

EXECUTIVE OFFICE

OFFICE OF THE PRESIDENT	Pres. H. Pohamba	
OFFICE OF THE PRIME MINISTER	Mr. N. Angula	
OFFICE OF THE DEPUTY PRIME MINISTER	Dr. L. Amathila	
MINISTRY OF AGRICULTURE WATER AND FORESTRY	Dr. N Iyambo	Mr. P. Smith
MINISTRY OF EDUCATION	Mr N Mbumba	Ms R Ndjoze-Ojo
MINISTRY OF DEFENCE	Mr D Namoloh	Mr V Simunja
MINISTRY OF ENVIRONMENT AND TOURISM	Mr. W Konjore	Mr L Jooste
MINISTRY OF FINANCE	Ms S Kuugongelwa- Amadhila	Mr T Tweya
MINISTRY OF FISHERIES AND MARINE RESOURCES	Dr. A. Iyambo	Mr K Nguvauva
MINISTRY OF FOREIGN AFFAIRS	Mr M Hausiku	Ms L Lucas
MINISTRY OF HEALTH AND SOCIAL SERVICES	Mr R Kamwi	Ms P Haingura
MINISTRY OF HOME AFFAIRS	Ms R Nghidinwa	Ms T Mushelenga
MINISTRY OF INFORMATION AND BROADCASTING	Ms N Ndaitwah	Mr R Dinyando
MINISTRY OF JUSTICE AND ATTORNEY GENERAL	Ms P Iivula-Ithana	Mr U Nujoma
MINISTRY OF LABOUR AND SOCIAL WELFARE	Mr A !Naruseb	Mr P Iilonga
MINISTRY OF LANDS AND RESETTLEMENT	Mr J Ekandjo	Mr I Katali

MINISTRY OF SAFETY AND SECURITY	Mr P Tsheehama	Mr G Shihepo
MINISTRY OF REGIONAL AND LOCAL GOVERNMENT AND HOUSING AND REHABILITATION	Mr J Pandeni	Mr K Kazenambo
MINISTRY OF MINES AND ENERGY	Mr. E. Nghimtina	Mr. H. Ya Kasita
MINISTRY OF TRADE AND INDUSTRY	Mr. I. Ngatjizeko	Mr B Esau
MINISTRY OF WORKS, TRANSPORT AND COMMUNICATION	Mr. J Kaapanda	Mr. S. Mogotsi
MINISTRY OF GENDER AND CHILDWELFARE	Ms M Mungunda	Ms A Muharukua
MINISTRY OF YOUTH, NATIONAL SERVICES, SPORT AND CULTURE	Mr J Mutorwa	Mr P Shifeta
MINISTER WITHOUT PORTFOLIO	Mr. N. Tjiriange	
MINISTRY OF PRESIDENTIAL AFFAIRS	Mr. A. Kawana	
DIRECTOR-GENERAL OF THE NATIONAL PLANNING COMMISSION	Mr. H. Angula	
DIRECTOR-GENERAL OF NAMIBIA CENTRAL INTELLIGENCE SERVICE	Mr. L. P. Hangula	

MEMBERS OF THE NATIONAL ASSEMBLY

SWAPO

Gurirab T. B (Speaker)
 Sioka D (Deputy Speaker and Chairperson of Committee)
 Amathila, B. – (Chief Whip)
 Booyes H. (Deputy Chief Whip)
 Mushelenga P (Deputy Chief Whip)
 Amweelo M.
 Ankama S
 Basson L
 Christiaan H
 Diergaardt R
 Geingob H
 Hamutenya H
 Hoffmann I
 Kaiyamo E.
 Kasingo L.
 Nambinga J.
 /Ui/o/oo R.
 Nambahu T
 !Nawases E
 Manombe-Ncube A. T

COD

Gurirab T.
 Schimming-Chase N - (Chief Whip)
 Ulenga B.
 Dienda E
 R K Gertze

DTA

De Waal J
 M. Venaani
 Kaura K
 Moongo P

UDF

J //Garoëb
 G K Tjombe

M B Goreseb

RP

Mudge H – (Chief Whip)

MAG

Viljoen J - (*Chief Whip*)

**NATIONAL ASSEMBLY
ASSEMBLY CHAMBER
WINDHOEK
20 OCTOBER 2005**

The Assembly met pursuant to the adjournment.

HON DEPUTY SPEAKER: Took the Chair and read Prayers and the Affirmation.

ANNOUNCEMENT BY THE DEPUTY SPEAKER

HON DEPUTY SPEAKER: The Ministry of Safety and Security, extends an invitation to all Members of the National Assembly to attend a sensitisation Seminar for Members on Community Sense and Orders on Monday the 24th October 2005 on Parliament premises, Room C1 from 11:00.

The Secretariat will circulate a form to the Honourable Members to indicate your attendance. Please insure that you fill in the form so that the Secretariat could confirm exact number with the Ministry of Safety and Security.

HON DEPUTY SPEAKER: Any petition? Reports of Standing and Select Committees? Other Reports and Papers? Notices of Questions? Yes Honourable De Waal.

NOTICES OF QUESTIONS

QUESTION 45

HON DE WAAL: Thank you, Honourable Deputy Speaker. I give Notice that on Thursday 27th October 2005, I shall ask the Honourable Attorney General the following:

1. What steps have been taken in the past, and are currently being taken, including the dates and the type of action that was taken, by the Office of the Attorney General to recover the N\$35 million plus interest, from the company Nossob River Systems (Pty) Ltd?
2. What is the current total amount to be recovered from Nossob River Systems

20 October 2005

**NOTICES OF QUESTIONS
HON DE WAAL**

(Pty) Ltd?

3. Is the company Nossob River Systems (Pty) Ltd still in existence, and does it have any assets?
4. Who are the shareholders and directors of Nossob River System (Pty) Ltd?
5. What is the latest information on the case between Nossob River Systems (Pty) Ltd, and the South African company Teqnovo (Pty) Ltd?
6. Can the Honourable Attorney-General give the House dates and actions that were taken by Nossob River Systems (Pty) Ltd in the case against Teqnovo (Pty) Ltd, in order to inform the House on the progress in this case?
7. How many prepaid water metering systems was supposed to be installed according to the tender document, and how many was actually delivered and installed by Nossob River Systems (Pty) Ltd?
8. Was the amount of N\$35 million paid out to the company as a lump sum, before any meters were installed, or was it paid out in instalments against invoices as and when water meters were actually installed?
9. As the legal advisor of Government , was there ever any reason for the Office of the Attorney General to question the handling of this tender, and if so what did her Office to about it?
10. According to the tender document the company should have been paid N\$150 000-00 per year for the maintenance of these systems. How much of this amount was actually paid out to the company?
11. Did the consultants Engineering Services Consultancy Company lay down specifications for the prepaid water metering systems and did the systems delivered by Nossob River Systems (Pty) Ltd, conform to these specifications?
12. Can the Honourable Attorney General give this House her informed opinion, on whether the amount mentioned in 2 above will be recoverable or whether we should accept that this amount is also down the drain?

20 October 2005

**NOTICES OF QUESTIONS
HON DE WAAL**

QUESTION 43

HON DE WAAL: Honourable Deputy Speaker, I also give Notice that on Thursday 27th October 2005, I shall ask the Honourable Minister of Finance the following:

- 1 What was the total cost to Air Namibia to operate the Windhoek London Gatwick flight, for the period 1 July 2005 to the 30th of September 2005, broken up in the different cost categories like fuel, maintenance, lease of the aircraft, handling fees at Gatwick, overheads etcetera?
- 2 What was the total income from ticket sales on this flight for the same period?
- 3 What was the average number of passengers per flight, for the same period?
- 4 How many of the total number of passengers that travelled on Air Namibia from Gatwick to Windhoek, during the above three months were destined for Namibia, and how many went on to South Africa?
- 5 How many of the total number of passengers that travelled on Air Namibia for the above three months from Windhoek to Gatwick came from Namibia and how many came from South Africa?

I thank you, Honourable Deputy Speaker.

HON DEPUTY SPEAKER: Thank you. Can the Honourable Member Table the questions, any further Notices of questions? Yes, Honourable Tjiuiko?

QUESTION 46

HON TJIHUIKO: Thank you very much Honourable Deputy Speaker. I give Notice that on Thursday 27th October 2005, I shall ask the Honourable Minister of Justice and Attorney General the following questions:

1. Is it a fair and just application of justice and the justice system that many prisoners and or detained people should wait for so long before they are tried? A specific case in question is Mbakondja Katjiuongua who by the end of this year, would have stayed in detention for six solid years without trial.

20 October 2005

**NOTICES OF QUESTIONS
HON TJIHUIKO**

2. What Madame Minister, in your opinion is the reasonable time in which a trial should take place in terms of the Namibian Constitution, Article 12, subsection (a) and (b)?
3. Minister of Justice and Attorney General, what is holding up the smooth, effective and deficiency operation of the Justice System and its institutions, that have become victims of protracted delays and endless delays? The inefficiency and incompetence of the police and the investigating officers? Unreasonable workload on the part of the presiding officers, or their ineptness to get the job done on time? Which is the real reason for what appears to be a lame duck judicial system?

QUESTION 47

HON TJIHUIKO: Honourable Deputy Speaker, I further give Notice that on Thursday October 27 2005, I shall ask the Honourable Minister of Safety and Security the following questions:

1. Is it true that on September 16 2005 a whole battalion of \pm 25 members of the Special Field Force, virtually and or literally forced Mbakondja, with a bleeding leg walking on crutches, from the Windhoek Central Hospital and took him back to Windhoek Central Prison without a Doctor's permission?
2. Is it true that because of the competition between the Special Field Force and the Police Serious Crime Unit, the Special Field Force took advantage of the suspension of the Serious Crime Unit Officers took Mbakondja back to prison?
3. Similarly do you not think Madame, that the uncalled behaviour of a significant and growing number of elements of the Special Field Force is spoiling and tarnishing the reputation of whole Force? Who controls these people? Why do they not have professional discipline?
4. The Prisons Act allows detained persons to contact their Legal Counsel and relatives or friends for help. I understand, that when they, the Special Field Force, came to take Mbakondja they refused him the right to contact his parents or Lawyer, and that only one of them phoned Mbakondja's mother that they were taking him back to prison. Is that true? Is that ethical? Is that legal?

20 October 2005

**NOTICES OF QUESTIONS
HON MOONGO**

5. In terms of the Prison Act, the prisoner's cell **cannot** be searched in his or her absence, possibly to avoid accusations planting something and that all prisoner's property in the cell must be entered into a registry.
6. Is it true, Honourable Minister that on his return to the cell, on Friday September 16 2005 Mbakondja found his cell looted, and totally empty? If so, what happened to his belongings?

I thank you.

HON DEPUTY SPEAKER: Thank you very much. Will the Honourable Member table the questions? Any further Notices of Questions? Yes Honourable Moongo?

QUESTION 44

HON MOONGO: Honourable Deputy Speaker, I hereby give Notice that on Thursday 27th of October 2005 I shall the Minister of Labour and Social Welfare the following:

1. Is the Minister aware that many workers of the Company Namdeb in Oranjemund have been retrenched due to supposed ill health and send back to their respective Regions?
 2. When will the Minister launch an investigation into this matter, and facilitate the reinstatement of these workers who are in good health and or compensate them for loss of income?
 3. Is the Minister further aware that several workers were summarily suspended, because of suspected crimes committed without a proof of being guilty of these crimes in a Court of law?
 4. Will the Minister be able to facilitate the payment of benefits lost and severance pay as the families of these workers are suffering, because of these suspensions?
-

20 October 2005

**NOTICES OF MOTIONS
HON GERTZE**

HON DEPUTY SPEAKER: Will the Honourable Member the questions. Any further Notices of Questions? Notices of Motions? Message from the Head of State? Ministerial Statements? Proceed Honourable Member.

HON GERTZE: Thank you Honourable Deputy Speaker. I give Notice that on Tuesday the 1st of November 2005, I shall Move that this Assembly debates the safety of our road users on all roads, and on streets in our towns and cities.

Honourable Deputy Speaker, Members of this House, allow me to commend the introduction of the compulsory wearing of safety helmets by all people using bicycles as a means of transport. I equally congratulate all those towns and cities where speed bumps and pedestrian crossing have been built. It surely ensures safety for all of us, and must be encouraged.

Honourable Deputy Speaker, there is however a major safety concern and that is whenever road constructions are done, we tend to think that it is only motorists who use these roads. Bikers and pedestrians seem not to be welcome on our roads.

It is thus my wish that this Honourable House resolves to sanction the compulsory inclusion of fair space for bikers on the roads in towns and cities, and that all existing roads create safe space for bicycle users.

I so Move, Madam.

HON DEPUTY SPEAKER: Thank you. Will you table the Motion Honourable Member? Notices of Motions? Message from the Head of State? Ministerial Statements? Now we turn to the business of the day. Today is a day of the Opposition Benchers. Yes, Honourable Secretary General?

HON MINISTER WITHOUT PORTFOLIO: I just wanted clarity to be guided and if it is not now in the future. Comrade Deputy Speaker we would not be able. I am just asking the question and leave it like that then we could be able to look at it in the future. I wonder whether it is in order for journalist who are invited in this House to later, whoever is writing his notes and probably take them with whatever mechanism they have? So like what has been in the Newspaper today that I took a paper from, I am asking so that you can answer later. So is it allowed authorised to be monitored under a microscope in this House?

20 October 2005

**RESPONSES TO QUESTIONS OF HON GURIRAB
HON SIMUNJA**

HON DEPUTY SPEAKER: Thank you very much. I read the story also this morning, which the Honourable Member is trying to narrate. May be you have got something to say? Honourable Kaura? It is not for discussion anyway. Honourable Kaura, leave the question is not for discussion.

HON KAURA: On a Point of Order, Honourable Deputy Speaker. As I promised yesterday because of what the Right Honourable Prime Minister continues to say that I dropped out of Columbia, I promised to bring my certificate. Could you display it to the Parliament please?

HON DEPUTY SPEAKER: He fulfilled the promise, here is the certificate, it can be returned. Yes, Right Honourable Prime Minister? Those are students from Columbia the two of them.

RT HON PRIME MINISTER: Point of Order, He dropped out of the PHD Programme.

HON DEPUTY SPEAKER: Thank you very much. On serious business now. Question no. 21 was the one, which was put by Honourable Tsudao Gurirab to the Minister of Defence. Is the Honourable Member ready to put the question?

HON GURIRAB: Question put.

HON DEPUTY SPEAKER: Yes. The question put. Is anyone of the Ministry ready to respond to this question? Deputy Minister, Minister?

QUESTION 21

HON DEPUTY MINISTER OF DEFENCE: Thank you, Honourable Deputy

20 October 2005

**RESPONSES TO QUESTIONS OF HON GURIRAB
HON SIMUNJA**

Speaker. Before I respond to this question, let me draw the attention of the Honourable Member that this question was addressed to be responded to last week but the Minister decided to postpone it, for the simple reason that apparently this is the second or third time you are asking the question. And it has always been answered. So it was awaiting your presence in the Chamber.

Honourable Deputy Speaker, response to the question of the Honourable Member, who wants to know whether there is any agreement between Financial Investment Service Group, and the Ministry of Defence on deductions of the policies?

I would like to inform the Honourable Member that since March 1992, members of the Namibian Defence Force belong to NDF Group Scheme. And this Scheme was being administered by Sanlam.

Last year we decided to go again to re-advertise the tender, and the Financial Investment Services Group won this tender. And currently it is the one, which has got a contract with the Ministry of Defence. And this happened after presentations were done at the Ministry of Defence and some of the Units of the Namibian Defence Force.

As you know Section 72 (r) of the Defence Act that was approved by this House, gives provision for a group scheme for the Ministry of Defence Members. I would further like to refresh the mind of the Honourable Member, normally other insurance companies do not cover funeral or other benefits of any person who dies as a result of combat. Hence the need for this group scheme to the Ministry of Defence.

I am sure you will agree with me that even the insurance company that provides the policy that you have your private policy, it has that provision but if you die in case of incidental scene involving violence, some other insurance companies even do not cover soldiers in that group scheme, that is why it is an necessary to have the group scheme for the Members of the Defence Force, which covers their funeral benefits in case of death in the duty, related activity.

So with these few words I would like to thank you for your interest in this matter.

I thank you.

HON DEPUTY SPEAKER: Thank you very much. Is the Honourable Member satisfied with the answer?

20 October 2005

**RESPONSES TO QUESTIONS OF HON GURIRAB
HON KUUGONGELWA-AMADHILA**

HON GURIRAB: Yes. Honourable Deputy Speaker, I like to thank the Deputy Minister for his answer, I wish to reassure him. That when I was not here two Thursdays ago, I was representing him in Johannesburg at PAN African Parliament. I thank you.

HON DEPUTY SPEAKER: Thank you very much. The 23rd question was the one of the same Honourable Member, Honourable Tsudao Gurirab. Does the Honourable Member put the question?

HON GURIRAB: I put the question, Madam.

HON DEPUTY SPEAKER: Does the Minister of Finance wish to reply?

QUESTION 23

HON MINISTER OF FINANCE: I do, Honourable Speaker. The Honourable Tsudao Gurirab, wanted to know whether I was satisfied with the latest investments and performances, of the Development Capital Portfolio of the GIPF?

Before answering this question, it is important for me to highlight for the benefit of this House the aims and objectives of the Development Capital Portfolio of the GIPF. The Board of Trustees which included Honourable Tsudao Gurirab sometimes during the late 1999.

The DCP was set up to promote investment in the local economy, with a special emphasis from previously disadvantaged Namibians, to help them to enter the mainstream economy.

Since it does not form part of the GIPF's primary products, it was rolled out only with the actuarial surplus that the GIPF created, and therefore had no effect on the payment of pension, and other related benefits to the members of the GIPF.

20 October 2005

**RESPONSES TO QUESTIONS OF HON GURIRAB
HON KUUGONGELWA-AMADHILA**

GIPF had ventured into this portfolio, because it recognized the genuine need to assist people who could not secure finance from the traditional financiers, yet had a business plan, that had great potential for success.

Several entrepreneurs were granted loans as start up capital for their businesses. These were drawn from different sectors of our economy, including agriculture, mining, hospitality and tourism, as well as manufacturing.

To answer your question, Honourable Member, performance criteria to evaluate the DCP included, as you would know I am sure, job creation, infrastructure, building, community benefits, export promotion, the return on investment, and other socio-economic factors.

From a job creation point of view, the DCP is responsible for the creation of an estimated 2432 direct jobs. Beyond these immediate effects there are secondary effects through linkages of the projects into the local economy. It is expected that these have benefited an additional 10200 individuals.

In terms of infrastructure, DCP loans are responsible, amongst other things for the building of two of the finest Hotels in Namibia, re-commissioning of copper mines at Tsumeb, large scale agricultural projects in previously desolate regions of Southern Namibia, and the construction of Abattoir, fish canning and pig farm facilities.

Community benefits have also been numerous. The majority of the projects who have benefited from the DCP, export their products to market overseas and have, therefore, brought much needed foreign reserves into the country.

Based on these factors, the performance of the DCP investments, have been targeted to strategic projects with a high potential for expanding the economy, creation of jobs and boosting National Export earnings. However, these investments were subject to a certain degree of risk.

In general, the financial returns have been lagging behind expectations. The reasons for this weaker than expected performance include the following:

1. The strength of the Namibian Dollar has harmed this portfolio, made up of mainly export focused projects.
2. Unforeseen competition at International level caused significant reductions in revenues resulting in reduced profitability. This is particularly pertinent for

20 October 2005

**RESPONSES TO QUESTIONS OF HON GURIRAB
HON KUUGONGELWA-AMADHILA**

the grape, ostrich and plastic packing industries.

3. Inadequate management capacity at projects level, resulting in poor management of some projects.
4. The high risk level that was taken by GIPF. Because GIPF was the only Fund willing to provide financing to those companies. They were forced to take on the entire risk exposure of projects. The GIPF obviously could have, just like all other institutions, refused to finance these projects, but this would have been a neglect of its' duty to invest in the economy, and to help previously disadvantaged Namibians enter the mainstream economy.

It should also be kept in mind that as most of these projects were start ups, they will take some time to become profitable. In this regard, some of the DCP projects are starting to become profitable, which means that the return on investments of the DCP should improve in the future.

In addition, GIPF is currently reviewing different options that would minimize risk exposure without compromising the rational behind the DCP. A moratorium was therefore placed on new investments by the DCP, since 2002. Since that date, no new projects were added to the portfolio. Disbursements did however continue to be made to existing projects, at the end of this ongoing review, a new and more viable structure will be put in place to facilitate the commitment of GIPF funds through existing institutions such as the Agri-bank, the Development Bank of Namibia and other institution. So that the impact of such funds on socio economic development, is maximized and the returns on investment are improved.

