrade Dr Hifikepunye Pohamba, on 29 March 2011 declared the whole of the Cuvelai watercourse system in Namibia as a disaster area and appealed for both national and international assistance for flood operations. At the same time, the Cabinet reactivated the Flood Emergency Management Coordination Office and appointed the Deputy Permanent Secretary of Defence, retired Colonel Clement Mwala as its head, assisted by officials from the Office of the Prime Minister and other Line Ministries. For this operation, the Government, through the Office of

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the Prime Minister, availed another N\$30 million, much of which was used for food items and logistics, especially air and road and water transport services.

The floods affected 139,695 people. Up to 17,555 people were relocated and accommodated in 97 relocation centres. The following figures are on sectors that were badly affected:

A total of 38 roads were affected; 175 schools were closed; 114,520 learners were affected; over 40 health facilities and 179 outreach points were cut off; 75,240 crop fields were affected; 21,194 large and small stock died as a result of the flooding; 111 drowning were reported in the Regions of Ohangwena, Oshana, Omusati and Oshikoto.

Comrade Deputy Speaker, Honourable Members, public response both nationally and internationally was very overwhelming and support continues to date. One of such good examples is the contribution by Members of Parliament from both Houses, National Council and the National Assembly. We value your individual and collective contributions to this noble cause. Let me assure you, Honourable Members, that your assistance is valued and has made a difference to our operations. Your visit to the affected communities will always be remembered by the victims. The football game you played on the 16th of July 2011 is one of such memorable events we will always cherish and remember. Thanks to the organisers who made such a day a day that was. I could merge the words of Honourable Minister of Youth, National Service, Sport and Culture, Comrade Kazenambo Kazenambo, who wanted us to score more than twenty goals that day, but I must ask them to add that you know that at our ages, scoring a single goal comes with difficulties. But we managed to score a couple of them and collected N\$25,000 in cash for the Disaster Fund.

Comrade Deputy Speaker, on the finances collected, let me share with the Honourable Members: An amount of N\$12,012,632.76 was donated through the Office of the Prime Minister this year. This figure does not include pledges of N\$1 million that was just pledged by Rio Tinto and Rössing Uranium Ltd., for mitigation measures. The donation, which is

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also not included, is the donation by the Diamond Manufacturers Association, which I received last week Thursday and then the donations in kind and those done through our developmental partners or stakeholders, such as the Namibia Red Cross Society and so on. These are not included in the amount of N\$12 million that I have just referred to.

All donations made or through Government are accounted for. Our accountability mechanism includes the following:

Notification for donations are done in writing to donors. The media is always invited to attend handover of all donations. All donations are registered with the Office of the Prime Minister and the Directorate: Disaster Risk Management. Cash donations are deposited to the National Emergency Disaster Fund account at Bank Windhoek Main Branch. The National Emergency Disaster Fund account is audited in terms of our national laws. Expenditure on the National Emergency Disaster Fund account is managed through the National Disaster Management Committee, chaired by the Secretary to the Cabinet. Non-food items are kept and distributed from the Directorate: Disaster Risk Management's warehouses in Windhoek and in different Regions.

This time Cabinet also directed that all donors should be thanked in writing. The list of all donors will soon be published in local newspapers.

Comrade Deputy Speaker, the Government through the Office of the Prime Minister, has started with the recovery stage for the affected people, focusing mainly on food assistance. Such a programme is linked to other national programmes and projects, such as Food-for-Work under the Regional Councils. This programme is targeting 243,474 people across the rural population.

Comrade Deputy Speaker, Honourable Members, I would like to appeal to all of you to continue educating our people on the danger associated with climate change, in general, and flooding and other disasters, in particular. It is only through our joint efforts that Namibia will reduce the negative impact of climate change on people and environment. We should also

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HON DR KAMWI**

encourage all stakeholders to seriously invest in mainstreaming disaster risk management into the daily activities to reduce and minimise the impact on our society. Comrade Deputy Speaker, Honourable Members, disasters will always occur, thus national and regional Government as well as other stakeholders should try to minimise the effects of disasters on human lives, properties and environment.

May I take this opportunity to thank the international community for their support. Their contributions in the form of cash, food and non-food items as well as moral and diplomatic support will never go unnoticed by the Government of the Republic of Namibia and the beneficiaries themselves. My special thanks goes to our dedicated technical team from both local and international agencies who made our lives easier during this operation. Likewise, Comrade Deputy Speaker, I would like to thank both members of the local and international media who have been with us from day one, covering all events to inform the public on new developments.

Comrade Deputy Speaker, Honourable Members, let me conclude by thanking you for your kind attention. Thank you.

HON DEPUTY SPEAKER: Thank you for the statement. Any further Ministerial Statements? I recognise Honourable Minister of Health and Social Services.

MINISTERIAL STATEMENT

HON MINISTER OF HEALTH AND SOCIAL SERVICES: Thank you, Honourable Deputy Speaker, for giving me the Floor.

Honourable Members, during the week between 29 September and 5 October 2011 the Informanté newspaper ran a story entitled, “*Girl Child*

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Left with Intestines Exposed.” Since then I have been receiving calls from some Honourable Members, colleagues, Comrades and friends, making a follow-up to know the truth about this. Questions came, who operated on this girl? It is quite worrisome. The article in Informanté tabloid paper is referenced.

The operation was carried out by a team of medical doctors employed by the Ministry of Health and Social Services through the Public Service Commission. It is a team of professionals in whom we have confidence. The name of the child and the surname is provided to us, but I will be referencing to her as Johanna.

On the 2nd of April 2010, she was first admitted to Oshakati Intermediate Hospital for an abdominal pain. The diagnosis was that of appendicitis, which is an inflammation of the appendix. The operation for the appendicitis or professionally known as appendectomy was carried out successfully.

However, on the 9th of April 2010, it was found out that Johanna had TB of the abdomen and henceforth the TB treatment was prescribed and started. On the 13th of April 2010 she was discharged. On the 17th of May 2010 this child was referred to Windhoek having developed a condition known as fistula or a hole communicating to the outside of the abdomen. As a result, a second operation was carried out in Katutura Intermediate Hospital in order to close the fistula . On the 1st of June 2010 she was again discharged. On the 5th of June 2010 Johanna was again readmitted to Katutura Intermediate Hospital. This time around the fistula was closed and the surgeons brought out part of the small intestines and that condition is known as colostomy and that is what this news reporter captured, which is from the professional point of view a common procedure to enable healing of the intestine until such a time as reconnection of the gut can be done.

On the 18th of June 2010, Johanna was discharged. However, on the 4th of July 2011 to the 3rd of August 2011 Johanna was again readmitted to Oshakati Hospital and another operation was done, this time around for ileostomy. Ileostomy is a surgical operation in which a damaged part is

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received or diverted from the ileum and the end thereof diverted to an artificial opening in order to allow the free movement.

On the 30th of September 2011, the patient, this young girl, was again readmitted to Oshakati Intermediate Hospital and repair of the ileostomy was done on the 7th October 2011 in order to replace the intestine back into the abdomen.

I want to say again that on the 26th of October 2010 to the 3rd of November 2010 a team of medical doctors, surgeons, reviewed and found Johanna to have completed her TB treatment very successfully.

What is her condition this time around? Johanna is now doing very well and full recovery is expected.

Honourable Deputy Speaker, the plan of management of this child was done professionally by a team of professional doctors. It was done properly and the times she returned to hospital was to enable assessment of the progress of TB medication and to ensure that all is well before they could complete the operation. TB infection always complicates surgical procedures and must first be treated before any attempt can be made to make surgical corrections. In this case I want to say, from what I was informed by the medical team, if this procedure was not carried out, we would not be talking of Johanna, she would otherwise have died.

As a result I would like to make an appeal to media practitioners who are reporting on health issues to do their research properly and should cross-check with the Ministry of Health before unnecessarily exciting the general public.

Honourable Deputy Speaker, I have recent photos taken of Johanna which I will circulate for the Honourable Members to see what we have done in order to correct this condition in question. Thank you very much.

HOUSE ADJOURNS AT 15:40
HOUSE RESUMES AT 16:13 PURSUANT TO ADJOURNMENT

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**JUDGES PENSIONS AMENDMENT BILL
HON KUUGONGELWA-AMADHILA**

HON DEPUTY SPEAKER: The House is called to order. Any further Ministerial Statements? None. The First Notice of Motion is one of the Honourable Minister of Finance. Does the Honourable Minister move that the Bill be now introduced?

**INTRODUCTION AND FIRST READING:
JUDGES PENSIONS AMENDMENT BILL**

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

HON DEPUTY 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.

SECRETARY: *Judges Pensions Amendment Bill.*

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

**SECOND READING:
JUDGES PENSIONS AMENDMENT BILL**

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JUDGES PENSIONS AMENDMENT BILL
HON KUUGONGELWA-AMADHILA

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

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

HON MINISTER OF FINANCE: Thank you, Honourable Deputy Speaker. The current benefits for Judges are provided for in terms of the Judges Pension Act of 1990 in terms of which the Judges do not make any pension contribution and there is no specific fund from which their benefits are paid, but rather the benefits are paid from the State Revenue Fund.

You would recall that previously, even though there was an Act that regulated the pension benefits for Members of Parliament and other office-bearers, there was only a pension scheme and there was no pension fund until a new Act was passed by Parliament in this regard in the year 2000. In terms of that Act, the benefits of Members of Parliament and other office-bearers were then transferred to a pension fund that was established in terms of that Act and we also moved the pension scheme from a defined benefit to a defined contribution scheme. That is the scheme that we have now, but the situation for the Judges remained up till now as provided for under the Judges Pension Act.

This Amendment Bill seeks to repeal that Judges Pensions Act and to provide for the transfer of membership of the Judges from their previous scheme under the old Act of 1990 to the pension fund for Members of Parliament and other office-bearers and for them, to receive benefits and same pension as those of Members of Parliament and other office-bearers who are members of that Fund. This would then mean that the Judges, when they become members of this Fund, would now have to contribute to the Fund on the same basis as all of us because their benefits will also be calculated in the same manner as ours would be calculated.

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JUDGES PENSIONS AMENDMENT BILL
HON TJIHUIKO

In terms of this Bill, the Minister of Finance would by notice in the Gazette determine the date to be the transfer date for the benefits of the Judges and on that transfer date, a Judge who was entitled to benefit from the pension scheme on retirement or removal from office in terms of the Namibian Constitution, becomes a member of the pension fund for Members of Parliament and other office-bearers and the pensioner also becomes a pensioner of the Members of Parliament and Other Office-Bearers Fund.

I have already indicated that the benefits would be calculated in terms of the Rules of the Members of Parliament and other Office Bearers' Pension Fund and the Judges would then be required to contribute accordingly as all of us do. In order to pave the way for this transfer to take place, the Ministry of Finance has contracted an actuarial company to calculate the benefits that have accrued to the Judges in terms of the current dispensation, and we have been presented with a proposal which we are still considering and when we have confirmed that these calculations are correct, I will then, in terms of this Bill, if it is enacted by ourselves in this House, determine the transfer date and the benefits would then be transferred to the Members of Parliament and other Office Bearers Fund to which they belong. This is all that this Bill seeks from this House and I have no doubt that all of us would find this to be in order and would support the Bill accordingly. Thank you.

HON DEPUTY SPEAKER: Any discussion? Honourable Tjihuiko.

HON TJIHUIKO: Honourable Deputy Speaker, we have just received the Bill and if there is nobody that wants to take the Floor now, can I adjourn the Debate until tomorrow afternoon?

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**MOTION ON INTERPRETERS AND HEALTH
OMBUDSMAN
HON MAAMBERUA**

HON DEPUTY SPEAKER: Any objection? Agreed. The Debate on this Bill is adjourned until tomorrow. The Second Notice of Motion is the one of Honourable Shixwameni. Does the Honourable Member Move the Motion? He is not here and this particular Motion is deferred to another date. The Third Notice of Motion is by Honourable Maamberua. Does the Honourable Member Move the Motion?

**MOTION ON INTERPRETERS AT STATE HEALTH
INSTITUTIONS AND HEALTH OMBUDSMAN**

HON MAAMBERUA: I Move the Motion.

HON DEPUTY SPEAKER: Who seconds the Motion? Any objection? None. Agreed to. Honourable Maamberua has the Floor.

HON MAAMBERUA: Honourable Deputy Speaker, the Motion is titled, “Introduction of Interpreters at State Health Institutions and Creation of Health Ombudsman” and this is divided into four parts – the introduction, the justifications for the interpretation and the justification for the creation of the Office of Health Ombudsman and then, of course, the recommendations.

Honourable Deputy Speaker, Honourable Members of this august House, thank you for the opportunity to motivate this very important Motion that is an attempt to rectify two very important matters pertinent to our development and equity.

From the onset and in the context of inequities in assessing health care in

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Namibia, I would sincerely encourage the Ministry of Health and Social Services and the Social Security Commission to continue with the concept, leading to implementation, of what recently was announced as the Medical Benefit Fund as provided for in the Social Security Commission Act of 1994. We would all recall that that SWANU in the past and on various occasions, including in our election manifestos, advocated for a socialised health system which anyway is the same concept as being envisaged by the two institutions, that is the Ministry of Health and Social Services and the Social Security Commission.

Such a system will contribute to narrowing the gap in socio-economic inequities. This is not just from our ideological central plan, but it is also a stark reality confronting our people yesterday and today. Therefore, the introduction of this Motion to consider interpretation services in public health facilities and also to establish a Health Ombudsman is a short-term suggestion and is not an abandonment or concessionary position to SWANU's desire to have equity in universal health care coverage for all Namibians. (Interjection). Honourable Deputy Speaker, can you protect me?

HON DEPUTY SPEAKER: Just proceed, I take note of that.

HON MAAMBERUA: Ask the Member to do the honourable thing.

Honourable Deputy Speaker, allow me to give an overview of our health care system, the successes and the impediments that limit and negate the fullest potential and utilisation of our health system in Namibia.

The success story, which is a credit to the Government, that is our Namibian Government, is that in existence there is one national referral hospital, three intermediate hospitals, thirty district hospitals, forty-four

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health centres and two hundred and sixty-five clinics and these statistics are taken from a very important census that was conducted in 2009 under the title, “Health Facility Census”, page 20.

Additionally, in 2006 the private sector accounted for thirteen hospitals, seventy-five primary care clinics, eight health centres, seventy-five pharmacies and five hundred and fifty-seven medical practitioners, including dentists, psychologists, physiotherapists, etcetera. That is now the infrastructure of health delivery and we will now come to the soft aspects of health delivery.

Despite the success story that indicates the existence of health facilities, Namibia in practice is characterised by a two-tiered health system that is reminiscent of the apartheid system. For example, about 16% of Namibians are insured, whilst the rest, that is 84%, do not enjoy this benefit. Therefore, it is pertinent to realise that, contrary to what most believe, health does not only result from psychological as well as purely biological phenomena, but also social and economic phenomena. Currently our progress is impeded by our income inequality as evidenced by the gini-coefficient of around 0.6, as provided for in the National Planning Commission Annual Report of 2008.

The situation is further exacerbated by the fact that approximately N\$470 million are spent on PSEMAS that is under the Budget of the Ministry of Finance to insure the Civil Servants component of the approximately 50% of the 16% that I am referring to of the insured Namibian population.

The uninsured Namibian population of approximately 84% are still dependent on the Government, that is under the Budget of the Ministry of Health. If we factor out the capital Budget of that Ministry, then we are looking at N\$2.2 billion. In practice this represents a ratio of about 1:5. Therefore, total operational spending on health by Government is about N\$2.7 billion, arrived at this way: N\$2.2 billion plus approximately N\$500,000 that are spent under the Budget of the Ministry of Finance for PSEMAS, put together, N\$2.7 billion, which translates into about only

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20% of the Budget being spent on a marginal, that is half of the 16%, which is 8 percent of privileged group of employed Civil Servants and the rest of the population having to make do with the remainder.

In simple terms, for instance, if Government spends N\$100 per insured person, then it only spends N\$25 per the rest of the population. You can see the skewed allocation of health funding to our population. This is the result, of course, of the socio-economic disparities, as demonstrated by our gini-coefficient.

It has universally been proven that health is linked to social circumstances. Therefore, the importance of taking social differences in health to improve national health status is now explicitly recognised. In Namibia the bourgeois and the monetised elites visit almost exclusively private clinics and hospitals and hardly Government health institutions. (Interjections) The protocol is that we do not interrupt while somebody is moving a Motion. I repeat: In Namibia the bourgeois and the monetised elite visit almost exclusively private clinics and hospitals and hardly Government health institutions. It is true, is it not?

The fact that at State hospitals wards are divided according to the ability to pay, hence the prevalence of the so-called private wards for those who are magically insured. If you go to the state Hospital, there are private wards. If you ask why the difference, those private wards are for those who can afford, who have insurance. That is the disparity that we are talking about.

At this juncture I have to agree with Geingos-Onuegbu who concludes that all human beings should be equally empowered through the provision of dignified and caring basic essential services and not only the elite few.

Now the justifications for why should have interpretations in State hospitals, clinics and all the health institutions.

I need to state here that accessibility to health care system in Namibia by Namibians through provision of facilities such as hospitals, health centres,

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laboratories and other infrastructures, without concomitant supporting services, including communication, human relations, due care, etcetera, would be a futile exercise in the public arena.

As a person living and interacting with various communities in Namibia, I have been approached in my capacity as a national leader and I am also inundated with serious complaints about poor or inadequate communications in State health institutions between health practitioners and patients. Other members will agree with me that such constraints have had negative consequences in the provision of health care in our various communities. These complaints are not confined to one area in Namibia, but seem to be across the entire country.

Many reasons have been advanced as to why there are such complaints or communication breakdowns. One such complaint is the low level of literacy in Namibia. The second one is the lack of comprehension of the medical technical language, unfamiliar to our rural populations. The third reason, the prevalence of foreign practitioners who may not be competent with local languages. Fourthly, interpretation, as you all know, is not necessarily a duty of health care personnel which, if it were the case, would have helped to ease the above constraints. (Interjections)

HON DEPUTY SPEAKER: Please proceed to read.

HON MAAMBERUA: Please, this is hell, it is not diplomacy. I am aware that interpretations may not necessarily be a function of health personnel, thus additional costs will be incurred for meeting such costs, but this should not be exorbitant as such interpretation services could be introduced gradually. After all, such services have been found feasible in the Courts of law and have been generally regarded as helpful in fulfilling national duty in bringing about justice and equity. The same logic can be extended to the health sector for reasons of equal access to health and

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equity in health matters. In this respect, interpretations in health facilities are, therefore, urgently needed by the lower social classes who lack in education due to their socio-economic environment.

Much as we do not intend to propose the full mechanisms of how interpretations should be done, we admit that we are inundated with complaints about poor communication between health personnel and patients, hence the justification through this House for the request to the Ministry of Health and Social Services to introduce interpretation services.

Now the justification for the creation of a function of a Health Ombudsman. The rationale regarding the establishment of a Health Ombudsman is triggered by complaints that are levelled against our health professionals and the health delivery system in general. The following problems have been experienced and reported in the media regarding health provisions:

- Misdiagnosis;
- Abject mishandling patients and human remains;
- Claims of negligence;
- Abuse of patients;
- Misunderstanding between health personnel and patients.

If the expectation is that the Ombudsman has to deal with all the health related issues emerging from poor treatments and the like, then we have to look at the following issues:

- The enabling constitutional provisions;
- Budget provisions to the Ombudsman;
- Staffing of the Office of the Ombudsman.

In terms of the Namibian Constitution, Chapter 10, Article 91(a), the following functions are provided for in our Constitution and I specifically want to refer to only function (a): *“The duty to investigate complaints concerning alleged or apparent instances of violation of fundamental rights and freedoms, abuse of power, unfair, harsh, insensitive or*

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discourteous treatment of an inhabitant of Namibia by an official in the employ of an organ of Government “whether central or local) “manifest injustice or conducted by such official which would probably be regarded as unlawful, oppressive or unfair in a democratic society.”

It is evident that in terms of the constitutional functions of the Ombudsman, protection of the right to health is neither entrenched, nor specific in either Chapter 3, which is the fundamental rights and freedoms and I quote the Constitution here. None of those fundamental rights and freedoms talks about the right to health. It is talking about other rights, such as education, freedom of speech, etcetera, but health is not specifically addressed. Nor in Chapter 11 which are actually the principles of state policy. So, the issue of the Ombudsman to deal with health issues is not actually discernable from our Constitution directly.

By way of comparison, similar national institutions that have been created by the Constitution and also having to cover the entire country to receive complaints on issues of justice, equity and unfairness, include the following: The Anti-Corruption Commission, the Ombudsman, the Auditor-General, etcetera. These institutions do not seem to receive equitable budgetary allocations that are commensurate with their functions and broad mandate. The Ombudsman is particularly adversely funded in comparison with the other, as the figures demonstrate:

The Operational Budget of 2011/12:

Anti-Corruption Commission is budgeted to receive approximately N\$25 million, the Ombudsman about N\$8 million, the Auditor-General, N\$38 million. In terms of staffing of the Office of the Ombudsman, there are only 32 people employed in that office. The Office of the Ombudsman is provided for under the Minister of Justice. As you can see, the establishment is 36 people, currently employed only 32, but worse still and really of serious concern is that there are only four senior positions, including the Ombudsman, and only three of those are filled. How do we really expect this constitutional mandate of the Ombudsman and all the expectations from health and other problems to be addressed by an

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establishment of 32 people where there are only four senior positions?

Given the problems related to health proportions experienced in Namibia, the Office of the Ombudsman can evidently not cope with these issues unless the Ombudsman's Office is beefed up with qualified personnel in health matters. In fact, what we see in the staff establishment here, there is no indication that there are health professionals in the Office of the Ombudsman.

Again looking at the Budget of the Office of the Ombudsman, about N\$8 million is allocated to this office and approximately half of that amount goes to salaries and remuneration, meaning that N\$3 million actually remain for the operations of the Office of the Ombudsman, which does not make it possible for the Ombudsman to fulfil all the expectations.

What we are saying is, that unless the Office of the Ombudsman is beefed up with qualified personnel in health matters, this option is not the best given the number of issues that the Office has to deal with. The best option, in our view, is to establish a fully independent Health Ombudsman, as we have the Media Ombudsman and this one also has to be independent from the staff of the Ministry of Health, because we cannot have the Ministry's staff to be judge and jury at the same time. It is an independent office, fully staffed with health professionals to deal with all these complaints and problems that we encounter.

As we all know, currently many of such complaints are handled through the Courts of law, but obviously this is too cumbersome, a process too costly for the poor in terms of fees, travelling and upkeep in towns where there are Courts and the "torture" due to the long wait, especially for patients who are already in pain, hence the urgency for having an independent and fully and properly funded Office of a Health Ombudsman.

Recommendations: Having underscored the urgent need for introduction of interpretation services in all State health institutions in order to improve on the communication between health practitioners and patients and also

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having demonstrated the need for the introduction of a Health Ombudsman Office, we recommend the following:

That this Assembly debates and discusses the importance of introducing interpretation services at all State health institutions, that is hospitals and clinics and that this Assembly debates and discusses the need for a health services Ombudsman in Namibia and, therefore, resolves to ask the Minister responsible for Health to consider to gradually introduce interpretation for patients in the State health institutions, hospitals and clinics and also that this House resolves to ask the Minister responsible for Health to advise this House on the practicality or otherwise of the creation of a function for a health services Ombudsman.

Alternatively, we recommend that this august House considers convocation of a National Health Conference along the lines of the recently held Education and Land Conferences to comprehensively diagnose the challenges that face the health sector. I thank you, Honourable Deputy Speaker.

HON DEPUTY SPEAKER: Any further discussion? Honourable Chief Riruako.

HON RIRUAKO: I listened to my Colleague, but the first things we did, which is exemplary, is the root of health that is supposed to be maintained and taken care of. Even though you are alone, we are not here to reject what you are saying, we are here to absorb what is in your mind and we want to put it into practice to know what are the limitations to what you want. Therefore, we appreciate your knowledge and we appreciate your principles. It is a policy which can be added to others if you do listen.

Honourable Deputy Speaker, the problem is that we have ill-health in this country, but the patients, as he said, are not well instructed. We have to

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force those who are in those fields to respect their patients and to honour what they are doing and to perform well. That is how I feel and the Ombudsman to carry out and to care for those who cannot help themselves, those who need help.

Honourable Deputy Speaker, these are the norms of the proposals coming from Honourable Maamberua, but the fact is that there is no competition, it is something which we can also assure for other people to know what we discussed here. It is a remedy to people in this country to be put in a good direction, therefore we are here to synchronise the methods how we are going to obtain it.

Honourable Deputy Speaker, we want the Health Department to perform and there must be a Director of Health to investigate all those shortcomings. We cannot give everything to the Minister concerned, to run around as he is not a messenger, he is the Minister of Health. The Director must be there in order to know where the shortcomings are derive from and how they are supposed to be taken care of, like an Ombudsman. But if we first go from the Department of Health to the Ombudsman, the Ombudsman's findings have to be referred to the Director before it goes to the Minister concerned. Therefore, this must be done and we do not have any objection to it, but we do not have to say you do this for propaganda. We do this for the health of everybody.

For the time-being I think you are moving in the right direction and not the habit of coming through the backdoor. This is coming through the front-door for us to scrutinise the facts before we are going to endorse it. Therefore, we cannot argue where there is no argument, there is a way how to handle the matter and the direction we are supposed to follow and for you to know. There must be a balance of knowledge and foresight. I thank you.

HON DEPUTY SPEAKER: Honourable Muharukua.

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HON DEPUTY MINISTER OF GENDER EQUALITY AND CHILD

WELFARE: Thank you, Comrade Deputy Speaker. I rise to support *omuramuandje*. Comrade Deputy Speaker, Honourable Members, this afternoon we listened to good news by the Minister of Health. If it was me I would have withdrawn this Motion, because he said we have to talk to him first when it comes to health.

Comrade Deputy Speaker, you talk about development and educating people and for a long time I was confused about what development that is. Are they talking about buildings or what and now I realised that the development they are talking about is that they want us to get a doctor to develop our brains. First we have to develop our brains because we cannot talk about the same stories because of elections all the time. Even our people out there have to read these minutes and the good message to them. We cannot stand there for the sake of standing, we cannot do that all the time.

Honourable Maamberua, I am talking on behalf of myself and not on behalf of SWAPO. You failed to mobilise people to join your Party and now you want to tell this House and the public that we have to listen to you all the time. (Intervention)

HON RIRUAKO: On a Point of Order. We are not here to deviate from what we discuss during political campaign. I told you already and the House heard it, that this is the time to tell him what is right and what is bad, but not about the campaign, the campaign is over. At this juncture we talk about the topic on the table and please confine yourself to that in order to tell the House what we need.

HON DEPUTY MINISTER OF GENDER EQUALITY AND CHILD

WELFARE: I can say my words from my heart, I cannot talk about your words. I am saying that when we talk about health, we have to learn about

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our brains first. If you listened properly you would not have tabled this Motion because all the time we are talking about things not related to our Government because you are not consulting. Some of these issues need to go to the Minister and not to Parliament. We can talk to our brother and sister there and listen to them and if they do not listen to us, we can bring the Motion. Let us talk to each other as one Namibia, one Nation as the Minister said. Maamberua can talk all the time but you will not get that position of president. Go and mobilise your people, this issue of health is not for you. I thank you.

HON DEPUTY SPEAKER: Honourable Nujoma.

HON MINISTER OF FOREIGN AFFAIRS: Honourable Deputy Speaker, Honourable Members, I would like to thank Honourable Maamberua for introducing this Motion on the need to establish interpretation services at State health institutions, which means hospital, clinics and also the need for the establishment a Health Service Ombudsman in Namibia.

When Honourable Maamberua was speaking, I was just thinking aloud that Namibia being a developing country with scarce resources, we have this notion that we think we are on equal terms with the developed world, for example, countries like Sweden, Norway and others. Norway, for example, has abundant resources in oil and natural gases and the other countries sell their salmon all over the world. Therefore, we cannot compare ourselves.

Ideally it would be good to have somebody who can interpret for a person from the rural area, but really, Honourable Maamberua, I cannot agree with your motivation because we have eleven ethnic groups in this country and then all the other people who are visiting Namibia to whom we provide the necessary health services. We cannot turn them away,

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they come here, needing assistance. Overall it means that you must have almost twenty to thirty interpreters at one public health clinic. Comrade Maamberua, how is it practical and logical? The problem with us is that we would like to imitate, but we have not reached that stage. However, overall Namibia has done very well in the delivery of health services. I must really thank the Minister of Health and Social Services for working so hard that we are almost meeting the MDG 4, 5 and 6. We are doing well. (Interjection)

HON MEMBER: Are you sure?

HON MINISTER OF FOREIGN AFFAIRS: No, I am not saying we have reached that stage, but I am saying we are on the way. Therefore, let us not jeopardise these major achievements by introducing things which are not practical. Ideally we should have interpretation services if we have the resources. If Namibia, for example, strikes oil, as we have heard from the Honourable Minister of Mines and Energy, that there exists such a possibility and we have those resources, why not? Really, I see that all these services Mr Maamberua is proposing will eat into that meagre Budget. (Intervention)

RT HON PRIME MINISTER: May I ask a question on the oil? Do you recall that one Minister of Mines told us that there is a mountain of gold somewhere in Namibia? Do you remember that story?

HON MINISTER OF FOREIGN AFFAIRS: Yes, abundant gold and there he is. He is sitting there and we are still waiting. Comrade Maamberua or Honourable Maamberua, I am sorry I called you Comrade

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because Comrade is somebody with whom you have fought together with guns and sacrificed. (Intervention)

HON MINISTER OF EDUCATION: May I ask my Colleague a question? Comrade Nujoma, two questions on the issue of interpretation. At Katutura State Hospital we have more than one thousand beds and the same at Oshakati. How many interpreters are we likely to have and do you think what he was asking is reasonable? Secondly, we have more than twenty Ministries in the country, if we were to appoint an Ombudsperson for each Ministry, how many Ombudspersons are we going to have in the country? Do you think it is reasonable?

HON MINISTER OF FOREIGN AFFAIRS: Honourable Iyambo, I was actually coming to that, the impracticality. In Windhoek alone we have two thousand beds in the two hospitals and then you have Oshakati, Gobabis and others. Will we be able to have 500 interpreters? Not only that, you must think about the 24 hour service which must be rendered at all the hospitals. Is it another TIPEEG programme to provide employment? It is impractical.

On the issue of the Ombudsman, the Ombudsman is mandated by the Constitution to investigate all complaints in all institutions of Government. How many Ombudsmen are we going to have for each institution? (Intervention)

HON DEPUTY MINISTER OF WORKS AND TRANSPORT: Comrade Nujoma, if – the big – Honourable Maamberua would have a Government at all, do you think there would be any sense of planning and tangible goals for his Government? He is thinking of creating interpreters

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for the hospitals, which is practically impossible. Do you think he would be a good planner?

HON MINISTER OF FOREIGN AFFAIRS: Thank you for your question and I think that is basically the reason why SWANU could not make any progress, because it is disastrous planning for every sector.

HON MAAMBERUA: I am giving advice to the Members to understand the Motion and to be reasonable and not to play with the lives of Namibians. We have very desperate people in this country who are actually in need of this service. Interpretations are done in the Courts of law, it has been found to be feasible, we are asking for the gradual introduction of that service. Be serious with the lives of the citizens, do not make jokes about the future of this country.

HON MINISTER OF FOREIGN AFFAIRS: Thank you, Honourable Maamberua, I was just trying to help you so that you plan better and the reason why you are doing so badly is because of poor planning and we have to be practical. (Intervention)

HON DEPUTY SPEAKER: Honourable Minister of Foreign Affairs, try to confine yourself to objective discussion of the Debate.

HON MINISTER OF FOREIGN AFFAIRS: But it is also important to help the Colleagues to plan better, because they have been failing

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continuously and we want to help them to think practically. We in SWAPO plan practical things and think practically. (Intervention)

HON DEPUTY MINISTER OF GENDER EQUALITY AND CHILD

WELFARE: I want to ask a question, Comrade Deputy Speaker, because this is something new in the Parliament we know. When you are the Mover of a Motion, you cannot be allowed to do that. This is our own Government and we have to rule this country, we cannot do that.

HON MINISTER OF FOREIGN AFFAIRS: Thank you, Honourable Muharukua, I take note of what you said. Honourable Maamberua, I am coming back to planning. (Intervention)

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

Comrade Deputy Speaker, may I ask a small question? Comrade Utoni, you talk about disastrous planning. That is reason why in the sixties SWANU went full force out of the country, they tried to train militarily, they failed. By 1978 all of them were back in the country again, meaning that outside they could not achieve anything as a result of bad planning and by 1978 all of them found themselves back in the country. Is it now bad planning?

HON MINISTER OF FOREIGN AFFAIRS: I was just trying to advise you to be more practical. I just want to say that it is important that we have to take into account the meagre resources at our disposal and plan so that we use it maximally to the benefit of our people. Our people are suffering and we know that it is easy to tell a doctor that you have a headache or pain in the back. Doctors are trained professionals and there

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are nurses from all diverse backgrounds who will be able to assist. There are nurses who speak Afrikaans, Rukwangali, Oshiwambo, Otjiherero and they are all employed in the Public Health Service. Let us be serious when we introduce Motions of that nature in Parliament and not try to score cheap political points. Thank you very much.

HON DEPUTY SPEAKER: Honourable Moongo.

HON MOONGO: Thank you very much, Honourable Deputy Speaker. First of all, I thank my Colleague for realising there is a need for interpretation. If you are sick and there is nobody to interpret correctly, it can be serious as you may end up getting the wrong treatment which can lead to serious consequences. Therefore, let us not only consider one side, but let us look at the situation holistically. (Intervention)

HON MINISTER OF HOME AFFAIRS AND IMMIGRATION: On a Point of Information. Honourable Deputy Speaker, I want the Honourable Member to go to the Central Hospital and see whether he will find any foreign doctor treating a patient without an interpreter. That is nowhere to be found in the health facilities. We have interpreters everywhere, the nurses who are trained to work with the medical doctors. That is just for his information.

HON MOONGO: The Honourable Minister was supposed to wait a bit because I was coming to the practical issues. I worked in a hospital for many years and it is very difficult to have interpreters available for every patient. (Intervention)

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**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,
HOUSING AND RURAL DEVELOPMENT:** Honourable Moongo, since in the late sixties you were working in a mortuary, where you translating for the corpses there in the mortuary or what happened?

HON DEPUTY SPEAKER: Because of the nature of the question, I advise you to ignore that question and to proceed.

HON MOONGO: Yes, I think I will rather ignore a sick person. I am speaking from practical experience. It is not easy to have interpretation for every patient in the hospital, it is impossible. (Intervention)

HON RIRUAKO: On a Point of Order. Honourable Member, I said there is going to be a balance, but the opinion must be welcomed in order to balance the issue. Therefore, if there is no balance to any proposal, there is no discussion in the Parliament. In Parliament you cannot say things and accept it just like that, there must be a balance. Take that into account when you express yourself.

HON MOONGO: Yes, to find a practical remedy to this situation is for a doctor to undergo a language course before going to a certain Region. To send a Chinese doctor to a Region and he does not even know what is a head or a backbone, is really risky. I think Honourable Maamberua has a point, but I propose that the medical doctors undergo a language course before going to a certain Region and then there are staff nurses who can assist them. However, to have an interpreter for every patient is impractical and I am happy that he mentioned we need quality health services and equal treatment of all. The treatment at state and private

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hospitals should be equal. I think he has good points and we should not turn it into politicking. However, practically it is not possible to have an interpreter for every patient. Thank you.

HON DEPUTY SPEAKER: Honourable Mushelenga.

HON DEPUTY MINISTER OF FOREIGN AFFAIRS: I rise to contribute to the Motion by Honourable Maamberua regarding interpretation services at hospitals, clinics and health centres and the appointment of a Health Ombudsman.

Honourable Deputy Speaker, the intention and the principle might be good, but practically it is impossible to have interpretation in all our hospitals, health centres and clinics. Honourable Maamberua tried to make a comparison with the justice system where we have interpretation in Courts. He just gave us the figures of how many hospitals, district hospitals, referral hospitals, health centres and clinics we have in the country, forgetting the mobile clinics. If you look at the number of Courts that we have in our country, it is not the same proportion. In my Constituency where I come from, where Honourable Nyamu also comes from, there are quite many hospitals and clinics but there is no single Court. Even nearby Constituencies use Ondangwa Magistrate's Court. Therefore, to draw a comparison between interpretation services in the Courts and interpretation in the hospitals is not the same because why one needs trained interpreters in Courts is because of the unique language that the Court uses. Those are professional interpreters.

Coming to the hospitals, when I was a Member of the Parliamentary Standing Committee on Human Resources, Social and Community Development I travelled this country, rural areas, urban areas. Many of the nurses that go to work in areas which speak different language from

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their own vernaculars have made efforts to learn those languages. I remember I went to one area in Tsintsabis Constitution which is inhabited by the San-speaking people and I found a young nurse from Olukonda speaking the San language. Honourable Rosalia Nghidinwa and Honourable Petrina Haingura are fluent in Oshiwambo having worked in that area. It is a language they learned out of commitment to duty. It is the same like posting diplomatic officials. When we send our officers to France, they learn the French language in order to be able to communicate with those people.

It was stated here that these doctors do not work alone, they work with nurses. I know of nurses who only studied English and they went to work in areas which are predominantly Afrikaans-speaking, my wife being one of them. She learned Afrikaans, it is commitment to duty.

If you bring interpretation services, how many interpreters are you going to employ? Mind you, it will not be one interpreter per clinic because it is not only people of one language that come to that particular clinic. Therefore, it will not be practically possible but let us rather leave it as it is now and encourage health workers who go to those areas to learn the local language. After all, they do not only interact with patients in the hospital, they interact with members of the community. That is why they have the will to learn these languages.

Let us come to the Ombudsman. I have a problem with creating too many institutions basically for the same purposes. Our Constitution provides for the establishment of the Ombudsman. If, as Honourable Maamberua says, we think there is no adequate provision in the Constitution for the Ombudsman to perform functions related to patients who go and launch their complaints, then let us amend the Constitution and strengthen the functions of the Ombudsman rather than introducing (Intervention)

RT HON PRIME MINISTER: May I ask a question? Honourable Mushelenga, are you aware that at times the Medical Council acts as if it

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was an Ombudsman?

HON DEPUTY MINISTER OF FOREIGN AFFAIRS: I was coming to that, but I first wanted to deal with the Ombudsman in particular. If we think the functions of the Ombudsman are not adequately addressed by the Constitution, let us then try to introduce Amendments in order to strengthen it, because today we are talking about the Ombudsman for Health, tomorrow we will say Ombudsman for Education, next day an Ombudsman for Land, next time Ombudsman for Mines, especially when oil is being spoken about. What functions will the current Ombudsman be left with?

Maybe the media have a person they call the Ombudsman of the Media, that is their own arrangement, but it does not take away the functions of the Ombudsman to investigate complaints emanating from the public about the media, but that one is not paid by the State. Now here we want to create too many institutions with the State. In fact, we have already reduced the functions of the Ombudsman when we created the Anti-Corruption Commission to take away that function of corruption from the Ombudsman. Now let us leave the Ombudsman to deal with the complaints.

We have the Medical Council and when there are complaints about medical practitioners or about procedures made on patients, people do approach this Council which has medical professionals which attend to professional complaints. However, this also does not prevent people to approach our current Ombudsman. Inasmuch as your intention may be good, in the first instance it is not practical with regard to interpretation and with regard to the Ombudsman it is not necessary.

