



REPUBLIC OF NAMIBIA

DEBATES
OF THE
NATIONAL ASSEMBLY

2000

SECOND SESSION - THIRD PARLIAMENT

19 SEPTEMBER - 25 OCTOBER 2000

VOLUME 44

19 October 2000.

MINISTER OF FINANCE

The Bill does not provide for the exemption of any tax or duty. This implies that the Meat Corporation will have to pay tax and duties as applicable to any other company.

The Meat Corporation will be a statutory body created by an Act of Parliament and as such the Corporation cannot be wound up except by or under the authority of an Act of Parliament.

In conclusion, Hon. Deputy Speaker, this is the background to the origin as well as the main features of the Meat Corporation Bill. I now invite the Hon. Members of this House to participate in constructive discussions so that at the end of our deliberations an Act comes into operation that is in the best interest of the Republic of Namibia and the Meat Corporation of Namibia. I thank you, Hon. Deputy Speaker.

HON RIRUAKO: I move that the debate be adjourned until Tuesday, 24th October 2000.

HON. JUNIUS: I second.

AGREED TO.

TRADITIONAL AUTHORITIES BILL:
INTRODUCTION AND FIRST READING

MINISTER OF REGIONAL AND LOCAL GOVERNMENT AND HOUSING: I move the motion, Hon. Deputy Speaker.

HON. MBUENDE: I second.

AGREED TO.

THE MINISTER OF REGIONAL AND LOCAL GOVERNMENT AND HOUSING thereafter lays upon the Table the *Traditional Authorities Bill* [B.27-2000] and moves –

That the Bill be now read a First Time.

AGREED TO.

Bill read a First Time.

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TRADITIONAL AUTHORITIES BILL:
SECOND READING

MINISTER OF REGIONAL AND LOCAL GOVERNMENT AND HOUSING: Hon. Deputy Speaker, subject to rule 26(a) of the Standing Rules and Orders, I move –

That the Bill be now read a Second Time

HON. KAIYAMO: I second.

MINISTER OF REGIONAL AND LOCAL GOVERNMENT AND HOUSING (HON. N. IYAMBO): Hon. Deputy Speaker, Hon. Members, the Bill before you was discussed with all stakeholders, many of whom have agreed. The Bill provides for the establishment of traditional authorities and the designation, appointment and recognition of traditional leaders, and the use of traditional titles; to ascertain, administer, execute and uphold the customary laws of traditional communities.

It defines the powers or the limitation of powers, duties and functions of traditional authorities and traditional leaders, e.g. in the settlement of disputes by the designated members or an investigating committee appointed by the Minister.

It gives clear-cut guidelines on the relationship which traditional authorities should have with government organs, payment of allowances to traditional leaders, the administering of the traditional authority's assets and liabilities and the composition of a Board of Trustees to manage and control a Community Trust Fund.

It is worth mentioning, Hon. Deputy Speaker, that section 3(1)(g) on the powers, duties and functions of traditional leaders and members thereof states that traditional leaders shall "*promote affirmative action amongst the members of that traditional community as contemplated in Article 23 of the Namibia Constitution, in particular by promoting gender equality with regard to positions of leadership*"; and section 3(2)(c), that traditional authorities shall have the responsibility to "*ensure that the members of his or her traditional community use the natural resources at their disposal on a sustainable basis and in a manner that conserves the environment and maintains the ecosystems for the benefit of all persons in Namibia.*"

During the Committee Stage I will make one small amendment to the Bill.

I now request the Hon. Members to deliberate and pass the Bill. I thank you.

HON. KAURA: I move that the debate be adjourned until Tuesday, 24th October 2000.

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HON. JUNIUS: I second.

AGREED TO.

BUSINESS SUSPENDED AT 15:40 and RESUMED AT 16:00

EDUCATION BILL: RESUMPTION
OF SECOND READING

FIRST ORDER READ:

Resumption of Debate on Second Reading – *Education Bill* [B.20-2000].

DEPUTY SPEAKER: When this debate was adjourned on Tuesday, 17th October 2000, the Question before the Assembly was a motion by the Hon. Minister of Basic Education, Sport and Culture –

That the Bill be now read a Second Time

HON. MBUENDE: Hon. Deputy Speaker, allow me to take advantage of this opportunity to air my views on the Education Bill and the issues it seeks to address and redress.

The bringing of this Bill to this House is long overdue, in view of the difficulties facing basic education in Namibia today. The system needs major modifications if we are going to succeed in providing high quality education to our children. Hon. Deputy Speaker, we have no choice but to provide high quality education.

I would like to congratulate the Minister and the staff of the Ministry of Basic Education and Culture for the creative manner in which they attempt to overcome current problems in the system through this Bill.

The Bill clearly underscores that education is the responsibility of society as a whole. The establishment of Regional Education Fora, designed to advise the Minister and consisting of regional and local authorities, school boards, learners bodies in the region, private schools, churches, labour and private sector, is important. These fora will, in my view, ensure that there is maximum input from society in the process of education reform.

The composition of the fora is encouraging and could enable them to generate ideas that align the educational system and choice of subjects in accordance with the requirements of the labour market and the broader objectives of economic development.

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TRADITIONAL AUTHORITIES BILL:
RESUMPTION OF SECOND READING

SIXTH ORDER READ:

Resumption of Debate on Second Reading – *Traditional Authorities Bill* [B.27-2000].

DEPUTY SPEAKER: When this debate was adjourned on Thursday, 19th October 2000, the Question before the Assembly was a motion by the Hon. Minister of Regional and Local Government and Housing –

That the Bill be now read a Second Time

HON. KAURA: Thank you, Hon. Deputy Speaker. Before I go into my prepared speech, I want to, first of all, interrogate article 20 of this Bill which reads as follows:

“Subject to subsection (2), the Traditional Authority Act, 1995 (Act No. 17 of 1995) and the Traditional Authorities Amendment Act, 1997 (Act No. 8 of 1997) are hereby repealed.”

I need guidance on this, especially from the Attorney General, the Hon. Minister of Justice. There is a court case scheduled for the 1st and 2nd March next year, brought about by traditional communities that were not recognised on the basis of these two Acts. And now the court would be confronted with a *fait accompli* by the repeal of these very Acts on which the court case is based. I want to find out whether this Bill, as presented before Parliament, is legal or illegal. Is it not *sub judice* when the case is already before the High Court of Namibia and inbetween you are repealing the laws for which the court case is scheduled. What is the reason for the haste in which a completely new Bill is presented before Parliament while a court case is pending before the Namibian High Court?

MINISTER OF JUSTICE AND ATTORNEY GENERAL (HON. TJIRIANGE): May I ask a question? I just want to understand the argument of Hon. Kaura. If there are so many criminals being tried in the courts of law, can the Parliament not repeal and adopt other criminals laws, just because we are waiting for the courts to dispose of all the criminal cases?

HON. KAURA: This Bill is unprecedented, because even the South African colonials laws are being amended. I think since the beginning of this Parliament this is the first Bill that totally repeals existing Acts that were passed in this Parliament. This is unprecedented in the ten years of Namibian independence.