On whether I am aware of the allegations that loans may not have been utilized for purposes other than that for which they were granted, and whether I believe that a Commission of Enquiry into these investments was necessary, I wish to say the following:

The Ministry of Finance is working with NAMFISA, which regulates non banking financial institutions, including GIPF, to review the investments made by GIPF.

In this regard, NAMFISA has launched a comprehensive statutory inspection into the affairs of GIPF. Offsite inspection started on the 3rd of October 2005, while on site inspections commenced on 17 October 2005. The inspections will cover a full scale investigation of all investments made, including the Development Capital Portfolio or DCP, and all loans assessments methods used, approval and disbursement processes

20 October 2005

**RESPONSES TO QUESTIONS OF HON GURIRAB
HON KUUGONGELWA-AMADHILA**

followed.

In terms of assessing the risk to the fund, it will also look into the recoverability of the loans disbursed as well as service level agreements with the different service providers, such as investment managers, administrators, consultants' etcetera. In addition the inspection will cover functioning and suitability of information systems, member claims paid, utilization of finances, contributions received and utilized, investment policies applied, membership database, corporate governance and compliance with the Pension Fund Act in general. The inspection will cover a period of 4 weeks inclusive, but may be extended depending on the complexity of the issues under investigation. Once the inspection is concluded, we will be in a better position to express an opinion on the investments made from the Development Capital Portfolio, and whether the loans granted were utilized for the purposes intended.

The GIPF Board of Trustees has also informed me that they too have commissioned a review of the investments, also using private accounting and Law firms. The review will cover detailed study of each investment individually, and suggest a way forward with each project.

Once both of these reviews are concluded and I have been appropriately briefed, I shall report to Cabinet and to this Honourable House accordingly, and any instances of misappropriation or otherwise misuse of the public funds that is detected, will be dealt with decisively and thoroughly. Already those projects against which liquidation has been filed with the Court due to non payment are being investigated, as part of the liquidation process.

While this review is uncompleted, however, statements about N\$650 million lost in DCP bad investments are over hasty and unsupported by full facts. I wish to, therefore appeal for caution in dealing with this matter, and for patience as well until the full facts about these investments had been established.

It needs to be emphasized further that the DCP investments were, as I stated already earlier, funded from actuarial surplus of the fund and as such have no bearing on the ability of the fund to meet its obligations to its members.

The GIPF according to the annual financial statements for the year ended 2005, which I shall table in this August House in due course, has assets of N\$19 billion, which reflect a growth of more than N\$ 4 billion, compared to N\$15 billion reported for the year ending March 2004. The actuarial valuation of the fund that was carried out in

20 October 2005

**RESPONSES TO QUESTIONS OF HON ULENGA
HON NGHIMTINA**

2003 reported that the fund was in a sound financial position, and that the rates of contributions are adequate to enable the fund to provide the benefits to which members are entitled.

The next actuarial valuation will be performed on the fund in 2006, in accordance with the rules of the fund, which require that that happens at intervals not exceeding three years.

Thank you.

HON DEPUTY SPEAKER: Thank you very much for an elaborated answer. Any supplementary? Answer Honourable?

HON GURIRAB: Honourable Deputy Speaker, I would like to thank the Minister for that comprehensive answer. The Minister will appreciate my interest in this subject, because of my past as the past Chairman of this fund when we were doing the right things and keeping the operations of the out of the Newspapers. I would like to thank the Minister for that comprehensive response.

HON DEPUTY SPEAKER: Thank you very much. Question number 26 is the one, which was put by Honourable Ulenga. Does the Honourable Member wish to put the question?

HON ULENGA: I do put the question, Honourable Deputy Speaker.

HON DEPUTY SPEAKER: Thank you. Does the Minister of Mines of Energy wish to reply?

20 October 2005

**RESPONSES TO QUESTIONS OF HON ULENGA
HON NGHIMTINA**

QUESTION 26

HON MINISTER OF MINES AND ENERGY: Thank you, Honourable Deputy Speaker.

1. Steps taken by the Government before the issuing of the Mining Licence to Langer Heinrich Uranium Project, not to endanger the health and lives of workers, tourists and public both in present and long terms.

The Government recognised the important role of the mining industry in employment, mineral production, total export earnings and social advancement. The industry however, contribute to major environmental degradations. In this case the Ministry of Mines and Energy introduce environmental issues, as the condition of awarding mining licences.

Langer Heinrich Uranium Project was instructed by the Ministry, to carry out environmental impacts and mitigation to determine overall of impact and significances.

The Environmental aspects assessment covered these:

Geology
Hydrology
Air quality
Natural plant life
Sensitive Landscape.
Economics
Animal life
Noise
Archaeological aspects
Visual
Social and Health.

All assessment though implementation of defined mitigations measures, resulted in overall positive value for the combined environmental social and economic issues.

Langer Heinrich Uranium Project will be a conventional open pit uranium mine, capable of producing 1180 tonnes per year of uranium oxide (U₃O₈). The planned mining method of Langer Heinrich Uranium Project is a conventional open pit excavator truck operation with associated uranium extraction production facility, with

20 October 2005

**RESPONSES TO QUESTIONS OF HON ULENGA
HON NGHIMTINA**

consists of plant, site offices and equipment. In terms of supporting infrastructure it will consist of access road, power supply line and water supply pipeline. Mining and processing activities are restricted to the area covered by the Mining Licence, which is 4375 hectares. The current measured and indicated resources and other results indicated that the mine life is about 11 years. The estimated processing capacity is approximately 15 years.

2. Scale of benefits

Mining industry dominates economy of Namibia as the major contributor to export earnings and second largest contributor to GDP in 2002. Uranium is the second contributor to GDP after diamond, followed by metals, copper lead, zinc and gold as well. The commissioning of Langer Heinrich Uranium Mine means, that the mine will create 750 new jobs, pay tax of N\$63 million to the State, contributes 0.8% to GDP and 0.45% to exports of earnings.

Furthermore, the production of Langer Heinrich Uranium Mine makes Namibia to occupy the 10th position in terms of uranium oxide production after Canada and Australia.

The Government of Namibia put in place the legislation known as the Minerals Prospecting and Mining Act of 1992. Act No. 33 of 1992. This Act explicit stipulates environment protection and management. The Act states that an Environmental Impact Assessment over the area covered by the mining licence, is formulated and forwarded to the Ministry of Mines and Energy for approval before any mining project is approved.

In addition an Environmental Management Plan Report, should be submitted to the Ministry within six months from the date of issue of the licence. Furthermore, the holder of the mining licence shall enter into an Environmental Contract with the Ministry of Environment and Tourism, and that of Mines and Energy once the Environmental Management Plan and Report is approved.

The holder of the mining licence shall create an Environmental Trust Fund, for the purpose of Environmental Rehabilitation and aftercare.

The policy of the Government of the Republic of Namibia, is to ensure the sustainable contribution of minerals to socio-economic development of this country. One of the policy objectives of the Government for the mineral sector are to promote a conducive environment for the mineral sector, that encourages and facilitates the

20 October 2005

**RESPONSES TO QUESTIONS OF HON ULENGA
HON NGHIMTINA**

active participation of all stakeholders. The Minerals Policy of Namibia, which was endorsed by this House in 2002, clearly states the protection of mining and minerals related environment in all stages of operations.

- 1.1 In terms of **Prospecting and Mining in Protected Areas**, which include National Parks, Game Reserves and National Monuments that have considerable mineral potential. The Government will ensure that exploration and mining within these areas, complies with the environmental and economic regulatory frameworks.
- 1.2 In terms of the **mining industry development**, the Government will ensure that the development of Namibia's mining industry proceeds, on an environmental sustainable basis.
- 1.3 In terms of the **value addition**, the Government will implement effective Environmental Management Programmes for value addition activities in line with international best practice.
- 1.4.1 In terms **Rehabilitation and remediation** the Government will ensure compliance with the rehabilitation and remediation with National policies and guidelines, and where appropriate and applicable with global best practice. In terms of **Health and Safety**, the Government will ensure that the mining industry complies with the mine health and safety regulations.

In implementing all these, the Ministry of Mines and Energy as the custodian of Namibia's rich endowment mineral, geological and energy resources, embarked on quantifiable and prides, objectives setting. One of these objectives is to minimise the impact of exploitation of mineral and energy resources on the environment.

I must assure the Head of the Official Opposition Party in this House Honourable Ben Ulenga, together with those external funded watchdog groups with are perpetual poisoning the atmosphere with unscientific information about the awarding of the mining licence to Langer Heinrich Uranium Mining Project, must reassess and re-evaluate their memories that, the first open pit uranium mine in Namibia commenced the production in 1976 and continues this year to date. This largest open pit uranium mine in the world is international recognised due to good reputation for maintaining health and safety regulations, and environmental monitoring for a period of 29 years.

The Ministry of Mines and Energy is assured that Langer Heinrich Uranium Mining

20 October 2005

**RESPONSES TO QUESTIONS OF HON ULENGA
HON NGHIMTINA**

Project will enumerate Rössing Uranium Mine in environmental protection, mine health and safety issues, and in physical protection of uranium oxide within and outside Namibia.

3. The Chernobyl Experience and the Namibian Government assurance and guarantees to Namibians in connection with the protection, mining and handling of hazards, uranium and its' related by-products.

In terms of Section 93 of the Minerals, (Prospecting and Mining) Act, 1992, Act No. 33 of 1992, the Government of Namibia through the Ministry of Mines and Energy, issued the Mining Licence No. 140 office Reference No. 14/2/3/2/140 to Langer Heinrich Uranium (Pty) Ltd, to mine and produce uranium oxide for export purposes to external markets. The mine is required to export uranium oxide in accordance with the International Atomic Energy Agency Article 34 of the Safeguard Agreement No. INFCIR/153.

Chernobyl was a Nuclear Power Plant designed to produce energy for Ukraine/USSR.

Namibia has no nuclear power plant up to now. We may have it in the future. In this case, there is no correlation between a Uranium mine and nuclear power plant. Thus, the question of Honourable Ben Ulenga is irrelevant, illogical and not sensible.

In terms of protection, mining, handling of hazards, uranium and its related by-products, the Ministry of Mines and Energy would like to make it explicitly clear that section 127 of Act No. 33 of 1992 prohibits any movement of Namibia's minerals from one place to another place, without permission from the Ministry of Mines and Energy. Section 102 of this Act prohibits any person to possess, dispose, enrich and export uranium, unless such person is a producer.

In 2002 the Parliament approved Namibia's accession to the United Nations Convention on the Physical Protection of Nuclear material. The convention is an essential legislation of combating illicit trafficking, preventing sabotage and the illicit movement of nuclear materials from a controlled environment to an uncontrolled environment.

The Ministry of Mines and Energy initiated the Project Namibia 3/003 Environmental Control, Audit and Safeguarding of Namibian Uranium Industry. The project focuses on radiation and radioactive measurements, environmental monitoring and auditing, mine decommissioning, physical protection, and safeguarding of radioactive materials.

20 October 2005

**RESPONSES TO QUESTIONS OF HON ULENGA
HON NGHIMTINA**

4. Future or Uranium Mining in Namibia.

The mineral resources potential of Namibia, is by no means exhausted. Namibia is under-explored and enormous potential exists for new discoveries of ore bodies. Namibia is a uranium producer and hosts the known uranium deposits and several occurrences. These uranium deposits should be converted into mines, while several occurrences will be explored further to determine grade, size and economic viabilities.

The increased uranium prices to a level of US\$ 30 per lb., shortage of uranium oxide supply and planned construction of 23 nuclear reactors in 31 countries are the good indications to Namibia to consider the possibilities of bringing some of the known eight uranium deposits in Namibia and to consider if we can use it. Now we have only one and the other one has not started. I thank you very much.

HON DEPUTY SPEAKER: Before I go further, I would like to ask the indulgence of the House, due to the quorum which is threatening, should we proceed, maybe go one by one and then come back or do we just adjourn for refreshments? Then we can break for tea. The House breaks for refreshments. Come back at 16:00.

**HOUSE ADJOURNS AT 15:44
HOUSE RESUMES PURSUANT TO ADJOURNMENT AT 16:08**

HON DEPUTY SPEAKER: The House is called to order. When we left for refreshments, the Honourable Minister of Mines and Energy completed his response. Are there any supplementary questions, Honourable Ulenga, to your questions?

HON ULENGA: Honourable Deputy Speaker, except to thank the Minister of Mines and Energy, I have no supplementary questions. Thank you.

HON DEPUTY SPEAKER: Question number 27 is one by Honourable

20 October 2005

RESPONSES TO QUESTIONS OF HON VENAANI

Venaani, does the Honourable Member put the question?

QUESTION 27

HON VENAANI: Honourable Deputy Speaker, I put the question.

HON MINISTER OF FINANCE: Honourable Deputy Speaker, since I was not in the House when the question was posed and I was also out of the office for most part of the period that intervened after the question was put, I have not really had time to finalise my answer, and I would like to seek the indulgence of this House to allow me to answer the question next Thursday.

HON DEPUTY SPEAKER: The question stands over. I now put Question 28. The same Honourable Member, does the Member wish to put the question?

QUESTION 28

HON VENAANI: I put the question.

HON DEPUTY SPEAKER: Does the Honourable Minister of Education or his Deputy want to respond? Anybody instructed to adjourn the question? The question will stand over because none of them are in, due to official duties. Question 30 was put by Honourable Venaani. Does the Honourable Member wish to put the question?

QUESTION 30

HON VENAANI: I put the question.

20 October 2005

**RESPONSES TO QUESTIONS
HON NGHIMTINA**

HON MINISTER OF MINES AND ENERGY: Honourable Deputy Speaker, I was checking in the laws governing the Ministry of Mines and Energy, the Mineral Act, the Diamond Act, to find out whether the Minister of Mines and Energy is empowered to know of any mining activities outside Namibia which are going on, either in Australia, South Africa, America, Europe, anywhere, but I failed to get any clause mentioning that.

Then questions 2 and 3 are misdirected. The Minister of Mines and Energy is only dealing with the mineral rights in Namibia. Thank you very much.

HON DEPUTY SPEAKER: Thank you very much. Any supplementary question, Honourable Venaani?

HON VENAANI: Honourable Deputy Speaker, on a supplementary question: The Minister of Mines and Energy, of course, should know whether the Namibian Government has shares in a company outside Namibia, the Government, because you are the responsible custodian of Mines and Energy affairs in this country.

QUESTION 31

HON SCHIMMING-CHASE: I put the question.

HON DEPUTY MINISTER OF TRADE AND INDUSTRY: Honourable Deputy Speaker, I am seeking the indulgence of the House for this question to stand over until the 27th, next Thursday.

HON DEPUTY SPEAKER: The question will stand over to next week, Thursday. Question number 32 is by Honourable Viljoen, does the Honourable Member put the question?

20 October 2005

**RESPONSES TO QUESTIONS OF HON MOONGO
HON SMIT**

QUESTION 32

HON VILJOEN: Honourable Deputy Speaker, I put the question.

HON MINISTER OF WORKS, TRANSPORT AND COMMUNICATION:

Honourable Deputy Speaker, I would like to ask the indulgence of the House for this question to stand over until next week.

HON DEPUTY SPEAKER: The question will stand over to next week.

QUESTION 33

HON MOONGO: I put the question.

HON DEPUTY MINISTER OF AGRICULTURE, WATER AND FORESTRY:

Thank you very much, Honourable Deputy Speaker. The first question by the Honourable Member is: "*Could the Minister of Agriculture agree that many regions received less rainfall this year?*" The Ministry cannot agree with that one, that many regions have received less rain.

And then secondly: "*Is it not high time that the Ministry assists small farmers with livestock feed in the affected areas?*" Honourable Deputy Speaker, I would like to explain a little bit about the Drought Policy, that was accepted in 1997.

The policy stipulates that farmers must take responsibility for the running of the farming activities, and also normal drought or lower rainfall circumstances. It is only in disaster situations that the Government will intervene and support the farming community.

In the same policy at the same time it was also agreed that fodder is not one of the solutions, because first of all, it is very expensive and, secondly, it just increases the

20 October 2005

**RESPONSES TO QUESTIONS OF HON MOONGO
HON SMIT**

degradation of our natural resources. So the policy and the practice that we are applying is to assist farmers with transport to areas where there is grazing available, and secondly, to motivate farmers to slaughter their animals. If they slaughter more than the normal marketing amount per annum, then we support farmers on what they slaughtered beyond that amount.

If we look at the current year, and I have a map here that the Honourable Member is welcome to have a look at, where we have the information at the end of the season that we use to have an overall picture on what is the situation in the country. There were a few requests for drought relief aid in the country. Our Ministry went out and investigated the specific areas. They came back and reported that the main problem is overstocking and it was not due to not enough rainfall in the specific areas. Therefore, we could not identify an area that we could have declared drought stricken this year, so that we could then apply the drought support that we give under those circumstances.

In other words, Honourable Deputy Speaker, for this year there is no drought declared areas and there will be no drought assistance for this specific year.

The second part of the question stipulates, *"I strongly appeal to the Ministry to provide farmers with manure in order to produce enough crops."* Honourable Deputy Speaker, it is not our business to supply manure to farmers, but more important, we do not want to intervene in the Honourable Member's business. I was informed that he is involved in this business to transport manure and to provide it to farmers as a business. So we do not want to become competition from Government's side. Honourable Deputy Speaker, I believe with that I have answered the question. Thank you very much.

QUESTION 34

HON KAURA: I put the question.

RT HON PRIME MINISTER: Honourable Deputy Speaker, I regret to inform Honourable Kaura that the Office of the Prime Minister has no mandate to speak on behalf of the SWAPO Party on matters which has nothing to do with Parliamentary business. The question is, therefore, misdirected. Thank you.

20 October 2005

**RESPONSES TO ORAL QUESTIONS BY HON ULENGA
HON ANGULA**

QUESTION 35

HON TJIHUIKO: I put the question.

HON DEPUTY SPEAKER: Does the Honourable Minister of Regional, Local Government and Housing wish to reply or the Deputy, or anybody who was instructed to adjourn the question? The question stands over.

QUESTION 36

HON DE WAAL: I put the question.

RIGHT HON PRIME MINISTER: I ask the indulgence of Honourable De Waal that we deal with this question next week.

HON DEPUTY SPEAKER: The question stands over.

QUESTION 37

HON DE WAAL: I put the question.

DEPUTY MINISTER OF AGRICULTURE, WATER AND FORESTRY:
Honourable Deputy Speaker, I am really sorry, I do not like to pass the buck around, but the Ministry of Agriculture is not in charge of the AgriBank, so the question is not for us. Thank you.

HON DEPUTY SPEAKER: Wrong address. Does the Honourable Member have any supplementary question on it?

20 October

**RESPONSES TO ORAL QUESTIONS BY HON ULENGA
HON ANGULA**

HON DE WAAL: Not a supplementary question, Honourable Deputy Speaker, but if I remember correctly, I said in my question, I am asking “*the Minister responsible for*”. I did not mention a name. I do not know where this Agriculture and Water comes from. Maybe the Secretariat can just check and put the question to the correct Ministry next week. I thank you, Madam.

HON DEPUTY SPEAKER: The error was by us. In terms of Rule 78(a), Oral Questions, “*a question shall not be asked without notice unless it is of an urgent character, or related to the business of the day and the member has obtained leave of the Speaker.*” There is one Member who requested to put an oral question, so I allowed the Member. That question will be put to the Right Honourable Prime Minister, by the leader of the Opposition Party, Honourable Ulenga.

HON ULENGA: Thank you, Honourable Deputy Speaker, I would like to put an oral question to the Right Honourable Prime Minister of the Republic, as follows:

In view of the fact that Government announced almost a month ago that investigations are being finalised with regard to the discovery of rotten drought relief food at Mpacha Airport near Katima Mulilo several months ago, when is Government going to act concerning disciplinary measures against those who were implicated in this scandal?

Who exactly in Government, which Ministry, is responsible for this action and when is Government going to get to the bottom of this issue? I thank you.

RT HON PRIME MINISTER: I would like to thank Honourable Ulenga for his urgent question, and to say that the due process of Law is in motion, and when it is completed the public will be informed accordingly. It is in the hands of the due process of Law. Thank you.

HON DEPUTY SPEAKER: Any supplementary question?

20 October 2005

HON ULENGA: Yes. Honourable Deputy Speaker, honestly speaking, I do not understand the phrase, "*it is in the hands of the due process of law.*" It is just a language that is confusing me. What does it mean when it is in the hands of the due process of Law? (Interjections).

RT HON PRIME MINISTER: When you are charging somebody with misconduct, certain steps have to be followed. First you formulate the charges, you give those charges to the person being charged to reply within a specified period. You constitute a hearing body, and the person accused also has representation in that body. The body sits and starts the process of charging the person with whatever charges under the misconduct, and the person has the right to reply, that kind of thing. So it is a long process. Thank you.