With these words, Honourable Deputy Speaker, I put my case to rest.

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HON DEPUTY SPEAKER: Honourable Swartz.

HON SWARTZ: Thank you, Comrade Deputy Speaker. We as leaders must encourage our students to study in the health sector if there are not enough nurses to assist the doctors. Secondly, nurses from different ethnic groups are distributed all over Namibia and a nurse must assist with interpretation between the doctor and patient. We have to encourage our children so that we could rather use that money for medication, renovation and other important issues. We must make use of our nurses who are already in the Public Sector, because if you use another person, you will end up dying because the nurse will understand the health issues and know how to communicate with the patient. Why should we bring in other people? I thank you.

HON DEPUTY SPEAKER: Thank you for that very brief intervention. Honourable Nambahu.

HON DEPUTY MINISTER OF JUSTICE: Thank you very much, Comrade Deputy Speaker. I also want to add my voice to this Motion. I really think that the Honourable Member was supposed to do better, knowing that he is from an academic background. He was supposed to make a short analysis of the existing situation to identify the weaknesses and the opportunities. I expected him to do research to find out what are the problems that are actually affecting our consumers at the hand of the institution of service delivery and there you could find out if the institutions we have in place are actually adequately equipped to address those kinds of challenges. (Intervention)

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RT HON PRIME MINISTER: If the nurses and the doctors take the Oath of Hippocrates, would you expect the interpreters also to take the same oath?

HON DEPUTY MINISTER OF JUSTICE: I think he heard clearly what the Prime Minister has said. The issue is, when it comes to the Ombudsman, I think the Honourable Member was supposed to suggest that we need to diversify the expertise within the Ombudsman's Office in order to address the various fields of speciality and diverse kind of complaints that may come up. Instead he has pointed out the existing weaknesses and yet he wants a duplication or multiplication of such institution with its weaknesses.

We were even supposed to look at whether this country has an adequate consumer protection law, then the prevailing malpractices in all the other fields and areas could be adequately addressed by a certain institution put in place, rather than coming up with the suggestion to have an Ombudsman for Agriculture, another one for Water, another one for Fisheries and one for religious issues, etc.

I always say it is not about imitation, that we should do what other countries are doing, it must be adequately addressed. (Intervention)

HON DEPUTY SPEAKER: I just want to clarify to the Mover that while the Members are contributing he should make notes and afterwards respond to issues raised by the Members. You are not allowed to interrupt.

HON DEPUTY MINISTER OF JUSTICE: Yes, I think that is supposed to be done, but I think it has to do with the seat where the

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Comrade is sitting which is very uncomfortable, because I remember the Member who used to sit there used to have a problem keeping quiet. I know him as a composed man, but this time around I do not know.

I am suggesting that we address the challenges facing our consumers and try to come up with the diversification of the expertise for the Office of the Ombudsman to be multi-disciplinary in order to cater for the various complaints that might come from different fields which they cannot deal with at that level.

The issue of interpreters has been properly dealt with and I call upon the Colleagues to look at the points I have raised and I also call upon the coming into operation of a consumer protection law in this country. I rest my case.

HON DEPUTY SPEAKER: Honourable Utoni.

HON DEPUTY MINISTER OF SAFETY AND SECURITY: Thank you very much, Honourable Deputy Speaker. I expected the Motion of the Honourable Member to help this House to understand the issue of interpreters. I expected him to tell this House we have so many hospitals and clinics in Namibia and he did not mention that in his Motion. When you want to introduce a Motion, you have to do proper research, but now you are just talking for the sake of talking.

We also wanted to hear how many interpreters should be employed and as he is from an economic background, how much it would cost this Government. Then at least we would have been able to assist him when we debate.

Then there is the training of these interpreters, because as Honourable Mushelenga has said, they cannot just be ordinary interpreters, they should

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know medical terms. (Intervention)

HON MINISTER OF MINES AND ENERGY: May I ask Honourable Uutoni a question? Honourable Uutoni, given that the previous speakers discounted Honourable Maamberua and accused him of not having done proper research before introducing this Motion and he himself has realised that yes, indeed, he did not do a proper job, is it not advisable for him to just withdraw the Motion in order to avoid the embarrassment that he finds himself in?

HON DEPUTY SPEAKER: You can ignore that question, just proceed.

HON DEPUTY MINISTER OF SAFETY AND SECURITY: The Deputy Speaker does not want us to respond to some of the questions, but they are very important questions and I was moving towards that. I think the Honourable Member has learned a lot from the comments by the Honourable Members, that I have not done proper research as an academic, not like Uutoni who is just a Member of Parliament. Maybe we should ask the Honourable Member to do more research, because this time around he did not make it. I do not support this Motion and I thank you.

HON DEPUTY SPEAKER: Any further discussion on this Motion? Honourable Dr Nicky Iyambo.

HON MINISTER OF VETERANS AFFAIRS: Honourable Deputy Speaker, I want to digest the Motion of the Honourable Member and would like to adjourn the Debate until tomorrow.

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HON DEPUTY SPEAKER: The Debate on this Motion is adjourned until tomorrow. The Secretary will read the First Order of the Day.

**RATIFICATION: TREATY AND PROTOCOL ON
NUCLEAR TECHNOLOGY**

SECRETARY: Resumption of Debate on Ratification of the Treaty and Protocol in connection with Nuclear Technology.

HON DEPUTY SPEAKER: When the House was adjourned Tuesday, the 11th of October, the Question before the Assembly was a Motion by the Honourable Minister of Health and Social Services. Honourable Shixwameni adjourned the Debate. He is not here. Anyone who would like to take the Floor? Honourable Iilonga.

HON DEPUTY MINISTER OF AGRICULTURE, WATER AND FORESTRY: Honourable Deputy Speaker, I Move that the Debate be adjourned until tomorrow.

HON DEPUTY SPEAKER: The Debate is adjourned until tomorrow. The Secretary will read the Second Order of the Day.

**RESUMPTION OF SECOND READING:
EARTH SCIENCE PROFESSIONS BILL**

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**EARTH SCIENCE PROFESSIONS BILL
HON PROF KATJAVIVI**

SECRETARY: Resumption of Debate on Second Reading - *Earth Science Professions Bill*.

HON DEPUTY SPEAKER: When this Debate was adjourned on Tuesday, the 11th of October 2011, the Question before the Assembly was the Motion by the Honourable Minister of Mines and Energy, that the Bill be read a Second Time. Honourable Professor Katjavivi adjourned the Debate and he now has the Floor.

HON PROF KATJAVIVI: Thank you, Honourable Deputy Speaker, Honourable Members. I take the opportunity to thank the Ministry of Mines and Energy and I especially appreciate the efforts of the Honourable Minister in trying to undertake this timely intervention in the regulation of geological activities in our country. I would, however, like to draw your attention, Honourable Members, to the definition of “earth science” as provided in the draft Bill towards the end of Page 3: I quote: *“Earth science means all scientific disciplines researching the earth as a whole, including but not restricted to its origin, structure, composition, history and natural processes that resulted in its present state.”*

This Paragraph might threaten to overlap the mandates of other sister Ministries, namely Agriculture, Water and Forestry, Fisheries and Marine Resources, Lands and Environment and Tourism, among others. This would cause an operational conflict because each Ministry has its own distinct mandate for its functions.

Honourable Deputy Speaker, Honourable Members, also whereas the draft Bill refers up to Section 19 on clarification of who falls under the intended category of earth science professions, in my view it does not clearly stipulate or define who is an earth scientist bound by this draft Bill. The draft Bill in its plan on Page 27, the last Paragraph, tries to loosely throw more light on the disciplines herein characterised as registerable as earth science professions. The following list was provided:

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- (a) Regional geology;
- (b) Geo-physics;
- (c) Hydrology;
- (d) Economic exploration or mining geology;
- (e) Geo-chemistry;
- (f) Engineering geology;
- (g) Environmental geology;
- (h) Hydrocarbon geology;
- (i) Palaeontology
- (j) Earth science education.

Honourable Deputy Speaker, Honourable Members, I say loosely because whereas they broadly take the name of Earth Science Council of Namibia, it trims itself to correctly register only geological scientists. This clearly indicates that the Ministry of Mines and Energy should have fronted the correct name of Geological Council of Namibia, not Earth Science Council of Namibia. Perhaps the Honourable Minister could clarify as to how the Ministry of Mines and Energy came up with the name Earth Science Council for Namibia and not Geological Council of Namibia for a Bill clearly designated to regulate only the geological matters. The above sciences are not broad enough to cover all earth science research projects that Namibia is undertaking or need to undertake for its educational and sustainable development.

Should every Ministry that is overseeing earth science research projects come up with its own Earth Science Council, how many Earth Science Councils will the country have with its limited financial resources, inadequate to cater for duplication of authorities when there are other pressing priorities, like education, health, poverty alleviation and affordable environmentally friendly housing, among others? For example, meteorology and astronomy, amongst others, are also earth sciences, yet they are not necessarily geological professions and they do not fall under the Ministry of Mines and Energy. Meteorology falls under the Ministry of Environment and Tourism, notably certain countries, even other countries on the African continent have Geological Councils that regulate all geological activities within these countries and Namibia should not be an exception.

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It is essential that the proposed body strives for coordination among various research institutions. Therefore, in the light of the above it is prudent that Namibia as a Nation acquires or forms a National Council of Science and Technology. A National Council of Science and Technology will cater for all pure and applied science research works under the various Ministries and institutions with research capacity, private innovative research scientists or international visiting research scientists. It should be a unifying, encompassing Council of Science and Technology. Such a body's strategic goals should be:

- To improve or to streamline national science and technology policy environment to foster scientific and technological innovation;
- To strengthen national system for research, product development, technology transfer and intellectual property management;
- To increase public understanding and appreciation of science and technology; and
- To strengthen the institutional research base and technical capacity.

Honourable Deputy Speaker, Honourable Members, I therefore recommend that the Honourable Minister of Mines and Energy reflects upon some of these concerns in the finalisation of this very important Bill.

With these few remarks, I support the Bill. Thank you.

HON DEPUTY SPEAKER: The House is adjourned until tomorrow, 14:30.

HOUSE ADJOURNS AT 17:56 UNTIL 2011.10.19 AT 14:30

**NATIONAL ASSEMBLY
ASSEMBLY CHAMBERS
WINDHOEK
19 OCTOBER 2011**

The Assembly met pursuant to the adjournment.

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

HON DEPUTY SPEAKER: Any Petitions? Any Reports of Standing or Select Committees? Other Reports and Papers? Notice of Questions? Notice of Motions? Honourable Minister of Finance.

TABLING: REPORTS OF THE AUDITOR-GENERAL

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

- Office of the President;
- Ministry of Information and Communication Technology;
- Department of Police of the Minister of Safety and Security;
- Ministry of Mines and Energy;
- Ministry of Agriculture, Water and Forestry;
- Ministry of Health and Social Services;
- Ministry of Regional and Local Government, Housing and Rural Development;
- Ministry of Labour and Social Welfare;
- Ministry of Lands and Resettlement;
- Ministry of Fisheries and Marine Resources;
- Department of Prisons and Correctional Services;
- National Council;
- Anti-Corruption Commission;

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for the Financial Year ended March 31, 2011.

I also table the Auditor-General's Report for the Namibian Communication Commission for the Financial Years ended March 31, 2007 and 2008; and

Namibia Development Corporation for the Financial Years ended March 31, 2008 and 2009.

I so Move Honourable Deputy Speaker.

HON DEPUTY SPEAKER: Please table the Reports. Any other Reports? Notice of Questions: Notice of Motions? The Secretary will read the First Order of the Day.

**RESUMPTION OF SECOND READING:
JUDGES PENSIONS BILL**

SECRETARY: Resumption of Second Reading – *Judges Pensions Bill*.

HON DEPUTY SPEAKER: When this Debate was adjourned on Tuesday, the 18th of October, the Question before the Assembly was the Motion by the Honourable Minister of Finance, that the Bill be read a Second Time. Honourable Tjihuiiko adjourned the Debate and he now has the Floor.

HON TJIHUIKO: Thank you very much, Honourable Deputy Speaker. I adjourned this Debate on the Judges Pensions Bill to give us a bit of time

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to look at it and Honourable Deputy Speaker, yesterday when we were presented with this very important Bill, the first thing I noticed is that unfortunately the Honourable Minister in the motivation did not inform us of the reasons for the need to transfer these pensions into the Members of Parliament and Other Office-Bearers Pension Fund. Obviously, with every action we take, especially when it deals with the pensions of people, there are certain factors one needs to look at.

The first is whether it is in the best interest of these recipients to move from this pension fund to another and that was not explained to us. Somebody is saying yes, but obviously we are not aware of the reason why this decision was taken and we were not informed yesterday.

I would love to know from the Minister as to what has prompted this action. Was it based on economic benefits for the Judges or was it based on a political consideration that there should be one pension for everybody?

Honourable Deputy Speaker, I also want to know, if this move takes place, would the Judges be in the same position as before or would they be worse off? I am asking this question because, as I said, yesterday the Bill was just presented to us without a motivation that we should take this decision because of a, b, c. I hope that the Minister will be able to put my concerns to rest because this is very important. I am raising these issues because I am aware of some of our Colleagues who have retired and who are worse off. I was informed that some of the Colleagues who have been in Parliament for five years receive a pension of less than N\$2,000 per month. That is why I am very interested in knowing why the decision was taken. If the Judges' pension is better, then we could have moved our pensions into the better one.

Let me conclude by asking the Honourable Minister of Finance to give us a clear cost benefit analysis in her response, as it would be of interest to us before we endorse and take this critical and very serious decision and at the end of the day the people are worse off than now. Thank you very much, Honourable Deputy Speaker.

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HON DEPUTY SPEAKER: Any further discussion? Right Honourable Prime Minister.

RT HON PRIME MINISTER: Thank you. I rise to support the Bill. I am aware that consultations have taken place on this issue and the Judges are in support of this move. I am also aware that worldwide people are moving from the defined benefit to defined contribution, therefore I think it is the right thing to do.

However, I want to raise an issue which Honourable Tjihuiko mentioned with regard to the Political Office-Bearers, Members of Parliament and Ministers. The group of people that established this fund in 2000 had certain benefits which were protected under the old regime and I suspect the Judges will have the same protection. However, it is very difficult for the beginners who just entered this fund to accumulate a reasonable amount of money which can sustain you for some time, especially if you only served one term. I am quite sure there is no pension fund which can give you proper protection if you only served for five years. I do not know whether our contributions are based on our gross or net salary, that people are not able to build up a reasonable amount to really give them some comfort after serving two or three terms. When you leave, you find yourself in a difficult situation.

I know the Minister of Finance is the chairperson of the Board of Trustees for our pension fund and I know that is not the item we are talking about here, but for the comfort of Members' minds, would the Honourable Minister care to comment as to what actually is the challenge with regard to this Members of Parliament and Other Political Office-Bearers Pension Fund? It appears that either the assets are not growing because the fund is too small, it is not able to earn much from the market and we really need to know what is the situation with this fund.

HON DEPUTY SPEAKER: Thank you. Honourable Moongo.

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HON MOONGO: Honourable Deputy Speaker, this move also raises many questions in my mind. While I was sitting here these two years I was feeling uncomfortable because my pension is not safe and I thought the Honourable Minister was supposed to brief us on progress made so far. I am not comfortable because this is my pension and those millions are nowhere to be traced and we are not being informed. Did the Minister consult the Judges and are they willing that their pensions be transferred to that rotten apple or will it fall under the hungry lions who are waiting for the millions to come in so that they can take it? I want more information and I rest my case.

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

HON DEPUTY MINISTER OF FINANCE: Thank you Honourable Deputy Speaker. I rise to support the Bill and I think the two principle issues that are of importance were in fact highlighted by the Minister's introduction.

The first important principle is that the Judges are moved from a pension scheme that was a scheme built on a pay-as-you-go principle, pay-as-you-go as a budgetary item to a scheme where both the employer and the employee, in this case the Judges, contribute to their pension scheme and their eventual pension benefits. I think that is a crucial element, that whereas beforehand the Judges themselves did not contribute to their own pension, it is now a matter where they themselves contribute a part and the employer contributes another, as is the case with Political Office-Bearers Pension Fund.

Being a contribution defined fund now, obviously it means that the amount you contribute plus the returns on the investment would determine what your benefits are at the end of the day. The Judges are no longer guaranteed of their benefit, it would depend on how the investment would

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do. They are only guaranteed in terms of this piece of legislation that all the benefits that they had accrued in terms of the scheme would be transferred into the new pension fund and they will not lose anything. It is important to note that the tax benefits that they enjoyed under the scheme are translated into the new fund. That is the first principle point that I just wanted to support.

The second one is that we want to create a standardised fund for all office-bearers. Instead of having some under contribution defined funds and others under benefits defined funds, I think the modern way is to standardise that and have a contribution defined fund that is equal and, therefore, there is no discrimination between different office-bearers in the system. Those are the two points I wanted to raise and I support the Bill.

HON DEPUTY SPEAKER: Any further discussion? Honourable Bezuidenhoudt.

HON BEZUIDENHOUDT: Thank you, Honourable Deputy Speaker. The intention of this Bill, the restructuring or redefining or standardisation of pension activities of individual members, is something that needs to be done so that, as the previous speaker said, we gradually move away from schemes to pension funds.

With regard to the text of the Bill, if the 1990 Judges Pensions Act is repealed, then some of the definitions in Section 1 must be redefined. For example, it now reads that “‘*pension scheme*’ means the pension scheme instituted by the repealed Act” and I would suggest that the “‘pension scheme’ means the Members of Parliament and Other Office-Bearers Pension Fund”, unless there is a specific reason behind the definition.

Similarly we should look at the definition of “pensioner” in relation to the Judges becoming members of the Members of Parliament and Other Office-Bearers Pension Fund.

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Then I seek clarity on Page 4 of the Bill, Section 6(3), where the text is very clear that whatever amount of money is paid out to the Judges upon transfer to this scheme from the State Revenue Fund, such payments are exempt from any income tax and I would just like the Minister to expand a bit more on that, because the current practice is that you do tax income derived from pensions, even if it is on a monthly basis paid when you have reached the age of a pensioner. Would this constitute a special incentive or benefit for the Judges or will this also be applicable in future to other to-be set up defined contribution pension funds. I thank you very much, Honourable Deputy Speaker.

HON DEPUTY SPEAKER: Honourable Nyamu.

HON NYAMU: Honourable Deputy Speaker, I rise to give my support to the draft Bill and to make some comments not directly related to the substance of the Bill in question. I take it that the Minister will be kind enough to take note of the two issues I would like to raise.

One is the story which has been going around that our former Members of Parliament have become beggars. They are literally “honourable beggars”, if you will, after having served this Parliament, never mind whether it is five or ten years. This suggests that we are neglecting ourselves in a way that makes some of us not wanting to retire. It is better to hang on than retire. Honourable Minister, it rests upon your shoulders to see, together with Cabinet, what can be done so that this House does not produce beggars.

The second issue I want to raise, Honourable Minister, is with respect to the composition of this House. As you know, elected Members of this House did not start at the same time, some of us were delayed because of reasons I do not need to go into. We did not start at the same time. I have been approached by concerned persons who feel you owe them two things: One is their salaries which you have not paid and they want to

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know from which date will their pensions be calculated. These are very critical queries. (Intervention)

RT HON PRIME MINISTER: May I ask a small question? Do you confirm or deny that in 1989 you did not vote?

HON NYAMU: I did, Honourable Prime Minister, I voted and I can tell you the place where I voted. I voted in Katima Mulilo. I moved from Angola, I came with my whole family and voted in Katima Mulilo and returned to Angola.

With those few questions, Honourable Deputy Speaker, I rest my case.

HON DEPUTY SPEAKER: Honourable Muharukua.

HON DEPUTY MINISTER OF GENDER EQUALITY AND CHILD WELFARE: Thank you, Honourable Deputy Speaker, Honourable Members. I rise to support the Bill and I do not want to repeat what our Colleague has said. Each and everyone, when going into retirement, wants to be called “honourable” as usual, but when you are going home with nothing, nobody is going to remember you. I think this Bill is for everybody, not only for the Judges.

My only comment to the Minister is that you did well. Several times we lost many cases, particularly widows. When their husbands passed on, the family members took everything and took the women to Court without even looking after them. I thought the Judges are not even helping those widows and women because their money was not really looked at, but now they are not going to do that, they are going to look after the women.

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Even when my husband ditched me, all the time they said, “go home.” Nobody is going to look after me. Please take note of that because it looks like we do not have a representative in the country. Thank you, I support the Bill.

HON DEPUTY SPEAKER: Honourable Mwaningange, you have the Floor.

HON MWANINGANGE: Thank you, Honourable Deputy Speaker. I rise to support the Judges Pensions Bill for the following reasons:

When I went through the Bill, I discovered that it is in favour of the Judges who are the beneficiaries and I have a feeling that the institution where the Judges are operating is part of Government, they are not an island, therefore, what is being proposed by the Cabinet and this august House did not happen without direct consultations with the people concerned.

Having said that, I have for some time been a member of the fund and I know the benefits, but there are always weaknesses in any institution. This should however not prevent us to discuss and eventually adopt the Bill.

Of course, some of the members of the fund have concerns, but we must not divert the discussion to that as we are discussing this Bill in the interest of others. With these words, Honourable Deputy Speaker, I fully support this Bill.

HON DEPUTY SPEAKER: Deputy Prime Minister.

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HON DEPUTY PRIME MINISTER: Thank you, Comrade Deputy Speaker. I am taking the Floor to support the Bill. I also know that this has been on for quite some time, but also to make two related comments on the pensions.

The purpose of a pension as a safety net is to take care of the beneficiary after retirement. That is the main purpose. However, we must also remember that when you are provided an opportunity to work, whether in Parliament or somewhere else, you must know that your actions should not be so reckless that you disrupt the benefits accruing to you. I am saying this because my dear brother Nyamu wants an exemption. We should think about all those things.

When you are elected, you have a social contract with the people who elected you to complete the five years. Secondly, you must know that you cannot just leave the job and claim to maintain the benefits you have.

My second comment, Comrade Deputy Speaker, is that the Minister and the Government have no legal power to extend the benefits of those who retire willingly or by law beyond what accrues to them and it will be unfair for Parliamentarians to ask the Minister whether those who are not well-off with their pensions after retirement should be provided for. (Intervention)

HON NYAMU: May I ask the Deputy Prime Minister a question? There is a saying in English that the end justifies the means, which suggests logically that if you want to improve the lives of your retired politicians, including Members of Parliament, you can change the law. I just want to say, Honourable Deputy Prime Minister, laws are made to be changed and laws are made by men and men can change those laws if there is justification for it. If you say it is acceptable for former Members of Parliament to be seen around as beggars, I think that is a political position which is not Namibian, maybe somewhere else.

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HON DEPUTY PRIME MINISTER: Comrade Deputy Speaker, I am not saying I am happy to see that situation, but I am just stating the fact that legally the Minister and the Government do not have that power to willy-nilly give more than what accrues to an individual.

However, I want to conclude by stating, Comrade Minister, that I have been observing many of the pension moneys paid specifically to Government employees, sometimes while they are alive, sometimes after they have passed away, and my personal conclusion is that this money is not put to good use in all circumstances, specifically money that was inherited by the surviving spouses or children. Comrade Minister, I feel there should be a component of orientation and training for all pensioners before they go, to be well informed as to how this money is paid out, what is the amount and at least how they should utilise this money in order to survive. Sometimes some do not even know the amount accrued to them, they only see that amount on the cheque and the amounts that are paid on a monthly basis are also not appreciated in some cases, because we are not well informed in terms of the benefits and criteria under which we are supposed to get these benefits.

Maybe to accommodate Honourable Nyamu we should have that training programme and orientation even during the period of rendering services. Thank you very much, Honourable Deputy Speaker.

HON DEPUTY SPEAKER: Honourable Nambahu.

HON DEPUTY MINISTER OF JUSTICE: Thank you very much, Honourable Deputy Speaker. I also rise in support of this very important Pensions Bill and I want to allay the fears expressed by some Members.

The Judges have done their homework and the transfer to this fund has actually been at the instance of the Judges themselves and there should not be an impression that they are put in a fund where they do not want to

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belong. I just want to make that very clear.

Obviously, it is just normal that we take care of those who have been rendering services to the State and its people once they have retired and in a vulnerable position.

Awareness is quite an important aspect as some of us have seen the Oranjemund *tates*. Where we grew up, it is only after you received your pension that you started investing. That pension was meant to sustain you when you are no longer able to do anything and the Minister of Mines is listening.

It is really just to thank the Minister of Finance for tabling this and it is actually at the instances of the Judges themselves that the Bill to affect the transfer has been drafted I therefore do not think there is going to be much of a problem because the Judges have done good research. With this, I support the Bill.

HON DEPUTY SPEAKER: Honourable Minister of Foreign Affairs.

HON MINISTER OF FOREIGN AFFAIRS: Thank you, Honourable Deputy Speaker, I rise to support the Judges Pension Bill and Honourable Nambahu has to an extent answered some of the questions I wanted to ask.

My concern is that the Judiciary is one of the principal organs of the State and they are supposed to be independent in terms of our Constitution. If you look at the Political Office-Bearers, the Members of Parliament, we are all elected representatives and if there is a dispute where the matter is referred to the Supreme Court, will the Judges sit on this particular case or will the matter be referred to the Commission? My concern is that if they have a particular interest in a matter, for example their own pensions, how are we going to address this issue? However, if the Judges themselves have requested to join the politicians, I have no problem, but maybe some

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people will question the independence of the Judiciary. That is the only small comment I have. Thank you very much.

HON DEPUTY SPEAKER: Honourable Amathila.

HON AMATHILA: Honourable Deputy Speaker, I rise to support the Judges Pension Bill one hundred percent. I think it is a very timely move to bring this facility under the pension fund of the Members of Parliament and other Political Office-Bearers. I think it is timely because whilst it is required that we have to keep the separation of powers as effective as possible, I do not think as a country we can afford to have all these separate pension funds for each and every group.

The issue raised by Honourable Nujoma is a very pertinent one, but I am pretty sure we will cross that bridge when we get to that bridge.

I would like to support the Prime Minister in requesting the Minister of Finance to put Members of Parliament a little more at ease in understanding their fate or their lot, just to share information with them on how these Pension Fund actually function so that they at least know.

The issue raised by Honourable Nyamu, in my view, is also very critical. Possibly it is not part of the Judges Pension Bill, but it is equally important that in future we have to look into this matter, that Members come to this House for five years and after five years they go back and try and find ways of making a living. Some are successful and get very good remuneration and some are not, yet they retain the title of “Honourable Members” even when they are not in the House.

Let us look at what is happening in other Parliaments around us and see whether we could not look into this issue seriously in order to make sure that Members who have been to this House would not one day raise issues which will bring the House in disrepute by their actions because they

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cannot make ends meet. I thank you and I support the Bill.

HON DEPUTY SPEAKER: Honourable Dr Kawana.

HON MINISTER OF PRESIDENTIAL AFFAIRS AND ATTORNEY-GENERAL: Honourable Professor Deputy Speaker, I rise to join other Honourable Members in supporting this very important Bill. Indeed, I am rising as a member of the Judicial Service Commission where this matter was discussed prior to the finalisation of this Bill.

As Honourable Amathila said, this Bill is long overdue because the current Judges Pensions Act of 1990 puts the person currently holding the position of Minister of Finance in a very awkward position, because what is currently happening is that the current pension is non-contributory, it depends on the resources available in the State Revenue Fund. When the Judge retires, his or her pension is calculated on the basic salary of the last day prior to retirement. The law says the Minister responsible for Finance has the power to adjust from time to time the monthly pension, because there is not even a gratuity, which is also a disadvantaged for the Judges when they retire.

Secondly, as I said, it puts the Minister of Finance in a very awkward situation because there are no criteria as to how the adjustment can be done. It is for this reason that this Bill addresses that predicament. It will now mean that Judges will have to contribute like any other Member of Parliament and Political Office-Bearer to their pension and they will reap benefits from whatever is in the fund. If it is positive, they will reap benefits, if it is negative, they will bear the consequences like all of us. In a democracy this is a better system than the system where the politicians were given the mandate to determine.

I agree with the remarks of the Honourable Minister of Foreign Affairs that it could even put a question mark regarding the independence of the

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Judiciary, because their income will depend on the whims of a politician who happens to be the Minister responsible for Finance at any given time. Therefore, this is in accordance with the principles of transparency and good governance and it relieves the predicament of the Minister responsible for Finance to determine the pension from time to time.

With these few remarks, I wholeheartedly support the Bill. I thank you.

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

HON DEPUTY SPEAKER: Honourable Kaura.

HON KAURA: Thank you, Honourable Deputy Speaker. Honourable Deputy Speaker, looking at this Bill, I am sort of caught between a rock and a hard place, I do not know where to place myself. I believe that the mere fact that the Judges are cognisant of this Bill and they are extremely well learned people and, obviously, could not allow a Bill to come to Parliament which in a way adversely affects them, means that the Bill is perfectly crafted and to question it would be like placing a vote of no-confidence in the Judiciary. Therefore, in one way I felt that this is a Bill we must pass without any further ado.

My problem is, now that the Judges are joining us and their money would be transferred to GIPF and this GIPF saga lands before the Courts, would the Judges be in a position to adjudicate over this matter or not? Would this not be a conflict of interest? (Intervention)

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HON MINISTER OF PRESIDENTIAL AFFAIRS AND ATTORNEY-GENERAL: I am sorry to interrupt my senior Colleague, but GIPF is a completely different entity from the Members of Parliament and Other Political Office-Bearers Fund. They have different Boards of trustees, everything.

HON KAURA: Who handles our pension fund if it is not GIPF and what portion is handled by the GIPF? Who handles our pensions if it is not GIPF? If I could get that clarity because that question came to mind because I thought our pension fund is handled by GIPF and, therefore, the Judges are joining us in that fund handled by GIPF and if the case of the missing N\$600 million lands before the Courts, who is going to adjudicate over that, because the Judges will be confronted with a conflict of interest? (Intervention)

RT HON PRIME MINISTER: What Comrade Kawana said is the truth, there is no relationship between the two funds, but even if there were a relationship, do you not think that with self-interest the Judge would be even more enthusiastic to recover the money?

HON KAURA: That is what I am afraid of, that it would be a conflict of interest. They should be neutral in this matter, it should not touch them, which simply means every Judge will recuse him or herself from dealing with this matter because they have an interest. (Intervention)

HON MINISTER OF MINES AND ENERGY: Honourable Deputy Speaker, may I ask Honourable Kaura a small question? Honourable Kaura, the Judges also participated in the elections, they voted, but when the results are challenged in the Courts, it is them who will hear these

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cases. Do you not think it is the same parallel, that there can be no conflict of interest if the Judges are also part of the fund? It is the same as being part of the electorate and they adjudicate over these cases.

HON KAURA: Your vote is secret, therefore nobody knows how the Judge voted, but in this matter you have a direct interest, everybody knows where your interest lies. On top of that, this Judge belongs to his own Political Party, but in this case all the Judges will belong to the same pension fund. That is the difference.

Honourable Deputy Speaker, those are the questions I am having in my mind. Thank you very much.

HON DEPUTY SPEAKER: Honourable Nehova.

HON NEHOVA: Honourable Deputy Speaker, I would like to postpone the Debate until next Tuesday.

HON DEPUTY SPEAKER: Any objection? The Debate is adjourned until next week, Tuesday. The Secretary will read the Second Order of the Day.

**RATIFICATION: TREATY AND PROTOCOL
ON NUCLEAR TECHNOLOGY**

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**TREATY ON NUCLEAR TECHNOLOGY
HON IILONGA**

SECRETARY: Resumption of Debate on the Ratification of the Treaty and Protocol in connection with Nuclear Technology.

HON DEPUTY SPEAKER: When this Debate was adjourned yesterday, the Question before the Assembly was the Motion by the Honourable Minister of Health and Social Services. The Deputy Minister of Agriculture, Water and Forestry adjourned the Debate and he now has the Floor.

HON DEPUTY MINISTER OF AGRICULTURE, WATER AND FORESTRY: Thank you, Honourable Deputy Speaker. I rise to make a contribution on this very important Treaty and Protocol on the African Nuclear Weapons Free Zone, known as the Pelindaba Treaty.

Honourable Deputy Speaker, this Treaty and its Protocol was adopted by our Heads of State and Government in the African Organisation of African Union at its First Ordinary Session that was held in Cairo from 17 to 21 July 1964, exactly forty-seven years two months and nineteen days ago.

Comrade Deputy Speaker, our Heads of State and Government at that time were united, honest and they spoke with one voice in the defence of the interest of the continent of Africa. When we look at the situation of today, we really see no unity and talking with one voice as those I have mentioned.

Those of us who were outside Namibia during the colonial era know that this Treaty was declared that time, but in the seventies there were double standards and those who wanted this Treaty to be implemented could not do anything when the then apartheid white minority regime in South Africa developed those weapons. After the ANC took over we never heard of those weapons and maybe they were sneaked out.

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HON IILONGA**

Comrade Deputy Speaker, one questions whether there was any safeguard agreement entered into that time as per the Treaty. There are very important articles in the Treaty, such as Article 7 which deals with dumping. Whether Namibia ratifies or does not ratify, we cannot entertain any dumping of nuclear waste material on our soil.

Article 8 deals with research, but they are supposed to emphasise research on the development of a nuclear weapon, although Article 8 stipulates that one can develop nuclear energy, which is for peaceful purposes. However, that emphasis is not there and we need to look at that.

Article 4 deals with prevention of stationing of a nuclear explosive device and you find that the intention is to prevent, but when you read further, it says: *“Each party undertakes to prohibit in its territory the stationing of any nuclear explosive device.”* Under 2 of the same article it says: *“Without prejudice to the purpose and objectives of the Treaty, each party, in the exercise of its Sovereign right, remains free to decide whether to allow visits by foreign ships and aircraft to its ports and airfields.”*

One can already see that it is said Africa should be a free zone of nuclear weapons, except if you can do it under Article 8, but here you allow ships equipped with nuclear weapons and aircraft equipped with nuclear weapons into your territory. What if something happens to it?

Those are some of the concerns and we see those who possess nuclear weapons are the ones who ignore the African continent. We have the example of Libya that they do not care and one learns through the newspapers that these people are still using those things, which they are not supposed to do. In the Libyan war they are talking about “bunkers“, we are now going to use bunkers. What does that mean? Those are nuclear weapons, those shells which can penetrate anything no matter how deep you hide yourself. Do we have any power to prevent this? The Protocol provides for complaints, but who will listen to you if you lodge a complaint? Nobody will listen to you. (Intervention)

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HON DEPUTY MINISTER OF GENDER EQUALITY AND CHILD WELFARE: May I ask a question? You talk about nuclear weapons on this continent and you mentioned Libya. We know that some of our colleagues in Namibia are celebrating what is happening in Libya. Are you aware of that?

HON DEPUTY MINISTER OF AGRICULTURE, WATER AND FORESTRY: It is true, there are those who regard themselves as democrats, but then they are celebrating undemocratic things.

Honourable Deputy Speaker, I want us to look at this Treaty very carefully. Article 17 clearly states that this Treaty shall be of unlimited duration and shall remain in force indefinitely. It means if you sign, then you are in forever.

Then in Article 20 it deals with withdrawal. Article 17 says it is indefinite and it makes it difficult for a country to withdraw, but then in Article 20 they say, “*each party shall, in exercising its national sovereignty, have the right to withdraw from this Treaty if it decides that extraordinary events related to the subject matter of this Treaty have jeopardised its supreme interest*” and it carries on, “*withdrawal shall be effected by a party giving a notice which includes a statement of the extraordinary events with regard to having jeopardised its supreme interest 20 months in advance to the depository.*” What will be this extraordinary event and supreme interest for you to justify your withdrawal? We need to look at this and I want to end there, although there are many things I can quote. (Intervention)

HON TJIHUIKO: Honourable Deputy Speaker, may I ask the Honourable Deputy Speaker a small question? Honourable Deputy Speaker, I do not know whether it is allowed for a politician, when a politician realises that people do not want to go to their events, to take the Floor in order to try and show the colours of his Political Party with the

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hope that people will now start taking it serious again. Is that allowed?

HON DEPUTY MINISTER OF AGRICULTURE, WATER AND FORESTRY: Honourable Deputy Speaker, I want to conclude and I leave it to others who want to participate in this important Debate on the Treaty and its Protocol. (Intervention)

HON NYAMU: May I ask the former Comrade a question? Honourable Deputy Minister, do you not think that your observation, which I take to be very fundamental, actually amounts to an attack on the legal authorities, the Attorney-General's Office, which allows these types of treaties and so-called agreements to be brought to this House without serious scrutiny? Do you not think that you are exposing the legal advisors of Government that they are doing a shabby job to bring us these treaties with very serious complications for endorsement?

HON DEPUTY MINISTER OF AGRICULTURE, WATER AND FORESTRY: Comrade Deputy Speaker, my contribution to this very important Treaty is that we have to look at the current situation... (Intervention)

HON TJIHUIKO: May I ask the Honourable Deputy Minister a small question? Honourable Deputy Minister of Agriculture, being a Deputy Minister, taking the issues that you are now raising on this critical point, have you seen the document when it was presented in the Chamber? Is it the first time for you to see it? Where were you when it was discussed at the level of the Party and now you are raising issues which you could have raised there or is it a case of people not speaking in Parliament and you want to register your...(Intervention)

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HON DEPUTY SPEAKER: I think he is a Parliamentarian and he has the right to talk. The question is Out of Order.

HON DEPUTY MINISTER OF AGRICULTURE, WATER AND FORESTRY: As I said earlier, our forefathers, forty-seven years, two months and nineteen days ago, were talking with one voice and they had Africa's interests at heart. I am sure that is why we were liberated. If it was like today we would not have gained our Independence, but these people talked with one voice and they had the Liberation Committee which liberated us today. Today we let Libya go and who will follow tomorrow? That is the problem and it is only Namibia and Zimbabwe who speaks openly and internationally. The rest condemn us. That is why I want us to know that it is not sarcastic, it is a reality that our leaders at that time were united and spoke with one voice and they really wanted to safeguard Africa from these nuclear weapons, but today there is no way we can prevent this.

That is why we say it would be best to keep our position, stick to Articles 7 and 8 that there will be no dumping of nuclear waste on Namibian soil, whether we ratify or not ratify. We should carry on with research to come up with a nuclear plant to generate electricity and we can do that whether we ratify or not. That is my contribution and my request that let us not be asked to ratify something which will bind us indefinitely. I doubt whether Namibia will have an extraordinary event which jeopardises the sovereignty of Namibian interests which can justify our withdrawal. The best would be that we have it, but not to ratify it at this juncture. I rest my case.

HON DEPUTY SPEAKER: Honourable Minister of Foreign Affairs.

HON MINISTER OF FOREIGN AFFAIRS: Thank you very much,

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Comrade Deputy Speaker. I rise to make a contribution to this Debate on the necessity to ratify the Pelindaba Treaty and I just want to agree with my Colleague, Comrade Ilonga, that it is true that the noble intentions of our forefathers when they talked of a united Africa without nuclear weapons is still relevant today. Unfortunately, now that Africa seems not to be united in the face of these aggressive imperialist intentions and their aggressive hunger for minerals in Africa, countries such as Namibia which possess uranium are very vulnerable.

