

**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 A Riruako
Mr A Tjihuiko *(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

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|-----------------------|--------------------------|
| 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
23 SEPTEMBER 2014**

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 scheduled for today. There is what my Professor used to call organised chaos and he explained what he meant. It makes a lot of sense when you have seen that organisation and chaos can co-exist for good a reason, but that is for next time. The organised chaos is taking place and the people who are responsible for good governance in and around the Parliament seem to be surprised that we are surprised that there are vehicles outside.

I had to make two turns to be able to get to my little office here before I came in. I understand that some of you were equally incapacitated. I do not know why we should be surprised if we have staff members all over the place to make sure that your parking places are available when you get here. They are trying to fix it but the damage is already done.

My Deputy is out of office. She is my Deputy here but she is also a Senior Office-bearer for the Pan African Parliament. Maybe at some stage, depending upon how we progress, we will enlarge the leadership of the House by adding one of my usual standby horses.

Any Petitions? Reports of Standing or Select Committees? Other Reports and Papers? Honourable Minister of Finance.

TABLING: REPORTS OF THE AUDITOR-GENERAL

23 September 2014

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

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

- (i) Municipality of Windhoek for the Financial Year ended 30 June 2012;
- (ii) Municipality of Walvis Bay for the Financial Year ended 30 June 2013;
- (iii) Municipality of Tsumeb for the Financial Year ended 30 June 2013; and
- (iv) Municipality of Gobabis for the Financial Year ended 30 June 2013.

I Move so, Honourable Speaker.

HON SPEAKER: Honourable Minister, please table the Reports. Other Reports and Papers? Notice of Questions? Honourable Minister, I am pleading with you to press the button, that is what guides me. Please press the button and I can see automatically. You have the Floor, Honourable Minister.

TABLING: ANNUAL REPORT OF TELECOM NAMIBIA

HON MINISTER OF INFORMATION AND COMMUNICATION TECHNOLOGY: I did, Comrade Speaker, thank you. Honourable Speaker, I lay upon the Table the Annual Report of Telecom Namibia for the Financial Year 2012/2013. I so Move, Honourable Speaker.

23 September 2014

**NOTICE OF QUESTIONS
HON VON WIETERSHEIM**

HON SPEAKER: Honourable Member, please table the Report. I was at questions. Honourable Von Wietersheim.

QUESTION 31:

HON VON WIETERSHEIM: Thank you, Honourable Speaker. I give Notice that on Thursday, the 2th of October 2014, I shall ask the Honourable Minister of Regional and Local Government Housing and Rural Development the following:

In which way is the Honourable Minister going to allay the anxiety of the Opposition Parties and win the trust and confidence of the electorate, as a whole, in the electronic voting machines, EVMs in short, while there exist scientific proof since April 2010, that the Indian EVMs acquired by the Electoral Commission of Namibia are vulnerable to fraud as discovered and explained in finest detail including video demonstrations by a research team of three renowned security analysis who carried out two successful attacks on real EVMs and identified several other potential vulnerabilities?

Is the Honourable Minister not aware that the same Indian EVMs were repeatedly subject to Court interventions when first in July 2011, the Supreme Court of India asked the Indian Electoral Commission to consider and respond to the request that the EVMs should be modified by providing a simultaneous printout of the voters ballot on paper?

Secondly, in January 2012, the Delhi High Court ruled that EVMs are not temper proof and added that the Electoral Commission of India should hold wider consultations with the Executive, Political Parties and other stakeholders.

Thirdly, in October 2013 the Supreme Court of India directed the Electoral Commission of India to introduce Voter Verifiable Paper Audit Trail System for the next general elections in India in order to ensure free and fair elections. Third question, does the Honourable Minister really mean to dispute the fact that with the current EVMs there is no way

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**NOTICE OF QUESTIONS
HON KAZENAMBO**

whatsoever of verification of the ballot in case of an election challenge?

Fourthly, can the Honourable Minister agree that the only way to ensure trust and confidence of the electorate in the EVMs is by adding Verifiable Paper Trails, which will enable the voter to see a paper printout of their electronic ballot displaying name and/or symbol of the chosen Party and candidate before dropping in a ballot box?

How does the Honourable Minister explain in this Assembly, the allegation that a few weeks ago, the technology for the paper trail is not yet available while it is reported from India - the Electoral Commission of India informed the Supreme Court that EVMs with Voter Verified Paper Trail were successfully and satisfactorily used at 21 polling stations in Nagaland during Assembly elections in February 2013, that is nearly two years ago and the New Delhi Constituency utilised EVMs with Voter Verified Paper Trails in its Constituency elections on the 4th of December 2013, enabling voters to verify if their vote was correctly recorded and being hailed as successful and positive experience?

Lastly, can the Honourable Minister comment on the banning of EVMs and the reason for the banning for the following countries: Netherlands, in 2006, due to secrecy risk of electronic eavesdropping; Republic of Ireland in 2009, due to lack of transparency and trust; Germany 2009- Supreme Court declared EVMs unreliable and unconstitutional due to lack of transparency to a common voter; United States, California and other States ban EVMs without paper trail; and lastly, UK and France are not implementing EVMs? Thank you, Honourable Speaker.

HON SPEAKER: Honourable Member, please table the Questions. Honourable Kazenambo.

HON KAZENAMBO: Thank you, Honourable Speaker. I give Notice that on Thursday, 25 September 2014, I shall ask the Minister of Foreign Affairs, Comrade Netumbo Nandi-Ndaitwah on the issue of the SADC

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**NOTICE OF QUESTIONS
HON KAZENAMBO**

Tribunal. The Southern Africa Development Community Tribunal - I am giving background, was established under a Treaty of the Southern Africa Development Community SADC in 1992, but was only inaugurated in November 2005 – the mandate of the SADC Tribunal. The SADC Tribunal is currently suspended this is what I am hearing. Since its establishment, it was charged with ensuring Member States compliance with the SADC Treaty and subsidiary instruments and the SADC Tribunal has competence to hear individual complaints of alleged Human Rights violation from its Headquarters in Gaborone, Botswana. I am about to come to my question, please Honourable Shixwameni bear with me. Your Party has failed to produce even 96 (*intervention*)

HON SPEAKER: Honourable Kazenambo, stick to your question.

HON KAZENAMBO: From its Headquarters in Gaborone, Botswana, SADC promotes further socio-economic cooperation and integration and political and security cooperation amongst 15 Southern African States namely Angola, Botswana, Democratic Republic of Congo, Lesotho, Madagascar, Malawi, Mauritius, Mozambique, Namibia, Tanzania, Swaziland, South Africa, Seychelles, Zambia and Zimbabwe. The SADC Tribunal sits in Windhoek, Namibia and has jurisdiction over disputes among SADC Member States as well as between individual and cooperation and Member States.

Article 4 of the SADC Treaty, requires SADC Member States to act in accordance with the principles of Human Rights, democracy and the Rule of Law. The SADC Tribunal operates according to Protocol and its own Tribunal and Rules or Procedures.

Having stated the above, Madam Minister, I want to ask the following questions to the Honourable Minister:

Since the letter that fired the employees of the Tribunal came from the

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**NOTICE OF QUESTIONS
HON KAZENAMBO**

SADC Secretariat Headquarters in Gaborone, Botswana (*interjections*)
That is why I am not directing my question to the Minister of Justice. It came from Gaborone.

1. Honourable Minister, I would like to know whether it is true or not that the SADC Tribunal has been suspended and why? That is question one.
2. As I have said, the Tribunal was housed in Windhoek and we have learned through some sources that the employees working for the Tribunal were given only one week notice to vacate the office because of the closure of this Institution and now I want to know, how many Namibians were employed at this Institution and in what capacities?
3. What measures were taken to ensure that the former employees are not negatively affected in terms of their pension, medical aid and other benefits.
4. Is the SADC Tribunal suspended forever or is it going to resume operations sometimes and when?
5. What measures are we going to put in place as SADC Member States so that in future there is job security for SADC citizens who are working for these Sub-regional Inter-governmental Institutions.
6. Lastly, what will happen to the Budget that was budgeted for the current Financial Year of this SADC Organ because I assume it was operating on a Budget and it was just suspended on a one week notice with the employees coming from across the SADC Region? Those are the questions. Thank you, Comrade Speaker.

HON SPEAKER: Before you sit down, to make clarifications, the question is directed not to the Minister of Justice, but to whom?

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**NOTICE OF QUESTIONS
HON KAZENAMBO**

HON KAZENAMBO: It is a question. I know perhaps the Line Ministry is the Ministry of Justice, but the question is directed to the Ministry of Foreign Affairs because the letter that suspended these people came from the SADC Secretariat, it did not come from the Tribunal itself and it was from SADC Headquarters in Gaborone and as we are talking now, the people are on the street on one week notice, my Lord.

HON SPEAKER: We will start with the Ministry of Foreign Affairs.

HON KAZENAMBO: I will ask on Thursday. I am just giving Notice.

HON SPEAKER: It is a question. It should be specifically addressed to either the Ministry of Foreign Affairs, Ministry of Justice or the Attorney-General. I think the House seems to not have accepted – I do not know. The Prime Minister is saying something.

HON KAZENAMBO: Can I table the question, Comrade Speaker?

HON SPEAKER: We will get there. The Table here in front of me tells me it is not on the Question Paper (*interjections*) but for that you still have time that comes up on Thursdays. I thought it was a short question and it would be in the best interest of the Nation if answered, but if it is one of the questions, just put it on the Question Paper. Then we will get there.

HON KAZENAMBO: Comrade Speaker, I get the point. I will do it

23 September 2014

**NOTICE OF MOTIONS
HON NGHIDINWA**

tomorrow. I will repeat it tomorrow. I am learning something.

HON SPEAKER: We will continue. Notice of Motions? That was the last about questions. Honourable Minister of Women's Affairs Child and Welfare.

NOTICE OF MOTIONS

HON MINISTER OF GENDER EQUALITY AND CHILD WELFARE: Thank you very much Honourable Speaker, Honourable Members, learners and their teachers up there. I give Notice, that tomorrow:-

Leave be given to introduce a Bill to give effect to the rights of children as contained in the Namibian Constitution and the International Agreements binding on Namibia;

- to set out *Principles Relating to the Best Interests of Children*;
- to set the *Age of Majority* at 18 years;
- to provide for the *Establishment of a National Advisory Council on Children*;
- to provide for the *Appointment of the Children Advocate*;
- to provide for the *Establishment of the Children Fund*;
- to provide for the *Appointment and the Designation of Social Workers, Social Auxiliary Workers, Community Care Workers and Probation Officers*;
- to provide for the *Designation of Private Social Workers and Child Protection Organisations* for certain purposes;
- to make provisions relating to *Children's Courts, Court Procedures and Court Orders*;
- to provide for *Residential Child Care Facilities, Places of Care and Shelters*;

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**NOTICE OF MOTIONS
HON NGHIDINWA**

- to provide for the *Status and Matters Relating to Certain Children*;
- to provide for *Proof of Parentage and Parental Responsibilities and Right in Respect of Children born outside Marriage and Children of Divorced Parents*;
- to provide for *Custody and Guardianship of Children* on the death of a person having custody or guardianship;
- to provide for *Parental Responsibilities and Rights, Parenting Plans and their Formalisation*;
- to provide for *Kinship Care of Children*;
- to provide for *Prevention and Early Intervention Services in Relation to Children*;
- to provide for *Measures Relating to Children in Need of Protective Services*;
- to provide for *Foster Care*,
- to provide for the *Issuing of Contribution Orders*;
- to provide for the *Domestic Adoption and Inter-Country Adoption of Children*;
- to combat the *Trafficking of Children*;
- to provide for *Additional Measures for the Protection of Children*;
- to provide for *Provisions Relating to Persons Unfit to Work with Children*;
- to provide for *Grants Payable in Respect of Certain Children*;
- to create *New Offences Relating to Children*;
- to *Repeal certain Laws*, including the *Children's Act of 1960*, *Children's Status Act of 2006* and the *Age of Majority Act of 1957*;
- to *Amend* the *Combating Domestic Violence Act of 2003*, the *Combating of Immoral Practice Act of 1980*, the *Liquor Act of 1998*, the *Administration of Estates Act of 1965*, the *Marriage Act of 1961* and the *Criminal Procedure Act of 1977*;
- to give effect to the *United Nations Convention on the Rights of a Child*, the *African Charter on the Right of Welfare of the Child* and *other International Agreements Binding on Namibia*; and
- to provide for incidental matters.

I so Move, Honourable Speaker.

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**MINISTERIAL STATEMENT
HON HAUSIKU**

HON SPEAKER: Honourable Minister, table the Report. Minister before you to table, I have an announcement here that I did not know whether I should wait for you to motivate what you did now or to announce earlier. It says the Minister of Gender Equality and Child Welfare invites all Members to a presentation on the *Childcare and Protection Bill* tomorrow, 24 September 2014, at 10:00 in Conference Room 1. Now that will follow. Is that it?

HON MINISTER OF GENDER EQUALITY AND CHILD WELFARE: Yes.

HON SPEAKER: Table the Report. We were at Motions. Any further Notice of Motions? None. I have a Political Statement, I should have announced this, Deputy Prime Minister. Yes, you have the Floor.

MINISTERIAL STATEMENT

HON DEPUTY PRIME MINISTER: Thank you, Comrade Speaker. I have two short statements to make, one is on the announcement of the issue that you have referred to earlier and it reads as follows: the Office of the Prime Minister has started with the construction of a new office building at the site which was used as parking area for the Office of the Prime Minister, the Ministry of Foreign Affairs and the Ministry of Information and Communication Technology.

Phase 1 of the construction has already started and the whole parking area has to be vacated. As a result, many vehicles will now have to be accommodated in the parking areas around the Parliament building, Parliament gardens and adjacent buildings. It is expected that it would take around three and half years to complete the project – quite long. We have requested the Ministry of Safety and Security for assistance from the

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**MINISTERIAL STATEMENT
HON HAUSIKU**

Namibian Police over this period. We apologise for any inconvenience caused during this process and the Secretary of the National Assembly is thanking us in anticipation of our cooperation.

Comrade Speaker, on behalf of the Office of the Prime Minister and on behalf of the Right Honourable Prime Minister and the Government, I would like to make a Ministerial Statement to report on the Millennium Challenge Account.

Comrade Speaker, Honourable Members of Parliament, today I would like to brief this august House on the achievements made by the Millennium Challenge Account Project in Namibia. The compact which came to an end on September 16, 2014, have had a significant impact in assisting Namibia's developmental objective.

Robert Kennedy once said that *the purpose of life is to contribute in some way to making things better*. There is no doubt that the MCA has made things better in Namibia and that the United States Government has encapsulated the sentiments that Robert Kennedy expressed by developing this initiative, which has helped transform the lives of so many of our citizens. Last week, the Chief Executive Officer of the MCA Namibia lauded the compact by stating that it has outperformed all other such Programmes around the world. This is not an overstatement.

The MCA compact has been a highly effective and efficiently managed project and has come to an end with a total of 95% of the N\$3 billion Budget being spend. Comrade Speaker, we can all attest to the fact that the five-year compact completion has set a benchmark for doing business in terms of development. As a Nation in the developmental stage, we ought to strive to emulate this project by ensuring that our National Development Plans and initiatives are carried out with the same professionalism efficiency and commitment as that which we have witnessed through the MCA Namibia compact.

Since coming into force in November 2008, the MCA Namibian compact has helped supplement Government's initiative to develop the Education,

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**MINISTERIAL STATEMENT
HON HAUSIKU**

Tourism and Agricultural Sectors. As an educationalist, and that is the Prime Minister speaking, and I am an educationalist, as many of you Honourable Members are, it is heartening to note that the MCA Namibia has upgraded and expanded 48 schools identified by Government as being in need of substantial renovation. Furthermore, a total of 1.7 million textbooks for Grade 5 to 12 for English, Mathematics and Science were also bought and distributed countrywide meaning each learner now has his or her own textbook to study from.

In the area of tourism, the MCA has invested approximately US\$29.8 million in the Etosha National Park mainly to build staff villages and management infrastructure for the Ministry of Environment and Tourism. Other contributions have been towards enhancing park control capacity, marketing of Namibia tourism and eco-tourism, and development for Conservancies. The MCA Namibia compact has made a significant contribution to the Agricultural Sector focusing on three main activities, which include land access and management, livestock support and indigenous natural products. In collaboration with the Ministry of Agriculture, Water and Forestry, the MCA Namibia has assisted communal livestock farmers by enhancing their resource management knowledge. Therefore, allowing them to look after their livestock and wasteland enabling them to raise healthier animals, which will fetch high prices. In addition to what I have just mentioned, the MCA Namibia helped construct state of the art State Veterinary Offices around the country totalling US\$9.8 million and helped train producers of indigenous natural products in the northern and northeastern parts of Namibia.

Comrade Speaker, Honourable Members of Parliament, there is no doubt that the MCA Namibia compact has had an immense impact in terms of supporting development in Namibia despite the fact that all good things must eventually come to an end, benefiting Institutions are committed to continue with compact activities, as Government is ready to continue funding and sustaining these very crucial activities.

We have a large task on our hands to ensure that the excellent achievements of the MCA Namibia compact are sustained and build up. It will require hard work and commitment. However, as Sam Ewing once

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**MINISTERIAL STATEMENT
HON HAUSIKU**

said – *hard work spotlights the character of people* - some turn up their sleeves, some turn up their noses and some do not turn up at all. Let us be ready then to turn up our sleeves and continue working hard achieving our national development objectives for the wellbeing of our people and our beloved country Namibia.

In conclusion, Comrade Speaker, I would like to comment the Government of the United States of America for displaying an honest commitment to development through the initiative of the Millennium Challenge Account Cooperation. A special vote of thanks should go to our hardworking men and women of the Millennium Challenge Account, Namibia. Your dedication and commitment have left no doubt that you have been in it for the long haul. Congratulations for a job well done. We will continue as Government where you have left off. Thank you, Honourable Members for your attention.

HON SPEAKER: Thank you. I heard you, Deputy Prime Minister, but I thought I should say modernisation and reconstructions are a given and more so perhaps for a country like Namibia. There is a Parliamentary Project, a Government Project that was funded – that of a new Parliament building. It should enjoy the same sense of urgency and importance and it should perhaps, prior to what you have said Deputy Prime Minister, enjoy that sense of urgency and importance. We are talking about the House of the People, new Parliament building – it is funded and it is ongoing. The incoming Speaker with no doubt, once I get to know, I will invite him or her for a walk, but I wanted the record to show that the new Parliament building should be the Republic of Namibia’s top priority. It is the other House of the Government or for the State. You do not have to reply Deputy Prime Minister.

HON DEPUTY PRIME MINISTER: Comrade Speaker, I just wanted to mention that I fully agree with you. However, the drivers of this project

23 September 2014 **BILLS CONFIRMED BY NATIONAL COUNCIL**
HON DR T-B GURIRAB

are the Speaker's Office and the Parliamentarians. If the driver is ready to drive the car, drive it and we are going to get in and enjoy the ride. Please drive it.

HON SPEAKER: I do not know which project – your project or my project? I agree with you, but I would take it to mean that you were talking about the Parliament building.

HON DEPUTY PRIME MINISTER: Yes.

BILLS CONFIRMED BY NATIONAL COUNCIL

HON SPEAKER: Thank you very much, then we are on the same track. I will give you the Floor, but I was supposed to make this announcement much earlier and after that I will give you the Floor, Honourable Member.

I have been informed by the Chairman of the National Council that the Council, in terms of Article 75(2) of the Constitution, considered and confirmed the following Bills without Amendments:

- a) *Namibia Students Financial Assistance Fund Amendment Bill* [B.6 – 2014];
- b) *Pension Fund Amendment Bill* [B.7 – 2014];
- c) *Electoral Bill* [B.10 – 2014]; and
- d) *Namibian Constitution Third Amendment Bill* [B.9 – 2014].

In terms of Article 75(3), I shall refer these Bills to the President to deal

23 September 2014 **QUESTIONS/CONTRIBUTIONS/COMMENTS
TO MINISTERIAL STATEMENTS
HON MAAMBERUA / HON BEZUIDENHOUT**

with them under Articles 56 and 64 of our Constitution.

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

- a) *National Health Bill* [B.1 – 2014]; *and*
- b) *Public and Environment Health Bill* [B.4 – 2014].

These Bills will be placed on the Order Paper for reconsideration by this Assembly as soon as possible.

The Debate about the Minister of Gender Equality and Child Welfare, I read it out and the Minister agrees and we will proceed as she indicated. Honourable Maamberua, what point are you rising on by?

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

HON MAAMBERUA: Thank you, Honourable Speaker. I just wanted to make a comment or associate myself with the Report or the Ministerial Statement by the Deputy Prime Minister on MCA – Namibia. However, before I do that, coincidentally, I see that the front row consists of educationalists on this side, which is a positive coincidence today, since we are talking about an educational matter.

Having said that, on a serious note, I would like to associate myself with thanking the American Government, the people of America, the MCA Namibia and the staff who have worked so tirelessly as well as the American Government and its people who, generously, contributed to the development of Namibia through that Programme, which I believe, as it

23 September 2014 **QUESTIONS/CONTRIBUTIONS/COMMENTS
TO MINISTERIAL STATEMENTS
HON MAAMBERUA / HON BEZUIDENHOUT**

was already stated, made a positive impact to the development of this country.

Deputy Prime Minister, I do agree that good things do come to an end, but good things do not necessarily have to come to an end within five years. Is there a possibility that this Programme could be extended? All the same, we are thankful of the gesture and the impact that was made in Namibia. Thank you.

HON SPEAKER: Thank you. Honourable Bezuidenhout.

HON BEZUIDENHOUT: Thank you, Honourable Speaker. On the same Ministerial Statement I would like to ask a question to the Right Honourable Deputy Prime Minister with regards to local staff of the office here in Windhoek.

I would like to know if you have any information as to their future and whereabouts. I would appreciate it. If not, it is fine, he can withdraw this. Thank you very much, Honourable Speaker.

HON SPEAKER: Deputy Prime Minister.

RESPONSE TO QUESTIONS ON MINISTERIAL STATEMENT

23 September 2014

**RESPONSE TO MINISTERIAL STATEMENT
HON HAUSIKU**

HON DEPUTY PRIME MINISTER: Thank you, Honourable Speaker. Honourable Members, there are two questions. One is on the extension. I had an opportunity and the privilege to speak to the new Chief Executive Officer, a lady who came from the United States, just before the closure of the compact and in our consultations with the colleagues, I was requested to try and find out whether we cannot extend the Programme.

A compact is an agreement for a specific period of years and when a compact comes to an end, it is like an agreement that you have signed that after 10-15 years it would come to an end. It is not extended, but indeed what they indicated is that they were ready to make sure that we promise them to take over, even the activities that have not been completed, to make sure that they are completed and that we take over in terms of maintenance so that nothing goes down. We have promised that but an extension was out of question. *Wat klaar is, is klaar!*

Most people have been employed there, specifically those who came from Institutions, which have seconded them had to go back where they were seconded from, but those who just sought employment for that period, have to look for other employment opportunities. I have seen one who was looking for a job now and I hope he will get a job, but that is the situation. However, we should be proud of the facilities we have been left with. Honourable Members, when you go around you should look at those infrastructures, they are marvellous, beautiful and very strong. Thank you very much.

HON SPEAKER: Thank you. We have a balcony full of young people. Can I ask you all to rise up, young people? All of you. My people have not advised me which schools they are representing. We have got future Leaders! Viva! Thank you. When I find out which schools they are representing, I will let the House know. You may sit down. Thank you.

We are now at the phase of our Republic where the Political Parties are in the driver's seat. We are done with the Business for today, but if somebody wants to share experiences about what they have found or what is lacking, you are free to do so. Otherwise, I would call on the Right

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**GENERAL OBSERVATIONS
HON NUJOMA**

Honourable Prime Minister. We are done now, Honourable Nujoma.

HON MINISTER OF JUSTICE: Thank you, Comrade Speaker, I just wanted to ask Honourable Maamberua whether it is time for us to pose questions over there.

Honourable Maamberua, I was so happy that you congratulated the Compact, saying that it was a good thing and I agree with you. I just wanted to ask you whether you know that there are also philanthropists in a capitalist system. There are people who care. I think this is a perfect example of a capitalist system that is working and which is also caring. I would like to know whether you agree with me or you still maintain the notion of imperialism.

HON SPEAKER: Honourable Maamberua.

HON MAAMBERUA: Thank you, Honourable Speaker. Let me start with what I thought I wanted to share with the House. I did not exactly get what the Speaker was inviting us to do, but I thought that he said that if we wanted to share something that we may have come across during the recess time, we can do that. One very critical issue that I have come across and that was brought to my attention as a National Leader, is the fact that the food distribution or the aid that was given during the drought to various communities has been stopped in many Regions. There is an outcry out there that the effects of drought are still being felt. It is, therefore, critical that Government reconsiders such a decision so that the food aid can continue, particularly, in the areas of Opuwo that I also visited. However, coincidentally, I found some trucks that just arrived that were maybe towards redistribution of the food but there are other areas where that distribution of food aid is no longer applicable. I think the situation has not improved so much on the ground and I would want to urge the Government to continue with the distribution of food,

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HON NUJOMA**

particularly, to the vulnerable and poor households in the country.

Comrade Speaker, I would like to invite, and this is not campaigning, this reality – is a fact, all Namibians from all walks of life, including all Members of Parliament, politicians, Institutions in Namibia to the 55th Anniversary of SWANU of Namibia at the village called Otumborombonga, 20 kilometres from Okakarara, this weekend.

Honourable Speaker, you are all invited during this coming weekend, Saturday, the 27th, SWANU is turning 55 years old. You are all invited, including the Right Honourable Prime Minister. (*Interjections*) You can land in Okakarara.

To answer the question from my Comrade Brother there; yes, indeed humanity is *humanity* whether you are operating from a socialist or capitalist system. There are people of caring and very serious intentions of humanity. Therefore, the money that goes to Government, of course, comes from individual people. The American people have to be thanked for paying their taxes that are used by the Government to aid developing Nations and others. The rest of my political philosophy shall be left for another day. Thank you very much.

HON SPEAKER: Comrade Stalin, Comrade Roosevelt and Comrade Truman worked together towards the common cause of saving the world from *Nazism* and so on. Ideology at the end is for common good of humanity. It is just like a horse race. Some horses run faster than the others, but at the end, I think, we are in the world now where global interest supersedes survival of common humanity. Honourable Nujoma, follow up.

HON MINISTER OF JUSTICE: Thank you very much, Comrade Speaker. I almost forgot a very important invitation extended to all Members of Parliament, tomorrow, the 24th at 19:00. there will be a fund raising gala dinner for the Augustineum Secondary School. Please, Prime Minister, Deputy Prime Minister, all the Honourable Members,

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HON SHIXWAMENI**

Honourable Jerry Ekandjo, Professor Peter Katjavivi, Becky Ndjoze-Ojo, Comrade Speaker himself and Honourable Kaura and so many others. You are kindly invited to this important fund raising dinner. Our school is almost collapsing. We need to do something. You are kindly invited to attend this dinner. Thank you.

HON SPEAKER: Honourable Shixwameni.

HON SHIXWAMENI: Thank you, Honourable Speaker. I did not want to stand up, but since you talked about what we found out during the recess, I was in Aussenkehr, probably for the fourth time now, in the //Karas Region. Let me tell you what I find out. What I found out since when I went there for the first time in 2001 are slavery-like and deplorable conditions that people still have to relieve themselves close to the river. I would like to invite the Minister of Agriculture, Water and Forestry and the Minister of Regional Local Government and Housing to visit that settlement, whether it is a settlement, to just look at those deplorable conditions in which our people are living there.

The companies there on Sundays drop grape stems from lorries and people have to run and grab these stems. They are literally treated like slaves and I think that is completely unacceptable in an independent Namibia. People were asking me; *does this land form part of Namibia* because when the grape companies are confronted, they are told; *this is private property*. Even if it is private property, as far as I am concerned and as far as that land is part and parcel of Namibia, those companies that are there reaping millions of Namibian Dollars do not have any single right to mistreat our people the way that they are being mistreated now. I hope the promise that was made more than ten years ago that they were going to build a proper settlement in that area will be fulfilled and people will be provided with water and sanitation so that they live like Namibians in an independent country.

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HON HAUSIKU**

Honourable Minister of Agriculture Water and Forestry, please visit that place. It is not enough for our President to get angry at a visit and send somebody back as not being part of his delegation. We need to solve the problem of Aussenkehr right now as of tomorrow. Thank you very much.

HON SPEAKER: Deputy Prime Minister.

HON DEPUTY PRIME MINISTER: Comrade Speaker, I am asking the Floor to respond or to give information on the observation made by my Dear Brother, *president*, with a small *P*.

Comrade Speaker, Honourable Members, the Programme on drought or a disaster whether it is fire or floods, have time limitations. Last year we had a drought declared by the Head of State in almost the whole country, but we also had a time period from the declaration of the drought to the end of March this year. The reason is that drought normally lasts for a specific period and when we are in March, we have to carry out a specific research and evaluation of how the rains have fallen and which areas have produced enough food to survive on. The same goes with grazing and that evaluation report is a joint activity between the Office of the Prime Minister, the Ministry of Agriculture Water and Forestry and other social partners internationally, especially the UN system. A Report was produced, it has already been studied and it is with us now. They have clearly indicated that most of the areas are better off now without food aid and we do not have a reason to continue with the distribution of food in most of the areas. However, indeed the Report has indicated areas in which we need to reactivate the Programme and I will not mention the areas, but one is Kunene. The technicians have already started organising themselves and we are on our way to brief our principals and ask Cabinet to see what we can do in the case of those areas that may still experience problems.

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HON MBUMBA / HON MUTORWA**

I am sure that the Report, after it has been approved, will come to you and you will see what we have finally decided on. The 30th of March is the end in terms of drought relief because most farmers will then be able to eat from what they have produced. That is the procedure that we have. Nonetheless, we have taken care of the areas you talked about. Thank you very much.

HON SPEAKER: Thank you, Deputy Prime Minister. Honourable Mbumba.

HON MBUMBA: Thank you very much, Honourable Speaker. I want to say something on what the Honourable President of SWANU said. Many people have recognised that longevity has its merits and blessings. Therefore, I would like to congratulate the President, the Leadership and membership of SWANU for their longevity, in advance. However, I want to say that when you have such a long life, you must be ready to state what you have done with it. I regret to say that the same Saturday, the 27th of this month, we have a big rally in the harbour town of Walvis Bay. Hence, we will not be able to make it to your venue.

Congratulations, but thanks - no thanks.

HON SPEAKER: Honourable Mutorwa.

HON MINISTER OF AGRICULTURE, WATER AND FORESTRY: Thank you, Comrade Speaker. Honourable Shixwameni has raised some very important issues that warrant some response. I know he is not here but for the record, I just want to react to some aspects of the issues that he has raised pertaining to the situation at Aussenkehr with particular reference to those workers who are mainly employed on private farms there. Well, perhaps an invitation is not that necessary because I know the

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settlement there and again, I must say, I am only responding to some aspects that are relevant to the portfolio that I occupy.

I started to be acquainted with issues at Aussenkehr when I was the Deputy Minister of Mr Von Wietersheim. He was the Minister of Agriculture between 1992 and 1993, I was the Deputy Minister. That is why the immediate thing that I did later, when I became the Minister of Basic Education, Honourable Shixwameni my Brother, was to respond to the need for educational facilities. I know Honourable Libertine Amadhila was the Minister of Health then. The Ministry of Education had to respond very quickly and we put up a school there. That school was put up during the time when I was the Minister of Basic Education.

It is true what you have said with regard to the sanitation, the housing and other things and I agree with you too but, of course, I am not the competent authority to give proper information with regard to the progress of declaring the area a settlement. I think there are people who are competent authorities to give proper information as to what the progress is. The fact of the matter is that I know that Government is seized with that matter through the relevant Ministry of Housing in terms of declaring it a settlement.

With regard to water, my Colleague over there, the Deputy Minister of Agriculture, this year, I think it was in May/June after I have visited the place, we have taken some action to put up a proper water purification project. We are busy with NamWater to put up that particular project so that the people would not rely on un-purified water from the river.

My Brother, you do not need to invite me, but what you have said has relevance and Government is seized with the matter and some aspects like the water which is directly under our Ministry, we are paying attention thereto and I am sure my Colleagues will deal with the issue of declaring it as a settlement. I think, at an appropriate time, we would be able to provide some specific information as to what is happening. I have not declined your invitation, but I know what is happening, I have been there. Thank you.

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**ADJOURNMENT
RT HON DR GEINGOB**

HON SPEAKER: Thank you, Honourable Minister. Honourable Kaura, you wanted to say something? If not, then Right Honourable Prime Minister, we are done. Honourable Members, thank you very much for sharing the general information, which is good for the Nation.

RT HON PRIME MINISTER: Comrade Speaker, I Move that this House adjourns now until tomorrow, at 14:30. I so Move.

HON SPEAKER: Any objection? So decided.

HOUSE ADJOURNS AT 16:13 UNTIL 2014.09.24 AT 14:30

**NATIONAL ASSEMBLY
ASSEMBLY CHAMBERS
WINDHOEK
24 SEPTEMBER 2014**

The Assembly met pursuant to the adjournment.

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

ANNOUNCEMENT

HON SPEAKER: I call the Business of the House as scheduled for today to order. However, I would ask the Honourable Members to join me to welcome the eight Members - visiting, Parliamentary Delegation from the Kenyan Parliamentary Standing Committee on Public Investment led by Honourable Oburu Oginga – very familiar name. I had audience with them as the other hosts have done. I was telling them how delighted we are to welcome them to Namibia and since most of them are young people, I was telling them about how much Kenya has played its role, including the KANU Party donating SWAPO's ever first vehicle, a Land Rover that Comrade Nujoma received, and I think they drove all the way from there and delivered it to either Comrade Pohamba or Comrade Nanyemba. Welcome and feel at home! (*Applause*)

Any Petitions? Reports of Standing or Select Committees? Other Reports and Papers? Honourable Minister of Finance and Honourable Minister of Agriculture.

TABLING: REPORTS OF THE AUDITOR-GENERAL

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

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**TABLING OF REPORTS
HON MUTORWA**

- (i) The Town Council of Rehoboth for the Financial Year ended 30 June 2013;
- (ii) The Town Council of Okakarara for the Financial Year ended 30 June 2013;
- (iii) The Town Council of Karibib for the Financial Year ended 30 June 2013; and
- (iv) The Town Council of Rundu for the Financial Year ended 30 June 2013.

I Move so, Honourable Speaker.

HON SPEAKER: Honourable Minister, table the Reports. Honourable Mutorwa, the Minister of Agriculture, Water and Forestry.

**TABLING: BOOKLET - CREATING RURAL
WEALTH SUSTAINABLE AGRICULTURE
IN THE COMMUNAL AREAS OF NAMIBIA**

HON MINISTER OF AGRICULTURE, WATER AND FORESTRY:
Comrade Speaker, Sir, I lay upon the Table a booklet entitled *Creating Rural Wealth, Sustainable Agriculture in the Communal Areas of Namibia* for information and use by the Honourable Members in their individual capacity because we are all from the earth, we live from the earth and to the earth we shall return. (*Laughter*) I so Move, Comrade Speaker.

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**NOTICE OF QUESTIONS
HON KAZENAMBO**

HON SPEAKER: May the Honourable Minister table that very important Report. Any other Reports or Papers? None. Notice of Questions? Comrade Kazenambo.

NOTICE OF QUESTIONS

QUESTION 32:

HON KAZENAMBO: Thank you, Comrade Speaker. I have got two Notice of Questions to the Minister of Foreign Affairs and another one to the Minister of Finance. I will start with the one to the Honourable Minister of Foreign Affairs.

Comrade Speaker, Comrade Members, I give Notice that tomorrow, Thursday, the 25th of September 2014, I shall ask the Honourable Minister of Foreign Affairs about the situation surrounding the dismissal of the employees of the SADC Tribunal. Currently as we are speaking, the SADC Tribunal is suspended and this Body or Organ, since its establishment was charged with ensuring Member States' compliance with SADC Treaties and Subsidiary Instruments. The SADC Tribunal also has competence to hear individual complaints of alleged Human Rights violations. From its Headquarters in Gaborone, Botswana, SADC promotes further socio-economic cooperation and integration and political and security cooperation amongst its fifteen Southern African States, namely; Angola, Botswana, Democratic Republic of Congo, Lesotho, Madagascar, Malawi, Mauritius, Mozambique, Namibia, Tanzania, Swaziland, South Africa, Seychelles, Zambia and Zimbabwe.

The SADC Tribunal sits in Windhoek, Namibia, and has jurisdiction over disputes amongst SADC Member States as well as between individuals of cooperation and Member States. Article 4 of the SADC Treaty requires SADC and Member States to act in accordance with the principles of

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**NOTICE OF QUESTIONS
HON KAZENAMBO**

Human Rights, democracy and the Rule of Law. The SADC Tribunal operates according to the Protocol on Tribunal and the Rules of Procedures.

Having stated the above mentioned mandates of the SADC Tribunal, I want to ask the following questions to the Ministers since the letter that fired the employees of the Tribunal came from the SADC Secretariat Headquarters in Gaborone, Botswana. That is why I am not asking the Minister of Justice or the Attorney-General.

Question 1: Honourable Minister, I would like to know whether it is true or not that the SADC Tribunal has been suspended and the question is why?

Question 2: The Tribunal was housed in Windhoek and we have learnt through some sources that the employees working for the Tribunal were given only a one week's notice to vacate the offices due to the closure of this Institution. I would like to know how many Namibians were employed at this Institution and in what capacities?

Question 3: What measures were taken to ensure that the former employees are not negatively affected in terms of their pensions, medical aid and other benefits?

Question 4: Is the SADC Tribunal suspended forever or is it going to resume operations some time and when?

Question 5: What measures are we going to put in place as SADC Member States so that in future there is job security for SADC citizens who are working for these Sub-regional Governmental Institutions?

Question 6: What will happen to the Budget that was budgeted for the current Financial Year for this SADC Organ?

I thank you, Comrade Speaker.

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**NOTICE OF QUESTIONS
HON KAZENAMBO**

HON SPEAKER: Thank you and table the questions.

HON KAZENAMBO: Yes, I am going to question number two.

HON SPEAKER: You have another one?

HON KAZENAMBO: Yes, I have two more questions. I will ask all of them for the sake of time.

HON SPEAKER: Yes, ask all of them.

QUESTION 33:

HON KAZENAMBO: My second question again goes to the Honourable Minister of Foreign Affairs. I give Notice that tomorrow, Thursday the 25th of September 2014, I shall ask the Minister of Foreign Affairs Comrade Netumbo Nandi-Ndaitwah the following questions:

Question 1: What is the position of our Namibian Government on the issue of Namibians, Ovaherero, Ovambanderu and other Namibians who want to return to their motherland Namibia from Botswana and South Africa.

Thousands of the Ovaherero and Ovambanderu Namibian descendants or off-springs of Namibian refugees who went into exile between 1904 and 1908 from the then German South West Africa (*Ehi ro vaHerero*) now

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**NOTICE OF QUESTIONS
HON KAZENAMBO**

want to return home. The representatives of this would-be returnees for the past solid three years or so, have been visiting Namibia talking to Namibian Government Institutions to allow them to return to their beloved country of origin. We are told that the Botswana Government has registered them and will allow them to return with their movable assets, for example, cattle and small livestock.

The representatives of these would-be returnees are saying that they are not getting any answer from our Namibian Government, their country of origin. Now, I am asking the following question: Has the Namibian Government exchanged any information with its Botswana counterpart on the return of the Ovaherero and Ovambanderu from Botswana so far or not?

Question 2: Are there any preparations being made to resettle these would-be returnees? Are there any preparations as we are talking because we are informed that everything on the Botswana side is ready; they have been registered.

Question 3: Where are they going to be resettled in an event when they return?

Question 4: Will the issue of their citizenship be sorted out upon entry into the country or will they be subjected to the same nightmare experienced by those who returned from Botswana earlier?

Question 5: Will they be allowed to enter Namibia with all their cattle, goats, sheep, donkeys, horses, cats, dogs and chickens as we are told the Botswana Government has allowed them to register all these assets?

QUESTION 34:

HON KAZENAMBO: The last one is to the Honourable Minister of Finance. I give Notice that tomorrow, Thursday, 25 September 2014, I shall ask the Honourable Minister of Finance Honourable, Comrade

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**NOTICE OF QUESTIONS
HON KAZENAMBO**

Saarah Kuugongelwa-Amadhila the following question:

When will the Bill on Procurement, which we discussed in this House last year, going to be tabled in this House for further consideration? (*Interjections*) I was correct I was against some Clauses and I am still against those Clauses that were not proper, in my view. That is why I am asking, when it is coming here, I am not chickening out, I stick to my guns.

You, people from the Opposition, must just listen (*intervention*)

HON SPEAKER: Honourable Kazenambo, stick to your facts.

HON KAZENAMBO: When will it be tabled in this august House for further consideration and conclusion? In relation to Government Procurement and this, Honourable Minister, is very serious - It is alleged that, as we are talking now, there are some Permanent Secretaries in some Ministries who are cancelling tenders left, right and centre un-procedurally with the aim to *re-tender* them in order to give them to their friends and proxies.

Can the Minister inform the public as to how many tenders have been cancelled and the reason why they were cancelled before the expiry of the contractual obligation, how many and at which Ministries? In the same spirit we are told again that some subcontractors are blackmailed by certain Permanent Secretaries. Some Permanent Secretaries have become mini-gods on their own and I am saying *some*. Who are these? You know, they are not paid on time, you do your job (*intervention*)

HON SPEAKER: Put the questions.

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**FIRST READING – CHILD CARE AND
PROTECTION BILL
HON NGHIDINWA**

HON KAZENAMBO: You do our job and you are not paid on time because the certain Permanent Secretary in a certain Ministry is a mini-god. We want to know who they are.

Lastly, how will this situation of cancelling tenders without due regard to the negative financial and other implications suffered by the contracted companies and their employees be prevented from taking place in this country now and in the future? I thank you.

HON SPEAKER: Honourable Member, please table the questions. Any further Notice of Questions? None. Notice of Motions?

The Notice of a Motion is the one of the Honourable Minister of Gender Equality and Child Welfare. Does the Honourable Minister Move that the Bill be now introduced?

HON MINISTER OF GENDER EQUALITY AND CHILD WELFARE: Yes, I Move so, Honourable Speaker.

HON SPEAKER: Who seconds? Any objections? Honourable Minister, table the Bill.

HON MINISTER OF GENDER EQUALITY AND CHILD WELFARE: Table?

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**FIRST READING – CHILD CARE AND
PROTECTION BILL
HON NGHIDINWA**

HON SPEAKER: Table, yes.

**HON MINISTER OF GENDER EQUALITY AND CHILD
WELFARE:** The Bill?

HON SPEAKER: Yes, table the Bill, do you not have it?

HON SPEAKER: Thank you. The Secretary will now read the Bill a First Time.

**FIRS READING – CHILD CARE
AND PROTECTION BILL [B.8 – 2014]**

SECRETARY: *Child Care and Protection Bill* [B.8 – 2014].

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

**HON MINISTER OF GENDER, EQUALITY AND CHILD
WELFARE:** Yes, I Move so, Honourable Speaker.

SECRETARY: *Child Care and Protection Bill* [B.8 – 2014].

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**SECOND READING – CHILD CARE AND
PROTECTION BILL
HON NGHIDINWA**

**SECOND READING - CHILD CARE
PROTECTION BILL [B.8 – 2014]**

HON SPEAKER: Any objections? You have the Floor, Honourable Minister.

HON MINISTER OF GENDER EQUALITY AND CHILD WELFARE: Thank you very much, Honourable Speaker. Honourable Members of Parliament, Honourable Members of the Kenyan Parliament, staff members from the Ministry of Gender Equality and Child Welfare, Partners, Ministers, Legal Assistance Centre and all Protocol observed.

Before I present my Motivation speech on the *Child Care Protection Bill*, I would like to thank my predecessors, the Ministers of Gender Equality and Child Welfare for working hard in formulating this important Bill that I am going to table in this august House this afternoon.

Honourable Speaker, Honourable Members, the 2011 Census of Namibia indicates that there are 966,634 children in Namibia of which 36% are under the age of 15. Children cannot care for themselves or protect themselves in the same way that adults do. This means that children falls under an extremely vulnerable group and need special attention. The main piece of legislation, currently governing the Care and Protection of Children in Namibia is the *Children’s Act*, 1960 (Act 33 of 1960). It is outdated and challenges and issues affecting children have changed since then, for example, the impact of HIV AIDS epidemic, the level of abuse and the rise of international trafficking are some of the current issues of concern. Therefore, the *Children’s Act*, 1960 (Act 33 of 1960) needs to be replaced.

The *Child Care and Protection Bill* will bring national legislation in line with Namibia international commitment and it is also the first legislation

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**SECOND READING – CHILD CARE AND
PROTECTION BILL
HON NGHIDINWA**

that is looking into what is the best interest of the child. Namibia is a party to the Convention of the Rights of the Child and the African Charter on the Rights and Welfare of the Child. According to the Namibian Constitution, provisions in international agreements automatically become part of the Namibian Laws, but they can be more effectively implemented if they are incorporated into national legislations.

One aspect of the harmonisation with International Law will be to lower the Age of Majority to 18, although the Bill still requires parental permission for the marriage of all persons under the ages of 18 and 21. Child participation as well as your rights and the responsibilities of children are highlighted in this Bill. In order for Namibia to fully protect its children, new structures are proposed in the Bill that will give children better protection such as the National Advisory Council, Children Advocate and etcetera. Mechanisms such as kinship care is introduced that caters for the care and protection of children with family as stipulated in our Namibian Constitution.

Safeguards are highlighted in cases of inter-country adoptions that will also be regulated through the central authority at birth - the Hague Convention and inter-country adoption. The Ministry of Gender Equality and Child Welfare, appreciates the support received from Line Ministries, UNICEF and the Legal Assistance Centre throughout the process of the development of this Bill. Your contributions are highly valued.

The following were consulted as per suggestion by Cabinet and the Cabinet Committee on Legislation:

- Key Offices, Ministries and Agencies, such as the Ministries of Finance, Health and Social Services, Youth, National Service, Sports and Culture, Justice, Education;
- Office of the Ombudsman;
- Council of Traditional Leaders;
- Members of the Hague Convention on assertion to the Hague Convention on Inter-Country Adoption;

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PROTECTION BILL
HON NGHIDINWA**

- the Namibian population, including children were targeted through 39 consultative workshops, regional consultations, focus group discussions and meetings;
- Thirty-Eight radio and live television slots were broadcasted;
- Fact sheets were placed in newspapers;

**OVERVIEW OF THE DRAFT CHILD CARE AND PROTECTION
BILL:**

I am going to start with the definition: A child is defined as a person who has not attained the age of 18 years. Eighteen years will also be the Age of Majority, this means that a person can enter into a contract, bring cases to Court and perform other legal acts, independently.

CHILDREN’S ADVOCATE

The Bill will make provisions for the Office of the Ombudsman to appoint a Children Advocate who will investigate and act on complaints about any violations of children Rights.

NATIONAL ADVISORY COUNCIL ON CHILDREN

This is a cross-sector body that will monitor the implementation of the Law and will advise on Children’s Rights issues.

CHILDREN’S COURT

The Bill includes measures to court proceedings that ensure that children who can participate in decisions that affect them are allowed to do that.

Criteria are summarising what must be considered in the determination on the best interest of the child.

We have a few Key Topics in the Bill:

- (i) **Establishment of the National Advisory Council on Children – (Chapter 3, Part 1, Sections 11 to 24).** It is a Government appointed body with the aim to promote the rights and the interest of children in Namibia. The Council coordinates stakeholders from different Government Ministries and Civil Societies for cooperation on children issues and advise the Ministry of Gender Equality and Child Welfare. It is similar to the Labour Advisory Council, in Namibia, which advises on *Labour Act* related issues.

- (ii) **Appointment of Children’s Advocate within the Office of the Ombudsman is (Chapter 3, Part 2, Section 25).** There must be a Children’s Advocate within the Office of the Ombudsman, established in terms of Article 89 of the Constitution and regulated by the *Ombudsman Act*. The appointment of the Children’s Advocate will be discussed between the Ministry of Gender Equality and Child Welfare and the Office of the Ombudsman. The Children’s Advocate will focus on child protection.

- (iii) **Establishment of Child’s Fund (Chapter 3, Part 3, Sections 26 to 32),** The Children’s Fund is a special fund established to pool resources from different donors and development partners for Children’s Programmes across the country. It is audited by the Auditor-General. The Ministry of Gender Equality and Child Welfare receives an Annual Financial Report that must be tabled in the National Assembly. The Minister of Finance was consulted on the operations of this Fund.

- (iv) **Appointment of Social Workers (Chapter 3, Part 4, Sections 33 to 37).** The Minister will appoint and/or designate social workers to perform the functions assigned to Social Workers and Child Protection Organisations under the *Child Care Protection Bill*. Child Protection Organisations are Non-Governmental Organisations, which employ private social workers and the

Ministry of Gender Equality and Child Welfare will designate these organisations in performing specific duties.

- (v) **Children’s Court and Children Commissioners (Chapter 4, Part 1, Sections 38 to 46; Part 2, Sections 47 to 62).** For the purpose of this Act, every Magistrate’s Court can function as a Children’s Court and has jurisdiction in any matters arising from the application of this Act for each area of jurisdiction.
- **Lay Forums (Chapter 4, Part 1, Section 44).** The Courts may refer parties to social worker or Traditional Leaders who can help the families to reach an agreement. This was discussed with the Traditional Authorities during a presentation on the *Child Care Protection Bill* that focused on their role. Lay Forums are effective to reduce conflicts amongst family members on issues involving children, resolving problems affecting children and to promote lasting solutions to family problems.
- **Legal Representations (Chapter 4, Part 2, Section 58).** In some cases children might have their legal representatives to make their views clearly presented to the Court. The Bill allows the Court to order legal representation for the child, if this would be in the best interest of the child, especially in difficult cases where the social worker recommended it or where there are allegations/evidence of child abuse.
- **Vulnerable Witnesses (Chapter 4, Part 2, Section 55).** The Children’s Court can apply any of the special arrangements of vulnerable witnesses. These arrangements are already available to children who give evidence in criminal cases, such as child abuse. The child is allowed to give evidence from behind a one-way screen. A support person can also support the child during the hearing. Vulnerable Witnesses are currently prepared for Court Hearings.

- (vi) **Residential Child Care Facilities (Chapter 5, Sections 64 to 91).** Namibia has 150,589 orphans according to the Census of 2011, who need to be placed in either foster care, kinship care or residential child care facilities. Residential Child Care Facilities are facilities in whose care children are placed, legally. In other words a child who was found in need of care in a proceeding by the Court. Court orders are issued by the Magistrate's Courts that enable these facilities apply for a grant from the Ministry of Gender Equality and Child Welfare. The regulations will include minimum standards of care by which these facilities must register in order to be operational. The inspection of facilities will be done on a regular basis.

The facilities in the *Child Care and Protection Bill* are Places of Safety and Children's Homes whilst Child Detention Centres accommodate children in conflict with the Law that used to be accommodated at the School for Industries in the *Children's Act, 1960* (Act 33 of 1960).

Shelters will temporarily accommodate victims of abuse who need a safe place to stay. Places of Care such as crèches or day-care centres accommodate children through private arrangements. An Early Childhood Development Centre is a place caring for children between birth and the age of formal schooling, which offer prescribed learning activities. These centres will be registered with the Ministry of Gender Equality and Child Welfare but the educational programmes are the responsibilities of the Ministry of Education.

- (vii) **Matters Related to Status of Certain Children (Chapter 6, Parts 1 to 5, Sections 92 to 117).** This Chapter is with the *Children's Status Act* of 2006 that was already discussed in Parliament and enacted. This Act needs to be repealed and re-enacted in the *Children's Care and Protection Bill*. It deals with proof of parentage; parental responsibilities and rights in respect of children born outside

marriage and other children and custody and guardianship on death of the custodian or guardian. Social Workers with the Ministry of Gender Equality and Child Welfare and some Clerks of the Court were trained on their roles in the *Children's Status Act, 2006* (Act 6 of 2006).

- (viii) Parental Responsibilities and the Rights and the Parenting Plans (Chapter 7, Section 118 to 122).** According to the Bill parents may have a parenting plan for a child. These are parental responsibilities and rights that a person may have in respect of a child, they include responsibilities and rights to have custody of the child, including responsibility for decisions relating to the child's day to day upbringing; to maintain contact with the child; to act as guardian of the child; and to contribute to the maintenance of the child.

A Parenting Plan is an agreement between co-holders of parental rights and the responsibilities about the exercise of their parental rights and duties. It is mostly between parents of a child who do not live together, especially if they were never married. Parenting Plans may also be used by parents are divorced, if the divorce order did not include sufficient details on all the child-rearing issues which concern them. It can also be between a parent and a foster parent. The Parenting Plan is registered with the Court or it could be part of a Court Order. Therefore, applications can be done at the Court for enforcement, if the plan is not followed.

- (ix) Kinship Care (Chapter 8, Sections 123 to 128).** This is a new concept in the Namibian Law, although not a new practice. Families make their own arrangements for children to live with someone other than the parents, such as extended families. However, there are also cases where parents died and these children were brought up by relatives, who can register the Kinship Care at the Magistrate's Courts. Thus Kinship Care is mainly managed outside of Court, and where the Court is involved, through Clerks of the Court who would register private agreements for Kinship Care as an administrative matter, as a prerequisite to grant applications.

The duties of the Clerks of the Court will increase, therefore, consultative meetings were held with the Ministry of Justice to increase the Clerks of the Court when the *Child Care and Protection Bill* is enacted. Social Workers of the Ministry of Gender Equality and Child Welfare are already trained on the concept of Kinship Care.

- (x) Prevention and Early Intervention Services, (Chapter 9, Sections 129 to 130).** Prevention Services are the provision of services to families with children in order to strengthen and build capacity to address problems that may occur in a family environment.

Early Intervention Services are those services provided to specific families with children identified as being vulnerable or at risk of harm.

- (xi) Children in Need of Protection, (Chapter 10, Sections 131 to 153).** The *Child Care and Protection Bill* has a list of when children need protective services. Once there is a possibility for a child to be in need of protective services, the Social Worker will investigate the circumstances and provide a report to the Court. The Bill also provides for mandatory reporting of child abuse or neglect. Traditional Leaders are also obliged to report any abuses of children, as discussed with them on their role in the *Child Care and Protection Bill*.

- (xii) Foster Care, (Chapter 11, Sections 154 to 159).** Foster care is an alternative placement of a child in the care of someone unrelated to them. Investigations are done by the Social Workers, a report is compiled and submitted to the Court for legal placement. The Ministry's trained Social Workers on the different steps of Foster Care such as the recruitment, assessment and the placement of children. A list of prospective foster parents will be in place following the enactment of the *Child Care and Protection Bill*. Social Workers of the Ministry of Gender Equality and Child Welfare are already trained

on Foster Care and are working on a family register that will include those who are willing to foster.

- (xiii) Adoption of Children, (Chapter 13, Part 1; Domestic Adoptions, Sections 168 to 187).** Adoption is valuable way affording children the benefits of family life which might not otherwise be available to them, especially in cases of baby dumping. Children who were dumped are already successfully adopted by caring couples. A child who is adopted becomes a child of the adoptive parents. The names of the adoptive parents are entered into the child's birth certificate as the child's parents. A central register for prospective adoptive parent(s) and children in Namibia is already in place, which provides a mechanism to easily search for local options before resorting to inter-country adoptions. Social Workers and some of the Clerks of the Court were trained on their responsibilities on adoption.
- (xiv) Inter-Country Adoption, (Chapter 13, Part 2, Sections 188 to 199).** This will be regulated by the Hague Convention on Inter-Country Adoption that would be monitored by the Central Authority. Namibia needs to accede to the Hague Convention on Inter-Country Adoption. Parliament need to give consent to accede to the Convention before it is deposited through Foreign Affairs. For your information, it is in the pipeline to be acceded in Parliament.
- (xv) Child Trafficking, (Chapter 14, Sections 200 to 218).** A child who has been trafficked comes under the general procedures for Child Protection. The Bill provides for assistance and services to assist the victims of child trafficking.
- (xvi) Concept in Medical Treatment, HIV Testing and Examination in Cases of Abuse, (Chapter 15, Section 220).** Medical

interventions include dental, physiological, psychological and psychiatric intervention. In cases of emergencies the person in charge of a hospital or clinic may consent to a medical intervention or surgical operations. When parents or guardians are not available the Ministry of Gender Equality and Child Welfare or a Children's Court has the power to give consent. They are already doing that.

Abused or neglected children can be examined by a medical practitioner without the permission of the child's parent, guardian or caregiver with specific guidelines so that it should not be unnecessarily traumatic for the child.

- (xvii) Other Protective Measures, (Chapter 15, Sections 225 to 237).** Provision is made for child labour, child safety at places of entertainment and children and alcohol, with services for children in such case. Specific provisions are included to address new areas such child-headed households; harmful social cultural or religious practices; unaccompanied foreign children, rules on children in prison or police cells, unlawful taking/sending of children out of Namibia, just to mention a few.
- (xviii) Persons Unfit to Work with Children, (Chapter 15, Section 238)** Police Clearance Certificates are required to ensure that a persons who work directly with children do not have a previous record of proven violence of child abuse. These certificates are renewable every two years.
- (xix) State Grants (Chapter 15, Sections 240 to 252).** Grants to be payable by the Ministry of Gender Equality and Child Welfare are the State Maintenance Grant, Foster Care Grant, Place of Safety Grant, Child Disability Grant, Short-term Emergency Grant or Assistance. Kinship Care Grant will fall under the State Maintenance Grant. Specific requirements to qualify for the Grants will be stipulated in the Regulations. More than 151,000 children are currently benefitting from the Grant sand the Ministry would

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like the support to be extended to all children. Provisions is also made in cases where these Grants are abused for investigations and fines.

SHORT TITLES AND COMMENCEMENT

This Bill is called the *Child Care and Protection Bill* [B.8 – 2014] and will commence on a date to be determined by the Minister, by a Notice in the *Gazette*.

I thank you so much for your attention.

HON SPEAKER: Thank you, Honourable Minister. Any further discussions? Honourable Kaura?

HON KAURA: Honourable Speaker, I do not want to deny myself the right to speak when we are going into it. I only have two questions for clarity. Here in the introduction of the Bill, it is said - *to set the Age of Majority at 18 years*. Then it says under the repealed Laws *the Age of Majority Act 1957*, now the word '*majority*' - the person matures and reach maturity, but here it is written majority. Is it correct?

HON MEMBER: Maturity.

HON KAURA: *Maturity*, but here in the Bill in the introduction is written *majority* twice. Maybe a correction can be made, if I am correct. Thank you, Honourable Speaker.

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HON SPEAKER: If not the Minister, can any of the Legal people here - I have heard of *majority* when you reach a legally recognised age, it is called *majority* not *maturity*. Any legal people? Actually, there are those who are saying we should reduce our majority age to 16, but nobody has raised that issue yet. Can anybody help Honourable Kaura and maybe along the way the Speaker too. Is it maturity or is it majority, legally?

HON MINISTER OF GENDER, EQUALITY AND CHILD WELFARE: Majority.

HON SPEAKER: Yes, Honourable Shifeta, do you want to help?

HON DEPUTY MINISTER OF ENVIRONMENT AND TOURISM:
I think (*intervention*)

HON MEMBER: Do not say, *you think (laughter)*

HON DEPUTY MINISTER OF ENVIRONMENT AND TOURISM:
Majority is correct, Honourable Speaker. Currently, the majority age is 21, so it has to come down from 21 to 18.

HON SPEAKER: Majority?

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HON DEPUTY MINISTER OF ENVIRONMENT OF TOURISM:
Majority is a legal term.

HON SPEAKER: Legally it is correct, Honourable Kaura. In a normal daily way of expression, it is maturity - you are grown up and reached that age, but legally it is majority. Legally majority is what you and I understand as you having matured and that implication is when you become 18 you assume responsibilities equal to those of your parents. You are legally correct. Any further discussions? Honourable Tjihuiiko?

HON TJIHUIKO: Thank you very much, Honourable Speaker. Before I adjourn the Debate with your permission, if I may, I just want to congratulate the SWAPO Party for having taken the defeat in Otjinene so maturely. Congratulations! (*laughter*). With that comment, Honourable Speaker, I think they will go by the same spirit after November and they will accept the defeat the same way they have accepted in Otjinene. In the absence of (*intervention*)

HON SPEAKER: No, there are other people.

HON TJIHUIKO: In the absence of any contribution, I wish to adjourn the Debate until next week Tuesday, just to allow us to get through these thick documents. Thank you, Honourable Speaker.

HON SPEAKER: Honourable Ndjoze-Ojo.

HON DR NDJOZE-OJO: Thank you, Honourable Speaker. I rise to

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support this Bill wholeheartedly because this *Child Care and Protection Bill* has been coming for quite some time and it is good for our children.