Hon. Deputy Speaker, coming to article 5(10)(b): “*If there is uncertainty or disagreement amongst the members of that community regarding the applicable customary law, the members of that community may elect, subject to the approval of the Minister, a chief or*

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HON. KAURA

head of the traditional community by a majority vote in a general meeting of the members of that community who have attained the age of 18 years and who are present at the meeting."

When Alfons Majavero was kicked out, an election took place and the Minister accepted it. When the people called another election to oust Munika Mbambo the Minister refused to accept the second election. That renders this whole Bill a total and complete farce. Now I will come to my prepared speech.

MINISTER OF REGIONAL AND LOCAL GOVERNMENT AND HOUSING: On a point of information, Hon. Deputy Speaker. Hon. Member, I want to give you a piece of information. When Chief Majavero was elected to office, the traditional customary law of that Mbukushu community was applied, meaning the elders of the village had to raise the issue that a chief is no longer ruling the people in the interest of the whole community. That is what happened with Majavero. The elders of the village, according to the Mbukushu culture, had to go and consult the Royal Family, that they do not want the person any longer, the community must be given the right to elect another chief, and that was agreed to.

Following the customary practice of that community, what happened with the case of trying to remove Mbambo, was that it was not done in the same way. When people realised that they do not like him or whatever, went and called a referendum. They never consulted the Royal Family, they never consulted the village elders. I got that from the Royal Family and all the indunas, and I also got that from the people who were trying to overthrow Mbambo. I told them if they follow their culture, what the customary law says, I will have no problem whatsoever. That is the information.

HON. KAURA: I accept the explanation of the Minister, because the established Swapo culture is, if you steal, you are promoted and Munika Mbambo stole the money of the people, of the Habukushu people, and the people complained that they no longer wanted this thief and, therefore, he is kept in power in the Swapo tradition.

MINISTER OF BASIC EDUCATION, SPORT AND CULTURE (HON. MUTORWA): On a point of order. May I pose a question to Hon. Kaura? I want to find out from Hon. Kaura whether the Hon. Member is aware of the fact that early in 1991 when the Mbukushu community elected Mbambo, that Hon. Alfons Majavero took that matter to the High Court, and whether the Hon. Member is aware that it was after the High Court decision, which High Court decision confirmed that in accordance with the customary, traditional law of the Hambukushu community, that indeed Mbambo was the chief and Majavero lost that case with costs. Is the Hon. Member aware of that?

HON. KAURA: And of course, maybe the court ruled that it was illegal for Mbambo to steal money and stay in power.

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MINISTER OF HIGHER EDUCATION, TRAINING AND EMPLOYMENT CREATION (HON. N. ANGULA): May I pose a question? I want to know from Hon. Kaura whether in fact Chief Mbambo was found guilty by a court of law that he stole money?

HON. KAURA: He was found guilty by the traditional authority of the Hambukushu people.

MINISTER OF WOMEN AFFAIRS AND CHILD WELFARE (HON. NDAITWAY): On a point of order. Chief Mbambo is not here and he is accused that he stole money. Is that really fair? Is it ever done that a person who is not here is pinpointed on his name that he has stolen money? I want guidelines on that.

DEPUTY SPEAKER: It is a very valid point of order. It is indeed not allowed to discuss people who are not in the House. Will you refrain from that and continue?

* HON. KAURA: Hon. Deputy Speaker, when a minister drafts a Bill with the intention to oppress, undermine, subjugate and marginalize certain ethnic groups in Namibia, then that Bill is not even worth the paper it is written on.

HON. BIWA: On a point of order, Sir. The Bill the Hon. Member is about to start discussing is the subject of legal scrutiny at the High Court. Is it allowed to discuss a matter that is being investigated by the High Court?

DEPUTY SPEAKER: Let us have clarity, which Bill are you referring to?

HON. BIWA: Can we get a reliable legal opinion?

DEPUTY SPEAKER: Hon. Attorney General, can you assist us, in what sense the Acts are before court at this point in time? The two that are repealed according to this Bill?

HON. KAURA: Article 20 repeals the Traditional Authorities Act, 1995 (Act 17 of 1995) and the Traditional Authorities Amendment Act, 1997 (Act No. 8 of 1997). These Acts are being repealed while at the same time they are being challenged in court and the schedule of this hearing is on the 1st and 2nd of March next year. That is why you are quickly trying to push this thing through Parliament.

MINISTER OF REGIONAL AND LOCAL GOVERNMENT AND HOUSING: Can I give a bit of information, Hon. Deputy Speaker. The activities the Hon. Member is referring to is the question of recognition of traditional leaders. This law says, anything that is left, not being completed by the law so being repealed, comes to fall exactly under this. The only thing they are asking is to be recognised and the business that is not finished.... INTERJECTIONS. Hon. Kaura, since when are you a lawyer?

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HON. SCHIMMING-CHASE: On a point of order. Sir, with your permission, I do not know how applicable the law of precedent is in this House, but I would like to remind this House that last week I asked a question on the appointment of Mr Hailulu and my colleague there, who is a lawyer, said it is *sub judice* and therefore it cannot be replied to. I would presume it is the same case.

DEPUTY SPEAKER: Hon. Members, we must be very clear. If we take rule 108(f) of our Standing Rules and Orders, it says: "*A member may not in any motion, debate or question, including a supplementary question refer to matters awaiting or under adjudication in any court of justice.*" Here we are dealing with a new Bill. This is my understanding.

MINISTER OF LANDS, RESETTLEMENT AND REHABILITATION: Cde. Deputy Speaker, we should not be confusing matters. What is in front of the High Court is a case, not a Bill, the case of a plaintiff who has complained of not being recognised. What is being investigated – if it is true that there is a case before the court – is that case, and that case is being handled in accordance with that law. Article 78(2) of the Constitution says: "*The courts shall independent and subject only to this Constitution and the law.*" What is the law? INTERJECTION. That is not the law, that is a Bill. The court is working independently of this government, the Cabinet and anything else, but the Constitution and the law, and the law is only a law if it is promulgated. INTERJECTIONS? Can I speak?

DEPUTY SPEAKER: I think we must be very clear. What is actually before the court? Is it a case according to a certain Act? Can we then say the Act cannot be discussed in Parliament because the Act is *sub judice*? Does it make sense to say that? Hon. Members, I want to be very clear as to what you are debating, I am not debating. I want you to be very clear because we must make a distinction between saying a matter which is before court is being debated upon here, which cannot be allowed, and then to say a case is before court according to a certain existing Act. Should we then say, that since a particular case is still in court, that Act cannot be amended, cannot repealed, cannot be debated on in Parliament. We must be clear as to what we are really debating.

MINISTER OF LANDS, RESETTLEMENT AND REHABILITATION: What I was saying is that the court operates independently of what is happening elsewhere, as long as it is guided by the Constitution and the law. The definition of "the law" is that piece of legislation passed by this Parliament, promulgated in the Government Gazette. Until a piece of legislation is not promulgated, a court will never pay attention to it. Therefore, for the Hon. Member to bring up the case, a case which is being handled independently by the courts, it is not *sub judice*. There is a difference because the person wanted me to discuss the status of a person whose case is in front of the court. Here we are not discussing the status of the chief, we are discussing ... INTERJECTIONS.