The necessity to ratify some of these treaties needs careful scrutiny and consideration. Of course, Government deliberates on the policy and they provide guidelines for Parliamentarians to look at these issues and it is for Parliament to consider the relevance and importance of ratifying, what are the benefits if we ratify, what are we going to lose, what are the opportunities which may come up if we ratify? I think we have to go beyond that as Parliamentarians and really scrutinise these things and consider them seriously, because we are signatories to so many other conventions and also to the nuclear safeguards, the International Atomic Energy Agency. We comply fully with all those safeguards and we participated in all the deliberations in Vienna.

Recently I also visited these institutions and we are in contact with those institutions, we comply with all the requirements and safeguards, but the question remains, why should we ratify? What are we going to benefit? Namibia does not pose a nuclear threat to anybody, we have no intention now and in the future to develop nuclear weapons, we have no technology, then why should we rush and ratify? The uranium we take from the earth is raw, we do not add value to it, it is going to the big powers.

I agree with Honourable Ilonga that after all this uranium has been taken, we will inherit the waste and the pollution. What is the rush for us to ratify this treaty? The question remains, it is up to you, Parliamentarians, to look at these issues and I agree with Comrade Ilonga, we must not budge, Namibia and Africa should not be used as a dumping ground for nuclear waste. What we really need is to benefit from these uranium resources for peaceful purposes, but nobody is willing to assist us. So much uranium has been taken from this country for over almost sixty or a

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hundred years. Countries rushed and established companies here in Namibia, they gave each other shares, a South African company is the owner of these shares and also Iran. They own the majority shares. Namibia owns merely 3%, everything is just taken up. Therefore, why should we ratify these things?

I agree that as Government and as policy-makers we sometimes do not question some of these things, however the time has come for us to do so. (Intervention)

HON KAURA: May I ask the Honourable Minister a small question? Honourable Minister, are you aware of the fact that we are not allowed to export to Iran even though they are shareholders in our uranium?

HON MINISTER OF FOREIGN AFFAIRS: Yes, there is a UN Security Council Resolution and we fully comply with that UN Security Council Resolution. We have made sure that Iran should not benefit because the UN Security Council made a decision, it is binding upon us and we make sure that they should not derive any benefits, but they are shareholders in the company and negotiations are still continuing. However, the fact is that we produce uranium, we do not add value. Who are we threatening when the minerals are just taken out of the ground and taken to the big countries that have the technology? (Intervention)

HON MINISTER OF VETERANS AFFAIRS: May I ask the Honourable Minister a question? Honourable Minister, can you for example imagine a situation where at a time when Namibia may like to develop nuclear energy for electricity that the world would have changed so much that it would say Namibia will not be allowed to generate nuclear energy because we have ratified? How can be sure that the issue of

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peaceful purposes may not be brought in through the backdoor?

HON MINISTER OF FOREIGN AFFAIRS: I agree with you, Honourable Minister and I think that was also the argument of Comrade Ilonga, that there will be a necessity in the future for us and then you are told there was this resolution on Libya. The resolution was saying we need to prevent and take all necessary measures. That is the wording of the resolution, to take all necessary measures to prevent Libya from attacking its own people. The interpretation of that resolution meant necessary measures to eliminate Gaddafi's forces, meant regime change and the establishment of the NTC. Now the NTC is in power in Libya and we are told we must recognise the NTC because they are the legitimate representatives of the Libyan people. Yet on the other hand we are told we are a democratic state, DTA or the RDP can only come to power through peaceful means and through the holding of free and democratic elections. All these things have been thrown from the window and then you see the hypocrisy.

When you see people in Yemen being killed, nobody says a word. Apparently there are other civilians who are more important than others and I find it very hypocritical. In Bahrain people are being killed, doctors were shot just yesterday.

The interpretation of some of these things can be abused by the powerful forces and it is up to us as Members of Parliament. That is my small contribution, thank you.

HON DEPUTY SPEAKER: Right Honourable Prime Minister.

RT HON PRIME MINISTER: Thank you, Honourable Speaker. I

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thought as a senior citizens I have to say something just for us to cool down and look at these things in their true perspective.

Firstly, there has not really been a time in the African situation whereby Africans were ever unanimous on some of these things when foreign powers are involved. You would recall that with the founding of the OAU there were two groups, the Monrovia group and the Casablanca group.

The struggle for Independence was sustained by progressive countries within Africa, not by all African countries. You had your Kamuzu Banda in Malawi and some others who had a dialogue and even bilateral relations with South Africa. What was important, were the countries with a common purpose, same mindedness. That is what made a difference to the liberation struggle. There is not likely to be any time in African politics that there is unanimity, unless on things where foreign powers are not involved. If foreign powers are involved, there will be division and the issue of Libya is the interest of foreign powers which divides Africa. (Intervention)

HON MINISTER OF VETERANS AFFAIRS: I want to ask a question. The Honourable Prime Minister said there was never a time that the African countries agreed on an issue where super powers were involved. Do you remember that in the sixties France wanted to test atomic bombs in Sahara? Were there African countries that supported France? I want to believe there was none. That is why I think it is perhaps not entirely true that where super powers were involved, African countries never united against such a position.

RT HON PRIME MINISTER: Yes, I am not quite sure whether the senior Member is entirely correct. France wanted to test nuclear power in Niger. Niger is an African country and in fact, that is what triggered the thinking of this type of treaty, to prevent foreign powers to use Africa as a testing ground for nuclear weapons. It is that Niger issue and then an

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island somewhere beyond Comoros.

Then came into the picture the South African nuclear programme, supported by Israel. These are the things which triggered Africans to declare Africa as a nuclear free zone, to prevent other African countries to embrace foreign powers to come and test nuclear weapons in Africa. That was the starting point and we should go back there.

This is a double-edged situation we are facing. I thought the principle we are moving from is that Namibia as a country will never support weapons of mass destruction. I thought that was the starting point. If we do not support weapons of mass destruction, we should be vocal on nuclear weapons because these are weapons of mass destruction.

Our good brother leader himself was trying to develop weapons of mass destruction and he ended up disarmed by the Americans, thinking that he is going to be protected.

If our starting point is that Namibia will never support weapons of mass destruction, it is logical that Namibia has no intention of moving into that area. The consequences of not ratifying are these: We are a uranium producing country, we want to have options to develop nuclear power for peaceful uses. We want to have that option. If we do not ratify, we exclude that option. Even our own neighbours will not trust us.
(Intervention)

HON NEHOVA: May I ask the Right Honourable Prime Minister a small question, please? I understand that Iran has ratified this type of treaty, but there are people who are denying them the right to use nuclear power for peaceful purposes. Are we not going to be having the same thing? You can ratify it, but then they will say no, maybe you are hiding something there.

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RT HON PRIME MINISTER: I am not quite sure whether Iran ratified the Non-Proliferation Treaty. This one is an African Treaty, it is not beyond Africa. I am not quite sure whether Iran ratified the Non-Proliferation Treaty, which is the most important in the world. This one is to prevent any nuclear weapons on African soil.

What I am saying is that if we want to have an option of using our natural endowment called uranium to generate power, it is in our interest to ratify this Treaty so that we put even our own neighbours at ease. (Intervention)

HON NYAMU: May I ask the Prime Minister a question? It was on several occasions pronounced that Namibia will in the near future embark on generation of nuclear power because we have uranium. If I am not wrong, the Minister of Mines and Energy has also stated the same. Do you think, Honourable Prime Minister, that your country and my country will be ready within the next two hundred years to handle the generation of nuclear power? What are you talking about?

RT HON PRIME MINISTER: Yes, I know my elder brother is suffering from some complexes. Do not devalue yourself. The generation of nuclear power is a commercial activity. The other day the Canadian High Commissioner came to see me and she was saying that if Namibia wants to generate nuclear power, Canada is ready to provide the technology. The Americans did the same, the Russians are saying the same. This is a commercial activity, it is not Nyamu who is going to build a power station. I know that you cannot even build a matchbox. However, on a commercial basis you can actually put up a nuclear power station. Especially under the current situation of climate change, nuclear power is one of the clean powers provided there is no accident. Do not devalue yourself, the possibility exists and we want to use our resources to benefit our people and we should take that into account.

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There are two principles here: Namibia will not support weapons of mass destruction. Nuclear weapons are that type of weapons. Namibia wants to use its natural endowment to generate power and we want to be above board in terms of ratification. Therefore, ratification of this Treaty is important to us. Let us not mix it up with some other things.

Comrade Foreign Minister, you have done a good job. When Hilary Clinton went to Libya, she was talking about a representative Government or an inclusive Government. That has been your vocabulary, inclusive Government. The Americans have embraced that inclusive Government. So, as small as we are, people listen when we shout. At least they are meeting us halfway.

However, let me tell you that what is happening in Libya now might be interesting also. I think some of you have listened to Eiman of Al Qaeda. People confuse Arab nationalism with democracy. What Arabs are trying to achieve is their identity. Forget about this thing you call democracy as you know it. Eventually Egypt will be ruled by the Muslim Brotherhood, these others will be ruled by another type of brotherhood. The Arabs have been humiliated too much and I am quite sure what is happening here is just the dress rehearsal of big things to happen. I know the root cause of the so-called Arab split. It is not a split, it is a revolution based on Islamic principles. Tell your American friends, you are the one who are going to talk with the American Ambassadors, that what is happening in Libya now is just a dress rehearsal, next time Libya will be another Afghanistan on the doorstep of Europe. Tell your friends, Afghanistan on the doorstep of Europe, that is what Libya will be.

But for now, let us not confuse the situation about Libya and the Treaty we are talking about. We have a vested interest in this Treaty as a country, therefore let us separate these two things and look at this Treaty as it is. Thank you.

HON DEPUTY SPEAKER: Honourable Bezuidenhout.

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HON BEZUIDENHOUDT: Thank you very much for the opportunity, Honourable Deputy Speaker. Listening to this Debate is somehow telling us that Parliamentarians of this House have now come to a point where they truly question certain issues, which is good. Whether to sign the Treaty or not or to ratify or not to ratify, I think this has been taken care of by our forefathers who wrote this book on the Principles of State Policy where it says in Article 95(1) we will maintain eco-systems and it also touches specifically on dumping or recycling of foreign nuclear and toxic waste in the Namibian territory. We are guided by this as well as our principle on foreign relations, to adopt and maintain a policy of non-alignment.

We do not necessarily have to agree with any super power, as long as it is not in violation of our Supreme Law we need to resist. It does not matter how much money they offer or how much assistance or whatever, we have to stick to our constitutional principles. This Treaty is just one of them. Whether we ratify it or not, we will be guided by this book until we change this book. It will guide us, it will tell us what to do and our position should come from this angle and not from any short term historical events.

When one hears the word “nuclear”, you immediately start getting nightmares. As indicated, if proper technology is deployed, it can be quite safe. If it is not deployed properly, it can be quite harmful to human beings as well as to the environment and we need to think deeper and harder.

I want to look at our ability to question independently the Executive’s principle, whether we should ratify it or not. Ratification comes with the guidelines and I think we are on the right track.

I will also support the contrition by the Right Honourable Prime Minister that it must be in our own interest, not in somebody else’s interest, but in the interest of Namibia and its people and we should keep our options open and our right to develop our own country should also be a factor, not the right of another country to object to our rights to develop our country for the benefit of our people, as long as it is clean and it is safe and it is in

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the interest of our country, guided by our Constitution. With these few words, I thank you very much, Honourable Deputy Speaker.

HON DEPUTY SPEAKER: Honourable Kaura.

HON KAURA: Thank you, Honourable Deputy Speaker. I only want to remind the Honourable Prime Minister that when he is talking about senior citizens, he must know that there are citizens more senior than him in this place, like myself and Honourable Hage Geingob.

Honourable Deputy Speaker, we are subjected to nuclear energy every day. Every day we wake up and go to sleep we are subjected to nuclear energy. The sun is composed of nuclear energy that burns continuously and that is the cleanest energy we are subjected to.

Coming back to Namibia and supporting the junior citizen, we are exporters of uranium. After the Chernobyl disaster the Rössing Mine almost closed down. People felt we must get rid of nuclear power plants and there were also the same reverberations after Fukushima, but there is no alternative at this point in time except to use nuclear power plants to generate electricity and if we go against that principle and we are exporters of uranium and thousands of our people are employed in that industry, what are we doing to ourselves? We should be the first people to support this Treaty because it is in our own interest as thousands of our people are benefiting from mining uranium. We recently visited all the uranium mines with Honourable Amathila and we might be shooting ourselves in the foot if we do not support it. We must sign this Treaty without any delay because it is to our benefit.

Given the fact that we rely on imported electricity from South Africa while we have the possibility of establishing our own nuclear power plant to generate electricity... (Intervention)

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HON DEPUTY MINISTER OF AGRICULTURE, WATER AND FORESTRY: May I ask a question? Which article in this Treaty says you can only develop nuclear power for peaceful purposes if you ratify? Article 8 does not say one has to ratify first to do this. It says you have the right to withdraw and also not to ratify. Let us not politicise this. Where in this Treaty does it say we can only develop nuclear power when we have ratified? If there is such an Article, then your argument is right, but there is nothing which prevents you to do that, that you must first ratify. Did South Africa ratify this when they developed Koeberg? Did America ratify? We must not make ourselves laughable and even sound as if we are fighting each other. We are saying we must not rush into this. It is not said anywhere in this Treaty and we have to ratify first before we can develop a nuclear plant for peaceful purposes.

HON KAURA: There is nowhere where it states you cannot develop a nuclear power plant if you do not ratify. The question is, what was the necessity to bring it before Parliament? Why did you bring it to Parliament if there is no necessity for anything? Then please take it out of Parliament, then we can go to the next point on the agenda because it is not necessary. Why waste our time discussing it, why was it necessary for the Minister to bring it to Parliament, passing through all the Honourable Ministers and the Prime Minister and they brought it here, a thing which is not necessary? (Intervention)

RT HON PRIME MINISTER: On a Point of Information. The real world works like this: Remove all the possible suspicions, especially in the minds of your neighbours. That is very, very important. The other day I was in Geneva and I have forgotten about this Pelindaba Treaty. I was invited for lunch by the Secretary General of the World Council of Churches and out of the blue he asked me, "*when are you going to ratify Pelindaba?*" I was asking myself, why should the Council of Churches be interested in this? The idea is to remove suspicion, that is the real idea. We have ratified the Non-Proliferation of Nuclear Weapons Treaty and if

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you are seen that you brought this Treaty to Parliament and you threw it out, it will not be in your interest, you are just heightening the suspicion that perhaps somebody is using you.

The other day I was confronted by the American Ambassador because I made a wrong statement somewhere, saying that there is a resolution of the Security Council on Iran and I said Iran has the right to develop whatever nuclear object. She just brought the thing to my office there. So, it is to remove all the suspicion so that when you say you are going to put up a nuclear plant, nobody will suspect that perhaps you have a different idea. That is how the real world works.

HON KAURA: Thank you very much for that comprehensive answer. I think it answered the question which was raised by Honourable Ilonga, that we are living in the real world and since we are living in the real world, let us do the things that are done in the real world. (Intervention)

HON DEPUTY MINISTER OF GENDER EQUALITY AND CHILD WELFARE: I want to give information to the public. Honourable Kaura, you asked why this was brought to Parliament. Yes, it is good that it to be brought to Parliament for people to know what is going to happen in Namibia. It is good when you know things. Can you tell us if this is going to help us this way? We are talking about mining uranium without adding value.

HON KAURA: That is very brilliant information I just received from my cousin. Since we are living in the real world and to avoid any suspicions and in view of the fact that we are uranium producers and it was imperative and necessary to bring it to Parliament, then let us ratify it and get it over and done with, because we have already signed the Non-Proliferation Treaty that we are not going to make nuclear weapons. If we

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sign this, what harm is going to be done? Let us sign it, get it over and done with and we remove all the suspicion and export our uranium and keep our people working. Thank you, Honourable Deputy Speaker.

HON DEPUTY SPEAKER: Honourable Moongo.

HON MOONGO: Honourable Deputy Speaker, Article 144 allows us to implement international agreements. Therefore, we are in line with the Constitution and, therefore, let us support it, but probably the implementation is a problem. (Intervention)

HON DEPUTY MINISTER OF GENDER EQUALITY AND CHILD WELFARE: On a Point of Information. Article 1 of the Namibian Constitution says if you were a member of SWAPO but went out, come back to SWAPO.

HON MOONGO: Even if I come back to SWAPO, I will not act like you will do, I will do much better. Do not worry, I am not bothered by you. Let us, without delay support the Treaty. Thank you.

HON DEPUTY SPEAKER: Honourable Nyamu.

HON NYAMU: From the outset I want to mention that this Debate has brought two important points into focus, one, that people who belong to the same Party, let alone belonging to a governing Party or a Party in

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power, can differ on certain issues and express themselves freely. I give credit to Ilonga for having expressed his views freely and I think we should embrace this culture. We should not always go with the crowd even when you are not convinced on the topic.

What I want to underline here is that fundamental issues have been raised and I fully support the queries posed by the previous speakers, those who felt that perhaps we are too much used to rushing into approval or ratifying treaties, continental, regional or global, without really knowing precisely whether our actions are in the best interest of our country. We seem to follow the crowd without questioning.

A recent example is when we joined.... (Intervention)

HON MOONGO: Do you want us to ask America to do all things here? Is it to the benefit of Namibians? We need electricity, our people need jobs and nothing else and America cannot create jobs here.

HON NYAMU: I think the first thing we ought to do is to define our interest properly whenever we deal with matters related either to foreign affairs or international organisations. (Intervention)

HON MINISTER OF MINES AND ENERGY: On a Point of Information. Honourable Nyamu, this Protocol has been brought here for us as Parliamentarians to study it and then debate and give our opinions. If this opportunity has been given to you, it is not really proper for the Honourable Member to just say we need to be cautious. Just read the Protocol and see whether it is in the interest of Namibia and then you support it and if you find that it is not in the interest of Namibia, then you raise that, no, because of these reasons we should not. Otherwise when

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you just say we are supposed to do that, this is the time, the Protocol is with you. Maybe you should postpone the Debate, go and read it and inform yourself on what are the provisions and then come and tell us what you think about it. Thank you.

HON NYAMU: I was saying that I know we have approved several treaties in this Chamber. I doubt we have done our homework properly before we approved those treaties and that is why I say from now on I think we need to be more careful than before. We should not just join the crowd.

Namibia's best interest should determine our actions in this House. Maybe we have not defined properly what our interests are. (Intervention)

HON MOONGO: On a Point of Information. I do not know whether you do not understand, you are a Member of this House and you have to uphold the Constitution of Namibia and this agreement is contained in the Constitution of Namibia. Who else can advise you if not the Constitution? Are you not here to uphold and defend the Constitution? Then you are at the wrong place.

HON NYAMU: The House is laughing because they know one of their Members is running. Perhaps we should advise the Attorney-General to give him advice, that the issue is not a question of provision of the Constitution. If somebody is trying to link the two, it is not in the Bill.

In conclusion, I want to support the position of Ilonga and to a certain extent of the Foreign Minister, that we should not be in a hurry to ratify this Treaty. I do not think it is in our best interest. We have a recent example. This Libyan issue exposed our ability to define our own interest. First we agreed with the OAU, everybody supported, then SADC and then

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the rest abandoned us. We found ourselves dangling in the air.

We should be very careful to support things without first of all determining whether it is in the best interest of this country. Following the crowd is not good.

HON DEPUTY SPEAKER: Any further discussion? Honourable Kawana.

HON MINISTER OF PRESIDENTIAL AFFAIRS AND ATTORNEY-GENERAL: Honourable Deputy Speaker, I beg the indulgence of the House to adjourn the Debate to Tuesday, next week.

HON DEPUTY SPEAKER: The item is adjourned until Tuesday, next week. The Secretary will read the Third Order of the Day.

**RESUMPTION OF SECOND READING :
EARTH SCIENCE PROFESSIONS BILL**

SECRETARY: Resumption of Debate on Second Reading – *Earth Science Professions Bill*.

HON SPEAKER: When the House adjourned on Tuesday, the 18th of October, the Question before the Assembly was the Motion by the Honourable Minister of Mines and Energy, that the Bill be read a Second Time. Any further discussion? Honourable Makgone.

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**EARTH SCIENCE PROFESSIONS BILL
HON MAKGONE**

HON MAKGONE: Thank you, Honourable Deputy Speaker, Honourable Members. Earth science is also known as geo-science, which is an all-embracing term of sciences related to planet Earth.

Nearly everything we do each day is connected in some way or another to Mother Earth, to its land, oceans, atmosphere, plants and animals, the food we eat, the water we drink, the clothes we wear, the energy we use, so everything.

Our lives and civilisation depend upon how we understand and manage our planet. Earth processes affect us all. Weather patterns influence the availability of water resources and the potential for forest fires, earthquakes, volcanic eruptions and floods can kill large numbers of people and cost millions of dollars in property damage. Just as the earth system directly affects each one of us, we as individuals, communities and Nations affect our planet and this is also highlighted in Vision 2030 and I quote: *“Nowadays the combination of high population growth, rapid technology advancement and the ever-growing demand for raw materials are able to change the natural functioning of the planet in a dramatic and long-lasting way. Consequently, our present-day action and the policies that guide them could serve to impact both positively and negatively, the effects of which could extend well into the future. It is our duty today to ensure that the development of our country meets the needs of the present without limiting the ability of future generations to meet their own needs. Meeting this goal is not easy. All too often the rewards of economic development are accompanied by huge costs to the environment and threats to the life-support systems that underpin our very survival. Planning for the future and ensuring strict implementation of key strategies has become imperative.”*

When I read this Bill, what comes to mind is to think about natural resources, the land, water, minerals and we just spoke of uranium. Then I put this in my own language to say, this Bill calls for those who are academically qualified to work with our natural resources to be registered. The question which arises immediately is whether we have enough earth science professionals, who are they, how many are they and how many of

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them are nationals? In whose hands are our natural resources? Do they have the national interest at heart?

I want to highlight some phrases from the previous quotation from Vision 2030, *“our present-day action and the policies that guide them; ensure that the development of our country meets our present needs without limiting the ability of future generations.”* Yes, we may have policies and strategies in place, are these policies fully implemented, are they effective? This question came up in the previous discussions.

Those with innovation and technology are taking our natural resources and make business out of it and maintain a high quality of life. What will our responses be to the next generation when our present actions will limit their future operations?

Honourable Members, the registration of these professions will indicate to us how far or close we are to attain Vision 2030 with our human resource development, but we are moving very slow, we need to accelerate the process. A national human resource development plan ought to be put in place. Are we taking advantage of all the signed agreements that can help us with the skills shortage in this country? When we read Section 10(l) it says: *“To perform such other functions as may be prescribed in respect of the Council.”* I take it for granted that the Minister is the one prescribing this to the Council that will come into existence. After appointment of this Council they should do more than is expected from them, as set out in Section 10. Here I would request that one function to be prescribed to them should be the popularisation of the earth science professions.

Council members are scientists and they are professionals and would know more about the pros and cons of these professions. They should go around, motivating students to take up these professions. We should have people in these professions who have the national interest at heart.

Are the current students of these professions taken care of in terms of bursaries and in terms of job attachments? I am sure that we all know who the people are who are occupying high positions in these professions, be it in mines or private companies. Are they nationals or not? Do we

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know what type of treatment our students get when they request to go for job attachments? Honourable Prime Minister, I think the new Equitable Economic Empowerment Framework will come in handy here. These students are being frustrated and mistreated so that they can abandon their studies, because these people occupying the positions feel threatened by these students. They feel that because these students are Namibian, they will take over their positions when they complete their studies.

Honourable Minister, on Page 6, Section 7(1) it reads: “*Subject to Subsection (2), a member of the Council, other than a member appointed in terms of Section 4(2)(b), holds office for a period of three years from the date of his or her appointment.*” Section 4(2)(b) refers to a staff members defined in the Public Service Act, 1995, as a staff member who is designated to that position by the Minister. Nowhere in the Bill does it say what is the term of office of this person.

Section 19(1) reads: “*The earth science profession comprises of any of the earth science disciplines specified in the Schedule.*” To my opinion this Schedule is limited because all professions are not included and perhaps a Clause needs to be inserted to broaden the scope, a Clause that says not limited to the listed.

Section 20 is about registration of the earth scientists. Honourable Minister, here I just want to know whether the requirements set are for any person who wants to be registered as an earth scientist in Namibia? Are these requirements also applicable to non-nationals or will there be something else for the non-nationals?

Honourable Members, the primary sectors of our economy depend mostly on these professions and we all know the contribution of these sectors to our economy. This demonstrates the importance of this Bill and it should be used to the benefit of Namibia and its people. I support the Bill.

HON DEPUTY SPEAKER: The House is adjourned until tomorrow,
14:30.

HOUSE ADJOURNS AT 17:52 UNTIL 2011.10.20 AT 14:30

**NATIONAL ASSEMBLY
ASSEMBLY CHAMBERS
WINDHOEK
20 OCTOBER 2011**

The Assembly met pursuant to the adjournment.

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

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

TABLING: REPORTS OF THE AUDITOR-GENERAL

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

1. Ministry of Education for the Financial Year ended 31 March 2010.
2. Veterinary Council for the Financial Year ended 31 March 2010;
3. Minerals Development Fund for the Financial Years ended 31 March 2007, 2008 and 2009, respectively;
4. Namibian Communication Commission for the Financial Years ended 31 March, 2005/2006 and 2009/2010;
5. Namibian Competition Commission for the Financial Years ended 31 March 2009 and 2010;
6. Veterans Fund for the Financial Year ended 31 March 2010; and

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7. Electoral Commission for the Financial Year ended 31 March 2010;

HON DEPUTY SPEAKER: Notice of Questions? Notice of Motions? Message from the Head of State? Ministerial Statements? Today being Thursday, we will start with the Questions. Question 26 was put by Honourable Tjihuiiko to the Minister of Regional and Local Government, Housing and Rural Development.

RESPONSE TO QUESTIONS

QUESTION 26:

HON TJIHUIKO: I put the Question.

**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,
HOUSING AND RURAL DEVELOPMENT:** Comrade Deputy Speaker, Honourable Members, Honourable Tjihuiiko asked the following: *“Is it true that the community of Epembe Constituency draws water from unprotected sources which they share with livestock, resulting in people contracting water-borne diseases to the extent that some of them have already ended up in hospital?”*

The second question: *“Would the Minister confirm that children fall sick regularly and they are unable to attend classes because of this inhuman condition they are exposed to?”*

Number 3: *“How does the Minister feel when you read in the newspaper and see on TV Namibians, especially women and children, drinking*

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contaminated water and eating at dumpsites 21 years after Independence?”

Comrade Deputy Speaker, I am just going to respond to the last sentence of the third question, the others are misdirected.

Comrade Deputy Speaker, Honourable Members, this note serves to provide background information to the problem of residents of Windhoek scavenging for food dumped at the Kupferberg landfill site:

“Background: Following media reports that during August 2011 it became apparent that a number of people, believed to be inhabitants of informal settlements, scavenged for food at the Kupferberg landfill site every Thursday. The food in question is taken to the Kupferberg landfill site for safe disposal every Thursday during a one-hour timeslot from 10:00 to 11:00 due to a standing arrangement between the City of Windhoek and businesses as a measure to safeguard public health. Based on this arrangement, businesses transport expired food items or food which has exceeded their shelf life to the Kupferberg landfill site for safe disposal under the supervision of environmental-health practitioners in terms of applicable legislation, international standards and guidelines.

Internationally accepted food safeguard standards, such as used by date, best before date of minimum durability and sell-by dates are the basis for the above arrangement. Food safety standards are used as indicators of food safety and quality, which provide an indication of the period or date after which food products should not be put for sale due to the fact that they may not necessarily have the same attributes normally expected by the consumer.

With the realisation that the problem of people scavenging for food at a dumpsite is a national concern, the City of Windhoek, in collaboration with key stakeholders identified by the Office of the Prime Minister, instituted measures in response to a number of Cabinet directives to minimise and to ultimately contain the situation at the Kupferberg landfill site as well as to contribute to an amicable solution to associated problems.

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Problem statement: A number of Windhoek residents, believed to be inhabitants of informal settlements, have been scavenging for food intended for destruction and safe disposal at the Kupferberg landfill site every Thursday for the past years. The scavenging for food intended for destruction and safe disposal is not acceptable from a public health point of view due to potential health and safety reasons and hazards which, amongst others, are physical contact with as well as the consumption of expired food items and food items which have exceeded their shelf life taken directly from the dump. Conditions under which these products are stored, which may pose a health risk to those who consume the food and the offering of food items scavenged from the site for sale, while food safety standards dictate otherwise.

A dumpsite is not a safe place and people who are not employed there are by law strictly prohibited from the site due to processes that are involved in ensuring the safe disposal of different types of waste, ranging from less hazardous substances to toxic waste and especially due to the fact that they are not under any protection from hazards. Prohibition from disposal or dumping sites, therefore, stems from the notion that there is greater risk of people coming into contact with contaminated items as a result of contamination prior to disposal or cross-contamination during transportation and actual disposal at the site. This risk is even greater or increases with the type of disposal method used.

In addition, scavenging for food at the site poses a serious threat to the health of the greater population of Windhoek who in the end consumes or uses the food items either given or sold to them, even if they were not at the dump site themselves. Moreover, the problem of scavenging for food is believed to be associated with a number of social evils, such as poverty, unemployment and lack of food security experienced by a marginalised section of the city's population living in underprivileged areas, a problem which calls for a holistic approach.

Government intervention: An urgent meeting called by the Prime Minister and attended by Her Worship, the Mayor of the City of Windhoek, the CEO and SE: Infrastructure, Water and Waste Management on the 10th of August 2011. This meeting culminated from

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the Cabinet Committee on Overall Policy and Priorities meeting held on 9th August 2011, which resolved that the Right Honourable Prime Minister calls an emergency meeting with the relevant stakeholders to discuss the matter and find an immediate solution.

The meeting of 10 August 2011 made a number of resolutions or Cabinet directives. Cabinet directives to which the City of Windhoek's direct intervention is required are discussed in detail below.

City of Windhoek intervention: In an effort to address this problem, the City of Windhoek agreed on a number of measures to respond to relevant Cabinet directives as well as the problem of people scavenging for food at the Kupferberg landfill site, as detailed below:

Cabinet directives relevant to the City of Windhoek:

1. The Office of the Prime Minister, through the Directorate of Emergency Management, prefers food relief items to be provided under the Food-for-Work Programme.
2. The Cabinet Committee on Overall Priority and Policy directs the Office of the Prime Minister, through the Directorate of Emergency Management, to immediately commence with the registration of the affected communities for Food-for-Work Programme.
3. The City of Windhoek, together with the Office of the Prime Minister and other stakeholders, engage the retail sector and meat abattoirs, such as Meatco and others, dumping food products for the possibility of making such food items which are still fit for human consumption available for the affected people at specified and identified outlets.

City of Windhoek's response to relevant Cabinet directives:

Cabinet Directives 1 and 2: With regard to the above Cabinet directives, the City of Windhoek was tasked to identify a suitable place where the communities identified to benefit from the Food-for-Work programme

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will be assisted from. The City responded as follows:

- It was agreed that the identified communities or people will be assisted from the City of Windhoek's Community Centre situated in the different Constituencies in Windhoek;
- It was further agreed that the City will assist with the registration of additional people who meet the eligibility criteria for this project at the different community centres.
- The City noted that the engagement of Regional Councillors by the Office of the Prime Minister in the project and specifically in the verification and identification of potential beneficiaries for this project is of utmost importance.
- The City assisted in the identification of work for the people targeted by this project as well as with the logistical arrangements pertaining to the division of work at the City of Windhoek community centres.
- The City also contributed to the transportation of people from the centres with City buses at a cost to identified sites for commencement of work in exchange for food rations under the Food-for-Work Programme, while the Office of the Prime Minister will cover the cost incurred in this regard.
- The Food-for-Work Programme commenced during the beginning of September and is still progressing well.

Cabinet Directive 3: In response to the above Cabinet directive, the City of Windhoek's position is that:

- Due to potential health risk, whether minimal or major, expired food or food which has exceeded their shelf life should be disposed of safely under stringent measures and supervision.
- The City's role in the distribution of food under this directive is merely to certify the food safe for human consumption in consultation and

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agreement with major generators of food and other relevant stakeholders.

- The City engaging the retail sector, the major generators of waste, to work towards a permanent solution towards achieving a reduction in the volumes of expired food and other products which have exceeded their shelf life and as a result taken to the site for disposal.
- The City, in collaboration with retailers through their respective representative, Mr Parkhouse, is busy investigating the possibility of the establishment of a food bank and in this activity the role of the City is again to guide this process in order to ensure that food channelled to the food bank is safe for human consumption. Mr Parkhouse is expected to represent a brief proposal on this at the next meeting scheduled for 10 October 2011.

City of Windhoek measures against the problem of scavengers at the site:

With regard to the problem of scavengers at the landfill site, the following measures were agreed upon:

A technical task force was constituted out of officials from the Department of Economic Development and Community Services, City Police and Emergency Management, Planning, Urbanisation Environment and Infrastructure and Waste Management. The task force held several meetings and proposed the following measures to address or minimise the problem:

Short-term measures:

- The condemnation schedule date and time is changed from Thursday to new dates and time to be agreed upon between the City and major generators of waste and that the frequency of the condemnation of foodstuff is increased to three times per week;
- that the time period during which condemnation took place be increased from one hour to two hours per day;

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- that safety and security is scaled up on condemnation day;
- those companies be required to pre-arrange with the landfill site for condemnation of foodstuff;
- that the health services division compile a list of the companies which frequently dispose of their foodstuff at the landfill site and that the list be used to contact these companies to inform them of the new measures to be implemented;
- that the environment health practitioners be informed of the new measures to be implemented;
- that the Department of Economic Development and Community Service intensifies food inspections in an effort to avoid the food scavenged from the site ending up on the shelves of small retail shops or in the hands of consumers;
- the City, through the Department of Infrastructure, Water and Waste Management, will investigate the possibility of transporting the waste to the Kupferberg landfill site in close consultation with major generators.

Long term measures:

- The City is to investigate the possibility of electrifying the fence around the hazardous waste fill as a measure against vandalism by scavengers.
- The City is planning education and awareness-raising activities to create an understanding about the danger, health risk and negative impacts associated with food and other items intended for disposal.
- The City is to investigate the possibility of erecting an incinerator to ensure safe disposal of food and other items and to serve as a lasting solution to the scavenging problem.

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- The City will engage the retail sector, major generators of waste, to work towards a permanent solution towards achieving a reduction in the volumes of expired food and other products which have exceeded their shelf life and as a result taken to the site for disposal.
- The City will seek Government intervention in addressing root causes to the problem of people scavenging for food at the landfill site.
- The City will institute stringent measures to control and restrict access to the dumpsite.

Familiarisation visits to Kupferberg landfill site:

The Governor of Khomas Region:

The Honourable Governor of Khomas Region, Honourable Samuel Nujoma, visited the site on the 30th of August 2011. The Governor was accompanied by the Chairperson of the Management Committee, Councillor Agnes Kafula, Mr F Koujo), Manager: Environment Management, Mrs N Brand, Manager: Parks, Mrs M M Gahito, Chief: Health Services and Mr E Kahorere from Solid Waste Management. The visit was undertaken to familiarise the Governor and Chairperson of the Management Committee about the operations at the site as well as to brief them on the scavenging situation.

Her Worship the Mayor and Councillors:

Her Worship the Mayor and Councillors visited the site on Friday, the 2nd of September 2011. The Mayor and Councillors were accompanied by the Senior Executive: Economic Development and Community Services, Mr George Majumbelo, Mrs M M Gahito, Chief: Health Services, Mr E Kahorere from Solid Waste Management. Her Worship the Mayor and Councillors were briefed on the scavenging situation.

City officials:

Key internal stakeholders, including the CEO, Head: City Police and

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Emergency Management, SE: Infrastructure, Water and Waste Management, SE: Economic Development and Community Services and technical staff from the Department of City Police and Emergency Management, Infrastructure, Water and Waste Management and Economic Development and Community Services visited the site and observed the scavenging situation on Thursday, 11 August 2011.

The initial plan of the task team, as outlined above, changed during the visit at the site from the usual dumping to stopping the trucks from entering the site or offloading their consignment. The measure was instituted to avoid a situation where people who came to scavenge, who were already visible at the site, would be obtaining food items by force, as usually the case. An internal arrangement was made for the businesses to take their consignment to a safe area and it was agreed that companies will be informed of new disposal arrangement, including dates and time.

Achievement:

The number of people scavenging for food has reduced drastically from about over four hundred to below fifty as a result of measures instituted at the site as well as the Food-for-Work Programme. The majority of people who used to go to the landfill site to scavenge food are registered and commenced with the Food-for-Work Programme on 6 September 2011. To date, more than hundred people are registered for the Food-for-Work Programme. The Food-for-Work Programme is progressing well with all its stakeholders contributing and collaborating in terms of the provision of the required tools and services.

Challenges:

Some of the challenges faced by the technical task force in an effort to address the problem of people still scavenging for food at the landfill site are the following:

- The continuous presence, even if numbers have reduced tremendously, of unauthorised people at the site who are coming to scavenge for food and associated health and safety risks;

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- Decreasing number of City Police members at landfill sites during condemnation;
- Church members distributing food at Kupferberg landfill site to scavengers;
- Vandalism of Kupferberg property and the cost associated with it;
- Compromised law enforcement due to fact that most businesses that are required to adhere to health regulations requirements are now aware that the food products and items they write off end up in the hands of people;
- Possible physical attack of officials by people scavenging at the site due to alcohol being sold in close proximity of the site in exchanged for reclaimed food from the site;
- An increased water bill for Kupferberg, as those who go there to scavenge for food use the water to wash off what they have collected.

Proposed solutions to the above challenges:

- The City of Windhoek Solid Waste Management Division will seriously consider taking over the responsibility of collecting of waste from regular generators to the landfill site to minimise or reduce to zero problems of people returning to the site to scavenge for food.
- The committee on people scavenging for expired food at Kupferberg landfill site should assist with mobilising additional manpower from the National Defence Force, the Special Field Force and NAMPOL to complement the City Police with ensuring safety and security at the Kupferberg landfill site to prevent people from entering the site for purposes of scavenging for food.
- The City of Windhoek Solid Waste Management and Health Division will put measures in place to prohibit individuals and organisations

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supplying food to people at the landfill site, due to public health and safety considerations.

- The committee on people scavenging for expired food at the Kupferberg landfill site should assist with the identification of a suitable location for the distribution of food to the needy by churches and other organisations who intend to do so.

Comrade Deputy Speaker, I rest my case.

HON DEPUTY SPEAKER: Any follow-up questions?

HON TJIHUIKO: Honourable Deputy Speaker, allow me to thank the Honourable Minister for a very comprehensive answer and providing the necessary information to the public out there. I think you have done extremely well.

A small question: Honourable Minister, you have confined yourself only to Windhoek. Is this problem of our people eating at some of these unpleasant places only confined to Windhoek?

The two questions which the Minister decided not to answer, which he said was misdirected, were put in the spirit of your Ministry being the Ministry of Regional and Local Government, Housing and Rural Development. I believe that the Rural Development part of it also considered developing the basic need of the people, which is water. Therefore, I do not think that it is misdirected, but I hope that the Minister directed it to the right office. Thank you, Honourable Deputy Speaker.

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HON KUUGONGELWA-AMADHILA**

HON DEPUTY SPEAKER: Question 27 is by Honourable Tjihuiko to the Minister of Finance. Does the Honourable Member put the Question?

QUESTION 27:

HON TJIHUIKO: I put the Question.

