

**LIST OF MEMBERS OF THE
NATIONAL ASSEMBLY**

SPEAKER

Dr T-B Gurirab (Mr)

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

Prof Loide Kasingo (Ms)

THE CABINET

MINISTERS

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

Dr G H Geingob (Mr)	<i>(Prime Minister)</i>
Mr M Hausiku	<i>(Deputy Prime Minister)</i>
Mr N Angula	<i>(Defence)</i>
Ms P Iivula-Ithana	<i>(Home Affairs and Immigration)</i>
Mr I Ngatjizeko	<i>(Safety and Security)</i>
Ms N Nandi-Ndaitwah	<i>(Foreign Affairs)</i>
Dr A Kawana (Mr)	<i>(Presidential Affairs & Attorney- General)</i>
Ms S Kuugongelwa-Amadhila	<i>(Finance)</i>
Mr J Ekandjo	<i>(Youth, National Service, Sport and Culture)</i>
Mr U Nujoma	<i>(Justice)</i>
Mr E Nghimtina	<i>(Works and Transport)</i>
Dr D Namwandi (Mr)	<i>(Education)</i>
Ms D Sioka	<i>(Labour & Social Welfare)</i>
Mr J Mutorwa	<i>(Agriculture, Water & Forestry)</i>
Mr J Kaapanda	<i>(Information & Communication Technology)</i>
Mr U Herunga	<i>(Environment and Tourism)</i>
Dr N Iyambo (Mr)	<i>(Veterans Affairs)</i>
Mr A !Naruseb	<i>(Lands & Resettlement)</i>

Dr R Kamwi (Mr)	<i>(Health and Social Services)</i>
Ms R Nghidinwa	<i>(Gender Equality and Child Welfare)</i>
Mr C Namoloh	<i>(Regional and Local Government, Housing and Rural Development)</i>
Mr B Esau	<i>(Fisheries and Marine Resources)</i>
Mr I Katali	<i>(Mines and Energy)</i>
Mr C Schlettwein	<i>(Trade and Industry)</i>

DEPUTY MINISTERS

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

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

SECRETARY

Mr. J Jacobs

DEPUTY SECRETARY

Mr F S Harker

DEPUTY MINISTERS IN THE NATIONAL COUNCIL

Mr K Nguauva *(Works and Transport)*
Mr T Diergaard *(Lands and Resettlement)*
Ms H Nicanor *(Veterans)*

LIST OF MEMBERS AND PARTIES WHICH THEY REPRESENT

ALL PEOPLE'S PARTY (APP)

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

CONGRESS OF DEMOCRATS (COD)

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

DTA OF NAMIBIA

Mr K Kaura *(Party Leader)*
Mr P Moongo *(Chief Whip)*

NATIONAL UNITY DEMOCRATIC ORGANISATION OF NAMIBIA (NUDO)

Mr K Riruako *(Party Leader)*
Mr A Tjihuike *(Chief Whip)*

RALLY FOR DEMOCRACY AND PROGRESS (RDP)

Mr S Bezuidenhout
Mr Hidipo Hamutenya *(Party Leader)*
Ms A Limbo
Mr H Lucks
Mr P Naholo
Mr K Nehova
Mr J Nyamu *(Chief Whip)*
Mr A Von Wietersheim

REPUBLICAN PARTY

Ms C //Gowases *(Chief Whip)*

SWANU

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

SWAPO OF NAMIBIA

Ms S Kuugongelwa – Amadhila *(Minister)*
Mr B Amathila
Dr M Amweelo (Mr) *(Deputy Chief Whip)*
Mr N Angula *(Minister)*
Dr H Geingob (Mr) *(Prime Minister)*
Dr S C Ankama (Mr) *(Deputy Minister)*
Ms P Beukes *(Deputy Minister)*
Mr E Dingara
Mr J Ekandjo *(Minister)*
Mr B Esau *(Minister)*
Dr T-B Gurirab (Mr) *(Speaker)*
Ms P Haingura *(Deputy Minister)*
Mr M Hausiku *(Deputy Prime Minister)*
Mr U Herunga *(Minister)*
Mr P Iilonga *(Deputy Minister)*
Mr W Isaacks *(Deputy Minister)*
Ms P Iivula-Ithana *(Minister)*
Dr N Iyambo (Mr) *(Minister)*
Mr J Kaapanda *(Minister)*
Dr E Kaiyamo (Mr) *(Deputy Minister)*
Dr R Kamwi (Mr) *(Minister)*
Mr P Kapia
Prof L Kasingo (Ms) *(Deputy Speaker)*
Mr I Katali *(Minister)*
Ms J Kavetuna *(Deputy Minister)*
Dr A Kawana (Mr) *(Minister)*
Mr K Kazenambo
Ms L Lucas *(Deputy Minister)*
Ms S Makgone *(Deputy Minister)*
Ms A Manombe-Ncube

Mr N Mbumba	
Ms A Muharukua	<i>(Deputy Minister)</i>
Mr A Muheua	<i>(Deputy Minister)</i>
Mr P Mushelenga	<i>(Deputy Minister)</i>
Mr J Mutorwa	<i>(Minister)</i>
Ms T Mushelenga	
Mr B Mwaningange	
Mr T Nambahu	<i>(Deputy Minister)</i>
Mr C Namoloh	<i>(Minister)</i>
Dr D Namwandi (Mr)	<i>(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>
Dr B. Ndjoze-Ojo (Ms)	
Mr E Utoni	<i>(Deputy Minister)</i>
Mr P Van der Walt	
Ms L Witbooi	

UNITED DEMOCRATIC FRONT (UDF)

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

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

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

**NATIONAL ASSEMBLY
ASSEMBLY CHAMBERS
WINDHOEK
20 NOVEMBER 2013**

The Assembly met pursuant to the adjournment.

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

ANNOUNCEMENT

HON SPEAKER: We commence with the Business of the House as scheduled for today.

I have an appointment during tea break with the media people, they were going to ask me about the quorum and I told them that you do not have to wait so long because we are not going to have a quorum. As soon as I come in, I am going to come out after about 15 minutes or so, to have the interview. I just told them now that - *I am sorry we have a quorum (laughter)*. It is a true story by the way.

Honourable Members, I have an announcement. I hereby informed the House that as per our Parliamentary Calendar, the Session will end next Thursday, the 28th of November 2013. As you can see on the Order Paper, we still have three important Bills to deal with during the remaining sitting days. I, therefore, urge the Honourable Members to consider the time that is left in order to finalise these Bills on time. I primarily hope that we will abide by that.

HON SPEAKER: Any Petitions? Reports of Standing or Select Committees? None. Other Reports and Papers? Honourable Minister of Finance.

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**TABLIN OF REPORTS
HON KUUGONGELWA-AMADHILA**

TABLING: REPORTS OF THE AUDITOR-GENERAL

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

- (i) Film and Video Development Fund of the Namibian Film Commission for the Financial Year ended 31 March 2012;
 - (ii) Town Council of Rehoboth for the Financial Year ended 30 June 2012; and
 - (iii) Village Council of Koës for the Financial Years ended 30 June 2011 and 2012.
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HON SPEAKER: Honourable Minister table the Report. Any other Reports and Papers? Notice of Questions? In the absence of the leader, we do not have questions (*laughter*). Notice of Motions? No indication. Ministerial Statements? None.

The Secretary will read the First Order of the Day.

**RESUMPTION OF DEBATE ON SECOND READING:
AGRICULTURAL (COMMERCIAL) LAND REFORM
AMENDMENT BILL [B.12 - 2013] AND COMMUNAL LAND
REFORM AMENDMENT BILL [B.13 – 2013]**

SECRETARY: Resumption of Debate on Second Reading - *Agricultural*

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(Commercial) Land Reform Amendment Bill [B.12 - 2013] and *Communal Land Reform Amendment Bill* [B.13 – 2013]

HON SPEAKER: When the Assembly adjourned on Thursday, the 14th of November 2013, the question before the Assembly was the Motion by the Honourable Minister of Lands and Resettlement, that the Bill be read a Second Time.

Honourable Dingara had the Floor and he is nowhere to be identified as present or otherwise. Any further discussions? Honourable Minister of Information and Communication Technology, Honourable Kaapanda.

HON MINISTER OF INFORMATION AND COMMUNICATION TECHNOLOGY: Thank you, Honourable Speaker.

Honourable Members, I rise to contribute to the *Agricultural (Commercial) Land Reform Amendment Bill* and *Communal Land Reform Amendment Bill* and I want to thank the Honourable Minister for introducing these two Amendments.

Firstly, to regulate and reform the Agricultural Land Amendment and Land Management, to address the alienation of land through the registration of usufruct practice and prevent foreign nationals from acquiring customary land rights in communal areas. Farmers have been practising syndicate mercantilism by alienating land through the formation of Close Corporations to frustrate Government land distribution efforts.

This Amendment will put an end to this wide spread mischievous practice of creating Close Corporations as a convenient way of holding land. In the same vein this Amendment, in my view, will restore natural justice by

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restricting farmers as no person should be allowed to own Farming Units that are more than the equivalent of two Farming Units or the suggested limits.

According to the Amendment, a Game Farm must be of the size of 20,000 hectares. This will prevent the fencing-off of large tracts of land, as the case is today. It is also pleasing to note that the *Amendment Bill* will compel Companies or Close Corporation, which are the owners of agricultural land, that when they wish to sell or transfer such land, they must now give the first offer to the State to buy such land by Law. This will enable Government to acquire land for distribution purposes. I strongly believe that this Amendment will curb the illegal land transactions among and between land barons at the expense of landless Namibians.

This Amendment will oblige commercial land owners to comply with the Government Land Reform Law and thus create stability in the Agricultural (Commercial) Land market. Furthermore, the Amendment will put to rest the misuse of the legal provision through Subsection 17(3) whereby the State is deprived the right to agricultural land when land is alienated by the Deputy-Sheriff or Messenger of Court in the execution of a Judgment or an Order of a competent Court.

I am glad that once this Bill becomes Law, farm owners will now be prevented from applying for liquidation as a way of evading the State's preferential rights as conferred by Section 17 of the Act, 1995. In other words, the illegal auctioning of farm land will now become something of the past.

With regard to the *Communal Land Amendment Bill*, I want to briefly discuss the unauthorised fencing off of communal land. This practice is prevalent in communal areas and put pressure on the already diminishing communal land. Attempts to remove these unauthorised fences have been unsuccessful. Many cases of illegal fencing ended up in the Court of law

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and kept dragging on with no end in sight.

This Amendment, however, proposed that the body to remove illegal fences is the Land Board. However, Comrade Minister, I have a fear that in the event such fences were sanctioned by Traditional Authorities, this may lead to power struggle between the two. In the event where the fence was not authorised by the Traditional Authority, the latter may appreciate getting assistance from the Communal Land Board.

In conclusion, I welcome the Amendment for restricting foreigners to own land in customary communal land areas. Furthermore, an option is available for foreigners to lease land, which must be restricted to a few decades rather than 99 years.

With this, Comrade Minister, Honourable Members, I support the two *Amendment Bills* and I thank you.

HON SPEAKER: Thank you, Honourable Minister. Any further contributions? Honourable Kapia.

HON KAPIA: Thank you very much, Comrade Speaker. Honourable Speaker, I also rise to support the two *Amendments Bills* and to see whether in future we can propose a ceiling on the price of land in Namibia, particularly in commercial areas. We can come up with good Amendments but with these auctioning of farms and with the Close Corporation businesses it means that one needs to amend other Laws again in order to control the transfer of shares and farmland through Close Corporations and other means.

There are some technicalities that we have to revisit to ensure that farms are not registered under Close Corporations, as well as come up with price ceilings as a country so that we protect Namibians from being left out

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when it comes the land acquisition exercise by allowing only people from across the border of this country with better financial means to acquire land through auctions because farms are now costing between N\$17 and N\$20 million and very few Namibian citizens will ever be able afford that. Those who are engineering these auctions are people who became owners of the land without even buying it and there are also absentee landlords who own land here and when they decide to sell, they go through auctions by ganging up with some Namibians to inflate the price of land. This makes it unaffordable for our people who want to buy farms, as they cannot afford N\$10 million or N\$15 million. As a result, the land ends up in the hands of the same people.

This capitalist system needs to be reviewed, we must find our own capitalist system if that is the case because the capitalist system we are following is depriving us of what we are supposed to have, we must create or define our own system, otherwise we do away with it and follow socialism. We can create our own socialist system in Namibia without copying from anywhere.

Coming to the *Communal Land Reform Amendment Bill*, people started to understand the Law now. If we can commission all the Ministries and involve staff members or employ consultants to go and explain our Law to our communities in detail, I think the Namibian people will even have a better understanding of the Laws that we are making in this House. If you go around in the country and ask about the *Communal Land Reform Act*, everybody will tell you what is expected from them, what they are supposed to do and what they are not supposed to do (intervention).

HON SPEAKER: Point or Order, Honourable Mushelenga.

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HON T MUSHELENGA: Honourable Speaker, I am sorry to interrupt my Honourable Comrade.

I think he is doing very well but I just want to take from one of the Colleagues whose name I cannot remember now, who mentioned something that I think as Namibian we need to look at. Should we continue talking of commercial and communal land in Namibia or should we have one policy for our land in Namibia? What is the opinion of the Honourable Member? Thank you, Honourable Speaker.

HON SPEAKER: Honourable Kapia.

HON KAPIA: Thank you very much, Honourable Mushelenga. I think the Minister said it in his Motivation and I am very happy that the *Land Act* or *Land Bill* will come to Parliament soon so that we forget about the different classes of land.

However, what I was saying is that, the people in the communal areas now understand the *Communal Land Act* but there are some Laws that are passed in this House, which affect their everyday life but the people do not understand those Laws because there is no advocacy about those Laws, people do not go around and explain these Laws in local languages and it is where the problem comes in, where some Namibians even end up selling land to foreigners. Sometimes people do not understand, all they just see is the money. They do not understand the importance of land (interjections) are you saying they understand but just want money? Then this is a problem because if you go to other countries, land belongs to the indigenous people of those countries. They have access to their land. However, in Southern Africa, Namibia and Zimbabwe, we are battling with this problem, this very serious than in East Africa there, you talk

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about Kenya.

We have land problems and if we continue having problems about the land we fought for without solving them, I do not know how the future generations will handle this situation. I think we must try and formulate proper Laws while we are around in order to protect the current and future generations when it comes to land. That is what I wanted to say and I wholeheartedly support these *Amendment Bills*. Thank you very much.

HON SPEAKER: Thank you, Honourable Riruako.

HON RIRUAKO: Mr Speaker, I do not know whether we are serious. We have to make Bills and Laws and then defend them as long as we are not proving ourselves that we are running after other things.

Firstly, the land belongs to the people. I will repeat this - we did not get this land on silver plate, *we died for it*. Whoever have been given the land on silver plate, let it be so but we must think about our forefathers and those who are living close to our borders, the people who are coming from Botswana and are living there until today. That is a bitter habit for us. We are here in the motherland, they are there at the border and their family is gone.

They were promised to be given what they deserve as they have been suffering but no one talks about this. My Colleague who said everything, is not here but I appreciate what he said in front of all of us. He proved himself to be a nationalist, both from the inside and outside, he suffered and knows the agony he went through. I admire him. The House is here to listen to the land issue but at the same time we are grabbing land from the poorest people. We fence off land in front of them while the Police

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tell us to stop. They refuse stop and go ahead with their intentions. It happens that way out there but here in the House we are defending land. That is the fact.

However, the land was grabbed by the foreigners from us and our forefathers died fighting for it. I can name them, they were hanged for the their land. Their children suffered after they died and those who had guns and powder took their cattle and everything they owned. Today they do not own anything such as land or anything in their motherland. Although they came with bullets in their bodies, they are still suffering. This is a habit of the colonialist but we condone them and give them the power to do what they want in our own motherland. It is how we do things. We feel that way too but nobody, and nobody, bought land outside Namibia, in another country but we are so easily convinced and give in to their demand. That is how we do it. I am not here to fight anyone but the history itself. It is coming back where it started, all by itself as part of history. Those who have suffered can provide evidence by telling their tale. They are there, but nothing is permanent on this earth. Everything comes and go but for those who are alive, some of them do live up to 80 or 90 years in order to see what they have planted.

You take what you have planted and after it has grown, rip from the fruits of the tree you planted but history cannot allow it. I know how I went and I know how I came back and I also know what I want. I congratulate my Colleague here and I am not here to say anything to make it sound that I am playing, I said I will never play on the graveyard. You play because you have never suffered. I went, and those people who are coming from there, although nobody recognise them, fought for us and I took care of them.

Here you ask me what page now. I do not want to talk to those who are playing on the graveyard. I have been taking care of them in their

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wrinkled rags and gave them what they deserve. All the clothes I had, I delivered to them and today you are here asking me what page? Is that the way people who are nationalist think? I had to put myself in front of them and I had to sacrifice what I had but now you are here asking me what page as you are already playing in graveyard. That is what has happened. I am not here to play with you. You are senior citizens like me and also, for a man who went through a bit of what I went through and I am saying a bit because it is not the same as what I have gone through. I have been telling you that and you know what I am saying.

Mr Speaker, on this land issue, if one makes a mistake and come up with something which is not really tangible, you will regret afterwards. Now you have your way of doing things and after that you will regret to the extent that you will dislike yourself and even ask why you survived. That is the answer to those who are playing now. That is the result.

These people sell land to foreigner. Even now in the communal area, they do sell it. They do it, yes!

HON MEMBER: And the Amendment?

HON RIRUAKO: I am not talking about the Amendment, I will come to the Amendment.

This people did not buy land in Tsumkwe, they camped off several farms there. Who are they? They are cousins and brothers and you know who they are.

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HON MEMBER: Who's cousins are they?

HON RIRUAKO: I do not know who's cousins. They do not belong here but they have their cousins and brothers here, their kith and kin. (Interjections) I cannot tell you, I am not here to tell people everything. They know what they have done and I am not here to name them. All of us here know who they are but you did not mentioned it in your statement, why me? It depends on where you come from and my Minister here looks at me and ask what I have done for them, nothing. You can say what you want to say to me. You are not telling the truth, I mean what I am saying because I am correct. This is something I have to question you about, what have you done for them? Nothing. The people are crying there at Tsumkwe. They are crying there at //Gam and I was even afraid to tell them - *do not worry, we will come back and give you what you deserve.* Did you do it? Nothing, not yet.

HON SPEAKER: Are you about to wrap up?

HON RIRUAKO: This is the land issue we are talking about, I did not discriminate against anyone. I even went onto the plane and told them that the other people are camping there. What are you doing about it? The Amendment does not help anything. If they stationed themselves there, what are you going to do to get them out? Nothing.

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HON SPEAKER: Honourable Chief, you have already contributed to that effect.

HON RIRUAKO: No, I did not contribute, never. Who is lying here, me? I am saying that the land issue is so bitter and we are supposed to come together and put our heads together so that we correct what went wrong.

HON SPEAKER: That is what the Bill is all about.

HON RIRUAKO: I am here to say, do not give up. We are here to stay, not to run away. If there is a mistake in a certain area, let us put our heads together and do what we are supposed to do for the people. It is our right to get to the Amendment and endorse it, but we do not endorse the Amendment while the people are camping off land in other people's area without permission. You saw how they came, you saw how they camped and you saw how they stationed themselves but you did not say anything there and even here. That is the disappointment that I have.

You ask me questions like - and what then? Let us sit down and correct the situation. If you want to give some assistance to those people, it must be done legally. We are here to stay. This is our Law House. Why deny the people the truth? Why cheated them out? You are the Minister and you have the Law at your disposal. Do what you are supposed to do as a Minister and as the right person but not reserve the people's right and then after that we have to endorse the Amendment. I thank you.

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HON SPEAKER: Thank you. I see two green lights, Honourable Lucks and Honourable Maamberua but there is no blinking green light, that is what guides me and I keep on reminding you that that is what guides me. Honourable Tjihuiko.

HON TJIHUIKO: Honourable Speaker, thank you very much for giving me time to say one or two things.

Honourable Speaker, I am a bit worried in terms of the timing for discussing the land issue. What surprised me most is the mere fact that we are discussing land, something that our people fought and died for, our people sacrificed their lives for the Independence of this country so that we can have our land back but yet, we have given ourselves two weeks before the closure of this Session to debate such a critical issue. That was a total surprise to me. It is a clear indication that we are not viewing the importance of the land that was taken away from our people from the same angle. I am getting the impression that some people are seeing it as a total joke. We are talking about land, but we were given two weeks to discuss it.

Honourable Speaker, looking at the contributions made by the various speakers, including members of the Executive, they have expressed the same concerns that we have expressed, which means that even the Executive did not have sufficient time to deliberate, digest and agree on the final product that would be put on this Table. (Interjections) no, they did not. Even looking at the senior members of the Ruling Party (interjection).

HON MEMBER: Please state your case!

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HON TJIHUIKO: This is my case, because I am talking about land (intervention).

HON SPEAKER: Honourable Kaura, on what point are you rising.

HON KAURA: Can I ask the Honourable Member a question?

HON SPEAKER: Yes.

HON KAURA: Honourable Tjiuiko, looking at this Bill, especially under Article 3, which has attempted to address the issue of Close Corporations, in the first place, those who own Close Corporations will continue to do so for another hundred years. Once they have these Close Corporations, they can still have them for another hundred years as Close Corporations. This Bill does not do anything about it, except when they want to sell. If they do not want to sell they can keep it for another hundred years. Therefore, this Bill, as far as I am concerned at this point in time, is meaningless.

Secondly, this Bill, as it stands here, does not address people who declared themselves bankrupt, either as a Company or as a Close Corporation and then to sell land by way of an auction. This Bill as far as I am concerned, is toothless. Do you not think so?

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HON SPEAKER: Honourable Tjihuiko.

HON TJIHUIKO: Thank you very much, Honourable Speaker. I think when we discuss this issue we should also understand the emotions of some and the jokes of others.

Honourable Speaker, let me take us back to the foreword of the National Land Policy that was passed in April 1998, and I will quote – *“The philosophy of the National Land Policy (NLP) aims at redressing (in the spirit of national reconciliation constitutionality and nation-building) the problem of dispossession, discrimination and the inequitable distribution of land that characterises the pre-independence era. It is the first time in Namibia that policy on land is designed, which provides for a unitary land system where all citizens have equal rights, opportunities and security across a range of land tenure, irrespective of whether such land is communal, or commercial.”* From there, Honourable Speaker, we embarked upon a process of trying to unify the two land Bills into one, in what we called the *Land Bill*. We engaged the Nation through a consultative process where comments and recommendations were made by the affected communities themselves. All these efforts have been put aside and three weeks before we close, we are presented with a Bill that touches on the rights of the people. Let me touch on the explanatory note of the Honourable Minister (intervention).

HON SPEAKER: Honourable Kapia.

HON KAPIA: Yes, on a Point of Information, Honourable Speaker; Honourable Tjihuiko, when the Minister motivated these Bills, he did not

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say he put aside the proposed *Land Bill*. I do not want any misinformation that the SWAPO Government is putting aside the right thing and come up with something which is not right.

These are the mitigation measures before the Bill is finalised so that it comes to this House and, therefore, Honourable Tjiuiko just make your contribution according to the Amendment and then you wait until the Bill, which will we call the *Land Bill* comes.

HON SPEAKER: Thank you. Honourable Tjiuiko.

HON TJIHUIKO: Honourable Speaker, we are talking about the *Land Bill*.

Whether we are talking about the Amendments to the current Bill, whether we are talking about recommendations that have been put on the Table, whether we are talking about the future, we are talking about the *Land Bill*. This Bill will affect the lives of the people, and as far as I am concerned Honourable Speaker, with due respect, I could not see the urgency of bringing this Bill three weeks before we close to the House, unless somebody would explain to me. I should also be given my freedom to express my view the way I see it on this land issue because some of us have been affected (intervention).

HON SPEAKER: You have that but you are one of the leaders who also interrupt and ask other Members questions.

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HON TJIHUIKO: Sorry, Honourable Speaker. Coming back to the Motivation of the Honourable Minister, I hope that the Minister is listening. It is on Page 2, Honourable Minister, where you are talking about the definition - I need your help because I have not seen a clear definition on this issue. Therefore, on the second page where the current Act does not provide a definition for Community-Base Organisation, we need to know what you mean by Community-Base Organisation.

On Page 4, Honourable Minister, in Section 31 - Granting of Rights of Lease Hold, you said, what we are trying to address by this inclusion is to make it possible for Community-Base Organisation to sub-lease to potential investors upon approval of the sub-lease by the Minister or the Board. This is necessary in order to address the concerns raised by the Tourism Industry and to promote the establishment of the individual business venture within organisation-leased land. Then you made examples like, to provide security of tenure to institutions providing public services on communal land such as Government Ministries, Agencies, Offices, Churches, these are good examples but what about international NGOs, would they fall into this category? How do you want to close the door on foreigners to own land in commercial areas and you open a loophole in communal areas. We made the same mistake when we allowed Close Corporation to register land as Close Corporations.

Right now, we cannot address that issue because there is no land, as the Honourable Minister of Home Affairs said. There is no land and now you are opening doors for the very same foreigners who were excluded from commercial areas to enter communal areas, the land that belongs to the poor who were moved away from here. It does not make sense to me.

On Page 5, Honourable Minister, provision in the current Act declare unauthorised fences in communal areas as an offence and the Traditional Authority or the Land Board can cause such fences to be removed. I know that there are so many problems among the Traditional Authorities. I know that something needs to be done about them because there are

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always fights concerning the land issue. It is fine but what are we saying now? The *Traditional Authority Act* is clear about what you are supposed to do.

HON SPEAKER: It is teatime. You are required to be dismissed for tea, do you want me to do that or do you want us to continue. Tea time.

HOUSE ADJOURNS AT 15:40

HOUSE RESUMES AT 16:17

HON TJIHUIKO: I was on Page 5. I said on the removal of the illegal fences, I do not have any violent objection to it, I am comfortable with that.

I just want to get to Section 23 that is on Page 5 which is dealing with the 20 hectares and 50 hectares. Section 23 provides for the limit of land that may be held or allocated under customary land rights. Regulation 3 and 13, puts a limit to the maximum size to be held under customary rights, to 20 hectares, and that of lease hold to 50 hectares and the Honourable Minister has increase it from 20 to 50 and from 50 to 100 hectares.

I am very much ignorant of the communal setup and I am saying that because as a person who has grown up in communal setups, when I go there I always stand in front of the village of the homestead where I live in Okahitua and try and ask myself, how can 20 hectares be divided in this are?

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Looking at the people who are living in that village, I know that two third of them will not have a piece of land to live on and obviously, they need a piece of land. This will impact on, what we call grazing areas.

This issue has been raised many times and it has not been addressed. There is no land that can be divided into small portions. For the Minister to increase it to 50, what is it that has convinced the Minister that each and everybody in those Bantustans can be given a portion of 50 hectares? Communal land is Government land and Government is buying commercial farms, if these 20 or 50 hectares are so good for those who have been forcefully moved into those Bantustans, why can Government not subdivide these commercial farms that they are buying and reserve certain areas for grazing? In that process Government will give more land to people rather than subdividing these land into 2,000 hectares.

Why is it so important for the commercial farm that has been bought by Government, to be subdivided into 2,000 hectares, 1,500 hectares but in communal areas where there is no land, you are dividing the land? Let us agree to include in this Amendment that all the farms that the Government is going to buy are going to be divided into 50 hectares and then there will be some grazing areas for those who are going to be resettled on that farm because this is a Government farm. What is the difference? How could you give 50 (intervention)?

HON SPEAKER: Honourable Minister of Defence.

HON MIN. OF DEFENCE: Yes, may I ask Honourable Tjiuiko a small question, please?

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HON SPEAKER: Yes.

HON MIN. OF DEFENCE: Honourable Tjihuiko, do you not think that the subdivision of land depend upon the nature of agriculture you are practising? If you are a crop farmer perhaps 50 hectares is fine but if you are a cattle farmer, perhaps that is not fine. Do you not think it depends upon the nature of agriculture you are practising?

HON SPEAKER: Honourable Tjihuiko.

HON TJIHUIKO: Honourable Minister, you are right. The farmers that are dealing with crop production can leave on 20 hectares. Mahangu field is, I think one or two hectares, and that can feed the homestead. Mahangu field is not even 20 hectares but for a cattle farmer like myself, being given 50 hectares, how am I going to survive on that? That is why communities have been petitioning Government (intervention).

HON SPEAKER: Point of Order. Honourable Riruako.

HON RIRUAKO: Honourable Tjihuiko, Could you allow me to ask a few questions? Am I allowed, Honourable Speaker.

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HON SPEAKER: Yes.

HON RIRUAKO: Why are these 20 hectares or 50 hectares not in the northern areas like Ovamboland, Kavango or Caprivi? Why are the Hereros singled out, what is the purpose behind it?

Could you tell me why choosing Hereros, what is the purpose? What is the anger? That is the question I am asking and I would like to know. You have to answer this question. Why are they doing that?

HON SPEAKER: The country has more than those two communities you are mentioning.

HON RIRUAKO: Even the concerned Minister is not even opening his mouth and say why they are doing that.

HON SPEAKER: What is good for those two communities may not be necessarily good for the rest of us who do not come from those communities. Yes, Honourable Tjihuiko.

HON TJIHUIKO: Honourable Speaker, let me say what I wanted to say. This agricultural land (intervention).

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HON SPEAKER: Honourable Minister of Lands, you will have ample opportunity later but if you want to clarify that, you have the Floor.

HON MINISTER OF LANDS AND RESETTLEMENT: On Point of Information. I think we are hitting below the belt here.

I cannot recall any Law that was passed in this House targeting a specific community in this country.

HON RIRUAKO: Targeting what?

HON SPEAKER: Can we listen to the Honourable Minister? He should be the only one speaking. You had the opportunity Honourable Chief. I have the power to rule you Out of Order.

HON MINISTER OF LANDS AND RESETTLEMENT: If there is an understanding out there amongst our communities, then it is so unfortunate that leaders who are supposed to guide the Namibian Nation, including the different language group communities, are given to utterances of that kind. It is so unfortunate. The Laws are passed in this House and as we move, given the dynamics of our society and our realisation as leaders representatives of the people of this country, we are doing what we are able to do in terms of both the constitutional provisions, which I dare say that those very people who are so vocal today, were instrumental in having them enshrined in the Constitution of the land of the brave today, which we are realising is becoming a

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stumbling block for us to deal with the situation that confronts us. Thank you.

HON SPEAKER: Honourable Tjihuiko.

HON TJIHUIKO: Honourable Speaker, I am trying to get back to my train of thoughts.

The point that I am trying to drive home is that we have Government land and the Government buying Government land. We have different approaches to different land (intervention).

HON MEMBER: We can all play politics and we can start playing that now if that is what you want.

HON SPEAKER: No, we do not go there. I will urge everybody to please help us make progress. We cannot say three weeks is too short and then prolong the Debate on technical matters and not on substance. I know we are entering the political season but let us also not waste time.

HON KAPIA: Thank you very much, Honourable Speaker. Honourable Speaker, the Honourable Minister did it very well, in a diplomatic way but I am sorry I might not be diplomatic.

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HON SPEAKER: As long as you speak orderly.

HON KAPIA: Yes, Honourable Speaker. About a day ago, I was listening to the radio where it was mentioned that the training for all Traditional Leaders in the communal land, in connection with the 20 hectares and how to manage land was completed and that was done in the Zambezi Region. I know that in Oshana, Omusati, Ohangwena and Kavango, people are even informed to either reduce their fences, those who have already fenced their places, to confine it to 20 hectares.

HON SPEAKER: Honourable Kapia is the only one who has the Floor.

HON KAPIA: The 20 hectares is applicable in each and every communal land of this country and, therefore, we cannot come here and tell the Namibian Nation that the 20 hectares are only targeted towards a certain tribe in Namibia. That is not true. It is not true and it will not be true because everybody is subjected to the 20 hectares as long as you live in the communal area as of now. Even those whose existing fences are wider, they are told to reduce to 20 hectares. Why are people who are even founders of the Constitution coming up with such a statement? That statement is a very bad statement and it cannot be allowed in a House such as this, called Honourable House. We cannot perpetuate tribal confusion in this country.

We must tell the people the truth and the truth only. Thank you, Honourable Speaker.

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HON SPEAKER: Thank you. Honourable Tjiuiko.

HON TJIHUIKO: Thank you very much, Honourable Kapia. You could have taken the Floor to make your statement.

Honourable Speaker, I want to summarise and I need to be given this time to finalise. It is very important for us to be given time to speak on such an important issue like land. We should not be forced and restricted by time but we have to work within the given time frame.

Honourable Minister since there is not enough land for all of us in the communal area or the Bantustans where we were pushed into, my recommendation is that all the land that the Government is going to buy, the land that the Government is going to get through the reduction of the size of the hunting farms and other the farms that everybody acquires, that this land be limited to 50 hectares.

Everybody must have 50 hectares and once all of us have 50 hectares, we now have additional land that we can add to 50 hectares. It is unfair to have a Law that can easily be interpreted that it is suppressing those who have been suppressed in the past. It is not fair. We have people who were moved from the Khomas Hochlands here to Khorixas in the 1970s. They had farms here in the Hochlands.

HON RIRUAKO: What is that?

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HON TJIHUIKO: *Chiefa kurama tog* – (Chief, please wait). (*Laughter*).

HON SPEAKER: *Arikana, Arikana* – (Please).

HON TJIHUIKO: However, these people have been moved forcefully to Khorixas from the land where they have been farming, which was between 1,500 to 2,000 hectares.

Honourable Chief is really confusing me. Before I conclude, these people know exactly where they were born and they were moved by colonialist to Khorixas (intervention).

HON SPEAKER: They were moved to *Sori-Soris*, it happened during my youth, in the desert.

HON TJIHUIKO: Yes, *Sori-Soris*. However, these people's land has been taken away and it has become a farm. If we buy that farm, however, I do not want us to buy any land, that farm is going to be divided into twenty 2,000 hectares and given to Tjihuiko coming from Okakarara to be resettle there because I have the right to be settled there. The people who have been removed from there to Khorixas, would be given 50 hectares. It is not fair (intervention).

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HON MINISTER OF DEFENCE: Honourable Tjihuiiko, Can I just ask you a question for clarity?

You are saying that in the 60s and 70s, people were moved from the Khomas Hochland to *Sori-Soris*. Where they moved from the farm where somebody was murdered with his dogs, is it the same place where these people were moved from?

HON TJIHUIKO: Honourable Minister, you see this reconciliation (interjections), I need your protection, Honourable Speaker.

HON SPEAKER: Yes, you have it.

HON TJIHUIKO: Thank you. Honourable Minister, I am trying to keep myself within the spirit of reconciliation and nation-building and I am really trying to raise issues in legal terms as the Honourable Dr was saying, we like being linguistic, I did not know that word, I learnt from her.

Honourable Minister, the point that I am trying to make here is that, we need to carefully sit back, pause and think about what we want to do. We definitely need to consider those people, we need to talk to them, they are still crying. I saw the ladies on the television. We have not consulted them.

Honourable Minister, in conclusion, I beg that there is no hurry for us to push this *Amendment Bills* through now. There is no hurry. Allow the various communities to have a word with you. I know that they want to

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come and talk to you and make their recommendations. Give them that opportunity for them to express themselves, rather than thinking that Tjihuiko, being the representative of the voiceless majority, has spoken on their behalf. Let them come and talk to you. Give them an opportunity. Let us postpone, we are not discarding because if you pass this Bill now (intervention).

HON SPEAKER: I want Honourable Tjihuiko to wrap up, otherwise we are going to continue in perpetuity.

HON TJIHUIKO: I just want to finish because there are so many people. *Hama – sit* (intervention).

HON SPEAKER: The Honourable Minister of Mines is insisting.

HON MINISTER OF MINES AND ENERGY: Honourable Speaker, I am not insisting but anyway, Honourable Tjihuiko, is it not acceptable to you that there is a Bill coming that overhauls the whole land reform issue?

This is just an urgent matter. Do you not think it is so important that we pass this and then if there are anything other things we now address them when we Debate the whole Bill? Then we can rectify anything that is under that Bill because it is very important that we address some issues now and not wait for the whole Bill. Thank you.

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HON SPEAKER: Honourable Tjihuiko.

HON TJIHUIKO: Honourable Speaker, let me conclude by saying that the problem that we have is doing things on a piecemeal basis. That is the problem and we are creating more problems for ourselves.

There is no urgency, looking at these Amendments. Honourable Minister, with all due respect, let us sit back, even listening to you Honourable Minister, one could see that you have not exhausted every avenue, you have not come to a conclusion on what you want to do.

(Interjections) I am on the Floor, protected by the Honourable Speaker. In conclusion, Honourable Speaker, I just want to call on the Honourable Minister, if Honourable Katali and Honourable Chief can allow me.

HON SPEAKER: Honourable Tjihuiko is entitled to conclude.

HON TJIHUIKO: To allow this Bill not to be passed now, as issues, especially that concern areas where the 50 hectares that you have proposed to be 100 hectares, will negatively affect those communities. I beg you. Thank you.

HON SPEAKER: Thank you. Honourable Lucks.

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HON LUCKS: Thank you, Honourable Speaker. I will try to keep it very short. I was not actually planning to speak on this *Amendment Bill* but I have a few points that I would like the Minister to just give some more clarification on.

The first one is on Page 3(3). I fully understand the whole reasoning behind closing the loopholes when it comes to Close Corporations and Companies. That is a loophole that has been misused and if we close this loophole, we will make regulation that allows the citizens of Namibia to understand more fully how the Laws work and the more we know what the Law says, the more we can stick to what the Law says and the less we have situations where people try to make their own interpretations about the different Laws. I only have a question regarding this and I will just use an example in both cases.

The first one is the case of a Close Corporation: If for example, my brother and I buy a farm, I do not have a brother, it is just as an example, and a few years down the line my brother decides he is not interested in farming anymore. In this case he is a member of the Close Corporation and he wants to sell his share and to offer it to Government. How, in practical terms will this be dealt with? If I want to keep on farming, can the Government buy that membership portion and become a member of the CC together with myself? I just want to know how that will practically work.

The other one is in the case of a Company, a Pty Ltd. If we look at some farming activities in this country that are very specific, and I am again just using an example. Let us say, for example, we have two brewery companies that decide to purchase a farm to plant malt and hops that is specific to the brewing process and one of the two brewing companies decides a few years down the line to either stop the brewing activities or to withdraw from the Namibian market or whatever, and these companies both own a share in that farm that specifically produces crops for this process of brewing, what will happen in that case? The company has to

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offer the shares to Government, what will Government do with shares that are being offered when that is not just normal agricultural (commercial) land but it is land that has been developed for a very specific purpose? Those are the two questions relating to that.

Then on Page 4(2)(b) in the centre of the page, it reads here – “*...has been furnished with a certificate of waiver in respect of such land*” and then the underlined part here reads – “*and in respect of a specific buyer who, in most cases, if not all, must be a previously disadvantaged person.*” I just want some clarity on this wording - *who in most cases, if not all*. If you have any exceptions to the rule, you state in most cases and then if there are any exceptions that you want to cater for, then the Minister can decide.

If you do not want to have any exceptions, you use the wording *all* but in this sentence it reads - *in most cases, if not all* and I just think the wording might be a bit confusing. If you want to make it very clear, you should either state - *in most cases* and then you have exceptions or if you do not have any exceptions, the wording should be *in all cases*.

The next one is on Page 4(3) and I am looking there at (b), (c) and (d) which is on Page 5. Clause (b) is in the administration of a deceased estate or in accordance with the redistribution of assets. This means that if I own a farm and I want my children to inherit the farm, these Sections are in brackets, which means they are excluded in the new Amendment. I have a serious problem with, especially this number (b). Farming is not a short-term, five years or ten years investment that people are making. Farming is something that takes very long. It takes a lot of infrastructure investment, you go through long periods of either good rain or bad rain, the farm implements are costly. Therefore, to establish a farm takes many, many years. If I, as a farmer invest a lot in building up a farm and I know that when I get older there is no certainty that my children will inherit the farm, there will be a situation where people will stop investing.

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HON SPEAKER: Continue, can you please leave the Honourable Member alone.

HON LUCKS: I think that is a real concern because if a farmer is not certain that he can leave his farm to his children and he stops investing in the farm, that means a loss of production and in the end once the farmer dies and Government takes over the farm, it is not in a state where it was, for example, ten years ago because he has just stopped investing and repairing fences. This Clause, for me, is problematic.

Then on Page 5, we still have under Subsection 3, Clause (e), where the underlined part states that the other co-owner is a foreign national. When it comes to these foreign nationals or people who own farms in Namibia, there are so many absentee landlords who own property in Namibia and do not invest or produce anything but they have the money to buy land. This Clause for me, is actually a very good Clause. However, I have a question to the Honourable Minister and the question relates to the whole land redistribution that has not been as successful as we want it to be. For me, the main reason for that is just simply the cost of land. Land is simply too expensive, no one can afford land anymore. Even a landless person like myself cannot afford to buy a farm. It is simply a matter of very, very few people can afford to buy a farm so all of them are relying on Government for redistribution (intervention).

HON SPEAKER: Honourable Minister of Defence, on a Point of Order.

HON MINISTER OF DEFENCE: Can I ask Honourable Lucks a tiny winy question?

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HON LUCKS: Yes, please.

HON MINISTER OF DEFENCE: If I heard you correctly, you are saying that you do not have land and you want to be resettled.

Do you not think that the fact that you do not have land is a self-inflicted deprivation? Others have land, why do you not have land?

HON LUCKS: Honourable Minister, I can assure you it is not self-inflicted. If it was more affordable, I would buy some land.

Your first question of why do I not apply for resettlement, I do not want to be resettled. I want to be able to buy a farm myself and this is where the whole issue comes in with the land distribution. If more people were able to afford land, there would be less pressure on Government to deal with the redistribution of land.

If people were able to go to the bank and buy their own land, you would still have to redistribute because there are a lot of historical imbalances that have to be rectified but if more people could buy their own land, there would be much less pressure on Government and this is where the foreign nationals come in. Honourable Minister, I have heard rumours and I do not know if they are true but I have heard rumours, for example, that there is a Russian oil magnate in the Dordabis area; some very rich Russian businessman who has been buying land for up to N\$10,000.00 per hectare. There was one farm that was sold, which was in the region of 10,000 hectares in size and it was sold for N\$95 million. The rumours say that this foreign farmer has in the meantime acquired more than 40,000 hectares of land in the Dordabis area. If these rumours are true, this is the kind of thing that we must stop, I mean to allow foreign nationals to buy such huge tracts of land for such prices that inflate the price so that the

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ordinary Namibians cannot afford it anymore and I am not sure what such a foreign national intends to do with the land but this kind of thing should be stopped, I think.

I would like to agree that this is a piecemeal bit of Amendment to the Bill (intervention).

HON SPEAKER: Former Minister.

HON MBUMBA: We are talking about a specific issue here and I would like to ask Honourable Lucks a small question.

Honourable Member, there was an appeal here, that all these Amendments are not necessary, they can wait. Do you not think that the only way that person could have money to buy all that land is through the exact loophole we want to close, namely that of Close Corporations?

HON SPEAKER: Honourable Minister, I do not know the specifics thereof but certainly yes, such loopholes are being used. There is no argument about that. The loopholes are there and are being used. I just support the Amendment but I think the time has come to have a broader picture at the whole (intervention).

HON SPEAKER: Honourable Minister.

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HON MINISTER OF GENDER EQUALITY AND CHILD

WELFARE: Thank you, Honourable Speaker. I have a small question to Honourable Lucks on, how are we going to stop the loophole of those who are overlapping farms this side of Namibia and those in South Africa that are still having overlapping land?

If we cannot stop them through this discussion session of these *Amendment Bills*, how else are we going to stop them?

HON LUCKS: I am not quite sure what you meant. Are you talking about South Africans that own land in Namibia and in South Africa as well?

I think we should deal with them as with any foreign land owner. If they do not produce, land must be given to people who produce. Firstly, we should look at absentee landlords that do not produce anything and yes, the loopholes must be closed (intervention).

HON SPEAKER: Honourable Kaura.

HON KAURA: May I ask a question, please? Honourable Lucks, is this Bill in any way preventing someone who owns a farm from registering it as a Close Corporation, right now? In my view, as the Bill stands, he can still register his piece of land as a Close Corporation. It is not a deterrent in any way.

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HON SPEAKER: Honourable Lucks.

HON LUCKS: Yes, it does not prevent a person to register his land as a CC but I think the Amendment specifically targets the selling of land, where land is being sold and Government is being so circumvented. The buying is not the issue but the selling is the issue, where someone wants to sell land, circumventing the current Act (intervention).

HON SPEAKER: As you were pleading, Honourable Tjihuiko, you did not want to be interrupted. Do the same for Honourable Lucks.

HON LUCKS: That is why I think when the new Bill comes, we should look into all these issues and have a very broad look at what is happening currently in Namibia, what is happening to our land and find a lasting solution. With that, I rest my case.

HON SPEAKER: Thank you for a good contribution. Honourable Maamberua,

HON MAAMBERUA: Thank you, Honourable Speaker. I would like to beg for the indulgence of the House to postpone the discussion of these two *Amendments Bills* to next week, Tuesday.

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HON SPEAKER: The Debate will continue because, there are still others who want to take the Floor. You will have your chance when we get there. Honourable Kazenambo.

HON KAZENAMBO: Honourable Speaker, it is too cold here. Thank you very much, Comrade Speaker for giving me the Floor.

Firstly, I would like to wholeheartedly support both the *Communal Land Reform Amendment Bill* and the *Agricultural (Commercial) Land Reform Amendment Bill*.

My comment will be on the Amendments on Page 2 of the Agricultural (Commercial) Land Farming Units, as they have been described in this Amendment and my comment on the Farming Unit, as I welcome the Amendments, my background to welcoming these Amendments and in light of the Law that is coming for us to debate it, is that (intervention).

HON SPEAKER: Other discussions can wait. Let us listen to Honourable Kazenambo.

HON KAZENAMBO: Thank you. While the integrated Law is coming, my comments on the Farming Units are as follows:

Firstly, land is a limited resources and it will always remain a very critical limited resource within the geographical borders of Namibia. Land will be a limited resource, whether communal or commercial. The understanding and the practical reality on the ground of the usage of Farming Units by the people who are interested in land is that it is good and very important that the Minister is closing these loopholes.

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When it comes to the approach to land reform in Namibia, some people totally lose sight of the historical background of land and land use in Namibia. Sometimes we miss the point.

For some users, be it locally or foreign, they utilise and access land as a commercial business entity, that is, to use it for business purposes of producing and selling and I have no problem with that. It is fine as long as it is done productively and contributing to the GDP of this country. However, the point remain that for some citizen of this country, land and this point was hinted on by Comrade Angula, the former Prime Minister, that for some people land usage is their survival. It is not for business purposes but for their survival and this category of people in Namibia are in the majority. For the majority of the citizen of this country, land is not a luxury, land is not for business but it is all about their existence.

As we would be going to discuss the integrated *Land Act*, we must appreciate the fact that for some users, land is not for commercial purposes, it is about their existence, their survival. This two approaches where some people are approaching land as being like selling *vet koekies* or selling BMWs for profit maximisation out of land, makes them behave the way they do. However, for some people, access to land, without repeating myself, is really about their survival.

Comrade Minister, I thank you that you are going to regulate the giving of a waiver, whether it is through a Close Corporation or individually. I think this is more than welcome. The diplomats may be here but the situation on the ground is that time is ticking. As Honourable Lucks have said, the approach, especially by foreign landlords, is abusing the current prevailing environment in the country. They are totally abusing it. For foreign nationals it is about profit. They forget the fact that this land was grabbed through the barrel and the gun (intervention).

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HON SPEAKER: Honourable Nambahu.

HON DEPUTY MINISTER OF JUSTICE: Can I just ask a small question please?

Comrade you are doing very well in exposing this but there is one thing that I want you to comment on. Do you not think that these people are listening and they know that they have land here that is not productive and not contributing to GDP and they do not want to give it back, do you know why?

Do you not think that they are keeping this as a leverage on you so that if you want to behave in a certain way one day, they have this leverage that they own a certain portion of your land and that is actually hinging on your Independence to have what they call space for policy making. Do you not think that is one of the main reason why they are keeping this land, even if it is not productive for them?

HON KAZENAMBO: You are so correct. These people are listening, they have been listening all along and I assume that these people have come to a conclusion that Namibians can sit in their Parliament talk and talk and there is no actual action that is pressurising them to participate in land distribution. That is why I was saying that we need to maybe, through this type of measures, increase our pressure because many of these absentee landlords are from Germany. I do not know what is our engagement with the German Government on the behaviour of their citizens who are owning land in this country and who behave in a *laissez faire* type of behaviour. When you engage these people, you can see the *don't care* attitude because they know very well that Namibia is praised for being a stable country. Namibia is not taking drastic measures to pressurise them, so why bother. They just engage through market forces,

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through willing seller - willing buyer and these loopholes were there. We should close these loopholes so that they can start feeling the pressure and the sooner the better. That is on the foreign nationals - absentee landlord because if you go around their farms, they are non-productive, they are occupied by monkeys, and not monkeys in the sense of confusing them with me because to some people I may be monkey. I am not confusing them with that. I mean wild monkeys, not the human monkeys. (Interjection) it happens every day here where people are shot and confused with a monkey so what can I say? It is the human monkey.

Anyway, Comrade Minister, on the issue of the usage of land in the rural area, as much as I am very disappointed about the behaviour of the absentee landlords, please let us take a critical look at our redistribution of land. The truth of the matter is that some locals here, and research can even be conducted, apply for resettlement farms, not necessarily that they want to use that land, after they have been resettled - black as I am, previously disadvantaged I am, I apply, I get resettled and then what do I do? I lease the land because I have no use for it. This is another loophole, which we need to look at.

HON MEMBER: Just like fishing quotas.

HON KAZENAMBO: Yes, in the very same fashion of fishing quotas, people do the same here and I think when we come to discuss the integrated Law, we must look into the issue of resettlement because I have been wondering if we are not resettling individuals while this population is growing. Are we going to resettle the 2 million people on the available land because this population is not stagnant? It is growing and we are resettling individuals on farms. Those who are applying for resettlement must please spare me. I am just addressing the concept. I think for those

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who have been resettled it is fine, they have been resettled but I get a farm as an individual person for hundred years that is renewable and there is no pressure and timeline expected of me for using that land. I really think something need to be done and my proposal, even on the other Law that is coming is whether it is not possible for us as a Government, as a country, to depart from resettling individuals on Government farms because just like Honourable Tjihuike was saying, this is Government land. What is the difference between it and the communal rural area or former Bantustans because the owner of the land there, is Government and these farms are also owned by the Government.

Why do you pass Government assets on to one individual or five individuals while the majority of is suffering? I think the approach can be different. The approach can be that of resettling groups and also not permanently. You will, for instance, take a group of organised youth who wants to go on agronomic production, train them well and then give them a farm for 10 or 20 years maximum, where they are given certain tasks, for instance to produce and feed this Nation. If for purposes of animal husbandry, they have to produce in order to graduate and move on to buy their own individual farms or they acquire skills.

The Government has everything to its disposal, we have all departments. Therefore, research can be conducted or it can be determined on a need basis. Social workers can maybe identify vulnerable groups or areas that have been affected by the drought can be identified for rehabilitation purposes where these people can now be placed on a Government farm for two years or three years while their place is rehabilitated and then they go back home, rather than resettling individuals on farms.

Psychology has proven that you will not take care of something that you have not worked for or sweated for, and above all, natural justice says it, the way we are doing it is unfair because we have other citizens as well.

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You tell them to go to Agribank, they go to Agribank, obtain a loan and work 24 hours while the other citizen from the same country move into farms free of charge. They are not charged anything while others have debts and are expected to repay Agribank. I, therefore, have to produce in order to repay my loan. That is the reason why those who are resettled end up leasing out their farms. Sometimes they lease them out to the Honourable Members who are sitting here. Your fellow blacks citizens are making money out of you and the one leasing from Honourable Maamberua, for instance, is not a previously disadvantaged citizen.

If we can start resettling people on the basis of groups for production purposes, it will go a long way and it will not create a sense of entitlement. Currently, it is a sense of entitlement that brings about a feeling of injustice because some people have been resettled and they are surely not utilising this land because there is nothing that is forcing them to be productive. They are not paying anything and are given a hundred years, who on earth will make it over a hundred years? It is for life. Why should Government asset be alienated to individuals for hundred years while other citizens are in the queue?

On the other Act, we must look in that direction (intervention).

HON SPEAKER: Honourable Kazenambo, the problem with holding on to the microphone is that you do not get recorded so leave it alone.

HON KAZENAMBO: Oh, sorry. Thank you. Those are my thoughts and I am about to conclude, something need to be done, either the Government of Namibia must start engaging the German Government. These absentee landlords are predominantly German (intervention).

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HON SPEAKER: Honourable Minister of Mines.

HON MINISTER OF MINES AND ENERGY: On a Point of Information; Honourable Kazenambo, you are doing very well and I subscribe to many of your ideals.

However, the point of leasing, maybe we need to make some exceptions because we are currently experiencing drought conditions and it does not matter whether it is a resettled farmer or it is a free hold farmer. Mind you, I do not use this thing of commercial farmer *versus* communal farmers. I think that is a mistake that the Honourable Minister maybe need to correct. A free hold farmers can lease to another farmer who is in need. Therefore, leasing should not just be condemned as being bad. I think there should be exceptions, when somebody received rain he can assist another farmer. I think leasing, whether being resettled or a free hold farmer, should be allowed. Thank you.

HON KAZENAMBO: Comrade Katali, I do not differ with you hundred percent, no. What I am saying is, even if I have been resettled, I should do it on a need basis, I can it lease to Kazenambo who is having a problem. However, some people have been resettled and they have totally gone astray. The resettlement farm just becomes a cash cow while they are somewhere doing business because they do not care. They are not farmers, like they keep saying, but they happen to get this Farm Unit. That is why proper assessment should be done but I am not saying that (intervention).

HON SPEAKER: Honourable Minister of Defence.

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HON MINISTER OF DEFENCE: Honourable Kazenambo, I agree with you with regard to the rent seeking by resettled farmers but I just want to be clear on one very important issue you have discussed.

You said that our Government should talk to the German Government. Is it talking to the German Government for the purpose of getting money from that Government to drive out the absentee landlords or what is the purpose of talking to the German Government in your view?

HON KAZENAMBO : Thank you, Comrade former Prime Minister. It is to promote awareness because when individuals want to buy land and engage these absentee landlords, their attitude or the way they behave is as if this land was not acquired through blood. For them it is just like they are selling any commodity. They have no sensitivity to it. It is a question of the Namibian Government talking to the German people (intervention).

HON SPEAKER: Yes, Honourable Angula.

HON MINISTER OF DEFENCE: I just want to share with you some information.

HON KAZENAMBO: Yes, please.

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HON MINISTER OF DEFENCE: The other time when this gentleman on the horse (intervention)

HON MEMBER: Von Trotha.

HON MINISTER OF DEFENCE: Yes, when Von Trotha reached 100 years. Some German citizens came here with old Bismarck flags and they went to that statue there and they were performing some rituals there, which were provocative and I asked the German Ambassador, why do your citizens come here to provoke us? You know what he said, he said it is not up to the German Government to prescribe which statues you should keep in your country. That was his answer.

HON SPEAKER: Honourable Kazenambo.

HON KAZENAMBO: Yes, exactly and I am about to conclude. Exactly, Comrade former Prime Minister, this attitude is not helping and I have realised it, unfortunately I am 50 now, meaning that I have matured enough and I have observed this world. That type of attitude is not helpful and it was because of that attitude that some neighbouring countries took certain actions.

Sometimes it is better to engage one another, like to engage the Germans, to promote awareness about the sensitivity of land reform in Namibia with their citizens. For them to say that it is not for them to prescribe to the Namibian Government and Namibians, it may be too late. Another way is

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to give money to the Land Reform Programme. Well, they are saying that they are doing it but maybe they still need to do more. However, what I want to say is that, let us appreciate one another's background. Let us appreciate that for some people, land is not is not like making business, selling *vet koekies* or selling BMWs, Audis, retail or real estate. For the vast majority of the citizens of this country, land is their existence, it is their survival and land is also historical. Do you know that Brakwater here used to be a village and people were kicked out through the barrel of the gun –*get out of here!*.

Some people will try to be decent because the Government of Namibia is decent and because Namibians are reconcilable people, especially the black majority are the ones who are reconciling. They are the ones who have been wronged, yet they have been the one who have been policing and sincere. However, the other colleagues are the ones who are (intervention).

HON SPEAKER: I thought, you said you were wrapping up.

HON KAZENAMBO: Yes. For some, the attitude is all about making money and their Government must take care of those unreasonable, uncontrollable human monkeys. I rest my case.

HON SPEAKER: Thank you. Any further discussion? If there are none, on the Floor is a proposal by Honourable Maamberua that further discussion on the *Amendment Bills* be adjourned until next week, Tuesday. Honourable Minister.