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DEPUTY SPEAKER: Hon. Members, I want you to get very much clear about exactly what is before the court. What is actually before the court? What is the case that you are referring to?

HON. BIWA: I want to help the Speaker out of his problem. There are two things. One thing is what is before us, the other thing is what is before the High Court. Let me inform this House that there is a motion before this House and the aim of this motion is to discuss and Act that is before the High Court. INTERJECTIONS.

MINISTER OF LABOUR (HON. YA TOIVO): Hon. Deputy Speaker, I propose that we adjourn the debate on this Bill since we cannot agree, the lawyers are here but they cannot come to a conclusion. Let us go and consult and then we continue.

MINISTER OF HIGHER EDUCATION, TRAINING AND EMPLOYMENT CREATION: I only want to give information. I think the question by Hon. Kaura was asked in earnest and we have to answer it in earnest. My understanding – and I am speaking under correction – of what is before the court is a case by certain chiefs who feel aggrieved by a decision of a minister. In fact, what is in front of the court is the chiefs against the minister. The repeal of that Act, in my view, will not remove the chiefs, because chiefs will still be recognised in this law. INTERJECTIONS. If that Act was challenged on a constitutional basis, then we must not discuss it. It is not the constitutionality of the Act, it is the decision of the Minister.

HON. AMUKUGO: Hon. Speaker, I see a direct link between the case that is being postponed too much and this Act.

MINISTER OF AGRICULTURE, WATER AND RURAL DEVELOPMENT: On a point of order. The point of order is that the Hon. Member has just taken the floor on a wrong perception. I want to say that we have always passed laws in this House, but they do not affect cases pending at the court. You can amend a criminal law, but it will not exempt the criminal from being punished. This case will go on.

DR AMUKUGO: Hon. Speaker, whatever the reasons behind the case, at the end of the day that case will be tested against this Act. INTERJECTIONS. I have the floor now, it is my right to speak.

DEPUTY SPEAKER: Order! Order! Please be seated. Hon. Members, on that note, according to rule 90 the House will now adjourn until tomorrow afternoon at 14:30.

ADJOURNMENT OF ASSEMBLY

In terms of rule 90 of the Standing Rules and Orders, the Assembly adjourned at 17:45.

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- (c) Where veld fires have occurred, and grazing had been destroyed, emergency grazing and/or fodder be subsidised for affected farmers.
- (d) Use the NDF and Special Field Force to combat veld fires.

TRADITIONAL AUTHORITIES BILL
RESUMPTION OF SECOND READING

FIRST ORDER READ:

Resumption of Debate on Second Reading – *Traditional Authorities Bill* [B.27-2000].

DEPUTY SPEAKER: When this debate was adjourned yesterday, the Question before the Assembly was a motion by the Hon. Minister of Regional and Local Government and Housing –

That the Bill be now read a Second Time

RULING

DEPUTY SPEAKER: I have consulted with the Hon. Attorney General and have obtained his opinion.

I would like to inform the Hon. Members as follows:

The court dispute in question is a result of an application in terms of the Traditional Authorities Act of 1995 by, amongst others, Chief Riruako and others, to have their designations as traditional leaders recognised anew. The relevant provision of the Traditional Authorities Act is section 6, which provides for the recognition of traditional leaders. Subsection (4) of this section provides that a person who before the commencement of this Act was designated as a traditional leader, shall have his or her designation recognised anew.

After receipt of the application in question, the Hon. Minister of Regional and Local Government and Housing recommended to His Excellency the President that the matter be referred to the Council of Traditional Leaders for their recommendation. His Excellency the President, acting on the advice of the Hon. Minister, referred the matter accordingly.

It appears that in the matter currently before the High Court, the applicants, Hon. Chief Riruako and 46 others, applied:

1. That the decision of the Hon. Minister of Regional and Local Government and Housing not to recognise certain applicants as chiefs and his referral of the matter to the Council of Traditional Leaders be set aside and reviewed.

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2. That the respondents, in this instant case, His Excellency the President and the Hon. Minister of Regional and Local Government and Housing be ordered to recognise the applicants as designated chiefs.

The first question before the House is whether the repeal of the current Traditional Authorities Act by the Traditional Authorities Act, 2000, would have any effect on the matter currently before the court.

In the opinion of the Hon. Attorney General the answer lies in our interpretation of laws, particular Proclamation 37 of 1920 and to be more specific, section 11 thereof.

From a perusal of this section, and in particular paragraphs (c) and (e) of subsection (2) thereof, it is clear that where a law repeals any other law, then unless the contrary intention appears, the repeal shall not affect any right, privilege, obligation or liability required, accrued or incurred under any law so repealed, and shall not affect any legal proceedings or remedy in respect of any such right, privilege, obligation or liability and any such legal proceedings or remedy may be instituted, continued or enforced as if the repealing law had not been passed.

The second question before the House is whether the matter is *sub judice* and Parliament is, therefore, prevented from repealing the Traditional Authorities Act of 1995. The Hon. Attorney General is of the opinion that the fact that the matter is still undecided, does not in any way derogate from, or affect Parliament's legislative powers as conferred on it under the Constitution.

Thus we will safely continue to deal with the Draft Bill before us according to the procedures and rules of this House.

HON. KAURA: Thank you, Hon. Deputy Speaker, I am accepting that legal opinion, but we reserve our right to also hear from our legal advisors. I believe that by next Tuesday we shall be served with that legal opinion. If it concurs, fine; if it does not concur, we shall place an interdict on the discussion of this Bill.

Hon. Deputy Speaker, when a Minister drafts a Bill with the intention to oppress, undermine, subjugate and marginalise certain ethnic groups in Namibia, then that Bill is not even worth the paper it is written on.

Traditional Authorities Bills have gone through Parliament and were brought back with amendments to make sure certain ethnic groups are punished, marginalised and treated like orphans in the country of their birth. The San people, Basters, Hereros, Damaras, Habukushu, Ovazemba ethnic groups are targeted for this punishment and marginalisation. We read of King Kauluma, King Taapopi and others, all of them from the proverbial four O-regions, but in other regions they are either Chief Garoëb, Chief Riruako, Chief Tjikua and so on.

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HON. KAURA

Even those Chiefs in the Kavango or Caprivi that are recognised by the government are referred to as Chiefs, not Kings, and the question is, why? They all occupy the same status, receive the same salaries, yet some are Kings and some are Chiefs – as it was the case during colonial times, the King of England and the Chief in Africa. This is blatant apartheid and discrimination of the highest order as practised by the colonial South African regime. What is the use of drafting a Bill that is going to be applied selectively on the political playing fields? So you think the people of Namibia are blind and do not see that certain ethnic groups are favoured above others. Tribal favouritism is what has led to the break-up of Eastern Europe and if this tribal apartheid continues, the consequences would be too ghastly to contemplate one day.

Hon. Dr. Nicky Iyambo is the designer, architect and implementer of this tribal apartheid, like the Nazi lieutenant of Hitler that designed the Auschwitz extermination camps. But Dr. Iyambo, there is divine justice under heaven.