HON MINISTER OF FINANCE: Honourable Deputy Speaker, Honourable Members, the Honourable Tjihuiko posed a number of questions concerning the TIPEEG programme and I am going to provide the answers as follows:

His first question was: *“Which Government Ministry or Department is the focal point or responsible for coordination and implementation of TIPEEG?”*

The answer is: The National Planning Commission is responsible for the coordination, monitoring and evaluation of TIPEEG, but the implementation or execution of the specific TIPEEG projects is vested with the relevant Offices, Ministries and Agencies and we know which ones are the TIPEEG Ministries.

His second question was: *“Would the Minister concur with the view expressed by some experts that the long-term future of job creation of TIPEEG is very much questionable?”*

My answer is: TIPEEG is a specialised short-term programme aimed at addressing the acute high unemployment situation in the shortest possible time, in this case over the next three years. Realistically it will not be possible to eradicate the high unemployment rate over such a period of time. It is important to note that the focus of TIPEEG is on presenting an opportunity to work as fast as possible for many of our unemployed youth. TIPEEG serves as an additional vehicle to stimulate creation of immediate

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jobs for the Namibian people, but also to accelerate economic growth. Obviously, a higher growth will create additional opportunities for new long term jobs.

Government has also recognised the role of the Private Sector in the creation of sustainable job opportunities and is currently implementing necessary reforms aimed at enabling the Private Sector to realise its full job creation potential. While some of these reforms are being implemented under TIPEEG or during the period of implementation of TIPEEG, others will be addressed on an ongoing basis, including in the next National Development Plan, which is NDP4.

His third question was: *“Does the Minister agree with the view expressed by some of your Party affiliates – I do not know which ones are these – that TIPEEG does not have a long-term plan in dealing with unemployment and that it only focuses on short-term jobs which are not sustainable?”*

As indicated in the previous answer, TIPEEG interventions will not only create jobs in the short term through public works during the implementation of this programme, but they will also catalyse Private Sector investments and this will create long-term jobs through increased investment and higher economic growth.

I have further, in my response to the Budget, given details of how TIPEEG interventions would catalyse Private Sector investment. I would like to refer the Honourable Member to that part of my response, which I will be happy to cite, except out of fear of really repeating myself and boring the Honourable Members, but I believe that we will all be aware that in the sector of agriculture, for example, interventions will not produce short-term public jobs, but long-term sustainable jobs. When you put up a green scheme to increase crop production, these are long-term sustainable jobs. You also create the possibility for value addition. When you increase livestock production, you create long-term jobs and, of course, when you create infrastructures, you attract Private Sector investments and alongside that, higher economic growth and job creation. When you invest in infrastructures in the national parks, you are

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expanding opportunities for increased tourist arrivals to our country, investment in tourism infrastructures and long-term jobs as well.

It is true that all the long-term jobs are not going to be created on the Budget of Government through TIPEEG, but there is that catalysing effect, which I am sure the Honourable Member is aware of. In addition to that, while we know that eventually it is the Private Sector that must create those jobs, Government is well aware of its responsibility to facilitate this increase in Private Sector investment in economic growth and we will, therefore, continue to identify additional measures that would help us to realise that through the subsequent plan, including NDP4.

His fourth question was: *“How many real sustainable businesses have been created through TIPEEG to date?”*

TIPEEG is not necessarily focused on creating new businesses only. TIPEEG is focused on the creation of jobs and these jobs are created either through the creation of new businesses or the expansion of existing businesses. Obviously, there would be new businesses that were registered with our Ministry of Trade and Industry during the period of implementation of TIPEEG, but it will be difficult to say that all of these new businesses that were created during this period are necessarily as a result of TIPEEG.

His fifth question was: *“Can the Minister answer the above questions by way of breaking down to Regions, Constituencies and by business sectors?”*

According to the Ministry of Trade and Industry, it does not register companies by sector and neither by Regions. Information can be gathered from the respective Local Authorities with regard to which of these businesses are located where, since they are also involved in registering companies to operate within their jurisdiction.

The final question was: *“How much money has been spent to date?”*

By the end of September a total of N\$12 billion has been released through

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the issuance of Treasury Authorisation Warrants to TIPEEG sectors. Of this amount, N\$3 billion have been spent already and the balance has been committed with contracts either having been awarded or being finalised. Implementation, of course, varies amongst TIPEEG Ministries. Actually this compares well with the implementation rate, according to the previous quarter, because when it comes to funds utilisation, you do not just take an amount and divide by twelve, because you cannot expect that implementation would be even over the months. Of course, during the initial months you have preparatory work related to the issuance of tenders, with people establishing themselves on the site, but once implementation has started, the pace of progress would be more rapid and we are optimistic that going forward, implementation will pick up significantly and these funds would eventually be utilised.

I was trying to make the point that implementation rate varies amongst the various Ministries, with some of them having a much higher rate of implementation while others are having a comparatively low rate of implementation, but all of them have expressed optimism that the implementation will pick up as we move forward.

Now, for the total Budget, which I am sure is what the Honourable Nyamu thought I was talking about when he interjected to say that that was peanuts, a total of N\$15 billion and not N\$3 billion, as in the case of the four TIPEEG sectors, had been spent so far and a further N\$5.4 billion had been committed to be spent in the next coming months. Again, implementation rate varies amongst the Offices, Ministries and Agencies and here again, all Offices, Ministries and Agencies have expressed optimism that implementation will pick up sharply going forward, as the current rate of implementation is mainly on account of preparatory work that needed to be done to pave the way for implementation. With these preparations having been completed, it is expected that implementation would pick up sharply. This concludes my answers, Honourable Deputy Speaker.

HON DEPUTY SPEAKER: Any follow-up questions?

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**ORAL -QUESTION-HON MOONGO
HON HAUSIKU**

HON TJIHUIKO: Honourable Deputy Speaker, I have seven follow-up questions, but before I do that, let me thank the Honourable Minister of Finance for a good answer. The Nation wants to know what happened, where to go when it comes to accessing benefits from Government. Thank you very much, I will put my seven questions later.

ORAL QUESTION

HON MOONGO: Thank you very much, Honourable Deputy Speaker. I would like to pose an Oral Question to the Deputy Prime Minister. I would like to know whether all census supervisors in the thirteen Regions were paid for their services and what is the reason why only the team supervisors of Oshana Region were not paid? Can the Deputy Prime Minister explain why only the Oshana supervisors were not paid? We want to avoid unrest and ill-feelings of workers. Thank you.

HON DEPUTY PRIME MINISTER: Honourable Deputy Speaker, the Honourable Member has asked an important question, but sometimes we seek information at the wrong platforms. I do not know who told you there are camp managers who were not paid. Indeed, in Parliament there are some Members who may not be paid in a certain month and it does not mean you will not be paid. Could you please provide us with those names, because if the policy is that they get paid, they all have to be paid.

I want to add that my experience in some of the relocation camps is that there are people who appoint themselves as camp managers without the authorities approving it and in such cases it is difficult, because every person who has to receive an allowance should at least be approved by the Regional Authority and by the authority that has to pay the allowances. Please provide us with those names so that we can look into the matter. Thank you very much.

QUESTION 25:

HON MOONGO: I put the Question.

HON DEPUTY PRIME MINISTER: Comrade Deputy Speaker, I think we must read the Rules on Questions as we are violating that Rule almost every time. You put this question to the Prime Minister and he is my senior and now you want me to answer the question. Can it stand over to next week when he is back?

QUESTION 29:

HON VON WIETERSHEIM: I put the Question.

HON MINISTER OF LANDS AND RESETTLEMENT: Thank you, Honourable Deputy Speaker, Honourable Members of this august House. Before I specifically respond to the questions raised by Honourable Von Wietersheim, my very good acquaintance of many years that I sometimes also regard as a friend, I want to inform this House that although Honourable Von Wietersheim is at liberty to express his views as per our democratic culture, it would be naïve of any Namibian to conclude that the lack of economic emancipation that was anchored more than a hundred years ago among our citizens could have been undone within 21 odd years. The truth is that those who benefited from the pre-Independence and colonial land reform discourse, continue to reap enormous rewards from the current land reform programme.

Look at land, who owns the land, from whom is land bought at exorbitant prices for both the Government and those citizens of our country who are able to make use of the Affirmative Action Loan Scheme at the risk of impoverishing themselves and enriching those who benefited from the

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skewed land reform programme that we have inherited? That is the reality.

Even the assumed high-ranking Civil Servants being referred to who should not, allegedly, benefit from the current resettlement programme, the reality is that the current economic pressure our country finds itself in, bearing in mind the world credit pressure to which Namibia is not a recipient to, brings an economic misery on our citizens. The biggest challenge is how to service such loans intended to acquire land for agricultural purposes. Citizens become impoverished in the process.

Honourable Deputy Speaker, Honourable Members, the discussions on the questions raised by Honourable Von Wietersheim should be interrogated within the context of the Debate on socio-economic and political marginalisation of Namibians as a whole, which led to the Government at Independence to adopt the Land Reform Programme in an effort to address land dispossession and enact empowerment policies in response to livelihood challenges that were being faced by our people. Land reform is foremost a historical and contemporary issue of fairness and equity, which speaks of dispossession of land rights and corresponds in people's minds to a colonial system of unspeakable injustice.

It is exactly this link to feelings of injustice that makes the land reform process a crucial development issue in our country and we need to deal with this legacy. Allow us a Nation to deal with it. The Land Reform Policy in place is addressing a range of issues arising from settler colonisation and dispossession. The Government has been fighting to dismantle the apartheid map through enacting policies and legislation earmarked at challenging the resistance to our people's empowerment by vested interests.

Inequality in access to land exacerbates poverty and exclusion both in urban and rural areas, in addition to suffering and injustice that it causes, it generates numerous social and political risks. Land distribution remains a priority on the Government's agenda as inequalities in access and land ownership are still evident in our community. It is unfortunate that this programme is usually contested and questioned by those with powerful

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economic interests. Access to land is a right that should be enjoyed by all formerly disadvantaged Namibians, irrespective of their socio-economic and political standing in society.

Let us as a Nation be focused and not be distracted by petty politicking and unwarranted scrutiny every time a formerly disadvantaged person is affirmed. The land reform progress is multi-faceted and encompasses various programmes and projects to suit the needs of the different socio-economic spectrums of the Namibian population.

I would like to assure the Nation that the Ministry, through the regional balancing process, is cognisant of the different economic needs of our people and especially the poor whose livelihoods are more vulnerable. The land reform agenda must be driven and owned by us as a Government and Nation and whilst lessons of good practices can be shared throughout SADC, simple one-size-fits-all initiatives are unlikely to help.

As Namibia, whilst cognisant of our policies and legislation which direct the regional and national resettlement selection process, we should not be rigid in our applications. Ultimately our political will that is alive to the land reform process and unity in challenging resistance and non-productive deviation by vested interest will ensure success and better livelihoods for our people.

Honourable Deputy Speaker and Honourable Members, as a Nation let us not be sidetracked by petty issues. We should redirect and strengthen our efforts towards promoting equitable access to land, which is crucial for social justice, political stability, rural development and peaceful co-existence.

Comrade Deputy Speaker, let me now respond to questions raised by Honourable Von Wietersheim. The questions, in my opinion, have a political flavour and I probably needed to say what I said as introductory remarks. Let me now respond to questions raised by Honourable Anton Von Wietersheim regarding the allocation of land to the Permanent Secretary in the Ministry of Labour and Social Welfare. My response is as follows on the first question:

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I wish to inform the Honourable Member and this august House that poverty alleviation is but one of the many objectives of the Resettlement Programme. The National Resettlement Policy of July 2001 states the objectives of the Resettlement Programme as follows:

1. To redress past imbalances in the distribution of natural resources, particularly land.
2. To give an opportunity to the target groups to produce their own food with a view towards food self-sufficiency. The main target groups are members of the San community, ex-soldiers, returnees, displaced persons, people with disabilities and people from overcrowded communal areas.
3. To bring smallholder farmers into the mainstream of the Namibian economy by producing for the open market and to contribute to the country's gross domestic product.
4. To create employment through farming and other income-generating activities.
5. To alleviate human and livestock pressure in communal areas.
6. To offer an opportunity to citizens to reintegrate into society after many years of displacement by the colonisation process, war of liberation and other diverse circumstances.

You will agree, Honourable Members, that the beneficiary who is allocate farming unit B of Farm Pokkelberg 463 falls under some of the groups listed above and ultimately, allocating a piece of land to her amounts to redressing past imbalances in ownership of land.

As of the 1st of September 2011, the beneficiary of this unit took up occupation and immediately employed a number of workers on a fulltime basis, thus providing employment, secure environment and accommodation to families who are in need of alternative livelihoods. This, Comrade Deputy Speaker, is a clear example of poverty reduction

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and empowerment of both the beneficiary of land and the workers as they now have a job and are able to feed themselves through income from the employment opportunity so offered. The resettlement of the Permanent Secretary in the Ministry of Lands and Resettlement thus falls within the objective of resettlement, namely redressing the past imbalances in distribution of land, alleviating livestock pressure in communal areas and creation of employment through the employment of farm workers, amongst others.

The second question: As stated above, resettlement is not intended for alleviation of poverty alone, but has other equally important objectives. The enabling Act clearly states that: *“Land shall be acquired for allocation to Namibian citizens who do not own or otherwise have the use of any or of adequate agricultural land and foremost to those Namibian citizens who have been socially, economically or educationally disadvantaged by the past discriminatory laws or practices.”*

In short, the resettlement criteria do not discriminate against highly remunerated officials provided they fall within the groups mentioned in my response to Question 1 above.

The third question: The Resettlement Programme is premised within the Agricultural (Commercial) Land Reform Act 6 of 1995 and the Resettlement Policy of 2001. The criteria used for the selection of beneficiaries are as follows:

- Beneficiaries should have background or an interest in agriculture.
- Beneficiaries should be prepared to hold land under leasehold tenure arrangement and to relinquish any agricultural land rights elsewhere.
- An applicant should not own livestock exceeding the carrying capacity of the farming unit applied for.
- Settlers should be prepared to support cost recovery measures, such as lease and water fees.

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- Applicants should be eighteen years and above.
- Applications should adhere to the stipulations of the lease agreement.

Those are the criteria. Additionally, the Ministry of Labour and Social Welfare adopted a point-scoring resettlement selection criteria early this year. This selection criteria is in favour of applicants between 18 to 65 years of age, female applicants, literate applicants, generational farm workers, applicants with livestock in communal areas and those with farming experience or who possess agricultural qualifications. These newly adopted selection criteria also do not discriminate so-called highly paid officials. Furthermore, the Land Reform Advisory Commission, in their recommendations to the Minister, uses regional balancing as the final criterion.

My response to question 4: A total of nine employees, former and current employees of the Ministry of Lands and Resettlement have been resettled since 2006. I am not going to parade citizens of the Land of the Brave by mentioning their names. I think they have at least that right and if my dear friend Von Wietersheim would want details of those who have been resettled, you know where I operate from.

Question 5: A total of sixty-six employees of other Ministries, including Political Office-Bearers, have been resettled since 2006.

Question 6: I do not agree, with all due respect, that the Resettlement Programme is being misused, not at all. Every single Namibian who happen to fall within the category of the previously disadvantaged, when such a Namibian gets a piece of land that that individual can call his own or on a lease basis of 99 years, I rejoice. It is definitely not misuse.

The National Resettlement Policy categorises land beneficiaries into the following three broad categories:

1. People who have neither land, income or livestock.

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2. People who have neither land nor income but few livestock, like chickens and some dogs and inevitably the presence of a donkey.
3. People who have no land but have income or are livestock owners.

Those are the broad categories. All citizens of the Land of the Brave, all who lost land through land dispossession and until today are landless and I am not going to be apologetic about that.

All employed applicants, irrespective of their income bracket, qualify for resettlement under the third category which states that "*people who have no land, but have income or are livestock owners*". Applicants from all three categories listed above have been benefiting from the Resettlement Programme. The Ministry is currently developing a Social Welfare Resettlement Model which is aimed at demarcating acquired farms into smaller farming units to benefit many people from the marginalised groups who need land for other purposes other than commercial farming and that is a reality. I am looking forward to my uncle's Motion. That is really affording me as a person charged with land administration the opportunity of listening to input of very significant and probably wiser people than what I am.

Question 7: On this point, Honourable Members, I have to mention that this information is managed by one of the agencies of the Government, that is the AgriBank and the Ministry of Lands and Resettlement, with the best of intentions, has no control over such information. However, in an attempt to respond to the Honourable Member, a summary of waivers issued by the Ministry in favour of Affirmative Action Loan Scheme applicants has been provided on an annual basis and so far a total of 331 exemptions were issued, which simply means that 331 previously disadvantaged Namibians bought land from the land owners at exorbitant prices at the risk of impoverishing themselves. That is the reality.

I really want us as representatives of people in this House to be able to differentiate between issues that we need to politicise and issues that are so painfully reminding us as a Nation of the past that we are coming from. Certain things are not supposed to be politicised and it is so unfortunate

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that some people, even from the ranks of the disadvantaged, are jumping on the bandwagon of singing the most popular song, pretending that the injustice that have been prevalent in this country for more than a hundred years could have been undone within a short period of 21 years. Our children go to universities, they get qualifications second to none, they come back, they join firms but they still have to be subjected to the whims of those who have amassed the asset base over so many years. That is the reality and we cannot run away from that. Those are the issues that we as representatives of our people commonly need to find a ground to move forward as a Nation.

Now the breakdown in terms of Financial Years is as follows:

During 2006/2007, 53 exemptions, and you know, once an exemption is granted, you go to AgriBank and get a loan. Nowadays farms do not cost less than six to seven million and you know who gets that money? That is the painful reality.

In 2007/2008, 66 exemptions. What is happening is that the previously disadvantaged buy farms, they end up not being able to pay, the farm gets repossessed and the ones who sold the farm buy it on auction. This is not a joke, we cannot make jokes about land reform in Namibia.

In 2008/2009, 74 exemptions. In 2009/2010, 57 exemptions. In 2010/2011, 65 exemptions. In 2011/2012, 16.

Comrade Deputy Speaker, my good friend, Anton Von Wietersheim, I thank you for affording me the opportunity to give the much-needed clarification on this matter and may the Almighty bless us all. Thank you.

HON VON WIETERSHEIM: Thank you, Honourable Minister. I still regard you as a good friend, but you made full use of the opportunity. Although I would like to say I would not be here if I would not agree with many of the aspects of what you said, the political part, I would not be here. I have one short question, Honourable Deputy Speaker. You

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mentioned the three categories, the one being no income, no land, no animals. I honestly and genuinely thought that that is the category that will be allocated resettlement land, as it is defined, at no cost. I thought that is what we buy the land for and we give it and those other categories have other possibilities and if a person is in a good job with a good salary.... (Interjections). That is my question, is that not so that the land that is dished out is only dished out to those that have no land, no income and no animals. That was my question.

HON MINISTER OF LANDS AND RESETTLEMENT: I have quite emphatically explained in my response and the HANSARD will be proving that fact. I am not going to repeat. Our Land Reform Programme is premised on the facets that I have mentioned. The ones you have particularly mentioned also get allocated land. However, if we are not careful as a Nation, we might run the risk of compromising on our food production. That is also a reality. We need to be mindful of that and that is why we are devising ways and means of coming up with a model that would broadly cater for the social needs of our people, but it is part and parcel of the existing policy framework. We are not deviating from the existing policy framework. If we would deviate, we would come back here and ask your endorsement.

HOUSE ADJOURNS AT 16:12
HOUSE RESUMES AT 16:58 PURSUANT TO ADJOURNMENT

HON DEPUTY SPEAKER: The Notice of Motion is by the Honourable Deputy Minister of Defence. Does the Deputy Minister of Defence Move that the Policy be considered?

**CONSIDERATION: SECTORAL POLICY ON
HIV/AIDS OF MINISTRY OF DEFENCE**

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**CONSIDERATION: NDF HIV/AIDS POLICY
HON LUCAS**

HON DEPUTY MINISTER OF DEFENCE: Honourable Deputy Speaker of the National Assembly, Honourable Members, it is my pleasure to submit to this august House the Ministry of Defence HIV/AIDS Sectoral Policy for discussion and approval so that the Ministry of Defence could implement this Policy without reservations. HIV/AIDS affects our society and it is also prevalent in the Namibian Defence Force, which is the security guarantor of our country.

Notwithstanding the above, the training of the Namibian Defence Force members is so rigorous that it may aggravate the health condition of members affected by HIV/AIDS. For this reason, the Ministry thought it appropriate to ask the Parliament for approval of this Sectoral Policy before its implementation.

There are diverging views in our society with regard to the management of HIV/AIDS in the Namibian Defence Force. There is a view that the Namibian Defence Force discriminates against HIV-positive individuals, on one hand, while there is another view that supports proper management of HIV/AIDS in the Force. The Ministry was also dragged to Court in 2001 as a result of conducting HIV/AIDS testing during the recruitment process. The Ministry's intention is not to discriminate against people with HIV/AIDS, but to uphold some basic military principles in terms of training.

I expect this discussion to inform the Nation properly about this Policy and achieve its support to implement it for the benefit of the Namibian Defence Force members and the Nation in general.

The Ministry of Defence Sectoral Policy is based on the principles of the National HIV/AIDS Policy and the laws governing public health in our country. It is aimed at promoting and upholding the health, the dignity and the human rights of the Namibian Defence Force members. However, given the mandate of the Ministry of Defence and the Namibian Defence Force of defending the people, the territorial integrity and the national interest of Namibia, the Ministry of Defence has the responsibility of ensuring that the Namibian Defence Force consists of healthy members at all times.

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The Namibian Defence Force members are expected to undergo strenuous training and perform their duties in difficult situations. For this reason, the Ministry of Defence does not recruit HIV-positive individuals into the Force. However, those members of the Force who happen to be infected while serving in the Force are provided with all the necessary care and are not discharged from the Force because of their HIV status.

We provide comprehensive HIV/AIDS care to the members of the Namibian Defence Force, from prevention to treatment services. However, our task is made difficult by the nature of work that Namibian Defence Force members have to perform, which requires them most of the time to be separated from their families and to be deployed wherever their services are required by the Nation. This makes Namibian Defence Force members susceptible to HIV/AIDS and is likely to lead to higher HIV prevalence rate in the Force. Although this needs to be confirmed by scientific studies, this is why the Ministry has come up with this Policy to help it manage HIV/AIDS effectively within the Namibian Defence Force.

The Policy emphasises prevention, but also recognises the need for counselling, care, support and treatment where applicable.

The Ministry of Defence has established voluntary counselling and testing centres for its members in Grootfontein, Walvis Bay and in Rundu to avail these services to members who wish to know their HIV status voluntarily and access the availability of the services in good time. The only time that HIV testing is mandatory in the Namibian Defence Force is at recruitment and when members are assigned to international missions as per United Nations standard requirement.

Honourable Deputy Speaker, Honourable Members, I look forward to your positive contribution to this important document that will guide the management of HIV/AIDS in the Namibian Defence Force in order to maintain the health of our sons and daughters in uniform and with that contribute to the maintenance of good public health in our country. I thank you very much.

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HON MOONGO / HON MUHARUKUA**

HON DEPUTY SPEAKER: Any discussion on the Policy? Honourable Moongo.

HON MOONGO: We have been serving in the liberation forces for quite long and we know the problems the military has to deal with. They might enter the Force healthy but you do not create conditions for them to remain healthy by giving them housing so that their wives are able to visit them. Therefore they become infected. It is no use to say you do not enrol those who are infected if you do not provide housing to those members so that their families can visit. They enrolled last year and after three years all of them are infected, therefore you must cater for the families to visit the husband besides the annual leave.

Therefore, I feel this issue needs thorough scrutiny and I thank you.

HON DEPUTY SPEAKER: Any further discussion? Honourable Muharukua.

HON DEPUTY MINISTER OF GENDER EQUALITY AND CHILD WELFARE: Thank you, Comrade Deputy Speaker, Honourable Members. I rise to support the Policy of the Ministry which is for the Himbas.

Comrade Deputy Speaker, I agree with the Deputy Minister of Defence that we need to mobilise our people to follow what is in the document. It is not like in old times when you would not even sit close to a person infected with HIV and it is good that we as a country mobilise the people and tell them to use their medicine. I support the Policy of the Ministry which is for the marginalised groups, the Himbas and the San community.

Some people said the Himbas are excluded from the SWAPO Government, but this Ministry all the time includes the Himbas. I took the

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names of some to the Ministry and they approached the Himbas. Honourable Moongo, this is the Ministry which promotes the Himba sons and daughters and if you count them, they are even more than the other tribes. Thank you, I support the Policy.

HON DEPUTY SPEAKER: Any further discussion? Honourable Kavetuna.

HON KAVETUNA: Honourable Deputy Speaker, I rise to support this important Policy. The Policy is self-explanatory and straightforward, but what prompted me to stand up is an issue mentioned in Chapter 2, the enabling environment.

The policy of this Government is that we must encourage people to be tested and live a positive life, but when we have policies discriminating against these people who are infected, it creates fear among the communities. When people are recruited across the board, whether HIV-positive or not, then most of the people will not see HIV as a death sentence anymore, but when we have discriminatory laws, it creates hopelessness with the people which is futile to the efforts that the Government has put in place to alleviate the HIV-infection and other related diseases.

In the same vein I would like to request that we go further and try to find ways to get the insurance companies to take out the discriminatory phrases in their policies. In this way we can combat the spread of the disease when we are accepting infected people as citizens of this country without discriminating against them and denying them opportunities. I wholeheartedly support the Policy and I thank you.

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HON DEPUTY SPEAKER: Honourable Deputy Minister of Health and Social Services.

HON DEPUTY MINISTER OF HEALTH AND SOCIAL SERVICES: Thank you, Honourable Deputy Speaker. I rise to support this very important Policy and to thank the Deputy Minister of Defence for bringing this Policy to the Chamber and also to thank you for what your Ministry is doing regarding HIV/AIDS. There are many programmes and we at the Ministry of Health and Social Services also want other stakeholders to do what the Ministry of Defence is doing when it comes to HIV/AIDS, because this is a multi-sectoral approach and all the Line Ministries are supposed to join in the fight against HIV/AIDS if we want to reduce its prevalence.

As has already been mentioned, we have to concentrate mostly on the issue of prevention and the issue of stigma and discrimination. Let all Members of Parliament stand together on this. We have launched the Smile Condom project, but there are still people who even have fears to touch a condom openly. I think it is high time for us to promote the use of condoms in order to reduce the prevalence of HIV/AIDS.

With these few words, I really want to thank the Deputy Minister for bringing this Policy to our National Assembly. Thank you.

HON DEPUTY SPEAKER: I recognise the Minister of Veteran Affairs.

HON MINISTER OF VETERANS AFFAIRS: Thank you very much, Honourable Deputy Speaker, Honourable Members. The Policy on HIV/AIDS of the Ministry of Defence is wholeheartedly supported.

The Ministry of Defence has been positively at the forefront, engaging in

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prevention of HIV/AIDS scourge ever since the Ministry of Defence was established in the independent Republic of Namibia. For me the approach of prevention of HIV/AIDS in the Defence Force is quite acceptable insofar as saying if HIV/AIDS is detected at the entry point, such individuals should not be recruited in the Defence Force. I know it is controversial, particularly for the human rights organisations, but they cannot deny the fact that it has been the practice all over the world in the Police Force and, indeed, in other sectors, that when individuals have been recruited and found to be infected with syphilis or tuberculosis, they were not recruited. Therefore, I do not know the difference between exclusion of people infected with syphilis and tuberculosis and those infected with HIV/AIDS, whereas we know for a fact that physiologically and physically syphilis and tuberculosis cannot be compared with HIV/AIDS. The latter is more dilapidating than the former.

I would, therefore, wholeheartedly support the stance taken by the Ministry of Defence that if a member is found to be HIV/AIDS while the person is already serving in the force, that one should not be discharged as a result. That to me is the correct attitude and that is the practice in many countries in our globe today, including those that we consider to be the forerunners of human rights organisations.

Therefore, the practice by the Ministry of Defence and the Ministry of Safety and Security is that while it is not explicitly stated, if you are HIV-positive, you will not be recruited. Obviously when it is found, reasons are established to reject that person, to give confidence to the individual simply because at the beginning when the people are recruited into the forces, psycho-social therapy and support is not provided, but when they are already there, the psycho-social support is given, they are part and parcel of that and therefore, they are made to understand the dangers. Honourable Deputy Minister, I could say that this House should actually render its support to the Ministry of Defence HIV/AIDS Policy for us to continue doing what we have indeed been doing so far. I think that is the right approach. Thank you very much.

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HON DEPUTY SPEAKER: Any further discussion? None. Does the Deputy Minister of Defence want to reply?

HON DEPUTY MINISTER OF DEFENCE: Thank you very much, Deputy Speaker, for the opportunity once again and I would like to thank the Honourable Members who supported the Policy in silence as well as those who participated in the Debate. I would like to start with Honourable Moongo.

Honourable Moongo, I know you have developed a great interest in the activities undertaken by the Namibian Defence Force, in particular, and the Ministry of Defence in general. Here we have acknowledged the fact that HIV/AIDS is a problem and it is not only a problem affecting Namibians who happen to be serving in the Namibian Defence Force, but it is a national problem which requires concerted efforts by all of us.

The issue of the inappropriate accommodation of the Namibian Defence Force is not a secret, it is a problem and I know Honourable Members of this House are well aware of the status of the accommodation of the Namibian Defence Force. Of course, the challenge is so huge that it cannot be addressed overnight, but at least we are moving slowly, but surely to ensure that the accommodation of our sons and daughters in uniform is properly addressed. Honourable Moongo, a progress report will be tabled in this House which will show that we are not just talking but in fact translating our words into action.

Honourable Muharukua, thank you very much for your support. It is true that the Namibian Defence Force is taking a reasonable number of the Himba and the San children into the Force. Of course, critical requirements are set to enable each and every child to qualify, but the Himbas and the San are given priority because of their historical background. We have quite a number of them and since the day they were recruited, they have been progressing very well. Quite a number of them occupy senior positions in the Namibian Defence Force and we will continue to accommodate the San and the Himbas.

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Honourable Kavetuna, thank you very much for your support. It is our experience that discrimination is being practised by insurance companies. One has to undergo various tests to determine your health status and I hope these organisations which continue to discriminate on the basis of HIV/AIDS status would emulate the example of the Ministry of Defence.

Honourable Haingura, thank you very much. Yes, I can confirm that the Ministry of Defence is far ahead when it come to the fight against HIV/AIDS. For those who do not know, we have even developed the most DVDs known as “*Remember Elifas*”. It is a product of the Ministry of Defence. We have done this in order to sensitise our members and the public on the danger of HIV/AIDS. We have started with number one, then number two and last year we have launched “*Remember Elifas No. 3.*” It is very interesting to watch those DVDs.

Despite those achievements we continue to sensitise our members to be aware of the dangers caused by HIV/AIDS and it is incumbent upon Members of Parliament to warn our people against this deadly disease whenever we are addressing public meetings.

Dr Iyambo, thank you very much for your support. I cannot agree more with you because the practice in the Ministry of Defence is not only unique to Namibia but a worldwide requirement, because Namibia is connected to many legs and there is no way that we can deviate from international standards. It is very much appreciated that those who are infected while already in the services are not discharged and that is a reality. We stand by that and we will continue to sensitise them and provide the necessary support. Thank you very much for your support.

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

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**EARTH SCIENCE PROFESSIONS BILL
HON DR A IYAMBO**

**RESUMPTION OF SECOND READING
EARTH SCIENCE PROFESSIONS BILL**

SECRETARY: Resumption of Debate on Second Reading – *Earth Science Professions Bill*.

HON DEPUTY SPEAKER: When the House adjourned yesterday, the 19th of October, the Question before the Assembly was the Motion by the Honourable Minister of Mines and Energy, that the Bill be read a Second Time. Any further discussion? Honourable Minister of Education.

HON MINISTER OF EDUCATION: Honourable Deputy Speaker, Honourable Members, I take the Floor to support this very important Bill, the *Earth Science Professions Bill*. I am supporting the Bill as our economy is underpinned by mining and minerals beneficiation. It is, therefore, critical that we develop capacity in the earth science disciplines.

Honourable Deputy Speaker, when I am referring to capacity-building, I am referring to both human and institutional capacity. Without high-level skills in geology, in particular, including geophysics, geochemistry, metallurgy and climatology, our chances to derive optimal economic benefits from our minerals and metals will always remain very much limited.

While developing our human resources, there is an urgent need to develop our laboratories in the country and to build analytical capacity in all the different facilities where we can, for example, analyse or even modify various metals' and minerals' structures. For example, we should note that at this point in time Namibia does not have a transmission or scanning electronic microscope which is critical for the study of crystal structures and surface properties. Therefore, Namibia needs to make sure that there

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is a critical mass of well-qualified personnel that are comparable to international human resources, based on particular high levels of research.

What I am saying is that Namibia must do more research and that is one of our key Achilles heels in the area of development.

The Ministry of Education is currently at an advanced stage of setting up a National Commission on Research, Science and Technology. This would be the apex body for the management and direction of all sciences, including earth science. Through the Research, Science and Technology Commission and now the Act that was passed by this House, we are calling for the establishment of bodies or institutions that are called Science Councils, for us to establish councils, including, for example, the Council for Agriculture, Council for Earth Sciences as well as councils for medical and engineering issues. These councils will coordinate the development of particular science sectors as well as ensuring that the quality of work in these sectors is at internationally acceptable levels.

The Ministry of Education, therefore, believes that in a small country like ours with limited scientific and technical human resources, despite all the avalanches of sciences in the world, we should ensure efficiency and effectiveness in utilising our human and institutional resources. It is for this reason that we call for enhanced coordination and quality assurance and that is why we are to launch very soon a quality assurance document to deal with our high institutions, in particular, and also to deal with issues of science, research and technology.

The Commission for Research, Science and Technology is tasked to come up with a three-year national science programme and the issue of earth sciences will be part of that. The Commission will also deal with the strategic funding framework for science, technology and engineering.

Honourable Deputy Speaker, it is for these reasons that I would like to support this Bill on Earth Science Professions, a Bill that aims to control the earth science practitioners through registration processes and a specification of education and training of these professions. The Bill, therefore, is opportune, is needed and it enjoys my support. It is a smart

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move by the country. I thank you very much.

HON DEPUTY SPEAKER: Any further discussion? Honourable Minister of Fisheries and Marine Resources.

HON MINISTER OF FISHERIES AND MARINE RESOURCES: I Move, on behalf of the Minister of Mines and Energy, that the Debate be adjourned until the 8th of November.

HON DEPUTY SPEAKER: The Debate is adjourned until the 8th of November 2011. The Secretary will read the Second Order of the Day.

**CONSIDERATION: REPORT ON EQUITABLE
ECONOMIC EMPOWERMENT FRAMEWORK**

SECRETARY: Consideration of Report on the Equitable Economic Empowerment Framework (NEEF) Transformational Empowerment.

HON DEPUTY SPEAKER: Does the Honourable Deputy Prime Minister move that the Report be considered?

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**MOTION ON POLITICAL PARTY COLOURS
HON IILONGA**

HON DEPUTY PRIME MINISTER: Comrade Deputy Speaker, Honourable Members, I Move that the introduction be done on Tuesday, next week. I so Move.

HON DEPUTY SPEAKER: The item is adjourned until next Tuesday. The Secretary will read the Third Order of the Day.

**MOTION ON WEARING OF POLITICAL PARTY COLOURS
IN THE ASSEMBLY AND DISPLAY OF PARTY FLAGS**

SECRETARY: Resumption of Debate on the wearing of Political Party colours in the Assembly and the display of Party flags throughout the country.

HON DEPUTY SPEAKER: When the adjourned on Wednesday, 5th of October 2011, the Question before the Assembly was the Motion by the Honourable Nyamu, that the Motion be adopted. The Honourable Deputy Minister of Agriculture, Water and Forestry had the Floor and he may now continue.

HON DEPUTY MINISTER OF AGRICULTURE, WATER AND FORESTRY: Thank you, Honourable Deputy Speaker, for the Floor to make my contribution on this anti-democracy and freedom of association Motion of Honourable Jesaya Nyamu of RDP.

Comrade Deputy Speaker, this Motion touches the nerves of our people. Last week when I took the Floor to take part in this anti-democracy and freedom of association Motion, I said we died, we were maimed, we lost

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families because of carrying those blue, red and green colours which is the SWAPO Party flag.

Comrade Deputy Speaker, this Honourable Member, Jesaya Nyamu, is well-known for his wishful thinking that the SWAPO Party flag should not be seen anywhere in Namibia. The Honourable Member firstly started by burning the SWAPO Party letterhead which carries the SWAPO Party flag. His aim is to see no SWAPO Party in existence on the Namibian soil.

Secondly, after the same Honourable Member, Jesaya Nyamu, burned the SWAPO Party flag, the SWAPO Party just became bigger in the Honourable Member's eyes, so he again tried at the funeral of late Comrade Shigwele at Oshigambo Elcin Church that no Political Party flags should be allowed in the church. The Honourable Member's complaint was echoed by some pastors who are anti-SWAPO Party. It is crystal clear that everybody in Namibia knows that only SWAPO Party members are not ashamed to wear their Party colours as well as burying their comrades wrapped in the SWAPO Party flag. (Intervention)

HON DEPUTY MINISTER OF GENDER EQUALITY AND CHILD WELFARE: May I ask a question? You talk about the SWAPO colours and my question is whether as a former PLAN fighter you want this House to discuss this Motion or do you want the House to reject this Motion?

HON DEPUTY MINISTER OF AGRICULTURE, WATER AND FORESTRY: I will come to that. We have carried the flag through difficult times and history tells us that on the 4th of May 1978, a female comrade decided to carry that SWAPO Party flag while the forces of the apartheid regime were busy killing our people in Cassinga. Alive or dead, she said, "*I will carry it and I will never allow this flag to be captured by the enemy*" and she did that. How can you be so low, Honourable

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Nyamu? You were carried by this flag until 21 March when we lowered the flag of the apartheid white minority regime. Until then that was regarded as the national flag. Only then we got a national flag with the sun, which is the gold, and the two white lines.

Comrade Deputy Speaker, the enemy of the people are at work 24 hours a day and, therefore, we must not be surprised if we have people who are becoming allergic to that blue, red and green. That is our identity, it is our pride and we will carry that flag. As we carried it in the first phase of our struggle, we will carry it together with our national flag in the second phase of our struggle. Therefore, this anti-democracy and freedom of association Motion needs to be rejected and thrown away. That is your answer. (Intervention)

HON DINGARA: May I ask a small question? Comrade Iilonga, Honourable Nyamu has burned the SWAPO flag in public, but before he burned that flag he had a lot of SWAPO clothes. What do you think happened to all those clothes?

HON DEPUTY MINISTER OF AGRICULTURE, WATER AND FORESTRY: Comrade Dingara, I know the Honourable Member still has those clothes. (Intervention)

HON KAURA: May I put a question? I just want to find out, Honourable Deputy Minister, there are three colours, blue, red and green and obviously blue stands for Mbanderu, red for Herero, but what does the green stand for?

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HON DEPUTY MINISTER OF AGRICULTURE, WATER AND FORESTRY: I am not a tribalist and the SWAPO flag has never been designed along tribal lines and it has its meaning.

On the issue of our security forces, we must not allow ourselves to interfere with the private lives of those members. These people are citizens, they have family members, wives and children and they possess properties and I do not want us to interfere if they display their Party colours on their cars or houses. If my son has a car and puts a SWAPO sticker on his car, I cannot say because I am a general in the army I cannot drive in that car. They used to travel in those taxis displaying the SWAPO flag. I do not want us to interfere with their private lives.