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HON MININSTER OF LANDS AND RESETTLEMENT:

Honourable Speaker, I beg the indulgence of the House, I would appreciate it if we can continue debating tomorrow so that I could probably, if it is doable, respond tomorrow because I have on two occasions postponed a standing commitment that I have already been granted permission to attend by His Excellency, outside the borders of the country.

If it is possible, I would really appeal to my Good Friend, Honourable Maamberua to see whether he can have this contribution tomorrow.

HON SPEAKER: He can still make his contribution tomorrow and then you can respond. Honourable Maamberua, can you concur with the Honourable Minister so that we adjourn the Debate until tomorrow and not Tuesday, so that the Minister can have an opportunity to do what he just told us?

HON MAAMBERUA: Honourable Speaker, I did not get you.

HON SPEAKER: You had wanted to adjourn further consideration of this *Amendment Bills* until next week, Tuesday, and the Honourable Minister would want you to rather take the Floor tomorrow so that he can dispense with this item because he has other commitments to attend to.

HON MAAMBERUA: Since the Minister used the words *My Good Friend Honourable Maamberua (laughter)*, I grant that I can do my intervention tomorrow. Thank you.

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HON SPEAKER: Thank you. Further consideration of this item stands adjourned until tomorrow, 14:30.

The Secretary will read the Second Order.

**RESUMPTION OF DEBATE ON SECOND READING:
MAGISTRATE AMENDMENT BILL [B.9 – 2013]**

SECRETARY: Resumption of Debate on Second Reading - *Magistrates Amendment Bill* [B.9 – 2013].

HON SPEAKER: When this Debate was adjourned on Tuesday, the 12th of November 2013, the question before the Assembly was a Motion by the Honourable Minister of Justice.

The Honourable Deputy Minister of Defence adjourned the Debate. I do not see the Deputy Minister. Any further discussions? Yes, Honourable Deputy Minister.

HON DEPUTY MINISTER OF HOME AFFAIRS AND IMMIGRATION: Comrade Speaker, I would like to take this opportunity to welcome this *Magistrates Amendment Bill* and to make some comments on it.

When one looks at this Amendment, one sees the change in tone of the language of the judiciary. I like what Comrade Utoni brought to us and I

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want to approach it from the point of view that we always have to be on the same page.

HON MEMBER: Provided we know the page number.

HON DEPUTY MINISTER OF HOME AFFAIRS AND IMMIGRATION: The page number, yes. I want to be made to understand, Professor Horn wrote a book – *The Independence of the Judiciary Namibia* and Comrade Utoni, in his Motivation Speech talked about some of those issues that beleaguers Namibia. My concern here is that the independence of judiciary is being promoted too much. We have three legs of Government here but the judiciary part is more respected than the other two, for example.

HON SPEAKER: I disagree.

HON DEPUTY MINISTER OF HOME AFFAIRS AND IMMIGRATION: It seems to be supreme, there are untouchable but all three should be equally important in my view, therefore, Parliament and Cabinet are also important, however, we seem to attach too much importance to the Judiciary.

We as Ministers and Deputy Ministers are given the duty by the President to run our respective Ministries, where we think we need breathing space but we are being denied of our breathing space, for example, we want to take a look at our country and make sure that the country is safe but some

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of the Colleagues in that part of the Government do not take some of our security concerns seriously. We are forced to give foreigners, some of the refugees, permits and if we do not want because they do not meet the requirements, then we are forced to do it.

Let me revert to my written speech, that was only the introduction. My purpose is very clear, Comrade Speaker. The Government of Namibia in my view, the Party and the people of Namibia respect the Courts but the Courts must also respect the community. I would like to say that the Chief Justice has been given that guiding principles for the Courts and if we look properly, he has been given a very good direction in the development of our society. In saying this, I am not suggesting that the Chief Justice has been a great builder or a great politician. I am using the word development in a proper sense, meaning the growth of people in freedom and the growth of society which uphold and protect their freedom. In Namibia at least we know that economic development is only one aspect of the real growth. Prior development of justice among people is at least equally importance. This is true to say that the Judiciary has very a important role to play in developing Namibia and the Chief Justice is our leader. Therefore, the job of the Judges and the Magistrates is to see that the Rule of Law functions in this country for the Namibian people.

In other words, they have to try and see that people's action are judged according to the Law and that every individual can claim the right he or she is entitled to under the Law as well as being forced to carry out the duties imposed by the Law. Unless these functions are carried out **properly**, I repeat **properly**, we shall never develop into a new society, the society we want to be, the society we are selling to the world, for Namibia cannot exist without Laws because freedom cannot exist without Laws and Namibia and freedom are important but the Rule of Law is not enough for freedom, still less is it enough for Namibia.

As we know, and we can see in Africa today and yesterday of yesterday, Law can be used to suppress freedom and impose the most dreadful

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tyrannies. So whether the Rule of Law, in fact, supports freedom, justice, or patriotism, the impression created by some, not all, with all due respect, is unpatriotic, for example, we say that Namibia does not accept dual citizenship but we are forced to give passports to people who have two other passports from other countries because they were born in Namibia and ran away to live in Canada.

Now they want Namibian passports and the Court is assisting them to get these passports and me as a person who has been given a paper by the President to defend Home Affairs, have no *krag* (*laughter*) – no power. Whether the Rule of Law supports freedom and justice, it depends upon whether the Laws passed by Parliament are directed to those ends.

In this Parliament, all of us are trying to make Laws for Namibians so that we can have a peaceful country and I would hastily like to add that the Judges and the Chief Justice in particular, bear no responsibility for the Laws that are passed, at least in this country. In Namibia, however, we are trying to build a body of Laws, which deserves this purpose of human freedom and equality, that is, which just serve the cause of Namibians in Namibia and if they are to become meaningful and useful to our people, then the judicial system has to uphold them in every way, not selectively. In particular, the Judges in our Courts have to interpret the Laws and enforce them in a manner which is understandable to our people and not by the foreigners, to please the foreigners. Our people must first be satisfied. I am not attacking the Judges, I respect them and want them to be understood. Judges and Magistrates cannot change the Laws, the Laws are changed by us, though they can draw the attention of the Law to the need of justice in this country but they can, in their judgement reflect the society for which those Laws are passed.

In Namibia, we expect that our Judges and our Magistrates shall do the best and they do that. This means that Judges and Magistrates must understand our society. If our society says - *please do not free the rapists*, we see them on the street next day. What I am saying is that, if you are rapist, you are rapist. It means that Judges must understand our society

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and the aspirations of our people. Furthermore, they must be seen to have the understanding and sympathy for them. Justice must not only be done but must be seen to be done. People must trust the Magistrates and we trust them but we want them to do more to win this trust. In this matter, obviously the Judges and the Magistrates must see that the society is part of this Namibia, they are not from somewhere aloof there. They are part of the society. You never see them at society meetings (intervention).

HON SPEAKER: I want to be advised by lawyers here whether we are allowed to speak of Judges who do not have an opportunity to defend themselves in the manner in which we are doing. These are our Judges, all of them appointed through established procedures. I do not think it would be proper for us to be attacking Judges in the National Assembly.

I think the Honourable Deputy Minister is Out of Order and I rule you Out of Order, unless you change your contribution, I have allowed you to say enough for me to rule you Out of Order. Our Judges are not here to be treated that way.

HON DEPUTY MINISTER OF HOME AFFAIRS AND IMMIGRATION: Comrade Speaker, I agree with you and I would just like to come to a conclusion that I need our Judges to be part of the society. Thank you.

HON SPEAKER: Any further discussion? Does the Honourable Deputy Minister wish to reply? Yes, Deputy Minister.

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HON DEPUTY MINISTER OF JUSTICE: Thank you very much, Comrade Speaker. I also beg the indulgence of the House probably to extend this.

I have a few answers that I wanted to provide and the time left and the quorum that we are facing, as problems (intervention)

HON SPEAKER: The quorum, you leave that to me.

HON DEPUTY MINISTER OF JUSTICE: Thank you. Let me in the first place, thank all the Honourable Members who have taken interest in supporting this very important Bill and respond to some of the issues raised therein.

The first one to intervene was *Honourable Kawana* and he wanted to know where we are with regard to the *Small Claims Court Bill*. We have tried to answer this question in private but it keeps popping up time and again and I must probably respond thereto as follows: The *Small Claims Court Bill* is at an advanced stage and I have a copy here but sometimes when the mantle is passed from one Accounting Officer or from one drafter to the other, these kinds of Bills suffer in between. At times, I think this is something that we need to address as a Nation when it comes to issues of handing over and that is a problem in the bureaucracy. It is a problem even at Local Government and at all kinds of places.

In my short time there, my experience has been that sometimes you have a Bill that has been referred to the stakeholders for policy direction and some of them are referred for improvement. However, when it is passed from one section or one department to the other and one vacate office and gives it to the next, the next does not carry out the instructions as were given. The drafters for the most part do take this blame but when we

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made our research, we realised that there are problems in this area and we are making some internal rearrangements to see how we can best address this issue. There are many, many Bills in this area and we are trying to attend to them as they always say *the door of the carpenter is always broken*. We have been drafting Bills for others but the Bills that fall within our domain have been suffering and we are making some arrangements to attend to this.

The Small Claims Court itself has problems because as they call it a Small Claims Court, you are trying to bring justice to the people because of the unaffordability of the normal Courts. You have to define certain areas, whether it is going to be like a tribunal or is it going to be something like an administrative arrangement and some of these questions needed policy direction and we have just been giving these kinds of answers to the questions raised by the drafters.

In the same category also falls the *Criminal Procedure Act* (CPA) of 2004, I think, which was drafted as an improvement of the one of 1977. There has been some things that have not been conforming to the normal way of drafting and there are issues that we are addressing and the whole system needed to be overhauled but as we say, we need to make some internal rearrangement to address this kind of issue.

The other Honourable Member who intervened was *Honourable Dingara* and he wanted to know as to whether the word *any* is erroneously placed in there or it has a purpose. Our answer to that is in the affirmative that it has been placed there for a purpose because we want it to address any other situation that may arise. It is not by mistake that it is found there.

Comrade Teopolina Mushelenga, made reference to the issue of Alternative Dispute Resolution. It is modern practice in most of the judicial processes that people try to exhaust all the other avenues provided and not when you touch me, I simply just to say - *let us meet in Court*.

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There are other avenues that can also be mandatory and I think we have tried to clarify this in the *High Court Act* that we have just passed.

The other one was, *Honourable Peya Mushelenga*, thank you very much for your support and some of the questions of Judges not being in charge of the process are being addressed in here. If you have listened yesterday to the Ombudsman who was saying that even where there are no permanent Courts there need to be people empowered to provide Protection Orders, for example.

We are trying to make Amendments in that same spirit so that, even where there are no Courts or where the Magistrate is absent, the Clerk of the Court would be empowered to temporarily exercise those kinds of duties and justice would be covered even when the Presiding Officer Proper is not there.

With these few remarks because of the lateness of the hour, I thank all the Honourable Members for having intervened and I thank you for your support and interest in the Bill. Thank you very much.

HON SPEAKER: Thank you. I may now put the question that the Bill be read a Second Time. Any objection? Agreed to.

The Secretary will you read the Bill a Second Time.

MAGISTRATES AMENDMENT BILL [B.9 – 2013]

SECRETARY: *Magistrates Amendment Bill* [B.9 – 2013].

20 November 2014

**ADJOURNMENT
HON DR GURIRAB**

HON SPEAKER: That is it for today. The House stands adjourned until tomorrow, 14:30.

HOUSE ADJOURNS AT 17:49 UNTIL 2013.11.21 AT 14:30

**NATIONAL ASSEMBLY
ASSEMBLY CHAMBERS
WINDHOEK
21 NOVEMBER 2013**

The Assembly met pursuant to the adjournment.

1. The Speaker acknowledged in the Gallery, the presence of Committee Clerks from the Parliament of Uganda, who are here on attachment.

(i) Secondly, the Speaker announced that photos of all Members of Parliament and parliamentary staff will be taken between 09:00 and 13:00 as from Monday, the 25th of November 2013, in the lobby of the Parliament Building.

(ii) The Speaker requested all Members and staff to make use of this opportunity to be provided with identification.

2. In terms of Rule 17(b) of the Standing Rules and Orders, the Speaker adjourned the Assembly at 15:30 until Monday, 25 November 2013.

3. The following Members were present:

32 Voting Members and the Speaker:-

Hons. Riruako, Tjihuike, Lucks Von Wietersheim, Bezuidenhout, Maamberua, Ms Mushelenga, !Naruseb, Witbooi, Amathila, Angula, Namoloh, Kapia, Sioka, Ngajizeko, Geingob, Haingura, Iyambo, Nambahu, Kuugongelwa-Amadhila, Kaapanda, Katali, Nghimtina, Mbumba, Namwandi, Kaiyamo, Beukes, Isaacks, Uutoni, Muharukua, Makgone and Tweya.

Three non-voting Members:-

Hons. Tjongarero, Simataa and Katjavivi.

HOUSE ADJOURNS AT 15:08 UNTIL 2013.11.25 AT 14:30

**NATIONAL ASSEMBLY
ASSEMBLY CHAMBERS
WINDHOEK
25 NOVEMBER 2013**

The Assembly met pursuant to the adjournment.

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

ANNOUNCEMENTS

HON SPEAKER: Honourable Members, I welcome you and I have two brief announcements to make.

The first one is: I would like to inform the Honourable Members that I have received an invitation from the Minister of Regional and Local Government, Housing and Rural Development inviting all Members of Parliament, the National Assembly in this case, to the launching of the Mass Housing Development Initiative, tomorrow, the 26th of November 2013, at 13:00, at Otjomuise Extension 10. The Head of State, President of our country, Comrade Pohamba will be attending.

The second one is an announcement by way of sharing information. This handbook of the mother and a baby titled - "***Sustaining Parliamentary Action to Improve Maternal, Newborn and Child Health,***" was recently launched by the 129th IPU Assembly in Geneva, Switzerland.

The handbook aims to provide Parliamentarians with the essential information they require to take their functions or lawmaking oversight representation in relation to women's and children's health. This is an informative and practical resource for all Parliamentarians. I encourage you to make optimal use of the handbook, especially those Members of Parliament who have direct responsibility towards public health.

We have successes as a country, led by the Ministry of Health and we also

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**TABLING OF REPORTS
HON KUUGONGELWA-AMADHILA**

have challenges that we have to address head-on. We can under no circumstances accept maternal, neo-natal mortalities due to human errors that could be avoided. This is not part of the social contract, we speak of better Parliament for stronger democracies. I have actually intended to have these booklets circulated but the agenda became full. I had expected that the Honourable Minister who hosted a very important indaba in Walvis Bay, would have been armed with this as well. So much for those announcements.

HON SPEAKER: Any Petitions? Reports of Standing or Select Committees? Other Reports and Papers? Honourable Minister of Finance, Honourable Minister of Trade and Industry, Honourable Minister of Labour and Social Welfare, in that order.

TABLING: REPORTS OF AUDITOR-GENERAL

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

- (i) Regional Council of the Khomas Region for the Financial Year ended 31 March 2011 and 2012,
- (ii) Town Council of Nkurenkuru for the Financial Year ended 30 June 2012; and
- (iii) Village Council of Stampriet for the Financial Year ended 30 June 2012.

I Move so, Honourable Speaker.

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**TABLING OF REPORTS
HON SCHLETTWEIN**

HON SPEAKER: Will the Honourable Minister please table the Report?
Honourable Minister of Trade and Industry.

**TABLING: REPORTS OF THE
NAMIBIA STANDARD INSTITUTION**

HON MINISTER OF TRADE AND INDUSTRY: Honourable
Speaker, I lay upon the Table of this House, Reports of the :-

- (i) Operational Report of the Namibian Standards Institution for the
Financial Years 2007 - 2010;
- (ii) Annual Report of the Namibian Standards Institution for the
Financial Years ended 2010 - 2011; and
- (iii) Annual Report of the Namibian Standards Institution for the
Financial Years ended 2011 - 2012.

I so Move, Honourable Speaker.

HON SPEAKER: Will the Honourable Minister please table the Report?
Honourable Minister of Labour and Social Welfare.

**TABLING: ANNUAL REPORT OF
THE SOCIAL SECURITY COMMISSION**

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**TABLING OF REPORTS
HON SIOKA**

HON MINISTER OF LABOUR AND SOCIAL WELFARE:
Honourable Speaker, I lay upon the Table the Annual Report of the Social Security Commission for the Financial Year 2011 to 2012. I so Move, Comrade Speaker.

HON SPEAKER: Will the Honourable Minister please table the Report? Notice of Questions? Ministerial Statements? Honourable Minister of Gender and Child Welfare.

MINISTERIAL STATEMENT

HON MINISTER OF GENDER EQUALITY AND CHILD WELFARE: Thank you, Honourable Speaker. Honourable Members, I rise this after to inform this Assembly about the 16 Days Activism Against Gender-Based Violence.

The 16 Days Activism Against Gender-Based Violence is an international campaign, originating from the first Women's Global Leadership Institute coordinated by the Centre for Women Global Leadership in 1991. Participants chose the 16 Days Activism Against Gender-Based Violence to be commemorated on an annual basis from the 25th of November up to the 16th of December.

The 25th of November is an International Day for the Elimination of Violence against Women, that precedes the Human Rights Day on December 10 each year. In order to symbolically link violence and Human Rights and to emphasise that such violence is a violation of Human Rights this 16 days period also highlights other significant dates, including November 29, which is the International Women Human Rights

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HON NGHIDINWA**

Defenders Day, December 1, world Aids Day and December 6 which, marks the Anniversary of the Montreal Massacre.

In Namibia, the 10th of December is commemorated as Women's Day in recognition of the contribution made by women in Namibia to the Liberation Struggle for the Independence of the beloved Namibia – *The Land of the Brave*, more specifically, the Windhoek Massacre where *Meme Kakurukaze Mungunda* was shot dead by the former Apartheid Regime on the day of the Old Location Uprising.

Honourable Speaker, Honourable Members, in Namibia, Gender-Based Violence is on the increase as cases being reported to the Namibia Police are still frightening. According to the UN definition, Gender-Based Violence consists of various forms of violence – *“violence against women’ means any act of Gender-Based Violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.*

Violence against women shall be understood to encompass, but not be limited to, the following:

- (a) Physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation;*
- (b) Physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution;*
- (c) Physical, sexual and psychological violence perpetrated or condoned by the State, wherever it occurs.”*

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**MINISTERIAL STATEMENT
HON NGHIDINWA**

This year, the 16 Days Activism Against Gender-Based Violence campaign continues with the theme of – ***“From Peace in the Home to Peace in the World, Let’s Challenge Militarism and End Violence Against Women!”*** That is the theme for 2013 worldwide. This theme was domesticated by the Ministry of Gender Equality and Child Welfare to reflect the Namibian context, thus the domesticated theme for the 16 Days Activism Against Gender-Based Violence in Namibia for the year 2013 is – ***“From Peace in the Home to Peace in Namibia, Let us Unite to End Violence Against Women and Children.”***

The 16 Days Campaign has been used as an organising strategy by individual and groups around the world to call for the elimination of all forms of violence against women by:

- Raising awareness about Gender-Based Violence as a Human Rights issue at local, national, regional and international levels;
- Strengthening local work around violence against women;
- Establishing a clear link between local and international work to end violence against women;
- Providing a forum in which organisers can develop and share new and effective strategies;
- Strengthen and join hands with Government to implement Policies, Laws and Programmes in places aimed at eliminating violence against women; and
- Empowering of women and the youth to be the focus during the awareness campaign as a means to reduce the high rate of unemployment among women and the youth in Namibia.

In conclusion, I would like to inform the public that the Ministry of Gender Equality and Child Welfare, condemns in the strongest term the recent incidents of killings of women in all Regions starting in

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Ohangwena, Omusati, including the man who was stabbed with a knife by his girlfriend in the Zambezi Region, committing of suicide, rape and baby dumping as reported by the media in recent weeks up to today's newspapers, there are also some incidents of Gender-Based Violence.

The above mentioned criminal activities will not build the Namibian Nation but will destroy the image of the country. The Ministry of Gender Equality and Child Welfare will use the 16 Days of Activism as a platform to advocate for the eradication and combating of all forms of Gender-Based Violence and draw attention towards ongoing gender issues in Namibia.

I, therefore, request all stakeholders such as Civil Societies, Non-Governmental Organisations, man and women and youth groups to join hands with the Ministry to denounce Gender-Based Violence and all sorts of crimes in our country. I thank you for your kind attention.

HON SPEAKER: Thank you, Honourable Minister. Any Ministerial Statements? None.

The Secretary will read the First Order.

**RESUMPTION OF DEBATE ON SECOND
READING: AGRICULTURAL (COMMERCIAL)
LAND REFORM AMENDMENT BILL [B.12 - 2013] AND
COMMUNAL LAND REFORM AMENDMENT BILL [B.13 – 2013]**

SECRETARY: Resumption of Debates on Second Reading:
Agricultural (Commercial) Land Reform Amendment Bill [B.12 – 2013]

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and *Communal Land Reform Amendment Bill* [B.13 – 2013].

HON SPEAKER: When the Debate was adjourned on Wednesday, 20 November 2013, the question before the Assembly was a Motion by the Honourable Minister of Lands and Resettlement, that the Bill be read Second Time.

Honourable Maamberua adjourned the Debate, you have the Floor Honourable Maamberua.

HON MAAMBERUA: Thank you, Honourable Speaker and good afternoon Comrades.

In the first instance, allow me Honourable Speaker to acknowledge the seriousness in which the Minister of Lands and Resettlement approaches this issue of land reform, resettlement and the rest and to thank him for bringing this *Amendment Bills* to the House, of course with the caveats that I am going to expand on shortly.

In the first instance, I would also like to say and share with the House, the purpose of the Law which generally is said to include protection of citizens, to govern people equally, unfairly and I should underline that, promote common good and to resolve disputes. Generally those are the tenets of the Law. I am bringing this in order to contextualise my discussion around the two *Amendment Bills* that are before us.

I would want to start with an example. An example which is living testimony before us, a situation in Namibia that has not been addressed yet and that is the plight of the people who were evicted from the Hochfeld Farm in 2011, around November. This included about 250 individuals,

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including women, children, elderly and vulnerable categories. When these people were evicted from the Hochfeld Farm, they were relocated by the Government to a five-hectare corridor on a farm called Okepau that is in the Otjozondjupa Region – on a five-hectare corridor, approximately 250 individuals.

Since then, these people have been languishing on that five-hectare corridor. In my attempt as a representative of the people, I wrote, to bring to the attention of the Minister who was at the time Deputy Minister of Lands and Resettlement. I also approached the Head of State during the consultations, I approached the Office of the Prime Minister, the former Prime Minister in the person of Comrade Nahas Angula and the Councillor of the Constituency but as I say, today the situation remains the same. These people are still squeezed up in a five-hectare corridor on the farm Okepau and this farm Okepau is a farm where the former residents of the Farm Otjikuu were resettled too. This Farm Otjikuu's evictees are those that we all remember, spent about four years along the shoulder of the highway between Okahandja and Otjiwarongo, and again through my intervention, fortunately, I had a very positive and sympathetic ear of the Head of State, these people were then resettled at Okepao. However, this group of 250 are now languishing on the same farm but only on a five-hectare corridor.

I am bringing this example because one of them is the person whom you have read about in newspapers recently, who was mistaken for a dog. **HOCHFELD MURDER SUSPECT CLAIMS HE AIMED AT VICTIM'S DOGS**. If you have a rifle or a gun with a binocular, you are aiming at a dog and you shoot a human being, what else can it be than to say that you have mistaken a human being for a dog and this is the case that I am referring to. Had these people been properly resettled, one of them would obviously not have gone to hunt or to search for his goats on a neighbouring farm. It is because of the size of the area on which they are finding themselves that one of them had to go and search for his goats and he then met his death on that farm Vergenoeg of Mr Eichhoff.

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Yes, the person is dead, his Comrades remain on the five-hectare corridor, who is now responsible? Every office in this country that has anything to do with the plight of these people was notified during the time that I am talking about and nothing has been done. Now we have lost a life and you can imagine how many more people have already died because of lack of care, because of old age, vulnerability under the conditions in which they find themselves? The question remains, who is responsible?

I am bringing this case because as I said, I was emphasising one of the purposes of the Law and that is to govern people equally and fairly. Obviously, what we have demonstrated here is that these people have not benefitted from the equality of governance and fairness of governance. We are now to consider these Amendments to the Land Bills or to the Agricultural (Commercial) and Communal Land Reforms. What are we going to do with those Amendments if the current Laws have not been implemented fairly and equally to all the citizens of our country? Is there still a need to proceed along this, unless if we have any credible explanations as to why Government does not pay its attention to this group of people?

Our recommendation is, therefore that, in all fairness, the Farm Vergenoeg of Eichhoff must immediately be expropriated in order to resettle those people who are on the five-hectare corridor. That will be the only fair thing to do and that is our recommendation. Expropriate that Farm Vergenoeg immediately! After all, we have all the necessary instruments as provided for in our Constitution. The Constitution that states that property will be expropriated in the public interest but after an enabling Law of the National Assembly has been passed.

Before me here, I have the enabling Legislation of the National Assembly that lays down the procedure of expropriation, so therefore, you have no excuse than to proceed, Honourable Minister of Lands, to invoke the provisions of the Constitution and the procedures as laid down in the *Agricultural (Commercial) Land Reform Act of 1995* (intervention).

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HON SPEAKER: Honourable Tjihuiko.

HON TJIHUIKO: Thank you very much, Honourable Speaker. May I ask the Honourable Member a small question please?

HON SPEAKER: Yes.

HON TJIHUIKO: Honourable Maamberua, I am sorry to disturb because you are really making a very important point.

You are talking about the expropriation of this farm within the framework of the Law, are you trying to tell us that, yes indeed, there is a provision in our Laws or the Constitution that can allow Government to expropriate a farm of that nature? That is the first question.

Secondly, would you also, I am getting the impression that you are making a recommendation to the Honourable Minister of Lands to be incorporated into the *Amendments Bills*. Is what you are trying to do, that the Minister should seriously consider what you are now recommending to be part of the Amendment to the new Bill?

HON SPEAKER: Honourable Maamberua.

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HON MAAMBERUA: Thank you for the question. I just wanted to quickly refer to the Article, I think it is 16 in our Constitution and 16(2)

Looking at the statement of the Honourable Minister, actually the Amendment in terms of expropriation was already alluded to by the Honourable Minister of Lands and Resettlement somewhere in the pages there. We shall come to that but you can go through this. I am not asking for an Amendment, I am asking for the implementation of the letter and spirit of both the constitutional provision and the legislation that we have in place. Thank you (intervention).

HON SPEAKER: Honourable Angula.

HON MINISTER OF DEFENCE: Sorry to interrupt my President in waiting, can I ask you a small question?

HON MAAMBERUA: Yes.

HON MINISTER OF DEFENCE: You said the name of the farm is Vergenoeg? Does that imply that this person who settled there must have come from far? (Interjections) he must have come from very far.

HON RIRUAKO: No, he went too far!

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HON SPEAKER: One at a time please.

HON MINISTER OF DEFENCE: And he found that he had reached the end of the world. If that is the case, what would you recommend should be to this person, the owner of this farm?

Notwithstanding that, since this is a criminal case now being in the Courts, do you not think that it would be wise to wait for the Court to finish the case before we embark on anything else?

HON RIRUAKO: No, he went too far!

HON SPEAKER: Honourable Maamberua.

HON MAAMBERUA: Thank you, Honourable Speaker. Obviously, I do not know the owner of the farm, I do not know where he comes from, probably he is a Namibian citizen or anything of the sort.

Now, whether there is a criminal case ongoing or not, the matter of the fact is that in the defence of the person who shot the other one or the farm worker (intervention).

HON SPEAKER: Honourable Maamberua, I am glad that the former Prime Minister reminded me, if indeed, this case is before the Courts, we

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are advised as Members of Parliament not to double what the Courts are doing and to wait until the matter is disposed of before the Court, so I caution you to dance around that issue and not specifically address it. You have the Floor.

HON MAAMBERUA: Yes, thank you very much. I am actually not looking at the procedures of the Court or anything like that, all that I propose is that, because somebody was shot on that farm and the neighbouring people who are on the five-hectare corridor do not have any other land, it is, therefore justified that we can expropriate that land, whatever the outcome of the case is going to be.

HON SPEAKER: However, even so, if the matter is before the Courts, we should not be deliberating on it here.

HON MAAMBERUA: Thank you for that advice. Let me go to the body of the first the *Agricultural (Commercial) Land Reform Bill*, starting with Page 2 (intervention).

HON KAZENAMBO: Honourable Speaker on the Point of Order please.

HON SPEAKER: Yes, Point of Order.

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HON KAZENAMBO: Can I ask Honourable Maamberua a question?

HON RIRUAKO: A question on what? It is not appropriate.

HON SPEAKER: The Speaker is the one who has given the Floor to Honourable Kazenambo.

HON KAZENAMBO: Within the premise of your line of argument, will you agree or disagree with me that the people who live in the so called *reserves*, for example, Ovitoto, Aminius, Okatjoruu, Omatjete, Otjimbingwe, Khorixas, etcetera, these people are people who were released from the concentration camps and (intervention).

HON RIRUAKO: Where did they come from?

HON KAZENAMBO: They were dispossessed of their land and if expropriation should be done, the land will have to go to these people, including myself here, because my parents were dispossessed from here, be careful.

HON SPEAKER: The Speaker is lost, I was trying to follow what Honourable Maamberua was saying, can you stick to your contribution.

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HON MAAMBERUA: Yes. On the Order Paper there is another item that is talking about land, the Motion by Honourable Ben Ulenga and I have prepared myself to address those issues there.

I have prepared myself to talk about ancestral land, I have prepared myself to talk about issues on land, even in the Four “Os” Regions. As you recall, people living in those areas (intervention).

HON SPEAKER: Can you stick to the issue on the basis on which you rose? Speak to the Motion.

HON MAAMBERUA: Thank you, Honourable Speaker. In the interest of time, I said Page 2, Article 9 on Committees.

I observed that the Regional Councillors are absent from both the Regional Resettlement Committee and the Land Reform Advisory Commission in the main Act, where we were talking about introducing them. They are neither members of the Resettlement Committees nor are they members of the Land Reform Advisory Commission. For me, that is an anomaly and I think that is something that we need to correct before we proceed with this *Amendment Act*. You cannot have Regional Councillors who are excluded from all these Committees.

The next one is on Page 3, Article 3(a). That is in terms of the Amendment that is being proposed that, whenever one or more members of a Company or Closed Corporation that owns agricultural (commercial) land intend to sell or transfer shares, in the case of a Company it specifically states - *(a) any shares of the Company to another person*, and I want it to be clarified, when you talk about *person* in this particular instance, are we talking about the juristic person or a natural person,

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instead of just talking about *person*, and *person* is not defined in the Act? We. therefore, either include the definition of the *person* that we are talking about or it must be made clarified. Similarly, is it referring to a Company selling shares or a Closed Corporation?

When it comes to institutions that may possess or own agricultural land, we do not only have Companies and Closed Corporations, you may have Partnerships, you may have Trust Funds, you may have Charity Organisations, under which category are we placing these ones? If a Charity Organisation buys agricultural land and they now want to get rid of it, how do we deal with that in this particular Act? I think, again that might be an anormally that needs to be clarified (intervention)

HON TJIHUIKO: May I ask the Honourable Member a small question? Honourable Maamberua (intervention)?

HON SPEAKER: Questions are allowed according to our Rules but I would also like the Honourable Members to be given an opportunity to depose to what they want to say or to contribute as Honourable Maamberua is also entitled to give the statement that he has come here prepared to deliver, so he should be allowed to speak.

HON TJIHUIKO: I am terribly sorry, Honourable Speaker. As (intervention).

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HON SPEAKER: Questions are allowed.

HON TJIHUIKO: Yes. The question I want to ask the Honourable Member is: You are talking about selling of *shares* in these Companies, (interjection) whatever, but not the *Chairs* that we are sitting on. The question is, when you have a Company that is registered as a Closed Corporation under the *Companies Act*, operating at that specific place, how would Government control selling of those shares?

If a Company that specialises in trophy hunting floats their shares on the International Stock Exchange? How would Government be given the first option to buy this shares? Practically speaking, I know that you were a Permanent Secretary and you are good at this, how can one control shares of Companies that are floating on the international markets that has (intervention).

HON SPEAKER: Why do we not allow the Honourable Minister who tabled that to answer that question and not Honourable Maamberua? Honourable Maamberua, continue.

HON MAAMBERUA: Thank you, Honourable Speaker, indeed I got the same (intervention).

HON RIRUAKO: Point of Order!

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HON SPEAKER: I did not give you the Floor, Honourable Maamberua has the Floor. I did not give you the Floor, please sit down. Honourable Maamberua, continue.

HON MAAMBERUA: In the interest of time, I shall take no more questions. Thank you, Honourable Speaker. I said that, I actually almost had the same question, however, my substantive issue is regarding the minority interest that this Bill is proposing to incorporate or to take care of, I think I have a very serious difficulty in that regard because if Government allows itself to be given the minority interest in a company that is having ownership of agricultural land but the majority interest remains (intervention).

HON RIRUAKO: Point of Order.

HON SPEAKER: I still have not given you the Floor.

HON RIRUAKO: I am asking you?

HON SPEAKER: I must give you the Floor, sit down until I give you the Floor.

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HON RIRUAKO: Now give me the Floor.

HON SPEAKER: You press the red button when I give you the Floor,
You have the Floor now. (*Laughter*)

HON RIRUAKO: My Learned Speaker, I hope that you understand me
now. Before we are going to embark on any argument about Closed
Corporations, how do we do that (intervention).

HON SPEAKER: What is the specific question you want to ask
Honourable Maamberua? Honourable Maamberua has the Floor.

HON RIRUAKO: But he said, he is not going to accept any questions.
He said that.

HON MEMBER: What are you doing on the Floor then?

HON RIRUAKO: I am providing information because no questions must
be asked, according to him.

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HON SPEAKER: The Honourable Member who has the Floor, has the right to decline to answer the questions, unless you are making your own interpretation.

HON RIRUAKO: No, he said - *I am not going to accept any questions but you did not say anything.*

HON SPEAKER: What did you ask the Floor for?

HON RIRUAKO: I asked the Floor for a Point of Order, instead of questions because the questions have been stopped.

HON SPEAKER: Yes, you have the Floor, continue with your Point of Order.

HON RIRUAKO: How are we going to embark ourselves on an argument about Closed Corporation? The Government must discuss this matter before they present the Bill to Parliament for discussion, we are on the wrong track.

We are supposed to finish our products before we place them before the public. The product is not finished yet and now we are here placing it before the Parliament for discussion. We are wrong. Thank you.

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HON SPEAKER: Honourable Maamberua, continue.

HON MAAMBERUA: Thank you, Honourable Speaker. The point that I am making is that, if Government is a minority interest holder in such a Company or Corporation, obviously the decision of the majority share holders will prevail, they could decide that on the portion of the farm shareholders are not allowed to resettle and no shareholder is allowed to bring resettlement individuals on the farm etcetera, because that is majority decision.

Honourable Speaker, my recommendation, therefore is that, instead of attempting what the Ministry is trying, we should put it categorically clear in the Amendment that no Corporations or Companies or any business would be allowed to own agricultural land without the permission of the Minister of Lands and Resettlement, then it is the Minister's discretion which companies could be allowed, of course for transparency there will be rules to govern that, but then the major decision which is part of the Law would be that a Company cannot own agricultural land in Namibia, that is, without the permission of the Minister. I think that will address that issue.

The second decision that we have to take in this regard, is that for those who have already acquired agricultural land since the enactment of this Law, through Corporations, Companies and so on, whom we suspect, the intention was to take advantage of the loophole or to circumvent the Law or whatever the case may be, all those farms will be expropriated, financial means and other resources permitting. However, whether we put that in the Law or in the rules or regulations, that is a different matter but I think that should be the direction and that is the proposal.

There is one provision that is very serious and that is on Page 4, under the Article that comes from the previous page, Article 3, Page 4(b).

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I think this is serious, it says – “*an owner of agricultural lands who intends to have an usufruct registered over the whole or part...*,” and then it reads on and then it defines a relative – “*a relative means spouse, child, parent or sibling of the owner,*” these are the people to whom land can be transferred in terms of this Law without shares or the land being offered to Government. You are transferring to your spouse, child, parent or sibling. However, this is Eurocentric, this is not African, we do not transfer land or property, generally speaking, to these categories of people (*laughter*).

Let me tell you how, just listen to this one. Not only to these people, but we also have cousins. In my case *omusia*, whether a woman or a man, male or female *omusia* is the first heir of an uncle’s property. Therefore, in an African set-up, specifically in the Namibian context, some of these categories are actually being excluded by the Law and they should be included. Why should it only be a spouse, parent or sibling? As I said, that is the Eurocentric definition, and therefore this Bill as it, discriminates against the African cultural orientation and therefore it cannot pass (intervention).

HON SPEAKER: Honourable Mbumba.

HON MBUMBA: Honourable Speaker, may I ask the Honourable Member a question? You see, I fear that sometimes we want to tighten up the system and other times we want to open it up. Now, suppose I am a Namibian of German descent because we are talking about, once you are opening it for the Maamberuas and the Mbumbas, you also have to open it up for the Von Wietersheims and others, do you understand?

Suppose my brother is somewhere in Europe or South Africa and at the same time we do not want foreigners, we do not want other people to have

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land here and yet we want to open it up so wide (intervention).

HON SPEAKER: Honourable Mbumba has the Floor and he is the only one who has the Floor.

HON MBUMBA: That is, for his brothers, his sons, his cousins whatever, when are we going to end that line?

HON MAAMBERUA: Thank you, Honourable Speaker. You see, I am not advocating for open ended relations, when we enact Laws, we have to take into certain things account and that is why I opened my introduction with - a Law is to protect the people, it is to take into account the culture of our own people. How can we enact a Eurocentric Law whilst we know that we have our own African-Namibian considerations that must be included in the Law? We are denying ourselves our own rights, I think whatever the case may be, we are not going to open it to all the relatives but there are critical once in terms of our different cultural groupings represented here and we know them. They are also not open ended in our own circumstances or in our own cultures.

Let me move on to the *Communal Land Reform Bill*. The first one is on the title - Communal Land Reform and I am not criticising the Act as it stands, I am just saying Communal Land is actually an anomaly in terms of, we do agricultural practices as well commercial practices in communal areas because it is no longer just hundred percent pure subsistence farming that is taking place there, there are commercial and agricultural activities taking place, therefore, why call an Act only communal, whilst the other one which is practicing both agricultural and commercial activities is

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called agricultural and commercial? Why not the same? That rational goes for calling for the immediate marriage of the two Acts so that we have only one Agricultural or Commercial Act as soon as possible and of course, the outcome of the consultations that were held about two years ago, should have informed the Amendment of this Bill and actually the consolidation of these two Bills so that we only have one Act. I thus, do not see the urgent need for these two separations. I would rather have one consolidated Act presented before this House at the beginning of next year.

On Page 2 of the *Communal Act* or *Bill*, there is a definition of a lawful resident and according to the Minister's Statement, it is actually to allow a Chief or a Traditional Authority to define who a lawful resident is. If we put it that a Chief is to define who is a lawful resident in an Act, it will have other ramifications and implications because in other Acts like the *Immigration Act* and so on, even in the *Citizens Act*, a lawful resident is probably something else and cannot just be defined by a Chief, like somebody who comes from some country and bears the surname Mbumba (*laughter*)- he is asked, what do you call a tree in your language and he says - 'omuti', and what is a snake in your language - 'onyoka' - *oh no, you are a resident*. Taking the Immigration Law into consideration, is this person according to the Chief a lawful resident in the country or not because of the Chief having defined this person as a lawful resident in terms of the Law? I, therefore, think the power to define a lawful resident cannot be given to the Chief. That is my submission as far as that is concerned (intervention).

**HON DEPUTY MINISTER OF GENDER EQUALITY AND CHILD
WELFARE:** On the Point of Order; may I ask the President of SWANU (intervention).

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HON SPEAKER: He is done and it is tea time. I have a guarantee from each one of you as Honourable Members to be back as you are. Please bring the other ones along who are not here so that we can continue.

We are adjourning in a couple of days, so at least it is up to you how you utilise the time, and read Rule 29 on time limit so that you can help me to manage the Business of the House for the duration of the time we have.

HOUSE ADJOURNS AT 15:40

HOUSE RESUMES AT 16:15

HON SPEAKER: We shall resume the Business of the House. Honourable Maamberua, has the Floor.

HON MAAMBERUA: Thank you, Honourable Speaker. Let me quickly applaud the Honourable Minister before I proceed with what I was saying, for subdividing the country into the North and South in terms of agricultural maximum land that can be owned. I think that suggestion is something to applaud the Honourable Minister for. However, I would want to go further to also ask the Honourable Minister that he also determine the maximum prices according to those different zones, that a farm can be sold for. I think that can be explored.

We are still on the Communal Land Reform, Page 4, this one is also very important. Part 3, under *Power to Grant Occupational Land Rights*. It

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reads - "*Subject to Sub-sections 3 and 4 and Sections 36(b) and 38, a Board, upon application may grant to a Ministry, Agency, Office, Church or any other institution providing public services an occupational land right.*" Now, in a Circular State, we say a Church, why do we single out the Church? Church is Christian, we have Synagogues, Mosques as well as some other forms of religious designations of worshiping places. Can we suggest not to use *Church* but a *Religious Institution*, so that it is neutral, we are a Circular State please and I see throughout the Law that we are referring to a Church repeatedly.

On the same Page 4, Section 4 reads – "*Despite subsection (1) an institution providing public services may apply to the Minister for an approval for the granting of an occupational land right in respect of a portion of land which is wholly or partly situated outside a designated area.*" The question is what is the maximum that the Minister is permitted under this Act to grant? In terms of the board the Minister was suggesting something like up to one hundred hectares or something like that, what about the powers of the Minister are the powers of the Minister unlimited?

Honourable Speaker, in the Statement of the Minister explaining the regulations, I am not sure whether we are dealing with amending an Act of Parliament or are we amending regulations because here, on Page 5 of the Minister's Statement, what are we addressing with this inclusion? It says – "*to the extend the jurisdiction of Communal Land Boards to ratify customary land rights to a maximum of fifty hectares and to grant leasehold rights up to hundred hectares without requiring the written approval of the Minister.*" The question is, why are we talking about regulations here and that is in terms of Regulation 3 and 13(1) respectively? Why are we talking about regulations? (Interjection) it is on Page 5 and 6 of your Statement Honourable Minister, and that is addressing itself to Section 23 and Section 31, that is, *limit of maximum size to be held under customary right* (intervention).

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HON MINISTER OF LANDS AND RESETTLEMENT: Are you referring to the explanatory notes?

HON MAAMBERUA: Yes, explanatory notes.

HON MINISTER OF LANDS AND RESETTLEMENT: Yes, there is a difference between an inclusion and explanatory notes.

HON MAAMBERUA: Thank you very much. Now there is a confusion, what is actually before us, is it the Amendment of the Act or the Amendment of Regulations and if it is Regulations, obviously that is to be dealt with at the level of the Ministry, so what should we approve now? Are we now approving from the twenty hectares to the fifty hectares in this Parliament or what? Otherwise we are now getting back into that confusion? After all, whether it is twenty hectares, fifty hectares or hundred hectares, it is just impossible to universally apply that limitation across Namibia because of different agricultural practices. For agronomic purposes, perhaps that could sail through but for livestock production, that is just impossible to talk about these hundred hectares, fifty hectares and the twenty hectares, so there is no improvement in terms of whether it is twenty hectares or up to a hundred hectares. In terms of the complaints, it is said here that – *“this will enable the unfolding of current misconceptions particularly over the twenty hectare limit that is purported not to be congruent to the practical realities on the ground.”* Of course, even with the hundred hectares, it is not congruent to the practical realities on the ground. What do you do with a hundred hectares? The purpose of this review, I think, leaves a lot to be desired and therefore, Honourable Speaker, let me make my conclusion and recommendation.

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Honourable Speaker, my recommendation, humbly so and Comradely so, you recall that at the beginning I said - *good afternoon Comrades?* This is a Comradely and friendly request that, given everything that we have demonstrated, I think there are a lot of inconsistencies in the Act, a lot of things that needs to be changed. No urgency was demonstrated anywhere for bringing these Amendments, both for the Commercial and the Communal Bills and therefore, as I said, my Comradely request is to have both Bills withdrawn so that we can expect a resubmission of a consolidated Act, alternatively is to have both Bills be referred to a Parliamentary Committee so that further clarifications can be instituted and perhaps also in the process consolidation of the two Act would be advised. That is where I stop Honourable Speaker, either withdrawal or reference to a Committee.

HON SPEAKER: Thank you. Honourable Von Wietersheim.

HON VON WIETERSHEIM: Thank you, Honourable Speaker. In the interest of time, I do not wish repeat what the previous speaker just said but just want to concur with recommendation wholeheartedly and fully.

HON SPEAKER: He said a lot of things, which particular one are you concurring with?

HON VON WIETERSHEIM: The last part, his recommendation to refer or to withdraw and come back with a combined Bill, after all, we have had discussions about these, two years ago and as the previous

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speaker, Honourable Maamberua pointed out, no case of urgency has really been presented. Honourable Minister, with all due respect, I think I just want to mention a few points, motivating why I am concurring with that recommendation.

Firstly, I think the limit on Farming Units may have merit although I cannot understand why we are not using the scientifically worked out formulas that the Ministry of agriculture has available, for determining the carrying capacity of land instead of just subdividing the country into two parts and say the southern and northern parts have a limit of so many hectares, respectively. This is very unscientific and unrealistic because even in the south you have very different types of agricultural land and very different carrying capacities.

As far as the limit on Game Farms or Nature Resorts is concerned, I just want to point out that there are areas that are basically desert areas, where normal farming, whether commercial farming or subsistence farming is not possible. One would not even think of resettling people on some of those areas and I am specifically thinking about the Namib Rand, the Namib bordering farms on which, for example, we have big tourist attraction where a lot of employment opportunities were created by not using them as farms but Game Farms or Tourists Resorts. Just a thought to perhaps have a more precise definition about this matter (intervention).

HON SPEAKER: Honourable Deputy Minister of Justice.

HON DEPUTY MINISTER OF JUSTICE: Thank you very much, Honourable Speaker. Can I please pose a small question to the Honourable Member?

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Honourable Member, I am painstakingly interrupting you, it was not my intention as I am one of those people who really want the discussion to flow because I have a vested interest to have the Bills passed.

Honourable Member, you are making a good argument and I am going to repeat the question that I posed before. When we are talking about the carrying capacity and I have always asked the question, when we are talking about the carrying capacity in communal areas, are we only referring to animals or are also referring to human beings, that the sustainable yield or utilisation can carry in terms of how many people can actually make a living in that environment per hectare, so that we do not just limit ourselves to animals but also to the carrying capacity of human beings on a given land unit?

I want that question answered because I really get disturbed when I always hear it is the carrying capacity of animals but in those areas, the carrying capacity of human beings is equally important and surpasses that of animals by far.

HON VON WIETERSHEIM: Honourable Speaker, I can only agree with what is implicated in this question. Of course, the carrying capacity does mean human beings utilising either animals or crops on a specific area. It concerns human beings trying to make a living. That is how I would define carrying capacity and I think that is the way we must look at it.

The next point, I think I really want to support the idea of plugging the loopholes for foreigners. The Honourable Minister might remember that, it was certainly a year or longer ago that we spoke to each other and were discussing this. It is absolutely high time to bring in this legislation but the way it is brought, I think it is not finished yet, that is why I would say take it and finalise it properly. One of the points is obviously the usufruct

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that reference was made to before. The usufruct that is still contained or brought into the Bill, and that is one of the important points as far as foreigners are concerned, limiting it to child, spouse, parent or sibling. I am glad to find it in the Bill. I am more surprised about the fact that the heirs and legatees which are not usufruct holders will be excluded. This was not quite clear to me from the start because it is in the Bill but it is in brackets, which means that you are planning to take it out, and my Colleague, Honourable Lucks has already pointed out to taking out the right to bequeath your land to your children, for example.

This is something that I want to point out which will probably be in direct conflict with the Constitutional Provision – Article 16(1), where it says – *“All persons shall have the right in any part of Namibia to acquire, own and dispose of all forms of immovable and movable property individually or in association with others and to bequeath their property to their heirs or legatees: provided that Parliament may by legislation prohibit or regulate as it deems expedient the right to acquire property by persons who are not Namibian citizens.”* This point is for me the most difficult one to understand in this Bill because it does not have so much effect, in the first place on the foreigners or those loopholes we want to closed but it does affect us citizens as a whole. I do not think that it is acceptable to prevent a land owner to have his own sons, daughters, brothers or sisters inherit his possession.

Honourable Speaker, in the interest of time, these are the concrete points I had and I wish to rest my case at this moment in time.

HON SPEAKER: Thank you. Honourable Moongo.

HON MOONGO: Thank you, Honourable Speaker. First of all, I would

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like to thank the Honourable Minister who did his best, with his entire staff to bring about so many good points, though there are a lot of loopholes that we have to close. I am, however, sure that the Minister will be radical when things have to change for the better. I know him that way and trust that he will do that.

Historically, Namibians went through a serious war, especially the Herero war with the Germans and of course the Nehale war, where the community lost a lot of land and they were squeezed together, which is currently inhuman. I thus, hope my Honourable Minister, as I trust him, will understand the point that the community is demanding more land because as the situation is now, people are grazing their animals right into Angola. A lot of cattle belonging to the Oshikwanyama speaking community are grazing in Angola and I am happy and salute the Government of Angola for allowing our people to graze their animals there. Some of them grazed in the east of Ondonga at Omilonga around Oponono. If you go there, you will find cattle scattered there just like flies, the area is completely overgrazed that is why I am saying we need more land please, Honourable Minister.

Give back part of the Etosha Pan land so that we can resettle our community and allow their cattle to graze there (intervention).

HON SPEAKER: The Traditional Leader is speaking. Honourable Angula.

HON MINISTER OF DEFENCE: On a Point of Order, I agree with Honourable Moongo that there is overcrowding in those communal lands but I just have a question about Etosha.

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You know that we, the two-legged animals found the four-legged animals there and we started to squeeze them, if they had a Parliament, they would be complaining against us. (*Laughter*). Now you even want to remove them from Etosha, to take them where? Just tell us, when you move them out of Etosha, where are you going to take them?

HON MEMBER: They will go to Cuba.

HON MOONGO: I think this is a good question. I proposed that Etosha should be moved right into the commercial land area that is occupied by foreigners, let us take that land and give it back to the landless communities (intervention).

HON SPEAKER: Just wait, move them here or there, which direction exactly? (*Laughter*)

HON MOONGO: The Hereros are squeezed in //Gam.

HON SPEAKER: No, no, I am talking about Etosha.

HON MOONGO: And they need land.

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HON SPEAKER: Which direction do you want them to move in Etosha?

HON MOONGO: Just inside there. Inside the commercial farms occupied by foreigners. We need land.

HON SPEAKER: Is that east, north, south or west, which direction?

HON MOONGO: In the southern direction. This will ensure that our people return their cattle from Angola and there will be no more squeezing in Oponono because the situation is horrible. I know that this is a serious wound and we do not want to inflict further injuries but those foreign occupied farms must be moved to the animal park so that the landless community can be resettled in that area from around Oshivelo.

I hope my Minister understands my appeal and whenever the Government expropriate communal land, it should extend some funds to the community leaders (*laughter*). Oh yes, they are poor! They need to administer (intervention).

HON SPEAKER: Honourable Kapia, I do not know where you fall but you have the Floor.

HON KAPIA: Honourable Speaker, may I ask Honourable Moongo a question?

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HON SPEAKER: Yes.

HON KAPIA: Honourable Moongo, as a citizen of this country, how many farms are owned by absentee landlords on the southern side of Etosha? We cannot just talk as if all those farms are occupied by foreigners, we have to be very careful.

HON MOONGO: Thank you very much. I am happy that I proposed something and the Government gave some farms around Omaruru to the people, it was a very good step forward.

Of course, I do not know how many farms are occupied by absentee landlords as my Brother asked me but why do you not extend fences and allow the poor landless people to expand their land to allow for additional grazing? This will in turn enable our people to return their cattle from Angola because what will happen if the Government of Angola stop them from grazing their animals there? Do something my dear. Thank you very much.

HON SPEAKER: Thank you. Honourable Shixwameni, by the way, I wish to welcome you back. You look refresh and more handsome as usually look.

HON SHIXWAMENI: Thank you, Honourable Speaker. I will be very brief. My comments will basically only be a footnote to what has already been said. Indeed, my Colleague, Honourable Maamberua perhaps had

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my computer this morning and I , therefore, intend laying charges of hacking with the Police.

I must say that, the other time when I adjourned the Debate on this Bills, I wanted to speak on it extensively, particularly on the *Communal Land Amendment Bill*. I think the *Agricultural (Commercial) Amendment Bill* is more straightforward in terms of closing the loopholes of Closed Corporations and making sure that foreigners do not acquire land in Namibia, indeed. That loophole, we must close but then when you look at the contradiction that arises with the communal land, we are closing the loopholes with the *Agricultural (Commercial) Land Bill* but we are opening a floodgate in the communal areas. We are saying that we can allow foreigners to have leaseholds and traditional rights in the communal areas which I find to be a very big contradiction because if we are closing it in the commercial area, why open it in the communal area where, as people have rightly pointed that we are already squeezed in the communal area? The only thing that we have here is that we cannot do anything in terms of expansion, our society can multiply because we can reproduce as we want but we cannot create land. Land cannot be created but it can only be managed. We, therefore, have to look at how we can managed this land. I would like that the particular Clause that allows foreigners to acquire leasehold and traditional land rights to be completely and totally scratched out of the Bill. (Intervention)

HON SPEAKER: Yes, Honourable Minister of Mines and Energy.

HON MINISTER OF MINES AND ENERGY: Thank you, Honourable Speaker. I am just rising on a Point of Order.

Honourable Shixwameni, you have a very young mind but seem to forget

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so easily that there are countries which have actually extended their land territory by reclaiming some of their territory from the sea. Therefore, do not blindly say that the land cannot be reclaimed and extended. I just wanted to say that. Thank you.

HON SHIXWAMENI: That is an empty exercise in intellectualism. You can do it for certain purpose but the ocean, as we know it, will come back and reclaim where it has always been. Do not forget that there are Tsunamis in this world. You want to reclaim so that the ocean can come back and reclaim the land, however, it is a good exercise and very costly anyway.

I was saying, let us not allow foreigners to take traditional or what is being referred to as communal land. We are already overcrowded and also have the problem of how many hectare can be give to a person. When we talk about this hectares, the most interesting thing is that, as Honourable Von Wietersheim pointed out, whether it is based on any scientific analysis, because when you talk about hundred hectares, I take an example of my own village there at Utokota, the people that live in the square kilometre around that area are more than 2,000. We have lived so well for the past years, we did not have any problems of land disputes and all these kinds of things but you suddenly come and say – *mark the boundaries around your house*, which is very difficult because the way we live in that part of Namibia, we live completely different. A village is a real village, it is not like your homesteads here, you live there by your neighbour like you live in town. Therefore, when we make these Laws, we must take it into consideration that we differ from culture to culture, we are a multi-cultural society. Those things need to be taken into account when we make our Laws.

Talking about land management, land management is probably the most important thing that the Ministry of Lands and Resettlement has to pay

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attention to, in conjunction with the Ministry of Agriculture, Water and Forestry because the way that we manage land now, will determine how we are going to live 10 years down the line. If we do not manage it and just dish it out, when the second and third generations come around at the end of the day, we might have problems and people will be fighting around this. Therefore my main point is that – no rights traditional land or leaseholds should be given to foreigners, just as we are closing the loophole for in the commercial area (intervention).

HON SPEAKER: Honourable Ankama.

HON MINISTER OF MINES AND ENERGY: Thank you, Honourable Speaker. May I ask my Colleague, he is my former Comrade in actual fact, as we have been together during the youth days and now he is on the other side. (*Laughter*). May I ask you a question please?

You are talking about land management, currently we have what we call *Oshanas* which are shallow rivers that have been tilted with sand and where there were rivers in the past, you now find some areas where people could settle. In terms of your proposed land management, what would you enumerate as points of managing this kind of situation? Land that is being swept away, either by road constructions or by tracks of animals like cattle and the like or by floods into rivers. What would you say about that? Thank you.

HON SHIXWAMENI: I do not know if that was a question or a comment but all that I can say is that the *Oshanas* are natural ponds that have been there, that is why the Cuvelai basin - when it floods in Angola,

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the water follows the course that it has been following for hundreds of years. Therefore, even the way that we build our towns, say for instance, Oshakati, Ongwediva, Ondangwa, etcetera, we are supposed to advise people not to build in the river courses because when the water comes and there is a flood, like my clan say in my language that the small elephants, whether it takes fifty years, will always follow where their parents used to walk and that remains a fact. The water will, therefore, always follow its course because it is established up in the north, in the Cuvelai basin, that the river will flow, the floods will not stop, unless if we stop the rain. As long it rains in Angola, you will have floods hitting the Cuvelai basin around Oshana and Omusati Regions. That is as true as we say when the sun rises from the east, it will always set in the west. Those are just historical facts we need to know.