It is very much glaring in article 3(4) that this paragraph is written with the Ovazemba in mind to make them perpetual slaves of the Shikongo Taapopi's traditional authority.

In article (1) of the Bill the Chief is defined accordingly:

“Chief” means the supreme leader of a traditional community, designated in accordance with section 4(a)(a) and recognised as such under section 6.”

In article 7 the powers, duties and functions are set out. I really wonder what happened to the Kozonguizi Report that outlined the backgrounds of each ethnic group and how traditional leaders were chosen and what their functions were.

The Hereros, for example, never fell under one central authority before 1863. We had what is referred to in other countries as warlords or shoguns, samurais in Japan, for example. Communities inhabiting a particular area were governments unto themselves. The traditional leader, Ombara Omuhona was the political leader of that community.

In 1863 the powers of all these warlords were centralised under Maharero who was elected by all the strong families of that time. Maharero became the political leader of all the Hereros. He was the king of all the Hereros. Successors to Maharero, including his own son, Samuel, were elected. Hosea Kutako, Clemens Kapuuo, Kuaima Riruako were all elected to that central position of leadership. This was clearly reflected in the Kozonguizi Report, which is deliberately put aside by the Swapo tribal gurus.

Hosea Kutako's bust is not at the United Nations because his duties were limited to what appears in article 7 of this Bill. He is at the United Nations because he was a political leader and a freedom fighter in the tradition of all the Herero Kings, beginning with Maharero.

Hosea Kutako's monument is in front of Parliament, which has failed to be unveiled for a year and a half, not because he adjudicated over marriages and divorces, but because he fought for the emancipation of all the people of Namibia. He gathered all the Namibian talent around himself, young people such as President Nujoma, Chief Clemens Kapuuo,

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Reverend Karuaera, Nathaniel Maxuilili, Hon. Minister Toivo Ya Toivo, Chief Riruako and many others.

Today Namibia is free because of the efforts of Chief Hosea Kutako. Namibia is free because of Kutako's political vision and patriotism. If Kutako was alive today, would Minister Iyambo confine his activities to what he delineates in article 7 of this Bill? What a screaming shame!

How can we be expected to support a Bill that is going to marginalise and enslave the Basters, Ovazembas, Damaras, San, Hereros and Hambukushus? How can we sanction our own enslavement?

You have a two-thirds majority in this House and you will obviously steam-roller this Bill through both Houses, but we shall not walk willingly to the guillotine. We shall resist with all the strength at our disposal. I thank you, Sir.

DEPUTY MINISTER OF HEALTH AND SOCIAL SERVICES (HON. KAMWI): Thank you, Cde. Deputy Speaker and Hon. Members of this August House. I rise in support of the Traditional Authorities Bill and to make a few remarks in addition. From the onset, allow me to congratulate Cde. Minister Iyambo, his Deputy, Prof Tötemeyer, and their efficient staff for having tabled this important Bill at our disposal.

Hon. Deputy Speaker, Sir, Namibia is a land rich in diverse culture and one has to appreciate the difficult task the Minister went through in trying to accommodate the customs and traditions of all the traditional authorities in one piece of paper, the Traditional Authorities Bill. As I went through this document I thought there was a need for me to make a few remarks for the sake of clarity and, through you, Hon. Deputy Speaker, to request the Minister referred to in this Bill to make a few relevant additions where possible.

Let me start with clause 3 which relates to powers, duties and functions of traditional authorities and members thereof.

I will appreciate if clause 3(1)(b) may read as follows:

“administer and execute the customary law of that traditional community in conjunction with and with regular assistance from the Ministries of Justice and Attorney General and that of Home Affairs in order to enforce the law effectively.”

Clause 3(2)(b) should read as follows:

“to assist and cooperate with the Government, regional councils, local authority councils and other traditional authorities in the execution of their policies and keep the members of the traditional community informed of developmental projects in their areas.”

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Clause 3(2)(e): Hon. Deputy Speaker, Hon. Members, I tend to differ with the entire wording of this paragraph. I would rather be comfortable with the opposite, i.e. the incoming person should adapt to the culture, customs and language of his/her new home, while I also believe that his side of the story should also not be completely ignored. I would cite a personal example here:

I spent ten years in Oshakati and obviously this made me speak the local language there, which is Oshiwambo, fluently. This did not prevent me, along with my family members, to speak our own mother tongue whilst at home. Similarly, during the last election campaign, one of the well-known politicians from Khomas Region visited the Masubia Tribal Authority. When he was offered a chair before the Council, he instead deliberately chose to sit on the ground as that is in line with the tradition of that traditional authority – and in my view there is nothing wrong with that.

Hon. Deputy Speaker, I am citing these examples to substantiate my argument.

In clause 4(1) I will equally appreciate if this paragraph could read as follows:

“Subject to section 5 and 6, members of a traditional community *or royal family* who are authorised thereto by the customary law of that community, may designate a *chief or head of a traditional community* in accordance with that law.”

MINISTER OF MINES AND ENERGY: Can the Hon. Member give us background, historical or otherwise, which led to traditional leaders being called Royal according to the African tradition. I ask this question because there is a lot of confusion here. People who were yesterday common like myself are now called Chiefs, Paramount Chief and even Kings. I want you to give us background information which can dispute some of these myths.

DEPUTY MINISTER OF HEALTH AND SOCIAL SERVICES: Hon. Deputy Speaker, I would like to inform my senior Minister that I am trying to present what I took from my traditional authority. I am trying to put across what I was told by the people who brought me to this House.

HON. KAURA: Could I ask the Hon. Member a question, please? I just want to find out whether the Hon. Member knows that some of those members of Royal families, such as Chief Kambonde, during the colonial period were selling young people from Owamboland for 5 shillings each?

DEPUTY MINISTER OF HEALTH AND SOCIAL SERVICES: Hon. Deputy Speaker, it is unfortunate that I am not a historian and I am definitely not aware of that.

MINISTER OF FINANCE (HON. MBUMBA): On a point of order. Cde. Deputy Speaker, I consider it my duty to provide information to the question of Hon. Kaura. It is cheap politics for one descendant of one cited chief, in the presence of the descendants of other chiefs, to accuse the departed ones that they did this or did that. Is the Hon. Member aware that the same family of the Kambondes **INTERJECTIONS.** It is a

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point of information! We cannot insult the people of this country! Is the Hon. Member aware that the same family of the Kambondes were attacked by Hereros Chiefs
INTERJECTIONS.

DEPUTY MINISTER OF HEALTH AND SOCIAL SERVICES: Mr Deputy Speaker, I was at clause 5(1)(a) and (b). I will in the same vein appreciate if this paragraph may read as follows:

- (a) The Chief's Council, Traditional Council or *Royal Council* of that community, as the case may be.

The same applies to (b). After "Traditional Council" we should insert "or Royal Council".

Clause 7(c): In the case of Masubia Traditional Authority and other Tribal Authorities in Caprivi Region, of which I speak with some confidence, I know that there are no acting arrangements, but that the Senior Traditional Councillor (Ngambela) normally acts whenever the Chief is not available. In addition, in the case of the Masubia a commoner may not act in the place of a chief in contrast to 7(c).