HON ULENGA: Honourable Deputy Speaker, it is really a question of indicating to the House at what stage of the due process of Law we are and which Ministry specifically is responsible, and when does Government hope to get to the bottom of the issue, since Government did announce that the investigations are finished.

HON DEPUTY PRIME MINISTER: I think there is no reason not to answer where we are. The process of investigation has been completed. We are in the process now of charging the people. We are still going to have a meeting to see how we will formulate the charges. So the investigation has been completed, people have been found who are responsible for what had happened, and it is now to formulate the charges. I think we are about to get there. Thank you.

HON DEPUTY SPEAKER: Honourable Ulenga, are you satisfied? Thank you very much. Now we will revert to the Order of the Day. The Secretary will read the First Order of the Day.

RESUMPTION OF DEBATE ON SECOND READING METROLOGY AMENDMENT BILL [B.12-2005]

20 October 2005

HON DEPUTY SPEAKER: When this debate was adjourned on Wednesday, 11th October 2005, the question before the Assembly was a motion by the Honourable Minister of Trade and Industry, that the Bill be now read a Second Time. Honourable. Tsudao Gurirab adjourned the debate and he now has the floor.

HON GURIRAB: Honourable Deputy Speaker, I crave your indulgence to have the discussion on this Amendment Bill adjourned until Tuesday next week, as we are still consulting on the Bill. But if there are members who wish to take the floor, they can do so. But in the absence of that, I seek leave to have this Bill adjourned to Tuesday, next week. I so Move.

HON DEPUTY SPEAKER: Anybody who wants to contribute on this Bill? Then the Bill is referred to next week, Tuesday. The Secretary will read the Second Order of the Day.

RESUMPTION OF DEBATE ON SECOND READING *STANDARDS BILL*
[B.11-2005]

HON DEPUTY SPEAKER: When this debate was adjourned on the 4th October, 2005, the question before the Assembly was a motion by the Minister of Trade and Industry, That the Bill be now read a Second Time. The Honourable Minister now has the floor for his reply.

HON DEPUTY MINISTER OF TRADE AND INDUSTRY: Honourable Deputy Speaker, Honourable Members, I am seeking once more the indulgence of this House to at least reply on the 26th of this month to this specific order, the Standards Bill.

HON DEPUTY SPEAKER: The Bill will stand over until next week, the 26th October. The Secretary will read the Third Order of the Day.

20 October 2005

**MOTION TO REVIEW OUR EDUCATION SYSTEM
HON GORESEB**

RESUMPTION OF DEBATE TO REVIEW OUR EDUCATION SYSTEM.

HON DEPUTY SPEAKER: When this debate was adjourned yesterday, the Question before the House was a Motion by Honourable Kaura. The Honourable Goreseb adjourned the debate and he now has the floor.

HON GORESEB: Honourable Deputy Speaker, Honourable Members of Parliament, it is indeed a pleasure and a great honour to add a few ideas to this historic debate to review our education system.

The mover of the Motion, Honourable Kaura, requests this August House to:

- a) Review the whole education system;
- b) Call for legislation to allow Grade 10 failures to repeat; and
- c) Review teacher training, salaries and conditions of service.

Almost everyone is saying that our education system is a mess, it has failed the Nation. But nobody clearly identified the root causes of this deplorable state of affairs. There are lots of questions to ask:

What do we want to achieve from our education system?

Was the system designed to address the needs of our nation?

Who implemented the system and was it prudently implemented?

Were the circumstances conducive for the system changes and its implementation?

Which vital elements does the system lack, which could have prevented the present chaotic situation at some of our institutions of learning?

All aforesaid are questions to be answered before one could blame the Education System alone. One of the educationists, Sheriffs rightly observed that: *“Education is an enterprise aimed at developing the mind so that people are not only capable of grasping and expanding their understanding of life, but are also capable of wisely using their knowledge and understanding in the betterment of themselves and the world around them.”*

20 October 2005

**MOTION TO REVIEW OUR EDUCATION SYSTEM
HON GORESEB**

A positive education implies a process directed at producing citizens with a breadth and depth of worthwhile knowledge and understanding, who are able to meet the challenges of their environment and able to contribute positively towards building a better world or Nation.

Honourable Deputy Speaker, Honourable Members of Parliament, I do acknowledge the Government's good intention and endeavours to improve our education system, for example:

1. the passing of the Education Act, 16 of 2001, enabling the school managers and stakeholders on how to run their schools;
2. the introduction of the Mobile School Unit System in Kunene Region and the programme for the San learners to increase access for the marginalised groups;
3. the introduction of the Joint Sectoral Annual Review to provide a common platform for discussing education issues, among ministries affected by sectoral activities, international donor agencies and local stakeholders.

But what grieves the Nation most, is the Government's sluggishness to implement the draft programmes and action plans to address the already volatile, looming crisis and hence the public outcry to remedy the situation.

Honourable Members, we must act speedily and timeously. The task is not beyond our means and resources, but it requires a strong commitment, and refocusing of educational goals.

What are the other evils hampering our Education System? I will pinpoint a couple of them. The first one which grieves me the most is the staffing norms. It is a cost-saving device or plan. For example, people are very mobile beings, they can easily be moved from one place to another. On the contrary, facilities, like land and buildings, are fixed. What would be the best solution for optimal utilisation of the already existing scarce infrastructure? Moving teachers around the country, leaving facilities idle or bringing the learners to the places where facilities are? I say that because I know if you move to the West of the South, you have beautiful infrastructure standing idle and the poor teachers have to be moved around across the country, and we are running out of resources, the money, in order to build another school and schools. Why can we not bring the learners to those facilities, so that the facilities can be utilised optimally?

20 October 2005

**MOTION TO REVIEW OUR EDUCATION SYSTEM
HON GORESEB**

Another evil is the resource mismanagement. Another one is the bookish education which is not market related. The next one is the distorted pattern of investment in education and misplacement of priorities. Another evil is the automatic promotion. We all know what it means. Another one is the inappropriate education curricula, and another one according to me, is the abolishment or the de-linking of pre-primary education from the government schools.

Honourable Deputy Speaker, Honourable Members of Parliament, as a solution to many of the aforesaid problems, I would advocate for a human factor driven education system, in order to curb the current chaotic state of affairs at some of our schools and in the community at large, because the situation also exists in our community.

The lack of the human factor in education has produced an inappropriate system of education, which is failing to address the needs of the masses of the population.

The focus of education in the school and classroom should be upon learners, enabling them to acquire the knowledge, skills, attitudes and behaviour that will give them full, successful life and continued personal growth and equipping them to participate effectively in a rapidly changing society.

Honourable Deputy Speaker, Honourable Members of Parliament, our primary resources are our people whom the national effort is designed to benefit.

The education system, which includes both formal and non-formal activities, is the basic means by which the quality and productive capacity of the population is affected.

We must, therefore, introduce education for self-reliance and education with production, to allow an individual pupil to leave school with an idea of basic skills, such as read and write, count and speak, agricultural production skills, animal husbandry, trade, marketing, home management and prospecting.

However, there is tendency to overload the curriculum, especially in secondary school level, with too many subjects. This leaves little room for pupils to acquire productive skills and an education for lifelong learning. I here acknowledge the view of the Honourable Prime Minister yesterday, that lifelong learning is the duty of the tertiary institutions, but what will happen to those school leavers at Grade 10 and Grade 12 levels? Is it an investment which is wasted? They also have to cope with life.

20 October 2005

**MOTION TO REVIEW OUR EDUCATION SYSTEM
HON GORESEB**

Why is the human factor development in education so important?

Honourable Members, the central argument is that qualities such as responsibility, accountability, trustworthiness, integrity, motivation, commitment, emotional maturity, honesty, love, tolerance, loyalty and personal caring hold the key to all forms of development.

Honourable Deputy Speaker, Honourable Members, no social, economic, political and institutional reform or review, can be expected to achieve its objectives without the support of people with the appropriate human factor characteristic.

When the appropriate human factor qualities are absent, lawlessness, anarchy, mismanagement, embezzlement, bribery, corruption and misery abounds.

I concur with Honourable Kaura, that education is a matter that is of the greatest importance to everyone of us. And similarly, I do concur with the government's desire to review the education system under ETSIP. That is encouraging, but Honourable Members, time is at a very short supply to us. Too many hopeful learners are on the streets with no chance whatsoever to make a positive contribution towards the development of this country, although willing and able to contribute.

Honourable Deputy Speaker, Honourable Members of Parliament, let us also look to the education systems of other countries like Kenya, Singapore that are using the same Cambridge System, but has adjusted it to their local needs.

According to one expert, Lee, the Singaporean education system ...(Intervention)

HON DEPUTY PRIME MINISTER: I am very sorry to interrupt the Honourable Member who is on the right track. May I ask him a question? It is not only him, I have been listening to the teachers talking, blaming this and blaming that about the failure of the children, but I am missing one aspect, maybe I was sleeping, the aspect of the responsibility of the teachers to make sure that their students are well-prepared and helped. What you see is some teachers drinking with school children, school girls and all this, but we keep on blaming other things, dirt and corruption. When are we going to put the responsibility squarely in front of the teachers, that they must do their work and make sure their students are studying? When I was a kid my teacher used to come home to make sure that we are doing our work. What is going on nowadays?

20 October 2005

**MOTION TO REVIEW OUR EDUCATION SYSTEM
HON GORESEB**

HON GORESEB: Thank you, Honourable Deputy Prime Minister, for that very important question, but that question was partially addressed by the Motion of Honourable Kaura in the beginning, where he appealed for effective training of our educationists, the teachers, and just now I mentioned the human factor which is very important, which must impact upon our learners who are going to be the grownups tomorrow. I have mentioned many things, like responsibility, accountability, trustworthiness, all those types of things. So those things must impact upon the learners when they are still young, at the primary phase up to secondary level, and once they go further with their studies, they have these good human qualities and characteristics which can make them better citizens tomorrow. So when it comes to the teachers, definitely they need effective training in order to be responsible. Thank you.

Honourable Deputy Speaker, according to one expert, Lee, the Singaporean education system had to produce good citizens who are robust, well-educated, skilled and well-adjusted. In other words, the emphasis there is again on Education for life and good citizens.

Their curriculum of education emphasised the development of virtue of hard work, commitment, integrity, trustworthiness, responsibility, accountability, dedication, loyalty and self-respect.

Singapore proved that even small Nations could achieve wide success with the assistance of the human factor development.

Therefore Honourable Members of Parliament, we must be committed to a national agenda that promotes the development of human factor characteristics amongst our nation's youth.

As the saying goes, "*garbage in, garbage out*". One reaps the fruits of one's labour. If you go back to the Bible, Proverbs 21:5 says: "*Plan carefully and you will have plenty tomorrow.*"

An Education System that ignores the centrality of people in development, is bound to see its people short-changed when it comes to development.

Honourable Deputy Speaker, Honourable Members, in the face of declining economic performance, cost recovery programmes means that education is no longer as accessible to the poor and vulnerable groups as one would hope. Here I have to quote Honourable Kaura when he referred the House to the decree made by the Right

20 October 2005

**MOTION TO REVIEW OUR EDUCATION SYSTEM
HON GORESEB**

Honourable Prime, Minister on the abolishing or de-linking of all pre-primary schools from government schools. That is a clear testimony and hence the public outcry on this issue.

Private ones are mushrooming, but the question is, does it serve the intended purpose? Are there syllabi or uniformity or a clear-cut direction? Each and everyone is now trying to put up pre-primary centre, but the big question is, does it serve the purpose?

Are they preparing the learners for Grade 1 or is it just a money-making business? That is the big question.

Because of the said increasing cost of education per child, there is reported big wastage in terms of school dropouts in all grades, starting from Grade 1 up to Grade 12. I am also mindful of the harsh damages caused by the policy of automatic promotion. I need not elaborate on this one, because it has already been mentioned by the previous speaker.

In conclusion, Honourable Members, the review of the Education System should be aimed at producing a new citizenry cadre, as well as a new breed of human factor inspired leaders. There is a need to introduce an incentive scheme in the school system both for learners and well as for teachers.

An effective and transformational education system requires the commitment of those in the driving seat in term of social leadership as well as those in charge of Education.

This commitment must be tempered by a desire to implement an education that transforms people's worldview qualitatively, so as to put them at the service of their Nation and people. The value of Education in Namibia can only be seen when it is capable of producing men and women, of the highest integrity, honest, tolerance, responsibility, accountability, hardworking, patriotic, well-mannered and people who are bent on serving their society.

In view of Vision 2030, Education should be able to equip each and everyone to contribute meaningfully to the development of our Nation. Therefore, Honourable Deputy Speaker, Honourable Members of Parliament, I support the Motion to review our Education System as a matter of urgency. I thank you.

HON DEPUTY SPEAKER:

Any further discussion?

20 October 2005

HON ULENGA: Honourable Deputy Speaker, if there is no further discussion on this matter, may I adjourn the debate on this very important issue and topic to Tuesday, next week? I would like to Move so.

HON DEPUTY SPEAKER: The debate adjourns until Tuesday, next week. The Secretary will read the Fourth Order of the Day.

RESUMPTION OF DEBATE TO RATIFY THE INTERNATIONAL PLANT PROTECTION CONVENTION (IPPC)

HON DEPUTY SPEAKER: When the debate was adjourned yesterday, the Question before the House was a motion by Honourable Deputy Minister of Agriculture, Water and Forestry. The Honourable Mr. Ulenga adjourned the debate and he now has the floor.

HON ULENGA: Deputy Speaker, thank you very much. However, I must say when I adjourned the debate the yesterday I was under impression that we were still discussing the accession and ratification to the Phytosanitary Convention for Africa. I got the impression that we seem to be discussing these two issues together.

HON DEPUTY SPEAKER: The other one is passed here. The Phytosanitary Convention, then you adjourned the other one, the International Plant Protection Convention. The first one was ratified yesterday. So yesterday you adjourned this one. It is what we are discussing now. Let us not discuss the two of them at the same time.

HON ULENGA: Honourable Deputy Speaker, in that case I must ask for your understanding, because I have prepared some notes on the Phytosanitary Convention for Africa, and I was under the impression that the Minister was only talking about that one. I was not thinking at all of speaking on the international plant protection, I can talk about it another day.

HON DEPUTY SPEAKER: Maybe if there is anyone who would like to

20 October 2005

RATIFICATION: PLANT PROTECTION CONVENTION

contribute on this ratification? Nobody. Then the Honourable Ulenga can adjourn the debate. Do you have anything to contribute? Nothing? Then I revert the floor to the Minister to respond. Yes, Honourable Deputy Minister.

HON DEPUTY MINISTER OF AGRICULTURE WATER AND FORESTRY:

Thank you very much, Honourable Speaker. Honourable Speaker, there was two questions. The one was from Honourable Kaura on the GMO. Now GMOs has nothing to do with this Convention. GMO's has been treated and addressed by the Cartagena Protocol and Bio-safety, which was already rectified earlier this year. And maybe also for the interest of the House I was informed that the Bill is so to say being completed, to be presented to Cabinet and then to come to the House by the Ministry of Education. The second question on bird flu, it also does not have anything to do with this protocol. But that will be managed and handled under the OIE and maybe also for the interest of the right Honourable Prime Minister, you have addressed this issue the day before yesterday in the Ministry, and we are preparing a Cabinet submission in this regard to be prepared as a country if these kinds of crises may strike us as a country. With these two remarks thank you very much, Honourable Deputy Speaker.

HON DEPUTY SPEAKER: Thank you very much. I now put the question that the Motion be adopted. Any objection? Agreed to. The Secretary will read the fifth order of the day.

**RESUMPTION OF DEBATE TO DISCUSS THE STATE OF CORRUPTION
AND ABUSE OF PUBLIC FUNDS AND ASSETS.**

HON DEPUTY SPEAKER: When this debate was adjourned yesterday the question before the House was a Motion by Honourable Ulenga. The Debate was adjourned in term of Rule 90, automatic adjournment. Any further discussions? Yes, I recognise Honourable !Nawases followed by Honourable Nambahu. I do not know, Honourable Angula, Honourable Kaapanda, Honourable Tjiuiko. Honourable Member, continue.

HON !NAWASES: Thank you, Honourable Deputy Speaker. I rise to add my voice

20 October 2005

MOTION ON CORRUPTION
HON !NAWASES

to the debate on a subject to seem to have taken a new meaning for those who are intent at creating mountains out of anthills, and whose mission in life is to embrace sensationalist rhetoric. Over the past fifteen years the SWAPO Party Government has been involved in developing methods to promote ethics and to fight corruption. This process was started as early as 1990 through the commendable efforts by the founding President of our Republic, Dr Sam Nujoma. He is on record for the commendable crusades against corruption. Interestingly Comrade Deputy Speaker, many of us recall several Commissions of Enquiry during the dark days of Apartheid. We are reminded of the Thirion Commission, which was tasked to investigate corruption, malpractices and mismanagement in the then so-called transitional Government of National Unity.

The Commission's work was abruptly stopped without explanation. Looking across to the other side of this August House, I can see some Honourable Members who were intimately associated with the then Administration, and the issues that the Thirion Commission was investigating. We are also reminded of the fishing quotas, prime farmland and the alienation of the Nation's assets which was dished out to one another during the dying days of the colonial regime. Where then (intervention)

HON TJIHUIKO: Honourable Deputy Speaker, can I ask the Honourable Member a question please?

HON DEPUTY SPEAKER: Will the Honourable Member accept the question? Will you accept the question?

HON !NAWASES: Honourable Deputy Speaker, I will appeal for the indulgence of the members who intend to interrupt me to give me the chance to put my message across, please. So as a result I will not allow any questions. Where then, is this misconception arising from that corruption is a new phenomenon, which has only reared its ugly head the moment the rightful owners of this country took control of their destiny on 21st of March 1990? Comrade Deputy Speaker, need I say more?

Sadly the opposition parties after a slumber of fifteen years is now waking up, and slightly dazed by this long sleep, is frantically trying to find a cause for celebration.

20 October 2005

**MOTION ON CORRUPTION
HON !NAWASES**

Or are we seeing symptoms of sleepwalking? There is no hurricane, Comrade Deputy Speaker. What we see is the remains of a hurricane that was unleashed many years before the SWAPO Party Government took office.

What are we doing now today as a responsible Government and Party, is to clean up the mess left behind by years of systematic stripping of National assets. The SWAPO Party and its Government is determined to continue cleaning up the mess without having to be diverted from our chosen course, by those who ought not to throw stones considering that they live in glass houses. It is through the commendable efforts of the past fifteen years under the leadership of our founding President, and now through the leadership of President Pohamba that fighting corruption and promoting ethics has become the concern and responsibility of all of us. Throughout his Presidency President Nujoma emphasised the values of a clean Government and the importance of transparency and accountability. What we have today is the continuation of the battle that was started fifteen years ago. There has been no sudden awakening or realisation that corruption needs to be dealt with. The SWAPO Party Government has not only been aware of that responsibility but has taken tangible steps in addressing the issues of corruption. Comrade Deputy Speaker, for centuries now corruption has been accepted as a seemingly inevitable fact of life. At the same time there has never been any serious doubt that corruption is one of the major impediments to development that it endangers the rule of law, human rights and democracy as well as the economic prospects of our country.

Corruption has indeed been around as long as human beings have been organised into structured society. It has taken many forms and has seen periods of explosion. The fact that we accept that the evil of corruption is an age-old phenomenon, does not of course mean that we must condone it, and pretend that corruption does not exist. By returning to the inner values that good men and women believe in, we can find the course of action that will change things. That should be our task as lawmakers, figuring out how to respond to the challenges of corruption, and not to be blinded by uninformed and agenda-driven self-interest.

As lawmakers it is our duty to help steer this nation onto the right path. We must devise anti-corruption strategies that rest on economic development, democracy and strong societal values. There is no doubt that these three pillars are firmly in place in our country. In the past fifteen years the SWAPO Party Government has strengthened institutions of good governance. We have enhanced the capacity and integrity of enforcement and as we speak, the SWAPO Party Government is putting in place a solid set of preventive tools through the establishment of the Anti-Corruption

20 October 2005

**MOTION ON CORRUPTION
HON !NAWASES**

Commission.