We have had a workshop this morning and most of the inputs were put at that workshop and taken into cognisance by the Ministry and the Minister of Gender, Equality and Child Welfare. However, I was asked to add something talking to the Child Welfare Advisory Council, which is mentioned in the Bill and that is constituted out of eight Permanent Secretaries from eight Ministries and some additional Members. We thought that, because sometimes children are adopted and taken out of the country, it is very important that the Permanent Secretary of the Ministry of Foreign Affairs should be part of the list of Permanent Secretaries. I consulted with the Minister and the Minister felt that I should raise this issue on the Floor of Parliament so that it will effect a change on the Bill as presented by the Minister. That is one.

The second point is that the constituted team of Permanent Secretaries – I hope that our 50/50 representation will affect the kind of Permanent Secretaries because we need a lot of gender balance in the Advisory Council; and it will be taken care of (*interjection*). This is Government, the Right Honourable Prime Minister has reminded me that (*interjections*) but that is a real topical issue and people like PPP have taken it into consideration, so we are hoping that we will have (*intervention*)

HON MEMBER: What is PPP?

HON DR NDJOZE-OJO: APPP of Honourable Shixwameni.

HON SHIXWAMENI: No, mine is APP.

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HON DR NDJOZE-OJO: You know some good things do rub-off good influence. We are, therefore, hoping that this particular Advisory Council will be constituted out of a gender balanced view because most of the girls, especially girls who are victims wish to be advised and the Minister needs to be advised from both sides – men and women. I want to congratulate the Honourable Minister for the work that has gone into it and to thank them for presenting such a very well-researched-over-the-years good Bill. Thank you.

HON SPEAKER: Thank you. Honourable Witbooi.

HON WITBOOI: Thank you, Honourable Speaker and Honourable Members. I also rise to support the Bill and to thank the Honourable Minister for a comprehensive presentation this morning. I would also like to commend the Ministry for the work well done. It took the Ministry around ten years to bring this Bill to Parliament.

The Bill will also speak to our local situation, unlike the current one of 1960. I had noticed that some of the areas that were not covered in the old *Children's Act* of 1960 are now being provided for in the new Bill, for example, the Convention of Inter-Country Adoption, Child Abduction when one parent leaves the country without the consent of the other parent, the Convention on Parental Responsibility, Measures for the Protection of our Children, the Convention of Child Support and other Forms of Family Maintenance. These Conventions put Namibia in line with the International Community in terms of the Conventions that we have already ratified like the Convention on the Rights of the Child and the African Charter on the Rights and the Welfare of the Child.

Comrade Speaker, I also want to make the following (*intervention*)

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HON SPEAKER: Honourable Tjihuiko, what point are you rising on?

HON TJIHUIKO: On a question.

HON SPEAKER: Question?

HON TJIHUIKO: Yes, if the Honourable Member allows me. Honourable Member, thank you for your permission. Honourable Member, you are really doing well, but I have a small question. Having quickly perused through this document, especially when you mentioned the question of the area that has been left out – has the area of Government responsibility been covered in this Bill? That is the first question.

The reason why I am asking that is that child care is not only the responsibility of the parents. The Government of the day - our children are being taught under trees and drinking dirty water; is there anything in the Bill that would criminalise the Government's action for neglecting the children in the manner that it is neglecting children? (*intervention*)

HON DR NDJOZE-OJO: You cannot put that in the Law, honestly, you are spoiling such a good Bill.

HON TJIHUIKO: I want to know. The Government is responsible but children are sleeping under trees. Are there Laws for the children? Is there anything in this Bill that criminalises Government to be taken to task

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if it is not acting up to its responsibility? I want to know.

HON SPEAKER: Honourable Witbooi, continue.

HON WITBOOI: Thank you, Honourable Member. I take note of your concerns. Comrade Minister, I want to make the following comment on the constitution of the National Advisory Council. (*Noise*) Are you done? Can I proceed?

HON MEMBER: Yes.

HON WITBOOI: This Council will have a monitoring role in the protection of the Child's Rights because it will help to put the Convention on the rights of a child's obligation in practise.

Therefore, Comrade Minister, I propose that in the Regulations the Bill makes provision for gender-sensitive representation on the Council. The Honourable Minister and the Ministry must see to it that gender mainstreaming is also implemented through this Bill. My Colleague has already mentioned the different Ministries represented in the Council. We must also look at the people with disabilities representation – it must come out clear on this Bill. (*Intervention*)

HON SPEAKER: Honourable Kazenambo, can you walk back and stay there until further notice?

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HON WITBOOI: Otherwise, it is a good body because it constitutes different Line Ministries, Faith-Based Organisations and NGOs. Children's issues are cross-sectoral not only the responsibility of the Ministry of Gender Equality and Child Welfare. Our children need protection in terms of education, health and many more in the community and in the family. The Bill is emphasising everybody's role.

On the Social Workers: The Bill is placing a whole new lot of duties on the Social Workers. When you look at the chapters dealing with Early Interventions and Prevention of Abuse, it seems to me that Social Workers are not enough in this country, they are not working for the Government or they leave the Government. This means that the salaries of Social Workers in the Government are different. Social Workers' salaries must be reviewed because it might be one of the reasons that our children are not interested or are eager to study social work. We have a few in Namibia, therefore foreigners have to be appointed as Social Workers.

Monitoring of Grants: Currently, children who lost one or both parents are getting a Grant from the Ministry of Gender Equality and Child Welfare. There are so many other vulnerable children who are not receiving Grants. This Bill now provides for all vulnerable children to benefit in line with NDP4. This will be a good incentive because all children will now be equal in getting this Grant. These new provisions will definitely ensure that the best interest of all children in Namibia are protected.

Lastly, Honourable Members the Bill will also shorten the process of putting a child in somebody's care – no more the lengthy legal process that was very frustrating. With this, I support the Bill. Thank you.

HON SPEAKER: Honourable Kazenambo, you may resume your seat about twice after you reach your seat to the Speaker and you sit down. Honourable Nujoma.

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HON MINISTER OF JUSTICE: Thank you, Comrade Speaker for the Floor. I rise to really give *kudos* to the Minister of Gender Equality and Child Welfare for tabling this very important Bill. This Bill comes a long way. It started with my Ministry there then it went to other Ministries. I would like to thank the Honourable Minister because there have been wide consultations on this Bill – really good consultations with all the stakeholders, the parents and the communities. Therefore, the input was good.

I just wanted to comment on the establishment of the National Advisory Council where all the stakeholders will come together to discuss and see what can happen to our children. It is a good thing.

The other thing is with regards to the appointment of the Children's Advocate within the Office of the Ombudsman. I was also commenting earlier during the day when the Honourable Minister called us for consultations, but I think one Children Advocate for all the nine hundred thousand children, - the Honourable Minister said almost one million children, will be a nightmare. My comment is on the issue that the Ombudsman is currently decentralising his services, therefore, we need to plan properly so that we would be able to have an advocate in those decentralised areas. Otherwise he or she will be overwhelmed by the various enquiries, the various needs of the children and so on.

I was also going to say that it is good to come out with a very good Bill, but if you have not planned with regard to the Budget and I do not think we have appointed anybody right now. There is no Children Advocate now, and as soon as Parliament passes this Bill the Ministry of Justice and all the other Ministries will be accused.

HON MEMBER: Good planning.

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HON MINISTER OF JUSTICE: I think these are good things and we must push so that they keep us on our toes. However, I am just alerting the Honourable Minister that we need to consult further within ourselves, and see what can happen so that we align all our needs with the NDP4. This is very important because when the need comes, money talks, will we be able to provide for the appointment of the Children Advocates? It is a lot of things.

The other area that I am in total agreement with is the Children Fund, but here we also need to exercise caution because we are talking about Government. Government must put a certain sum and then we ask the NGOs who will come with their own demands that children must be adopted by the so-called straight people or non-straight people, you know what I am talking about, the gays and lesbians who are supported by Honourable Shixwameni and his colleagues there who are pretending to be straight but they are not straight (*laughter*) I withdraw that one.

HON SPEAKER: Yes, you have to withdraw that one.

HON MINISTER OF JUSTICE: I withdraw it.

HON SPEAKER: Honourable Shixwameni.

HON SHIXWAMENI: Yes, I wanted the Honourable Member to withdraw and he has done so. You must not be un-parliamentary, but I would like to ask you a question.

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HON MINISTER OF JUSTICE: Yes.

HON SHIXWAMENI: What sin have those people that you call straight and not straight committed to you and God that you want to insult them?

HON MINISTER OF JUSTICE: They go against the Laws of nature. They go against the Laws of God because God created a woman from his rib (*intervention*)

HON SPEAKER: That is a separate Debate (*laughter*). Stick to your contributions, Honourable Minister.

HON MINISTER OF JUSTICE: Thank you, Comrade Speaker. Honourable Shixwameni wanted to divert my attention from the real issues, but we will talk about that in private after this Session.

The other area is the appointment of Social Workers, here again we need to really consider seriously. I remember when we tabled the *Maintenance Act*, the Ministry of Justice until now we are still struggling to get Social Workers. Therefore, all these things need to be planned. We do not have adequate Social Workers in the whole country, so we need to train more. This is a good thing we need to train more Social Workers. As Government we have the responsibility to train, they are absorbed by the Private Sector and the NGOs, but we must continue to do that because (*intervention*)

HON SPEAKER: Yes Honourable Tjihuiko?

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HON TJIHUIKO: May I ask the Honourable Minister of Justice a small question?

HON MINISTER OF JUSTICE: Yes.

HON TJIHUIKO: Honourable Minister of Justice - doing justice, you are doing well, talking about planning. That is true and we have missed out on what you have just said that when you introduced that Bill up to now we do not have Social Workers. The planning of the Ministry of Education is to see the need that is developing in the Industry then you think that is the failure of the Government to produce for the market. We do not have Social Workers for all these years while we have unemployed graduates in the country. The Minister of Justice is telling the Namibian public now that we have failed. Is that fair?

HON MINISTER OF JUSTICE: No, my Dear Friend Honourable Tjihuiko, I do not think Government has failed, maybe there is no interest and nobody wants to be a Social Worker. They have other interests. (*Interjections*) It depends – not everybody wants to be a Social Worker. We must, therefore, encourage people to take up these certain positions and also encourage them to go for further studies in other countries and so on. But you cannot impose on the people that you have graduated from UNAM now all of you are Social Workers, it is impossible. You cannot force your own daughter. She is maybe an accountant or a lawyer you cannot tell her to become a Social Worker. It does not work like that with Government. It is easy to talk over there when you are campaigning, but when it comes to real issues (*intervention*)

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HON SPEAKER: Minister of Home Affairs.

HON MINISTER OF HOME AFFAIRS AND IMMIGRATION:
Honourable Speaker, may I ask the Honourable Member a question?

HON MINISTER OF JUSTICE: Yes, please.

HON MINISTER OF HOME AFFAIRS AND IMMIGRATION:
Comrade Nujoma, the world today is controlled by money. Nothing happens without money and even Government finds it very difficult to retain certain professional categories of persons because they know they can make more money in the Private Sector. I have not yet met a consulting company consisting of Social Workers.

HON SHIXWAMENI: Ask him questions, it is not a question.

HON MINISTER OF HOME AFFAIRS AND IMMIGRATION:
What is your problem? I am not asking you, I am asking Comrade Uutoni Nujoma.

HON SPEAKER: I am at a loss here.

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HON MINISTER OF HOME AFFAIRS AND IMMIGRATION:
Silence in the House. Yes, Comrade Nujoma, do you not (*interjection*) Honourable Naholo, if you have an issue with me let us meet outside not here (*laughter*).

Comrade Speaker, my question to Honourable Utoni Nujoma is; my neighbour here is telling me that when she was the Minister of Gender Equality and Child Welfare she used to visit Secondary Schools encouraging Grade 12s to take up this challenge, however, the results are what it is today. Do you not think it is the economic attraction that really prevents this profession from getting the necessary attention? That is the question I have. Thank you.

HON MINISTER OF JUSTICE: Thank you, Comrade Minister for clarifying that issue. It is a question of bread and butter at the end of the day. People are attracted to other professions where they think they can generate more money. They are not in that area. You know we in SWAPO have been serving this Nation on a voluntary basis. You know, the packages of the Ministers here is a pittance, but they have contributed for the past thirty years. The comparison of the salaries of the Ministers here with the salaries of others in SADC Region is a mere pittance. It is not always fair to criticise the Ministers here (interventions)

HON SPEAKER: Yes, let us make progress.

HON TJIHUIKO: Honourable Speaker, may I ask the Honourable Minister a small question – the last one for this topic? Honourable Minister, going by what the Honourable Minister, the former Secretary-General, has said we do not have Social Workers in Namibia today. We have just recently imported pharmacists.

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We are getting thousands of technical people from Zimbabwe. We do not have teachers. Are you really trying to tell me and the Namibian Nation that Namibian youngsters are not interested in anything? We are importing almost all the trades that you can think of from outside after 25 years of Independence!

HON MINISTER OF JUSTICE: No, Honourable Tjihuike, your logic is not correct we are training. We are training hundreds of doctors we have a medical school here, we are also training pharmacists, but it takes years to train these people. Do you know how many years it takes to become a doctor? Our Independence is not enough to produce one doctor. Do you agree with me? Because it takes about 26 to 30 years to produce a qualified surgeon? A surgeon you can (interjections) it is true, with experience and everything – about 30 years. That is the truth, Honourable Tjihuike you were at Augustinium together with me, how long did it take you to complete your secondary school? I do not want to mention other things maybe you also did not make it.

HON SPEAKER: Honourable Kaura. We are just here, I hope that we raised the calibre of our discussions.

HON KAURA: Honourable Speaker, I want to find out from the Honourable Members; it is reported, in our daily newspapers today, that a lot of our children are studying in China, they did not even attain an average of 35 points. Some between 6 up to 24, they do not even qualify to go to our own local universities, but they are training as doctors in China. Will these people be allowed back in Namibia to look after our people? What is the answer of the Honourable Member?

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HON MINISTER OF JUSTICE: Yes, if that is their requirements, what is wrong with that? If the requirements of an institution are lower, why not? What is the problem? It depends on the institution, but that is not the issue, we are here today for. We are talking about the children.

The last point I wanted to comment on is the Children’s Courts. I think the Ministry of Justice has done its part, we have established Children’s Courts within the Magistrates’ Courts. We have several Courts, but I think we need to add more specialised Courts because when a child is testifying, those people must not see him/her. There are certain requirements that have to be made, there must be translators and so on. We are, therefore, modernising these Courts. It will also be a challenge and I think myself and the Minister will sit down to see how we can plan because the most important thing is to plan. If you do not plan properly you will always encounter problems. The plans will be followed by money because they must be funded. We probably need to construct more specialised Courts which will require additional finances and all these requirements need to be aligned with the NDP4. I was just mentioning these things because I am a person who believes in planning. Thank you very much.

HON SPEAKER: Thank you. Honourable Mutorwa.

HON MINISTER OF AGRICULTURE, WATER AND FORESTRY:
Thank you, Comrade Speaker for giving me the Floor to make a contribution to this very, very important Bill. I would like to commend my Colleague, the Minister of Gender Equality and Child Welfare for having eventually succeeded to bring this piece of legislation here in the Parliament for Debate it with an ultimate aim of passing it.

Comrade Speaker, this piece of legislation is intended to regulate the affairs and conduct of a very important, energetic vibrant growing

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segment of any community, any population, any Nation's part of the population and I am referring to the young people, the children and this is applicable anywhere in the world. I was looking at the Namibian Constitution and I have realised that the issue of Children's Rights are clearly articulated in Article 15, which is under Chapter 3 of the Namibian Constitution. We all know that that Chapter deals with the Fundamental Human Rights and Freedoms. We also know that the mothers, fathers and authors of the Namibian Constitution - some are here, including the Honourable Speaker, when they wrote the Constitution and entrenched some of these Rights and Freedoms, this was done against the backdrop of what was in this country prior to our Independence. What was in this country was a deliberate denial through legislation of some people's fundamental Human Rights and Freedoms. Hence, it is entrenched, but 24 years down the line all of us still do appreciate and respect that these Fundamental Human Rights and Freedoms are entrenched in our Constitution.

Speaking for myself, we have also picked up some lessons over the past 24 years that the practical application and the practical implementation of some Policies and Laws that deal with this entrenched Fundamental Human Rights and Freedoms are not always properly understood by the general public. The practical implementation thereof is not always well understood, we have seen and we are seeing that in many cases even from people who are supposed to know better, more often than not, the emphasis is simply put on the Rights and not necessarily on the obligation or the responsibility.

I always say, for example, when you look at Article 20 of the Namibian Constitution which deals with education, it is true the Constitution says that it is the Right of every Namibian child to receive education. That is fine, that is noble. However, that Right as far as I am concerned can only be meaningful, can only be translated to achieve certain objectives if that guarantees Rights. The person himself or herself who is supposed to receive that education must carry out certain responsibilities and duties assigned to that person. In other words, it is the duty of that person to

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ensure that he/she go to school. Government provides the school and you go to school. You listen, you are disciplined, you are committed and you are working, then the Right will be meaningful.

Here we are in a situation where we are confronted, as a Nation, and we are not the only ones, where violent crimes and violations of other people's Human Rights that are entrenched in the Constitution are the order of the day. Crimes of murders, crimes of abuse; these are being committed and, therefore, there is a general public perception, wrongly probably, that it looks as if the perpetrators of violent crimes, for example, are more protected than the victims.

Just a few months ago, we had to come to a halt as a Nation because of these violent crimes, we had to pray. There was a Conference on Gender-Based Violence and please I am not saying that the fact that these Fundamental Human Rights and Freedoms are entrenched is not good; it is good but I hope that in this particular Bill that will become an Act dealing again, as I said, with a very vibrant segment of the Nation, the young people - that somewhere in this Law, apart from just emphasising the Rights and the Freedoms, the issue of responsibilities, the issue of obligations, the issue of ensuring that Rights always go with responsibilities and obligations, and also that my Rights stop when somebody else's Rights begins is included. I think it is important that we do so.

Comrade Speaker, again before concluding, this Bill was just distributed. Of course, somebody will postpone but I would like to believe that it is one of those Bills – yes, it has taken long because it is a very important Bill, it is complex but it is a Bill that needs the serious attention of all of us as we normally do. If need be, even the input from the Standing Committees is fine. Maybe they have taken long, we need to pass it, but it is a Bill once passed, that will also require definite organised activities in terms of work-shopping the Bills. I am glad that it is the Bill about children. The schools will have to play an important role in terms of educating the children themselves, the general population about the Provisions of the Bill so that there is a clear understanding that you know

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what the Bill intends to achieve is not necessarily to inculcate this issue of just - *it is my Right, it is my Right* and the responsibilities are not emphasised.

Lastly, I was just quickly looking at the definition of the term *child* in this Bill. Now the definition of *child* in this Bill on Page 13 of the Bill is provided as follows. It says, “*Child means a person who has not attained the age of 18 years.*” In other words, anybody who is below 18 in terms of the definition is regarded as a child. Then I went to the Constitution in Article 15(2) there it states the following and I am reading the last sentence of that Sub-Clause 2: “*...For the purposes of the Sub-article children shall be persons under the age of 16.*” I do not know, the legal minds are here; here it is stated it should be the person who has not attained the age of 18 years, but the Constitution talks about under the age of 16 that person is regarded as a child. This is someone who has not attained the age of 18, suppose somebody is 17, is that person a child or not? I do not know whether these two definitions in the Bill and in the Constitution are speaking the same language or there is something that we need to strengthen and clear out.

Otherwise in terms of principles, again, I do not think there will be anybody here who will oppose the principles of this Bill. Again, I am concluding by saying; over the past 24 years we have picked up some lessons and experiences that some of the Provisions of the Constitution - entrenched Rights and Freedoms are good and noble but they are not always well understood by the general public. Let this Act, once it is passed, not contribute further, although it has got noble objectives, it should not add further to the problem where there will be a dichotomy between the parents and the children and one or the other will say - *it is my Right as per the Act* and then we will contribute further to indiscipline and abdication of parental responsibilities. Even teachers, many of them in schools, of course, many of them will say - *because there is no corporal punishment.*

However, the point is, there is a high degree of indiscipline in our schools and also in our homes because of the wrong application and wrong

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understanding of what Fundamental Rights and Freedoms were actually meant to mean in a practical reality of our country. Thank you, Comrade Speaker.

HON SPEAKER: I had much to learn in your contribution. Honourable Ekandjo.

HON EKANDJO: Thank you, Comrade Speaker. Comrade Speaker, I just brushed through this and I would like the Honourable Minister to clarify if this Bill also mentions something about street children. We have got a lot of street children, roaming the streets and sleeping under bridges. I do not know whether they are taken care of under this Bill. Does this Bill speak about children that are in need of protection? Is there a specific Clause on street children? Thank you.

HON SPEAKER: I am sure the Honourable Minister will pay attention to it. I would ask to keep hanging around Honourable Mutorua's point about what the Constitution says *versus* what the Act says. There should be some reconciliation now that we discovered that. Honourable Minister of Home Affairs.

HON MINISTER OF HOME AFFAIRS: Thank you, Comrade Speaker. Comrade Speaker, I am speaking shooting from the hip but I want to connect what Honourable Kaura has asked as a term, *majority*, and *child*. There is a difference between these two definitions. *Majority* in legal terms means a stage at which a young person is given some Rights to do certain things and that should be viewed in that context.

If we are creating a confusion between a definition of a *child* and a definition which is supposed to be for a major, 18 is meant to refer to *majority* - a major. A child who has graduated to a stage where he or she

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is now entitled to certain Rights, while a child who is now mentioned in the Constitution is from birth to 16 and physically just talking about that person. It is not connected to any legal rights so to say; I do not know whether I am making these two separations clear.

I think if the Bill is confusing 18 years and 16 by using the term *child* then there ought to be a mistake, which I think we will be able to address during the course of deliberations. As I said, I am shooting from the hip not having read what the specific Provisions are addressing. Thank you.

HON SPEAKER: I think there will be a need. I shared the paper, that sheet that I have given you with Honourable Kaura.

HON KAURA: Comrade Speaker, I wanted to ask the Honourable Member a question, unfortunately she sat down. Honourable Member, I just wanted to find out if there is a conflict between the Bill and the Constitution where do we go?

HON SPEAKER: The Constitution will be there.

HON KAURA: The Constitution, so there is no conflict?

HON MINISTER OF AGRICULTURE, WATER AND FORESTRY:
No.

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HON SPEAKER: The Constitution will be there, but what the Minister of Justice was saying, maybe each of this concept will make a case within a specific context. I think that what the Minister is saying – you are reading the same sheet of paper that I am now passing on to the Minister of Home Affairs and Immigration. However, as Honourable Mutorwa was raising a question, it has made me alert that once we enact this into a Law, there will be a Law that speaks one thing and unless the definitions are clear enough, there will be, of course, questions raised. We may not resolve that issues here.

HON KAURA: Our Constitution provides that a child should be in school up to the age of 16 but with the Act which we are dealing with, that child is not that mature, he/she has not reached the age of majority. Therefore, that child must be in school up to the age of 18 and if you say that child no longer qualifies or it is no longer the obligation of the Government to keep him in school after the age of 16, if he/she takes you to Court in terms of this Bill that - *I have not yet reached the age of majority, therefore, I deserve to be supported by the Government up to the age of 18*, I do not know what the Ruling would be in that situation.

HON SPEAKER: We are not going to resolve it now, but let us keep these things on our minds so that before we enact this Law there will be some footnotes that will clarify all these issues you are raising. They are all relevant in a context but they will, once it becomes a Law - the Constitution says one thing and the Act will say another thing, therefore, there will be kinds of questions hanging in our minds as Honourable Mutorwa was pointing out.

We will have an opportunity to go over all of them and make that they speak to one another in a context. Honourable Kazenambo.

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HON KAZENAMBO: Thank you, Honourable Speaker. I am appreciating what you have just said that while we are making contributions to this Bill we must put this point in the context and it is that context which prompted me to stand up and make a contribution hoping that we will keep that context in mind.

Comrade Speaker, first let me say that I rise to support the Bill. It is a very important Bill that is talking on a critical issue of Children's Rights and my point goes to the issue of Foster Care of Children.

The context I want to bring in or to bear in mind is that experiences across the globe and the issue of Foster Care is defined in the definition on Page 14 of the Bill. It is talking about the issue of children, family and family relationships. However, before I talk to the Foster Care, I want to link the issue of Sub-Clause D which says that - *amongst many other people who may take care of the child is any other person with whom the child has developed a significant relationship*. I will repeat, *any other person with whom the child has developed a significant relationship based on psychological or emotional attachment which resembles a family relationship*, are In today's complicated world and we must face realities. Some of these relationships are influenced by circumstances, for example, the children which Comrade Jerry Ekandjo has just mentioned, I support him in that there are children under bridges of certain ages and then with money or rather enticement you develop a psychological relationship with that child – *a significant*.

Some of these terminologies really are very complex and very deep. With the issue of Foster Care worldwide, we have witnessed cases of big church organisations dealing with cases of molestation, sexual abuse and children who have gone through horrific experiences in Foster Care Centres. That is why I am saying that while we are dealing with Clauses like these, as the Speaker has correctly and rightly said, let us put it in context. It is very important.

I went further to look in one page where it talks generally about parental relationships and I also want to put it in context that, you know that our

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cultures are very diverse and I wonder in today's modern world; my grandmother is taking care of my child and after the adoption of this Bill my partner will go there and say - *no, this child of ours has not developed any psychological and emotional relationship with your grandmother and this is not my grandmother it is your grandmother*. This child has got no psychological relationship as it is stipulated in Page 14 of the Bill. For the past two years that this child has been dumped here in Okamatapati, I can see she has not developed any psychological or emotional relationship with your grandmother, not my grandmother, I am taking my child. That is why I am saying that these issue has to go deeper.

And also what my Cousin has said there, these issues are realities and this country is poor you will find that me and my significant partner because we have got money, we say that - *no, we have developed this relationship with this child, emotionally and psychologically and we are adopting this child*. In a country like this, another partner who has befriended us will come because he wants to frustrate the other partner, and these things are happening daily my friend -he goes with us and will just grab that child and tomorrow you will hear that - *the child has been put in Foster Care in 5 Albert Street with Kazenambo and his partner and the child has developed a psychological and emotional relationship with those people*.

Briefly, I am saying that we live in a very complex world, socially dynamic and we live in a poor underdeveloped country, therefore, like you have correctly said Honourable Speaker, as we are dealing with Clauses like these, let us put them in context before we adopt documents like this otherwise they may go against our culture and we are cultural human beings and it is our cultural Right to be observed and respected - not that I am being homophobic but I live in a society that has its ways and relationships, which are informed by cultural values and it also goes deeper to children. I will comment further after I have read the document, but I was compelled to comment on the issue.

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HON SHIXWAMENI: But you cannot comment on that.

HON KAZENAMBO: I can, not today. You like the Bill. Anyway, thank you, if I will not, then I will comment through you. . The issue of Foster Care is a very complex issue worldwide. With this, I support the document.

HON SPEAKER: Property is also important, I have here of a Government car 4939, actually it looks familiar, I do not know if I know it - 4939. I guess it must belong to either ourselves or people linked to us, Government of the Republic of Namibia, car - 4939.

If there are no other contributions, Honourable Tjihuike had proposed that further considerations be deferred until Tuesday next week. Anybody who wants to get the Floor tomorrow? None. Shall I then rule that it stands adjourned until Tuesday next week? Agreed.

This is the end of the Business Scheduled for today. Right Honourable Prime Minister, tell us when we shall meet.

RT HON PRIME MINISTER: Comrade Speaker, I wanted Honourable Tjihuike to be here before I adjourn the meeting because he was saying that the SWAPO Party accepted defeat and I hope he will learn from that. In democracy you must win and lose. I hope there will be no claims after November. I hope so – you have learnt now. I hope what you are saying is that you must accept defeat as SWAPO has done. Now come November, he must remember those words.

As a freshman of second year Political Science student I was sitting in a class and one Professor talked about South Africa as majority Government and I hit the ceiling, it is not a majority Government it is a minority

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Government. The Professor said it is a political majority Government because it can decide on everything as a majority, so these words are being played around with by the lawyers in one sense and even political scientists.

With this, I Move that the House now adjourns. Yes, I was also reminding you to remember your words that the SWAPO Party was democratic enough to accept defeat without running to the Courts, so come November, I am saying you will remember those words. I Move that that the House adjourns now until Tuesday the 30th of September 2014, 14:30. I Move.

HON SPEAKER: Any objection? So decided.

HOUSE ADJOURNS AT 16:46 UNTIL 2014.09:30 AT 14:30

**NATIONAL ASSEMBLY
ASSEMBLY CHAMBERS
WINDHOEK
30 SEPTEMBER 2014**

The Assembly met pursuant to the adjournment.

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

ANNOUNCEMENT

HON DEPUTY SPEAKER: Please be seated. The Members of the SWAPO Party are being reminded of the Caucus after the Session, please take note of that. Secondly, I have the honour to acknowledge, in the public gallery, learners from Collin Foundation Secondary School in Arandis who are on a visit to Windhoek, please welcome.

Any Petition? None. Reports of Standing Committees? Other Reports and Papers? I recognise Honourable Theopolina Mushelenga.

**TABLING: REPORT ON THE 130TH
ASSEMBLY AND RELATED MEETINGS OF THE IPU**

HON T MUSHELENGA: Thank you, Comrade Deputy Speaker. I lay upon the Table, for Discussion, the Report by the Namibian Parliamentary Delegation on the 130th Assembly and Related meetings of the Inter Parliamentary Union (IPU) held in Geneva, Switzerland from the 16th to the 20th March 2014 for Discussion on the 2nd of October 2014. I so Move, Honourable Deputy Speaker.

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**TABLING OR REPORTS
HON KUUGONGELWA-AMADHILA**

HON DEPUTY SPEAKER: Please table the Report, Honourable Member. Other Reports and Papers? I recognise the Honourable Minister of Finance.

TABLING: REPORT OF THE AUDITOR-GENERAL

HON MINISTER OF FINANCE: Thank you, Honourable Deputy Speaker.

Honourable Deputy Speaker, I lay upon the Table, Reports of the Auditor-General on the accounts of the following:

- (i) Municipality of Swakopmund for the Financial Year ended 30 June 2013;
- (ii) Municipality of Henties Bay for the Financial Year ended 30 June 2013;
- (iii) Regional Council of Kunene Region for the Financial Year ended 31 March 2013; and
- (iv) Town Council of Oshikuku for the Financial Year ended 30 June 2013.

I Move so, Honourable Deputy Speaker.

HON DEPUTY SPEAKER: Please table the Report. Notice of Questions? Honourable Von Wietersheim.

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**NOTICE OF QUESTION
HON VON WIETERSHEIM**

NOTICE OF QUESTIONS

QUESTION 35:

HON VON WIETERSHEIM: I give Notice that on Thursday, 9 October 2014, I shall ask the Right Honourable Prime Minister the following:

1. What measures is the Right Honourable Prime Minister going to take about the statements reportedly made by the Chairperson of the ECN the Electoral Commission, when answering enquiries by the Prime Minister and in consequence also towards the general public by alleging that in India the Law was silent on the issue of paper trail; and that their Supreme Court did not make any orders regarding the use of voting machines during elections while I have here a 20-paged Judgment by the Indian Supreme Court dated 8 October 2012, expressing itself on the issue of the paper trail as follows: *“From the material placed before us, we are satisfied that the paper trail is an indispensable requirement to free and fair elections.”* And they say - *“With an intent to have fullest transparency in the system and to restore the confidence of the voters, it is necessary to set up EVMs with the Verifiable Paper Trail System”*.
2. Can the Right Honourable Prime Minister concur that decisive steps have to be introduced to restore the trust and confidence of Political Parties as well as the electorate in the competence, independence and trustworthiness of the ECN after such blundering, if not intentional misrepresentation of facts towards Government and the citizenship of Namibia? Thank you, Honourable Deputy Speaker.

HON DEPUTY SPEAKER: Please table the question. Any other Notice of Questions? Notice of Motions? Message from the Head of State?

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**MINISTERIAL STATEMENT
HON NGHIDINWA**

Ministerial Statements? I recognise Honourable Minister of Gender Equality and Child Welfare.

MINISTERIAL STATEMENT

HON MINISTER OF GENDER EQUALITY AND CHILD WELFARE: Thank you very much, Honourable Deputy Speaker.

Honourable Members and the children up there, before I read my statement, I would like to respond to journalists from some of the newspapers in Namibia who questioned why the Minister of Gender Equality and Child Welfare who tabled the long awaited Bill [*Child Care and Protection Bill*] in Parliament is not amongst the 96 candidates for the upcoming SWAPO Parliamentarian list.

I would like to respond as follows:

All the Honourable Members of Parliament, Ministers and Deputy Ministers in the current Government, who could either make it on the upcoming SWAPO Parliamentarian list or not, are still mandated by His Excellency Dr Hifikepunye Pohamba to fulfil their ministerial duties. This is also in line with the affirmation they made during their appointments as Members of Parliament, Ministers and Deputy Ministers respectively, until their Term of Office comes to an end on the 20th of March 2015. Therefore, we are obliged to accomplish our responsibilities according to our ministerial annual plans. Come next year, those who will take over, will continue were we left to ensure that the chain of Government services continues.

Honourable Speaker, Honourable Members, the Bill under discussion came a long way, almost more than 10 years back. It went through different stages of consultations, including the institution responsible for

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**MINISTERIAL STATEMENT
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legal matters that gave us a go ahead to table the Bill in Parliament. Therefore, the tabling of the *Child Care and Protection Bill* in Parliament should be seen as a move in the right direction and not as a campaign. I thought this could be seen as a welcoming relief for every parent and guardian including some journalists, because it is meant to improve the rights, welfare and responsibilities of our children. The tabling of this Bill in this august House is for the Honourable Members to discuss and make a Law suitable to the needs of the Namibian children.

Honourable Speaker, Honourable Members, there is a big difference between a person who is working for a position and those who are working because of responsibilities assigned to them. There are many of us, mostly from the SWAPO Party who sacrificed themselves to serve the Namibian Nation without thinking or dreaming that one day they will be appointed as Members of Parliament or in any portfolio in the Government and that in the spirit of nationalism.

In conclusion, I would like to reiterate my earlier commitment that we are serving the Namibian Nation as Leaders, irrespective whether we are on the 96 list or not, until the term of office of the current Government comes to an end in March 2015. I thank you.

Now my Ministerial Statement (*Laughter*)

Honourable Deputy Speaker, Honourable Members of Parliament, fellow Namibian Children, I rise this afternoon to inform the Honourable Members of Parliament on the commemoration of the Day of the Namibian Child. The Day of the Namibian Child presents an opportunity for all stakeholders in the Child Welfare Sector, including children, Government, Civil Society and parents to reflect on issues affecting children in the country. This day is usually commemorated on the 28th September every year, but due to other commitments, the official celebration will only take place on the 3rd October 2014 at Newman Katuta Soccer Stadium, Opuuo, in the Kunene Region. However, the Ministry of Education had organised lunch with the children on the 28th of September 2014, at the Children's Home in Eros, Windhoek. This day is

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an opportune moment to take stock of the progress made in the realisation of the commitments that we as a country made towards meeting the needs and Rights of our children. I am happy to inform you that this day is being celebrated at a historic time in our country when the *Child Care and Protection Bill* [CCPB] is under discussion in Parliament. It is, therefore, my conviction that the long awaited Bill will be passed by our Lawmakers as soon as possible.

Honourable Deputy Speaker, Honourable Members, the theme for this day ***“A Child-Friendly, Quality, Free and Compulsory Education for All Children in Namibia,”*** is in line with the Government commitment to ensure that all children have access to quality and free education. As the custodian of children, the Ministry of Gender Equality and Child Welfare has engaged partner Ministries, such as Education to ensure that children’s access to education as a Fundamental Right is elevated to the right place. Through the National Agenda for Children, various Ministries have articulated their commitments in providing comprehensive quality services that will ensure that all the rights of children are met. Education is a Fundamental Right for all children and Government recognises that it should be grounded in a people/learner centred pedagogy which values and celebrates learners and students. Education is valued as a key social investment and a means to reduce inequality. The key commitment on education as highlighted in the National Agenda for children which states that - *“all children have equitable access to quality integrated early child development services, pre-primary, primary, secondary and vocational education.”* This basically means that Government is moving away from just enrolling children in schools and shifts towards school retention, quality teaching and an excellent passing rate.

Honourable Speaker, Honourable Members, as we commemorate the Day of the Namibian Child, I would like to request the Namibian Nation, especially parents and guardians to prioritise children’s education. If we fail to honour the Right of the children, particularly their right to food, shelters, education and others, one day history will judge us for every child that is denied those Basic Rights. It remains our solemn duty to prepare the Namibian child of today to become the Namibian Leader of

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tomorrow. Compulsory education means that Children’s Right to attend school cannot be denied by parents, guardians or the community. Indeed, Article 20 of the Namibian Constitution states that - *“Primary education shall be compulsory and the State shall provide reasonable facilities to render effectively this Right for every resident within Namibia, by establishing and maintaining State schools at which primary education will be provided free of charge.”*

Finally, I would like to request all parents and guardians to ensure Children’s Rights are respected so that they grow in a dignified manner that will enable them to complete both their primary and secondary education. In the same vein, we are requesting the Namibian children to respect their parents and all elderly citizens, respect themselves in order for them to become responsible Namibian citizens. The role that education can play in various aspects of life such as the reduction of poverty, diseases and other forms of societal ills is very important. I wish you, the Namibian children, a good Day of the Namibian Child and I thank you.

HON DEPUTY SPEAKER: Thank you. Any other Ministerial Statement? None.

The Secretary will now read the First Order of the Day.

**RESUMPTION OF DEBATE ON SECOND READING
CHILD CARE AND PROTECTION BILL [B.8 – 2014]**

SECRETARY: Resumption of Debate on the Second Reading – *Child Care and Protection Bill [B.8 – 2014]*.

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**SECOND READING – CHILD CARE AND
PROTECTION BILL
HON TJIHUIKO**

HON DEPUTY SPEAKER: When this Debate was adjourned on Wednesday, the 24th of September 2014, the question before the Assembly was a Motion by Honourable Minister of Gender Equality and Child Welfare that the Bill be read the Second Time.

Honourable Tjihuike adjourned the Debate and you now have the Floor.

HON TJIHUIKO: Thank you very much, Honourable Deputy Speaker for the opportunity that is given to me to say one or two things on this very important Bill. I must say that it is always better late than never. It is a good thing that the Honourable Minister has brought this Bill to the Chamber at the last minute in order for us to debate it. Obviously, given the time factor that we were accorded, it was meant not to be properly looked through because a document of 276 Pages to be given at such a short notice is a clear indication from the Ruling Party that they do not seem to take the young people's issues seriously. Nevertheless, let us try to discuss it.

HON DEPUTY SPEAKER: Please proceed with your contribution now.

HON TJIHUIKO: Honourable Deputy Speaker, last week when I made my intervention, I was saying that there is nothing in this Bill that refers to the responsibility of Government, if at all Government comes to be seen to be neglecting the Rights of the young people or the children – there is nothing here. I have not seen it. I was right, Honourable Deputy Speaker, before I come to page by page, I just want to make this remark. A couple of weeks ago the Honourable Minister of Health informed this Chamber and through this Chamber the Namibian public out there about the danger of Ebola. He has assured the Nation that, yes, indeed Namibia has put

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everything in place so that we can protect our people, which we have supported wholeheartedly.

Now, Honourable Deputy Speaker, I am disturbed by the Cabinet decision that has given a green light for people who are coming from highly infected areas to come to Namibia. No, it is (*intervention*)

HON DEPUTY SPEAKER: Sorry, Honourable Member. That has nothing to do with the Bill before us.

HON TJIHUIKO: Look at Page 22, Honourable Deputy Speaker, under Children Rights to public conditions of living.

HON DEPUTY SPEAKER: Point of Order.

HON MEMBER: On the Bill, what page number are you on?

HON DEPUTY MINISTER OF FOREIGN AFFAIRS: On a Point of Order, Honourable Deputy Speaker; I think the Honourable Member is diverting the House from the Debate on the Order Paper. We are talking about the *Child Care and Protection Bill*. The Honourable Member had an opportunity to ask questions during question time if he wanted to raise some other issues that are out on the scope of this Bill. What he is really saying is irrelevant and I think we must now focus, even if it is a general Debate it must be related to the Bill. Thank you.

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HON DEPUTY SPEAKER: Yes, I agree. Honourable Member, to get a proper answer you could have prepared questions to the Minister concerned.

HON TJIHUIKO: Thank you, Honourable Deputy Speaker. Page 22 - 6, *Children Rights to Basic Conditions of Living*; under this Chapter amongst others food, shelter, clothing, care and protection; it is being expected of Government to care and to protect the interests of children. If Government at the level of Cabinet can take a decision where a group of people coming from the highly infected areas to come and perform where more than 8,000 of young people were directly exposed to the danger of Ebola – that was totally irresponsible and I think Government, if the decision was taken at Cabinet level, it must be revisited and it must be withdrawn with immediate effect.

HON DEPUTY SPEAKER: But they do not just come right away they go through screening.

HON TJIHUIKO: Well, Honourable Deputy Speaker, I appreciate the fact that now in a couple of weeks we will have the Women World Cup. The gate has been opened for anybody to come, even those from Liberia to come and play here. What do you expect from our supporters and the supporters coming from those areas, flooding Namibia? Who is going to be at the soccer field? Our young people -our children will be at the soccer field. It is unforgivable, the Government must withdraw this thing. We cannot be directed by the AU and the World Health Organisation. This country is independent and we must take our own decisions; that was totally irresponsible and cannot be condoned. I use this opportunity to call on Government to immediately withdraw that irresponsible decision that

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was taken. Coming back (*intervention*)

HON DEPUTY SPEAKER: Have you never travelled since this Ebola outbreak? Because at the Hosea Kutako International Airport, just before you enter there are people from the Ministry of Health and Social Services ready to test you as to whether you have this disease called Ebola.

HON TJIHUIKO: Honourable Deputy Speaker, the African Union Head Office is situated in Addis Ababa. Addis Ababa, Ethiopia will not allow people from Liberia, for instance, to enter that country because they are responsible for their own people.

HON DEPUTY SPEAKER: Point of Order.

HON TJIHUIKO: They could not be directed by (*interjection*) sit down. (*Intervention*)

HON DEPUTY SPEAKER: Honourable Member, Point of Order.

HON TJIHUIKO: Yes, he must sit down.

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HON DEPUTY SPEAKER: No, you are the one who is going to sit down.

HON MWANINGANGE: Honourable Deputy Speaker, this Government is aware of Ebola and took appropriate measures. There is nothing like Ebola on the agenda. The Honourable Member is Out of Order. We cannot condone that. We know where the agenda is discussed (*interjection*) No, I am talking to him not you. I never interrupted somebody like that he is doing things deliberately. Go and campaign at your platform where you have your own people not in Parliament about things that are not on the Order Paper, no!

HON TJIHUIKO: Honourable Deputy Speaker, I think I need to be directed here; are we not at Second Reading?

HON DEPUTY SPEAKER: Yes, we are at Second Reading, but the issue is likely to be Out of Order from the essence of the Bill we are talking about. I am sure you have got very objective comments you are supposed to make concerning this Bill and you are now come up with that.

HON TJIHUIKO: Yes, Honourable Deputy Speaker, let me stick to the document. I said on Page 22 the protection of children is not only the responsibility of the parents, the care givers or the NGOs it is, first and foremost, the responsibility of Lawmakers because we are the ones who should make Laws that will protect the interests of the young people. Most importantly, we must lead by example. Whatever decision we take as Government must be accountable and responsible. If we are taking

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some of the decisions at that level, it is unforgivable. Maybe we may not have the right to mention the word *Ebola* in the Chamber but let us be realistic and say (*intervention*)

HON MEMBER: But he is right there looking up at you.

HON TJIHUIKO: Yes, he must. Let me move on, Honourable Deputy Speaker. I think I made that point very clear and I call on Government (*intervention*)

HON DEPUTY SPEAKER: Just proceed to another point, please.

HON TJIHUIKO: Just by passing, I call on Government by saying that Cabinet must revisit this decision because it is totally unacceptable to expose our young people to something that cannot be treated and if it happens in this Chamber, we are all not going to be here in two weeks' time, of course, we are all going to die. (*Intervention*)

HON DEPUTY SPEAKER: Point of Order. Order please! Yes Honourable Member.

HON DEPUTY MINISTER OF HEALTH AND SOCIAL SERVICES: Thank you, Honourable Deputy Speaker for the Floor.

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HON DEPUTY SPEAKER: Honourable Shixwameni, you are Out of Order. Please proceed, Honourable Deputy Minister.

HON DEPUTY MINISTER OF HEALTH AND SOCIAL SERVICES: I would like to inform the Honourable Member who is talking about Ebola that we do not have *Ebola* here. Like the Minister said, the Ministry of Health and Social Services is vigilant in doing what is supposed to be done in order for us to protect the nation. Honourable Member, if you need more information you can come to us we will give it to you. Leave Ebola where it is supposed to be handled. Thank you.

HON TJIHUIKO: Honourable Deputy Minister, I appreciate that. I seriously appreciate that because I have full confidence – I had full confidence in our Government, but the point is, the fact that you cannot take your own decisions and are being directed by foreign institutions made me lose that confidence. What you have been saying and what you are saying now right now is that you have changed because somebody in Addis Ababa is directing our Government to open our doors so that anybody can come in, whether sick or not sick - you have just disqualified yourself. On Page 26, Honourable Deputy Speaker (*intervention*)

HON SHIXWAMENI: When are you coming back?

HON DEPUTY SPEAKER: Please Honourable Shixwameni, you are Out of Order. Proceed.

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HON TJIHUIKO: Thank you. He is asking me when I am going to come back, I am going to come back. On Page 26, under the *Composition of a Council*, yes, Honourable Deputy Speaker, I do not have a violent objection to his proposal, I am only a bit concerned. My first concern is that we are in a way overloading our Permanent Secretaries.

HON SHIXWAMENI: Yes, very much.

HON TJIHUIKO: Apart from running huge Ministries, they are almost members of all the Government Commissions and then we say that the Permanent Secretaries do not perform. I think we also need to look at the fact that Permanent Secretaries are totally overloaded. Now, this is very critical that the Minister may look at (*intervention*)

HON MEMBER: More important things can be done.

HON TJIHUIKO: Honourable Deputy Speaker, is that allowed?

HON DEPUTY SPEAKER: No, proceed.

HON TJIHUIKO: Yes, I was saying that the Permanent Secretaries as human beings, also need to be seriously taken care of. We could have had a Commission consisting of experts on the wellbeing of children and

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offload some of these responsibilities from Permanent Secretaries. Secondly, I am also of the opinion that the (*intervention*)

HON MEMBER: *Babalaas.*

HON TJIHUIKO: *Babalaas (laughter)*

HON DEPUTY SPEAKER: Proceed.

HON TJIHUIKO: I am also of the opinion (*interjections*) That is very un-Parliamentarian. I am also of the opinion that in this Council, they young people themselves, the youth organisations are not represented. We are talking about the Rights of Children and we have excluded the people that you are talking about. Honourable Minister, I think it might be difficult for you as a Minister to include all the Youth Leagues of all the Political Parties in this country but you could look at the National Youth Council, for instance, to have a representation that will represent the will of the young people, let them speak for themselves, I think it will make a lot of sense.

I am saying this because when we were discussing the 50/50 representation, just to refresh your minds, I came up with an idea that 50% of men and women must be youth. However, what happened was that we were only looking at ourselves excluding the young people. The result from the 50/50 only young people managed to get through – there is a process. You see, that is the problem.

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HON DEPUTY SPEAKER: What are you talking about 50/50?

HON TJIHUIKO: No, I am on Page 26.

HON DEPUTY SPEAKER: No, you should not mix things. Is it 50/50 in relation to your Party or 50/50 where? Proceed.

HON TJIHUIKO: I was proposing that we should consider young people to be included through the youth wings. Honourable Minister, I do not know how we are going to do it, but let us think about bringing young people in so that they can also be part of looking after themselves.

HON MEMBER: We are talking about Children here!

HON TJIHUIKO: Children, yes, We do not have that word in Okakarara. Page 27 – ***Disqualification:*** Members of Parliament or Regional Council or Local Authority Councillors will be disqualified, they will not form part of this Council. I was thinking that the Honourable Minister is, first and foremost, a Member of Parliament and is the one who is responsible for making sure that this Bill is being implemented when it becomes a Law. Why is it so difficult to have people who are responsible for implementing the Laws to be part of it, to the extent that we make it a Provision in the Act that they should not be part of it? Why should we exclude people who were elected by the people in the Regions to represent their interests that they should not be part of these things? Think about

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that, Honourable Minister, because it does not make sense that we have Permanent Secretaries, appointed officials but we do not have the people's representatives elected to represent the will of the people – think about that Honourable Minister.

(c) I need the Attorney-General's advice here; anybody who is not the Attorney-General should not try to advise me. 15(e) *has been convicted, whether in Namibia or elsewhere of an offence and sentenced to imprisonment without the option of a fine.* What I wanted to find out is (*intervention*)

HON MINISTER OF FINANCE: I would like to ask the Honourable Member a question and I would like to know whether he will take my question.

HON DEPUTY SPEAKER: Point of Order. Will you take a question? He said you can ask the question.

HON MINISTER OF FINANCE: Considering that you, Honourable Member would not entertain anybody expressing their views on the question that you are supposedly only prepared to put to the Attorney-General and only prepared to receive an answer from the Attorney-General, would it perhaps not have been better for you to just directly approach the Attorney-General in his office and ask that question, because when an issue is brought to the Floor of Parliament the Rules allow that all of us can actually participate in the discussions? Thank you.

HON TJIHUIKO: No, in fact it is a good question and the answer is simple. I wanted to ask the question so that you can listen to the question and I also wanted the Attorney-General to answer the question so that you

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can hear the answer. You do not have to participate, you just listen to the answer. My question is: Can we still regard a person who has been convicted outside the borders of Namibia as having committed a crime? I am asking this question because there are situations where somebody has been convicted in the United States of America and sent to prison in the United States of America, if that person has served his/her sentence and comes to Namibia, is he/she still regarded as having committed a crime or a criminal? If I may put it that way.

The reason why I am asking that question is that there are so many people who have ran away and are being sought by various Governments, but when they are here in Namibia they do not get extradited because they have not committed crimes here. How would this be in our Act? You can answer later because it seems that you do not have an answer now from what I can see, you look very concerned. Moving on (*intervention*)

HON DEPUTY SPEAKER: Tea break – is it okay to proceed? That is what I would like to find out.

HON TJIHUIKO: I will try to conclude; I will be done by 17:00, please, Honourable Deputy Speaker. I support the idea of the Children Fund. I sincerely support the idea that there should be a dedicated fund for the children to take care of their interests. However, it should not be under another Parastatal. The Fund must be structured in such a way that 80% of the money serves the interests of the children. We should not create another Parastatal just because one of the Comrades needs to be appointed as a Chief Executive Officer.

HON SHIXWAMENI: Yes, who is that one?

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HON TJIHUIKO: The second last one is on the appointment of Social Workers by the Honourable Minister. I, again, wholeheartedly support the effort that Government should provide Social Workers to the children and I believe that they should not only be for the vulnerable children, but they should also take care of children who are going to school. There are children at schools who need Social Workers because of the conditions they are coming from and because of certain frustrations (*intervention*)

HON DEPUTY SPEAKER: Point of Order. Honourable Deputy Minister.

HON DEPUTY MINISTER OF JUSTICE: I just want to ask him a small question. Honourable Tjihuiko, regarding this issue of extradition, although you are trying to blackmail us here that we should not answer if we are not the Attorney-General, where did you pick up that kind of crooked reality that you are describing regarding as extradition? Is it hearsay? Did you read about it? What is it that you are trying to say here?

HON DEPUTY SPEAKER: Proceed.

HON TJIHUIKO: That is the reason why it is only the Attorney-General who should answer the questions – it is because of that confusion (*laughter*). On Part 4, I was saying that the issue of Social Workers is critical to our people. Some people need to be taken care of or need to be rehabilitated.

HON MEMBER: By who?

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HON DEPUTY SPEAKER: Proceed.

HON TJIHUIKO: Yes, it is very important and I do not want to touch on that issue because it is very sensitive. I remember that when we returned from exile, we needed the advice of Social Workers in order for us to be rehabilitated, properly, into the community. I, therefore, think it is critical, Honourable Deputy Speaker, that it should not be confined but rolled out to hospitals and schools. Government must make the study for Social Work compulsory for certain years and there must be proper incentives for our young people to take an interest in the field. This can be done, it is easy to do it, if you cannot think ask us to help you.

HON MEMBER: Ask you?

HON TJIHUIKO: Yes, thank you. With that, before I conclude Honourable Deputy Speaker, may I say one or two things on Ebola before I conclude?

HON DEPUTY SPEAKER: No, no please. Next is Honourable Simaata.

**HON DEPUTY MINISTER OF INFORMATION AND
COMMUNICATION TECHNOLOGY:** Honourable Deputy Speaker, I was not raising my hand.

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HON DEPUTY SPEAKER: Your light is the one flashing. Proceed.

**HON DEPUTY MINISTER OF YOUTH, NATIONAL SERVICE,
SPORT AND CULTURE:** Thank you, Honourable Deputy Speaker for your understanding. Honourable Deputy Speaker, Honourable Members, I would first like to thank the Ministry for tabling this long overdue (*intervention*)

HON MEMBER: Budget?

**HON DEPUTY MINISTER OF YOUTH, NATIONAL SERVICE,
SPORT AND CULTURE:** No, it is not Budget, Bill. It was one of the well consulted Bills that I have ever come across because every stakeholder had an input in this. It took a long time because people wanted to research it thoroughly. I have some reservations and observations in this regard.

Firstly, I would like to appreciate the fact that there are people in our community who open their doors to the children in order to accommodate them. However, it is not always so good because many of them are living in more worse situations than anything else, therefore, the fact that the Residential Child Care facilities need to be regulated and Certificated to ensure that they are appropriate for children to live in, is a welcome move because I know of houses where up to 110 children are living in a four bed-roomed house. This is very unhealthy and inconvenient for the children to live in because they are overcrowded. I think that when this Bill comes into effect, this Chapter will come alive and it will make sure that our children are living in conducive homes with good facilities and are well taken care of.

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I have a serious observation with Section 133 in Chapter 10 on the Child Protection Proceedings and I think that we need to thoroughly think about it because it is going to create disunity amongst families. It is going to create breakage of families because self-reporting by children, which is currently happening has created a lot of confusion amongst families. When a six to an eleven years old girl wants to hang around bars, when the parents beat them they go to the Police Station and the Police do not even ask - *where is your mother* or something they just open a case and arrest the mother. If we put this Law the way it is without educating, especially the Police Force and other Law Enforcement Agencies about what kind of cases should be self-reported or who should report a violation because it is not clear, here it is just saying *self-reporting when the child's Right is violated*. Why are we not sticking to the institutions and professionals that have been guiding us in whether the child should be removed or a case should be reported as such? Self-reporting is very dangerous and we should really look at it very thoroughly before we implement it.

Lastly, I would also like to, wholeheartedly, welcome Chapter 11 and Chapter 12 because they are talking about the caring of children, especially when parents divorce, the children become victims. The current Law did not make a provision for a mother or the father to have custody over a child because it was actually just to be decided by the Court even if one of the parents is stronger and has a good lawyer. However, a Social Worker should intervene to see the conditions in which the child lives and decide, in the interest of the child, whether both parents should have access to the child or not.

Finally, I want to address the issue of the Grant. I would just like to express my gratitude to the Ministry that it is being documented that children will be getting a grant; I know that they are currently receiving a grant but it is good that we are putting it in the Law because it will be recognised that every child is entitled to that if the conditions of such a child prescribes that the child should be given assistance. I would like to urge, appreciate and express that the Ministry should look at other avenues

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on how children should be registered because many children, although they qualify, do not currently receive grants because of the lack of staff. If we can utilise schools and the community set ups in order for us to start identifying the children that are entitled to the grant it will expand to benefit more children than the minimal number of children that we are having. I thank you and I wholeheartedly support the Bill.

HON DEPUTY SPEAKER: Thank you. Honourable Simataa.

**HON DEPUTY MINISTER OF INFORMATION AND
COMMUNICATION TECHNOLOGY:** Thank you very much,
Honourable Deputy Speaker.

I would like to join those who spoke before me and thank the Honourable Minister and her staff for having successfully concluded a journey – a journey that was started by her predecessors, but a journey that we all know was long, tedious and that I believe at times was surely frustrating. However, when one looks at the quality of the Bill before us, one cannot help but appreciate the depth of the various issues that have been covered. Therefore, in a way, it was indeed a journey worth travelling.

Honourable Deputy Speaker, let me pick on an issue that was raised by Honourable Mutorwa when he intervened last week, when he flagged what may appear to be a contradiction between the Constitution and the Provision that has been made in the Bill on the majority age. Perhaps, one way of getting out of this quagmire as I have looked through this definition, is to clearly define the term – *majority age*; because if we succeed in doing that – I do not know if there is a definition available, but I could hear from my Colleagues like Honourable Shifeta, Honourable Mushelenga and, I am sure, the Attorney-General also saying; it is a legal terminology so there must be a definition available. If we define those

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words and contextualise the reason why the word is being located in this Bill, then we might succeed in erasing what may, on instinctive interpretation, appear as the conflict between the two.

Equally, under definitions, I see that provision has been made for abandoned children. The question that I have, Honourable Minister, is; what will happen to children who simply desert their homes and once they are located they would express the desire and wish to say - *I do not want to get back to the Simataa household*. That is a child telling you! Since the interest of the child is paramount, the question that I have is; what will happen? I am also raising this issue mindful of the erratic behaviour of some of our children. I am not generalising. Others are okay, some have very erratic behaviour, particularly those who find themselves in age categories that are prone to such erratic behaviour. What will the Law say and what are we going to do if a child deserts, a search is mounted, the child is located, but the child specifically says, straight in the face of the parents that - *I do not want to go back to your home*. The Bill is a little bit silent on that. What will be done?

Honourable Deputy Speaker, the third issue that I wanted to raise is that, whilst it is true that we should provide alternatives to care for affected children, I want to submit that we, as an African society should not lose sight of the imperative to strengthen families and consolidate low established family values, which have held many generations, including the current generation, in good stead.

Placing children in Foster Care Homes or other facilities whilst it may be not desirable should only be considered as a last resort. I am emphasising that - It should be considered as a last resort. I am saying that because experience elsewhere, even here in Namibia has shown that children are best catered for in their natural family habitats. In other words, I am trying to advocate for family cohesion because once we start to splinter and break families - let me tell you; inasmuch as our intentions are good that will be the beginning of the end of the future generation. I am neither undermining their resilience nor am I undermining their intelligence, but

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all of us are where we are today because our adults were able to lead us, they were able to show us the way. Without the elders, I do not think *yours truly* would be here.

Honourable Deputy Speaker, the next issue is that many speakers who spoke last week alluded to the key issue of adequate resources in terms of finance, physical and human in order to guarantee the successful implementation of this Bill. I would like to align myself with those sentiments and wish to add that for too long we have tolerated the habitual tendency that we seem to have as society to under value Social Work as a profession. Where is Honourable Tjihuiiko? He has got a tendency to disappear and agitate, but then if you want to respond he runs away.

It is this low premium, Honourable Deputy Speaker, that we attach to the profession of Social Work that discourages many Namibians from pursuing studies in this field. By the way this was meant for Honourable Tjihuiiko. Which field of study one should pursue, is an individual decision and has got nothing to do with the Government of the day – love the Government or hate the Government, it is an individual decision.

The fact of the matter remains that until such time that we in the Public Service, particularly the Public Service Commission, stop skirting - we are skirting around the issue yet we know what the problem is. Let us, for once, take a decision to grade the job category of Social Workers appropriately then we can forget about the encouraging, motivating or pointing children in that particular direction. So, to me the best that we can do is for us to review the existing job category. It is Social Workers, it is Library and Information and, by the way, also Media Officers - close home to the Ministry of Information and Communication Technology. We do not attach great value to some of these professions, but they are extremely important if we as a Nation were to succeed in carrying out our responsibilities.

My specific observations, questions or comments then starts; **Section 113 Sub-section 5.** Honourable Minister, I would like to seek clarification on

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this particular Section whether this particular Sub-section also applies in instances where minor children whose parents are since deceased, but were not married. That is my inquiry. It is children left behind, both parents are no more but they were not married, does this particular Section also apply to this category of children? Honourable Minister, in the event that it does not, I submit that adequate provision be made in the Bill to cater for such eventualities.

On **Chapter 14**: If you look at this chapter, Honourable Minister, it places enormous obligation, including the possibility of fines for operators of electronic communication. Because of this and while I am conscious of the need to avoid having a bloated and dysfunctional Council, I wonder whether we cannot seriously consider, including notwithstanding what Honourable Tjihuiko said, the Permanent Secretary of the Ministry of Information and Communication Technology or alternatively a representative from CRAN as a member of this body. I wanted to appeal to you, Honourable Minister, to look at that, however, mindful of the need for us to keep a lean Council that will be able to operate, otherwise there is no need for us to have too many bodies, but yet they are ineffective in terms of functioning.