The SWAPO Party flag became a threat to the Opposition, but please, let us not extend orders to private properties and lives as long as it is not done in the army camps. We all know that the Motion of Honourable Jesaya Nyamu, the anti-democracy and freedom of association Motion... (Intervention)

HON KAURA: Just one last very serious question and that is, when the Honourable Member is elected to come and serve in this Chamber, is he sitting here representing SWAPO or the people of Namibia regardless of their Party affiliation? What is his position here in Parliament, who is he serving?

HON DEPUTY MINISTER OF AGRICULTURE, WATER AND FORESTRY: I will come to that question, I have an answer. We all know Comrade Deputy Speaker, the motive of this Motion is for the SWAPO Party flag not to be seen anywhere. We, the SWAPO Party members, are proud to hoist our SWAPO Party flag everywhere, be it in cuca shops, trees or houses. We associate ourselves with that flag which made it possible for me and even Honourable Nyamu to be here today and to talk freely. It is because of that flag.

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Therefore, when we sing our SWAPO Party anthem, we say, “*whose blood sustained us until victory*” and in our national anthem we say, “*whose blood waters our freedom.*” We will continue hoisting that SWAPO Party flag no matter what. When I leave this earth, I will leave just as my hero, Colonel Muammar Gaddafi. I said it here, let him die fighting and he honoured that order. He died fighting and we honour him and he remains a hero and that blood will cause the imperialists to think twice. They will never sleep because of that. That blood will go along Africa, along Europe, that blood will flow, I can tell you.

Therefore, I just want to say, Comrade Deputy Speaker, this Motion of Honourable Nyamu is nothing else than an imperialist agenda to bring chaos as happened in Libya and Arab countries and the continuation of his “*Famous Notes*” which sought to destroy SWAPO Party from within, which failed dismally to achieve their set objectives. Comrade Deputy Speaker, I have to say that this Motion will also fail dismally.

Now to answer the question. Comrade Deputy Speaker, the national flag is the product of the victorious Political Party and I can give an example: 21 years ago there was a flag which was regarded as the national flag here, the apartheid one, but we now have that one with the sun, blue, white, red, white and green so that we can reconcile, but it is a product of this flag. I have to say here that a national flag is subject to change while we will never change the SWAPO flag. It will be a SWAPO flag no matter what you think, we will never change it, but the national flag can be changed. If they take over they will never have that national flag, they will change it. In Libya they changed it, so let us be vigilant. There were those who differed from me when I said the Opposition is your enemy and remains your enemy. We can now see what is happening. They are sitting there, they are caucusing with the Americans so that they can do the same as what happened in Libya. We must not forget that. They are not our friends, they are our enemy and will remain our enemy.

During our liberation struggle the SWAPO Party flag was hoisted at all places around the world and the SWAPO Party flag is holy. I want to use this opportunity to call on our people outside there, including our

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progressive pastors, to keep the history of our liberation struggle alive and serve SWAPO members in full. The history of SWAPO Party members must not end at the doorstep of our churches. The majority members of our churches are SWAPO Party members.

To all SWAPO Party members and sympathisers, hoist the SWAPO Party flag all over your places! (Intervention)

HON KAURA: On a Point of Order. It is amazing that the name, SWAPO, South West Africa People's Organisation is so reactionary and he is proud to be a reactionary.

HON DEPUTY MINISTER OF AGRICULTURE, WATER AND FORESTRY: Comrade, that is Africa, it is progressive and that even makes you to sit here without being punished for what you did.

To all SWAPO members and sympathisers, hoist the SWAPO Party flag all over your places to make Honourable Jesaya Nyamu more intoxicated and addicted, for him not even to come out of his house. (Intervention)

HON MOONGO: On a Point of Order. I think this is really a serious incitement and a threat to peace in Namibia. He is supposed to withdraw the word "*enemy*."

HON DEPUTY MINISTER OF AGRICULTURE, WATER AND FORESTRY: Finally, I join all those Comrades who reject this anti-democracy and freedom of association Motion of Honourable Nyamu of RDP. It must be rejected in its totality. I thank you.

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HON DEPUTY SPEAKER: The House is adjourned until next Tuesday,
25 October 2011.

HOUSE ADJOURNS AT 18:05 UNTIL 2011.10.25 AT 14:30

**NATIONAL ASSEMBLY
ASSEMBLY CHAMBERS
WINDHOEK
26 OCTOBER 2011**

The Assembly met pursuant to the adjournment.

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

HON SPEAKER: The business of the House is called to order. My full report will reach the House in various forms over a long period, but I want to take this opportunity to thank you all as Members of the National Assembly for the support you have given me as President of the IPU, allowed me to have devoted probably more time during my tenure of office than here. Through you our Government has made all the support possible for me to carry out that mandate on behalf of Africa, including Namibia. I want to say thank you to one and all.

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

**TABLING: REPORTS OF PUBLIC ACCOUNTS
COMMITTEE**

HON MAAMBERUA: Honourable Speaker, I lay upon the Table for note-taking the following reports:

1. Report on the Accountability Conference on Eastern African Association of Public Accounts (EAAPAC); and
2. Southern African Development Community Organisation of Public

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**TABLING OF REPORTS
HON DR ANKAMA**

Accounts Committees (SADCOPAC) held in Arusha, Tanzania from the 3rd to the 7th of May this year.

Report on the 11th Bi-annual Australasian Council of Public Accounts Committees (ACPAC) Conference held in Perth, Western Australia, from the 27th to the 30th of April this year;

Report on the 12th Annual Conference of the Association of Public Accounts Committees (APAC), held in Kimberley, South Africa, from the 11th to 14th of October this year.

HON SPEAKER: Will the Honourable Member table the Reports? Any further Reports and Papers? Honourable Ankama.

**TABLING: ANNUAL REPORTS:
TRANSNAMIB HOLDINGS (LTD)**

HON DEPUTY MINISTER OF WORKS AND TRANSPORT: Honourable Speaker, I lay upon the Table three separate Annual Reports of TransNamib Holdings (Ltd), for the years 2008, 2009 and 2010.

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

TABLING:REPORTS OF THE AUDITOR-GENERAL

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**TABLING OF REPORTS
HON SCHLETTWEIN**

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

1. Town Council of Opuwo for the Financial Year ended 30 June 2007 and 2008;
2. Town Council of Ondangwa for the Financial Year ended 30 June 2010;
3. Village Council of Oshikuku for the Financial Year ended 30 June 2010;
4. Village Council of Kamanjab for the Financial Year ended 30 June 2010;
5. Regional Council of Otjozondjupa Region for the Financial Years ended 31 March 2008, 2009, 2010;
6. Regional Council of Omusati Region for the Financial Year ended 31 March 2009 and 2010;
7. Regional Council of Oshikoto Region for the Financial Years ended 31 March 2008 and 2009;
8. Regional Council of Kavango Region for the Financial Year ended 31 March 2008 and 2009;
9. Regional Council of Oshikoto Region for the Financial Year ended 31 March 2010.

HON SPEAKER: Will the Deputy Minister table the Reports? Deputy Minister of Education.

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**TABLING OF REPORTS
HON DR NAMWANDI / HON DR KAMWI**

TABLING: ANNUAL REPORTS

HON DEPUTY MINISTER OF EDUCATION: Honourable Speaker, I lay upon the Table four separate Annual Reports for the following institutions:

1. Annual Report of the National Council for Education for the year 2008/2009;
2. Annual Report of the National Council for Higher Education for the year 2009/2010;
3. Annual Report of the Advisory Council of Teachers, Education and Training for the years 2006 to 2009; and
4. Annual Report of the Advisory Council of Teachers, Education and Training for the year 2009/2010.

HON SPEAKER: Will the Deputy Minister table the Reports? Any further Reports and Papers? Minister of Health and Social Services.

**TABLING: ANNUAL REPORT:
ATOMIC ENERGY BOARD**

HON MINISTER OF HEALTH AND SOCIAL SERVICES: Honourable Speaker, I lay upon the Table, Annual Report of the Atomic Energy Board of Namibia for the year 2010/2011.

HON SPEAKER: Will the Honourable Minister table the Report? Any

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**NOTICE OF MOTIONS
HON NANDI-NDAITWAH**

further Reports and Papers? Any Notice of Questions? Any Notice of Motions?

NOTICE OF MOTIONS

HON MINISTER OF ENVIRONMENT AND TOURISM:

Honourable Speaker, I give Notice that tomorrow, the 27th of October 2011, I shall Move –

That this Assembly –

Ratifies the Kavango-Zambezi Trans-frontier Conservation Area (KAZA-TFCA Treaty). I so Move, Comrade Speaker.

HON SPEAKER: Will the Minister table the Motion? Ministerial Statements? Minister of Home Affairs and Immigration.

MINISTERIAL STATEMENT

HON MINISTER OF HOME AFFAIRS AND IMMIGRATION:

Comrade Speaker, Honourable Members, I would like to use this opportunity to thank the Speaker for granting me the Floor to update members of the public on some of the challenges faced by the Minister of Home Affairs and Immigration when it comes to the processing of applications for employment permits for expatriates who applied for change of condition.

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**MINISTERIAL STATEMENT
HON NGHIDINWA**

In terms of Section 27 of the Immigration Control Act (Act 7 of 1993) an employment permit is issued to a foreign national when the Immigration Selection Board is satisfied that the applicant meets the requirements. Administratively the Board had set some requirements to smoothen the process of processing employment permits.

The Ministry of Home Affairs and Immigration has observed that some of the expatriates who came to Namibia are keeping on changing from one company to the other without completing the term of their contract. The Ministry requests foreign nationals who wish to apply for change of conditions to comply with the relevant requirements. The Ministry has made it mandatory to employ only expatriates in the fields that we do not have qualified personnel and I am referring to fields such as veterinarians , medical doctors, pharmacists, geologists, pilots, marine engineers, professors, lecturers, to mention but a few.

Apart from the abovementioned fields, understudies should be identified to work closely with such a person in order to transfer skills to the Namibian Nation in order to reduce the unemployment rate in the country.

Honourable Speaker, Honourable Members, the Ministry noticed that some of the expatriates who came through the Namibian Government contracts only work for a few years and later on leave the Government and establish their own businesses. As a result, the Government will be forced again to spend money on another recruitment to try to replace those expatriates. The Immigration Selection Board, which considers application forms for employment and resident permits, will not approve permits for expatriates who came through Government contracts and later on abandoned such a contract without convincing grounds. After all, they take the Ministry of Home Affairs and Immigration to Court to justify their change of condition. In some cases they make use of the motivation letters from previous employers while in reality they have abandoned the contract with those specific employers. They are doing this to convince the Immigration Selection Board to issue them with new permits without knowing that the Ministry has mechanisms in place to detect the whereabouts of all illegal immigrants in the country.

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**MINISTERIAL STATEMENT
HON DR KAMWI**

Yes, the Ministry is aware of the shortage of pharmacists and other professionals who are mostly needed in the country, but it is not good for a person to change condition of services without notifying the Ministry of Home Affairs and Immigration, which is the custodian of their files.

In conclusion, I would like to request those who want to apply for change of condition or to move from one company to the other to do it on time before expiry of their employment permits with the current employer or otherwise they will be regarded as illegal immigrants and will be dealt with accordingly under the Immigration Control Act (Act 7 of 1993). A reference letter from the previous employer that the service of such an expatriate's contract has come to an end will also be a prerequisite.

With these few words, I thank you very much, Comrade Speaker.

HON SPEAKER: I thank the Minister. Minister of Health and Social Services.

MINISTERIAL STATEMENT

HON MINISTER OF HEALTH AND SOCIAL SERVICES: Thank you, Honourable Speaker, Sir, Honourable Members. Yesterday Honourable Chief Kuaima Riruako, the President of NUDO, made a statement in this august House where he cited, amongst others, that workers at uranium mines were not protected from the side effects of uranium, by implication that Government may not be doing enough. In addition, he argued that in fact there is no such law protecting the workers. Therefore, I decided to take the Floor to correct what was said by the Honourable Member and to showcase that we indeed have a piece of legislation promulgated by this Chamber.

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**MINISTERIAL STATEMENT
HON DR KAMWI**

As I said yesterday, the law is indeed in place, known as the Atomic Energy and Radiation Protection Act, 5 of 2005, to which I shall be referring in my statement as “the Act”.

The purpose of the Atomic Energy and Radiation Protection Act, 2005, is:

1. To provide for the protection of people and the environment against the harmful effects of radiation;
2. To provide for the regulation of activities associated with radiation source, radioactive and nuclear material; and
3. To facilitate compliance with international legal instruments applicable to nuclear energy, radiation safety and nuclear weapons.

I am pleased to inform the Honourable Members that pursuant to Section 4 of the Act, I constituted the Atomic Energy Board which is an advisory body to Government on matters relating to radiation sources and nuclear energy and its composition are mainly experts on the field.

Secondly, and in fulfilment of Section 33 of the same Act, the Ministry has established a National Radiation Protection Authority which is tasked with the administration of the Act. I recently signed the regulations ready for gazetting, which are necessary for the operationalisation of the Act and we are expecting this Act to come into full operation by January 2012 in order to allow those who are supposed to be taking to task those who may be found wanting to do so. In this regard and pursuant to Section 15(6) of the Act, I have just tabled an Annual Report 2010/2011 of the Atomic Energy Board of Namibia for the information of the Honourable Member. The Report includes the activities of both the Atomic Energy Board and the National Radiation Protection Authority.

Honourable Speaker, Sir, Honourable Members, I said yesterday the Ministry of Labour and Social Welfare and the Ministry of Mines and Energy, together with the Ministry of Health and Social Services, are collaborating to see to it that the health of the people working at the mines remains a top priority in terms of health and safety measures. For

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example, in the case of Rössing, Rössing Uranium's health safety and environmental policy stipulates that excellence in health, safety and environmental management is one of the foundations of the mine's vision to be a safe, long-term supplier of uranium oxide. I observed that health, safety and environmental issues at Rössing remain a priority.

During 2010, for example, an integrated approach to the management of health, safety and environment and quality performance was implemented in the company and I want to add here that I personally have been to the company and as a professional in the field I was on the ground. Rössing had developed and implemented a risk-based occupational hygiene monitoring programme that is reviewed and upgraded annually based on prevailing and emerging identified health hazards and level of risk. The monitoring programme is currently applied to sixteen similar exposure groups. These groups include all current Rössing workers and site contractors. Frequency of monitoring within each similar exposure group is based on a 95% confidence level sample size result and level of existing risk.

For the information of the Honourable Member, uranium is a naturally occurring element with an average concentration of 2.8 part per million in the earth crust. Traces of it occur almost everywhere. However, at the mine average grade mined is about 300 parts per million or, in simple terms, 0.03%, which is a very low grade, currently around 0.01%, while the richest ores can contain average grade of 20% uranium oxide or even more.

Workers from all areas are grouped into similar exposure groups according to the type of work they do and the specific location of their working area. Occupational radiation monitoring at the mine is based on the random sampling of all thirteen similar exposure groups in which all four major exposure pathways are monitored. The monitoring data collected enable our radiation safety staff to ensure that radiation exposure levels in all areas of the mine are kept below internationally accepted standards.

In addition, ongoing monitoring ensures that the company complies with

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HON MUSHELENGA**

national and international radiation protection standards and enables radiation safety staff to pre-empt, identify and prevent unsafe work practices which would result in avoidable radiation exposure.

Honourable Speaker, Sir, Honourable Members, with this information, clearly the allegations presented by the Honourable Riruako are devoid of any truth. Thank you.

HON SPEAKER: I thank the Honourable Minister. Deputy Minister of Foreign Affairs

MINISTERIAL STATEMENT

HON DEPUTY MINISTER OF FOREIGN AFFAIRS: Honourable Speaker, Honourable Members, it is a privilege for me to address the august House on behalf of the Government of the Republic of Namibia on the recent developments in Libya, particularly with regard to the cold-blooded extrajudicial execution of General Muammar Gaddafi, former leader of Libya.

Comrade Speaker, on the 20th of October, the world witnessed with horror the brutal and cold-blooded execution of Colonel Muammar Gaddafi in Sirte, his birthplace, at the hands of forces of the National Transitional Council (NTC) of Libya, supported by NATO. This assassination is contrary to all relevant international military laws, including the laws governing prisoners-of-war. Namibia condemns this mindless and uncalled for extrajudicial killing of Colonel Gaddafi.

Namibia calls on the NTC authorities to exercise maximum restraint on their supporters, particularly the armed militia, to prevent further harassment and bloodshed which will only result in further polarisation of

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the country. We also call on those who have influence on the NTC to prevail on them and prevent revenge attacks.

The unnecessary blood-letting that culminated in the murder of Colonel Gaddafi and the wanton destruction of the Libyan infrastructure were avoidable had the NTC and NATO accepted the roadmap put forward by the AU Peace and Security Council. Divisions within the Libyan society, which have the potential of a prolonged civil strife, would also have been mitigated. Reconciliation and lasting peace would have been much easier to achieve.

Comrade Speaker, Namibia is on record as having called for the full implementation of the commitment undertaken by the NTC towards the formation of an inclusive transitional Government in Libya, leading to the holding of free and democratic elections. Namibia supports the call by the UN Human Rights Commission for the establishment of an international commission of inquiry into the brutal and cold-blooded execution of Colonel Muammar Gaddafi. The capture of Colonel Gaddafi presented a good opportunity for the allegations levelled against him to have been brought before the Court of law.

Namibia calls on the NTC to respect all applicable rules of international law in the treatment of all detainees and prisoners-of-war. In this regard, we reiterate our call on all Libyan stakeholders to build a united and democratic Libya in which human rights and fundamental freedoms and justice will be safeguarded and guaranteed.

Namibia reaffirms its conviction that the roadmap adopted by the AU Peace and Security Council, calling for the establishment of an inclusive Government, still remains the only viable and lasting solution to the Libyan crisis. Namibia expresses grave concern about the proliferation of weapons in Libya as such weapons potentially pose a threat to the peace and security in Libya and neighbouring countries. We call for strict measures to be employed to ensure that all weapons are collected from the militia and the general public.

In conclusion, I want to reaffirm Namibia's position that the formation of

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HON KUUGONGELWA-AMADHILA

an inclusive Government is essential to end the conflict and consolidate peace and to promote national reconciliation in Libya. This will allow the people of Libya to start building their democratic institutions and reconstruct their infrastructure. I thank you.

HON SPEAKER: I thank the Deputy Minister for stating the Government's position. Any further Ministerial Statements? The Secretary will read the First Order of the Day.

COMMITTEE STAGE : JUDGES PENSIONS BILL

SECRETARY: Committee Stage – *Judges Pensions Bill*.

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

HON MINISTER OF FINANCE: I so Move.

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

ASSEMBLY IN COMMITTEE:

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**THIRD READING JUDGES PENSIONS BILL
HON KUUGONGELWA-AMADHILA**

CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: The Committee has to consider the *Judges Pensions Bill*.

Clauses and the Title put and agreed to.

ASSEMBLY RESUMES:

Bill reported without Amendment.

JUDGES PENSIONS BILL: THIRD READING

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

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

HON SPEAKER: Who seconds? Any objection? Agreed to. Does the Honourable Minister wish to reply to anything?

HON MINISTER OF FINANCE: Honourable Speaker, I would just like to thank the Members for their support of the Bill which has made it possible for it to be passed expediently.

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**EQUITABLE ECONOMIC EMPOWERMENT
FRAMEWORK
RT HON ANGULA**

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

SECRETARY: *Judges Pensions Bill.*

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

**CONSIDERATION: REPORT ON NEW EQUITABLE
ECONOMIC EMPOWERMENT FRAMEWORK**

SECRETARY: Consideration of Report on the new Equitable Economic Empowerment Framework – Transformational Empowerment.

HON SPEAKER: Does the Right Honourable Prime Minister Move that the Report be considered?

RT HON PRIME MINISTER: I so Move.

Thank you, Honourable Speaker. Before I introduce the New Equitable Economic Empowerment Framework (NEEEF), a word of apology is in order. I beg the indulgence of the Nation that the Empowerment Framework has taken many years to reach Parliament. The social policy which is based on consensus building could not be agreed upon in one

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**EQUITABLE ECONOMIC EMPOWERMENT
FRAMEWORK
RT HON ANGULA**

day. Participants in social policy formulation have different expectations and also varied world views. It is to be expected, therefore, that a social policy such as the New Equitable Economic Empowerment Framework would take a long time to command unanimity.

What is important now, ladies and gentlemen, is that the Empowerment Framework Policy is now before this House for debate and adoption before it is translated into law. It is equally encouraging to note that even in the absence of the Empowerment Policy Framework, indigenous entrepreneurs have been making encroachment into the ownership of productive assets. If you look at the skyline of Windhoek, you will be happy to see the Frans Indongo towers, the Millennium Building and the Hilton Hotel, just to mention a few. These buildings are testimonies to the business acumen of the indigenous entrepreneurs. Now we need more of them, hence the decision by Government to actively support the entry of indigenous Namibians into business through the New Equitable Economic Empowerment Framework.

The primary goal of the New Equitable Economic Empowerment Framework is the promotion of an equitable, inclusive and shared economic development in our country. The core values of a free and independent Namibia are democracy, justice and equality. There must, therefore, be economic democracy, social justice and equitable access to natural resources.

The New Equitable Economic Empowerment Framework is meant to promote our national core values. The unacceptable high levels of economic inequality in our country are an affront to our national values. In this regard, the five pillars of empowerment, namely, equitable ownership, management, control and employment equity in favour of indigenous Namibians, human resource and skills development, entrepreneurship development and the requirement of established companies to invest in communities are meant to cover a variety of needs of those who were socially, economically or educationally disadvantaged by past discriminatory laws and practices.

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**EQUITABLE ECONOMIC EMPOWERMENT
FRAMEWORK
RT HON ANGULA**

The New Equitable Economic Empowerment Framework aims at narrowing the income disparity between the rich and the poor during the next twenty-five years. The Empowerment Framework is further aimed to complement existing Government empowerment initiatives, such as the Affirmative Action Loan Scheme on land acquisition, fish quotas, investment in education, investment in health, granting of exploration licences for minerals to previously disadvantaged Namibians, etcetera.

The empowerment initiatives are not like social grants. The New Equitable Economic Empowerment Framework is not a form of a Father Christmas. The success of the empowerment initiatives shall depend on personal efforts and individual entrepreneurship acumen. It is not a question of lying under a fruit tree and waiting for fruits to fall in one's mouth, one must make efforts at least to reach the low-hanging fruits. In other words, the New Equitable Economic Empowerment Framework shall create conditions for low-hanging fruits to be reached by the indigenous Namibians.

Another goal of the Empowerment Framework is the creation of new economic opportunities through entrepreneurship development. This pillar of empowerment is important because it promotes economic growth and sustainable employment.

Honourable Members of this august House, the New Equitable Economic Empowerment Framework is tabled for your consideration and endorsement. I thank you for your attention.

HOUSE ADJOURNS AT 15:40

HOUSE RESUMES AT 16:00 PURSUANT TO ADJOURNMENT

HON SPEAKER: Business is resumed. Any further discussions?
Honourable Muharukua.

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HON DEPUTY MINISTER OF GENDER EQUALITY AND CHILD WELFARE: Thank you, Comrade Speaker, Honourable Members. I rise to support New Equitable Economic Empowerment Framework and I want to thank my boss, a professional teacher and a senior citizen of the country, Comrade Prime Minister.

The Framework talks about ownership and to my understanding the whole Namibian Nation, including the Prime Minister, are marginalised, we do not have ownership here. We do not have land and even here in Windhoek we do not have a nice house. The ownership is with some other people, not us.

The second one talks about management control and employment equity. Who is a person like Muharukua going to employ if I do not have anything?

It mentions skills development and as a teacher you know that last week I talked about development, I said in Namibia we need to develop our minds. The Sun newspaper reported on a meeting in Opuwo on national matters, but then I read that people were talking about their Political Parties and SWAPO did not even attend that meeting.

Honourable Speaker, Honourable Members, we in Namibia have been poisoned by the enemy and some people who call themselves leaders, some of whom are sitting in this House who are still advising the Namibian people wrongly. How are we going to develop and empower ourselves if some people are still mobilising people wrongly?

Entrepreneurship development: Comrade Speaker, yes, when I read the Framework I did not find a reference to women. Comrade Prime Minister, yesterday I talked about the whole Nation and now I am coming to the most disadvantaged group, namely the women. When we talk about empowerment in Namibia, we need to include women. We must say this is for women. One finds that the board of director consists of six men and two women. Why are we left behind all the time? Comrade Prime Minister, you have to take this back and make room for women, because

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now people are confused as they do not have a place in development.

Talking about ownership, when you go to the bank, you are asked for a guarantee. How are you going to provide a guarantee if you do not own anything?

This book has nice colours, the blue of SWAPO, the green and the red and when we talk about this book of SWAPO, it can accommodate women, it should not exclude them. I support the Framework, but take the book back and accommodate the women in Namibia. Thank you very much.

HON SPEAKER: Thank you. Dr Iyambo.

HON MINISTER OF VETERANS AFFAIRS: Thank you very much, Honourable Speaker. Honourable Speaker, Honourable Members, I rise to support the document in front of us, the New Equitable Economic Empowerment Framework.

The Prime Minister said at the outset that he wants to apologise that it is late in coming into stream. I think it is better late than never. The book is quite on time as far as I am concerned. Obviously, development will always have a starting point and maybe we are starting a little bit late, but I think we will find our way forward.

I am particularly happy with the scoring cards that he has enumerated through the five pillars which, obviously, those who want to participate in procurement in the State offered projects, have to have certain points that they have scored and I am also very happy that it is not just something being given but that you have to work for it. Once you work for it, you will appreciate it as opposed to when it is handed over to you. In most cases that is what our people would like to have.

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I also see that there is emphasis on women, youth and people with disability. Honourable Muharukua, they are not forgotten, they are included and I think the skills that are going to be provided to those who want it is covered. The assistance to the communities which are very much in need is also actually included. Therefore, I want to say in short that it may not be perfect, but I think we will perfect it as we go and it is also good that after five years the book will be reviewed so that we see what are the shortcomings in the implementation, so that we can then correct that as we go.

It is also good that the policy is first coming on board before the law itself is actually drafted, to the point that when the law is going to come into operation, all the pitfalls might already have been identified and corrected in order for us to move our country forward. Obviously, the private sector is challenged here and if this is not sufficient for them, this booklet also provides room for them to suggest better ways to be undertaken. Therefore, it is not limiting anybody who wants to take more proactive steps to enhance and perfect the Framework. Therefore, the booklet has come early enough for us to take it forward. The missing links can always be identified as we go forward.

With those few words, I feel the Framework is coming on board at the right time and I support it wholeheartedly. Thank you.

HON SPEAKER: Thank you. Honourable Maamberua.

HON MAAMBERUA: Thank you, Honourable Speaker. I wish to add my voice to this very important policy framework. I think the intentions and the philosophy behind it is commendable, however, there are some issues that need clarification and I will be going page by page, starting with definitions.

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“Equitable” means a fair redress and redistribution action. The question that comes to mind is, what exactly are we redistributing? Is it land, is it wealth? I think that definition is important, people have to take this policy framework forward because a vague statement like “redress and redistribution” without actually defining what exactly we intend to redistribute will not take us far enough.

The second under definitions is the definition of “*social*”. “*Social*” means related to how human beings relate to each other in production, class, gender and generational relations. What about ethnic, what about Regions?

I think those could be important concepts which are relevant to our Namibian society and should be included in order to complete that definition.

Another definition that is given here is “*previously disadvantaged*”, defined as “means victims of apartheid policies.” However, there is one very important link that is not included here. When we are talking about previously disadvantaged, we do not have only apartheid victims, but we also have genocide victims who have lost land and wealth. Therefore, we cannot stop at apartheid and forget the magnitude of what people have lost through genocide. I think “previously disadvantaged” should actually include not only the apartheid victims, but also the genocide victims. Then I think we are being inclusive and comprehensive enough and we are taking all our historical epochs into consideration.

I move on to objectives. The inclusion of ethnic divide and regional divide on which basis some companies could actually discriminate should actually be included as part of the objectives, such that ethnical divide and regional divide could actually be avoided or be taken care of by this policy framework.

Under the institutions that would be mandated, that is the pillars of empowerment, I think there is one institution that has not been included and that is the Agricultural Bank, because here we are only talking about

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the Development Bank of Namibia and the SME Bank, but I think the Agricultural Bank is a very important player in our economic development.

The institutional requirements on Page 19: The institutions that will actually form the bulk of the framework, so to speak, include the Employment Equity Commission, National Training Authority, Development Bank of Namibia, the SME Bank and the Ministry of Trade and Industry. I would have thought that the National Planning Commission is also an important player when we are talking about these sorts of frameworks and again also the Agricultural Bank of Namibia. Maybe those are two institutions that may inadvertently have been left out.

On Page 20 under the functions of the Commission, one important function given under (k) will be to decide on how funds for the Commission will be raised. That could be in order, but I would have thought that that cannot just be a function, but should actually be one of the powers of the Commission, because if you say it is a function, it does not have the same effect unless we raise that to the level of saying it is one of the powers to raise funding for themselves and, therefore, my suggestion is that we move that function to the powers, to actually say that to raise money to fund the activities of the Commission is actually one of their powers.

On Page 21, under compliance, enforcement and penalties, I think the proposal for the mechanisms is actually fine, but the question is, when we are talking about compliance, enforcement and penalties and yet here we state that the companies are actually not legally bound to comply with the point-scoring system, what could happen is that some companies may avoid, they will actually register subsidiaries and it is the subsidiary company that will comply with this framework, but the company that does not want to be scored, which is the parent company or an associate, will not subject itself to this mechanism and the subsidiary is the one that will be winning tenders or participate in Government activities and the rest of the other companies that are not capture under this Framework, will try to avoid by doing so. Perhaps it is important that we look at a mechanism

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that will actually capture and include all companies registered under the Companies Act or registered with the Ministry of Trade and Industry if we do not want that kind of avoidance.

Then the same Subsection on Page 21 says, however, they will not be eligible to tender for Government or SOE contracts or to receive fishing, mining, telecom or other licences and may, therefore, find themselves in a disadvantaged and uncompetitive position. That is those companies that do not want to subject themselves. The question is, what legal framework do we have to exclude those companies from Government tenders, fishing quotas, mining, telecommunication and so on? I think we will find it difficult to attempt to bar companies if we do not have a law to that effect.

On Page 22 in the middle of the Paragraph it says that “*business that need to comply with the Framework will be expected to provide audited proof that they have achieved the Framework targets. This audit will be conducted as an additional component of the annual audit by external auditors and paid for by the businesses themselves*”. I think here we may also have a problem. What legal powers does this Framework have and I do not think that would be the proper procedure, unless we were to say that Commission will provide a written annual report to Parliament through the Office of the Prime Minister. Then I think we have a channel, but to expect that the Commission will have to present annual reports, one directly to the National Assembly and another one directly to the Office of the Prime Minister could be problematic. In any case, the Commission might not have powers to present their own annual report directly to the National Assembly.

Those were some of my comments, but otherwise I think this is a very important document that needs to be supported with those Amendments if they can be entertained. Thank you very much.

HON SPEAKER: Thank you. Honourable Tjihuiko.

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HON TJIHUIKO: Thank you very much, Honourable Speaker. Honourable Speaker, I wish I had spoken before Honourable Maamberua because I was talking to him during tea-break and I suspect he has taken my points.

Let me use this opportunity to thank the Right Honourable Prime Minister for having presented this Framework to this august House. I wish it was presented yesterday. It is, indeed, something that we have been waiting for. I was quite excited when I was going through it, having realised that our efforts as Government has been on the issue of trying to support and promote the SMEs, creating an impression that the sector for the previously disadvantaged is the SMEs and informal industries. Looking at this, we are now looking at those who have graduated from the SME sector and getting into the real business world. It needs to be supported in this way.

However, there are a few things that I am worried about and before I mention the things that are bothering me, if you look at South Africa, for instance, you will see many previously disadvantaged South Africans who have managed to get into the big industries because they had the mechanism to assist them and to buy themselves into these industries. I hope that this approach will be done in a professional manner, in a manner that would create confidence among the Namibian people.

Coming back to my concerns, Honourable Speaker, looking at Page 10 where we are looking at the previously disadvantaged Namibians who will be given financial assistance through State-Owned financial institutions, that immediately reminds me of the Government's effort in trying to create an environment for those who do not have land to acquire land. I hope that those with industries will not do the same thing that the land owners have done. Government established a Development Bank, created an environment for those who lost land to get land. Those who have land increased the price of land so much so that even with Government assistance we could not even afford to buy land. That is an effort that one expected would be supported by those with land by extending a hand of friendship and saying, "*yes, we are not being pushed off the land, but we*

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should also create an environment for those who need land to access land“, but that has not been done.

My concern is that people were misusing Government’s good intentions for their own benefit, as they have been benefiting before Independence and I do not think that is a good approach by our colleagues who have those facilities.

Looking at what I have just said, Honourable Speaker, since this money is coming from Government, obviously we may find ourselves in a situation that if I want to buy shares in that specific company, the price of those shares will now be increased in such a way that you will not be able to buy shares in that company by yourself. Even if you do that, it will not be profitable for you, because the price of those shares are unnecessarily high. Government will again be milked the same way that they have been milked through the AgriBank.

Right Honourable Prime Minister, we need to create an environment where all of us as Namibians – and I do not want to use the words white or black – where all of us should be seen to be serious about the efforts of reconciliation, of empowering all of us in this country so that we can make a meaningful contribution to our country. Otherwise we may create conditions where people will be laughing at us again and I do not think that will be fair.

Honourable Speaker, the other point that I want to touch on is that I believe that this Framework will create economic conditions that would assist us to create jobs and as I have said, I do not want to create the impression that I am dividing our people into colours. We may need to look at the size of the economy and the size of our population to see whether it would be a good idea for us to have a policy that would exclude some people who may also be able to contribute to job creation and economic growth. If a person who is not previously disadvantaged has good ideas and wants to set up a business in a previously disadvantaged area where jobs are going to be created, will that person be assisted and through which means?

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Let me use the example of my good friend and I know if I mention his name he will not be angry with me. Suppose my good friend, Petrus Van Der Walt, a businessman, want us to set up a company in Okakarara to create jobs for thirty or forty people and he needs access to cheap loans, will he be able to get assistance? I am just thinking aloud. Inasmuch as we support and try to help the previously disadvantaged, let us also look at how best can we develop the economy. Yes, of course, when we get into the economy we will help doing that, but we may not have the necessary expertise. Even if we get into these industries, we are going to be paraded that we have shares in this company, but we may not really be in a position to make a meaningful contribution and getting meaningful assistance or benefits from the process. I want the right Honourable Prime Minister to look at this and I am seriously thinking in terms of job creation and economic growth. As a small country with a very small population which little expertise we need to put all our resources that we have at our disposal in order for us to achieve our goal and the goal is creating employment for our people and growing the economy so that all of us can become rich. I hope I am going to be a millionaire before I am no more.

In conclusion, Right Honourable Prime Minister, I have been worried about the status of the Members of Parliament. We have become victims of ourselves whereby if a Member of Parliament is involved in a business venture, it is being seen as a taboo. It is perceived that you have that business because you have done something wrong, but these are the people with the expertise to make that meaningful contribution when it comes to running businesses and somehow we have developed that attitude that if a Member has shares in Wecke & Voigts, then he or she must have been involved in corruption. I think we need to assist our Members of Parliament to get into businesses, so that we have something when we leave here. (Intervention

HON DEPUTY MINISTER OF GENDER EQUALITY AND CHILD WELFARE: On a Point of Information. It is true that before Honourable Tjihuiko joined this Parliament we have talked about Members of

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Parliament doing the same as other Namibians. We are not excluded, we already mentioned it.

HON TJIHUIKO: If you look at examples in especially the western countries, Members of Parliament are known business people and they have created that wealth so that they do not depend on the parliamentary salary and people are looking at them as exemplary, as role models, that you can be a politician and also a business person. This thing that we are being subjected to scrutiny is not proper. We should complete this list, declare our interests, which is a good thing, but it is completely being misused.

Right Honourable Prime Minister, I believe that every Namibian must have the right to own a business and it is very important for us as Members of Parliament not to leave the Chamber and be seen on the streets of Katutura with people laughing at us and saying, “that person was a Member of Parliament.” We must be able to continue commanding that respect, we must be able to be exemplary leaders and we must be able to get into the industry and start contributing to the economy of this country and I believe we do have people with expertise in both Chambers, the National Council and the National Assembly. Let us go do away with this system of using a proxy whenever you want to go into business. We should be open, we should be allowed to be open, we must be allowed to be known that Tjihuiiko has that business in that area, so that everybody knows that when I am in Okakarara, I am going to business – although I do not have one.

In conclusion, Right Honourable Prime Minister, I just wanted to appeal to our people that we are human beings like anybody else, we have the same democratic right like anybody else to own businesses and we must be respected, that it is not always that when a Parliamentarian has a business, then he must be suspected of having done something wrong.

With these few remarks, I support the Framework. Thank you.

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HON SPEAKER: Thank you, Honourable Member. Honourable Mwaningange.

HON MWANINGANGE: Thank you very much, Honourable Speaker. I would also like to contribute to the Policy Framework on New Equitable Economic Empowerment as presented before the House by the Honourable Prime Minister.

It is true that the guidance in this document is very important. Its approach is very good and I view it as a very useful tool.

The Right Honourable Prime Minister mentioned a provision in the Constitution of the Republic of Namibia in Article 95, namely the promotion of the welfare of the people and Article 98, the principles of economic order, which are the cornerstones of empowering our people, especially the previously disadvantaged. Therefore, I would like to touch on some issues regarding the pillars, especially pillar one, ownership.

I will join Comrade Muharukua in her concern about how practical this transformation is. Ownership is so vital if one is to make a breakthrough to get access to ownership. Here I have in mind particularly the groups mentioned here, the women, youth and people with disabilities. It is true that there is already an enabling environment in place for these groups of people, especially the youth and women, to participate in the economy of their country. It is in these groups, the women and the youth, where you have the former disadvantaged people.

I am asking myself, when black economic empowerment was introduced, it was also geared towards particularly these people, but due to lack of access to resources and the strict conditions in the financial institutions for them to access loans, it was said the policy failed. However, it did not fail because the weakness of these categories of people, but due to the prevailing conditions.

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Therefore, while I am fully supporting the Policy Framework, I would like us, the policy-makers to do more when we reach the implementation of the policy. These people will need full support in order to enable them to achieve the goals of the New Equitable Economic Empowerment Framework in future. I believe this concern needs to be addressed when the Policy is fully implemented.

Otherwise, the Policy says the aim of the NEEEF is to provide a clear overarching including or influencing many other things in future. It will pursue the transformation of all other empowerment policies, meaning policies already in existence.

With these few remarks, Honourable Speaker, I would like to wholeheartedly support this Policy Framework and feel that we will be able to come up with a tangible policy which will improve the future of our people, especially those previously disadvantaged. I thank you.

HON SPEAKER: Thank you. Deputy Minister of Trade and Industry.

HON DEPUTY MINISTER OF TRADE AND INDUSTRY: Honourable Speaker, thank you very much. I rise not to support because I do not know what to support, but I rise to enquire before I give my support.

The first one is that on the Order Paper it is given as a Report on the New Equitable Economic Empowerment Framework, in the motivation of the Right Honourable Prime Minister he mentioned a Policy Framework. I am not sure what is it that I need to support. If it is a policy, I would want to see the details of the policy. That is the first question.

The second one: Is this the official logo of the BEE, baptised TESEF and now another baptism that has now become the official emblem?