MINISTER OF AGRICULTURE, WATER AND RURAL DEVELOPMENT (HON. H. ANGULA): May I put a question to the Hon. Member? Cde. Deputy Speaker, it seems I have not yet corrected the last pronouncement of the Hon. Member. Is he saying that according to his culture it is practically impossible for the secretary to the Chief to become a Chief?

DEPUTY MINISTER OF HEALTH AND SOCIAL SERVICES: Hon. Deputy Speaker, yes, indeed, it is impossible.

Clause 8(1): If there is sufficient reason to warrant the removal of a chief or head of a traditional community from office, such chief or head may be removed from office by the members of his or her traditional community or by the members of the *Royal family* in accordance with the customary law of that community.

In clause 8(2) it is again just the insertion of "Royal family" in the last line.

In clause 9(2)(a): For every traditional community which has a chief may appoint *on recommendation* of the traditional community concerned to serve as members of the Council in question..."

Clause 10(1)(a): A chief or head of a traditional community shall appoint, *on recommendation* of a traditional community, from amongst the members of his or her traditional community.

Lastly clause 10(3): I have a problem with the words "from time to time". I would suggest that these words should be removed. Something is not too clear to me, why the chief has to appoint secretaries from time to time. Is the bill suggesting that even if the

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secretaries are not at fault, they have to be dismissed and appoint new ones? I think this is not fair. Otherwise, I support the Bill. Thank you.

HON. POHAMBA: Cde. Deputy Speaker, I rise to make a contribution to the discussions of the Bill before the House, tabled by Dr. Nicky Iyambo, our Minister of Regional and local Government and Housing.

Cde. Deputy Speaker, while in total agreement with the principle of the Bill, I have some reservations on certain provisions. I have detected that there are a few spots in the Bill which, if not checked properly, may infringe on our people's rights. Here I am referring to clause 10(1) to (4) which deals with the appointment of senior traditional councillors and traditional councillors. According to this clause, the categories of officials mentioned above may be appointed by the Chief or head of a traditional community from amongst the members of his or her traditional community.

Cde. Deputy Speaker, this is not in conformity with democracy and I feel that traditional should not be static, there should be a process of development. For instance, in my tradition, at that time when we had Kings or Chiefs, when a girl became pregnant

HON. MEMBER: When she was impregnated by a man.

HON. POHAMBA: Yes, in fact, pregnant is always done by men.

DEPUTY SPEAKER: That is not part of the Bill.

HON. POHAMBA: The girl was punished and she was banned. That was a traditional way of doing things. Now we say, because of development we should no longer allow this situation. In the same way I feel that democracy should be allowed to come into our traditional set-up.

The headmen, or the councillors, as we call them now, are public officers. Of course, some comrades are arguing that it is not correct to refer to them as public officers. I tried to consult my dictionary on what "public" means. It says that you are generally talking about the people. The councillors are there to administer the affairs of the community and, therefore, they should be representatives of the people.

Cde. Speaker, I think the emphasis should be put on "election" and not "appointment", so that these people are there as representatives elected by the people. INTERJECTIONS. Some comrades are saying that they are born.

MINISTER OF AGRICULTURE, WATER AND RURAL DEVELOPMENT (HON. H. ANGULA): May I ask a question? Can Hon. Pohamba imagine a situation happening in real life that the Secretary General of a party, who at a certain point in time was a Member of Parliament of this Hon. House, and is defeated either by a colleague in his

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party or by an opposition party, and he is retired and goes home and there is an election for a senior headman or even a King, can you imagine that such Secretary General goes and is elected as King of his tribe, and after losing the battle here, he is King of his tribe and also Secretary General of the party and he is President of the same party, can you tell us, in terms of seniority, what happens, because in the case of the Prime Minister of England the King is supreme. Can you tell me who would be senior in that case?

HON. POHAMBWA: Unfortunately I have never been and I will not be an advisor on issues like that. I am sorry, I cannot offer any advice on that.

Cde. Deputy Speaker, what I am talking about is democracy. We fought to liberate this country to bring democracy and my understanding of the word "democracy" is

MINISTER OF JUSTICE AND ATTORNEY GENERAL (HON. TJIRIANGE): May I ask a question? Is the Member aware that the institution of chiefs is a feudal institution and since when is the feudal system democratic?

HON. POHAMBWA: That is a very interesting point. One wonders how you can have a feudal system in a democratic system like ours. Namibia is a republic and one wonders why there should be feudal institutions in a republic. It always surprises me that we have such a situation.

I was talking about democracy. My understanding of the word "democracy" is – call it a government, call it an authority, call it anything – it is a system that is brought into being by the people in order for the people to be in this system of their own, which they themselves have established.

HON. KAURA: Hon. Deputy Speaker, could I ask Hon. Pohamba a question? Hon. Pohamba, I just want to find out, in view of the fact that we have constitutional kings in Namibia that abide by the Namibian Constitution and want to be part of that constitutional framework by coming to Parliament and making a contribution, why is this Bill trying to exclude them?

HON. POHAMBWA: That question should be directed to the Hon. Minister, not to me.

Cde. Deputy Speaker, all that I am trying to say is that it is time for us as leaders of this country to do something, maybe not tomorrow, maybe not the day after tomorrow, to assist the process of democratising our traditional set-up. Democracy is where the people should be involved. But if we have a system where somebody is imposed on the people to rule them, that is something we have been fighting against during the struggle.

Cde. Deputy Speaker, at this point I would like to express my happiness to some of the communities in Namibia who have adopted as a tradition the system of electing the leaders of their people. This is a very good move and I would like to see that as the time goes on, we should have this system embracing all our communities. Democracy should be encouraged in this regard.

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I said I support the principle, but there are provisions in the Bill with which I have difficulties. This is the contribution I wanted to make. I do not want to say I support the Bill if there are some provisions which I have difficulties with. I thank you.

MINISTER OF HIGHER EDUCATION, TRAINING AND EMPLOYMENT CREATION (HON. N. ANGULA): Cde. Deputy Speaker, it was not really my intention to take part in the debate on this Bill, but it is as an obligation to the Constitution which recognises part of my law that I would like to support the Bill.

Having said that, I would like to say that traditional institutions should be understood as traditional institutions. They have served their purposes at a certain time. They continue to serve some purposes today. However, we should recognise them for what they are, that they are traditional.

Hon. Kaura, a president of a political party

* HON. KAURA: Coalition.

MINISTER OF HIGHER EDUCATION, TRAINING AND EMPLOYMENT CREATION: I do not know whether you have replaced "Goab Garoëb", but I hope you are co-leaders, but you remain the head of DTA, a political party. Hon. Kaura made a statement here which is inflammatory – to say the least. He is accusing this House of trying to pass a Bill to marginalise some communities. This is a serious charge. This House which operates under the Constitution cannot do so. If you have a grievance with a particular minister or interpret the law in a way that does not satisfy you, you should not generalise it to make it a problem of the House. You should not generalise it and make it a problem of the House and try to revert back to the world of tribes, ethnic groups and what have you. That is very, very unfortunate.