Lastly, **Chapter 16 – State Grants**: Honourable Deputy Speaker, Honourable Members, we have experienced abuse of Grants for too long, be it Disability Grants, maintenance money, particularly maintenance money - I am not paying it, of course, and other Social Grants meant for the upkeep of our children or alternatively our elders. Many of us who have come in contact with children receiving such Grants, meagre as they are, have been left disgusted by the sheer neglect and unparallel misuse.

Through this Bill I thought we have a golden opportunity to arrest this situation. Regrettably, maybe it is because of my wrong reading, when I perused **Section 247 on Suspension, Cancellation and Administration of Grants**, I have established that we will unavoidably run the risk of perpetuating the misery of recipients for there is no provision made for corrective action in the event that an investigation committee confirms

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misuse.

I am, therefore, wondering Honourable Minister, whether we can consider closing this gap whilst we have the opportunity. Otherwise, I fully support the Bill, Comrade Minister, and thank you very much for, finally, bringing the Bill. Disregard the comment in terms of timing, the timing was perfect. Thank you very much.

HON DEPUTY SPEAKER: Next is Honourable Iilonga.

HON DEPUTY MINISTER OF DEFENCE: Thank you, Honourable Deputy Speaker for giving me the Floor in order to make my contribution on this very important Bill - *Child Care and Protection Bill*. Comrade Deputy Speaker, I am going to cover eight Sections of the Bill. It is not really long, I would just like to cover and indicate the importance of it.

Section 6, Page 22 is dealing with *Children Rights to Basic Conditions of Living* and there is a list there that includes; food, shelter and etcetera. I think that is very important in the sense that when we come to **Section 7** which is dealing with *Parental Duties and Responsibilities* in respect of children, **Section 6** will only be effective if the parents or guardians who are given the responsibility of looking after these children will make sure the best interest of the child is regarded as a paramount concern to the person who was given this responsibility, then he or she will be in a position of making sure those basic conditions are adhered to.

Under **Section 7(b)** *guide and direct the child in the exercise of all of that child's Rights under this Act or any law in the manner consistent with the child's evolving capacities*. The first thing to those people who were given the responsibility of taking care of these children is to make sure that, first and foremost, in the best interest of the child, discipline is

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inculcated into a child because discipline is the core and it is the key to open a child's mind. There will be no need for self-reporting in **Section 133** that the Honourable Deputy Minister of Youth, National Service, Sport and Culture alluded to because during our time as children every elder was our protector and our adviser. I hope this Bill will bring that back in order to make sure that if I find a child of my neighbour doing something wrong I have the right to tell that child that what you are doing is wrong, and when he/she goes home and reports me to the parents, the parents will not just say; *no, this is a broken head, he is omutse gwateka, he is Ekanda and he is like that, and he has no right to talk to my children like that.* You do not *build* your children you just spoil your children. You should rather ask your children; *is that Tate Iilonga crazy to start chasing you without you doing something wrong?* Then you will find the cause of your neighbour's actions and you will start supporting your neighbour in the upbringing of your children. It is shameful today to find that people are doing things that are not within their age group.

Section 8, on Page 23, I am really happy with this because we used to have a problem and we still have a problem with Children's Rights. We just assumed that everything was bad to the children – the upbringing, chores at home after school so that they can exercise and develop their minds and have strong work ethics. We took it out and I am happy that Section 8 brings it back so that the children also know that they have a duty to perform in the support of the family. I think that is important.

If we look at our children now, they do not know anything. We, during our days, were using the calabash, I could even milk cows. I could do anything and what can they do today apart from saying - *it is not my right, that is slavery?* You need people to cultivate the fields and they just sleep; *kamma* it is slavery! There are cattle out there and they will not just go and bring it back in the kraal. I am quite happy now and like other Comrades who have already spoken and said that when this Bill becomes an Act we must go down to the communities and the children in schools must be taught about their responsibilities.

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Discipline is the core and the key to success. It is the key to open their minds when they are studying they will never get stuck. We have a phrase in Oshiwambo which says; *ova viipyu niitalala*, which means that when this mouth start talking about you in a bad manner, it is ominous - you have been bewitched, but when this mouth speaks to you in a good manner you are blessed, not *bressed (laughter)* . That is why we want our children to have discipline and this is what I always stress whenever I address a meeting - *discipline is the core and the key* and if you are in school your brain just opens up. If you are there my children, take that seriously; *discipline is the core, it is the key to your success everywhere you go*. Respect is second; respect yourself as well as your peers and respect any older person whether you know him/her or not. That is your blessing.

Section 9: I am happy that children with disabilities are also included because they definitely need to be educated, to be fed, have shelter and everything that is included under Section 6. They also need to be disciplined and to adapt to their conditions.

Section 10 is dealing with age of majority. Let us harmonise the two definitions. The Constitution of the Republic of Namibia says 16 while here it says 18 although the lawyers put it in legal terms. Harmonisation is needed so that we, the bush lawyers, can understand it correctly.

Section 188 is dealing with Inter-Country Adoption: Under the long title, it makes provision for the protection of children against trafficking. I want to know from Comrade Minister if this Law is under the Hague Convention because we have different Supreme Laws. Our Constitutions in Africa and the International Laws are not compatible and are not the same. If you do not understand me, you have computer literacy and you know what I mean. In Namibia, this long title also makes provision for both domestic and inter-country adoptions of children.

I did not really acquaint myself with the Hague Convention, I do not know what is exactly said and what protection it has over our children like our Supreme Law. Like I said, we do not really need to select a Constitution

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when it suits us and close our eyes on other important Sections. I do not want us to be ashamed of following what our Constitution is saying. Article 14 in our Constitution on Page 8 completely tells us of a person in Namibia who can set up a family and I read; *“men and women of full age, without any limitation due to race, colour, ethnic origin, nationality, religion, creed or social or economic status shall have the right to marry and to found a family. They shall be entitled to equal rights as to marriage, during marriage and at its dissolution”*. Therefore, a woman or a man who is of age can form a family. If that is the case, there are some Constitutions in other countries which legalise marriage of the same sex. The long title also states - to make provision relating to a person unfit to work with our children. What is that for? When a child is adopted, we expect him or her, especially when he is a man, when he grows up and wants to begin a family, to be brought up in the manner as per our Constitution.

I think Comrade Kazenambo was asking that. This is one thing we want and we are few, we are not even 2,500,000 yet. Do we really want to say that those children who has a need for adoption cannot have it? Although people say it is a first in Namibia and whether we say the Hague Convention makes provision for that, anyone wants to see what is happening in the houses of people who adopt our children. Those who want to adopt our children from outside Namibia can come – when our children go there – we were having people who used to put adverts here saying there is work in Britain but when our people go there, some of them end up looking after pigs or the elderly. Do we have control? Some are even paraded in brothel houses and it goes like; *come and look at these very beautiful ladies, which one do you want?”* Comrade Minister, this is the concern and it is not just simply saying a child will be adopted outside Namibia for the benefit of that child – all these things must be looked at.

HON DEPUTY SPEAKER: Point of Order.

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HON DEPUTY MINISTER OF DEFENCE: Ask and go.

HON TJIHUIKO: Honourable Deputy Speaker, on a Point of Order, may I ask the Honourable Deputy Minister a question?

HON DEPUTY MINISTER OF DEFENCE: Yes.

HON TJIHUIKO: Thank you, Honourable Deputy Minister. Honourable Deputy Minister, you are right by trying to educate us on our Constitution, but are you aware that according to our Constitution when we ratify International Conventions they automatically become our Domesticated Laws? Now, when you refer to our Constitution can you also brief us (*interjections*) I need your protection, Honourable Deputy Speaker.

HON DEPUTY MINISTER OF DEFENCE: You are protected.

HON TJIHUIKO: The Attorney-General is disturbing.

HON DEPUTY SPEAKER: No, just go on.

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HON TJIHUIKO: Yes, thank you. I was saying that, since you are trying to educate us on the Law, can you also take us along with the International Convention that we have ratified in the Chamber whether they speak to one another the way you are putting it or are you only concentrating on our Law?

HON DEPUTY SPEAKER: Are you through with your question? Can we listen to what he is trying to say.

HON DEPUTY MINISTER OF DEFENCE: Comrade Deputy Speaker, Honourable Tjihuiko must first, as a Lawmaker, understand that any Convention we ratify in this House will never supersede our Supreme Law – never! Just like the Laws that we pass here will never be supersede our Constitution. We have never ratified the Rights of lesbians and homosexuals in this House. That is why Article 14 prohibits that.

I will continue because I want to finish my articles that I identified. I do not think that we need to rush – we already have Laws in place, let us just strengthen the infrastructures that we put in place to look after our vulnerable children. Let us ratify it and let us have Social Workers because they are important in every society. They are needed so that they can impart the psychology and diplomacy they have learned at institutions of higher learning. If we downgrade Social Workers, we are downgrading ourselves. I compare not having a Social Worker to having a soldier without a political commissar, whether you have a Chaplin you will never be able to discipline a soldier. The political commissar is the one who gives courage, which is the same with a Social Worker who gives courage and discipline to our children saying - *my daughter/son that is not how you do things*. They are also train how to make you smile and how to make a person who does not want to eat get their appetite because they were trained to rehabilitate people.

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Comrade Deputy Speaker, my last comment is on **Section 113** the *Assistance to Victims of Child Trafficking*. This goes along with **Section 188** child trafficking is no longer going to be exercised because it will now come through this inter-country adoption, they say - *we are going to adopt, we are going to do this* and then the children go. They go out of Namibia and they will find themselves in the same situation like the ones who went to Britain and are now looking after pigs and the elderly people. They do not attend school like they were promised.

We, therefore, need to be careful when we allow our children to be adopted outside Namibia. Firstly, we have a small population and when these children are adopted, we do not know whether they will remain Namibians or not – I do not know. We did not put it in the Act. How are we going to control that? It is just like privatisation, when you privatise something you will not have control over it anymore. Is it the same?

HON DEPUTY SPEAKER: Point of Order.

HON SHIXWAMENI: I want to ask a small little question because I am going to talk and I am going to talk tomorrow about. I want to ask him.

HON DEPUTY MINISTER OF DEFENCE: Just put that question tomorrow.

HON DEPUTY SPEAKER: Proceed with your question.

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HON SHIXWAMENI: This Law is quite a very good, but when you read it from **Page 182** the annexes that are attached here; the best thing of this Law is that it simultaneously domesticates all International Conventions that we have signed. Now in these International Conventions that we have signed that are Scheduled to this Bill – I do not have an exact page. I read it with the Bill that I have at my office. There are talks of what Honourable Ekanda is talking about – same sex marriage partners adopting children – in these Conventions.

HON DEPUTY SPEAKER: Which ones?

HON SHIXWAMENI: In the Conventions, I cannot now pinpoint it but if you read it through, it is there whether you like it or not. Therefore what Honourable Ekanda is doing is to both praise this Law and condemn it at the same time because the International Conventions that we are adopting allow what Honourable Ekanda is condemning on the Floor of this House.

HON DEPUTY SPEAKER: Which Convention, specific page?

HON SHIXWAMENI: I have marked it. I will talk about it tomorrow.

HON DEPUTY MINISTER OF DEFENCE: Now ask me, *og!*

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HON SHIXWAMENI: I am saying should we adopt a Law, which domesticates International Convention that accept same sex marriage adoption?

HON DEPUTY SPEAKER: Which is contrary to our Constitution.

HON SHIXWAMENI: Yes, that is all that I am saying but I will talk about it tomorrow, Honourable Deputy Speaker.

HON DEPUTY SPEAKER: Make exceptions. Yes?

HON DEPUTY MINISTER OF DEFENCE: Thank you, Comrade Deputy Speaker. The only problem with Comrade Shixwameni is that he did not read me those International Conventions, which we domesticated and are dealing with same sex marriage to form a family. If that is in, like I said, I am definitely questioning that **Section 188**. If that is the case, how are we going to control our children who are going to be adopted outside Namibia? If we have such a thing then we cannot allow our children to go and become sex slaves. The issue of selling children – I read it in the document we were given here. I do not think that it is allowed in Namibia and if that is allowed and anyone is selling children and babies it is completely illegal because it is not allowed. Article 9 of our Constitution does not allow slavery. Selling a baby is slavery because anyone with money can buy these children to go and do anything with them because they become his or her property and we have any right to control private property. Even here in Namibia we have a difficulty to enter private farms.

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We must include *no selling of children* in this Bill. In Namibia you are not allowed to sell a person. They cannot even confuse selling children with Lobola. Lobola is a different thing and I am happy some of our Chiefs are starting to see how people are exploiting children through Lobola. It has become exorbitant.

Comrade Deputy Speaker, that was my contribution and I appreciate all the concerns. Let us be serious not to give our children away outside the Land of the Brave.

Let us strengthen the Institutions that we have created to look after our children rather than depend on other people to educate our children. Let us send our children to school so that they can come back, but not give them away for adoption to even change their surnames. (Interjection) You say you are educated but you fail to even write a book which can help our children – you just talk and talk. Let our Professors and our mathematicians write books which can help our children rather than relying on other people.

Let us have science. Let us support Ongwediva there. Let us support those areas which bring up our children. **Section 8** – my children is your obligation now. You must no longer say - *I cannot go and look for firewood, it is not my right!* Respect the elders whether you know them or not – respect them! You will be blessed. That is the fortune. That is an luck. Thank you very much. I support this Bill, the *Childcare and Protection Bill*. I thank you, Comrade Deputy Speaker.

HON DEPUTY SPEAKER: The next is Honourable Manombe-Ncube.

HON MANOMBE-NCUBE: Thank you, Honourable Deputy Speaker. Firstly, let me also join the others by congratulating the Honourable

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Minister of Gender Equality and Child Welfare, Deputy Minister and their team for tabling this long overdue Bill, which is coinciding with the Day of the Namibian Child. Let us all applaud the SWAPO Party-led Government, in particular the Ministry of Gender Equality and Child Welfare under the leadership of Honourable Rosalia Anette Nghidinwa for this significant milestone. *Omake!*

Before I start, I would like to quote the words of a wise icon, *Utata Nelson Mandela*: “*Our children are our greatest treasure. They are our future. Those who abuse them tear at the fabric of our society and weaken our nation.*”

Honourable Deputy Speaker, Honourable Members, one of the most innovative aspects of the Bill is the introduction of kinship – the concept of kinship care. This reflects the common African practices on grounds which was not previously recognised in the Law. People who are caring for a child with the permission of a parent, such as aunties or grandmothers, and who can present a registered agreement to this effect and to prevent fraud, they would be able to apply for a state maintenance grant for the child in their care in the same way as a parent.

Under the current Law extended family members must go through a long formal procedure to be named as foster parents before they are eligible to apply for Grants. This does not protect the child because the Court usually ends up rubber-stamping a care arrangement that is already in place. It ties up the time of Social Workers who could be doing more preventative work and it bogs down the Courts, which are already overstressed.

This points to another positive aspect of the Bill Honourable Members, an increase emphasise on prevention and early intervention services. Some children can be at risk of harm because the person caring for them lacks parenting skills or suffer from substance abuse. In such cases, early intervention can protect the child from ever being harmed. It is a step

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forward to have a Law which focuses on early identification of problems to prevent harm to children instead of only providing steps, which come into play when children have already been emotionally or physically abused.

Honourable Minister, Honourable Members, on **Page 26, Section 14** – on the *Composition of the Council*. It is recognising the fact that children with disabilities' welfare is taken well care of by the Bill. I, however, would like to advise for a representative from the National Disability Council to be included with the Permanent Secretaries. I would also suggest the inclusion, on the Council, of two representatives from stakeholders, like the organisations of people with disabilities.

I welcome the Provisions of the Bill, which are aimed at preventing baby dumping. The Bill contains procedures and safeguards, which clear the way for setting up places where unwanted babies can be left, anonymously, in safety rather than being left to die. With this legal framework in place, this safe haven can be popularised to give young women a realistic option, which can reduce the incidents of infanticide. Another set of safeguard, which should be praised concerns rules about children in State custody, including children who are in prison with parents, such as breastfed infants. We all remember the tragic case of such a child who was killed, while in custody with the mother.

The Bill requires that children to be kept separately from adults other than their parents or caregivers. It is required that where a child is in custody with a parent, a Social Worker must immediately investigate the situation and determine what form of care would be in the best interest of the child. The Bill also requires record keeping about children in detention. These rules will help to prevent other similar tragedies from taking place.

The Bill is large because it seems very comprehensive. There are many positive aspects which I could mention, but instead of naming them all, I will close by highlighting a few Provisions aimed at child abuse. One of these is the provision on the medical examination of children where there is expected abuse. The Bill allows this to be done even without parental

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concern, which are necessary because there can be cases where the parent or the partner of the parent is actually the abuser. As we know, the scourge of Gender-Based Violence has not spared Namibia's children, and the sexual abuse of children, in particular takes place in homes in most cases. The Bill provides for examination and treatment of the child and also gives guidelines on how to make this examination less traumatic for the child in question. This is very important, as we should not further victimise a child who may be a victim already. This is a small Provision in the Bill but it could make a difference to a child who is frightened and living at the mercy of an abuser.

The other thing is the requirement that people who work with children, professionally such as doctors or teachers must report suspicions of child abuse to the Police or to a Social Worker. The time is past when any of us would close our eyes to child abuse. People who work with children are well-placed to spot signs of abuse and often have training in, exactly, how to see these signs. The mandatory reporting requirement will ensure that scared, abused and traumatised children will have someone who will speak up for them. These are good measures and efforts to reduce violence against children.

Honourable Deputy Speaker, Honourable Member, I fully support this Bill and strongly urge for its implementation and pray that it does not just gather dust on a shelf somewhere in an office. I thank you.

HON DEPUTY SPEAKER: Next, Professor Katjavivi.

HON PROF KATJAVIVI: Thank you Honourable Deputy Speaker. Honourable Members, for giving me the opportunity to make my input during this Discussion on the tabled *Child Care and Protection Bill* (CCPB), 2014.

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Indeed, we welcome this Bill. Its introduction is timely and, I would like to thank the Honourable Minister and her team for a job well done.

On the subject of Children's Advocate; we are all aware that in the Magistrates' Courts, throughout the country, we have or are supposed to have Commissioners of Child Welfare, at the hierarchy of a Magistrate. That is supposed to be the arrangement, therefore, one is left to wonder as to whether the Children's Advocate's responsibilities will not be a duplication of the role of the Commissioner of Child Welfare. Probably, it would be appropriate to reinforce or strengthen the powers of the Commissioner of Child Welfare rather than create a new slot of the Children's Advocate in the Office of the Ombudsman. In the same vein, it may be suggested that the services of the Commissioner of Child Welfare are brought closer to the people through targeted sensitization and awareness about its existence and its roles; and to create easy public access to this office. However, if their mandate is different, then such clear distinction should be made to prevent a conflict of duties in which case, every effort should be made to ensure proper coordination amongst these related offices and officers.

Honourable Deputy Speaker, Honourable Members, the question of the legal age in the Bill should be aligned with the legal age as stipulated in the Constitution so as to avoid any distortions and misinformation. I would also like to welcome the reference, in the Bill, to the Early Childhood Development. This is a significant phase in the development of children where our children will have their education strengthened from an early age. This will enhance the foundation of our education system. Therefore, these centres should be established all over the country. We, however, need proper coordination amongst stakeholders such as the Gender Ministry, the Ministry of Health and Social Services, Ministry of Education and the biological kin of these children who should help in identifying the needy children, amongst others, so as to achieve great success in implementing such an initiative.

Honourable Deputy Speaker, Honourable Members, furthermore, there is

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a need to strengthen the mandate of the structures dealing with matters relating to child care and protection and ensure better coordination amongst them. In equal measure, there should be proper coordination between such structures (for example Ministry of Justice, Ministry of Gender Equality and Child Welfare and the Ministry of Safety and Security – the Police) and other stakeholders as well as amongst the stakeholders themselves. We should ensure streamlining of the system and above all, avoid unnecessary duplications. There is a need for more targeted sensitization, better preparation as well as enforced obligations for the responsible officers and personnel. This should be aimed at compelling them to be more responsive in circumstances that require their attention and to be proactive.

Honourable Deputy Speaker and Honourable Members, the Women and Child Protection Unit, in particular, has been observed to be slow in reacting to situations that require their urgent attention. This level of inaction heightens frustration in disgruntled parties and may eventually manifest itself into retaliatory violence against the other partner with the children being caught in the crossfire.

Above all, my general remark is that there is a very critical sector of persons in our society, yet not addressed by this Bill and many structures related to child protection and welfare and, domestic and gender-based violence. These people are Clinical Psychologists. Many of the gender and child related violent crimes in our country would have been prevented if the services of clinical psychologists could have been brought on board early enough to address the concerned persons. It is therefore important to enlist the services of **Clinical Psychologists** besides the services of Social Workers. In this regard, the need for specially-trained clinical psychologists should also be highlighted in the Women and Child Protection Unit, just as it should be in the Magistrate Courts countrywide, the Ministry of Gender Equality and Child Welfare and here in this Bill. A provision should be made for them and their services should be brought to the forefront, especially in complex cases relating to troubled domestic environments and the safety and welfare of children.

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Other aspects referred to in the Bill for example the Kinship Care, is something that is in line with the NDP4 and therefore is very much welcome. I do not need to elaborate on that because the Colleague who spoke just before me touched on this issue, adequately.

Honourable Deputy Speaker, Honourable Members, given the great importance attached to this Bill with these few remarks I support it and I do hope that the Honourable Minister of Gender Equality and Child Welfare will take this Bill forward for its early implementation and I thank you.

HON DEPUTY SPEAKER: Thank you. Honourable Moongo.

HON MOONGO: Thank you, Honourable Deputy Speaker. I support the well-informed Bill, which was tabled by the Honourable Minister. If you read this book, of course, you will understand that the Bill was heavily and broadly consulted throughout the country.

However, I feel it did not address the problem of child bearing by determining who the biological parents of the child are during pregnancy and later at child birth because I think this is where the problem of child dumping starts. It also causes a lot of things, including the rejection of the baby and this is where the suffering of the children starts from. It starts in rural-based communities.

I, therefore, feel that the Bill did not touch much on that, in case there is denial amongst the rural boys saying - *I did not go with the lady or I went with the lady*; then who is the biological father, if there is already a dispute. I would like to suggest the Bill to make a provision that compels the boys to get tested for DNA at hospital in order to determine who the biological father of the child is. Otherwise, it is half-way done, it is not

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complete. We need to protect the child even while it is unborn. I feel it should be addressed from the beginning.

The rural boys are talking and, of course, the parents are encouraging their daughter and say; *no, who else did you go with? You must go with the family of that one because they are wealthier.* The parents also cause more trouble, then the denial comes and the problems start. I appeal to the Honourable Minister to look into that. This is mostly dealt with by the villagers and the Traditional Courts, and it is terrible. Three to four boys would say they went with the one girl within one week, so who is the biological father of the child? It is a dispute that goes on up and down and you continue *hammering* until you find a solution.

Therefore, I appeal to the parents not to mislead their daughters and the rural boys not to engage and deliberately cause trouble, unnecessarily. I would like to advise the Honourable Minister to take this dispute to medical tests. With this, I feel it is a highly recommended Bill, which has been delayed. I support the Bill. Thank you.

HON DEPUTY SPEAKER: Thank you. Honourable Swartz.

HON SWARTZ: Thank you, Honourable Deputy Speaker. I want to congratulate the Honourable Minister for a job well done. It is a very good document and we hope our Nation will learn from it. It is up to us as Members of Parliament to go out and share the information with the public out there.

Comrade Minister, my concern is on child trafficking or kidnapping. I want to know what immediate measures are place when a person arrives at the airport with a child that he/she is intending? South Africa has a Law in place now. When you travel with a child and even if it is your own

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child, you must have a full birth certificate and if one parent is travelling with the child, that parent must have a written consent from the other parent. My question is, what are the immediate procedures in place to prevent child trafficking or kidnapping? I thank you and I support the Bill.

HON DEPUTY SPEAKER: Thank you, for that brilliant and brief intervention. Honourable Shifeta.

HON DEPUTY MINISTER OF ENVIRONMENT: Thank you very much, Honourable Deputy Speaker. Firstly, let me congratulate the Honourable Minister for a job well done. This Bill is long overdue. I wanted to start with what my Colleague, the previous speaker ended with, and that is the issue of one parent travelling with a child, even within the country, it is required to have a clearance certificate from the Police. I think that is very cumbersome. If that Provision has to come in Law, it means that we have to queue all the time. Even when you are travelling from Okahandja to Windhoek you require the other parent to give consent, which has to be commissioned. This means that you have to go to the Police Commissioner every time. I do not think that they are doing it in South Africa, I think they have suspended that because it is cumbersome. It cannot work.

Let me start with **Page 13** on the **Definition of a Child**. I assume it is a typographical error because the definition is 18 here, while the Constitution says; a person is regarded a child as long as he/she is under the of 16 or before that person attains the age of 16. That means that that Provision of the Constitution prevails. If we pass this one it will be a nullity. I, therefore, assume it is a typo because it has to be in conformity with the Constitution. I think we should disregard it. However, I am happy with the objectives of the Bill.

Let us look at **Page 23** about the *Duties and Responsibility of the Children*. That is very much in order because children nowadays

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emphasise more on their Rights. They do not really talk about duties and responsibilities. They are not duty bound. This part should probably be taken to be part of their Rights as provided for in the **Clause 6**.

With Clause 8, the Ministry should compile a booklet or something that will be available in schools for the children to understand. They can balance that as long as you have your Rights that you can emphasise on, you should equally talk about responsibilities and duties because the children now only talk about their Rights. *It is my right to be given food. It is my right to be clothed as it is provided in the Constitution under Article 15.*

On the same page, **Clause 10**, a person attains the age of majority on attaining the age 16. There has also been a confusion between the definition of a child and the attainment of majority age. Majority age has to do with a person performing legal acts without any assistance from parents or guardians - to enter into a contractual agreement. *(Interjection)* Can just keep quiet? Honourable Tjihuiko, I am not talking about Ebola *(laughter)*. A child is a person who is under the age of 16. In case a person attains the age of 16, it does not mean that this person has aged fully and cannot perform legal acts. Therefore, that person still needs the assistance of the parents or guardian to enter into a contract. Currently, the full age is 21 – that is the majority age where a person can, competently, be considered to perform legal acts. These are two different Provisions.

Page 26 – Composition of the Council: For the first time I agree with Honourable Tjihuiko on the inclusion of the Youth Council because it is a statutory body. It is an umbrella organisation and it works with young children. The Council can at least be part of the composition of the 13 without increasing the number, the Minister appoints three and there can be a provision that one of those three should be a person representing the Youth Council. I submit that.

I equally support the appointment of a Children's Advocate. It is important that all the legal instruments that we have are properly

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implemented and monitored with regard to Children's Rights; children are given the platform they can go to if they have some concerns and that that person has *locus standi* to approach any competent Court on behalf of a child.

It is very important that these Commissioners are physically trained on the understanding of the concept of the Rights of a child because not all of them will be inclined to understand this concept. It must also be done in such a way that there is a difference in presiding over Court proceedings when a child is before the Court and when an adult is before the Court. That training has to be provided. With that, I rest my case and I support the Bill. Thank you.

HON DEPUTY SPEAKER: Finally, Honourable Sylvia.

HON DEPUTY MINISTER OF EDUCATION: Thank you, Honourable Deputy Speaker for giving me the chance to contribute to this Bill of Child Care and Protection, which talks for the vulnerable and the voiceless. I have a few contributions and I will start with **Page 23** at **Section 8**, the same thing that was mentioned by previous speakers on *Children's Duties and Responsibilities*. I have to applaud the Ministry for bringing this in for the children to know that it is not only Rights that they have, they also have responsibilities; and also for the parents to know that to hide behind the Rights of the children saying that we cannot do anything to our children because of their Rights is not true. It is set out there. Children should know, if I look at (b), that they have to must *serve their community, respect the Rights of all members of the community and preserve and strengthen positive cultural values*. And their parents are the ones responsible to give them those values.

The problem is that - I think the parents themselves have lost those values and they are not able to give them over. I concur with the previous speaker, Honourable Moongo, who said that it should start at the rural

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setting and Traditional Leaders who are the custodians of culture.

HON DEPUTY SPEAKER: Finalise your sentence first.

HON DEPUTY MINISTER OF EDUCATION: Traditional Leaders as the custodians of culture are the ones who should see to it that our communities are transferring their values to their children.

HON DEPUTY SPEAKER: Point of Order.

HON TJIHUIKO: On a Point of Order, Honourable Deputy Speaker. On a serious note, the Honourable Deputy Minister is repeating what the previous four speakers have talked about.

HON DEPUTY SPEAKER: Like?

HON TJIHUIKO: The Honourable Deputy Minister is saying - *I concur with what the others have said.* We have already said that. Can the Honourable Deputy Minister say something new or just sit down so that we can just go home. She is repeating what I have already said.

HON DEPUTY SPEAKER: You are Out of Order. Proceed.

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HON DEPUTY MINISTER OF EDUCATION: The other one is on the same page **Section 10(1)** *a person attains the age of majority on attaining the age of 18*. I want to have clarity on the significance of Sub-section (2) because it is saying - *if on the commencement of this Section, a person has already attained the age of 18 years, but has not yet attained the age of 21 years, that person is considered to have attained the age of 18 years on the date of commencement of this Section*. What does it say? It is repeating the same thing. You have attained 18 – if you attain 18 what is the significance of that Clause saying? (Interjections)

Page 95, Section 131, which starts with - *child in need of protective services*; it is listing the children who are in need of the services and when you go to Sub-section (2) *a child in the following circumstances may be a child in need of protective services and must be referred to a designated Social Worker for an investigation*. I would like to suggest that another Clause should be inserted that says - *any other abnormal behaviour* because we are getting children with suicidal tendencies. If it says - *any other abnormal behaviour*, it will be inclusive.

On the same Page; (f) *a child below the age of 16 years who is found to be pregnant*. This Law is already there, it says - if an under-aged child is impregnated by someone three years older, then it is statutory rape.

I hope the training of this Bill will be so intense so that these things are not just left there without anything happening because there are children who get pregnant and nothing happens. The Law is not taking its course. However, the good thing about this Bill, under **Section 132**, is that it gives everyone the right to stand up and report when you notice a child who is in need of protective services.

We claim here every day that during the olden days a child was brought up by the community, but we see children being neglected or abused yet we do not do anything. This Bill gives everyone that responsibility. Let it come into practice.

Page 177, Section 6 starting on **Page 176** and **Sub-section 5**; *no person, including a licensee, manager or employer of such licensee shall sell or provide liquor to the accompanying parent, guardian or caregiver of a person under the age of 18 years, if such parent, guardian or caregiver reasonably appears to be intoxicated or in circumstances where there is concern about the health, safety or wellbeing of the person under the age of 18 years*, meaning that - if I have a child under 18 and I am going somewhere to a licensee to buy liquor, then this person selling liquor to me while I am already intoxicated, is the one who is guilty and not me who is an adult and should take responsibility for myself and for the child. The only guilty person there according to that clause, is the one that is selling alcohol. This person is a businessperson, if he or she can get more out of his or her shop, the better for this person. I think we need to see what we are going to say because the one who is intoxicated and still wants to drink while being accompanied by a child is not mentioned here.

Sub-section 10 says - *no person under the age of 18 years shall consume liquor except in the listed a, b, c, d up to e*. I want to read it together with **Sub-section 11**: *A member of the Police or a Municipal Police Force who finds liquor, whether in an open or unopened container, in the possession of a person who cannot provide reasonable evidence that he or she has attained the age of 18 years may immediately confiscate such liquor without a warrant*. I am not sure here - and I want to know:

- (1) whether it is legal for an elderly or anyone above the age of 18 to walk around with an opened liquor container in his or her possession. Is it legal or not? Because according to this one, if you are above the age of 18 there is no problem, but it can only be confiscated if you are under aged.
- (2) I want to make an appeal that we have children who are schooling and are above 18 - they are not over-aged because according to our policy there is no age restriction for Grade 11. Honourable Minister, I want to find out whether we can insert a Clause there that looks similar to the one in Article 20 of our Constitution that says - *children cannot be*

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allowed to leave school until they have completed their primary education or have attained the age of 16 years whichever is the sooner. Can we not insert a Clause that says - you are not allowed to consume alcohol as long as you are at school? Our Nation is consumed by alcohol and drug abuse and it will help us a lot.

HON DEPUTY SPEAKER: Point of Order.

HON MEMBER: Can I ask the Honourable Minister a question?

HON DEPUTY SPEAKER: Will you allow the question?

HON DEPUTY MINISTER OF EDUCATION: Yes.

HON MINISTER OF MINES AND ENERGY: Honourable Minister, you are saying out loud whichever comes first, now if you want to ban alcohol to those who are in school and they find themselves to be over 18 years of age, the majority age according to the Bill, which one will be applicable? Is it now that they have reached the majority age and they can do what adults do, which includes the limited intake of alcohol or will they now abide to the schooling? Can you clarify that dichotomy? Thank you very much.

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HON DEPUTY MINISTER OF EDUCATION: Thank you Honourable Minister, as long as you are schooling, it is should not be allowed. That is how I want it to be. The consumption of alcohol and drugs should not be allowed as long as you are schooling, even if you are 50 or 60 years old as long as you are in a formal school.

HON DEPUTY SPEAKER: Proceed.

HON DEPUTY MINISTER OF EDUCATION: Page 154, Section 225 is on *Child-headed Households*. I have a question on this one: Sub-section 1 says; *the Minister may in the prescribed manner recognise a household as a child-headed household if;* and is listed up to (d). My question is; if, according to **Section 10**, we are saying the majority age is 18, does it mean that if a household is headed by a 19, 20, 21 year old, it cannot be classified as a child-headed household? That is the question because according to the Bill, 18 is the majority age. Here you have someone who is 19, 20 or 21 is heading a household while schooling. That is the question.

Page 156, I was looking at the whole 227 as it is set out there saying - *if someone drops a child somewhere at a fire station, a school, a place of safety or a children hospital* – the person cannot be prosecuted because it is not taken as abandonment of a child. Some people may abandon the children stating that they were raped or the person responsible does not want to take responsibility. How do we draw the line saying that there are Laws in place on what measures to be taken when you were raped or if someone does not want to take responsibility for the child and regardless of that you are just going to abandon the child – are we not going to set a precedent for people to take advantage of such circumstances while there are already existing Laws taking care of different situations? With these few words, I support the Bill. Thank you.

HON DEPUTY SPEAKER: Thank you. Honourable Mushelenga.

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HON T MUSHELENGA: Honourable Deputy Speaker, if there is no other Member who wish to take part, I would like to adjourn it until tomorrow.

HON DEPUTY SPEAKER: Can you not say something because you are the only one and then we can finalise the Bill?

HON T MUSHELENGA: Am I the only one?

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

In the absence of anyone taking the Floor, I would like to humbly request the Right Honourable Prime Minister to adjourn the House until tomorrow at 14:30.

RT HON PRIME MINISTER: I Move that this House now adjourns until tomorrow, at 14:30 sharp. I so Move.

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

HOUSE ADJOURNS AT 17:38 UNTIL 2014.10.01 AT 14:30

**NATIONAL ASSEMBLY
ASSEMBLY CHAMBERS
WINDHOEK
01 OCTOBER 2014**

The Assembly met pursuant to the adjournment.

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

HON DEPUTY SPEAKER: The House is called to order. Any Petition? Reports of Standing or Select Committees? Other Reports and Papers? Notice of Questions? I recognise Honourable Maamberua.

QUESTION 36:

HON MAAMBERUA: Thank you, Honourable Deputy Speaker. I have two questions.

I give Notice that on Thursday, the 2nd of October 2014, I shall ask the Minister of Lands and Resettlement the following questions:

On the 12th of September 2014, (*interjections*) we were the first to launch the Manifesto and you followed suit – congratulations to follow the trailblazer of Namibian politics.

HON DEPUTY SPEAKER: Sorry, can please you table your question?

HON MAAMBERUA: I will stick to the question.

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HON DEPUTY SPEAKER: Yes. Order please!

HON MAAMBERUA: More than those that have passed through the launching of the Manifesto.

HON DEPUTY SPEAKER: Honourable Member, do not respond to informal interruptions. Please proceed.

HON MAAMBERUA: On the 12th of September 2014, the Ministry of Lands and Resettlement placed a congratulatory message to the Honourable Minister, Alfeus !Naruseb and the Permanent Secretary, Ms Ludwina Shapwa, for securing positions on the SWAPO Party list for the National Assembly. The first question is who instructed (*intervention*)

HON DEPUTY SPEAKER: Can we pay attention to what he is saying?

HON MAAMBERUA: (a) Who instructed these newspaper placements? Was it the Minister of Lands and Resettlement, the Deputy Minister or the Permanent Secretary; and under what or which financial authority was it budgeted for? If so, under which Budget line was it placed?

(b) If instructions were not from the above-named Offices, whose instructions were they?

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- (c) In your view, Honourable Minister, who are the beneficiaries of this advert which was paid for with public money? Was it yourself, your Permanent Secretary or the public?
- (d) Were there any actions taken against the officials who gave such instructions and if there were, what type of actions were they?
- (e) If not, what type of actions will be taken? Will the matter be referred to the Office of the Auditor-General, the Anti-Corruption Commission, Namibian Police or the Public Accounts Committee?

I so Move.

HON DEPUTY SPEAKER: Table your question, please.

QUESTION 37:

HON MAAMBERUA: If I may, Honourable Deputy Speaker, I give Notice that on Thursday, 2nd of October 2014, I see the Deputy Minister of Justice is here, I shall ask the Honourable Minister of Justice the following question:-

The Law Reform and Development Commission, in the newspapers, that is *The Namibian*, the *New Era* and *Republikein* of 12th of September 2014, respectively, placed congratulatory messages to the Commission's Chairman, Mr Sakeus Shanghala for securing a position on the SWAPO Party list for the National Assembly.

1. As a Ministry vested with legal expertise, would you interpret these adverts as being in violation of the *State Finance Act* and/or Treasury instructions?

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2. Considering that the advert was not in the public interest, but for the self aggrandisement and/or promotion of private interest using public resources, in other words, tax payers money., would you regard such an advert as corruption and or inappropriate use of public resources?
3. Who instructed these newspaper placements? Was it the Minister of Justice or the Permanent Secretary and under which financial authority?
4. If instructions were not from the above Offices, whose instructions were they?
5. Were there any actions taken against the official who gave such instruction and if there were, what types of actions were they?
6. If not, what type of actions will be taken? Will the matter be referred to the Office of the Auditor-General, the Anti-Corruption Commission, the Namibian Police or to the Public Accounts Committee?

Similarly, more often than not, Offices, Ministries and Agencies in short OMAs place birthday congratulatory adverts in the newspapers. The question is:

- (a) Would you, from a legal perspective, interpret such practices as fruitless and wasteful expenditure or not?
- (b) Kindly, point to any Legal Provision that prevents OMAs from using public funds for private interest such as birthday congratulatory messages.

I so Move, Honourable Deputy Speaker.

HON DEPUTY SPEAKER: Please table the question. Any other Notice

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of Questions? Notice of Motions? Message from the Head of State?
Ministerial Statement?

The Secretary will read the First Order of the Day.

**RESUMPTION OF DEBATE ON SECOND READING -
CHILD CARE AND PROTECTION BILL [B.8 – 2014]**

SECRETARY: Resumption of Debate on Second Reading – *Child Care and Protection Bill* [B.8 – 2014].

HON DEPUTY SPEAKER: When this Debate was adjourned yesterday, the 30th of September 2014, the question before the Assembly was a Motion by Honourable Minister of Gender Equality and Child Welfare that the Bill be read a Second Time.

Honourable Mushelenga adjourned the Debate and you now have the Floor. Honourable Mushelenga.

HON T MUSHELENGA: Thank you, Comrade Deputy Speaker. Comrade Deputy Speaker, I rise to contribute to the *Child Care and Protection Bill* [B.8 – 2014] tabled by the Honourable Minister of Gender Equality and Child Welfare, Comrade Rosalia Nghidinwa.

However, before doing so, Comrade Speaker, allow me to register a concern that I observed yesterday.

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Yesterday, I went to the Ministry of Works, NATIS Department and I noticed that our Senior Citizens are not being treated well. They have to stand in the queue whereas there are Institutions where provision is made to give respect to the Senior Citizens.

HON DEPUTY SPEAKER: What does it have to do with the Bill?

HON T MUSHELENGA: I said before I contribute to the Bill, I want to register this concern because it is serious, if we are not treating our Senior Citizens well in this country, more so, in the Government Institutions. I urge all the Ministries of the Government of the Republic of Namibia to put in place regulations that make it mandatory that all the Senior Citizens, in this country, are given privileges when they enter our offices.

With that, I now come to the Bill on the Table. Honourable Deputy Speaker, allow me on the onset to congratulate the Namibian children for celebrating the day of the Namibian child on the 28th of September and together with them, all other children of Africa and the children of the world with the hope that one day they will live in a peaceful world.

Furthermore, I would like to congratulate Honourable Rosalia Nghidinwa, the Minister of Gender Equality and Child Welfare and her team for this long awaited, but very important Bill taking the best interest of the child at heart. Among others, the Bill pointed out *the need for the child to maintain a connection with his or her family, extended family, culture or tradition*. That is on **Page 20, Clause 3(k)** and *the need for the child to be brought up within a stable family environment and where this is not possible in an environment resembling as closely as possible a caring family environment*.

With reference to the above, I now want to go to **Page 122, Clause 170**

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which says under (a) that - *a person who may adopt a child should be a spouse in a marriage, jointly*. My concern, Honourable Minister, is that of recent, we have learned about people of the same sex marrying each other. I thus hope that the Ministry responsible for the protection and care of the children of Namibia or any child that finds him/he in Namibia shall never allow adoption of our children by such people, as they themselves by virtue of the type of marriage they chose, have no interest of giving birth to a child, thus will never provide a conducive environment for the care and protection of a child.

Clause 171, Register of Adoptable Children and Protective Parents: In my view, Comrade Minister, there is a need to stipulate and make it mandatory for the adoptive parent to avail his or her new citizenship and residence status in writing, if he or she changes his or her status in this regard.

Clause 172(a), the Consent to Adoption: In Namibia the consent is verified by a child Commissioner in a prescribed manner whereas outside Namibia the consent is verified in the prescribed manner and by the prescribed person. Comrade Minister, I would like you to assist me, probably some of the Honourable Members in this House and the public out there (*intervention*)

HON DEPUTY SPEAKER: Point of Order. Will you accept the question?

HON T MUSHELENGA: Yes.

HON DEPUTY SPEAKER: Yes, proceed.

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HON MINISTER OF VETERANS AFFAIRS: Honourable Member, you just alerted us, or rather the Honourable Minister concerned that one should take care when there is an attempt for adoption of a Namibian child by married people of the same sex.

My question is; are such marriages actually legal in Namibia? If they are not legal, will such a question even arise because if they are not legal, it cannot be entertained? Is my understanding correct or you just want the Minister to elaborate further? Thank you.

HON DEPUTY SPEAKER: Yes.

HON T MUSHELENGA: Thank you, Honourable Senior Minister for that question. I think I just mentioned (*a*) but it further indicated that one of the parent could adopt a child. You never know because that person might not be a Namibian and in their country, same sex marriage is recognised and that person may find him or herself here and attempt to adopt the child. Honourable Member, I hope that has clarified that.

HON MINISTER OF VETERANS AFFAIRS: Thank you.

HON DEPUTY SPEAKER: It is fine.

HON T MUSHELENGA: The other concern is that of entering names of adoptive parents into the birth certificate assuming that this child

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already has a birth certificate, will his birth parents name be scrapped or deleted because as far as I am concerned, I do not remember seeing a provision in the birth certificate for the adoptive parent. Maybe there is a different certificate, but I think the Minister will help us to understand that, however, that is my concern.

Clause 184, Access to Information: *The Bill makes provision for both the adopted child and adoptive parents to access information about birth parents once the child is 18 years old.* It, however, deprives the birth parents the right to the adoptive parents' identity unless with a written consent by the child and adoptive parents. This, in my view, leaves much to be desired.

Clause 47, Children's Court Proceedings and Rules: This type of Court is intended to serve the best interest of a child but should not be a time consuming neither be a money making exercise. It should consider the psychological effect on the child and most importantly the emotional and education impact on the child. I thus strongly support the outside Court Resolution to issues related to children. Therefore, the introduction of the Pre-hearing Conference and Lay Forums to this Bill is commendable.

Clauses 94 and 95: Proof of Parentage and Presumption of Parenting: While I agree with the scenario of presumption on refusal to submit to scientific test, I also have some reservation. I am conscious that Laws cannot be made on assumptions, but we all know that with money anything is possible. We have read in papers and seen on TV exchanges of tests being done. I, therefore, propose that if DNA tests are to be done or is required, it should be done in full representation of witnesses. That is for the whole process of both presumed parents of a child or person concerned. I am saying this because it can also be possible for people with money to request a DNA test knowing very well that he or she has collaborated with someone within the system to ensure that either the test disappears or is exchanged with that of the other person involved on the issue concerned.

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Comrade Deputy Speaker, in conclusion, I would like to refer to the **Schedule on Page 190** of the Bill about the text on the African Charter on the Right and Welfare of the Child. Article 30, if I can be allowed to read it?

HON DEPUTY SPEAKER: Proceed.

HON T MUSHELENGA: Reference to Article 30(d), (e) and (f), Children of Imprisoned Mothers - Clause 1 reads; *parties to the present Charter shall undertake to provide special treatment to expectant mothers and to mothers of infants and young children who have been accused or found guilty of infringing the penal law and shall in particular;*

- (d) ensure that a mother shall not be imprisoned with her child;*
- (e) ensure a death sentence shall not be imposed on such mothers; and*
- (f) the essential aim of the penitentiary system would be the reformation, the integration of the mother to the family and social rehabilitation.*

I know people in Namibia will be concerned and ask why should I raise a child of a mother that should not be given a death sentence. I am speaking on the Bill of a child and I am not only concerned about a child in Namibia. I am concerned about a child and the mother in the continent of Africa and the world over. I, therefore, would like to ask the leaders of this world to make sure that those who have Laws that are giving death penalties, should scrap those Laws from their books because we want a peaceful world where mothers stay at home with their families and both parents taking care of children in a peaceful environment.

Article 31 deals with the *Responsibility of the Child*: I remember

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Honourable Ekanda, yesterday, mentioned the Rights of children but our children are never reminded of their obligations or responsibilities. I, therefore, would like to, with your permission, read this out loud so that the children will know they have responsibilities.

HON DEPUTY SPEAKER: Proceed.

HON T MUSHELENGA: *Article 31 – Responsibility of the Child: every child shall have a responsibility towards his family and society, the State and other legally recognised communities and international community. The child subject to his age and ability and such limitation as maybe contained in the present Charter shall have the duty as follows:*

- (a) to work for the cohesion of the family, to respect his parents, superiors and elders, meaning not only your own parents but every senior person must be respected, at all times and to assist them in case of need;*
- (b) to serve his national community by placing his physical and intellectual abilities at its service;*
- (c) to preserve and strengthen social and national solidarity;*
- (d) to preserve and strengthen African cultural values in his relations with other members of the society in the spirit of tolerance, dialogue, consultation and to contribute to the moral wellbeing of the society; and*
- (e) to preserve and strengthen the Independence and the integrity of his **or her** country.*

Comrade Deputy Speaker, there is only *his* and you sit in the PAP, so it

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should not only be *his or her country*.

(f) *to contribute to the best of his or her abilities at all times and at all levels to the promotion and achievement of African Unity.*

With that, Comrade Deputy Speaker, I support the Bill and I would like to request the Members of Parliament and all other stakeholders to popularise this Bill when enacted into a Law. I thank you.

HON DEPUTY SPEAKER: Thank you. Honourable Peya Mushelenga.

HON DEPUTY MINISTER OF FOREIGN AFFAIRS: Honourable Deputy Speaker, Honourable Members, I wish to make a brief contribution to the *Child Care and Protection Bill*. Firstly, I would like to commend the Minister, Deputy Minister, Permanent Secretary and the staff of the Ministry of Gender Equality and Child Welfare for presenting this Bill before Parliament.

Honourable Deputy Speaker, I have noted that under **Section 8** of the Bill children are implored to preserve and strengthen cultural values, but this will only be possible if they are exposed to such values.

Accordingly, **Section 6** of the Bill that lists the basic conditions of living to which the children have Rights should also include the Right to positive cultural and heritage exposure since it is stated in **Section 3(k)** that *keeping the child connected to his or her culture is in the child's best interest*. Writing about the importance of cultural values Shalom Swartz in his article entitled; *A Theory of Cultural Values and Some implication for Work*, published in a journal entitled *Applied Psychology an International Review – 1999 publication Volume 48 Number 1* on Page 25 states:

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“Cultural values present the implicit or explicit to share abstract ideas about what is good, right and desirable in a society. These cultural values are the basis for the specific norms that societal institutions, for example family education, economical political systems function their goals and mode of operation expresses cultural value priorities.”

The importance of listing exposure to cultural values and heritage as a basic condition for children is further important considering the history where we comes from. In some societies cultural values, norms and practices have been subdued by colonialism and missionaries. The latter, for example, made an erroneous confusion between culture and paganism and resultantly they systematically brainwashed our people to abandon meaningful aspects of our cultural values.

This resulted in some people throwing away precious traditional ornaments and cosmetics like *iimona* or *oonyoka* and *iithe*. The issue of giving names to children should be addressed. Some fathers, in particular, to some extent some grandparents, give children names with bad connotations like *Mwarengwa*, *Ndaumbumo*, *Ndaripo*, *Mwaningasheni noo nyoko* and so forth (*intervention*)

HON DEPUTY SPEAKER: Can you translate just one example for the benefit of the other Honourable Members who do not understand the vernacular you are expressing yourself in?

HON DEPUTY MINISTER OF FOREIGN AFFAIRS: In translation; *Mwarengwa* means *shame on you*, *Ndaumbumo* or *Ndaripo* means I have also been there so as many others. *Mwaningasheni noo nyoko* means you have done your troubles with your mothers. These names are given as taking out vengeance against the children’s mothers but it is the innocent children that bears the names for the rest of their lives.

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The concept of best interest of the children under **Section 3 Sub-section 4** should be expanded to provide that psychological harm that may be caused by giving children names that sound controversial. It is bad for parents to settle their scores at the expense of the children through ridiculous name giving.

HON DEPUTY SPEAKER: Point of Order.

HON MINISTER OF DEFENCE: May I ask Honourable Peya Mushelenga a question?

HON DEPUTY SPEAKER: Will you accept the question?

HON DEPUTY MINISTER OF FOREIGN AFFAIRS: Yes.

HON DEPUTY SPEAKER: Yes.

HON MINISTER OF DEFENCE: What does the name Samuel mean?

HON DEPUTY SPEAKER: Yes?

HON DEPUTY MINISTER OF FOREIGN AFFAIRS: Well, I know

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the Honourable Minister is asking me knowing that it is one of the names given to me at church. Its definition is found in the Bible meaning - *I have asked him from the Lord*. That is not a bad connotation. To proceed, with regard to custody of the children, it is common cause that following the death of either or both parents, relatives are embroiled in quarrels amongst each other over the custody of the children.

In some instances it becomes ugly that the matter has to be taken to Court. This causes some distress to children who are the subject of disputes, especially when they are dragged into media feedings. It is advisable to have an amicable way of resolving these type of disputes. In the case of S vs J 2010, South African Supreme Court, Page 139 Justice Lewis stated and I quote - *“I endorse the views expressed by Brassey Associate Justice in case of MB –v- NB that mediation in family matters is the useful way of avoiding protracted and expensive legal battles, and that litigation should not necessarily be a first resort.”* The learned Judge advised that due care should be taken to avoid confrontational approach and embrace conciliatory measures for the sake of the children.

Honourable Deputy Speaker, Section 95 of the Bill needs to be carefully worded. I welcome the fact that the High Court can order the child to be subjected to scientific tests in determining parentage, but I would like to ask as to what that would achieve if either party, namely the father or mother refuses to submit themselves to scientific tests. Should it therefore be provided as such in a party to be compelled to go for the same scientific test or other alternative measures?

In the case of Rohit Shekar –v- Shri Narayat Dutt & Another, decided in the Indian High Court, Justice Gita Mittal stated that: *“The medical examination including DNA profiling will be ordered by the Court if relevant to the specific issues necessary and relevant to ensure legitimacy or administration of justice where scientific tests are necessary for discovery doing justice to all parties and where the relevant evidence cannot be obtained by any other non-inclusive methods. The Court has a jurisdiction to order DNA testing of blood relatives of a person alleged to be parent even though they are not parties to litigation”*.

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HON DEPUTY SPEAKER: Point of Order. Please repeat.

HON DEPUTY MINISTER OF FOREIGN AFFAIRS: Yes, accepted.

HON DEPUTY MINISTER OF DEFENCE: Comrade Peya, the testing of DNA was done in Namibia, I do not want mention the case, but it was done and the result came out, for example, 95% Peya Mushelenga but who does the rest belong to? You are now saying that the Court will decide on the majority because majority rules. How is that possible because if it is my child the DNA is supposed to prove 100% and not 95%. One of the names you mentioned there is what cause one to be given a child. I was also there.

HON DEPUTY MINISTER OF FOREIGN AFFAIRS: Thank you very much for your question, but you know that scientifically a child cannot be made by two sperms on one egg, no. Therefore, that 95% is approximate. The one who has 95% approximate is definitely the father. I am saying the assertion made in the above paragraph shows the relevance of ordering blood samples to be drawn from at least even a relative of either party to determine parentage proof.

While it is considered to be the right of an individual to refuse to be subjected to scientific tests, the Learned Judge in the same case that I mentioned held that *the refusal by a party to be subjected to scientific tests in the case sites above was wilful, mala fide, unreasonable and unjustified.*

Honourable Deputy Speaker, the issue of child labour should be broadly

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contextualised so that it does not take away children responsibilities according to customs.

I am saying this because in its current form, **Section 234** of the Bill will render some of the work currently performed by children, at home, as child labour, for example, looking at 3(g) and (i) that prohibits work that are inappropriate for a person of that child's age. On interpretation this could include tending cattle and performing household chores that are necessary for sustenance of the family such as drawing water from the wells, pounding and threshing.

Well, one may argue that **Section 234(1)(h)** speaks of permissible assignment to work as means of parental authority but unless parental authority is defined broadly, but it is currently defined in the definition - *any assignment other than by the persons defined here would be regarded as child labour*. When we do this, passing the Bill with this current reading will cause problems that will offend the practices of some of our communities. It would be, therefore, ideal if this could be worked in the definition of the terms. With these few words, I put my case to rest.

HON DEPUTY SPEAKER: Thank you. Honourable Maamberua.

HON MAAMBERUA: Thank you, Honourable Deputy Speaker. Let me start by welcoming this long overdue Bill and also render my full support not only to the document, but to the Honourable Minister and her staff. I think it is a very, very important Bill. It is technically well crafted and it is capturing all different matters of concern. The question, however, is; what are the different concerns that we need to address in a Bill of this nature apart from those that have already been addressed?

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If I would venture into looking at some Constitutional Provisions, **Article 8(2)(b)** under the title of *Respect for Human Dignity*, it says; “no persons shall be subject to torture or to cruel inhumane or degrading treatments or punishment”. I will explain why I am quoting that. If we look at Article 20 of the Constitution under the title; *Education*, Sub-Article 1 says; “all persons shall have the right to education” and (2) of Article 20 says; “primary education shall be compulsory”. I stop there and go to (3) - “children shall not be allowed to leave school until they have completed their primary education or has attained the age of 16 years whichever is sooner.” I want to dovetail with the second Clause that says; “education shall be compulsory.” Those are the Constitutional Provisions that I want to start off with by referring to the first Article that I mentioned –Article 8(2)(b) - *people shall not be subjected to inhumane treatment*. My understanding is, if we have to take poverty, for example, poverty amidst plenty in a country like Namibia having a per capita income of approximately N\$50,000 per annum to have poverty in some sections of our society, I think, that should be interpreted in terms of our Constitution as inhumane treatment by the State. The protection and care that we are seeking for our children should be put in the context of the constitutional requirements.

I have no problem with protecting children against crime, abuse of all the different facets as described in the Act, but there is what I would regard as the State abuse of children in terms of the Constitution. (*Interjections*) SWAPO is not the State and the SWAPO Party Government is not the State. I am talking about the State and I am going to explain that. I am going to give you an example of what I am talking about. Article 20 that I talked about, that of compulsory education – that is a constitutional requirement. It does not give us an option. It says Namibian child. We have no option and yet we have had children roaming about the streets not going to school because in the first instance primary education was neither free nor was it compulsory. When you made it free, we did not adhere to the additional Constitutional Provision of making it compulsory. Again, leaving our children roaming the streets, being exposed to the dangers of the streets actually violating the children’s Constitutional Rights because

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the Articles that I am referring to are under the Fundamental Human Rights and Freedoms of Namibians. Therefore, I would have liked to see this Bill translating these Constitutional Provisions into a Bill, into an Act of Parliament so that we have the Constitutional Provisions find expression through this Bill, specifically these two Articles that I have just quoted.

I think that is perhaps an issue that should have been taken up in the Bill, which then did not find that expression. Let me go back to when I say the State ought to protect the children; I give you an example of a child currently languishing in the Katutura Hospital for the past nine years. A child who was admitted to the Katutura State Hospital with a broken arm was supposed to be treated by applying anaesthesia, was overdosed and was completely paralysed, totally damaged from the mind to the body and has remained in the Katutura Hospital for the past nine years. When he was admitted to the Katutura State Hospital, he was seven years of age, he is now 17 about to attain what is called in the Bill, Majority Age, next year – nine years in hospital. I wish the Ministry was actually here to verify what I am saying. Nevertheless, the Ministry entered into an out of Court settlement with the family of that particular child to pay certain compensations and to institute certain treatments. I am not going to be technical about that, you know, things like physiotherapy etcetera that has not happened.

Myself, personally, late last year after having been approached by the parents and many others as many Namibians normally do, I approached the Ministry to request that the child be given the necessary treatment as per the settlement agreement. I have got the settlement agreement here. An undertaking was given to myself and parents that within the next two weeks the child was going to be transferred from the Katutura State Hospital to the Paramount Hospital because that is where you have all the experts from physiotherapists to all the other technical therapists as it were. As I am talking now the child still languishes in the Katutura State Hospital not having been accorded those necessary medical treatments as per the agreement and many other medical reports.

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HON DEPUTY SPEAKER: Point of Order.

HON SHIXWAMENI: Can I ask my former senior politician.

HON MEMBER: Are you campaigning or what?

HON SHIXWAMENI: From the oldest Party in this country a small question?

HON MAAMBERUA: Yes, please.

HON DEPUTY SPEAKER: Which small Party? Can we stick to the official names?

HON SHIXWAMENI: I am being worried by my Honourable Leader of the oldest Party lamenting the State, the State, the State and I am asking the question, if the State and State Institutions fail to comply with their duties, what course of action would you, in your mind, recommend must be taken to take these institutions (*intervention*)

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HON DEPUTY SPEAKER: Effort?

HON SHIXWAMENI: No, to go to jail and who must bear the responsibility of basically being sentenced to imprisonment for the State's failure to carry out activities that they are supposed to be doing? Thank you.

HON MAAMBERUA: Yes, thank you very much. Of course, the State is not a body in itself, it is represented by State Organs and State Institutions. There are State Institutions that can actually be called upon, including just ordinary citizens. What I am doing right now, I am trying to contextualise the Child Care and Protection Bill within the current situation that confronts us.

As I said, the child still languishes in the Katutura State Hospital. He has not been transferred to get the necessary medical attention as per all the understandings and agreements. The child comes from a very poor background and, therefore, in my interpretation, this is a clear example of how the Bill should have taken on board or brought in Clauses that would protect Citizens against the State if the State resorts to abusing and violating the Rights that are well provided for in the Constitution.

I am not going to mention the name of the child, but this case in any event was already in the media some time four/five years ago or something like that and I am very sad to really still find that the Ministry is not acting to bring about an improvement to the condition of that child.

HON DEPUTY SPEAKER: Does it mean that the case is still pending?

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HON MAAMBERUA: I beg your pardon?

HON DEPUTY SPEAKER: That particular case, is it still pending?

HON MAAMBERUA: It is not a pending case, it is not a Court case that is why I am speaking about it. An agreement was already reached it is just that the Ministry is being stubborn and intransigent in terms of doing something credible to uplift the medical condition of the child. I am not talking about the socio-economic condition of the child, but the medical condition.

HON DEPUTY SPEAKER: And you put the whole blame on the State?

HON MAAMBERUA: The Minister or the Ministry or Government acts on behalf of the State. I am taking this to a different level. I am not talking about SWAPO and SWAPO Party-led Government and these other things, I am talking about the State. After all, the money that is supposed to be used is State Revenue Fund, it is State money in terms of the State Constitution. This is not a Government Constitution, this is a State Constitution - so that is what I am talking about.

HON MEMBER: We went through that in our own time.

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HON MAAMBERUA: Is it Point of Order?

HON DEPUTY SPEAKER: No, proceed.