However, I was saying, apart from limiting foreigners from acquiring land in communal areas, what we can do is to encourage them to enter into partnerships with the locals. Let the locals own the land and if they want to set up a business, let them enter into a partnership with the local people so that they can be empowered and benefit from that. I would definitely advise against giving leaseholds, whether it is a 99-year or 50-year lease hold, I would definitely not support that.

In conclusion, as my footnote, I would like to insist that we need to have a unified land (intervention).

HON SPEAKER: Honourable Riruako.

HON RIRUAKO: May I ask a tiny winy question?

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HON SHIXWAMENI: Yes, Honourable Chief.

HON RIRUAKO: I agree with you that there should be joint ventures when it comes to commercial and communal land, with the approval of the Minister. I thank you.

HON SPEAKER: Thank you. Honourable Shixwameni, continue.

HON SHIXWAMENI: Thank you, Honourable Chief. All that I am going to insist on is that, it is time that we make land the priority. People always say that people went to war for the land but we are not really addressing the land issue as a matter of urgency so that this country, Namibia, can become one unified land.

We must stop this thing of having communal areas and commercial areas, we need to have one uniform *Land Bill* for Namibia and that is what I would appeal to the Honourable Minister. The Minister needs to urge the legal drafters that they work with the necessary speed in order to ensure that the *National Land Bill* is tabled in this House by not later than February next year. With that I would agree with what Honourable Maamberua was calling for, that given the contradictions in the Bill, that this Amendments be taken back and be revisited, there is no urgency, let us work on the *Land Bill* so that it can come to the House.

With those remarks, I thank you.

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HON SPEAKER: Thank you. Honourable Dingara.

HON DINGARA: Thank you very much, Comrade Speaker. I had prepared so many things to talk about but some people have taken some of my points. However, let me just raise the points that I remained with.

I was busy raising my first point when time caught up with me and it was about the limitation of the Traditional Authority. I was saying that it is not good to say that we want to limit the Head of the Traditional Authority. I have travelled extensively in Namibia and have seen how people live from tradition to tradition. What I observed is that people in live differently from Region to Region.

Last year, I asked the Honourable Minister why he could not bring the Section dealing with the registration of land to the House for discussion because if consultation was done, especially in the Okavango Region, then the people who were so consulted did not understand the Law was introduced to them. People like us have been living without problems all the years, I was, therefore thinking that when we propose Amendments to the Law, we would concentrate more to where there are challenges in order to bring about harmony, however, in the provision that was provided that deals with land registration, is somehow contradictory, especially for a Member of Parliament who has taken an oath to protect and defend the Laws of our country because it makes life difficult when the Laws work against you and you just have to remain quite. (*Laughter*). We can continue to defend it but I was thinking that it is better to bring it here so that we voice our opinions on how we can manoeuvre it so that it can cover all the issues that we need to address.

The other issue that I would like to raise is on the Amendment; when you listened to what the Honourable Minister said in his Statement, you must have heard about the exclusion of the Chief and the Traditional Authority

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from the responsibility of addressing issues concerning illegal fencing, I am not against this statement but feel that the wording needs some fine-tuning because where I come from, for example, the land belongs to the Chief. If a fence is erected which is not in line with the Law within the Chief's area of Jurisdiction, how could the Chief be excluded from ensuring that that fence is removed? I am under the impression that what is stated there may not be what the Minister intends to say, therefore we need to find the correct terminology because the Chief cannot be excluded from solving problems of this nature. (Intervention)

HON SPEAKER: A point of Order from your Dear Comrade, Honourable Nambahu.

HON DEPUTY MINISTER OF JUSTICE: This is just as a point of massaging your speech into a certain direction. Comrade Dingara, did you revisit your definition of communal land as per the Constitution in order to put that against what you are saying in terms of the ownership of the land? Could you perhaps revisit that once more so that you can inform the Honourable Members at some stage to whom land in the communal area belongs?

HON DINGARA: Thank you very much, Comrade Nambahu. That is what I was made to understand by that Clause in the Constitution around 1992 and that was also the time I started understanding some parts of the Constitution. It stipulates that the Traditional Authority will no longer be as it used to be in the olden days. What I am trying to say is that we should not jump to the end but go gradually. Let us not only act at the end of the day but act the whole day. (*Laughter*)

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HON SPEAKER: I really want to listen to Honourable Dinagara.
Honourable Moongo.

HON MOONGO: Thank you, Honourable Speaker. I would only like to
ask the Colleague a tiny winy question.

HON DINGARA: Yes.

HON MOONGO: We all understand the Law stating that communal
land belongs to the State but I think that, Honourable Angula, the Right
Honourable Prime Minister and Honourable Kaura, who were part of the
team that drafted the Constitution, were wrong in their thoughts because
communal land belonged to the Kings and Chiefs.

How could they omit the actual people like the Kings and Chiefs from
taking such important decisions? Mr Hage, that time (interjection)

HON MEMBER: Honourable not Mr! (*Laughter*). Honourable
Geingob.

HON MOONGO: When you returned from exile, you had forgotten that
there are Chiefs and the land belongs to the Chiefs and our leaders. You
brought more confusion and up to now we are living in that confusion.
We would like to change things now, are you willing to bring about
another Amendment to the Constitution? Thank you.

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HON SPEAKER: Honourable Dingara.

HON DINGARA: I do not think he was asking me, he was maybe asking the other people whose names he mentioned there. (*Laughter*)

I just want to advice the Minister that, if the Chiefs makes mention of the issue of illegal fencing, they will be informed by the Regional Land Boards that they are excluded (intervention)

HON SPEAKER: Honourable Minister of Defence.

HON MINISTER OF DEFENCE: Honourable Dingara, can you point out the Clause in the Constitution which says what you are saying?

Can you point that out because Honourable Moongo is saying the fathers and mothers of the Constitution are the ones who put something in the Constitution stating that the land belongs to the State, which Clause is that?

HON SPEAKER: Honourable Dingara, continue.

HON DINGARA: Thank you very much, Honourable Angula. I think Honourable Moongo was also making his own statement (*laughter*) because he did not repeat mine. Therefore, he must perhaps give an explanation after this parliamentary proceedings.

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What I am trying to say is that, maybe because of the language that we are using, we end up creating a situation on the ground that we do not intend to have. It is, therefore, better not to say that the Chief or Traditional Authority is excluded but to use some other words that exactly state what we mean (interjections). No, they did not mean it.

Comrade Speaker, I hope I am protected. I just wanted to raise these two issues.

HON SPEAKER: My eyes are focussed on you.

HON DINGARA: I was only raising these two issues, the one that publicly announce that the Chief is excluded to address issues related to illegal fencing because some Land Boards will completely misunderstand that and end up provoking the Traditional Authorities in their way of managing communal land. Thank you very much.

HON SPEAKER: Thank you. Honourable Minister of Labour and Social Welfare.

MINISTER OF LABOUR AND SOCIAL WELFARE: Comrade Speaker Sir, Honourable Members, thank you very much for the opportunity, I am given to say a few things on the *Amendment Bills*.

I am one of the people who joined the struggle with others to fight for the land and I am here yearning and crying for land day and night. I do not have a piece of land, maybe there is something wrong with the method I

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am using to obtain land. It is very complex in Namibia to obtain land or obtaining the right to land, in the sense that you do not know whom to consult in the first place and where the process ends.

I tried to picture the whole process and where I should start in my quest to get a piece of land. I thought one initially goes to the Traditional Authority or the Local Authority to acquire land, thereafter go to the Chief, then to the Ministry and finally to the Minister himself. However, one is told - *go this direction, we start form here*, I no longer know how to go about it because I am completely confused, maybe the Honourable Minister can help by giving us with some directives or the correct procedures to follow in order to obtain land because as it is now we are put between a rock and a hard place, we do not know where to start. It is true that there is a lack of advice because the staff of the Ministry will tell you to go to the Chief. You go to the Chief, the Chief tells you to go to the Ministry, the Ministry will also tell you to go to the Local Authority where you will obtain the forms and you pay, however, one ends up losing money in the process of going to all those institutions.

If you have regard to Clause 36(b), Subsection 3, which states that - "*A Board may not, without the prior written approval of the Minister, grant an occupational land right in respect of any land,*" does that mean we have to start with the Minister or where do we start because the Land Board cannot give approval without a document from the Minister? We, therefore, need direction Comrade Minister on how we should go about the process.

The other one is Clause 36(a) (intervention).

HON SPEAKER: Honourable Tjihuiiko.

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HON TJIHUIKO: I am terribly sorry, Honourable Minister. May I ask a question, please?

HON MINISTER OF LABOUR AND SOCIAL WELFARE: Yes, please.

HON TJIHUIKO: Honourable Minister, I am asking this question because I am getting confused.

Honourable Minister, the Bill that we are discussing is the Bill that was approved by Cabinet. It is a Cabinet Bill that was tabled here. What I have seen is that half of the Cabinet Minister do not even understand the Bill the way I understand it. How was this Bill approved by Cabinet to be tabled here if those who were supposed to defend it are asking the questions that I am supposed to be asking? Whose Bill is this?

HON SPEAKER: Honourable Minister.

HON MINISTER OF LABOUR AND SOCIAL WELFARE: Thank you very much, Comrade Speaker. I think I have the same rights which you have as a Member of Parliament, so give me my rights too.

Since the inception of this Parliament, Ministers have been speaking. We do not go Clause by Clause when we are at the Cabinet, just for your information. Going Clause by Clause is done here, this is the House of *Clause* by *Clause*, that is why it is called Parliament, this is where we

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speak, so allow me to speak.

I was on Clause 36(a), Sub-clause 8, for those who have this Bill, maybe this one is a typo where it says *the Minister must appoint as arbitrator*, I think it should be *the Minister must appoint an arbitrator*, it should be corrected.

Comrade Minister, I am not here to shower you with questions but I am just asking for direction because I am not getting the information on the ground on how I should start because I do not want to be giving my fellow Cabinet Ministers a headache. With these few remarks Comrade Speaker, I thank you for your attention.

HON SPEAKER: Thank you. Honourable Mushelenga.

HON T MUSHELENGA: Comrade Speaker, thank you for the opportunity.

I just want to understand whether what the Minister has written here is what he means because according to the Constitution, without quoting the exact Article, the Traditional Leaders has the power to advise the Head of State when it comes to land issues. Now, when it comes to the exclusion, I think the word exclude, in my view, should be replaced with something that still gives the Traditional Authorities the power to advise because the land is within the community of which Traditional Authorities are highly respected. If we are saying we remove, because to exclude is to remove, therefore, if we are saying we are removing them from working together with the national leadership in terms of dealing with the illegal fencing, then obviously we are creating a problem between the national leadership and the community through their Traditional Authority. Honourable Minister, I think this needs to be revisited so that we do not mean to

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exclude *per se* but perhaps something that means *in cooperation* or *collaboration* with the Traditional Authorities. Are you asking me a question? (Intervention)

HON MINISTER OF LANDS AND RESETTLEMENT: Yes. Sorry Honourable Speaker, you did not give me the Floor?

HON SPEAKER: I was still busy looking around but now I can give you the Floor.

HON MINISTER OF LANDS AND RESETTLEMENT: Thank you Honourable Speaker. I would like to be guided from which document Honourable Mushelenga is quoting so that I would be better placed to respond to the questions she is asking.

HON SPEAKER: Honourable Mushelenga.

HON T MUSHELENGA: Thank you, Comrade Minister. I am quoting from the Statement, the explanatory notes by Honourable Alfeus G !Naruseb, MP, Minister of Lands and Resettlement, on the *Communal Land Amendment Bill*, 06 November 2013, Page 5.

I support the Amendment but it must at least bring some Amendments to correct what I feel is not appropriate as far as the powers of the Traditional Authorities *versus* the community that are under the leadership of the Communal Traditional Leaders, however, we need to work together.

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Thank you, Honourable Speaker.

HON SPEAKER: Thank you. Honourable Minister, I see no other requests for the Floor so you can have the Floor.

HON MINISTER OF LANDS AND RESETTLEMENT: Thank you Honourable Speaker. I have responses here, we will go through them page by page. However, before I do that Honourable Speaker, with your kind indulgence, I thought I needed to paraphrase a few general comments.

Prior to delivering my prepared responses, I would like to take this opportunity to say a few words. This House, in the past two or three weeks, has been debating, following the tabling of the two Bills, namely the *Agricultural (Commercial) Land Reform Bill* and the *Communal Land Reform Bill*, that are addressing the proposed Amendments to the *Agricultural (Commercial) Land Reform Act, 1995 (Act 6 of 1995)* and the *Communal Land Reform Act, 2002 (Act 5 of 2002)*, which this very House passed as a witness and yet various contributions from the Honourable Members were evoked by the Amendments to the two pieces of legislation that were meant to address the socio-economic challenges facing our people.

We all heard contributions from the Honourable Members recounting and recapping their historical experiences pertaining to the atrocities that were committed to all our people and to these country as a whole by the former colonial powers. As I stand before you today, I need not to remind you again of this atrocities, as I lived through them on a daily basis from the community that I hail from. I get first hand information, witness and deal with some of the effects of the aftermath of these various negative impacts

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in my work and interaction with various communities in our efforts as a Ministry to redress the past wrongs. What I have also learnt from this communities that I hail from is that, it does not mean that whoever shouts the loudest is always right, even the quietest can be right. I was at one opportunity privy to listening to the late Comrade Hendrik Witbooi when he was interviewed on one of the local radio stations, I think it was the Khoe-Khoe Gowab Radio. Where he was asked, why are you quite where everybody else is talking about what happened to our people in this country. True to him, his simple response was – *“I know what is the truth, even if I would shout the loudest it would not undo or make big or make small the atrocities that we as the Nation has gone through.”* May his soul rest in peace.

Therefore, no one can stand in this House and distort the already distorted history of this country. The history of this country is told through the eyes of those who wrote it. They have deliberately decided, for reasons known to them, to ignore and wish away the existence of some communities, and I know what I am talking about, distorted the history of our people and Namibia. We have all experienced this history and the attendant losses in our communities.

At this juncture in our history, I have been entrusted by our Government and people with the task to reform our land, which we all agreed to implement within the confines of our Constitution and the Laws and Policies that were endorsed by this House. These Laws under which our land reform process is being carried out, were adopted following the Policy of National Reconciliation which was adopted by our Government and the Resolutions, I dare say, Consensus Resolutions, taken at the **1991 Conference on Land and the Land Question**. In this regard, I would appeal to the House to only concentrate and focus on factual information that is in line with our adopted policy of nation-building which is forward-thinking and is meant to transform our country from our painful period in history to prosperity for the sake of our people as espoused in the *One*

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Namibia One Nation motto. That is what I wanted to say before I venture into responding to questions.

Honourable Speaker, I will start with the *Agricultural (Commercial) Land Reform Bill*. I am rising this afternoon to respond to questions raised in this House by the Honourable Members. The support given to the proposed Amendments to the two Bills, namely the *Agricultural (Commercial) Land Reform Bill* and the *Communal Land Reform Bill* that are addressing the proposed Amendments to *Agricultural (Commercial) Land Reform Act, 1995 (Act 6 of 1995)* and the *Communal Land Reform Act, 2002 (Act 5 of 2002)*, is appreciated, and the contribution being made to the proposed Amendments by this House is taken in good faith.

First and foremost, I would like to inform the House, through you Honourable Speaker, that the Ministry of Lands and Resettlement takes the plight of our people in the communal areas seriously and we are thus seeking ways to alleviate the pressure and overcrowding that they have to contend with on a daily basis.

Question 1:

Honourable Ilonga, commented on the restriction to grant land rights in communal areas to foreign nationals and so did many other Honourable Members who participated in this Debate. .

Honourable Kaapanda, supported the provision of leasing communal land rights instead of allowing the foreign nationals to acquire such land rights.

Response:

The customary land rights that the communities in the communal areas are entitled to, should not be made available to foreign nationals and other elites. Thus, the restriction on foreign nationals not to acquire customary

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land rights and to access leasehold rights only after approval has been granted by the Minister responsible for Land Affairs is in order. This is to ensure that each application by a foreign national has to be evaluated against sets of criteria before granting such a right to a foreigner. (For example, will the use of land by the foreigner add value as far as creation of employment and property alleviation is concerned? Etc.)

Regarding a leasehold period not exceeding 35 years; the Ministry would like to leave this restriction to the administrative machinery to ensure each case is treated fairly and justly by all parties concerned, both the investor and the local community. The Ministry recognises that Namibia is part of a global village which is rapidly changing and is, therefore finding itself in a very competitive environment. Our Laws should not be rigid such that they are not aligned to the global happenings. As much as it is crucial to tighten the legal loopholes, there is a need to be mindful of the competitive environment under which the country operates in, this has become inevitable. Laws take a long time to revise but administrative machineries are more flexible and thus efficient.

Question 2:

Honourable Ilonga further wanted to know whether the proposed Amendments to Section 44 of the *Communal Land Reform Act* to make Communal Land Boards solely responsible for the removal of unauthorised fences and not to have both the Boards and the Traditional Authorities responsible for the removal of the fences, would not make the Traditional Authorities feel undermined, yet the Traditional Authorities are custodians of communal land as per the *Traditional Authority Act*.

Similar comments were raised even today, I therefore, take it that as much as I am responding to Honourable Ilonga's queries, if you have raised similar concerns, you are also covered.

Honourable Kaapanda wanted to know if the power to remove illegal

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fencing is vested in the Communal Land Board (CLB) and consent of allocating rights is vested in the Traditional Authorities, whether there would not be power struggle between the two institutions.

Response:

The removal of unauthorised fences is highly administrative and by its very nature requires, in-depth understanding of the Law and the Guidelines governing the removal of such fences. The Land Boards are better resourced in terms of human capital, transportation and finances, than the Traditional Authorities. It was, therefore prudent to give responsibility to the institution that is better placed to deal with the matter. What is the first port of call? Before you fence a leasehold right or a customary land right, you do not just do it out of the blue, the first port of call in terms of securing a customary land right is the Traditional Authority. You must first obtain a consent letter from the Traditional Authority before you can venture into approaching the Communal Land Board.

Having highlighted the above, allow me to inform you that the Ministry of Lands and Resettlement finds it administratively difficult to delegate this function or removing unauthorised fences to the Traditional Authorities because they are the primary allocators of communal land rights and in some instances the land they have lawfully allocated get fenced illegally. The Traditional Authorities are thus put in an awkward position to deal with the issue of removing the fence on the land they rightfully, in terms of their standing, allocated.

It is envisaged that once the separation of powers or responsibilities is clearly understood by both institutions, it will remove ambiguity on the issues of whose responsibilities or roles they are, and to remove unauthorised fences create harmony between the Communal Land Boards and the Traditional Authorities. Cognisance should also be had that the representatives of a given Traditional Authority are serving on the Communal Land Board. By implication, it means that they are also there

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to advance the point of view of a given Traditional Authority.

Honourable Speaker, Honourable Members, at this juncture, I think it is pertinent to briefly share information on the process of land allocation in communal areas as provided under the *Communal Land Reform Act 5 of 2002*. The process is initiated by a person applying for land rights using the prescribed Forms to the concerned Traditional Authority in whose area of jurisdiction the land is situated for consideration. The application must be accompanied by all information required for registration, such as certified copy of the Identity Document and Marriage Certificates. In considering the application, the Traditional Authority will:-

- Check the size, location and current use of the land;
- Consult people regarding the application;
- Display particulars of the application on the notice board for about 7 days in order to invite community members who may have objections to the application; and
- Hold a hearing in case community members object to the application. At such a hearing, both the applicant and the objector(s) must be present.

The Traditional Authority may approve or disapprove the application. In case of refusal, the applicant ought to be informed on the reasons why the application was refused.

The approved allocation of the land rights by the Traditional Authority is then submitted to the Land Board in the area in which the allocated land is situated. The Land Board will then register the land right after it has been provided with the necessary information by the Traditional Authority. Following the registration of the allocation by the Land Board, the applicant is then issued with a Certificate of Registration. The register or record of all land allocation is kept and controlled by the Land Board.

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Question 3:

Honourable Katali, asked clarity on the powers of the Traditional Authorities and those of the Communal Land Boards and wanted to know whether a decision taken by a Traditional Authority can be overruled by a Communal Land Board.

Response:

The powers of the Traditional Authorities and that of the Communal Land Boards are clearly spelled out in the *Communal Land Reform Act*. The Traditional Authorities have the primary role of allocating and cancelling customary land rights. The Land Boards have the primary role to allocate and cancel leasehold rights. The Traditional Authority must consent to the allocation of leaseholds and the Land Boards must approve and register the customary land rights allocated by the Traditional Authorities. Both institutions have equal power in communal land administration. Section 30(5) provides for the appointment of an Arbitrator if the Land Board and the Traditional Authority are not in agreement over an allocation of a particular land right.

Question 4:

Honourable Kaura, asked that Section 17B provides for the Minister to consent for foreigners to acquire customary or right of leasehold in communal area. He wanted to know where the authority of Traditional Authorities or the President is in this process. He has also stated that the Act gives too much power to the Minister to allocate land to foreigners. Act. I guess he was referring to the *Communal Land Reform Act*.

Response:

The Minister responsible for Land Affairs is empowered by the Act of Parliament to implement the provisions of the Act, that is the Minister's

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sole responsibility and no other interest but to follow the letter and spirit of the provisions of the Act that we have passed here, and to formulate for the gazetting of the Regulations of those provisions. The authority of the President is fully expressed in the Act in terms of Section 16(1) of the *Communal Land Reform Act, Act 5 of 2002*. It is stated that - *the President with the approval of the National Assembly, may by proclamation in the Gazette, declare any defined portion of unalienated State land to be a communal area or withdraw from any communal land any defined portion required for public purposes*. Sub-section 2 of Section 16 indicates that land will not be withdrawn from communal area except when those holding land rights on such land are justly compensated. We all come from communal areas and we know that when land is taken from people who have been occupying such land, that in terms of the lease and what is being looked at, whether there are trees, what types of trees are they, buildings constructed, etcetera, people have been claiming and have always been compensated.

Honourable Speaker, Honourable Members, Honourable Kaura further wanted to know if communal land is for sale. He was referring to Section 36B (2) which is dealing with the payment of compensation.

Response:

The payment of compensation as stated in that Section does not imply selling but a person is being compensated for the loss of livelihood because he or she is being moved to pave way for development; in cases such as expansion of a town, building of new roads, Public Programmes, dams or expansion of schools, just to cite a few examples. If people are deliberately interpreting the provisions the way they think is politically expedient for them to do, it should not really be the problem of the Mover of the Motion to amend the Bills. They know why they are doing what they are doing.

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Question 5:

Honourable Dingara during his intervention said - *since I was nine years old and with other children, we have always known that the land in communal area belongs to a Homba or a Fumu who got it from God. The Amendments to Section 23 of the Communal Land Reform Act is talking about, the maximum size that the Traditional authority can allocate under customary right is 50 hectares, above that, the allocation should be approved by the Minister. Does the land not belong to the Homba and the Fumu anymore or why the restriction in what they can allocate?*

Response:

The restriction is not meant to limit the power of allocation of land by Traditional Authorities but rather for checks and balances. The applicants whose parcels of land that is above 50 hectares will still be expected to motivate their applications, get letters of recommendations from the Headman or Headwoman or the Chief before the application is forwarded to the Minister for approval, in terms of the Law, not because the Minister is insisting on it. It is worth mentioning that the Minister's approval or disapproval of any application will be based on the recommendation of both the village Head and the Chief of the Traditional Authority. Just for your information, there was a case where Traditional Authorities in a particular Region allocated over 90,000 hectares to a foreign company to plant *Jatropha*. The Traditional Authorities were not aware of the actual size and extent of the allocation that had been made because they could not comprehend the size in hectares, hence this provision is to make sure communal land residents are not dispossessed.

Question 6.

Honourable Paramount Chief Riurako's concern is that People (Herero) from Botswana up to now do not have land. Land belongs to indigenous people, but the poor do not have it. We should continue fighting for land.

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Response:

The Ministry of Lands and Resettlement is aware of the plight of the //Gam Community, however, the Ministry has not been able to acquire farms within the proximity of the community. I will deal with the Honourable Member's concern in more details when I make a contribution to the Motion by Honourable Ben Ulenga on the poor social state of the country's landless Namibians.

Question 7:

Honourable *Teopolina Mushelenga* commented that in other countries, land belongs to indigenous people and in Namibia we need a Law that protects them.

Response:

I took note of the comment from Honourable Mushelenga, however, I would like to bring to the attention of the Honourable Member that the Government of the Republic of Namibia inherited the dichotomy of communal and commercial land which is also prevalent in other countries within the Southern African Region due to the shared colonial history. Thus, our situation is not peculiar but is prevalent in other countries.

As a Ministry, we are in the process of addressing the challenges posed by these two-tier systems.

Question 8:

Honourable Tjihuiko needed a clear explanation on what the Minister refers to as Community Based Organisation to be given land and sublease it to others, does that include the Local and Foreign NGOs?

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Response:

The Community Based Organisations referred to in Section 36A(a) of the Amendment are the Local Welfare Organisations and institutions that provide public services. The subleasing of occupational land rights in communal land to be allocated to Community Based Organisations is not applicable to Foreign Non-Governmental Organisations, but only to the local ones. Even that, it depends on the type of land use, and service to be rendered and how such engagement benefits the local community where such right is issued. In normal circumstances where subleasing has been granted, a contractual agreement which stipulates the conditions of subleasing must be entered into.

Honourable Speaker, Honourable Members, *Honourable Tjihuiko* further wanted to know the motive behind the increase in the size of the communal land to be allocated by the Traditional Authorities, from 20 to 50 hectares, while the Minister approves from 50 to 100 hectares considering that the population is ever increasing, while the land is static. Given a situation in the village which is already congested, where would the 20 hectares or 50 hectares sizes of land come from to be given to everyone in the village?

Response:

A study revealed that there are many existing customary land rights that are above 20 hectares. This indicates that the 20 hectares threshold was limiting individuals from deriving adequate produce from their customary land rights as many rural households are big households with about 30 people and depending primarily on the land for the livelihood. By increasing the threshold from 20 to 50 hectares, the Ministry empowers the Traditional Authority to allocate land rights under this threshold without the Minister's approval. The maximum size of 50 hectares is not an entitlement, it is only a threshold of what the Traditional Authority can allocate without seeking the approval of the Minister. But the Traditional Authorities can still allocate any land size below the suggested 50 hectares

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as prudently dictated by the prevailing farming practice, customs, cultural practice, or physical condition of the area and the intention or what the land will be used for.

Honourable Tjihuiko also suggested that Commercial Farms are the ones which should be subdivided into 20 or 50 hectares, for example Commercial Hunting Farms acquired should be divided into 20 or 50 hectares and redistributed to the landless Namibians.

Response:

The Ministry of Lands and Resettlement takes cognisance of the Honourable Member's suggestion, however, I would like to bring it to the attention of this august House that the implementation of Land Reform Programme consider both the economic aspect, environmental aspect and social wellbeing of our people. The agricultural land acquired or to be acquired has particular land use, be it game farming/hunting, crop or livestock production whatever is viable and makes a meaningful economic contribution to the GDP of this country as well as improve the livelihood and social upliftment of its citizens. Therefore, if the suggestion of subdividing agricultural land into smaller unit than the current economic unit is to be considered, other resettlement modalities have to be developed.

Honourable Tjihuiko reminded the House of the history of land grabbing and relocation of people from the Khomas area to Damaraland/Khorixas Sori-Soris area.

Response:

As lawmakers, we are all aware of the historical background surrounding the land issue, hence Laws are made to make it easy for all landless and previously disadvantaged Namibians to get access to land. However, we should be mindful that the same lawmakers are the ones who came up with the Supreme Law of this country, the Namibian Constitution of

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which Article 16 protects the rights of every Namibian and their properties. Thus, without forgetting history, we should commit ourselves to implement the Land Reform Programme within the ambit of the Law. That was on the communal land.

HON MEMBER: Continue tomorrow!

HON MINISTER OF LANDS AND RESETTLEMENT: With your permission, Comrade Speaker, can I continue with the response to questions on the *Agricultural (Commercial) Land Reform Amendment Bill*?

HON SPEAKER: Yes.

HON MINISTER OF LANDS AND RESETTLEMENT: Thank you. Honourable Speaker, Honourable Members of this august House, (interjections)

HON MEMBER: It is time!

HON SPEAKER: I did not call any time yet, Honourable Minister, continue. *Aluta Continua, Victoria Acerta!*

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HON MINISTER OF LANDS AND RESETTLEMENT: I take this opportunity to respond to issues raised in this House since the 5th of November 2013, during the discussion on the Amendments to the two *Land Reform Acts*.

Question 1:

Honourable Ilonga made a comment that no foreigners should be allowed to own land in Namibia.

Response:

My response to Honourable Ilonga is based on the existing Law which is as follows:

The *Agricultural (Commercial) Land Reform Act 1995* (Act 6 of 1995) provides for the situation where foreign national want to acquire agricultural land. This acquisition by foreigners is subject to a written consent by the Minister. The foreigner may thus without prior written consent of the Minister, not be competent:-

- To acquire agricultural land;
- Register or transfer ownership in the deeds registry; or
- To enter into an agreement with any other person whereby any right to the occupation or possession of agricultural land is conferred upon the foreign national:
 - (i) For a period exceeding 10 years; or
 - (ii) For an indefinite period or for a fixed period of less than 10 years, but which is renewable from time to time, and without it

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being a condition of such agreement that the right of occupation or possession of the land concerned shall not exceed a period of 10 years in total.

The Minister's consent to a request by foreign nationals is normally granted following consultations with the relevant Line Ministries and following information collected on the ground through a farm assessment exercise that is meant to determine the suitability of the agricultural commercial land in question. The Ministry of Trade and Industry provides investment status information i.e., if the acquisition of the land by the foreign national would constitute a genuine investment in the event where such land is requested, whilst the Ministry of Environment and Tourism provides information on the environmental viability of the investment that is proposed and consent to acquire land by foreign nationals is granted when it is deemed to be a meaningful investment that does not have dire environmental consequences.

Article 16 of the Namibia Constitution provides that:

“All persons shall have the right in any part of Namibia to acquire, own and dispose of all forms of immovable and movable property individually or in association with others and to bequeath their property to their heirs or legatees: provided that Parliament may by legislation prohibit or regulate as it deems expedient the right to acquire property by persons who are not Namibian citizens.”

As much as we need to safeguard our land, which was central to the struggle for Independence, we also take cognisance of the country's need for investments and such investments may happen on farm land. The Ministry through legislative mechanisms is looking at ways of prohibiting the sale of land in this country to foreigners and rather encourages them to lease the land.

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Question 2:

Honourable Kaura stated that the definition of family is inconsistent with the African Culture considering that there are extended family members and that a “*cousin*” is entitled to inherit from the “*uncle*.”

Response:

The current *Agricultural (Commercial) Land Reform Act* is silent on this subject, however, the Ministry is excising its mind on the best way to deal with the various cultural setups as far as the allocation of land to previously disadvantaged Namibians is concerned. Note should also be taken that farms are allocated for agricultural production purposes and allowing the settlement of many people on a small piece of land leads to overgrazing and unsuitable land use.

Honourable Speaker, Honourable Members of this august House, the Bill under discussion intends to put a cap on loopholes and subject such transactions involving foreign nationals to the preferent right of the State to acquire land and in which case an offer has to be made to the State first. Thus enabling the Minister to apply his mind to such a transaction and decline the offer and issue a certificate of waiver or accept the offer and make a counter offer and acquire such land. There is thus a need to define how far this can go through the provided definition instead of leaving it to the complete discretion of the land holders and this is exactly the intention of the *Amendment Bill*.

Question 3:

Honourable Angula suggested that land should not be owned by non-natural entities because it is not a commodity, i.e. Close Corporations and Companies should not be allowed to own Agricultural (Commercial) Land.

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Response:

The provisions of the Act depart from the premise that agricultural (commercial) land is already owned by non-natural entities. Neither the Act nor the Bill restricts or allows ownership of agricultural (commercial) land by non natural entities but strives to regulate the acquisition thereof.

It is equally a question that one will pose on whether non-natural entities are legally confined to commodity ownership, which I believe is not the case. I would wish to state that the most viable option would be to strengthen the Law in terms of the acquisition of agricultural land by non-natural entities. That should be regulated since it also shields persons who unscrupulously want to acquire land. However, if this august House as well as the Namibian people would decide that no piece of land be owned by a non-natural person, as a Ministry we will abide by such a decision. However, under the current legal framework, what we are trying to combat through these Amendments is the mischief that all of us have been talking about. We thus hope to find a remedy through this Amendments.

Question 4:

Honourable Kapia appreciated the effort made by the Ministry to provide awareness regarding the *Communal Land Reform Act* and suggests that similar efforts should be made with regard to other Laws. Honourable Kapia suggests that Government should come up with a farm price ceiling as land is sold through auction on exorbitant price, even those who want to buy a farm on their own cannot afford it.

While *Honourable Lucks* have concerns that land is quite expensive and wanted to know what the Government does to curb this.

Response:

The Ministry agrees with the proposal, and the Ministry will continue to

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create more awareness and include any other policies and legislation related to land reform.

Regarding escalation in land prices, yes, I agree with the statements put forward by the two Honourable Members that prices of land have gone up and are driven by various market forces. The Ministry conducted an investigation into the agricultural land prices and the study made a number of recommendations that the Ministry is considering for escalations as policy interventions.

Land that sold through auction is land that is waived by the State or is subject of administration of estates, a matter which is being addressed by the Amendments before this House.

Question 5:

Honourable Tjihuiko's concern is that the time allocated (two weeks) to discuss the burning issue such as land is short. So he requested for a postponement.

Response:

I took notice of the concern of Honourable Tjihuiko, however, the Bills on the Table are Amendments to the current Acts to respond to the urgent implementation challenges the Ministry faces. Thus as mentioned in my Motivation Statement, the *Land Bill* which is to consolidate the two Acts is still to come for discussion to the National Assembly. We are working on it, is work in progress. I am at pains to remind both the legal drafters and the officials within the Ministry who are tasked to oversee that project, to really apply their minds but they can only do as much as they are able to. We are, therefore seized with the issue. It is not our intention to have two different types of land in Namibia. It is actually an indictment on us as a Nation. We are working very hard to get the *Land Bill* to be tabled in this House so that we can once and for all combine land

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administration in our Land of the Brave. I can, therefore only agree with the sentiments that were expressed in this regard.

Question 6:

Honourable Kaura is concerned that the *Agricultural (Commercial) Land Reform Amendment Bill* does not cater for cases such as Close Corporations when they are liquidated.

Honourable Lucks appreciated the closing of loopholes in Close Corporations and wanted to know the following:

How do we deal with the Close Corporations, for example, if two brothers acquire a farm and put it under a Close Corporation and then later one brother is no more interested in farming and decide to sell his shares to the Government? Does the Government buy the whole farm or only acquire the shares. The same question applies if a Company Pty (Ltd) e.g Breweries acquire a farm for production purposes, then later one shareholder is no more interested in farming and decides to sell his shares to Government.

Response:

I would like to respond to Honourable Kaura's concern as well as to the questions of Honourable Lucks as follows; whenever the Close Corporation or Company which is the owner of agricultural land, intends to sell or alienate or transfer any share or any interest in Close Corporation or Company, it shall be required to apply for a waiver and such waiver will contain amongst other conditions, a condition that the value of the land attributed to that share or interest be the price at which the land will be sold. The Ministry will determine the value of the land which will be endorsed on the waiver as a condition of alienation of that share or

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interest. The current situation is that, unless the 100% shares are sold, the State does not buy undivided shares.

Honourable Speaker, Honourable Members, *Honourable Lucks* further have concerns and wanted to know how Government controls foreign nationals when acquiring land, he refers to allegation of a certain Russian who acquired land in the Dordabis areas at N\$10,000/ha and paid about N\$95 Million Dollar?

Response:

The Ministry appreciates the information regarding the alleged illicit transactions involving the Russian national in the Dordabis area, however, the Ministry will undertake an investigation to determine if the allegation could be substantiated and in the manner which the alleged farms were acquired by the foreign national. I will highly appreciate it if the Honourable Member could provide the details of the farm(s) allegedly acquired in order to make our investigation less demanding.

Honourable Lucks was further not pleased with what reads on Page 4 of the *Amendment Bill*, Section 3 (2)(b) which reads “...has been furnished with a certificate of waiver in respect of such land and in respect of a specific buyer who in most cases, if not all, must be a previously disadvantaged person contemplated in Article 23(2) of the Namibian Constitution.” The Honourable Member suggest that it should read – “and in respect of a specific buyer who in most cases, with[out] exception, must be a previously disadvantaged person contemplated in Article 23(2) of the Namibian Constitution.” That means we should remove “*if not all.*”

While on the same Page 4 of the *Amendment Bill*, he felt that Section 3 (1A) (b) ((1B) exclude some family members.

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Response:

Yes, we take note of the Honourable Member's comments, we will refer these comments to the legal drafters for proper drafting in line with your suggestions. When it goes to the House of Review, we will also alert through them the National Council so that they can do their task of reviewing.

Question 7:

Honourable Kaura wanted to know if this proposed Amendment now prevents a person to register a farm as a Close Corporation.

Response:

No, it does not prevent a person as such, however, it prevents the subversive transacting of such shares or interest as the alienation of such shares on agricultural land should first be offered to the State or whereby the waiver certificate has been furnished in favour of previously disadvantaged Namibians.

Question 8:

Honourable Kazenambo made comments on the Farming Unit and the *Agricultural (Commercial) Land Reform Amendment Bill* as whole and stated that some people, especially foreigners (mostly Germans) use land for status and business, while the majority of Namibians use land for survival and historic purposes. In this case the foreigners abuse the current provisions of the Laws. Thus pressure should be put on the German Government to allow engagement on the land issue in order for them to understand the sensitivity of the land concept so that the Germans can participate in the land redistribution process.

Honourable Kazenambo further indicated that there are previously disadvantaged Namibians who lease land in communal areas and apply for

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resettlement. The resettlement of individuals for 99 years (100years) who do not have interest in farming result in unproductive land use and subsequent subleasing. He suggest that pressure should be put to the resettled individual farmers to produce and contribute to the GDP as it is unfair for the other previously disadvantaged Namibians who have to acquire loans from Agribank which they have to repay. He further suggest that the Ministry should look into other modalities such as group resettlement i.e youth groups with a purpose to be trained and given a farm and graduate to the next level.

Resosponse:

I agree with Honourable Kazenambo's statements. However, the Namibian Government has various platform where the discussions with the German Government on historical hardships the Namibians had endured on the hands of the German colonialists could be dealt with.

On the issue of subleasing, under Common Law of landlord and tenant, subleasing of a property is allowed as common provision, however, that is always regulated by agreement and, therefore, our Lease Agreement requires that a tenant could get prior approval from the landlord which is the Minister in this instance. The application of permission to sublease allows the Minister to consider special circumstances of the applicant. As per our National Resettlement Policy, there are three categories of settlers classified as follows:

- a) People who have neither land, income nor livestock (000);
- b) People who have either land or income, but few livestock (001)
- c) People who have no land but have income, or are livestock owners, but need land to be resettled on with their families and graze their livestock (011)

Thus, the consent of subleasing by the Minister responsible for Land Matters gives an opportunity to the resettlement beneficiaries in category

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one for example, to allow someone to sublease while assisting him/her to build his/her stock. Other circumstances may prevail such as drought of which the Minister may consider subleasing.

On the other hand the Ministry established the need to develop a Social Welfare Resettlement Criteria in addition to the Economic Model, which is currently used to select beneficiaries to be resettled.

At this juncture, I want to pause and deal with the issue of My Very Good Friend, Honourable Maamberua. Yes, I am aware of the situation at Hochfeld. The other intervening factors that you have so conveniently cited for the expediencies of your choice, are yours. Nobody but nobody, not least of all the Government of the Republic of Namibia can intentionally allow those things to happen to its citizens, it can never be the intention. The situation with Hochfeld was that, there was an Inter-Ministerial Technical Team subsequent to your appeal to both myself and the Head of State, and the Head of State having referred what you gave to him to the Ministry of Lands and Resettlement where we assessed the situation in which the Namibians found themselves on the 5-hectare plot that you are alluding to but my officials are telling a different story. Be that as it may, as you know, the bureaucratic machinery of the State runs slow so what we have decided as per the recommendations of that Committee, and I am paraphrasing here because I do not have the exact information but I know what happened, is to look at the Welfare Model to be applicable to these citizens, try in close liaison and consultation with the stakeholders Ministries to find out whether we can acquire a farm or land, be it probably within the Local Authorities settings where these vulnerable group of people can find basic amenities like clinics and schools. Considering the livestock that they have, it does not warrant them to be individually allocated a Farming Unit but if we can, through the joint efforts of the other Stakeholders Sectors, find a workable solution that would make the life of these people worthwhile in terms of socio-economic existence, that is what we are looking at.

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The intention to introduce the Social Welfare Resettlement Model is to allow Namibians with no land, no livestock and no income, (also known as the “000” category), to be able to be resettled. This model also intends to benefit Namibians who are in corridors (those chased from farms and have nowhere to go).

In terms of group resettlement, the Ministry has gone through that model where a group of Namibians are resettled and supported for five years while they are expected to grow and be self supportive. However, that created a dependence syndrome whereby the Ministry continued supporting these groups to date which is not economical. Even for their own dignity, nobody wants to receive something from someone else in perpetuity, one wants to be assisted in order to be able to help yourself tomorrow and that will inculcates a sense of dignity amongst our people as opposed to this perpetual dependency.

Honourable Kazenambo also suggested that the Ministry should consider acquiring farms for temporary allocation to people while the land they have been occupying, is recuperating.

Response:

In the past, the Ministry had acquired farms in some Regions and temporarily allocated these farms to communal farmers for emergency grazing purposes and for them to return to their respective areas of origin after the drought has come to an end. However, these farmers refused to go back, that is human nature you know, and up to now those people occupy Government farms of which some are practicing dual grazing.

Considering the number of previously disadvantaged Namibians out there who are still in need of land, in my humble opinion, reserving farm land for “rotational settlement” will be highly impractical.

I hope that I have given sufficient information and once again wish to

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thank this House for the constructive Debate on the Amendments that I presented before this House. I might not have responded individually to issues raised but the thrust of even what was said today, form part and parcel of what was already raised in the past but I see My Friend is nodding his head. I am not particularly very keen to being passed on papers at the last moment and just read them.

On the question posed by *Honourable Maamberua* pertaining to the definition of a lawful resident in the communal areas.

Response:

The intention of the Amendment as proposed under Section 1(b) of the *Communal Land Reform Land Bill* is not to accord powers to the Traditional Authorities or Chiefs to define who is a lawful resident or not. In the current *Communal Land Reform Act*, for example, Section 29(1) refers to a lawful resident which is not defined anywhere. Therefore, the purpose of this particular Amendment is to insert the definition of a lawful resident to avoid ambiguity.

On what was raised by *Honourable Dingara* and *Honourable Mushelenga* pertaining to the exclusion of Traditional Authorities on issues concerning the removal of illegal fences.

Response:

The Law currently gives power to the Traditional Authorities i.e. the Chiefs and the Communal Land Boards, as such this creates confusion as to who has the authority to deal with the removal of illegal fences. The Ministry has been faced with a situation where both institutions refer the matter amongst themselves. It should be noted that the Traditional Authorities are part and parcel of the Communal Land Boards, thus it

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makes sense to remove the current ambiguity by apportioning the powers to the Communal Land Boards because the Traditional Authorities are also represented on the Communal Land Boards.

Honourable Shixwameni on the 20 hectares:

Response:

The Law does not impose a limit on the size of land rights that can be held by an individual in the communal area. The Law places checks and balances, which I referred to, in terms of decisions to allocate the size of land that can be allocated by the Traditional Authority and the Communal Land Board. It should also be noted that in terms of the current Law, grazing should be done in a commonage, thus the intention of the Law is not to encourage private land enclosures in the communal areas for livestock farming.

On the issue of foreign ownership in the communal area by *Honourable Shixwameni*:

Response:

Currently, there is no provision in the Law to control access to communal land by foreigners, the proposed Amendments are providing for such control.

I want to thank you, Honourable Speaker and the Honourable Members of Parliament for having listened to these long explanations.

HON SPEAKER: Thank you very much, *merci beaucoup, très bien.*
Honourable Von Wietersheim.

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HON VON WIETERSHEIM: Thank you, Honourable Speaker. I wanted to remind the Honourable Minister about what I find as one of the most critical points which is the bequeathing of land to own heirs, not by a Close Corporation but an individual Namibian within the family. Thank you, Honourable Speaker.

HON SPEAKER: Anything wrong with that Honourable Von Wietersheim? I do not really want to encourage another Debate but what I do to one, I should also do the other. Honourable Dingara and Honourable Maamberua want to ask questions, please be as brief as possible.

HON DINGARA: Thank you very much, Comrade Speaker. I have a small follow up for My Senior Minister, Honourable !Naruseb. I was developing my thoughts as I was listening to the Honourable Minister reading his responses to us, maybe the Minister can explain

As lawmakers, we received the Bill and realised the direction it should take. While we were giving our comments and making proposals as to how the Law must sound, people up here are writing responses to us and explaining to us that the Law is correct.

I, therefore, want to find out, who is making the Law between the people who are writing responses to us and us here? (*Laughter*). Who is making the Law? I know that the Minister was reading and some of the answers were just passed on to him now and he read them to us. However, this case was a bit worse because almost more than 50% of our proposals were explained as if we misunderstand the Law and that is the disappointment I wanted to voice out.

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HON SPEAKER: Thank you. Honourable Maamberua.

HON MAAMBERUA: Thank you, Honourable Speaker. Now that Honourable Dingara has just made that statement, I think I also need to dovetail my comments along those lines. Meanwhile, My Good Friend of course, has attempted to the best of his abilities. All the same, I need to put it on record that my questions, specifically the legal issues that are so important that will make the passing of the Bill very difficult, have not been addressed.

If I have to give you some of the examples, the issue of lawful residents *vis a vis* how that could impact or conflict with the Immigration Laws, *Namibian Citizenship Act*, was just brushed aside. The issue of inheritance was basically not answered. The issue of the nature of our Republic being a Circular State where one particular denomination has been favoured above all the others, which probably at the end may become unconstitutional, was again not answered or addressed, the issue of Regional Councillors not serving on neither the Regional Land Commission and the Resettlement Committees, was also not addressed. Land owned by charities and charitable organisations, NGOs and others was also not addressed and many others that were actually raised, which legally speaking, will make it very difficult for the Bill to be passed in the manner it is and it may even give us very serious problems in the interpretation later on.

Therefore, Honourable Speaker, I still plead and I have already put a request here that both Bills be withdrawn or alternatively be referred to a Committee for further clarifications. That is the proposal that I am putting on the Table. I think that we do not have the ability today to be able to address these issues (intervention).

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HON SPEAKER: We will get the information. Honourable Chief Riruako, the last speaker I think.

HON RIRUAKO: Honourable Speaker, I am quite happy with the elaborations and formulations, this is, however, not the right time to put the Bill on the Table. We cannot rush the Bill, it is better to scrutinise it within the Cabinet and bring it back to us so that we refer it to a capable Committee to take it further and come up with recommendations, as Honourable Maamberua suggested. That is the normal way of doing things. The next thing will be to put it on record and formulate it before it is place on the Table of Parliament for it to be endorsed. However, that endorsement must come after consulting with all the branches in the country to help us motivate it and make it acceptable to our people. I thank you.

HON SPEAKER: Thank you. Honourable Moongo.

HON MOONGO: Thank you very much. In order to find the middle ground, I would like to propose, if possible, that the Honourable Minister can postpone further deliberations on the Bill for a day so as to reconsider all our suggestions and come up with an Amendment within one or two days which all of us will support. However, if the Honourable Minister ignores all the good proposals that we have given here, I think you will do more harm to the poor community. Thank you.

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HON SPEAKER: Last but not least, Honourable my namesake, Honourable Mushelenga.

HON T MUSHELENGA: Thank you Honourable Speaker, I would just like to thank the Honourable Minister for wanting me to say more on the Bill, however, I think the first phrases that he alluded to that I referred to issues in other countries in terms of land, I presume it must have been said by my Junior Brother, Honourable Peya Mushelenga and not me because I only made my contribution today. Thank you, Honourable Speaker.

HON SPEAKER: I know he is not my namesake; he is other things but not namesake. (*Laughter*). Honourable Minister.

HON MINISTER OF LANDS AND RESETTLEMENT: Thank you Honourable Speaker. You know, when I keep silent on some of the comments made, like the issue of, instead of Churches say Religious Organisations is because I agree, we will thus find a way to probably even during the Committee Stage look at it and if there is a need for us as a House to incorporate the suggestions by the Honourable Members as we usually do, we shall do so. This is not the first Bill that we are discussing in this House.

Also for Honourable Dingara, it is not unique because we function as a unit, when the Minister is here, the staff members of a given Ministry are part and parcel of the process. If they deem it necessary to provide additional information over and above what the Minister has already provided to the House, I think we should not restrict the Minister to

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benefit from the presence of his staff. It is standard practice, it happens all the time.

With regard to inheritance or bequeathing, our aim with this Amendments is not really to undo what is in the current Act. All we want to do is to kind of try to control the process so that the provisions of the Act are not circumvented through the phenomena of inheritance. I know that there is a total different regime that deals with inheritance like the deceased estates and so on, which is not within the domain of my administration or at least land administration.

However, what we have seen is that farms, even with deceased estates, just end up in the hands of those who have not previously owned such farms. What we are saying is that, in case of inheritance, if the next of kin of the deceased is not interested to continue with the farming enterprise, the first option for acquisition should be given to the Government. We are not really touching on the current regime as it is with regard to bequeathing, neither do we prevent any person from bequeathing his farm to his next of kin in his will. I so submit, Honourable Speaker.

HON SPEAKER: I am the Presiding Officer, if a number of you feel so strongly, I just have to advise you that come the 28th, today is the 25th, tomorrow is 26th and the other day is the 27th, then comes Thursday, the 28th of November when the House is scheduled to rise.

I have no intention and no need to consult anybody else beyond myself, except you, who would decide whether you want to continue with the same discussions tomorrow, the day after tomorrow up to Thursday, as it is your show, I shall be here. (*Laughter*).

I want you to listen to me so that you do not say that I was speaking in French and you did not understand what I was saying. I am trying to

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**SECOND READING: AGRICULTURAL
(COMMERCIAL) LAND REFORM AMENDMENT BILL AND
COMMUNAL LAND REFORM AMENDMENT BILL
HON NYAMU**

speak in English. I will be here up to Thursday, therefore, how you want to manage the Business that you are here for now, at this point in time, is entirely in your hands.

When we came here, I read out an invitation to you from the Minister of Regional and Local Government, Housing and Rural Development, to an event which the Head of State of Namibia is invited to address and this was where my mind was focused on. We have not extended the time as we are required by the Rules to continue the discussions until midnight and I do not want to encourage you to do it belatedly. I am glad the Right Honourable Prime Minister who is the leader of Government Business in the House is here.

I was going to ask the Secretary to read the Bill, both Motions actually. What has not been done here in the plenary, according to the setup of the National Assembly, can be done at the Committee Stage and nothing done here is more superior or less important in terms of the decisions taken by you at Committee Stage. It is, therefore, for you to decide how we proceed. I will give you two minutes to think about that and then advise me on how we should proceed. Yes, Honourable Nyamu.

HON NYAMU: Honourable Speaker, we are all grateful for the explanations provided by the Honourable Minister but in spite of that, there are a lot of things that are still shrouded in darkness.

His explanation, as good as it was, did not dispel all our questions. Comrade Speaker, there was, however, a call made that this Bill be referred to the Committee. It is a very important Bill, extremely important for this country now and in the future, therefore, I am rising to support that call for this Bill to be referred to a Committee.

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**SECOND READING: AGRICULTURAL
(COMMERCIAL) LAND REFORM AMENDMENT BILL AND
COMMUNAL LAND REFORM AMENDMENT BILL
HON KAPIA / HON DR AMWEELO**

HON SPEAKER: Honourable Kapia.

HON KAPIA: Thank you very much, Honourable Speaker. When this suggestion was made by the Colleagues, the Honourable Speaker did not ask for the opinion of others on the subject matter.

What I want to suggest is that, since we did not extend the time, we adjourn and tomorrow we come back and we go straight to the Committee Stage and anything which is outstanding and is specific to the Bills, not political statements, can be done at the Committee Stage and then we finish. Thank you very much, Honourable Speaker.

HON SPEAKER: Do you agree with Honourable Kapia? Honourable Dr Amweelo?

HON DR AMWEELO: Thank you very much, Honourable Speaker. I think Honourable Kapia has made a wise call.

Let us just postpone to tomorrow so that we can also have a better chance to discuss and consult and then come and finalise the Bills. Let us do that, not today but tomorrow.

HON SPEAKER: Thank you. Honourable Tjihuiko, the last speaker, I hope.

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**SECOND READING: AGRICULTURAL
(COMMERCIAL) LAND REFORM AMENDMENT BILL AND
COMMUNAL LAND REFORM AMENDMENT BILL
HON TJIHUIKO**

HON TJIHUIKO: Honourable Speaker, looking at the Bills that we have discussed and listening to the comments that the Honourable Minister has just made, gives me the impression that, yes indeed, the Minister has answered the questions but in the process created more questions which need to be answers.

Honourable Speaker if the Minister can also (intervention).

HON SPEAKER: They are consulting. If you could just hold on a bit we are trying to resolve the issue and consultations are allowed. It is more important which way we go from here than making speeches. Yes, they are all here.

HON TJIHUIKO: Yes, I just want to say that, listening to the Debate, I came to the realisation that the discussion was not about finding the winner, it was not about one person or one group getting out of this deliberations as a winner. I think we have come to a stage where we have reached a win/win situation.

Having said that, Honourable Speaker, I believe that we have identified certain issues that require more time to be perfected and it cannot be done by having a discussion tomorrow that may lead to us voting for or against something so important as this Bill because we have discussed this up the point where we are almost reaching a consensus.

I believe that the Honourable Minister of Lands and Resettlement will agree with me that, if he can allow our minds to sleep over it and have regard to what has been discussed during the deliberations, we will be able to reach a consensus. Honourable Speaker, I, therefore, believe that if this can maybe be extended to later on, it will really help us to do the right thing.

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(COMMERCIAL) LAND REFORM AMENDMENT BILL AND
COMMUNAL LAND REFORM AMENDMENT BILL
HON PROF KATJAVIVI**

HON SPEAKER: And later on means what?

HON TJIHUIKO: With later on I mean if the Minister can just refer it to a Committee so that all these bits and pieces can be incorporated and then it would (intervention)

HON SPEAKER: There is too much noise, let us listen to him please.

HON TJIHUIKO: What I am saying is, it will not be the first time for an important Bill like this to be referred to the relevant Committee so that some bits and pieces that have been raised can be incorporated and then we have something that we can be proud of at the end.

HON SPEAKER: Chief Whip.

HON PROF KATJAVIVI: Honourable Speaker, to be honest, I think the Honourable Minister was extremely kind and flexible and willing to respond. He responded extensively to a number of important questions.

At the stage where we are, I would like to support the proposal from Honourable Kapiia that we adjourn today, allow the Minister to come back tomorrow, initially deal with whatever specific questions that might need responses and then we move on to the Committee Stage. I think that is where we are. I really do not think there is a need for further extensive

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Committee deliberations but that we should instead go forward.

I will simply even remind the Honourable Members that we have an invitation to attend to a particular function tomorrow that starts at 13:00. I would like to appeal to every Honourable Member to be back here on time so that we can commence the Debates. Thank you.

HON SPEAKER: Thank you. Does the House agree to that? Agreed to. Can we all listen to the Speaker, that also includes the Minister of Mines and Energy and the Minister of Trade and Industry. Tomorrow is agreed, you organise yourselves and you can consult.

I ask the Secretary to read both Bills for a Second Time.

**SECOND READING: AGRICULTURAL (COMMERCIAL) LAND
REFORM AMENDMENT BILL [B.12 - 2013] AND COMMUNAL
LAND REFORM AMENDMENT BILL [B.13 – 2013]**

SECRETARY: *Agricultural (Commercial) Land Reform Amendment Bill [B.12 - 2013] and Communal Land Reform Amendment Bill [B.13 – 2013]*

HON SPEAKER: That having been done, I still feel the draw card is that His Excellency will be the Keynote Speaker tomorrow but we are very thin on the ground and I do not want to be quoted that I prevented you from going there, however, I will be happier if as many of us are here should that event be delayed so that we can have a quorum here to proceed on the basis that we have agreed now.

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**ADJOURMENT
HON DR GURIRAB**

I leave that judgment to you. By that understanding the House stands adjourned until tomorrow 14:30.

HOUSE ADJOURNS AT 18:40 UNTIL 2013.11.26 AT 14:30

**NATIONAL ASSEMBLY
ASSEMBLY CHAMBERS
WINDHOEK
26 NOVEMBER 2013**

The Assembly met pursuant to the adjournment.