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The third one: Getting into this Report or framework, which I do not know exactly what it is, on Page 6, after giving the articles from the Constitution, in my view to get the authority for this document supposedly, it says that this NEEEF will be based on voluntary business practice and on Page 7, after saying what this NEEEF will promote, it says that the aim is to provide a clear overarching policy framework into which all other policies will slot in. It goes on to say that this NEEEF will supersede all other transformation and empowerment policies of Government. It is a voluntary issue but it will supersede.

The fourth enquiry: What are we actually endorsing?

The fifth one: If it is a policy, I perhaps, with my very limited knowledge, would have seen something like a White Paper, but if it is something that would result in a law, why not present a Bill straightaway? Why do we have to go through all this when it is so important?

Finally, on Page 12: I did not want to waste a lot of time to analyse it because I do not know what is in here which I should support, whether it is just a Report or a policy, but the second Paragraph reads: *“Government may also decide to sell certain State assets in instances where it is convinced that private ownership will result in those assets making a greater contribution towards national development and empowerment. In such cases Government will ensure that previously disadvantaged Namibians are fully accommodated so that any changes in ownership promotes empowerment.”* Are we now advocating to sell State assets? For the past twenty-one years we know the reality is that we do not have access to finance. If we are so committed to that after twenty-one years’ experience, why can we not just be bold enough and enact a law and say this is what should happen. I would want to support things that have teeth to bite and I want to see things that would change the lives of the people we represent. That is my enquiry, Comrade Speaker and I rest my case.

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HON SPEAKER: I thank the Deputy Minister of Trade and Industry, Minister of Environment and Tourism.

HON MINISTER OF ENVIRONMENT AND TOURISM: Thank you, Comrade Speaker. Thank you, Comrade Prime Minister, for introducing this document. I know for some time it has been a request by the general public that we need such a framework for empowerment and equitable distribution of our natural resources. I believe what we have here is a response to that particular call.

Comrade Prime Minister, Honourable Members, I also believe that with a document such as this one we are also trying to sensitise and change the people's mentality, because it does not matter how many documents you have or how many laws you might have which have sharp teeth to bite, as long as people's attitude and mentality have not changed, nothing much will be achieved.

The emphasis here is on ownership, which I fully support because unless you own, you cannot really be empowered. Since Independence this has been the focus of our development programme. If one can recall what has been the approach of the Government in the fishing industry when we were specifically talking about Namibianisation and efforts were made, laws put in place, but the implementation has not been what we were aiming at and this is specifically because the target group to be empowered, to be made to share and become part of the ownership did not understand and the trend is continuing in other sectors. For example, in the tourism industry you are seeing the same trend when you are giving concessions for hunting on State land. A certain percentage should be given to formerly disadvantaged people. On that particular day you are presented with all the good documents and you are convinced everything is in place and then you award. At the end of day the targeted group end up either pulling out or being bought out and this has been a vicious circle in terms of ownership and empowerment.

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I am looking at Page 12 where we are talking about scoring. The business will score a minimum of 10 points if 25 percent is owned by previously disadvantaged Namibians. That can be done at the initial stage, but because the target group does not appreciate the long-term investment, they tend to pull out or sell out and those who came in with them, just continue to be the owners. (Intervention

HON MINISTER OF JUSTICE: Comrade Speaker, my apologies for interrupting my Comrade, but I want us to have perspective in this discussion and she is touching a very important point, that the efforts that Government have been making have always been stifled. The formerly disadvantaged are given an opportunity but at the end of the day they fail to live up to the expectations. What do you think, Comrade Ndaitwah, is the underlying problem that such people cannot wait longer for the business to grow? What is it that prompts them to want to sell whatever shares they have in order to get access to money? What is it? There must be something that is urging the people to do what they have been doing and what is the solution that we can put forward in order to avert a similar situation arising in the future?

HON SPEAKER: Honourable Minister of Justice, I would have preferred if you had stated what you said as a contribution to the discussion. The Minister of Environment and Tourism was on an entirely different trajectory. I would really want you to take the Floor.

HON MINISTER OF ENVIRONMENT AND TOURISM: Comrade Speaker and thank you Comrade Secretary-General. As we are discussing we have to holistically look into the whole issue to find out how best we can get out of the situation in which we find ourselves.

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What we definitely have to do is own empowerment of an individual, not necessarily always materially but also to be visionary and to accept to live in a temporary situation with the hope that as time goes on you will get out of that situation. Of course, one can argue that because of poverty, one might be forced into that situation, however, if you analyse it further, you might find it is not necessarily always poverty in its true context or how it is defined by the United Nations, namely one living below the breadline. You would find that a person has been innovative and found a partner who does not fall in that category and if we can instil the concept of power in our people, they will be able to be patient and wait to see what will happen in future and not concentrate on the present situation. I strongly believe if we cannot outgrow that situation, whatever good policies of empowerment we are going to have will not help us much.

We should also not be selfish. We as Namibians, black and white, need to see one another as partners in development. Even you who have been empowered before resisted the temptation to buy out a person and then the vicious circle continues. What I am advocating is to go to both those who were previously empowered and those who were not to understand that we have a common purpose, because even you who are offering to buy somebody out is equally guilty as the one accepting the offer. All of us need to own this process and to say what we as Namibians want is the empowerment of our people, because Namibia has enough resources for each and every one of us to live a better life. If we learn not to be selfish and to share, this document will become a reality, but failing that, no document or good law will get us out of this situation. I thank you, Comrade Speaker.

HON SPEAKER: Thank you. Honourable Moongo.

HON MOONGO: Thank you very much. I would like to say from the outset that the Framework is a step in the right direction and the intentions

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contained therein are very good, however I have my doubts. We in Africa have many policies and documents, but we are still suffering due to lack of implementation. If this Framework is not going to empower the communities in the villages, it will not empower those vendors who are selling at the open markets and who have been struggling since before Independence. We also have mechanics who are repairing cars under trees but nobody is empowering them. It is like a house on fire, you extinguish this half and it spreads to the other half until the whole house is burnt down. Is this policy going to address these problems? We need the Government to do proper research on how to cater for those problems as it is very serious and here we are just talking about frameworks which are not implemented while the people's houses are burning. (Intervention)

HON SPEAKER: Honourable Moongo, you do not necessarily mean what you are saying that the houses are burning even as we are talking, however, I understand that you only want to dramatise the point that there are problems out there in the villages and we as lawmakers are not addressing the problems of these people. I do not want HANSARD to reflect that the Honourable Member is screaming about the houses that are burning and nobody paid attention to that.

HON MOONGO: I rest my case, I hope you understand that the communities must be empowered to overcome their problems and challenges. Thank you very much.

HON SPEAKER: Any further contributions? I give the Floor to the Honourable Shifeta.

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**HON DEPUTY MINISTER OF YOUTH, NATIONAL SERVICE,
SPORT AND CULTURE:** I Move that the Debate be adjourned until
Tuesday, next week.

HON SPEAKER: Any objection? Agreed to. The continuation of this
Debate will commence on Tuesday, next week. The Secretary will read
the Third Order of the Day.

**CONSIDERATION: REPORT ON ACCESSIBILITY
TO LEGAL AND JUSTICE SYSTEM**

SECRETARY: Consideration of Report on Regional Consultations on
the Accessibility to the Legal and Justice System of Namibia.

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

HON MWANINGANGE: I propose that the consideration of the Report
be postponed until next Tuesday.

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

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**REPORT ON SADC REGIONAL SEMINAR
HON AMATHILA**

**CONSIDERATION: REPORT ON SADC
REGIONAL SEMINAR**

SECRETARY: Consideration of Report on the SADC Regional Seminar, Parliamentary Engagement in making Aid more Effective: A Focus on evidence.

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

HON AMATHILA: Yes, I Move that the Report be considered.

I would like to share with the Honourable Colleagues that this Report deals with a matter that stems from long discussions among SADC countries, that this Report is collective of all the members of SADC, assisted by the AWEPA group to try and make aid to SADC and African countries as effective as we can.

Paraphrasing that, all SADC countries seem to be going through the same problems of aid effectiveness which is not being realised and in the meeting held in Maputo in May this year the attempt was to try and find a common position among African countries in preparation for a high-level meeting to be held in Busan in South Korea later in the year where African countries meet with other development countries to see how to make aid effective to our countries.

This is very much in line with our own Constitution, especially Article 60, which calls upon Members of Parliament to regard themselves as servants of the people. Events in the past few months have shown that unemployment in the country is, very high and while we are seated here, there are people out there in the villages and townships who simply cannot

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make ends meet. Hence, the collective attempt by members of SADC to see how best they can utilise the Parliament in making aid effective so that we can solve the problems afflicting all of our countries.

Honourable Speaker, I take the Floor to motivate the Report on the SADC Regional Seminar on Parliamentary Engagement in making aid more effective – A Focus on Evidence, held in Maputo, Mozambique from the 3rd of May to the 5th of May. This was a conference which was attended by myself and Honourable Nyamu. This effort started a long time ago, preceded by declarations referred to as the Windhoek Declaration where similar attempts were made, the Accra Agenda for Action, a continuation of the Windhoek Declaration and the Paris Declaration. In all these meetings people were trying to find a common position how to make aid effective. All these were done in an effort to prepare for the Busan Conference in South Korea.

In most SADC countries aid is seen as a tool to address poverty and unemployment in our respective countries and as elected representatives of our people we have that responsibility to support and use this opportunity to address the scourge of poverty in our midst.

At the conference in Mozambique the following were considered:

- That the network of African Parliamentarians should be taken as an opportunity to promote, campaign; to emphasise the significance of Parliaments on issues of aid and development effectiveness for mutual benefit.
- That Parliaments should establish change mechanisms with regard to development aid, focusing on technical and human capacity development that aims to provide the aid recipient countries with effective means of collecting tax revenues and reduce dependence on foreign aid. That aid must foster development and should be directed to productive and not consumption sectors.
- That Parliaments should exchange experiences with other Parliaments in order to strengthen their respective institutions.

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In specific relation to parliamentary participation in Busan at the end of the year, the following points were agreed upon:

- The development assistance relationship must acknowledge the self-interest on both sides of the aid equation in an open way and accept that this relationship is a long-term process.
- That partnership approach implies equality, mutual benefits, clear ownership and joint assessment in all processes requiring extensive and regular consultations that need to be budgeted for.

Ideally there should be parliamentary participation in all discussions on ODA, in particular in preparations for the Busan Conference. Specifically in terms of policy proposals for Busan, participants in Mozambique discussed the following points:

- That funding from aid are sources from taxpayers and is a public good and should not be seen as a resource to be used at the whim of individuals in either donor or recipient Government. It is essential that public trust should be restored about aid.
- That country delegation should include Parliamentarians as a norm.
- That all Parliaments in donor and recipient countries are urged to debate these matters.
- That all Governments are urged to develop aid policies in a transparent matter and account for all disbursements as they happen.
- In recipient countries Parliaments should be fully engaged in discussing aid received and where it is allocated.
- Unspent foreign aid should be reported and explained.
- It is recognised that aid frequently has a political motivation and the political implications should be spelled out as clear as possible.

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- Where possible there should be cooperation between Parliamentarians from recipient and donor countries in the mutual interest of accountability to the public.
- Responding to the people of both donor and recipient countries is essential to ensure that aid is applied for the intended purposes, thus avoiding the possibility of misuse of funds.

One of the issues which was discussed at that conference in Maputo is that most of civil societies get aid and assistance from outside and that this assistance is never recorded anywhere else, that Parliament should take over that responsibility to record all assistance coming to the country. At that conference in Maputo recommendations were made that:

- Parliament should adopt legal instruments to oversee and scrutinise the management of foreign external resources and ensure that all development aid is incorporated in the main instruments that operationalise Government strategies.
- That joint action and continuous dialogue are crucial and must involve the main stakeholders in this process, which means Parliament, Government and civil society and the international development partners. This dialogue would include Parliament during the analysis process as well as in dialogue on the implementation, monitoring and evaluation of development aid.
- It was recognised that there is a need for reflection on programme activities, project implementation criteria and best rules for project implementation which are suitable for domestic fiscal oversight and monitoring mechanism as well as the reform and harmonisation of public financial management systems in the countries concerned.
- It was recognised that actions should be developed to strengthen the capacity of members of the portfolio committees (in our system, Parliamentary Committees of oversight) and their respective Secretariats in the area of supervision and scrutiny of foreign development aid and its effective use for greater transparency. It is

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crucial that Members of Parliament are supported with the necessary resources and financial means to carry out their responsibilities.

- International development partners to provide information to regional parliamentary bodies on ODA and they report to the region on projects submitted to the RPD so as to end the exercise of fragmentation of development aid.
- That SADC National Parliaments should exercise pressure on the national governments for the establishment of a regional legislative body which oversees the implementation of protocols and agreements among Member States through regular inter-parliamentary consultations.
- That Parliaments should interact with their constituencies on issues of development and monitoring at the community level through joint participation in meetings for identification, planning, implementation, monitoring and evaluation of activities regarded as priorities. Particularly efforts will have to be made in order to oversee those projects funded by ODA due to information gaps.
- Legislators should be systematically engaged in quality dialogues with national and international institutions on development assistance priorities and use thereof.
- More emphasis should be allocated to MPs for oversight and Constituency work. This would mean more Committees time and less time in Plenary Sessions despite the perception on the part of many citizens that when the House is not sitting, Parliamentarians are not at work.

These were some of the recommendations taken to strengthen the hand of Parliament to perform the work of oversight in our respective Parliaments so that at the end of the day it is our people who will be the beneficiaries from this particular effort in making aid more effective. On that note, Honourable Speaker, Honourable Colleagues, I end my case.

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RT HON ANGULA**

HON SPEAKER: Thank you. Any further discussion? Prime Minister.

RT HON PRIME MINISTER: Thank you. I would like to commend and thank Honourable Amathila for tabling this Report in Parliament as part of the oversight function of Parliament on the Executive. Mine is just to say that in the Namibian context aid is dwindling, disappearing because of the fact that Namibia has been reclassified as an upper-middle income country.

Yes, there are still a few countries which provide development aid to Namibia, but very few indeed, and there are also a few international organisations which provide aid to Namibia but still more reluctantly because they feel that Namibia should take care of itself. In that context we should perhaps focus on trade and investment. It is perhaps an alternative route to development that might be meaningful in the Namibian context, because through investment we should be able to bring about development and to support growth. Namibia is also being a small market, we have to base our development on export. It must be an export driven development.

These are the issues Parliamentarians can focus on and try to it that see the Executive is actually putting due emphasis on trade and investment as a means of bringing about development.

As far as aid is concerned, I can see that in a very few years, unless there is a change of heart by the development partners, this aid is going to disappear. Therefore, we should put more emphasis on economic growth through investment and through export driven growth. Thank you.

HON SPEAKER: Thank you. Honourable Deputy Minister, you have the Floor.

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HON SCHLETTWEIN**

HON DEPUTY MINISTER OF FINANCE: I Move that the Debate be adjourned until Wednesday, next week.

HON SPEAKER: The further consideration of this Motion stands adjourned until Wednesday next week. The House stands adjourned until tomorrow at 14:30

HOUSE ADJOURNS AT 17:45 UNTIL 2011.10.27 AT 14:30

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

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

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

**TABLING: REPORT ON 125TH
IPU ASSEMBLY**

HON DR AMWEELO: Thank you very much, Honourable Speaker, Honourable Members. Before I table the Report, allow me this opportunity in my capacity as Deputy Chairperson of the IPU (Namibia) Group to express our profound gratitude to you, Honourable Speaker, for serving as the President of the Inter-Parliamentary Union for three years. Your leadership and statesmanship is unquestionable and this was rightly expressed by various speakers who took the Floor at the 125th IPU General Assembly held in Switzerland.

I would like to quote from the IPU publication that was released last week in Switzerland in recognition of Dr Gurirab's excellent service to the Parliaments of the world and humanity in general: *"Dr Gurirab took up office as the President of the IPU in October 2008. Three years on the President of the IPU can look back upon an exhilarating period that has been marked by a whole series of crises and major events around the world. He has left the IPU with the resolve, giving it a political direction, speaking on behalf of the IPU and the global parliamentary community. As the President of the world organisation of Parliaments, Dr Gurirab has held the banner of democracy high and the IPU has made greater strides*

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**TABLING OF REPORTS
HON DR AMWEELO**

in its work to promote democracy through Parliaments. He has always said that one area where we can definitely do better is in bringing more genuine democracy to international affairs. He firmly believes that greater parliamentary action on the global arena will bridge the gap in international relations. Throughout his term Dr Gurirab has devoted much energy to improving the IPU itself. He has worked alongside his parliamentary colleagues to develop a comprehensive strategy that sets out an ambitious vision for the organisation and charts the course for its future development. IPU President Gurirab deserves our immense gratitude for helping us steer a course of a renewal and a change with such dignity and determination.”

Honourable Speaker, again we have done Namibia proud and the IPU Namibia Group looks forward to your advice and direction as we continue to steer the course of democracy.

Coming back to the Report, I lay upon the Table of this august House for note-taking and information the Report of the Namibian Parliamentary Delegation on the 124th IPU Assembly and related meetings held in Panama during April 2011.

Honourable Speaker, the Report covers a wide range of issues, for example:

- Parliamentary accountability – living up to the people’s expectations;
- Providing a sound legislative framework aimed at preventing electoral violence, improving election monitoring and ensuring the smooth transition of power;
- The role of the Parliaments in ensuring sustainable development through the management of natural resources, agricultural production and a demographic change;
- Transparency and accountability in the funding of the Political Parties and election campaigns.

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**NOTICE OF MOTIONS
HON A TJONGARERO**

Honourable Members are encouraged to make use of the Report for their parliamentary work according to the procedures of the House, whether it is for the introduction of the policies and legislation, for the purpose of the National Budget, ratification of conventions and agreements, ministerial statements, questions or motions. Once we have tabled the Report, it will be submitted to the relevant Line Ministries, Parliamentary Committees and stakeholders to assist with the implementation of the resolutions and decisions made at the IPU Standing Committees and related meetings.

As the customary practice, we have also submitted the draft resolutions to the relevant offices, Ministries and agencies prior to the Assembly in Panama and requested for their comments and advice.

Honourable Speaker, Honourable Members, I now Move to lay upon the Table the Report of the Namibian Parliamentary Delegation to the 125th Assembly and related meetings of the Inter-Parliament Union, held in Panama City in Panama from 15 to 20 April 2011. I thank you.

HON SPEAKER: Any further Reports and Papers? Any Notice of Questions? Notice of Motions?

NOTICE OF MOTION

HON A TJONGARERO: Honourable Speaker, Honourable Members, I give Notice that on the 8th of November 2011, I shall Move –

Considering the poor performance of our sport women and sport men in national, regional and international competitions:

That this Assembly –

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**MINISTERIAL STATEMENT
HON DR NAMWANDI**

Debates and discusses the status of sport in our country and come up with an acceptable solution for the problem.

HON SPEAKER: Will the Honourable Member please table the Motion? Any further Notice of Motions? Ministerial Statements? Deputy Minister of Education.

MINISTERIAL STATEMENT

HON DEPUTY MINISTER OF EDUCATION: Thank you very much, Honourable Speaker, Honourable Members. The Minister of Education, the Deputy Minister and the entire Ministry of Education are seriously concerned about the current escalating state of vandalism in our schools across the country, especially towards the end of the year. The Ministry seriously condemns this state of affairs in the very strongest terms. This state of affairs shall not be tolerated and the Ministry shall fight tooth and nail to ensure that it is addressed and the culprits are brought to book.

Vandalism is tantamount to wastage of resources as infrastructures that are constructed are indiscriminately destroyed within a short period of time. This situation forces the Ministry to use resources that were earmarked for new projects, for projects that were already finalised. The Ministry has observed the fact that most of the cases of vandalism take place at the end of the year by learners at junior and senior secondary school levels, especially when these learners finish their examinations and know they are leaving the schools, for example, the current case at Mureti Senior Secondary School in Kunene and the recently renovated and newly constructed classrooms by MCA Namibia in Omusati Region.

After a careful analysis various assumptions have emerged that could be

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reasons for vandalism in schools:

1. Poor state of discipline and deteriorating morals among the learners in schools.
2. Lack of sense of ownership of the schools from both communities and learners.
3. Poor school supervision by Inspectors of Education and principals.

As a form of intervention, the Ministry of Education has devised the following measures to address this situation this year and the years to come:

We have decided to launch an in-depth investigation into the root cause of these incidents. The Namibian Police and other law enforcement agencies will be part of this investigation. We will enforce proper school supervision by Inspectors of Education and proper school management by principals, strengthen the role of parents and their involvement in the discipline of their children through the school boards; strengthen the teaching of life skills, which should include school guidance and counselling; carry out vigorous counselling of learners on issues such as good citizenry, attitudes, behaviour and conduct; identify role models that will address schools throughout 2012 and beyond.

Vandalism being a crime, the learners and parents should be responsible to repair the damage. There will be no mercy. The Ministry shall embark upon a campaign entitled, "*Own it, Do not break it, Preserve it.*" This campaign will involve all Namibian Parliamentarians, Traditional Leaders, church leaders, other Namibia role models and students. The campaign will aim at sensitising schools and communities, inculcating a sense of respect, good attitudes, ethics and values as well as discipline among our entire learner population.

In conclusion, I reiterate that schools are national assets which belong to every Namibian irrespective of their political affiliation and/or origin. We all need to claim our ownership and protect what is rightfully ours.

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HON MUSHELENGA**

Parents, learners, teachers, the community at large should be vigilant and not allow anyone to vandalise these assets. We should guard against any unpatriotic actions, such as vandalism of books and infrastructure. Parents are advised by this Ministry to coach their children not to fall prey of forces of darkness, be they political, tribal or social. The Government is spending enormous amounts of money in education and we must encourage this trend to continue. Meanwhile, the Namibian Police is requested to make turns at schools in the afternoons to apprehend whoever is found vandalising any Government property. I thank you.

HON SPEAKER: I thank the Honourable Minister. We now turn to the Questions. Question 25 is one by Honourable Riruako. Does the Honourable Member put the Question?

RESPONSE TO QUESTIONS

QUESTION 25:

HON RIRUAKO: I put the question.

HON DEPUTY MINISTER OF FOREIGN AFFAIRS: Honourable Speaker, I wish to respond to the question posed by Honourable Chief Riruako on whether the Namibian Government has shown interest in the cause for reparations, as unanimously adopted when the Honourable Member tabled the Motion in this august House in October 2006.

The first question was: *“Will the Honourable Minister confirm or deny the statement by Dr Harold Brown, Minister of State and the Chairman of*

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HON MUSHELENGA**

Foreign Ministry on the reasons why nothing has happened so far with the Ovaherero and Nama demand for reparation is simply because of lack of interest by the Namibian Government or what?"

First I should remind Honourable Riruako that I already did respond to a similar question he asked in this House on the 12th of March 2011 about the issue of the atrocities relating to the German colonial period as well as that of reparations that was discussed on several occasions during the visit of Honourable Theo-Ben Gurirab to Germany in July 2007. During that particular visit the reparation Motion was discussed and the Namibian parliamentary delegation strongly emphasised that channels of communication be kept open and that more regular dialogue on the reparation Motion should take place. Dr Lamed, however, cautioned and emphasised the importance of an all-inclusive approach in order to benefit all Namibians. He stated that such an approach by the Namibian Government would be necessary to move the reparation issue forward in the German Parliament. At the conclusion of that particular visit, several parties proposed that a dialogue forum between the two Parliaments be created to continue debating the matter.

Honourable Riruako may recall that the Motion has subsequently resulted in an ongoing Debate in the Bundestag and the German Government regarding the payment of reparations for the atrocities of the 1904-1908 against the Herero and Nama.

In June 2008 the Bundestag rejected a Motion by the Party, the Left Party. In November 2007, the Minister of Foreign Affairs, Honourable Marco Hausiku, informed the German Government in writing on what transpired in Namibia regarding the Motion tabled and what was subsequently adopted in the Namibian Parliament in October 2006. The German Government did not acknowledge receipt of that letter.

The Namibian Government has also through consecutive Ambassadors in Germany and during interactions with senior representatives of the German Government continued to pursue the proposed inter-parliamentary dialogue forum to facilitate dialogue between our Parliament to no avail.

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HON MUSHELENGA**

Honourable Utoni Nujoma, Minister of Foreign Affairs, tried to initiate several times an official visit to Germany to raise, among others, the issue of reparations, but so far no mutually convenient date for such a visit could be found. It is, therefore, not true that the Government does not have an interest in the matter.

Question 2: *“Is it true, Honourable Minister, that the Namibian Government has failed to take ownership of the Ovaherero and Nama demand for compensation, as endorsed by the Namibian National Assembly in a resolution adopted in October 2006?”*

The answer is no, the Namibian Government has not failed to take ownership of the demand for compensation as endorsed by the Namibian National Assembly in a Motion adopted in October 2006. The Honourable Member may recall that the Right Honourable Prime Minister in his contribution to the Motion introduced by Honourable Riruako, suggested that the future bilateral relations between Namibia and Germany should contain principles of restorative justice. Restorative justice should attempt to repair the harm caused by past behaviour and it is best accomplished through a comparative process that includes all stakeholders. The stakeholders in this case include all people in this country who suffered the brunt of the atrocities committed by the German colonial forces at the time.

To start of the reconciliation process, there is a desperate cry for Germany to make specific contributions in the form of a gesture of goodwill or a development package to the communities that were directly affected by the genocide. These communities feel they have been structurally underdeveloped over time because of the historic disadvantages they have experienced in the colonial era. An oral history project titled, *“What the Elders Used to Say – Namibian Perspectives on the Last Decade of German Colonial Rule”*, funded by the German Embassy, Namibia, facilitated by an independent researcher in conjunction with the Goethe Sentrum and the Namibia-German Foundations concluded in April 2008 the following, after visiting various Herero, Damara and Nama communities:

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HON MUSHELENGA**

None of the respondents wanted money, development projects for the affected communities characterised of reparations demanded. Reparations and reconciliation cannot be divorced. The communities affected cannot merely close that chapter of their lives and move on because so much was lost in the form of land, cattle and an entire population of people.

The Namibian Government believes that national reconciliation can be hindered significantly if the issues are not addressed in a comprehensive manner, this primarily because omitting this relevant chapter of our history may lead to future tensions between Namibian and German nationals as well as domestically with German-speaking Namibians.

In light of this, we would like to see the inter-parliamentary dialogue forum proposed by Honourable Gurirab, Speaker of the National Assembly, to be realised. Various German Political Parties displayed enthusiasm when the idea was proposed, but in a letter to Dr Gurirab, Dr Lamed indicated that there was no need for such a forum as the instructed Parliamentary group already caters for that.

Despite the special relationship, tension exists on both the German and Namibian sides because of this issue. Both sides can benefit very little from merely closing this dark chapter of our history. Much more will be gained if Namibia and Germany can constructively assess the problem at hand and work towards an amicable solution. The dialogue forum would enable us to develop clear understandings of each other's concerns. This indisputable part of our inextricably linked histories cannot be wished away and will haunt us for generations to come.

Given Namibia's desire to develop as a country, it is the duty of the Government to facilitate and manage a process of reconciliation within our society and with other countries. Germany does not put so much emphasis on burying the past but rather addressing the issues that we deal with in our present-day society because of it. The role of the Namibian Government in this matter is to act as a mediator between the German Government and the affected communities.

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Third question: *“Honourable Minister, will it be fair for one to assume that the Namibian Government is simply not interested in the plight of the Ovaherero and Nama victims of German genocide committed against innocent Namibians during that time?”*

The answer is no. As I said earlier, we see the role of the Namibian Government as a mediator between the German Government and the affected communities and we do wish to facilitate a process of reconciliation. I would also like to reiterate that the Namibian Government cannot work against the interest of its people, especially when we see how some of the structural inherent problems from the colonial era still have adverse effects on many communities to date.

Fourth question: *“Can the Namibian Government explain in no uncertain terms what her position is?”*

If the Government did not want to affiliate itself with the reparation claim, Honourable Riruako, this House would never have voted in favour of the Motion tabled in 2006. You will recall that the Government had numbers and they voted in support of the Motion. Equally so, no further actions would have been taken to consult various stakeholders in Germany on the matter of reparations. The position of the Namibian Government remains true to the understanding that Namibia and Germany have a special relationship, as espoused by the resolutions of the Bundestag taken in 1989 and 2005, respectively. The Namibian Government thus calls on the German Government to give true meaning to the special responsibility which Germany acknowledged towards Namibia. It is not enough to merely acknowledge a special relationship with Namibia. In the same vein, the special relationship can also not be limited to bilateral development assistance, but should be pragmatically visible in our interactions and should guide us in reflecting on and dealing with the difficult parts of our shared history as we do with our future relations. I thank you, Honourable Speaker.

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HON DR NAMWANDI

HON RIRUAKO: I may not have a question, but I have to comment on what you have expressed. If that is the Government's position, that can be allowed to say okay, you are in the right direction, but what is the road ahead? That is another question. The House needs to hear the footsteps of the Government for us to follow.

HON SPEAKER: Thank you. Point taken. I do not think it was a question, it was just to reiterate the need for Government to play its part. Question 36 is one by Honourable Von Wietersheim. Does the Honourable Member put the Question?

QUESTION 36:

HON VON WIETERSHEIM: I put the Question.

HON DEPUTY MINISTER OF EDUCATION: Thank you very much, Honourable Speaker. The first question:

“Can the Honourable Minister confirm that the School Calendar Committee was tasked to develop a new school calendar for 2012 school year and that the said committee suggested a number of options, amongst which was one of a four-term school calendar, which also seems to have been the preferred recommended option of the committee?”

You might have noted that there were school calendars circulated in Parliament yesterday. Yes, indeed, the Calendar Committee was tasked, as usual, to produce the school calendar for 2012. This is a normal practice as per the Education Act of 2001 that every year such a calendar be produced to guide the academic year.

The Honourable Member may recall that this is a committee that makes

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recommendations which have to be considered by the Examination Board in order for the Board to recommend same to the Minister for final approval, but remember, recommendations are recommendations, they can be accepted or be rejected. It is not automatic when recommendations are made that they are taken. Therefore, whenever options or recommendations are made by the Committee, this must be understood to be recommendations until one option is approved. In this regard, consultations were held, as usual and various options were generated.

Second question: *“Apparently, Honourable Minister, the four-term option enjoys the support of the majority of stakeholders as Regional Education Directors, Education Inspectors, School Principals as well as affected members of the public have advised strongly to change to a four-term calendar, not least in order to mitigate the disruption of normal school operations and possible closure of schools in flood-prone areas in the event of another season of floods next year.”*

It is not true that the Regional Directors and other stakeholders were in favour of the four terms. There was no clear-cut unanimity on the options. The Member will also recall that before Independence Namibia was on a four-term system which was found after Independence to favour the South African calendar and not the rest of the world. Changing a calendar has many implications, including examination schedules and other agreements that still need to be honoured, agreements with other institutions outside Namibia.

Whereas rain or floods are a concern, this should be considered alongside other variables. Whether the Minister favours the four, three or five terms should not be the issue, but rather looking critically at the implications of any option so chosen in terms of advantages and disadvantages in order to articulate a process that needs to be followed.

Once again, I can only say that floods are unpredictable. Therefore, Members will recall that we have three separate systems we deal with during floods whose peaks are at different times of the month, that is Cuvelai Basin, Kavango Delta and Zambezi flood plains. It, therefore, becomes very difficult to come up with a calendar that would adequately

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address the flood situation in all these environments. We need to understand the procedures and implications before a change can be instituted.

Third question: *“The Honourable Minister himself seems to have favoured the four-term option, stating that, “four terms would provide more teaching days and make better provision for annual floods and it would also allow for better assessment of pupils through the school year.”*

In terms of the teaching time, Members will recall that the Education Act prescribes 198 days as the maximum teaching days. It, therefore, does not matter whether you are on three or four-term system because instruction days will not change. Equally, with the weather patterns becoming more unpredictable by the day, there is no guarantee that changing the calendar will adequately address the flood situation.

Fourth question: *“Apparently Cabinet has decided to ignore the options and advice of education stakeholders at all levels and to retain a three-term calendar, in fact maintain the status quo with the accompanying experiences of floods for the past two years, reportedly basing its decision on its willingness to accommodate the National Examination Assessment and Certification Board which again, reportedly, is unwilling and too lazy to change its planning schedule.”*

It is regrettable that some Members of the House seem to think that the Examination Board is lazy and unwilling to change the calendar and yet in the same context cite Regional Directors, inspectors and other educationists as being in support of the four-term system, forgetting that the same Regional Directors are members of the Examination Board. What a paradox! I think what some Members fail to understand is that any change to the calendar cannot happen overnight, there are a number of implications that should be carefully considered, as I said earlier on. I wonder whether the same Member will be happy if no examination is conducted.

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

HON DEPUTY MINISTER OF EDUCATION: Honourable Speaker, I was in the process of answering Question 4 and I said, I wonder whether the same Member will be happy if no examination is conducted next year because no careful planning was done to ensure that all elements are carefully addressed, including legal implications on existing agreements as well as safeguarding the legitimacy of examinations and calendar.

I believe that to move quickly into such changes without careful analysis can even be more harmful than floods which we are using as a justification for that change. We are careful, methodical and professional in handling this issue. The Examination Board has been very careful and professional in highlighting serious issues that need to be addressed before any change can be undertaken.

Question 5: *“Does this imply, Honourable Minister, that in principle, as far as the school calendar of 2012 is concerned, the decision has been finalised and the three-term calendar is maintained with all its required contingencies, planning and practical repercussions as well as the disruptions and additional administrative burdens in the event of floods?”*

I say yes. I would like to confirm to this House that the three-term calendar will remain in place at least for 2012 until further notice and that necessary planning and all contingencies are in place. As we have demonstrated time and again, for any loss in time we have always found a way of compensating and have kept to the number of teaching days as required by the Education Act. I thank you, Comrade Speaker.

HON VON WIETERSHEIM: Thank you, Honourable Speaker. I wish to thank the Deputy Minister of Education for this very elaborate and mature answer, although there was maybe a very provocative statement. I

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**TRADE AGREEMENT: SACU-MERCOSUR
HON TWEYA**

have one follow-up question. The question of appointing a committee of professionals to advise on something and the committee makes recommendations, I do not quite understand why that recommendation, as the Deputy Minister put it, can be accepted or rejected. Of course, a recommendation can be rejected especially if you have more than one recommendation, but this is not quite clear to me that you can just say it is either, or, and it does not really matter.

HON SPEAKER: The first Notice of Motion is the one of the Honourable Deputy Minister of Trade and Industry. Does the Deputy Minister Move the Motion?

HON DEPUTY MINISTER OF TRADE AND INDUSTRY: I Move the Motion.

HON SPEAKER: Any secondment? You have the Floor, Deputy Minister.

**RATIFICATION: FREE TRADE AGREEMENT
SACU AND MERCOSUR**

HON DEPUTY MINISTER OF TRADE AND INDUSTRY: Honourable Speaker, Sir, Honourable Members, I rise to table for consideration and ratification by this august House the Preferential Trade Agreement (PTA) between the Southern African Customs Union (SACU) and the Common Market of the South (MERCOSUR) in accordance with Articles 63(e) and 144 of the Namibian Constitution. Cabinet has already

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authorised the Minister in April 2010 to table in this august House the Preferential Trade Agreement for ratification.

SACU comprises of the following Member States: Botswana, Lesotho, Namibia, South Africa and Swaziland, while MERCOSUR comprises of Argentine Republic, Federal Republic of Brazil, Republic of Paraguay and the Republic of Uruguay.

Honourable Speaker, Honourable Members, the mandate of the Ministry of Trade and Industry includes the following functions and I will only highlight what is relevant to what I am about to table:

- To transform Namibia into a globally competitive industrialised economy by ensuring market access for Namibian products into the global markets.
- To actively participate in the international trade dialogue and integrate Namibia in the global economy.
- To maintain sound policies that ensures effective cooperation and favourable trade relations with other countries.
- To play a leading role in establishing effective and operational *supra* national regional institutions.

All the above tasks can be achieved through the effective participation in the implementation of the SACU twenty-two agreements as well as other regional and international instruments that Namibia is party to, such as the SADC Protocol on Trade.

One of the objectives of the SACU Agreement is to promote the integration of the SACU Member States into the global economy through enhanced trade and investment cooperation. The current impasse in the World Trade Organisation (WTO) Doha Development Agenda, trade negotiations as well as the recent announcement by the European Union that it will close its market for Namibian products if Namibia and other African, Caribbean and Pacific (ACP) countries have not signed the

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EPA by the end of 2013 has placed the SACU region and Namibia, in particular, in a delicate position in terms of market access for our products.

More than ever before, Namibia is committed to market diversification as our products are faced with uncertainties in the EU market. This implementation of SACU-MERCOSUR PTA would provide Namibia with alternative markets and broader market base for our products.

Furthermore, Namibia regards SACU's relationship with MERCOSUR as strategic as it promotes closer south-south cooperation aimed at generating greater cohesiveness amongst the countries of the south.

Within this context and in the spirit of solidarity and commitment to find solutions to our developmental challenges, the Government of the Republic of Namibia, together with its SACU partners, has concluded negotiations for a Preferential Trade Agreement with the Common Market of the South (MERCOSUR). This agreement has been signed by all MERCOSUR parties on the 15th of December 2008 in Salvador, Brazil and by SACU Member States on the 3rd of April 2009 in Maseru, Kingdom of Lesotho.

After due consideration by the SACU Council of Ministers at the meeting of the 13th of May 2011 and again in June 2011, the Member States of SACU agreed to proceed to ratify the PTA. The implementation of the agreement is expected to commence upon ratification and depositing of instruments of ratification by all State parties.

To date, all countries in MERCOSUR, with the exception of Brazil who has ratified, are in the process of ratifying the agreements and in SACU, Botswana and South Africa have ratified the agreements while other Member States are still in the process of ratification. Namibia is, therefore, required to do her part in this process after complying with the relevant internal legislative procedures, what we are busy doing this afternoon.

Honourable Speaker, in a nutshell, the SACU-MERCOSUR Preferential

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Trade Agreement aims to:

1. To increase trade through the mutual granting of tariff preferences.
2. Establish fixed preferential margins as a first step towards the creation of a free trade area between SACU and in MERCOSUR.
3. Implement the granting of preferences and to establish trade disciplines between the parties.
4. Take into account the principle of special and differential treatment for the smaller and less developed economies in SACU and MERCOSUR.
5. Ensure regional integration and south-south trade compatible with the multilateral trading system.
6. Contribute to the expansion of world trade and integration of their economies into the global economy.
7. To contribute to the social and economic development of their citizens.

The coverage of the SACU-MERCOSUR Preferential Trade Agreement is on trade on goods, both industrial and agricultural, based on agreed tariff preferences and other conditions, such as rules of origin agreed by both parties for the importation of negotiated products.

The Preferential Trade Agreement provides for the application of tariff preferences to customs duties in force in each signatory party's territory at the time of importing the relevant products.

Honourable Members, the text of the Agreement presented to you for ratification comprises the main text and seven annexes. The main text contains the general principles and provisions, while the annexes contain the specific undertakings which are:

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Annexure 1: Offer of MERCOSUR to SACU which, in short, sets the tariff preferences granted by MERCOSUR to SACU;

Annexure 2: Offer of SACU to MERCOSUR which, in short, sets for the tariff preferences granted by SACU to MERCOSUR;

Annexure 3 concerning the definition of the concept of “originating products” and method of administrative cooperation;

Annexure 4: Safeguard measures. Signatory parties shall retain their right and obligations to apply safeguard measures consistent with Article 2 of GATT 1994 and WTO Agreement on Safeguards;

Annexure 5: Dispute settlement procedures. The parties or one or more signatory parties of SACU or MERCOSUR may be a party to a dispute and shall make all reasonable efforts to settle the disputes through consultations to reach a mutually satisfactory solution.