Our traditions have been an asset, but they can also be liabilities. People who make them liabilities are the same politicians who are losing support day in, day out. They are trying to recover from the oblivion of history by using tribes and this is exactly where Hon. Kaura has stooped too low to try to recover his political support out of tribal sentiments. That is unfortunate, we are making these institutions a liability to the welfare and peace of this country. We should not, we should try to make them an asset, to contribute to the building of harmony and peace of the country. Don't incite the people. I know the problem we have is poverty and everybody wants to be paid in one form the other, that is legitimate, but please don't incite.

HON. KAURA: Please don't discriminate!

MINISTER OF HIGHER EDUCATION, TRAINING AND EMPLOYMENT CREATION: If you have a quarrel with a particular decision, challenge it in a court of law. Let a court of law arbitrate.

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Coming to the Bill, I fully understand the problems raised by a number of Hon. Members here about certain clauses. The problem we have is that some of our traditional systems have been distorted. This Bill is trying to bring in things which sometimes are not compatible.

I was surprised when Hon. Pohamba was talking about democracy in the traditional society, a man who was brought up in the house of a Chief. I don't know whether he saw democracy being practised at Okankujo village, when the land was being allocated. Traditional institutions are what they are. As Hon. Tjirriange said, they are feudal institutions. They served their purposes, some are still serving their purposes and that is why we recognise them in the Constitution and that is why I support the Bill because we recognise them in the Constitution.

There are distortions in our traditions because of the powers and forces which then subdued us and distorted our traditions. What the Minister should perhaps do is to allow for exceptions to the law.

When Hon. Pohamba was talking, I was thinking of the late Chief Mandume, that if he could hear in his grave he would be turning, because it is unheard of that a commoner would be allowed to elect Chief Mandume. It would never have happened. There are ways they are appointed and this law is trying to accommodate it.

MINISTER OF MINES AND ENERGY (HON. NYAMU): May I put a question to my colleague? Hon. Member, knowing that you are great grandson of Shikongo sha Kalalu, the Chief of Ondonga, I would like to know your view on the institution or chieftainship as we know it in Ondonga, as compared to the new institution which came along with the colonial regime in this country. Do you think the people of Namibia will really accept a Chief whose origin started less than a hundred years ago, a family of chiefs which started about 30 years ago, which was in fact promoted by the South African regime. Do you think the people of Namibia will accept these as genuine traditional leaders?

MINISTER OF HIGHER EDUCATION, TRAINING AND EMPLOYMENT CREATION: I understand the question of Hon. Nyamu. He is talking from the perspective of the Ondonga people.

BUSINESS SUSPENDED AT 15:40 and RESUMED AT 16:00

MINISTER OF HIGHER EDUCATION, TRAINING AND EMPLOYMENT CREATION: Cde. Deputy Speaker, I was just about to round off my presentation. However, before I answer Hon. Nyamu's question briefly, let me give some information to Hon. Kaura.

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Hon. Kaura is making an allegation that chiefs like Kauluma get preference. I am not quite sure of that, but at least they are not called Kings. I want to refer him to Article 11 on page 10. Article 11 proves that you have been economical with the truth. There are no special traditional leaders who are designated as Kings.

HON. T. GURIRAB: May I ask a question? On page 2 of the Bill under discussion we find definitions for "Chief" and "Chief's Council". I would appear that the Bill specifically deals with those two and not with Kings and other things. If the Hon. Minister could explain why we don't have other things like Kings? The Bill specifically speaks about Chiefs and he is about to define a King.

MINISTER OF HIGHER EDUCATION, TRAINING AND EMPLOYMENT CREATION: That is exactly the point I am making. Hon. Kaura was saying that this Bill attempts to make certain traditional leaders Kings and some Chiefs. I am saying, as far as this Bill is concerned that is not the case. What we are saying is that you will have a Chief as a head of a community, assisted by a Chief's Council. But because he mobilised some youth of Epango or Okakarara and put them up there, and tried to incite them against some other people, he was trying to make it appear that this Assembly is against the Hereros. That is the point he was trying to make and I am saying that is not the case. According to this Bill that is not the case. If he has a grudge against a Minister, he should settle that with the Minister, but he should not accuse the House.

HON. KAURA: May I ask the Hon. Minister a question? Hon. Minister, are you aware of the fact that what is said in this Bill is that people who were already Chiefs before the advent of this Bill, would automatically be considered as Chiefs. That was exactly in Act 17 of 1995 and Act 8 of 1997, but while the Act said that, the Minister deliberately did not recognise certain traditional leaders that existed before the advent of the 1995 Bill, and that is discrimination.

MINISTER OF HIGHER EDUCATION, TRAINING AND EMPLOYMENT CREATION: Hon. Kaura, if that is your question, address the question to the Minister concerned. I am only trying to say on behalf of this House that this particular Bill does not attempt and it cannot attempt to discriminate against any community or any traditional leader.

MINISTER OF REGIONAL AND LOCAL GOVERNMENT AND HOUSING (HON. N. IJAMBO): May I ask a question? Hon. Minister, are you aware that the clause referred to by the Hon. Member who asked you a question, that says all traditional leaders or Chiefs will be accepted as such, that the law actually says that they shall be recognised anew. Not automatically, but that they shall be recognised anew.

HON. MEMBER: And you recognised everybody else, but not the Hereros.

MINISTER OF REGIONAL AND LOCAL GOVERNMENT AND HOUSING: Which Hereros?

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MINISTER OF HIGHER EDUCATION, TRAINING AND EMPLOYMENT CREATION: Hon. Minister, I think you will be able to explain all those things in your reply. If the Hon. Member is not satisfied, he can ask additional questions. The only point I am making is that this House cannot be seen to be making a law which is discriminating against a group of people. This House cannot make that kind of law.

With regard to the question by Hon. Nyamu, the reason why Chief Shikongo Kalalu came to Omaruru and got soldiers from Jan Jonker, was because of the succession problem. He was supposed to become a chief, but his brother took over and he felt aggrieved. So he came down here and contacted the Herero and Nama Chiefs to get an army to go and overthrow his brother. That was a way of settling a dispute among the Royals when they cannot agree on the leadership. That having been done, obviously we as commoners cannot intervene, we cannot divorce ourselves from the Chiefs, they still remain the Chiefs. That is what happened.

The only benefit we got is that when he was at Omaruru, he contacted the German missionaries, since he wanted the missionaries to teach people how to repair guns and other things and he said they can go and settle in his area. That is how the missionaries came to my area.

Hon. Members, I am trying to appeal to all of us not to use this kind of legislation to incite people. When we talk among ourselves we understand each other, but it is a different thing to go to your village, mobilise the youth and come and address them here to incite them, that somehow the Parliament of Namibia is trying to discriminate against certain communities. That is not the case. I appeal to you that that should not happen. Thank you.