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

HON SPEAKER: We resume the Business of the House today and I call for Petitions? Reports of Standing or Select Committee? Other Reports and Papers? Honourable Minister of Finance.

TABLING: REPORTS OF AUDITOR-GENERAL

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

- (iv) Government of Namibia for the Financial Year ended 31 March 2012;
- (v) Ministry of Veterans Affairs for the Financial Year ended 31 March 2012;
- (vi) Town Council of Otavi for the Financial Year ended 30 June 2012;
and
- (vii) Town Council of Oshikuku for the Financial Year ended 30 June 2012.

I Move so, Honourable Speaker.

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**ORAL QUESTION
HON MAAMBERUA**

HON SPEAKER: Honourable Minister, please table the Report. Any further Reports and Papers? Notice of Questions? Honourable Maamberua?

HON MAAMBERUA: Thank you Honourable Speaker. Honourable Speaker if you allow, I would like to ask a very short Oral Question to the Minister of Information and Communication Technology.

HON SPEAKER: I will call you if there are no other written questions. Honourable Maamberua, you have the Floor, yes it is allowed.

ORAL QUESTION

HON MAAMBERUA: Honourable Minister of Information and Communication Technology, I would like to know if there is any policy by the Namibia Broadcasting Corporation (NBC) to discriminate in terms of coverage for some Political Parties in this country (interjections)

HON SPEAKER: I am listening to Honourable Maamberua. Honourable Maamberua has a question, allow him to put the question. If you have a question indicate to me, I will give you the Floor. Yes Honourable Maamberua, continue.

HON MAAMBERUA: Yes, I had to ask this question at this platform because it is now a very serious experience with the coverage of

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**RESPONSE TO ORAL QUESTION
HON KAAPANDA**

SWANU's public meetings. In the next few hours we will be on our way to Gobabis to receive many people who are joining this Party and NBC is not coming to cover the occasion (intervention).

HON SPEAKER: Sit down Honourable Minister, I did not give you the Floor. Do not be afraid of questions, it is more about how you answer them.

HON MAAMBERUA: That is the question, because it is not the first time that NBC is refusing to cover our events. Thank you very much.

HON SPEAKER: Honourable Minister. You are not the Minister of ICT. I am not going to give you a Point of Order it is a question, sit down. Honourable Minister. Can we listen to the answer from the Minister Kaapanda?

RESPONSE TO ORAL QUESTION

HON MINISTER OF INFORMATION AND COMMUNICATION TECHNOLOGY: Honourable Speaker, the Honourable Member is asking a question which is very difficult to answer because he has got no proof to indicate that on this particular day, he wrote a letter to the NBC asking them to come and cover a meeting that was going to take place at such and such a place but the NBC did not turn up.

I also do not know whether the Honourable Member is sure that he has

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**RESPONSE TO ORAL QUESTION
HON KAAPANDA**

extended an invitation to NBC today to cover the meeting he suggests will take place in Otjinene, I do not know what time and whether they will turn up or not because this meeting has not yet taken place but he concludes that the NBC will not turn up. Of course the NBC does not discriminate any (interjections), please listen Honourable Member.

HON SPEAKER: A question was put to the Honourable Minister and he is going to answer whether you like it or not.

HON MINISTER OF INFORMATION AND COMMUNICATION TECHNOLOGY: If the NBC receives a letter and they have all the machineries in place, they will definitely respond positively but in the event the invitation arrives and they do not have enough people around at that particular moment to cover the event because they are already in the field, they will not be able to cover it but they will respond and say - *we regret* (interjections). Are you sure?

HON SPEAKER: Continue Honourable Minister, do not be diverted. Continue Minister.

HON MINISTER OF INFORMATION AND COMMUNICATION TECHNOLOGY: I mean, if it is the case that you have inviting the NBC and they did not come to your meetings and you are speaking the truth, I would like you to produce evidence, hard evidence so that we can follow it up.

We can confront them to explain why they did not cover your meeting or you may come and visit us at the office and bring all those letters you

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**RESPONSE TO ORAL QUESTION
HON KAAPANDA**

have written which were not responded to. I think Comrade Speaker this is the only answer I can give and I want the Honourable Member to be truthful and honest when saying such things. Thank you.

HON SPEAKER: Honourable Maamberua, follow-up question?.

HON MAAMBERUA: Thank you, Honourable Minister. I am not going to debate the issue. I just want to assure the Minister that I have all the proofs of all the meetings that we have invited the NBC to, all the correspondences, I can even go and bring them from my office right now and it is not an issue.

For today they just phoned us back that they are not going to Gobabis to cover our meeting, that is why I am bringing this up and because it is not the first time. They always give us excuses that they are on their way and then they never arrive, that is why coverage has become a very serious problem.

Thank you very much Honourable Minister, for inviting us to your office and by the way I have had meetings with the latest Director-General of the NBC regarding this matter, that is why I had to bring it up at this stage, I am not just playing games around and so on, it is a very serious problem. Otherwise the people will keep on saying that the Governments in waiting do not take their business to them or inform the electorate but we do it, it is just that we are not covered properly. Thank you very much.

HON SPEAKER: Thank you. The Hansard will record the on-goings on this issue.

Any further Questions? None. Notice of Motions? None. Ministerial

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**MINISTERIAL STATEMENT
HON DR KAMWI**

Statements? You have indicated so, and I see you are getting nervous, I will give you the Floor.

MINISTERIAL STATEMENT

HON MINISTER OF HEALTH AND SOCIAL SERVICES:

Honourable Speaker Sir, Honourable Members, I would firstly, like to thank you for giving me the Floor.

I rise primarily to give some information on an important event that we launched this week. This week marks an important event in the lives of the Namibian children up to the age of 15 years and their mothers.

We are having the “*National Maternal and Child Health Week*” which started yesterday, the 25th and ends the 29th of November 2013, that is, this coming Friday. This is aimed to accelerate the wellbeing of mothers and that of their children under the ages of 15 years.

During this campaign, the Ministry is going to do the following:

- (i) Screen and immunize all children between the ages of 0-59 months;
- (ii) Give Vitamin A supplementation to children between the ages of 6-59 months. Vitamin A improves vision and strengthens the body’s resistance to measles;
- (iii) Deworm children between the ages of 12-59 months. This prevents chronic ill-health due to anaemia and poor nutrition;
- (iv) Children between the ages of 12-59 months will also have their Upper Arm Circumference measured (UAC). This will enable us

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**MINISTERIAL STATEMENT
HON DR KAMWI**

to identify malnourished children and recommend them for food, if necessary;

- (v) Give women of child bearing age (15 - 45 years) including pregnant women, Tetanus Toxoid Vaccines;
- (vi) Immunize all children between the ages of 6 months to 15 years against measles because of the measles outbreaks we are experiencing in the country; and lastly
- (vii) Distribute mosquito nets to ALL pregnant mothers and ALL children under the age of 5 years but this one, Honourable Speaker, is primarily meant for Malaria stricken Regions.

By now, you may be asking yourselves as to who should go:

- ALL pregnant women in Namibia;
- ALL non-pregnant women between the ages of 15 to 45 years;
- ALL children between 0 months to 15 years.

This campaign is aimed at:

- Keeping our women and children in Namibia healthy;
- Reporting improved statistics for females and under 5 year old children, come 2015, to the UN.

Community Participation:

Community Participation is our role as Honourable Members of Parliament and the community at large. One of our cornerstones in terms of in health in this country is community participation. I am, therefore, calling upon ALL heads of households from all corners of Namibia to take one day between the 25th, that was yesterday, and the 29th of November

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**MINISTERIAL STATEMENT
HON DR KAMWI**

2013, but for now between today and the 29th of November 2013 and take children or adults who fall within the age categories required to the assembly points to receive all these services for free including mosquito nets, as I said earlier.

However, Zambezi, Kavango East and West Regions have the following dates: the 2nd to 6th, Zambezi Region and the 8th to the 13th of December 2013, for Kavango East and West Regions.

Utilisation of Health Services

When we talk of Maternal Health, we are saying that our mothers must make full use of our services.

- Antenatal: Starts when you miss two periods and attend until delivery. Honour your booking days to go to Antenatal Clinics. Listen carefully to health workers.
- Hospital Delivery: By all means go to Health Facilities for delivery. Skilled workers will attend to you and your baby.
- Postnatal Clinic: Go back to Postnatal Clinics after discharged as per the date given. Health workers will assess your wellbeing and that of your baby.
- Family Planning Clinics: Make use of these facilities to space your children as you wish. Get screened for possible diseases, for example, Cervix and Breast Cancer, High Blood Pressure and your Body Mass.
- Under Five Years Old Children: It is of paramount importance that children complete their immunization schedules. Those having private doctors, their doctors must make sure that they adhere to the schedules of the Ministry. They can give more, if they wish.

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**MINISTERIAL STATEMENT
HON DR KAMWI**

Conclusions:

As we have just launched this first “*National Maternal and Children Health Week*” from the 25th to the 29th November 2013, I wish to call upon:

- ALL parents of children between the ages of 0 months to 15 years;
- ALL pregnant women; and
- ALL non-pregnant women between the ages of 15 to 45 years who will be within the borders of the Republic of Namibia to go to health facilities and mobile points to receive the above mentioned services free of charge. Please bring along the health passports with.

For a healthy mother to give birth to a healthy baby, pregnant mothers must attend Antenatal Clinics and when the time comes, they must deliver at Health Facilities or Hospitals.

All mothers who may unfortunately give birth at home must go immediately to the nearest Hospital/Health Facility for care of both the mother and the new born.

Comrade Speaker, finally, the reports that were received this morning for Day 1, suggest a low turnout. I wish to urge parents, especially for my male folks, please let us accompany our spouses to the Health Facilities, Hospitals and/or Health Points to bring children for the success of this important exercise. Thank you.

**QUESTIONS/CONTRIBUTIONS/COMMENTS
TO THE MINISTERIAL STATEMENT**

26 November 2014 **QUESTIONS/CONTRIBUTIONS/COMMENTS
TO MINISTERIAL STATEMENTS
HON ANGULA**

HON SPEAKER: Honourable Minister of Defence.

HON MINISTER OF DEFENCE: That is a very important statement from the Minister of Health. May I suggest that he buys a page in one of the Daily News and get it published there so that everybody will have information? Thank you.

HON SPEAKER: Thank you. I had a question that I was about to ask before the Minister took the Floor but to properly phrase the question, I have to speak in Damara but I do not think that there is anybody in this House who would be able to translate for you to appreciate what I am asking. (*Laughter*). Therefore, I will defer the question until we come back. Honourable Minister of Education.

HON MINISTER OF EDUCATION: Thank you very much, Comrade Speaker.

The Ministry of Education is worried, disturbed and very concerned. We have heard through the media and some public outcry that Namibians are being conned by bogus education institutions both locally and internationally. These institutions are taking advantage of desperate Namibians who are thirsty for education by charging them hefty amounts of money and making empty promises.

We are concerned that Namibians have become easy targets of these activities. The Ministry of Education is making this statement in reference to a story in one of the local Daily that reported recently that the Bulawayo Commercial Training Institute has deceived Namibians into studying in Zimbabwe, promising them state of the art facilities but to the contrary the students are leaving in deplorable and inhuman conditions.

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**MINISTERIAL STATEMENT
HON DR NAMWANDI**

Honourable Speaker, the Ministry would like to caution our people, particularly the young ones to be alert of such institutions. We would like to encourage further, that those intending to enrol with unknown institutions, particularly in other countries must do background research or search on the institutions before they enrol themselves.

Furthermore, Namibians should be cautious about getting admission to institutions through agents that charge them huge amounts of money. The Ministry advises that potential students should and must apply directly to the Institutions or Universities as it is the only sure way that one is not being swindled.

These kinds of operations are dangerous as it might put the lives of our citizens at risk and may even open gates to human trafficking.

The public should also note that not all qualifications acquired from elsewhere would be recognised here in the country, hence, the need for verification of institutions and its qualifications either through the Namibia Qualifications Authority or National Council for Higher Education.

The Ministry would also like to issue a stern warning to those who are involved in tricking our young people to pay for empty promises to stop or risk being caught and face the full wrath of the Laws of our land. The Ministry will engage relevant authorities including the Namibian Police to root out such operations.

Honourable Speaker, finally and very finally, this state of affairs will never and shall never be tolerated in an independent Namibia where our people are being cheated, abused, mistreated for self-gain and self-enrichment. The Ministry of Education, being an institution mandated to serve the people, encourages all those who are not sure about the institutions they intent to enrol with, to seek assistance through our offices countrywide. I thank you, Honourable Speaker.



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(COMMERCIAL) LAND REFORM AMENDMENT BILL AND
COMMUNAL LAND REFORM AMENDMENT BILL
HON !NARUSEB**

HON SPEAKER: There are such horrible stories. Thank you Honourable Minister.

Before I ask the Secretary to read the First Order of the day, the Honourable Minister of Lands and Resettlement has asked to do something, I do not know what it is, I will give you the Floor to clarify.

**RESPONSE TO QUESTIONS ON THE SECOND
READING: AGRICULTURAL (COMMERCIAL) LAND REFORM
AMENDMENT BILL AND COMMUNAL LAND REFORM
AMENDMENT BILL**

HON MINISTER OF LANDS AND RESETTLEMENT: Honourable Speaker, Sir, in order to be fair to those who raised what they referred to as very pertinent questions on the subject matter that I have tabled, I want to beg your indulgence to take maybe ten minutes to respond to the issues so raised.

I rise once again this afternoon to continue with responses to questions and comments made yesterday in this House by the Honourable Members. I would like, from the onset, to outline the compelling reasons for the proposed Amendments namely; the *Agricultural (Commercial) Land Reform Amendment Bill* and the *Communal Land Reform Amendment Bill*.

JUSTIFICATION FOR THE AMENDMENTS

The proposed Amendments to the *Agricultural (Commercial) Land Reform Act, 1995* (Act 6 of 1995) are necessitated by the increasing transactions that are purposefully crafted to circumvent the provisions of the substantive Act. Furthermore, we read in the print media on a daily

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HON !NARUSEB**

basis about the increase on the alienation of Agricultural (Commercial) Land through public auctions that are a result of insolvent estates, company liquidations and in many cases, due to the administration of deceased estates or generally illicit land deals that are being exposed due to the fact that they would have gone sour, otherwise the public would not have known about them, let alone the Government.

CONCERNS ON CLOSED CORPORATIONS

I should also highlight the fact that many individual farm owners are on a daily basis opting to change the ownership status of their farms from an individual owner to a juristic or company ownership. This is done simply because the Companies or Closed Corporations are not required to offer their farms to the State to exercise its right of first refusal as required under Section 16 to 18 of the Act, except in instances where the sale of shares in such a Company or Closed Corporation results in the passing of controlling interests in such an entity to another person. Given this ill intended practise, Government is continuously and increasingly losing land that could potentially be acquired for the land reform purposes.

Now, what are we proposing in the Amendment at the risk of repeating myself? The spirit of the proposed Amendments to Section 16 and 18 of the *Agricultural (Commercial) Land Reform Act* is to address the current situation which we all know is taking place and has extensively received media coverage where Closed Corporations with the assistance of lawyers, individuals and Companies conduct illegal transactions on agricultural land.

The proposed Amendments by the Ministry and the Ministry by implication, on behalf of our Government, are meant to oblige juristic farm land owners, that is, Closed Corporations, Companies, etcetera, to offer agricultural land first to the State regardless of whether controlling interest is created or not. These requirement would thus enable Government to collect data and information on the actual land owners

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under such Companies or legal entities and consequently guard against the acquisition of agricultural land by foreign nationals through the circumvention of the Law.

Furthermore, the proposed Amendments will also make it possible for Government to detect multiple farm owners, especially given the fact that a sizeable number of individual farm owners have opted to transfer excess land into Companies or Closed Corporation just to avoid being detected.

CONCERNS ON THE ISSUE OF INHERITANCE

Honourable Speaker, Honourable Members, in its current form the *Agricultural (Commercial) Land Reform Act* made it possible for administrators of deceased estates to dispose off unwanted land through public auctions in instances where the heirs and legatees of such estates opt not to continue with the farming venture of the deceased persons. This is very common, especially when the heirs are foreign nationals who do not reside within the boundaries of the Republic of Namibia.

PROPOSAL TO THE AMENDMENT

What are we proposing? The Amendment is proposing that in instances such as this, the Government should be given the prerogative to exercise its rights of first refusal, so that land that could potentially become available for acquisition by possibly anyone (including foreign nationals) and that is happening daily, through public auctions should first be offered to the State. That is the mischief that we want to address.

I should conclude this point by indicating that, the intention of this suggested provision is not to outlaw the rights of Namibians to bequeath property, not at all, not by long or short, or inheritance of Agricultural (Commercial) Land but rather to ensure that if those inheriting that land do not want to keep and farm on the said land then the State should be given the first option to buy such land for the purposes of our land reform

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drive. That is what we are saying.

**PROPOSAL TO INCLUDE REGIONAL COUNCILLORS AS
MEMBERS OF THE LAND REFORM ADVISORY COMMISSION
(LRAC) SUB-COMMITTEES**

Honourable Speaker, what are we proposing in the Amendment? The House also heard the submission to include Regional Councillors as members of the Land Reform Advisory Commission Committees. These Committees are currently operational in all Regions (except in Kavango East and West that are being served by only one Sub-Committee) for obvious reasons because the additional Region in that part of our country was just added quite recently with the findings and recommendations of the Delimitation Commission.

While the Ministry takes cognisance of this suggestion, I should highlight that these Committees are an establishment of the Land Reform Advisory Commission and their purpose is to serve as an extended arm of the Commission by performing administrative functions and duties at the Regional level which are practically not possible for the substantive Commission to provide.

From this premise, it would administratively not be advisable and expedient to include Councillors who are tasked with political functions and duties to serve on administrative bodies or structures such as the Land Reform Advisory Commission Committees. Regional Governors are appointed by His Excellency the President under the provisions that we have so endorsed to the Amendments and they are overall in charge of the Region. In my opinion, humble as it is, they are having that standing to oversee the activities in a given Region and they have also that access which Councillors probably would not have because they are confined to one Constituency.

Honourable Speaker, that is what I wanted to share with the House.

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**COMMITTEE STAGE - AGRICULTURAL
(COMMERCIAL) LAND REFORM AMENDMENT BILL
HON !NARUSEB**

Thank you.

HON SPEAKER: Thank you. With that said, we are going to proceed.

The Secretary will read the First Order of the Day.

**COMMITTEE STAGE - AGRICULTURAL (COMMERCIAL)
LAND REFORM AMENDMENT BILL [B.12 – 2013]**

SECRETARY: *Committee Stage - Agricultural (Commercial) Land Reform Amendment Bill [B.12 – 2013].*

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

HON MINISTER OF LANDS AND RESETTLEMENT: I so Move, Honourable Speaker.

HON SPEAKER: With that, I ask the Deputy Chairperson of the Whole House Committee to come and chair the Committee.

ASSEMBLY IN COMMITTEE

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**COMMITTEE STAGE - AGRICULTURAL
(COMMERCIAL) LAND REFORM AMENDMENT BILL
HON VON WIETERSHEIM**

**DEPUTY CHAIRPERSON OF THE WHOLE HOUSE
COMMITTEE:** Thank you, Honourable Members. The Committee has to consider the *Agricultural (Commercial) Land Reform Amendment Bill* [B.12 – 2013].

I put Clauses 1, 2, and 3. Any discussion? Any objection? Yes, Honourable Von Wietersheim. Can you just indicate which Clause is it 1, 2 or 3?

HON VON WIETERSHEIM: This will be Clause 3, under Section 17 am I correct, Honourable Chairperson?

**HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE
COMMITTEE:** Yes.

HON VON WIETERSHEIM: I listened very carefully to the Honourable Minister, who again, took pains to explain about the inheritance.

I must say that I fully agree with his explanation as far as the purpose is concerned. The problem is still that, what he explained is not what the Bill says because the Bill clearly says that one form of alienation of farmland is in the administration of the deceased estate or in accordance with a redistribution of assets in such an estate between heirs and legatees. This does not concern the case which the Minister used as an example that the heirs or legatees refuse to continue or to accept that inheritance and the farm land thus being distributed to someone else, that is a case which I would clearly accept as being an alienation.

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The Honourable Minister had a proposal in front of him specifically on this issue where it says - the alienation should not apply in the administration of the deceased estate or in accordance with the redistribution of assets in such an estate between heirs and legatees, except if a person the estate or the land is transferred to, is not a beneficiary, that would solve that issue. It means that, where the heirs or legatees do not accept the inheritance, the land is alienated and it should first be offered to the State. That would just be a small inclusion that would change the situation. Thank you, Honourable Chairperson.

HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Thank you, Honourable Member, can I refer the matter back to the Honourable Minister, Would you like to make a comment on that?

HON MINISTER OF LANDS AND RESETTLEMENT: Thank you, Comrade Deputy Chairperson of the Whole House Committee.

The effort here is for us to be able to close the loopholes, therefore, anything that will assist us to deal with that missing piece, I do not see any reason why I should oppose it.

HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Thank you. Honourable Member are you comfortable with that, if we take that on board as indicated?

HON VON WIETERSHEIM: I understand the Minister that he would

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include a sentence like that to the Amendment.

HON MINISTER OF LANDS AND RESETTLEMENT: I am looking at what is the best possible option for us. We have a House of Review, so if you would be kind enough to put it in writing, give it to me and then through the good office of the Attorney-General we would have read it by the time it goes to the House of Review. If there is another avenue for us to accommodate it now, so be it, but given the time frame and the issues that we are grappling with, I am, however taking what you have said on board.

HON VON WIETERSHEIM: Honourable Deputy Chairperson, I think this is the only avenue that is open to us now because we did not have the chance to put the Amendments in the proper form. I accept the word of the Honourable Minister to put it into the process as it goes along and I will prepare such an Amendment or proposal for an Amendment for the Minister. Thank you.

HON DEPUTY MINISTER OF THE WHOLE HOUSE COMMITTEE: Thank you very much, with that consensus we will go forward. Can I call upon, Honourable Kaura please.

HON KAURA: Honourable Chairperson, also under Sub-article 3(b), I raised this point with the Honourable Minister that the definition of relative is un-African when it is confined to spouse, child, parent or sibling because in our African culture any young man or woman is entitled to the uncle's estate and is the legitimate heir to the uncle's estate.

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However, if you confine it as is the case now, it becomes un-African and it will lead to lots of conflict because I am entitled and I would be the legitimate heir to my uncle's estate and if you say I cannot inherit my uncle's farm, that would lead to problems.

This is part of our African culture, so it will be problematic to exclude that. In addition to that, given the extended family setup of our culture, my grandmother on my mother's side and my mother's sister are part of the family. My father's brother is also part of my family and I am entitled to give him that estate or I am entitled to inherit his estate, so if you confine it, it will be un-African.

**HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE
COMMITTEE:** Can I say is it something that should be within the Bill or that can be worked out outside the Bill? I want to refer this to the Minister. Honourable Minister, do you want to respond to that?

HON MINISTER OF LANDS AND RESETTLEMENT: Yes, Honourable Kaura raised that during the Second Reading of the Debate.

The issue that we want to deal with here is the land changing hands. We have no intention, the Government definitely would not have any intention to prevent the land owner to put up his will and bequeath his property the way he/she deems proper.

Therefore, if you want to follow the bequeathing procedure that you have in mind, I do not think that this will restrict them, you can always have an heir but if you can make a proposal on how best we can accommodate it, by all means. You know, the African cultures as good as they are, some good and some not so good, have been giving us the phenomenon where widows, when their husbands passed away, sits with no land and that is

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also African culture. We should evolve with what is in the best interest of our Nation. However, if you insist that it be included, put something in writing then we take it from there.

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

Thank you very much, Honourable Minister. Honourable Kaura, I think there is some flexibility and the Minister is open to accommodate that particular concern but the question is whether you want to come up with some appropriate wording at a later stage as we had agreed in an earlier case, what is your view? On a Point of Order Honourable Von Wietersheim, you have the Floor please.

HON VON WIETERSHEIM: Honourable Deputy Chair, I think there is a little misunderstanding. This Section refers to usufruct which is not inheritance. Inheritance, as the Honourable Minister said, is not defined to specific persons. The usufruct just means that the owner of the land is one person but he registers a right to another person to utilise that land or to stay on that land until he passes away or whatever, then that land will be inherited by whoever is the heir, so I think there is a little misunderstand as far as the usufruct is concerned.

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

Thank you very much for that clarification. I think we have resolved that issue and I can see Honourable Kaura is willing to let go or you want to come back?

HON KAURA: I am familiar with the terminology usufruct but when it comes to the definition of a relative, that right of usufruct is being

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confined which means that I cannot even have the right of usufruct on my uncle's land as it stands here.

HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: While you are having the Floor, we are asking, would you want to come up with an Amendment of some kind that we can treat in the same way we have dealt with the earlier case? I just want to resolve this thing, Honourable Chief. Honourable Minister of Finance.

HON MINISTER OF FINANCE: Thank you, Honourable Deputy Chairperson of the Whole House Committee.

I do understand the concern of Honourable Kaura but I am a little bit apprehensive about bringing about the changes that he is advocating for because they could put us in a situation where we would no longer be able to transfer the land from certain sections of the population to the State for redistribution because people are going to be registering this right of use to their extended families so that at the end of the day the land is just passed around.

We are not talking about inheritance here, we are talking about usufruct, we therefore advise that, if the Honourable Member, after investigating this issue further is very strong that it is important for us to change, maybe we should just do that after the Bill has reached the National Council. He could maybe talk to some of the Honourable Members there instead of following the approach of Honourable Von Wietersheim because the approach of Honourable Von Wietersheim on the issue that he has raised is straightforward but this one is not so straightforward.

I do understand his sentiments but this is a double edged sword it can also cut on the side where you did not intent it to. I think we should examine this issue more closely before we commit ourselves.

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**HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE
COMMITTEE:** I really want us to make progress and not to be bogged
down. I see Honourable Riruako, you have your hand up.

HON DEPUTY SPEAKER: Point of Order.

HON RIRUAKO: A Point of Order to whom? I did not say anything.

**HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE
COMMITTEE:** She is speaking on a Point of Order.

HON RIRUAKO: A Point of Order on what?

HON RIRUAKO: Please wait, Honourable Chief. Yes please?

HON DEPUTY SPEAKER: The officials are supposed to assist the
Deputy Chairperson that he is supposed to ask the House to extend the
time. We have done that yesterday but I think we can correct that mistake
today.

**HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE
COMMITTEE:** Thank you very much. It is about tea time and we just
want to ask the views of the House, can we skip the tea and continue

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working. Thank you. Yes, please?

HON RIRUAKO: I am sorry that I listened to something else and I now forgot what I wanted to say.. (*Laughter*)

May I say this? I have written the Act in some African way but I do not want to go back there. We cannot give the right to a lady, a woman to be equal to us and still have all this in our minds (interjections) please listen to what I have to say. (interjections) no, you better listen. Learn to listen and then you can pose your questions. If we give the right to a woman to be equal to a man, will you listen please, will the Chairman control the House?

HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Order please!

HON RIRUAKO: Learn how to listen. A woman has the same rights as mine, what is it here! (*Intervention*)

HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: It is Point of Order. Let us please have some order Chief. Yes, please you are speaking on a Point of Order.

HON MINISTER OF LABOUR AND SOCIAL WELFARE: Thank you, Comrade Deputy Chairperson of the Whole House Committee.

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Sometimes the language that we are using here is really very offensive. We cannot say that women should not be equal to men, while we have these Laws and you have women who are voting for them. Today we are pronouncing ourselves that we should not be equal to them. Are they even having any positions to give to women, is NUDO ready? That is not fair. Thank you.

HON RIRUAKO: I did not say that.

HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Thank you very much. I think we should be exemplary, let us not do anything (intervention).

HON RIRUAKO: I mentioned the word liberty, if we are equal you cannot tell me I am married to a woman (interjections) listen please, so that I can lead you. You are a Minister but you have to draw yourself to a certain point. (*Laughter*). Could you please put that prerogative down? What liberty is that?

HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: No, no can I just step in please? Let us have order and a dignified way of dealing with issues please. The point was made adequately. Honourable Chief can I ask you conclude now?

HON RIRUAKO: Yes. My way of elaborating this is, if we are equal and I am married to a woman, the thing of, when I die my nephew has to

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take everything as usual, is out! Such a thing should not be in the people's minds. We cannot say, we are equal and I am married to this woman and if I die my nephew and my cousin have to come and take everything that they want, we cannot tolerate that anymore.

In our own Law I have written it this way, if my nephew assisted me and my son never assisted me, I put it down in writing that if my nephew assisted me whilst I was alive, he is entitled to have a portion. If my son never did what is expected of him, he can get a portion but not equal to this man who has worked. That is the way I put it, we cannot go back where we were before.

HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Thank you. Let us not dwell on this. The last hand that I am going to respond to is that of Honourable Nambahu there please.

HON DEPUTY MINISTER OF JUSTICE: Thank you very much, Comrade Chairperson of the Whole House Committee.

I think the point that the Honourable Minister tried to make was adequate and just to add to that, this is a country in transition and as a such, we are making Laws to get to the ideal situation. What Honourable Von Wietersheim is proposing is something that is being dealt with in a separate subject, that is, in *The Law of Succession* and this one is not necessarily dealing with succession in its entirety.

Therefore, you will have issues that are of legatees that Honourable Chief is talking about. You are entitled to leave your property to the person that you have chosen and that is what is called a legatee. You have the normal heirs that you have and this Parliament has passed a Law that is actually bringing equality so (intervention).

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HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Can I call your attention, please this issue was responded to, I think we should not really dwell on it.

HON DEPUTY MINISTER OF JUSTICE: Then there is nothing to draft because if you have to draft something you have to take into account all these things.

HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Thank you very much. Honourable Members, we are at a Committee Stage please, let us be concrete to the point and not dwell so much on the general discussion. Honourable Bezuidenhout please.

HON BEZUIDENHOUT: I simply wanted to say that we are at the Committee Stage. I think that if there are things that are not properly phrased, we must keep them in mind if they are serious about them because the Honourable Minister indicated that there will be a comprehensive Bill coming so that we can look out for those things and define them properly.

HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Absolutely. Thank you very much. With that understanding Any objections? Agreed to.

Clauses 4, 5 and 6. Any discussion? Any objection? Agreed to.

I put the Title. Any discussion? Any objection? Agreed to.

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I shall report the Bill without Amendment.

Honourable Speaker, the Committee has gone through the Bill [B.12 – 2013] as set forth in the accompanying copy and agreed to it without Amendments.

ASSEMBLY RESUMES

Bill reported without Amendments.

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

HON MINISTER OF LANDS AND RESETTLEMENT: I so Move, Honourable Speaker.

HON SPEAKER: Any objection? Who seconds? Agreed to. Any further discussions? Does the Honourable Minister wish to reply?

HON MINISTER OF LANDS AND RESETTLEMENT: Thank you, Honourable Speaker.

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I am rising simply to register my most sincere appreciation to the Honourable Members of this august House for a very healthy Debate that we engaged ourselves in because land, being what it is, demands from us that we portray the necessary seriousness and look at it from all angles but I eventually believe that we have just done that. I most sincerely thank you for your input.

HON SPEAKER: Thank you, Honourable Minister. I now put the question that the Bill be read a Third time. Any objections? Agreed to.

The Secretary will read the Bill a Third Time.

**THIRD READING: AGRICULTURAL
(COMMERCIAL) LAND REFORM
AMENDMENT BILL [B.12 – 2013]**

SECRETARY: *Agricultural (Commercial) Land Reform Amendment Bill [B.12 – 2013]*

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

**COMMITTEE STAGE – COMMUNAL LAND
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SECRETARY: Committee Stage - *Communal) Land Reform Amendment Bill* [B.13 – 2013].

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

HON MINISTER OF LANDS AND RESETTLEMENT: I so Move, Honourable Speaker.

However, before that, just to be fair to those who raised issues yesterday which they believe I might not have responded sufficiently to them, I shall do so very briefly, Honourable Speaker.

HON SPEAKER: Yes, go ahead.

**RESPONSE TO QUESTIONS ON THE SECOND
READING: AGRICULTURAL (COMMERCIAL)
LAND REFORM AMENDMENT BILL AND
COMMUNAL LAND REFORM AMENDMENT BILL**

HON MINISTER OF LANDS AND RESETTLEMENT: Thank you Honourable Speaker.

CONCERNS THAT AMENDMENTS TO THE COMMUNAL LAND REFORM ACT ARE NOT URGENT

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I also took note of some concerns, particularly from *Honourable Maamberua* and My Friend, *Nkotongo Shixwameni*, that is now *Honourable Ignatius Shixwameni*. I can call him that name.

HON SPEAKER: Yes, we do not interfere with those bilaterally things.

HON MINISTER OF LANDS AND RESETTLEMENT: That there is no urgency for an Amendment to the *Communal Lands Reform Act*. He also calls me /Gou-o-!na, anyway. (*Laughter*)

HON SPEAKER: Yes, but we do not really know about those things.

HON MINISTER OF LANDS AND RESETTLEMENT: While I understand these concerns based on the perspective that the two Honourable Members have offered, I would like to inform that the process currently underway to register existing customary land rights in communal areas is a Government initiated project, based on the Act that all of us have passed in this House, that is envisaged to protect a basketful of various customary land based rights. I have consulted all the Regions extensively on my part, not maybe taking due regard to what those before me did, I know that they have also done the same but when I took over this responsibility, I did consult broadly on this issue and have listened to the concerns and contribution of various Traditional Authorities, our leaders.

I admit and I do indeed, agree that on this matter one shoe size does not fit

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all, therefore, what we do in one area might not necessarily be applicable to other areas in terms of customary land rights and I fully understand that sentiment. The issue of local customs and cultural practices and ways of life have to be taken into consideration and the Ministry is seized with this matter.

We are seized with this matter while we are now busy with what we will refer to as a *Consolidated Land Bill*. I would be relying on your very constructive input in terms of how best we can capture what our people are telling us, in terms of giving them tenure security of customary land rights while fully taking on board the way they have been living for centuries, the way they have been using the customary land rights that have served them well without the expectation that, what is good in one area should just be copied and pasted to be applicable in another given area. That would be wrong but right now the provisions of the Act that we have passed provides that customary land rights should be registered but I am also at the risk of repeating myself, listening to what our leaders are telling me and My Chief knows that, *omambo nu omo (is true uncle)?*.

The Amendment is seeking to increase the current threshold in terms of the maximum size of leaseholds and the customary land rights that may be approved by the Communal Land Boards and Traditional Authorities respectively, is necessitated by the need to speed up the process of registration within the current registration deadlines and also to ensure that the bulk of the land rights applications are dealt with and finalised at regional level. I have also equally taken on board the request from our Traditional Leaders that - *!Naruseb please, you are a son of our communities all over the country, we have realised that the deadlines that you have set of February 2014 might not be sufficient for us to do what we think we can do*. I have taken on board their proposal and I am ready to extend the deadline. (*Applause*). Thank you.

**APPLICATION FOR LAND FROM RELIGIOUS
ORGANISATIONS AND OTHERS**

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(COMMERCIAL) LAND REFORM AMENDMENT BILL AND
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HON !NARUSEB**

I was told that we cannot talk about Church for some reason because we are a Circular State. We are shying away from what we do on a daily basis, we come here and we pray to Jesus Christ. However, Honourable Speaker, I am taking heed of what My Good Friend Honourable Maamberua said that - *!Naruseb instead of Church refer to Religious Organisations* and we will do that and I am already referring to Religious Organisations and others.

The Ministry is currently inundated with applications from Community Based Organisations, for example, Religious Organisations, Conservancies, Government Institutions etcetera, for land rights...(intervention).

HON SPEAKER: We are not able to hear the Minister. I thought the land was this side of Heaven the most important thing and that is what the Honourable Minister is talking about, so can we listen to him? You have the Floor.

HON MINISTER OF LANDS AND RESETTLEMENT: ...aimed at establishing community institutions on various communal land in this country.

I must mention that the *Communal Land Reform Act, 2002* in its current form makes no provision for such applications, hence it has become increasingly necessary to make provision for the granting of occupational land rights to such organisations.

Given the reality as I have highlighted in my response, I have no doubt that we have to act with the sense of urgency to address such challenges in order to fulfil our national objective of Land Reform. I thank you.

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HON SPEAKER: Thank you. With that, I call on the Deputy Chairperson of the Whole House Committee to take the Chair.

ASSEMBLY IN COMMITTEE

DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Thank you. Honourable Members, the Committee has to consider the *Communal Land Reform Amendment Bill* [B.13 – 2013].

I put Clauses 1, 2, 3, 4, 5 and 6. Any discussion? Yes, Honourable Kaura please.

HON KAURA: Honourable Deputy Chair, Article 2, 17(b) – “*the Minister may prescribe criteria and conditions upon which a foreign national may be granted customary land right or right of leasehold under this Act.*” A foreigner may be granted customary land right in the communal area, I have a problem, that even now we are opening up our communal areas to foreigners while in 1991, we said foreigners will not be allowed to buy land in Namibia. Now, we are giving them land free of charge in the communal area or right of leasehold. I have a problem with that Honourable Deputy Chair.

HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Thank you. Do you also want to speak on this? Yes, please.

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**COMMITTEE STAGE – COMMUNAL LAND
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HON SHIXWAMENI / HON RIRUAKO**

HON SHIXWAMENI: Just like my Senior Colleague here, I have serious problems with this and I think it is a mental contradiction that we will basically not be able to explain. In the commercial areas we are saying - *no land for foreigners* but now in the squeezed communal areas we are saying - *grant foreigners land* in that area. I think it is a mental contradiction and I would not want to take the delay further.

Having said that, I would not torpedo the issue from going through but I want to have my own principle objection that it is a historical mistake that we are making to open up communal land to foreigners, without being xenophobic and all these kinds of things, but it is a historic mistake that we are about to pass.

**HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE
COMMITTEE:** Thank you, I will move on to Chief Riruako.

HON RIRUAKO: I am on the line, this time I am supporting Honourable Kaura and Honourable Shixwameni. Why? Although their opponents do not complain about it, the communal area was a huge area, now it is shrinking and becoming smaller and smaller because of the independence that was given to individuals to sell land, they now do not know where to live. We cannot make the same mistake. We were robbed by the Germans and again by the South Africans. 32 Farms were taken away from them and after that they themselves sold part of it because the individuals were given that right to sell. We cannot repeat that mistake again.

**HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE
COMMITTEE:** Thank you very much. I think that is the same

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objection. Honourable Nyamu, please.

HON NYAMU: I also have an objection against this granting of foreigners land in the rural areas, for different reasons.

My argument is that if a foreigner will contribute to the development of that particular Region, he should have access but I will not accept that the Minister should be the only authority or body to grant this. This can seriously promote corruption. There must be some machinery in place which can come to the conclusion that it is in the best interest of that community for a foreigner to be granted land but not to give all the powers to the Minister because the land does not belong to the Minister. Thank you.

**HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE
COMMITTEE:** Thank you. Can I ask the Minister to respond?
Honourable Kaura.

HON KAURA: Honourable Deputy Chair, we have Article 102(5) of the Namibian Constitution which states explicitly that Traditional Leaders will be the ones to advise the President on the use and administration of communal land. Now when this right is only confined to the Minister, are we not violating the Namibian Constitution?

**HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE
COMMITTEE:** Let us have the Minister to respond to that.

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HON MINISTER OF LANDS AND RESETTLEMENT: Thank you, Honourable Deputy Chair.

What we are simply saying as we speak now, as Honourable Kaura is alluding to the role of the Traditional Authorities to be the first line of advice to His Excellency the President when it comes to customary land rights allocation, foreigners, through the Traditional Authorities are granted leasehold rights in communal areas.

Now what are we saying? What we are saying is that, let us be able to monitor through the existing mechanisms. The first port of call when anyone, whether foreigner or a Namibian National would want a right to customary land right in a communal area is the Traditional Authorities. That is where they would go to and from the Traditional Authorities it goes to the Communal Land Board. The foreigners own the bulk of lodges wherever you go, particularly in the Zambezi and the two Kavango Regions, we are not creating anything there. In terms of the existing Laws, foreigners own lodges, but what are we saying? We just want to have insight as the Government and as a Ministry in terms of, you know I cited an example I think it was yesterday, where 90,000 hectares were granted by Traditional Authorities to foreigners to plant Jatropha and eventually when the Communal Land Board and the State machinery went to verify it, they found that other people were also occupying the same land.

Therefore, what we are saying is that, yes, the Traditional Authorities as per the current standing, allocate land but let there be checks and balances. In terms of our Law, not because Alpheus /Gou-o-!na !Naruseb wants it, but in terms of our Law, it is provided that the first port of call is the Traditional Authorities, thereafter it goes to the Land Board and the Land Board refers it, in terms of the Law, to the Minister. Thank you.

**HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE
COMMITTEE:** Thank you very much. I think that is explanation. Do

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HON SHIXWAMENI**

you want to come back again? Yes?

HON SHIXWAMENI: The fact of the matter is that the communal land areas are already overcrowded. The Minister is alluding to the fact of lodges in the Zambezi, the two Kavango East and the Kunene River. You know what has happened there with, just granting of leaseholds and land rights left and right, our people cannot have access to the rivers because the rivers are completely fenced off. Our people and their cattle cannot go and drink water the way they used to drink ten or fifteen years ago so if we are going to continue to just dish out land, we are going to make a historical mistake because we are displacing and dispossessing our own people. I hope (intervention).

HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Point of Order, yes.

HON DEPUTY MINISTER OF GENDER, EQUALITY AND CHILD WELFARE: On Point of Order Comrade Deputy Chair of the Whole House Committee; yes, it is true what the Honourable Member has said but our people, particularly in Kunene are the ones who authorised those fences but today they are the ones complaining to the Government. Can we go and talk to our Traditional Leaders because some time ago we went there and advised them wrongly and now we are complaining. We can tell our people about the importance of our land. Thank you.

HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Thank you for that Point of Information. Honourable Shixwameni.

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HON SHIXWAMENI: I am just finishing, I am having one single point, I will still insist that when these foreign investors or whatever, come to our land, let the land belong to the community and then they just enter in partnerships with the locals but we cannot just be saying, because a foreigner has money, he has the cash, he comes here, bribes the Chief and the Ministers, we know the story because every bribe can come to light.

**HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE
COMMITTEE:** Can you please wind up? Can I just say this, the Honourable Minister clarified the issue that there are mechanisms on the ground that are actually supposed to (intervention).

HON SHIXWAMENI: Honourable Deputy Chairperson of the Whole House Committee, the Honourable Minister also just contradicted himself. He says the first port of call is the Chief, here the statement reads 17B (1) – “*a foreign national who wishes to acquire customary land right or right of leasehold must first obtain the written authorisation of the Minister,*” it does not say go to the Chief, it says the Minister must be the one to give written authorisation. It is here in the Bill, so all that I am trying to say is that, we are making a historic mistake. I think in order to empower our people, let our people be given the leasehold, let them be given the traditional land rights and the foreigner must go and seek partnership with our local people. I rest my case.

**HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE
COMMITTEE:** Thank you. Honourable Moongo please.

HON MOONGO: Thank you very much. I am happy that the limitation on size of land that may be allocated by Traditional Authorities was

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increased from 20 hectares to 50 hectares but I do not want them to misuse it and fence off the rivers as was it said here.

We are serious concerning this Bill, it talks about communal land, however, it leaves the Chief and Tradition Authority with little power which is not even mentioned here. This document is merely for the Minister, the Traditional Authority is only mentioned when the Minister can consult the Traditional Authority but there is no mention of the little role of Chief plays or the little power the Chief has. I think communal land without the role of Chiefs is meaningless.

HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Thank you. I have got a list and I am going through that list. Can I call upon the Deputy Speaker.

HON DEPUTY SPEAKER: Honourable Deputy Chairperson of the Whole House Committee, thank you for the Floor. Of course I agree with the sentiments that communal land belongs to the community and is administered in terms of Article 102(5) of the Namibian Constitution. I also agree with the sentiment which was expressed here by Honourable Dingara concerning the role of the Chief, however we should maybe marry the two so that at the end of the day the regulation to this Amendment can clearly define the role of the Minister together with the other structures. We could as well bring in the element of saying that Section 17B of the Amendment should be read with Article 102(5) of the Namibian Constitution so that the accompanying regulation can clarify that the Minister is not just going to write, he must consult the existing structures like the Traditional Authorities. However, I do agree with those sentiments that we should not leave the existing structures out but it should be read with that particular provision of the Namibian Constitution.

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**HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE
COMMITTEE:** Thank you. Can I move on to Honourable Chief Riruako please?

HON RIRUAKO: Yesterday which is not yesterday, Chief Mbambo was nearly destroyed by foreigners and he was not defended. He defended himself in the Court of Law, the Ministers never opened their mouths to defend him, no one. He was just left in the cold and had to stand all these without any defensive mechanism, that was painful. We do not want to repeat that kind of painful method again. You must think how far you can go and how you can protect your people but not become a laughing stock.

HON MINISTER OF AGRICULTURE, WATER AND FORESTRY: Thank you, Comrade Deputy Chairperson of the Whole House Committee. I did follow the explanations of the Minister with regard to this particular Clause. When he explained, I was happy and I did in my heart support him but when one reads the phrasing of this Clause as it stands, it appears to me as if it is contradicting what the Minister has explained.

The Minister said, the first port of call is the Chief. I am a foreigner, I want to apply for a piece of land, I go to the Chief and explain, then after that my application will be forwarded to the Land Board as the Minister has explained. The Land Board, after having considered that application, sends it to the Minister or to the Government for the Minister to finally say - *yes* or *no* but when you read this sentence as it stands, it looks as if the first port of call is the Minister because let me just read it, it is saying – *“a foreign national who wishes to acquire customary land right or right of leasehold must first obtain a written authorisation of the Minister before he or she applies for such rights.”*

In other words, what we maybe need to get clarity on is what that authorisation entail because it looks as if I go to the Minister as a foreigner

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and the Minister must now give me authorisation either to apply to the Chief or whatever? I think it is a question of the Honourable Minister, through your officials who are there to make it explicitly clear, what that authorisation that I must obtain from the Minister entails because if the Minister has authorised and I apply and eventually that application ends up on the desk of the Minister, he or she will find him/herself in a very difficult situation to say anything else but to endorse because it is the Minister who authorises the person to go and apply.

I think if we can get just clarity there to reflect what the Minister explained earlier on, then we can maybe go forward. Thank you, Deputy Honourable Chairperson.

HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Thank you very much. I think we should move rapidly. My understanding is that the Minister has actually touched on this issue.

It must be read in conjunction with the explanation given by the Minister but if the Minister could elaborate on that by way of enforcing that sentiment, maybe that will provide us with the way forward. May I call upon Honourable Schlettwein?

HON MINISTER OF TRADE AND INDUSTRY: Thank you Deputy Chairperson of the Whole House Committee.

I have also listened to the arguments and what I want to propose is that we give effect to what the Honourable Minister has said in principle that there should be a more restrictive approach for foreigners to access land.

My proposal is, therefore to, instead of upfront give a right to foreigners to apply, it should be a general prohibition but there can be an exemption and

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the criteria for exemption are then published and must be considered by the Minister before an application is made. In that instance, we will not have a situation where we are actually opening up, we are having a general restriction but we are still having an exemption Clause with the criteria published that allow the Minister to consider certain applications of foreigners to have leaseholds in communal land, in the best interest of the country.

That would be my proposal and I think we would then achieve what the Honourable Minister has said, a more restrictive approach to giving foreigners rights in communal areas.

HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Thank you very much. Honourable Simaata please, I am sorry for having skipped you.

HON DEPUTY MINISTER OF INFORMATION AND COMMUNICATION TECHNOLOGY: Thank you very much Comrade Deputy Chairperson of the Whole House Committee.

I definitely share the sentiment expressed by Honourable Mutorwa but probably we might be operating on a disadvantage here. We might be looking at this particular Amendment, forgetting the provisions that are currently embedded in the principle Act because what we are looking at is simply an Amendment.

There are other provisions that are relevant to what we are saying, that are contained in the primary legislation. Can I request the Minister perhaps, as a way of assisting us, to remind us what is currently contained in the principle legislation so that we do not end up proposing issues that are

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already addressed in the primary legislation which is being amended by that particular Section? That might be the case, Comrade Deputy Chairperson of the Whole House Committee. Thank you very much.

HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Thank you very much. Let us move rapidly. Honourable Deputy Speaker, you want to come back again?

HON DEPUTY SPEAKER: Yes, thank you. I just want to repeat myself and what I am going to propose is to summarise all the concern and proposals in the legal language, the drafting language. You say that this Article 17B should be read with the provision in the Constitution and also the principal Act that the Honourable Deputy Minister of Information is talking about, that is how things are done in the legal language or drafting language. Then the regulations will explain exactly what the Minister has stated.

HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Thank you very much. I think that will definitely help the Honourable Minister when the time comes. I would like to know whether you will be happy to take that explanation on board. Yes Honourable Hausifu.

HON DEPUTY PRIME MINISTER: Comrade Deputy Chairperson of the Whole House Committee, I think we have jumped the river in its land. Sub-section 1, 2, 3 and 4 will in Law, still mean what they mean here, we should not come with cosmetic changes, so the only option we have, and

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that is the one you have supported Comrade Deputy Chairperson, though I did not agree at the beginning, to deliberately shift the Amendments we would have made here to the other House.

It is to make sure that these are brought in line with the comments that are being made in terms of the administration of communal land. There is no way we can change this by just saying - *you will read it in conjunction with a, b, and c or the principal Act* so what we should do Comrade Deputy Chair is to make sure that we use the second House to make the Amendments. Maybe that will solve our problems.

HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE

COMMITTEE: Yes. Honourable Members, we were trying to harmonise our views and I think there is a consensus, now if the Honourable Minister will go along with this, we will then definitely guide what we call the Upper House precisely in terms of what sort of Amendments we are looking for. Yes?

HON MINISTER OF GENDER, EQUALITY AND WOMEN

AFFAIRS: Thank you, Deputy Chairperson of the Whole House Committee. I think the issue which is complicating the whole Section 17B (1) is the last sentence - *before he/she applies for such rights*. If we can rephrase it, maybe it will make the sentence clearer, as the Honourable Minister explained to us. Thank you. That is my contribution.

HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE

COMMITTEE: I think we are saying the same thing. We should leave it, the Honourable Minister exactly knows the sentiments expressed and I think we are all beginning to accept the fact that there should be an

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Amendment when the Bill goes to the other House. Can I call upon the Honourable Minister now? Sorry, Honourable Kaura.

HON KAURA: Honourable Deputy Chairperson, are Amendments not first tabled here before they go to the other House? For example, is it wrong for the Minister to take this Bill back and make the necessary Amendments here because I do not know how the other House will view it but the way it is now, I have a problem to let it go through while it is blindfolded like this.

Why can the Minister not go back and bring the necessary Amendments tomorrow so that when we take it to the second House it is not blindfolded?

HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Thank you, I thought we had a clear understanding that the Minister will definitely accept what is being proposed and if there are changes which could be agreed upon, he will see to it that they are acted upon when the Bill goes to the other House but if there is a view of taking us back to come back later, then that is another view. Yes, Honourable Moongo.

HON MOONGO: I support Honourable Kaura. I also support the Honourable Deputy Speaker that the Law is not as you want it to be but it should be read with the *Principle Act*, as she proposed. I think to be short and sweet, the Bill should only come tomorrow, let us omit this one and the Minister can come up with – the *read with* Amendment and tomorrow we can complete everything.

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**HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE
COMMITTEE:** Thank you very much. I think I will now call upon the Honourable Minister. Minister could you please guide us?

HON MINISTER OF LANDS RESETTLEMENT: Honourable Deputy Chairperson of the Whole House Committee, I fully concur with the proposals of Honourable Shixwameni, that is what we have always been thinking, how are the communities, Traditional Authorities, apart from the Chief who probably has his own understanding how he deals with his applications and so on, benefit from a foreigner or any investor who would find him/herself in their area of residence.

What Honourable Shixwameni is proposing has got some merit in it, in terms of getting the investor to develop that understanding and appreciation that if he, through his lodge business would be making money in the communal areas of a given traditional community, that there should be a kind of understanding where instead of employment being created where subjects are just employees, they could eventually benefit from being shareholders. That has got merit.

(Interjection) whatever, we cannot have it both ways anyhow, we either mean what we say in terms of beneficiation accruing to the local communities or we keep quiet, but we raised that while fully aware that it is not constitutional. That would be my response.

On the other issue of Article 17B(1), I must admit that there is an omission. I am not wrong with what I said in terms of the first port of call because that is what is stipulated in the *Principle Act*, the first port of call remains at all times the Traditional Authority, when any person, whether an investor or anyone who would want a customary land right in communal areas. Therefore, if the Bill in this Amendment is reading contrary to that, I am ready for us to correct it.

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HON BEZUIDENHOUT**

HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Thank you. What the Minister did not tell us is, when and at what stage?

HON MINISTER OF LANDS AND RESETTLEMENT: Honourable Chairperson of the Whole House Committee, the dilemma that we are in now as a Ministry is that our principal advisor on this kind of legal drafting is out of the country, I would, therefore, be misleading you if I say that I will be ready to bring it back tomorrow. Why do we not look at options that are workable? I think the first workable option would be that we engage our Second House of Review, alternatively if they are failing to pick up what we have picked up, when it comes back, now that you have sensitised me, we can deal with it.

May I also suggest that all other subsequent queries that the Honourable Members may have, be dealt with them in the same fashion?

HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Thank you very much. I think we are making progress. Yes, Honourable Bezuidenhout.

HON BEZUIDENHOUT: I just want to strengthen the Honourable Minister's suggestion by saying that we trust the integrity of the Minister, however, if there are doubts or if the Minister feels that he wants to commit himself and do a write-up of the key points that he wants to influence the other House with, he can do that and distribute it later to Parliament so that when we go on recess, we know what the Minister has committed to.

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HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Thank you. Can I then say, with that understanding we move forward with confidence. Any objections? Agreed to. Thank you very much.

Clauses 7 and 8 put and agreed to
Title put and agreed to.

I shall report the Bill without Amendment.

Honourable Speaker, the Committee has gone through the Bill [B.13 – 2013] as set forth in the accompanying copy and agreed to without Amendment.

ASSEMBLY RESUMES

Bill reported without any Amendment.

HON SPEAKER: Does the Minister Move that the Bill be read a Third Time?

HON MINISTER OF LANDS AND RESETTLEMENT: I so Move, Honourable Speaker.

HON SPEAKER: Any objections? Who seconds? Agreed to. Any further discussions? Does the Minister wish to reply?

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HON MINISTER OF LANDS AND RESETTLEMENT: Yes. I want to, through you Honourable Speaker, thank the Honourable Members of this House for the very excellent cooperation that they have rendered to the Sector of Land Administration with regard to their endeavour to give sense and meaning to the Act through the Amendments we have made, in our quest to save our people to the best of our capabilities.

I also want to assure you that we shall take care of the issues that you have raised and I want to venture into giving you my undertaking that, God willing, tomorrow we will probably come up with a concise write-up of the issues that you would have wanted to be taken aboard so that we can, as Honourable Bezuidenhout has alluded to, go and celebrate Christmas with a clean and clear conscience. Thank you.

HON SPEAKER: Thank you. I now the question that the Bill be read a Third Time. Any objections? Agreed to.

The Secretary will read the Bill a Third Time.

**THIRD READING: COMMUNAL LAND
REFORM AMENDMENT BILL [B.13 – 2013]**

SECRETARY: *Communal Land Reform Amendment Bill [B.13 – 2013].*

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

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**COMMITTEE STAGE – MAGISTRATES
AMENDMENT BILL
HON NAMBAHU**

**COMMITTEE STAGE – MAGISTRATES
AMENDMENT BILL [B.9 – 2013]**

SECRETARY: *Committee Stage – Magistrates Amendment Bill [B.13 – 2013].*

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

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

HON SPEAKER: Any objections? Who seconds? Agreed to. The Honourable Deputy Chairperson will take the Chair.

ASSEMBLY IN COMMITTEE

HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Honourable Members, once again, the Committee has to consider the *Magistrate Amendment Bill [B.9 – 2013]*.

Clauses 1 to 23 put. Agreed to.
Title put and agreed to.

I shall report the Bill without Amendment.

Honourable Speaker, the Committee has gone through the Bill [B.9 –

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2013] as set forth in the accompanying copy and agreed to without Amendment.

ASSEMBLY RESUMES

Bill reported without Amendment.

HON SPEAKER: Thank you. Does the Honourable Deputy Minister of Justice, Move that the Bill be now read a Third time?

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

HON SPEAKER: Who seconds? Any objections? Agreed to. Does the Deputy Minister wish to reply in any way possible?

HON DEPUTY MINISTER OF JUSTICE: Thank you very much, Comrade Speaker.

I most sincerely want to thank the Honourable Members for their overwhelming support of this Bill which is meant to serve as a very good instrument in the dispensation of speedy justice and should be seen in conjunction with the other Acts we just passed.