Annexure 6: Sanitary and phyto-sanitary measures: Signatory parties shall safeguard human, animal and plant health by applying regulations that ensure that the products traded meet the requirements set.

Annexure 7: Mutual administrative assistance between SACU and MERCOSUR with the main objective of promoting cooperation between the Custom Administration of both signatory parties in all matters pertaining to customs.

Honourable Speaker, Honourable Members, allow me now to table the abovementioned Agreement and its annexures for your favourable consideration and ratification. Your positive consideration and ratification of this Agreement will reinforce the impetus to the implementation of the Agreement and thus ensuring a widened economic space for Namibia’s industry in the form of additional market access for our export products and a source for imports. This will further confirm the position of Namibia as an attractive destination for investment and trade and with a predictable and reliable legal system. I am, therefore, counting on your usual and continued support and I thank you, Honourable Speaker.

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

HON TJIHUIKO: Thank you very much, Honourable Speaker. A very short comment: Let me start by thanking the Honourable Deputy Minister. I like the way you have motivated, providing us with the necessary information in order for us to be able to more or less understand what we are ratifying. Of course, we really do need markets for our products and anything that would lead us in that direction will be welcomed.

I have two questions, Honourable Deputy Minister. Looking at the Agreement, if I may take you back to Article 6(e): “Duties imposed by the Governments of Republic of Botswana, the Kingdom of Lesotho, the Republic of Namibia and the Kingdom of Swaziland for the development of infant industries pursuant to Article 26 of SACU Agreement 2002. In such cases a SACU signatory intending to apply any such duty, shall promptly notify the Joint Administration. The Joint Administration Committee shall enter into consultation where these duties adversely affect the preferential export of the Republic of Paraguay and/or Oriental Republic of Uruguay aimed at mutually satisfactory solutions to the matter, which shall be notified to the Joint Administration Committee.” What does this say? Are we saying that there is indeed an agreement between SACU Member Countries that the lesser developed economies can apply this Article 26 of SACU to protect your industries, as we did with our milk? Obviously, I believe we are also looking at that with our pig industry and some others. Does it mean that even if SACU agrees that that particular industry is an infant industry, we also need the approval from this Administration Committee between these two groups and if that is the case, are our infant industries really protected? That is the first question.

Secondly, looking at this, I believe that SACU Member Countries are also members of SADC, members of the African Union and there has been an

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effort among the African countries to develop inter-African trade. Would this not adversely affect that process for those African countries who are not members of SACU by trading with a SACU country? I am just thinking aloud and if you can perhaps help us with that one.

You mentioned the problem that we have with the negotiation of EPAS. You have mentioned the impasse with the Doha Round of Negotiations, but it is not yet dead. Suppose we start getting this Round of Negotiations going and sign an agreement, would this not affect the much talked about Doha negotiations? Are we not pre-empting the efforts that we have made for so many years?

Last but not least, Honourable Deputy Minister, what about the other bilateral agreements that we have with the Member Countries? Here I am talking about countries like South Africa, that is a member of SACU and has also signed a bilateral agreement with the European Union and obviously, by getting European Union products in South Africa, we automatically get it in Member Countries. How would that be managed not to affect the smaller economies? South Africa can still compete, but based on our level of industries, especially in Botswana, Lesotho, Swaziland and Namibia, would that not perhaps be detrimental to us as opposed to supporting our industries? Thank you, Honourable Deputy Minister.

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

HON DEPUTY MINISTER OF FOREIGN AFFAIRS: Thank you very much, Honourable Speaker. I rise to support the Motion by the Deputy Minister that this House ratifies the Preferential Trade Agreement between SACU and MERCOSUR.

Agreements of this nature that are of multilateral scope between one

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regional economic body and another are very important because when you are in an agreement as a group, you tend to have more bargaining power than when you are negotiating as an individual. It is for the same reason that we have been a strong block in our negotiations, economic partnership agreements with the European Union. It is also heartening to see that our countries in the region which to date has not concluded the EPAS with the EU are seeking alternative markets where our products are going to be traded, that we not end up one day, when we have not signed the EPAS, that we do not have somewhere to trade our goods. I am particularly happy to see that, among other conditions, these agreements would adhere to the issue of rules of origin, whereby our products will bear our identity in their final destination of the market. This is also one of the issues that Namibia has been pushing in the EPA negotiations and one of the issues that I personally have also been pushing when I was a backbencher attending the ACP/EU Joint Parliamentary Assembly meetings. This is important for our producers, it is important for the country.

Honourable Speaker, when we have agreements of this nature, knowing the population and the large markets in South America, the Caribbean, it is important that we also have institutions in that region that will smoothen the trade of our products. I have here in mind that perhaps it is high time that the Ministry of Trade and Industry considers complementing our Ministry by appointing a Commercial Councillor to our Mission in Brazil, because with agreements of this nature, such a diplomatic official will complement efforts by the Government to ensure that the Namibian goods find a place in the Caribbean markets. You are doing very well with the commercial councillors that we have so far in other Missions, but I think, given the size of the market and the importance of agreements like this one, it would be very important if you consider that as one of your priorities in next year's Budget.

With these few words, Honourable Speaker, I register my support and call for others, including the Opposition, to do the same. I thank you.

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HON SPEAKER: Honourable Prime Minister.

RT HON PRIME MINISTER: Honourable Speaker, I welcome the tabling in this House of the Preferential Trade Agreement between MERCOSUR and SACU. A couple of years ago I had an opportunity to represent my President in the Summit of MERCOSUR which took place in Uruguay and I was able to interact with members of MERCOSUR and to also appreciate their enthusiasm to enter into a trade agreement with SACU. So, there is goodwill on both sides.

My comments will be confined to two issues: One, the technical issues raised in the Agreement and secondly, what the Agreement means for Namibia. Sometimes we ratify agreements in solidarity, but we are not actually able to say what it means for our country and that creates a situation of doing this routinely as a Government.

With regard to the technical nature of the Agreement, I concur with the Honourable Tjihuiko that the issue of infant industry protection is very important to Namibia if we want to industrialise. What this agreement is saying is that if you, for example, want to protect Ohorongo Cement by imposing tariffs on imported cement from MERCOSUR or anywhere else, you first have to agree with SACU that the cement industry in Namibia deserves protection and besides agreeing with SACU, you also have to agree with this Joint Administrative Committee in relation to MERCOSUR. However, this agreement is between SACU and MERCOSUR, it is not necessarily between Namibia and MERCOSUR and the interest of SACU members may not converge. Perhaps you want to protect your cement industry and another SACU member wants to import cement into the SACU area and once that cement enters SACU, I am not quite sure how we are going to prevent it entering Namibia. Thus there has to be a concurrence on interests within the SACU before you implement this infant industry protection.

That is the nature of international trade agreements and we hope that our SACU colleagues will support the particular national interests of other

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SACU Member States.

Then you have the issue of anti-dumping and countervailing measures. Dumping is a serious problem to an economy like Namibia. It is a serious problem and it can actually kill our infant industries if it is not properly enforced. I see here that Article 15 provides for the mechanisms to ensure there is no dumping and I see that this mechanism is likely to take a long time before it is implemented. One only hopes that there is goodwill among the contracting parties and that they will not engage in these types of activities. However, knowing well the behaviour of our big neighbour in terms of competition within SACU itself, I am not quite sure whether we will be able to implement Article 16 because the other SACU members have to agree. If you already have a SACU member who has a comparative advantage above you, then you will have a tough time for that member to agree.

Another issue is the administration of this Agreement. There will be this Joint Administrative Committee which will consist of officials from SACU and I am not quite sure how these officials are going to interact with Member States. Perhaps there is a mechanism to do so.

Therefore, whereas we accept the Agreement, we should also be aware that there are some pitfalls within the administration of these types of agreements.

Having said that, I would, however, have appreciated that the long motivation by the Deputy Minister could actually have focused more on bread-and-butter issues, not just the technical aspects of the Agreement. What does this Agreement mean to Namibia? This is the question.

I happen to know that Namibia is competing with some of these countries on the international market particularly with things like beef and fish. I know that we are competing with them, but what is it that Namibia can export to these countries? I think that needs to be investigated if we are going to benefit from this Agreement. Otherwise it will be a one-way traffic. Brazil, a highly developed economy, will be happy to have an open market all over the place, but will there be a proper balance of trade

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between Brazil and Namibia, given that Brazil also belongs to something called BRICKS, to which South Africa belongs and to which we do not belong. So, there are these complicating issues which, I suppose, the Ministry of Trade should really go into, so that this is not just a pro forma type of activity of ratifying an agreement. We have no problem to ratify, but it should go beyond ratification. What kind of comparative advantage do we have which we can exploit to benefit from this Agreement? That needs to be investigated. Thank you.

HON SPEAKER: Thank you. Deputy Minister Shifeta.

**HON DEPUTY MINISTER OF YOUTH, NATIONAL SERVICE,
SPORT AND CULTURE:** Thank you, Comrade Speaker. I want to support this Preferential Trade Agreement because I think it is very important that we diversify our market in terms of access, because the current prevailing state of patronage and imposition by the economically powerful nations has taught us a lesson. At the same time we, of course, have a competing interest between the protection of our infant industries and attracting foreign investment. That is something that needs another platform where we can offer our philosophies on that one because, on the one hand, we need foreign investment, but on the other, we also need to protect our local infant industries so that they are not destroyed by foreign investors.

The answer to some of these questions, especially the question of the diversification of our market, is that we need to support south-south cooperation and also to ensure that we have access to the market, because countries such as Brazil and Argentina in South America and also countries in Asia, China and India, do not only have big markets, but they have also become exporters of capital and technology even to the developed countries. Therefore, a treaty that we can have access to the markets is very important, but at the same time we have to think of protecting our industries as well and the question of protecting our own

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industries also requires deeper thought because our entrepreneurs want protection but at the end of the day they raise their prices to the extent that consumers cannot afford.

In the case of Ohorongo Cement we are told by those selling the cement that they buy the cement at around N\$50 and taking transport and other costs into consideration, it is sold at N\$85, N\$90, while imported cement now on the market in Namibia is selling at N\$62, N\$65. It is also a question of protecting the consumers. If the companies need protection, they must also think of the consumers. They should not just think of maximising their profits, they must also think of the consumers.

Not long ago when some local entrepreneurs started importing cement from Brazil it was sold at N\$50, even at N\$30, just to kill the other importer of cement. I do not think that the production cost of cement could be so much that we have to pay N\$80 or N\$90. When protection is sought, these companies must also think of the interest of consumers.

We are looking for alternative markets because of the current situation, especially with the EPA negotiations. When you are negotiating with somebody who is well aware of your desperation, you will be taken for granted, because they know that one day you will succumb to their propositions and that is the current state of affairs. However, if you have an alternative market for your products, they know that they cannot do that, but for now we are being taken for granted and we are being conditioned so that we can succumb to their demands to fit their interest. It is a question of survival of the fittest and only if you have a variety of choices where you can market your products can you speak louder and rest assured that when you wake up tomorrow, you will have a market.

Therefore, I just want to alert the Ministry of Trade and Industry that we need to look at how we can balance the competing interests of protecting our local industry and attracting foreign investment. I have time and again heard some local entrepreneurs complaining about the Chinese even setting up shops in the villages under trees. I asked them, if you allow the Chinese to go there, the Chinese do not even know your village but you allow them, why do you not do it yourself? The consumers, instead of

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taking a taxi or driving to town, now just go in the field and buy a blanket there. For the consumer it is a good thing, but for the entrepreneur it is not good. I asked them why do they not do the same or just innovate something and surpass the Chinese who are coming to the villages.

We also need to make our local entrepreneurs aware that they need to generate ideas. The Chinese are generating ideas and they found some needs, that if I can take my goods to the village in an open bakkie and park the car there, knowing that there is no shop there, I will sell my goods and we do not do the same. We wait until they do it and then we start complaining. There are certain things we cannot prevent with this globalisation, but it requires that as an entrepreneur you have to generate ideas every day in order to compete.

With these few remarks, I wholeheartedly support this Treaty and I thank you very much, Honourable Speaker.

HON SPEAKER: Thank you, Deputy Minister. Honourable Bezuidenhout.

HON BEZUIDENHOUDT: Thank you, Honourable Speaker. I think we have to progress and move forward as a country, but not recklessly. We have to be careful in terms of our own industries as well as our existing agreements. We also have to remember that we want to encourage free trade, that globalisation of the market is here to stay and we as a Nation have to adjust and play our role in that.

I would like the Deputy Minister just to enlighten me, as I am ignorant, that when it comes to the protection of specific industries, is there a law or procedure in place so that we agree in terms of the rules that this specific industry needs protection for x-number of years and in order to get that protection, this is what you have to do?

Many other countries have grown their industries through protection until such time as it was grown up and then let it go to compete. I remember a

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couple of years ago there was a massive outcry in these trade agreements

between agricultural subsidies which one country did not want to relinquish, but yet it wanted to export its products to the recipient country. The recipient country said if you do not subsidise, your products will be more expensive than ours, but in order to protect its own industry and encourage its own farmers, the subsidies can compete. We must also look at all these things, what are the issues in place in the other countries so that we do not sell ourselves out. We must be aware of what the other countries are doing so that we see whether it is viable and feasible and will our industry survive.

The test of this Agreement is how we can convert this Agreement into job opportunities and cash into the pockets of our people. Yes, I would wholeheartedly agree with the Prime Minister that we may be in a catch-22 situation where we would want to go forward but we are not sure, therefore we have to clarify all these uncertainties so that we can move forward in confidence as an equal partner.

If we have experienced that bigger economies in the SACU arrangement are trying to play the bully, we need to identify what areas are those and try to come up with counter strategies, but yes, we need to diversify our market so that we do not fall prey and be forced to accept because we are dependent on previous agreements. If we diversify our entry into various markets, then we may have leverage.

In Annexure 2 of the Agreement I see many opportunities for reactivation of some of our dying or even dead markets, for example clothing, boys, men, girl, women T-shirts, tracksuits, protective clothing. We have the August 26 industries which manufacture uniforms, but we have a dead industry in terms of what we used to supply to the Agoa market. We can survive some of these industries if we really translate agreement into the benefits for Namibians.

On a lighter note, I remember during the Budget Debate the Honourable Minister of Justice made a point about the donkeys which are a nuisance

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and I can see in the Agreement that there is a request by the other countries that they want horse and donkey meat, frozen or not frozen.

Those are opportunities that one can think of, to turn our waste into a beneficial product for the other one. (Intervention)

HON SPEAKER: Do not forget local consumption.

HON BEZUIDENHOUDT: A final request, Honourable Speaker, is that we need to popularise this Agreement. If we ratify this thick document the citizens would know about Annexure 1 and 2, but if we can find a way of informing the people about the nitty-gritty of products that others want, they can actually look through and say, "*maybe I can look into relays for voltage systems, either import them cheaper from another country and export them under this preferential agreement.*" What I want to say is that people need to know the detail of this Agreement so that they can take advantage of the opportunities. Otherwise we are only a recipient country of more imports rather than an economy that really develops itself so that we will be in a position to export what we have in this country.

With these few words, I thank you, Honourable Speaker, for the opportunity.

HON SPEAKER: Thank you. Honourable Van Der Walt.

HON VAN DER WALT: Thank you, Honourable Speaker. I rise to support this Trade Agreement between SACU and MERCOSUR. Since the day I joined Parliament it was one of my dreams or part of my thinking to see that we start concentrating not only on Europe as a market. As I understand this Agreement, Honourable Deputy Minister, it is not

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only between Namibia and MERCOSUR, but between all the SACU countries and what we have available we can export and what they have available we can import from them.

I do not doubt the competency of our Ministry to ensure that they have definitely looked at all the loopholes before signing such an agreement, to make sure that this Agreement will be beneficial for us as Namibians.

Therefore, I support the Agreement hundred percent.

Honourable Speaker, the days when I was in the insurance industry and you sit in your office and look for a market, you would always think that you need to phone somebody very far away to do business, but later on I found out that in the building next door to my office I can do business, I do not need to go too far.

Honourable Deputy Speaker, this is the way forward for us as ACP countries to make sure that we start negotiating trade between ourselves. This will at the end of the day give us the strength so that Africa and ACP countries can unite and be a force against the bigger forces in the world. With that, Honourable Speaker, I thank you. I support this Agreement.

HON SPEAKER: Thank you. Honourable Riruako.

HON RIRUAKO: Mr Speaker, I fell asleep. Why? There are no interjections that can make people feel that we are talking business. The fact remains that we lost our opportunity. Our milk was going to Norway and this was stopped by our South African friend. We have no cheese, no butter, nothing, everything happens to be imported while we have it at our disposal. This is not fair to our people and to ourselves and to our economy. The best choice is to have our own creamery. We are talking about it but we do not establish it and the public is still waiting for the day we will implement all these activities we mention to them. They have been listening for too long and nothing has been implemented. We want a

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creamery and we have the cattle. That is how we can minimise poverty in this country. It is quite short and sweet, look back where you come from. I thank you.

HON SPEAKER: The Speaker does not always speak, but sometimes there is a need to do so. I want you to imagine 1991 when Namibia was trying to register one year of Independence. Much of South America was inhabited by friends of apartheid South Africa, what is regarded now as MERCOSUR. The idea of this discussion was born in the minds of two Foreign Ministers, one from Mozambique and one from Namibia.

Mozambique was not a member of SACU. On the other side of the Atlantic it was Brazil and Uruguay, the smallest of the countries on that side and the idea itself was born over a cup of tea in the corridors of the United Nations. Some of you will remember that in 1991 your Foreign Minister then hosted a conference in Swakopmund, repeating what had happened in Uruguay, facing Swakopmund. It has been a long walk from then to here. We are at the right place. So many good things were said Deputy Minister, I could say a lot of things too. Later we were joined by the Minister of Finance and Planning of Botswana, later one of the Presidents of that country. You can imagine who that was, President Mogae. He presided over the meeting that I convened in Swakopmund from our side. I like particularly the things said by the Prime Minister, things that were said just now by Honourable Bezuidenhout. We were talking then about south-south cooperation but we were actually not using that expression, we were talking about change as all of us have been looking northwards, whether it was they or whether it was we. Let us look now horizontally towards one another.

Therefore I am happy listening to you. Somebody said a creation is an egg of political leadership and that small step we took then in wilderness has led to where we are now. It is a big challenge, I almost feel nervous that I am responsible for what you are responsible for, but you have started, you cannot go backwards, you must go forward. I congratulate you, Deputy Minister. Minister of Justice.

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HON MINISTER OF JUSTICE: Thank you, Comrade Speaker. I rise to make a contribution to this discussion on the ratification of this Agreement between the Common Market of the South, MERCOSUR, and SACU.

Comrade Speaker, I said I am making a contribution, I could have opted to say either supporting or so, but I have my reasons why I raised what I am going to say in that fashion.

Comrade Speaker, Namibia stands between a rock and a hard place and against the background you have just sketched to us as for your discussion already in 1991 and by then, Honourable Speaker, you mentioned that Namibia by then was not a member of SACU. What an opportune time, as you were discussing that alternative. That was an opportune time as far as I am concerned, because had we entered into that agreement without ever becoming members of SACU, I would have seen opportunities for industrial growth here. I would have seen that opportunity opening up, but the current situation is that as members of SACU we cannot develop industries here. We either resell what we buy from somewhere else or we stay put. I am saying so because the issue which has been raised now and again is the infant industry protection option that is provided for in our laws. However, that option is not automatic, it is not open for our infant industries here to apply and be granted automatically that status. That application has to be decided upon by all SACU members, some of which we know consider Namibia as a lucrative market. We are a captive market and no other sensible market would allow us to go free, otherwise they will lose this lucrative market.

Therefore, the infant industry protection option that we are telling ourselves we have is fallacy as far as I am concerned. (Intervention)

HON DEPUTY MINISTER OF WORKS AND TRANSPORT: Honourable Speaker, I would very much want to interrupt my senior Comrade and ask her a question. It is a bit scary to hear what you are saying. I do not know how it happened that we became a member of

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SACU. How did we join SACU and can we not move out of SACU if we want, the way we moved in and decide on our destiny as a country? I am getting scared of these things and maybe you will be in a position to clarify how come that we would not be in a position to move out or decide on our infant industry protection simply because we are a member of SACU. Is there anything that you could suggest?

HON MINISTER OF JUSTICE: Thank you, Comrade Speaker. Comrade Ankama, the question you have asked me is too complicated for me to venture into. It is a topic on its own and I just hope that at an opportune time the Ministry responsible either for Finance or Trade will inform this House properly as to the complications and implications of our membership in SACU.

The issue of dumping that the Right Honourable Prime Minister has touched on is a reality. One of our neighbouring countries, a member of SACU, has multiple agreements, some within the SACU arrangement, others outside and we as a market of that country have no way of screening that these items do not enter Namibia since we are members of SACU. It is a consequence not of our making, but the reality of the matter is that we are open to some of the restrictions elsewhere, but here they can operate just because of who we are.

I also ask myself now, when we talk about trade with other Nations, what is it that we can say is a Namibian product that we can sell? Honourable Riruako talked about milk. MERCOSUR consists of countries with whom we share the Atlantic Ocean and the conditions prevailing here are the same on the other side of the Atlantic Ocean. The number of cattle we are able to raise here is superseded by the number on the other side. I even suspect that the fish we catch this side of the ocean are the same on the other side. What is it that we can say are our products that we can sell to the other side so that at least this agreement is beneficial to either side?

It is good to enter into some of these arrangements for good political feelings... (Intervention)

27 October 2011

**TRADE AGREEMENT: SACU-MERCOSUR
HON TWEYA**

HON VAN DER WALT: Honourable Speaker, I want to ask a question. You are my senior but I need to ask you this question. Is your reasoning about SACU because of the arrangement between the European Union and South Africa, that all European products which enter South Africa freely enter Namibia and for that reason you made a statement where you said it is impossible for Namibia to become industrialised? Is that your main reason, Honourable Minister?

HON MINISTER OF JUSTICE: Thank you very much for the question. There are a variety of reasons and that is just one of them, but the issue of dumping is a reality. Europe is known for this behaviour on account of the fact that they want to encourage their farmers and industries to prosper. They apparently have to do that, it is a fact.

I was talking about the benefits and I would have asked the Honourable Deputy Minister to at least entice some of us in order to like this Agreement, to tell us at least what would be the benefits which would directly accrue to Namibia through this Agreement. I do not see them. Maybe SACU as a region or our neighbours will be benefiting and we will feel happy that they are benefiting and, therefore, we are indirectly benefiting.

Comrade Speaker, these were some of the tricky issues that came to my mind and I just want the Honourable Deputy Minister to put my mind at ease. I rest my case.

HON SPEAKER: Those are the contributions, Honourable Deputy Minister, some coached in the language of reflection, but some by way of clarity on our own position, whether we have applied our minds sufficiently, considering all the wisdom and anxieties. That would make you a King Solomon. Any further discussion? None.

27 October 2011

**TRADE AGREEMENT: SACU-MERCOSUR
HON TWEYA**

HON DEPUTY MINISTER OF TRADE AND INDUSTRY: Thank you, Honourable Speaker. I would love to respond comprehensively because it is about bread and butter and I am advised, a little bit of wine.

For that reason, may I then request the indulgence of the House for me to do a proper job and respond on Wednesday. I thank you, Honourable Speaker.

HON SPEAKER: The further consideration of this Motion stands adjourned until Wednesday, next week. The House stands adjourned until Tuesday, next week, the 1st of November 2011 at 14:00.

HOUSE ADJOURNS AT 17:40 UNTIL 2011.11.01 AT 14:30

**NATIONAL ASSEMBLY
ASSEMBLY CHAMBERS
WINDHOEK
01 NOVEMBER 2011**

The Assembly met pursuant to the adjournment.

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

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

NOTICE OF QUESTIONS

QUESTION 38:

HON MOONGO: Thank you, Honourable Speaker. I give Notice that on Thursday, the 3rd of November 2011, I shall ask the Minister of Health and Social Services the following:

It is a fact that Private and State hospitals realised that the majority of the Namibian community are poor and walk long distances to district hospitals to take care of their admitted relatives:

- (a) Can the Minister agree to establish or subsidise permanent affordable shelter to protect people from rain, sun and chilly winds for those who take care of their patients at every hospital, with hygienic facilities and electricity?
 - (b) Can the Minister look at creating waiting areas to provide temporary and affordable shelter with ablution facilities for those waiting?
-

01 November 2011

**NOTICE OF MOTIONS
HON TJIHUIKO / HON PROF KATJAVIVI**

NOTICE OF MOTIONS

HON TJIHUIKO: I give Notice that on the 3rd of November 2011, I shall Move –

That this Assembly –

Discusses the devastating water debts which are just about to kill off proud and self-sustaining communities in our country. That Government accords the same status to water as it has done to education, health and the army as being essential services. That water be provided by a department within the Ministry of Agriculture, Water and Forestry or that a fully-fledged Ministry be created to cater for provision of potable and clean water to our people, based on cost recovery principles. I so Move, Honourable Speaker.

HON SPEAKER: Will the Honourable Member please table the Motion? Any other Notice of Motions? Professor Katjavivi.

HON PROF KATJAVIVI: Honourable Speaker, Honourable Members, I speak under an unopposed Motion to make the following statement.

Honourable Speaker, we learned from you last week that your role as the President of the Inter-Parliamentary Union has come to an end. Many of us in this House felt that your successful tenure of duty as head of the IPU should not pass without a statement of our appreciation.

On behalf of Members of this august House, I, therefore have the greatest pleasure to place on record our warmest congratulations to you for the splendid manner in which you have guided the work of the IPU. You offered this dedicated service to the international community notwithstanding the fact that you were also required to serve your own Nation as the Presiding Officer in the National Assembly.

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**NOTICE OF MOTIONS
HON PROF KATJAVIVI**

Honourable Speaker, I would briefly to highlight certain aspects of your distinguished service:

From 16 to 19 October 2011, you presided over the 125th Assembly of the IPU, which brought together parliamentary delegations from 130 countries, hosted by the Swiss Parliament in Bern, Switzerland. This event was attended by the President of the Confederation of Switzerland and a number of distinguished participants, including the Secretary-General of the United Nations.

At this great occasion you handed over the IPU Presidency to another eminent son of Africa, Mr Abdelwahad Radi, Speaker of the Moroccan House of Representatives.

This was a culmination of your three-year period of dedicated service to the IPU and its work to promote world-wide parliamentary dialogue, peace and cooperation among people, and the firm establishment of representative democracy.

Amongst other distinguished achievements while you were at the helm of the IPU, we recognise the IPU Strategic Road Map that will serve as a guidance to the work of the IPU. This strategy was crafted under your able leadership and firmly anchors the IPU in the 21st century by giving it more focus and a clearer sense of direction.

Under your leadership the IPU has also played a leading role in debating the effects of the worldwide economic and financial crisis, to determine what Parliaments, Governments and the international community can do to mitigate the negative effects of this crisis on our people.

Honourable Speaker, we are reminded that you have served the international community in other ways as well:

- In 1999-2000 you served as President of the 54th Session of the United Nations General Assembly.
- You were instrumental in driving the United Nations reform process

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**NOTICE OF MOTIONS
HON PROF KATJAVIVI**

that saw the drafting of the historic Declaration at the UN Millennium Summit in September 2000, where our Founding President, His Excellency Dr Sam Nujoma, presided as co-chairperson. This Summit defined the Millennium Development Goals that now guide development efforts throughout the world.

Honourable Speaker, we also recall your distinguished service to the Namibian Nation:

- As Namibia's Prime Minister from 2002 to 2005, until your appointment as Speaker of this House;
- As our Foreign Minister from 1990 to 2002;
- As a member of the Constituent Assembly Constitution Drafting Committee and a founding member of the Namibian Parliament;
- In the struggle for Independence as a leading member of SWAPO; and finally
- To add to the international recognition, upon the end of your term of office, the IPU on the 19th of October 2011 bestowed upon you the title of the Honorary President of IPU.

Honourable Speaker, we agree with you when you say that successfully tackling today's global challenges demands an analysis of the governance of international institutions and the interplay between Nations and processes. It is, therefore, true that effective international accountability depends on strong, vibrant, regional and national systems of democracy.

In conclusion, Honourable Speaker, on behalf of all Members of this House, I take great pleasure in congratulating you for your exceptional leadership. You have been a servant of Namibia and of the international community, whose leadership qualities are widely acknowledged at home and abroad. We salute you, Sir.

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**MINISTERIAL STATEMENT
HON KUUGONGELWA-AMADHILA**

HON SPEAKER: Thank you very much, Honourable Katjavivi, thank you very much, dear Colleagues. Any further Notice of Motions? Ministerial Statements? Minister of Finance.

MINISTERIAL STATEMENT

HON MINISTER OF FINANCE: Thank you, Honourable Speaker, Honourable Members. I rise to inform the august House on the outcome of the successful Eurobond debut issue by the Republic of Namibia on 27 October 2011.

Honourable Members, on Monday, October 3rd, 2011, the Namibia road show team, led by the Minister of Finance and joined by the Governor of the Bank of Namibia completed five days of meetings with fixed income investors in the United States, the United Kingdom and continental Europe. The meetings were very well attended with over 90 investment institutions participating.

As a result of the volatility in the markets the Team was targeting to issue the Eurobond, the decision was made to wait and only issued when the conditions are favourable. The Government had other alternative sources of revenue to finance the deficit and there was no desperation. What was primarily disturbing in the market during that time was the unresolved European debt crisis. We have been monitoring the market since then up to last week when conditions in the market improved considerably, following resolutions by European leaders to resolve debt problems in the Euro Zone areas.

On the 27th October 2011, the Republic of Namibia priced a debut US\$500 million 10 year sovereign bond in the international capital markets. The 144A/RegS Eurobond has a coupon of 5.5% per annum, payable semi-annually and was issued at a re-offer price of 98.119%. The

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**MINISTERIAL STATEMENT
HON KUUGONGELWA-AMADHILA**

Republic's inaugural issue priced with a yield of 336 basis points over the ten-year United States Treasury bond.

The transaction was announced mid-morning in London on the 27th of October. Due to strong investor demand, the transaction was priced during the course of one day. Investor demand amounted to approximately five times the principal amount of the Eurobond and came from over 170 international fixed income investment institutions. To put this into perspective, the Republic of Namibia only wanted to raise US\$500 million, but ended up receiving offers in the amount of US\$2.75 billion, equivalent to around N\$22 billion.

We achieved a broad geographic distribution with the United States and the United Kingdom institutions representing approximately 75% of final investor allocations. Investors from continental Europe, the Middle East, Asia and Africa accounted for approximately 25 percent of the remaining allocation. We are glad to note that there was also an African investor for our bond, an African Central Bank from a friendly African country.

Honourable Speaker, Honourable Members, with the issuance of our country's first Eurobond, Namibia has managed to achieve its stated objective of setting international pricing benchmark to support future international financing by the public and private sectors. At the same time, Government has diversified its funding sources which will be utilised to finance our Budget deficit.

In conclusion, I would like to express our appreciation and gratitude to the dedicated Namibian team and the lead managers, being Standard Bank and Barclays Capital for a job well done. Thank you very much.

HON SPEAKER: I think congratulations are in order. Minister, keep it up. Honourable Mutorwa.

MINISTERIAL STATEMENT

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**MINISTERIAL STATEMENT
HON MUTORWA**

HON MINISTER OF AGRICULTURE, WATER AND FORESTRY:

Thank you, very much, Comrade Speaker, Honourable Members of the National Assembly. I want to make a Ministerial Statement, providing some information and registering some concerns of what we perceive in the Ministry of Agriculture, Water and Forestry as the continued vandalism and destruction of some parts of the Veterinary Cordon Fence (VCF).

Comrade Speaker, Namibia is divided into three distinct animal health control zones, namely, (a) the Foot-and-Mouth Disease (FMD) free zone from where unrestricted export of livestock and livestock products takes place; (b) the protection zone and (c), the Foot-and-Mouth Disease infected zone.

The Government, through the Ministry of Agriculture, Water and Forestry is committed to maintain the livestock sector as a vibrant and progressive component of the Namibian economy. This is ensured through the practical implementation of measures and strategies that allow for free trade in livestock and livestock products within the country and exports to international markets. The importance of the livestock sector cannot thus be over-emphasised, because the majority of our people depend on livestock for survival and livelihood. It is for that important reason that we are continuing with mass livestock vaccination in areas north of the Veterinary Cordon Fence. We are also continuing to strengthen the veterinary control fences and to capacitate the Directorate of Veterinary Services to continue certification of livestock and livestock products with authority.

The Ministry of Agriculture, Water and Forestry employs a dedicated cadre of fence maintaining units in Okahandja, Outjo, Grootfontein and Gobabis State Veterinary Offices. Currently the teams in Gobabis and Grootfontein are overwhelmed and inundated because the fence between the Kaudom Game Park and Tintau Gate and the Veterinary Cordon Fence in the Tsumkwe area of the Otjozondjupa Region is constantly vandalised, costing Government vast amounts of money and human power to repair

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**MINISTERIAL STATEMENT
HON MUTORWA**

such fences, resources that could be better spent elsewhere to improve the lives of other ordinary Namibians and residents in our country. At some stage, the problem escalated to the extent that almost N\$8 million from the Meat Board of Namibia, money from the component of the Livestock levy, used for animal disease control had to be utilised to repair those fences.

The abovementioned fencing teams are adequately equipped to deal with natural wear and tear, as well as breakages due to wild animals, especially elephants. However, and regrettably so, Honourable Members, of late we have observed increased acts of vandalism where human beings are seriously engaged in what I could term economic sabotage and self-destruction. I am emphasising economic sabotage, because the constant destruction of the fence has the potential to undermine access of Namibian meat and meat products to international markets and one cannot fully describe the potential economic consequences of such criminal, unpatriotic and unwanted actions in terms of:

- Loss in revenue from the export of livestock and livestock products and subsequently the incomes of both communal and commercial farmers, resulting in financial difficulties.
- Enforcement costs related to pre-emptive Government actions to close off vast areas to contain the impact of such activities on the animal health status of the different zones of Namibia, as was the case with the recent intrusion of buffaloes in the Okamatapati area. That in itself had an adverse effect on farmers who could not move animals to the markets, thereby losing much needed income to survive.
- Unavoidable increase in levies through institutions, such as the Meat Board, to generate sufficient funds to maintain the fences. This in itself has a negative effect on the income of farmers. That is why such unpatriotic actions are called economic sabotage and I think all of us will agree. Those vandalising the Veterinary Cordon Fence really qualify to be called economic saboteurs!

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**MINISTERIAL STATEMENT
HON DR KAMWI**

The reason for my statement, Comrade Speaker, is really to provide this information, but also to seriously call upon all of us, community leaders, Traditional Authority leaders, Regional Councillors, Political Party leaders, Regional Governors, law enforcement agencies and members of farmers' organisations and individuals to assist the Government in sensitising and educating members of the community of the negative consequences, the continued destruction of the Veterinary Cordon Fence has on the income of all farmers, both communal and commercial and the general economic well-being of the country.

Finally, anyone who observes and/or finds anybody or groups of people destroying the Veterinary Cordon Fence, in our view as leaders, has a patriotic obligation as a citizen or inhabitants of this country, to immediately report such people to the Namibian Police or veterinary officials, as these careless actions negatively affect the welfare, not only of farmers, but that of the whole country and its inhabitants.

The Ministry, on its part, shall continue to monitor and do whatever possible to maintain the integrity of animal disease control measures. However, this has to be a national collaborative effort to prevent vandalism by human beings, individual members of our society with evil intentions. Our common vigilance and prevention of any form of vandalism shall prevent the unavoidable utilisation of measures that may affect even the innocent citizens in terms of unintended consequences. Comrade Speaker, I thank you.

HON SPEAKER: I thank the Minister. Dr Kamwi.

MINISTERIAL STATEMENT

HON MINISTER OF HEALTH AND SOCIAL SERVICES: Thank you, Honourable Speaker, for giving me the Floor to share some

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**MINISTERIAL STATEMENT
HON DR KAMWI**

distressing and yet, important findings on alcohol misuse which emanated from community meetings that took place across Namibia. The meetings were taken as part of the “Stand UP Campaign Against Alcohol Misuse” which seeks to address this widespread evil affecting our Nation.

As you might be aware, the Stand Up! Campaign was launched in Windhoek on 6 July 2010 and is designed to facilitate the establishment of an organised, informed and Government-led social movement driven by the wider community to claim their rights and stand up against the irresponsible sale and misuse of alcohol without fear of retribution.

In order to initiate this movement against alcohol misuse, alcohol community meetings were held during 2010 and 2011 in eleven towns, namely Swakopmund, Walvis Bay, Rehoboth, Mariental, Keetmanshoop, Rundu, Windhoek, Khorixas, Gobabis, Oshakati and Otjiwarongo.

The meetings were attended by over 800 people giving us broad and well-founded understanding of the issues facing our communities with regard to alcohol misuse. The meetings were organised by the Ministry of Health and Social Services and Nawalife Trust, a Namibian NGO specialising in health communication programmes.

The alcohol meetings focused on:

- The extent of the alcohol problem;
- The negative effects experienced by the communities as a result of alcohol misuse;
- Contributing factors to alcohol misuse; and
- Community recommendations.

Honourable Speaker, Sir, Honourable Members, from these community meetings we can conclude, undoubtedly, that alcohol misuse is a major problem in all eleven communities that took part in the meetings. Alcohol abuse was clearly attributed to violence, crime, elevated instances of

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HON DR KAMWI**

domestic neglect and risky and indecent behaviours.

Alcohol-fuelled violence and crime came out as the topic most referred to during the community meetings. The fear of alcohol-related deaths, fighting and crime has resulted in many restless nights and personal loss. Tales of gender-based and sexual violence also came out strongly.

A main talking point of the meetings was the directing of household income to alcohol and the associated effects on the family. The increase in familial neglect, that is, the failure to meet the basic needs of the family, is possibly one of the worst effects of alcohol misuse in that it contributes greatly to several other social ills. Pensioners using pension money for alcohol, parents who opt to buy alcohol instead of providing for their children, and so forth, have led to the establishment of dysfunctional households across the communities.

Finally, community members also recognised risky sexual behaviour and elevated HIV risk as associated with alcohol misuse.

As a result, three key issues were mentioned that contributed significantly to the misuse of alcohol and these are:

- The high density of shebeens in the country;
- Failure to enforce the rules and regulations of the 1998 Liquor Act;
- Poverty and unemployment.

Another major concern for communities was the big number of shebeens situated in relatively small areas and thus providing easy and widespread access to alcohol.

All communities felt that despite stipulated trading hours, alcohol was always obtainable and lack of sufficient resources, routine monitoring and enforcement have made it easy for many shebeens to operate outside the law.

Throughout the communities, poverty and unemployment were cited as the key reasons for alcohol misuse. In several communities, indeed,

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**MINISTERIAL STATEMENT
HON DR KAMWI**

alcohol was found to be cheaper than food.

While the selling of alcohol did provide a way of generating income for some, many participants were of the opinion that the negative effects on the communities of selling alcohol without limits outweighed the positive economic benefits by far.