HON. NAMISES: Hon. Speaker, I think this Bill comes at a time when we really need to investigate ourselves and understand ourselves, and reflect very seriously whether we belong to the Royal families or belong to the kingdoms or belong to the Chiefs, because I think it raises quite an interesting interest field for all of us. Since yesterday this has been emerging as an interest area for most of those who want to become either chiefs or want to remain chiefs and remain in the Chamber. I do not know the word in English, but it is when you are the blood person, "lurus, lumu-Khoe-e". Maybe the Deputy Speaker can help to translate that.

Hon. Deputy Speaker, I think another important thing is that we are in a hurry. From the day the Minister introduced the Bill he kept on saying it must be done quickly, but I think there is no need for us to rush.

MINISTER OF LABOUR (HON. TOIVO YA TOIVO): On a point of order. I did not understand what the Hon. Member said. Can she please interpret that?

HON. NAMISES: You must be of one blood, not two. You must be pure. You can be a man or a woman, but the blood is the question here.

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Mr Deputy Speaker, why the rush? Every time when these Bills are tabled there is this rush, and I was wondering whether there is some kind of competition going on, by saying at the end of the session, "I as the Minister has passed this number of Bills". Or what is the rush? Or is it the urgency to have the Bill passed for the benefit of the people and to do justice to the issue at stake? The passing of Bills is important, but consultations with those involved, the community who is directly affected, is more important. It is also important that we do perfect work so as not to later amend these Acts that we passed here. It is our own mistakes that we amend. For that reason we have our Standing Rules and Orders which makes provision for reference of Bills to committees in Article 37(b), who in 30 days can report back. Since no Bills are to be tabled as from the 1st November, the Standing Committees can have enough time to deal with the referred Bills before this august House before the recess.

HON. KAURA: May I ask a question? Hon. Member, if you look at clause 20 of this Bill, it totally repeals the previous Acts, Act 17 of 1995 and Act 8 of 1997. But the ruling made by the Deputy Speaker is based on the 1920 Act. Does this mean that these two Acts that were before the Namibian Parliament are so defective that they cannot even be amended and are totally and completely repealed?

HON. NAMISES: In general my observation is, I have noted that this Bill again disempowers the traditional leaders and communities, the way it addresses the democratic participation of the people. You are correct, Hon. Kaura, that is the point I am making.

MINISTER OF AGRICULTURE, WATER AND RURAL DEVELOPMENT: May I ask a question?

HON. NAMISES: It is not that I am rude, but maybe I should carry on and afterwards the questions can come.

The second part is dealing with disputes, not taking into account, for example, the "khotla" system or the existing conflict resolution practices of the communities. The request for traditional leaders to uphold government policy is also another concern and to assist, as the Bill says, NAMPOL. To me that is an additional problem that needs to be looked at. Would that mean that if a traditional leader does not agree on developmental processes, they will be facing action which may deny them development or there will be forced removal awaiting them from their post?

Looking at specific clauses on powers, duties and functions, these duties and functions are of a general nature, which leaves them only to address traditional issues and link them more to the government policies. The question is, where does the power start and end? Where does the power of the traditional authorities start and where does government's power end? That is something which needs to be looked into. These functions and duties should be broadened to address the advancement of women. I see in the Bill it says it must be promoted, but I think the advancement of women is not specifically addressed, especially if tradition leaders, who are tasked in the Bill to take care of affirmative action, are already not willing partners to break through, because in the clause it says they must uphold the traditional culture and here they are asked to take into account the advancement of women.

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I also seek clarification from the Minister on the last page. If the Minister can explain in his response whether it means that you can be disqualified or you cannot be disqualified. That doesn't come out clearly.

The traditional authorities are tasked to hear and settle disputes, but at the same time it becomes a criminal offence and people are to be fined N\$400 or imprisoned. I think this is very hard and again, it is really taking away the traditional conflict resolution system. Are people now going to be criminalised or are they going to be given the opportunity to be heard in, for example, the "khotla"?

On pages 3 and 4 there is reference to the President. Why is the President involved in this matter, because his status and position already restricts people to participate in this process of designating a chief or head of a traditional authority.

Clause 12(2), changing of Judicial Commission of the Act of 1995, which is more powerful and has a legal standing to an investigation committee in the hands of the Minister is open to political abuse and lack of transparency in our democratic culture which we are promoting.

In clause 13 the committee can appoint one person to take all the investigations, I think the Bill says the committee can be appointed, but there can be one person to investigate any matter queried. I think that also really leaves a lot to be desired.

The last point is on assets and transfer of funds. This provision is very limited and excludes key developmental issues. If one looks at paragraph 14, it does not foster the spirit of decentralisation as set out in the policies and acts, especially where the traditional authorities are supposed to deal with acquiring, purchasing and leasing, but also tasked with development. That is very limited and I hope the Minister can help us in his response.

Therefore, Hon. Deputy Speaker, I shall move that in view of the many contentious clauses and obvious interest and controversies, this Bill be referred to the Standing Committee on Human Resources. Further, that this Committee reports back to the Assembly on Thursday, 16th November 2000.

MINISTER OF FINANCE (HON. MBUMBA): Hon. Deputy Speaker, traditional authorities have given to African people a colourful history. They have led our people through thick and thin, they have fought beasts and enemies alike, they have saved our people from lakes to mountains and from jungles to deserts. Yes, the holy fires, the seeds and the cattle have kept the unity of our people in times of peace and in times of strife.

To be a leader, however, whether traditional or elected is not the same thing as being a holy man or a holy woman. Institutions take decisions, depending on the information available at that particular historical time period, and advice given by those who were considered knowledgeable, experienced or even wise. It is, therefore, unfair, unacceptable to blame those who took decisions during their time period.

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MINISTER OF HIGHER EDUCATION, TRAINING AND EMPLOYMENT CREATION: May I ask a tiny question? Hon. Mbumba, are you aware that the contract system came about because of poverty, because of droughts, because of farming and these kinds of things? That is what drove people to come and work as contract labourers. Are you aware of that?

MINISTER OF FINANCE: I am quite aware of that and I will dwell on that later. But let me continue with my story.

HONOURABLE MEMBER: My father and Hon. Nyamu's fathers were contract workers.

MINISTER OF FINANCE: There is a story of a piglet asking his parent, "why is your mouth so long?" The bigger pig answered: "Wait until you reach my age." We cannot continue to blame our great- and grandparents for the decisions they have taken then. It is cultural chauvinism for one person to accuse the grandparents or ancestors of others, as if his own grandparents never, ever took a wrong decision, or a decision which caused his people to suffer.

We are aware of Chiefs who collaborated with the South Africans. We are aware of Chiefs who continued to buy German uniforms, give cattle to the Germans, the same Germans who massacring their people. INTERJECTIONS. But they continued to buy the uniforms, even up to now buying uniforms from Germany. Why do you give the Germans money when they have killed your people? Hon. Nahas Angula, the only reason why Hon. Kaura has a problem with people who were coming on contracts, not recognising poverty, not recognising droughts, is because this system has brought people to central Namibia. These people are now here to stay!

HON. SCHIMMING-CHASE: May I ask the Minister a question? Mr Deputy Speaker, I would like to know, are we rewriting history and blaming geography for the apartheid regime's deliberate policy of cheap labour? Was contract labour based on geographical factors and no longer on the apartheid policies?