Equally our Courts have dealt with offenders most firmly. Comrade Deputy Speaker, the most important element is the need to educate the public. It must be made clear that the public itself bears a large share of responsibility for insisting on honesty and integrity in government and businesses. To fight corruption the problem must first be recognised, its dimensions must be assessed and the response structured accordingly. Emotional and politically motivated responses will not address the underlying cause of corruption. Targeting individuals through rumours and allegations is not what we should be about. We must allow competent Courts and authorities to identify offenders. It would seem that when we fail to defeat our enemies politically, we resort to allegations and rumours and through that, hope to tarnish the image, character and reputation of the innocent. We must not tolerate that. Instead, we must establish appropriate institutions, in order to enable the rule of Law to take its course. The moment we attack and criminalize individuals without proven guilt, we are making ourselves guilty of the very same practice that we are trying to do away with. The moment we use our positions to point fingers at the supposed wrongdoings of others, without giving them the opportunity to state their case, we are denying them of their most basic rights that we, as custodians of our Constitution, are meant to protect.

We must therefore promote ethical values in our society that make both bribe-taking and bribe-giving, promoting nepotism and tribalism and benefiting from nepotism and tribalism unacceptable behaviours. Corruption is not something that will be done away with overnight. It is a disease that we have to constantly guard against, hoping that one day the message would have gotten through those who engage in such practices. Corruption is a curse and an attack on the foundations of any civilised society. With all of us working together we will be able to promote the principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership. These are the qualities that are necessary for building a decent society.

Comrade Deputy Speaker, corruption is not inevitable. The enforcement of a strong anti-corruption law backed by effective prevention and educational programmes, is most crucial. Best practice in fighting corruption must be viewed in a holistic manner, and effective strategies need to embrace the broader questions of effective legislation and appropriate structuring of the proposed Anti-Corruption Commission. Right now there is no crisis. The only crisis we are faced with is the crisis of lack of leadership and vision within the opposition parties. It is precisely through lack of vision and initiative due to this, yes. (Intervention)

20 October 2005

MOTION ON CORRUPTION
HON !NAWASES

HON VENAANI: Honourable Speaker, on a Point of Information. Her being the second youngest member of this House, on a point of information. I think the Honourable Member were doing very well, addressing very pertinent issues. When you start passing the blame to the Opposition, is it the Opposition that took N\$30 million from Social Security Commission? Is it the Opposition, that got N\$100 million missing and still denying that the money was traceable until we were told that the money is missing? On a Point of Information, Honourable Member, I think the collective approach is what the House are waiting for and all members that took the floor from the Opposition have spoken with one voice, supporting the crusade of His Excellency the President of this country, the right Honourable Prime Minister. So to blame the Opposition on that score of corruption, I think, Honourable Member, you are very misguided and you are bringing yourself a disservice service. I thank you.

HON !NAWASES: It is precisely through lack of vision and initiative that the Opposition is trying to draw attention to an issue which is a collective responsibility and which ought to be dealt with in a mature manner. Name calling and rumours are not the answers. The answer lies in the fact that corruption prevention is a social and organisational, as well as an individual ethical responsibility. We have put in place measures to effectively fight corruption. The establishment of the Anti-Corruption Commission through the very Act which has been passed by this August House should be the guide post. We have also taken the moral and ethical responsibility to fight corruption. The Government has shown leadership and the political will to fight corruption.

What remains is for the Opposition Parties and other misguided elements to stop taking the moral high ground and instead to join us in our collective fight against corruption. That will be the responsible thing to do. Thank you, Honourable Deputy Speaker. I rest my case.

HON DEPUTY SPEAKER: Thank you very much. I read the list first and now follows Honourable Nambahu.

HON NAMBAHU: Thank you very much, Comrade Deputy Speaker.

Comrade Deputy Speaker, Honourable Members, I rise to make my contribution to this very important Debate, that is the state of corruption and abuse of public funds

20 October 2005

**MOTION ON CORRUPTION
HON NAMBAHU**

and assets. In my opinion corruption is a serious evil that must irritate all of us, because it erodes the very foundation of social and political assistance which we so hardly fought and won for. And we in SWAPO believe in that, hence the tabling and passing of Act No. 8 of 2003, which is the Anti-Corruption Act. So I do not see how the Government can pass such an Act, and can be crucified of actually sponsoring corruption while it is passing such kind of instruments.

Comrade Deputy Speaker, because of the various forms of manifestation in existence corruption needs to be defined and contextualised, for it not to mean all and sundry and become the vehicle through it witch-hunting, ghost citing and malicious prosecution takes place. Honourable Members, various Regions and blocks are debating the Anti-graft bills that emanates from outside their countries, especially the bribing of public officials which for years had been condoned and in instances in implicitly officially encouraged a form of corrupting public officials in the so-called foreign investment destinations. And these are the things we must look at and probably emulate, to strengthen our own locally bred legislation in the fight of corruption.

Fellow Members of Parliament, it is proper in my opinion to castigate Government for employing corrupt citizens that are found in our midst. These officials come from somewhere. They belong our communities. They are members of our organisations. They are members of our Church. They are members of the communities where we come from. If we choose to condone this corruption where they are and only to come and criticise them in Parliament, will be seen to be seen to the gallery, and no one is going to take us serious. So if I have to call for something I have to call for an anti-corruption or a corruption shining culture right at the grassroots and this is the culture that should pyramid into a national anti-corruption culture which we should create, in order to prepare ourselves for the implementation of the Anti-Corruption Act that we have just passed and we are going to implement.

Without that we can pass hundreds of legislations and no one will come forward and report the graft and all the things that we are trying to fight. If we allow this official to pass corruption in these organisations, and just to come and condemn them here, will be seen to be dancing to the gallery and this is the last thing we should be doing.

Comrade Deputy Speaker, as the most of the issues that have been mentioned already by my previous speakers, I will not abuse the House to repeat them. But there are certain things that we must guard against in the fight against corruption if this is to remain a credible exercise. And it is imperative in my view that the fight against corruption be a credible and beyond reproach exercise. For it to be, it must

20 October 2005

**MOTION ON CORRUPTION
HON ANGULA**

necessarily guard against the following. Using the exercise to settle old scores, This we must avoid. Using or mixing it with an extraneous and concocted issues. This must be avoided so that we purely address the issue at hand. If we mix it up with other things, then we will be doing a disservice to the fight that we are trying to embark upon. Conflict of interest. If there is something that is coming up, and I am perceived to be harbouring a conflict of interest, the best thing I can do is to excuse myself from that. The issue of moral standing is therefore crucial for us to safeguard the credibility of the exercise, and for us to embark upon a Nationally dialogue for us to prepare ourselves for the implementation of the Act. We should not behave as if we have not passed a legislation as if we are starting from zero, all we have to do is to recognise that we have done a good work and we have to prepare our citizenry for the implementation of this Act. In those words I merely support the calling upon of the society to debate and create an anti-corruption shining culture in Namibia. Thank you.

HON DEPUTY SPEAKER: Thank you very much for your contribution, I now recognise the Right Honourable Prime Minister.

RT HONOURABLE PRIME MINISTER: Thank you, Honourable Deputy Speaker. The Motion by Honourable Ulenga is quite an important one, I must say. Brought in the context of Africa there is something called Afro-pessimism. And if you listen to the findings of the 2005 Transparency International Report, it is a true reflection of Afro-pessimism. It compares corruption in Africa to the HIV pandemic in Africa, and it said it is even worse than HIV pandemic. Just imagine the kind of perception which is created in the global public. Anything worse, bad is in Africa. HIV/AIDS infection, worst in Africa. Corruption, worst in Africa. What is good in Africa? Death. Poverty, worst in Africa. So really we have to treat this issue seriously. There are three indexes which tend to influence global public opinion. One of them is the corruption perception index, which is normally made by Transparency International. Another one is press freedom index. Another one is competitiveness index. These indexes tend to influence the perception of the global public. And when you go to Europe and you are walking in the streets or Paris or wherever, the image that comes to the minds of people, is of somebody who is corrupt, who is non-competitive, who is intolerant somehow. Now coming to the Motion, the motion has two broad issues to discuss. One is corruption, the other one is abuse of public funds and assets. These are two broad issues, and I would like us to discuss them in a very objective manner. Not to point fingers in the fashion of

20 October 2005

**MOTION ON CORRUPTION
HON ANGULA**

Goliath and David. Or to take positions of some kind of self-defence. But I think there is anybody who is guilty of corruption in this House, or abuse of public assets and resources. I hope there is none since we call ourselves *Honourable*.

So there is no need therefore to point fingers to others that they are un-holier and we are holier, or to try to defend yourself that you are not, if you are not. So let us address these issues objectively, and really as a Parliament elected by people. Educate ourselves or inform ourselves or fortify ourselves to be able to lead the public, those who elected us. First corruption. According to Transparency International corruption is the abuse of public office for private gain. And all of us we have to examine our consciousness in making decisions when we are serving the public. Do we do it for public good, or for private gain? We have only individually to answer that question to ourselves. Nobody is going to do that for us. Abuse of public assets and the resources takes many forms. It can be a form of, well, you can call it expropriation of public resources for private use. In other words, stealing. I think we all believe that stealing is a crime. It can be in the form of perhaps misallocation. Funds were meant for that, then you misallocate it to something else.

Again is a form of abuse. While something was meant for this one and you take it to somebody else. Or it may be in a form of payment for favours. You used the public funds in order to pay somebody to do a favour for you. The short and the long of the story is that when these things take place somebody somewhere, is denied a service or goods. And that is the point. Denying somebody a service there and you yourself expropriate it for yourself. That is the problem when we are dealing with these public things. Now I think we agreed, that we do not have these things to happen in Namibia. Namibia's corruption perception index is around 4.2, which means somehow there is corruption somewhere. If you are less corrupt really you should be above. Because Finland which thought to be a clean society is 10, whereas Bangladesh which is thought to be thoroughly corrupt is 1, somewhere there, even below 1. With us 4.2 we should not really celebrate. We should examine ourselves. Something is wrong somewhere. And I think this is the intention of the Motion. To enable us to examine ourselves as to what is going wrong and in so doing when we put layers into place then we know what kind of enemy we are fighting. And obviously there are a number of things we want to do or we promised to do. One of the things we promised to do is to establish the Anti-Corruption Commission. Within the next three weeks we will have it if you approve it here. That is not enough to establish a Anti-Corruption Commission. It will very much depend upon you and me. So somebody must blow a whistle. If there is nobody blowing a whistle then obviously the Anti-Corruption Commission will be sitting there and doing nothing, because they cannot go around sniffing, as to who is corrupt or corrupt kind of

20 October 2005

**MOTION ON CORRUPTION
HON ANGULA**

practices. But I believe Namibians are courageous enough to really to stand up for what is right, and report acts of misdeed in the form of corruption or misuse of public funds or public assets. So that really we create a society which is fairer, which is just and which is clean. Having said that I want to address myself to us, the elected people. As the elected people we are the models of society. People see us here making laws in that House and expect certain things from us. And in fact when they elect us they are investing their trust in us. It is a trust they invested in us. If we do not live up to their expectations and betray their trusts, they will never forgive us. Therefore I want to say that integrity matters. Personal integrity matters, because integrity brings up your reputation. If you destroy your reputation you can not rebuild it. Unfortunately you cannot. You can not panelbeat it. It is not like in church when you kneel, when you sin you go back and say forgive our trespasses. In public it does not work like that. And whoever forgives us our trespasses if we destroy our own reputation. And in fact it is a problem, because once you destroy your reputation it will follow your family tree, or that son of Angula who did what and what the other time. Your children will be haunted for life. Ah is he the son of this one. Is he better than the father or mother?

So this is very serious. And I think as Parliamentarians we should approach this debate with cool hearts. I agree there is no point of pointing of fingers to this one or that one or that one, holier than thou or something like that. That is unnecessary. But at the same time we should take this Motion very serious. It might have been introduced by CoD fine, but the Motion is addressing itself to a very important topic. It is unfortunate that Honourable Ulena of course wanted to make a political chapter of it by making all sorts of allegations, fine. He is a politician. Politicians behave like that of course. They want to paint a politician in a bad light. So the point here really is that this is an important Motion. We should not ignore it, and we should not be seen to be belittling it. It would not serve any purpose for anybody, especially when we are talking on the floor of the House, on behalf of the people of Namibia. It is very important. I thank you.

HON DEPUTY SPEAKER: Thank you very much, Right Honourable Prime Minister. I now recognise Honourable Tjiuiko. Are you not prepared?

HON TJIHUIKO: Honourable Deputy Speaker, in the light of the town factor may I adjourn the debate until next week Tuesday?

20 October 2005

**MOTION ON CORRUPTION
HON KAAPANDA**

HON DEPUTY SPEAKER: Okay, hold on, because the list is long here. And I now recognise Honourable Kaapanda before we adjourn.

HON MINISTER OF WORKS TRANSPORT AND COMMUNICATION:

Thank you very much, Honourable Deputy Speaker, Honourable Members. Honourable Deputy Speaker, there is an undeniable truth that corruption alienates societies and communities as well as individuals on scarce economic resources they would have benefited from rightfully. Corruption is a evil phenomenon. It does not only alienate resources from individuals, but also stifles governmental efforts in achieving its' goals. It is because of these evil practices, that some countries have been so impoverished and underdeveloped to the extent that the majority of their civil citizens are lavishing in misery and destitution.

The Constitution of the Republic of Namibia however allocates the creation of a just, fair and equitable society for all. Given the (.....) backlog Namibia had at Independence, been in arrears of access through quality education, medical health services. I am proud to state that our record achievements to date speak volumes of our commitment to redress the imbalances of the past. The existence of a clear legislative framework that defines our development agenda, is expounded in our National development plan (NDP2), and numerous other Government obligations also demonstrate our commitment to ensure that Namibia prepares itself and it's citizenry for the challenges of the 21st century.

Instances of corruption have been increasing in our society, to the dismay of the public's confidence in the men and women entrusted with the management of our resources for that matter. Madam Speaker, many speakers before me on this side of the isle, clearly pointed out that Government does not sanction corruption at all. Therefore it is unfair for the Opposition to point fingers at Government as if it is responsible for the commotion of this evil practice in our society. My colleagues who have already spoken and contributed to this debate yesterday, pointed out at the decline of our moral fabric is largely a contributing factor to the state of corruption practice in our society. And that is the issue we have to address.

Honourable Deputy Speaker, corrupt elements in our society not only violates procedures and legislations with a view to serve their self-centred interests, but also commit offence which is punishable by Law. When discussing this Motion we should rather try to find some solution, that could contribute to the restoration of moral values in both our homes and societies. This debate should afford us as lawmakers an

20 October 2005

**MOTION ON CORRUPTION
HON KAAPANDA**

excellent opportunity for retrospection and determination to collectively work together towards ensuring the restoration of value system based on honesty, integrity and fairness in our society. The value system (.....) to clear the (.....) of corruption on our society. The perforation of corruption in our country is indicative that neither regulation nor detention could serve as a deterrent to corruption.

It is disheartening to hear Honourable Members of the Opposition present themselves is transformed St. Paul without confessing to the Namibian public that they are part of the corrupt system of Apartheid, that exploited and squandered our natural resources at the expense of the impoverished masses of our country. The Honourable Members of the Opposition should cease from disserving and misleading the public opinion by masquerading themselves as *Mr. Clean*. Honourable Deputy Speaker, in this hard time that Honourable Members of the Opposition include their Parliamentary performance by debating objectively, give the credit where it is deserved (Intervention)

HON KAURA: Honourable Deputy Speaker, Honourable Ben Ulenga was on Robben Island. Now the allegations that are made by the Honourable Minister are totally and completely out of order. He is too far below his level of trying to cast allegations against Honourable Ben Ulenga who tabled this Motion as if he was part of the previous establishment.

HON MINISTER OF WORKS TRANSPORT AND COMMUNICATION:

Thank you for making that distinction. Honourable Deputy Speaker, it is a high time that Honourable Members of the Opposition must improve Parliamentary performance by debating objectively, give credit where it is due, and make constructive criticism without being biased or distorting facts. An Opposition Party who are now in the unholy alliances, between their political parties with diverse political philosophy, to uphold the anti-corruption political philosophy. Then they promote some of their corrupt councillors to be members of this August House. For example, councillors who has gone to the Ministry of Resources by occupying council houses yet receiving housing allowances. Housing allowances are not for Honourable Members of this Honourable House House. Honourable Members of the Opposition are being hypocritical to condemn Government, for corruption and at the same time promoting corrupt elements to our office.

20 October 2005

In this context I would like to conclude with a Biblical teaching and I quote. “*Why then do you look at the splint in your brother’s eye and pay no attention to the log in your own eye.*” I thank you, Comrade Deputy Speaker.

HON DEPUTY SPEAKER: Thank you very much. Due to time I now give the floor to Honourable Tjihiuko to adjourn the Debate.

HON TJIHUIKO: Honourable Deputy Speaker, may I adjourn the Debate until next week Tuesday?

HON DEPUTY SPEAKER: Thank you very much. I now call on the Right Honourable Prime Minister to adjourn the House. In that case in terms of Rule 19(a) automatic adjournment. The House stands adjourned until next week Tuesday, the 25th of October at 14:30 sharp.

THE HOUSE IS ADJOURNED UNTIL TUESDAY 2005.10.25

**NATIONAL ASSEMBLY
ASSEMBLY CHAMBER
WINDHOEK
25 OCTOBER 2005**

The Assembly met pursuant to the adjournment.

HON SPEAKER: Took the Chair and reads Prayers and the Affirmation.

ANNOUNCEMENT BY THE SPEAKER

HON SPEAKER: Honourable Members, our sister country Nigeria has sustained double tragedies, the untimely death of the First Lady, Mrs Stella Obasanjo, and the Nigerian Airplane crash which claimed the lives of about 118 passengers. In the same vein let us also remember on this occasion the tragic plane crash at Gamsberg area, that resulted in the two foreign technical partners, Mr Ian Payne and Mr Dougal Williamson from Australia and New Zealand respectively. They were in the service of our Government, and we mourn their unfortunate death as well. Let us rise and observe a minute in silent prayer and meditation, in memory of the dead and convey to the Nation, the families and in particular to President Olusegun Obasanjo and his entire bereaved family, relatives and friends our high consideration and respect. We express our sympathy and condolences and pray that their souls rest in eternal peace.

HON SPEAKER: Any Petitions, any Reports of Standing or Select Committees, other Reports and Papers, any Notices of questions? None? Any Notices of Motions? Minister of Health and Social Services.

NOTICES OF MOTIONS

HON MINISTER OF HEALTH AND SOCIAL SERVICES: Thank you, Honourable Speaker, Honourable Members. I give Notice that tomorrow on the 26th of October 2005 I shall Move that this Assembly ratifies the World Health Organisation Framework Convention on Tobacco control.

I so Move Honourable Speaker.

25 October 2005

**MINISTERIAL STATEMENT
HON KAAPANDA**

HON SPEAKER: Will the Honourable Minister table the Motion. Any further Notices of Motions? Any Ministerial Statements? Minister of Works, Transport and Communication.

HON MINISTER OF WORKS TRANSPORT AND COMMUNICATION:

Thank you Honourable Speaker. Honourable Members of Parliament, I rise to announce and inform the Honourable Members of Parliament and the public at the large, that my Ministry will launch a Nationwide campaign to cleanup the Namibian landscape from wreckages of cars, that litter and strew around the country. The Government premises, courtyards and garages are full of broken chairs, disused tables and other consumable items which could be repaired and put back to good use. This state of affairs reflects badly on the image of the country, in the eyes of the public. Hence the launching of this National campaign called "*Operation Cleanup*" is sought to restore the integrity of the environment by removing all the car wreckages and transport them to designated auction sites. Operation Cleanup is fully backed by Cabinet, through its Resolution of 6 September 2005. This Resolution empowers the Ministry of Works, Transport and Communication to co-ordinate the cleanup operation and to establish auction sites throughout the country.

The cleanup operation is therefore a step in the right direction, to eradicate wastage and mismanagement of Government resources which could be utilised effectively in the best interest of our people to uplift their standard of living. The Government has made huge losses hitherto, in the monetary value by not putting written-off vehicles and other disused items on auction before they depreciate further. The cleanup is also a response to the inaugural speech by His Excellency the President Hifikepunye Pohamba on the 21st of March 2005, when he passionately appealed to the civil servants to engender a new culture of efficient and effective administration and resource utilisation. Civil servants are required to timely dispose of unused properties for auction, to enable Government to collect the potential revenue, as well as to stamp out corruption and prevent theft of public properties. The cleanup operation is composed of a committee, from various line-Ministries to ensure transparency, and to demonstrate a spirit of coordination and inter-dependency within our Government system to accelerate the successful completion of this process.

The team will start its work during November 2005 in the Khomas Region, and as from February next year they will visit Region after Region, until the entire country is cleaned up. Information campaigns will be launched well in advance before the team visit a particular region, in order to sensitise and inform all Government institutions, about the operation and request their cooperation in identifying items to be disposed

25 October 2005

**MINISTERIAL STATEMENT
HON KAAPANDA**

of. The Regional Council and Local Authority Council will play a pivotal role, in supervising the compilation of inventories of items to be auctioned in their respectively localities.