HON MAAMBERUA: I would also like to see and I desire that the Bill, much as it has addressed itself to issues of culture, perhaps more of these should have been included so that we do not just put Provisions in an Act, but through an Act we will also create institutions that assist and bring about the actual implementation of the things that we are recommending. We need to foster a culture of caring and sharing.

HON DEPUTY SPEAKER: Point of Order.

HON MINISTER OF LANDS AND RESETTLEMENT: I do not know whether it is going to be a Point of Order, maybe information by registering these facts.

HON DEPUTY SPEAKER: A Point of Information?

HON MINISTER OF LANDS AND RESETTLEMENT: Yes, a Point of Information. Honourable Deputy Speaker, Honourable Maamberua is a Friend of mine. We relate her and there to one another (*intervention*)

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HON DEPUTY SPEAKER: Honourable Minister, please use the microphone.

HON MINISTER OF LANDS AND RESETTLEMENT: But I have realised that my Good Friend wants to create the perception that the Government of the day is not a caring Government for the people of this country and I have a fundamental issue with that. Really, I think if we need platforms to engage the electorate, let us not down play and probably make cheaper the suffering of our people. We know that at the best of times the service rendering to our people might not be at the level that we want, but to come here and create the impression that SWANU, the oldest Party in the Land of the Brave, is the only one that has the good will of the toiling masses out there, is a distortion of the factual situation and you know it. I really wanted to make that point. Thank you.

HON DEPUTY SPEAKER: Thank you.

HON MAAMBERUA: Thank you, Honourable Deputy Speaker. I did not even mention SWANU since I started here.

HON MINISTER OF LANDS AND RESETTLEMENT: On whose behalf are you here?

HON MAAMBERUA: If SWANU is the most caring political formation in Namibia in that (*interjection*) if I have to give an example, the only

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Political Party that ever visited the victims of the floods in the North and made donations, as meagre as they were, it was only SWANU, so no dispute about that. I can give you many other examples, but that is not the point. The point is, if you have 10% of the population owning 80% of the country's resources since Independence amidst poverty and there is no serious political attempt to redistribute these resources equitably in order to protect the citizens of the country against poverty, are you talking about a caring Government? If you have a Government that has kept a child for nine years in hospital without appropriate, necessary medical attention and the Government is aware of this because it was in the media – is that a caring Government?

HON DEPUTY SPEAKER: Point of Order.

HON MINISTER OF LABOUR AND SOCIAL WELFARE: Point of Information. As a person who worked in that Ministry, when the Honourable Member of SWANU obtained that information, the best thing to do was to go and consult the Ministry concerned or the Ministry of Gender Equality and Child Welfare about the suffering of the child. If he is aware of that why can he not go and consult the Minister or the Permanent Secretary?

This story of beating about the bush will not help us because many people passed through and worked in that Ministry so we do not know which Minister he is talking about. I have never come across that issue. What I know, is that during my time, all those children who were sick came for operations and were taken care of by the Ministry. Therefore, we do not know which Minister he is talking about. The nine years he is talking about, does he know the right date? We do not like this type of propaganda. Let us try and consult one another as Leaders. We are

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Namibians, we cannot announce issues in public like this while the Ministry is here within Namibia, you do not need to pay a lot of money on transport to go to the Ministry of Gender Equality and Child Welfare. Please let us consult, let us and talk to one another. We are not enemies. I thank you. (*Interjection*) No, it pains to be fishing around that we are not good people.

HON MAAMBERUA: Honourable Minister, I am not surprised by what you are saying.

HON MINISTER OF LABOUR AND SOCIAL WELFARE: Talk to the Bill.

HON MAAMBERUA: As I said the issue of this child was in the media already, three, four or five years ago. For you as the Minister of Gender Equality and Child Welfare, you should have picked it up or your staff. Right now on the Floor, I said I had a meeting late last year with the Permanent Secretary of the Ministry of Health and Social Services to discuss this issue with the parents and the staff of the Ministry of Health you did not listen.

HON DEPUTY SPEAKER: Honourable Maamberua? Honourable Member (*intervention*)

HON MAAMBERUA: Therefore, I am not surprised that are you reading the newspaper or what are you (*interjection*)

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HON DEPUTY SPEAKER: Can I say something concerning that particular case?

HON MINISTER OF LABOUR AND SOCIAL WELFARE: I am listening to what you are saying.

HON MAAMBERUA: Then try and record.

HON DEPUTY SPEAKER: I take note that both the Minister and the Deputy Minister of Health are not in the House. They could have responded or counteracted what you are saying.

HON MAAMBERUA: Should I sit down?

HON DEPUTY SPEAKER: You proceed.

HON MAAMBERUA: Should I stop or proceed?

HON DEPUTY SPEAKER: I am just concerned. What is the normal way if the Presiding Officer is speaking?

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HON MAAMBERUA: Yes, I wanted to sit down but you said proceed. What should I do now, sit down and proceed afterwards?

HON DEPUTY SPEAKER: Speak, proceed.

HON MAAMBERUA: I did not come here for the Minister of Health, I came to make my contribution. If tomorrow or at any other point in time the Minister disputes that there is no such a child in the Katutura State Hospital and that what I am saying is not true, if he disputes that there is no such an agreement, then the Minister can take me to task. If the Permanent Secretary and the parents say they never discussed anything with me, they can take me to task. I came here to state the facts.

I said I support this Bill, but I was saying the Bill should also be contextualised. When we say we are protecting children, it is not just protecting children against abusive parents and abusive foster guardians and what have you but we also have got to protect our children against some abuses that may come from the State. That is what I am saying. We have to protect children against poverty because poverty leads to death. Why should we have poor people, particularly at the sensitive age of the category called children? Why should a child be poor in Namibia? That is what we are talking about.

HON DEPUTY SPEAKER: Point of Order.

**HON DEPUTY MINISTER OF INFORMATION AND
COMMUNICATION TECHNOLOGY:** Another point at short notice.

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Thank you very much, Honourable Deputy Speaker. Can I ask the Honourable Member a question or maybe Point of Information?

HON DEPUTY SPEAKER: Will you accept?

HON MAAMBERUA: The question?

HON DEPUTY SPEAKER: Yes.

**HON DEPUTY MINISTER OF INFORMATION AND
COMMUNICATION TECHNOLOGY:** Point of Information.

HON MAAMBERUA: Oh, information?

HON DEPUTY SPEAKER: Okay proceed with your information.

**HON DEPUTY MINISTER OF INFORMATION AND
COMMUNICATION TECHNOLOGY:** Honourable Maamberua, are you aware that one or two months ago there was a report in the newspaper indicating that since Independence the State that you are talking about has taken almost 500,000 Namibians out of poverty? Are you aware of that?

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HON MAAMBERUA: Thank you, Honourable Deputy Speaker. My Brother, Comrade Honourable Simataa, are you aware that about three weeks ago there was a report, or maybe a little bit earlier, in one of the daily newspapers that some Namibians (*interjections*) I am still answering the question.

HON DEPUTY SPEAKER: Point of Order?

HON MAAMBERUA: I am answering a question.

**HON DEPUTY MINISTER OF YOUTH, NATIONAL SERVICE,
SPORT AND CULTURE**: No.

HON MAAMBERUA: I am answering a question.

**HON DEPUTY MINISTER OF YOUTH, NATIONAL SERVICE,
SPORT AND CULTURE**: No, not that.

HON DEPUTY SPEAKER: Point of Order.

**HON DEPUTY MINISTER OF YOUTH, NATIONAL SERVICE,
SPORT AND CULTURE**: Honourable Deputy Speaker, we are busy

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with the Bill and the Honourable Member has known the story he brought here in this Chambers today for five years. He had consultations with the relevant Ministry and those people are not here. What are we doing? Direct the Honourable Member to proceed with the Bill and talk on points, not to come with general statements and manifestos here.

HON MAAMBERUA: Honourable Speaker.

HON DEPUTY SPEAKER: Deputy Speaker.

HON MAAMBERUA: Is the first Honourable Member who asked the question about the upliftment of some Namibians from poverty aware that at least three or four weeks ago it was revealed in one of the newspapers that some Namibians get the exploration licences

HON MEMBER: EPLs!

HON MAAMBERUA: paying only N\$30,000 and immediately sell them for US\$100,000,000.00? That is a State resource.

HON DEPUTY SPEAKER: Honourable Maamberua, can I humbly request you to speak to the essence of this Bill.

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HON MAAMBERUA: What poverty are we trying to protect? Honourable Deputy Speaker, the Constitution obliges the State of Namibia to protect all Namibians, including children, against inhumane treatment and amidst the plenty that we have where you buy a State resource for N\$30,000 and the person instead sells it for US\$100,000,00.00 that is inhumane treatment for those people who are poor in this country.

HON DEPUTY SPEAKER: It is not. You are Out of Order. Can you stick to the essence of the Bill please? Information?

HON DEPUTY MINISTER OF MINES AND ENERGY: Point of Information. Can I inform my Honourable Brother that we are giving EPLs to Namibians to venture into mining activities and not for them to sell the EPLs, that is not what our Government is doing. Thank you.

HON MAAMBERUA: Thank you very much. The Ministry did not hear it from the newspapers that the EPLs are being sold. They are aware that the EPLs are being sold and that is illegal and you know that very well. Just as the fishing quotas that are allocated to Namibians are being sold to foreigners.

HON DEPUTY SPEAKER: Honourable Maamberua, can you sit down, please. Honourable Maamberua, can you just sit down. I will kindly ask you to stick to the issues. Please, do not bring other unnecessary issues. I am told we have got other relevant issues to be discussed. No, I do not need to be told by anyone. Please, can you stick to the Bill before us?

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HON MAAMBERUA: Yes.

HON MINISTER OF LANDS AND RESETTLEMENT: Again you have caused some problems my Friend.

HON MAAMBERUA: This Bill is very important. It is protecting (*intervention*)

HON DEPUTY SPEAKER: Point of Order.

HON MINISTER OF FISHERIES AND MARINE RESOURCES: Honourable Deputy Speaker, can I ask Honourable Member a question. My junior at school, yes, he must know he was behind me. Can the Honourable Member please disclose his interests in fishing and the interests of his Party and how they are applying the income that they are deriving from fishing as well? Please, can the Honourable Member respond?

HON DEPUTY SPEAKER: Do you realise?

HON MAAMBERUA: To answer that question?

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HON DEPUTY SPEAKER: The type of unnecessary comments outside the Bill - you are inviting people to talk about other unnecessary, irrelevant issues unrelated to the Bill. Just ignore it.

HON MEMBER: And we are making noise for the Hansard people, they do not want noise there.

HON DEPUTY SPEAKER: Proceed, you have just one minute.

HON MAAMBERUA: One minute?

HON DEPUTY SPEAKER: Yes, the time is up.

HON MEMBER: The senior Party has spoken.

HON MAAMBERUA: Leave the one of the senior Party, it is not true. Since you are saying that I have got only one minute - the children not only need to be protected against the rest of the things that are in the Bill, but also against poverty as per the Constitutional Provision. We are saying amidst the plenty, selling not only the fish quotas but selling the exploration licences to foreigners and make millions of money.

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HON DEPUTY SPEAKER: Please, the more you talk about that, the more you invite unnecessary and unrelated issues to the Bill. Honourable Nambahu. Order please!.

HON DEPUTY MINISTER OF JUSTICE: Comrade Deputy Speaker, can I be protected from all the powers that be?

Thank you very much, Comrade Deputy Speaker for the opportunity to make a contribution to this very important Bill. This Bill has really been outstanding for some time and the fact that it is now here before us is commendable. I remember it has been reworked and there are certain things that have been improved.

I want to comment on the assistance to the household that are headed by children. It is really a problem in the rural areas when you see these small children heading households because the parents are not there. There are no mechanisms actually to support them, I, therefore, commend these kinds of efforts that are in here and it is really something to applaud the Minister and the Ministry and all those that have been involved in bringing up this Bill.

The other aspect that I would also like to commend the Bill on is the putting in place of assessors. Maybe because this Bill is actually drafted by, I see some consultancy around here, it could be a good thing if there could be an addendum of the implementation plan to the Bill because at times Bills are passed, there is personnel to be appointed and professions to be named in there but those people never get appointed, and as a fact the Bill never gets properly implemented. That becomes a problem.

I can cite, for example, in maintenance of the issue of assessors. A person is not paying maintenance, claiming that he is not working while he is driving an ML500. There are no people to go and do a proper means

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testing to assess whether this person is really unable to pay or is just making an excuse for not wanting to maintain what he brought on earth. The other area that, I think should enjoy attention is the Section that is dealing with the *Harmful Social, Cultural and Religious Practices*.

HON TJIHUIKO: Page?

HON DEPUTY MINISTER OF JUSTICE: Page 226, if you look at that Section, Sir, you will find something related to what I am talking about. The issue of harmful social practices is not just coming from the cited areas. One area where harmful practices are coming is from the television. I was in one country and I was so amazed that I did not see many of these violent movies that are being shown around here.

HON MEMBER: Like the ones shown by Multi Choice.

HON DEPUTY MINISTER OF JUSTICE: Whatever it is, even if it is Multi Choice or whatever, in that country, it is an African country, I just do not want to mention the name, you will not see many of these things that we are seeing here. Why is it that with that kind of propaganda and the gun culture that we are helping the gun enthusiasts and complex Industry? Why is it that we are helping them to do this kind of things? It does not end there. It even comes to us buying our kids toy guns. Why is it that we are not buying them toy hammers or things we can work with or an animated cartoon that is in an overall to inculcate these kinds of values in our kids at an early stage.

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When you are buying your child a gun and he runs around the house shooting, what philosophy is he actually trying to carry out? Is he defending his country? Is he defending his family or what is he/she doing?

HON MEMBER: Defending the household.

HON DEPUTY SPEAKER: Point of Order.

HON SHIXWAMENI: I do not know whether it is a Point of Order or what (*intervention*)

HON MEMBER: Whatever.

HON DEPUTY SPEAKER: No, it is Point of Order and then you say Information or whatever it is.

HON SHIXWAMENI: There are three Television Channels in this country.

HON DEPUTY SPEAKER: Is it information?

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HON SHIXWAMENI: Yes, it is Information. One of them is One Africa Television, a news channel, the other one is DSTV owned by Multi Choice and the majority shareholder there, if I still have my facts right, is the Party to which *Compañero* Tommy Nambahu belongs.

HON MEMBER: Is that jealousy or what? Is that true? (*laughter*)

HON SHIXWAMENI: No, I am not jealous and the other one is the NBC. The NBC is also controlled by the same Party and Government that he belongs to. My question is; why do we not put a stop there because SWAPO must be the one to act and stop this gun-toting culture on our TV Screens because it is DSTV, it is NBC that are basically putting this gun-toting culture on our screens.

HON MEMBER: Freedom of choice.

HON SHIXWAMENI: Yes, I have freedom of choice, but all that I am saying is that we must choose whether we want to earn money corruptly and poison the minds of our people or whether we want to earn our money genuinely? However, the ball is firmly in your court. Stop Multi Choice, stop DSTV and stop the NBC from promoting the gun-toting culture to our children.

HON DEPUTY MINISTER OF JUSTICE: I am actually addressing issues.

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HON DEPUTY SPEAKER: Can we give him our full proper attention, please?

HON DEPUTY MINISTER OF JUSTICE: Comrade Shixwameni, when you were in SWAPO, you knew that we used to have something called constructive criticism and do not think that whenever we say something it is because we are disgruntled and we will be joining you any soon, we are simply criticising ourselves constructively.

HON DEPUTY SPEAKER: Please stick to your comments on the Bill.

HON DEPUTY MINISTER OF JUSTICE: The fact of the matter is that even if something is wrong in shops, we are simply addressing that issue and it must be looked into. Whoever has the power or whoever is employed, be it a Board or whatever, it is something that is not helpful in constructing the kind of society that he wants to see. That is the point I am making. Whether it is coming from whatever side it should be discouraged. The same goes for (*intervention*)

HON DEPUTY SPEAKER: Point of Order.

HON TJIHUIKO: Honourable Deputy Speaker, on a Point of Order, may I ask Honourable Deputy Minister a small question?

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HON DEPUTY SPEAKER: Will you accept the question?

HON DEPUTY MINISTER OF JUSTICE: Yes, I am listening.

HON TJIHUIKO: May I ask the Honourable Deputy Minister a question?

HON DEPUTY MINISTER OF JUSTICE: I am listening.

HON DEPUTY SPEAKER: Yes, you can proceed.

HON TJIHUIKO: Thank you. Honourable Deputy Minister of Justice, will you confirm positively that the question that was put to you by Honourable Shixwameni about Multi Choice and the NBC is the truth?

HON DEPUTY MINISTER OF JUSTICE: The issue of *mercantilistic* adverts should also be seen as issues that are poisoning the minds of our people. For example, when you advertise a drink, in advertisement these things come so smart, but probably we should also oblige the companies to actually also advertise those that are under the influence of alcohol to balance these things so that our people can see that in advertisement ,yes, it looks so smart, but this is how you look like in real life when you are

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drunk so that we have a balanced story.

I would also like the Comrade Minister to look carefully at the aspect of **Part 2 – *Inter-Country Adoption***. I do not think there is anyone in this House who does not support this Bill. We overwhelmingly support the Bill, but the reservations that has come across and that I have heard are actually related to that Chapter of the Conventions and the Inter-country Adoptions because there is a possibility of things to be hidden in there.

I do not know what it is that is going to be done so that the fears and the intention of the Legislator is carried out to the letter that this kind of fears that are being voiced here should be considered as unfounded. Therefore, it is very important for this part to be looked at. (*Interjections*) No, just listen properly.

HON DEPUTY SPEAKER: Do not respond to unofficial interruption.

HON DEPUTY MINISTER OF JUSTICE: I am simply saying (*intervention*)

HON DEPUTY SPEAKER: Honourable Member, that is unofficial interruption.

HON DEPUTY MINISTER OF JUSTICE: No, he just did not hear me properly, what I said is that the Minister must make sure that the fears that were expressed are unfounded in that the things that are hidden here are not really (*intervention*)

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HON DEPUTY SPEAKER: Now you are addressing each other one on one. Point of Order please. Honourable Tjihuiiko.

HON TJIHUIKO: Honourable Deputy Speaker, on a Point of Order, may I ask the Honourable Deputy Minister of Justice again (*intervention*)

HON DEPUTY SPEAKER: Can we listen to one another, please? There is a lot of noise and we cannot hear anything.

HON TJIHUIKO: Honourable Deputy Minister, I am impressed by your comments and your statements that you are making. My concern is; those are the good ideas that could have been incorporated in the *Draft Bill* before it comes here. How do you consult in your Party? Some people draft the Bill some people do not know anything about the Bill, they come and debate it here and give some good ideas like me. How is your Party operating?

HON DEPUTY MINISTER OF JUSTICE: I am just going to repeat what I said. I am calling the attention to the Chapter that has problems and that the Minister concerned should make efforts that the fears expressed here are addressed and that there is no room to fear and whatever is hidden there is addressed, that it will not surface tomorrow to haunt those that have passed the Bill that there were these kinds of hidden latent defects. This is what I am trying to express. Maybe my *Namlish* is not proper but that is the point I am trying to drive across.

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HON MEMBER: It is very proper they are just not listening.

HON DEPUTY MINISTER OF JUSTICE: We should not be led by *mecantilistic* approach to actually simply say the dollar or whatever comes out (*intervention*)

HON SHIXWAMENI: Upgrade up there.

HON DEPUTY SPEAKER: Sorry, Honourable Shixwameni, you are making a lot of interruptions, I have been watching you from yesterday, just interrupting. Proceed.

HON DEPUTY MINISTER OF JUSTICE: That issue should not lead us when we only want to get the outcome to chase the profits and then go for things that are going to shoot us in the foot in achieving what we want to achieve as a society. That is the point I am trying to make.

I also want to applaud the Comrades that have applauded and highlighted the African values. Time and again, we are told that Africans do not have values and other people's values are being imposed on us. It is time that we also defend our values that Africa after all has the cradle of humanity is Africa. It is where we have the values of *uBuntu* and all those kinds of things. No one should be coming from somewhere else and start imposing values on us as if there is a vacuum of values here. Yes, there are shortcomings in all kinds of cultures and traditions and there are certain things that might be retrogressive but that is found all over. I am trying to point to the issue of what could be construed as child labour, for example.

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If you are putting your child through apprenticeship to teach that child how to plough or how to milk a cow or how to look after cattle and that child is found by certain a consultant or somebody from somewhere looking after cattle, then you are being construed to be practising child labour, these kinds of issues should be contextualised because one thing is us having our identity and keeping it and we know for sure that those that came here through colonialism, the first thing they attacked was our identity. That is why they started giving us all these kinds of names and all these kinds of connotations that were talked about here.

HON SHIXWAMENI: Like what?

HON DEPUTY MINISTER OF JUSTICE: I am Thomas and I am yet to find a Shixwameni in America or Shixwameni in Europe and yet we have a lot of Daves and a lot of Annas here. I was talking to some other people and said when we went to Finland, somebody was surprised that Finish have our names and then I was asking - *is it not the other way round*. Oiva, Hilma, Selma - all those are Finish names but do they have our names? I am yet to find an Iyambo there.

HON MEMBER: They just changed with our names.

HON DEPUTY MINISTER OF JUSTICE: These are the kinds of things, we should start inculcating our identities in them from their childhood. Lastly, my Comrade was talking about - *not for sale to people under age*, here yesterday. Now (*interjections*) yes, one of these. The issue is; other Laws have to follow to give practical implementation to this.

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If you own a shop and probably you are the only one who asks for an ID from a child when they are buying liquor, they will definitely be going to the next person who does not do it. Unless, you impose an obligation also on those ones - *that each and everyone selling to children without asking for their IDs will definitely be punishable and answerable before the Law*. Otherwise, you will be losing out, you are the only good citizen while the other one does not ask. It is there where the children will be going to go and buy liquor.

When you are saying the advert should be - *not for sale to people under the age of 18* and as she was speaking yesterday, I was thinking that maybe it should be modified to say - *not for sale to people already under the influence of alcohol* or something like that (*laughter*), which implies that you should maybe have breathalyzers in the shops and say - *no you are already drunk, you should not buy more alcohol*.

In practical terms, there will be implications, but other Laws will then have to come in to complement and give effect to these advertisement of alcohol and all other related products, for example, from a business point of view and from broadcasting institutions. There is one thing that I am missing in this Bill and it is the issue of paedophilia, which is obtaining (*intervention*)

HON MEMBER: Issue of what?

HON DEPUTY MINISTER OF JUSTICE: Paedophilia – Child molestation which is taking place, especially in religious institutions, I am amazed that you are asking about this widespread thing. Even the Vatican has acknowledged these things are taking place. Why is it that it is absent here and it seems as if we are presuming that all the malaise and all the offences are born from the African practices. For all these latest

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problems, that are a worldwide phenomenon, we should either find some places in the regulations to include them because they are current problems and need to be addressed. We should look at some of these issues for things to be comprehensive. I thank you very much.

HON DEPUTY SPEAKER: Any further discussions on this? Honourable Shixwameni.

HON SHIXWAMENI: Honourable Deputy Speaker, I note that there is no quorum in this House, but without calling for it, I would like to adjourn the Debate to tomorrow.

HON MEMBER: No. We are already adjourning now.

HON SHIXWAMENI: Okay, I then call that there is no quorum in this House. We are 26 people around here and this House cannot continue debating legislation when there is no quorum.

HON TJIHUIKO: Yes, we are not even 28, we are 26.

HON DEPUTY SPEAKER: Are there some Members outside? Chief Whip, can you inform us?

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**ADJOURNMENT
HON PROF KASINGO**

In the absence of anyone who would like to take the Floor, this particular item is adjourned until tomorrow, at 14:30.

In the absence of any items in the agenda for today, I hereby adjourn the House in terms of Rule 90 until tomorrow, the 2nd of October 2014.

In terms of Rule 90(a) of the Standing Rules and Orders, the Speaker adjourned the Assembly at 16:47 until Thursday, 02 October 2014.

HOUSE ADJOURNS AT 16:47 UNTIL 2014.10.02 AT 14:30

**NATIONAL ASSEMBLY
ASSEMBLY CHAMBERS
WINDHOEK
02 OCTOBER 2014**

The Assembly met pursuant to the adjournment.

1. The Deputy Speaker took the Chair and adjourned the Assembly in terms of Rule 17(b) of the Standing Rules and Orders at 15:07, until Tuesday, 7 October 2014.
2. Present were the following Members:

25 Voting Members and the Deputy Speaker:-

Hons. Tjihuiko, Shixwameni, Lucks, Naholo, Bezuidenhout, Von Wietersheim, Mwaningange, Kazenambo, Mushelenga (Ms), Ndjoze-Ojo, Mushelenga (Mr), Angula, Ngatjizeko, Muharukua, !Naruseb, Namholo, Mbumba, Beukes, Kaiyamo, Isaacks, Uutoni, Tweya, Amathila, Iyambo and Iilonga.

3 Non-voting Members —
Hons. Schlettwein, Simataa and Katjavivi.

In terms of Rule 17(b) of the Standing Rules and Orders, the Speaker adjourned the Assembly at 15:07 until Tuesday, 07 October 2014.

HOUSE ADJOURNS AT 15:07 UNTIL 2014.10.07 AT 14:30

**NATIONAL ASSEMBLY
ASSEMBLY CHAMBERS
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07 OCTOBER 2014**

The Assembly met pursuant to the adjournment.

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

HON SPEAKER: The Business of the House is called to order. Any Petitions? Reports of Standing and Select Committees? Other Reports and Papers? Deputy Prime Minister.

**TABLING: ANNUAL REPORT
OF NAMIBIA INSTITUTE OF PUBLIC
ADMINISTRATION AND MANAGEMENT (NIPAM)**

HON DEPUTY PRIME MINISTER: Thank you, Comrade Speaker. Comrade Speaker, I lay upon the Table the Annual Report of Namibia Institute of Public Administration and Management for the Year - 1 April 2012 to 31 March 2013.

I so Move, Comrade Speaker.

HON SPEAKER: Can Honourable Deputy Prime Minister please table the Report? The Right Honourable Prime Minister followed the Deputy Prime Minister, did you that? Honourable Professor Katjavivi, other Reports and Papers?

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**TABLING OF CODE OF CONDUCT REPORT
HON PROF KATJAVIVI**

**TABLING: CODE OF CONDUCT
AND DECLARATION DOCUMENT**

HON PROF KATJAVIVI: Honourable Speaker, Honourable Members, I would like to table the Code of Conduct and Declaration Form for us as representatives of our people to declare our assets as required from us in terms of the Laws emanating from this august House.

Following the workshop in this Chamber, the Secretary and his staff incorporated the changes requested by us during that workshop and also made some cosmetic changes not altering what we agreed upon. The Committee of Privileges also met and perused the document and made some changes that were needed. I am standing in front of you today, to inform you of the changes made during that meeting and then finally seek your approval for the adoption of this important document.

Honourable Speaker, Honourable Members, the definition of Presiding Member was added to conform to the Standing Rules and Orders. The definition of Child was changed to bring it in line with the new Laws. The definition of Registrar was added, Clause 4.1 was changed to read and I quote - *“A Member is responsible for preventing situations of conflict of interest and must arrange his/her private affairs so as to prevent such conflicts.”*

Clause 6.17 was changed and the following words added and I quote - *“Or any other Law orders him/her to do so.”*

Clause 7.4 (c) was changed to read and I quote - *“A Member may be found guilty of a breach only if it has been proven on a balance of probabilities that the Member has contravened this Code.”*

On Page 18 under 5.3 the words - *“Occupying the position”* were deleted as it was repetitive.

On Page 23 under (c) the words and I quote - *“In community of property”* were added.

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HON KAZENAMBO**

In the confidential part of the Registrar – “*all declarations must mean for the Member only,*” was deleted as this part now applies to the immediate family only. In the confidential part of the Registrar only it is also important that the residential property’s exact location is disclosed and the oath at the end was also corrected as it should read.

Honourable Speaker, Honourable Members, I Move that the Code of Conduct and Declaration of Interest of Members of Parliament be adopted, the form to be completed and submitted on or before the 30th of November 2014. I so Move, Honourable Speaker.

HON SPEAKER: Honourable Member, table the Report. We are not considering adoption now do we? I am asking you, am I not calling for adoption now?

SECRETARY: Yes.

HON SPEAKER: As it is not a new Report, we have gone through it before, unless it is on this very issue. Honourable Kazenambo, the Floor is yours.

HON KAZENAMBO: Thank you, Comrade Speaker. I am standing up to seek clarity on the same understanding like you were questioning.

I know that this document was here and we debated it, but I am seeing the current one for the first time. I am now seeking clarity; is it adoption after it has been discussed at other levels or is it adoption now at this presentation? If it is now, I have got a serious problem with it because

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RT HON DR GEINGOB / HON DR GURIRAB**

this issue of declaration of interest, as we have raised it, was of concern and to adopt it right away without having perused this document and debated it at various platforms, I have got serious problems with that, unless if it is clarified. I will not go along with that and I find it that it is un-procedural even in terms of the procedures of this House. Thank you.

HON SPEAKER: Thank you. Yes, that is a question, Chief Whip. Right Honourable Prime Minister.

RT HON PRIME MINISTER: Thank you, Comrade Speaker. My comment or query is that there was a newspaper article condemning all of us for having failed to file our assets. I was wondering or I thought we could have been protected because we are still discussing this document and we are supposed to declare after that because there was a conclusion in the past for it looked like we were just refusing to declare, which is not the case. To me I could just submit what I am declaring to the President, it is very easy but it gave the impression that we are refusing to declare, apparently. It could have been helpful to say the document is being revised it is being discussed and so on.

Coming to the issue of 50/50 in our Party; this equality question applies everywhere else too. When you are married out of community of property, how do you account for your partner's assets because it says for immediate family? Supposing you are married out of community of property, you do not know anything about what your spouse has. How is it going to be interpreted.

HON SPEAKER: Right Honourable Prime Minister, as you may recall, that takes us back to the Foundation of the Republic, I had the same position then and I still have it now, but some Comrades present then felt it was precisely to smoke out who are hiding their wealth in the name of

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their spouses. It is because of that misguided idea that we were compelled to do what we have agreed now to do. That was not the case. In any case, as the Right Honourable Prime Minister said, I have got nothing to do with what my wife has. It is her property maybe she has negotiated it, so as long as it is legal and documents can be produced to confirm that this is a private business, all documents adduced and it has nothing to do with me as the husband. That was the same thing I had then and I continue to have it in any case. I think this matter should have been sorted out before we came back. Chief Whip.

HON PROF KATJAVIVI: Yes, Honourable Speaker, thank you very much. I take on board the comment by the Right Honourable Prime Minister. He is absolutely right when he says there were misleading reports about Members not wanting to declare their interests, etcetera. That was not the case, absolutely. This form existed. It was approved by this House but it needed to be revised and that exercise was carried out. It was done and then we subjected the revised form to a workshop in this House. We went through it page by page and the issue that the Right Honourable Prime Minister referred to, about people who are married out of community of property; that aspect was actually addressed and taken into account.

The revised form that we have now is supposed to have taken into account all the observations and comments made by the Honourable Members in this House. However, if you are going to say let us take time, allow a bit of time for those who were not part of that workshop, to have the opportunity or revisiting the document, there will be no objection to that. The idea is that we want to do a good job and to have a document which we can all be proud of at the end of the day, so I have no objection to delay for a couple of days to allow further revision by Members who would like to do so. I rest my case.

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HON KAPIA**

HON SPEAKER: Thank you. Honourable Kapia.

HON MINISTER OF HOME AFFAIRS AND IMMIGRATION: I am rising here?

HON SPEAKER: Sorry, I will get to you, Honourable Minister.

HON KAPIA: Thank you very much, Honourable Speaker. I think the comment of the Chief Whip was my concern because when we had a workshop here the document was supposed to come back. (*Intervention*)

HON SPEAKER: Well, that has been clarified.

HON KAPIA: Not in the Chamber like now.

HON SPEAKER: That has been explained now.

HON KAPIA: Yes, so that we can debate it again before we debate it in the open. We have to discuss this document, it is our document and after that we can bring it to the House for Debate like we are doing now.

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HON IIVULA-ITHANA / HON KAZENAMBO**

HON SPEAKER: It is clarified, it has been clarified. Minister of Home Affairs and Immigration.

HON MINISTER OF HOME AFFAIRS AND IMMIGRATION:

Thank you, Comrade Speaker. I thought the intervention of the Chief Whip had given me some comfort that the document will be discussed before it is adopted. I am one of those who did not get the opportunity to attend the workshop and I had wanted to get such an opportunity because I have serious questions as to the exercise we undertaking. Some of us go to the extent of being truthful not realising that we are making ourselves the punching bag of the media. Every now and then when something is written about Members of Parliament and this document, you will see reference being made of who has declared what. Is that really the purpose? And if it is the purpose then some of us are going to have problems in terms of to this document, if it is going to be used the way it has been used in the past. If we are going to talk about it, I will be very comfortable but if it is a matter of adopting it now, I will have serious problems. Thank you.

HON SPEAKER: Thank you. Honourable Kazenambo.

HON KAZENAMBO: Thank you, Comrade Speaker. In light of the clarity by the Chief Whip, I Move that the Debate on this document take place next week Tuesday, unless there is anyone who will differ. (*Interjections*) Hard luck for me because I will not be here tomorrow so someone else must Move it. Hard luck for me, I will not be here tomorrow so I cannot Move it.

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**NOTICE OF MOTIONS
HON DR AMWEELO**

HON SPEAKER: Thank you. Sometimes I mix up my own dreams with things that happen in reality, but the sense I got was that we are not sitting beyond tomorrow at the latest. If we got information that somebody is going to die if we go beyond Thursday, then we may need to save that one life. It was my understanding that we are about to wrap up this Session. For now, until the next announcement, further consideration of this document is deferred. Agreed?

Notice of Questions? Notice of Motions? Honourable Dr Amweelo.

LEAVE OF ABSENCE

HON DR AMWEELO: Thank you very much, Comrade Speaker. I Move without Notice that Leave of Absence, due to Official Business, be granted to the Honourable Minister of Finance until 15 October 2014. I so Move, Honourable Speaker. (*Interjections*) or until tomorrow.

HON SPEAKER: Honourable Member, please table the Motion. Until tomorrow or whichever comes first?

ANNOUNCEMENT

HON SPEAKER: Honourable Members, I should have announced at the beginning that you are all kindly invited to be briefed on your pension benefits by the GIPF personnel today after the end of the Business

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scheduled for today – that is after we adjourn. After we finish the Business scheduled for today, we stay put and this experts will come and brief us on our benefits..

With that said, we ask the Secretary to read the First Order.

**RESUMPTION OF DEBATE ON SECOND READING -
CHILD CARE AND PROTECTION BILL [B.8 – 2014]**

SECRETARY: Resumption of Debate on Second Reading Child Care and Protection Bill [B.8 – 2014].

HON SPEAKER: When this Debate was adjourned on Wednesday, the 1st of October 2014, the question before the Assembly was a Motion by the Honourable Minister of Gender, Equality and Child Welfare that the Bill be read a Second Time. Honourable Shixwameni adjourned the Debate. You have the Floor, Honourable Member.

HON SHIXWAMENI: Thank you, Honourable Speaker. I think a lot was said last week about the *Child Care and Protection Bill*. I would like to add a footnote to what was said here. However, before that, I would want to make it clear that the Bill is technically straightforward and congratulate those ones who crafted it for the years that they have taken to bring it to this Chamber. We say that the children (*intervention*)

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HON SPEAKER: I missed the joke. Can we pay attention to Honourable Shixwameni and allow him to say what he wants to say.

HON SHIXWAMENI: That children are our country's longest investment, they are indeed like an Insurance Policy for this country, so it is good that we take care of them all of us. It is good that Government supports and that the State also takes responsibility to ensure that our children get the best that they can get in this country. That is very much important for us. However, also good, is the acknowledgement that the family as the centre must play around the upbringing of children, because that is at the core of the values of the traditions and other things as children grow up. They grow up well if they come from good families and they grow up bad sometimes if they come from bad families. The early upbringing is of very great importance. I see in the African Convention on the Charter of the Children that it is provided for free primary education and made possible that secondary education also becomes accessible plus the university and college are also mentioned there.

It is very important that the State assumes the responsibility for State schools to educate our children and educate them properly, but without the family being left behind; that the care is only given to the Government and the State. Also of importance is to encourage our children to learn more because this laziness that is sometimes coming up with children emphasising their Rights but not that they have a responsibility towards this country to ensure that we are a better Namibia.

The other issue that I wanted to talk about is the Children's Grant. Honourable Minister, I really congratulate you for coming up with this thick piece of legislation, there is a lot that needs to be done. Amongst that is the Vulnerable Children and Orphans Grants; we really need to relook at that. I know that there are many other children that are vulnerable, but N\$250,00 in the Namibia of today is really peanuts. We need to look at it, review it and see whether it cannot be increased. I will

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not mention an amount here, but we really need to relook and revisit the Children's Grant.

The other one is the domestication that has come through this Law because it is the first Law which I am seeing here coming to this Chamber, which makes provision for the automatic domestication of International Instruments that is Protocol and Convention and I would like to urge other Ministries to follow suit that when we sign Protocols, when we sign international agreements, we need to bring them to this Chamber so that we make them an integral part of our legal system.

My last comment is on Social Workers. We have a serious problem with Social Workers in this country. We went around the country, most of them, I think 80% of them currently come from either Zambia or Zimbabwe. Social Workers are critical to the implementation of this Bill, so we will have to make sure that we train *en masse* because it is actually a very heavy obligation that we are putting on the State. We will have to see how we can implement the structures that have been created through this Bill. It is very important that we train more Social Workers, so that they are able to implement this Bill.

The last element is social work and language. You know you need to get a person to talk to a person in his or her language, the language that they best understand. But now if you are counselling and advising a person and you are advising him/her in a language that that person does not understand, it does not help. Therefore, we must find a way to ensure that Social Workers are conversant and fluent in the local languages where they working. I think those are the most important things that I wanted to say, otherwise I fully support the Bill. Thank you.

HON SPEAKER: Thank you. Minister of Foreign Affairs.

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HON NANDI-NDAITWAH**

HON MINISTER OF FOREIGN AFFAIRS: Thank you, Honourable Speaker. I would also like to thank the Honourable Minister for bringing this *Child Care and Protection Bill* to this House. I think if we can follow the history of making Law in our country, this is the longest drafted Bill and one understands why. It is because it is touching on the nerve of any society, since we are talking about the children. Looking at the Bill, I must say that it is very comprehensive and hopefully it has really addressed all the issues.

Of particular interest for me now is the issue required for *Inter-Country Adoption* because this has been a very critical issue particularly that we have seen at times children from developing countries being taken to developed countries as in the pretext of being adopted, but in the process they also end up not getting the care which they are supposed to get.

I think the procedures put here will help the situation, more particularly now we are saying, if it happens that the parents who are adopting the child on the other side are no longer in the position to give the child the care then the child can be returned. This is one of the elements that the community really needs to be made aware of so that it can be made use of because people might just end saying our Law allows inter-country adoption but the children are out there suffering while you say you are protecting them. The only trick is that one does not know whether the inter-country also has an open adoption as well as a closed adoption. One has to understand what would happen if it also has a closed adoption when the child is facing such a situation. Otherwise, I think the way the procedures are put here, they will be able to help in the protection of the child. I thank you, Comrade Speaker.

HON SPEAKER: Thank you. Any further discussions? If not, then I give the Floor to the Honourable Minister to reply.

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HON NGHIDINWA**

HON MINISTER OF GENDER EQUALITY AND CHILD

WELFARE: Thank you very much, Honourable Speaker. Honourable Members, I rise to respond, but first to thank the Honourable Members who contributed to this very important Bill. Thank you, *Honourable Netumbo Nandi-Ndaitwah* for your support. The closed and open adoption is already in my response and I will clarify that. I note the praise for the fact that the Bill couples Children’s Rights with their responsibilities. All rights must match with responsibilities and we hope that this message will go out clearly.

I will now respond to the suggestions, questions and concerns that have been raised and will address them in the order they are appear in the Bill.

- 1) Many Honourable Members have expressed concern about a possible conflict between the Bill and the Namibian Constitution on the definition of a child. I, therefore, assure you that there is no problem here.

The Constitution does not provide any general definition of a child. Article 15 on Children’s Rights contains five Sub-articles which give different kinds of protection to children including:

- protection from work in a factory or mine under the age of 14;
- protection from other harmful forms of work under the age of 16;
- protection from preventative detention under the age of 16; and
- protection from forced labour until the age of majority.

Sub-article 2 on *Economic Exploitation* says - “*For the purpose of this Sub-article, children shall be persons under the age of 16,*” and that is the definition which we want to stick to. Other Provisions on the Constitution mention different ages for the other purposes of this Sub-article:

- age 16 for compulsory education;
- age 18 voting; and
- age 21 running for office.

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We, therefore, do agree with the definitions of our Constitution.

Age of Majority: I can also mention here that we have confirmed that the Law which will be repealed on the age of majority is the *Age of Majority Act, 1972* (Act 57 of 1972). I was asked to explain Clause 10(2) of the Bill. This is a Transitional Provision of the age of majority for people who are 19 or 20 when the Bill comes into force. They were not major under the old Law, and they cannot attain the age of 18 under the new Law. This Provision makes it clear that they become majors as of the date the Section of the age of majority comes into force. Otherwise they might technically be left in limbo.

- 2) *Honourable Kazenambo* has enquired about the definition of *family member* in Section 1. The concerns he has cited are, with respect, misplaced. The definition of *family member* is relevant in respect of who must be notified of a court proceeding about a child and offered a chance to give input. This includes any person with whom the child has developed *a significant relationship which resembles a family relationship* and is designed to cover person who may have acted like a parent to the child without being blood relations - such as the step parents, or a family friend who the child has lived with before for years.
- 3) There was a proposal in respect of Clause 6 on the Child's Rights to the basic condition of living that would include the Child's Right to *exposure and to positive cultural values*. We appreciate this suggestion, but we believe that this is already sufficiently covered by the parents' duty to educate the child. Education here does not just include formal education which is covered by other Laws like the *Education Act*, but the duty of the parent to teach and to discipline the child about what is right and wrongs - *to guide and direct* the child as it says in Clause 7.
- 4) There were a number of suggestions pertaining to the composition of the National Advisory Council in Clause 14. We appreciate the

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suggestions on the composition of this Council. Before addressing these suggestions, let me note that Clause 18 of the Bill provides for Committees of the Council which can include both members and non-members - so there is a channel for involving representatives of groups and Ministries not represented on the Council specific purposes. We believe that this will be the best route for involving the Ministry of Foreign Affairs and the Ministry of Information Communication and Technology when necessary.

However, we would like to incorporate the suggestions to add the Executive Chairperson of the National Youth Council and the Chairperson of the National Disability Council to represent the interests of children with disabilities. This will give the National Advisory Council 15 Members instead of 13, which is still manageable - and will retain a quorum of 8 members.

On Gender and Equality, because all but three of the 15 members of the Board will be members by virtue of the office, we cannot legislate for gender balance - but we believe that the increasing representation of women in positions of leadership will take care of that issue. Furthermore, when it comes to children issues, it is particularly important to ensure that *men* are also involved and that children issues are not only seen as preserved for women.

HON MEMBER: Which ones?

HON MINISTER OF GENDER EQUALITY AND CHILD WELFARE: Let me also note that, despite the busy schedules of Permanent Secretaries, we are convinced that these are the officials who should be Council members on behalf of the various Ministries involved.

We need high-level decision makers in order to make the coordination

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effective. We have learnt this lesson from other Inter-Ministerial Committees which have been convened by our Line Ministry.

The Provision on disqualification from membership by reason of serious crimes committed inside or outside Namibia is not unusual. For example, there are similar Provisions in the *Communication Act, 2009* (Act 8 of 2009) for the membership of the Board of CRAN, and in the *Veterans Act, 2008* (Act 2 of 2008) in respect of membership of the Veterans Board. We are convinced that this disqualification is not problematic.

Political representatives at national, regional and local levels are disqualified from being amongst the three Members of the Council who are not *ex officio* because we do not want to politicise children issues. The issues covered by this Bill should be the concern of all Political Parties across Party lines.

- 5) Several points were raised in connection with the **Children Advocate** covered by Clause 25. Firstly, *Honourable Nujoma* noted that one will not be enough. This is quite true. However, the idea is that Children Advocate will have a staff of investigators and other officials to assist him/her in the same way as the Ombudsman. The Children's Advocate is simply the head official in this structure which can be as large as Parliamentary allocation of funds for this purpose will allow. This would be the official to ensure that there was investigation of cases like the one cited in Parliament where a child has allegedly been languishing in hospital for many years, by Honourable Maamberua, if it is true, or any other situation where it was alleged that a child was not treated properly by Government official or by private individuals or bodies.
- 6) On the question raised by *Honourable Professor Katjavivi* let me explain that **Children's Commissioners** -known as Commissioners of Child Welfare under the current Law are first and foremost Presiding Officers. In most Regions, where the volume of children's cases does not warrant a separate Children's Court, Children Commissioners are Magistrate wearing a different hat. Therefore, these Commissioners

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are not in a position to do outreach and advocacy. This will rather be the role of the Children's Advocate and his/her staff - which will hopefully include regional representatives.

- 7) **Children's Fund** – let me assure you that it will not entail a Parastatal with a CEO or a staff or an office building. It is a mechanism designed to increase options for the funding of initiatives for children administered by the Permanent Secretary of Gender Equality and Child Welfare. Some of these funds will come from our Donors and other Agencies.
- 8) Many of my Colleagues in the House have pointed to the need for more Social Workers to ensure effective implementation of this Bill, including *Honourable Shixwameni*. I could not agree with you more, and the useful suggestions in this regard have been noted. We also agree that Namibia would benefit from the services of more Clinical Psychologists in connection with social problems which affect our children and families. I believe we also need Social Workers and Psychologists even at workplaces because we have also burdens and problems and need counselling in that regard.
- 9) The issue of mediation was raised. It was quite correctly noted that family issues should be resolved in a non confrontational manner where possible. The Ministry of Gender Equality and Child Welfare is in agreement, and mediation is already provided for in the Bill in Section 44 on Lay Forums, which can include mediation, family meetings or discussions with Traditional Authorities.
- 10) *Honourable Kavetuna* has expressed concern about places where children are cared for in unsuitable circumstances. The Provisions in Chapter 5 of the Bill, Clauses 64 to 91 on **Residential Children Care Facilities** - places of care and shelters are aimed at exactly these problem. Facilities for children must be registered and there are Provisions for regular inspection. An unregistered facility can be given a reasonable time to raise its standards and apply for registration

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or else it can be ordered to close down because of the welfare of the children.

- 11) On the question of disputed paternity, this is covered in Chapter 6 Part 2. If either parent refuses to give samples from themselves or the child under Clause 95, the Court is entitled to assume that this parent is trying to hide the truth. Prenatal paternity tests are possible, but this requires sample of fluid from the womb or tissue from the placenta. These procedures carry a small risk of causing a miscarriage and so are not normally done. I am now talking from my point of view as a nurse by profession. If other prenatal testing procedures are developed, prenatal testing could become a more viable option in future but for the moment we would suggest that the parent do the paternity test after the child's birth and make adjustments in respect of what has transpired before the birth is necessary keeping in mind the fact that the child's best interests are paramount.

On this topic, a concern was also expressed about fraud in DNA test for proof of parentage. If necessary, we can add additional safeguards for testing later on in the Regulations. I am also aware that the Ministry of Home Affairs and Immigration is contemplating some safeguards in the forthcoming legislation on the registration of births, which can be applied where a DNA test is required to settle whose name should be on the child's birth certificate, so we will liaise on this issue with the Ministry of Home Affairs and Immigration. Another concern, was what happens if parents refuse to submit to the DNA test? This situation is already covered in Section 95(1), which states that - where a person refuses to submit themselves or the child to a DNA test, the Court is entitled to assume that these refusal is aimed at concealing the truth and will be fined according. The Provision in Section 95(2) in terms of which the High Court can order that the child be tested, is consistent with that Court's position as the upper guardians of all children and will hopefully be rarely needed since a High Court proceeding is out of the reach of most Namibians. In fact, the High Court already has the power to order a child or a possible parent to be tested. According to a recent Judgment of the Supreme

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Court of Appeal in South Africa – Y D (NOW M) v LB (465/09) ZASCA 106 SA338 which held that - *the rights to privacy and bodily integrity may be infringed (by procedure ordered by a Court in the exercise of its inherent jurisdiction), for this purpose - if it is in the best interests of a child to do so.* In line with this Judgment, we are proposing an Amendment to Section 95 to make this judicial power clear.

- 12) **Honourable Simaata** wanted to know about the application of the Provision in Clause 113 for appointment of a guardian when the child's parents have died. The Honourable Member can be rest assured that this Clause applies to all children in such circumstances regardless of whether or not their parents were ever married.
- 13) **Honourable Ekandjo** has asked if street children are covered by the Bill. Indeed, Honourable Member, they are. Clause 131 on children in need of protection services, covers children who live or work on the streets or beg for a living. Normally, we are working together with the Ministry of Safety and Security and other stakeholders who refer cases to us and we deal with the children and their families. Another issue raised in connection with Clause 131 was the question of whether children who engage in *abnormal behaviour* are covered such as a child who might be a society risk. This is taken care of already because the Provision covers any child who is engaged in a behaviour that is harmful or is likely to be harmful to the child or any other person.
- 14) Several Honourable Colleagues raised concern about the Provision which allows children to self-report abuse or neglect in Clause 133. I understand the fears which have been raised but we must remember that child abuse does occur within the family where it can be hidden from outsiders. It is important to allow children to speak for themselves. I am confident that the Police and Social Workers will be able to reject trivial matters which might be raised in the same way as they already ignore frivolous complaints from adults. They are

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professionals who can tell the wheat from the chaff. But we want to make sure that a child who is really suffering can get help, so we need to leave the possibility of self-reporting intact.

15) Honourable Simaata again, asked about children who rather than being abandoned, decide that they do not want to live at home any more. This kind of situation is covered by several of the categories of *Children in Need of Protective Services* under Clause 131; children who have *insufficient care of support*; children who are *engaged in behaviour that is harmful or is likely to be harmful to the child or any other person and the parent, guardian or the person who is in the care of the child is unable or unwilling to control that behaviour*; children who are *living on the street*. There is a Provision for intervention by Social Workers and the Courts in such situations as well as alternative care if it is necessary.

16) **Honourable T Mushelenga** has raised a number of questions about adoption which I will clarify. She expressed concern that the Provision in Clause 170 which allows domestic adoption by the spouses to marriage jointly might allow adoption by same sex couples. This concern, Honourable Member, is misplaced I believe. Under Namibian Law, a marriage can be concluded only between two people of opposite sexes. So this fear is groundless. Furthermore, if a single person adopts, only that individual acquires parental rights - and no adoption will be allowed unless it is in the best interests of the child, after a Social Worker assessment. Adoption by married couples jointly and by unmarried persons individually is possible under the current Law and has not created problems in practice.

Honourable Mushelenga was also concerned about the requirements in Section 171(4) that prospective adopting parents must state in writing their citizenship and residency status. This information is necessary to know when the Hague Convention applies, because adoptions by anyone who is a habitual resident of Namibia are domestic adoptions. This information is also necessary to allow us to ensure that every

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adoptable Namibian child is adopted by Namibian parents where possible so that we turn to inter-country adoption only as a last resort.

A further query from Honourable Mushelenga concerns the word *prescribed* which is used in Section 172 and many other Provisions of this Act and many other Laws. This simply means that the rules in question will be set in Regulations instead of in the Act itself. She also had a question about the effect of adoption on the child's birth certificate. This is standard practice for the names of adoptive parents to replace the names of the biological parents on the child's birth certificate. Adoptive parents becomes the parents of the adopted child in every way. The Ministry of Home Affairs and Immigration retains a record of the previous birth certificate in the registry in case of fraud or some other problems, but this information is closed to the public.

In connection with Section 184, Honourable Mushelenga also expressed concern about birth parents not being able to find out the identity of the adopting parents without the adoptive parents' concern. Let me explain it again that there are in practise two kinds of adoptions: *open adoptions* where the identities of all the parties are known to each other and *closed adoption* where the birth parents and the adoptive parents do not know each other as it was mentioned by Honourable Netumbo Nandi-Ndaitwah. This is a matter of choice but in all cases the new Law will allow adopted children to access information about their birth parent when they become adults.

- 17) *Honourable Ilonga* raised some concerns about inter-country adoption under the Hague Convention. First, let me explain that inter-country adoptions of Namibian children are likely to be very rare. However, there are some cases where this may be the best option - particularly where a child is older or has health problems, for example, which makes it less likely that this child will be adopted inside Namibia. It must also be remembered that this might work in the other directions - a childless Namibian couple might want to adopt a child from another country if there are no Namibian children available.

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The Hague Convention does not require that we make arrangements with every country in the world for inter-country adoption. We will choose only three or four countries to work with where we have confidence that the screening and the monitoring procedures are up to our standards, and where the rules on adoption are similar to ours. A signatory to the Hague Convention is not obliged to engage in any inter-country adoption arrangements where these are not considered to be in the best interests of the child -and in terms of Article 24 of the Convention, Namibia can refuse to recognise adoptions which are contrary to our public policy, taking into account the best interests of the child. Therefore, Namibia would not be forced by signing the Hague Convention to allow joint adoption by same-sex couples.

18) Honourable Iilonga also raised some concerns about *assistance to victims of child trafficking*. Clause 213 must be read together with Clause 216. Where a child from another country has been trafficked into Namibia, we will assist that child but the child will be returned to his or her country of origin only if we are satisfied that this will be in the best interests of the child and that the child will be safe. It is true that we cannot control what happens outside our borders, but we can make every effort not to place a child in any situation which will be dangerous or harmful for that child - and where a child has been moved across borders, we will cooperate with the Government officials and Social Workers in the other country involved to ensure the child's wellbeing.

19) **On Child Trafficking:** There was a suggestion that Namibia might consider imposing a requirement like that in South Africa where a parent travelling with a minor child must produce a full birth certificate and a written affirmation from the other parent. On the other hand, there was a countervailing concern that this might be too burdensome. We will watch South Africa's experience with this new measure and decided at a later point if this is something which we might want to introduce via Regulations.

20) There was a question about child-headed households under Clause

225. It is correct that this Provision applies only to households headed by children under the age of 18. If the head of the household is already a major, then there is no need for special treatment because a major is competent to make adult decisions without any special legal Provisions.

- 21) Referring to Clause 226 on **Harmful, Social, Cultural or Religious Practices**, the wording here is broad enough to cover a wide range of problematic behaviour. However, when it comes to possible restrictions on Televisions programming which is unsuitable for children, this would be better addressed under the *Communications Act, 2009* (Act 8 of 2009), if it needs any Amendments.
- 22) There was also a question about a **Provision for leaving babies in safe places under Clause 227**, which is designed to help prevent baby dumping. It is true that there was a legal recourse in cases of rape, and procedures for getting maintenance from fathers. But it is also true that some women, for various reasons, do not feel able to use these Laws. They may feel shame or face family pressure, they may be trying to hide their pregnancies or they may not be thinking clearly because of postpartum depression, which always happens with hundreds of thousands women giving birth. We believe that providing safe places to leave babies without fear of prosecution for abandonment could help prevent people from leaving those babies in the field to die.
- 23) There was a **concern that the best guards against exploitative child labour might prevent children from doing reasonable household chores**. This is not a worry. This has been kept in mind when drafting Section 234 - and in fact it is well established internationally that *child labour* is different from *child work*. Child work refers to the positive participation of children in an economic activity, which is not detrimental to their health or their mental and physical development. Section 234 prohibits child labour, not child work. What we are talking and what we want for our children is the child work. Thank you very much.

24) On the concerns about **abuse of Grants**, misuse a State Grant for the benefit of the child is a criminal offence under Clause 249(2). If it alleged that a Grant is being abused, the Permanent Secretary can order an investigation. And a person who is convicted of abusing Grant money can even be ordered under Clause 250 to refund the Grant amounts which were abuse to the State.

25) Some questions were raised about the **Amendments to the *Liquor Act, 1998 (Act 6 of 1998) by Section 257***. On the proposed Section 56(6), the question was, why penalise the server of the alcohol rather than the drunken parent? The answer is that there is a difficulty in holding someone liable when they are too intoxicated to be responsible for their actions. This approach is also in line with a general idea that children safety is the responsibility of the community and not just the parents.

On the proposed Section 56(10) the question was, why not make the rules on alcohol applicable to children under 18 as well as to older children who are still in school? This is a laudable idea, but it would just not be enforceable. It is easy for the Police to ask a person to produce an ID showing their age, but what kind of proof could an 18 year old or 19 year old offer to show that they were no longer in school? There is a problem there.

Another question was whether it is illegal for a person over 18 to consume alcohol in public. Section 57 of the *Liquor Act* states simply that - *no person shall consume liquor in a public place*. This is a criminal offence under Section 71, but there is no Provision for confiscation of alcohol as proposed for under 18s in 56(11). It is appropriate to have a stronger Provision for children, in order to protect their wellbeing. Therefore, there is no need for this to be included in the *Child Care and Protection Act*.

Another question was how to enforce the rule that liquor licence holders must require IDs when alcohol is sold. In other countries it is routinely done by Police Officers who visit the premises which sell

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Alcohol, often under cover. A liquor licence holder who does not comply with the Law could lose his/her licence, which would be felt in the pocket. So there should be incentives for all licence holders to comply with the Law.

- 26) Concern was expressed about **parents who give their children names with bad connotations** by *Honourable Peya Mushelenga*. I am reliably informed that this problem will be addressed in the new legislation on birth registration forthcoming from the Ministry of Home Affairs and Immigration.
- 27) Honourable Speaker, Honourable Members, the issue of **compulsory primary education** was raised. That is already addressed in Section 53 of the *Education Act, 2001* (Act 16 of 2001) and need not be repeated in this Law.
- 28) **Child Molestation**, whereby religious leaders or anyone else, is already adequately covered by the existing Laws on rape and other sexual offences.
- 29) In general, we agree with the points made by the several Parliamentarians about **strengthening the family and family values**. The whole thrust of the Bill is that removal of a child from the family and placement in alternative care should be a last resort. This is why we have a Chapter on Prevention and Early Intervention - issues which are completely absent from the current Law. There is also provision for leaving a child in the family setting under Social Worker supervision or on the condition that family members get help for problems such as alcohol abuse. But we must not close our eyes to the fact that child abuse does occur behind some family doors, so the mechanisms for removing children if necessary to keep them safe must be there.

In conclusion, I would like to make two final points. One concerns **implementation**. Effective implementation of such a comprehensive Bill will be a challenge. However, this Bill is not coming in isolation, but it is

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replacing the *Children Act*, 1960 (Act 33 of 1960) which already contains many similar procedures - we are simply improving what already exists in made cases. I note that we have already discussed implementation plans and personnel needs with the Ministries of Justice, Education and Finance and other partners at technical level. I hope that we can rely on the support of all the Members of this august House to help us make the Law a success.

I would finally like to reiterate how **many people will be affected by this Bill**. According to the 2011 Census, there are 956,634 under the age of 18 in Namibia, which I believe it might increase to 1,000,000 by 2015. This Law should make these lives of those children better and safer. I thank all Honourable Members for your support.

HON SPEAKER: I thank the Minister for the reply. I now put the question that the Bill be read a Second Time. Any objections? Agreed to. The Secretary will read the Bill a Second Time.

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SECRETARY: *Child Care And Protection Bill [B.8 – 2014].*

HON SPEAKER: The Secretary will read the Second Order.

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

HON DR AMWEELO: Yes, *d'accord*, I so Move Honourable Speaker.

HON SPEAKER: Any objection? None and you have the Floor Honourable Amweelo.

HON DR AMWEELO: Thank you very much, Honourable Speaker. Honourable Members, allow me to motivate the report on the 130th IPU Assembly and Related Meetings that took place from 17 to 20 March 2014 in Geneva. The General Debate focused on the theme "*The IPU at 125: Renewing our commitment to peace and democracy.*"

At this IPU Assembly, we witnessed the farewell of a tested international civil servant and cadre, in the person of Mr. Anders Johnson, Secretary General of the IPU, who has served the IPU for many years with professionalism, dedication, loyalty, efficiency and effectiveness. We have elected a long-serving IPU senior staff and equally dedicated person in the name of Mr. Martin Chungong from our own continent, as the new Secretary General of the IPU.

The IPU's Standing Committee on Peace and International Security discussed the item "*Towards a nuclear-weapon-free world: The contribution of Parliaments*". It is normal practice of the IPU Namibia Group to consult with Line Ministries on the IPU agenda items prior to an IPU Assembly.

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Based on the input from our Line Ministries and our own research and information, the Namibian delegation informed the Standing Committee that our Constitution requires the country to promote cooperation, peace and security, and respect for international law and treaty obligations as part of its international relations policy.

The delegation also informed the Committee to note that Namibia is one of the largest producers of uranium worldwide, and supports its use for peaceful purposes only. It regularly submits reports to the *International Atomic Energy Agency (IAEA)* on exports of uranium oxide from its territory and did not support the use of that material for nuclear weapons.