On a positive note, community members provided recommendations on how to address the issue of alcohol misuse. In a nutshell, these are:

- Increasing community support and action;
- Decrease the availability of alcohol in Namibia;
- Stricter law enforcement;
- Demarcate a special area in communities where alcohol can be consumed;
- Involve the traders in prevention programmes;
- Increase alcohol-free recreational activities;
- Advertising of alcohol beverages must be stopped in the communities and at the extreme, must be stopped totally.

Given the severity of the issue at hand, Honourable Members of Parliament, I would like to call upon all of you to support the Government by earnestly considering the implementation of these recommendations.

I am appealing to you to become our ambassadors in this worthwhile transformational movement, the Stand Up! Campaign Against Alcohol Abuse. Thank you.

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**TREATY: KAVANGO-ZAMBEZI TRANS-
FRONTIER CONSERVATION AREA
HON NANDI-NDAITWAH**

HON SPEAKER: I thank the Honourable Minister. Indeed, it is a major challenge to the Nation and to us as leaders. The first Notice of Motion is the one by Honourable Ndaitwah, Minister of Environment and Tourism. Does the Honourable Minister Move the Motion?

HON MINISTER OF ENVIRONMENT AND TOURISM: I so Move, Honourable Speaker.

HON SPEAKER: Secondment? Any objection? None. You have the Floor, Honourable Minister.

**RATIFICATION: KAVANGO-ZAMBEZI
TRANS-FRONTIER CONSERVATION AREA**

HON MINISTER OF ENVIRONMENT AND TOURISM: Thank you, Honourable Speaker, Honourable Members. Honourable Speaker, before I present the Treaty to this Honourable House, allow me to say one word to you as my mentor on matters of international relations, I was not at all surprised to hear from Honourable Katjavivi that you were made Honorary President of IPU because I know what you can do on issues of international and national concern and I can only say congratulations and keep up the good work.

Having said that, Comrade Speaker, the Kavango-Zambezi Trans-Frontier Conservation Area (KAZA-TFCA) is a conservation and development partnership of Governments of Angola, Botswana, Namibia, Zambia and Zimbabwe. The KAZA-TFCA includes no less than forty formally proclaimed national parks, game reserves, forest reserves, game or

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HON NANDI-NDAITWAH**

wildlife management areas as well as intervening conservancies and tourism concession set aside for consumptive and non-consumptive use of natural resources.

In the Republic of Namibia KAZA-TFCA comprises of the Babwata National Park, Madumu National Park, Mamili or Kaza-Rupara National Park, Kaudom National Park, Mangetti National Park, Caprivi State Forestry and conservancies, including Nyae-Nyae and Nkawa Conservancy and community forestry between and around those protected areas. Thus the area includes the Caprivi Region, eastern part of the Kavango Region and the Tsumkwe in Otjozondjupa Region.

The biological resources of the KAZA-TFCA incorporate the largest contingent of elephant population on the African continent. The area is also endowed with abundant and diversity of wildlife species that are of considerable economic and ecological value. The plant life is equally phenomenal with at least three thousand species, some one hundred of which are endemic to the Region, as well as more than six hundred species of birds that are characteristic of Southern African savannas, woodland and wetland.

The KAZA-TFCA also includes some of the wild renown natural features and tourist attractions, such as the Victoria Falls, one of the seven natural wonders of the earth and wild heritage and the Kavango Delta, the largest Ramsar in the world.

The area of KAZA-TFCA are inhabited by human population who keep herds of domestic stock. The livelihoods of the rural communities revolve around pastoralism, hunting, fishing, harvesting of reeds and sedges, growing of crops, which is often protected by burning of the grassland and employment of skilled labour, notably in different sectors of a vibrant tourism industry.

It is imperative that any programme to promote the conservation and bio-diversity must, on the other hand, sustain and have a positive impact on

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the standard of living of those rural communities. Therefore, the objectives of KAZA-TFCA are:

- To maintain and manage the shared natural and cultural heritage resources and biodiversity of the KAZA-TFCA to support health and viable populations of wild species;
- To promote and facilitate the development of complementary networks of protected areas within the KAZA-TFCA, linked through corridors to safeguard the welfare and continued existence of migratory wildlife species.
- Provide opportunities, facilities and infrastructures that shall transform the KAZA-TFCA into a prima tourist destination in Africa, made up of a range of independent, but yet complementary and integrated sub-regional tourism development nodes.
- Develop and implement programmes that shall enhance the sustainable use of natural and cultural heritage resources to improve the livelihood of local communities within and around the KAZA-TFCA and thus contribute towards poverty reduction.
- Facilitate a healthy and competitive economic environment which promotes and enables public-private community partnership, private investment and regional economic integration.
- Share experience and pool resources and expertise across international borders in areas, including indigenous knowledge, tourism management, border control, technology and renewable energy to facilitate development.
- Promote and facilitate the harmonisation of relevant legislation, policies and approach in natural and cultural heritage resources management across international borders to ensure compliance with international protocols and conventions related to the protection and sustainable use of species and ecosystems.

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HON NANDI-NDAITWAH**

- Build capacity for and within KAZA-TFCA through training, enterprises development and monitoring programme that increase the skills and knowledge associated with management of natural and cultural heritage resources and facilitate stakeholders' participation in the KAZA-TFCA planning and development process.
- Promote and facilitate the harmonisation of relevant registration policies and approach in areas of trans-boundary animal disease prevention, surveillance and control within the KAZA-TFCA.
- Promote fundamental and applied scientific and multi-disciplinary research in order to increase the knowledge base of the KAZA-TFCA and to maintain emerging environmental issues and social programmes, such as climate change and HIV/AIDS and overall development of the KAZA-TFCA.

Comrade Speaker, the current tourism infrastructures, comprising hotels, lodges, safari camps, road border posts, airports, airstrips and untapped potential to develop more tourism facilities, offer a real window of opportunity for transforming the KAZA-TFCA into a world-class and prima tourism destination in Africa. It is on the basis of this potential presented by the vast wildlife, tourism and cultural resources in the Region that the five partner countries believe they can derive equitable return and significant socio-economic benefits, provided they harmonise their conservations policies and practices and use their shared natural resources effectively.

Since the KAZA-TFCA was first thought of in 2003 at the event which was officiated by His Excellency Dr Sam Nujoma, Founding President and Father of the Nation, at Katima Mulilo on the 24th of July 2003, it has become clear that realising the conservation and development agenda of this ambitious programme would require political, financial and technical support. These supports have already been forthcoming, with partner countries providing focused targeted funding for specific activities within KAZA-TFCA and long-term technical and facilitation expertise to ensure that the programme achieves its objectives.

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In December 2006 the Ministers responsible for Tourism, Wildlife, Natural Resources and Environment from the five partner countries signed a Memorandum of Understanding through which they confirmed the commitment of their Governments to collaborate in the establishment of the KAZA-TFCA. It is on the basis of this understanding that the five partner countries realised that they need to collaborate in managing the vast wildlife, tourism and cultural resources to derive equitable socio-economic benefits for communities in the KAZA-TFCA and the country at large and that the Treaty for formally establish the KAZA-TFCA should be developed, finalised and signed by the Heads of State. The Treaty was finalised and agreed upon by partner countries. On the 18th of August 2011 at the SADC Summit in Luanda, Angola, the Presidents of the Republic of Angola, Botswana, Namibia, Zambia and Zimbabwe signed the Treaty which now formally establishes the KAZA-TFCA. With the signing of the KAZA-TFCA Treaty, the KAZA-TFCA has become an international organisation with a legal person, capable of entering into contracts, acquiring or disposing of properties. Institutions established through the Treaty to govern the KAZA-TFCA, particularly the Secretariat, will be empowered to ensure that the objectives of the Treaty are realised and corresponding strategies planned and protocols implemented.

In terms of Article 27 of the Treaty, the Treaty has to be ratified and shall be ratified by the partner States in accordance with their domestic laws and hence my submission of this Treaty to this House. The ratification of the Treaty by the partner countries will pave the way for the KAZA-TFCA to be launched officially. To that end, Honourable Members, Honourable Speaker, I hereby submit the Treaty for Kavango-Zambezi Trans-Frontier Conservation Area to this Honourable House for ratification and thank you for your attention and for your support.

HON SPEAKER: Thank you. On that note the House shall rise for refreshments.

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RT HON ANGULA**

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

HON SPEAKER: Any further discussion? Prime Minister.

RT HON PRIME MINISTER: Thank you, Honourable Speaker. Let me add my voice in congratulating our Speaker for successfully and in a distinguished manner completing his tour of duty as the President of IPU. I can assure you that you are ordained to be successful all the time. Keep it up.

The Kavango-Zambezi Trans-Frontier Conservation Area is a move in the right direction and I support Honourable Netumbo Nditwah for really pushing the ratification of this Agreement.

First of all, this is about the management of our natural resources in the form of fauna and flora. For the future generations, we must manage these resources in a sustainable manner for future generations.

Secondly, it is commendable that we are managing these resources in collaboration with our neighbours, because it is a step in the right direction in terms of integrating the SADC economies. We had some unfortunate incidents in the area of Caprivi where people sometimes go and poach in Botswana and end up being shot. I hope this will not again happen because it will now be a joint management by all of our countries and if a citizen of one country goes to poach in another country, the law enforcement agencies of these countries should come together and find an appropriate punishment in a joint manner. This will also promote cooperation in our region.

Thirdly, the concept of joint management of natural resources, such as flora and fauna, is not a new one. This has been practised since time

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immemorial. The Khoes of southern Angola and those in Caprivi, the Barakwenas and the Haikum communities have been managing these resources exactly in this manner before there were colonial boundaries and they have sustained themselves through joint management of these resources so that they are not depleted.

The problem was brought about by the Bantus. When a Bantu sees a wild animal, he will chase this wild animal until he kills it for the pot. They are the ones who brought about this problem, joined by colonial settlers who brought the gun and they made things even worse because of the gun. In the process conservation can only happen if you declare an area a wildlife conservancy area. Then you start putting up fences all over the place and because of fencing the animals and chasing out especially the San communities who sustain themselves through these resources, we have actually impoverished these communities.

As a progressive, forward-looking Government we must rethink our policies on how to manage the game parks. We must manage them in such a way that the original people who benefited from these resources should be part of that management. The Office of the Prime Minister was forced to establish a San Development Programme because these communities have been destabilised. Their ways of livelihoods have been totally destabilised and they are no longer able to sustain themselves through the resources which sustained them since time immemorial.

My suggestion, therefore, to the Honourable Minister is to engage other Ministers and to see how the management of this Trans-Frontier Conservation Area can incorporate the San people so that they will be able to benefit more from this, otherwise we will be faced with this problem whereby the San communities are destabilised, they have no means of livelihood and they become dependent on handouts from Government and in the process they lose their dignity. We want all our people to live in a dignified manner.

Therefore, Honourable Minister, I hope you agree with me, let us see how we can incorporate the San communities in the management of this

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conservation area. I thank you.

HON SPEAKER: I thank the Honourable Prime Minister. Honourable Sioka.

HON MINISTER OF GENDER EQUALITY AND CHILD WELFARE: Comrade Speaker, thank you, for the Floor. Allow me, first of all, to congratulate you as one of the beneficiaries from your mentorship. You were my teacher, you gave me knowledge when I was with you as the Speaker. Your success wherever you went was a Namibian success. Whenever I had to leave for a certain country, you would tell me about the history of that country, so that once I am there I have to do what is right for the Namibian people. You gave me history, you gave me knowledge and I thank you very much.

Let me also thank Honourable Netumbo Ndaitwah for coming up with this very important Treaty. The treaties and protocols which we are signing create friendships among Nations, which is very important and this is what you have achieved here with our neighbouring countries, Angola, Botswana, Zimbabwe and Zambia.

The Prime Minister has mentioned a very important issue which is the main reason why I rose to speak. People have died, because immediately we see an animal, we see a cooking pot and even though you are in another country, you are tempted to kill that animal. That is the behaviour because of our history whereby animals could be hunted freely, but now there are laws which prohibit the killing of animals. Therefore, this Treaty opens up a platform and if a Namibian crosses over to a neighbouring country to go and poach, that person shall be taken to Court instead of being killed.

Many people have benefited from the creation of some conservancies,

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especially in my Region and they really appreciate what the Ministry of Environment and Tourism has done.

Before I pose the few questions, I would like to say that there were some utterances by our people concerning the donation which was given to Cuba. Cuba has assisted Namibia in the liberation of this country, therefore, giving them this is not enough, it is nothing. Therefore, I say, Minister, proceed and help the Cubans just to make them feel comfortable, that we were part of them and they helped us and those who are talking never felt the heat of the liberation struggle. If they did, they would not have asked why we are giving these animals to the Cubans while poor people are dying in Namibia. Some of them are born-frees and some of them are doing it strategically, just to disappoint Namibia, to show that we do not appreciate when we are helped by other people. Cubans died for this country, we were fighting with them on the battle field in Angola.

Comrade Minister, I have a question on Article 1(c) on Page 8 which says the Headquarters of this KAZA-TFCA will be in Botswana and also the Secretariat Committee. Why can we not exempt them from holding the Secretariat, because I think it is a heavy load on them.

On Page 18 of the Treaty it deals with the quorum of meetings. It says three countries can form a quorum and I have difficulties with this, because there may be a dispute in the meeting and one country may abstain, one country may be in support and the other one, reject. It would be better if four countries form a quorum for decisions to be taken.

On Page 29 it deals with the signing by the Presidents. I feel it is up to us to speedily ratify the Treaty because the Presidents have given us the green light as they have signed and to delay this will not auger well. I feel that Members of Parliament should now ratify this Treaty as soon as possible to pave the way for the implementation of the KAZA-TFCA, which is composed of Botswana, Angola, Zambia, Namibia and Zimbabwe.

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Comrade Speaker, the ratification of the Treaty, the Protocol and the Convention is very important because they create a relationship and friendship among the people and we will have a platform to negotiate if something happens to somebody within the five countries. Those are the few words which I wanted to add, Comrade Speaker. Thank you.

HON SPEAKER: Thank you. Honourable Kawana.

HON MINISTER OF PRESIDENTIAL AFFAIRS AND ATTORNEY-GENERAL: Thank you very much, Honourable Speaker. Let me join my senior Colleagues who congratulated you and recognised your contribution to diplomacy. I recall during the eighties when I was a student in Europe, you were part of the SWAPO Party delegation to Geneva where you met some of our countrymen from home and you played a very important role in that meeting to remind them that Namibia comes first over and above anything else. Once again, Comrade Speaker, congratulations.

I rise to join my Colleagues who wholeheartedly supported the KAZA Treaty. Honourable Speaker, we are reminded that when the German colonial authorities approached Chief Samuel Maharero and said they wanted land, he instructed one of his assistants to put soil in a basket and give it to them. But then they said, no, they want land to settle on and Chief Maharero said, never, these are the resources reserved for the future generations, the only way the Germans can acquire that is through war. Therefore, I am happy that this time around, as the Right Honourable Prime Minister pointed out, we are preserving the natural resources of our countries across international boundaries, hopefully for the benefit of the future generations.

Trans-frontier joint management of our natural resources will also assist in the sharing of experiences and knowledge, however I want to plead with

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the Honourable Minister with regard to indigenous knowledge, that I hope this indigenous knowledge will remain communal, will not be patented by individuals to the exclusion of communities, especially the previously disadvantaged Namibians, such as the San.

The resources of Africa should, first and foremost, benefit the African people. Today Africa is facing a dilemma. Those countries which are not endowed with natural resources are cast in the sea of poverty. On the other hand, those countries which are endowed with natural resources, especially minerals, are facing a threat from powerful Nations which want to expropriate those resources through the backdoor to the benefit of their citizens, through the barrel of the gun, as it was the case during the colonial period. Africa was colonised principally because of its natural resources, because of its wealth. It is documented in history that those countries which had many colonies with an abundance of natural resources, became super powers. In those years to be rich in Europe was to have as many colonies as possible in order to exploit the natural resources of those countries to the detriment of the indigenous population. The result, particularly in southern Africa, is that we had to achieve our National Independence and freedom through the barrel of the gun.

Today we should jealously guard these resources to ensure that they benefit the people of Africa, our citizens, as our bottom-line.

With these few remarks, Honourable Speaker, once again, I wholeheartedly join the other Honourable Members and support the ratification of KAZA. I thank you.

HON SPEAKER: Thank you. Honourable Bezuidenhoudt.

HON BEZUIDENHOUDT: Thank you, Honourable Speaker. I want to extend congratulations and good luck to the Minister and the Ministry, the tourism industry and all the stakeholders with their bid to host the

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International Tourism Conference in Namibia. Good luck with that effort and you can count on my support.

When I was at a conservation conference earlier this year, there was a Namibian delegation consisting of stakeholders, the Cheetah Conservation Foundation as well as WWF, the Wildlife Fund, and they were the best prepared delegates in terms of presenting evidence and programmes on enhancing conservation in our country. That demonstrated to me that we have very good conservation policies and efforts in this country.

When people ask me, *“what did you say, are you only two million people in a country of more than 800,000 square kilometres, what do you do with the space”*, I normally say, *“we proudly share it with the animal kingdom because we have plenty of that”*.

Part of my preliminary observations, before I come to the text, is that there was an unfortunate incident reported this morning where one of the parties to this agreement has suspended some of the conservation activities in their country, saying that the previous Government has treated animals with more respect than humans and I hope that that was a misrepresentation of what the President actually meant and if it is not a misrepresentation, it will become incumbent upon this Treaty to engage him to make sure that he understands and his Government understands the value of conservation. That was indeed an unfortunate and worrisome report that I stumbled upon this morning.

Many opportunities are locked up in this Treaty. There are opportunities for individuals, there are opportunities for communities and there are definitely opportunities for a country. What this Treaty must now do is to come up with actions plans to unlock this potential.

A couple of years ago the former President and the former President of South Africa inaugurated a trans-frontier park in the south of the country and in the course of this week I picked up an unfortunate statement that people will not support conservation or tourism because we do not benefit

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anything from this massive park around us. That is why I say this Treaty calls for action plans to concretise this Treaty in the community so that we can unlock the potential.

As a National Assembly we are doomed in the sense that we are compelled by Article 95(1) of the Constitution which tells us what we must do or what we are obliged to do with our ecosystems, our animals, our conservation and everything. Therefore, we have no other reason not to approve this, because we are compelled by what the founding fathers wrote in our Constitution.

As the Minister said, we must jealously guard what we have today in Namibia, because others had it and they destroyed it and now they want us to preserve and conserve it for the generations to come, but we cannot do this at the expense of our own people's development and that is where we need to engage the international community and regional organisations so that they understand that we, on behalf of the world, take care of some of the animals and beautiful natural places which are today still found in Namibia and we preserve this for the others to come and see, but they must not take it for granted, they must apply equal respect for what we have the way we respect what we have.

Coming to Article 5 on the general principles of the Treaty, it is said that the principles will also be amicable resolution of disputes. I take it that these are disputes between countries, but I think what we can offer is a well-documented Namibian recipe for human-animal conflict. We can actually train and educate others on how we successfully resolve human-wildlife conflict.

When I read through this Treaty, I was wondering what are the material gains from wildlife. It is obviously protected under various agreements, including CITES, which is not specifically mentioned in here and it is also not necessary that it should be here.

On the same Article 5, it calls under (f) for knowledge-based decisions derived from inter-disciplinary research and traditional knowledge. That

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calls on us as a country and specifically in the conservation area to document what we have, to document what we learn and experience so that we can keep it for prosperity, thereby sharing our knowledge and experience of wildlife conservation.

Under (g) it calls for the creation of forums to facilitate consultation and effective participation of all stakeholders. This is a Treaty signed by Government, it must be ratified, in terms of the Constitution, by this Parliament and then Parliament walks away from it. I would recommend to the Minister to draw a number of Members of Parliament from this House who are conservation conscious to assist in driving this whole philosophy. Once we have established a small group of Members of Parliament to drive the conservation efforts and issues, we can then engage other Parliamentarians to really drive policies and ideas to conserve what we have on behalf of the world. That will take this Treaty much further in its implementation.

On Page 12 I also underlined “*a prima tourist destination in Africa*” and when I looked at it, I wondered why I underlined it and I said, “*okay, because Namibia is already one.*” I want us to protect that. Our people must understand that the tourists who come here spend their hard-earned savings to come and see something very unique, which we do not appreciate because we live with it and we see it every day. We must educate the Namibian people not to take the tourists for granted, not to harass them so that they understand their marketing role when they go back, to tell their friends and their Nation it was a wonderful experience.

There are examples in history where people manhandled tourists, the industry’s name became tainted and tourism revenue took a nosedive. While I am on that point, people want to blackmail our tourism industry because of our policy on seal culling. That also needs to be explained to the Namibians and the broader community of the world, so that they understand why we do it and what we derive from it and not for these powerful lobbyists to threaten to destroy our tourist industry.

Paragraph (f) on Page 12 the Treaty calls for healthy and competitive

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economic environment which promotes and enables public-private community partnerships. I think that only underlines what I said earlier, how we must develop our industry so that the communities also benefit. At the conference on conservation which I attended earlier this year there were individuals who successfully engaged the corporate world and the conservation world and genuinely and truly supported conservation efforts through the introduction of wild dogs into the wild. A company like Vodacom is big in that. They tap these millions of dollars from these corporations, speak to their conservation conscience and they put their money into these efforts so that the industry can grow.

When animals are roaming free, obviously there will be many animal diseases and there must be prevention. Again our experience and our vigilance in dealing with animal diseases must come to the fore in the implementation of this Treaty.

With these few words, I would reiterate that our tourism industry must be developed and sustained for the benefit of not a few, but for all the Namibians. We must unlock that industry so that most of our people become not workers but owners and are empowered to really benefit from what we have to preserve and conserve on behalf of the world. I thank you very much, Honourable Speaker.

HON SPEAKER: Thank you. Honourable Limbo.

HON LIMBO: Thank you, Honourable Speaker. First of all, I would like to congratulate Honourable Ndaitwah for coming up with this wonderful idea. I remember in 2003 when I was in Katima she mentioned this and when my Council was given a chance to deliberate on the issue of KAZA, many of them did not understand what it entails. I was one of the people who were sent to Victoria Falls, Zambia and Victoria Falls, Zimbabwe just to go and understand the whole concept. When we

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returned I was trying to convince my Councillors that this is really a very good idea because it is going to empower our people. Therefore, I am very pleased to now see it tabled in this House, knowing that Caprivi is one of the areas very rich in animals and knowing that our ecosystem was being spoiled by people making fires everywhere. Through this Treaty we are going to preserve what is supposed to be preserved for our people.

Honourable Sioka mentioned the poaching in Botswana and we were getting worried because the people who were dying were mostly from our neighbouring village. When one talks about poachers in Caprivi, it is people from one specific village. We will be saving some lives by having this Treaty in place.

Botswana, Zambia and Zimbabwe have well-developed tourism industries and I would like to urge the Minister to ensure that our people are well-trained to understand this whole issue. When you go to Zimbabwe the people are smiling, but our people working in the lodges are gloomy and one wonders whether they welcome the tourists. We believe that the people will be empowered through this Treaty and, therefore, it is a very good initiative and we have to ratify it as soon as possible so that the work can start and the community can benefit, because it mentions private-public partnerships and even communities to benefit. We have to push so that at the end of the day all of us speak one language, whether you are in Zambia, Zimbabwe, Angola or Botswana, so that our animals and our environment can be protected for the future.

In Caprivi we used to have many waterbucks and other animals, but today you rarely see them. However, I believe through this Treaty we might have some animals returning to the Region.

With these few words, I would like to say thank you and I support the Treaty.

HON SPEAKER: Thank you. Minister Kazenambo.

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HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE: Thank you very much, Honourable Speaker. I join others in congratulating you for being recognised internationally and at home and I hope many of the youth, such as Honourable Peya Mushelenga, will follow in your footsteps. I am not a diplomat, it is not my area, but I hope Peya Mushelenga and others will follow in your footsteps and continue making us proud.

Coming to the Treaty, let me also express my sincere thanks to the Honourable Minister of Environment and Tourism for tabling this important Treaty in this august House for consideration. Honourable Speaker, if one reads the preamble of the document, it refers to international conventions that were signed, some in 1968, 1970, 1971, 1973 and 1979. One is called the Washington 1973, etcetera. I hope that the Dr Kwanas and Comrade Tommy Nambahus of this world who have legal minds will manage to determine whether these treaties have any impact or any relevancy to this Treaty, because these treaties mentioned here are not attached to this document we are considering here and I do not know what implications they will have for what we are considering here. I do not know how they relate to the document and how we will be exempted from their implications. This is only a concern, but if those treaties and conventions have been considered, then it is fine and my concern will be covered. If they have not been considered in relation to this Treaty, then they need to be investigated.

Honourable Speaker, Honourable Members, from a tourist point of view, from a conservation point of view this Treaty is very important and it is needed. However, be that as it may, we are different countries with different cultures and policies and Honourable Sioka has asked what measures have we built in to resolve conflicts in a very amicable way. I am raising the issue of disputes and different cultures as the Treaty on Page 6 mentions cultural heritage resources, which is a very serious issue. We will be signatory to this Treaty, but as we are debating this issue here, I know that in Botswana – and I am sorry to single out Botswana, I am grateful to Botswana, they have hosted my grandparents who were running from German persecution – we are receiving concerns and

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complaints from the Otjiherero and Mbanderu-speaking communities, especially the women, that when their photos are taken for identity documents, they are forced to remove their traditional hats. That already is a dysfunction in the culture of the Herero, because firstly, it is a violation of international cultural heritage, it is disrespect. Everybody is entitled to his or her culture and now that we are ratifying this document, I do not know how heritage is taken care of. The Herero and Mbanderu women in Botswana are being forced to remove their traditional hats for the taking of photos. It is total cultural violation and I do not know where this will end. If tomorrow the culture of a person in one country or the other is not respected, are we going to be party to that? How will we be exempted from that?

Unfortunately, because of our geographical setting and colonial history, you would find that many of the people found in Botswana or Zambia are also found in Namibia and the same with Angola and South Africa. How do we reconcile this, how do we harmonise this cultural heritage because dressing is also part of culture, language is also part of culture, food is also part of culture and besides that, cultural tourism is a very important issue. How do we also bring in the cultural wealth of these people if we are violating the cultures of certain communities with impunity?

To be honest, as a Minister and a member of the Namibian Government and as signatory to this Treaty, I am supposed to promote it, but as a Herero-speaking person, as a Namibian, how will I promote something if another country is violating my culture? How do we harmonise these issues.

Therefore, we must be careful when we are dealing with this, it must be holistic. When we talk about promotion of cultural tourism, I believe it is not only confined... (Intervention)

HON RIRUAKO: May I ask a question? I hope that you got the message from Botswana. They called me to tell me what happened and

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they told me that they accepted the Herero norms and they are allowed to wear them when pictures are taken.

HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT

AND CULTURE: Maybe Honourable Riruako got information from his sources, but for your information, my stepmother, brother, sisters and some of my mother's sisters live in Botswana and I do not need to get that information from you. I am not speaking on behalf of the Hereros alone, I am saying cultural heritage should be respected, it should not be violated. We have Kwanyamas in Angola and we have them here, we have Namas in South Africa and they are here, we have Tswanas in Namibia and in Botswana, we have Subias in Zambia, we have them here and we have the Mayeyi in Botswana. For your information, Honourable Riruako, the Mayehi do not speak yeyi in Botswana. It is a cultural heritage. For your information, Chief, the Namas are not taught Nama in Botswana, the Hereros are not taught Otjiherero in Botswana, the Tswanas are taught here. These are cultural heritage. (Intervention)

HON SPEAKER: Minister, I did not think that there was a dispute, Honourable Riruako was just saying that he was informed and he is satisfied.

HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT

AND CULTURE: Let me continue and conclude. Let us promote and protect the cultural norms of other communities, let us not only incorporate and respect animals moving across borders, let us respect the cultural values and norms of human beings as well and incorporate them in this trans-frontier area.

On the ways and means of managing natural resources, recently I travelled

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from Namibia to Germany and maybe I should have raised this at another platform, but now I am saying it here. Air Namibia was showing a video of the seal cunnig. That is why some of these treaties that we ratify are also used against us. I was shocked! Air Namibia was showing how these small seal pup was threatened by a hyena, a jackal coming to harass it and I can tell you, that video is tantamount to sabotage of this economy. There was no two ways about it. It was said that sometimes our tourist industry is blackmailed, but sometimes we innocently enter into these instruments and tomorrow it is used against us by even our own people. One could see clearly that video was to lobby, to show how the seals in Namibian waters are not safe. I am sure if they are not going to destroy it today, it is there. On that date they played it.

That is why I am saying that when we ratify instruments of this nature...
(Intervention)

HON BEZUIDENHOUT: May I ask a question on this video? Was it a video portraying a natural interaction between predators or was it a culling where humans are involved in clubbing these animals? What was the storyline of the video, just for me to understand?

HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE: Thank you, it is a very good question. The video was portraying vulnerability and lack of conservation and lack of mercy. That is the message. You may not have seen a person harvesting the seals, but the entire content of the message was in line with those who want to boycott Namibia. That was my conclusion and I need to be proven otherwise. I think I am capable enough to analyse that one. But anyway, your question is really in line for further investigation.

I am saying these treaties are good if not interfering in the affairs of other countries. I hope tomorrow we will not be told that you cannot deal with

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your species in Zambezi because you are signatory to KAZA and KAZA is linked to the Washington Treaty of 1973 or KAZA is linked to treaties on cultural heritage.

We know of some communities who are uprooted from their natural environments for mines to be opened there. I hope, for the sake of my sisters who are fishing along the Zambezi, that we will not tomorrow discover oil in the Zambezi and then we are told we are a signatory to KAZA and it is linked to the treaty of 1968 and the people must move. It is happening in other countries. (Intervention)

HON RIRUAKO: May I ask you another question? You are talking about finding oil in an area and being told to move away, but as I am talking to you now, certain substances have been found in those areas where we are. I am not talking about Zambezi where nothing has been found, but I am talking about places where things are found, which we cannot even touch. We know what happened in Libya because of oil and now it is happening here. We have oil and we are waiting to hear the command, how we are supposed to behave.

HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE: In conclusion, Honourable Speaker, the document is good, the intention is good, but I do not know how thoroughly the other treaties have been scrutinised. Maybe it is none of my business because it is in the capable hands of the Minister, but please, I want to leave a footnote that these treaties should not move at the speed of lightening and leave our communities behind, because the majority of our people in the rural areas are dependent on fishing from their natural environments. They build their houses from the grass, they build their houses along the reeds. In some countries you are not even allowed to fish from the rivers, you are not allowed to cut a reed from the river because you are annoying

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the tourists, you are annoying the environmentalists. With these words I rest my case.

HON SPEAKER: Deputy Minister Schlettwein.

HON DEPUTY MINISTER OF FINANCE: Honourable Speaker, thank you very much for giving me the Floor. I join others to congratulate you for your achievements in the IPU and like the Honourable Minister of Environment and Tourism, I did not expect anything else but a hundred percent of hundred-and-fifty percent achievement. Thank you very much for bringing the country on the map again.

Honourable Speaker, I think this Treaty is maybe one of the precedents that we are for now not aware of how important it is. My take of the Treaty is that it is not about bringing back animals, it is not about only cultural rights, it is actually a comprehensive and very progressive plan for development of that huge area. In fact, what we are doing, if I understand the Treaty correctly, is that we are placing the responsibility to develop and utilise that area in the hands of what is defined as stakeholders. We are by and large outsourcing that responsibility to a group that is defined as stakeholders and these stakeholders are under the jurisdiction of a Ministers' Council and a Senior Officials Committee.

If that is what we are anticipating to do, I think there are some consequences that we must be very much aware of. The first one I want to highlight, and allow me to read to the House the definition of "stakeholders". "Stakeholders" means individuals or groups of individuals or representative institutions with a stake, direct or indirect interest in the development and management of the KAZA-TFCA or a right recognised under the laws of the partner States in the area comprising of the KAZA-TFCA. This Treaty obliges Member States to

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recognise individuals as a stakeholder and, in fact, the obligation which is stipulated is to safeguard the interest of the stakeholders. I just mention it because it has very serious consequences in how we are managing our natural resources.

Comrade Speaker, “*natural resources*” are defined in this Treaty as “*means materials occurring naturally within the environments which are of value to mankind.*” Therefore, it is anything, it is a renewable or non-renewable material that naturally occurs there and again I think it is important that we understand that we are placing all these assets, the land, the cultural issues, the intellectual knowledge and the materials in the hands of these stakeholders who are pivotal in the agreement, to run the affairs of KAZA.

Again, if we are clear, and I think we are, this Treaty, over and above is giving the responsibility of management to some groups defined in the Treaty, the other issue which is central to the Treaty is that it is an instrument of regional integration, it is an instrument that integrates around stakeholders and their interests, not so much Governments and their interests. Governments, as Honourable Bezuidenhout has said, which ratify this Treaty recognise that and step away from it, they leave the responsibility with the stakeholders. (Intervention)

HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE: May I ask a question? Honourable Member, if you are saying that the role of Government will be to ratify this Treaty and then leave it to the individual stakeholders, what powers will an ordinary Mayeyi old lady have in terms of knowledge, in terms of protecting her cultural values, the artefacts of cultural heritage? What powers and what know-how will she have if she is left alone to deal with a powerful operating company with sophisticated technology? Are these equal partners or does Government need to intervene to protect the artefacts? To conclude, are you aware that the traditional artefacts of some Ovahimba in Kaoko have been violated by powerful operators and is it not the duty of this Treaty to protect these communities?

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HON DEPUTY MINISTER OF FINANCE: Thank you very much for the question. If my understanding of the Treaty is correct, the Treaty tries to give the opportunity to communities up to individuals who in their own right, insist that their interests are taken care of. So, it is an approach where central Government are no longer the protectors or the providers for these communities, it is now this Treaty which will directly engage communities and individuals, NGOs and whatever is defined as stakeholders, to safeguard their interests. Whether these communities become more vulnerable or they benefit more, that is a question that I cannot answer. In my understanding it is the principle approach to bring the proceeds or the possibilities of development to individuals, communities, stakeholders and take it out of the hands of central Governments to a large extent. However, central Governments will still be involved through the ministerial grouping with the general supervisory responsibility. Thus there are some safeguards but there is also a significant shift away from a centrally driven approach to a community driven basis.

Honourable Speaker, I want to turn to Articles 18 to 21 that talk about the financial arrangements of KAZA. The funding arrangements are that Member States will contribute through a formula that is to be determined by senior officials. It is Article 21(2) on Page 23. It says: *“Partner states will contribute to the budget of the KAZA-TFCA based upon a formula agreed upon by a committee of senior officials.”* My worry here is that there sits a committee of senior officials, they determine the formula and we have been committed upfront to pay as per that formula. It will never come back here, it is just a formula that we do not know of, we do not know what it looks like, we do not know what we are committing ourselves to. It is an approach where our officials sit somewhere, determine the formula and we say yes, whatever you say, we pay. From a fiscal point of view that creates a problem for me because I do not like to go into open-ended situations where I do not know what we have to contribute to this fund.

Secondly, I think the financial arrangements in the Treaty only talk about who contributes. It does not tell us how do we benefit from it. I imply,

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maybe wrongly but I think I am not wrong, the implication is that the proceeds of this development goes into the fund so that it is shared and this committee of officials decides, because they are also responsible to do that. They have to come with an estimate of revenue and expenditure and that gives them the power to decide how the revenue that they get through, amongst others, determining a formula, how that is shared amongst what they determine would be correct. (Intervention)

HON DEPUTY MINISTER OF AGRICULTURE, WATER AND FORESTRY: May I ask a question? If you look at Article 4 and the assets of the five countries and then if you go to Article 18 on the assets, it would mean that all our progressive parks are going to be under KAZA. This means that all these assets will now be privatised. How do you understand it and what is the role of the officials? Are we now going to be removed and taken over by KAZA because they want to have those parks? That is the question via you to the Minister.

HON DEPUTY MINISTER OF FINANCE: Honourable Speaker, I can give the Honourable Member my understanding about this. Article 18 says that, “*property, both movable and immovable, acquired by or on behalf of KAZA-TFCA shall constitute the assets of KAZA-TFCA, irrespective of their location.*” Any movable or immovable property that is acquired by KAZA stays theirs. It can include land but it does not by implication say the whole park. That remains, in my understanding, State land. However, it stresses the point that the arrangement here is that the development of infrastructure, roads or whatever, would be the property of KAZA if it is funded by KAZA. Even if we have budgeted for it, it is a transfer of property in that sense.

Honourable Speaker, my last point touches on what Honourable Kazenambo has said. In the definition of “stakeholders” we include

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individuals, groups of individuals and NGOs I do not think I have anything in principle against NGOs that are furthering the development and utilisation of natural resources, I think that is fine, but we have some experience of some NGOs that have very radical and very harmful agendas that can put some of our well-intended developments in jeopardy. If you sign a treaty where you oblige yourself to make sure that the interests of individuals and NGOs are respected, and that is what the Ministers' Council is obliged to do, I think we must be aware of the possibility that that may include some interests that are not reconcilable with our interests when we talk about development of our natural resources.

We are running out of time and I have said my say and in conclusion, Honourable Speaker, as I said in the beginning, this Treaty is probably seen by some as very progressive. (Intervention)

HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE: On a Point of Order. On the point that the Honourable Member is mentioning of the role of some institutions and we know many of them and also on the point raised by Comrade Ilonga, I think it is stated in this Treaty that this KAZA has the right to sue. It is a juristic person. On what issues will they sue? Tomorrow they may sue the Namibian Government which allows its citizens to fish in the Zambezi River. Maybe I am exaggerating, but one should be cautious. This entity can sue and be sued.

HON DEPUTY MINISTER OF FINANCE: That is correct, KAZA is a juristic person that has the right to sue and be sued. Just to repeat, I think for some this Treaty would probably be seen as a very progressive, very modern way to go about when we manage natural resources for communities, for stakeholders, but I think we must just be very clear on

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what the consequences and the repercussions of such an approach can be. We must be sure that we are ready for that, because stakeholders in this agreement are not only locals, they are global stakeholders. Therefore, the introduction of agendas that are not ours is a possibility.

Comrade Speaker, I thank you very much.

HON SPEAKER: Thank you. Honourable Muheua.

HON DEPUTY MINISTER OF LABOUR AND SOCIAL WELFARE: Comrade Speaker, Sir, Honourable Members, I rise to add my voice and support to the ratification of KAZA, albeit in cognisance of the concerns raised by some of the Honourable Members.

Comrade Speaker, Sir, allow me to join the chorus of all proud Namibians, represented by the Honourable Members in this august House, who congratulated you, Comrade Speaker, on successfully steering the IPU. You did all Namibians proud.

Turning to the Honourable Minister of Environment and Tourism, I would like to thank her for this Motion. Like Honourable Sioka I also support the return of favours received from the international solidarity during our bitter and protracted liberation struggle, especially the people of Cuba who were there all the way up to the decisive battle of Cuito Cuanavale. They sacrificed all manner of resources, including human resources and if we can assist them with a few animals, of which we have many, it can only serve as a good gesture of gratitude.

Comrade Speaker, Sir, to quote the Right Honourable Prime Minister, the Bantus of Daures Constituency where I am assigned as a SWAPO leader, are struggling to come to terms and to live without conflict with animals, especially those animals that they cannot put in a pot, such as elephants.

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ADJOURNMENT

Honourable Minister, you may be well advised to include these elephants from the Daures Constituency in the consignment to Cuba. (Intervention)

HON SPEAKER: You will have an opportunity to continue tomorrow. On that note the House stands adjourned until tomorrow, 14:30.

HOUSE ADJOURNS AT 17:45 UNTIL 2011.11.02 AT 14:30