To ensure that everything is in order, the Ministry of Works Transport and Communication will scrutinise all inventories of items to be auctioned before it gives its approval for auction to take place. This illustrates the determination of our Ministry, to ensure that the process will not be manipulated to serve the interests of a few. Hence, close supervision and monitoring of the cleanup process will be maintained at all times. In conclusion, I would like to appeal to the Honourable Members of Parliament, civil servants and the public at large to support and take full ownership of this National cleanup project to make it a great success.

I am confident that Operation Clean-up, will not only change the face of Namibia's landscape in terms of tidiness, but it will also promote good governance and add value to our promotional efforts, to make Namibia an attractive destination for both tourists and foreign investors. I thank you for your attention, Mr Speaker.

HON SPEAKER: Thank you, Honourable Minister. Any more Ministerial Statements? Attorney General Minister of Justice? The Notice of a Motion is the one by the Honourable Minister Mudge. Does the Honourable Member Move the Motion?

HON MUDGE: Honourable Speaker, I ask for the indulgence of this House to adjourn the Motion to the 2nd of November, because I still need some information that I am waiting for.

HON SPEAKER: The Motion is deferred until Wednesday, the 2nd November 2005. The Secretary will read the first Order of the day.

**RESUMPTION OF DEBATE TO DISCUSS THE PLIGHT OF OUR SENIOR
CITIZENS AND TO INCREASE THE OLD AGE PENSION TO N\$500-00 PER
MONTH**

25 October 2005

METROLOGY AMENDMENT BILL
HON GURIRAB

HON SPEAKER: Now when this Debate was adjourned on Wednesday 19 October 2005, the question before us simply was a Motion by the Honourable Mr Kaura. The Honourable Kaura adjourned the Debate for his reply and he now has the floor. Seeing no Mr Kaura, Honourable De Waal.

HON DE WAAL: Sorry, Honourable Speaker, thank you very much. I beg the indulgence of the House to postpone the Debate until this week Thursday.

HON SPEAKER: The reply is deferred until Thursday this week. So decided. The Secretary will read the second Order of the day.

**RESUMPTION OF DEBATE ON SECOND READING - METROLOGY
AMENDMENT BILL**

HON SPEAKER: When this Debate was adjourned on Thursday, 20 October 2005 the question before the Assembly was a Motion by the Honourable Minister of Trade and Industry that the Bill be now read the second time. The Honourable Mr Gurirab deferred the Debate to the day and he now has the floor.

HON GURIRAB: Honourable Speaker, Honourable Members, I rise to give our support for this very important Amendment Bill. We are at the location to look at the main provisions and are satisfied, that what it does is to extend the scope of the Bill and modernise its operations. So we are happy to lend our support to this Bill.

Honourable Speaker, you will also note that the Amendment Bill being brought before this House is complementary to the Bill that is already in front of this House for consideration, and that is the Standards Act.

What the two taken together would do is to provide an environment for quality control, for products, goods and services originating from our country. So for all

25 October 2005

**METROLOGY AMENDMENT BILL
HON GURIRAB**

those reasons we are happy to lend our support that this important Amendment Bill proposed. And having said that, Honourable Speaker, let me bring two or three other observations. The first one refers to Clause 2, and again we are happy to note in this regard that what the Amendment does is to upgrade the level of staff, but there is now specifically a Director being made provision for, to be in charge of this important function. We think that sends an important signal not only to our Nation, but to the rest of the International community, that we regard the important functions that would be carried out under this Bill of such import. What ask to be remembered, it is my experience that this section was always understaffed and always under-resourced.

But the staff needs to go out to carry out the necessary inspections always on the ground, and that in most cases the necessary equipment such as, for example, the calibration equipment were not always available. And we should hope that with this Amendment and upgrading of the clause that that aspect should also be looked into.

That we provide the necessary resources among the (.....) appropriately train the staff and make the equipment available to staff to carry out their important work.

Honourable Speaker, we also note that a new Body is also being created to beef up the carrying out of the work, and here Honourable Speaker, I make reference to the Board that has been created, to support the staff in carrying out the work. But we believe is also commendable. Honourable Speaker, whilst I am that, on page 5 in the Composition of the Board, the Director of this important function, and also in terms of, calls for be an *ex officio* Director of the Board.

But the issue I wish to raise Honourable Speaker, is Clause 4 (a) and it reads, "*The Director who shall be a member of the Board ex officio and be the Chairperson of the Board.*" Honourable Speaker, I am just touching this issue for now, because when we have an opportunity at some point later, hopefully sooner rather than later, we shall be saying a lot on the issue of good governance. Because here for example the provision is being made that the Director who is the substantive head of this function shall at the same time be the Chairperson of the Board. We will be talking later when the subject is brought on SME's. We will be taking it separately from this, because we believe that one of the aspects that are being promoted as part of good corporate governance, is to split the function of the Chairperson of the Board and that of the Managing Director. But as I said, Honourable Speaker, I am just touching that issue now. But it is an important issue which we should discuss substantively when we are discussing the SME Bill. Honourable Speaker, finally, we also note that the principal Act consist of 22 clauses.

25 October 2005

METROLOGY AMENDMENT BILL
HON ESAU

The amendments to the principal Act, runs 20 of the 22 clauses, the other two are new clauses. The question I one always raise is when the Amendment as such wide amendments to a principle Act, whether one should not simply have tabled it maybe altogether. It also have to cross-referencing. Now you will be sitting with a few pieces of the principal Act which in any case needs abolishment because it is an Act which goes back to 1973, and we will be sitting with this piece of the Amendment Act which deals with 20 of the 22 clauses. Now at any time when we reach this we will get two pieces of the Act. One must note that when we are making such extensive amendments as this Bill does, that if you are amending 20 of the, actually the whole, there is not a single clause which is not being amended. And under those circumstances whether it is not better to repeal the entire piece of legislation and introduce a new one altogether. Honourable Speaker, with those observations we support what the Minister is requesting us to do.

HON SPEAKER: Thank you, Honourable Member. Any further discussion? Does the Honourable Minister or Deputy Minister wish to reply? Deputy Minister.

HON DEPUTY MINISTER OF TRADE AND INDUSTRY: Thank you very much Honourable Comrade Speaker. Honourable Members, I would like to first of all thank the *Honourable Tsudao Gurirab* for his comments on the Metrology Amendment Bill. It is true in fact that this specific Bill which is before us, is a Bill which is complementary to the Standards Bill which was introduced by the Minister here. On the issues which he has raised, in terms of upgrading the provisions, I mean, the level of the staff, yes, in fact the Bill is seeking to upgrade the level of the staff, by making for provision for a Director in this specific regard. Because metrology is a very important function, in the sense that whenever you go out and buy, let us say petrol or diesel, at least the pumps should be calibrated, they should be perfect. They should at least give you the exact quantity of litres of petrol that you are buying. The issue of the composition of the Board with special reference to the Director again, being an *ex officio* member of the Board, and being the Chairman of the Board, we take really note of what you are saying in terms of corporate governance.

We will see what we can do when it comes to other amendments again. On the principal, the question of the principal Act and the Amendment Act, why not coming up with a new, total new Bill or Act. We have not repealed in fact the old one yet, but

25 October 2005

we also take note of what you have said that instead of coming with an amendment with more provisions, maybe we should look at coming up with a new Bill altogether. We did take note of it and we thank you for your comments once more and we would like to thank the Members who have taken the floor silently. Thanks.

HON SPEAKER: Thank you Honourable Deputy Minister. I now put the question that the Bill be now read the second time. Any objection? Agreed to. The Secretary will now read the Bill the second time.

SECOND READING - METROLOGY AMENDMENT BILL.

HON SPEAKER: The Secretary will read the third Order of the day.

RESUMPTION OF DEBATE TO REVIEW OUR EDUCATION SYSTEM

HON SPEAKER: When this Debate was adjourned on Thursday 20 October 2005, the question before the Assembly was a Motion by the Honourable Kaura, the Honourable Ulenga adjourned the Debate and he now has the floor. If not Honourable Ulenga, any other person so designated.

HON //GAROËB: Honourable Speaker, I beg to Move an adjournment of this Debate until next week Tuesday.

HON SPEAKER: The Debate on this Motion stands adjourned until Tuesday next week. The Secretary will read the Fourth Order of the day.

RESUMPTION OF DEBATE TO DISCUSS THE STATE OF CORRUPTION AND ABUSE OF PUBLIC FUNDS AND ASSETS

25 October 2005

**MOTION ON CORRUPTION
HON TJIHUIKO**

HON SPEAKER: When this Debate was adjourned on Thursday 20 October 2005, the question before the Assembly was a Motion by Honourable Ulenga. The Honourable Tjihuiko adjourned the Debate and he has now the floor.

HON TJIHUIKO: Thank you very much, Honourable Speaker. Honourable Speaker, we are challenged to give our views and honest opinion on the burning question of corruption in the public sector as well as in our economy. Corruption is generally defined as the abuse of public power for private gain. My own understanding of corruption is basically when one is entrusted with the responsibility to honestly defend and protect the property and well being of the people on their behalves, and he misuses that trust.

Honourable Speaker fighting corruption is not and should not be regarded as the sole responsibility of Government or the Anti-Corruption Commission, but we as political parties represented in this House, should not only be watchdogs and Police officers monitoring only the Government and parastatals. We should be active participants in the process of rooting out corruption. And every time that we look at the number of SWAPO who are present, you get confused. Corruption can easily be interpreted differently, by different people.

Honourable Members sitting on this side of the House as the opposition may see corruption as bad and unacceptable, when it happens only in the ranks of the Ruling Party or the Government. But when we are looking at our members making themselves guilty of corruption practices, for instance misusing Government vehicles, sneaking out of Government offices during working hours to attend party press conferences, welcoming corrupt suspended individuals, parading them as heroes, for having betrayed trust and confidence bestowed on them, we tend to be selective and whitewash it as democracy. We the elected representatives of the people must lead by example. Our action must speak louder than words. It is obvious that when corruption started showing its ugly head within the NUDO party, the President of NUDO, Honourable Chief Riruako acted swiftly and dealt with those who were suspected or identified of having involved themselves in corruptive activities and were immediately suspended.

Corruption in Namibia, especially in the public sector, is visible and it is increasing at an alarming rate. Because of lack of commitment by the ruling party the fact is that it has created conducive conditions for corrupt activities to go unpunished. Honourable Speaker, I listened to the nice presentations, especially the one that was presented by

25 October 2005

MOTION ON CORRUPTION
HON TJIHUIKO

Honourable Mutorwa. That was a very good presentation looking at ethics and morality as the backbone for good governance. I appreciated that. He used a good examples of Reverend Bishop Kameeta and others. Honourable Speaker, corruption started showing its ugly face clearly in public life, back in the mid '90's when the first corrupt practise were reported in the press involving SWAPO Ministers, including the Minister of Justice by then, the boreholes and ostriches scandal. Then followed the Katutura Single Quarters when Honourable Minister of Regional, Local Government and Housing and her Permanent Secretary were implicated. Honourable Speaker in 1997, I was surprised to see that Honourable Anton von Wietersheim was forced to resign, because he tried to reprimand somebody who was implicated for having involved himself in corrupt activities. No action was taken against him after various discussions in Government, Permanent Secretaries including some former Ministers sitting in this August House, for instance Honourable Moses Amweelo, and others who reportedly engaged themselves in corrupt practices and enriched themselves. In the case of Katutura Single Quarter upgrading project, those who were found guilty (intervention)

HON AMWEELO: Comrade Speaker I want the prove that I in this issue. Because he mentioned my name, he must prove and mention that particular issue which he said I am corrupt. Otherwise I will follow the issue up. He must mention that particular issue. We want to hear.

HON SPEAKER: Honourable Member, please proceed. But calling the name of the Honourable Member (intervention)

HON TJIHUIKO: I withdraw that part, Honourable Speaker. I will answer the question. The person himself that I was referring to, there was a report that the Honourable Minister I am not disputed, that he was involved in a road construction to his own village at expense of Government, and he was also reported in the newspapers that there was this "*Omatemba thing*" under his Ministry. That was never corrected which everybody believed to have be true. Honourable Speaker (Intervention)

25 October 2005

MOTION ON CORRUPTION
HON TJIHUIKO

HON AMWEELO: As I said that I want the Honourable to proof, I know that he was working in the Ministry of Trade. He can go the Ministry of Trade and check all the documentation to see whether my name is there in connection with *Omatemba*. He can go there, everywhere. So he should not come here to spread rumours. He has to prove it.

HON TJIHUIKO: I was saying he was implicated and he was the political head. In the case of Katutura Single Quarters upgrading project, Honourable Speaker (Intervention)

HON MINISTER OF LABOUR AND SOCIAL WELFARE: Thank you, Comrade Speaker. On a Point of Order Comrade Speaker, I regard this as very serious, because whatever we say here around a person or another individual, we are protected by what is called the Parliamentary immunity. But whatever we say here people hear outside and then individual's integrity really get seriously tarnished. Now in the light of that, Comrade Speaker, I want to refer us to Rule 108 (b) and if I have the permission I want to read it. Rule 108, "*a member may not refer to the names of persons or any statement of fact unless they deem necessary to render the question intelligible and can be authenticated*". Now the Honourable Member may have hinted, that he wanted to withdraw whatever he said. But the fact of the matter remains that people took note of what he said. And I am really cautioning us as Members of this August House that if we don't have substantiating facts, we should not try to tarnish the image of other Honourable Members as well. Thank you.

HON SPEAKER: I will let the Honourable Member continue.

HON TJIHUIKO: Thank you very much, Honourable Speaker. I will withdraw that remark and I apologise for that. In the case of Katutura Single Quarter upgrading project those who were (Intervention)

HON AMWEELO: Comrade Honourable Speaker, I just want the Member, I repeat again, that he must bring all the documents which prove that I was involved in *Omatemba*. Because those were the rumours going around this country now he wants

25 October 2005

**MOTION ON CORRUPTION
HON TJIHUIKO**

to bring those rumours here. So I say now he can go to the Ministry of Trade, he can go everywhere to proof and bring that proof to this Assembly, so that everybody will see that Mr Amweelo was involved in *Omatemba*. I want that proof, otherwise I will take it up and very seriously.

HON SPEAKER: Yes, Honourable Tjihuiko, you mentioned two specific issues. One relating to the tarring of the road and the other relating to some specific matter that the former Minister, Honourable Amweelo took issue with. Now the question is, unless on both scores you are able to produce evidence, I would ask you to withdraw both. And on another occasion regards to intervention and to bring specifics to the House. I will ask you to withdraw those to references.

HON TJIHUIKO: Thank you very much, Honourable Speaker. I withdraw both, Honourable Speaker. Thank you. In the case of the Katutura Single Quarters, it is different. I have not said anything about (Intervention)

HON RIRUAKO: I do not know what he is asking about. Where we were and where we are now what happened. Now we are here, you were there. Where are we now, and for you to say this did not happen, I do not refer to anyone, but the row was in this House and outside, what did you not hear? I thank you.

HON SPEAKER: I want to hear about the Single Quarters, please proceed.

HON TJIHUIKO: In the case of the Katutura Single Quarter upgrading project those who were found guilty, were dealt with severely, especially those who were directly responsible for the project. (Intervention)

HON DEPUTY MINISTER OF GENDER EQUALITY AND CHILD WELFARE: On a Point of Order, Comrade Speaker, is it allowed in this House for

25 October 2005

**MOTION ON CORRUPTION
HON TJIHUIKO**

somebody who is not a Paramount Chief anymore, to stand and talk in this House. Is it allowed?

HON TJIHUIKO: Honourable Speaker, may I continue? Then comes the Social Security Commission saga, where it was clear that the people's resources were misused by those who was supposed to protect it, and nobody was prosecuted.

Numerous Presidential Commissions of Enquiries reports were presented to His Excellency the Former President, and findings of the report was never revealed. I believe that if it was revealed, some of the colleagues sitting here demanding that certain people colleagues who are simply suspected or implicated to be suspended could not be sitting in this House.

HON SPEAKER: We do not know but it is speculation.

HON TJIHUIKO: The Honourable Tjiriange, now should I mention names now? It is a fact. The Honourable Tjiriange, the Secretary-General of SWAPO and the Minister without Portfolio, was quoted in the New Era of the 17th of August 2005 regarding the Avid case, as follows and he was referring to the article. Because people were asking but why is the SWAPO Party not acting suspending certain individuals, I do not want to mention names. And his response was, "*the party will be guided by what the Courts have decided. We know exactly what has happened and we are not in a position to do anything since the Judges are doing it.*" Very good. And then the Honourable Tjiriange then said, "*Inform the public that the Swapo Party was busy making the necessary arrangement for the smooth exit of Honourable Kapia before he has been*" (Intervention)

HON NAMBINGA: My understanding of the procedures in this August House was to speak of somebody in his or her absence, where such a person will not be able like the Honourable Amweelo has done, to respond, may not be fair. I do not know.

25 October 2005

**MOTION ON CORRUPTION
HON TJIHUIKO**

HON SPEAKER: It is definitely fair, it is a Honourable Member of the House and not somebody else outside of the House. Honourable Tjiriange when he is back and when he has the good opportunity he will be able to rectify the record. But that applies mostly to people outside, who do not have the opportunity.

HON TJIHUIKO: Thank you very much Honourable Speaker. He even went further and said that the Honourable Member who has been implicated may even be expelled from the party, because of what he has done. But the Honourable Member has not been taken to Court, he have not been prosecuted and found guilty. So that is why I understand why the Honourable, since he is here, Honourable Kazenambo Kazenambo was referring to the records last week. The Namibian Nation has never believed what Honourable Tjiriange promised. In fact, he is the one who should take the lead in be suspended, if at all, from the House or even from the Party, because of the boreholes and ostriches scandal, and most importantly, the Ministerial salary and benefits that he is getting under the guise of Minister without Portfolio while doing 100% SWAPO work.

The Honourable Minister of Justice and Attorney General, was quoted again in the local press as having said that His Excellency could forget about the N\$3.1 million allocated to the Ministry of Defence, because it apparently cost more to recover the N\$3.1 million. If that statement was true (Intervention)

HON MINISTER OF JUSTICE AND ATTORNEY GENERAL: On a Point of Order, Comrade Speaker. Now that the Honourable Member has raised the issue in this House, can I be given the opportunity to correct the misconception he has and others like him? Information. I am allowed by the Speaker. Information is that I was requested to pursue a foreign criminal who had defrauded our Government. My instructions were clear. I did that and if this House is interested I will be able to provide a report to that effect. I concluded my work as I was given it and I briefed the authority that had mandated me to carry out that investigation. Abroad, it had nothing to do with whatever investigation were to be carried out here locally. Thank you.

HON TJIHUIKO: Thank you, Honourable Speaker. The point was whether it was true that it will cost more to pursue and it seems that the Honourable Member has confirmed that. The 30 Million SSC money gone, one innocent life was lost, 100

25 October 2005

**MOTION ON CORRUPTION
HON TJIHUIKO**

Million ODC money I would say gone and interestingly, we were informed that a Police investigator was appointed, to determine the whereabouts of the 100 million.

HON MINISTER OF JUSTICE AND ATTORNEY GENERAL : On a Point of Order, Honourable Speaker. The Honourable Member, until six or seven months ago, was a member of the Ministry of Trade and Industry. He should tell us how the ODC money went missing under his nose. Can he tell this House?

HON TJIHUIKO: I was saying that the 100 Million ODC money gone, a Police Investigator was appointed, to investigate the whereabouts of the 100 million, and interestingly, the Police Investigator has to report to the Permanent Secretary and obviously, he was supposed to be the one who should be investigated as staff of the Ministry, except me. (Laughter).

I also understand that the Ministry has built plus minus twenty houses at Oshikango under very unexplained circumstances, from what vote I do not know.

Honourable Speaker, appointments in positions of responsibility is being given to people from the same area and all of them trusted Party cadres. The basic principle of good governance is being ignored, party loyalism is more important than competence to do the job.

**HOUSE ADJOURNS AT 15:40
HOUSE RESUMED PURSUANT TO ADJOURNMENT AT 16:05**

HON TJIHUIKO: Thank you very much, Honourable Speaker. I was saying that appointments in positions of responsibility are being given to people from the same area and all of them trusted Party cadres. The basic principle of good governance is being ignored, party loyalism is more important than competence to do the job.

Honourable Speaker, before I conclude my humble and very important contribution, allow me to say that while, on the one hand, we speak strongly against corruption, on the other we seem to be feeding the perception that corruption was passively condoned, especially after a number of investigations of presidential commissions

25 October 2005

**MOTION ON CORRUPTION
HON TJIHUIKO**

were not released and no action was taken against the culprits.