The delegation also said that Namibia strongly oppose nuclear weapon testing and welcomed the establishment of a nuclear testing monitoring system in Namibia. The delegation concluded by encouraging national Parliaments to contribute to global efforts regarding non-proliferation and disarmament and to monitor national implementation of relevant agreements and treaties.

The Standing Committee adopted a resolution calling on Member Parliaments to commit to a series of actions to make the world nuclear weapons free. Noting the existence of at least 17,000 nuclear weapons, that constituted a serious of threats to international peace and security, IPU urged Parliaments to ensure those States that have not signed and ratified the Non-Proliferation Treaty (NPT), should do so without delay or conditions. It was also resolved that Parliaments and MPs also needed to work with their Governments to ensure full compliance with the NPT and all commitments made at the 2000 and 2010 NPT Review Conferences.

The resolution also highlighted the importance of securing the entry into force of the Comprehensive Nuclear Test Ban Treaty. It calls on States to refrain from conducting any nuclear weapon testing and recommended parliaments to urge governments to begin negotiations on a nuclear weapons convention.

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The IPU's Standing Committee on Sustainable Development, Finance and Trade discussed the agenda item "*Towards risk-resilient development: Taking into consideration demographic change and natural constraints*"

The Namibian delegation, said that environment management was both an enabler and a driver of economic growth. The Namibian Constitution specifically provided that the ecosystem, ecological processes and biodiversity of the country must be maintained and be used in a sustainable manner.

The delegation informed the Standing Committee that legislation had also been adopted which included provisions for the establishment of a disaster risk management institution and a number of interventions had already been undertaken, including the establishment of conservation areas and activities related to water resource management.

Our delegation informed the Committee that Namibia experienced annual disasters such as droughts, floods and wild fires, which threatened food security, caused substantial damage to infrastructure and disrupted the livelihoods of rural communities.

The delegation requested National Parliaments to ensure that adequate funding was allocated to relevant institutions to implement disaster risk management programmes.

Our delegation welcomed the draft resolution on Parliamentary Oversight; however, it was important to note that effective oversight required knowledge of the issues and Parliamentarians should therefore be empowered and capacitated to acquire relevant knowledge. The IPU and well-resourced Parliaments were requested to provide assistance to Parliaments with fewer resources to exercise effective and efficient Parliamentary Oversight.

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The final resolution expressed deep concern at the continued mounting impact of risks and disasters worldwide, which threaten people's lives and livelihoods, derail socio-economic development and damage the environment.

The resolution expressed the need to put in place stronger policies to mitigate their impact.

Noting that poorly planned and unmanaged urbanization, endemic poverty and weak governance were important drivers of risk, IPU called for all MPs to take immediate action to review existing legislation on reducing risk from disasters.

The IPU invited the United Nations to formalize the principle of reparations for victims of natural disasters and damage caused by States whose development strategies run counter to recommendations of the Rio Conference on Sustainable Development.

The resolution also urged governments to integrate population growth, family planning and demographic dynamics into policies on sustainable development. In addition, Governments and the United Nations should ensure that the post-2015 development agenda reinforces a post-2015 framework for disaster reduction that is also being worked upon.

The resolution also called on all Parliaments to drive the process for political ownership and will at the governmental level in order to achieve tangible results in sustainable development and to contain human-included environmental changes that contribute to occurrence or severity of natural disasters, especially as a result of climate change; in particular calls for the conclusion by 2015 of an ambitious global agreement that has legal force under the UN Framework Convention on Climate Change and is applicable to all the parties thereto.

The Parliament of Namibia and the Government of Namibia are encouraged to form part and execute the resolutions made on this

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phenomenon that affects our daily existence. The effects of Climate Change have a negative effect to our people and communities in all four corners of this country. We have felt it and we shall continue to feel it if the world do not stand together to fight pollution, which is the main cause of the destruction of the ozone layer.

Honourable Speaker, yetanother important international gathering will take place which is referred to as the 20th session of the Conference of the Parties to the United Nations Framework Convention on Climate Change (UNFCCC) and the 10th session of the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol, commonly known as COP20/CMP10. This activity and event will take place in Lima, Peru, from 1 to 12 December 2014.

The IPU and the Congress of the Republic of Peru, with the support of the geopolitical Group of Latin America and the Caribbean of the IPU (GRULAC), will organize a Parliamentary Meeting in conjunction with the Climate Change Conference in Lima. The Meeting will offer parliamentarians an opportunity to obtain first-hand information on the main issues and orientations of COP20/CMP10, interact with government negotiators directly involved in the UNFCCC decision-making process, gain better knowledge of the recommendations adopted by the IPU with regard to Parliamentary Action on Climate Change, and exchange views on parliamentary follow-up to the session in Lima.

The IPU recommends, whenever possible, that delegates to the Parliamentary Meeting travel to Lima as members of official national delegations to COP20/CMP10. Because of the importance of the phenomena to MPs as elected representatives, our Government is requested to include a parliamentary delegation to form part of the national delegation.

The IPU Standing Committee on Democracy and Human Rights met to discuss the *“The role of Parliaments in protecting the rights of*

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children, in particular unaccompanied migrant children, and in preventing their exploitation in situations of armed conflict”

As I have informed this august House before, we have consulted with the Line Ministry on this agenda item. The delegation informed the Committee that, despite provisions in International Humanitarian Law on the protection of Children’s Rights during conflicts, children continued to be affected by such situations and were the most vulnerable sector of society.

The situation of unaccompanied migrant children merited particular attention in all countries, even those that had not hosted such children, for example by ensuring that the provisions of the Convention on the Rights of the Child were fully implemented and by allocating sufficient resources to the empowerment of relevant stakeholders, such as law enforcement and immigration officers.

Our delegation informed the Committee that the Parliament of Namibia would soon consider the Child Care and Protection Bill, which would address issues such as inter-country adoption, child trafficking, child soldiers and forced marriage. As I motivate this report, we are just doing that – it is to consider the Child Care and Protection Bill. Issues of national and international importance are always relevant in one or the other way.

For Namibia, children are the future and it was the duty of parliamentarians to protect the rights of children, including unaccompanied children and children in situations of war and conflict. We commend our Honourable Speaker for masterminding the formation of the Children’s Parliament. The world and Parliaments around the world are very much aware of the noble initiative.

The resolution called for Parliaments, especially in countries experiencing armed conflict, to amend legislation to prevent and punish those who

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recruited children to become child soldiers. In the resolution which focused on the protection of children, particularly migrant children, during conflict, IPU urged parliaments to enact specific legislation to protect girls from human trafficking, sexual exploitation and gender-based violence.

Separated or unaccompanied children fleeing illegal recruitment by armed forces by crossing borders should be able to request asylum and not to be returned back home where their life would be at risk.

The IPU also urged Governments to consider minors recruited illegally into armed forces and who are accused of crimes under international law, be regarded as victims rather than perpetrators and be provided the necessary support.

The Emergency item focused on *“Helping to restore Peace and Security and consolidate democracy in the Central African Republic – The contribution of the IPU”*

Speakers who took the Floor voiced deep concern about the major humanitarian crisis in the Central African Republic and deplored the horrific violence being inflicted on civilians, in particular children, the elderly and women. That violence took the form of shameful and unacceptable ethnic and religious cleansing. The situation was desperate and risked spreading to neighbouring countries, or even the entire region.

Calling for the immediate cessation of the hostilities, the speakers deplored the fact that cruelty was supplanting humanity and emphasized the urgent need to ensure that all people had a place where they could live in peace.

They also deplored the fact that too few peacekeepers had been deployed too late to resolve the crisis and called for more peacekeeping troops to be committed to the military operation. The international troops on the ground had to remain neutral, however.

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The Standing Committee on United Nations Affairs was addressed by the Director-General of the United Nations Office at Geneva, Mr. Michael Møller, who welcomed the IPU's efforts to inject a Parliamentary dimension into the work of the United Nations at the national and international levels. He spoke of the need for Parliaments to play an integral role in defining and implementing the United Nations post-2015 development agenda; Parliamentary input would be the key to ensuring strong national ownership of the Sustainable Development Goals (SDGs).

Honourable Speaker, this in summary, entails the Report. Honourable Members of this august House is urged to support the Report. I understand and believe that this Report was already tabled here but I would just like to mention very important points on Page 18 of the Report. Number one, I want to remind you that at the next 131st IPU Assembly there will be an election of the new President of the IPU in October and the people are going the end of this week.

The other thing I wanted to mention here is that the IPU Group of Namibia recommended that the Parliament of Namibia discusses and supports the Report and inform the IPU on the bullets indicated there. I am not going to read them we are just going to make sure that we implement them.

HON SPEAKER: Honourable Iyambo.

HON MINISTER OF VETERANS AFFAIRS: Can I ask the Honourable Member a question? He is telling us of the coming programme of the IPU that there is even going to be an election for a new President. Now if that is a campaign who are the candidates? What is the use for informing us about this, unless you are saying the candidate is Mr

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or Ms *so* and the Namibian delegation must vote for him/her. What is the point?

HON SPEAKER: Good point.

HON DR AMWEELO: Thank you very much. It is a very good question, but I understand that since this is an International Parliamentary Union and Namibia is a Member, you must know about the programme - I think it is very important, just to know that. I think our Speaker will inform you about the candidate.

Comrade Speaker, I am done, I just wanted this Report to be discussed because it is very important. Those who have some questions can put some questions. Thank you very much.

HON SPEAKER: Thank you very much. Honourable Deputy Speaker.

HON DEPUTY SPEAKER: I support the Report of the IPU. I just want to ask a question for clarity. Honourable Dr Amweelo has stated that the Assembly will elect a President, I would like to know who the candidates are and what the Namibian delegation's position is there, so that we know. Some of us also belong to continental bodies and we can start campaigning. Thank you.

HON SPEAKER: Thank you. Comrade Tjihuiiko.

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HON TJIHUIKO / HON LUCKS**

HON TJIHUIKO: Thank you very much, Honourable Speaker. In fact I rise to support the Report and before I do that, Honourable Speaker, I wanted to find out something. Last week in one of the English newspapers, *Informanté*, there was a very interesting article that we have been waiting for and I am not sure whether the report can be confirmed.

Honourable Speaker, I became very interested because when we were discussing the declaration forms, there was quite some interests in some quarters to separate the assets of the spouse. Is there any information in that regard so that we can buy some suits? In the absence of any information I support the Report. (*Laughter*)

HON SPEAKER: I am at a loss, Honourable Tjihuiko. Honourable Dr Amweelo, may know the unspoken truth in the question put by Honourable Tjihuiko. Honourable Lucks.

HON LUCKS: Thank you, Honourable Speaker, I do not want to talk much about the Report other than supporting it. There is just one small piece of information that I would like to share with the House.

On Page 12, you can read it in your own time - about the *Forum of the Young Parliamentarians of the IPU*. This was a Forum that was established as a full statutory body of the IPU and I am proud to have been involved in that. This Forum will now, this year, during the upcoming IPU Meeting have its first ever Global Conference of Young Parliamentarians and I just wanted to inform the House that the Honourable Speaker has made it possible for two of our Members of the Children's Parliament to actually go to Geneva to attend this Conference and I would like to thank the Honourable Speaker for making this possible. It is a very good move to get our youth involved in politics to give the experience and exposure in international politics.

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HON UTONI

It is a really good platform to learn about politics and for two of our young future politicians of the Children's Parliament to be given this opportunity is really very commendable. Honourable Speaker, I would like to thank you for that. (*Applause*)

HON SPEAKER: Thank you. It is good for them. It is good for the future of our country. Honourable Utoni.

HON DEPUTY MINISTER OF SAFETY AND SECURITY: Yes, Comrade Speaker, I also want some clarification on some of the few issues here.

Mine is on Page 16. It is about the turnover of Parliamentarians at the elections. There is a paragraph here saying that the face of Parliamentarians was also changing with new people from outside the political class. People joining Parliaments now are actors and sport personalities. These are the people who are entering Parliament now. What I want to find out is; who are the political class in a given country? This is what I am trying to find out because I thought that if you talk of a political class you will think of a country that has an institution, a Party school, for example, that produces people that lead into politics but in countries like ours you hardly find institutions of that nature. That is the question.

If you move to Annexure B that is talking about (*intervention*)

HON MEMBER: What page?

HON DEPUTY MINISTER OF SAFETY AND SECURITY: This one

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is not clear, I think it is Page 1 of 4. Page 1 of 4 - Annexure B, which is talking about nuclear weapons. There is a paragraph that is talking about that, it says there is more than 17,000 nuclear weapons worldwide. It says 17,000 nuclear weapons worldwide but when you follow the media they are only talking about Iran and North Korea. However, here they are saying worldwide. Why do they not mention other countries, if there are other countries? Why are these countries not mentioned in this Report or else just specifically talk about Iran and North Korea instead of saying worldwide? This is what I wanted to find out. Thank you.

HON SPEAKER: Thank you. Minister of Foreign Affairs.

HON MINISTER OF FOREIGN AFFAIRS: Thank you, Comrade Speaker. I also congratulate Comrade Amweelo for presenting this Report. One can see it is very comprehensive on issues that Parliamentarians are asking to be done, and in the conclusion, the Namibian Parliament is submitting this for discussion and also to make a Report to the IPU on follow ups.

Looking into the body, particularly the Committee which is talking about the protection and the Rights of the child, specifically the Namibian contribution which is reflected on Page 6 to Page 7 - *The Namibian delegation has reported that we are in the process to present to our Parliament the Child Care and Protection Bill.* We have just handled this Bill and we are almost finalising it and one would have liked that when you are going to provide the progress report to the IPU as for actions that had been taken, that the issue of this Bill be highlighted.

Another issue is the one of women and children in conflict. I still want to draw our attention to the Security Council Resolution 1235, which is highlighting the important role women can play in conflict resolution and

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peace building. That also has to be highlighted, particularly by the Namibian Parliamentarians when we are telling such events because that is something that Namibia has brought into the international arena and it has now become one of the important Resolutions of the Security Council when it comes to Human Rights issues.

Finally, is the question of the elections. I would not necessarily ask whom we are supporting, but since there are elections, there must be candidates and it will be very helpful if we can know who those candidates are who are contesting for this position, unless if there is only one candidate. However, it will be very helpful because you might find that as you are interacting with other people, and knowing that you are a Parliamentarian, even though you are not in that group, they may start talking to you about such elections. It is very important for one to know who are the contesting individuals or contesting countries and then you will see how to handle the situation when you are faced with it. I thank you, Comrade Speaker.

HON SPEAKER: Thank you very much. Honourable Amweelo.

HON DR AMWEELO: I thank you very much, Comrade Speaker. I am looking for my document.

HON SPEAKER: All of them are there.

HON DR AMWEELO: Thank you very much. I was looking for my document where I jotted down all the answers. With regards to the candidate of the IPU President, I will make a copy of this one to all

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Members.

There are four candidates for the election of the President of the IPU:

- (i) Mr. Saber H. Chowdhury from Bangladesh
- (ii) Mr Bronwyn Bishop from Australia
- (iii) Mrs. Nurhayati Ali Assegaf (Indonesia); and
- (iv) Mr Abdulla Shahid Maldives.

Those are the candidates from four countries. I will make copies for everyone so that you know exactly who they are. Thank you very much.

HON SPEAKER: Could you I just add something to it?

HON DR AMWEELO: Yes.

HON SPEAKER: Just like at the UN, it is a regional thing.

HON DR AMWEELO: Yes, the other question but I do not think
(*intervention*)

HON SPEAKER: Hallo, I am trying to assist you (*laughter*) At this Regional Elections, I became President because it was Africa's turn and my Regional Colleagues and later Africa and other countries supported us. The current outgoing President is also from Africa but as our brothers

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mainly, but sisters also, I suppose, in the Arab world will do when it suits them but including those from North Africa - when it suits them, they are African, when it suits them then they are Arab group. So the current outgoing President is from Morocco as I was from Namibia. This is regional, it is called Asian and Pacific Regions' chance to, among those people, elect the next President. We can, therefore, look amongst those countries, which is one group, whom we want to support - I would personally support the first one but that is my choice. I happen to know him. He was here in April he is from Bangladesh. If our delegation can support him, I will be happy. Honourable Amweelo, back to you.

HON DR AMWEELO: Thank you very much. *Honourable Tjihuiko*, I do not know what you really want, but I have no comment on that. *Honourable Lucks*, thank you for the additional information. *Honourable Uutoni*, of course, some countries are not mentioned with regards to the 17,000 nuclear weapons, but according to the real information, there are 17,000 nuclear weapons worldwide although some other countries are not mentioned. That is the information. Unfortunately, I do not know where I jotted it down. *Honourable Netumbo Nandi-Ndaitwah*, I think your question together with that of *Honourable Kasingo* with regard to the candidates, has already been answered. The first one was just a comment. I would like to thank you.

HON SPEAKER: Any other question? Any other comment? Well, that does it for this sitting of the House.

We were reckoning and thinking that we will still be talking past 17:00, but as it stands now they are on their way but it will take a while for them to get here – the IPU people. Sorry GIPF people, not IPU but from what I see, the difference is the same – they all want money from the country.
Laughter

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**ADJOURNMENT
RT HON DR GEINGOB**

I would thus for now, so that we relax while waiting for the GIPF people, ask the Right Honourable Prime Minister to adjourn the House and give the best date and the best time, he knows how. (*laughter*)

RT HON PRIME MINISTER: Until next year?

HON SPEAKER: I do not know. Do we meet tomorrow?

RT HON PRIME MINISTER: There is no item here. Yes, I Move Comrade Speaker, that the House now adjourns until tomorrow, at 14:30 hours sharp. We go into Committee Stage, I beg to Move.

HON SPEAKER: The House stands adjourned until tomorrow. We will continue to wait for GIPF people who will be here soon. In the mean time as I will do, stretch your legs but it is for our own purpose so we would not want to miss the opportunity to listen to what they will tell us about what belongs to us.

HOUSE ADHJOURNS AT 16:35 UNTIL 2014.10.08 AT 14:30

**NATIONAL ASSEMBLY
ASSEMBLY CHAMBERS
WINDHOEK
08 OCTOBER 2014**

The Assembly met pursuant to the adjournment.

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

HON SPEAKER: We shall start the Business of the day. The Prayers and Affirmation having been done, I call for any Petitions? Reports of Standing or Select Committees. Honourable Deputy Speaker.

**TABLING: REPORT OF THE 3RD
ORDINARY SESSION OF THE AU ASSEMBLY**

HON DEPUTY SPEAKER: Thank You, Honourable Speaker for giving me the Floor. I have the honour to inform you that finally the revised PAN African Parliament Protocol has been adopted by the 23rd Ordinary Session of the African Union Assembly, which took place in Malabo, Equatorial Guinea on the 27th of June 2014. You will get the copy later.

However, allow me Honourable Speaker, Honourable Members, to share with you some of the major Provisions. For example, the revised PAP Protocol in terms of the membership, in the future, if it is ratified by the 28 Member States of the African Union ,the five Member countries will go outside, but the National Assembly of Parliament of each Member State will convert itself into an electoral college to elect those five Members of Parliament for the PAP. They will work as full-time Members at PAP, however, it is expected that the National Assembly will work out mechanisms of reporting back in terms of **Articles 4 and 5** - you will read for yourself.

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**TABLING OF REPORTS
HON PROF KASINGO**

Article 8 – Function: The PAP is being given the power to propose Model Law to be approved by the Summit.

Article 10 – Allowances: The Parliaments of Member States are also expected to fund these five people. For example, when they prepare the Budget, they should include the Budget of those five Members of Parliament. Those are some of the major Provisions for the way forward.

I humbly request all of us, whether you are Member of Parliament of the PAP or not, as long as you are a Parliamentarian of Africa, to assist and to ensure that this instrument is ratified. In terms of **Article 23**, to enable this instrument to be put in force, it should be ratified by a simple majority meaning half of the Member States plus one. Currently, the African Union consists of 54 Member States, 27 plus one is needed.

It is also unofficially proposed that Equatorial Guinea where this instrument was adapted, should be one of the leading countries to ratify it and South Africa where the Headquarters of PAP is, as well as Mauritania, which is currently the Chairperson of the AU. With these few remarks, I hope Namibia will maybe be the fourth because we have a Presidential candidate whom we said will be the President of this country and he was also a Member of the PAP. Hopefully, maybe he will also ensure that Namibia will ratify as soon as possible, (*interjection*) the current Right Honourable Prime Minister.

It is also proposed (*interjections*)

HON MEMBER: Are you campaigning now?

HON DEPUTY SPEAKER: I am serious. It is not campaigning. It has been unofficially proposed that the cut-off date for this instrument to be taken into force should be the end of 2015. I thank you.

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**TABLING OF REPORTS
HON SCHLETTWEIN**

HON SPEAKER: Thank you. Any other Reports and Papers? Did I leave out anything?

HON MEMBER: No.

HON SPEAKER: You have the Floor Honourable Minister.

TABLING: REPORTS OF THE AUDITOR-GENERAL

HON MINISTER OF TRADE AND INDUSTRY: Thank you, Honourable Speaker. On behalf of the Honourable Minister of Finance, I lay upon the Table, Reports of the Auditor-General on the accounts of the:-

- (i) Namibian Broadcasting Corporation for the Financial Year ended 31 March 2009.
- (ii) Town Council of Lüderitz for the Financial Year that ended on 31 June 2013.
- (iii) Regional Council for Hardap Region for the Financial Year that ended 31 March 2010 and 2011.
- (iv) The Fisheries Observer Fund for the Financial Year that ended 31 March 2013; and lastly
- (v) Land Acquisition and Development Fund for the Financial Year that ended 31 March 2013.

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**TABLING OF REPORTS
HON HAUSIKU**

I so Move, Honourable Speaker.

HON SPEAKER: Can Minister table the Reports. Deputy Prime Minister.

**TABLING: ANNUAL REPORT OF
THE NAMIBIA STATISTICS AGENCY**

HON DEPUTY PRIME MINISTER: Thank you, Comrade Speaker. On behalf of the Minister of Presidential Affairs, I lay upon the Table the Annual Report of the Namibia Statistics Agency for the Year 2013/2014.

I so Move, Comrade Speaker.

HON SPEAKER: Can the Honourable Deputy Prime Minister, please table the Report? Any further Reports and Papers? None. Notice of Questions? Until next year. Notice of Motions? No green lights. Ministerial Statements? Honourable !Naruseb.

MINISTERIAL STATEMENT

HON MINISTER OF LANDS AND RESETTLEMENT: Thank you, Honourable Speaker, Sir. Honourable Speaker, Honourable Members, during the Motivation Statement of Vote 25 for the Ministry of Lands and

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**MINISTERIAL STATEMENT
HON !NARUSEB**

Resettlement that was delivered - I, yours truly on the 13th of March 2013, informed this august House that as a mitigating factor to farmers against severe drought, the Ministry intended to exempt all farmers from paying land tax for the Financial Year 2012/2013. I rise this afternoon to seek the approval of this House on the matter. The Government, following the plight of farmers, directed that the measures be put in place to mitigate the debilitating effects of the current drought situation. These directive was in general to all stakeholders, including the Ministry of Lands and Resettlement. In this regard, the Ministry of Lands and Resettlement through land tax, which it has been implementing since 2004 sought to contribute to this national cause by offering a 100% tax relief on all commercial agricultural farms to all paid up farmers, liable to pay land tax for the above mentioned period.

In this regard, I wish to inform this august House that the intended exemption actually translates into setting a new rate of land tax and in terms of Section 76 of the *Agricultural Commercial Land Reform Act, 1995* (Act 6 of 1995), which stipulates that such a measure must be done with the concurrence of the Ministry of Finance, the Ministry of Agriculture, Water and Forestry followed by the approval by a Resolution of the National Assembly.

I am happy to inform the Honourable Members that the support and the concurrence of the two sister Ministries as required by Law has since been obtained. I am, therefore, now requesting the approval and support of this august House, by way of a Resolution, to approve and apply a Land Tax Rate of zero percentage in respect of the Financial Year 2012/2013, Land Tax Assessment - while an estimated N\$40 million in land tax revenue for the benefit of the Land Acquisition and Development Fund will be forgone.

As a responsible and caring Government, this measure will, however, give the over 7,000 paid up of commercial farmers breathing space to recapitalise their farms following the severe drought that was experienced during the past year, that is, 2012. It is envisaged that the paid up farmers for Financial Year will 2012/2013, will receive credit on their Land Tax

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**MINISTERIAL STATEMENT
HON IIVULA-ITHANA**

Assessment for the Financial Year 2013/2014. However, agricultural commercial land owners who have in the meantime sold their farms during the exemption period, but have already paid land tax can apply to the Minister with proof of payment for refund.

I strongly believe, Honourable Speaker, Honourable Members, that this gesture from the Land Sector is a positive and welcome initiative for the commercial farmers. Thus, I am requesting the National Assembly to support this noble initiative and I thank you. (*Applause*)

HON SPEAKER: Thank you. I see complete, total and altogether consensus. Is that the truth? Honourable Minister of Home Affairs.

HON MINISTRY OF HOME AFFAIRS AND IMMIGRATION:
Thank you, Honourable Speaker. Honourable Members of this august House, I take the opportunity to brief this House on the outcome of two very important meetings that took place at the Palais De Nations in Geneva, Switzerland from the 29th of September to the 3rd of October 2014, in which Namibia participated and played an important role.

These two meetings are; the high-level segment on enhancing international cooperation solidarity, local capacity and humanitarian action for refugees in Africa, which preceded the second meeting, which is the 65th Session of the Executive Committee of the United Nations High Commissioner for Refugees Programme. Namibia was especially invited to attend the first meeting.

The segment took two days from the 29th to the 30th of September this year. The Segment was organised by the High Commissioner for Refugees Mr Antonio Guterres to pay particular attention to refugee situation in Africa after realising that conflicts elsewhere in the world attract more attention and resources than in Africa while the Continent

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hosts a third of the 51,000,000 refugees in the world. The displacement of people within the continent has become a complex challenge. There are 3,000,000 refugees, 12,500,000 internally displaced persons and some 700,000 Stateless persons in Africa. Since the theme for the high-level of segment programme focussed on refugees in Africa, Namibia as a current coordinator of the Africa group delivered two statements on behalf of this group and on behalf of the Government of the Republic of Namibia.

A general debate that ensued at the Segment, concluded with the adoption of the following statement and it covered the following points:

1. That Member States of the Executive Committee during the Segment underlined the critical and complex nature of humanitarian emergencies and protracted refugee situation in Africa and the challenges they present and recognised the immense efforts by the African Governments and the African Union to address these problems.
2. The Member States noted that throughout history the States and the people of Africa have demonstrated generosity and solidarity to millions of refugees seeking safety outside their countries and to persons displaced internally within their countries. The 1969 Convention governing the specific aspects of the refugee problems in Africa and the 2009 Africa Union Kampala Convention on the protection and assistance of internally displaced persons in Africa, are seen as reinforcing the African solidarity.
3. The Member States remain deeply concerned by the significant number of people who are forced to flee their homes within their countries and cross the borders due to conflicts, violence and other reasons including terrorism.
4. Members are equally troubled that progress towards resolving many protracted refugees and internally displaced persons situation remain insufficient and major protection challenges consist, and that Members remain worried that the delivery of humanitarian assistance

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has been hindered by limited access.

5. Despite record levels of voluntary contributions, serious funding shortages have resulted in, for example, reduction in food rations and other humanitarian assistance.
6. That Member States, therefore, reaffirm their collective commitment through enhanced regional solidarity burden sharing and partnership to support host countries and communities in building their capacities to better address and solve the multifaceted challenges of forced displacements.

The African States and the International Community are, therefore, called upon to do the following:

1. To urgently pursue conflict resolution and prevention resolution and peace building efforts while taking all necessary measures to provide safe asylum and protection to forcibly displaced persons in line with regional and international framework's commitments and principles.
2. Called upon the African States and the international community to strengthen the refugee emergency response capacities of Governments and host countries while ensuring effective coordination among humanitarian actors through the UNHCR in refugee situations and the office of the coordination of humanitarian affairs in situations of internal displacements.
3. To take all necessary and appropriate measure to combat trafficking in person and smuggling of migrants and to ensure a protection sensitive response to mixed migrants, including those who risk their lives at sea while trying to reach safety.
4. Consider acceding where appropriate to the 1954 Convention relating to the status of Stateless persons and to the 1961 Convention on the reduction of Statelessness.

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5. Address protracted refugee situations by redoubling efforts to realise durable solutions, including sustainable voluntary repatriation and reintegration.
6. Make efforts to elaborate self reliance programmes based on the specific needs of refugees and internally displaced persons.
7. To provide in the spirit of solidarity and burden sharing, adequate and effective financial assistance commensurate with needs to support refugees and internally displaced populations and the communities hosting them; and finally
8. Urge development actors to consider initiatives and projects directed to host communities to ease the economic and social costs of hosting refugees.

That was the Statements and Resolutions from the Segment on the African Refugees.

Then the meeting of the Executive Committee, properly - started from the 1st to the 3rd of October this year. This meeting, importantly, was also addressed by the Secretary General of the United Nations Mr Ban Ki-moon. He called on the world to show compassion to the refugees and displaced persons. He further said that the current daunting challenges facing the international community and the UNHCR and its partners is the emergency situation in Syria, Iraq, South Sudan, Somalia, the Central African Republic, Libya, Ukraine and the US Emergency caused by the Ebola disease outbreak in West Africa.

More than eighty delegates participated in the debate and the following are the outcomes:

1. Delegates called for more support to host countries and communities which provide a lifeline to refugees fleeing conflict and persecution.
2. They highlighted the need for renewed focus on prevention and strong

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**MINISTERIAL STATEMENT
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international resolve to bring about an end to conflict. it was emphasised that there can be no humanitarian solutions to humanitarian problems the real solution can only be a political one.

3. The delegates stressed the need to foster refugee resilience and livelihood by giving refugees a chance to rebuild their lives.
4. The delegates underscored the importance of redoubling efforts towards what is termed durable solutions, that is; voluntary repatriation, local integration and resettlement.
5. The Executive Committee approved a Budget of US\$6.9 billion for the year 2015/2016; and lastly
6. The international community is called upon to remember that behind the massive statistics of what we call refugees, there are individual people each with families, each with lives left behind and each with dreams of a safe and happy future.

That is the outcome of the two meetings and I rest my case, Comrade Speaker. Thank you.

HON SPEAKER: Thank you very much, Honourable Minister for the very important sharing of renewed commitment and obligations that we all bear. We have refugees in Namibia and we never know whether the good Lord above would be on our side forever so that we will be able to cater to the best of our collective will and ability those who would find refuge in our country. We have fond memories and up to now loving hearts for those who cared for us during a long time, during the long and bitter struggle for the Independence of our country. Thank you very much for the very important Report. Honourable Minister Ekandjo.

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**MINISTERIAL STATEMENT
HON EKANDJO**

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

Thank you Honourable Speaker, Honourable Members. I rise to inform this august House and at the same time also invite the Honourable Members of this august House. Namibia will be hosting the African Women Football Championship starting from Saturday, the 11th until the 25th of October 2014. Eight countries are going to participate and from the eight, the best three will partake in the Women World Cup in the future.

The following countries are going to participate:

- Southern Africa – Namibia, South Africa and Zambia;
- West Africa – Cameroon, Cote D'ivoire, Ghana and Nigeria; and
- Northern Africa – Algeria.

Honourable Members, you are invited to this event. The kickoff time is 17:00, this coming Saturday between Namibia and Zambia. The full programme from tomorrow, will be available in the newspapers. Honourable Members and the public out there - come and support our Brave Gladiators. These are young professional girls, let us give them courage. I rest my case, Comrade Speaker.

HON SPEAKER: What are they called, Honourable Minister? What are our girls called?

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

Brave Gladiators. The word is very difficult to pronounce (*laughter*). Maybe Honourable Moongo will be able to pronounce that better. Brave Gladiators.

HON SPEAKER: Brave Gladiators, is that it? Thank you,

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**COMMITTEE STAGE – CHILD CARE AND
PROTECTION BILL
HON NGHIDINWA**

Honourable Minister. The Secretary will read the First Order in the Order Paper.

**RESUMPTION OF COMMITTEE STAGE –
CHILD CARE AND PROTECTION BILL [B.8 – 2014]**

SECRETARY: Resumption of Committee Stage - *Child Care and Protection Bill* [B.8 – 2014].

HON SPEAKER: Does the Honourable Minister of Gender Equality and Child Welfare Move that the Assembly now goes into Committee?

HON MINISTER OF GENDER EQUALITY AND CHILD WELFARE: I so Move, Honourable Speaker.

HON SPEAKER: Any objections? Who seconds? Agreed to. The Deputy Speaker who is also the Chairperson will take the Chair, but through internal arrangements, Honourable Dr Amweelo will do that work. I call on Honourable Amweelo to get ready.

ASSEMBLY IN COMMITTEE:

HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: The Whole House is called to Order. The Committee

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**COMMITTEE STAGE – CHILD CARE AND
PROTECTION BILL
HON NGHIDINWA**

has to consider the *Child Care and Protection Bill* [B.8 – 2014].

Clauses 1 to 13 put and Agreed to.

I put Clause 14. Any discussions? Honourable Minister?

HON MINISTER OF GENDER EQUALITY AND CHILD WELFARE: Thank you, Deputy Chairperson of the Whole House Committee. In Sub-clause 14(2)(a) substitutes *Sub-clause (c)* for the following:

“(c) *The Permanent Secretaries of the Ministry, the Ministries responsible for Health, Education, Youth, Justice, Labour, Home Affairs, Foreign Affairs and Safety and Security.*”

(b) Insert the following sub Clauses after Sub Clause (d) as follows:

“(e) *The Executive Chairperson of the National Youth Council, established under the National Youth Council Act, 2009 (Act 3 of 2009).*

(f) *The Chairperson of the National Disability Council, established under the National Disability Act (Act No. 26 of 2004).*

(c) *Renumber Sub-Clause (e) as (g).*” I so Move.

HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Thank you very much, Honourable Minister, please table the Amendment. Any discussions on the Amendments? Any objection? Yes, Honourable Shixwameni.

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HON SHIXWAMENI: Just a small question to the Honourable Minister. The Sub-clause Act, I am made to understand that there is a National Youth Disability Council, why put the Chairperson of the National Disability Council when there is a wing of the youth which is living with disability? Just that question, I just wanted clarification.

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

HON SHIXWAMENI: Clause (f) reads - *the Chairperson of the National Disability Council, established under the National Disability Council Act*, but I am made to understand the Minister can correct that, that there is a Youth Disability Council why not take the Chairperson of the Youth Disability Council to serve under (f) instead of the National Disability Council Chairperson? It is just a question that I am asking.

**HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE
COMMITTEE:** Honourable Minister.

**HON MINISTER OF GENDER EQUALITY AND CHILD
WELFARE:** Thank you, Chairperson of the Whole House Committee. Honourable Member, I think it is the same whether it is from the National Council of Disability or from the Youth they are going to serve the same purpose. That one is the umbrella of the others. Thank you.

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**HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE
COMMITTEE:** Thank you very much. Any further discussions?
Amendment? Any objection? Agreed to.

Clauses 15 to 94. Agreed to..

I put Clause 95. Any discussion? Honourable Minister please?

**HON MINISTER OF GENDER EQUALITY AND CHILD
WELFARE:** Thank you very much, Deputy Chairperson of the Whole
House Committee. In Clause 95 substitute Sub-clause 2 for the following
sub Clauses:

*“2) Despite Sub-section (1), the High Court as the upper guardian of
all children has the power to order that a child, a parent, putative parent
or any potential blood relative of the child be submitted to a physical
procedure referred to in Sub-section (1) if this is in the opinion of that
Court in the best interests of the child.*

*3) To the extent that this Section authorises the interference with any
individual’s rights to privacy or bodily integrity, it is justified by the right
of children to know their parents in terms of Sub-article (1) of Article 14
of the Namibian Constitution.” I so Move.*

**HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE
COMMITTEE:** Thank you very much. Table the Amendments,
Honourable Minister. Any discussions? Any amendments? Any
objection? Agreed to.

Clauses 96 to 194 put. Agreed to.

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I put Clause 195. Any discussion? Honourable Minister?

**HON MINISTER OF GENDER EQUALITY AN CHILD
WELFARE:** Thank you, Honourable Deputy Chairperson of the Whole
House Committee. Substitute Clause 195 for the following Clauses:

“Exceptional cases involving Inter-Country Adoptions 195(1): The adoption of a child habitually resident in Namibia by a family member of that child resident in a contracting State to the Convention or by a person resident in a contracting State to the Convention who will become an adoptive parent jointly with the child’s biological parents, may be dealt with in the prescribed manner as an Inter-Country Adoption, but the Minister may dispense with one or more of the formal requirements of inter-country adoption if it is in the best interests of the child concerned in the context of a specific case.

(2) The adoption of a child habitually resident in Namibia by a prospective adoptive parent resident in a State that is not a contracting State to the Convention, may be dealt with in the prescribed manner as an Inter-Country Adoption -

(a) If the-

- (i) prospective adoptive parents are family members of that child;*
- (ii) prospective adoptive parents had a pre-existing relationship with the child or*
- (iii) child has special needs which can only be catered for in the country of habitual residence of the prospective adoptive parents; and*

(b) If the prospective adoptive parents have been assessed for eligibility to adopt;

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(c) *If the adoption will be recognised in the country of habitual residence of the prospective adoptive parents;*

(d) *If the child to be adopted will be allowed to enter and remain permanently in the country of habitual residence of the prospective adoptive parents; and*

(e) *The standards that are being or will be applied to the adoption accord with those in the Convention.” I so Move.*

HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Thank you very much, Honourable Minister. Please table the Amendments. Any discussions on the Amendments? Any objections? Yes, Honourable Minister Iilonga.

HON DEPUTY MINISTER OF DEFENCE: Thank you, Comrade Deputy Chairperson of the Whole House Committee. I just want to seek clarity on Sub 2(c) and (d). (c) The word used is ‘*if*’ - *the adoption will be recognised in the country of habitual residence of the prospective adoptive parents*; there are also people from States that do not conform to the Convention so which means that before the adoption takes place should they first be recognised there or what exactly is needed? That is the clarity I want.

Then under (d) if the child to be adopted will be allowed to enter and remain permanently in the country of habitual residence of the prospective adoptive parents - we only have one a way-traffic, here we do not have a two-way traffic because if we say that they should be allowed to be permanent in the country of the adoptive parents why can the Bill not make a provision in the event that that adopted child has grown up and wants to come back to look for his/her next of kin or family? (*Interjections*) Where is it? If it is in then I want it explained.

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**HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE
COMMITTEE:** Thank you very much. Honourable Minister do you fully understand the question?

**HON MINISTER OF GENDER EQUALITY AND CHILD
WELFARE:** Thank you very much. (c) - When I responded yesterday, I mentioned that there will be consultations between the country of origin and where the child is going to be adopted. It is in the Bill and also to make sure that the country of the adoptive parents recognises the other country from which the child is being to be adopted. It is also in the Bill.

(d) - It is also in the Bill, according to our Constitution the child should know his/her biological parents. The child may come back to see his/her parents, if it is necessary for the child to see his/her parents if he/she wants to.

**HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE
COMMITTEE:** Thank you very much. Is it clear Honourable Iilonga?

HON DEPUTY MINISTER OF DEFENCE: Yes.

**HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE
COMMITTEE:** Thank you very much. Any further discussions? Any objections? Agreed to.

Clauses 196 to 259. Agreed to. Thank you.

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HON SCHLETTWEIN**

I put Schedules 1 to 8. Any discussions? Any objections? Yes, Honourable Minister.

HON MINISTER OF TRADE AND INDUSTRY: Thank you, Honourable Deputy Chairperson of the Whole House Committee.

I just wanted to ask the Minister to give us surety that all these Conventions that are listed as from Schedule 2 are indeed ratified by this House before we accept them.

HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Yes, thank you. Honourable Minister.

HON MINISTER OF GENDER EQUALITY AND CHILD WELFARE: Thank you, Honourable Deputy Chairperson of the Whole House Committee. Most of them are ratified apart from the Hague Convention, which is not yet accepted through Parliament. It is still under consultations with the Minister of Justice.

HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Is there further follow up? Yes, Honourable Minister.

HON MINISTER OF TRADE AND INDUSTRY: Thank you, Comrade Minister. I just again need some legal advice, if the Hague Convention is not yet ratified what would be the consequence if we accept

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the Schedule in terms of this Act? I take it that it would be tantamount to ratifying it. Thank you.

**HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE
COMMITTEE:** Yes, Honourable Minister, will you answer?

**HON MINISTER OF GENDER EQUALITY AND CHILD
WELFARE:** I think it is now up to the Members of Parliament to decide whether we can take it out and wait for the ratification of the Hague Convention. We are supposed to do it parallel, but these consultations have not yet been complete until we are almost done with the deliberations on the Bill.

**HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE
COMMITTEE:** Any comment from the Members of Parliament? Yes, Honourable Kapia.

HON KAPIA: Thank you very much, Honourable Deputy Chairperson of the Whole House Committee. I really want to support the Minister of Trade and Industry on his concern. Say, for example, this Convention comes here and we did not ratify it, what will happen if we have already made it part of our Domestic Law? I think it is a technicality, although the legal people will come in, but to me it is not supposed to be listed in the Law which we are passing and which will end up binding the Namibian citizens. Thank you very much.

**HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE
COMMITTEE:** Thank you very much. Yes, Honourable Shifeta.

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HON DEPUTY MINISTER OF ENVIRONMENT AND TOURISM:

Thank you very much, Comrade Deputy Chairperson of the Whole House Committee. I think it can be done because it is not a problem to pass legislation and put some Provisions on hold, it is normal - until the other part is done. You can always do that. When it is being *Gazetted*, you can leave some parts of the Provision out which can be operationalised later. It is normally done in a way. It is not a problem that the other part is not finalised but I think the Ministry of Justice will be able to get that. It is in fact something that is being done.

**HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE
COMMITTEE:** Thank you very much. Yes, Honourable Ilonga.

HON DEPUTY MINISTER OF DEFENCE: It has very serious legal implications because even the Hague Convention which we said will look after our children who might be adopted outside the country is not ratified and yet we have already made it part of our Law. I do not know now whether it is going to need an Amendment if we leave out the Schedule until the time the Convention is ratified. This is the first time that we attach Schedules to our Laws. I think the best thing is to add the short title and we leave out the Schedule.

**HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE
COMMITTEE:** Do we all agree? Yes, Honourable Shixwameni.

HON SHIXWAMENI: It is unfortunate the Attorney-General is here.

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HON MEMBER: He is not here.

HON SHIXWAMENI: Yes, he is not here because the Minister could have moved an Amendment making it transitional that the Geneva Convention Schedule be made only effective after its ratification in the House. Otherwise the other Conventions that have already been ratified by this House do not have any problems at all. There is no point of leaving them out at all. Therefore, through the Secretariat or Legal Advisor, we can probably just postpone a little bit. The Minister can bring in an Amendment and we ratify the whole document then we do not need to come back to include the Convention into the Law again.

**HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE
COMMITTEE:** Yes, Honourable Dr Ndjoze-Ojo.

HON DR NDJOZE-OJO: Thank you very much, Honourable Deputy Chairperson of the Whole House Committee. This Bill as we said at the beginning has come a long way and we were trying to pass the Bill before we go on recess. We do not have to do it in a hurry, we can actually do it in retrospect. Maybe what you could do is provide a caveat, just where you have the Schedule, to say that - *the Geneva Convention Schedules will apply, subject to the approval by this House or ratification by the Parliament of Namibia*. If it does not, then at least we pass the Bill with that caveat and then when it is time for the ratification, it will come back to the House and we may not even find problems with it -we will ratify it and it applies. If it does not, then that is when the Amendment could come, otherwise we will not pass the Bill, just because of that - now we will have to postpone the whole process of passing the Bill in the House and we already spent quite a lot of time discussing it in details. That is

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my contribution.

**HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE
COMMITTEE:** Thank you very much. Honourable Kasingo.

HON DEPUTY SPEAKER: I tend to agree with what Honourable Shixwameni has stated that by deferring ,we are not saying we defer the whole thing. If we can pause or even postpone it till tomorrow and then the Minister (*interjection*) If the Ministry have got Assistants, are there no people outside, the Permanent Secretary and his technical people - to move an Amendment quickly? Otherwise, without these hiccups, I do agree with the proposal by Honourable Shixwameni.

**HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE
COMMITTEE:** Honourable Minister you have the final say. Yes Honourable Bezuidenhout, followed by Honourable Kaura.

HON BEZUIDENHOUT: Thank you very much, Honourable Deputy Chairperson of the Whole House Committee. I would agree if Honourable Ndjozo-Ojo just put the text of the caveat clearly on the record that we are all clear that we agree with that text then, we can proceed. She made a very good Amendment but with a lot of words. If she can make it very clear on the record of Parliament, so that we all comfortably agree to that text and then the Attorney-General can then process the papers on the basis of that text.

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HON KAURA / HON SCHLETTWEIN**

**HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE
COMMITTEE:** Honourable Kaura. Silence! Silence! Order in the House, please! Yes, Honourable Kaura please.

HON KAURA: Thank you, Honourable Chairperson of the Whole House Committee. I suppose after the Bill passes the House the National Assembly it will go to the National Council, can we not let the National Council do that part? We pass it and we let the National Council do that portion.

**HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE
COMMITTEE:** Yes, it is a solution. Honourable Member, you can go ahead, but those are the solutions put.

HON MINISTER OF TRADE AND INDUSTRY: Thank you Honourable Chairperson, I just want to make a proposal. I have listened to what has been said, but our problem is whatever we approve from here, we need to take it into consideration that some of the Conventions are not yet ratified, so even if we take it to the National Council, we will have no time to ratify the Convention by the time the Bill comes back, so we can still not approve it. Therefore, Honourable Deputy Chairperson, My proposal would be, , that we approve the Bill without the Schedule and the Minister must then come back with an Amendment to the Bill once the ratification has been done, to introduce the Schedule the Bill.

**HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE
COMMITTEE:** Thank you very much. Honourable Nambahu.

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HON NAMBAHU / HON SHIXWAMENI**

HON DEPUTY MINISTER OF JUSTICE: Thank you very much. I simply want to indicate that there are different drafting styles and the Schedules that have been attached to the Conventions are there. (*Interjections*) Comrade, I am the one who is on the Floor. Yes, I can only be commanded by the commander not by the others.

My line of thinking is that - it is a practice also to actually reserve certain parts of the Act and not operationalise them if there are certain issues that are pending. I think this Bill should be passed with that in mind and the directive is given to the Minister to operationalise the Schedule and only operationalise those as and when they are approved by this House and then we go ahead.

This is a very important Bill, that is why some of us have not been objecting and we were very satisfied by the Amendments that have been brought in attending to controversial issues that lie in Inter-Country Adoption and I think a lot of good Amendments have come into place recognising and giving our Laws prominence to those that we recognise in the country and only then can we give adoption. I think that is where most of the controversies were lying and if that has been taken care of, we could still make those reservations and once they are adopted the whole Act can be operationalised and then the Bill is passed.

HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Thank you very much. Do we all agree with the proposals from Honourable Kaura and Honourable Nambahu? Do we all agree? Honourable Shixwameni, what are you saying? Okay, go ahead.

HON SHIXWAMENI: There are two different proposals. The proposal by Honourable Kaura is to adopt the Bill as it is and make the changes there, which would not work because we would have passed a Bill with a Convention that has not been approved by this House. The proposal by

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Honourable Nambahu is the proposal that I initially said that, we could either pass a provisional Amendment suspending the Geneva Convention on the Floor so that it waits. It only gets operationalised as part of the Bill when the Geneva Convention is passed in this House. That can be done and that is why I was saying it is a pity that the Attorney-General is not here because it is a provisional suspension of a Clause of the Bill. Thus the Clause of the Bill is actually just a two sentence thing.

HON KAURA: How can the provisional suspension will be done in any country?

HON SHIXWAMENI: No, I was just clarifying that there are two different proposals.

**HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE
COMMITTEE:** Thank you very much. Honourable Maamberua.

HON MAAMBERUA: Thank you very much, Honourable Deputy Chairperson of the Whole House Committee. We are talking about a Schedule of which some Clauses in the Bill that we are going to pass are referring to that particular Convention. If we suspend that Convention that part then it means all the Clauses in the Bill that are referring to that particular Convention also become irrelevant. I think we need to be careful. It is not just a matter of suspending the adoption of the Convention, but also having to look at the ramifications of that suspension on the content of the Bill. I think there is some complexity that will also be brought about by that because the Convention is not independent of what is in the Bill itself.

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**HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE
COMMITTEE:** What is your proposal? What is the way forward?

HON MAAMBERUA: I do not have a way forward.

**HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE
COMMITTEE:** Your advice?

HON MAAMBERUA: I do not know.

**HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE
COMMITTEE:** Thank you. Honourable Shixwameni you want to do it again, yes? Just wait Honourable Shixwameni, wait.

HON SHIXWAMENI: Honourable Deputy Chairperson of the Whole House Committee, I would have probably fallen back to what Honourable Ndjoze-Ojo proposed that people have already worked for a long time on the Bill. I am sure the legal advisers of Government should be ready to assist her if we can suspend the Committee Stage of the Bill up to where we have gone till tomorrow. (*Interjections*) Do you want to campaign?

**HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE
COMMITTEE:** Order! Order in the House.

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HON SHIXWAMENI: No, I was just making a suggestion that there are so many lawyers of Government. If we could really get a lawyer, we could resolve these legal impacts right here because now (*interjections*) Well that is my suggestion really.

**HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE
COMMITTEE:** Are you done?

HON SHIXWAMENI: Yes, I am done.

**HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE
COMMITTEE:** Thank you.

HON SHIXWAMENI: I am done because there are a lot of interruptions.

**HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE
COMMITTEE:** Honourable Bezuidenhout.

HON BEZUIDENHOUT: In the process of passing Laws there is still a Second House and many times the National Council has reverted a Bill back to us which we approved with some changes. They are competent to make any Amendment. They can go through the ramifications if that

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thing is suspended, put in another Clause pending (*interventions*)

**HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE
COMMITTEE:** Order, Honourable Ministers. Order!

HON BEZUIDENHOUT: In order for the Bill to proceed, I think we must do our part. The Minister can consult the National Council to make the Amendments to double checked by the legal people, as long as we have completed our task. If we hold back now there will be unnecessary delays of the Bill. Let us trust the National Council with those Amendments. That is my suggestion.

**HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE
COMMITTEE:** Honourable Ben Amathila.

HON AMATHILA: Comrade Deputy Chairperson of the Whole House Committee, having listened to the various views and proposals made, the closest I could come to support is the view of Comrade Kaura. What we need to do, because what we lack now is both the time and capacity to draft this caveat - if we have the expertise to draft this caveat we can just do it now, but if we can approve this document and send it to the Second House, the Second House will insert the necessary caveat with the necessary cross references not only to the Schedules, but to all the body parts of the Act which is affected by the particular Schedule. It will come back to us, we see whether it has been done properly, we approve of it and then it goes to the President. I think that is (*intervention*)

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**HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE
COMMITTEE:** Agreed? Thank you. Honourable Nambahu.

HON DEPUTY MINISTER OF JUSTICE: What I was trying to say is that there is no impasse here, it is just a matter of us expressing the need to put some Clauses in reservation. What Honourable Maamberua said about cross-referencing, that is consequential and, obviously, the drafters have various ways of accommodating that. To refer to a Bill while it is not completely passed will have issues. Some of the Conventions in here might not have been ratified because there are controversies and there is a process of ratifying where the Convention has to be signed off by the Attorney-General and that will require formal steps and procedures. *(Interjection)* No, Comrade do not say *(Intervention)*

**HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE
COMMITTEE:** Please no dialogue go ahead. Honourable Nambahu, go ahead.

HON DEPUTY MINISTER OF JUSTICE: That is not Parliamentary. It is really a matter of saying what we have already said to the Honourable Minister. The Honourable Minister understands and she will seek the necessary technical assistance to put those Provisions on hold until they are operationalised and passed by this House. I do not see much of a problem doing that.

**HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE
COMMITTEE:** Thank you. Honourable Professor Kasingo.

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HON DEPUTY SPEAKER: I think the only dilemma in which we find ourselves is the absence of the Attorney-General's signature and there is no acting Attorney-General. I am made to understand that there is not even a replacement, that is the only hiccup we have. Otherwise, we could have finalised these things today. In the absence of that, let it go to the National Council as it is because that is their duty. The duty of the National Council is to review and refer the Bill back to us (*intervention*)

HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Thank you, Professor. Honourable Minister, the last say and then we go ahead. Order in the House.

HON MINISTER OF GENDER EQUALITY AND CHILD WELFARE: Thank you for all those inputs, observations and reservations made on this very important Bill. I do agree with the last suggestion to pass it and let it go to the National Council. We will make sure that our technical and legal staff are briefed. Thank you so much.

HON DEPUTY CHAIRPERSON OF THE WHOLE HOUSE COMMITTEE: Thank you very much. Any further discussion on the new proposals? Any objections? Agreed to.

Title put and agreed to.

I shall report the Bill with Amendments.

Comrade Speaker, the Committee has gone through the Bill [B.8 – 2014] as set forth in the accompanying copy and agreed to it with Amendments.

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**THIRD READING - CHILD CARE AND
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HON NGHIDINWA**

ASSEMBLY RESUME

Bill reported with Amendments.

HON SPEAKER: Thank you very much, Honourable Deputy Chairperson of the Whole House Committee.

Does the Honourable Minister, Move that the Bill be now read a Third Time?

HON MINISTER OF GENDER EQUALITY AND CHILD WELFARE: I so Move, Honourable Speaker.

HON SPEAKER: Any objections? Who seconds? Agreed to. Any further discussions? If not does the Honourable Minister wish to reply? Have you done that?

HON MINISTER OF GENDER EQUALITY AND CHILD WELFARE: Thank you very much, Honourable Speaker, Sir and Honourable Members for your support and making sure that this Bill for the future of this Nation is passed. Thank you very much.

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

The Secretary will read the Bill the Third Time.

**THIRD READING – CHILD CARE
AND
PROTECTION BILL [B.8 – 2014]**

SECRETARY: *Child Care and Protection Bill [B.8 – 2014].*

HON SPEAKER: Well, that is what we have come for. The work is done. It now remains for me to thank you and to ask the Right Honourable Prime Minister what we do next.

RT HON PRIME MINISTER: Comrade Speaker, we may see some faces here for the last time in this House and it is also the season to campaign and I thought leaders are supposed to say something to wish us a Merry Christmas and so on and those who are leaving to say farewell to us before I say something.

HON SPEAKER: The Official Opposition? Yes, Official Opposition.

CLOSING REMARKS

HON NYAMU: Honourable Speaker, it is a greater honour for me to express myself on behalf of my Colleagues during this very joyful period for the upcoming election. First and foremost, I want to thank the Honourable Members of Parliament collectively and individually for the cooperation we have given to each other. I also want to thank the Honourable Speaker and the Deputy Speaker of this Honourable House for having maintained posture of tolerance and impartiality during the course of the sitting of this Parliament. I want to wish those who may succeed them to follow their example in order for us to build a strong and united Nation.

During the course of this term, we have had issues on which we could not agree, particularly, with respect to the Ruling Party and the Opposition. I would like to say that both sides will recognise the fact that agreement based on facts is not prohibited, this is why there are different Parties. There will always be different positions on issues. It should not be seen as animosity. It is a natural course of action for democratic institutions or democratic Parliaments.

Some Colleagues have expected that the Opposition would always, should I say worship or praise the Ruling Party. That is completely contrary to the concept for a democratic Parliament where you have the Opposition and Ruling Party. However, on certain issues, of course, we agreed where we should agree. I want to take this opportunity to wish Colleagues who will be running for high offices, in particular, my President and our Prime Minister who both happened to be my former classmates or schoolmates to the extent that whoever wins (*interjections*) (*laughter*) some of us will have wanted to.

I also want to thank the young Members of Parliament some of whom we have raised up in exile. We have sometimes taught them the basics of politics, but now they have grown up and are challenging us or just challenging anything we do or say. Some of them were the youngest,

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**CLOSING REMARKS
HON KAURA**

now they are generals. To them I want to say, keep it up some of us are moving aside so that the space will be free for you to move left and right, but keep in mind that the most important thing in a political life is to keep the Nation united, to ensure that our future generations will remain united and to avoid useless divisive attitudes which will give a bad omen to the coming generations. Some people think that by showing aggressiveness towards others is the best way to practise politics. I pity them because I think there is something greater than divisiveness.

Without repeating myself, I want to say that I look forward to be meeting, with a smile, even outside this Honourable House for some of us who are here for the last time, we are contemplating to set up an association of Members or former Members of Parliament so that our voices are not lost forever. That will be a non-partisan thing. I have spoken to some of my Colleagues on the other side, they have spoken to some of the Colleagues this side so the principle is agreed, the proposal shall take place. I thank you very much. As I mention in passing, some of us are moving aside-not on this side but also on the other side, it is a natural process it has got to happen, it is inevitable and I think we should accept that we have served sufficiently. We have made our contributions to this country and we can go and do other things. Thank you very much.

HON SPEAKER: Thank you. Honourable Kaura.

HON KAURA: Thank you very much, Honourable Speaker. On the 7th of August 1964, we flew together on the same plane with Honourable Nyamu from Dar es Salaam to the Unites States of America and it seems to me we are retiring almost at the same time (*laughter*)

Now, Your Excellency in anticipation - Right Honourable Prime Minister Hage Geingob, Honourable Maamberua - Excellency in anticipation, Honourable Shixwameni - Excellency in Anticipation come November

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HON MAAMBERUA**

28 Elections, I am already practising to refer to you as Excellencies (*laughter*) so we will see what happens come the 28th of November.

Honourable Nyamu is saying we are going to have an association of retired Parliamentarians. Myself and Honourable Nahas Angula have already positioned ourselves comfortably. He is going to be the President of the Association (*laughter*), I will be the Deputy President of the Association - so for those who will be joining later, a decision has already been taken.

It was a beautiful year, 24 years and 8 months and 5 more months left – really I am looking forward to retirement, come next March, God willing - if we are still breathing. Personally, I have enjoyed the 24 years and 8 months here. I love everybody - you are good, you are countrymen, you are friends, you are brothers, you are sisters and personally - I love you all. Thank you very much.

HON SPEAKER: Who else? Honourable Maamberua.

HON MEMBER: Do you want to retire?

HON MAAMBERUA: Honourable Speaker, thank you very much for the opportunity. It is only grey hair, I am not old yet. I would like to take this opportunity to acknowledge the good relationship that we have had in the Chamber. I will also wish to acknowledge the good direction that yourself and your Deputy have given to the deliberations in the House - for that I thank you very much.

I also want to underscore, through my own observations, that the calibre and the quality of deliberations in the House over the past four and half years that I have been here, in my observations, have been increasingly

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**CLOSING REMARKS
HON SHIXWAMENI**

Become richer. In the same way, I have also observed that the quality of work of the Parliamentary Standing Committees, in fact all of them, have also been of great assistance, not only to the work of Parliament but also to the broader understanding of society at large and for that I would want to thank all my Colleagues who have served on the Parliamentary Standing Committees.

Therefore, as we are about to enter the season for elections, I wish to call upon all of us to be tolerant as we conduct our campaigns and to conduct these campaigns with respect to one another. Indeed, we all now need to acknowledge that the time has come for the Government in waiting to actually take over (*laughter*) This is actually the time. Honourable Speaker, my vision would be to see a strengthened, democratic, socialist Namibia with equal opportunities for all. Therefore, I can only wish all of us and the society at large good luck and happiness as we enter the next season of the political life in Namibia. Thank you.

HON SPEAKER: Thank you. Honourable Shixwameni.

HON SHIXWAMENI: Thank you Honourable Speaker, I will be very brief. I think since I am the youngest of all those ones that have spoken before me, I would like to start off by congratulating also yourself. (*Intervention*)

HON SPEAKER: Thank you.

HON SHIXWAMENI: The Speaker and the Deputy Speaker for the way you have steered the House over the past four and a half years. You have

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HON SHIXWAMENI**

done quite a very good job, worth emulating by those that would be elected in March, newly, as to how to steer this House and to allow the participation of all Members. Thank you for that and congratulations.

We are coming of age as a democratic Nation. I think we have made strides and we should be able to pat ourselves on our backs, all of us, and say - *let us continue on this path, democracy is much better than having a dictatorship*. We should, all of us, all Political Parties strive at the end of the day to make sure that we broaden and we deepen our democracy. We can only, as Namibians, take it each other's hands and say - *let us march forward for the prosperity of no one else, but Namibians and Namibia alone*.

As we enter the election season, I wish for a peaceful election - for an election where there will be no no-go areas, where all Namibians will be able to campaign all over the place and that the Namibians will open up their hearts, their minds and vote in the true Namibian spirit and tradition of casting your vote for the Party or the person that you really trust can deliver.

I would really like to thank the Namibian Nation, we are not ending, I am sure we will come back in February, that we shall still be the torch bearers of democracy and we must fight to maintain that democracy. Honourable Speaker, that is basically all that I want to say. Let us go out there all of us, I am challenging my Dear Uncle there - *let us go out and campaign there. Slot it out and make sure as to who is going to be sitting at the Presidency next year*. Let us give Namibians the freedom of speech that our Constitution gives them so that everybody speaks freely and say the things that they want to say – freely, as long as it is used within the framework of the Constitution. Otherwise, let us all go out and campaign. Thank you very much.