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I want to thank you most wholeheartedly for giving us a very befitting Christmas gift and this is probably going to be my last speech in this Session, wishing you a very deserved rest. Thank you so much, Comrade Speaker and the rest of the Members.

HON SPEAKER: Thank you. I now put the question that the Bill be read a Third Time. Any objection? Agreed to.

The Secretary will read the Bill a Third Time.

**THIRD READING: MAGISTRATES
AMENDMENT BILL [B.9 – 2013]**

SECRETARY: *Magistrates Amendment Bill [B.9 – 2013].*

HON SPEAKER: The Secretary will read the Fourth Order.

**RESUMPTION OF DEBATE ON THE STATE OF HEALTH,
DIGNITY AND CARE OF SENIOR CITIZENS**

SECRETARY: Resumption of Debate on the State of Health, Dignity and Care of Senior Citizens in the Country.

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HON DR KAMWI**

HON SPEAKER: When the Debate was adjourned on Tuesday, the 12th of November 2013, the question before the Assembly was a Motion by Honourable Ulenga that the Motion be adopted.

Honourable //Gowases adjourned the Debate. Any further discussions in her absence? Honourable Minister of Health.

HON MINISTER OF HEALTH AND SOCIAL SERVICES: Thank you, Honourable Speaker. Honourable Members, I rise to make a humble contribution to Honourable Ben Ulenga's Motion - *The State of Health, Dignity and Care of Senior Citizens*.

I would have loved to make my contribution earlier on but have most of the time not been there during the discussion on this agenda item. This is a topic which is close to my heart as I owe my existence today to the upbringing by my grandmother and I am sure many of us will agree with me on this. I therefore, remain passionate about ensuring the rights and wellbeing of the elderly persons in Namibia.

According to the Population and Housing Census of 2011, about 70% of our population, that represents 152,080, are people over the age of 60 years most of whom live in rural areas. A study on the living conditions of the older persons 2004, revealed a high level of longevity in Namibia with the mean age of respondents to be 70 years and with 12.2% over the age of 80 years. This study also revealed that 27,602 household in Namibia reported pensions as their main source of income and 5.4% is composed of urban older persons and 14.6% of rural older persons.

I admit that the primary responsibility for the welfare of our older people rests with Government as clearly stipulated in our Constitution under the Principles of State Policy which states that, and I quote - "*The State shall actively promote and maintain the welfare of the people by adopting, inter alia, policies aimed at the following: Ensuring that senior citizens are*

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entitled to and do receive regular pensions adequate for maintenance of decent standard of living and enjoyment of social and cultural opportunities.” In this regard the Ministry of Health and Social Services, through its Directorate of Social Welfare, has put in place Laws, Policies and Programmes and Structures to safeguard the rights and welfare of older persons.

Honourable Speaker, Sir, Honourable Members, the *Aged Persons Act*, 1967 (Act 81 of 1967) as amended, is applicable to older persons in Namibia, however, this Act is outdated as it only provides for the establishment and registration of homes for older people, inspection of these homes as well as for the protection, welfare and interests of certain older persons and the payment of Old Age Pensions. This Act was repealed in so far as it relates to pension matters.

The Directorate of Social Welfare Services, thus has the statutory obligation to register homes for older persons and to develop the requirements for minimum standards, the registration of such homes including guidelines and to provides quality assurance through inspection and investigation. There are currently 21 homes for older persons in this country of which 14 are registered and all of them are privately owned. Six of these homes receives a monthly subsidy from the Government. Some of the registered homes are also registered as welfare organisations in terms of the *National Welfare Act*, 1965 (Act 79 of 1965) which enables them to raise funds and to approach donors for funding. A total of 23 welfare organisations are currently registered to provide services to older persons. These organisations are situated in Khomas - 10; Otjozondjupa – 4; Erongo -4; Hardap – 2; Kunene – 1; Omaheke – 1; and Oshana - 1.

Honourable Speaker, the Ministry also owns and manages seven housing units for independent low income older persons, in Khomas -2; Erongo – 2; Karas – 1; Omaheke – 1; and Kunene - 1. These housing units, is one way in which Government assists the ageing population who are still healthy and self supporting but lack the financial capacity to afford mainstream housing or cannot, for valid reasons stay with their children or

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family. Having realised that the *Aged Persons Act, 1976*, is not adequate in dealing specifically with the protection, welfare and interests of older persons in addressing issues of misuse, abuse and maltreatment, a legal drafter was contracted by the Ministry to assist the Directorate with drafting new legislation for older persons to replace the old Act.

According to the Ministry, the Directorate is in the process of drafting a new Bill on the rights, protection and care of older persons, developing a policy on older persons and ensuring to synchronise the Bill and the policy. Both the Bill and the *Maintenance Act, 2003* (Act 9 of 2003) makes provision for a Court Order to protect and care for a parent, that is an older person, who is unable to financially, physically or mentally support himself/herself. In such a case, any other person may on behalf of the older person apply in writing to the Public Prosecutor attached to a Magistrate Court having jurisdiction to issue an order that a child of that older person named in the application must provide the older person with protection, maintenance and care.

The Bill further makes provision for Community Based Care facilities and support services and shelters in order to promote and maintain the independent functioning and wellbeing of older persons within the communities where they live. In contrast to the current Act, the Bill makes provisions for a comprehensive definition of abuse of older persons as well as for the establishment of a Namibia Council for Older Persons. A Draft National Policy to address the needs, challenges and aspirations of older persons was initiated in 2010 to guide Government and other stakeholders in the design, implementation, monitoring and evaluation of appropriate Integrated Programmes and Plans. Such Plans and Programmes will ensure that protection, care and residential services are provided to older persons by means of mainstreaming aging in all National Plans, Policies and Laws.

Honourable Speaker, Sir, Honourable Members, a 2009 survey on Elder Abuse also provided insight on the nature of abuse and neglect of older persons. It found out that abuse is a very serious problem which is on the

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increase. According to the survey, 63% of the older persons face economic/financial abuse; 54% were neglected and abandoned; whereas 53% were emotionally abused; 22% suffered physical abuse and 9% sexual abuse. Other challenges faced by older persons include the following:

- a) Extreme poverty, older persons in Namibia are amongst the poorest of the poor due to their vulnerability. They care for the sick, the dying and orphaned children with an old age pension as the only source of income;
- b) Lack of proper housing and a safe environment, older persons often have no place to stay as a result of socio-economic changes and belief systems. The majority of older people live in rural areas, where in many cases land ownership is governed by Customary Law. Property disputes affect older persons as family and community members strive to take control. This is particularly true for older women following the death of their spouses. They are, therefore, forced to live under conditions that are detrimental to their health and wellbeing;
- c) Access to health care and social services, although the health care and social services have been made available to older persons, the scale of marginalisation is quite visible in rural areas where access to social protection and social services are limited because of affordability and lack of infrastructure. There is a need, therefore, to guarantee the delivery of health and social services that meet the specific needs of older persons;
- d) Lack of qualified Care Givers, older persons within the family or at institutions require competent Care Givers who understand the challenges of the ageing process; and lastly
- e) Age discrimination, some older persons are still healthy and fit for employment but are not allowed to work in the open labour market

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- f) after reaching the age of 60. Additionally, discrimination based on age prevents older persons from accessing basic services such as adequate health care and legal protection.

The abuse of the elderly is totally unacceptable and needs to be dealt with as a matter of urgency, by all of us and not just Government. We cannot shift the responsibility for our older persons to the Government as it is fundamentally about a caring Namibian society that protects and nurture its older persons. This is rooted very deeply in the African culture and tradition to respect the older persons and to care for them. For many years, as Africans we could never contemplate putting our parents or grandparents in an Old Age Home even during changing times in our society which we took for granted. Old Age Homes by themselves will not solve the problems faced by older persons. They need a caring society that values and embraces them. They need a caring society because we are who we are today because of them.

Many of us would like to live with our parents or grandparents in towns cities and in our own villages where we work but we also realise that they feel unprotected from the places they have lived for many years. Even in the face of abuse and problems, they want to protect their dignity and independence. We live in changing times and I acknowledge that culture is not static. Although the family remains the most important source of support for older people, family structures are changing and traditional patterns of care are no longer guaranteed. For example, urbanisation has resulted in many older people living alone in rural areas. Economic pressures and changing social values mean that many families are either unable or unwilling to care for older relatives, due to these, cases of abuse - physical, social and economic by family members are increasing. I also wish to acknowledge that the economic circumstances may force many of us to abandon the care of our older persons to Government as we are not in a position to care for them but I am also confident that those are a small minority. We should not tolerate the practice of those children in whom many of the older persons have invested by providing them with shelter, food and education but end up not caring for the elderly in their old age.

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CARE OF SENIOR CITIZENS IN THE COUNTRY
HON DR KAMWI**

On the contrary, today many older persons have become dumping grounds for their grandchildren without any contributions from their own parents and leaves on a monthly pension of N\$600.00 per month. The abuse suffered by older persons is real.

Honourable Speaker, Sir, Honourable Members, as we are all aware, Africa is faced with the crippling and devastating impact of HIV/AIDS on many of our communities, thus touching on the very fabric of existence. Namibia has experienced the impact of AIDS and our older people, in particular older women, have become the primary Care Givers of the sick and large numbers of orphaned children with only their pensions to make ends meet. In so doing, they have kept the hopes of many children alive and we owe it to them today to take care of them. This is also at a time when they must enjoy their well deserved retirement and old age. The rights and welfare of older persons is not a concern for Namibia alone. Globally the world is faced with a growing ageing population in contrast to Africa where we have a youthful population. Although older persons are most vulnerable to poverty, ill health, inadequate social welfare services and abuse. To address this, the world adopted the Madrid Plan of Action on Ageing and the AU adopted the African Union Policy Framework and Plan of Action on Ageing during 2002.

The Policy Framework serves as a guide to all AU Member Countries in the formation of National Policies and Laws to improve the lives of the older people. The Plan of Action provides for the establishment of an Advisory Council on older persons. Coupled with this is the need for continuous advocacy to ensure the allocation of resources for the implementation of commitments. Similarly, the African Commission on Human and People's Rights is in the process of drafting a Protocol to the African Charter on Human and People's Rights on the rights of older persons in Africa and once ratified by all African Union Member States, it would bind Member States to ensure that the rights and welfare of older persons are respected and protected.

Honourable Speaker, Sir, therefore, Namibia as a Member State of AU is

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under the obligation to ensure the effective implementation of the Policy Framework and Plan of Action as well as the Draft Protocol once ratified. I would also like to point out that if we in Namibia have to make an impact on the lives of older persons, we need to streamline social welfare as currently it is managed by the Ministries of Health and Labour and Gender Equality. Although we all agree on a multi-sectoral approach to issues of social development and social welfare, countries such as South Africa have created specific Ministries of Social Developments or Social Solidarity to provide for a holistic integrated approach to welfare services.

Honourable Speaker, Sir, Honourable Members, finally, all citizens must play a role in promoting solidarity between generations in providing efficient and effective services that will cater for the needs and aspiration of older persons and to design Programmes that also support families who care for their old family members. This will make Namibia a country where older persons can enjoy security, opportunities and respect for their dignity as contained in the Namibian Constitution.

However, this will depend on the extent to which the Government commits itself to mainstream the issues affecting older persons into National Policies, Development Plans and Legislation. Although Namibia is one of the countries that is well on track with the development of the relevant Laws and Policies as well as social protection with regards to older persons, the challenges they face will only be addressed through effective integration of the needs and rights of older persons into all existing and new policies and plans in all Sectors and their effective implementation and monitoring. We can and we should make Namibia a country which values and respect its older persons. We must acknowledge the contributions that older persons make to families and communities and the valuable role they can and do play in the life of our Nation. I have mentioned their role of care giving in the age of HIV/AIDS. We should tap into their collective wisdom and seek out their guidance and counsel as many have still so much to give to Namibia. Thus in regard to the Motion, I want to say I take note of Honourable Ben Ulenga's Motion. Thank you very much, indeed.

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HON KAPIA / HON PROF KATJAVIVI**

HON SPEAKER: Well done Honourable Minister, near the eve of recess reminding us of our obligation to the people about which you so eloquently spoke. Thank you. Any further discussions? Honourable Kapia.

HON KAPIA: Thank you very much, Honourable Speaker. In light of what the Honourable Minister of Health started and concluded with, I really feel that we have done justice to the Motion, so much so that some of the Honourable Members suggested this Motion to be referred to the Committee, however, the detailed information from the Minister gives me an understanding to think that this Motion does not need to be referred to a Standing Committee, neither does it need to be adopted because the Minister promised this House that there is a Bill coming. That is my view Honourable Speaker. Thank you very much.

HON SPEAKER: Thank you. We say that was – “*kort en bondig.*” Any further discussion? Chief Whip.

HON PROF KATJAVIVI: Honourable Speaker, if there are no other interventions, may I postpone the discussion? I was going to make a brief intervention hopefully tomorrow.

HON SPEAKER: Yes, then adjourn it until tomorrow, if that is the case. Honourable Simaata, you seemed fresh but then you were bullied down again.

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HON SIMATAA / HON DR ANKAMA**

**HON DEPUTY MINISTER OF INFORMATION,
COMMUNICATION AND TECHNOLOGY:** Comrade Speaker, thank
you very much. I initially wanted to intervene.

HON SPEAKER: I saw that.

**HON DEPUTY MINISTER OF INFORMATION,
COMMUNICATION AND TECHNOLOGY:** But then I got advised
and on the basis of that I saw no need to continue and decided to rest my
case. I, therefore, do not want to insist, thank you very much.

HON SPEAKER: However, your Colleague down the line insists.

**HON DEPUTY MINISTER OF FISHERIES AND MARINE
RESOURCES:** Honourable Speaker, I have also listened to the
intervention by the Honourable Minister and equally, like Honourable
Kapia, I feel strongly that there is no case to continue with this Motion,
simply as such, the Minister has said it all and he promised this House
there will be a Bill soon on the Table of this House, so why continue any
longer? I think we are covered. Thank you.

HON SPEAKER: Thank you. I do not see any contradiction either way
but if that is the sense of the House collectively, I shall (incomplete)
Honourable Bezuidenhout.

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HON BEZUIDENHOUT / HON MOONGO / HON KAVETUNA**

HON BEZUIDENHOUT: Thank you very much, Honourable Speaker. I think the Honourable Minister, very eloquently touched on the statistics and the information currently available but in the whole discussion up to now there were other issues raised which at the time, the majority of Members proposed that this Motion be referred to a Committee for further investigation, if there is a change of heart, so be it.

I just want to remind the House that most of the people that spoke on this Motion recommended that it be referred but if there is a change of heart, so be it. The Honourable Mover of the Motion is not here to concur but I leave it at that. Thank you. I just wanted to remind the House of that.

HON SPEAKER: Thank you. Honourable Moongo.

HON MOONGO: Thank you, Honourable Speaker. I think we listened to the Honourable Minister, of course we agree to what he said that sooner the Bill will come to the House but can we not really just afford to give Honourable Ulena a chance to respond? (Interjections).

Can I perhaps adjourn the Debate on the Motion up to tomorrow, to see if he will be available to respond?

HON SPEAKER: With that collective wisdom, Honourable Kavetuna.

**HON DEPUTY MINISTER OF SPORT, NATIONAL SERVICE,
SPORT AND CULTURE:** Honourable Speaker, I would like to agree with what my Colleagues have said and I would like to strengthen the

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HON RIRUAKO**

reason why we should not refer this Motion to the Committee.

This similar Motion was brought more than three times to this Chamber. The Committees have already made some recommendations and I feel that it would really be a waste of resources to take this similar Motion again to the people as the recommendations are there. It is only the wording of the title that has been changed from *social wellbeing*, coming from thousands who have been saying it, including Honourable Kaura and other people. The wellbeing of the senior citizens has been addressed very well and I believe that the recommendations are there, we should, therefore, not refer this Motion to the Committee.

HON RIRUAKO: We would like to adopt it, no more talking. We endorse it.

HON SPEAKER: With That the Speaker is left with the option to say; listening to all the Honourable Members, I take it that the Motion is adopted. Everybody seems to be happy with the idea of the Motion and everybody fully endorsed, I am not through yet, I am still developing the language, is fully satisfied with the underlining and the amplifications of the Honourable Minister of Health and particularly in the absence of the Mover of the Motion that the House takes note of the Motion. (*Applause*)

The Secretary will read the Fifth Order of the Day.

**RESUMPTION OF DEBATE ON DEPLORABLE
SOCIO-ECONOMIC STATE OF VARIOUS
CATEGORIES OF THE LANDLESS NAMIBIAN CITIZENS**

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VARIOUS CATEGORIES OF THE LANDLESS NAMIBIANS
HON KAURA**

HON SECRETARY: Resumption of Debate on Deplorable Socio-Economic State of Various Categories of the Landless Namibian Citizens.

HON SPEAKER: When the Debate was adjourned on Wednesday, the 13th of November 2014, the question before the Assembly was a Motion by Honourable Ulenga that the Motion be adopted.

The two Ministers have a habit of talking too much, the Chief Whip should consider practical arrangements to separate the two Ministers. I am not going to name them because naming Honourable Members in Parliament has implications, therefore, I am not going to name them but what I am saying now is sort of a warning.

Honourable Kaura adjourned the Debate and he now has the Floor.

HON KAURA: Thank you Honourable Speaker. Honourable Speaker, in support of the Motion by Honourable Ben Ulenga, I want to state two salient points:

- 1) There is no restitutions of land rights in our policies;
- 2) With the implementation of Closed Corporations in the Commercial Farming Sector, there is no more land in Namibia.

Honourable Speaker, I want to elaborate on those two points. I said there is no restitution of land rights. During the 1991 Land Conference chaired by the Right Honourable Prime Minister Dr Hage Geingob, it was stated unequivocally that there would be no claim of ancestral land, there shall only be the policy of willing-seller- willing-buyer and 23 years after Independence we are fossilised in that policy.

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Three weeks ago, Chief Gawanab was buried in the Khomas Hochland, west of Windhoek where the Damaras lived until the implementation of the Odendaal Plan when they were taken to Sori-Soris but based on the 1991 Land Conference they cannot claim back that ancestral land. That applies to those Namibians that occupied central Namibia that is now referred to as the Commercial Farming Sector where no black Namibian can claim ancestral land, and that applies to the detainees from Botswana that are confined to a modern concentration camp called /Gam, 20 years after their return.

Honourable Speaker, it is a categorical imperative that we must organise another Land Conference to rescind the 1991 Resolutions which prohibits Namibians to claim their ancestral land. Until that resolution is rescinded, we shall continue crying against a waterfall and no one will hear our voices. (Intervention)

HON SPEAKER: Honourable Mushelenga is rising on a Point of Order.

HON T MUSHELENGA: On a Point of Order; Honourable Speaker, I would like to ask clarity from the Honourable Senior Member of this august House and senior citizen. May I ask a question?

HON SPEAKER: Yes, indeed.

HON T MUSHELENGA: Honourable Kaura, you mentioned in your statement that the citizens of Namibia who happened to live in /Gam are confined, what do you mean by confined? They are confined by who? It sounds as if they are deliberately confined by the Authorities because in my understanding that is what you would like to say but if I am saying

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something that you do not mean, then you have to clarify. Who confined them, how was that Confinement Order issued and by who and when?

HON SPEAKER: You are deliberating the issue, if it is a question, put the question and leave it to Honourable Kaura to answer. Put the question.

HON T MUSHELENGA: I think Honourable Kaura has to clarify so that there is no misunderstanding and misleading information out there. Thank you, Honourable Speaker.

HON SPEAKER: Honourable Kaura.

HON KAURA: Our policies are confining them in these modern days concentration camps because after our ancestors lost land, they were put in what is referred to as *reserves* and they were concentration camps where they could stay and come and work in the white areas then, on commercial farms or in towns and go back to those *reserves*. In essence they were put there as *reserves*, concentration camp, after the concentration camp, inlands were broken in Swakopmund and they were put there. Our Laws now still confine them to those areas till today because they cannot lay claim to their ancestral land because the restitution of the land rights was prohibited by the Land Conference in 1991. (Intervention)

HON SPEAKER: Honourable Deputy Minister.

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**HON DEPUTY MINISTER OF FISHERIES AND MARINE
RESOURCES:** Thank you, Honourable Speaker. I equally have a question to the Senior Citizen, Honourable Kaura.

Honourable Kaura, by implication, confinement has a connotation of restricting people to move wherever they want to go. In an independent Namibia, Honourable Kaura, are you serious when saying that people are confined to the /Gam areas from moving elsewhere, is it what you are saying? Also, the same question would probably be asked to yourself, I thought you have a village where you come from and you are here just to work, are you confined to your village just to come out when you come and work here in Windhoek? Those are the two questions.

HON SPEAKER: The questions are becoming statement, please put the questions. Honourable Kaura.

HON KAURA: I will give you two classical examples, people from Ohangwena Region worked and settled in Rukwangali area. They were evicted and sent back home, do you remember that? Is that not confinement that you must stay in Ohangwena, you cannot go to the Rukwangali area?

Let me complete the answer, people who are from /Gam who moved from the /Gam area and moved within the same Constituency in Tsumkwe Constituency were told to go back to /Gam, that is a confinement and people who fled because of the drought in Tsumkwe are also told that they must go back to Ohangwena is that not a confinement? (Intervention)

RT HON PRIME MINISTER: Comrade Speaker, as the Chairman of the Land Conference, I would like to give information. When we came to

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the issue of ancestral land, there was war between us, the Progressive Forces and DTA, led by Honourable Dirk Mudge. We debated, we fought trying to reclaim land that was lost, it was so hectic that I had to adjourn the meeting twice, to go and consult outside. It was the DTA led by Honourable Dirk Mudge which was against discussing ancestral land. Then after a long Debate we asked - *whom do you give Windhoek to?* The issue was, who can claim ancestral land. It was difficult and the Resolution only said it is impossible to discuss it now, we shelved it. It is impossible unless you will give me the answer as to who will claim Windhoek.

HON SPEAKER: /Ai//kham's, belongs to my people. (*Laughter*)

HON KAURA: With due respect to the Right Honourable Prime Minister, the SWAPO Party Government has been controlling two-third majority over the last 15 years, are you telling me that you can no longer go back and revisit this issue, with all the power at your disposal, with the two-third majority? (Intervention)

HON SPEAKER: Point of Order.

HON RIRUAKO: On a Point of Order; I was confined outside the DTA, knowing that I was going to challenge them all over. (*Laughter*). Here I am and it was highly planned, the way it was, I met Honourable President Nujoma but before that, His Excellency, President Nujoma and Mudge met and bought those flats. I did not even know that and as I met him that night, we did not trust him, he went to the Hereros and he said a lot of things that I cannot mention and I ended up outside the drafting of the

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Constitutional Laws. Why? The reason was because I could not swallow that nonsense and we ended up here, now we are talking about it or what? Gentleman, the purpose is that we failed our duty to this Nation, let us think about it.

HON KAURA: Chief Riruako, the first three names to our list to Parliament were: the first – Muyongo, second - Mudge and the third - was Chief Riruako. Chief Riruako removed his own name and took Advocate Kozonguizi who was number 25 on the list and put him on number 3. *(Laughter)*

Therefore, for him not to be there, that was his own problem, he killed himself.

HON SPEAKER: I was there and I sort of remember that very well. *(Laughter).*

HON KAURA: Honourable Chairperson, if this Resolution is rescinded now, we can do it, Mudge is not there, if we can do it now I will be the first one to stand in line to claim my ancestral land. Now, Honourable Speaker (intervention)

HON SPEAKER: You were not there Honourable Dingara, we are talking about the history in that context.

HON DINGARA: Can I ask a small question to Honourable Kaura?

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HON SPEAKER: Yes.

HON DINGARA: If Honourable Kaura is denying that, what happened to Chief Riruako is not confinement, he is in the same vein denying or refuting his own statement to say that the people in /Gam are also confined. It is the same thing, so he is refuting himself.

HON SPEAKER: Continue, Honourable Kaura.

HON RIRUAKO: Let us face the reality of the case.

HON SPEAKER: Honourable Kaura has the Floor before I adjourn the House.

HON KAURA: Honourable Speaker, the irony of it all is that those of us who are placed in concentration camps known as *reserves*, only have a right of usufruct but we own nothing. We have nothing that we can use as collateral to get a N\$10.00 loan from the bank; however, as it was stated here, foreign lodge owners in the Kavango can use that piece of land to get millions from the bank. How nice Honourable Speaker and Honourable Members? We cannot get collateral but a foreigner can get collateral on that land he owns a lodge.

Let me move to the commercial farms that have been turned into Closed Corporations. I hope the Honourable Minister will do something about it as he eloquently stated earlier today. I said there is no more land in

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**ADJOURNMENT
HON DR GURIRAB**

Namibia because in the Commercial Farming Sector you no longer buy land but you buy shares. The owner can sell those shares to anyone of his choice even an Eskimo from Alaska and the Namibian Government promoting a free market economy can do nothing about that. I will continue tomorrow.

HON SPEAKER: Yes. On that happy note, the House stands adjourned until tomorrow, 14:30.

HOUSE ADJOURNS AT 17:47 UNTIL 2013.11.27 AT 14:30

**NATIONAL ASSEMBLY
ASSEMBLY CHAMBERS
WINDHOEK
27 NOVEMBER 2013**

The Assembly met pursuant to the adjournment.

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

HON SPEAKER: We commence with the Business of the House as scheduled on the Order Paper.

Any Petitions? Reports of Standing or Select Committees? Other Reports and Papers? Honourable Minister of Trade and Industry.

TABLING OF REPORTS

HON MINISTER OF TRADE AND INDUSTRY: Comrade Speaker, on behalf of the Honourable Minister of Finance, I lay upon the Table the Annual Reports for the:-

- (i) Development Bank of Namibia for the Financial Year ended 2012;
 - (ii) Annual Financial Statements of the National Special Risk Insurance Association for the Financial Year ended 31 March 2013;
 - (iii) Guidelines for Lodging Customer Complaints on the Bank of Namibia for the Year ended January 2013; and
 - (iv) Bank Association of Namibia, Code of Banking Practice in Namibia for the Financial Year ended January 2013;
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**TABLING OF REPORTS
HON SCHLETTWEIN**

TABLING: REPORTS OF THE AUDITOR-GENERAL

HON MINISTER OF TRADE AND INDUSTRY: Honourable Speaker, I again, on behalf of the Minister of Finance, I lay upon the Table the Reports of the Auditor-General on the accounts of:-

- (i) New Era Publication Corporation for the Financial Year ended 31 March 2011;
- (ii) Village Council for Bethanie for the Financial Year ended 30 June 2012; and
- (iii) Village Council Berseba for the Financial Year ended 30 June 2012.

I so Move, Honourable Speaker.

HON SPEAKER: Honourable Minister Table the Reports. I take it that, that does it for Reports and Papers.

Notice of Questions? We will get to them but are there any other questions than what is on the Order Paper? Honourable Maamberua.

ORAL QUESTION

HON MAAMBERUA: Thank you, Honourable Speaker. Honourable Speaker, with your permission, I would like to ask a very small oral question to the Minister of Regional and Local Government.

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**ORAL QUESTION
HON MAAMBERUA**

HON SPEAKER: The question has not been put yet and you do not know what it is. Can you give the Honourable Member a chance? You have the Floor?

HON MAAMBERUA: Thank you, Honourable Speaker. Honourable Minister, yesterday afternoon and evening I was in Gobabis to receive 52 new members who have joined SWANU of Namibia.

HON SPEAKER: Can we hear the Honourable Member?

HON MAAMBERUA: At that occasion, the members expressed their very serious concern of what is happening in Gobabis at a place called Kanaan. It is a township, location or a settlement and it is a shanty town called Kanaan.

HON SPEAKER: Can we listen to the Honourable Member please?

HON MAAMBERUA: Biblically speaking, you remember that the Israelites when they were taken from Egypt, they went to a promised land called Kanaan. However, the Gobabis' Kanaan is a horrific place. The Municipality there is resettling people at a place called Kanaan, a place that has not been serviced, it has no sewage system, no water, no electricity, there is no system at all. Is the Minister aware of that and if you are not aware Honourable Minister, would you undertake to investigate the situation because it is unbearable? Thank you very much.

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**RESPONSE TO AN ORAL QUESTION
HON NAMOLOH**

HON SPEAKER: Thank you. Does the Honourable Minister wish to enlighten the House based on the question put by the Honourable Member?

**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,
HOUSING AND RURAL DEVELOPMENT:** Thank you very much, Comrade Speaker. I would like to thank Honourable Maamberua for the question.

It is very tricky and there are so many places of such nature in many localities. I was not aware but I know other places where people are settled without sewage systems and services, places like DRC.

HON SPEAKER: I do not know about you but when I was a young boy, I was prematurely sort of elderly because I was trained by my sisters to whisper as we could say a lot of things, even during daytime and not to speak of in the evening. So can you also not learn to whisper rather than making speeches for your chairs. It is very important. If you do not know how to do that, I can offer a course on that. Continue please.

RESPONSE TO ORAL QUESTION

**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,
HOUSING AND RURAL DEVELOPMENT:** As I was saying, some similar places are those like DRC, where you have seen recently in the media and elsewhere that they were demonstrating. Some of the communities forced themselves to settle in areas where services are not yet provided, like in the case of DRC, they were forcing to go there. When the Municipality started to register them, they objected to the registration of their Erven so that the land could be serviced.

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**ANNOUNCEMENT
HON DR GURIRAB**

Well, this is information for me, we will look at it and see if it is not similar to the situation of DRC. Thank you.

ANNOUNCEMENT

HON SPEAKER: Yes, the Honourable Minister will look into it. Those were the Questions. Notice of Motions?

Before I revert to the Order Paper and look at what is scheduled for today, I am asked to, once again, announce that the Honourable Members have been requested to be provided with identification cards.

Most of you have obtained them but this is just a friendly reminder through the Speaker to those Members of Parliament who did not yet have their photos taken to do so before the House closes for recess. The Staff in the lobby is ready to assist you in this regard. Please do so, we are urging the Honourable Members through the Chair. Minister of Defence.

HON MINISTER OF DEFENCE: Honourable Speaker, I appreciate the service but is it really cost effective since this House only has a life of twelve months to go? Is it cost effective if there are only twelve months to go?

HON SPEAKER: Do you mean the IDs?

HON MINISTER OF DEFENCE: Yes.

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**MINISTERIAL STATEMENT
HON KAAPANDA**

HON SPEAKER: Will they lapse when we come back next year? I do not know what the former Prime Minister is insinuating (*laughter*) but the announcement is taken. Minister of ICT.

HON MINISTER OF INFORMATION AND COMMUNICATION TECHNOLOGY: I just want to make Ministerial Statement, it looks like that was skipped.

HON SPEAKER: No, go ahead please.

MINISTERIAL STATEMENT

HON MINISTER OF INFORMATION AND COMMUNICATIONS TECHNOLOGY: Thank you. Honourable Speaker, Honourable Members, I rise to inform this august House that a French based organisation, called "*Reporters without Borders*" in its recent report on Media Freedom Index, ranked Namibia amongst the top twenty (20) countries in the world with Media Freedom and number one in Africa. Namibia is ranked higher than the United States of America, Great Britain, Canada and Germany, the biggest democracies of the world.

Namibia has always been ranked high on the Media Freedom Index and this is a great achievement for our country. The world has recognised Namibia as a free society - where the Media enjoy unfettered freedom of expression.

Freedom of expression of both media and individual citizenry is the corner stone of our peace and political stability we are enjoying today, they are

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**MINISTERIAL STATEMENT
HON KAAPANDA**

the necessary ingredients for development and progress for any society.

Media freedom in our society, is consequential of the emerging of various dailies and weekly newspapers, as well as other plethora weekly and monthly publications which have emerged in our country in recent times.

A few months ago, New Era Corporation Publication launched a weekly Oshiwambo newspaper called "*Kundana.*" *Kundana* is the Oshiwambo version of the newspaper, which carries news and current affairs information to Oshiwambo readers. New Era took this conscious decision to introduce a local language newspaper because of the fact that only 4% of the population of Namibia read English. Therefore, New Era has embarked on a journey to introduce newspapers in other local languages in due course.

Furthermore, the Federation of Impaired People in Namibia has established a braille publication for the visually impaired which will publish New Era stories. This is a commendable development by the Federation in making information accessible to the visually impaired people. This development is a realisation of our dream as a Nation to achieve universal access to information.

Information is power and with the introduction of the braille publication, the visually impaired people will have access to news and current affairs, and hence, will be empowered to make informed decisions.

Namibia will continue to promote Media Freedom through relevant policies, regulations and legislations in order to contribute to nation-building and development. The media is regarded as the Fourth Estate which has a considerable influence in society and can play a catalytic role towards economic development.

Honourable Speaker, Honourable Members, an informed society is an empowered society. We view access to information fundamental to our quest in the realising Vision 2030.

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**MINISTERIAL STATEMENT
HON KUUGONGELWA-AMADHILA**

However, while Namibia prides itself for its recognition and achievement as a free, stable country with media freedom culture, Namibia is classified according to the Namibian Consumer Price Index report released on the 12th of November 2013, by the Namibian Statistics Agency, to be amongst the top five heavy drinking countries in the world. This means that we drink more than the rest of the world. We drink more and maybe we work less. Honourable Speaker, this classification is a serious indictment to all of us and we must do something to arrest the situation.

His Excellency, President Hifikepunye Pohamba, once said, - *“I do not want to be a President of a drunkard Nation.”* This is a very strong statements denouncing excessive drinking. Therefore, I call upon all Namibians of goodwill to view this classification as a wakeup call. Let us review our drinking habit and make a fundamental shift to drinking in moderation in order to be productive citizens and make Namibia a winning Nation. I thank you, Honourable Speaker.

HON SPEAKER: In one sense, you lifted us up and in another you dropped us down by telling the truth in both cases. Minister of Finance.

HON MINISTER OF FINANCE: Thank you, Honourable Speaker. I rise to just make a short announcement to inform the Honourable Members that I have circulated this bulletin or brochure.

It has two titles, one on each side. On one side it says – *“Code of Banking Practice in Namibia,”* while on the other side it says – *“Guidelines for Lodging Customer Complaints.”* This relates to the Code of Banking Practice for Banking Institutions in Namibia and it has as its objective to promote good banking practices by setting minimum standards for banks when dealing with clients in the country and to promote the speedy and effective handling and resolution of complaints.

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**MINISTERIAL STATEMENT
HON KUUGONGELWA-AMADHILA**

It also has the objective to ensure that there is an establishment of procedures for handling of complaints by banking Institutions and by the Bank of Namibia in situations where Banking Institutions would fail to deal with complaints that are brought before them by customers to guide the customers on how to go about lodging their complaints because very often we hear them on open line complaining about mistreatment and mishandling by Financial Institutions, here they would be advised on where to go and how to go about lodging their complaints and to make sure that there are consistent approaches across institutions and people are not confused because when they go to this institution, they are told to do one thing and when they go to another, they are told to do another.

I want to encourage the Members of the House as lawmakers, to take this document along with them when we go on recess and study it very closely so that we are empowered as individuals about how to safeguard and assert our rights as members of the public and consumers of banking services but most importantly so that we become champions in propagating this information and supplementing the efforts that we are making at the Ministry of Finance to educate the Namibian public about how to interact with the Banking Sector and other Financial Industries because I believe that it is only when the Namibian public is well educated about their rights, how to safeguard and how to complain when they are abused, that there could be a change in the way that they are treated by these institutions. Thank you very much.

HON SPEAKER: *C'est très bien*, very good. Thank you, Honourable Minister.

I shall now call on the Secretary to read the First Order.

**RESUMPTION OF DEBATE ON DEPLORABLE
SOCIO-ECONOMIC STATE OF VARIOUS
CATEGORIES OF THE LANDLESS NAMIBIAN CITIZENS**

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HON KAURA**

HON SECRETARY: Resumption of Debate on Deplorable Socio-Economic State of Various Categories of the Landless Namibian Citizens.

HON SPEAKER: When the House adjourned on Tuesday, the 26th of November 2013, the question before the Assembly was a Motion by Honourable Ulenga. Honourable Kaura had the Floor and I ask him to continue.

HON KAURA: Thank you, Honourable Speaker. I will start where I left off.

Let me move to the commercial farms that have been turned into Close Corporations. I said there is no more land in Namibia because in the Commercial Farming Sector you no longer buy land but you buy shares. The owner can sell those shares to anyone of his choice even to an Eskimo from Alaska and the Namibian Government promoting a free market economy can do nothing about that.

There was land in Namibia until 1990. Land was not commercialised into Close Corporations but when the Namibian Government implemented the policy that whoever wants to sell his farm he/she must first give the first option to the Government, all of a sudden Close Corporations became the order of the day. There is no more land to sell to the Namibian Government. The sale of shares have become the substitute for land and they do not need to be offered to the Namibian Government, nor can there be a prohibition to sell shares to foreigners. Our fellow Namibians who own land and want to keep it off limit to the formerly disadvantaged, remain a step ahead of the Namibian Government. There is no more land in Namibia, Honourable Speaker.

It is important for us to realise that our fellow Namibians that own vast tracts of land are not ready to share with the previously disadvantaged and

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they take reconciliation with a grain of salt. However, I do not blame them because the Government's Resettlement Policy is a complete disaster. The former productive farms on which the formerly disadvantaged are resettled are turned into poverty compounds. Those that are resettled cannot eke out a living on those farms and they rent them out to other people or leave them to remain idle while they are working in Ministries driving air conditioned Navaras. What a disaster, Honourable Speaker. I rest my case. Thank you very much.

HON SPEAKER: Thank you. It sounds sobering My Brother. Honourable Kapia.

HON KAPIA: Thank you very much, Honourable Speaker. Honourable Speaker, when I sat here yesterday listening, I was asking myself what we really want to do and how we are going to do it. We just finished the Amendment of the *Land Bills* and we were promised and told that there will be a *Land Bill* coming to combine these two Acts of Parliaments that we are having now and during all these days we were talking about these issues. Honourable Speaker, can we just continue making political statements because we want to score political points for next year's elections or what?

In my opinion, I think this Motion unfortunately came at the wrong time. We do not need to waste our time talking about it while we just amended the two Acts yesterday and passed them. We are expecting the *Land Bill* to come to this House and then we can debate.

I am just confused now and I thus propose that we should not waste time on this Motion. The Debate on this Motion must just end here, even the Mover himself just threw it in here and disappeared so that we continue talking to ourselves. Thank you very much, Honourable Speaker.

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HON SPEAKER: Thank you. Honourable Maamberua.

HON MAAMBERUA: Thank you, Honourable Speaker. I think this is a very important point and Motion for discussion, referring to - *The Deplorable Socio-economic State of the Various Categories of Landless Namibians*.

A British Economist by the name David Ricardo once said that - *there is so much land and no more*, referring to the situation in the 18th century in England. However, in our particular case, without contradicting Honourable Kaura, I want to offer some rebuttal to that position take by David Ricardo.

There is of course scarcity of land in Namibia in terms of accessibility but that is not in terms of what the potential of that land is or what it can actually offer to us as citizens. In other words, it is the pricing of land which has actually become the deterrent that have brought in the element of scarcity. Secondly, it is also the element of lack of technology, lack of inputs that apparently we seem to experience scarcity of land. Let me give you an example, if you were to go to Swakopmund, I think an average Erf of about 500 square metres will sell at something like N\$1 million but a few the metres at the end of the Swakopmund borders around mile 4, you find an empty stretch of land up to Henties Bay. I do not think there is anyone of us here who would not want to have a piece of land along the coastal line of Namibia but that land is empty. It is, therefore, the pricing of land which is the problem and not actually the quantity of land in Namibia which is scarce.

This British Economist, by saying that - *there is so much land and no more*, meant that you could not improve on the quality and the quantity of land to make it more available in England those days but in our case the land is so much, and much more, given the possibility of technology that we can use to turn even our desert more productive, to be able to institute more equitable distribution and redistribution and accessibility to the land

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if we are in a position to control pricing of land.

Of course, some others will refer to the free market system. As I said and as I always maintain, there is no legal basis in Namibia for a free market system. After all, free market is a myth. You cannot have a free market if you have market failures, if you have externalities, if you have cost of information. Free market is an ideal just like communism is an ideal. No country has ever attained a free market system anywhere in the world, neither has any country attained full communism anywhere in the world. The two remain ideals.

I wanted to capture my introductory remarks with those elements before I now come to looking at the issue on the agenda. What I am trying to say is, the socio-economic problems and constraints that we have that we ascribe to land can actually be addressed in several ways by making land more equitable in terms of distribution, by investing more in the land, in technology, etcetera. Let us not ascribe the scarcity of land in Namibia to the lack of soil and vegetation. (Intervention)

HON SPEAKER: Honourable Nyamu.

HON NYAMU: Honourable Speaker, before I ask my Colleague in front of me a question, I would like to go back to the statement made by Honourable Kaura and correct it, if I can. His statement is that we do not have land. Other people who hear us talking like that will laugh at us.

I would like to ask the Colleague who has the Floor if he knows that on the planet as a whole, there are two countries with a big chunk of land and a very small population. One of those two countries is Namibia and the other one is Mongolia. When we make such statements that there is no land, do you think those statements are appropriate or correct? That is the question.

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HON SPEAKER: Yes, Honourable Maamberua.

HON MAAMBERUA: Thank you very much. I stand to be corrected but I think Namibia is the second most sparsely populated country in the world, that is, in terms of per capita, per citizen. To claim that we do not have land might be true in the long run but currently it is a question of distribution, it is a question of accessibility and a question of pricing. Those can be corrected any time. We have all the necessary legislative and constitutional provisions to be able to do that. That is the answer.

The question of land comes from a long time. Let me just quote for you a missionary by the name of Reverend Hugo Hahn as he travelled across Namibia, particularly in the area of Otjozondjupa, this is what he had to say and I quote – *“We had never before seen something similar in this part of Africa and had certainly not expected it. Time and again, we called out, ‘no, but how beautiful, how lovely it is here.’ This land is incomparably better than that which we live on.”* He is a German missionary as claiming, admiring the beauty of Namibia. A few years later after the war (intervention).

HON SPEAKER: Honourable Kaura.

HON KAURA: Can I ask the Honourable Member a question? Honourable Member, if you travel on the corridor known as the B1 Road in Namibia from Noordoewer up to Oshivelo, when you travel through that corridor and look on both sides of that corridor on that B1 Road, which land is accessible to the previously disadvantaged?

When you look on both sides of that corridor, which land is available to them? Is there any land available to the previously disadvantaged when

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you travel along that B1 Road?

HON SPEAKER: Honourable Maamberua continue.

HON MAAMBERUA: I referred in my introductory part to the inaccessibility of land by the previously disadvantaged or by the indigenous people so to speak and, therefore, that corridor you are talking about may not be accessible to those but as I said, we have the necessary and enabling legislative environment to be able to make those transformations, to be able to avail the land to the owners.

My Good Friend, the Honourable Minister of Lands had just made a proposal that limits the amount or the number of hectares that could be owned by an individual in terms of farming south, north and I think that is something to be supported, of course with one caveat that pricing was not taken on board but price control is something that we can institute if we have to attain that objective in the shortest possible time.

I was going to say that after the genocide war, Emperor William II, declared all land owned by the Ovaherero forfeited in the Proclamation of the 26th of December 1905. This was then to be followed by mass “*purchase*” of land in the case of the area where Kambazembi resided and I cite a few examples as quoted by Dr Mossolow (1993):

- On the 27th of December 1907, Degenhardt and Schultz purchased the farm Gross-Otjahevita (size 5,000 ha) at a price of 50 Pfennig per hectare. It could have been equal to 50 cents per hectare or something like that.
- W. Lorang purchased the farm Okawaka, and some of you know these names (interjection)

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HON MEMBER: From whom?

HON MAAMBERUA: From the State because all the land was declared property of the State after the war. It covered 5,000 hectares and was situated at the Smaller Waterberg, at a price of 50 Pfennig per hectare on the 24th of June 1908, and owned the farm until his death in 1963.

- On the 24th of October 1908, O Rinow bought the 5,000 hectares farm Okozongominya at 50 Pfennig per hectare.
- Gustave Dichman acquired the farm Hamakari, 5,00 ha at 1,20 Mark per ha in December 1908.
- Dr Thomson bought the 5 000ha farm Omuveroumue at 1,20 Mark per ha on 16 March 1910.

I could go on and on and on just to demonstrate how ridiculous (intervention)

HON SPEAKER: Honourable Angula.

HON MINISTER OF DEFENCE: Honourable Maamberua, you are educating us and we appreciate that but those prices you are quoting are from a very long time ago.

Can you ask Honourable Von Wietersheim when he bought his farm, how much was it per hectare so that we can get new information? Then I can tell you when I bought my farm, how much it was per hectare.

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HON MAAMBERUA: Thank you. These prices were quoted from, you have what is called thumb value of money. That is not to say that this 50 Pfennig was expensive at the time but these quotations were made to illustrate how ridiculously and low the prices were at the time, it was basically for free. I would not want to get to the personality of Honourable Von Wietersheim, I do not even know whether he has a farm or not.

Honourable Speaker, I just wanted to demonstrate how these farms were bought in the land of the Kambazembi at those so-called prices after they have been expropriated because the Declaration of the 26th of December 1905, to forfeit all land that were (intervention).

HON MINISTER OF MINES AND ENERGY: Honourable Speaker, may I please ask Honourable Maamberua a question?

HON MAAMBERUA: Yes, please.

HON MINISTER OF MINES AND ENERGY: Honourable Maamberua, I think it will be good to the House if you could now relate the figure that you have quoted to another place somewhere so that we can now see at that time whether it was very cheap or it was expensive when those farms was bought.

To quote a figure of 50 pennies, does not actually say anything. You are just saying, yes, it cost 50 pennies and then what? Was it expensive, was it cheap, was it affordable, was it justifiable? At least if you say in Germany it was costing this much per hectare, then we would kind of understand and make some judgments of what you are trying to say. Thank you.

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HON SPEAKER: Yes, continue.

HON MAAMBERUA: Thank you very much. Let me share with you why Germans came to Namibia.

HON SPEAKER: I do not think we need that.

HON MAAMBERUA: I am going to answer that question.

HON SPEAKER: In this House, we know that.

HON MEMBER: We know that!

HON MAAMBERUA: No, you do not know.

HON SPEAKER: No, we do, just make your point. We know that history.

HON MAAMBERUA: This is the point I am going to make now. In the 18th century, there was so much pressure in terms of accommodation, in

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terms of land that was owned by land barons, there was so much poverty that many of the young population groups were squeezed and they squattered in the big cities and these people were called “*Volk ohne Raum,*” *population without space.* These are the people who came to Namibia, who could not afford land in their own country. Once they were, here they could afford to buy this land for 50 Pfennig. That is the comparison that I want to give. (intervention)

HON SPEAKER: Honourable Deputy Minister.

HON DEPUTY MINISTER OF GENDER EQUALITY AND CHILD WELFARE: On a Point of Order; Comrade Speaker, for the sake of the public out there, when we talk about our land in Namibia, we should not make jokes like these please, because many people lost their lives in the sacrifice for their land. We cannot make jokes. We must please be serious when we talk about our land. Thank you.

HON SPEAKER: Thank you.

HON MAAMBERUA: Thank you very much. We are not joking here, these are sophisticated issues we are dealing with. They were not able to afford land in their own country, that is why they did not buy land in their own country, hence they came here. Of course, we have many of them who did not even buy (intervention).

HON SPEAKER: Minister of Defence.

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HON MINISTER OF DEFENCE: Honourable Speaker, I seek your guidance for the Honourable Member to explain himself. What does he mean by sophisticated issues? Is he implying that the Honourable Member there cannot understand what he is saying? What does that mean?

HON SPEAKER: Yes, Honourable Maamberua and I also want us to move forward.

HON MAAMBERUA: Yes, let us move forward.

HON SPEAKER: Others want to make their contributions.

HON MAAMBERUA: Let us move forward. Honourable Speaker, I want to move forward by looking at this question from a different perspective.

We can leave the prices of land and who acquired land either forcefully or by purchasing from that so-called State at the time and so on and I now want to look at the current policy that we have, the agrarian of the Land Reform Policy that we have in Namibia so that we can link it to the poverty and the socio-economic situation that we are talking about.

Honourable Speaker, we are of the view that the current process of land reform and resettlement does not attempt to create new more equitable agrarian situations but merely recreating existing unequal distributions patterns in the new areas and we shall demonstrate how. We would also want to stress and share with you that we want to see agrarian

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Transformation, not land reform, agrarian transformation because we are talking about a revolution, we are not talking about evolution. If we were to deal with issues of evolution, we shall be trying to address the land issue in perpetuity here. It has to be agrarian transformation, it has to be radical and it has to be fundamental. How are we going to be able to do that?

HON SPEAKER: Just for my own clarification, we agreed that the Minister of Lands will bring back to the House, in a different form, the Land Reform Policy Proposal. From where I sit, I do not know what it would look like and how it would read in all respect, maybe we have started this process of actually debating among ourselves a while back. Are we doing that so that when the Minister comes with what he would propose to the House, we will resume this Debate again? Is that what we are planning to do or should we wait until that document is here in front of us and then we speak from a common base? There is much more intellectual exercise at the present time.

HON MAAMBERUA: What are we saying now?

HON SPEAKER: There should be a common base on the basis of which we all swap ideas, help one another to understand better the meaning of the particular proposals in such a document.

I know we are ahead of the elections but I think the elections are still far. I want you to come back at the beginning of the year and do the normal business of lawmaking and attending to other challenges facing us as leaders of this House and then from the same document continue debating the land issue, a very important fundamental challenge of peaceful co-existence and co-existence here meaning, limited within the borders of Namibia as citizens.

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HON MAAMBERUA: Honourable Speaker, much as we would agree, the Bill that the Minister is going to bring is from a legal perspective, I am approaching the land issue from a political perspective.

HON SPEAKER: I have not seen it, so I cannot rule one way or the other way.

HON MAAMBERUA: I am not talking about the Bill. I am talking about the Motion on the Table.

HON SPEAKER: We have the Attorney-General and we would ask him to bring something legal. The Minister of Land's responsibility is about land. I do not know what the legal document would be like. I have not seen it, I am waiting for that text to come and then I will be speaking about it from a specific perspective as a Presiding Officer.

Can you find a way to make your point so that others can also contribute?

HON MAAMBERUA: Honourable Speaker, the issue on the Table is - *the Deplorable Socio-economic State of the Various Categories of Landless Namibian Citizens* and we have to trace the origin of that situation that confronts us, that is on the Order Paper, it is not the intention of the Bill that will come. That Bill will not address these issues that we have to address today.

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HON SPEAKER: I do not know in what form it will come and you do not know that.

HON MEMBER: How do you know? You do not know!

HON MAAMBERUA: It is an Act of Parliament my friend. It is not a political statement and I am making a political statement. This is a political statement that I am making, I am not analysing any Bill.

HON SPEAKER: The question as phrased on the Order Paper that you are addressing, seeks to zero-in on the plight of needy Namibian people. That is not a legal document.

HON MEMBER: That is not a political statement.

HON SPEAKER: Honourable Minister, when I need you, I will call you. Can you address the issue, Honourable Maamberua?

HON MAAMBERUA: Yes. Honourable Speaker, let me give some road map, that in my view, would actually address the situation that is on the Order Paper. I wish to propose that a second (interjection), can I have your protection, Honourable Speaker.

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HON SPEAKER: I am looking at Honourable Maamberua. Yes, say what you were saying.

HON MAAMBERUA: Yes, I wish to propose that, in order to address what is presented before us here, that the Second Land Consultative Conference (intervention)

HON SPEAKER: Honourable Minister of Lands.

HON MINISTER OF LANDS AND RESETTLEMENT: Thank you Honourable Speaker, Sir. I want to give information that would probably be in stark contrast to the sentiments or the views expressed by My Good Friend.

He alluded to the fact that the Laws that we make here with regard to being in tandem with our land reform approach, is merely a legal document. I tend to differ with that because our Laws and Policies that we have adopted as a Nation are solely premised on a political decision that was taken right at Independence 1991, to have a conference that was tasked to deal with the land question and based on the consensus Resolutions of that Conference, the Legal Framework and the Policy Framework that we are functioning under, have been adopted and because of the dynamics of the situation that we find ourselves in as a Nation, we are adjusting the Laws as we move on.

I wanted to give another opinion or another view to the public out here because My Friend is playing to the Public Gallery.

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HON MAAMBERUA: Honourable Speaker. (Intervention)

HON SPEAKER: Honourable Moongo

HON MOONGO: Thank you, Honourable Speaker. I think this House is a democratic House and he is addressing the *Socio-economic State of the Landless People in Namibia* which is on the Order Paper.

I do not think he is wrong when he address such a topic unless he diverts from this Order Paper. Otherwise, I propose that he has to continue with his statement but be focused on the topic on the Order Paper. Thank you.

HON SPEAKER: Yes, Honourable Maamberua.

HON MAAMBERUA: Yes, thank you Honourable Speaker. To My Good Friend, the Honourable Minister of Lands, an Act of Parliament is not a historical account of a situation, neither is it a socio-economic analysis in any way.

What I am doing here is giving a historical account and I am doing an economic and political analysis of what the Order Paper (intervention).

HON SPEAKER: Honourable Maamberua were you present at the 1991 Land Conference? Were you present there?

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HON MEMBER: He was in Cameroon!

HON SPEAKER: What you are now trying to lecture us on is exactly what we were doing at that conference. If you were not there I am sorry but all views on land and the consequences of what happened after colonisation were brought up there, about those who were responsible for the conditions that still persist in the country and those who became victims of it.

You are insulting our intelligence, I want to say. I was there, you are not teaching me anything that I do not know, for those who were present, you are not teaching us anything. You just want to, as the leader of the oldest organisation in Namibia, try to make a case, which you learn and in that, you are wasting the time of others who want to contribute. Find a way to wrap up your contribution.

HON MAAMBERUA: Honourable Speaker, I am now confronted with a legal question as to whether the Speaker can withdraw the statement that I am insulting the intelligence of the House.

HON SPEAKER: Yes, I stick to it.

HON MEMBER: He is the Presiding Office!

HON MAAMBERUA: Be that as it may, allow me to continue Honourable Speaker, because the 1991 Land Conference was about 22

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years ago and the situation has changed. I am looking at my proposals on issues relating to things that were not even addressed at that conference like the flooding in the north. That is my first point here.

HON SPEAKER: There were so many other floods. It is not the only one.

HON MAAMBERUA: SWANU is a National Party representing all the Namibians. SWANU is not based in Windhoek or anything. SWANU is a Party for all the Namibians and our sympathy with the flood affected people in the north is unsurpassed. (Intervention)

HON KAURA: Can I ask the Honourable Member a question?

HON SPEAKER: Honourable Kaura has the Floor.

HON KAURA: Honourable Member, through the years the benchmark for buying a productive farm and to produce successfully on it, the price of the farm should have cost 350 oxen. In order for the person to farm productively, the farm must cost 350 oxen. That was the benchmark through the years. In 1964 an ox cost N\$30 which meant if you buy a farm of 5,000 hectares it should cost you N\$10,500.

Today if you buy a farm of 5,000 hectares you will buy it for N\$10 million, N\$2,000 per hectare, which simply means the ox should cost you today N\$28,571 in order for you to farm productively on that farm but the

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price of oxen has not yet reached N\$10,000.

That is the problem we are facing with the farm prices right now. Do you think the Bill the Minister is going to table in this Parliament, is going to take us back to this benchmark that the farm must cost 350 oxen in order for you to farm successfully on that piece of land, with the capacity of 8 hectares per livestock?

Would the Honourable Minister, when tabling this Bill be able to make sure that the benchmark would be 350 oxen and the price would be equal to whatever is available at that point in time?

HON SPEAKER: We will look at the Bill when it comes.

HON MAAMBERUA: Thank you, Honourable Speaker. Was it a question.

HON KAURA: It is a question.

HON MAAMBERUA: I do not know. (Intervention)

HON SPEAKER: Honourable Chief Ankama.

**HON DEPUTY MINISTER OF FISHERIES AND MARINE
RESOURCES:** Honourable Speaker, Sir, thank you very much for the

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opportunity. It is basically a Point of Information. I find it very difficult to comprehend what we are aiming to address at the moment. One, the Minister of Lands has spoken yesterday. What I have seen currently is that the interventions are like pre-empting the upcoming Bill that the Minister has spoken about.

I do not know whether you are discussing to add to the discussions of the upcoming Bill or perhaps entertaining the masses. I do not really know but I would have liked to propose that it would maybe be ideal to wait until the Bill which the Minister of Lands has spoken about is brought on the Table.

HON MEMBER: It was already done.

HON DEPUTY MINISTER OF FISHERIES AND MARINE RESOURCES: However, I am talking about the one that is coming, the one combining the two Bills.

HON SPEAKER: Just wrap it up please.

HON DEPUTY MINISTER OF FISHERIES AND MARINE RESOURCES: I think that the idea that Honourable Kapia has proposed would be perhaps the way to go, rather than just discussing for the sake of discussions. I thank you.

HON SPEAKER: Yes, Honourable Maamberua your time is virtually up but I will give you the Floor.