NUDO of Namibia therefore, wishes to associate itself with the views expressed by the World Bank Institute which read as follows: *“Corruption undermines good governance, distorting policy, leading to public services and infrastructure, reduces spending on health and education and also contribute to serious budgetary problems. Endemic corruption creates a culture of corruption that undermines public confidence in state institutions”*, and I think we should guard against that.

Honourable Speaker, the bold and courageous stand taken by His Excellency, the President of the Republic President Pohamba, should be unconditionally supported.

The Namibian people, irrespective of our diverse political affiliation, should work together, in order to drastically eradicate corruption, build up the necessary institutional and human capacity to ensure that anti-corruption measures are implemented.

We must demonstrate political will and show an assertive intent to attack the root causes and effects of corruption at all levels; speed up the completion and effective implementation of the Anti-Corruption Commission Act; strengthen the protection of those whistle-blowers on corruption; blacklist or “white-list” businesses which are involved in corrupt activities with public officials, and we must at all cost promote a culture of respect for the State so that public servants serve the public. I thank you.

HON MOONGO: Thank you Honourable Speaker, mine will be very brief. Honourable Members, corruption is a serious crime and is also a sin. Therefore, those who do not understand the commandments and sin, cannot understand what corruption means.

I realised the danger during 1970, when Radio Dar-Es-Salaam was announcing that people must come from Namibia to go into exile to participate in the liberation struggle. They were trying to motivate the people, by saying those who are working in the mines must steal the diamonds, those who are working in the Government must come with vehicles of the State, and that was corruption! Therefore, historically corruption started a long time back and it has deep roots.

25 October 2005

**MOTION ON CORRUPTION
HON MOONGO**

HON RIRUAKO: On a Point of Order. May I ask a question to Honourable Moongo? What you quote of the past during the struggle era and what you put here, the diamonds being taken from here to Dar-Es-Salaam were to fight back for what?. The other one is the vehicles taken from here. Perhaps this had some meaning, but I do not want us to go back there, we are here. Those things are over, the struggle is over, let us face reality. The fact is, all of us here, some people sacrificed what they were supposed to have, some people enjoyed the struggle because they earned out of it. I am sorry about that. Could you find another road in order to defend the corruption here?

HON MOONGO: Thank you, nobody must try to advise me, but I was trying to say, the Radio Lusaka was instigating the people steal the property and the wealth of the people of Namibia.

HON DEPUTY MINISTER OF GENDER EQUALITY AND CHILD WELFARE: On a Point of Order, Comrade Speaker, may I ask the Vice-President of DTA a question? Honourable Member, I think you are one of those people who went from here to Dar-Es-Salaam. How many diamonds and how many cars did you take from here to there? I am talking about you, I am not asking about the others. I am talking about the diamonds you took along. How many were they?

HON MOONGO: People approached me during 1970, because I was that time in Oshakati and those who were crossing the border into Angola were asking me, *“how can I take this pistol, it is a gun of the State, I want to take the gun with me.”* I said, *“look, my dear, you will be arrested at the border.”* *“I was working in the Bank, I wanted to take the money with me”* and I said you will be arrested my dear. So, I started fighting corruption a long time back in 1970.

HON MINISTER OF INFORMATION AND BROADCASTING: On a Point of Order. May I ask the Honourable Member a question? Following what the Honourable Member has said, do you want to tell this Honourable House as well as Namibian Nation that you were preventing those who wanted to effectively participate in the liberation of this country? Is that what you want to tell us?

25 October 2005

**MOTION ON CORRUPTION
HON MOONGO**

HON MOONGO: I tried my best to convince them not to steal in order to go and join the liberation movement. I wanted them to go as clean as possible and fight a just war, not to steal first and go with dirty hands. (Intervention)

HON RIRUAKO: By then nobody was clean. By now, let us make ourselves clean. Do not refer to clean ones while there were no clean ones here.

HON MOONGO: That is why I said during 1970 were motivated already how to be corrupt, and when we ended up in Lusaka in the liberation movement, people came with stolen buses, stolen cars, stolen money. These corrupt people were being educated overseas and they were already corrupt. So these are the people who came back corrupt and now they are civil servants and highly corrupt and everything is in a mess now. (Intervention)

HON DEPUTY MINISTER OF GENDER EQUALITY AND CHILD WELFARE: On a Point of Order. Comrade Speaker, the Honourable Member came back before Namibia got its Independence. Did you come back because of the things you are referring to or what?

Today you are a leader who is supposed to direct the young generation, but today you say when you went to Lusaka you went with two cars.

HON MOONGO: I fought against corruption already during that time and the majority of the people misbehaved and got corrupted. So they were educated and they ended up in exile. They were educated since that time, so they are experts now. Therefore, it is very difficult now for a President to run the country with corrupt-minded people. The President is having a difficult time right now, because if a body has cancer, you have to amputate that part. You should rather not keep that part with the cancer, otherwise it will spread through the whole body, and now the whole body is sick. So SWAPO is about to die now because of corruption. My dear, if you do not understand corruption as a sin, you will not understand. You are deaf, you cannot understand me when I say you are sick.

25 October 2005

**MOTION ON CORRUPTION
HON MOONGO**

HON SIOKA: Comrade Speaker, it is not a question, it is just a Point of Order. Is it really fair if somebody, a corrupted person is being pushed somewhere in the air and it lands up in your hands? Is it fair that you have the right to be talking in this House? If you have received a corrupt apple in your hand, is it fair that you should be talking in the House?

HON MOONGO: Therefore I feel pity for His Excellency President Pohamba to lead a corrupt people and to be assisted by corrupt people. He will face trouble and it is a pity.

HON MINISTER OF LANDS AND RESETTLEMENT: On a Point of Order, Comrade Speaker I was suggesting that I think sometimes we must have a psychiatrist somewhere around here, so that if we feel that some people need treatment, then they should be attended to, rather than just being subjected to torture here. I think the presence of a psychiatrist will be helpful

HON SPEAKER: That will be considered.

HON MOONGO: It is a pity that the part that is sick is the one demanding the other part to be cut off. The better part is the one to be cut off. So, we need really to rethink, corruption has deep roots, it started a long time ago and I have pity for His Excellency who is assisted by corrupt people. Therefore, we must refrain from corrupt practices so that justice and fairness can be done, so that we have a free Namibian society against corruption. I thank you and with this I support the Motion.

HON RIRUAKO: Mr Speaker, I thought that I am going to talk about sense, something that one has to listen to. We did not mention anything under the sun and we are going to continue doing that but in a very dynamic way. Let us respect ourselves, we cannot correct wrong with wrong.

25 October 2005

**MOTION ON CORRUPTION
HON RIRUAKO**

I did take my initiative to root out corruption, but I cannot rule out that the ruling party reacted in the same direction, they joined the wagon of anti-corruption. But, and a big but, to take a decision to punish those who are corrupt, that is lingering, it is not up to date and that is something expected from the ruling party. Words are good, action is better. I do not like to face my own son.

HON DEPUTY MINISTER OF JUSTICE: On a Point of Order, Honourable Speaker, I would like to ask the Honourable former Chief a question. I would like to know from my respected leader, the former Chief, in which capacity, Honourable Chief, are you speaking now? Are you speaking as a Paramount Chief of the Herero, or are you speaking as a leader of NUDO as a demoted headman?

HON RIRUAKO: I am not going to be weakened by the introducers who are conniving to challenge me. They are so weak. They got 150 people in Kaokoland. In the morning they said they had a thousand people, but Mr Tjikuua said five hundred. Where is the truth? I was in Opuwo and you know, you will even be shocked yourself. You said hundred and something, but there were 2 000 people and you know that. But you cut off everything, I do not care, the truth will come out. Let us go back to corruption.

Corruption is something that must be wiped out by all of us together as a Chamber, but do not begin to defend it. Let us face the reality, let us prove ourselves that we are exemplary. The whole Nation looks up to us and they want good guidance, but not to attack one another once we are here, fighting the same issue, fighting the same cause. Now we are facing one another, the public listens to us, they observe us. Now who defends what? That is the point.

I hope from now on onwards we are going to join one another to wipe out corruption. No Lawyer must defend those corrupt people here. I did not mention Honourable Kawana, no. I said "*Lawyers*". There is one young Lawyer here. Sometimes he works to defend some people who are really corrupt, not here, but please do not it in front of us here, outside yes, but not here. Otherwise we will question your credibility.

I am not here to talk about my Honourable nephew there who stood up to defend corruption. You do not have to. Those are the people who really defending

25 October 2005

**MOTION ON CORRUPTION
HON RIRUAKO**

corruption, but corruption is something that we have to wipe out. We have to be exemplary. We have a very good business here, we carry on with our own good economy, but we disrupt the economic growth, because of 1,5 billion in foreign hands. As my own cousin said, how can we fight the foreign criminals, they have our 1,5 billion and I do know who got it and who must be responsible for that. That is why we want that money to come back here, we need it. We do not want to become borrowers, to go to other people and ask for money while we have our own money and export it outside this country. That is how we want our money to be back. (Intervention)

HON NAMBAHU: On a Point of Order and information for the education of my Honourable Chief, erstwhile chief. Law is about principles and the striking of balances. So it is more about procedures and if he attended the conference that we conducted yesterday, he would have been informed that laws are not to be made from the point of under, but from the point of finding equity and equilibrium . So, it is about defending the Constitution and the procedures to be followed and for justice to be done. Therefore, there is no mention of anyone from the SWAPO Party or anywhere, where corruption is condoned or defended, but more about the substantial and procedural fairness that must be applied, even the accused rebels in Katima, we are giving them money to be heard, in order for justice to be seen to be done. It is all that we are advocating.

HON RIRUAKO: Mr Speaker, I know and I am quite aware of those who are for here to defend corruption. Mr Speaker, it is a compliment for the corrupted elements, they ought not to be given compliments. They must be defended, yes, in a Court of law, but they must not be condoned. We have to come up to the reality, they have to feel insecure in a healthy community where they are here, and therefore, you have to defend them in Court but not here. Here you must come up towards rescuing the situation where the truth can be heard, but not condone it and implement it, not in this House.

Therefore Honourable Lawyer, you are here as a Member of Parliament, but you are not here in Court. You have to go back and practise your own practice, in your office not here. That is what we want here, and if you come with that kind of argument, once you are out of these Chambers, this is not our permanent Chambers, we are going out into the public will look at you whether you are correct man or you have

25 October 2005

**MOTION ON CORRUPTION
HON RIRUAKO**

something behind, because you were defending corruption and corrupted elements. In Court sometimes, because of ethics, you have to defend them, but in the open you must come up with the reality. (Intervention)

HON MINISTER OF JUSTICE AND ATTORNEY GENERAL: On a Point of Order, Comrade Speaker. Can I ask the Honourable Member a question? Honourable Chief, do you draw a difference between a Court and an Honourable House like the Assembly here? And if you do, what do you think this House should do? Should it debate or should it sentence those we suspect to be corrupt? What is our role as Parliamentarians?

HON RIRUAKO: We have to air our views and we are here to defend the principle and ethics of this House before we go to defend our corrupted elements. That is the way it is supposed to be.

Mr Speaker, that is the way we ought to be here. We are not supposed to take action against one another because we are talking about corruption. If you have a cousin who is corrupt, this time it also hurts, but if you want to come to his rescue in Court, you are allowed to defend him. That is the way it is. Let us have it that way. You have ethics in this House to be followed. Some of these kinds of reaction or emotions must be put behind and you do not have to do it in public.

Therefore, I urge the Honourable House to adhere to those principles and for that matter, let us do it together rather than defending your own kiss and kin. I thank you.

HON SPEAKER: I thank the Honourable Chief. Any further discussion? Honourable Gurirab?

HON GURIRAB: Honourable Speaker, in order not to dilute the message from the two senior leaders, I ask to speak on this tomorrow. I wish to adjourn the debate to tomorrow.

HON SPEAKER: The debate on this Motion is adjourned until tomorrow 26th October 2005. The Secretary will read the Fifth Order of the Day.

25 October 2006

**MOTION ON BENEFITS OF TRADITIONAL LEADERS
HON RIRUAKO**

**RESUMPTION OF DEBATE TO DISCUSS BENEFITS OF TRADITIONAL
LEADERS COUNTRY-WIDE**

HON SPEAKER: When this Assembly was adjourned on Tuesday, 18th October 2005 in terms of Rule 90 of the Standing Rules and Orders, the Question before the Assembly was a Motion by Honourable Mr. Moongo. Honourable Mr Tjihuiako had the floor and I now call on the Honourable Member to continue.

HON TJIHUIKO: Thank you very much, Honourable Speaker. This was a very hot debate. Allow me to start where I left off. I was just about to conclude, Honourable Speaker, because I said most of the things that I wanted to say.

Allow me to conclude by saying that our Traditional Leaders are part and parcel of our society. They are the pall-bearers of the struggle and therefore they deserve to be treated in a manner that will befit them.

With these two remarks, I support the Motion. Thank you.

HON RIRUAKO: Honourable Speaker, I do not know what is wrong with traditional leaders. President Mandela is a traditional leader, Chief Kutako who brought everything here, that is why he is there, he was a traditional leader. We are not supposed to translate it to you, I am not an Englishman.

Chief Nehale of Ondonga was a traditional leader, but he participated in the battle while he was traditional leader. How do you really regard us? Chief Kutako died with several wounds and he was a traditional leader and after that he never gave up to fight the colonial regimes and those who are demanding traditional leaders to be relinquished, they never got the pain. Even you, you were not here together. I can recall Tuhadeleni, you were not even here except this one.

Let us face the reality. You cannot talk about politics, something you never suffered for. You walk tall because we suffered to let you have, what you have(Intervention)

25 October 2006

**MOTION ON BENEFITS OF TRADITIONAL LEADERS
HON RIRUAKO**

HON MINISTER OF LANDS AND RESETTLEMENT: Just a Point of correction, Comrade Speaker. the Honourable Member in 1968 was in detention in Pretoria, not in jail. He was in Police cells after he travelled from Lusaka via Caprivi. That is the time when the guerrillas were coming, so he was caught in a crossfire. As a result he ended up in Pretoria, because the regime that time thought he is part of the guerrilla force. But later when they realised that he is not, that is why he was released and he came to Namibia and he went back again. So he was not part of that, he was just caught in the a crossfire, it is just for historical purposes.

HON RIRUAKO: You lack thorough information, it was not 1968 but 1966. There you are wrong.

Honourable Toivo Ya Toivo was together with me when that happened what you are saying. You are a co hoot, you are not the kind of person who is supposed to say that. He was a co hoot. I have a lot of things on my mind and I have everything in my diary about you. I never revealed it.

HON SPEAKER: Honourable Chief, just for the clarity of record, what was that word?

HON RIRUAKO: Cahoots. We have done what many persons have done and we deserve our right because we served under those conditions.

Mr Speaker, those who are proud and walk tall here, they embrace their own echo are those who never suffered, some of them. I said, some of them.

HON DEPUTY MINISTER OF GENDER AND CHILD WELFARE: On a Point of Order. May I ask a question? Honourable my former Paramount Chief, when you were talking here I heard, and I do not know if it is my poor English or I did not listen carefully, that you are involved with the people you mentioned, like Hosea Kutako, Nehale and others. One evening in 1985 you were the person who instructed the

25 October 2006

**MOTION ON BENEFITS OF TRADITIONAL LEADERS
HON RIRUAKO**

interim government to fight against the SWAPO guerrillas. Today you said you were fighting. Fighting which side? Because even when you went there, I do not know, during that time you were called a puppet, I do not know how to call it now. You went there to spy on the SWAPO guerrillas, today you want recognition, to be recognised for what and by whom?

HON RIRUAKO: I did not go without soldiers, and some of us earlier were in jail in Tanzania by SWAPO, and I was ready to fight. Even the former Head of State knows about it, we had a meeting with him. You were not even born and knew nothing about politics. I did not go there to play jokes, I was a completely equipped soldier with a rank, not the *jibo jibo* you are talking about here. (Intervention)

HON MINISTER OF LANDS AND RESETTLEMENT: Comrade Speaker, the Honourable Member was in Ghana and during that time a coup took place in Ghana when Nkrumah was overthrown. From there the Honourable Member went to Ethiopia, did not stay long, came to Zambia and in 1966 he crossed over to Namibia from Zambia. That is where he was arrested at the Zambezi River and ended up in Pretoria. So, that does not mean that he went there and was arrested fighting. He was just coming, surrendering. But the Boers that time thought that he is one of them, that is why he ended up in Pretoria. But he came from Ghana, Ethiopia, Zambia and then crossed over to Namibia and he was arrested at the Zambezi River. So, he was not part, it is just accidental that he happened to be in Pretoria.

HON RIRUAKO: Look, I am not Castro who brought a lot of SWAPO soldiers here and who sold them out to the Boers and I have never been together with Castro. Castro challenged you and you did not say anything to Castro because you knew you differ.

HON SPEAKER: I think Castro is a person, but that person is not here, so let us not mention the person's name here.

25 October 2006

**MOTION ON BENEFITS OF TRADITIONAL LEADERS
HON RIRUAKO**

HON RIRUAKO: I am not a coward. I was arrested by the British and jailed by the British and it was done by the British. (Intervention)

HON MINISTER OF EDUCATION: On a Point of Order, Comrade Speaker. I would like to be guided by you. This Motion talks about, “to discuss the benefits of Traditional Leaders country-wide”, hopefully the benefits of the present Traditional Leaders country-wide. Now we are subjected to the History of the Kutako’s and Nehale’s, to the History of some people who have been moving from one country to another country. When are we going to come to the topic we are supposed to discuss, Comrade Speaker?

HON SPEAKER: Thank you very much, Honourable Minister. Let us come back to benefits of the existing leaders.

HON RIRUAKO: Honourable Speaker, we are a people with a historical background. We need to know who we are and who I am.

Mr Speaker, the present Chiefs are okay, although you did recruit some of them, but not elected by the people for the people. They were just mere recruited chiefs and I am sorry about that. But I am not to spell out their benefits, some of them were elected, some of them were nominated. For that matter, I cannot say they are not entitled. But I remain saying that there must be equality. Those who need benefits out of those who suffered the agony, they have to realise the fact that these benefits belong to all of us together. I thank you.

HON MOONGO: I would like to adjourn the debate until next week, Thursday, 3rd November.

HON SPEAKER: The debate stands adjourned until 3rd November. The Secretary will read the Sixth Order of the Day.

25 October 2005

**MOTION ON FINANCIAL BURDEN ON PUBLIC
HON MANOBE-NCUBE**

**RESUMPTION OF DEBATE TO DISCUSS THE CURRENT FINANCIAL
BURDEN PLACED ON THE PUBLIC BY BANKS AND CREDITORS**

HON SPEAKER: When this debate was adjourned on Wednesday 12th October 2005, the question before the Assembly was a Motion by the Honourable Gertze. The Honourable Manombe-Ncube adjourned the debate, and she now has the floor.

HON MANOMBE-NCUBE: Honourable Members, having thoroughly studied the Motion on Honourable Gertze and also having personally been a victim of the exorbitant Bank charges and punitive regulations and control measures of some banking and loan entities, as stated by the Honourable Member, I rise in support of the Motion and it is based on the following grounds:

Honourable Speaker, the charges placed by Banking and other financial and loan institutions and businesses on their clients are extremely high and is increasing by the day. Since the motivation by the Honourable Member on his Motion clearly stipulates the circumstances surrounding the high charges and punitive actions taken against defaulting customers, I will not elaborate further on that, but stress briefly on the negative and highly destructive, impact the attitude and behaviour of some of our Banking and loan establishments have on marginalized and vulnerable members of society.

Banking and loan institutions are absolutely *no-go* areas for lower income and poor members of our society, and I do not refer to the ever-mushrooming cash loans, as they are not actually loan institutions, but get-rich-quick-by-exploiting-the-poor establishments.

Banking and loan institutions point-blankly refuse unemployed and low-income members to open accounts and there should be some of these members fortunate enough to open an account with a Bank or secure a loan with a loan institution, then they are milked through interest and service charges until they drop down dead.

Honourable Members, it is not only the duty of this August House, but also our

25 October 2005

**MOTION ON FINANCIAL BURDEN ON PUBLIC
HON MANOBE-NCUBE**

constitutional and moral obligation as elected representatives of the people to remedy these devastating practices of our Banks and loan institutions.

Honourable Speaker, Honourable Members, having mentioned marginalized and vulnerable members of our society, I would like to put specific emphasis on people with disabilities, and how they are negatively afflicted by the *modus operandi* of the Banks and other loan establishments, as well as hire purchase companies. It is a fact that quite a number of people with disabilities, receive their monthly disability grants through some Banks. These persons with disabilities have to give up to 20% of their disability grant to the Bank for an amount that must be retained by the Bank for services as well as levies deducted when they withdraw their grants. The result is that they only get about N\$240 from the N\$300 disability grant they receive.