HON SPEAKER: Thank you. Honourable Riruako.

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HON RIRUAKO**

HON RIRUAKO: Honourable Comrade Speaker, I would also like to say a few words. First and foremost, I would like to say that I appreciated your leadership as the Speaker of the House with your Deputy Speaker. I learnt a lot from the way you handled this august House.

Secondly, during my brief sojourn in this august House, I was first humbled by the warm acceptance with which I was received by the Honourable Members sitting here. I could not believe my eyes that as a stranger coming into this House, full of missiles, I would be accepted in the way that I was received.

Comrade Speaker, this is due to certain factors. I almost know 80% of the people sitting in this House – only 80%. (*Interjections*) I did not say 8%, I said 80%. There are quite a number of Honourable Members here like Honourable Dr Kaiyamo, Honourable !Naruseb and Honourable Kavetuna who came through these hands. Honourable Nahas Angula and Honourable Mutorwa used to be my bosses in the Ministry of Education. With Honourable Tjekero Tweya, we used to call him Sekero Tweya, we were called teachers during our time. I can name a lot. Honourable Jerry Ekandjo, we moved a long way together. We were together at Augustiteum and when it was transferred to Windhoek, I think I was in Grade 12 at the time and he was in Grade (*interjection*)

HON SHIXWAMENI: Two (*laughter*)

HON RIRUAKO: No, he was in Grade 10. I remember very well because we were expelled from the same school.

HON SHIXWAMENI: You were naughty.

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HON RIRUAKO**

HON RIRUAKO: Based on our political thinking. When he joined the South to teach there, I also joined Martin Luther High School to teach as a private teacher. So there is quite a number. Honourable Becky, we were together in exile. I grew up under the hand of Honourable Kaura. I came to know people that I accepted as part of my family. Honourable Nickey Iyambo, my Cousin Honourable Mbumba, my Great Father Honourable Amathila. I know the man with the hat, we were together when he was fighting for the Unions - Honourable Ilonga and he is also a blood relative of mine.

I also happened to know people during the Committee Stages. I have toiled a lot with some of them, I appreciated their guidance and their knowledge. My doctor who is always at my side - I remember the first time when I came here, when I was asking for my tablets he used to say, *"Oh, I will give you"* and I said, *"when"*? I almost became part and parcel of this House. The Right Honourable Prime Minister used to come and say, *"Please do not let the legacy go down."* It was inspirational for me. Honourable Shifeta, we were together. I know almost 90% of the people. It is no more 80% now, it is 90% (*laughter*) If I continue talking they will come to a 100%. Therefore, I wish each and everyone a Blessed Christmas and a Prosperous New Year. I hope we will see each other again. Oh, Honourable Agnes - we were together (*laughter*). Okay it is now 100%.

I hope that when we meet again in January, we will have the same vigour and spirit to foster our duties ahead. Let us go and campaign for the elections, a democratic one and I still remember the words of Comrade Namoloh when he said - *"NBC will cover all the rallies of various Political Parties and give them equal time."* (*interjection*) Oh, it was Comrade Kaapanda, also my relative. With these few words Comrade Speaker, I thank each and every person around here.

HON SPEAKER: Thank you. Honourable Prime Minister.

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**CLOSING REMARKS
RT HON DR GEINGOB**

RT HON PRIME MINISTER: Thank you very much, Honourable Speaker and Deputy Speaker for steering this House. Sometimes it was stormy, you were getting angry but that is the nature of democracy. You and I were taken by Honourable Professor Katjavivi to the British Parliament, the Mother of all the Parliaments. When we came there, we were disappointed. We really thought - is this the Parliament we have been hearing about? people shouting, “*Order!, Order!*” and everybody just talking at once. You have learnt from there and you have been tolerant and as you steered us around. Sometimes we were sitting this side thinking that you were a little bit, of course, seeing you had to protect the minority, sometimes bending towards them to protect them because they are the minority.

All the same it was good to say that Honourable Nyamu was the first one to speak and he may be leaving us for good from this House. If you can recollect our days with Honourable Nyamu in the United States, those who do not know him will be surprised and may think that he is a controversial speaker. We were young boys or people from Namibia who did not know anything so to say but we had a class and that class used to be occupied by Honourable Nyamu, the teacher. One day he asked the American teacher, Professor “*Mr Back, do you know the meaning of democracy?*” My goodness, a Namibian refugee – runaway, asking the Professor, do you know the meaning of democracy? That is Honourable Nyamu. We will miss him.

There are many people who were in this House and when they leave we miss them. We can think of Tate Maxhulili, Buddy Wentworth and also Barney Barnes – the characters. I am not going to miss the Tatekulu there, how are we going to be without him here? SWAPO being lambasted. You are going to miss us too, you will miss us as we are going to miss you.

Talking about the elections campaign and Honourable Nyamu is saying that his President is going to win. His President is Hidipo Hamutenya but the fact that I am standing here and he is not here means I have already won (*laughter*) However, I was always saying that we have a very beautiful country. I have seen Parliaments where people are fighting – in

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RT HON DR GEINGOB**

Europe, literally with chairs and fighting, but we have been here now for 24 years, we disagreed, we shouted at each other. I was also a backbencher and I learnt something about that. When we were travelling outside and there is a requirement that you must have a delegation consisting of a female and Opposition Party Member and Members from some countries were wondering, "*Do these people also have the Opposition in their delegation*" because the way we were always together, there were no problems. We were only being Namibians, but definitely making people admire us. That is the character of Namibia. It is a beautiful country, I always say, and it is true we are going to defeat you during the coming elections, but I was saying - by defeating the Opposition does not make them to strip them from their citizenship as Namibians. We can defeat them, but they have a right as Namibians to exist, to be free, to still challenge, but of course when I defeat you, those who are trying to challenge me as you were saying - you should know there will only be one President and then you must accept the defeat.

The basis tenant of democracy is that there is a contestation but there will only be one Leader. Now this thing of when there is one Leader and you say we are all winners and therefore cry, that must be the thing we must, in our democratic culture, forget. There will be losers and there will be winners – accept!

He nearly made to cry one day I cannot forget that. The first time we had our own test after UN Supervised Elections, we had to gather in the hall - some did not come, I know who, but all the Leaders came. While we were together there, the announcements were made - President Nujoma was declared the winner and he stood up from the Opposition, congratulating him, hugging him and saying; *he defeated us, he is a giant!* Something like that. It was the first time that you could see somebody defeated from the Opposition in Africa, so to say, and to accept. You were, therefore, a trailblazer in that sense. Go well - go and farm. You are a farmer I am told.

HON SHIXWAMENI: Go and teach and farm.

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RT HON DR GEINGOB**

RT HON PRIME MINISTER: No teaching is over now. For those others who were not going to come back, there are many people who are coming back - but those who may not come back again know the game, as SWAPO Cadres we will always be together and I must thank my Colleagues because while we are in majority we have to be tolerant. That is the way it is supposed to be - the way the majority Party should treat the minority sometimes, not enchant them, but we have to pamper them sometimes because they like to cry and I think my Colleagues have been behaving like fathers.

You know, the tolerance we are talking about, the other day I was in Tsumeb with my new bus and Honourable Ben Ulenga was there. I was in a restaurant eating and I could not believe, I would never do it, he passed without even saying hello to me, to come and say hello, I said but *what is this?* To me, if I see a Namibian, my countrymen or in this case we are together and just enter (*interjections*) of course, women '*he/she*' is our concept. What I was saying is that when I saw Honourable Ben Ulenga passing, I could not believe it.

This one, Nyamu, after they split from SWAPO, of course, and I was in the plane sitting in Business Class, he was in the Economy Class, or so he passed me, maybe he did not see me. He passed and I asked; *is that Nyamu who passed here?* I was with Mutorwa then I went back and said; "*Hey, you must greet older people when you pass*", he said; "*No, I did not see you.*" That is the spirit, so let us keep it up. Quarrel and disagree – it is politics, it is democracy, we do not become enemies. We disagree and then tomorrow we must hold hands as we do and move on. We have a beautiful and peaceful country that we can call our own. The peace we have here and how we co-exist, those who are governing and those who are ruling and those who are in Opposition - let us keep it up.

If Honourable Shixwameni wins and comes back we will welcome him, but he cannot say he is going there (*laughter*) He called me Uncle and in an African custom, how do you challenge your uncle? (*Laughter*) Things have changed, you must come, talk to me and tell me how you are not going to challenge me. With this I would like to wish everybody a good

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RT HON DR GEINGOB**

political season, go and campaign peacefully. Yes, we have appealed to our members that we all have the right to campaign peacefully, let us not provoke each other. Do not be provoked and do not provoke. That everybody has a space to campaign so that we can win. Do not give those who are going to lose an excuse to cry foul.

Let us go and campaign. After November, go and have Christmas, rest properly because as you are saying, the level of Debate is going up but next year it will be more. When you come back, if it is so that you come back, if some of us win we are not going to come back, that is why I am saying when you come back, elevate the Debate. We will watch you. If you go there, I will be sitting here, so you will also watch me.

Merry Christmas, enjoy your Christmas, some of you would have lost by then, so please go now and, therefore, approach Christmas, pray and enjoy it to make up for the loss that you will have suffered in November. Merry Christmas and Happy New Year.

HON SPEAKER: Thank you, Right Honourable Prime Minister. I will give you one more chance to say something.

RT HON PRIME MINISTER: No date?

HON SPEAKER: There is no date yet, so it is alright.

RT HON PRIME MINISTER: I am sorry, I, in my other capacity as the Leader of this House, I would like to Move (*intervention*)

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HON DR GURIRAB**

HON SPEAKER: No, I will give you the Floor.

RT HON PRIME MINISTER: Oh!

HON SPEAKER: I am one of those who will not come back and I have been thinking about this for quite some time, not for my own sake, but regretting and that is the point on which I want to end. Where, I sit for the first time after our Independence, sat a great man - Honourable Moses Tjitendero. Therefore, what I regret is that there was no opportunity for him to have handed the gavel to me when I became the Second Speaker of this House and of the Republic of Namibia. I will protest, since I know you are going to come back, the Right Honourable Prime Minister, that I be accorded that opportunity, whoever the next President is going to be, that I will be able to hand over the gavel to my successor that is how it is done. (*Applause*)

A democracy, we learn is a Government of the People by the People and for the People and when people, as a collective, whatever the number, speak, we must accept metric, move on and serve the people. I, therefore, hope that there will be an opportunity that we correct that mistake of the past. I have sat in this House continuously for the last 24 years, as Foreign Minister, as Prime Minister and now as Speaker, I think I am the only one so far others will come who will have had that opportunity. They will have that opportunity.

I served with two ladies as my Deputies, Honourable Doreen Sioka and now Honourable Loide Kasingo. It should not be strange because I am a brother of women that I had that opportunity to do that. Next time I hope it will be a female not always number two to men, I hope and I will vote for one, having an appropriate level, if not here, certainly at the Party level to get that position.

We have achieved so much but there is still so much to be done. Here is

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the challenge in this House, but it is more than any other, that the losing Parties are not represented in Cabinet but they are represented here and jointly Parliament speaks on behalf of all the citizens of the Republic of Namibia - that is the Ruling Party, the Majority Party, and there are the Opposition Parties. The two sides, therefore, constitute the membership of Parliament. Better Parliaments, stronger democracies - that is what I served at the IPU.

Not only did I had that opportunity to serve in those three capacities, but it was as Foreign Minister of the Republic of Namibia that I had that unique opportunity for the next millennium to be the President of the United Nations General Assembly at the turn of this millennium. I moved on to have been the President of the IPU and we left a legacy there too. I was able to do that only because of your support because I was a Namibian and people felt that I would serve the purpose of the United Nations, obviously, and indeed of the IPU.

I am grateful for that support that my country and particularly you Colleagues who served with me in this House provided me and made me to proudly speak that - *I am a Namibian*. Some were happy to see a young man that they got to meet in the corridors of the United Nations who had achieved so much and I had the opportunity to say thank you and thank you to those who have helped me to have achieved all that.

Democracy, we were taught, provides a victory in competition for some, from individuals to groups, but I have not once but two times quoted Adlai Stevenson, one of the people that I admire, when he lost election against the one who became the President of the United States of America, from the Democratic Party. It was a defeat for an individual but a victory for democracy. Individuals are not, but democracy is collectively - they make democracy the best system there is. I leave it to those who will come back to afford me that opportunity and that we will inaugurate a culture that whatever the outcome is, that those who come should afford the outgoing Speaker the opportunity to hand over the gavel to the successor. It is not only symbolic but it is a duty to do so.

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**ADJOURNMENT
RT HON DR GEINGOB**

I thank you all, I will see you around - I may not come back here, but we are together in Namibia. Neighbours, my Colleagues in the Party, I am sure you know I contribute and I will ask you for whatever endeavours I would engage in, to be as you have always been and Comrades. We are all Namibians and the future of this country belongs to what each one of us contributes, wherever we are. With that I call you again, Right Honourable Prime Minister, to tell us when I will come back to do that. Thank you. (*Applause*)

RT HON PRIME MINISTER: I now take this opportunity to Move that this House adjourns until Tuesday, 10 February 2015. I beg to Move.

HON SPEAKER: 10 February 2015, I will see you then.

HOUSE ADJOURNS AT 16:30 UNTIL 2015.02.10 AT 14:30

QUESTIONS AND ANSWERS

QUESTIONS AND ANSWERS

QUESTION 01:

Honourable Moongo asked the Right Honourable Prime Minister:-

The fate or whereabouts of this country's missing persons on both sides of the armed conflict between 1966 and 1989 such as Johannes Nekawa, Johannes Nangutuwala and many others not only remains a growing concern but a source of an unending anguish and uncertainty for so many families in our country.

Normally, Mr Speaker, the best way to address the issue of missing persons is through the comprehensive process of truth, justice, reparation and guarantees of non-recurrence. It is against this background that I will be asking the Honourable Prime Minister the following questions:

1. Why has Namibia so far failed to account for the fate or whereabouts of these missing persons on both sides?
2. Why has the time not arrived for Namibia to implement a comprehensive process of truth, justice, reparation and guarantees of non-recurrence?
3. Why should relatives of missing persons not receive compensation for their loss?
4. Why are the survivors of mass killing such as the Oshakati bomb blast and Cassinga not receiving compensation?

ANSWER

RT HON PRIME MINISTER: Thank you, Honourable Speaker. I thank Honourable Moongo for putting the question. The question is on the Question Paper and I am not going to repeat it. It is a very interesting question and I would like to say that the SWAPO Party Government's commitment to national reconciliation saved the Nation the agony of a protracted civil war, mayhem and destruction.

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The national reconciliation adopted by SWAPO and its Government is rooted in pragmatism - with the objective of bringing estranged communities, whether political, military or social into one non-antagonistic whole. All working to a common goal of making a better Namibia for all of us to live in.

In the spirit of the Policy of National Reconciliation, former Members of the People's Liberation Army of Namibia (PLAN) and former SWATF and Koevoet were all reintegrated into unified Namibian Defence and Police Forces.

Turning now to the figures that Honourable Moongo is throwing around - that of N\$36,000,000.00 given to PLAN and Koevoet Members as he says, I would like to tell a story here that - when that amount of N\$36,000,000.00 was funded by South African Government, it was actually meant for demobilisation of the forces and before I can agree that that amount was given, let us first make one thing clear Honourable Moongo. N\$24,000,000.00 was given, not to the Government, but deposited in the bank to be used - N\$12,000,000.00 for PLAN and N\$12,000,000.00 for Koevoet. The remaining N\$12,000,000.00 was never released. It was kept, but as you are saying, since it was divided into three, maybe it went to - maybe dividing SWATF and Koevoet in two and, therefore, they maybe received N\$24,000,000.00. The Government distributed N\$12,000,000.00 to the PLAN FIGHTERS. It is true that the South African Government did announce N\$36,000,000.00 but N\$24,000,000.00 was released to Standard Bank, I think. They were also monitoring it and Honourable Hamutenya should have been here to say that he knew better because he was handling it. So, yes N\$24,000,000.00, N\$12,000,000.00 to SWAPO or PLAN Fighters but addressed to the bank - Standard Bank to be given to them. That was to demobilise them.

Now we should know that there is a difference between PLAN Fighters and SWATF and Koevoet. Koevoet and SWATF were fighting on the side of the South African Government against their own people, against Independence and Freedom. PLAN Fighters, and by the way for doing that, they were being paid salaries for fighting their own people. To deny us Freedom and Independence, they were being paid salaries. The PLAN

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Fighters on the other hand, were voluntarily fighting for Freedom and Independence without a cent being paid to them and no pension. Therefore, the Act that has been passed by you in this Parliament is dealing with Veterans and Veterans are defined as those who were fighting for justice, for freedom and Independence and not those who were there to oppress their own people. The definition in the Law is very clear. Honourable Moongo could have perhaps asked the Minister of Veterans Affairs to bring the Amendment to the Law but the Law is very clear as to whom it applies to. It is for those who were sacrificing their lives without any payment or pension. That is what the *Veterans Act* is all about.. Therefore, as the Act stands, there is no way that the former Koevoet and SWATF will also be included. However, do not forget that the SWATF and Koevoet are in the Army. At that level of reconciliation they have been accepted and many of them are even Leaders in the Army. Let us, therefore, not paint the picture as if there is no reconciliation. However, the Veterans Fund is to take care of those who fought when they were young, sacrificing without any cent and pension. That is a big difference and I think we all accept it.

Now, I must read the second question and it is saying - *I would also like to ask as to whether the Namibian Government is ready to refund the N\$39 million which was paid to the PLAN Combatants from the fund which was paid to the SWATF and Koevoet, as everybody knows that those members are still unemployed and some of them live in poor conditions* – The answer is simply, no, I did not know of any N\$39,000,000. If there is a N\$39,000,000 on top of the N\$36,000,000 that I have explained then I do not know about it. Therefore, the answer is simply – no.

The next question is also interesting, where are these figures coming from, Honourable Moongo - *Is it true that the South Africa Government gave a further N\$3 billion to the Namibian Government to distribute to the SWATF and Koevoet? Can the Honourable Prime Minister please explain?* Honourable Kuugongelwa-Amadhila, you are the Minister of Finance, did we receive N\$3 billion from the South African Government and what date was it? The answer is also – no. Why are these things being thrown around like that by a responsible Member of Parliament?

QUESTIONS AND ANSWERS

HON MOOGO: Just answer!

RT HON PRIME MINISTER: Can we please then provide the evidence before I can answer. N\$3 billion is not a joke, therefore, the answer is – no.

1. *Why has Namibia so far failed to account for the fate or whereabouts of these missing persons on both sides?*
2. *Why has the time not arrived for Namibia to implement a comprehensive process of truth, justice, reparation and guarantees of non-recurrence?*
3. *Why should relatives of missing persons not receive compensation for their loss?*

These questions were here immediately after Independence and I stood in this House and said – *no war is good because only innocent people suffer at the end.* And I said – *yes, also in the other war that we fought there was no due process of the Law, some of you guys that side call it bush war – it is a Liberation War.* Therefore, some people must have suffered. However, I also said – *There is no way you can fight a war and not have spies.* Therefore, there were spies. I remember that when I was sitting in the Committee of the Politburo, we were categorising the names. I was in that Committee. We can, therefore not deny that there were spies. Was there a due process of the Law in dealing with those who were maybe captured? I do not know - I would say no, we did not have Courts - it was a war of liberation that you were calling a *bush war*. However, we should know that because of that, there was a UN Plan for Independence, Resolution 435 is the Plan. Within that Plan there was a *proviso* calling for a ceasefire that the warring parties - SWAPO and the South African Government must cease firing, and that was signed by SWAPO and the South African Government, albeit separately. After that there was the issue of coming back, and as you know, some like President Nujoma were sentenced to death in *absentia*. We were supposed to all come back to a country which was still occupied by the South African Army, therefore, an

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amnesty that we call '*Blanket Amnesty*' was granted. Blanket Amnesty - that all those who were in South African jails, howsoever held, and in SWAPO Camps, must all be released to come back and participate in the elections. The amnesty supervised, so to say, by five western countries - the United Nations, in other words.

It is under that, that I led the first Leaders who came back here. I did not fill out a Refugee Returning Forms. I came back as a Leader. I said that there in Lusaka - *I am not going to fill out a form, I am going back leading SWAPO Leaders back home.*, That is how I came back, in style, of course. I did not fill out the forms. Therefore, amnesty, and I want to use the word 'Blanket Amnesty' - was granted. For whatever crime you committed, South Africa and those who were in the Government - whatever crimes you committed were pardoned. South African forces, therefore, packed and went back and those Policemen who were here torturing Honourable Jerry Ekandjo and them, today they meet and they are smiling because of that reconciliation and amnesty. We lived for twenty-four years under that and somebody is getting up and saying, "*Why do you not have this process because South Africa had it?*" South Africa is a different country. The South African process was never midwife by the United Nations. ANC packed and went home, and when they were there, they realised that the enemy is still around if something happens. Therefore they had to look for some way they can close the chapter, hence they had that process. Ours was midwived by United Nations, including the five Western countries, we came back under that and we were demobilised in Angola and Zambia, and came back without arms because peace was agreed upon - amnesty granted. "*Go back now, forget the war, go and participate in the elections, all of you freely, therefore, everybody must be released and go back.*" That is what happened, that is why we are sitting here with those who were at that time with the enemy - South Africa. You cannot deny that. Those who were sitting with the enemy trying to destroy SWAPO, we are sitting here for twenty-four years - why do you want to start war all over again? If you want truth and reconciliation, you have to bring back all the South African soldiers here, they must come and answer, they must appear and DTA has to answer, of course. DTA has to answer because they were in the Government. I am not talking about Honourable Kaura here, he is my friend but DTA has to answer. DTA has to answer because they were part

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and parcel of Koevoet and SWATF. They were in the Government.

Therefore, the fact that you are sitting there and we are standing here is because of that agreement - that we forget the past and move on to draft the Constitution, form the Government, the country is independent. That is what happened. Do you want to take us back again – when every election comes, you hear this story. Every time we go into elections you hear about the Chinese and so on. They will never make you to win the elections, you have been doing it all these years but the numbers are just going down and down. While you are saying that, the people are laughing because they are asking - *what is this story about?* Every year election - *“How about those who were detained, and so on?”* That is what is happening now so please, can we bury this issue. We had 435, we had elections and nobody talked about total reconciliation at that time, we participated. We sat around here and drafted the Constitution which is praised by the world as one of the best Constitutions - we are proud of that. Now we come back and say - *we must have truth and reconciliation because South Africans had it*, we are somewhat not copy cats. You do not just copy because South Africans had it. They have their unique situation and they needed that situation to be at its release and form the Government. It is working for them, it is good, ours is working for us too. Why do you want to create problems where there are no problems?

I keep on saying, what is a social problem? A social problem is what you make it to be. If you want to say there is a problem, then there will be a problem. If you say there is a problem, then there is a problem but you know that you and I have been sitting here for twenty-four years, smiling. We do not even fight in this Parliament as others are doing, even from Europe - for twenty-four years. There is peace. When travelling abroad as Backbenchers, they could never tell who is SWAPO and who is DTA, we were regarded as Namibians. And you are still saying there is no peace in this country? no, no please that is not the way to start a campaign, no!

HON SPEAKER: Actually questions 1 and 2 are the same questions.

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RT HON PRIME MINISTER: I think I have handled, Honourable Moongo's questions.

HON MOONGO: Very well. (*Applause*)

QUESTION 02:

Honourable Moongo asked the Right Honourable Prime Minister:-

It is a fact that the policy of reconciliation and the policy of the integration of the UN Resolution 435 that; SWATF, Koevoet and PLAN must integrate, was successfully implemented.

1. Can the Prime Minister inform the entire Nation, in the spirit of true reconciliation, that the funds which came from South Africa, were distributed among the three forces. What is the reason that the Namibian War Veteran Fund is not also shared equally among the three forces?
2. I would also like to ask as to whether the Namibian Government is ready to refund the N\$39 million which was paid to the PLAN Combatants from the fund which was paid to the SWATF and Koevoet, as everybody knows that those members are still unemployed and some of them live in poor conditions.
3. Is it true that the South Africa Government gave a further N\$3 billion to the Namibian Government to distribute to the SWATF and Koevoet? Can the Honourable Prime Minister please explain?

ANSWER

Dealt with in the response to Question 01.

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QUESTION 03:

Honourable Von Wietersheim asked the Right Honourable Prime Minister:-

After raising the question of the drought relief operations in the Daures Area, with the distribution point of Usakos, and the Right Honourable Prime Minister's very elaborate answer to my question, the situation improved immediately and the recipients of the drought relief food actually confirmed receiving the complete standard ration consisting of maize-meal, including relish of some kind.

I would now like to know how the Report from the Erongo Regional Council, which the Right Honourable Prime Minister was still awaiting at the time of his answer, and which was to provide a breakdown of all food distributed to villages in the Daures Constituency, explains and accounts for the shortage of, especially the relish during the distribution of food aid from August up to November 2013?

ANSWER

RT HON PRIME MINISTER: Firstly, we had a severe drought and Government was charge to deal with that drought. The President of the Republic said he would not like anybody to lose their lives as a result of that severe drought. The Prime Minister's Office was charged to be in charge of that. We have the Deputy Prime Minister who was in charge of special situations but we had to enlist all the staff and offices, the whole Government and the Ministry of Defence that came in to help us distribute the food, so the whole Government was instructed and I am proud to say that today the drought is over - we are still going to have a problem of food, I think later on. The rains were very good and we did not lose any single human life caused directly, again repeating - I am not making a distinction between poverty and the drought but our mandate was to deal with the drought - and no lives were lost as a result of there not being rain at that time, if I can simple put it like that. It is because it is a caring Government and I know there are people who wanted people to die so

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they can use that – and they are Namibians. They wanted people to die so that they can say - *you see Government has failed* but thanks to God, we worked very hard, nobody died and people are very happy. In fact, I received letters and calls thanking us. Food distribution improved - there were problems in the beginning, like anything is, but after we settled down and food moved to remote areas, the people said - *thank you, we are now getting food*. Kunene that you were asking about, received food. The distribution was good, I have got a report from there.

HON MEMBER: More than that!

RT HON PRIME MINISTER: Oh, more than that for Kunene, you see. I am, therefore, saying that the details that he is asking for about how many relish and so on, relish was our addition, in the past we were only giving mealie-meal. However, we thought we must now add relish we then went to the Fish Industry and we thank the Minister of Fisheries who came in and we gave where we had enough. Now to say why did Gobabis get and not Epukiro? Do you think it is intentional? We were giving what we had, there was no discrimination. No discrimination, therefore, (*interjection*), yes, we used our game but it became a little bit expensive because we had to take it to MeatCo to slaughter and package it and so to say pay.

Definitely the drought was handled and I would have thought - when are the people from the Opposition going to stand up one day as gentlemen and gentle-ladies and say – our Government has done its job or you have lived up to the call and you really did take care of your people? When are you going to be honest, gentlemen? We pray here every day that we are going to be Honourable and so on but when are we going to be Honourable? Never mind the elections, when are going to tell the truth, the drought was severe at all standards but the Government acted with the support of many people and maybe with some from the Opposition but when are you going to be honest as some of us are honest? I am saying when are some of the Opposition Members going to stand up and say - “It

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was a severe drought you did a great job, thank you?" When are you going to say that?

The Opposition problem is that you say things but when they are proven wrong you do not say - *I am sorry*. One example is the State House. They said the former President Nujoma was building a palace for himself to stay there forever, that was the story. The State House was built as a Government asset, he never saw it, neither President opened it. Nobody got up and said - *we accused the Founding Father wrongly, we are sorry*. That being human beings - if you are wrong you are wrong, say - *I am wrong, I am sorry*. Now, saying - *the Government does not taking care of its people and does not care* - why should anybody think that way of an elected Government, and not only that, but that people fought under very difficult circumstances and sacrificed their lives for people who do not care about their wellbeing, it does not make sense.

Comrade Speaker, as I said, if Honourable Wietersheim wants information, the last time when the questions lapsed, I sent the information to him and he appreciated. Therefore, since I have detailed list, I said I am going to circulate this to you. Thank you very much.

QUESTION 04:

Honourable Von Wietersheim asked the Honourable Minister of Regional and Local Government, Housing and Rural Development:-

Is the Honourable Minister aware, that exactly two years ago in February 2012, I raised the following disgraceful development occurring in Swakopmund with his predecessor, Honourable Minister Jerry Ekandjo, here in this same Assembly?

1. The Honourable Minister, Jerry Ekandjo, then did not answer my query, except by launching one of his usual diatribes without any factual content, but I wish to alert the Honourable Minister to the fact that the Swakopmund Town Council seems to have amended certain of their Local Authority Regulations solely and specifically with the

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intent to facilitate the following dubious transaction, which it submitted to the Ministry once before - and my question is, whether such legal manipulation is legitimate at all?

2. The Swakopmund Town Council is now once again seeking the Honourable Minister's approval for the alienation of a property of 4,463 square metres in a prime location, valued at N\$2.6 million in 2010, for a token sum of N\$30,000.00 to the SWAPO Party.
3. Is the Honourable Minister aware that, after having utilised the huge property under false pretences for over 20 years at virtually no costs, the SWAPO Party is now attempting to get this prime property handed over on a silver platter by the SWAPO dominating Town Council at the expense of the majority of suffering residents, especially the informal DRC residents of Swakopmund?
4. Is the Honourable Minister aware that these very same residents have been clamouring on a daily basis for space and roofs over their heads, while the Swakopmund Town Council is forever faulting them, or appeasing them with empty promises, due to lack of sufficient funds?
5. Can the Honourable Minister agree that by alienating this prime property at the market related price - whether to the SWAPO Party or any other interested buyer, the revenue generated could be wonders in terms of additional funding for servicing of land and alleviating the housing plight of the residents?
6. I hope that the Honourable Minister, too, will recognise this latest decision of the Council as the cunningly devised scheme to allow the dominating Party of the Swakopmund Town Council, SWAPO Party, to acquire a huge area of prime property at virtually no cost, after having had the privilege of virtually free utilisation of the same property for the last 22 years?
7. Will the Honourable Minister, therefore, carefully consider not only the legally, but ethically and socio-economically questionable decision by the Swakopmund Town Council, which places the interest of the SWAPO Party squarely above the interest of the town's community,

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above the interest of the Swakopmund rate-payers, and above the interest of those that suffer lack of development due to the intended self-enrichment of the SWAPO Party, and reject it with the contempt it deserves?

ANSWER

HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: Thank you very much Comrade Deputy Speaker. Honourable Members I would want to answer the questions put by Honourable Von Wietersheim to our Ministry.

On the question - *Is the Honourable Minister aware, that exactly two years ago in February 2012, I raised the following disgraceful development occurring in Swakopmund with his predecessor, Honourable Minister Jerry Ekandjo, here in this same Assembly?* Honestly, I cannot recall that, but I just want to say that I am following the footsteps of my predecessor as the Minister responsible of Regional and Local Government, Housing and Rural Development where accessible and affordable housing, rural development and decentralisation to bring Government closer to the grassroots top of our priority list. We render services at all spheres of Government through our sub-national structures, which are Regional Councils and Local Authorities in Namibia.

Honourable Jerry Ekandjo, as the Honourable Member says did not answer his queries - I will now answer his queries. Honourable Wietersheim, thank you for alerting me but your question does not have facts in itself as you are also assuming by indication that the Swakopmund Municipality Council seem to have amended a Section of their Local Authority Regulation. Local Authorities by virtue of the *Local Authority Act, 1992 (93 of 1992)* as amended, in terms of Section 94 - *a Local Authority Council may, after consultation with the Minister, make regulations by notice in the Gazette.* I am not aware of what Regulations the Honourable Member is referring to and it is also advisable to provide me with the *Gazette* of the said Regulations and if there is no *Gazette* in this regard, then it means that there were no Regulations made with regard to your concerns. You also continued to say that - *the Swakopmund*

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Municipality Council is now once again seeking the Honourable Minister's approval for the alienation of a property of 4,466 square metres in a prime location valued at N\$2.6 million in 2010, to a token sum of N\$30,000 to the SWAPO Party.

Yes, I received the request seeking approval, I just want to inform the Honourable Member that Swakopmund Municipality has stated the following: - *In an effort to empower Political Parties by purchasing land and create a fair and consistent guideline for the allocation of land to organisations registered within the Electoral Commission of Namibia at a reasonable prices, Council has revisited its property policy in this regard.*

Honourable Member, the property policy is not only in favour of the SWAPO Party but it is meant for any registered Political Party with the Electoral Commission of Namibia. Therefore, If any Party, which is in this Parliament and so forth, applies for a piece of land in Swakopmund, it will be treated in a similar way.

The Honourable Member continued - Is the Honourable Minister aware that, after having utilised the huge property under false pretences for over 20 years at virtually no costs, the SWAPO Party is now attempting to get this prime property handed over on a silver platter by the SWAPO dominating Town Council at the expense of the majority of suffering residents, especially the informal DRC residents of Swakopmund? With reference to the sale of erf 3486 in Swakopmund to the SWAPO Party of Namibia, it was required in terms of Council resolution passed on the 24th of February 2011, by the Swakopmund Municipality Council that the erf be rezoned and that it should further be included in the amendment scheme number 53. It is not right to say that SWAPO Party has utilising the property at no cost. All the costs of the transactions including costs of statutory process have been for the account of the applicant – the SWAPO Party.

Let me make strong emphasis that the Swakopmund Municipality Council has a five years strategic plan and the upgrading of DRC settlement is one of their priority items. To say that the SWAPO Party is attempting to get this prime property on a silver platter at the expense of the majority of suffering residents is unacceptable unless I am otherwise, convinced by

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Honourable Von Wietersheim. Are the residents of DRC only members of the Opposition? Is SWAPO not having the majority as much as I can recall? SWAPO Party's agenda is to foster development for all, inclusive of the RDP members as long as they are in the jurisdiction of the Government of the Ruling Party SWAPO. As we speak, if you go to DRC, I went there two weekends ago - if you go there, you could see the servicing of land to build houses for the people of DRC for the Mass Housing Programme. It is starting there now. Therefore, there is no way that we want to look down at the people of DRC settlement.

Is the Honourable Minister aware that these very same residents have been clamouring on a daily basis for space and roofs over their heads, while the Swakopmund Town Council is forever faulting them, or appeasing them with empty promises, due to lack of sufficient funds? Just as I have said, if the promises were empty, then the servicing of land would not have taken place in DRC settlement. You are all aware that SWAPO Party-led Government has introduced measures to ensure accessible, affordable housing for all and that is an introduction of - as I said the Mass Housing Programme countrywide. The SWAPO Party led Government is also having other Programmes in place such as the Built-Together Programme, Social Housing, Single Quarters Upgrading, Upgrading of Informal Settlement as well as a year financial commitment to the Shack Dwellers Federation of Namibia. All in all, these are attempts to address the housing needs of the Namibian people although these initiatives would be complemented by the Mass Housing Programme so as to fast track the provision of dignified housing. I believe that the Honourable Member is now fully aware that the space and the roof over all the needy people in Namibia is a priority of the SWAPO Government, not only for the SWAPO members but for all the citizens of this country.

Can the Honourable Minister agree that by alienating this prime property at the market related price - whether to the SWAPO Party or any other interested buyer, the revenue generated could be wonders in terms of additional funding for servicing of land and alleviating the housing plight of the residents? I think I have said more on this in my previous answer, it suffice to say that the Government is committed to providing funds to the plight of our people in providing houses and so forth. As you are well

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aware, we have already provided TEEPEG money for the cases servicing of land that has been servicing land throughout this country, and it was done by the Local Authorities.

Then the sixth question - *I hope that the Honourable Minister, too, will recognise this latest decision of the Council as the cunningly devised scheme to allow the dominating Party of the Swakopmund Town Council, SWAPO Party, to acquire a huge area of prime property at virtually no cost, after having had the privilege of virtually free utilisation of the same property for the last 22 years?* I think I have answered this question in my previous answer that this was not free and services there have been paid for. The domination of the Local Council mainly depends on the voters and if the SWAPO Party wanted to acquire the said property, of course, it could not have waited for 22 years to do that. I advise the Honourable Member to do a rough study on when the SWAPO Party has lodged its application with the Swakopmund Municipality Council. As I also said earlier, it is not only for one Party to acquire property - I have said that the Council has passed a Resolution that any Political Party registered with the Electoral Commission can acquire land in Swakopmund.

Will the Honourable Minister, therefore, carefully consider not only the legally, but ethically and socio-economically questionable decision by the Swakopmund Town Council, which places the interest of the SWAPO Party squarely above the interest of the town's community, above the interest of the Swakopmund rate-payers, and above the interest of those that suffer lack of development due to the intended self-enrichment of the SWAPO Party, and reject it with the contempt it deserves? Well as I said earlier, SWAPO is not a person to be able to attain self-enrichment as the Honourable Member claims, and it does not only refer to a certain social status group even those people the Honourable Member claims to have suffered due to lack of development are SWAPO Party members, as I said earlier, while some are like yourself, under the SWAPO Party-led Government. Therefore, when development comes, it does not happen in a vacuum but it is intended for each and every citizen of this country. The SWAPO Party is the people and the people are SWAPO, and there is no discrimination because the SWAPO Party is everywhere and is represented by everyone and it fought for equality and tranquillity. I

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thank you, Honourable Deputy Speaker.

HON DEPUTY SPEAKER: Any follow up question? Yes, you have the Floor Honourable Member.

HON VON WIETERSHEIM: Thank you, Honourable Deputy Speaker. Thank you for a very elaborate explanation. However, my question still remains. The core of this question is whether it is ethically and socio-economically correct to sell an upmarket prime property to any Party, I am not excluding any Party - to any Party at a price of N\$30,000, if it is valued at N\$2.6 million. That is still the core of the question and that still remains even after the explanation. Thank you, Honourable Minister.

QUESTION 05:

Honourable Von Wietersheim asked the Honourable Minister of Regional and Local Government, Housing and Rural Development:-

Can the Namibian Nation now expect a blatant increase in self-enrichment schemes by so-called National Leaders or for so-called National Leaders?

1. Hardly had I formulated the previous question about SWAPO's self-enrichment in Swakopmund, that news broke about the latest scheme of providing a Deputy Minister, who is a highly paid politician, with a property by the Windhoek Municipality at a third of its value, and I would like to know from the Honourable Minister, as the custodian of the Local Authorities, what he is going to do about this unethical and immoral scheme?
2. Honourable Minister, how do you evaluate this preferential treatment of a highly remunerated public figure versus the draconian measures against poverty stricken shack dwellers, who are not able to pay for either land or municipal services?

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3. Do you actually support the development of regulatory schemes to entrench preferential treatment of so-called National Leaders at a distinct disadvantage of poorer residents and citizens?
4. Honourable Minister, will you be proud to be called a National Leader, if these schemes will in future distinguish you from the ordinary citizen of this country?
5. Honourable Minister, will you consider to support the Municipality of Windhoek in their struggle with shortage of funds amounting to millions of Namibian Dollars, while they are prepared to develop get-richer schemes for the rich, at their own expense and the expense of the rate-payers of Windhoek?
6. Is there no provision in the *Local Authority Act* or relevant Regulations to safeguard against such conspirational, if not corrupt, preferential treatment? Thank you, Honourable Speaker.

ANSWER

HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: Thank you, Comrade Deputy Speaker. The area of Swakopmund is a very complicated area and we need to be very cautious. There are people in Swakopmund who own more properties than others in very prime areas. I, therefore, think what we are doing is proper.

Let me go to the questions by the Honourable Member: *Hardly had I formulated the previous question about SWAPO's self-enrichment in Swakopmund, that news broke about the latest scheme of providing a Deputy Minister, who is a highly paid politician, with a property by the Windhoek Municipality at a third of its value, and I would like to know from the Honourable Minister, as the custodian of the Local Authorities, what he is going to do about this unethical and immoral scheme?* This question is below my comprehension as I do not know who should answer this question because I have no idea who are the so-called National

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Leaders the Honourable Minister is referring to because the Honourable Member is also here because of his national calling, what you refer yourself to and I believe that the Honourable Member is always referred to as a National Leader. My Ministry is operating on legislative processes that all Local Authorities are following and the establishment of self-enrichment schemes are not mentioned anywhere in our legislation, neither in our policies. Being the custodian of the Local Authorities, I can only take action if my Ministry has a formal request with regard to the transaction. If it is only printed media reports, I cannot act because I am operating within a given legal framework.

The other question - *Honourable Minister, how do you evaluate this preferential treatment of a highly remunerated public figure versus the draconian measures against poverty stricken shack dwellers, who are not able to pay for either land or municipal services?* My Ministry is not in possession of any documentation with regard to the said transactions and thus unable to make a well-informed evaluation as to information dissemination for public consumption. With the mention of Shack Dwellers Federation, my Ministry has a financial obligation to the Federation and provisions are made in our Annual Budget because we are fully aware of the challenges facing the Shack Dwellers Federation when it comes to accessibility and affordable service land. My Ministry is not only catering for the Shack Dwellers Federation, hence the introduction of the Built Together Programme, Social Housing Programme, Informal Settlements Upgrading and now the anticipated Mass Housing Programme.

The Honourable Member continues to ask – Do you actually support the development of regulatory schemes to entrench preferential treatment of so-called National Leaders at a distinct disadvantage of poorer residents and citizens?

Honourable Minister, will you be proud to be called a National Leader, if these schemes will in future distinguish you from the ordinary citizen of this country? When I took oath as a Minister in the Republic of Namibia, there was no mention of supporting certain social classes at the expenses of others. People come in different shapes, sizes, and colours that do not justify the development of regulatory schemes to entrench preferential

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treatment and I assure that during my tenure of office, I am not aware of the schemes the Honourable member is referring to.

Honourable Minister, will you be proud to be called a National Leader, if these schemes will in future distinguish you from the ordinary citizen of this country? As for now, my pride does not lie with a name but I rather be proud to fight a legacy of humanity. People can call you names -if I am not mistaken, you and me are all classified as National Leaders, being members of the National Assembly. Is the Honourable Member proud or not to be an Honourable Member of this House?

Honourable Minister, will you consider to support the Municipality of Windhoek in their struggle with shortage of funds amounting to millions of Namibian Dollars, while they are prepared to develop get-richer schemes for the rich, at their own expense and the expense of the rate-payers of Windhoek? As the Minister responsible for Local Authorities, I will fail in my duties if I do not support my Local Authorities but let me refresh your mind Honourable Von Wietersheim - what I do not support, I act accordingly as I am open with a defined legal framework. Omaruru and Okahandja Municipalities are practical examples of - what I do not support - I act accordingly.

The other question is - *is there no provision in the Local Authority Act or relevant Regulations to safeguard against such conspirational, if not corrupt, preferential treatment?* Honourable Member, we have the Anti-Corruption Commission, which is the body mandated to fight corruption and I believe that if Honourable Von Wietersheim have enough evidence to substantiate your claims, you are more than welcome to approach the Anti-Corruption Commission in this regard. My stance is that my Ministry is not in possession of any documentation from City of Windhoek, neither Swakopmund Municipality Council with regard to the development of self-enrichment schemes for the so-called National Leaders and for the SWAPO Party as Honourable member claims. I thank you.

HON DEPUTY SPEAKER: Any follow up question?

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HON VON WIETERSHEIM: Thank you, Honourable Deputy Speaker and thank you Honourable Minister.

Again, I wish to commend you on a very elaborate explanation and there is not much fault to be found with your reasoning. However, I was challenging you in a way - if I asked you, how do you evaluate or if I asked you do you actually support? I wanted the opinion and not all the legal explanations around your opinion. Then, of course, the most important one - will you be proud to be called a National Leader, I will answer your question and say - *yes, I am proud to be one of the National Leaders*. However, I am asking if that National Leader is in future going to be distinguished from the normal citizens by some kind of unfair preferential treatment, will you then still call yourself a proud National Leader? That was my question - Thank you, Honourable Deputy Speaker.

QUESTION 06:

Honourable Maamberua asked the Honourable Minister of Mines and Energy:-

1. Okongwe village in Omatjete, Daures Constituency in Erongo Region has electricity but not in the homesteads, why not and what plans are in place to ensure that all houses are connected with electricity?
2. Would the Honourable Minister provide the rural electrification plan for the Daures Constituency with your answer? I so Move, Honourable Speaker.

ANSWER

HON MINISTER OF MINES AND ENERGY: Thank you, Honourable Speaker.

Honourable Speaker, Honourable Members, I would like to thank

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Honourable Maamberua for his question and I am going to respond as follows:

The place Okongwe has been electrified through solar system connection already, back in 2011. The solar power was provided at the clinic, the school, the staff accommodation and to 110 households, back in 2011.

I visited the area and I have seen it myself. However, I observed and was informed that the solar system at the school and the clinic was not sufficient to connect to all the electrical equipment that they have. For example, at the school when they want to run the photocopier, they have to switch off all other equipment.

After getting in touch with the Regional Council and informing them about this problem, in 2012 they have identified Okongwe as a recipient for Rural Electrification or one of the recipients for Rural Electrification allocation in their Region and the Ministry has budgeted and allocated N\$5,6 million to electrify Okongwe on the grid.

This has coincided with the policy of the Ministry so much so that we temporarily suspended the electrification to the households for five years until such time that we have finished with the priority that is for Rural Electrification and, that is, for schools, the clinics, churches and other Government institutions in rural areas.

However, that policy did not come with a total suspension because we allocate N\$2 million to each and every Region. That N\$2 million can be used for any other connection, other than the schools, clinics and Government identified priorities. Therefore, it is up to the Regional Council if they so wish, to electrify any other locality other than what the policy's priority is indicating with the money that was availed to them.

It is, therefore, not true that the households in Okongwe do not have electricity, each one of them has electricity in the form of Renewable Energy that Honourable Ben Amathila mentioned a while ago that we are going to have a Workshop on. I must also indicate to the Honourable Member that the connection to households that has been suspended is because of the priority of the Government currently.

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When I made the investigations then before I went to Cabinet to ask for this authorisation, there were 167 schools in the whole country without electricity and if we had followed the phase and the model that was there then, it would still take us between more than forty years and we would still be without having completely electrified schools in Namibia. We at the Ministry, therefore, felt that that cannot be allowed. With the money that we have, that is the Budget, coupled with contractors and consultants that are available we can only go up to this capacity of electrification. We do not have the capacity to do more than we are doing and this can be attested by the tenders that we allocated.

Some of these tenders that we put out for the public may probably not be tendered for. Those who are submitting tenders sometimes submit for more than four localities or regions and they end up not delivering. That is why I have been saying even during the Budget Speech that I am very much dissatisfied with the contractors because they are not delivering. These are the only people we have and, therefore, we are building capacity and we have made a lot progress indeed, amidst the many challenges we are facing.

When it comes to the question, what is in there, for the Dâures Constituency, we have a Master Plan and Dâures Constituency does not have any school without electricity for your information. Therefore, as I said earlier, whatever the Regional Council identify as their priority for connection in their localities, they are free to do so and as always they will bring these priorities to us and we fund or we give them the money that they are seeking. Thank you, Honourable Speaker.

HON SPEAKER: Thank you, Honourable Minister. Any follow-up?

HON MAAMBERUA: Thank you very much, Honourable Speaker. I should also thank the Minister for attempting to answer my question. I think Honourable Muheua is probably coming from a place closer to that Okongwe Area.

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I was in Okongwe only two months ago and obviously, the solar electricity or electrification that the Minister is referring to - the 110 households, in fact, there might be 110 houses in Okongwe but definitely not 110 households (interjections).

HON SPEAKER: Where do I get the voice from? Honourable Maamberua has the Floor, all of us should listen to him.

HON MAAMBERUA: Yes, Can you please pay attention? The solar system that is there is actually not working, perhaps only in very few houses - maybe in ten house. Some of them have been installed at the Auction Kraals, so that system is not functional, Honourable Minister.

In fact, there is grid electricity in Okongwe, the school and clinic are connected to that grid, but that is electricity, not the solar that you are talking about and that is the grid electricity that the residence are asking to be extended to their households even some of the shops have normal electricity.

The second question says; would the Minister provide the Rural Electrification Plan for the Dâures Constituency with your answer? I thought we were talking about a Plan to be provided with the answer, I still beg the Honourable Minister to provide a Master Plan, with this answer, for the Dâures Constituency if he has one. Maybe you have it and you just forgot to extend it.

Maybe the next step for me would be to visit the Honourable Minister in his office because this is a very serious issue and this answer has left me cold. Thank you.

HON SPEAKER: Thank you. Question 7 is by the same Honourable

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Member and it is addressed to the Minister of Information and Communication Technology.

HON MINISTER OF MINES AND ENERGY: I thought you wanted me to answer to Honourable Maamberua's follow-up question.

HON SPEAKER: Yes, you can if you want to Minister.

HON MINISTER OF MINES AND ENERGY: Yes, Honourable Maamberua, I thought you were a good listener. You are now telling me that Okongwe has a grid and I have just informed you that N\$5,6 million was allocated by the Ministry, which I am running, to electrify Okongwe. Now you are saying this as if I do not know. I know, I was there and I am also informing you that 110 houses were, (*intervention*).

HON MAAMBERUA: Households.

HON MINISTER OF MINES AND ENERGY: Well, what is the difference between households and houses?

They were provided with solar systems and it is their own systems that they need to maintain. Now if a battery, for example, gets flat or the bulb is not working, it is no longer the Ministry that should come in to repair these, but it should be the owners' responsibility to replace the batteries or bulbs if they are not functioning.

You are welcome to my office and I can show you everything that you

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may want to see. Thank you, Honourable Member.

QUESTION 07:

Honourable Maamberua asked the Honourable Minister of Information and Communication Technology:-

Honourable Minister, you are aware that the first Post Office in the then South West Africa, Namibia today, was founded in Otjimbingwe on the 16th of July 1888. Further Post Offices were later established in Windhoek in (1891) and Swakopmund (1895).

1. Are you aware that today there is no Post Office in Otjimbingwe?
2. Would you agree with me that given the long distance from Otjimbingwe to Karibib, aggravated by high levels of poverty in that part of Namibia, worse still, that it is risky and costly for the pensioners and other vulnerable groups to travel to Karibib for postal and post bank services, that a Post Office with post bank services is actually needed in Otjimbingwe?
3. Honourable Minister, what plans are there in this Sector you preside over, to provide such critical services to the people of Otjimbingwe?

I so Move, Honourable Speaker.

ANSWER

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

The Honourable Member wants to find out whether there is no Post Office

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in Otjimbingwe. Honourable Member, some years ago NamPost undertook a trip to Otjimbingwe with the view to establish postal services in Otjimbingwe. Since NamPost did not have money to construct a building of its own, they were looking if they could find a place to rent and provide postal services to the community of Otjimbingwe but they could not find a suitable place to rent. They could not find a place because in some areas where NamPost has its footprint, they are not operating from their own premises but operate from places they rent from the local community.

However, the good news is that there is a construction of a shopping mall going on and NamPost is hoping to find a place where they could operate from and provide postal services in Otjimbingwe. I thank you.

HON SPEAKER: It is only for Honourable Maamberua who has put the question. Honourable Maamberua.

HON MAAMBERUA: Comrade Speaker, thank you very much. I wish to take the opportunity to also thank the Minister of Information and Communication Technology for the answer, particularly for having given us hope that sooner than later there will be a Post Office in Otjimbingwe.

Obviously, there are so many abandoned buildings in Otjimbingwe that could actually be used for that purpose with a little bit of modification, but thank you very much. We shall be in contact with the people of Otjimbingwe to relay that hope to them. Thank you very much.

QUESTION 08:

Honourable Maamberua asked the Honourable Minister of Health and Social Services:-

1. Whether the Minister is aware that Otjimbingwe is such a poor place,

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that travelling from Otjimbingwe to the nearest town, Karibib, is so costly for the majority of the residents there?

2. Is the Minister also aware that there is no mortuary in Otjimbingwe, the nearest one is in Karibib, about 60 kilometres away?
3. In light of this, would the Ministry consider putting up a mortuary to assist the people with this vital service? I so Move.

ANSWER

HON MINISTER OF HEALTH AND SOCIAL SERVICES: Thank you, Honourable Speaker.

Honourable Members, first of all, I would like to thank Honourable Maamberua for his keen interest in the health of Namibians. Regarding his three questions;

1. Is the Minister aware that Otjimbingwe is such a poor place that travelling from Otjimbingwe to the nearest town Karibib is costly for the majority of the residents there?

Yes, I am aware, Sir – simple.

2. Is the Minister also aware that there is no mortuary at Otjimbingwe, the nearest one is at Karibib, which is about 60 kilometres away?

The answer is: Yes, indeed I am aware of that.

3. In light of this, would the Ministry consider putting up a mortuary to assist the people with these vital services?

It is our desire that, if resources were in place, to indeed provide all such places which are far from the nearest facilities with such services. We would construct such mortuaries but believe you me, we are faced with a challenge relating to competing priorities. It is more an issue of resources than the desire to do so. Thank you very much, indeed.

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QUESTION 09:

Honourable Maamberua asked the Honourable Minister of Regional and Local Government, Housing and Rural Development:-

Considering the high level of poverty and unemployment rate in Namibia and Otjimbingwe in particular, would it be possible for your Ministry to consider the following:

Having regard to the fact that Otjimbingwe is 60 kilometres from Karibib, has the Ministry considered opening a “satellite” Constituency Office in Otjimbingwe village, to enable the residents there to visit such office without having to travel to Karibib every time they need assistance from the Councillor? I so Move, Honourable Speaker.

ANSWER

HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT: Thank you very much, Comrade Deputy Speaker. This question is from Honourable Maamberua, the Asian General. The starts with a statement and sometimes it makes it difficult for us to answer.

Considering the high level of poverty and unemployment rate in Namibia and Otjimbingwe in particular, would it be possible for your Ministry to consider the following:

Having regard to the fact that Otjimbingwe is 60 kilometres from Karibib, has the Ministry considered opening a “satellite” Constituency Office in Otjimbingwe Village, to enable the residents there to visit such office without having to travel to Karibib every time they need assistance from the Councillor? Otjimbingwe town-land boundaries were identified and surveyed in the 2001, 2002 and 2003 and declared in September 2004. The general layout plan was also compiled, submitted and approved during the 2002, 2003, 2004 Financial Years and the surveying took place during December 2006. For the services, the Council installed and

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upgraded the water supply network and installed the water repayment metre to the tune of M\$900,000.00. To the service designs, an amount of N\$1.5 million was committed for the compiling of service designs on sewerage, electricity, streets and storm water drainage. Bicon Construction was appointed for this project.

For electricity, Council has provided an amount of N\$82,000.00 in the 2000/2001 Financial Year for the extension of electricity to the Built Together houses in Otjimbingwe and another N\$32,000.00 in 2006/2007 Financial Year. An amount of N\$808,000.00 was committed under the rural electrification in 2003/2004 and 2005/2006 Financial Years and this project was completed successfully.

For sewerage, an amount of N\$2 million was committed in the 2004/2005 Financial Year for the extension and upgrading of the sewerage network and pump station. The project was completed successfully in August 2006.

The Construction of the Settlement Administration Office of Otjimbingwe; the Erongo Regional Council, from their own 5% Rates and Taxes, invested an amount of N\$6,951,944.44 for the construction of a Settlement Administration Office in Otjimbingwe. The project commenced in the 2012/2013 Financial Year and the expected completion is March 2014.

Otjimbingwe Rural Water Supply Project - the water supply project to the tune of N\$126,948,768.00 is currently being implemented. The project is financed by the Ministry of Agriculture Water and Forestry and NamWater on the 50/60% basis. Upon completion, the project will supply water to Otjimbingwe Settlement as well as the surrounding farming communities.

Constituency Development Fund - the Erongo Regional Council has established a fund called the Constituency Development Fund. Under the Constituency Development Fund, each of the seven Constituencies of the Region received an amount of N\$100,000.00 for each Financial Year to be utilised for small development project in their respective Constituencies.

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The fund is accessible through the Constituency Development Committee of any given Constituency. Through this fund, a number of small projects are all funded in the Constituencies. I thank you.

HON DEPUTY SPEAKER: Thank you, any follow up question?

HON MAAMBERUA: Thank you very much, Honourable Deputy Speaker. I did not follow the first part of the question because my question was whether a *satellite* Office could be considered given the distance between Karibib and Otjimbingwe and I was actually disturbed. I was not sure whether you answered that specific question or not because what I am hearing is like you are addressing the question that was addressed to the Right Honourable Prime Minister.

On the comment on the attire that I had the other day (*interjection*), yes, you called me General or something like that - that is not a joking matter. As I said, this is a matter of life and death. We did not invite the imperialist to come and try to annihilate our people and when I say through our determination, we have captured those attires from the enemies, including the weapons that they were fighting us with. They failed to annihilate us and we still have some items on our menu that we are going to pursue - one being our ancestral land that the 1991 Conference actually denied us the right to pursue but we are not going to be deterred by those Resolutions. That is why we are calling for a second Land Conference so that we can revisit some of those issues. After all, the right to pursue our rights to reclaim the land that was taken away from our people is part of our determination and we shall continue with that. The liberation issue is part of that - what you call a uniform or whatever you are saying, and we shall pursue and continue to demand the liberation (*interjections*)

HON MEMBER: Do not campaign!

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HON MAAMBERUA: If you are called names that are not suitable - this is not the moment to degrade others, people who have suffered the first Genocide in Africa cannot be reduced to being called Generals and things like that – we are not Generals, I am not a General. It is a mockery of the suffering of our people. Please can you ask the Minister to withdraw calling me General? I am not a General but I am a sufferer, I am a descendant of the people who have suffered through Genocide (*interjection*) I beg your pardon?

HON MEMBER: But why did you put on that uniform?

HON MAAMBERUA: It is not a uniform, it is an attire, I told you the other day (*laughter*). If you have clothing that you put on signifying certain activities from your own group, nobody questions that. Therefore, please do not question that.

HON DEPUTY SPEAKER: Honourable Member, can you sit down so that I can comment? I do not know but I think the comment from the Minister, the way I took it, it was a sort of a joke and then he referred to the serious issue of the question you have asked. It is how I understand it.

HON MEMBER: Stop campaigning!

HON MAAMBERUA: Thank you, Honourable Deputy Speaker. We are talking about the plight of other people and when we talk about land it should be taken seriously. Just listen please.

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HON DEPUTY SPEAKER: No, no, I think you have explained enough. You did explain yesterday and you did explained today as well. I think they understand.

HON MAAMBERUA: Can I ask the former Minister of Finance, Education and Information to refrain from interfering whilst I am talking please?

HON DEPUTY SPEAKER: Can you now sit down because yesterday you touched upon the issue and you did explained today. I think they do understand.

HON MAAMBERUA: Yes, if you can help the House to refrain from making a mockery of our suffering please.

HON DEPUTY SPEAKER: Can you now sit down?

HON MAAMBERUA: Yes.

QUESTION 10:

Honourable Maamberua asked the Right Honourable Prime Minister:-

Being aware that Otjimbingwe is having inhabitants of about 8,000 people;

Knowing that first *de facto* capital of the then South West Africa was established in 1880, under Commission Dr Heinrich Göring at Otjimbingwe which was the seat of the colonial administration;

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Noting that the first school in Namibia was started in 1876 at Otjimbingwe, and similarly, the first church in Namibia was established in 1867 at Otjimbingwe;

Conscious of the fact that two monuments; that is, the Rhenish Church that was established in 1867 and the Armoury Tower that was erected in 1870, have been declared national heritage and are both in Otjimbingwe; *Knowing* with regret, however, that this very historically important place is literally in ruin, crime rate is high, unemployment is high, tourism and manufacturing are insignificant, agricultural production have plummeted;

What are your Government plans with the resuscitation or rejuvenation of Otjimbingwe?

I so Move, Honourable Speaker, and I thank you.

ANSWER

RT HON PRIME MINISTER: Comrade Deputy Speaker, this question was put a long time ago and I thought it lapsed but I am glad that the Honourable the Minister of Local Government, Housing and other things, answered him thoroughly and he himself admitted that - the Honourable Minister answered my question, so you got the answer.

May ask you a question? What is the other name of Otjimbingwe? It is a rhetorical question. He does not know it. Shout it.

HON DEPUTY SPEAKER: The other name of Otjimbingwe?

HON MAAMBERUA: Thank you very much and I (*interjections*)

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HON MEMBERS: The name!

HON DEPUTY SPEAKER: What is the other name for Otjimbingwe?

RT HON PRIME MINISTER: Honourable Deputy Speaker, thank you, I got the answer. He does not know that there is another name for Otjimbingwe but he is so concerned about Otjimbingwe. I was there last year, when were you there last? Do not answer, it is just a rhetorical question. He was not there but he is concerned about it. The Honourable Minister answered you that we are concerned about developing this country and he even gave you the quotations and amounts being spend. Therefore, within that same vein, he answered the question you put to me.

I also wanted to abuse the occasion as you have done to answer your other questions because I am not going to be here next week. He asked a question about the *Think Tank*. He is not here, however, I have to answer because I am not going to be here when I have to answer his question on the *Think Tank*. Can I, therefore, provide answers to both his questions now?