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HON MAAMBERUA: Honourable Speaker, I was proposing a Second Land Consultative Conference to address several issues so that the day we become a Governing Party in this country, these issues would be addressed yesterday. (Interjections)

HON MEMBERS: What were you doing? What are you waiting for?

HON MAAMBERUA: An Opposition Party, a Government in waiting does not have the State machinery to put these things in place.

HON SPEAKER: I want Honourable Maamberua to finish the two minutes that he is left with.

HON MAAMBERUA: Let me finish.

HON SPEAKER: Yes, please finish.

HON MAAMBERUA: Please no further provocations. Honourable Speaker, with due respect to the House, the item on the agenda has proven to be incomprehensible to some Members who thought I was digressing because of their own inability to see what are these complexities we are dealing with here and, therefore, I shall proceed no more. Thank you.

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HON SPEAKER: Thank you. Minister of Regional and Local Government.

**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,
HOUSING AND RURAL DEVELOPMENT:** Thank you, Comrade Speaker.

I am not going to speak on this Motion but I would only want to give information. I have two things that I want to touch on. The first one is to provide information and the second one is a question or clarification from the Honourable Speaker, if it is allowed

HON SPEAKER: It depends.

**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,
HOUSING AND RURAL DEVELOPMENT:** Firstly, I would only want to give information as the Honourable Members are going on recess.

Since we administer urban land, we are observing a trend which is emerging that people are buying land and sell to others who in turn sell to foreigners through shares. This is what is happening in towns now and now that we said no land to foreigners, people are opting to sell it through shares. You may hear it when you go on recess and when you come, you will ask again, but you now have this information.

Secondly, Honourable Speaker, when we came here, you spoke about these IDs, what are we accessing with these IDs? What difference does it make whether I bring it with or not? Will I be denied to enter the Chambers or not, what is the significance of this ID? With our IDs at the Ministries we can have access to our office doors because they have

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electronic locks or security. What are we doing with this? I want the Honourable Speaker to clarify. I thank you, Comrade Speaker.

HON SPEAKER: It makes you look more Honourable. (*Laughter*). Any further discussions? Honourable Minister of Lands and Resettlement.

HON MINISTER OF LANDS AND RESETTLEMENT: Thank you, Honourable Speaker, Sir.

Honourable Speaker, Honourable Members, I rise this afternoon with a deep sense of appreciation to contribute to the Motion by Honourable Ben Ulenga on the poor social state of landless Namibians. Skewed distribution of land and land rights prompted the Government of Namibia at Independence in 1990 to pursue a process of land reform in order to address these shortcomings.

As a result of this colonial policies, a two-tier land tenure systems, to wit, free hold commercial and communal land tenure systems exist in our country. The former system had well defined and enforceable private property rights and predominantly the domain of the whites settler minority. This system covers the most productive parts of the country. I am not really trying to emulate what My Good Friend was doing, I am just trying to give the perspective.

HON SPEAKER: Continue Minister.

HON MINISTER OF LANDS AND RESETTLEMENT: I want My Uncle to be patient when someone else is talking.

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HON SPEAKER: You have the Floor.

HON MINISTER OF LANDS AND RESETTLEMENT: With the enactment of the *Agricultural (Commercial) Reform Act*, the Government laid the foundation for restoring equity and fairness in the distribution of land and access to natural resources. Nobody can point a finger at the Government not trying to do something with regard to the past in which some Honourable Members in this House were part and parcel of prolonging the suffering of the people of this country having sided with those who wanted to protract their presence in this country. (Interjections) we can all politic. (*Laughter*). (Intervention)

HON SPEAKER: Honourable Kaura.

HON KAURA: My little problem is that it was stated that there is no need to discuss this Motion because the Minister is going to bring a comprehensive Bill to this House. Now he is standing up and talking about it. I think it is a contradiction.

HON SPEAKER: I think you are quite correct. That was said and what I said stands. Honourable Minister of Lands.

HON MINISTER OF LANDS AND RESETTLEMENT: Thank you.
Where was I?

I said what I wanted to say and they know it. By implementing the Act,

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the Government aims at maintaining the economic viability of the Agricultural Sector while giving due consideration to the needs and aspirations of the formerly disadvantaged persons.

HON SPEAKER: Honourable Kaura has a point. I ruled others out and discourage them not to pre-empt what you were going to bring to the House, unless you are just telling us what you intend to do, not the substance of it but what we should expect through the headings in the Bill you are going to bring. Otherwise, I would not be democratic if I prevent the others from debating this issues but allowing you to do so. It is going to be your Bill.

HON MINISTER OF LANDS AND RESETTLEMENT: Well, Honourable Speaker, I was trying to give the side of the Government because of the impression created.

We as citizens of this country and, particularly the Government, are not blind with regard to the socio-economic status of the vast majority of the citizens of this country, particularly the landless ones. The impression that the introduction of the Motion and the participants who took part in debating the Motion wanted to create and are in fact creating is a one sided approach to the Motion and I think it is just fair that, we as the Government, particularly myself, having that mandate of administering land in our country, should state the facts as they stand. However, if it is offending to someone, then I listen to the advice from elders.

HON SPEAKER: No, not the elders but the Speaker. I do not know whether you are older than me or not. *(Laughter)*

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HON MINISTER OF LANDS AND RESETTLEMENT: Do I continue? Good, thank you.

HON SPEAKER: Yes, but you know I feel awkward, if the that Ruling on that Bill I suggested that the others should is to be credible, then I should not be allowing you to address the same issue.

HON MINISTER OF LANDS AND RESETTLEMENT: Thank you, Honourable Speaker. Suffice me stating that, the plight of the people of this country, particularly the landless ones, is well-known to their Government. It might not be acceptable to those who have their own political motives to try to undo the efforts of the Government but we are mindful of the decisions that we have taken at the 1991 Land Conference on which is premised, our approach to land administration in this country and I believe firmly that the Government is on course. Thank you.

HON SPEAKER: Thank you, we appreciate that. We will come back to all the above.

With that then, I am looking at Honourable Ulenga's seat, does Honourable Ulenga wish to reply? That is what I am directed to say. Honourable Ulenga having replied (*laughter*), I now put the question that the Motion be adopted. Chief Whip.

HON PROF KATJAVIVI: I think the logical thing to do is to take note of the Motion. Thank you.

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HON SPEAKER: Is it agreed to? I now put the question that the Motion be noted. Is that agreed to?

HON MEMBERS: Yes!

HON SPEAKER: It is noted, not adopted. Honourable Prime Minister.

RT HON PRIME MINISTER: Comrade Speaker, normally I take note of what the Mover says. The Mover introduced the Motion, we were supposed to have listened to the arguments and then the answers, based on that I would say, yes, but he is not here.

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HON SPEAKER: I am not hard, I am just trying to follow because at some point I must make a determination.

Honourable Ulenga is hundred percent absent, he cannot reply, therefore, the only other way that I know is that the Motion be noted. There is no other option, otherwise I have to divide the House. So decided.

That is what is on the Order Paper. The other is the question put to the House is, the House shall rise tomorrow and the elected Member by the name Honourable Theo-Ben Gurirab would like to suggest to the House that, if there are absolutely pressing questions on the Question Paper

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for tomorrow, we could dispose of them now, then we can rise today.
Honourable Bezuidenhout.

HON BEZUIDENHOUT: Comrade Speaker, I think we will take a risk of having a quorum tomorrow. It has happened before when Honourable Shixwameni asked questions to the Honourable Prime Minister that were about to lapse, as there was no time to answer the questions, the Honourable Prime Minister did respond to Honourable Shixwameni in writing and provided him with a copy of what he wanted to say and that was acceptable to Honourable Shixwameni.

I would, if it is not against the Rules, propose that the relevant Ministers provide written answers to those individuals unless we all guarantee that we will all be here tomorrow for the seven questions. Thank you very much.

HON SPEAKER: I have my serious doubts about that. Honourable Kaura.

HON KAURA: Honourable Speaker, I withdraw my question 44, I do not need it to go to tomorrow. I hope my Colleagues can perhaps also withdraw their questions and ask them next year. (*Laughter*)

HON SPEAKER: The bulk of the questions are those of Honourable Moongo. Yes, you have the Floor.

HON MOONGO: Thank you, Honourable Speaker. I think we are mature enough and we are grown up enough not just to hurry up for recess while we have a responsibility to attend to the Session up to the end, as

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per our calendar. I, therefore propose, if possible, for us to sit in the morning at 09:00 and allow all the Ministers to provide answers as quickly as they can, and by 10:00 we are gone.

We have a calendar here. We have to obey our administrative obligations. Thank you.

HON SPEAKER: That calendar is not so sacrosanct. I just want to have a consensus that if there is a question that we collectively feel needs an answer we can attend to that and I have been perusing them to see if there is such a question.

Honourable Moongo's point is appreciated because I think most of the questions are his. Honourable Kaura withdrew his question and Honourable Naholo is not here. Honourable Wietersheim, do you want to put the question?

HON VON WIETERSHEIM: Honourable Speaker, I will be happy with a written answer to my question, so there is no need. Thank you.

HON SPEAKER: Thank you. Honourable //Gowases is not here. I just ask the Honourable Members that are in line to answer questions by Honourable Moongo to kindly respond to the Honourable Member in writing.

HON MEMBER: They are ready.

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HON SPEAKER: Are they ready? Which ones are those because there are so many of them?

Let us just try to be systematic. Question 27 by Honourable Moongo is addressed to the Minister of Veterans Affairs.

QUESTION 27:

HON MINISTER OF VETERANS AFFAIRS: Honourable Speaker I am going to answer the questions of Honourable Moongo very gladly.

Question 1: Honourable Moongo is asking why the Board Members of the Veterans Affairs Ministry are ignoring and not acknowledging the fact that more than 12 people who were assassinated and maimed during 1978 and also more than 20 people who were killed at the Oshakati Bomb Blast and elsewhere in Namibia, it was due to the war ammunition that was used during war time.

My response is as follows: Honourable Moongo, Members of the Veterans Board are not ignoring questions and people who might have perished during the war but the question is, who are these people and who assassinated them, those who were killed and those who were maimed as you were alleging here? That is my answer.

Question 2: Is it because the Board Members were ill-informed or they do not accept the sacrifice made by the victims?

My response will simply still be, who presented the cases of these people to the Board Members? They have never heard of any presentation that was made to them in this regard, in order for them to give you an informed opinion.

Question 3: Can the Minister explain whether Board Members

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participated in the liberation struggle.

Honourable Moongo, the Members of the Board are as follows: the Permanent Secretary of the Ministry of Veterans Affairs who is the Chairperson is a former Commissar of PLAN; the Permanent Secretary of the Ministry of Defence, a fully-fledged Ex-PLAN Combatant and former Commissar; the Permanent Secretary of the Ministry of Safety and Security, an Ex-PLAN Combatant herself; the Permanent Secretary at the State House, an Ex-PLAN Fighter himself; The only person who is there, that one can refer to as a student but was also abroad is a Member who is in the National Planning Commission; the President of the Veterans Association is a well known Commander, somebody who has been at the front line for the whole duration of the armed liberation struggle. These are people who knows what they are there for.

Question 4: Why are the victims and their dependents not benefiting from the Veterans Fund.

My answer is: The Veterans Funds are not just being dished out, Veteran Funds are applied for. When you apply and register and your details are taken, a decision has to be made whether you are actually warranted or not. In this case, unfortunately, we do not have the information, therefore, I am unable to answer you on that one. Thank you.

HON MOONGO: Just briefly. I would like to thank the Honourable Minister that, given the very short time left before recess and a the awkward situation we find ourselves in, he managed to answer this questions in an acceptable manner.

However, I have a small follow-up question to the first answer, I want him to explain the first answer. On the first answer: The weapons that were used, were used by only two warring factions, either South Africa or SWAPO and no one else during that time except those two factions. I, therefore, feel that they should be considered by having regard to the war

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material that were used during the war time. Thank you.

HON SPEAKER: Thank you very much. Honourable Minister. Question 28 is the one by Honourable Moongo addressed to the Minister of Safety and Security. The Honourable Minister is ready to respond to that question. Honourable Minister you have the Floor.

QUESTION 28:

HON MINISTER OF SAFETY AND SECURITY: Thank you very much, Honourable Speaker. I want to respond to the three questions that were raised by Honourable Moongo to the Minister of Safety and Security as follows:

This Minister acknowledge fully that freedom of movement is a right as enshrined in Chapter 3 of the Constitution of the Republic of Namibia. I, however, deny that public road users are ordered off the road for more than four hours and I challenge the Honourable Member to state one single incident where road users were ordered off the road for more than four hours.

On the allegation of Ministers and Excellencies who are said to have more rights than other road users, the answer is a simple no, and no.

In response to the provision of escorts to Ministers, I wish to categorically state that our Ministry does not provide any type of escort to Ministers, nor do the Police provide sweeps for the Prime Minister. However, the Police do regular traffic controls at intersections in order to provide safe passage for the Prime Minister and the Founding Father of the Nation, which usually do not take more than ten minutes. Traffic sweeps are usually conducted when the President or visiting foreign Heads of State are escorted. Additionally, it must be noted that there are certain

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privileges and immunities provided for by the Law to our President.

Furthermore, it should be noted that Namibia as a host Nation is entrusted with the security of all the visiting Heads of State. As such, strict security and safety measures should be adhered to. This office would also like to stress that it is not true that traffic is blocked for four hours when the President motorcades passes through. In an event where the Head of State embarks on a trip to any part of the country by road, for instance, the Namibian Police Force's VIP Protection Officers are in constant communication with one another and would be in a position to know when exactly the Head of State would be passing through and as such there would be no need to stop traffic for four hours on end.

In such an event, once the motorcade has passed, after a few minutes in most cases, the citizens and road users are then free to go about their businesses. I think that is my answer to Honourable Moongo's questions. Thank you very much.

HON SPEAKER: Honourable Moongo is appreciative. Thank you. Question 30 is by Honourable Moongo, addressed to the Honourable Minister of Trade and Industry. Does the Minister wish to reply?

QUESTION 30:

HON MINISTER OF TRADE AND INDUSTRY: Thank you, Honourable Speaker. I had a written contribution, which I will forward to Honourable Mongo but I can just as well provide the answer. Honourable Moongo wants to know the following:

1. Is the Minister aware that there are systematic malpractices of a discriminatory nature practised by many foreign businesses by donating old clothes and other commodities whose quality dropped to

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the level that they are no more marketable or profitable to the charity organisations of their respective countries? Why do they ignore poor Namibian charity organisations, why do they not share it?

That was his first question and the second question is:

2. Can the Minister explain or initiate and regulate a better system that can benefit all countries concerned?

Honourable Speaker, the second-hand import business was considered and it was happening at a certain point in time quite freely. It was then considered by SACU at the SACU-Council where all SACU Members were trying to establish textile industries. It was considered an unwanted practice to continue importing second-hand clothes that would compete with textiles manufactured in the SACU area.

The practice was then changed. It was not prohibited but it was changed to a system where Member Countries, when they wanted to import second-hand clothes, they had to get permission and the consent of each other because there was also the risk that the second-hand clothes, once imported by one country, would be transited into another country and traded there. It was, therefore, an application-based approach that has to adhere to two elements. You had to apply for the quantity, the quality, the amount of clothes and you had to obtain the consent of Member States to be allowed. That practice is still in place. A Member State can apply and with the consent of the others, the consignment is allowed.

In Namibia we have stopped the practice with the exception of small quantities of second-hand clothes that are allowed for Small and Medium-size Enterprises that used it for commercial purposes but we have stopped the practice where second-hand clothes are brought in by donors and then put in the market for trade. However, if it is a donation and is used for that purpose as a donation, for free to people, then it is allowed but not for commercial purposes. I am not aware of any discriminatory practice but I know that it has changed into the regime that I just explained. That is the answer to the first question.

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The second question is whether I can initiate or regulate a better system that can benefit all the countries concerned. Honourable Speaker, I think it must be clear that we and SACU operate on a common external tariff. Our trade regime is not our own exclusively, we are doing it together with all other SACU Members and that common external tariff is our regime, how we treat specific commodities and goods that are imported into our country.

Second-hand clothes have a specific tariff barrier and are treated the same in all SACU Member States and that is an equal regime in the five Member States that we have in place. We think that that regime is a proper one, since we are Members of that Customs Union and the common interest of the Customs Union should dictate what tariff regime we have and we adhere as Members of the Custom Union to an approach that is decided by the Council of SACU. Thank you very much, Honourable Speaker.

HON SPEAKER: Thank you. Question number 40 is by Honourable Moongo is addressed to the Minister of Defence. Does the Minister of Defence wish to reply?

QUESTION 40:

HON MINISTER OF DEFENCE: Thank you, Honourable Speaker. I did not properly formulate the questions of Honourable Moongo. I suppose he wants information on two issues: One is the purpose or the aim of the Defence Foundation and the other one is about the Group Insurance Scheme of the member of the Defence Force. Since this information is very important to the members of Defence Force, I will answer them in full.

Honourable Speaker, I would like to inform Honourable Moongo that the

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N\$15 is legally deducted from the salary of each member of the Namibian Defence Force (NDF) as a contribution towards the Defence Force Foundation. Article 3 of the Defence Foundation Constitution states that – *“the aim shall be to provide the welfare of its members, managing the funds and institutions entrusted to it and establish facilities for the use and benefit of all its members.”*

Article 4 of the Defence Force Foundation Constitution states that - *“the main objectives are to protect and advance the interest of all its members regarding and not limited to:*

- (a) the granting of loans to its subsidiaries subject to the terms and conditions to be determined by the Management Committee;*
- (b) the establishment of institutions and recreation facilities; and*
- (c) the promotion of sport activities.”*

Article 5, Membership of the Defence Force Foundation Constitution state that:-

- (a) all members of the Defence Force shall be members of the Foundation;*
- (b) any person may apply to become a member of the Foundation;*
- (c) members deriving their membership from being members of the Defence Force shall cease to be members of the Foundation on the date they cease to be members of the Defence Force. However, retiring or retired members of Defence Force may apply to continue as members of the Foundation or after their retirement. The members of the Foundation who are not members of Defence Force may terminate their membership by giving three months notice in writing to the secretary of the Foundation.*

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Article 6 states that: –

- (a) the Foundation has the right to generate funds through members' contribution;*
- (b) receive donations, add to or alter its immovable or movable properties and grant or cede the mortgage bonds thereof;*
- (c) purchase, sell, donate or otherwise alienate immovable or movable property;*
- (d) raise loans on security of immovable or movable property and to pass material bonds thereof; and*
- (e) through trade.*

Honourable Moongo, the Foundation is established in terms of the *Defence Act, 2002 (Act 1 of 2002)* and the General Regulations as enacted by this august House. Therefore, I refer the Honourable Member to Chapter 9, Section 72(d) and (e) of the *Defence Act* for detailed information on the issues he raised. I believe the Honourable Member was a Member of this august House when the *Defence Act* was enacted, if not, it is important for the Honourable Member and the Namibian people to know that Defence Forces across the world make similar provisions for their members.

The N\$15.00 deducted from the salaries of members of the Namibian Defence Force for the purpose of the Defence Foundation, is used as follows: N\$7.00 is allocated to the Defence Force Foundation for among others:

- administration contingency;
- the holding of Defence Force Foundation Annual General Meeting; and;
- sports sponsorship for the NDF members.

N\$8.00 is allocated to all NDF Arms of Services, i.e. the Army, Air Force

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and Navy, to be used for sport, regimental and functions such as year-end functions by services and to unit clubs funds that are meant to assist members in the case of emergencies.

Therefore, the N\$15.00 is not deducted from members' salaries for luxury or to benefit individuals as Honourable Moongo alleged but to promote the welfare of all members of the Namibian Defence Force. Delegation sports are not necessarily luxurious services. Through television, members are informed, educated and entertained while sports is essential for the fitness of soldiers and any other person for that matter.

I hope Honourable Moongo will take sports seriously so that next time he comes here he is not reading. (*Laughter*). It is through sports that the NDF has produced world champions such as Ali Nuumbembe, Paulus Ambunda and others.

The NDF has been doing very well in national soccer through its soccer teams such as the Mighty Gunners and other NDF sports teams have won several national championships such as, volleyball and other sports codes. Moreover, the Defence Force Foundation has invested in properties and other assets that benefit the Namibian Defence Force members and the Namibian economy at large such as, the Sea Side Hotel and Spar and Mile 4 in Swakopmund. These facilities provide considerable discounts to the Namibian Defence Force members when accommodated there for work or for leisure. Thus the Ministry of Defence believes that the N\$15.00 legally deducted from the members' salaries monthly, is a necessity rather than a luxury as the Honourable Member suggest. I believe this is what this august House had in mind when it made provision for the establishment of the Defence Force Foundation in the *Defence Act*.

The second question of Honourable Moongo, I believe is about the Group Life Assurance Scheme though it is not clear that he is referring to that. Well, the Group Assurance Scheme is obligatory for all members of the Namibian Defence Force. The deduction of the amount of N\$110.00 per member, per month is provided for in the *Defence Act*, 2002 (Act 1 of 2002) and the General Regulations under Chapter 9 of General

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Regulations, Section 72(1)(r) which reads – *“the compulsory insurance of members of Defence Force in respect of bodily injury, disablement or death occurring in the course of all as a result of Military Service or training and recovery from the salaries or paying of allowances payable to such members in terms of this Act of the premiums payable in respect of such insurance and the payment thereof to the insurers concerned.”*

It is thus clear that the N\$110.00 is deducted for the insurance of the Namibian Defence Force members in situations that are described above. Unfortunately, and like many other insurance schemes, the present NDF Group Assurance Scheme does not make provision for saving mechanisms. However, I want to inform you that since this product is being run by the firm Financial Investment Services (FIS) which is registered with NAMFISA to administer the Group Scheme for the NDF members, their services are about to come to an end by April next year and we would be able to review whether we cannot include a component of saving.

Therefore as a general rule, most Insurance Schemes do not make payments to the insured at the end of their contracts, unless a saving mechanism has been part of the agreement from the beginning. This is the situation with the present NDF Group Scheme but as I said earlier, we shall try to review it as the services are coming to an end in April next year. For now, the members of Defence Force Group Scheme are only entitled to compensation as prescribed by the Law and not upon retirement because they pay for the insurance cover. However, because queries have been coming to the Ministry of Defence, the Ministry as I said earlier, is considering in the future, to ask the insurance provider to build a saving portion into the Group Scheme to be paid out to the members at their resignation or retirement.

Otherwise, I assure the Honourable Member and this august House that there is no amount of money accumulated by a member of the Namibian Defence Force that is forfeited to the Namibia Defence Force if a member retires after 50 years.

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The NDF Personnel Rules and Regulations governing benefits are very clear and do not say anything related to what Honourable Moongo is alluding to. Currently, the NDF members are treated like any other Public Servant. Therefore, their benefits are paid to them upon retirement.

However, if a member decides to retire while being indebted to the State, such debts are deducted from what is payable to them. The same situation applies to all the Public Servants, I believe.

The last question, Honourable Moongo alleged that there is tampering with salaries. Well, for this question Honourable Moongo should go back to whoever asked you to ask it because it is too general to merit a clear answer. However, as I have pointed out earlier, the salaries of the Namibian Defence Force members are handled within the parameters of the Namibian Law. I have recently taught the Namibian Defence Force Units and Formations and one of the questions that I have addressed with NDF members is the allegations of members salaries that were alleged to be reduced or subjected to illegal deductions. I have advised the NDF members who might have genuine complaints concerning this matter to report it directly to the Permanent Secretary of the Ministry of Defence so that those cases could be investigated and resolved.

Likewise, I am requesting Honourable Moongo to kindly provide the Ministry of Defence with specific cases of members' salaries that are alleged to have been subjected to illegal deductions. Honourable Members, I have gone to the extent of requesting NDF members who have genuine complaints to contact me directly. I have even given them my e-mail address and they are free to do so but if they contact any other Member of the House, I am ready to receive such information from you Honourable Members because you also represent them. I thank you.

HON SPEAKER: Thank you, Honourable Minister. Honourable Moongo.

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HON MOONGO: I would like to thank the Honourable Minister for keeping his door open even to NDF members because they have a fear that when the Insurance Companies change to new ones, they are going to lose. Please assist them as you said your door is open. This is the spirit that will help us solve problems. Thank you very much.

HON SPEAKER: Thank you. Questions 41 and 42 are by Honourable Moongo addressed to the Minister of Regional and Local Government, Housing and Rural Development. Honourable Minister, do you wish to respond?

QUESTION 41:

**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,
HOUSING AND RURAL DEVELOPMENT:** Thank you very much, Honourable Speaker. The question concerning the Hoveka issue, I cannot talk about this because this matter is before Court. I cannot divulge any information on this, since they have taken the Ministry and the Government to Court. I thank you. Honourable Speaker.

HON SPEAKER: Thank you. Question 42?

QUESTION 42:

**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,
HOUSING AND RURAL DEVELOPMENT:** Thank you, Honourable Speaker. I would like to thank Honourable Moongo for posing questions that are very much close to his heart as a Chief and Sub-headman.

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What is the reason why Lower Traditional Authority in villages were ignored? They were not ignored but it is the structures that are in place.

On the Higher Authorities, the Councillors who are being paid are those who constitute the Council of the Chief and those who are at the Lower Authorities are supposed to benefit from the fund at the Traditional Authority.

HON MOONGO: Yes, but there is nothing. (*Laughter*)

**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,
HOUSING AND RURAL DEVELOPMENT:** It is not our duty. It is the responsibility of the Chief to collect money and to help those at the lower offices. It is your own setup.

In your second question you asking if I am aware that the top Traditional Authority cannot function if the Lower Administration at the villages' level is paralyzed. I am also a village Chief. I am a Headman but mine is not paralyzed, it is functioning.

HON MOONGO: Where do you find the money?

**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,
HOUSING AND RURAL DEVELOPMENT:** Where do I find money, for what? (*Interjections*) for administration, we have people in the village. We have business people and we arrange fund raising events for them to contribute. I even encourage the people to clean the village and it is being cleaned, they pick up plastics, tins and bottles. This is what leadership is about. It is not about complaints. It is, therefore, not paralyzed but if you want to paralyze it, you can.

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**RESPONSE TO QUESTIONS BY
HON MOONGO
HON NAMOLOH**

When will the Ministry budget for villages administration and give allowances to Sub-headman or will the SWAPO Party Government only cater for the top Traditional Leaders and give them vehicles and houses, like the second-tier Authorities which also ignored the Lower Traditional Administration? It is not about the SWAPO Party Government, even if one day, maybe in hundred years, you are still alive and come to power, you will not be able to pay all the villages. (Interjections) you cannot.

HON SPEAKER: Honourable Moongo, the question is being answered. Please continue.

**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,
HOUSING AND RURAL DEVELOPMENT:** You cannot pay them, it is not only the SWAPO Government, even if you come to power, there are so many of them, thousands and thousands. How can the Budget sustain them? You are a Parliamentarian and you know the size of our Budget in the country. Where will we get money to pay all the Headmen? (Interjections) I am informing you.

HON SPEAKER: Honourable Moongo, can you listen to the Minister?

**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,
HOUSING AND RURAL DEVELOPMENT:** When will they benefit in order to give effective administration? As I said earlier, it is about leadership. If you have no leadership, your village cannot function but if you have leadership you can organise your people and they will be able to contribute. They have been functioning all these years.

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**RESPONSE TO QUESTIONS BY
HON MOONGO
HON HAINGURA**

HON SPEAKER: Thank you Minister. Honourable Moongo.

HON MOONGO: Just in short, I thank the Minister very much for giving some information and a good proposal to clean up the area but the point is that the community cannot function if their Authority is not recognised.

We want them to be recognised, Article 18 of the Namibian Constitution says - any administrative action should be fair and if we do not get a fair share from the Village Headman, how can you administer? Therefore, implement Article 18 in your Ministry so that the Sub-headman should also get a share. Thank you very much.

HON SPEAKER: Thank you. Question 44 is by Honourable Kaura addressed to the Minister of Education.

HON MEMBER: It has been withdrawn.

HON SPEAKER: Has it been withdrawn? Thank you. Question 45 and 47 are by Honourable Moongo addressed to the Minister of Health and Social Services. Honourable Deputy Minister.

QUESTION 45:

HON DEPUTY MINISTER OF HEALTH AND SOCIAL SERVICES: Thank you, Honourable Speaker. Honourable Members, I

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**RESPONSE TO QUESTIONS BY
HON MOONGO
HON HAINGURA**

thank Honourable Moongo for his questions and I answer as follows:

We know about this problem and in line with the *Allied Health Professional Act, 2004* (Act 7 of 2004) Section 59(4), the Ministry has the mandate to authorise Therapists to work for the State. This authorisation to practice as therapist, is the requirement needed for them to be employed but the issuing of work permits is done by the Ministry of Home Affairs and Immigration and not by the Ministry of Health and Social Services.

Yes, the country has a shortage of Physiotherapists, as you also know, the shortage of skilled personnel is a problem all over country, this is not exceptional and if there is a shortage of personnel, definitely it will hamper service delivery.

QUESTION 47:

On question 47, I will answer as follows:

Question 1: I do not believe that white persons were employed in the 1996 to the temporary spray teams. However, they were employed as Supervisors and as Environment Health Assistants, who were full time workers. This was at the Central Health Directorate then and it was based in Otjiwarongo.

Malaria is a seasonal disease coinciding with the rainy months between November and May. We employed temporary spray workers to spray homes before the onset of the rain, to ensure the Indoor Residual-House Spraying (IRS). Insecticides adhere to the walls of the structures in houses effectively. Once the IRS campaign is completed, there are no further duties for the spray operators. This methodology is used in other Southern African countries that also do IRS, and has been implemented here in Namibia since 1965.

Question 2: Although this is not Government policy, we operate under the World Health Organisation's recommendations, which require the spraying to be done within a short period of time. Thus, spraying needs to

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**RESPONSE TO QUESTIONS BY
HON MOONGO
HON HAINGURA**

be completed within three months and this is practiced globally. These temporary workers are informed of this period of work and they sign contracts every year. Their salary scale is calculated based on a labourer's salary within Government. This will remain a temporary position until malaria elimination is reached and we are almost there.

Question 3: The Public Service Staff Rule on Housing and Transport is silent on the provision of these allowances to occasional/temporary staff members. Under the Provision of the *Workman's Compensation Act*, 1941, other general condition of service do not apply to occasional workers i.e. housing, leave, pension and medical aid.

However, under the Ministry of Health and Social Services, temporary workers, paid at Grade 15, receive camping (S & T) allowances as well as leave gratuity.

Question 4: In reference to the answer above the temporary workers can, therefore, only be paid according to the appropriate Laws. Thank you, Honourable Moongo for your question.

HON SPEAKER: Thank you. I believe those are the answers, Honourable Moongo. Honourable //Gowases is not here. Now that we are dealing with questions, does the Honourable Prime Minister wish to reply to question 49?

RT HON PRIME MINISTER: Honourable Speaker, as per the arrangement, I gave him my answer and he is happy, I think.

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HON DR GURIRAB**

HON SPEAKER: That is how we should do it. That does it. We are done with the questions and we have come to the end.

I want to thank you all Honourable Members for agreeing that we dispose of what is in front of the Speaker and avoid having to come back tomorrow only to lose a quorum. I appreciate that judgment and cooperation.

With that then, we have come to the end of the Session. From my part, I want to thank you. I have become accustomed to your generosity and respect for the Chair and the cooperation that I have always enjoyed from all of you, the Majority Party and the Opposition Bench alike.

As one of the longest serving Members of this House, I continue to marvel how far we have come forward in managing the Business of Parliament, how much we have been able to consult and disagree but at the end yield to the collective command of the people who elected us to sit together when we meet and to think about them to continue to review the mandate that they have severally and collectively given to us, to serve their best interest and to be worthy of the trust and confidence that they have imposed in us as elected Members of the National Assembly.

The challenges will continue for each one of us as a Member. They will continue and even double and triple, we have reviewed and disagreed on issues but at the end, nobody leaves. We have not yet experience the idea of being recalled by the people and I hope that we do not get to it ever.

Therefore, it makes us to be ever conscious that we are here, not for our sake and even not actually for the sake of our respective Political Parties, but in their collective wisdom going into the booth by themselves and guided by their conscious, the people are the ones who at the end of the day, after elections decide the makeup of the House and we discover that when the election results are announced, who is in, who is out and that is the idea of democracy as the wise man say, it is not the best form of Government but until we find that best form, we better hold onto this and continue to repair it when it is broken and be worthy of that trust and

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HON KAURA / HON RIRUAKO**

confidence imposed in us by the people.

I thank you, and I thank you, and I thank you. Chief Whip, I will let the Parties speak first or if you want to, you are the co-leader of the House. If you insist you want to speak, I will let you, but I wanted the Parties to speak, the Official Opposition, whether they want to speak last or first, it is their privilege.

Can we listen to one another now and when you go out you can do your business? It is now the opportunity for the Parties, as one President of an African country reminded his Colleagues that - *whoever takes the Floor first say nice things about me and then say what you want to say.* (Laughter). Honourable Kaura.

HON KAURA: Thank you, Honourable Speaker. I am thinking of those nice days in Philadelphia.

It was a beautiful year up to this point and we are looking forward to next year and hope it will rain in Namibia so that we have a beautiful rainy Christmas. Other people wish for a snowy Christmas, a white Christmas but we hope for a rainy Christmas so that the cattle can produce some milk and we can have a wonderful Christmas.

Honourable Colleagues, you are beautiful people, you are nice people. Enjoy yourself with your families, drive safely and come back to Parliament next year in February, all refreshed and in one peace. Thank you very much.

HON SPEAKER: Thank you. Chief Riruako.

HON RIRUAKO: Thank you, Honourable Speaker. For those who are

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HON MAAMBERUA**

not happy to be here, well let us feel the same way. We are here, to come and go. We are not here to come and stay. Sometime, some years, yes, but not a permanent way of staying here.

This is a House of talking but if your years are over, you cannot even talk but I did not give away my position of talking yet. I keep on hearing - *oh next year you are going to retire*, I am not going to give the presidency away. I may in the House, yes, but as for the presidency of NUDO I will remain until I die. (*Laughter*) I am not those people who say - *I am going tomorrow* and then tomorrow they are here. (*Laughter*) well, I would rather prefer that the House be in jubilee and for the sake of that I thank you. I also thank you for the years we stayed together from the hard days to the good days. One cannot just enjoy all the years in the same way. That is not the way of life. Life has its ups and downs. You have to get married to that.

Honourable Maamberua you are young enough. You are too young and the way you deal with your messages is not correct. (*Laughter*) you are supposed to mature first. Be mature. Accept the maturity because this is something that is attached to the dignity of a man. Therefore, I wish you luck too and hope you will follow in our footsteps until you become mature again. Only then can I say - *Maamberua that is the way*.

Honourable Speaker, I thank you for your good guidance. Sometime we lock horns and sometimes we are fine. That is the way it is. I thank you.

HON SPEAKER: Thank you. Anybody else? Exercise your right to reply, Honourable Maamberua.

HON MEMBER: Now you can respond to Honourable Chief.

HON MAAMBERUA: Thank you very much. No, I am not responding

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HON //GAROËB / HON HAMUTENYA**

to him. I can only read between the lines of what the Chief is trying to indicate and I know what that means. I am happy, I have read between the lines.

Honourable Speaker, there is a saying and I cannot pronounce it in the local Ghanaian language but it is - *a word to a wise man is enough*. I agree with everything that you have said in your summary and I think that is what made me not to say more than what you have said. I think we have taken that word of wisdom, all of us.

I want to put on my other hat quickly, just to remind my Colleagues of the Public Accounts Committee that, please we have a meeting tomorrow with the IMF on the request of the Ministry of Finance. If we could meet them at 09:00, all of us please. Thank you very much. Have a nice festive season.

HON SPEAKER: Thank you. Honourable //Garoëb.

HON //GAROËB: Right Honourable Speaker, Distinguished Members of this august House, I thank you very much for a fruitful year behind bars and wish you all the best for the rest of the year, greetings of the season and I hope that next year everyone will be here in good health and that we will start from where we have left off. Thank you very much.

HON SPEAKER: Thank you. Honourable Hamutenya.

HON HAMUTENYA: Thank you, Honourable Speaker for this opportunity to bid farewell to all of you. It has been a very eventful year

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HON HAMUTENYA**

around and Comrade Justus //Garoëb said that he hope that we will all be here next year and I am not sure about that. It would be nice to have everybody here next year but some people are going to retire, some are going to go to their farms to till the land and look after their cattle but those who will not be with us, we wish them the good luck of the year. We hope that the coming year will be a happy year in terms of rain. The rain has started falling now, though not falling sufficiently in good measures. We need some rain and we need a happy and prosperous New Year to overcome the drought and its effects. The drought has been devastating in terms of the lives of the livestock. We have sustained quite a lot of losses across the country and I hope that the Almighty God will remember us and give us a good measure of rainfall this year.

I hope that we will be recharged and given energy and strength to go in the New Year fully prepared for the elections. Those who think they are young enough are laughing with ease as I talk about – they will be recharged and come back with energy, fulfilled and blessed by the Almighty Lord.

I thank you all for your good behaviour (*laughter*), at the end of this season, it shows a good measure of maturity and tolerance among us, we came through, very considerate and full of wisdom. For those who are coming next year, we hope they will follow in the footsteps and the stage that you have set. When I sit here and I see you walking in here, I recall the days when we met at Augustineum and when I see Honourable Geingob here, Honourable Gurirab and I see Honourable //Garoëb here, I can only say - the years have taken a toll on us. (*Laughter*)

HON SPEAKER: I totally refuse. (*Laughter*)

HON HAMUTENYA: However, we are still blessed to be around and to bequeath wisdom to our young brothers and sisters here and that is a blessing that we are having and we can endure doing it.

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HON PROF KATJAVIVI**

I wish you, your families and your communities a very happy New Year, a very prosperous Christmas, indeed a holiday that is blessed. I thank you very much and I wish you a safe journey to your destinations.

HON SPEAKER: Thank you. It has been a long journey, before I give the Floor to the Honourable Prime Minister, the Chief Whip want to say something.

HON PROF KATJAVIVI: Thank you, Honourable Speaker. Honourable Members, it is very clear that the work of this Honourable august House has come to an end in keeping with our Parliamentary time table.

We are soon to disperse to our various Constituencies, to our homes as we mark the end of the year. This has been a remarkable year with many challenges and many opportunities. Let me take this opportunity to wish you, Honourable Speaker, the Right Honourable Prime Minister and the rest of the Honourable Members of this august House all the best for the festive season and the prosperous New Year.

I do hope that we can all join our Police and security agencies in advising our people to drive carefully during this high risk period so that we can avoid loss of lives. Above all, let there be rain and enough rain to undo the damages that have been caused by the drought.

I thank you all for your cooperation and I very much look forward to us coming back energised and ready to continue the work that has been assigned to us as Members of this august House. Thank you.

HON SPEAKER: Thank you. Before I ask the Honourable Prime Minister to adjourn the House and to tell us when we are going to come back, I want to take this opportunity to thank my Deputy for the support

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RT HON DR GEINGOB**

and assistance she has so generously rendered to me and to thank the Secretary of the National Assembly and his team, particularly the front office leading me here, for their dedication to their service and to encourage them to continue the good work that they are doing for the good of the National Assembly, for the good of our country and its people. Honourable Prime Minister you will have the last word but I would still have the last word gabble.

RT HON PRIME MINISTER: Thank you, Comrade Speaker. Let me say I am very proud to be a Namibian and also proud to be in this House. When I was just listening to all of you, to what you have said and what happened during this year, the Debates we had here, I will say that I am proud to be a Namibian.

Firstly, if you look at our political line-ups and how several Parties went to elections to strengthen internal party democracy, there were usual campaigns that looked like fights and that is normal in a democratic setup but what happens after that contestation? You will hold hands again and move on to support the winner and if you compare this year's elections, including ours which started last year and ended up this year, you saw that at the end of the campaigns, contestations and fights, the winner was recognised and given support. That happened in the governing Ruling Party, it happened in all those who had their conventions, their congresses and so on. That is where we can see the maturity of our Political Party System, our country's democracy as displayed during these Debates in the Parliament. We have agreed or we disagree without being disagreeable. We take the genuine Motions from the Opposition Party Members, like Honourable Ben Ulenga's Motions because they were genuinely addressing the problems that we are facing in this country. Therefore, they were given due attention by all of us and were debated.

I saw how the Honourable Members who spoke, talked about next year, talk about rain. I do not think you have so many Parliaments, even advanced ones where Opposition Parties, the Ruling Party at the end, after

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RT HON DR GEINGOB**

a big fight, will today stand up and wish one another a safe journey, wishing them to come back recharged, the following year to this Parliament. That is why I said in the beginning that I am proud to be a Namibian.

I, therefore, thank you Honourable Speaker, with your Colleague, the Honourable Deputy Speaker who was definitely in charge of this House for quite a long time in your absence and also our Colleagues who are always quiet here, I do not know what you think when you are looking at us. *(Laughter)*

I also thank the improvements that have been brought about by your administration. We see ourselves on the monitors and very soon, we are going to have Live Debates showing to our people. These are all achievements that we have scored and that you have scored as the Speaker under your administration.

I would like to also thank you my Colleagues who are sitting here. It was honestly a difficult year and because of their workload, some were travelling with the President, some Opposition Members were maybe on their missions as Committee Members and as a result of that we had a lack of quorum and that sends a very negative picture about us and the Parliament.

Furthermore, I thank you as Ministers, I know how hard you work but Comrade Speaker, I also think that we have to revisit this question of the quorum seriously because it is not our fault. I have seen Parliaments where there are just five people, in big Parliaments but they will continue a Debate or discussions. Even in the British Parliament, you are only required to have a quorum on items where you are going to vote. This issue that we do not have a quorum, even if we just miss one person and our Press picks it up, it is regarded as an irresponsibility which is very, unfair to us all. Therefore, I think we have to address that and I think as the leader of the House, I must now take it up seriously.

With this, I would like to wish all of you a Merry Christmas and prosperous New Year, a year of great political activities. Honourable

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**ADJOURNMENT
HON DR GURIRAB**

Hamutenya and all those who are going to stand, I wish you well but behave as we have been behaving, as mature as we are. Honourable Hidipo Hamutenya said we are now catching up in age and with that there must be maturity, that our Debates during the campaign will be civil and that we can, therefore, send a good message out there and all over the world.

Once more, Merry Christmas and Happy New Year. With that, since we are very tired, I would like to release you. The Honourable Speaker will just endorse what I am going to say now. (*Laughter*)

I would like the House to adjourn until the 11th of February 2014. I so Move, Comrade Speaker.

HON SPEAKER: Thank you. As directed, the House shall now adjourn and we reconvene, all of us, on the 11th of February 2014, at 14:30.

HOUSE ADJOURNS AT 17:32 UNTIL 2014.02.11 AT 14:30

QUESTIONS AND ANSWERS

QUESTIONS AND ANSWERS

QUESTION 27:

Hon Moongo asked the Honourable Minister of Veterans Affairs Health and Social Services-

1. Why are the members of the Board on Veteran Affairs ignoring and not acknowledging the fact that more than twelve people who were assassinated and maimed during 1978 and also more than twenty people who were killed in the Oshakati bomb blast and elsewhere in Namibia was due to war ammunition during wartime?
2. Is it because the board members were ill-informed or they do not accept the sacrifice made by the victims?
3. Can the Minister explain whether board members also participated in the liberation struggle?
4. Why are the victims and their dependents not benefiting from the Veterans Fund?

ANSWER

HON MINISTER OF VETERANS AFFAIRS: Honourable Speaker I am going to answer the questions of Honourable Moongo very gladly.

Question 1: Honourable Moongo is asking why the Board Members of the Veterans Affairs Ministry are ignoring and not acknowledging the fact that more than 12 people who were assassinated and maimed during 1978 and also more than 20 people who were killed at the Oshakati Bomb Blast and elsewhere in Namibia, it was due to the war ammunition that was used during war time.

My response is as follows: Honourable Moongo, Members of the Veterans Board are not ignoring questions and people who might have perished during the war but the question is, who are these people and who assassinated them, those who were killed and those who were maimed as

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you were alleging here? That is my answer.

Question 2: Is it because the Board Members were ill-informed or they do not accept the sacrifice made by the victims?

My response will simply still be, who presented the cases of these people to the Board Members? They have never heard of any presentation that was made to them in this regard, in order for them to give you an informed opinion.

Question 3: Can the Minister explain whether Board Members participated in the liberation struggle.

Honourable Moongo, the Members of the Board are as follows: the Permanent Secretary of the Ministry of Veterans Affairs who is the Chairperson is a former Commissar of PLAN; the Permanent Secretary of the Ministry of Defence, a fully-fledged Ex-PLAN Combatant and former Commissar; the Permanent Secretary of the Ministry of Safety and Security, an Ex-PLAN Combatant herself; the Permanent Secretary at the State House, an Ex-PLAN Fighter himself; The only person who is there, that one can refer to as a student but was also abroad is a Member who is in the National Planning Commission; the President of the Veterans Association is a well known Commander, somebody who has been at the front line for the whole duration of the armed liberation struggle. These are people who knows what they are there for.

Question 4: Why are the victims and their dependents not benefiting from the Veterans Fund.

My answer is: The Veterans Funds are not just being dished out, Veteran Funds are applied for. When you apply and register and your details are taken, a decision has to be made whether you are actually warranted or not. In this case, unfortunately, we do not have the information, therefore, I am unable to answer you on that one. Thank you.

HON MOONGO: Just briefly. I would like to thank the Honourable

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Minister that, given the very short time left before recess and a the awkward situation we find ourselves in, he managed to answer this questions in an acceptable manner.

However, I have a small follow-up question to the first answer, I want him to explain the first answer. On the first answer: The weapons that were used, were used by only two warring factions, either South Africa or SWAPO and no one else during that time except those two factions. I, therefore, feel that they should be considered by having regard to the war material that were used during the war time. Thank you.

QUESTION 28:

Hon Moongo asked the Minister of Safety and Security:-

1. Does the Minister acknowledge the fact that freedom of movement is a basic requirement for fundamental rights enshrined in Chapter 3 of the Namibian Constitution?
2. Can the Minister explain why the users of public roads are obeying orders by the Police to park along the roadside for more than four hours between Ondangwa and Oshakati?
3. If yes, why is the freedom of citizens highly disrupted, disturbed and disregarded and not respected by the VIP escort when they escort Ministers and Excellencies?
4. Is it not high time that the Namibian Government or the so-called SWAPO Party Government formulate a humanitarian mechanism to limit the time for State motorcades so that other public road users can also be served?
5. Can the Minister explain as to whether the Ministers and Excellencies have more rights than other public road users?

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ANSWER

HON MINISTER OF SAFETY AND SECURITY: Thank you very much, Honourable Speaker. I want to respond to the three questions that were raised by Honourable Moongo to the Minister of Safety and Security as follows:

This Minister acknowledge fully that freedom of movement is a right as enshrined in Chapter 3 of the Constitution of the Republic of Namibia. I, however, deny that public road users are ordered off the road for more than four hours and I challenge the Honourable Member to state one single incident where road users were ordered off the road for more than four hours.

On the allegation of Ministers and Excellencies who are said to have more rights than other road users, the answer is a simple no, and no.

In response to the provision of escorts to Ministers, I wish to categorically state that our Ministry does not provide any type of escort to Ministers, nor do the Police provide sweeps for the Prime Minister. However, the Police do regular traffic controls at intersections in order to provide safe passage for the Prime Minister and the Founding Father of the Nation, which usually do not take more than ten minutes. Traffic sweeps are usually conducted when the President or visiting foreign Heads of State are escorted. Additionally, it must be noted that there are certain privileges and immunities provided for by the Law to our President.

Furthermore, it should be noted that Namibia as a host Nation is entrusted with the security of all the visiting Heads of State. As such, strict security and safety measures should be adhered to. This office would also like to stress that it is not true that traffic is blocked for four hours when the President motorcades passes through. In an event where the Head of State embarks on a trip to any part of the country by road, for instance, the Namibian Police Force's VIP Protection Officers are in constant communication with one another and would be in a position to know when exactly the Head of State would be passing through and as such there would be no need to stop traffic for four hours on end.

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In such an event, once the motorcade has passed, after a few minutes in most cases, the citizens and road users are then free to go about their businesses. I think that is my answer to Honourable Moongo's questions. Thank you very much.

QUESTION 29:

Honourable Bezuidenhout asked the Right Honourable Prime Minister:-

Seeing that the Office of the Prime Minister is the custodian of the E-Governance Policy of the Republic of Namibia, I want to enquire from the Right Honourable Prime Minister the following regarding E-Governance: Will the Right Honourable Prime Minister update this House and the public at large regarding the following:

1. The STATUS of E-Government Policy as a project?
 2. The GOVERNMENT'S NETWORK infrastructure, readiness for E-Governance implementation;
 3. The implementation strategy of the e-governance project, the potential of possible LOCAL NAMIBIAN ICT COMPANIES' INVOLVEMENT in rendering of services to the E-Governance Project; and
 4. The LEGAL FRAMEWORK OR LAWS required for the implementation of E-Governance Policy.
-

ANSWER

RT HON PRIME MINISTER: Thank you, Honourable Deputy Speaker. It is clear from the extensive nature of the questions posed by Honourable Bezuidenhout that he has a genuine interest in the progress of e-governance policy and practise in Namibia. Such well thought-out questions on a technical issue of this nature rarely feature in the regular

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parliamentary menu of politicians. I, therefore, thank Honourable Bezuidenhout, who through his questions equally obliged me to provide well researched answers to the Members of this House and the Namibian people at large on the state of e-governance in the Public Sector.

Honourable Bezuidenhout, as you can see in the Order Paper, is asking, and I am not going to read the questions but maybe just answer them immediately.

Question 1: The Status of the E-Governance Policy as a Project: The basis for Namibia's e-Government policy is derived from Vision 2030 which aims to make Namibia and I quote; "*A prosperous and industrialised Nation developed by her human resources, enjoying peace, harmony and political stability*" and envisioning a knowledge-based economy and a technology driven Nation".

Namibia's National Development Plans running over five years serve as main instruments to execute the strategies identified to realise the Vision 2030 objectives. Under the NDP4 information, Information and Communication Technologies (ICTs) are identified as key tools in helping Government to realise its e-Government goals.

In this regard, e-Government is conceptualised by the World Bank and I quote, "*As the use by Government Agencies of ICTs that have the ability to transform relations of citizens, businesses, and other arms of Government*". The OECD on the other hand refers to e-Government as, and I quote; "*The use of ICTs by Governments as applied to the full range of Government functions, particularly the networking potential offered by the internet and related technologies that has the potential to transform the structures and operations of Government*".

Namibia's e-Governance Policy was gazetted during 2005, following which, Government institutions started official websites to inform the public about their services and programmes. In addition, a tender F1/2-19/2008 for the 'Designing and Implementation of the e-Government Action Plan for the Public Service of Namibia' was awarded to the Namibian-Mauritius Joint Venture Company, SILNAM IT Solutions (Pty) Ltd.

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Furthermore, the recent e-Readiness assessment by Government established a degree to which stakeholders are prepared to use e-Government services at an overall e-Readiness index of 2.2 out of a score of 4 for Namibia. This compared well with the United Nations e-Readiness index of 2012 and the World Economic Forum Index of 2013, ranging from 40% to 45% respectively for Namibia.

The United Nations e-Readiness index of 2012 ranks Namibia 6th in Africa behind Seychelles (1), Mauritius (2), South Africa (3), Kenya (4) and Botswana (5). This is the only index showing e-Government development in the world and shows that while South Africa and Botswana have gone down four places in Global Ranking, from 97 to 101 and from 117 to 121 respectively, Namibia has improved two places moving from 125 to 123.

Following stakeholders' consultations, four Expert Committees comprising of Government, Private Sectors and Tertiary Institutions were established to advise Government on various ICT components. Subsequently, a five-year e-Government Strategic Action Plan (eGSAP) 2013-2018 which is the blue print for a comprehensive ICT implementation in Public Sector was formulated. This plan is in the final stages of adoption.

The development of Public Service Information Technology and Management (DPSITM) in the Office of Prime Minister is coordinating the eGSAP project, in liaison with the Ministry of Information and Communication Technology. This is the current status of our e-Governance Policy Framework.

Question 2: The Government's Network Infrastructure Readiness for the E-Governance Implementation: In this regard, Government together with Telecom Namibia has rolled out thirteen (13) Points of Presences (POPs) as they are referred to, in 13 Regions. The newly created Kavango West Region will constitute the 14 Region or 14th point.

All these connection points in the 14 Regions will be linked via high speed broadband fibre optics, to provide citizens with high speed internet access at the speed of lightning. As you are aware such high speed

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internet access, greater bandwidth and value added Internet Protocol services were made possible by the Government's co-investment of US\$75 million with the Botswana Government in the West Africa Cable System known also as WACS, which President Hifikepunye Pohamba and President Ian Seretse Khama inaugurated in June 2012, in Swakopmund. This investment gives the two countries a combined 10% share ownership of the WACS Project.

This cable system with a 25 year life-span, covering a distance of 14,000 kilometres with 15 established landing stations along the route, was constructed at the cost of US\$650 million and completed in 2011 within three years time, to connect the West Coast of Africa into the high-speed global telecommunications network. It brings benefits such as reduced internet and mobile phone costs, a multitude of mobile applications like cell-phones money transfers, e-wallets, e-health, e-learning and enhanced business interactions and increased investments in the ICT Sector.

Most importantly, with this network infrastructure in place, e-Government services will be provided online to bring Government services closer to the people, a process which according to eGSAP will take five years from now for full implementation.

Question 3: The Implementation Strategy of the e-Governance Project: The e-Governance Strategic Action Plan (eGSAP) 2013 to 2018 is the main vehicle or implementation strategy for e-Government, and is premised on the following vision of e-Government:

Citizen, business and institution friendly, Transparency, Efficiency, Affordability and Accessible delivery of information and services to ALL through a professional, responsive and networked Government. eGSAP further provides for a roadmap for ICT implementation in GRN, incorporation of best practises, coordination and collaboration with all Government and Private Sector stakeholders and establishment of supporting institutions. To realise the e-Government Vision under eGSAP, **five Strategic Thrust Areas (STAs)** have been identified as follows:

- 1) Impact and Visibility;

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- 2) Collaboration and Networking;
- 3) Consistence and Standardisation;
- 4) Training, Education and Research; and
- 5) Foundational Research.

These are elaborated upon in detail as follows:

THRUST AREA	DESCRIPTION
Impact and Visibility	Impact and visibility with the aim achieving Streamlined and Efficient Operations of Government and improved online Citizen, Business and Government Institutions friendly services by 2018.
Collaboration and Networking	Collaboration and Networking with the aim for having Networked OMAs, sharing Government resources (data, infrastructure, services and solutions) through a collaborative approach by 2018.
Consistence and Standardisation	Consistence and Standardisation to establish homogeneous, standardised and consistent approach, interfaces and interactions for developing and implementing solutions and rendering of services by Government by 2014.
Training, Education and Research	Training, Education and Research aiming at: <ul style="list-style-type: none"> • Skilled and able workforce for rendering of services. • Skilled and able citizens, communities, and business
to partake in services through e-Government:	

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Foundational Support

Foundational Support with the aim of establishing Laws, Policies and institutions to drive the e-Government reform by 2014

Around these five Strategic Thrust Areas, 15 strategic objectives were identified and aligned to 15 programmes for implementation. Each programme would within a predefined timeframe implement a strategy on a one-to-one basis. Programmes are defined as group of projects.

Additionally, 10 Ministries have been identified, with corresponding services e.g. online business legislations, to be implemented online under eGSAP during the next five years. These institutions are; Office of the Prime Minister, Ministries of- Home Affairs and Immigration, Trade and Industry, Lands and Resettlement, Education, Ministry of Finance, Ministry of Finance, Ministry of Agriculture, Water and Forestry, Ministry of Health and Social Services, Ministry of Mines and Energy and Ministry of Environment and Tourism. They will also form part of Government Programme Coordinating Committee together with MICT, the Efficiency Charter Unit of the Office of the Prime Minister, and representatives from the academia and Civil Society. The Committee will set up a Programme Task Force, to oversee the implementation process.

Also, a Technical Cooperation Agreement has been drafted and this is currently at the Attorney-General's Office for verification and to be signed with Government of Estonia on the e-Government Solutions Interoperability Framework referred to as **X-ROAD**. This is a data exchange layer, a technical and operational organisational environment which enables harmonious and secure internet-based data exchange between various e-Service databases, both in the Public and Private Sector.

In conclusion, eGSAP, is a major Public Service reform effort to achieve citizen-centric service delivery and higher effectiveness and efficiency of Government operations involving the entire Central, Regional and Local Governments, communities, businesses and citizens. It has comprehensive indicators for monitoring and evaluation, and also requires from political leadership from the Office of the Prime Minister and the

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Ministry of Information and Communication Technology. Therefore, let us all support its aim of bringing Government services closer to the people and to usher all Namibians into the ICT age, to share in the resultant economic and social prosperity.