Some employed people with disabilities who have approached Banks and loan institutions as well as hire purchase and insurance companies, are refused coverage for disability, as they are presumed being already disabled, while on the contrary they are fulltime employed like anyone else. The misconception is that people with disabilities are regarded as high risk case scenarios, because they are seen as being sick, or having incurable disease. However having a disability does not make a person immune to occurrences of circumstances that will aggravate him or her to work for their livelihood.

Honourable Speaker as a matter of fact, disability is not a sickness, neither a disease. people with disabilities are healthy people, capable of doing anything that anybody else can do. The only difference is that they have some physical, sensory or mental challenges and subsequently do things differently, but of course perfectly.

The banking and loan institutions do not cover people with disabilities in an event where they might be incapacitated as a result of additional disabilities. Honourable Speaker, it does not mean if I have a disability today, I cannot have another disability. I can get into my car now and get involved in another accident and get a disability. This practice is not only highly discriminatory, but also infringes on the rights and dignity of people with disabilities, as human beings and fellow citizens.

The Namibian Constitution clearly stipulates in Article 10, and I quote:

- (1) *All persons shall be equal before the law.*
- (2) *No persons may be discriminated against on the grounds of sex, race, colour, ethnic origin, religion, creed or social or economic status."*

25 October 2005

**MOTION ON FINANCIAL BURDEN ON PUBLIC
HON MANOBE-NCUBE**

Honourable Speaker if you can allow me, I will also quote, the then Honourable Minister of Lands, Resettlement and Rehabilitation in her foreword, who is now the Attorney General and the Minister of Justice, to the Policy on Disability: *“Traditionally, people with disabilities have been disempowered and marginalized. They have been denied access to mainstream education, and refused training and employment opportunities, which are well within their capabilities. They have been unable to benefit from life’s normal opportunities. Our vision is to improve the quality of life of people with disabilities by ensuring that they have the same rights and opportunities as any other member of the society.”*

Honourable Speaker, Honourable Members, it is obvious that the dubious charges and penalties, as well as ITC blacklisting, imposed on their clients by some Banks, loan establishments and hire purchase companies are a big thorn in the flesh of the suffering masses, who can barely keep head above water. I therefore, support the Motion and call upon this August House to constructively debate this issue as requested by Honourable Gertze, refer it to the Standing Committee on Economics, Natural Resources and Public Administration, or designate a team to conduct an investigation and come up with some recommendations, as to what measures should be taken to oblige Banks, loan establishments and hire purchase companies to apply fair operations to the benefit of all. Thank you, Honourable Speaker.

HON SPEAKER: I thank the Honourable Member. Your voice is an eloquent and a loud voice in this House. You will continue to be a great teacher to me and I hope to others, sensitising us to the particular concerns and perspectives of people living with disabilities. Thank you very much. Honourable Chief //Garoëb.

HON //GAROEËB: Thank you Honourable Speaker, Sir.

So much has already been said on the financial burden placed on the public by the banks and I fully concur that this issue be referred to the relevant Standing Parliamentary Committee.

I only wish to add on the financial burden placed on the public by creditors.

The Municipalities, Town and village councils are, to my mind, forming one category of serious and unfair creditors, who constantly embitter the lives of residents of houses in the villages and towns, more specifically in the former traditional homelands.

25 October 2005

**MOTION ON FINANCIAL BURDEN ON PUBLIC
HON //GAROËB**

We all know that the people were lured to the former homelands with wonderful promises which never materialised, but only created accumulating debts to date.

A random tax check of average debt per household of the following towns and villages: Khorixas, Uis, Opuwo, Okakarara, Ongwediwa and even Katutura boils down to between N\$10 000 to N\$24 000, of which the majority are unemployed people, single mothers and old-age persons. The government is also a debtor to such Councils.

The gap is inevitable and even if the Councils are reviewing their debt recovery policies constantly, it will go a long way, if ever, in rectifying this anomaly.

It is these unfortunate circumstances which make a mockery of our hard-won Independence, causing the grassroots people to believe that the Government does not have any leniency towards them, by wilfully evicting them from houses. The cutting of water and electricity services, as well as the daily threats to pay the bad debts or face the consequences, all-encompassing.

Our humble request therefore, is that the Parliamentary Standing Committee calls for an in-depth research and makes an application for these debts to be written off completely.

I support the Motion. I thank you.

HON MINISTER OF HEALTH AND SOCIAL SERVICES: Thank you, Honourable Speaker, Honourable Members. I rise make a contribution to this important Motion on the current financial burden placed on the public by Banks and creditors, tabled by Honourable Gertze. While commending the Honourable Member for tabling this Motion, it should not be seen as something completely new. I am saying this, Honourable Speaker, for Government had earlier on warned the Banks for services which contribute negatively to business expansion.

When the Honourable Minister of Finance, Comrade Saara Kuugongelwa-Amadhila, presented her budget statement for 2005/2006, she had the following to say on page 11: *"I must also express my concern with the high fees levied by our Banks for services rendered. These have crippling effects on the banking customers, and especially small and medium enterprises and the sector is called upon to ensure that their fee structures are fair and are supportive of business expansion."*

25 October 2005

**MOTION ON FINANCIAL BURDEN ON PUBLIC
HON KAMWI**

Similarly, the subject has attracted debate in the private and public sector.

Recently, Robin Sherbourne, an economist, argued in his paper entitled “*Savings and Investment in Namibia: Boosting Investment without Hurting Savers*” as follows: “*Namibian Banks focus largely on consumer credit and bonds as well as short-term overdrafts and secured business lending. They charge high fees, make excessive profits and are slow to innovate. Many believe this is down to a lack of competition and an inability of Namibian “outposts” of South African businesses to take their own decisions.*”

Honourable Speaker, the Honourable Minister of Finance had spoken and so is the private sector’s concern. I am grateful that the official opposition party, i.e. the COD, had taken the statement of the Honourable Minister of Finance very serious. I commend this approach for there is a need, that as Honourable Members in this August House we should be seen to address matters of National concern with one voice.

A number of independent researches into the fees and charges levied by Namibian Banks, strongly point to the fact that their clients are paying higher fees and charges compared to the poor service offered by these institutions. Due to declining interest rate income, Banks are less innovative to increase other sources of revenue, but tend to take advantage of the uninformed consumers and charge high charges to generate non-interest rate income. The Motion therefore, comes at the right time and presents us with an opportunity to seriously re-look the operations of Namibia’s banking sector, in particular, and the financial system in general.

Honourable Speaker, I attribute the high charges to the following reasons or factors:

1. **High rate of financial illiteracy and ignorance of what consumers pay.**
Many Namibians have no idea what they pay in Bank charges and banks have capitalised on this to make abnormal profits. If these Banks had the interest of Namibia at heart, they would have stopped exploiting poor Namibians by charging them high fees. Banks are also to blame for the state of affairs because they are not transparent enough to disclose their charges to their customers. There is therefore, a need to ensure that financial literacy education is strengthened to educate the public. The Bank of Namibia and NAMFISA can take and play a major role in helping to educate the Namibian public at large.
2. **Charges and fees which are too complex.** The fees and charges by banks

25 October 2005

**MOTION ON FINANCIAL BURDEN ON PUBLIC
HON KAMWI**

vary, are too complex and sometimes at the discretion of the banks without consulting the customer. The structures of Bank charges and fees are too complex for most ordinary people to analyse and understand.

3. In order to get around this complicated fee and Bank charges structures, I recommend that the regulator, in this case I suspect that the regulator is the Bank of Namibia, and I am saying this for the reason that, I am not exactly sure in this country who is the regulator of the commercial Banks, but I suspect it should be the Bank of Namibia , that it should introduce a fixed rate option to be charged by each bank. Such a move will translate into substantial savings.

4. **Complex monopoly.**

There is no doubt that a complex monopoly exists in Namibia's banking sector. The two big Banks control more than 80% of Namibia's retail banking market. While they do not necessarily collude on pricing, they closely monitor one another's activities and are able to price accordingly. Through their association (Bankers Association), they connive on what level of fees to charge. Again it is the responsibility of the regulators, to ensure that such practices are done away with.

Honourable Speaker Sir, I fully agree with the Motion. There is a need for the regulators to enquire into the operations and functioning of Namibia's financial system, especially for the commercial Banks, the Asset Managers, Unit Trusts, Insurance Companies, etc. Such a commission of enquiry will be in a position to tell us whether the structure of Namibia's financial system and payment system contributes to the high cost of banking. I thank you.

HON SPEAKER: I thank the Honourable Minister. Deputy Minister of Finance, Honourable Tweya.

HON DEPUTY MINISTER OF FINANCE: Honourable Speaker, Honourable Members, the topic is about money, and I want to start by saying that the love of money is the root of all evil, and at the same time, the lack of money is the equally the root of all evil.

25 October 2005

**MOTION ON FINANCIAL BURDEN ON PUBLIC
HON TWEYA**

Honourable Speaker, a few months ago during my maiden speech, I stated that:

“The mandate given to us by the electorate, in particular the Ministry of Finance, is to safeguard the financial and real assets of Namibia, as well as to grow the Namibian economy and to improve the living standards of all peace-loving Namibians.”

For any economy to prosper and reach new heights, a number of components need to be in place, namely controlling inflation, which the Government has managed to successfully control, given the circumstances, improved trade, effective and efficient payment systems, financial systems’ stability, amongst others.

The concern raised during this debate, relates to what many term as “high bank charges and unfair treatment of customers under the current payment systems operated by our commercial Banks.”

A well-established role of banking regulations, is to ensure that commercial Bank customers are provided with quality service at competitive prices. Thus it is imperative that Banks’ disclose their fee structure, charges and commissions, so that customers can make informed decisions regarding their choice of services with commercial Banks.

On 14th December 1998, the Bank of Namibia issued determinations on the disclosure of bank charges, fees and commissions and another determination on compulsory suspension of cheque accounts by banking institutions. These determinations were issued in the spirit of ensuring that the banking sector and the payment systems maintain integrity, to enable economic activity to take place in the domestic, regional and international markets.

Since it is the responsibility of the Bank of Namibia to ensure safety and soundness of the payment systems in the country, suffice to say that the fact that a significant number of cheques are “*returned to drawer*” due to insufficient funds is, indeed a matter of concern. However, this fact does, in my opinion, reflect that the payment system is functioning by protecting service providers against undisciplined consumers.

I will briefly deal with the legal framework, seeing that this is the House for the Legislature and also in response to my senior colleague here who was not sure who was the regulator.

25 October 2005

**MOTION ON FINANCIAL BURDEN ON PUBLIC
HON TWEYA**

The Government of the Republic of Namibia thought it most important to put in place the Banking Institutions Act of 1998 (Act No. 2), to assist in regulating some of the issues mentioned above. Whilst it is important to ensure a sound, stable and efficient payment system with fees and penalties, it would be equally important, to find ways and means to keep it affordable to consumers.

In response to the above Motion of Honourable Gertze, it could be helpful to highlight the role or function of the payment system in an economy.

The payment system is a system and process that facilitates inter-Bank clearing and settlement, resulting from various economic transactions within a country or between countries.

It is composed of service providers, mainly but not exclusively the financial institutions, a set of payment instruments, such as credit cards, cheques and systems and procedures that enable people to move funds and make payments. A national payment system is at the heart of the financial sector, and is one of the pillars of financial stability.

Refer to Drawer Cheques, “ghost cheques”:

As mentioned above, a cheque facility is one of the major payment instruments. Any significant deficiency in this facility will negatively impact on the creditability and efficiency of the payment system. It will cost the business community and the general public to lose confidence in the payment system, and consequently, may ground the economic activities in the country.

The prevalence of RD-cheques in Namibia necessitated the Bank of Namibia to come up with some measures to curb or reduce this problem. The primary objective of the determination is to ensure proper usage of cheque facilities, and to reduce the number of RD-cheques.

I will spend a few seconds on the determination, amongst others, which contains the following provisions:

1. It encourages the banking institutions to always and continuously educate and inform their clients on the proper management of the cheque accounts and on the provisions of these determinations.
2. It is also to ensure that only persons who have the ability to properly manage their

25 October 2005

**MOTION ON FINANCIAL BURDEN ON PUBLIC
HON TWEYA**

cheque accounts, and therefore do not pose any threat, to the confidence in the payment system and to ensure that the perpetrators do not move from one Bank to another and commit the same act. Banks are required to carry a thorough screening of new applications for cheque accounts.

3. Banks are expected to improve their internal control system, in order for them to identify clients experiencing difficulty in the management of their account early enough.
4. The determination goes on to set out procedures on the duration of the suspension periods for various offenders. Example, first time offender would be suspended for six months, second time offender one year and third time offender, five years.
5. Banks are required to maintain a database of suspended cheques, which shall be updated three-monthly.
6. Alternative facilities may be provided to enable a client to transact with the Banks.
7. The determination also provides that in exceptional cases, Banks may approach the Bank of Namibia for approval not to suspend a cheque account.

Bank Charges: Honourable Speaker, Honourable Members, from a conventional approach it is a well-known fact that banks are important institutions in any market economy. The retail Banks, such as the four commercial Banks we have in Namibia, perform the function of taking in deposits and lend money to the general public. Their main objective is maximising profits for their shareholders, and to earn income in two main ways: By charging borrowers higher rates of interest than what they pay savers, and the second one is by charging fees directly for particular financial services. That is now what we refer to as Bank charges.

To maximise profits, banks are known for either setting their spreads and charges as high as possible to more than cover for the cost of their operations. During fair competition, however, such high spreads and charges are constrained, depending on what the competitor Bank is charging in relation to other Banks. In the case of Namibia, Banks do operate in a disguised form of competition, but actually do collude to fix flexible spreads and charges through a formal consultative mechanism called the Bankers Association of Namibia. When such a collusive practice realises, then the end-result is that the Banks in Namibia may benefit at the expense of the consumer.

25 October 2005

**MOTION ON FINANCIAL BURDEN ON PUBLIC
HON TWEYA**

It is in this light, that the newly Competition Commission of Namibia needs to engage in thorough investigation to determine whether such collusive anti-competitive practice of the banking industry does hurt the consumer, possibly through high Bank charges. This investigation is important in the light of the absence of an Ombudsman for consumer protection and the lack of enforcement from the Competition Commission to safeguard consumer protection.

The following issues raised in the Motion moved by Honourable Member of Parliament, Honourable Gertze, warrants specific comments:

Bank charges versus suspension of cheques:

The Motion seem to be more focused on the requirement for compulsory suspension of cheque facilities, while providing a more justifiable base for high Bank charges from the commercial banks. An independent research institution, IPPR, Institute for Public Policy Research, concluded in 2003 that it is not clear whether the Bank charges are too high in Namibia. It has alluded to the fact that Banks are private companies that are in business of making profit for their shareholders, without compromising their social developmental role in the economy.

The report also indicated that Banks argue that their charges are reasonable and reflect the cost structure in terms of market size, transport costs, economies of scale and additional security costs. However a reputable stockbroking firm, IJG, in 2002 found that the returns extracted from customers by Banks, over-compensate Banks for any higher cost base that may exist. That is the second research.

A recent study by NEPRU in June 2005 has concluded that the banking sector in Namibia is oligopolistic and has resulted in social cost in terms of wider interest spreads and higher Bank charges compared to South Africa. The report, amongst others, recommends for a direct intervention by Government or act as a catalyst for competition in the sector. These are private sector scientific facts.

Notwithstanding, it should however be clear that given that our private sector is market driven, the Bank of Namibia does not regulate charges by banks, but has endeavoured to ensure a competitive level playing field by enabling more commercial Banks to enter the Namibian market and by introducing regulations, to disclose in a transparent and simplistic way Bank fees and charges, so that customers make an informed choice regarding services offered by the banks.

25 October 2005

**MOTION ON FINANCIAL BURDEN ON PUBLIC
HON TWEYA**

Punitive banking regulations:

The Motion claims that banking regulations which are intended to control dishonoured cheques are punitive. These regulations have to be punitive if they are to have a deterrent effect on the perpetrators and match up with the impact of RD-cheques on the payment system. Further, clients are given enough time to rectify the problem. I am reliably informed that the monitoring system at the Bank of Namibia also shows that the volume and level of dishonoured cheques have been relatively stable, which confirms that the introduction of the determinations in this regard has been effective in stemming the possible abuse of cheque accounts, thereby controlling the impact of dishonoured cheques on the payment system.

A balance between reasonable fees for services rendered, penalties for those that intentionally misuse the current payment system, and affordable services to the consumers must be found. I also support the call to strengthen the legislation to protect those citizens that are unfairly penalised due to weak systems from the financial institutions.

In this light, the Ministry of Finance intends to set up a technical team to investigate the establishment of the Ombudsman in the financial sector, with the objective of ensuring protection of consumers, without undermining the stability of the financial system.

Having said that, Honourable Speaker, I strongly believe that financial institutions should and can contribute immensely to Vision 2030 and NDP2. Housing and infrastructure development still remain a big challenge, especially in the rural areas.

I would like to call upon all financial institutions to join the government's efforts to develop our rural communities and not only focus on maximising their profits through all these ever-increasing bank costs.

Certainly the following can be improved without increasing Bank charges:

The clearing of cheques takes seven days. I fail to understand why that long. Is it because it is in the bank's interest to delay the clearing of the cheque as when it is deposited to start as a transaction value for loan extension by the Bank to other customers to earn interest? I believe that the clearing delay of seven days could be improved to a much shorter time. This include even government cheques which sometimes take even longer than seven days. I do not know what problems the financial institutions have with Government.

25 October 2005

**MOTION ON FINANCIAL BURDEN ON PUBLIC
HON TWEYA**

But I am also reliably informed that the special clearance offered by Banks within 24 hours varies among Banks, and is exceedingly charged up to a maximum of N\$75 per transaction. It is just in Windhoek a matter of pressing a button, but you pay N\$75 per transaction.

Our senior citizens, the pensioners, who are depositing their funds with the Banks are also not escaping this level of high Bank charges. The pensioners do also get charged just to transfer their monthly pension from a pension fund into a Bank account of their choice and these can range from N\$40 to N\$45.

Do you also know, Honourable Members, that Banks do charge even for photocopying your ID for transaction purposes, let alone charges on requesting Bank statements or closing of a savings account. Some of the Banks do not even publish the maximum general fees that they charge, as required by banking regulations on the determination on the disclosure of Bank charges, fees and commissions. Even though some do publish, there are many fees that they charge that are not included in the printed lists of charges available to the public. The Bank charges and fees are also complex deliberately. They are varied and hard to compare from one Bank to the next.

It is also hard to check Bank charges on the bank statements, hence making it difficult for an average, I am sure even intellectual customer to determine that the charges are correct and in so doing, work out ways to minimise its cost of banking.

A final but crucial point on this matter I want to put forward to this August House is, how do Banks in Namibia or any Bank for that matter, actually determine the Bank charges? I want to share with the Honourable Members the charges that I am aware of.

When you deposit your money, you pay for giving them your money. When you withdraw, you pay to get your money. Now the Bank benefits from your money from interest, you do not get that. You pay for your money, they get twice.

What happens then to you as a customer? You lose twice. And what does the Bank gain? Your deposit, your interest, your withdrawal fees. And in the end if you deposit N\$100, that N\$100 is much less than the actual value.

I must say, our business people in the North do not believe in Banks. I will give you specific examples, and this has got a negative effect on the economy. That is why I started with the economy.

25 October 2005

**MOTION ON FINANCIAL BURDEN ON PUBLIC
HON TWEYA**

Another issue that puzzles me is the credit cards. What justification is there to still have all cards, credit, debit, garage, petrol cards still coming from South Africa? Why can this not be done in Namibia? How long should we wait for this facilities to be done in Namibia? If the financial institutions do not take this call seriously, Government will respond positively and this call is to intervene in the interest of the Namibian people.

Therefore, my challenge to the financial institutions and other credit providers is to look into the plight of our very important sector, the SME, especially from the previously disadvantaged groups, black businesses. There seems to be a silent suffering of these types of black businesses. Here are the points to support my arguments:

I am reliably informed that when credit facilities are made available to the disadvantaged groups, it is not conducive for business. These among others, are the shorter repayment period, very high interest rate, hundred percent stringent collateral requirements for loan re-costs. I will use not synonyms, black business get high interest, less credit. To give you a practical example of the building construction:

A, belonging to a previously disadvantaged, gets a credit line of N\$10 000 and the other one, previously advantaged and still advantaged, gets a credit line close to half a million. The two must now compete, who does this? Financial institutions. All these add up to be enemies for a SME set-up and how can our people grow their businesses under such circumstances?

Counterparts are not required to furnish any securities. I challenge you, go and read in the papers, those that are getting out of business, you can hear it is a business, no security at all and you ask yourself, N\$40 million with no security? And yet I was subjected to all these securities?