HON DEPUTY SPEAKER: Alright.

RT HON PRIME MINISTER: Honourable Member, political rights are enjoined to all of us in Article 70 that we must participate in political activity. It does not say *except* the Public Servants. It says all Namibians are enjoined to participate in political activity. Again, underscoring it does not say *except* Public Servants, including Permanent Secretaries. However, we as a mature Government, sat down those days already, did research and obtained advice from some people on how they do it in their countries, the so-called advanced world. Some do completely not allow Civil Servants to participate, others do allow a certain level and

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management are not allowed.

We do the same here. No Permanent Secretary will hold an office in Swakopmund, if they are members of SWAPO. None can be the Secretary of Information or Deputy Secretary of the SWAPO Party. However, to go and listen at the rallies and to think is not prohibited. There is a big difference between a *Think Tank* and a *Do Tank* (*laughter*), difference. A *Think Tank* is an intellectual activity and they have a right to write and research, but think is passive and do is an activity - when they would be belonging to whatever and be doing things against the Opposition Parties. They never go to rallies and address public rallies to condemn the Opposition Parties.

I know - I was going on missions with Honourable Member like De Waal and there were Civil Servants, some of them were Permanent Secretaries who are Ambassadors, who will receive all our Members of this House equally without any discrimination. Let us not confuse the *Think Tank* - thinking intellectually, with the *Do Tank*, which is an activity. Thank you very much.

HON DEPUTY SPEAKER: Any follow up question?

HON MAAMBERUA: Yes. Thank you very much, Right Honourable Prime Minister. On the name of Otjimbingwe and my interest in the Otjimbingwe area as a National Leader; of course, I know the proper name of Otjimbingwe is Otjizingwe. Otjimbingwe is derivative from that name (*interjection*). No, I do not speak Damara, he is a Damara speaker - he can tell us what is the Damara name of Otjimbingwe. I am not conversant in the Damara Nama language. Being a National Leader does not mean you speak all the languages in the country. At least I might even be better off than some of you in terms of Namibian languages.

HON DEPUTY SPEAKER: Can you please stick to your comment?

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HON MAAMBERUA: Some of us only speak one indigenous language while others speak a more languages than others. Please do not take me on that one. I am responding to the question - I am answering because there was a question directed to me.

HON DEPUTY SPEAKER: Please proceed.

HON MAAMBERUA: On the answer of the Prime Minister, regarding the Provision of the *Public Service Act*, the *Public Service Act* is clear. It is unfortunate that I did not bring the copy today because I was not prepared that the answer would be given today. It is clear and I have quoted that it prohibits anybody at the level of management.

That is unprocedural what Point of Order is it?

HON DEPUTY SPEAKER: Point of Order, Honourable Minister.

HON MINISTER OF DEFENCE: On a Point of Information; Honourable Maamberua is an academic, he was teaching at the University of Namibia and he understands the difference between *vita contemplativa* and *vita active* (laughter).

HON MAAMBERUA: The *Public Service Act* is clear. It prohibits anybody in the category of management to write, to promote, to organise political activities in favour of any Political Party. That is what it says.

HON DEPUTY SPEAKER: Point of Order.

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HON DEPUTY MINISTER OF TRADE AND INDUSTRY:

Honourable Maamberua and I worked together for five or seven years at the Ministry of Finance. Does the Honourable President of SWANU now want to tell us here that he only started thinking about SWANU after he left the Ministry? Can that really be true Comrades that he never did anything for SWANU when he was a Public Servant? It is not true.

HON DEPUTY SPEAKER: Yes?

HON MAAMBERUA: My former Minister at the Ministry of Finance knew exactly what I was doing, therefore he has the answer about what I was doing at Finance.

Please let us not try to run away from the fact because it is our Act. It is an Act of Parliament and there is no way we can hide behind that. The Act is clear -you cannot write and you cannot promote the interest of a Political Party if you are at the level of management and it is clear that you cannot hold any position whatsoever in a Political Party. If you are a Deputy Chairperson of a *Think Tank*, which is a structure of the Party, that is prohibited. If you are holding any position whatsoever in a *Think Tank* of a Political Party. That is prohibited and it is clear.

HON DEPUTY SPEAKER: It is open for interpretation. Right Honourable Prime Minister?

RT HON PRIME MINISTER: I think people cannot call their rallies and get people together so they want to use these facilities to campaign (*laughter*) Go and call your rally.

Firstly, I am saying time and again, by the way you are just a Civil

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Servant. I was drafting those things that you are quoting. I know - I must know what I was drafting. It is, therefore, very clear that the management level is not allowed to hold posts.

If you are saying they are holding posts in SWAPO, go and get a SWAPO Constitution and look at the posts that are SWAPO political posts.

The *Think Tank* is an institution to think and nobody is stopped from thinking because he is a Civil Servant. They must still *think* but not *do*. We do it. They are there to think as you were doing when you were a Civil Servant (*interjection*) and you too. Why should he tell me no? I am talking now. Who are you?

HON ULENGA: Keep quite!

HON DEPUTY SPEAKER: Honourable Member can you sit down first?

RT HON PRIME MINISTER: And keep quiet, who are you? What is your point, I am talking to this man?

HON DEPUTY SPEAKER: Honourable Ulenga, can you sit down and then you follow the right procedure? Can you look at me? Should it have been the Speaker you should not have done what you are doing.

HON ULENGA: What? It is because you are behaving wrongly, do not sit there and argue.

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HON DEPUTY SPEAKER: Why are you so frustrated? You cannot take out your frustrations on me. You are frustrated, of course. You tend to put your political frustrations on people. No, you cannot stand up until I give you the Floor!

HON ULENGA: Act like a mature person!

HON DEPUTY SPEAKER: You must also act like a mature politician.

HON ULENGA: That is how I am acting.

HON DEPUTY SPEAKER: You are not. Then, do not put your frustration on other people man, Jesus! You look for loopholes to vent your frustrations - it is not my problem.

Right Honourable Prime Minister, can you finish? Can we extend with three minutes before we go for tea break for the Right Honourable Prime Minister and Honourable Maamberua to finish?

RT HON PRIME MINISTER: There seem to be some expectations from some people - that they get a chance to put a question and hope that somebody will fail to answer and, therefore, score a point. When you now give them an appropriate answer that knocks them out, they get frustrated and you saw the activity just now here. I am simply saying that I know what you are quoting because I was involved in its drafting and that is a fact, I should know better and, therefore, I am saying there is no Permanent Secretary, who by being a member of the *Think Tank* is holding a political office, because the *Think Tank* is not a political

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structure of SWAPO in the Constitution. It is a *Think Tank*, it is an academic institution. Some people are teaching at the University and some were teaching when they were Civil Servants at the University. However, there you are using an interest when you talk about Political Parties – analyse it as a Professor, as Lecturer. You are not holding an office.

Therefore, if the *Think Tank* people are thinking to help the country, what is wrong with that? It seems like that is now going to force you burn out of shape, that is your problem. It is simply a question that you ask to score points and I will also answer you in the same vein. Thank you very much.

HON DEPUTY SPEAKER: Can we proceed?

HON MAAMBERUA: No, I have the last word because I am the one to respond, you see.

HON DEPUTY SPEAKER: Before you proceed, can I ask the House to finalise the Questions because there is only one question before you go for tea? I give you one minute to finalise before we go to the third question.

HON MAAMBERUA: Since we have to respect our Laws, we have to interpret them faithfully. The *Public Service Act* of 1995 is clear. If you are in a management cadre in the Public Service, you are not allowed to write, to promote in the interest of any Political Party and that is clear. We are not talking about any person who is holding a position in the *Think Tank*, we are talking about those in the management cadre as prohibited by the Act and that is all what we are saying. If the Right Honourable Prime Minister thinks that by promoting an interest of a Political Party whilst you are in the management cadre of Public Service is not a violation, then I think that is a total misreading of the *Public Service Act* and I stand on that point.

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QUESTION 11:

Honourable Ulenga asked the Honourable Minister of Education:-

1. Will the Minister agree with me that while primary education has been declared free since 2013, in accordance with the Namibian Constitution Article 20, it is still not compulsory in practice, as there are no enforceable measures by Law to render it compulsory, nor are there relative punitive measures in the Act to render primary education both free and compulsory?
2. Will the Minister, therefore, be prepared to admit that Article 20 of the Namibian Constitution is only partially enforced?
3. When does the Minister intend bringing the necessary Amendments to the *Education Act* so as to make Article 20 of the Constitution a reality?

ANSWER

HON MINISTER OF EDUCATION: Thank you very much, Honourable Speaker. I want to respond to these questions as follows:

Honourable Members, I am inclined to believe that Honourable Ulenga is referring to the fact that the parents should be punished if they do not send their children to school. I think that is what he means by punitive measures. What is inbuilt in the Namibian Constitution, is the development of responsible citizens. This means that when we bring children into the world we have to understand that they need to be loved, cared for, protected, have access to education and ensuring that all their rights as children are respected at all times.

In this regard, the Ministry of Education is making provisions for reasonable facilities, human resources, learning and teaching materials to ensure schools are attractive environments for children to go and learn. That is the responsibility of the Government.

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The Government has introduced universal primary education, hence, the abolishment of the so-called School Development Fund, to all Government Primary Schools, to ensure that children are not hindered from accessing education because of fees. It is the view of the Ministry that punitive measures will not solve the situation but what is being stressed is that everybody, Members of Parliament, Traditional Leaders and Regional Councils should see to it that learners attend school.

Therefore, what is critical is the responsibility and the commitment of parents and the community to ensure that children are registered and remain in school as per our *Education Act*. All stakeholders should also play their part in enforcing the rules of the Government and preach the importance of education at all times.

The Honourable Member continues to ask whether I am prepared to admit that Article 20 of the Constitution is partially enforced, and I have the following to answer: The Government has made financial provisions to cater for the constitutional requirements by removing all fees that will form obstacles to accessing education. It is our view that by introducing UPE, we have fully met the provision of Article 20 of our Constitution.

The Honourable Member continues to ask another question, the last one; when I intent to bring the necessary Amendment to the *Education Act*, 2001 (Act 16 of 2001) so as to make Article 20 a reality.

Honourable Members, yes, the *Education Act* is in the process of being reviewed, the working group is formed and then ground work has been done, wider consultations with regional participants will be done as well. My staff members have already consulted with the Government Legal Drafters to advice us on this very important matter. I rest my case on that, Honourable Speaker.

HON SPEAKER: Thank you, Minister. Honourable Ulenga, do you have another question?

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HON ULENGA: Honourable Speaker, let me express my gratitude to the Minister for partially or albeit partially dealing with the question.

HON SPEAKER: Do you have another question to the same Minister?

HON ULENGA: I assure the Minister that these were genuine questions put to the Minister by trying to create a way or an opportunity for the Minister to deal with this particular issue and not with general Amendments.

I am really talking about the fact when it is the duty of everybody, it is really the duty of nobody. When everybody is assumed to be doing it, nobody really does it, and therefore, this is what I was asking about; who exactly is responsible, by Law, to keep the children in schools as per the Universal Primary Education (UPE)?

HON SPEAKER: You can pose another question to the same Minister where you can point out that you were not satisfied with the Minister's answer too.

HON ULENGA: The Minister seems to be worried about other things.

HON SPEAKER: Can you just underline what you are not satisfied with?

HON ULENGA: Yes, I wanted the Minister to deal specifically with the people who are responsible because the whole citizenry cannot be responsible for Law and Order, for example. Even though we are teaching our kids to be Law abiding citizens, we cannot say everybody must look

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after Law and Order, the Police are doing it.

QUESTION 12:

Honourable Ulenga asked the Honourable Minister of Education:-

1. Since 2010, how many Primary Schools and how many Secondary Schools have closed in each of the 14 Regions of the country, and what were the reasons for the closure in each instance?
2. How many new schools, either Primary, Secondary or Combined were opened in each Region?
3. In the specific case of the school called Aili Shikomba Combined School, near Uuhongo, in the Onathing circuit in Oshikoto Region, what was the cause of the closing of that school, Honourable Minister?
4. Were the parents and the community properly consulted about the closure of the school before it was closed, and if not, why was it not done?
5. What happens to the infrastructure such as buildings and other materials once a school closes? I so Move.

ANSWER

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

I want to respond to this question as follows: The total of 17 Primary Schools and one Secondary School were closed since 2010 and this happened on the following grounds:-

Most of the schools in Kavango Region were smaller schools which were meant to cater for nomadic communities. That is, to cater for children of

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the herders in the areas or to cater for very young learners who would otherwise find it difficult to make it to other schools because of floods or the rains.

Sometimes these schools are only operated during the rainy seasons where learners join other schools once water has subsided. These schools function like satellite schools or mobile schools. Some were closed because of a lack of learners, shrinking operation in the area, or parents have decided to move learners elsewhere while some other schools were merged. In this case, one school had to be closed and deregistered. This is really an artificial closure. It benefits the Ministry in that resources are pulled together to cater for a larger community, for example, in this case, there will be only one Principal instead of two and teachers can be utilised across the different phases optimally.

Second question: How many new schools, either Primary, Secondary or Combined were opened in each Region? Primary Schools were opened since 2010, that is, 54 Primary Schools and 6 Secondary Schools were opened since 2010. I am going to attach the table here to provide the actual numbers per Region.

Question 3: In the specific case of the school called Aili Shikomba Combined School, near Uuhongo, in the Onathing circuit in Oshikoto Region, what was the cause of the closing of that school? Honourable Members, the Ministry of Education would like to correct the Honourable Member here that the school in question is not Aili Shikomba Combined School, but Oshikomba Primary School - School Code: 8714 and it was previously in the Onathing Circuit. Oshikomba Primary School is situated in Uuhehe Village of Onyaanya Constituency in the Oshikoto Region. The School was established in 1992 with plus/minus 80 learners. Oshikomba Primary School closed in January 2012 due to the low number of learners.

The school enrolment has been going down every year since its inception. This is illustrated as follows:

- In 2004 they had 46 learners.
- 2005 - 44 learners.

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- 2006 - 46 learners.
- 2007 - 42 learners.
- 2008 - 42 learners.
- 2009 - 36 learners.
- 2010 - 27 learners.
- 2011 - 11 learners.

The closure was mainly caused by the location of the school, as it is located in a flood-prone area with few households that are very scattered during the rainy seasons. The school is usually surrounded by floodwater and accessibility to the school during this time of the year is usually very difficult. The school enrolment started to decline drastically from 2004 with no learners in Grade 1 in 2009 and only 11 Grade 4 learners in 2011.

Question 4: Were the parents and the community properly consulted about the closure of the school and if not, why was it not done? Honourable Members, my answer is yes, the parents were fully informed of this situation. Instead, several meetings were held with the parents, the community and inspector of Education. The Minutes are available to this effect upon request. During these meetings, it was agreed that the learners who were attending school at Oshikomba Junior Primary School will be transferred to nearby Primary Schools and the buildings, one class would continue to be used to accommodate the community kindergarten, to avoid vandalism of the properties.

A meeting was held with the Headman of Uuhehe Village on the 28th of January 2012, whereby an agreement was reached for the community under the leadership of the Headmen together with the kindergarten teacher, to monitor and take care of the physical facilities while a viable solution is being sought. The kindergarten only had an average of 7 children over the year which could not guarantee the sustainability of the school.

What happens to the infrastructure such as building and other materials once the school closes? The furniture, textbooks and other teaching and learning materials from Oshikomba Primary School were taken to other schools within the circuit and the buildings continued to be used by the community for gatherings or meetings and even literacy classes.

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The building remains the property of the Government and if a school is closed due to scarcity of learners, when the situation improves, such a school may be reopened. I think I have provided the answers to the questions.

HON SPEAKER: Thank you, Minister. Honourable Ulenga.

HON ULENGA: I would like to thank the Minister for the straightforward answers. Thank you.

QUESTION 13:

Honourable Tjihuiiko asked the Honourable Minister of Agricultural, Water and Forestry:

Honourable Minister, the majority of the poor black communal farmers, previously known as the bantustans, are still waiting for their money, the N\$300.00 per head of cattle, sold during the drought period almost eight months ago.

1. Can the Honourable Minister, either through answering my question or through a Ministerial Statement, state whether Government still intends to pay the marginalised peasants in the communal areas, and how long do they have to wait.
2. Can the Honourable Minister give us an indication of how many boreholes have been drilled so far, and in which Regions and Constituencies? Can the Honourable Minister also inform this Honourable Chamber whether these boreholes are operational or not?

ANSWER

HON MINISTER OF AGRICULTURE, WATER AND FORESTRY:
Thank you, Comrade Speaker.

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In responding to this question, Comrade Speaker, permit me to first state that natural events or calamities do not discriminate. The drought affects the poor, the rich and everybody. Therefore, the livestock marketing incentive scheme that Government has put in place is meant for all farmers who were affected by the drought, not only the poor black farmers.

An initial amount of N\$48,000, 000.00 was allocated to this Programme. During October 2013, the Ministry of Agriculture, Water and Forestry requested an additional N\$14,200,000.00 to respond to that particular situation. I have a breakdown of all the Regions, the claims that were received from each and every Region, the amount paid, the number of claims received that are still to be processed and paid.

I must also add that this question was put or asked in February and the information here is as it was at the end of January, so today, the 10th of April 2014, some of this information should have definitely changed. However, suffice to say that, at the end of January a total of 8,243 claims were received and processed. An amount of N\$56 million was paid out.

Comrade Speaker, again at the end of January 2014, 3,714 claims were processed and were awaiting payment. I must stress again, and definitely when we resume our activities, I think we will be in a position to give the final Report on this particular matter. That was question number 13(1).

Question 13(2), the response thereto is as follows: Again, as it was at the end of January 2014, a total of 324 boreholes were drilled, 108 installed, 216 rehabilitated at a total cost of N\$130 million. In addition, a total amount of N\$76 million is committed for materials purchased for the in-house rehabilitation and installation. Surely, Comrade Speaker, this particular exercise of drilling boreholes was characterised by a lot of challenges. Some of those challenges were; the water quality analysis that normally precedes the installation of boreholes is done outside the Ministry, thus not under the direct control of the Ministry and sometimes it does cause delays. We have to await the results of the water quality before you install.

Honourable Members, suppliers all over the country were also

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overwhelmed by the quantity of materials that were ordered and water supply equipment that was needed, which mostly has to be imported from outside Namibia, again causing some delays. It is also important to note that the materials and water supply equipment suppliers, during the month of December/January we were on recess, and again another cause of delays. However, I have a table here also that clearly indicates the number of boreholes that were drilled and installed in the different Regions of our country, which I will circulate to Honourable Tjihuiko and to the other Honourable Members, just to give the information as to what was done. Thank you, Comrade Speaker.

HON SPEAKER: Thank you. Comrade Tjihuiko.

HON TJIHUIKO: Thank you very much, Honourable Speaker. Thank you very much, Honourable Minister for the good information that you have provided. *Information is power* and as long as the Honourable Minister provides information to the people, they will be happy.

I am very happy with the information that you provided. I just want to advise the Honourable Minister that on the issue of the livestock scheme, keep on informing the public because there are a number of people who have not received anything and who are still in the dark. As long as you keep informing them, I think it would be a good thing. Thank you very much, Honourable Speaker.

QUESTION 14:

Honourable Tjihuiko asked the Honourable Minister of Education:-

Honourable Minister, a lot has been said in the national as well as the international print media about the chaotic administration or running of a School of Medicine at the University of Namibia. As a proud Namibian, and on top of that, a national leader, I would appreciate it if you could

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honestly answer the following questions.

1. Is it true that the University of Namibia's School of Medicine is in a total mess as the result of the incompetent Dean of Medicine?
2. Can you please confirm what the Permanent Secretary in the Ministry of Health and Social Services was reported as having said that the University of Namibia School of Medicines' students need additional 20 months of clinical training to make up for what they have lost as the result of the Dean of Medicine?
3. Honourable Minister, can you please tell us who the Dean of the School of Medicine is, in terms of his nationality, academic qualifications, work experience and how this colleague was appointed? Was it through an advertisement and was this person interviewed at all? By the way, Honourable Minister, how many other candidates have applied for that position and who were they?
4. Was this person handpicked because he happened to be known as a friend to one of the leaders in the Ruling SWAPO Party? I so Move.

ANSWER

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

I want to stress here that the School of Medicine has been functioning well since its inception in 2010, but like many other new institutions worldwide, there may be some teething problems here and there because this is expected. This is a very new and challenging area for many of us. However, it will be an over exaggeration to say that the School of Medicine is in a total mess due to an incompetent Dean.

I also try to make it clear, these are some of the things that need to be clarified. Some of these things are exaggerated by people, other times maybe by media as well, but let me tell you that the School of Medicine is

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not led by a Dean of Medicine as it was referred to by Honourable Tjihuike. The School of Medicine is not led by a Dean of Medicine, please. The University of Namibia has a Faculty of Health Sciences which is led by a Dean. The Faculty has three schools and these three schools are:

1. The School of Medicine, which is led by an Associate Dean;
2. The School of Pharmacy, also led by an Associate Dean; and
3. The School of Nursing and Public Health, also led by an Associate Dean. I know exactly what I am saying.

The Dean of the Faculty of Health and Sciences is a highly qualified Medical Specialist and a Public Health Expert, trained in the world renowned Universities.

As stated above, the School of Medicine is led by an Associate Dean who himself is a Medical Specialist Doctor and a holder of a Phd in Medical Science. Before coming to Namibia, he served as a FAO Representative and Consultant in many countries and he was a Dean of a Medical School before coming to Namibia. Therefore, the Medical School at UNAM is in very capable hands. I know exactly what I am saying, and I want the Honourable Member to listen carefully.

Question 2: Can you please confirm what the Health Permanent Secretary was reported of having said, that the University of Namibia's School of Medicine Students need 20 additional months for clinical training upon what they have lost as a result of the Dean that you have appointed? I am not going to speak for the Permanent Secretary of another Ministry. I am not his spokesperson.

I therefore, would not answer this question because it is directed to a wrong person. All I can tell you, Honourable Member, is that my Colleague, the Minister of Health and myself, appointed a high level Technical Committee to investigate and look into the matters of the School of Medicine and report back to us on their findings. As I am standing here today, the Report is ready and we are scrutinising that

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Report. We will report where we will be reporting, therefore, I will not go into this one for the time being. You will soon know the outcome.

Question 3: Can you please tell us who is the Dean of School of Medicine, his nationality, academic qualifications and work experience. I have the following to say: As I stated earlier on, the School of Medicine is headed by an Associate Dean, since the 1st of January 2012. This Associate Dean is Professor Philip Odonkor, who is a Ghanaian by nationality and holds a Phd from the University of McGill Ontario, Canada. He graduated as a Medical Doctor in 1974 from the University of Ghana. He became a Professor in 1992. He has served as a WHO Consultant on several occasions, including Uganda and Sierra Leone. His last position before joining UNAM was a Dean of Faculty of Health and Social Sciences in Lesotho.

Before Professor Odonkor took over the leadership of the school, Professor Nyarango was the Dean of the Medical School while Professor Odonkor was a Deputy Dean. Currently, Professor Nyarango is a Dean of the Faculty of Health Sciences, overseeing the three Schools; the School of Medicine, Pharmacy and Nursing and Public Health.

You may also want to know who this Professor Nyarango is. Professor Nyarango is a Kenyan National, who graduated as a Medical Doctor in 1977 from the University of Nairobi. In 1984, he obtained his Masters of Medicine Degree in Surgery, also from the same University, and became a Specialist Surgeon and in 1994, he obtained a Masters of Public Health Degree from the University of North Carolina, Chapel Hill, USA. He has worked as a Hospital Registrar, District Surgeon, etcetera. Professor Nyarango has served as a Consultant to many institutions and organisations, including our own Government through the Ministry of Health and WHO, from 2002 to 2003, as well as for GTZ, the Government of Kenya, etcetera.

In 1988, he was among the founding team that established a School of Medicine at the Moi University in Kenya and served as a Head of the Department of Surgery until when he left to join the Government of Kenya in 2000, with the rank of Associate Professor. He was also part of the team that founded Orotta School of Medicine in Eritrea. His highest

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position before coming to Namibia was at GTZ as Technical Advisor to the Ministry of Health of the Kenyan Government.

Question 4: How was this person appointed? Was it through advertisement, was the person interviewed? By the way, how many other candidates had applied for the position and who were they? I have the following to say: The position of the Dean of School of Medicine was advertised early 2008, and I want everybody to listen, it received no applicants.

Professor Nyarango who was then a Member of the Steering of the School of Medicine chaired by the Vice Chancellor, advised the University to approach Professor Jacob Mufunda, a Zimbabwean, who was on WHO assignment in Eritrea. Professor Mufunda was a Founding Dean of Orotta School of Medicine in Eritrea and his contract was coming to an end. Based on the Council's approval to headhunt critical professionals who are not available in Namibia and are scarce to come by the University approached Professor Mufunda, who agreed to come and assist with the establishment of the School of Medicine. He was appointed in September 2008. Professor Mufunda left in March/April 2009 for a WHO position, to serve as a Country Representative, so the University once again had to look for another person to take over his responsibilities.

A Dean of School of Medicine, who was also a Member of UNAM School of Medicine, Professor Olli Vainio, proposed to UNAM Management to approach Professor Peter Nyarango to see if he could come and take up the appointment. The reasons advanced for these proposals are as follows: Professor Nyarango was a Medical Specialist as well as Public Health Expert with very good knowledge of the health profile of Namibia, having been a WHO Consultant in the Ministry of Health. He was involved in the feasibility studies that led to the recommendations to establish the School of Medicine in Namibia. He was a Member of the Steering Committee for the establishment of the School of Medicine. He had been a Medical School Lecturer and Professor as well as was involved in teams that set up Medical Schools in Kenya and Eritrea. He was very keen to see the School of Medicine in Namibia becoming a reality.

UNAM Management agreed to try Professor Nyarango. Following the

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same principle used for the recruitment of Professor Mufunda, that is, headhunting. Professor Nyarango was approached in April 2009. He was not keen to come because he was at the time having a very highly paid job with GTZ. It took UNAM more than a year to convince Professor Nyarango to take up the position of founding Dean of the School of Medicine. He had to sacrifice his highly paying job.

I hope Honourable Tjihuiiko, who asked the question is listening, as I do not want him to ask me another question because as I am talking, he is talking again. Therefore, if you ask me another question I will not respond because I want you to listen as I am talking to you.

It took UNAM more than one year to convince Professor Nyarango to take up the position of Founding Dean of the School of Medicine. He had to sacrifice his highly paid job to come to Namibia. He joined UNAM in July 2010. Honourable Members, I am not trying to say Professor Nyarango or other professors are angels with all that I am saying here, but instead I am just giving you the facts the way they are.

Question 5: Or was this person handpicked because he happened to be known, a known friend to someone in the Leadership of the Ruling SWAPO Party? Well, I think as a Member of this august House, Honourable Member, you have the right to mention that person. Who is that person who is a well-known Member of the Ruling Party who handpicked him? Can I have that name? Please give me that name so that we can know who the person is who handpicked Professor Nyarango so that we can give you an answer. Comrade speaker, I have responded to the questions.

HON SPEAKER: Thank you. Comrade Tjihuiiko?

HON TJIHUIKO: Honourable Speaker, I must thank the Honourable Minister of Education for the very honest answers that he has provided.

I just want to get some clarity from the Honourable Minister. The first

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one is on Question 2; the question was, can the Minister confirm? It is not that he should answer on behalf of the Permanent Secretary of another Ministry - can the Honourable Minister confirm whether what was said was true? Because what was said was that the School of Medicine's students need twenty additional months of clinical training. If that is true, that is something that was supposed to come from the Minister of Education, therefore, I think that question needs to be answered.

Honourable Minister, on the fourth question; I am happy to hear what you have said because what I wanted to know is whether there was a process of advertisements, interviews and selecting the best candidate. What the Honourable Minister has said, if I got you correctly, was that the persons were recommended and appointed, which means that they were actually handpicked. I think that is a very honest answer.

Honourable Minister, the last question that I wanted an answer on, the question is very clear, was this person handpicked because he happens to be a known friend? The answer could have been, yes, he was handpicked because he knows somebody or it is not true. I, therefore, think the Honourable Minister can still answer whether this person who was handpicked was recommended because he was known as specific somebody who was living somewhere for him to be recommended. Otherwise he could not have been recommended, how did we know that this person has been recommended? I think that is the critical point. You cannot just recommend Tjihuiko in Kenya, I am not known there, I must have known somebody who knows me, Honourable Minister, please. (*Interjection*) no, the Minister will answer.

HON SPEAKER: Yes, the Minister will answer. Honourable Minister briefly.

HON MINISTER OF EDUCATION: It is a pity, I always have problems with students who do not listen. I have a problem with the Honourable Member, while I was responding to his question here, he was talking to someone else and that is why he did not even hear what I said.

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Let me repeat what I said my Brother; I said the position was advertised and there was nobody in Namibia. There was nobody in the whole country. If you are denying that fact and think it is not true, go to the University of Namibia and go and investigate those files.

Honourable Member, I also mentioned here how the person was handpicked. I gave all the information. I do not know what other information I should give you really.

HON SPEAKER: I think you have done justice to the question.

HON MINISTER OF EDUCATION: I have really said what I should have said.

HON SPEAKER: No, that is more than enough, Minister.

HON MINSTER OF EDUCATION: Thank you.

HON SPEAKER: It is politics, almost election time. Honourable Ndjoze-Ojo. Briefly as possible.

HON DR NDJOZE-OJO: Thank you, Honourable Speaker. I just want to give additional information that will help the answer. Professor Nyarango came to Namibia in 2003 for the first time. It took about ten years to set up the University of Namibia's School of Medicine.

He was, at that time, setting up a School of Medicine in Eritrea when he

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was searched out to come and help us. He had actually come and worked for a year and then went back. It was subsequently a follow-up as the school was tapping on different areas in different countries, we went back to Nyarango so that he could come back and set up the Medical School because he had set one up in Kenya, one in Eritrea and another one in Ethiopia and so that track record made him a very attractive and ideal person to come and assist us.

It took a long time so 2010 was like the tail end of what was happening but the Medical School discussions started very early in 2000 and even in 1996 there around and Professor Peter Katjavivi was the Vice Chancellor then. Thank you.

QUESTION 15

Honourable Moongo asked the Honourable Minister of Agriculture, Water and Forestry:

Is the Minister of Agriculture, Water and Forestry informed that there are only three boreholes in the areas of Uutere Village, Otanatsau Village, King Kauluma Village in the Oshikoto Region. One borehole has already dried up and the other two boreholes and wells with sour water are also about to dry up and that livestock and people are about to be faced with crisis of lack of water.

- 1) Can the Minister inform this august House and the affected people in the above mentioned villages when will the main pipeline with potable water be extended through Uutere Village, Otanatsau Village and King Kauluma Village?
- 2) Does the Minister have a special Programme where the community can claim compensation whenever their *mahangu* fields and crops are destroyed by elephants?
- 3) When will the borehole between Casablanca and Oshivelo be

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operational for the community in the Oshikoto Region?

ANSWER

HON MINISTER OF AGRICULTURE, WATER AND FORESTRY:

Yes, Comrade Speaker, we are in a position to provide the following information as a response to these very factual questions, objectively - no emotions.

The Uutere Village situation: Uutere Village is included in the study area for the pipeline extension from Oshivelo, King Kauluma to Omutse Gwonime. Honourable Moongo, this village was visited by the consultant on the 19th of November, last year (2013), for a demographic planning meeting. There were 53 households in the village, one borehole, which was drilled and installed has saline water and thus neither suitable for human nor livestock consumption.

However, there is already an existing borehole at Uutere Village where the communities are currently getting clean portable water for human consumption, although, we must admit that the water point is under pressure due to population density.

The situation at Otanatsau Village: At this village one borehole was drilled and installed in 2010 and is operational but only suitable for livestock consumption because of the quality of the waters, the salinity.

Otanatsau Village is almost two kilometres from Uutere and communities are currently getting clean water from that Uutere Village.

The situation at King Kauluma Village or Centre: At this village, there are five existing boreholes, which are operational, three of them are only suitable for livestock while two are suitable for human consumption. The problem in that area is generally the salinity of the water the saltiness.

Casablanca and Oshivelo Boreholes: There are two boreholes that exist and operational between Casablanca and Oshivelo which are serving the

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communities in this area. In addition, another borehole was drilled recently and will be installed in the next Financial Year of the Budget that we have just approved. Notwithstanding the water challenges, and we admit that there are water challenges in that area, faced by the communities in the villages mentioned above, the Government of the Republic of Namibia through the Ministry of Agriculture, Water and Forestry is currently in the process of planning and designing to extend a pipeline water scheme from Oshivelo - King Kaulumo – Omutse Gwonime in a quest for finding a permanent solution to the water problems in the affected communities.

The Honourable Members may recall that during my Budget Statement, and the figures in the Budget that we have just passed here, there is some provisions made to deal with this situation, possibly as a permanent solution to the issue of extending the pipeline system to provide the water. Thank you, Comrade Speaker.

HON SPEAKER: Thank you. Honourable Moongo.

HON MOONGO: Honourable Speaker, I would like to thank the Minister for a proper answer and I just hope that he will fulfil the promise. I thank you.

QUESTION 16:

Honourable Shixwameni asked the Right Honourable Prime Minister:-

Whereas the Namibian Constitution allows freedom of political activities, affiliation and speech as provided for in Article 17 and 21;

Whereas the same Constitution provides for the limitation of such freedoms as contained in Article 17(3) and Article 22 thereof;

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Whereas further, in line with the above, the *Public Service Act*, 1995 (Act 13 of 1995), in Part IV, Section 30(1), dealing with ***Political Rights of Staff Members***, makes it clear that, provided further that, to ensure the impartiality of the Public Service, a staff member who holds any post in the management cadre of the Public Service may not:-

- (i) draw up or publish any writing with the intention to promote or advance the interest of any Political Party; and
- (ii) be an office-bearer of whatever designation of a Political Party.

In Part III of the same Act, Section 25(1)(f), dealing with ***Misconduct*** states: “*uses his or her position in the Public Service to promote or prejudice the interest of any Political Party.*”

Given the above, I shall ask the Honourable Prime Minister the following questions:

1. What is the status of Permanent Secretaries, Directors, Deputy Directors, CEOs of Agencies and Managers of Parastatals on the SWAPO Party *Think Tank*, and is this not a clear and flagrant violation of the provision of the *Public Service Act*?
2. Does their presence on the *Think Tank*, which was widely reported that they would be authoring the 2014, SWAPO Election Manifesto, not violate Section 25(1)(f) and 30(1) of the *Public Service Act*?
3. If so, why should the SWAPO Party of which the Right Honourable Prime Minister is the Vice President, not be found in contempt and violation of the letter and spirit of both the Constitution and the *Public Service Act*, in particular?
4. Why does the Prime Minister think that their presence on the *Think Tank* will not prejudice other Political Parties as provided for in Section 25(1)(f) of the Act?

I so Move, Honourable Speaker.

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ANSWER

Same Question as Question 20 (Hon Maamberua) – Response provided to Question 20.

QUESTION 17:

Honourable Von Wietersheim asked the Honourable Minister of Regional and Local Government, Housing and Rural Development:

1. Is the Honourable Minister aware of the numerous letters and petitions that the residents of Area 7 in Lüderitz have addressed to the Lüderitz Town Council and even to the ECN or has this ever been brought to his attention?
2. From as long ago as 2004 to 2006, I have got a relocation letter of March 2006. Informal settlers were relocated to Area 7 where they were supposed to stay for approximately six months before being allocated plots, which were to be serviced by the Municipality in the interim. The residence of Area 7 desperately wish to know, Honourable Minister, when are they going to be allocated permanent place?
3. The lease agreements referred to in the relocation letters were never signed as apparently the temporary settlement is on NAMDEB Land, nevertheless, the residents are receiving Municipal invoices on a regular basis for site rentals and if payments are in arrears their electricity is cut off. The community wants to know; is the payment for land for which no lease agreement exists, or is it for electricity?
4. To make matters worse, the Lüderitz Town Council cut the power to the whole community and without informing them in advance, thereby applying collective punishment to all. Is that acceptable to you Honourable Minister, and how are the kids going to study without electricity or even watch TV?
5. The residents own electricity boxes bought with their own funds, now that the electricity is cut, they demand that the electricity boxes are

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taken back and the owners be refunded until such time that they are finally relocated and every one of them demands to know, when will that happen, Honourable Minister?

ANSWER

HON MINISTER OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RUAL DEVELOPMENT: Thank you very much Honourable Deputy Speaker. I will quickly answer the Honourable Member's question.

Response to Question 01: We are not aware of any Petitions from the residents of Lüderitz.

Response to Question 02: In 2003, the Lüderitz Town Council, with funding from the Central Government, embarked upon a relocation process to remove various illegal squatters within the Municipal land of the Council. Since the residents were occupying this Municipal land illegally with no basic Municipal services available, Council deemed it fit to relocate these residents to a settlement area called Area 7, where Council has provided basic Municipal services at a cost of N\$5 million. These services include water, sewerage and roads. Electricity was installed in 2006 at a cost of N\$9 million. After the relocation was completed, it was identified that Area 7 no longer serves the purpose as a temporary area but rather a permanent area as it has all the basic services. On the claim that the residents were promised to be returned to their original place after six months, Council never entered into any agreement with residents of Area 7 to be returned to their previous informal areas. However, residents who were able to afford housing were encouraged to register for Low Cost Housing Programmes, which were anticipated to commence once the construction of service is completed.

Although Council encouraged residents of Area 7 to register for Low Cost Housing Schemes, it is on record that some residents of Area 7 were not interested to register for Low Cost Housing Schemes but only a few that have been absorbed through the Low Cost Housing Programme such as

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the Built Together and Shack Dwellers' Programme.

Response to Question 03: The community was informed from inception in 2012, by the Council about the monthly payments of site rental, which is currently calculated at N\$70. Despite the fact that Area 7 enjoys full basic Municipal services, it has not yet been formalised, thus residents are required to pay site rental, which should contribute to the overall up-keeping of the area. The accounts that the residents of Area 7 are receiving are for the payment of site rental, which residents are charged for occupying land of the Council without owning it. Most of the people staying in Area 7 did sign lease agreements. The site rental is utilised for the maintenance of toilets and water reticulation as well as the maintenance of roads. The land that has been located to Area 7 is Council land and does not belong to NAMDEB.

Response to Question 04: There are Statutory Obligations, Honourable Member. The Council's services are rendered on a cost recovery basis and residents of Area 7 are no exception. I know if you do not pay your electricity and water it is cut off, even ourselves in our houses everywhere. It is unfortunate that the provision of municipal services such as water, electricity, sewerage and cleaning come at a cost, which should be carried by all residents. However, due to the escalation of none payment of the site rental the arrears for the site rental Area 7 stand at around N\$1.2 million and measures were introduced by the Council to recover payment from residents of Area 7. As a result, buying of electricity for some residents of Area 7 was blocked within the Council System. These measures were put in place in order to compel all Lüderitz residents to pay their accounts. The blocking of electricity is applied to all residents Lüderitz who fail to pay their municipal accounts. Many residents of area 7 have since come to make arrangements with the Council to pay off their debts. I do not know if the Honourable Member wants to imply that those in Area 7 should be treated differently from most of the Councils in Namibia or is it only in Lüderitz and what would other residents feel, if they are paying while others are not paying.

I wonder why the Honourable Member is also saying the residents want to know. The residents always talk to their Council and they are provided with explanations in order to understand this. It is, of course, your right,

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Honourable Member to go and listen to these complains but perhaps these are the residents who do not want to pay and they want to seek sanctuary in the Honourable Member of Parliament so that they can be excluded from paying the fees related to their usage.

Response to Question 05: The Lüderitz Town Council is open to discuss with community members about returning the electricity boxes, if they so wish. I thank you.

HON DEPUTY SPEAKER: Thank you, any follow up question?

HON VON WIETERSHEIM: Thank you Honourable Deputy Speaker. The only thing that was not quite clear to me, Honourable Minister, is about the cutting of the electricity supply. As my question quoted - it sounded like a collective punishment, not only those that did not pay are being cut but a group of people. Thank you, Honourable Deputy Speaker.

QUESTION 18:

Honourable Maamberua asked the Honourable Minister of Youth, National Service, Sports and Culture:-

1. After having replaced the Reiterdenkmal or the colonial horse as it is known, with the Genocide Remembrance Stature, why has Government not inscript on that Statue an indication in what memory or remembrance it was erected? There is actually nothing saying that this Statue is erected in remembrance of or in memory of anything. It is just left like that.
2. Is it because you are half-hearted about the Genocide issue or was it just an error of omission or commission.

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3. Would you be happy with the following proposed inscription on that Statue? It will read as follows: "This Genocide Statue was inaugurated by His Excellency, President Pohamba on - the exact date, in remembrance of Genocide committed against Ovaherero and Nama by imperial Germany between 1904 and 1908.
4. How many Namibian skulls and human remains are still in Germany?
5. Have you send a Namibian team of experts to Germany to make that assessment?
6. If not, when are you sending such a team to Germany?
7. when are you going to repatriate all the skulls and human remains from Germany?

I so Move, Honourable Speaker.

ANSWER

HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE: Thank you, Honourable Speaker. Honourable Members, I would like to respond as follows to Honourable Maamberua's question:

1. Following the removal of the Reiterdenkmal or the colonial horse, the Government of the Republic of Namibia replaced the colonial horse with a Genocide Statue the words, and I quote – "*their blood waters our freedom,*" were inscribed on the Genocide Statue and, therefore, says it all.
2. No, we are not half-hearted. The wording - "*their blood waters our freedom,*" refers to everybody who sacrificed their lives for the Independence of their Motherland. The sacrifice cover the period since colonial invaders came to the land until the time we obtained our Independence.

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3. The proposed inscription is noted. However, the Ministry upholds the inscription of - *“their blood waters our freedom”* as the presentation of both the resistance and colonial period.

In this regard a story line talking to the history of the early resistance including the sad history of Genocide against the Ovaherero and Namas by the imperial Germany, the Liberation Struggle was developed. The Memorial Museum ends the story with – *“a Nation is born,”* depicting the Independence of Namibia from all types of colonialism. Therefore, the Independence Memorial Museum (IMM) has three important components:

- (a) Early resistance, the Genocide Statue, that is why it is standing there;
- (b) A Nation is born after a bitter struggle for Independence, the Statue of His Excellency Dr Sam Nujoma, the Founding President; and
- (c) The Independence Memorial Museum where all the stories around the components are told in details.

The plank marking the inauguration of the Genocide and the Founding President Statues were put at the Independence Memorial Museum to mark the three most important components of our history. The Ministry could not put a specific individual plank at every component because this was the inauguration of the three components on the same day and occasion - but rather placed it at the main entrance of the Independence Memorial Museum as it was found best suitable.

4. *How many Namibian skulls and human remains are still in Germany?*
Noting that some skulls are stored as private collections, the Government of the Republic of Namibia requested the Federal Republic of Germany to facilitate the identification of human remains of Namibian origins located in German Institutions, and this means Museums, Universities, Scientific Bodies and other Public and Private Institutions and the repatriation of such remains from Germany to Namibia.

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Therefore, the Ministry cannot verify how many Namibian skulls and human remains are still in Germany until the whole process of verification is concluded. As we have reported before that information could only be made available once the Institutions, which are believed to have Namibian skulls, have gone through their collections and information and inform the Namibian Government through relevant channels. Only then, we will be able to know how many skulls are in Germany.

5. *Have you send a Namibian team of experts?* The answer is no, we have not because firstly, we cannot send experts into people's houses and secondly, the collections belong to the Institutions, which have already agreed to go through their collections and inform us accordingly.

We reiterate that once the German experts have gone through the collections and the human remains of Namibian origins are positively identified, then the Namibian Government will be able to inform the public about the next repatriation. Thank you very much and I also thank Comrade Maamberua because I know that you are no more going to ask further questions since you are satisfied with my response.

HON SPEAKER: Thank you, Honourable Minister. Honourable Maamberua are you satisfied?

HON MAAMBERUA: Thank you, Honourable Speaker and thank you Honourable Minister, for the attempt. The answer *their blood waters our freedom* is what is given to the question as to why in all Monuments, Statues are always inscribed in remembrance of this or that - and yet in this case - *their blood waters our freedom* is what is to be regarded as equivalent to that, which actually not the case Honourable Speaker.

Honourable Speaker, Genocide has been identified to go through nine stages and the last stage is denial, which is the most academic, the most

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silent and, therefore, my conclusion to the answer given to me is that the Government of the Republic of Namibia is not serious about the Genocide issue. Hence, mixing up - *their blood waters our freedom* and the actual inscribing of the words in remembrance of the 1904 to 1908 Genocide. Therefore, Question 2 was obviously answered in affirmation that you are not serious with the Genocide issue. I thank you.

HON SPEAKER: Honourable Minister, do you want to elaborate on your answer?

HON MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE: Comrade Speaker, I know that it is a campaign period.

There were numerous Genocides, that is why we have the 26th of August, which embraces all the struggles embodied into one. The same also applies to Genocide. Genocide does not only end with the Old Location, it goes up to Cassinga, it goes up to Oshikuku, it goes up to the 1st of April. Therefore, there are so many genocides, they are all over, including Oshatotwa. We can, therefore, not say that Genocide started from this year up this year. It embodies the whole struggle of Namibia, it even went as far as where Dr Death – Basson, put people in a Helicopter and dumped them into the sea. With the implementation of Resolution 435, Osire was full but South Africa never released people from Osire.

Only the PLAN Combatants who were in the Windhoek Central Prison were released. What happened to the people who were in Osire? What happened to them on the eve of the implementation of 435? Even on the 1st of April when Marti Arthisari went, people from Namutuni, who only attended a meeting here from the other side were shot at. You cannot, therefore, not tell me that we must create or write something for every incident. *Their blood waters our freedom* – it is true, this freedom came out of the blood of many people from 1883 up to the 1st of April 1989. That includes everything. Well, I know it is election time and I understand you. Thank you, Comrade Speaker.

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QUESTION 19:

Honourable Maamberua asked the Honourable Minister of Health and Social Services:-

1. Honourable Minister, are you not sick and tired of the public relentless, barrage of complains against the management of the Ministry of Health and Social Services?
2. If the management of the Ministry cannot ensure that there are enough beds in the Katutura Hospital and, if the same management cannot keep the customer care and hygiene of Katutura Hospital and Opuwo State Hospital, what confidence should the public have in the more sophisticated health matters in the Ministry's management?
3. How many vehicles, which are not technically converted into ambulances, are being used as ambulances in your Ministry?
4. By when are you going to convert these vehicles in to ambulances and at what cost in total?

I so Move, Honourable Speaker.

ANSWER

HON MINISTER OF HEALTH AND SOCIAL SERVICES: Thank you, Honourable Speaker. Honourable Members, Honourable Maamberua for his first question - this is common sense, I am a responsible Minister. To the contrary, I would like to inform you that I am always watchful to note that fellow Namibians know their democratic rights, especially pertaining to the health of the Nation. Whenever we have resources in place, we always respond accordingly.

On your second question, kindly be informed that we work through the tender and I cannot agree more with you that - yes, indeed, the challenge related to the shortage of beds in some health facilities do exist but in

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situations like this one of Katutura, it is not just a question of shortage but rather space.

Nonetheless, what have we done or what is now in place? There is an ongoing tender and they are working around the clock. They have already supplied a total of 1,567 beds, which have recently been procured and are on the way of being distributed, including to Katutura Intermediate Hospital.

On the question of the ambulances; you may wish to know that the Budget was recently approved, where you also participated. I am pleased to inform you that - yes, indeed, we have purchased some more ambulances.

In terms of conversion, we have managed a total of 45 vehicles, which already been converted to ambulances and the tender to install life saving equipment in the vehicles was recently advertised by Tender Board. It is, therefore, work in progress. Thank you very much indeed.

HON SPEAKER: Yes, Honourable Maamberua.

HON MAAMBERUA: Thank you, Honourable Speaker. Honourable Minister of Health and Social Services, I would like to, maybe not for the first time, but for a very rare occasion really appreciate the answer that you have provided wholeheartedly. It was very honest, specific to the point and that is the type of exemplary answers that we from this side of the aisle expect to get from that side. Thank you very much. Let us continue to keep that spirit.

QUESTION 20:

Honourable Maamberua asked the Right Honourable Prime Minister:-

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Noting, that Public Service in terms of the *Public Service Act* of 1995, Section 4(a)(b) is defined as follows:

4. *The Public Service shall consist of all such persons as maybe employed permanently or temporarily on a full-time or part-time basis or under a special contract or under any contract of employment contemplated in Section 34(1)(a)-*

(a) *in posts on the establishment;*

(b) *additional to the establishment.*

Further cognisant that in terms of Section 25(1)(f) that reads as follows:-

25. (1) *Any staff member shall be guilty of misconduct if he or she –*

(f) *uses his or her position in the Public Service or utilises any property of the State to promote or prejudice the interest of any Political Party, and*

More so, under Section 30(1) and I quote:-

“...no staff member shall, at any time while he or she is required to discharge his or her official duties in the Public Service, perform any act in the exercise of any political right; provided further that, to ensure the impartiality of the Public Service, a staff member who holds any post in the management cadre of the Public Service may not,

(a) preside at a public political meeting or draw up or publish any writing or deliver a public speech or make a public statement with the intention to promote or prejudice the interest of any Political Party;

(b) be an office-bearer of whatever designation of a Political Party.

Now the questions; having due regard to the foregoing-

1. Right Honourable Prime Minister, why are some staff members in the Public Service holding management positions allowed to preside at, or

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draw up or publish any writing with the intention to promote the interest of the SWAPO Party through the SWAPO Party structure called the SWAPO Party *Think Tank*.

2. In your view is serving on the SWAPO *Think Tank* or any other Political Party by a staff member in management cadre category of the Public Service not a violation of the *Public Service Act* of 1995?
3. Has anyone serving in the management category in the Public Service and at the same time serving on the SWAPO Party *Think Tank* being charged with violation of the *Public Service Act*?

I so Move, Honourable Speaker.

ANSWER

RT HON PRIME MINISTER: Thank you very much, Comrade Speaker.

When we used to have Honourable Pretorius here, he used to ask questions, although we used to disagree, we used to go all out to do research to answer him because he was soliciting answers and all he wanted was to get information, therefore, we were going all out to answer him. The answers depend on the type of questions somebody is asking and also the motive behind that. That is how it works. This question that I am asked is such a question and that Honourable Member wants to use this platform to campaign apparently because it would be difficult to call a public rally.

Therefore, the only way is to use this platform and the television is going to cover him tonight and that is how he thinks he is going to reach the people.

By the way, somebody just sent me an SMS asking - *by the way how old is that man?* I said - *he is younger than me* and he said - *what?* So, be

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careful. You look apparently older than me (*laughter*)

Well, coming to the question, let me refer again to the Constitution of the Republic of Namibia. Article 17, **Political Activity** - *all* citizens, that is an English word meaning *inclusive* - it does not say *except* management cadre, *all citizens shall have the right to participate in a peaceful political activity intended to influence the composition and policies of Government.* I will stop there.

All, it does not say *except* some Civil Servants and you were granted the same rights when you were a Permanent Secretary –a very important Civil Servant so, for many years you were engaged in SWANU activities. If you are talking about management cadres, I already said that we were concerned. We did research and we took the best examples from other countries whereby the people below management cadres can even occupy a political office but for those who are in management, we said cannot occupy a political office.

They cannot become a Secretary-General of SWAPO or District Councillor. They cannot, but they are not prevented from participating in political activity, a peaceful one. They cannot be prevented from that. They are citizens and they are enjoined by the Constitution to participate and, therefore, if your main concern - that of belonging to a *Think Tank* is what worries you, I said you cannot stop a person from thinking. You just talk about intellectuals who would be qualified to be the President.

Now, my Friend there is a difference between a *Think Tank* and *Do Tank*. Can you not get the message? A *Think Tank* is a scholarly activity and even if you are going to draft a Manifesto, the Manifesto of SWAPO does not attack other Parties. It talks about what the Government must do; build clinics, schools, improve this and that. That is what our Manifest is all about and nobody can be stopped from contributing to that intellectually - not doing it, but intellectually, with their brains. That is allowed by Constitution.

However, if one of the Permanent Secretaries will be holding a post like SWAPO a Secretary-General or Deputy, that is a violation and if you bring one of them, I will punish him but you are not going to get any, but

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to blame people for thinking and doing a good job that you cannot do because you are alone, is not a reason why you must bring this question here (*laughter*)

Please, as a scholar, I would have thought you would welcome people to use their brains to contribute to the wellbeing of our country. What kind of scholar are you who is stifling people's thoughts, no!

Can you, therefore, stop this question from now on and if you ask a very intelligent and honest question, I will give you a very intelligent and honest answer. If you are trying to score political points, I am also a politician and maybe more mature than you are (*applause*). Thank you.

HON SPEAKER: Honourable Maamberua?

HON MEMBER: *Muraera!*

HON MAAMBERUA: *Ii memurare (laughter).* Thank you, Honourable Speaker. Allow me to start with the personal remark by stating here clearly that I am one of the most natural, non-synthetic persons around here, in that I do not camouflage my age by using artificial hair colours to try to appear younger than what I am as others do.

The other response is that, when I was the Permanent Secretary in the Ministry of Finance, I was not holding any position in SWANU of Namibia at all.

Honourable Speaker, my question was specifically derived from the *Public Service Act, 1995 (Act 13 of 1995) Section 30* and it reads - "*a staff member who holds any post in the management cadre of the Public Service may not be an office-bearer of whatever designation of a Political Party,*" and that is the crux of my question. Thank you.

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HON SPEAKER: Honourable Prime Minister?

RT HON PRIME MINISTER: Thank you very much. Firstly, let me tell the young man, as an old man who is dressed well, this beard is left white, it is not artificial. This is left to show that is how I am trying to be clean and washed up and not come and defend your sloppy appearance - that is your problem. I said an SMS was sent asking - *who is older between the two of you?* That is all I have said. I did not hide anything. This beard is there to show how old I am.

This is white. Therefore, the only thing is that your hair is white and that is the only difference (*laughter*). We are talking about other things that you are carrying around.

Anyway, as for the question, I have answered it. If you can produce names of people who are holding offices, please bring them. Then we will be talking. Bring the names of SWAPO members or Permanent Secretaries who are holding official SWAPO positions and then we can talk.

QUESTION 21:

Honourable Von Wietersheim asked the Honourable Minister of Environment and Tourism:-

1. Can the Honourable Minister unconditionally allay our serious concerns about the validity and continuity of the Moratorium on Phosphate Mining, while conflicting statements are made and contradictory developments are taking place on the ground?
2. Will the present investigation of cumulative impacts on the Marine Ecosystem from mining of phosphates off the Namibian Coast by the team of Norwegian Scientists in cooperation with a team of our own Ministries, have an authoritative and definite impact on the final

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decision by the Namibian Government, on how to approach the question of Phosphate Mining?

3. While the Honourable Minister of Fisheries and Marine Resources signalled an uncompromising position when confirming to this Assembly in April this year that he and his Ministry remained committed to the Moratorium and the reasons why it had to be imposed, the International Lev Leviev Group, with its local subsidiary NamPhos Fertilisers, recently announced that - inspite of Government's Moratorium - it will continue with its phosphate project in Namibia and is planning to start exporting fertiliser from 2017 or 2018?
4. Now reports are surfacing about an investment by the Lev Leviev Group, to erect a so-called Phosphate Processing 'test' facility to the tune of more than N\$200,000,000.00, and a Spokesperson of the Ministry of Fisheries and Marine Resources confirmed that, Lev Leviev NamPhos was given permission to proceed with its phosphate plant due to the following reason, and I quote - *"Our support is on the basis that Lev Leviev had already acquired most of the machinery worth millions, needed to conduct such activities, and, therefore, our Ministry also feels that they should be allowed to proceed."* Will this in future be the basis, Minister, upon which ecologically sensitive decisions will be based?
5. And may I add, economically sensitive, too, if not economically detrimental, since the massive workforce of the Fisheries Sector is on the line if things turn out wrong.
6. During a workshop conducted by the Environmental Assessment Practitioner Dr S Mwiya on behalf of Lev Leviev NamPhos for a public scoping meeting in May 2013, dealing with the Environmental Clearance for the erection, operation and subsequent demobilisation of an experimental phosphate separation plant, it was stated - according to the official Minutes of that meeting that - *"this plant will cost almost N\$4,800,000.00, and it will operate for eight months, while only running for two to three days a month."* The question now arises, when was the additional scoping exercise and environmental clearance

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undertaken, and subsequent approval granted for the second and totally different operation, now being erected at a reported cost of more than N\$200 000 000.00?

7. I wish to know from the Honourable Minister whether he will agree with me that no company would take an uncertain investment decision of such magnitude without being pretty confident, if not convinced, that it would eventually be granted permission to continue mining phosphate, while otherwise their facility would stand a chance of becoming redundant?
8. In other words Honourable Minister, whatever the outcome of the Norwegian studies and their recommendations to Government, does not seem to be of any consequence to the operations of Lev Leviev NamPhos in Namibia?
9. In conclusion, allow me a couple of very practical questions:
 - (i) Has the Ministry any control over the size of the so-called samples being mined presently? The locals term it - *bulk sampling*.
 - (ii) Honourable Minister, are you aware that the tailings of the phosphate processing are deposited in crudely constructed shallow waste dams?
 - (iii) The dams are almost full; are you aware of where these tailings are disposed of or dumped? And lastly
 - (iv) Have any toxicity tests been conducted on these tailings or other materials up to this date, particularly since the plant in question is in the middle between 2 aquaculture businesses - oysters and abalone both very sensitive and susceptible to contamination?

Thank you, Honourable Deputy Speaker.

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ANSWER

HON MINISTER OF ENVIRONMENT AND TOURISM: Thank you very much, Comrade Speaker. I rise to respond to questions raised by Honourable Member Von Wietersheim on issues related to marine phosphate mining.

Comrade Speaker, before I attempt to respond, I should kindly inform the Honourable Member that we have the Ministries of Fisheries and Marine Resources and the Ministry of Mines and Energy, which are (*intervention*)

HON SPEAKER: There is so much talking and I hear the echoes. Can we listen to the Minister and wait until you become Ministers so that you can be asked to reply?

HON MINISTER OF ENVIRONMENT AND TOURISM: Thank you very much. I should kindly the Honourable Member that we have the Ministries of Fisheries and Marine Resources and Mines and Energy, which are the custodians of marines fisheries and mining and exploration activities, respectively. I am, however, responding to these questions as Ministry Environment and Tourism is the custodian of our National Heritage.

Question 01: As you may be aware Cabinet took a decision to put a Moratorium on bulk seabed mining for industrial minerals and base and rare minerals as well. It was on this basis that an environmental clearance was issued to LLD phosphate on condition that only minerals onshore can be used for their pilot test facility only. The exploratory something for the laboratory testing purpose only has been confined to a limit of 400 grab samples. The Moratorium on bulks seabed mining of phosphate applies unabridged.

Question 02: The Strategic Environmental Assessment (SEA) is a systematic approach adopted and used world-wide to predict, assess long-range and cumulative impacts on the environment, and prepare corrective

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and mitigation measures to lessen the impacts.

The findings of the SEA and its associated recommendation primarily aims to be used in the decision-making process. We in Namibia, have adopted this approach through our *Environmental Management Act, 2007* (Act 7 of 2007). Given the scale and magnitude of this activity, the Government through the Ministry of Fisheries and Marine Resources has commissioned this SEA. The present SEA will provide the much-needed scientific information to guide the decision whether to allow or refuse the application of an Environmental Clearance for the seabed mining of phosphate. Honourable Speaker, Honourable Members, I wish to bring to your attention that marine phosphate mining is not being practiced anywhere, and it is against this background that the Government through the Ministry of Fisheries and Marine Resources and the Ministry of Environment and Tourism is trying to make sure that the decision that maybe taken is going to be scientifically well informed, and has leads to the least possible detrimental environmental consequences.

Yes, we are confident that this study will guide us in making such a decision, as Honourable Members may agree that this is primarily due to the uncertainty around the scope and significance of the potential adverse environmental effects, and those on existing interests such as fishing. Thus, we are taking the precautionary principle into account in line with the *Environmental Management Act*.

Question 03: The referred statement by the company does not necessarily imply seabed mining before the Moratorium ends and if there is a company that is doing that while the Moratorium is on, then the Law should take its course.

We are operating within the framework of our regulatory environment. We are not privy with such information. To start mining, you need a mining licence and before that you need to obtain an Environmental Clearance Certificate, of which through our knowledge the proponent has not been yet issued with.

Question 04: Information provided to the Ministry of Environment

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and Tourism is that the pilot plant or test facility you refer to was constructed before the Moratorium came into being, however, even if the construction for the pilot plant is being expanded I must remind the Honourable Member that construction of an onshore phosphate processing plant is not prohibited by the Moratorium as it does not entail mining.

Question 05: The SEA will assess the risks of coexistence of fisheries and seabed mining of phosphate. The SEA will take into consideration the sustainable components, which entail environmental and socio-economic aspects. Moreover, those existing interests such as fishing and diamond mining will be taken into consideration.