Question 4: For Potential or Possibility of Local Namibian ICT Companies Involvement in Rendering Services to e-Governance Projects: e-GSAP has identified many Programmes and Projects which would require the participation and involvement of local Namibian ICT companies. Yes, the responsibility of local Namibian ICT companies' involvement is definitely there. In actual fact, they have been involved in the drafting of eGSAP. Projects will be advertised locally to enable companies of relevant competencies to be involved by rendering the necessary services. Overall, we will also need to pursue options of Public/Private Partnerships to ensure the effective implementation of all eGSAP components within the next five years.

Question 5: The Legal Framework/Laws Required for the Implementation of the e-Governance Policy: The Ministry of Information and Communication Technology (MICT) is the overall ICT policy maker and has been working on several Electronic Laws to ensure that a secure legal framework and environment for the implementation of the e-Government reform initiatives is created. As such several stakeholders consultative workshops have already taken place to finalise the Electronic Transaction Law, Data Protection; and the Model Law on Computer Crime and Cyber crime. The MICT is in a position to shed more light on this question because it is their baby.

Additionally, under eGSAP, we will also need to refine the e-Government Policy of 2005, and develop new legislation dealing with, for example, inappropriate web content and online safety amongst others. With these elaborate answers, I hope I have answered Honourable Bezuidenhoudt's very interesting questions. I thank you.

HON DEPUTY SPEAKER: Thank you for the very elaborate response. Any follow up?

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HON BEZUIDENHOUDT: Honourable Deputy Speaker, I would sincerely like to thank the Right Honourable Prime Minister for a very comprehensive and detailed response and I hope that the Nation has taken note of, and support this initiative. It is also for the Parliament to note that they must approve the necessary funds for that Project as and when so required. I thank the Right Honourable Prime Minister. Thank you Honourable Deputy Speaker.

QUESTION 30:

Hon Moongo asked the Minister of Trade and Industry:-

1. Is the Minister aware that there are systematic malpractices of discriminatory nature practised by many foreign businesses by donating old clothes and other commodities whose quality dropped to the level that they are no more marketable or profitable to the charity organisations of their respective countries? Why do they ignore poor Namibian charity organisations, why do they not share it?
 2. Can the Minister explain or initiate and regulate a better system that can benefit all countries concerned?
-

ANSWER

HON MINISTER OF TRADE AND INDUSTRY: Thank you, Honourable Speaker. I had a written contribution, which I will forward to Honourable Mongo but I can just as well provide the answer. Honourable Moongo wants to know the following:

1. Is the Minister aware that there are systematic malpractices of a discriminatory nature practised by many foreign businesses by donating old clothes and other commodities whose quality dropped to the level that they are no more marketable or profitable to the charity

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organisations of their respective countries? Why do they ignore poor Namibian charity organisations, why do they not share it?

That was his first question and the second question is:

2. Can the Minister explain or initiate and regulate a better system that can benefit all countries concerned?

Honourable Speaker, the second-hand import business was considered and it was happening at a certain point in time quite freely. It was then considered by SACU at the SACU-Council where all SACU Members were trying to establish textile industries. It was considered an unwanted practice to continue importing second-hand clothes that would compete with textiles manufactured in the SACU area.

The practice was then changed. It was not prohibited but it was changed to a system where Member Countries, when they wanted to import second-hand clothes, they had to get permission and the consent of each other because there was also the risk that the second-hand clothes, once imported by one country, would be transited into another country and traded there. It was, therefore, an application-based approach that has to adhere to two elements. You had to apply for the quantity, the quality, the amount of clothes and you had to obtain the consent of Member States to be allowed. That practice is still in place. A Member State can apply and with the consent of the others, the consignment is allowed.

In Namibia we have stopped the practice with the exception of small quantities of second-hand clothes that are allowed for Small and Medium-size Enterprises that used it for commercial purposes but we have stopped the practice where second-hand clothes are brought in by donors and then put in the market for trade. However, if it is a donation and is used for that purpose as a donation, for free to people, then it is allowed but not for commercial purposes. I am not aware of any discriminatory practice but I know that it has changed into the regime that I just explained. That is the answer to the first question.

The second question is whether I can initiate or regulate a better system that can benefit all the countries concerned. Honourable Speaker, I think

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it must be clear that we and SACU operate on a common external tariff. Our trade regime is not our own exclusively, we are doing it together with all other SACU Members and that common external tariff is our regime, how we treat specific commodities and goods that are imported into our country.

Second-hand clothes have a specific tariff barrier and are treated the same in all SACU Member States and that is an equal regime in the five Member States that we have in place. We think that that regime is a proper one, since we are Members of that Customs Union and the common interest of the Customs Union should dictate what tariff regime we have and we adhere as Members of the Custom Union to an approach that is decided by the Council of SACU. Thank you very much, Honourable Speaker.

QUESTION 31:

Honourable Tjihuike asked the Minister of Agriculture, Water and Forestry the following questions:

On November 28, 2012, this Honourable Chamber adopted a Motion by myself on water debts owed to NamWater by rural households and communal farmers. The Honourable Minister of Agriculture, Water and Forestry in his concluding remarks said the following:

“The Government of the Republic of Namibia was, is and shall continue to actively be seized with Programmes, project matters and initiatives not only to provide or supply clean drinking water for human, animal and plant consumption, but will also continue to be seized with the issue related to the affordability of water, particularly to the very poor of our country and our Nation. In this regard, Cabinet, on recommendation of the line Ministry, took a very important decision with regard to potable water and means of subsidising water supply by the State through Government for and to the very genuine poor of our country and our Nation.”

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The Honourable Minister went on to say:

“Cabinet took a decision on the 2nd of October 2012 through Cabinet Decision No. 17 of the 2nd/2012: In principle and in line with applicable policies, the Government, through the Line Ministry of Agriculture, Water and Forestry that accepted the recommendation of the Parliamentary Standing Committee as outlined and recommended by the Committee.”

These are the recommendations that the Minister was referring to:

“That since there is no chance in recouping inherited debts, which are debts owed to NamWater, by the deceased and migrant relatives, the Committee recommended that such debts should be written off. That since there is no clear practical cooperation between NamWater and the Directorate: Rural Water Supply, Government through the Directorate: Rural Water Supply should assume the responsibility of supplying water and that the Directorate should be empowered and resourced to be able to carry out that function. That to avoid any escalation of debts, NamWater, through the Line Ministry, should inform Government about communities under financial stress, thus likely to default on water payments so that appropriate measures can be taken in good time. That the Line Ministry should consider providing individual households with their own meters in order to control their water consumption. That since Government will be subsidising water, the current debt should be written off. That to deal with underground water leakage and pipe bursts, TIPEEG funds should be used to fast-track the replacement of old and damaged water infrastructure. That to ensure that poor rural communities have access to potable water, the Committee recommends that water tariffs should be based on cost-recovery basis”.

1. Is it true that after the adoption of the abovementioned recommendation by the National Assembly, poor Namibian communities are still being denied access to water through water cuts by NamWater?
2. What has your Ministry done to implement the abovementioned recommendations?

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ANSWER

HON MINISTER OF AGRICULTURE, WATER AND FORESTRY:

Thank you very much, Comrade Speaker and Honourable Members of the National Assembly for giving me the Floor to respond to the question posed by Honourable Tjihuiko.

It is important to first correct the factual inaccuracies in Honourable Tjihuiko's long PREAMBLE to the questions.

Honourable Tjihuiko introduced his Motion entitled – “*Water Debts Owed to NamWater by Rural Households and Communal Farmers*” in June 2012.

That Debate was concluded in July 2012. Indeed, as a Line Minister responsible for water, I made my and the Ministry's contribution on the 11th of July 2012. The full text of my Statement appears on Pages 158 to 163, in VOLUME 145 PARLIAMENTARY HANSARD, 26 June 2012 to 12 July 2012. At the end of the Debate, the Motion was referred to the Parliamentary Standing Committee on Economics, Natural Resources and Public Administration.

On the 28th of November 2012, Honourable Ben Amathila in his capacity as a Chairperson of the said Committee, tabled and motivated the Committee's Report in this Honourable House.

On the same day, 28 November 2012, I as the Line Minister responsible for water, responded to the Debate and made my and the Ministry's contributions to the issues raised in the Parliamentary Standing Committee's Report. My full Statement appears on Pages 373 to 376 VOLUME 147, HANSARD 30 October 2012 to 28 November 2012.

Now, because Honourable Tjihuiko selectively decided to quote from my 28 November 2012 Statement, Honourable Speaker, I have decided to read the full text of my 28 November 2012 Statement as reflected in the Hansard as a response to the questions that are being asked now and I read:

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As the incumbent Minister responsible for water, I am rising to respond to the findings and the recommendations of the Parliamentary Standing Committee on Economics, Natural Resources and Public Administration and the motivation by the Chairperson of that Committee on behalf of the Government.

Comrade Speaker, it is good that today, the 28th of November 2012, the last sitting day of the Sixth Session of the Namibian Parliament, the National Assembly is enabled to, in my view satisfactorily, dispose of this Motion dealing with a very important issue. A Motion as the Honourable Chairperson of the Committee, Honourable Amathila, 'Uncle Ben', has stated a Motion that was tabled and motivated in this House nine years ago. A Motion that was reintroduced and motivated by not less than three Honourable Members from the Opposition benches, for me, that demonstrate the importance of the issue under discussion.

It is also a Motion, Comrade Speaker, from our side that was responded to and dealt with by not less than three Ministers, starting with Comrade Helmut Angula, when it was first introduced and then Honourable Dr Nickey Iyambo and yours truly is the third one now that is responding on behalf of Government to this Motion as follows:

I thank the Chairperson, Honourable Amathila and all the Honourable Members of the Parliamentary Standing Committee on Economics,

Natural Resources and Public Administration for their dedicated and focussed hard work to finalise and table the Report in this Honourable House for consideration and referral for practical consideration and implementation to the Executive Branch of the Namibian State, the Government, through the Line Ministry responsible for water.

On Page 5 Paragraph (d) of my 11 July 2012 Statement, delivered in this august House with its Annexure C to the Report under discussion. I amongst others argued as follows and I quote, "*Hence my request and as agreed to by Honourable Tjihuiko, is to amend his Motion to formally request the Honourable Speaker to procedurally facilitate the process of tabling of the said Standing Committee on Economics, Natural Resources' Report in this Honourable House as per our Standing Rules and Orders*"

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and then thereafter to refer such Report to the Ministry of Agriculture, Water and Forestry for appropriate consideration as per my earlier explanation in Paragraph (f) of my Statement”.

The Government of the Republic of Namibia (and that is what Honourable Tjihuike quoted and he is correct there), was, is and shall continue to be actively seized with programmes, projects, matters and initiatives, not only to provide or supply clean drinking water for human, animals and plants consumption, but will also continue to be seized with issues related to the affordability of water, particularly to the very poor of our country and of our Nation. In this regard, the Cabinet on recommendations of the Line Ministry took very important decisions with regard to possible ways and means of subsidisation for water supply by the State through its Government for and to the very and genuinely poor of our country and Nation.

This decision was taken on the 2nd of October this year through Cabinet Decision Number 17 of the 2nd of October 2012. In principle and in line with its applicable policies, the Government through the Ministry of Agriculture, Water and Forestry, thus accepted the recommendations of the Parliamentary Standing Committee as outlined and motivated by the Parliamentary Standing Committee on Economics, National Resources and Public Administration on Pages 2 and 3 of its Report under discussion.

Lastly, the Executive Branch of our State or the Government through the Line Ministry responsible for water, undertakes to provide a progress report related to water issues, through the official Ministries administrative structures, but also through this Honourable House to the general public as per the provisions of Article 41 of the Namibian Constitution, the undertaking we are doing here.

It must also be clearly stated that some of the recommendations by the Parliamentary Standing Committee on Economics, Natural Resources and Public Administration are straightforward and administrative in nature. Such recommendations, I contend, are perfectly within the mandate and mission of the Ministry of Agriculture, Water and Forestry and NamWater.

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I am referring, for example, to issues related to the maintenance of water infrastructure. For sure, that is the line function of the Ministry. I am referring also to issues related to the installation of individual household water metres, that is the line function of the Ministry, of course subject to financial means to execute the work, that is normally provided through the Budget, which Budget this House approves and of course I am also referring to the general responsibilities of supplying water to our population, to our cities, to our industries and so forth.

Issues related to the possible writing off of accumulated water debts surely, and I think Honourable Members will agree with me, involves more than the Ministry of Agriculture, Water and Forestry and NamWater. It actually, and in the final analysis, should and must involve the whole Government, if and when any final decisions on such matter have to be taken and or ought to be taken. Obviously, the Line Ministry is in a position to make recommendations, but for sure I cannot be presumptuous to mislead the general public that the overall power to make a decision on the writing off of any debt is within the Line Ministry.

That is what I said and I think that is still applicable as a response to the question of the writing off of debt.

Now, with regard to the update on water supply subsidy to the very poor Namibians, Honourable Speaker, I am able to provide the following information to this Honourable House and through it to the general public.

Following the 2nd October 2012 Cabinet Decision, the Ministry of Agriculture, Water and Forestry in July 2013, this year, made a submission to the Cabinet requesting the mentioned Supreme Executive Policymaking Institution of our State to: Approve the Water Supply Subsidy Implementation Strategy and Operational Plan. I am happy to report that Cabinet did grant that requested approval.

Currently, the Ministry of Agriculture, Water and Forestry and other important stakeholders, for example the Ministry of Regional and Local Government, Housing and Rural Development, NamWater and numerous Local Authority Councils are and will be seized with the practical implementation of the Water Supply Subsidy Implementation Strategy and

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Operational Plan. In addition, as we speak, the Association of Local Authorities in Namibia (ALAN) are having their Annual General Meeting in Katima Mulilo and our officials have been specifically requested to go there and to present an update progress report on this very same issue and we have sent those officials there.

As the issues to be dealt with, including the identification of the poor, are quite complex, the implementation process will be done in phases. In terms of the Operational Plan, it is envisaged that all facets of the Strategic Plan would have been fully implemented by 2015. That is in terms of the planning, everything is being equal.

For any specific details relevant to the Implementation Strategy and Operational Plan, the following senior officials in the Ministry may be contacted, and I am talking to the general public now. Mr Abraham Nehemiah, who is the Under Secretary in the Department of Water and Forestry and Mr Leopold Niipare, the Director of Rural Water Supply and Sanitation Coordination (RWSSC). Thank you, Comrade Speaker.

HON SPEAKER: Thank you, Honourable Minister for your comprehensive answer. Honourable Tjihuiko, are you satisfied?

HON TJIHUIKO: Thank you very much, Honourable Speaker. Thank you very much, Honourable Minister for the information.

In fact, I like the way you presented your answer because you were informing the public through my question and I think that has helped a lot.

The small question that I want to ask, Honourable Minister, it is true that the Minister made a contribution to the Debate on Water Debts but as far as I can remember, we have as the Chamber, approved the Motion and in that content of the Motion there was an element that water debts must be written off, that has been approved by the Chamber and the question was based on that.

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However, I thank you that you have answered, it is not the responsibility of your Ministry alone, and there are many stakeholders that need to play their role in that. I hope that you will be coming to the point where these debts will be written off. Thank you very much, Honourable Speaker.

QUESTION 32:

Hon Tjihuiiko asked the Minister of Agriculture, Water and Forestry:-

1. Is it true that the supply of water of Okaku Constituency has been disconnected by Rural Water Supply?
 2. Can the Honourable Minister also confirm that residents of Okaku Constituency have indeed paid their debts, but water supply to the community has not yet been reconnected? Why has it not been reconnected, Honourable Minister?
 3. For the information of this Chamber and the public out there, which Law, whether the *NamWater Act* or any other Act of Parliament, authorises Government institutions to deny humans or animals access to water?
 4. Cutting water to poor communities in the middle of this devastating drought, where is the Ruling Party's moral responsibility to the poor previously disadvantaged Namibians that they claim to represent?
-

ANSWER

HON MINISTER OF AGRICULTURE, WATER AND FORESTRY:

Thank you very much Comrade Speaker again, for giving me the Floor to respond to the questions posed by Honourable Tjihuiiko.

Question 01: It is not entirely true that water to Okaku Constituency has been disconnected by Rural Water Supply. It is true, though, that some

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water points and private connections might or could have been disconnected by the Ministry of Agriculture, Water and Forestry's Rural Water Supply and Sanitation Coordination's Oshakati Regional Office, due to non-payment.

Question 02: Again, it is dangerous, inciteful and unhelpful generalisation, for Honourable Tjihuike to state that: "*Residents of Okaku Constituents have indeed paid their debts, but water supply to the community has not yet been reconnected.*" After payment, it is the duty and responsibility of the assigned Rural Water Supply and Sanitation Coordination's Regional Office Technical Officials, to reconnect water as speedily and quickly as possible. In cases where reconnection of water, after payment, take unnecessarily too long, the affected person(s) has or have got all the rights to demand that such reconnections are done immediately; that is what we do in towns also here, and even to report those officials who do not reopen the water after the required payments were done to the responsible senior officials in the Rural Water Supply and Sanitation Coordination and/or NamWater.

As a Minister, in cases where people pay and reconnections are not done, I would like to make use of this platform to again send a very direct - straight message to those officials that that should be stopped forthwith. Once a person has paid, that person should not be expected to go and beg any official for reopening.

Question 03: I do not know of any Law, passed in this democratic independent and sovereign Namibia's Parliament that "*authorised any Government institution to deny people or animals access to water.*" However, with regard to the *NamWater Corporation Act* of 1977, (Act 12 of 1977), let me extract some few quotations from that Act that have something to say about payments in answering the question.

Section 6(1)(f) of the Act, I quote: "*The Corporation shall perform the following functions in pursuit of its objects under this Act, namely - render services, provide facilities and lease rights, subject to the payment of relevant charges,*" This issue of paying for the services is, thus mentioned in the Law.

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Another Section that I would like to quote from, is Section 7(1)(b) and it states the following: *“The Corporation shall have the power to determine and levy charges for services rendered, facilities provided or right leased by the Corporation.”*

Question 04: Despite many challenges and difficulties associated with the provisions of water to and for all living beings, particularly in a water scarce dry country like ours, the Government of the Republic of Namibia does not and may not cut water willy nilly to people, poor or rich.

It is particularly during times of calamities, disasters and/or emergencies like droughts, when the Government of the Republic of Namibia always moves into top gear over and above its normal Programmes to supply these essential and indispensable life giving and life sustaining commodity, namely water.

The payment of the supply of such services in towns, villages, settlements, factories, mines and in homes during drought do not stop. Finally, it is simply to say that, when we give information like this, we do not imply that the provision of water in this country is an easy task, neither is it a cheap task. We do recognise that we have problems with the supplier of water in various parts, some of those problems are natural, some of those problems may be technical, but it is the position of Government that in all material terms, it is our duty to do the best that we can to provide this very important life giving and life sustaining commodity. Thank you, Comrade Speaker.

HON SPEAKER: Thank you, Honourable Minister. Honourable Tjihuiiko.

HON TJIHUIKO: Thank you very much Honourable Minister for the good answer.

I just have a question on the *NamWater Act* that you have just quoted. I

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just want to ask a question, Honourable Minister in response to what we have just said. Looking at our Constitution Chapter 3, Article 8. That is on Page 7 - ***Respect for Human Dignity***. Looking at (b), “*no person shall be subjected to torture or to cruel inhuman or degrading treatment or punishment.*”

I believe that, if we are trying to justify that Act, these people have been subjected to cruelty, inhuman and degrading treatment, therefore, I think that it is unconstitutional to treat people in this respect, looking at the Act of NamWater.

Honourable Minister, I believe This Constitution does not allow that to happen. Thank you.

HON SPEAKER: Thank you. Honourable Minister, do you wish to respond to that?

HON MINISTER OF AGRICULTURE, WATER AND FORESTRY: Comrade Speaker, apart from water, I think it is a challenge for all of us as leaders, Ruling Party, Opposition Party, Members of Parliament, that if we scrutinise the provisions of our Constitution, particularly that Chapter that deals with the welfare of our people, we must admit that sometimes due to factors beyond our control, not all the provisions of the Constitution probably, I would contend, are scrupulously adhered to.

I think we will reach a day, maybe the next generations that will sit in this Chamber, where commodities like water, even education, at least we have started now with pre-primary education, where the State will be in a position to provide some of these commodities free of charge, without any payment but we are not yet there.

I am not talking about the Constitutionality or otherwise, that is for the lawyers to argue, I am simply stating that there is still a gap between the idealism and the practical reality that we have to deal with as leaders of

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this country today and tomorrow. Thank you, Comrade Speaker.

QUESTION 33:

Honourable Von Wietersheim asked the Minister of Youth, National Service, Sport and Culture:-

1. Since the Honourable Minister was not prepared to answer to the media the perfectly legitimate question about the cost incurred for the erection of the statue at Ongulumbashe, I want the Minister to share that information with this Assembly, being the responsible and accountable institution for the Budget.
2. The Minister expressed the opinion that the value of the statue was of no importance and I wish to know from the Minister how he explains his frivolous remark that "*it does not matter whether it costs 10 million or 10 billion*" to those who scrape a living from the dumpsites or to that majority of our people who struggle to make ends meet and for whose social conditions this Assembly is responsible and accountable for.
3. Can the Honourable Minister please inform this Assembly where in his Budget provision was made for this expenditure I hardly expected to be classified as development expenditure?
4. Can the Minister furthermore inform this Assembly about the exact total amount which was spent for its participation at the Ongwediva Trade Fair as well as what each expenditure entailed and from which Budget Provision these expenses were covered?

ANSWER

HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE: Thank you Comrade Deputy Speaker. Honourable

QUESTIONS AND ANSWERS

Deputy Speaker, before I respond, I just want to ask, is the Honourable Member serious with his question? Are you serious?

Comrade Deputy Speaker, the main question of the Honourable Member is number 2, when I was asked by the Namibian Newspaper regarding the statue that was unveiled in Ongulumbashe on the 26th. My response was, “*whether it is N\$10 million or N\$10 billion it does not matter*”. I said much but the Namibian Newspaper just wrote a few things.

The Member’s question is; I wish to know from the Minister how he explains his frivolous remark that “*it does not matter whether it costs 10 million or 10 billion*” to those who scrape a living from the dumpsites or to that majority of our people who struggle to make ends meet and for whose social conditions this Assembly is responsible and accountable for.

Let me put it this way, for the Namibian people, when it comes to Sam Nujoma, Sam Nujoma is their hero, he is the first. Comrade Deputy Speaker, I was not in the country when the Honourable Member commented on the statement made by the President, when he said the horse rider must be removed. (Intervention)

HON VON WITERSHEIM: Reiderdenkmal.

HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE: The Honourable Member was one of those who were against, he is against the statue. This horse was inaugurated on the 27th of January 1912, it is now 101 years old. The whole holocaust is here and I am just quoting from it.

“That morning, men of Windhoek wore their best white linen suits, and the ladies who accompanied them dressed in long ornate frocks of white lace. The new colonial elite were prosperous, proud, and acutely aware of the rank and status. To emphasise their position, many had added the prefix ‘von’ to their surnames”. All the ‘vons’ were added. (Intervention).

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HON MEMBER: Von Wietersheim!

HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT

AND CULTURE: Let me go forward; *“implying a lost aristocratic heritage. In front of the fortress, a 16-foot tall bronze statue of a mounted Schutztruppe towered above the growing crowds”*. It further they says; *“The Statue was intended as a memorial to the soldiers and settlers who lost their lives in the wars against the Hereros and the Namas”*. That was the purpose.

I quote further; *“The keynote speaker was Theodor Seitz, the new Governor. Seitz began by reminding the assembled crowd of the many sacrifices that had been made by the colonial army in the name of their Fatherland during the wars begun in 1904, but he ended with a simple statement of fact: **The principle behind this monument is to honour the dead and to encourage the living to propagate and build up what was achieved in a hard war, fought selflessly for the love of the Fatherland... The venerated colonial soldier that looks out over the land from here announces to the world that we are the masters of this place, now and forever**”*. I am told as it is there, they used a compass and it is facing Berlin. We will remove it, put it inside and it will face south. Therefore, either it looks south or we place it there and we remove the head so it stands like a chicken without a head. *“The Germans were masters not only of South West Africa’s future but of its past. Their version of the war had been set in stone and was now cast in bronze. Part of the motivation behind the commissioning of the Rider Statue had been a determination to remember the Germans who had died in the war”*. It is a long story and I am not going into that.

Our Founding Father, Former President Nujoma represented even the majority of those people who scrape a living from the dumpsites then. If you go to their shacks you will see the photo of Former President Nujoma and the SWAPO flag there. If you continue with that, we can mobilise the PLAN Fighters who were injured in the war to march from the Simon De Wet Bridge up to the *Snyman Circle*. Some will be in wheelchairs, others without limbs and without eyes. Those people who sacrificed are there in

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the villages without legs, they walk on crutches.

Even here in the Government if we let them take off their shirts, you will see the bullets wounds, you will see them! If we organise a march on the 26th of August of the PLAN Fighters, the people who were at the front, to show that they struggled, you will cry. You will see them walking without legs, some on wheelchairs and others without eyes. I joined SWAPO on 27th of May 1969, so I have been a full time member of SWAPO for 44 years. We tried reconciliation, we invited you in 1988/1989 to go to Kabwe and negotiate with SWAPO when you were in the National Party. After joining SWAPO, we appointed you first as the Deputy Minister of Trade and Industry and thereafter as the Minister of Agriculture. You resigned and joined CoD (*sic*), now you are asking questions about the *Statue*. I have pictures depicting cruelty and atrocities committed against our people by the Germans, please circulate to the Members of the Opposition.

I will read further where they say; (intervention).

HON DEPUTY SPEAKER: Sorry Honourable Minister, can we finalise the respond before we go for tea break?

HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE: Yes. I am talking to the Rider and I am comparing the Rider with the Statue of Former President Nujoma. *“Its location on the lawn outside the old fortress represent an equally determined effort to forget the suffering of the Hereros and the Namas. The Statue has been erected on the side of Windhoek’s main concentration camp where only four years earlier, perhaps as many as four thousand Hereros, mainly women and children had been starved, beaten and whipped to death. The site of the former camp was now a centre piece of the German version of the war. A history in which genocide was transformed into a heroic struggle for civilisation and progress”*. The way you hanged our people there, is it now civilisation and progress? A few Nama rebels who had

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survived the concentration camp were treated differently. (Interjections)

HON DEPUTY SPEAKER: Order please!

HON MINISTER OF YOUTH, NATIONAL SERVICES, SPORT AND CULTURE: Although the war had ended and the concentration camps had been commissioned, the survivors of Shark Island were still incarcerated in 1920. They were held by the German Army in a converted military stables and they were allowed to die slowly, one by one. (Intervention).

HON MEMBER: Please answer the question!

HON DEPUTY SPEAKER: Just listen now. Please listen.

HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE: To round off, that is why I said, whether it is N\$10 million or N\$10 billion for the Statue to be build for the Namibian people, just like it were for the German people when they looked at the Statue of their hero, for the Namibian people, our Founding Father, Nujoma, is the hero! Former President Nujoma is a jewel for the Namibian Nation. Those people who scrape a living at the dumpsite, the unemployed, those people admire Former President Nujoma. As an example, in 1996 when we were still at the Ministry of Home Affairs, the PLAN Combatants demonstrated but when the Founding Father, Nujoma spoke, even now when he speaks (intervention).

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HON RIRUAKO: Point of Order.

HON DEPUTY SPEAKER: Under which Rule because he is still responding to the question. Can you please sit down? Can we listen to one another please Honourable Members? Honourable Shixwameni can we allow the Minister to wind up so that he can give the chance to the person who has a follow up question

HON SHIXWAMENI: No, he is wasting our time here! The questions are straight forward, he is wasting our time. We can read the history, we know the history ourselves. Please, no.

HON DEPUTY SPEAKER: Honourable Minister can you wrap up and relate your preamble to the question.

HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE: Those who are against the Statue of Former President Nujoma are those who support the killing of the people shown in pictures that were circulated. This is the history of Namibia. Comrade Deputy Speaker, I rest my case.

HON DEPUTY SPEAKER: Any follow up questions?

HON VON WIETERSHEIM: Yes, Honourable Deputy Speaker I wondered why you were not disciplining the Honourable Minister for

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contempt because we are getting used to his answers of a political nature. (Intervention).

HON DEPUTY SPEAKER: Honourable Member, can you just follow up on the question you?.

HON VON WIETERSHEIM: Yes. There was nothing answered on this question. I am asking for particular figures, I asked for an explanation and he explained my history and our history to us. I think all of us who are sitting here know our history. To tell me that I am against the Statue has nothing to do with the questions, so basically this question still stands. The facts of these questions are still totally unanswered, each one of them. Therefore, the only thing is to ask the same figures again and I think he should be disciplined for contempt of this House.

QUESTION 34:

Honourable Nyamu asked the Minister of Lands and Resettlement:-

1. How many people have been resettled and from which parts of the country?
2. How much money has been spent so far on the Resettlement Programme?
3. Has the Ministry undertaken a study to determine how the resettlement farmers benefit from this Programme?
4. Can the Minister dispute with facts the allegations that the Resettlement Programme is a total failure?
5. Is it true that the majority of resettled farmers lease out the land to the very former owners for grazing in order for them to earn a living income?

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6. Does “*resettlement*” imply the expansion of the communal areas as defined by the Apartheid Regime?

ANSWER

HON MINISTER OF LANDS AND RESETTLEMENT: Honourable Deputy Speaker, I rise this afternoon to respond to questions so put in this House during this month of October by Honourable Jesiah Nyamu.

Although I appreciate the contribution being made to the House by the Honourable Member through the Notice of Questions, I hasten to point out that the issues he has raised are known to the Ministry and by implication the Government. They are being discussed with various stakeholders and they have been already brought to the attention of the Government.

At the onset, I would like to inform the House that the Ministry of Lands and Resettlement takes the plight of our people seriously and thus assist with a lot of the issues raised with a view of finding lasting solutions that are in line with the mandate of the Ministry under the current Legal and Policy Framework as agreed at the 1991 National Lands Conference.

Question 1: While, like I said, appreciate this question from you Honourable Nyamu, I would like to first and foremost state that the objectives of our Land Reform Programme as outlined in the *Agricultural Commercial Land Reform Act* (Act 6 of 1995), is to address the imbalance in land ownership through acquisition of commercial Agricultural land and allocation of such land to Namibian citizens who do not own or otherwise have the use of any or adequate agricultural land and most to those Namibian citizens who have been socially, economically or educationally disadvantaged by the past discriminatory Laws or practises.

It should be noted therefore, that the above stated objective is squarely in line with Article 10 of our Namibian Constitution which states that and if you allow me Deputy Speaker, I shall quote, “*No persons may be discriminated against on the grounds of sex, race, colour, ethnic origin, religion, creed or social or economic status*”. Having highlighted the

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above, allow me to inform you that the Ministry of Lands and Resettlement's data on resettlement beneficiaries is not disaggregated per Region of origin but rather we have data disaggregated by gender of the beneficiaries and the geographic location where such beneficiaries are resettled.

We are painfully mindful of the past that we come from and we are, as a Government entity, trying to stay clear from reintroducing the balkanisation of our people where they are hailing from. We are at pains to avoid that.

What I can therefore, share with you Honourable Member and this august House, are figures on the number of beneficiaries that we have so far allocated land to in various Regions where commercial agricultural land was acquired countrywide. It is thus my pleasure to inform you that since the inception of the Land Reform Programme, a total of 4,981 previously disadvantaged landless Namibians from various geographic location of this country have benefitted from the National Resettlement Programmes. The break down per Region is as follows:

A cursory glance tells me that it is indeed true that many people have benefitted from the Land Reform Programme. If you look at the #Karas Region, we have acquired 77 farms, a total hectares thereof is 678,983 and the number of citizens of this country who gained access to land through these acquisitions is 179 in the //Karas Region. In the Hardap Region, we bought 64 farms, the total hectares is in excess of 374,000 and the landless Namibians who benefitted 293. In the Omaheke Region we acquired, since the inception of the programme, 63 farms. The hectares in total more than 306,000 and the landless Namibians who benefitted are 1,331. Khomas Region; 11 farms, total hectares, more than 54,000 and we were able to give land to 114 Namibians. In the Otjozondjupa Region, 50 farms which translate into more than 181,000 hectares and 383 Namibians were resettled. In the Erongo Region the Government bought 18 farms that translates into more than 134,000 hectares and 67 Namibians were given access to land, who otherwise would not have access to land. In the Kunene Region we bought, as the Government 42 farms, total hectares close to 210,000 and 1,124 landless Namibians benefitted from gaining access to land. In the Oshikoto Region, bought 20 farms with almost

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close to 73,000 hectares and 1,490 landless Namibians were able to gain access to land.

Honourable Deputy Speaker, the above figures exclude a total of 49 farms measuring more than 334,000 hectares which were transferred from the then Ministry of Agriculture, Water and Rural Development.

Question 2: A total amount of N\$768,000,050.00 has so far been spent on the Land Acquisition and Development Programme where a total of 345 farms with a total of more than 2,000,000 hectares have been acquired. In an effort to augment support to the programme, the Ministry also entered into an agreed and signed a Memorandum of Understanding with the Agricultural Bank of Namibia regarding the provision of post settlement support to all resettled farmers. This support is accessed by the farmers through the established Post Settlement Support Fund. At least N\$30,000,000.00 has been set aside by the Government to provide loans to resettled farmers under this fund and they are very aggressively making use of the funds so available.

Question 3: Yes and no, a resettlement audit was undertaken to determine the uptake, ownership and infrastructure on most of the resettlement farms, however, this audit did not determine the impact of the Programme on the economy and how the resettled farmers benefit from the Programme. The Government has identified the need to carry out this study on the impact of the Resettlement Programme. Before the study is done, we are unable to tell if resettlement farms contributed significantly to national agricultural production. Despite the lack of the study our impact is clear in that the Ministry has resettled 4,981 beneficiaries on 2,400,000 hectares of farm land so far.

Question 4: I strongly want to register my disagreement with the statement posed by the Honourable Member, where he ascribed failure to the current Resettlement Programme. I would like to put the record straight on this matter as follows; the Ministry has purchased land amounting to more than 2,400,000 hectares and 4,981 previously disadvantaged, landless Namibians across the country have benefitted from the National Resettlement Programme. These achievements were posted despite the limited budgetary allocations that initially saw the

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Ministry receiving an appropriation of N\$20 million and N\$50 million much later per annum. The Ministry has utilised every amount that was appropriated to acquire land that commensurate with the said budgetary allocations, because we understand the competing demands on the Treasury but if we had access to more financial resources, the picture would have definitely been reading much differently.

The Ministry has also set up a fund of N\$30 million through the Agricultural Bank of Namibia to benefit resettlement farmers to purchase farm implements enabling them to farm productively and an advisory service to help transform resettled farmers into commercial farming oriented individuals. Yes, there are challenges that the Ministry is grappling with such as limited budgetary allocations to purchase all available land and the quality of land offered. The price of land has increased to such an extent that N\$50 million will only purchase more or less five farms per annum. Most of the farms offered to the Government are the ones with the most difficult terrains, low rainfall and bush encroachments were very little farm infrastructure such that the Ministry has to invest a lot of money to bring such farms into productions and generally farms end up being waived as they are found unsuitable for resettlements.

We cannot view the impact that the Resettlement Programme had on our communities from just one perspective but from a multi dimensional socio-economic and political level. As I stated, to date a total of more than 4,980 previously disadvantaged landless Namibians across the country have benefitted from the National Resettlement Programme and more than 50% of them depend on farming for their livelihood. This Programme has placed communities and families who were farming in corridors on land and the landless have a place to farm and a place that they can rightfully call "*this is home*". Otherwise they would not have had such an occasion. The impact of this Programme has to be viewed from where we as a country are coming from and not in isolation. A total picture that takes into consideration the deprivation suffered by our people as a result of colonial policies and today where our Government has adopted policies to empower them. Yes, Honourable Members I dispute the assertion being made to brand our current Resettlement Programme as a failure. It is not.

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Question 5: Allow me Honourable Deputy Speaker to inform Honourable Nyamu that the subleasing of resettlement farms is provided for under the *Agricultural Commercial Land Reform Act* (Act 5 of 1995) thus it is not illegal for farmers to lease out portions of farming units when it is done in terms of the Act. The procedure is such that before a farm unit is subleased the lessee needs to apply to the Minister in terms of the law not because I say so but that is the law providing. Mentioning the name of the proposed sub-lessee for approved. This process puts the Ministry in the know on who is subleasing from whom and what type of compensation the person receives and for how long the farming unit will be subleased. It is from this point of view that I can inform this House that I have not approved subleasing to a former farm owner after purchasing it. If it is happening it is outside the laws and procedures.

You might ask why we have allowed subleasing, our resettlement criteria also considers marginalised communities and former farm workers who usually do not have land have no source of income and no livestock. The land is the only valuable assets that these groups have naturally. They will need to sublease their farm as an empowerment tool and to get a source of income for an approved duration. I mean we cannot give something to someone and restrict the person to use that resource the way that individual would deem relevant as long as the process is controlled. The process of subleasing is also carried out in terms of various technical considerations that comprises issues surrounding carrying capacities an amount of grazing among others.

Question 6, no, the definition of resettlement does not include the expansion of communal areas. In the Namibian context resettlement entails the voluntary movement of an individual or family from a place or area due to poor social conditions to an area of place designated by the Government where land and other social amenities of life can be provided. The expansion of communal areas is provided for under the *Communal Land Reform Act* (Act 5 of 2002). The National Land Conference of 1991 and mind you whatever we do as a nation in terms of land administration is premised on that what I said conference of 1991 until we as a nation would again reconvene the next conference what we do. What we do is in terms of the 1991 Land Conference, noted that communal areas sustain the great majority of Namibian farmers especially poor farmers. The

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conferences therefore concluded that communal areas should be retained, developed and expanded where necessary this was due to the fact that the majority of the Namibian people living in overcrowded communal areas which are not even developed in terms of water infrastructure and that is the reality. The expansion of communal areas (interruptions), this does not mean it is part of the resettlement programme but a special programme aimed at supplementing the Resettlement Programme by reviewing grazing pressure and generally decongesting communal areas.

Honourable Deputy Speaker, if you allow, me in conclusion I would like the House to take note that in an effort to deal with the quack for land by the majority of our people the Ministry is also addressing a range of other issues arising from our historical experiences through policies meant to dismantle our historical legacy. It is a tall order but eventually we are quite positive that we shall overcome that challenge. The current land reform policies and legislation are earmarking at responding to various forms of socio economic inequalities in our communities especially towards enhanced access to land where poverty is inevitably exacerbated.

I would like to inform Honourable Members that the process of land reform programme is unique and be searched with involving challenges. The Ministry is challenged to constantly revise its operational strategies and approaches in implementing the programme within the constitutional framework of our land of the brave.

The current Government policy on land remains a priority as inequalities accessed and ownership are still prominent in our country. On this note I would like to assure the House that the Ministry is cognisant of the diverse and differing economic needs of our people and especially the poor in the various economic enhancing programmes. I want to thank you for the opportunity to have been able to respond to the notice of questions by Honourable Nyamu and I thank you most sincerely.

HON DEPUTY SPEAKER: Honourable Nyamu, any follow up questions?

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HON NYAMU: No further questions, but I would like to state that the Minister had tried to answer my questions from the honest point of view and I think it is very important for the House to be given appropriate, correct information whenever they pose questions. I hope that other Ministers and the rest of you will learn from him. Thank you.

QUESTION 35:

Honourable Lucks asked the Minister of Agriculture, Water and Forestry:-

1. Is it true that the current stock of mahangu seeds available in Namibia stands at only 6.2 ton?
 2. Would the Minister consider this stock to be adequate for the current needs and requirements of food security in Namibia?
 3. Will the current stock of seed be used for distribution to subsistence and communal farmers or will it be used by Government for Government agricultural projects, like Green Schemes, or will it be sold to commercial and communal farmers?
 4. How is the required minimum stock of mahangu seed in Namibia determined and how is this stock managed? I so submit Honourable Speaker.
-

HON DEPUTY MINISTER OF AGRICULTURE, WATER AND FORESTRY: Thank you very much, Honourable Speaker for giving me the Floor to respond to the questions put to the Minister of Agriculture, Water and Forestry by the Honourable Member.

Question 01: Is it true that the current stock of mahangu seeds available in Namibia stands at only 6.2 tonne?

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My response is as follows: This figure is not true. The Ministry of Agriculture, Water and Forestry has processed and packaged 69 tonnes of pearl millet seeds at Omahenene Research Station. This consignment is now ready for distribution to farmers in crop producing Regions.

Furthermore, the Ministry of Agriculture, Water and Forestry is currently packaging and will make available 140 tonnes of pearl millet seeds for distribution. This consignment will be made ready for distribution to farmers in crop producing Regions within the next two weeks.

Honourable Speaker, I am informed that Ohangwena, Kavango and Oshana will receive their free seeds this week, that is the information to the House. The Ministry of Agriculture, Water and Forestry has also put 100 hectares under off-season cultivation where an amount of over 100 tonnes of quality seed is expected. This consignment will be made available by the end of November 2013.

Question 02: Would the Minister consider this stock to be adequate for the current needs and requirements of food security in Namibia?

My response is as follows: The Ministry of Agriculture, Water and Forestry is to provide seed enough for the three hectares per household which we consider to be of good impacted per household, if good climatic conditions prevail.

Question 03: Will the current stock of seed be used for distribution to subsistence and communal farmers or will it be used by Government for Government agricultural projects, like Green Schemes, or will it be sold to commercial and communal farmers?

My response is as follows: The amount of seeds for drought relief will be distributed for free only to subsistence farmers and not to agricultural projects.

Question 04: How is the required minimum stock of mahangu seed in Namibia determined and how is this stock managed?

Response: The seed stock is managed by the Omahenene Research

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Station, which has the silo of 290 tonnes capacity. Pearl millet is the only crop that is managed by this Research Station. Efforts are under way to set up other seed silo in other Regions, which will accommodate other types of crops.

Honourable Speaker, I hope that I have responded to the questions put to the Ministry of Agriculture, Water and Forestry. I thank you.

HON SPEAKER: Thank you, is the Honourable Member satisfied?

HON LUCKS: Thank you, Honourable Speaker. Yes, this question was actually posed more than six weeks ago and I am glad that the situation seems to have become much better when we consider what it was six weeks ago. I, therefore thank the Honourable Minister or Deputy Minister in this case, for the answers provided. Thank you.

QUESTION 36:

Von Wietersheim asked the Right Honourable Prime Minister the:-

My Motion on Air Namibia of April this year, requesting an in-depth parliamentary investigation, was unanimously set aside on recommendation by the Honourable Minister of Works and Transport, motivating as follows:

“Currently we have two Programmes on the ground: One Programme spearheaded by the Right Honourable Prime Minister, including some Ministers and the Aviation Industry that is operational, and also to find a financial of way moving ahead. The other Programme is on the forensic auditing that we (and that is the Honourable Minister of Works and Transport), are conducting in order to know what is exactly happening. I, (the Honourable Minister of Transport), propose that we finish with the

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Prime Minister's Programme and the forensic audit and then we table the Report in Parliament. If we are not satisfied with the outcomes of the Report we can continue with the parliamentary investigation. Otherwise we will duplicate all the efforts of the Government because the Investigating Committee has to be paid for by the very same Government.

I (that is again the Honourable Minister), therefore, advise that we first complete the on-going investigations in the affairs of Air Namibia and then report back to Parliament."

In the light of the above announcement, can the Right Honourable Prime Minister provide this Assembly with information pertaining to the present and the intended future strategy with regard to Air Namibia which will satisfy the Members of this House that the deteriorating financial state of affairs of the airline is being contained and the unsustainable volume of subsidisation is not expected to continue indefinitely?

ANSWER

RT HON PRIME MINISTER: Thank you, Honourable Speaker. This is a long question and I am just trying to quote what the Minister of Works was saying, that Honourable Member wait until the Prime Minister's Office will do what they were doing with Air Namibia's Management and Board and then after forensic investigations that we will come and make a Report.

Apparently, the Honourable Member got so impatient, he is so much worried about Air Namibia and still ask the question, before we came back to make a Report as promised. I have a letter here from Delloite & Touché the Auditors, dated the 22nd of October 2013, that says - "*In order to be able to give due consideration to these matters, I would hereby like to request an extension of the investigation time frame until 30 November 2013.*" With the Report being prepared and finalised thereafter, they may not even finish this year but the Honourable Member is so concerned about Namibia's wellbeing and Air Namibia in particular and still was impatient to wait and, therefore asked the question.

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The question is also saying, and I would like to know that as a Vice President of SWAPO, because it says – “In the light of the above announcement, can the Right Honourable Prime Minister provide this Assembly with information pertaining to the present and the intended

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future strategy with regard to Air Namibia which will satisfy the Members of this House that the deteriorating financial state of affairs of the airline is being contained and the unsustainable volume of subsidisation is not expected to continue indefinitely? When you say *the Members of this House*, are these the Members of the RDP an Opposition or Members of this House, including people who are sitting here, are they also not happy? Did they talk to you because they do fall under us, the Ruling Party? Here it is implied that they are also demanding this, is it that you consulted them?

HON VON WIETERSHEIM: Yes (interjections)

RT HON PRIME MINISTER: Well, it will not be proper because they are Members of the Cabinet and I do not see how you could consult the Members of the Cabinet. Having said that, let me try to answer the question.

The topic of Air Namibia is an emotive one, which is often polarised. Many people have often asked why Government continues to support Air Namibia despite the Airline experiencing financial difficulties. Air Namibia is not just an airline that provides a means for our citizens and visitors to get from Point A to Point B. It is a flag carrier that instils a sense of pride when its tail is spotted on the runway of far-off lands. Of course it also depends where you stand, patriotic Namibian will say - *that is my flag* and that is basically Air Namibia.

In an increasing globalised world, smart Governments recognise the

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importance of having their flags fluttering on as many routes as possible. Specifically for smaller countries, it is a way to promote their national brand and we have witnessed all over the world that many small Nations have made their airlines part of their national identity and growth strategy.

It is true that there have been problems with our national airline. Nobody disputes that and nobody is trying to deny that. However, what we must all realise is that there are things you simply have to protect such as education, health, national security, banks and infrastructure. This also includes symbols of national pride, which enable a country such as ours which is dwarfed by larger neighbours to the north and south to leave its footprints on the world and provides access to our country of thousands of visitors every year.

Given what I have just stated, I would like to thank Honourable Von Wietersheim, who has raised some important questions pertaining to the financial sustainability of Air Namibia. This has and remains to be a worry for all of us but I would like to report that the future looks positive.

Firstly, I would like to inform this House that over the past several months I have been engaged with both the Management and Board of Air Namibia as well as Comrade Nghimtina and Comrade Amadhila, the Minister of Finance, in order to identify strategies that can help improve the financial fortunes of the airline.

As part of this regular consultative process, I have held two meetings this year with the Air Namibia Management, Board, the Minister of Finance and the Minister of Works and Transport on the 4th of April and the 6th of September, respectively.

During the meeting on April 4, 2013, I was informed that several of the airline routes were making losses and only a few were making profits. In this one we must point out that our famous routes to Cape Town, to Johannesburg are all loss making. Frankfurt is also loss making. It is only Luanda which is breaking even and now the most popular one, is the route to Ondangwa. At this point in time, Air Namibia was contemplating its discontinuing several routes. It was decided at this meeting that the management of Air Namibia would provide a detailed report containing

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comprehensive analysis on the airline's routes so that Government would be able to make an informed decision regarding the continuation or discontinuation of any of the current routes. This report would also help guide everyone towards deciding whether the airline should concentrate on regional or international routes.

During the follow-up meetings that took place on September 6, 2013, the Airline Management reported back on the status of the route network and highlighted strategies that are in place to and those that will be put in place to ensure the financial sustainability of the airline.

Given those discussions, I would therefore, like to inform this House of the following:

Air Namibia is currently into its second year after the adoption of the current business plan. Most of the initiatives that needed to be implemented have been implemented. The management of Air Namibia is confident that a strategy adopted is starting to bear desired fruits. For a start, the reputation of Air Namibia has turned positive in the market.

Aspects of reliability have been addressed and people as well as companies have started selecting Air Namibia as their preferred airline.

I just heard that two Ministers just returned from Europe on Air Namibia and I asked them questions; that is Honourable Pendukeni Ithana and Comrade Shifeta and I have no propaganda. Honourable Shifeta is saying that from here he took Air Namibia on a brand new plane. He was very happy with the plane and also the service. However, when he came back and Comrade Ithana added that they were both looking forward to have the new aircraft but unfortunately things did not work that way so they came back by their old aircraft. They were a little disappointed but all the same, service was good. Air Namibia service is always good, however, the equipment that we have is a problem.

In the interim financial performance statements produced, for the first six months of this year show remarkable improvement compared to the same period of 2012. Revenue generated in the current year's first six months is N\$782 million, compared to N\$644 million in last year, which represents

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a 21% improvement. Though still loss making, the operating loss for the first six months of this year was only N\$69 million. Do not react when I am saying *only* because it was *only* N\$69 million compared to the loss of N\$323 million incurred during the first six months of last year, an improvement of 78%, *omake!*

The airline business environment is highly volatile and things keep changing, so the airline also has to keep changing its strategy in line with market developments at all times. Air Namibia cannot stick to a strategy developed in the year 2011, so the airline has to keep updating its strategy, continuously.

The airline is not profitable yes, but it makes a positive contribution to the economic system of this country. The money put in the airline is much lower than the value we get out of it. The positive spinoffs include taxes paid by the airline and all other companies, which supply goods and services to Air Namibia, the value of tourism in this country, export of Namibian products are able to fetch competitive prices due to the direct airlift from Windhoek into European and other markets. This would not be the case if they were tracked to other airports in neighbouring countries before being airlifted. Employment creation is a major priority of the country and without the national airline we will not be able to attain our national development goals as envisaged in NDP4, well some of them, not all of them because the airline does employ a sizeable number of people.

The airline is also operating in a very highly competitive world. There are only very few airlines that are making a profit without Government subsidy, so as I said, Honourable Von Wietersheim, we are all watching Air Namibia. We are all trying to see that Air Namibia improves, let us give them a chance. They have now received the first aircraft also leased, not bought, and I must add here that we have our own asset, a new Aircraft 747 which was a Combi, which was supposed to pick up our fish in Swakopmund and Walvis Bay and take them directly to Europe and it was sabotaged by those who were complaining even that time, because the fish had to go to South Africa to be loaded there as some had interest in that, therefore it was sabotaged. We were forced to sell the national asset we had, we were told if we were going to lease airbuses, they would be cheaper. We were reluctant but we were forced to sell the asset we had.

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We do not have any asset now, we are leasing. We are leasing old airbuses and still trying to survive. Today we are going to lease, I hope with an option to buy new aircrafts. One has arrived and from those who travel with it, they are saying it is excellent. I saw the interior of it and I also think it is excellent.

Although, profitability might not be achieved in the near future, what is important is that the country gets more value from Air Namibia than the amount of money that is being put into the airline. For the past several years, grants given to Air Namibia went towards the purchase of new aircrafts and this will help guarantee the sustainability of future operations.

I would like to conclude by stating that we should be careful when looking at Air Namibia in a manner that implies that we are living on an island. We should put things into context and examine the state of the global

Airline Industry. In so doing, we will get a much clearer picture and be more informed about the difficulties faced by the Industry as a whole. A recent report in the Bangkok Post read as follows: "*Aviation offers lower returns than almost any other business, but its appeal goes beyond the bottom line.*" The report stated that with the exception of a small number of well-managed carriers or those operating with special state support, airlines in general are indeed lousy businesses when it comes to absolute returns to shareholders.

It went on to state that the figures compiled by the International Air Transport Association (IATA) bare it all: over the past nine years, the Industry finished in the red for six years.

Given the dismal forecasts and report for the global Airline Industry, will Governments all over start liquidating airlines? Definitely not and this is to do with several important factors which I touched on at the beginning of my intervention. Firstly, Governments all over the world are very protective of flag carriers, seeing them as a great way to project a national image or identity, especially at foreign airports. This, however, is not the only reason that Governments protect their airlines. It is an Industry that moves the world's economy, creating employment for 5.5 million people

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despite the fact that it is a difficult one for shareholders to make money. With that, may I ask you to be patient? Allow us to look at it we are equally concerned like you. We have asked the forensic audit to be carried out, we are also asking them to keep on giving us updated information and as I have said, the Government based on information we have, will in the national interest take a decision, so give us a little bit of time. Thank you.

HON VON WIETERSHEIM: I wish to thank the Right Honourable Prime Minister for actually answering the question. Although he said I must be patient for the answer, thank you.

It is just unfortunate and you correctly said that this is an emotive issue because you made it an emotive issue. I do not think that my question was emotive in any way because I was looking for the facts and Honourable Minister had told us in June that their investigation would have been finished in a few days time. That was a purely financial investigation that is why I asked the Right Honourable Prime Minister about the strategic situation and I think we got a very good picture on that.

I would like to make a comment on his implication of the patriotism of people who are asking questions. I will be supported by the Members of the Committees I am serving on, that I am always looking at why we cannot get Air Namibia to fly us. Right Honourable Prime Minister, I also already had the same experience and I can fully support the two Honourable Ministers. I flew that new bird to Frankfurt and it was a fantastic experience. Unfortunately again, I had the same experience, I was sent back on the old plane but as far as the service is concerned, I can only agree.

Now as far as my investigation is concerned, amongst all our Members of this august House, in your answer when you came to it, you mentioned it yourself, you said it is a concern to all of us and in addition, I would like to quote the Honourable Minister of Finance in her last Budget Presentation where she said, "*This cannot continue*" so I am not only talking from this side of this House or from my political perspective, it was a real interest on how we are making progress. Thank you,

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Honourable Speaker for allowing me the comment.

HON SPEAKER: Thank you. Right Honourable Prime Minister.

RT HON PRIME MINISTER: Thank you, Honourable Von Wietersheim.

The words I used are *emotive issue* - I did not say Von Wietersheim is emotion filled or something like that. I said the topic of Air Namibia is an emotive issue. On patriotism, if you are a patriot my friend, what I said was just whether you would agree with it, that when we are patriots we see that plane parked at the airport, you would say – *that is my Airline, that is my flag!* It is therefore, not a thing to defend or explain, it is here inside you. Do not waste our time, you are a patriot, do not feel guilty, you do not have to explain your patriotism to anybody, so that is what I said.

I am glad you are accepting my explanation, but can we wait? What I am trying to question is that we said we will come back, and I had to quote the auditors who are asking for more time. Things are complex, so you got impatient and asked other questions, whereas the Minister said, can you wait until the Prime Minister comes back?

Then you thought that we forgot about it while we were waiting for the auditors. So, just wait a little bit and be patient we are all concerned as you are saying yes, but the others did not ask me questions. The Members of the Committee did not ask, you asked the question. Thank you.

QUESTION 37:

Honourable Von Wietersheim asked the Honourable Minister of Works and Transport the following question:

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After the Honourable Minister provided a detailed Report to this Assembly earlier this year on progress achieved with the forensic audit into the financial state of affairs of Air Namibia, it can safely be assumed that the audit must by now have been finalised and I would ask the Honourable Minister, when the Members of this House can expect this Report on the matter, as undertaken by him when he advised to set aside a parliamentary investigation instead?

ANSWER PROVIDED IN THE RESPONSE TO QUESTION 36

QUESTION 38:

Honourable Von Wietersheim asked the Honourable Minister of Justice:-

Whereas the next round of elections are probably to be held in just over a year's time;

And whereas the Namibian High Court has pronounced itself in no uncertain terms about the urgent need to reform and improve the Electoral Law before the next round of elections;

Whereas both Electoral Commission of Namibia and the Law Reform and Development Commission had pointed to the need for a complete overhaul of the Electoral Law to restore the trust of the Namibian people in the electoral system;

And whereas the first draft had reportedly been completed by March this year and the draft legislation was actually expected to be ready by the end of May this year;

Therefore I wish to know from the Honourable Minister of Justice:

- The progress achieved with the completion of the drafting process;

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- The timeframe envisaged for tabling the draft legislation in this Assembly; and
- The assurances of the Honourable Minister that the electoral legislation will be finalised in time to allow for proper preparation of the elections.

ANSWER

HON MINISTER OF JUSTICE: Thank you, Honourable Speaker. I am rising to respond to the question asked by Honourable Von Wietersheim.

As we may recall, Comrade Speaker, Honourable Von Wietersheim asked this question and then he introduced a Motion on the very same question and the Motion was rejected by this House and the Minister gave the assurance that all the issues which Honourable Von Wietersheim raised were under consideration by Government, and therefore the Line Minister, Honourable Namoloh assured the House that his Ministry is directing the process and it is work in progress. That is all I can answer, Comrade Speaker. Thank you.

HON VON WIETERSHEIM: This was a very general response by the Honourable Minister of Regional and Local Government, who is not in charge anyway of the drafting of the legislation, so my question is still on the progress achieved with the completion of the drafting process.

How far are we in terms of the timeframe envisaged for tabling the Legislation in this Assembly? These are very precise questions, which the Honourable Minister can certainly answer because we are very much under the pressure of time.