MINISTER OF FINANCE: Hon. Deputy Speaker, if the Hon. Member wants the truth, contract labour started even before apartheid. Before apartheid there was a contract labour system.

HON. SCHIMMING-CHASE: Was it not cheap labour?

MINISTER OF FINANCE: Cheap it was. What I would like to say is, there are Chiefs who sold land to the colonisers.

HON. MEMBER: And they sold girls.

MINISTER OF FINANCE: The Voights of this world have title deeds signed by Chiefs, not the Kambondes. The real problem with the labour system is that out of poverty, out of drought these people came to the South. They stayed and they are here to stay.

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It is not enough just to talk about Kambonde, there were three Kambondes – Kambonde ka Mpingana, Kambonde ka Ngula and Eino Johannes Kambonde Namene. Which one are you accusing of being the seller of human beings?

Lastly, Hon. Deputy Speaker, let us be honest and honour, respect all our Chiefs.

MINISTER OF AGRICULTURE, WATER AND RURAL DEVELOPMENT (HON. H. ANGULA): May I put a question? Hon. Member, are you aware that a certain political party about four, five years ago sat in their Central Committee and awarded Mr Mudge honorary chieftainship for the financing of the party for so many years without any return.

MINISTER OF FINANCE: Hon. former Minister of Finance and Minister of Agriculture, I am aware that there were even political parties created and funded by the colonisers and apartheid masters. They are still fighting about the spoils of colonialism.

HON. KAURA: May I ask a question? I want to find out from the Hon. Minister, in 1966 when the Hon. Pohamba and His Excellency, President Nujoma came to Namibia and after the South African Government gave them five star treatment and took them back to Zambia, what were they doing in Namibia?

MINISTER OF FINANCE: Hon. Deputy Speaker, the history is very clear. In anticipation of the decision of the International Court of Justice of 1966. INTERJECTION. No, before. I was in exile, you were in exile, we know these facts not from books but from our life experiences. In anticipation of that they were mandated by the Swapo leadership to come back to Namibia. It was not their own decision. INTERJECTIONS. How come you were not put in prison the years before independence? You were here! How come the South Africans did not put you in prison? At least the others were told to go back. Why were you allowed to stay here and got paid, for that matter?

Let me now conclude my speech, Hon. Deputy Speaker. We have just proved that anybody, any leader can make a mistake, depending on the particular historical situation.

MINISTER OF AGRICULTURE, WATER AND RURAL DEVELOPMENT (HON. H. ANGULA): May I ask the Hon. Member a question? Is the Hon. Member aware that in the history of Namibia it is even possible for sons to desert their own fathers who were heroes of the struggle of the Namibian people. They deserted them and they joined the enemy camp. Are you aware?

MINISTER OF FINANCE: Hon. Minister, I was saying that anybody can make a mistake. I should really have said, shame to those who deserted the tradition of their great-grandfathers, and walked over to go and collaborate with the enemies. Now they are insulting our grandfathers.

DEPUTY SPEAKER: I would like to urge the members to come back to the content of the Bill.

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HON. KAURA: May I ask the Hon. Minister a question? The Hon. Minister is speaking so gloriously about our kings and traditional leaders. Is he aware of the fact that it was the Swapo policy to kill all the traditional leaders and they started killing in the North?

MINISTER OF FINANCE: Hon. Deputy Speaker, if somebody has a case to make about acts of murder, let him go and make it at the courts and not to ask me. I was not responsible for those things.

Let me just say that we should and we must respect all our traditional chiefs from the Impalila Island to the offshore islands. They must earn the respect in terms of tradition. I know for sure, despite the Hon. Member's tirade, in Eastern Ondonga the Kaluupapas (Garieb) and the Kambazembis survived from the clutches of the colonialists and they were protected by their brothers. So, cultural chauvinism should stop because our great-grandfathers cooperated together, helped each other, aided each other in times of war and peace.

On the question of labour, out of that poverty came literacy, came modernity and the commoners are the ones who brought it there. Out of those contract labourers came the freedom fighters and democrats.

We have now the Witboois on the Namibia Dollars out of respect for our tradition. We have a monument of Hosea Kutako at the UN, we have airports named after Hosea Kutako and other chiefs in due time will get their due recognition. I thank you.

MINISTER OF JUSTICE AND ATTORNEY GENERAL (HON. TJIRIANGE): I just want to add to what Cde. Nahas Angula has said, just to amplify the question of kings, chiefs and ngambelas. What Cde. Nahas has not explained is the background of this law. It was felt by the Cabinet that the traditional leaders are called by different titles in the different societies. "Goab" simply means a king. "Omuhona" simply means a king. We thought that, as a matter of law, it was prudent to have these people known by one title, that one of a chief. But it did not prevent communities ...

HON. KAURA: May I ask a question? Is the Hon. Member aware of the fact that the word "chief" was the word used by the colonial masters in a derogatory way to refer to an African king, and by putting it in this law, you are perpetuating that insult perpetrated by the colonialists against our people?

MINISTER OF JUSTICE AND ATTORNEY GENERAL: One has to take issue with the word "chief". You may take issue with the Minister on that and probably suggest a better terminology. I am just telling you how it came about. It was decided that the different groupings may reserve their right to call their traditional leaders by whatever title they would like to call them, but as far as the law is concerned all of them are chiefs. You can call them kings if you want, or whatever, the law will not prohibit you to do so. But as far as the law is concerned, we call all of them chief. If you oppose the title which is in here, it is your right to do so. But that is the background.

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Cde. Ya Toivo, on what you asked the Hon. Member over there, I think if you want to be a king, you can be a king only if you are not a mule. You must have one blood.

DIRECTOR GENERAL OF NATIONAL PLANNING COMMISSION: I move that the debate be adjourned until tomorrow.

HON. LUCAS: I second.

AGREED TO.

FOREST BILL: RESUMPTION OF
SECOND READING

•SECOND ORDER READ:

Resumption of Debate on Second Reading – *Forest Bill* [B.22-2000].

DEPUTY SPEAKER: When this debate was adjourned on Tuesday, 17th October 2000, the Question before the Assembly was a motion by the Hon. Minister of Environment and Tourism –

That the Bill be now read a Second Time

MINISTER OF ENVIRONMENT AND TOURISM (HON. MALIMA) Cde. Deputy Speaker, I would like to seek the indulgence of the Chair before I respond to the comments. There are some Hon. Members who wanted to make their contributions. I do not know the correct procedure.

DEPUTY SPEAKER: I do not have their names. What I have on record here is that you adjourned the debate for your reply.

MINISTER OF ENVIRONMENT AND TOURISM: I wanted to ask the Deputy Speaker what the procedures are. I have no problem if there are members who would like to continue the debate.

DEPUTY SPEAKER: In fact, the debate was concluded. That is why the Minister adjourned his reply. Let me recognise the Minister of Lands.

MINISTER OF LANDS, RESETTLEMENT AND REHABILITATION: Thank you, Cde. Minister of Environment and Tourism for your kind understanding and the House for allowing me to speak.