Question 06: No additional scoping has take place to the best of my knowledge. The report that was submitted to the Ministry of Environment and Tourism was that conducted in 2013. However, if LLD Phosphate is investing in equipment worth that much then the Ministry of Environment and Tourism will be informed only if the expansion to the existing pilot plant is to be made as the pilot plant is among the listed activities in the *Environmental Management Act* that cannot be undertaken without an Environmental Clearance.

Question 07: Honourable Members, allow me to remind you that, the mandate of the Ministry of Environment and Tourism is to implement the *Environmental Management Act* without taking equally important mandates of other Organs of our State. Investment, therefore, is the mandate of other Line Ministries. Our environment cannot be sacrificed due to the level of investment. Environmental protection is a Constitutional obligation, and, therefore, as a State we are a bound to protect our environment.

Question 08: The SEA is being undertaken to inform strategic decision-making thus the application for Environmental Clearance of seabed mining phosphate by LLD Namibia will not be granted before the completion of these studies (SEA).

Question 09: Your concluding questions;

(a) a maximum of 400 grab samples has been set as a conditions in an

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Addendum to the Environmental Clearance of the experimental plant;

- (b) Honourable Members, Marine Phosphate mining is not only new in Namibia but around the world, thus we learn as we go and do not have capacity to control these activities, that is why we are undertaking Strategic Environmental Assessment to inform the strategic decision regarding this particular activity;
- (c) Phosphate processing had not started - independently audited environmental Performance Assessment Report by LLD Namibia Phosphates; 16 of May 2014; the plant was under construction at the reporting date;
- (d) Seawater samples have been taken and sent for laboratory analysis to obtain water quality data prior to the operation of the experimental plant;
- (e) Once the experimental plan becomes operational, the Environmental Management Plan provides for regular sampling and laboratory analysis of abstracted and discharged seawater for and from the experimental plant, including heavy metals.

Biodiversity and the natural environment are of critical importance to Namibia. Natural Resource-based Sectors, including mining, fisheries, agriculture and tourism are the basis of the Namibian economy, and around 70% of Namibia's population is directly dependant on the natural resource-based for income; food; medicinal and health needs; fuel and shelter.

Namibia's management of biodiversity stems directly from Article 95(f) of the Constitution, which calls on the State to take measure to promote the maintenance of ecosystems, essential ecological processes and biological diversity of Namibia and utilisation of living natural resources on and sustainable basis.

A host of Acts and Policies have been put in place to fulfil this Clause of

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the Constitution. Among the most significant Acts are the *Marine Resources Act* of 2000, which guides the conservation and sustainable use of our Marine Resources, and the *Environmental Management Act* of 2007, which provides the foundation for the wise management of country's fragile environment and the sustainable use of these natural resources. With these remarks, I thank you very much.

HON SPEAKER: Thank you, Minister. Honourable Wietersheim, happy.

HON WIETERSHEIM: Thank you, Honourable Speaker. I must say, I am very satisfied with this answer. The Minister really went out of his way explaining more than I even asked for and I think this puts many of the concerns that I raised in my questions to rest. Thank you very much, Honourable Minister. The only question I have is whether I may have your answer in writing. Thank you, Honourable Speaker.

QUESTION 22:

Honourable Lucks asked the Honourable Minister of Information and Communication Technology:-

Honourable Minister, it was reported in the Namibian Sun Newspaper of the 5th of May 2014, that a visiting delegation of Ugandan Members of Parliament were at a buffet lunch which they attended in Windhoek, were attacked both verbally and physically. It is alleged that a Special Advisor to the Minister of Information and Communication Technology hit one of the visiting female Members of Parliament over her head with a cane and also that he called the female Members of the delegation 'prostitutes' in the presence of other guests and hotel staff members.

My questions to you, Honourable Minister are:

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1. Can you confirm or deny that this incident has happened?
2. Would you agree that such a shocking, disgusting incident is not only without precedent, but also has enormous negative consequences for relations between Namibia and Uganda?
3. What disciplinary steps, if any, have been initiated? And the last question
4. Is the appointment of this Special Advisor, who is clearly not fit for the position he is holding, a result of the “*Jobs for Comrades Policy*” that employs people not on merit, capability and suitability for the position but for political affiliation only?

I so submit Honourable Deputy Speaker.

ANSWER

HON LUCKS: Honourable Speaker, I would like to announce that I have been advised by the Honourable Minister with a request to withdraw the question and after consultation, it was decided that I withdraw the question. Thank you.

Question withdrawn after consultation with the Honourable Minister.

QUESTION 23:

Honourable Ulenga asked the Honourable Minister of Health and Social Services:-

The Minister would agree with me that the responsibility and task of fighting diseases and keeping the Namibian Nation healthy falls squarely upon the State. Further, Namibia has been a shining example in Africa regarding successful campaigning against HIV infection, TB and Malaria for which I congratulate the Minister and the Ministry warmly.

The role of community TB Promoters in the whole country in fighting

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these diseases but, especially TB, has been absolutely indispensable.

1. In the light of the above, why does Government, as a responsible employer not employ the TB Promoters on a permanent basis with all due benefits that come to other Government employees such as the pension, Social Security and Medical Aid, for example?
2. Why are TB Promoters who have worked for more than eight years still treated as casuals that are not permanently employed workers?
3. Who is the actual employer of TB Promoters, if they are appointed by Government (GRN) but are said to be employed by another agency called KNCV?
4. How can TB Promoters be employees at one moment and then “volunteers” at another? So are they employees, or are they volunteers or are they both?
5. Why are TB Promoters who have worked for more than eight years paid only N\$1,800.00 per month?
6. Does the Minister agree that this kind of payment amounts to sheer exploitation of their labour without adequate remuneration?
7. When does the Minister intend, and plan to integrate TB Promoters into the Government employment component?
8. Lastly, when can we expect a hefty salary increase for the TB Promoters, Honourable Minister?

ANSWER

HON MINISTER OF HEALTH: Thank you, Honourable Speaker. Honourable Members, the questions by Honourable Ulenga are as follows:

Question 1: Why does Government as a responsible employer, not

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employ the TB promoters on a permanent basis with all due benefits that come to other Government employees, such as a Pension, Social Security and Medical Aid?

Response: The position for TB field promoters does not exist on the staff establishment of Government. The Government has, however, since approved a new job category, that of *Health Assistant* in the Ministry of Health and Social Services. This job category includes personnel involved at operational level in facility and community based settings. This is the category in which Community Councillors, Health Extension Workers and TB Field Promoters fall under. However, it is important to note that not all Field Promoters will be transitioned under this job category as this has its requirements, for example, qualifications, which may not have been considered in the recruitment of the Field Promoters.

Question 2: Why are TB Promoters who have worked for more than eight year, still treated as casuals, that is, not permanently employed workers?

Response: TB Field Promoters are full time employees contracted by Donor Agencies and not by Government. Consequently, the duration of their contracts is determined by the availability of funding as so provided by Donor Agencies.

Question 3: Who is the actual employer of TB Promoters, if they are appointed by Government but are said to be employees by KNCV?

Response: As I said, they are not employed directly by Government. All TB Field Promoters in the country are recruited by Civil Society Organisations in different Regions and not by Government. Civil Society Organisations are supporting the Ministry of Health and Social Services in order to bring health services closer to the communities or to the people in need of such services.

Question 4: How can TB Promoters be employees at one moment and volunteers at another moment.

Response: TB Field Promoters are paid employees with employment

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contracts with the respective employing organisations and as I said earlier, these are not volunteers. They are employed by the Civil Society.

Question 5: Why are TB Promoters who have worked for more than eight years paid only N\$1,800?

Response: Honourable Ulenga, the salaries are according to the contracts signed between TB Field Promoters and the Donor Agencies and not by the Government. The salary is based on availability of funds and recommendations from Donor Agencies, including the Global Fund.

Question 6: Does the Minister agree that this amounts to exploitation of their labour without adequate remuneration?

Response: No, employees are employed according to the offered and signed contracts.

Question 7: When does the Minister intend and plan to integrate TB Promoters into the Government employment component?

Response: The integration of TB Field Promoters is part of a broader ongoing restructuring process of the Ministry of Health and Social Services. The support of the Civil Society Organisations will still be required after the integration of some of the Filed Promoters into Government.

Question 8: When can we expect a hefty salary increase for the TB Promoters?

This will only be realised if and when Field Promoters will be transitioned into Government services. Remuneration would be according to the Government Provisions as so guided by the Public Service of Namibia. Thank you very much indeed.

HON SPEAKER: Thank you, Minister. Does Honourable Ulenga have any follow up question?

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HON ULENGA: Thank you, Honourable Speaker. I think it is a pleasant surprise that the Minister has provided a fairly explanation to the situation and I thank him very much for that.

However, I have to refer to the previous statement by the Honourable Minister or the Honourable Sioka the Minister of Labour, which is talking about the need to do away with exploitation. As you can see Honourable Minister, the questions are not necessarily based on the ignorance on my side of the factual situation but rather what is being questioned here is the moral grounds of the positions and I am very glad to hear in that regard that actually there is a transition happening and I just thought that after more than eight years of services, any need to raise the standard of these employee so that they can qualify for the transition should have happened. If it has not happened, I think Honourable Minister, you and your Ministry, and the Government in general, should try to work on it in such a way that people do not work for eight years only to find that the transitioning leaves them in the lurch. I thank you, Honourable Speaker.

QUESTION 24:

Honourable Maamberua asked the Honourable Minister of Information and Communication Technology:

1. Honourable Minister, are you aware that it is time that Presidential candidates and their respective Political Parties ought to be elected, not on the basis of their historical Liberation Struggle credentials but rather on what they are capable of offering the Namibian people? That is the first question.
2. Honourable Minister, would you agree with me that only Presidential candidates with outstanding characteristics entailing international experience, Public and/or Private Sector tenure, top academic achievement combined with middle-age, not advanced pensionable age will render better services for the future of Namibia?
3. Would you therefore, Honourable Minister, arrange with the Namibia

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Broadcasting Corporation NBC to host Presidential candidates' public live debates, so that the electorates can adequately inform themselves and be able to choose the Presidential candidates offering solutions that shall address the present and long-term future challenges of Namibia?

I so Move, Honourable Speaker.

ANSWER

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

Honourable Members, I rise to respond to the question posed by Honourable Usutuaije Maamberua, the President of SWANU of Namibia. I wish to thank the Honourable Member for having asked this question.

Honourable Speaker, the Honourable Member wants that the Ministry of Information and Communication Technology to initiate live political debate on our National Broadcaster (NBC).

In this respect, I wish to state here that while we appreciate the question, it is not the function of my Ministry to initiate such debates.

In my humble opinion, it is incumbent upon Political Parties - particularly the Presidential candidates to consult through their Party structures and discuss the matter. And once the Parties agree to the proposition, our Ministry will facilitate the process.

Our National Broadcaster will be happy to host the live debates. However, the modalities and procedures of the debate will be worked out and agreed upon by the Political Parties themselves.

I, therefore, wish to advise Honourable Member to follow the proper channel with a view to solicit support from other Political Parties. With this, I rest my case, Honourable Speaker and I thank you.

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HON SPEAKER: Thank you for that reasonable answer. Honourable Maamberua?

HON MAAMBERUA: I have no follow up question.

QUESTION 25:

Honourable //Gowases asked the Honourable Minister of Works and Transport:

Namibia is a country that attracts many tourists and as well as representatives from all over the world. The Airport, when travelling from abroad, is the first point of entry into our beautiful land of the brave. However, the reception area of the International Airport where even Members of Parliament are welcomed, needs a total revamp; the furniture, the floors, the carpeting and the walls. Can we expect a revamping or refurbishing of the reception area of the Airport in order for it to look more presentable? I thank you.

ANSWER

HON MINISTER OF WORKS AND TRANSPORT: Thank you Honourable Speaker. Honourable //Gowases, let me assure you that the Ministry through the Namibian Airport Company will always endeavour to ensure that all Airports are in good condition. I greatly appreciate your concern and applaud you for your keen interest portraying deep aspiration for Namibia's beauty to be presented at entry points to everyone entering our gorgeous country.

Honourable //Gowases, I am pleased to inform you that currently, there is a renovation underway at Hosea Kutako International Airport. The renovation entails the baggage handling system, administration block, the access to the airside. This facelift is aimed at ensuring the utmost safety at our Airport as well as making the Airport good representative of our

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beautiful Namibia. Cabinet in 2011 tasked the Ministry of Works and Transport to come up with a beautiful design for Hosea Kutako International Airport, which is the point of entry for all investors and tourists to our country. Honestly speaking, we must revamp it in such a way that it creates a lasting impression of Namibia because first impressions stay. We have already started by inviting for expressions of interest. We will first concentrate on the design and this cannot be hidden because we have to ensure that we get the best because it is in the best interest of our country.

Once the design is approved we will call quantity surveyors to give us the costing for that particular design. After that I can humbly go to my sister, the Honourable Minister of Finance so that we can get something and we can start with the construction. It is not a one-day project it can take up to four years to complete. I thank you very much. Thank you.

HON SPEAKER: Thank you, Honourable //Gowases.

HON //GOWASES: Thank you Honourable Speaker. Thank you Honourable Minister, I am very, very much satisfied. I thank you.

QUESTION 26:

Honourable Kaura asked the Honourable Minister of Home Affairs:-

Honourable Minister what is the reason why the children of the Detainees from Botswana that are domiciled in //Gam area, are having a problem to be recognised as Namibian citizens.

ANSWER

HON MINISTER OF HOME AFFAIRS AND IMMIGRATION:
Thank you, Honourable Speaker. I would like to thank Honourable Kaura

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for his question and I am very happy that he is present in the House and have heard the eloquent explanation and background given by the Attorney-General as to the issue pertaining to his question. As Honourable Dr Kawana explained towards the end of his Ministerial Statement, the Ministry of Home Affairs and Immigration has nothing, absolutely nothing against the Herero community and we are in agreement with the Honourable Attorney-General that the Law as was made then to last for only five years could be revised by amending the Provision that has terminated its life. In brief, the question of Honourable Kaura is eloquently explained by the Honourable Attorney-General. I thank you.

HON SPEAKER: Thank you. Honourable Kaura?

HON KAURA: Thank you very much, Honourable Speaker. On the answer to Honourable Kawana, I was going to say that Corporal Punishment is prohibited by the Namibian Constitution

HON SPEAKER: Very much so.

HON KAURA: And he really did mete out Corporal Punishment against a fellow Learned Colleague (*laughter*). However, my request to the Honourable Attorney-General is, can the Attorney-General perhaps come up with that Conferment Amendment so that we can get these problems out of the way? Thank you very much for the explanation.

QUESTION 27:

Honourable Naholo asked the Honourable Minister of Defence:-

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- 1) Can the Honourable Minister of Defence confirm to this august House whether the Namibian Defence Force uniform is gazetted and if the answer is in the affirmative, how can one distinguish a step out shirt of the Army from a civilian shirt for an ordinary person in the street?
- 2) Can the Honourable Minister confirm or indicate to this Honourable House the numbers of the garments or materials that are used for tenders of the following uniforms, hands sledges, step out trousers and step out shirts, etcetera.
- 3) Honourable Minister are you aware that NDF officers especially at the Army wear different signals of the same rank and this has been going on since 1990. When is this practise going to stop Honourable Minister, the General is looking and Honourable Nghimtina is shocked (*Laughter*)
- 4) Honourable Minister are you aware that our soldiers do not have camouflage uniform boots they just wear any type of boots? And finally
- 5) Are you aware that camouflage caps of our troops do not have NDF Badges, Honourable Minister? Thank you Honourable Speaker.

ANSWER

HON MINISTER OF DEFENCE: I thank Honourable Naholo for his question and the answers are as follows:

The questions are on this paper and I am not going to read them.

Question 1: No, the Namibia Defence Force Uniform is not gazetted *per se*, however, because of difficulties experienced with regards to specific description of the colours of the materials, that is, how to make the colour unique to the military only. Thus, although before Independence the South African Army had passed a Law to criminalise the wearing of all camouflage printed material as well as affixing a label on the inner part of

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the South African Army; such a Law was repealed at the attainment of Namibia's Independence as it was not conducive for democratic dispensation.

At present, however, for NDF to be in line with the democratic principles embedded in the Namibian Constitution and at the same time also upholding its mission of defending the territorial integrity and the national interests of Namibia, the following legal mechanisms were put in place to prevent the misuse of the uniform as well as to distinguish it from civilian attires:

1. In terms of Section 51(1) of the *Defence Act* 2002, it is an offence to wear, use, display, manufacture, sell, supply or deal in any uniform that appears or bears a regimental badge or other distinctive marks of any Headquarters of Service, Arms of the Service, Formation, Unit or Personnel Mustering thereof.
2. Further the display, determination and description of the badges and marks referred to in Section 51(1) are provided for in general regulations to the Namibia Defence Force Number 4547 as follows:
 - a) Regulation 11 provides for the display or flags in Annexure A.
 - b) Regulation 12(a) provides the regimental colours of the pattern for the badges in Annexure B.
 - c) Regulation 15(5) provides for the distinctive buttons and insignia ranks of officers in Annexure C.
 - d) Regulation 13(7) provides for the buttons and insignia ranks of other ranks as Annexed in D.

Question 2: During the production of camouflage uniforms, NDF uses 55% polyester as well as 45% wool for step out trousers, and for step out shirts it uses polyester and cotton.

Question 3: There are combat step outs and ceremonial insignias. These

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insignias are worn as per the type of uniform. Each uniform has different types of insignia which are worn depending on the occasion. For example, camouflage uniform has two types of insignia for both the shirt and the jacket. The wearing of these insignias depends on services, formation and units. It is worth noting that the insignias are not necessarily different but it is only the background of the insignias that differs but the ranks marking remains the same. However, there are shortages of insignias which are brought about by either promotion or insufficient supply as they are not exchanged or used to someone else. In this case, it is the prerogative or the right of the Chief of the Defence Force (CDF) to issue fragmentation orders and instruction to authorise the wearing of those insignias until a replacement is made.

Question 4: With the commissioning of the August 26 Shoe Factory in Okahandja, this matter has been resolved. It is worth noting that this Shoe Factory at Okahandja does not only produce and supply boots to the NDF but also caters for a wider customer base, including the public at large. I, therefore, urge the Honourable Members to support the Shoe Factory by buying from there. Honourable Neholo, next time you come to Parliament, please come here with boots from Okahandja.

As far as the badges are concerned, the principle for wearing badges is only meant for barrettes, step out peaked caps and not for camouflage caps.

Honourable Speaker, in conclusion, I hope that the information provided above has sufficiently responded to the concern raised by Honourable Peter Naholo of the RDP. I thank you.

HON SPEAKER: Thank you Minister. Honourable Naholo, are you fully satisfied?

HON NAHOLO: Yes, Honourable Speaker, thank you very much. I would like to thank the Honourable Minister for his reply and I have no further questions. Thank you very much.

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ORAL QUESTIONS

HON MOONGO: Thank you Honourable Deputy Speaker, I would like to ask the Prime Minister. The Prime Minister as I know has a lot of programmes and I wanted, I see this is an urgent question which needs his attention to be answered. Thank you very much. Honourable Prime Minister (*intervention*)

HON DEPUTY SPEAKER: You mean you are putting an Oral Question?

QUESTION

HON MOONGO: It is an Oral Question. Honourable Prime Minister, I would like to know as to whether the Prime Minister also considers the SADC Protocol Procedures and Rules for elections to be part of Namibia's Rules and Orders and when are we going to apply them? The same applies to the Code of Conduct which was agreed between all Parties in order to ensure free and fair elections - when are we going to apply this? Why is it not applied in Namibia and will this not tarnish the image of the Government and the elections of Namibia because since there are now Parties that claim that the roads and trees are theirs, other Parties are not allowed to use those trees while these are all Namibian roads and trees? Can the Prime Minister please give a concrete answer to these questions? Thank you very much.

HON DEPUTYSPEAKER: Yes, only if the Prime Minister he can do it and not that he knows it all. Right Honourable Prime Minister you have the Floor.

ANSWER

RT HON PRIME MINISTER: Well, thank you Deputy Speaker, I know

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the election fever is already starting in this Parliament - we are starting with it here. We were invited this morning by His Excellency the President, I do not know whether the Honourable Member was there. Were you there? (*Interjection*) you do not know what you have missed. Do not always absent yourself from important events like that. If you were there, you would not have asked me that question because His Excellency the President in his Speech appealed to all of us that the elections are coming - let us have them in a peaceful and orderly way, obeying all our Laws that we have, which are good Laws. Our practice has always been good, admired by other people in the world too, except some people here.

He appealed to all of us to be tolerant about opposing views and not to provoke others by going somewhere and saying - *I have the freedom to move around as I want.* (*Interjection*) that is my road too, who denies you the road? It is your road - that is a provocation. All of us sitting here know very that the seat occupied by Honourable Ben Amathila here is his seat but it is a parliamentary seat, however, you have been sitting there somehow. You may as well have a flat there, even if it is empty, which may be recognise as belonging to the Chief.

Now, if I live in an area and there is a tree outside my house, just because it is outside my house you cannot come and say - *I have the right thereto*, that is provocation. His Excellency the President appealed today to all of us who were there. It was our day but you were not there, so you missed out, hence you are now asking questions of this nature. (*Interjection*) go and ask your partners to explain to you because you were also invited - and he did tell us to please have a peaceful election.

About SADC; what is SADC? SADC is us. We are the ones who drafted those things, so we are part and parcel of that. If you from the Opposition are not part of it, we are part of it, therefore, we will obey that, of course. Please let us not look for anything that will make matters worse and then you cry later on and pretend everything is bad as you normally do. We are looking forward to a clean election that will be won by SWAPO in a clean way. Do not panic now because the results are almost known - do not panic. We promised you we will have a very peaceful election, following all the Laws, including the SADC ones. Thank you.

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HON DEPUTY SPEAKER: Thank you very much. Is it a new question or a follow up question?

HON MAAMBERUA: Yes, it is an Oral Question.

HON DEPUTY SPEAKER: Is it urgent? Is the issue you would like to raise very urgent?

HON MAAMBERUA: Yes.

HON DEPUTY SPEAKER: Let us hear you.

HON MAAMBERUA: It is actually based on the answer of the Right Honourable Prime Minister, him indicating that the elections are going to be won by the SWAPO Party.

RT HON PRIME MINISTER: Yes!

HON DEPUTY SPEAKER: Are you asking a follow up question then?

HON MAAMBERUA: Yes, the question is, is the Honourable Prime

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Minister not aware that this time around SWANU of Namibia is going to win the elections? (*Laughter*)

RT HON PRIME MINISTER: I know SWANU is trying out everything. They cannot get the crowd outside when they have a rally so when he gets a chance, he tries to campaign on behalf of SWANU here. (*Interjection*) you see, he is even using the death of somebody to campaign for SWANU, poor fellow.

I am telling you, you are going to feel it come November. I was very sympathetic to SWANU in the past - I really wanted you to be there because you are a good Parliamentarian but the way you are behaving now, I do not know whether you are going to come back or not (*laughter*)

QUESTION

HON NYAMU: Thank you very much, Honourable Deputy Speaker. I rise because I am excited by the remarks of the Prime Minister. When he puts the emphasis on peaceful elections, it reminds me of the same statement made by the President several times, however, we unfortunately still have instances of harassment and provocation from the Ruling Party in the Omusati Region. (*Interjection*) I am being truthful. I am not accusing SWAPO. I have not heard of provocation or seen it happen in many other Regions except for Omusati Region.

What is so difficult for SWAPO to discipline itself in Omusati? Why is this Region treated differently? Can the Prime Minister really assure us that what has been happening in Omusati will stop henceforth?

ANSWER

RT HON PRIME MINISTER: I would have thought that Honourable Nyamu will not mention the area but I can see how you are focussing in

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Omusati and you go and say we are going to go there. Firstly, you made pronouncements - *we are going to that area there to provoke them*, that is what you are saying in a way. Why Omusati? Let us just talk about having peaceful elections. If you were to experience a problem in Omusati then you can raise that issue or is your mind already set – do you want to provoke Omusati by what you just said? Let us just accept that all of us are going to see a peaceful election as His Excellency the President said, where there will be tolerance and leave it there. You are now warning the Omusati area - you do not like them and you are going to provoke them by making that statement. Let us leave it here, I promise you (interjection), but why are you mentioning the name of Omusati then? Are you obsessed with Omusati or what? Why? Go home. (*Laughter*)

HON DEPUTY SPEAKER: Thank you very much. Any other questions? Honourable Dr Kawana, do you want to complement what the Prime Minister said or what?

HON MINISTER FOR PRESIDENTIAL AFFAIRS AND ATTORNEY-GENERAL: Yes, a supplement in terms of additional information regarding Omusati. As the Chairperson of the National Leaders assigned to that specific Region, I want to give more information. I am just complementing what the Right Honourable Prime Minister responded. With Omusati (*interjection*) (*intervention*)

HON DEPUTY SPEAKER: I also allowed you illegally because you are not the one who asked the question originally, the person who asked the questions can continue if he is so determined. Yes, proceed.

HON MINISTER FOR PRESIDENTIAL AFFAIRS AND ATTORNEY-GENERAL: Honourable Deputy Speaker, the Honourable

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former Deputy President of DTA will confirm that in 2009, they had what they called Road Campaigns in the Omusati Region and no incident was reported, why? They had their flags, slogans and whenever they met people they were doing this but the response was managed. They went up to Ruacana and nothing happened. What happened now is that when RDP went there, they started insulting the Founding President, they insult the sitting President and other Leaders of the Ruling Party. That is one.

Secondly, they go there armed, even with firearms. Last time it was firearms and this time they went there armed again. The Constitution says that - *every citizen has a right to assembly peacefully without arms* but they even beat two school children in last incident (*interjection*). No, I am just giving information, you are defensive. You see, who started that? I am just giving information. They beat two children and one of the children ended up in hospital. This is just like what the DTAs were doing when they were campaigning with their sign and their slogan - I cannot remember now, but those children just showed the *manneljie* sign and they beat them. That is one kind of provocation we are appealing to stop.

There are no no-go areas in Namibia when it comes to political activities - there is nothing like that. Every Region, every corner of Namibia, every legal or constitutionally registered Political Party has the right. We have absolutely no quarrel with that but our appeal, particularly to the RDP is to please encourage your members not to insult our Leaders. Please that is really the situation.

The Right Honourable Prime Minister also made mention of a tree in front of your yard that you take care of and use for community meetings and so forth – and you put your flag there but when they come, they say whether SWAPO likes it or not - *we will also put our flag there in front of your yard*. Do you remember that the other time some trees were even resistant to the RDP? One of their Members wanted to put a flag on a tree and he fell and broke his leg. (*Laughter*)

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QUESTION

HON MAAMBERUA: Thank you, Honourable Speaker. I see my Good Friend, the Honourable Minister of Health is here. I have a small and short Oral Question to the Minister of Information. Honourable Minister of Information, Namibia Press Agency (NAMPA) is under your Ministry and in the Namibian Sun of today under the title - *“We Are Tackling Hospital Beds Shortages – Kamwi,”* there is an article stating - *“Health and Social Services Minister Dr Richard Kamwi has assured Namibians that the shortages of beds and ambulances at State Hospitals is being addressed. This comes after he was questioned by SWAPO President and Parliamentarian, Usutuaije Maamberua.”* This is what the newspaper is saying. Now my question is, Honourable Minister, has NAMPA been informed by your Ministry that I am now the President of SWAPO or is it a matter of *‘Rent a President?’*

HON SPEAKER: For the Speaker’s appreciation, what is the question? Oral Questions are allowed.

HON MAAMBERUA: It is an Oral Question.

HON SPEAKER: Yes, what is the question?

HON MAAMBERUA: The question is, was NAMPA informed by the Ministry of Information that I am now the President of SWAPO or is it a question of *‘Rent a President,’* are you renting me to be the President of SWAPO? Why are you officially writing that I am the President of SWAPO? That is the question.

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HON SPEAKER: And this is addressed to?

HON MAAMBERUA: To the Minister of Information.

HON SPEAKER: The Minister of Information and Communication Technology?

HON MAAMBERUA: Yes.

ANSWER

HON MINISTER OF INFORMATION AND COMMUNICATION TECHNOLOGY: Honourable Speaker, I do not understand the logic of the question and, of course, if there is an error, whether it is a typographic error or whatever, I do not think it is right and correct to direct such a question to me.

That question can be directed to the Editor of the News Organisation like NAMPA, which is a News Agency. Therefore, I do not have an answer to this question, Honourable Speaker. I thank you.

QUESTION

HON ULENGA: Thank you, Honourable Speaker. I would like to pose and address a very serious and urgent Oral Question to the Minister of Health and Social Services, Honourable Dr Richard Kamwi (*intervention*)

QUESTIONS AND ANSWERS

HON SPEAKER: Just to warn you in advance, Oral Questions are clearly defined by the Rules - they should be very precise, short and to the point, otherwise I would ask you to formulate your questions and place them on the Order Paper.

HON ULENGA: Thank you, Honourable Speaker. Honourable Speaker, I would like to ask the Minister of Health and Social Services, Honourable Dr Richard Kamwi the following:

Is the Minister aware of the non-availability of prophylaxes and other medicines, which are used in family planning at the Katutura Central Clinic, the one at the old Black Chain and at several other major clinics in Katutura so much that the lack of these medicines is now causing panic amongst the communities in Katutura. The people are running around going from clinic to clinic looking for (*intervention*)

HON SPEAKER: Please finish the question?

HON ULENGA: No, that is actually the question - is the Minister aware of the crisis problem that is there and what is the Minister planning to do about the crisis? I thank you. (*Interjection*) yes, it is the death of family planning, people cannot access these medicines and it is urgent - they want it now. I am talking to my Dear Friend.

HON SPEAKER: No, do not talk to them, just put the question to the Minister.

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ANSWER

HON MINISTER OF HEALTH AND SOCIAL SERVICES: Thank You, Honourable Speaker, Sir. Honourable Members, I am not aware of the non-availability of family planning prophylaxes as he is putting it to me. Thank you.

HON SPEAKER: Thank you. The Minister is not aware, I am sure you might have a substantive question, what information is contained in it? The Minister said he is not aware. I did not give you the Floor, the Minister answered, he is not aware.

HON ULENGA: I have a follow up, Honourable Speaker.

HON SPEAKER: Yes?

HON ULENGA: In that case, Honourable Minister, can you please assure the House that you are going to act with due urgency and correct the situation? Thank you.

HON SPEAKER: Was that the Minister's responsibility? I do not know whether you want to confirm or make a promise. Yes, Minister you have the Floor.

HON MINISTER OF HEALTH AND SOCIAL SERVICES: I do not

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believe I am a person who is keen of making promises, it is not a good thing. I will, therefore, check with the Permanent Secretary whether there is such a thing. Thank you.

QUESTIONS AND ANSWERS

QUESTIONS ON THE STATE OF THE NATION ADDRESS [2014]

QUESTIONS

HON ULENGA: Thank you, Honourable Speaker. Your Excellency Comrade Pohamba, President of the Republic of Namibia, it was certainly not my intention to be the first to stand up and pose a few questions in reaction to your long and remarkable address to the Nation with regard to the State of the Nation.

However, now that I am the one to get onto my feet, I would like to take the opportunity to express my appreciation. First of all congratulations for a really comprehensive address to the Parliament and to the Nation. It has been a remarkable ten years, it is not over like the Speaker has just said and we hope to work together step by step until such time that, not only you but many of us as well, say goodbye to public life. There is nothing that comes that does not go. There is a beginning and there is an end to everything.

Comrade President, I would really like to echo most of the sentiments that you expressed with regard to the State of the Nation Address. I definitely agree with you that with effective and efficient administration and keeping to those Policies that are drawn up to take us forward, there is no reason why we cannot develop as a Nation at the pace that we have set ourselves. I have just a few questions regarding some of the issues that you addressed, Comrade President.

First of all is the question of land; Comrade President, land tops the list when it comes to our Nation's strategic resources. Historically, the current situation of landlessness and the lack of access for the majority of our people to this strategic resource, came about as a result of expropriation of land belonging to the local Namibian communities by the colonial empire of Germany during the process of colonisation of our country, barely 100 years ago.

Comrade President, you, yourself have expressed your own frustration and your loss of faith in the willing seller/willing buyer doctrine or policy. In

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the light of that and seeing that we have all, as leaders in this country, expressed ourselves as having lost faith in the current policies of land reform, when can the Nation expect to see justice done in this regard, seeing that land has been expropriated that is a historic fact and when can the landless farmers of Namibia of all races and of all communities expect to have equitable access to land? Comrade President, that is the first issue I wanted you to comment further on.

Pertaining to issues of service delivery; I would like to ask you to share with the House your opinions and sentiments concerning effective education of Namibians, both young and not so young. I know that you have already said quite a bit in your Speech today, therefore, let me also acknowledge the fact that during your administration, you have continued to provide the largest single amount in terms of Votes when it comes to the Budget to the Education Sector. It has remained about 23% in average. However, year by year, throughout your two terms in office, the pass rate has been very disappointing, at barely 50% of those sitting for their Grade 10 and 12. If we talk about this term of 10 years, it is already one third of the realisation of Vision 2030, what exactly are the reasons for this monumental failure on the part of the Government with regard to education and what optimistic thoughts and sentiments do you have, Comrade President to share with the Nation in the face of the stand of affairs?

Comrade President, similarly the Health Sector is also beset with similar gigantic challenges. However, I would like to ask the House to pay tribute as a whole to those who worked so hard in both Government and Civil Society and the Private Sector to see to it that, for example, the rate of infections with regard to HIV/AIDS had been brought down and there has been notable successes such as the reduction in the rate of Mother-to-Child infections, the distribution of ARVs, (*intervention*)

HON SPEAKER: I do not really want to interrupt you but let us have brevity. Let us be brief as much as possible, everybody would want to take the Floor, you are not the only one, Honourable Ulenga.

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HON ULENGA: Comrade President, I will try to summarise, we have the whole afternoon perhaps. However, the hospitals in our country remain filthy, sometimes without the supply of basic needs such as water or power. What are the challenges in this regard, why does it has to continue as it is and what hope can we share with the Nation with regard to the future of the Health Sector?

Comrade President, my last question regards corruption; Similarly when you started with your term of office, you started on a very high note with regard to corruption and very high expectations were created in this regard. However, there are two specific issues that I raised in the House with regard to corruption; the GIPF saga started just before the President came into office about ten years ago. Now that we are approaching 2015, this does not seem to have been resolved yet. Where are we and what kind of hope can we expect to have with regard to the ending of this saga? Similarly, on corruption and I also raised the matter the last time when I spoke on this occasion on the story of the Disability Council - the reports and allegations still continue with regard to thieving, maladministration and misappropriation of monies in the Council. When can the Nation expects steps to be taken, knowing that the President already knows about this issues, or if steps will be taken, what steps will be taken with regard to correcting the wrongs that are going on in the Disability Council?

On the advice of the Speaker, I will have to cut my questions short and I hope my Colleagues will also touch on the issues that I have not touched on. I thank you, Comrade President.

HON SPEAKER: Thank you. Honourable Maamberua.

HON MAAMBERUA: Your Excellency, Comrade President, I would like to take this opportunity to wholeheartedly thank you for your detailed and comprehensive Statement.

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Comrade President, allow me to remind myself that a person doing his or her best cannot do better than his or her best. I, therefore, trust that during the past nine years you have done your best and, therefore, you could not have done better than your best.

Comrade President, as you are preparing to clear your desk, please accept my sincere and comradely wishes on your retirement early next year. I thank you.

HON SPEAKER: Thank you very much. We have to keep Gender balance, I will take a lady, Honourable //Gowases.

HON //GOWASES: Thank you, Honourable Speaker. Mine is not long it is only one question.

I regard myself honoured to rise once again and add my voice on his Excellency's State of the Nation Address. On the subject of the Mass Housing Initiative, I sincerely applaud His Excellency our President as the Chairperson of the Mass Housing Project for listening to the cries of our citizens with regard to our housing and accommodation needs. That is a great legacy that you will leave behind upon your retirement. The President's eagerness to take our people out of shacks is indeed very appreciated. (*Applause*)

Your Excellency, year after year, funds are budgeted to service land in our towns yet the majority of citizens have no access to land that they can they can afford and call their own. Municipalities speculate with land, plots which where serviced years ago have not reached the population. Land became too expensive for the poor and unemployed people to buy. Currently, even our average income earner cannot afford property. The rich buy the plots and develop them into unaffordable units. Land prices are spiralling out of control. House prices in Namibia grew faster in 2012 than all but three countries in the world beating powerhouses like South Africa, the United States of America and the entire Europe.

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According to the Knight Frank global house price index, only Hong Kong, Dubai and Brussels recorded fast rises in property prices when these were converted into US Dollars. Which means Namibia is the fourth in the world. In the last of the aforementioned news, I wish to present the following questions to your Excellency:

- Can we not hasten the tightening of Laws to control the escalating house prices?
- Can we not speed up the process of introducing legal instruments to curb speculation in the country. That will reduce speculative activity in valuations in the housing market.
- Can we not speed up the process of amending real estate Laws to entrench several Clauses that will ensure that industrial land and prices of properties are controlled?
- Can we not control and scrutinise property development activities more cautiously?

Your Excellency, the right to property is entrenched in Article 16 of the Namibian Constitution, the Supreme Law of this Land. We must bear in mind that the increase in house prices poses a threat to financial stability, especially in events where such high prices are not supported by any economic fundamentals, for instance, an increase in household incomes (intervention)

HON SPEAKER: The same way I did with Honourable Ulenga, Can you get to the question.

HON //GOWASES: How can one afford school fees, with electricity and other amenities as well as exorbitant property prices like ours? Your Excellency please, the people are in outcry, people are suffering, we need

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to act and act fast. Your Excellency, Honourable Speaker, Honourable Members, I thank you.

HON SPEAKER: Thank you. Shall we take those three questions first, there are others coming too. Your Excellency?

ANSWERS

HIS EXCELLENCY PRESIDENT POHAMBWA: Do I normally sit or stand when I respond to the questions?

HON SPEAKER: Well, we stand in Parliament but since you are a guest you may sit.

HIS EXCELLENCY PRESIDENT POHAMBWA: Thank you very much, Comrade Speaker. I thank the Honourable Members who took the Floor and asked the questions.

First is *Comrade Ulenga* and the question is about land, willing seller/willing buyer. As a Government, we have been having a problem and the problem that we have is; a time came when the clever land owners adopted something which is looked at as legal. They have been selling land for instance, through Close Corporation (CC) Companies and they stopped giving land to the State. Now as Government, we looked at the CC as being very dangerous because through that, you will see the land easily getting into the hands of foreigners. Somebody from Hong Kong or elsewhere can come and buy shares in the CC for a period of 12 months and on the 13th month, he buys out all those with whom he is holding shares. It is possible, he gives them the money and he keeps the land. Now the land that was owned by a Namibian initially has automatically

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gotten into the hands of a foreigner. Something we say should not be done.

Now, we decided on what to do. We looked at the Law and we looked at the Constitution and we decided to amend the Law. As I am talking to you now, the Law has been amended by you, the Honourable Members because it was discussed here in this House and Amendments were effected. We now see that the situation is better, we can handle the situation now because of the Amendments our Parliament has effected on this. It is true that our people have been crying for land. As you may recall, there was a time when I served our country as the Minister of Lands. There was a time when I took action under a certain Article of the Constitution and those clever people went to Court and convinced our Courts, while I felt that I was right, and the case turned out in their favour. I was a disappointed Minister.

Now that the Amendment to the Law has been made, I think we will have it changed. Those who are having the land may decide not to sell it on the basis of the willing seller/willing buyer. They may keep quiet and not sell, our Constitution does not allow the Government to compel somebody to sell his property. However, if it in the interest of the public, it can be done. With the case that I just told you, where I said that I was not successful when it went to Court, one fears that perhaps if you take the action that I took under Chapter 16 of the Constitution, if my memory serves me well, it may not succeed. Therefore, one has to be careful not to repeat the same thing, whereby you will always be on the side where the Courts will say - *no you are wrong* so one has to be in control of the situation. However, I am happy that our Parliament has now amended the Law. I think our Minister of Lands will now be able to use the provisions of the Law as amended.

With regard to education, I have also been disappointed, one pumps in money but the outcome is not impressive, and the outcome is not acceptable by the one who gives the money. The failure rate of young people is something that disappoints, not only me but many people, not only the Government but the parents of these children. The Ministry of Education is aware of all these and they are looking into this situation in

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order to improve their way of teaching. I think most of our teachers are either reluctant to teach or they are not qualified to teach, that is why education is having that problem.

In December, including last December, when I go home, I visit public places. I went to a school where I found doors of classrooms where widely open and when it rains goats get in there. It was terrible, I had to call the Minister to come and see for himself. That in itself shows you that the teachers are not serious and perhaps they are not qualified to do that. Well yes, some but I think at that particular school all of them are not qualified. This is just an example to show you that honestly speaking, I think our people in the education establishment have to pull up their socks, otherwise the situation is not good at all. The Zambezi Region has been doing well, I was so disappointed to learn that they became number 13 from number 2. Something is wrong. However, education should be a responsibility of us all. The question is, are we doing something about it as leaders to assist our Ministry of Education or are we just looking at it waiting for Parliament to commence and then pose questions to the President?

Honourable Ulenga, I must say, I never heard a Member of the Opposition who went to a school and looked at a school, talking to teachers and all this, maybe it has happened but I have not seen it. I, therefore, appeal to everybody, particularly the Members of Parliament to please work together. In my Speech, I emphasised and I said; *let us work hand in hand* if we want to see the development of this country in all the Sectors, I think we need to work together in education too. I appeal to the Members of Parliament to assist where they can. Some of you are teachers, I think if we can come together and contribute to the discussions, especially when the Minister of Education is having some meetings. They do hold meetings, so you can come there and give them your views. That will be a contribution that I am indeed requesting from you to make.

On health; if you can recall in 2012, and I mentioned that in my Speech as well, I put up a commission of enquiry on our health establishment. According to the Report, things were not good too. From the Report and the recommendations therein, one could see that things were not good in

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certain areas but it is not everything that was not good, there are many things that the Ministry of Health has done which are commendable. That is why, in two occasions I received awards at the AU because of the good things that our Ministry of Health is doing. However, the Ministry, after the recommendations or the submission of the Report of the Commission of enquiry, has started implementing the recommendations that were made by the Commission.

Again, as leaders, I expect you to also consult the Ministry and pinpoint where you see things are not going well. I realised that when you are performing, there are times that you do not see where you are going wrong but someone who is observing you sees a lot. Let us say, the Ministries are the performer and you the observe, you will see where they are making mistakes in their dealings. I, again appeal to you as Leaders of this country that we face this problem as being our problem and should, therefore, consult on that.

On corruption, I want to say a few words. When I came in, I said we have to take some action against corruption. The actions that I meant was not to hear that Honourable Mensah is corrupt and then I jump at her, the Law does not allow me to do that. We firstly sat down and decided to put up an Anti-Corruption Commission, it is there now, we have it. The Anti-Corruption Commission is not dictated by anybody, they work freely. However, even though they work freely on their own, they need information so that they can investigate allegations of corruption. People talk about corruption but they do not go to the institution that has been established specifically to deal with corruption and give them information. People do not do that and that is why we are now saying, perhaps people fear that they will be exposed and then get into trouble with the corrupted elements. Now let us introduce a Law that is going to protect what we call *whistle blowers*. I read in newspapers and I hear from people saying - *you said that you are going to do it*, yes, I have done it! I have established the Anti-Corruption Commission. That is the action I have taken and the Anti-Corruption Commission is there working and I do not interfere with their work. The only thing is that they should get information from the citizens of this country. If we do not do that, how do we expect them to investigate cases of corruption? It is not that I hear something as the

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President and I go and do it, we have authorities that are entrusted to do certain things and the Anti-corruption Commission is one of those authorities. The Police in this country are entrusted to carry out criminal investigations and it is not that the President is the one who must investigate this and that. The President must make sure that there is a Police Force, they have all the equipment, which we do give to them, and that the establishment of the Anti-Corruption is in place, we have even built an office for them. For everybody who passes the office, it is written Anti-Corruption Commission in big words, it is there. That is one of the things that I have done with my Colleagues' support. Or do you want the President of the country to go from house to house inspecting, only then will there be something serious? It is not done in other countries and I do not think that the President of Namibia should do that too. The President of Namibia must ensure that institutions are established to take care of that and we have done that and the doors are open. All what we are saying is that – *citizens, the Anti-Corruption Commission is there, go and report cases of corruption that you are aware of.* That is what I wanted to comment on. I felt that I should say this but I am not happy because I do suspect that corruption is here with us too. All that we need to do is for the people to go and report corruption at the institutions that has been set up specifically to do that work.

With this Disability Council, I did not catch that very well and I do not know whether I will ask the Honourable Minister but I am told that investigation is ongoing and that is another problem in this country, you have cases being investigated for years. Years of investigation and nothing comes up and it is not the President who should investigate, we have the Police who should investigate these cases, however it is disappointing to see that, especially in Government, you have somebody suspended because he is being investigated but he draws a salary and at the same time he goes and creates his small or big business where he is working during the time of his suspension. It is really disappointing. Investigation is needed but the investigation that takes five or even ten years is discouraging and your President is not happy with that.

Honourable Maamberua, thank you very much, I hope you and your Party will keep working with the Government and we move forward to see

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both social and economic development of our country forging ahead.

Honourable //Gowases, on Mass Housing, we felt that we needed to do this, however, again we need the support of the Opposition, particularly as Leaders, support this Programme and encourage those who are doing it even 24 hours.

You also expressed the cost of land in towns, I agree with you that it is too expensive and my Colleagues and I discussed this issue sometimes. We even said that there must be a reduction. Certain Town Councils have been asked to reduce this. They are part of the Government and I see no reason why the prices of land in proclaimed areas and towns are so expensive. I think that we should again, face this together. Town Councils should not charge so much money for the plot of land where people want to put up their dwellings. On this one, I am totally together with you Honourable Member. You said that Namibia is number four in the world. The world is so large and we are number four? It is disappointing. I am disappointed that we are number four when it comes to the exorbitant prices of land. Something has to be done.

What more, people are crying, as Leaders let us attend to the cries of our people. These are the comments that I felt I could make on these three interventions by the Honourable Members of Parliament.

QUESTIONS

HON KAURA: Thank you very much, Honourable Speaker. Your Excellency Mr President, I do not have many questions because questions, especially on the housing issue has already been answered and I congratulate you for the initiative on this Mass Housing Project.

My only question is on the issue of Erindi. Vultures are all over the place. On this issue of Erindi, we are reading in newspapers that as far as America, there are companies that want to buy the 65,000 hectares of Erindi. What can we do to prevent this piece of real estate to get into

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foreign hands?

My other question is, His Excellency remarked at the Independence Stadium that there are 22 Presidential aspirants to contest for the Presidency of this coming year. I was wondering whether His Excellency was just making a joke or whether there are such people because 22 is quite a number.

Honourable Speaker, I want to place an oral unopposed Motion that the tarred road from Gobabis to Otjinene and from Otjinene to Grootfontein should be christened **Dr President Hifikepunye Pohamba**. Thank you.

HON SPEAKER: Thank you. If I was not sitting in this chair I would have seconded it. Honourable Hamutenya, please take the Floor.

HON HAMUTENYA: Thank you Comrade Speaker and Your Excellency. The question is one, Your Excellency.

My question is about the continued delay in the Electoral Law Reform. The process of reforming the electoral legislation of Namibia was prompted by the High Court Judgement of 2011, where Judge Petrus Damaseb and Collin Parker expressed serious concern about the existing Electoral Law. They in fact stated that the Law is in an unsatisfactory state of affairs and something must be done and be done urgently before the next round of elections. That was 2 years ago and we are about 8 months away from the next elections and since I sit here, I have not seen the Bill coming to improve on the legislation.

Elaborate constructive courses by the Law Reform Commission are on the table, when is it going to be acted upon to pave the way for the next round of elections? According to the Chairman of the Law Reform Commission, Sacky Shanghala, the process of drafting the new Legislation was

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embarked upon and was expected to be finalised by the middle of last year.

Your Excellency is aware of our concern about the delay in bringing the Draft Legislation to the National Assembly since we have approached you, Your Excellency on this, the last time we visited State House. When are we going to find this Draft Law here so that we can act on it and transform it into a Law? Thank you, Your Excellency.

HON SPEAKER: Thank you. Honourable Chief Riruako.

HON RIRUAKO: Your Excellency, Honourable Speaker, we had a very good farewell of the President. The Speech was well accepted in this Assembly but the legacy must be left behind. Who is going to endorse this legacy, is it maybe me? We are not talking without living something aside. It must be known that we have endorsed the legacy, are we or not? That is the query.

Now back to business, I have listened very carefully to the disappointment of the President that we do not have price control here. It is not just about houses but everything including commodities prices that are facing the Minister of Trade and Industry. Why do we not have control, what happened and why did it happen that way? During the colonial days there was price control, now there is the so called free market to rip off and root up what the poor produced. Is that the way it should be?

During the colonial days there were price control and commodity leverage. Why is there no more price control Mr President? (interjections) I go there and the President is advised by someone else but now he is here. That was point number one.

Back again to something else as usual, land is something we fought for. Some of us went to jail back and forth.

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HON MEMBER: When?

HON RIRUAKO: Who is asking when? Where were you? You were not in any jail, what are you talking about and what do you want to know? There is no joke. They say, *their blood waters our freedom*. Now who are you and where do you come from? (Interjections) that is what you want to hear.

We are talking about Land Reform for the second time and I know why. There was the so called *Verskans* Law (interjections). Yes, *Verskans* is in Afrikaans. This is what is happening, after 24 years of Independence, we do not have any right to change our Constitution in order to meet our requirements, why? That is a query. Mr President that is the question I want to ask you, however, sometimes you answer the question but the answer may not be where we can say we are at home with it.

What happened is that the Scottish Law changed but the South Africans did not change nay Law, they came up with the *vruskans* and moved the people from !Oe-gas to Khorixas – Sori-Soris, under what Law? Their Laws are not yet repealed, they are there. What are following here? What kind of Law do we have to look for? I will leave that for the President to answer.

The other one is that we have a very peaceful administration of the outgoing President but is there going to be peace, is Law and Order going to be obeyed? You are talking about corruption. Corruption is creating a commotion because where there is corruption there is commotion, those are the two things. How are going to look at these things without them being reduced? Until when will it go on like that? There must be an end to everything. You were here for ten years and you are going but corruption is continuing and will continue for another ten years. How are we going to leave with this? I do not know how but the Judge is here.

HON SPEAKER: He is just a guest in the House.

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HON RIRUAKO: I am going to sit down; I am not going to spoil the broth.

HON SPEAKER: Thank you. Honorable Shixwameni and then we have one more last, after Honourable Shixwameni.

HON SHIXWAMENI: Thank you, Honourable Speaker. Your Excellency the President of the Republic of Namibia, I would like to start off by actually commending you for the nine years that you have been in office, you have done quite a lot of good for our country. Particularly when it comes to breaking the ice between Political Parties, you have been inviting people to come to State House to discuss issues with you and in fact to consult and not only Political Parties but the NGOs and other Civic Society Organisations as well. I think for that you need to be congratulated and for having maintained the peace over the nine years of your tenure in office. I must again say congratulations for that.

Your Excellency, I have four, small questions that I want to put to you. One is the issue of poverty eradication and unemployment, both of which are at very high levels. The President has of course expressed himself on this issue already, however, my question is, is the President going forward, ready to embrace the Basic Income Grant and to implement it in order to eradicate extreme poverty in our society because I believe that it can be one of the ways to contribute towards making poverty history in our country. It is not the only way but I believe it is one of the ways that, by the stroke of the Presidential pen, can alleviate poverty.

The second one is the economic empowerment of Namibians. This is a country that is described as a country that is not owned by Namibians because multi-nationals control us. The wealth of this country is in the hands of less than 10% of Namibians and we know their colour, I do not need to mention it. Going forward, what plans are there, I am talking in terms of concrete plans that are there on the table, to reverse this situation

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where the country is owned by multi-nationals and foreigners whilst we are only workers and slaves in our own country. What concrete plans are we are putting on the table as a Nation to ensure that ownership and the distribution of our national resources, particularly, are owned by Namibians? That is the second one.

The third one concerns decentralisation, I know there are a couple of Ministries like Agriculture, Education and Health that have already decentralised services to the Regions but overall, most of the Ministries have not decentralised. I would like to know whether the President is satisfied with the pace of decentralisation of functions to the Regions so that Government gets closer to the people in order for people to have access to Government services at a closer distance and much more easier.

The fourth and last one is, all over the world, whether you look at investment figures or at our level on the human development index, everybody is saying that our biggest constraint, both in terms of our investment but also moving forward, is the skills shortage. Now if we all, including the international community, UNESCO, the United Nations, and everybody recognise it and admit that we have a serious skills deficit, why are we not thinking in terms of creating a lot of skills by making education free, both at university level and particularly for vocational training institutions in order to ensure that thousands of kids that drop out at Grade 12 and those that drop out at Grade 10 get accommodated in the vocational training system so that they can acquire skills that can help developing this Nation?

Otherwise, with this few remarks and questions, I congratulate you and I hope that next year when you retire you will have a splendid retirement. Thank you.

HON SPEAKER: Thank you. Let us take the last question. Honourable //Garoëb.

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HON //GAROËB: Thank you Honourable Speaker. Please pardon me for arriving a few minutes late this afternoon, it was not deliberate for I had to see my medical doctor.

I have only one question so let me start with it. Your Excellency the President of Namibia, you confirmed during your address at the inauguration of our museum that the time has come that you are facing out of your political leadership position. What I might ask you may sound, on the one hand as very personal but on the other hand I believe that it has very much to do with the Namibian Nation.

Namibia is a vast country with only a handful of people. What are your intentions after leaving your office? Yes, we know that we have some able bodied young men and women to replace you, there is absolutely no problem. However, the problem is that our country does not have many people of your calibre. Your Excellency, you rightly asked us to help with education where there are vacancies and I fully support you there. You said that some of us are teachers but you unfortunately forgot to say that some of us are veterans. Otherwise, Your Excellency, thank you very much for a well structured State of the Nation Address. I thank you.

HON SPEAKER: Thank you. That is the lot, Your Excellency.

ANSWERS

HIS EXCELLENCY PRESIDENT POHAMBA: I start with *Honourable Kaura*. Honourable Kaura, on Erindi, the Government once offered to buy Erindi but I understand that the owners wanted to withdraw the sale of Erindi. If they withdraw and they no longer want to sell Erindi then we will be back to square one, where we were. Erindi remains in the hands of the owner unless where we perhaps decide otherwise.

On the 22 candidates of the Presidential Election, after having said so

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there I received more information that they were actually 25! Then After having made the Speech, my source of information came and said that they have actually been reduced to 7 or 8 and this is the last information that I have of the presidential candidates and no names were communicated to me. (*Laughter*)

Honourable Hamutenya, on the Electoral Reform Law, I am happy to inform you that the Bill is coming to this House, the work has been completed, it will be coming, patiently wait for this so that you can contribute to the Debate of this very important *Electoral Bill*. You only had one question, which thus needs only one answer and I provided that answer.

Honourable Riruako, you asked who is going to endorse the legacy. By the way, somebody just whispered to me and said that you are one of the presidential candidates (*laughter*). Maybe you should work harder to convince the electorate to vote for you so that you can come in and do justice.

You spoke about the price control of goods and I had the same idea immediately when I came to this office that we should put up price controls. I was told rightly so that price control does not work in countries like ours because the market forces are apparently in charge of prices, especially when you have things imported that are manufactured in other countries. We do not produce sugar, tea, coffee, for example, therefore, when these things come here, it is controlled by the market forces. There is nothing much you can do, otherwise you will stay without sugar, coffee and tea but when it comes to *omaere*, you may not depend on import because that can be produced in the country. The problem is, what we like to consume, we do not produce in this country but imported from other countries and there are a lot of costs involved including transportation. To get rice from Thailand to Namibia will transport wise cost a lot of money and whoever is selling that will not just forget the cost of transport, it has to be added in order to make a profit. This is where we have some problems. As long as we are not working harder in Kalimbeza in the Zambezi Region to produce rice, we cannot be able to effectively control the prices of things we import from elsewhere.

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Do I not look smart in the suite that I am wearing here,? (*laughter*). You looking smart too, however, all these things are imported that is why we buy them at expensive prices. As long as we do not have our own way of producing things ourselves, we can always have that problem.

On Land Reform, you mentioned that we fought for the land, we were in jail and you are right. We were not only in jail in Namibia but also somewhere outside the country. I recall when I came to release you from the jail in Livingston. You went to jail because you were found to have entered the country illegally and they were right to put you there. That is all because of the struggle that you were waging so I know that. However, I have already responded to the question of Land Reform question, maybe I need not to come back to that but I just wanted to touch on the word jail, that we fought for this land and we have been going to jails because of that. I am saying it is true.

Yes, South Africa forced people to move from one place to another, is this what you want us to do, the South African way of doing things at the time? We will no longer be looked as a country that follows the Rule of Law, I do not think this is the way that we should follow, I think we should follow other ways. Again, we discussed about the land issue already.

Honourable Shixwameni, consultation is very important, that is why I felt that we should consult as Namibians. Namibians must consult. It does not matter whether we differ politically, we are Namibians. By the way I understand that you are also a presidential candidate, maybe you will follow the same route that I took. (*Laughter*)

Poverty in our country is a reality but on your proposal of the Basic Income Grant, this issue was brought up by some clergy people, however, I felt that this is not the way we should do things. To dish out money that you do not have to the people, does not make sense to me. However, I will go along with dishing out money to people who are organised to produce something. That is to say, it is better to give money to people who are working than to give money to people in *kambashus* because you are encouraging many people to come. The clergy people said N\$100.00,

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yes, N\$100.00 is enough, you will find 20 in one *kambashu* so they will get more money for doing nothing. If we want to develop this country, I think it is not a good thing to introduce things that will make people not to think of working. People must work. He or she who is working should be given money. That is the position. If Honourable Shixwameni could mobilise the people in one of his Constituencies to do social work, I see no point why we cannot assist the people who are working, for example, clearing land for cultivation in your home area close to the river and after clearing that they dig a trench to the river and ask the Government to give you the pipes and perhaps the pumping machine to bring water to the place that you have cleared instead of this Grant giving money to people who are doing nothing. For people who are doing that, I see no point why we cannot consider giving them some money as remuneration. If you do not do that and you say that as an aspiring candidate for presidency, I think your presidency will not last much longer. (*Laughter*)

On economic empowerment and the skills deficit that you have talked about, the Government, in its effort to assist our people who want to study or do business has created banks, i.e. the Development Bank of Namibia and AgriBank of Namibia. Business has to be done properly by people with skills, in other words, trained people that is why we are working harder to ensure that we have people being trained, hence the huge expenditure on education that the Government is giving out. However, those who do not want to go to VTCs and want to run businesses can consult financial institutions that are set up by the Government with the aim to assist them.

On the issue of decentralisation, I totally agree with you. Decentralisation always has its problems; you need trained people. We want to decentralise but truly speaking, we do not have people who can take care of certain affairs, I have been receiving some Reports already from both the Regional and the Local Authority Councils, spending money without knowing how to account for their expenditures. There are Ministries that have effected decentralisation and there are those wanting to do that but are experiencing problems. However, I think that where there is a will, a way will always be found. It is the will of the Government to decentralise activities and you are right that it is only when you have the people on the

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spot, unlike having a situation where people in Opuwo, for instance, will be waiting for somebody to come from Windhoek to attend to their problem. This is really undesirable, however, we can do it because there is no other way. That is on the decentralisation.

I have touched on skills, it is very important for us to train in many ways. While we are talking about skills, I must also inform the House that we have established NIPAM and we have decided to bring the son of the soil who have been working outside this country ever since Independence to come and make a contribution. Sometimes I say he is over qualified and I think he is going to do well at NIPAM and that is Professor, Dr Diescho. He is the one we assigned to do the work.

Honourable //Garoëb, I missed talking about veterans but in my Speech I have spoken about veterans and you are included as a veteran. All I can say is that I wish you good health, after having said you came late because you had to consult your doctor. And now that I am going but leaving the presidency does not mean that I am out of political activities. I will continue with politics to mobilise my Party in order, to ensure that the electorate keep voting for my Party and I will start immediately. With the administrative knowledge that I acquired as the President, I think I will do well to convince the people (*laughter*). In addition to that I am going to assist at the village with the cultivation of land. That is that.

Your Honour, Honourable Speaker, I think I have attended to the questions to the best of my ability. If I have not touched some of the issues I am asking for an understanding from the Honourable Members.

Again, I wish you well and I keep reminding you, let us consult on issues concerning our country. We can keep on saying that *I do not want to talk to him* but this country belongs to us. With the exception of Honourable Riruako, unless I invite people to consult, I do not see many people initiating to consult me at the State House. The doors of the State House are open for us to consult whenever there is a need for us to do consultation. We had problems of the drought last year and no one has come to consult how they are handling the draught situation for the people who have no food and these are people you are claiming to be your

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members. The Government has a responsibility to supply food when people are hungry and as Leaders, you do not come, it is not good. Let us consult. I thank you.