In addition, the assurances of the Minister that the electoral legislation will be finalised on time, to allow for proper preparations for the elections.

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We are already coming to the registration of voters and the new Law is not ready yet, so where are we?

HON SPEAKER: That is the question, Honourable Minister.

HON MINISTER OF JUSTICE: Honourable Von Wietersheim, you have to be honest with yourself and with this House.

You posed the questions and then you introduce a Motion, speaking about the same issue. For your information you have directed that question to the wrong Minister. I am not the Minister responsible for elections, I am for Justice. If you want to ask where we are with the drafting, I will tell you, it is work in progress. Thank you very much.

QUESTION 39:

Honourable Ulenga asked the Honourable Minister of Education:-

1. Is the Minister of Education aware of the fact that since the attempted implementation of Article 10 of the Namibian Constitution by the Government by providing primary education free of charge, there has been a loud clamour of voices, namely that schools can apparently no longer afford sufficient necessary resources to run their educational programmes?
2. How much would Government need in terms of dollars to satisfy the National Annual Educational Programme in full?
3. Has the Government already started to prepare for the provision of adequate and sufficient support of the National Educational

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Programme for 2014/2015 so as to avert the chaos and disarray that prevailed at the beginning of 2013?

ANSWER

HON DEPUTY MINISTER OF EDUCATION: Thank you Honourable Speaker. Question 39 posted by Honourable Ulenga asked the Minister of Education the following:

1. Is the Minister of Education aware of the fact that since the attempted implementation of Article 10 of the Namibian Constitution by the Government by providing primary education free of charge, there has been a loud clamour of voices, namely that schools can apparently no longer afford sufficient necessary resources to run their educational programmes?

I would like to clarify that the provision of Universal Primary Education (UPE) is a Constitutional obligation and a right to all Namibian children and it is not an attempt, it is real. The Government of the Republic of Namibia, through the Ministry of Education has been and is committed to ensure that all Namibia children at a school going age is in school and remains in school until they complete their primary education or had attained the age of sixteen years whichever comes first.

The Ministry of Education has, therefore, been responsible for the provision of all resources for schools. Most of our rural schools and previously disadvantaged schools welcomed and appreciated the funds allocated to their schools. The School Development Fund was abolished for a good cause to ensure access retention and completion of primary education. Parents and community members that would want to make voluntary contributions are not restricted but it should not result in the exclusion of some learners from some educational activities. Hence, a manual and training was given to all school managers for ease of reference in the implementation of the Universal Primary Education.

QUESTIONS AND ANSWERS

The Ministry of Finance allocated N\$50 million during the Financial Year 2012/2013 for the implementation of the Universal Primary Education. The disbursement of N\$50 million was only done in 2013 for the effective utilisation of the funds as per the academic year.

During this Financial Year 2013/2014 an amount of N\$162 million was allocated for UPE, each Region was allocated funds according to the percentage of learner enrolled in this specific Region.

2. How much would Government need in terms of dollars to satisfy the National Annual Educational Programme in full?

The Education Programme, as put here, is very broad as the Ministry of Education is responsible for both higher and formal education but the Budget for the Medium-Term Expenditure Framework 2014/2015 was compiled by using zero-based budgeting method. The zero-based budgeting method differs from the usual incremental one that we used to have, therefore the estimate of expenditure of the Ministry for the 2014/2015, 2015/2016, 2016/2017, was compiled by starting from scratch. It focussed on correct statistics, for example, the correct number of children enrolled in schools was used to make budgeting provisions to implement all Education Programmes in full. The amount of N\$14,269,485,000.00 is needed for the Financial Year 2014/2015 to implement the National Annual Education in full.

3. Has the Government already started to prepare for the provision of adequate and sufficient support of the National Educational Programme for 2014/2015, so as to avert the chaos and disarray that prevailed at the beginning of 2013?

I would not know whether I will be doing justice to this question as the question is not specific to say where the chaos and disarray was, which was not observed by the Ministry but, however, sufficient preparations are done as usual for the Financial Year 2014/2015. The Education Regional Directorates have already ordered the necessary teaching and learning materials for their respective schools. All Regions have already participated to the budgeting process, based on the needs of individual Regions. I thank you, Honourable Speaker.

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HON SPEAKER: Thank you. Any follow-up questions?

HON ULENGA: Comrade Speaker, I would like to thank the Deputy Minister of Education.

Of course, the Deputy Minister would agree with me that this is a question that arose from a real worry and concern with regard to the situation concerning education. As it was referred to earlier on by another speaker, this is an implementation of the situation that is new. The Government, by using the term attempt, I just mean to say it was the first effort and it was not achieved in full, not to say that it was unsuccessful, I just meant to say that this year was the first time that Government tried to provide free education.

HON MEMBER: You are campaigning now.

HON ULENGA: Everybody is campaigning My Dear Friend, we are not here to play, we are here to campaign. There is a misunderstanding on the campaign story, we are all politicians and we are trying to tell the Nation out there that we may have a better idea on certain issues, everybody. Most importantly and most evidently, the Ruling Party, so why can we not campaign? Did you misunderstand your reason for coming to Parliament or what?

HON SPEAKER: Speak through the Speaker.

HON ULENGA: Yes, sure Honourable Speaker. We are trying to sharpen up your campaign so that you can (*intervention*)

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HON SPEAKER: Honourable Ulenga, you are denying yourself the time, can you just address the question?

HON ULENGA: Yes, that is right but can you just protect me so that I do not have to protect myself.

HON SPEAKER: No, I also have the responsibility to protect the Chair. To respond to what the Honourable Deputy Minister has said, that should be your duty.

HON ULENGA: Honourable Speaker, as I was saying, this year, 2013, was the first time the Government tried to implement Article 10 of the Constitution. I am not saying that Government was unsuccessful but of course it was also not 100% successful and that is clear.

If the Minister can just clarify whether the implementation of a free primary education was also at the same time supposed to be compulsory, and if so can you please explain what means the Ministry has in place to ensure the compulsory aspect because I heard you referring to the compulsory aspect as well?

Finally, I am surprised to hear that the Minister is actually alleging that the Ministry apparently never noticed the chaos and disarray that existed at the beginning of the year. There was indeed confusion, chaos, disarray, I am not saying that it was caused by the Ministry.

Again, it is also natural to be expected, when you implement a certain measure for the first time, especially a measure as big as this one in terms of the magnitude, that there will have to be some amount of chaos and to some extent disarray. Please explain those small points that I put,

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otherwise I thank you very much for a very real and good attempt to provide an answer to my question. I thank you.

HON DEPUTY MINISTER OF EDUCATION: Honourable Speaker, I am requested to clarify the free and compulsory and the measures that the Ministry is taking to put it in place.

It is free and compulsory and usually what the Ministry is doing, as from July/August there are campaigns going out that we call, *back to school campaigns*. They are out, they are carried out in the Regions to encourage children of a school going age to attend school and the parents are also told to take the children back to school.

That is what is happening, these measures that are in place. It is compulsory. Thank you, Honourable Speaker.

QUESTION 40:

Honourable Moongo asked the Minister of Defence:-

1. Is it true that N\$15.00 is deducted from every member's salary on a monthly basis for luxurious services such as TV and sport activities in the Defence Force?
2. Is it true that if a Member retires after 50 years the accumulated amount is forfeited to the Namibian Defence Force?
3. Can the Minister explain why their officials are tempering with the salaries of the workers while it is prohibited in the Labour Law?

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ANSWER

HON MINISTER OF DEFENCE: Thank you, Honourable Speaker. I did not properly formulate the questions of Honourable Moongo. I suppose he wants information on two issues: One is the purpose or the aim of the Defence Foundation and the other one is about the Group Insurance Scheme of the member of the Defence Force. Since this information is very important to the members of Defence Force, I will answer them in full.

Honourable Speaker, I would like to inform Honourable Moongo that the N\$15 is legally deducted from the salary of each member of the Namibian Defence Force (NDF) as a contribution towards the Defence Force Foundation. Article 3 of the Defence Foundation Constitution states that – *“the aim shall be to provide the welfare of its members, managing the funds and institutions entrusted to it and establish facilities for the use and benefit of all its members.”*

Article 4 of the Defence Force Foundation Constitution states that - *“the main objectives are to protect and advance the interest of all its members regarding and not limited to:*

- (d) the granting of loans to its subsidiaries subject to the terms and conditions to be determined by the Management Committee;*
- (e) the establishment of institutions and recreation facilities; and*
- (f) the promotion of sport activities.”*

Article 5, Membership of the Defence Force Foundation Constitution state that:-

- (d) all members of the Defence Force shall be members of the Foundation;*
- (e) any person may apply to become a member of the Foundation;*

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(f) *members deriving their membership from being members of the Defence Force shall cease to be members of the Foundation on the date they cease to be members of the Defence Force. However, retiring or retired members of Defence Force may apply to continue as members of the Foundation or after their retirement. The members of the Foundation who are not members of Defence Force may terminate their membership by giving three months notice in writing to the secretary of the Foundation.*

Article 6 states that: –

(f) *the Foundation has the right to generate funds through members' contribution;*

(g) *receive donations, add to or alter its immovable or movable properties and grant or cede the mortgage bonds thereof;*

(h) *purchase, sell, donate or otherwise alienate immovable or movable property;*

(i) *raise loans on security of immovable or movable property and to pass material bonds thereof; and*

(j) *through trade.*

Honourable Moongo, the Foundation is established in terms of the *Defence Act*, 2002 (Act 1 of 2002) and the General Regulations as enacted by this august House. Therefore, I refer the Honourable Member to Chapter 9, Section 72(d) and (e) of the *Defence Act* for detailed information on the issues he raised. I believe the Honourable Member was a Member of this august House when the *Defence Act* was enacted, if not, it is important for the Honourable Member and the Namibian people to know that Defence Forces across the world make similar provisions for their members.

The N\$15.00 deducted from the salaries of members of the Namibian Defence Force for the purpose of the Defence Foundation, is used as

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follows: N\$7.00 is allocated to the Defence Force Foundation for among others:

- administration contingency;
- the holding of Defence Force Foundation Annual General Meeting; and;
- sports sponsorship for the NDF members.

N\$8.00 is allocated to all NDF Arms of Services, i.e. the Army, Air Force and Navy, to be used for sport, regimental and functions such as year-end functions by services and to unit clubs funds that are meant to assist members in the case of emergencies.

Therefore, the N\$15.00 is not deducted from members' salaries for luxury or to benefit individuals as Honourable Moongo alleged but to promote the welfare of all members of the Namibian Defence Force. Delegation sports are not necessarily luxurious services. Through television, members are informed, educated and entertained while sports is essential for the fitness of soldiers and any other person for that matter.

I hope Honourable Moongo will take sports seriously so that next time he comes here he is not reading. (*Laughter*). It is through sports that the NDF has produced world champions such as Ali Nuumbembe, Paulus Ambunda and others.

The NDF has been doing very well in national soccer through its soccer teams such as the Mighty Gunners and other NDF sports teams have won several national championships such as, volleyball and other sports codes. Moreover, the Defence Force Foundation has invested in properties and other assets that benefit the Namibian Defence Force members and the Namibian economy at large such as, the Sea Side Hotel and Spar and Mile 4 in Swakopmund. These facilities provide considerable discounts to the Namibian Defence Force members when accommodated there for work or for leisure. Thus the Ministry of Defence believes that the N\$15.00 legally deducted from the members' salaries monthly, is a necessity rather than a luxury as the Honourable Member suggest. I believe this is what this august House had in mind when it made provision for the establishment of the Defence Force Foundation in the *Defence Act*.

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The second question of Honourable Moongo, I believe is about the Group Life Assurance Scheme though it is not clear that he is referring to that. Well, the Group Assurance Scheme is obligatory for all members of the Namibian Defence Force. The deduction of the amount of N\$110.00 per member, per month is provided for in the *Defence Act, 2002* (Act 1 of 2002) and the General Regulations under Chapter 9 of General Regulations, Section 72(1)(r) which reads – “*the compulsory insurance of members of Defence Force in respect of bodily injury, disablement or death occurring in the course of all as a result of Military Service or training and recovery from the salaries or paying of allowances payable to such members in terms of this Act of the premiums payable in respect of such insurance and the payment thereof to the insurers concerned.*”

It is thus clear that the N\$110.00 is deducted for the insurance of the Namibian Defence Force members in situations that are described above. Unfortunately, and like many other insurance schemes, the present NDF Group Assurance Scheme does not make provision for saving mechanisms. However, I want to inform you that since this product is being run by the firm Financial Investment Services (FIS) which is registered with NAMFISA to administer the Group Scheme for the NDF members, their services are about to come to an end by April next year and we would be able to review whether we cannot include a component of saving.

Therefore as a general rule, most Insurance Schemes do not make payments to the insured at the end of their contracts, unless a saving mechanism has been part of the agreement from the beginning. This is the situation with the present NDF Group Scheme but as I said earlier, we shall try to review it as the services are coming to an end in April next year. For now, the members of Defence Force Group Scheme are only entitled to compensation as prescribed by the Law and not upon retirement because they pay for the insurance cover. However, because queries have been coming to the Ministry of Defence, the Ministry as I said earlier, is considering in the future, to ask the insurance provider to build a saving portion into the Group Scheme to be paid out to the members at their resignation or retirement.

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Otherwise, I assure the Honourable Member and this august House that there is no amount of money accumulated by a member of the Namibian Defence Force that is forfeited to the Namibia Defence Force if a member retires after 50 years.

The NDF Personnel Rules and Regulations governing benefits are very clear and do not say anything related to what Honourable Moongo is alluding to. Currently, the NDF members are treated like any other Public Servant. Therefore, their benefits are paid to them upon retirement.

However, if a member decides to retire while being indebted to the State, such debts are deducted from what is payable to them. The same situation applies to all the Public Servants, I believe.

The last question, Honourable Moongo alleged that there is tampering with salaries. Well, for this question Honourable Moongo should go back to whoever asked you to ask it because it is too general to merit a clear answer. However, as I have pointed out earlier, the salaries of the Namibian Defence Force members are handled within the parameters of the Namibian Law. I have recently taught the Namibian Defence Force Units and Formations and one of the questions that I have addressed with NDF members is the allegations of members salaries that were alleged to be reduced or subjected to illegal deductions. I have advised the NDF members who might have genuine complaints concerning this matter to report it directly to the Permanent Secretary of the Ministry of Defence so that those cases could be investigated and resolved.

Likewise, I am requesting Honourable Moongo to kindly provide the Ministry of Defence with specific cases of members' salaries that are alleged to have been subjected to illegal deductions. Honourable Members, I have gone to the extent of requesting NDF members who have genuine complaints to contact me directly. I have even given them my e-mail address and they are free to do so but if they contact any other Member of the House, I am ready to receive such information from you Honourable Members because you also represent them. I thank you.

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HON SPEAKER: Thank you, Honourable Minister. Honourable Moongo.

HON MOONGO: I would like to thank the Honourable Minister for keeping his door open even to NDF members because they have a fear that when the Insurance Companies change to new ones, they are going to lose. Please assist them as you said your door is open. This is the spirit that will help us solve problems. Thank you very much.

QUESTION 41:

Honourable Moongo asked the Minister of Regional and Local Government, Housing and Rural Development:-

In 1923, Mr Nicanor Hoveka led his followers from Orumbo to Epukiro when Epukiro communal area was set aside by the South African colonial Government. Mr Nicanor Hoveka became the Headman (*Hoof man*) of that Traditional Authority. He was succeeded by his son and with the promulgation of the *Traditional Authority Act* (Act 17 of 1995), his son Uiue Hoveka was not recognised and that travesty continued up to today.

For how long is the SWAPO Government going to perpetuate this injustice against many of our Traditional Leaders and the Hovekas, in particular.

ANSWER

HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: Thank you very much, Honourable Speaker. The question concerning the Hoveka issue, I cannot talk about this because this matter is before Court. I cannot divulge any information on this, since they have taken the Ministry and the Government to Court. I thank you. Honourable Speaker.

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QUESTION 42:

Honourable Moongo asked the Minister of Regional and Local Government, Housing and Rural Development:-

Is it appreciated that the Central Government gave double cab Toyota to the Traditional Authority and are also being provided with N\$120,000.00 per year for administration purposes?

1. What is the good reason that Lower Traditional Authority in villages was ignored?
2. Is the Minister aware that top Traditional Authority cannot function if the Lower Administration at the villages' level is paralyzed?
3. When will the Minister budget for villages administration and give allowances to sub-Headman, or will the SWAPO Party Government only cater for the top Traditional Leaders and give them vehicles and houses, like the second tier Authorities which also ignored the Lower Traditional Administration?
4. When will they benefit in order to give effective administration? I thank you very much?

ANSWER

HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: Thank you, Honourable Speaker. I would like to thank Honourable Moongo for posing questions that are very much close to his heart as a Chief and Sub-headman.

What is the reason why Lower Traditional Authority in villages were ignored? They were not ignored but it is the structures that are in place.

On the Higher Authorities, the Councillors who are being paid are those

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who constitute the Council of the Chief and those who are at the Lower Authorities are supposed to benefit from the fund at the Traditional Authority.

HON MOONGO: Yes, but there is nothing. (*Laughter*)

HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: It is not our duty. It is the responsibility of the Chief to collect money and to help those at the lower offices. It is your own setup.

In your second question you asking if I am aware that the top Traditional Authority cannot function if the Lower Administration at the villages' level is paralyzed. I am also a village Chief. I am a Headman but mine is not paralyzed, it is functioning.

HON MOONGO: Where do you find the money?

HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: Where do I find money, for what? (Interjections) for administration, we have people in the village. We have business people and we arrange fund raising events for them to contribute. I even encourage the people to clean the village and it is being cleaned, they pick up plastics, tins and bottles. This is what leadership is about. It is not about complaints. It is, therefore, not paralyzed but if you want to paralyze it, you can.

When will the Ministry budget for villages administration and give allowances to Sub-headman or will the SWAPO Party Government only cater for the top Traditional Leaders and give them vehicles and houses,

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like the second-tier Authorities which also ignored the Lower Traditional Administration? It is not about the SWAPO Party Government, even if one day, maybe in hundred years, you are still alive and come to power, you will not be able to pay all the villages. (Interjections) you cannot.

HON SPEAKER: Honourable Moongo, the question is being answered. Please continue.

HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: You cannot pay them, it is not only the SWAPO Government, even if you come to power, there are so many of them, thousands and thousands. How can the Budget sustain them? You are a Parliamentarian and you know the size of our Budget in the country. Where will we get money to pay all the Headmen? (Interjections) I am informing you.

HON SPEAKER: Honourable Moongo, can you listen to the Minister?

HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: When will they benefit in order to give effective administration? As I said earlier, it is about leadership. If you have no leadership, your village cannot function but if you have leadership you can organise your people and they will be able to contribute. They have been functioning all these years.

HON SPEAKER: Thank you Minister. Honourable Moongo.

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HON MOONGO: Just in short, I thank the Minister very much for giving some information and a good proposal to clean up the area but the point is that the community cannot function if their Authority is not recognised.

We want them to be recognised, Article 18 of the Namibian Constitution says - any administrative action should be fair and if we do not get a fair share from the Village Headman, how can you administer? Therefore, implement Article 18 in your Ministry so that the Sub-headman should also get a share. Thank you very much.

QUESTION 43:

Honourable Naholo asked the Right Honourable Prime Minister:-

Honourable Prime Minister, I am referring to your Progress Report in this august House last week or two weeks ago on the current status of Government's drought measures. In your statement, you urged the Nation to make a distinction between malnutrition and hunger caused by poverty, and malnutrition and hunger that is caused as a result of drought due to lack of rain.

1. What is the material difference between a citizen who dies due to poverty related chronic hunger or malnutrition, on the one hand, and a citizen who dies due to drought related hunger on the other?
2. Does the Right Honourable Prime Minister imply that, since 14% of the population lives under object poverty, it is somehow acceptable or tolerable that citizens die from poverty related chronic hunger?
3. What is the strategy, if any, of the Government to address poverty related chronic hunger and malnutrition in this country? I thank you

and I so Move, Honourable Speaker.

QUESTIONS AND ANSWERS

NO ANSWER

QUESTION 44:

Honourable Kaura asked the Honourable Minister of Education:

Honourable Minister, it was reported last week in one of our Daily Newspapers that Namibian girls studying in Zimbabwe have resorted to prostitution to make ends meet. Today it is reported in the Namibian that and I quote; *“Nam Students have brought fear deportation over fees. These students are studying in the United States of America, Russia and Zimbabwe”*.

The following is further stated in today’s the Namibian that students who are on Government study loans paid through the Namibian Student Financial Assistance say that the loan disbursement take too long although the loans have been reduced despite having been promised full scholarships.

Honourable Minister, what kind of remedial steps do you intent to take to avoid this embarrassing situation, given the fact that there is no shortage of money because last year you returned N\$150 million to the Treasury?

QUESTION WITHDRAWN

QUESTION 45:

Honourable Moongo asked the Minister of Health and Social Services:

It is a fact that the State and the Private Physiotherapists contributed to the

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national and comprehensive health services in Namibia. Some of the patients who could not walk, like some of us here, are now walking, thank you very much for the job well done.

1. Is the Minister aware that some long serving physiotherapists at Oshakati and other towns are not registered and still have temporary work permits after twenty years on duty?
2. Their work permits have expired and it is difficult to renew them. What is the good reason that State and Private Physiotherapists are working without valid working permits?
3. Is it because there is favouritisms and nepotisms practise at the Registrar's Office in Windhoek?
4. Does it hamper the work of the Health Services, can the Minister explain?

We have cell phone contact numbers of the concerned people on top here, it is not to victimise them but to solicit more information. Thank you.

ANSWER

HON DEPUTY MINISTER OF HEALTH AND SOCIAL SERVICES: Thank you, Honourable Speaker. Honourable Members, I thank Honourable Moongo for his questions and I answer as follows:

We know about this problem and in line with the *Allied Health Professional Act, 2004* (Act 7 of 2004) Section 59(4), the Ministry has the mandate to authorise Therapists to work for the State. This authorisation to practice as therapist, is the requirement needed for them to be employed but the issuing of work permits is done by the Ministry of Home Affairs and Immigration and not by the Ministry of Health and Social Services.

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Yes, the country has a shortage of Physiotherapists, as you also know, the shortage of skilled personnel is a problem all over country, this is not exceptional and if there is a shortage of personnel, definitely it will hamper service delivery.

QUESTION 46:

Honourable Von Wietersheim asked the Honourable Minister of Youth, National Service, Sport and Culture:-

1. Since the Honourable Minister replied to a similar question previously, without providing an answer to this Assembly, I still want the Minister to tell this Assembly what costs were incurred for the erection of the Statue at Ongulumbashe and to indicate where in his Budget, provision was made for this expenditure?
2. Since further Statues are planned to be created and erected, can the Honourable Minister indicate to this Assembly whether an appropriate Budget has already been drawn up and what additional costs are to be incurred therefore?
3. Since it is the mandate of his Ministry to support, promote and nurture Namibian Artists in developing their professional capacity, can the Minister tell this Assembly, how many Namibian Artists have been engaged in the creation of these sculptures, either as professionals in their own rights or in partnership or understudy with foreign contractors in order to promote their professional capacity?
4. Can the Honourable Minister agree with me that National Monuments should reflect our national culture and should, therefore, be created by our own artists, which in turn will create the sense of pride and ownership amongst all of us?

Thank you, Honourable Speaker.

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ANSWER

HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND SPORT: Thank you, Comrade Speaker.

Comrade Speaker, the Honourable Member asked the following one:

1. Since the Honourable Minister replied to a similar question previously, without providing an answer to this Assembly, I still want the Minister to tell this Assembly, what costs were incurred for the erection of the Statue at Ongulumbashe and to indicate where in his Budget, provision was made for this expenditure?

Comrade Speaker, here is the cost for the statue at Ongulumbashe. Erection of Founding President Ongulumbashe - Project 3: 7.5 metres bronze statue, the amount is N\$284,200.00 (Two Hundred and Eighty-Four Thousand, Two Hundred Namibian Dollars) and that is not even N\$300,000.00. The Honourable Member has been pushing and pushing thinking it is maybe billions. N\$284,200.00 here it is, that is the cost.

To indicate further, the Directorate of Culture budgets for all the statues and all the national heritage sites through the National Heritage Council. We, therefore, did budget for it. All the historical places, the museums, the statues, the sites, we budget for all those through the normal Budget. Are you satisfied now?

HON VON WIETERSHEIM: Yes.

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

2. Since further Statues are planned to be created and erected, can the Honourable Minister indicate to this Assembly whether an appropriate

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Budget has already been drawn up and what additional costs are to be incurred therefore?

I think I responded to you that we budget through the normal Budget.

3. Since it is the mandate of his Ministry to support, promote and nurture Namibian artists in developing their professional capacity, can the Minister tell this Assembly, how many Namibian artists have been engaged in the creation of these sculptures, either as professionals in their own rights or in partnership or understudy with foreign contractors in order to promote their professional capacity?

I just want to say that, one does not just engage Namibian artists just for the sake of engagement or because there are many enumerable elements involved like, professionalism, cultural, philosophy, financial, etcetera. It depends on the kinds of statues, so the people who erected these statues are amongst the best in the world.

4. Can the Honourable Minister agree with me that National Monuments should reflect our national culture and should, therefore, be created by our own artists, which in turn will create the sense of pride and ownership amongst all of us?

If the Honourable Member meant our culture, I will just refer him to the *Sun* Newspaper of the 19th of September 2013, and I quote - "*Rally for Democracy Member of Parliament Anton Von Wietersheim,*" I think I must remove the Von and just say Anton Wietersheim (*laughter*). "*Said that any such talk twenty years after Independence,*" he was referring to what His Excellency, the President said at Omugulumbashe, when he said the Reiterdenkmal statue should be removed or taken back to Germany, if they want it, he said (Hon. Von Wietersheim) I and quote - "*Rally for Democracy and Progress Anton Von Wietersheim said, that any such talk 20 years after Independence was simply an election strategy by SWAPO.*"

Then Honourable Member again continued, he said and I quote – "*However, it has been 23 years since Namibia has gained Independence and now these things start to come up. It can only be thought of as an*

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election campaign for next year.’ ‘I am not sure how serious the President was when he made these remarks, but the statue has a historical and cultural value and therefore these types of statements should be considered carefully before it is,’ stressed Von Wietersheim. He pointed out that the Reiterdenkmal is not only part of the German history, but it is part of the Namibian history and therefore all stakeholders must be consulted about whether it should be moved. He said the debate surrounding the Reiterdenkmal has been ongoing for quite some time and to move the statue again will be ‘strange and costly’.”

Then he also went further - *“If you take away artefacts or the heritage of any minority group, people will be upset. This is not in the national interest to pursue’. According to Von Wietersheim the impact of the remarks made by the President touches a much wider audience than only the German community. ‘We have experienced this with the renaming of the Lüderitz town as well as the Caprivi Region (to the Zambezi Region), where there have been a general unhappiness from people.’ He stressed that it is important to remember that there is a democratic setup in Namibia, which should take cognisance of minority groups such as the German community. According to him the building of monuments and naming places after heroes should develop naturally, taking cost into consideration.”*

Comrade Speaker, because the Honourable Member insists, here in this book *The Kaiser’s Holocaust*, there is a photo here that says, I think it is on the on the 12th of January somewhere there, 1912, - *the white residents of Windhoek gather on the side of the Windhoek Concentration Camp in 1920 for the inauguration of the rider statue in honour of Germans who had died in the wars to exterminate the Hereros and others.*

This means that this statue is not a cultural or national heritage because in your question you are talking about *‘cultural.’* Other things are cultural but the statue was erected in honour of those who exterminate our people, so it should move.

I think I have put this case to rest and you will no more continue with the statue because all these questions have nothing to do with that. Your aim

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was not to find out how much the statue cost, but because of this Horse Rider.

HON VON WIETERSHEIM: The Reiterdenkmal.

HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE: It was built on the grave, there was a Concentration Camp there, it is in this book here. This book is full of all the stories. For instance, there is also a photo of ladies in the book, with a caption that says - "*Herero women in the Swakopmund Camp used to pull rail cars loaded with ammunition and provisions. The majority of prisoners in all the camps were women and children.*" It illustrates here how they are pulling and here on top it says - a group of Nama women and children captured by a Germany patrol and forced to pose for the camera, there is so much to read and see in this book.

HON SPEAKER: Which book is that Honourable Ekandjo?

HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE: *The Kaiser's Holocaust*, it is the history of this Horse Rider, which the Honourable Member refer to as the *Reiterdenkmal* as it has cultural value to him.

Comrade Speaker, I hope I made it clear. The statue is N\$284,200.00, not even N\$300,000.00. I rest my case. Thank you very much.

HON VON WIETERSHEIM: Yes, Honourable Von Wietersheim.

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HON VON WIETERSHEIM: Thank you, Honourable Speaker. I seem to be giving Honourable Jerry Ekandjo a little gap every time but he makes it a very huge gap than it should be.

Thank you for the precise answer. On Question 3, I understand from your, not so precise answer that you are not employing Namibian artists for these statues because of the various reasons that you have mentioned. They are not professional enough. Cultural, we need, of course our cultural artists there. Did I understand you correctly that you are not employing Namibian artists for that?

HON SPEAKER: Honourable Minister?

HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE: I Already provided my response.

QUESTION 47:

Honourable Moongo asked the Honourable Minister of Health and Social Services:-

It is an undeniable whether he is not here but he will find the question. It is an undeniable material fact of Law that Article 95(e), states that - any employer must ensure that the workers are paid living wages, adequate for the maintenance of a decent life and standards.

1. Can the Honourable Minister agree or deny that, during 1966 (intervention)

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HON SPEAKER: When was that again?

HON MOONGO: 1966 it is a Point of Information for the Minister. The white workers, who were working in the Malaria Control Division were paid a full salary of 12 months and only the blacks were subjected to victimisation by being paid unfair salaries of only four months per year. Those workers had families to take care of, students who needed scholarships in higher academic institutions and many other social needs.

2. When is the Honourable Minister going to stop this inhumane system of working only for four months in a year? When will the Minister initiate a better system that will allow Malaria Control Workers to work twelve months in a year?
3. What is the good reason that the Malaria Control Division is not upholding and respecting the current Labour Law and give all necessary benefits such as medical aid, social security, annual leave and compassionate leave according to the Labour Law. If it is true:
4. Will the Honourable Minister pay workers retroactive salaries for those benefits since they were employed? Can the Minister explain?

HON SPEAKER: Will the Member table the question? Honourable Bezuidenhout.

HON BEZUIDENHOUT: Honourable Speaker, I just want to seek clarity from Honourable Moongo, which Article 95(e) does he refer to when he quoted in his question, is it Article 95(e) of the Constitution or is it of the *Labour Act*?

If it is from the Constitution, he must just read it again because it has

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nothing to do with Malaria or labour issues. (*Laughter*) I am just seeking clarity, Honourable Moongo.

HON SPEAKER: Honourable Moongo, I am sure you heard the question?

HON MOONGO: I did not grasp what he asked properly, can you repeat the question please?

HON SPEAKER: He will gladly do so.

HON BEZUIDENHOUT: Honourable Moongo, you indicated in question that it is in accordance with Article 95(e) and all I want to know is it 95(e) of the Constitution of the Republic of Namibia or it is something from the *Labour Act*? This is just for my own education. Thank you.

HON SPEAKER: Honourable Moongo, if you can answer that.

HON MOONGO: No, if my memory serves me well, 95(e) states that all workers (interjections) no just read 95.

HON MEMBERS: Which one?

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HON MOONGO: In the Constitution. You know, it will always be from the Constitution, the Constitution is up here in my mind. Maybe you are AWOL (*Absent Without Official Leave*) on that.

HON SPEAKER: Honourable Bezuidenhout, we will sort out the matter before we put it down on the Question Paper. Any further questions? Honourable //Gowases?

ANSWER

On question 47, I will answer as follows:

Question 1: I do not believe that white persons were employed in the 1996 to the temporary spray teams. However, they were employed as Supervisors and as Environment Health Assistants, who were full time workers. This was at the Central Health Directorate then and it was based in Otjiwarongo.

Malaria is a seasonal disease coinciding with the rainy months between November and May. We employed temporary spray workers to spray homes before the onset of the rain, to ensure the Indoor Residual-House Spraying (IRS). Insecticides adhere to the walls of the structures in houses effectively. Once the IRS campaign is completed, there are no further duties for the spray operators. This methodology is used in other Southern African countries that also do IRS, and has been implemented here in Namibia since 1965.

Question 2: Although this is not Government policy, we operate under the World Health Organisation's recommendations, which require the spraying to be done within a short period of time. Thus, spraying needs to be completed within three months and this is practiced globally. These temporary workers are informed of this period of work and they sign contracts every year. Their salary scale is calculated based on a labourer's

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salary within Government. This will remain a temporary position until malaria elimination is reached and we are almost there.

Question 3: The Public Service Staff Rule on Housing and Transport is silent on the provision of these allowances to occasional/temporary staff members. Under the Provision of the *Workman's Compensation Act, 1941*, other general condition of service do not apply to occasional workers i.e. housing, leave, pension and medical aid.

However, under the Ministry of Health and Social Services, temporary workers, paid at Grade 15, receive camping (S & T) allowances as well as leave gratuity.

Question 4: In reference to the answer above the temporary workers can, therefore, only be paid according to the appropriate Laws. Thank you, Honourable Moongo for your question.

QUESTION 48:

Honourable //Gowases asked the Honourable Minister of Works and Transport:-

I have mentioned before in one of my addresses on the Namibian roads infrastructure, that travelling on some of our roads is like signing a death sentence. In this case, however, I am referring to trucks, which pose a danger to other drivers. Precious lives are lost on our national roads everyday because truck drivers are not taking enough breaks, not getting enough sleep, falling asleep on the wheel and thus cause serious accidents.

I recall in the past, before our hard-won Independence trucks were prohibited to use national roads during certain hours in the evening and were compelled to park from sunset to sunrise.

What I want to know from the Honourable Minister is:

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1. If there are any provisions in our Law protecting truck owners to operate unabated?
2. Why are no provisions being made for more truck ports on our roads to allow drivers to take breaks, to rest and sleep before tackling the long roads they have to travel? This will certainly prevent all the accidents from occurring.

A Suggestion in this rather urgent national problem would be the following:

- The possibility of a provision in the Law to make it obligatory for truck drivers to have co-drivers so that they can alternate driving, giving each other an opportunity to rest.
- I respectfully submit that the Government should make it a priority to create more truck ports in our beloved land of the brave to accommodate truck drivers and this way also curb the high rate of accidents on our roads.

Honourable Speaker, Honourable Members, I so Move.

NO ANSWER

QUESTION 49:

Honourable Von Wietersheim asked the Right Honourable Prime Minister:-

1. In the officially drought stricken settlements of Satamab South, Satamab North, Cameron, Erica, Spitzkoppe and Kettelbank - all in the Daures Constituency, drought relief recipients are receiving only one bag of 12.5 kg maize meal per distribution from the distribution point at Usakos; the question is, whether it is correct that only one single bag

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of maize meal is supplied to the recipients in this Constituency, and why no additional nutrition is provided as in other Constituencies, like tins of fish, tins of beans, etcetera?

2. Can the Right Honourable Prime Minister please explain where and how the following aid was distributed:
 - the ration food aid supplied by the aircraft?
 - the Malaysian donation of fish and cooking oil?
 - the meat and *matangara* processed by Meatco originating from the large scale hunting operation, as well as other local food donations?
3. Are all the recipients treated in an equal manner or are there criteria applied to vary the amount and type of food supplied to different recipients, and what are those criteria? Thank you, Honourable Speaker.

WRITTEN ANSWER PROVIDED

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ORAL QUESTIONS

QUESTION

HON ULENGA: Thank you Honourable Deputy Speaker. I wish to ask the Minister of Foreign Affairs a question on the issue which the whole world is wondering and fearing what might happen. This does not only refer to other countries, we, the very people who are sitting here are involved as well. The Honourable Members who spoke with regards to these Reports are highlighting the role that needs to be play by a Parliament such as ours and by Members of Parliament with regard to the important issues of peace-building, reconciliation and the stopping of conflict in the whole world. The Reports dealing with these issues have been tabled at the very time that the world is holding its breath with regard to the conflicts in the Middle East and the unravelling situation Syria.

I have not recently heard of any statement by our Government, I can only guess more or less what position the Government is taking and I would very much have liked to hear from either the Minister or the Deputy Minister of Foreign Affairs with regards to what is going on, what is the position and the prospects with regards to this unravelling situation in the Middle East.

HON DEPUTY SPEAKER: The Honourable Minister was out, maybe you could briefly repeat.

HON ULENGA: Honourable Minister of Foreign Affairs, please tell us as representatives of the people in this House where are we going to as the world, what is happening and what are we to expect with regard to the warring situation in the Middle East, specifically in Syria. Are we to hold our breaths forever, can we have hopes or expectations of peace and the peaceful resolution of the on-going conflict, specifically with regard to the use of chemical weapons? Can you talk peace and quiet into us or can

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you tell us to perhaps expect the worst?

ANSWER

HON MINISTER OF FOREIGN AFFAIRS: Thank you, Honourable Deputy Speaker, and thank you, Honourable Ulenga, for asking the question. I am sure Honourable Members are aware that in conducting our foreign relations we are guided by the Namibian Constitution in addition to international instruments which we are party to. Starting with the Namibian Constitution, it is very clear that we should advocate peaceful solving of conflicts in the world and that is exactly what we are advocating. International Law also guides us as to how conflict can be resolved, particularly should a situation arise where there is conflict in a particular country which could be regarded as a civil conflict between members of that particular country. Instead of encouraging more war, one

should endeavour to bring the two parties together to talk to one another so that there should be no further bloodshed and loss of lives.

Your question was specifically on Syria and the issue of chemical weapons. Namibia is a member of the UN, particularly the Convention regulating the use of chemical weapons and we do not and will not condone the use of chemical weapons in any country, including Syria.

As to what is happening in Syria, we know that the United Nations had sent a team of experts to Syria to determine whether chemical weapons were used. We have been informed that the team has returned and in their report assert that chemical weapons were used. We are saying we do not accept such a situation. At the moment we do not know who had used the chemical weapons in Syria, because there are two parties to the conflict and we are saying whoever has used those chemical weapons stands to be condemned.

We want to encourage that instead of advocating for further war in Syria, we should pursue peace, because we know many people have already died and we do not want to see more deaths. Therefore, we hoped that the

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discussions in Geneva would bring something better.

We are also informed that Russia has now asked the Government of Syria to surrender the chemical weapons in their possession to an international body so that they can be handled in a proper way. We believe that should this happen, our aim of not having further war in Syria will be achieved. The dialogue is continuing and hopefully we will not have a situation of another war in Syria.

I hope I have clarified the Namibian position on the matter. I thank you.

QUESTION

HON RIRUAKO: Honourable Minister of Foreign Affairs, there is something which was not yet answered.

Honourable Deputy Speaker, if what happened in Syria were to happen somewhere in Europe, the United Nations would have been there within fifteen hours, but the Asians started the fire from Tunisia, Syria, Egypt, Libya, some of the Africans were jolly-jolly, but that is not fair to yourself.

Sometimes if you happen to be in the same situation you expect other people to react, but some of the African States were jolly-jolly, however now it is a fire which is destroying all our countries.

In Egypt the first President was taken away, the second President has been ousted and now I do not know whether the third President is going to stay. That kind of habit has started as a fire and the African countries are keeping quiet. If that happens in our area we are going to make a row. What will now happen? That is a query.

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ANSWER

HON MINISTER OF FOREIGN AFFAIRS: Honourable Deputy Speaker, I know the Reports tabled deals with conflict resolution, but unfortunately I have not had time to peruse them. I am not sure whether I really understand the question of Honourable Riruako, though I heard names of countries being mentioned.

The situation of instability is definitely unacceptable and it is very unfortunate when that happens. Africa has a standing understanding on how to deal with African Member States, especially those who change their Governments undemocratically. The first and immediate action taken is to suspend them from the African Union, which has happened in the case of Egypt and Africa has identified a team of imminent persons, very respected African leaders who have served as former Presidents in their countries, to assess the situation in Egypt. They visit Egypt regularly and Egypt continues being suspended from the AU. It is a very unfortunate situation, the AU did not condone it. It continues to monitor the situation and demands that the people of Egypt should enter into negotiations and stop the on-going conflict. Therefore, Africa is not idle when such things happen on the continent. It also pronounces itself when things are happening anywhere in the world.

That is all I can say since I have not read the content of the Reports now under discussion. I thank you, Honourable Deputy Speaker.

HON DEPUTY SPEAKER: Honourable Chief, as the Minister has stated, she has not had time to peruse the Reports, but maybe you can Move a Motion next week for this topic to be discussed. Honourable Ulena.

QUESTION

HON ULENGA: Honourable Deputy Speaker, I have something totally different. I would like to pose an Oral Question to the Right Honourable

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Prime Minister as Leader of the Government Business in the House on a completely different issue.

The issue on which I would like to ask a question to the Right Honourable Prime Minister concerns the commemoration of national days in the country, specifically the 26th of August, also known as Heroes Day, which was commemorated only a few weeks ago.

Honourable Deputy Speaker, we know that Heroes Day appears on the national calendar as a public holiday and as far as I understand it is supposed to be a national holiday, to be commemorated at national level and without reference to Party politics, but it appears that the commemoration of Heroes Day was held at a private Political Party level as if it was designated for private commemoration by SWAPO as a Political Party. I would like the Prime Minister to clear that situation and hopefully reassure me, the House and the public out there that Heroes Day is just what it is, it is a national public holiday and should be commemorated in a politically neutral, patriotic manner without any adulteration in Party-political directions. (Interjections).

Please bear with me, Honourable Deputy Speaker, because I have several sub-questions on the issue and if the Colleagues can bear with me, I will conclude and then they can make comments.

Whatever the comment would be of the Honourable Prime Minister on the first issue, perhaps you can tell me and the House exactly how many Party Leaders from the SWAPO Party were formally invited in terms of being given invitation cards to attend this last Heroes Day and also tell me and the House why the leaders of other Political Parties were excluded and did not receive these invitations.

The third issue that I would like you to shed light on, Right Honourable Prime Minister is, why were national leaders such as Ministers and MPs draped in SWAPO Party colours instead of standing as national leaders?

Honourable Deputy Speaker, the second-last question would be: Has the Right Honourable Prime Minister contemplated what the ultimate

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outcome could be if national days, such as the one I am referring to, were to be commemorated in this way instead of a single style with a single national, non-political loyalty?

Lastly, how much was spent from the National Treasury on the last Heroes Day commemoration?

I thank you, Honourable Deputy Speaker, and I would like the Prime Minister to respond.

ANSWER

RT HON PRIME MINISTER: Thank you very much for the well-prepared ambush. Heroes Day was declared as a national day, but do not forget to connect that day with an event that happened. On 26 August some historic event happened and as a Nation we said that that day will be Heroes Day.

Although the heroes we are talking about on 26 August were fighters of SWAPO, we said we should have one day to recognise all heroes who in, their own ways were resisting or fighting and put it to the main event that happened. That is what 26 August is. You know that when you were in SWAPO we used to celebrate that before Independence as Namibia Day at the UN and so on. After Independence we then said it must be a national day.

Firstly, I do not know how the Opposition Members work in this country. Is it just to look for excuses to complain? There was a day I deliberately invited all of you by letter to an event, signed by me for a national day, and I only saw Honourable Hamutenya and Honourable //Gowases, the rest I did not see. Yet I had invited you in writing. Not even the courtesy to say, "*I am sorry, I cannot make it.*" So, do not come with a question of whether they were invited by letters. You do not even acknowledge letters.

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Coming now to that day, let us distinguish between two things: There was the launching of the SWAPO constitution and it was decided to launch it at that venue. Please, let us not talk for the sake of talking. There were two separate events. The launching was done and yes, SWAPO chose that place because it means a lot of SWAPO. The launching was done earlier where people were in SWAPO regalia and that is where the constitution was launched. Then the other event followed and you did not see any

SWAPO leader in SWAPO colours, none of the national leaders. Tell me who was in SWAPO colours. I am telling you, at the commemoration of that day nobody had SWAPO colours. Let us not exaggerate. If somebody, even one, had that, people are free to do what they want to do and please, in future do not be ashamed to wear your Party colours to national days. Is it because your supporters are very few and you are afraid SWAPO may overwhelm you? What does Party colours mean? Go and celebrate the event.

To sum up, that day SWAPO constitution launch was a separate event. Heroes Day was celebrated with a guest of honour, the President of Senegal who addressed that event in a dignified way. Do not confuse the two events. Heroes Day was celebrated as a national day.

As for the invitations you mentioned, none of the SWAPO members received invitation cards to Heroes Day. It is a calendar day and all patriotic people will get up and go. Therefore, nobody was invited by card.

I agree that everybody must feel it is a national day, but why should any patriotic Namibian feel bad about the day people died for the freedom of this country? In fact, I said we may all have different types of heroes, just go and celebrate your hero on that day. However, those who remember that day in the long struggle that we were part of are saying we must not forget those who died. That is why we are today sitting here as free people.

I am on record that I have previously invited the Opposition by letter, but they do not respect it and I am no longer going to write letters to invite

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you. There was no acknowledgement, not even a telephone call to say you could not make it. Why should I keep on doing that? We should respect each other, because when I take my time to write, respecting you, at least there should be acknowledgement. Now the Honourable Member is asking whether they were invited by cards. We do not invite by cards on a national day like that, it is announced and we know about it and we attend. I can add that it is protocol that when the leaders of the Opposition attend, as we did at Omuthiya, we arrange for them to be received and seated properly and I saw Honourable Hamutenya and Honourable //Gowases. The Chief was there too and they were received, but not Honourable Ulenga.

Therefore, when we talk about these issues, let us also act and show we mean it, not just to score political points. However, I am saying we must dignify the national days, everybody must feel part of it, but we also cannot deny the painful history. Why should the history of Namibian patriots hurt somebody else? It is not a history of Namibians oppressing other Namibians, it was a fight against oppressors. That is what we are commemorating and why should all of us not join in that?

To summarise again, it was two separate events. Maybe you saw the launch of the SWAPO constitution on television and saw SWAPO colours, but the main event was at a different venue with the guest of honour, the President of Senegal.

As for the cost, since you have ambushed me with these questions I would not know and that you can easily find out later on from the Finance Minister.

QUESTION

HON SHIXWAMENI: Thank You, Honourable Deputy Speaker. I would like to ask the Minister of Education an Oral Question:

Given the reports that are in the newspapers and also the practical

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experience of parents that there is no space for Grade 1s in public schools for the next year around the Khomas Region and I believe it is also replicated in other Regions.

There is also shortage of space for those ones who are going to Senior Secondary School, thus Grade 8, for next year. We are talking about toddlers and children aged 13 and 14 years.

I would like to know what plan is the Ministry having to resolve this recurrent crisis year in and year out and whether the Government is prepared to throw 13 year olds in the streets because they cannot find a school in the Region of their residence? Thank you.

HON DEPUTY SPEAKER: Honourable Minister of Education, are you ready to respond?

ANSWER

HON MINISTER OF EDUCATION: Thank you very much, Honourable Deputy Speaker of this august House. I want to thank the Honourable Member for the Oral Question.

I want to assure the Honourable Member as well as the entire Nation that the Namibian Government is a caring Government. The money which was put aside and approved by this Honourable House will definitely be put to good use. No Namibian child from zero to eighteen years will be thrown onto the streets.

I want Honourable Member to ignore some of this misleading information. We are not denying the fact that there are challenges and challenges are there to be tackled head on. (Intervention)

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HON MINISTER OF MINES AND ENERGY: Honourable Deputy Speaker, I stand in terms of Rule No. 82(a), Oral Questions and it reads as follows: “*After answers to the questions on Notice, the Speaker shall allow time for Oral Questions to Ministers*”.

Now Honourable Deputy Speaker, I have not seen questions on Notice being answered before the Oral Questions posed have been asked. In terms of our Rules, Oral Questions are not just asked any time, it is after the questions on Notice have been responded to. Thank you Honourable Deputy Speaker.

HON DEPUTY SPEAKER: I take note of that Rule but we created the tradition that at times Oral Questions were just asked afresh. I do not know, am I right? On that basis I will allow that. Yes, can you proceed?

HON MINISTER OF EDUCATION: Thank you. From this Budget 2012/2013, we have as a Ministry allocated funds to construct schools and class rooms to cater for our children.

What I am saying is that we are not denying the fact that there might be challenges here and there. However, challenges are everywhere, developed Nations also face challenges but as a Nation we are determined to make a difference. Thank you.

HON DEPUTY SPEAKER: Do you have a follow-up question, Honourable Shixwameni? Please, quickly follow up and that will be the last time you follow up.

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HON SHIXWAMENI: Thank you for your short reply. I just want the Minister to assure us because parents are stampeding at the Teachers' Resource Centre in Katutura for their Grade 8 children. The circular from the Ministry says that they will be placed anywhere where there are empty spaces around the country.

I am still insisting, will the Minister assure the Nation that no kid just going to Grade 8 would not have to go somewhere else to find schools when there are schools within the parameters of their Region?

HON MINISTER OF EDUCATION: Thank you very much. Let us differentiate things here. There is a difference between shortage and preference. If a parent prefers his/her child to study in a specific school, ignoring the other schools that are available elsewhere, then the Ministry of Education will remain silent. However, what I assure the Nation is that the caring Government of the Republic of Namibia will ensure that no child would be left on the street. That is the bottom of the matter. Thank you.

HON DEPUTY SPEAKER: Any further Notice of Questions.

QUESTION

HON RIRUAKO: I have an Oral Question.

HON DEPUTY SPEAKER: Provided that it is of an urgent nature, Honourable Riruako.

QUESTIONS AND ANSWERS

HON RIRUAKO: Honourable Deputy Speaker, I would like to know about the cattle in Tsumkwe, are they going to remain there permanently or not? What are they doing there? People from /Gam's cattle were confiscated by the very same Government. I would therefore like to know for how long they will be there?

I would like to hear from the Honourable Minister of Agriculture, Honourable Mutorwa. Please respond and tell me how long they are going to stay there?

I had to repeat the question several times but you do not want to answer. It is embarrassing the whole Nation. We want to know about those cattle in the Omatako area and in Tsumkwe, what are they doing there?

The others were confiscated by you while these ones are there without any questions. For how are they going to be where they are? Please, answer the question.

HON DEPUTY SPEAKER: Honourable Riruako, may I advise you to put it formally in writing.

HON RIRUAKO: I said it is an Oral Question and I need the answer now because they have been there quite long. How long are they still going to be there? The entire Nation wants to know. Others were confiscated by the same Government.

ANSWER

HON MINISTER OF AGRICULTURE, WATER & FORESTRY: Honourable Deputy Speaker, this is a very serious House and the subject matter is a also serious subject matter that is why there is provision in

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terms of our Rules that Thursdays are reserved for the Opposition to pose questions to the Government.

I would prefer that a weighty, important question like that one which I also think is not only for the Ministry of Agriculture only, should be asked during the Notice of Questions and be answered on Thursday. Only then will we do justice to that question and it must be a written question Honourable Deputy Speaker. That is the response.

QUESTION

HON MAAMBERUA: Honourable Minister of Information and Communication Technology, I would like to know if there is any policy by the Namibia Broadcasting Corporation (NBC) to discriminate in terms of coverage for some Political Parties in this country (interjections)

HON SPEAKER: I am listening to Honourable Maamberua. Honourable Maamberua has the question, allow him to put the question. If you have a question indicate to me, I will give you the Floor. Yes Honourable Maamberua, continue.

HON MAAMBERUA: Yes, I had to ask this question at this platform because it is now a very serious experience with SWANU's coverage of our public meetings. Right now in the next few hours we will be on our way to Gobabis to receive many people who are joining this Party and NBC is not coming to cover the occasion (intervention).

HON SPEAKER: Sit down Honourable Minister, I did not give you the

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Floor. Do not be afraid of questions, it is more about how you answer them.

HON MAAMBERUA: That is the question, because it is not the first time that NBC is refusing to cover our events. Thank you very much.

HON SPEAKER: Honourable Minister. You are not the Minister of ICT. I am not going to give you a Point of Order it is a question, sit down. Honourable Minister. Can we listen to the answer from the Minister Kaapanda?

ANSWER

HON MINISTER OF INFORMATION AND COMMUNICATION TECHNOLOGY: Honourable Speaker, the Honourable Member is asking a question which is very difficult to answer because he has got no proof to indicate that on this particular day, I wrote a letter to the NBC asking them to come and cover a meeting that was taking place at such and such a place but NBC did not turn up.

I also do not know whether the Honourable Member is sure that he has extended an invitation to NBC today to cover the meeting he suggests will take place in Otjinene, I do not know what time and whether they will turn up or not because this meeting has not yet taken place but he concludes that the NBC will not turn up. Of course the NBC does not discriminate any (interjections), please listen Honourable Member.

HON SPEAKER: A question was put to the Honourable Minister and he is answering whether you like it or not.

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HON MINISTER OF INFORMATION AND COMMUNICATION TECHNOLOGY: If the NBC receives a letter and they have all the machineries in place, they will definitely respond positively but in the event the invitation arrives and they do not have enough people around at that particular moment to cover the event because they are already in the field, they will not be able to cover it but they will respond and say - *we regret* (interjections). Are you sure?

HON SPEAKER: Continue Honourable Minister, do not be diverted. Continue Minister.

HON MINISTER OF INFORMATION AND COMMUNICATION TECHNOLOGY: I mean if it is the case that you have inviting the NBC and they did not come to your meetings and you are speaking the truth, I would like you to produce evidence, hard evidence so that we can follow it up.

We can confront them to explain why they did not cover your meeting or come and visit us at the office. Bring all those letters you have written which were not responded to. I think Comrade Speaker this is the only answer I can give and I want the Honourable Member to be truthful and honest when saying such things. Thank you.

HON SPEAKER: Honourable Maamberua, follow-up question?.

HON MAAMBERUA: Thank you, Honourable Minister. I am not going to debate the issue. I just want to assure the Minister that I have all the proofs of all the meetings that we have invited the NBC to, all the correspondences, I can even go and bring them from my office right now

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and it is not an issue.

For today they just phoned us back that they are not going to Gobabis to cover our meeting, that is why I am bringing this up and because it is not the first time. They always give you excuses that they are on their way and then they never arrive, that is why it is a very serious problem with this coverage.

Thank you very much, Honourable Minister, for inviting us to your office and by the way I have had meetings with all, no, not all but the latest Director-General of the NBC regarding this matter, that is why I had to bring it up at this stage, I am not just playing games around and so on, it is a very serious problem. Otherwise the people will keep on saying that the Governments in waiting do not take their business to them or inform the electorate but we do it, it is just that we are not covered properly. Thank you very much.

QUESTION

HON MAAMBERUA: Thank you, Honourable Speaker. Honourable Speaker, with your permission, I would like to ask a very small Oral Question to the Minister of Regional and Local Government.

HON SPEAKER: The question has not been put yet and you do not know what it is. Can you give the Honourable Member a chance? You have the Floor?

HON MAAMBERUA: Thank you, Honourable Speaker. Honourable Minister, yesterday afternoon and evening I was in Gobabis to receive 52 new members who have joined SWANU of Namibia.

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HON SPEAKER: Can we hear the Honourable Member?

HON MAAMBERUA: At that occasion, the members expressed their very serious concern of what is happening in Gobabis at a place called Canaan. It is a township, is a location, is a settlement and it is a shanty town called Canaan.

HON SPEAKER: Can we listen to the Honourable Member please?

HON MAAMBERUA: Biblically speaking, you remember that the Israelites when they were taken from Egypt, they went to a promised land called Canaan. However, the Gobabis' Canaan is a horrific place. The Municipality there is resettling people at a place called Canaan, a place that has not been serviced, has not sewage, no water, no electricity, no system at all. Is the Minister aware of that and if you are not aware Honourable Minister, would you undertake to find out the situation for yourself because it is unbearable? Thank you very much.

HON SPEAKER: Thank you. Does the Honourable Minister wish to enlighten the House based on the question put by the Honourable Member?

ANSWER

**HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT,
HOUSING AND RURAL DEVELOPMENT:** Thank you very much, Comrade Speaker. I would also like to thank Honourable Maamberua for

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the question.

It is very tricky and there are so many places of such nature in many localities. I was not aware but I know other places where people are settled without sewages and services, places like DRC.

HON SPEAKER: I do not know about you but when I was a young boy, prematurely sort of elderly because I was trained by my sisters and in whispering we could say a lot of things, even during daytime and not to speak of in the evening. So can we not learn to whisper rather than make speeches for your chairs. It is very important, if you do not know how to do that, I can offer a course on that. Continue please.

ANSWER

HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: As I was saying, some similar places are those like DRC, where you have seen recently in the media and elsewhere that they were demonstrating. Some of the communities forced to settle in areas where services are not yet provided, like in DRC, they were forcing to go there. When the Municipality started to register them, they objected to the registration of their Erven to be serviced.

Well, this is information for me, we will look at it and see if it is not similar to the situation of DRC. Thank you.