Another typical example would be that of discounts that are offered by creditors. A specific creditor would grant 25% discount. There comes a black business person, he gets a discount of 25% on the same product, but at a cost of N\$200. A white business person would come, get the same discount of 25% on the same product, but at a reduced cost price of N\$150 and these are not stories, these are happening.

There seems to be not a level playing field and SME's are often prevented from benefiting to the full extent from these discounts. A further example: There are still some financial agencies who proffer credit provision on race and background of the

25 October 2005

**MOTION ON FINANCIAL BURDEN ON PUBLIC
HON TWEYA**

SME's and not based on merit and viability of the business plan. Such a historical practice, needs to be discouraged and rooted out in the free Independent country of our motherland.

The points above are not comprehensive, but just illustrate some of the suffering faced by our SME's. Other sectors to be investigated are the service providers to the disadvantaged groups, the valuers, assessors, brokers, etc. All businesses should be treated fairly, not base their professional work on the lines of racial discrimination.

We in government recognise the positive contribution that SME's make to the economic development of our country. These contributions are generally reflected in the form of job creation, knowledge and skills development, wealth creation, to mention but a few. On the contrary, the support that financial institutions offer to the very SME's, leaves much to be desired.

Financial institutions are well-known for making good business through a process formerly known, referred to OPM, not Office of the Prime Minister, but other people's money. They borrow from one person and lend the same resources to another, of course at a much higher rate, as I alluded earlier. I am not implying that this is wrong, but it is unjustifiably high. After all, this is certainly the basis upon which they are legally authorised to operate. The problem that I have is that they do not apply their business principles fairly, equitably and transparently.

SME support from financial institutions is something that warrants serious attention as they hardly have access to available facilities and when they do, they are subjected to financial torture through fulfilments of outdated and stringent conditions enforced upon them by financial institutions. They are not even properly informed and educated about suitable facilities at their disposal.

For example, I am not sure whether the Honourable Members know that there is, sixteen years after Independence, no approved black car dealer in Namibia. The black business that are in the car dealership gets register with the Ministry of Trade and Industry and when they are about to start business, the Banks do not approve. They have to work for fellow white companies, they must go through the white companies and it is those white companies that determine whether they will be in business or not through the commissions that they charge them. Who does this? Financial institutions. After sixteen years there is no black business car dealers. But if you go through, even a car of 1992 you will get it through, but through a black dealer you will not. (Intervention)

25 October 2005

**MOTION ON FINANCIAL BURDEN ON PUBLIC
HON TWEYA**

HON NAMBINGA: I just want to know, Comrade Speaker, through you, how many Banks in Namibia can be said to be Namibian Banks? My perception is that most, if not all, of these Banks are branches of the South African banks. How many Banks in Namibia can be said to be truly Namibian Banks?

HON DEPUTY MINISTER OF FINANCE: Thank you very much. The straightforward answer is none. There is no genuine Namibian bank except the Development Bank of Namibia, but I am talking of the four commercial Banks, Nedbank, First National, Standard Bank and Bank Windhoek. It has the name but one would have liked to see a different behaviour if it was genuine.

Some financial institutions are even so rigid that they forego opportunities that could add value to their operating results. For example, an SME approaches a financial institution for financial assistance on a tender that they have been awarded. Instead of thinking outside the box, and try to enter into an agreement between the institution that awarded the tender, the financial institution will simply turn away the SME on the basis of their so-called financial risk rating. Is this really not a financial joke? Even if it is a tender from the government.

The message must be clear to the financial institutions that we in the Government have the resources, the capacity and what it takes to support economic development activities in this country. If they are not prepared to support these initiatives, then they must be informed, that we will have no choice but to intervene, as research studies indicated, even if it means that we have to restructure the Development Bank of Namibia project to enter into retail so that it administers the suffering masses, to stimulate the economic growth and so that they can create competitive opportunities for SMEs and the like. We are no longer prepared to watch how government initiatives and efforts are being frustrated and sabotaged this way. The Development Bank was a dream to some and now that it is a reality they are starting to cry foul, “yes but how can Government do a, b, c?” The call is very clear – change or face the music.

Many a times financial institutions are seen to promote customer services to existing and prospective clients. There are some of the financial institutions that continuously inform and update a selected group of their clients on Banking facilities available and suited to their needs. This approach is nothing else, but a continuation of unjust practices of the past by some financial institutions, resulting in the majority of our people finding it extremely difficult to have access to well-deserved facilities.

25 October 2005

The irony of this practice is that those still suffering today are the ones contributing more to the coffers of financial institutions through ever-increasing Bank charges.

Needless to say, such practices would neither contribute towards economic development, nor improve the living standards of our people in Namibia.

HON SPEAKER: The House stands adjourned under Rule 90, automatic adjournment, until tomorrow 14:30.

THE HOUSE ADJOURNED AT 17H48 TO 26.10.2006

**NATIONAL ASSEMBLY
ASSEMBLY CHAMBER
WINDHOEK
26 OCTOBER 2005**

The Assembly met pursuant to the adjournment.

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

ANNOUNCEMENTS BY THE SPEAKER

HON SPEAKER: Honourable Members, I would like to acknowledge the presence in the gallery of women Parliamentarians from our sister Republic of Angola, who are on a visit to Namibia to exchange experiences with their Namibian counterparts.

Any Petitions, any Reports of Standing or Select Committees, other Reports and Papers? None. Any Notices of Questions? None. Any Notices of Motions? Right Honourable Prime Minister.

NOTICES OF MOTIONS

RT HON PRIME MINISTER: Honourable Speaker, I give Notice that tomorrow 27 October 2005 I shall Move:

That this Assembly appoints the Director and Deputy Director of the Anti-Corruption Commission in terms of Section 4(1) of the Anti-Corruption Act, 2003, Act 8 of 2003.

I so Move.

HON SPEAKER: Will the Right Honourable Prime Minister table the Motion? Any further Notices of Motions? Honourable Mungunda?

HON MINISTER OF GENDER EQUALITY AND CHILD WELFARE: Thank you, Comrade Speaker, to bless me to become the next Speaker. Comrade Speaker,

26 October

NOTICES OF MOTIONS

Members of this august House, I give Notice that tomorrow 27 October 2005 I shall Move: That leave be given to introduce a Bill to provide for children to be treated equally, regardless of whether they are born inside or outside marriage, to provide for matters relating to custody, access, guardianship and inheritance, in relation to children born outside marriage and to provide for matters connected thereto.

I so Move, Mr Speaker.

HON SPEAKER: Will the Honourable Minister table the Motion? Any further Notices of Motions? None. Any Ministerial Statements? None. The first Notice of a Motion is by the Honourable Ms Dienda. Does the Honourable Member Move the Motion?

HON GURIRAB: Honourable Speaker, the Member who moved the Motion that stands, is currently on Parliamentary business in Tanzania. I therefore Move for an adjournment of this Motion to November 9th. I so Move.

HON SPEAKER: Thank you. This Motion stands adjourned until 9 November 2005. The second Notice of a Motion is the one by the Honourable Minister of Health and Social Services. Does the Honourable Minister Move the Motion?

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

HON SPEAKER: Who seconds the Motion? Any objection? Agreed to and I give the floor to the Honourable Minister.

HON MINISTER OF HEALTH AND SOCIAL SERVICES: Thank you. Honourable Speaker and Honourable Members, the purpose of this submission is to ask this august House to ratify the Framework Convention on Tobacco Control. In 1999 the World Health Organisation was mandated by the World Health Assembly to mobilise governments and to put in place measures against the detrimental effects of

26 October **RATIFICATION OF FRAMEWORK ON TOBACCO CONTROL**
HON KAMWI

tobacco through an international instrument. Subsequently, the Framework Convention on Tobacco Control was adopted by the World Health Assembly in May 2003 in Geneva. The Framework Convention on Tobacco Control is the first Convention passed by the World Health Organisation and is an important instrument geared towards reducing tobacco use and its many negative effects on health and development. After the adoption of the Framework Convention on Tobacco Control in May 2003, Namibia was amongst the first African countries who signed the Convention during 2004. The Convention entered into force on 27 February 2005. Namibia now needs to ratify the Convention as the next step towards improving tobacco control in the country. As at 31 August 2005, a total of 76 countries had become parties to the Convention. The Conference of the Parties will be held in February 2006 to oversee the implementation of the Convention. Countries wishing to participate in the Conference as full parties must deposit their instrument of ratification or accession with the Secretary-General of the United Nations at least 90 days before the beginning of the Conference of the Parties.

Honourable Speaker, Honourable Members, it is important to note that the effect of the use of tobacco products has been scientifically proven as being detrimental to the environment and human health. Tobacco contains nicotine which is a dependence-forming substance. People, who start smoking, therefore find it difficult, if not impossible to quit the habit.

Tobacco causes human diseases, including cancer, and has also been found to increase poverty and undermine human development through various mechanisms.

That is the message for us. Given the fact that strong health promotion and tobacco control measures are being implemented in developed countries, the number of smokers in these countries is now coming down. To compensate for this loss in business, the tobacco multinationals are now actively expanding into developing countries, including Namibia. Developing countries have realised this and therefore, especially African countries have actively participated in the development of the Framework Convention on Tobacco Control. The negative economic and development effects of tobacco use have been widely researched. The World Bank in 1999, for example, published a very important and comprehensive report entitled, *“Curbing the Epidemic: Governments and the Economics of Tobacco Control.”* The recommendations of this report have strongly contributed to the development of the Framework Convention on Tobacco Control and have made it clear that time is of the essence for countries to implement relevant control measures through the promulgation of legislation and the institution of effective health promotion measures.

26 October **RATIFICATION OF FRAMEWORK ON TOBACCO CONTROL**
HON KAMWI

The Ministry of Health and Social Services is in this regard already busy compiling a new Tobacco Products Control Bill. The Bill will, *inter alia*, be informed by the contents of the Framework Convention on Tobacco Control and will be forwarded to the Cabinet Committee on Legislation during the first half of 2006. The Convention allows a lead time of up to two years for Member States to put in place mechanisms in order to comply with the provisions of the Convention. Ratification of the Convention before enactment of the Tobacco Products Control Bill is ordered.

Honourable Speaker, tobacco costs our region far too much. We cannot afford it. For this reason our response needs to be strong and determined. We need to ban advertising, promotion and sponsorship of tobacco products. We need to increase tobacco taxes, we need to prohibit the sale of tobacco products to young people in particular. We need to legislate to stop the tobacco industry addicting our people to a product that will cause their death in 50% of the cases. Voluntary codes do not work; only comprehensive laws and their enforcement work. That is one of the reasons why ratifying the WHO Framework Convention on Tobacco Control is so important. It is the roadmap for comprehensive tobacco control. Ratification of the Convention by Namibia will also enable the country to exercise voting rights in the first Conference of Parties, thereby enabling us to participate in making key decisions relating to the future operation of the Secretariat. The only way we can take advantage of all the things I have just mentioned is by becoming a Party to the Treaty. The lives of our people depend on it. Our Colleagues, Angola, have ratified the Convention and already have the legislation in place. So do Botswana and South Africa.

By ratifying the Treaty we will promote and protect public health. Namibia's ratification will also strengthen African regional solidarity for tobacco control as the region prepares for participation in the first session of the Conference of Parties. There is no single reason why our country should not ratify this Treaty. Many African countries and many developing countries around the globe are already Parties to the Treaty. Let us do this for the health of our people and to protect our children and indeed the environment we live in.

Let us do this to stop the tobacco industry from continuing to make an indecent profit that ends up going to a few people, while the poorest countries and the poorest people suffer the consequences. Let us be determined and act so that we may prevent all the preventable deaths caused by tobacco. Let us ratify the WHO Framework Convention on Tobacco Control. I count on your support, Honourable Members.

Honourable Speaker, Honourable Members, I so Move. I thank you.

26 October **RATIFICATION OF FRAMEWORK ON TOBACCO CONTROL**
HON RIRUAKO

HON SPEAKER: Thank you, Honourable Minister. No more death, health for all. Chief Riruako?

HON RIRUAKO: Honourable Speaker, I do not need to emphasise how tobacco hurts a human being. I know we are not all smokers, but when one person smokes that person forces everyone around him or her to also smoke. I did this myself and I learnt a lot from it. I used to smoke cigars at the United Nations - there you smoke, you drink, you do everything under the sun. You think you are healthy, enjoying yourselves, but in fact, you contaminate yourself whenever you smoke and while you feel the pleasure it is doing harm to not only your own body, but also to others who are close to you. That is what tobacco does. And for you to say that you are a smoker and you like your habit does not change the situation. It is a bad habit. One day I said, 'To hell with it' and I changed my outlook and my habit because I had started to understand what it was doing to me and those around me. Think what you are doing, restore your body, stop destroying others.

I request the Honourable Minister to become our guide in the Health Department. I hope that you undertook your career in order to rescue others who think that they are doing the right thing for their own health. Everything is done to sell tobacco by those who have tobacco companies, especially in Zimbabwe. I am sorry to say that to my Colleague and to the President of Zimbabwe. I am not against Zimbabweans, I am against tobacco. It hurts everyone so much that you cannot apologise for what you are doing. And it is your own habit that asks you to put the cigarette in your mouth.

You must control your body and your habit. Smoking is a mere habit, a matter of tolerance. These two are related to one another and one has to bear this in mind. You think smoking will help you to cool down once you have become angry after something happened because your tolerance is gone, thus it is related to the reason for why you smoke. Of course, if you have very little tolerance you become a nuisance to all of us, like the smoker. It is a habit and you must control your habit, control yourself by motivating yourself not to become angry for anything. Becoming angry makes you put the cigarette in your mouth to cool yourself down.

But while that is the excuse many people use for their smoking habit, it says nothing about what the smoke is doing to destroy your body. I was a smoker, I am telling you, cigarette, pipe, cigar and you could tell me whatever you liked and I refused to be convinced. Therefore, I wholeheartedly support this Motion. I know how it goes: once you begin to think about what you are supposed to do, you put the cigarette in your mouth and then all rational thought vanishes. Smoking cools you down and

26 October **RATIFICATION OF FRAMEWORK ON TOBACCO CONTROL**
HON GURIRAB

helps you to think about something else. That goes for women and men equally. You hate your own husband because of tobacco. You hate your own wife because of tobacco. I want to smoke, and it has nothing to do with you. That habit must be relinquished if you want to have a healthy life and also to avoid everything smelling of tobacco. It is really selfish because those who are aware of that smell force you to go and look for scent to use so that you will not to smell bad to other people. Give up the habit of smoking. Then you will enjoy our own life. I thank you.

HON SPEAKER: Thank you, Honourable Chief. Honourable Gurirab.

HON GURIRAB: Honourable Speaker, the Honourable Chief has read my mind and said most of what I wanted to say. I am rising simply to support the tabling and adoption of this Convention in this Honourable House. Indeed, Honourable Speaker, smoking is a dying habit. I believe, therefore that once the Convention is adopted, all of us here as Honourable Members, will go out and be ambassadors of this course; we will go out in our communities, our constituencies and fight in those communities for this dying habit to indeed die out. Honourable Speaker, the long-term benefits of stopping smoking is not only that we become a healthy society, but that we get those people who are at the moment occupying hospital beds owing to all those different diseases which they attract because of nicotine, out of these beds. Let us work to get these people out of hospital beds, and then we can spend the resources so saved on other equally important social needs. But, Honourable Speaker, whilst I am on this topic and supporting the adoption of the Convention, I would like to urge the Honourable Minister to also start thinking about legislation that will control smoking in public places, because so many non-smokers become affected and can become sick, owing to secondary smoking. With these few observations, Honourable Speaker, we support the tabling and the rapid adoption of this Convention. I thank you.

HON SPEAKER: Thank you Honourable Member. Honourable Moongo.

HON MOONGO: Thank you, Mr Speaker. I would like to thank the Minister who tabled this Convention for ratification. I would also like to support it. Namibia

26 October **RATIFICATION OF FRAMEWORK ON TOBACCO CONTROL**
HON MOONGO

has a programme of economic growth. We need to generate money like other countries that are highly developed. But I would also like to ask the Minister whether he can provide the House with statistics. How many people in Namibia are affected and have been victims of nicotine and so on, and whether there are also controls of other drugs like marijuana and others. With this I support the adoption of the convention. Thank you.

HON SPEAKER: I thank the Honourable Member. Any further discussion? Honourable Diergaardt?

HON DIERGAARDT: Thank you Honourable Speaker. I support the ratification of the Convention, and I actually want to touch on two issues. One has already been dealt with by Honourable Gurirab, namely the issue of legislation regarding smoking in public places. The other one is the selling of loose cigarettes, because that makes it quite easy for children who do not have much money to buy cigarettes and to start this, as it was referred to, dying habit. So I am just wondering whether this Convention takes care of the issue of selling loose cigarettes as well. You can buy loose cigarettes at service stations, at cuca shops, wherever you like and I think that is also a contributing factor. Thank you.

HON SPEAKER: Thank you, Honourable Member. Honourable Nujoma.

HON DEPUTY MINISTER OF JUSTICE: Thank you very much, Honourable Speaker. While I wholeheartedly support the ratification of this important Convention, I just wanted to ask the Honourable Minister of Health and Social Services whether he has thought about the neighbouring countries that survive from this cash crop. I have in mind Zimbabwe, which is definitely dependent on the sale of tobacco. Has the Minister consulted with the WHO, on whether they will assist Zimbabwe in trying to look for other crops so that we do not damage the economy of Zimbabwe in the process of ratifying this important Convention? Thank you very much, Honourable Minister.

26 October **RATIFICATION OF FRAMEWORK ON TOBACCO CONTROL**
HON KAMWI

HON SPEAKER: Thank you, Honourable Deputy Minister. Any further discussion? Honourable De Waal's silence must be respected. Does the Honourable Minister wish to reply?

HON MINISTER OF HEALTH AND SOCIAL SERVICES: Thank you, Honourable Speaker. I am most grateful. I am indeed the happiest man this afternoon. I am happy because the Honourable Members in this august House have overwhelmingly supported the ratification. Individually, I wish to thank Honourable Riruako most sincerely for his words of wisdom and indeed that he decided to do away with the bad habit. Honourable Gurirab, thank you most sincerely. Yes, your concern is being addressed. In fact as a Ministry we already have the regulations in place, barring Namibians from smoking in public places. But it is only a piece of legislation, an Act that will stop it completely. The Regulations are indeed in place. And that goes for my senior colleague, Honourable Diergaardt, thank you very much indeed. The Regulations are indeed in place. Honourable Nujoma, thank you for your support. Yes, Zimbabwe as well as Malawi are our friends. But I wish us not to forget that so is Cuba. Cuba is one of our most valued friends. But when it comes to international matters of concern, such as this one, we are a small Nation and there is nothing that we can do at this point in time. This is for the good of mankind in terms of health. For your information, I had a discussion with my counterpart, the Minister for Health in Zimbabwe, Dr David Perirenyatwa. He is already working with his Colleagues, lobbying Parliament to see whether they cannot consider tabling the same Convention. There is no way out, we do not have an alternative. The best for us is to go ahead, ratify and hopefully in the near future come up with the piece of legislation that would keep our health intact. Thank you most sincerely once more.

HON SPEAKER: Thank you, Honourable Minister. If I am not mistaken, Honourable Moongo wanted some statistics, if you have any. Minister, Honourable Moongo wanted to ascertain from you if we have any statistics about how many people might be suffering. I want you to remain on good terms with Honourable Moongo.

HON MINISTER OF HEALTH AND SOCIAL SERVICES: Thank you very much. Honourable Speaker, what we know is smoking is a contributory factor to most of the ailments that we have. Indeed, it is a contributory factor to diseases like

26 October 2005

SECOND READING - STANDARDS BILL

cancer and tuberculosis, thus it is very difficult for me at this point in time to come up with the data, because it is linked to so many diseases that contribute to the death toll in this country. Thank you very much.

HON SPEAKER: Thank you, Honourable Minister. I now put the question that the Motion be adopted. Are there any objections? Then it is agreed to. The Secretary will read the first Order of the day.

RESUMPTION OF DEBATE ON SECOND READING STANDARDS BILL

HON SPEAKER: When this Debate was adjourned on Thursday 20 October 2005, the question before the Assembly was a Motion by the Honourable Minister of Trade and Industry that the Bill be now read a second time. The Honourable Minister deferred the Debate to today for his reply and he now has the floor. Deputy Minister.

HON DEPUTY MINISTER OF TRADE AND INDUSTRY: Thank you.

Honourable Comrade Speaker, Honourable Members, I rise to make a statement on the Standards Bill, which was introduced by my Minister, Comrade Ngatjizeko on the 4th of this month before this august House. I would like to thank Honourable Tsudao Gurirab for his support for the Bill and wish right from the outset to reassure the Honourable Member that the effect of the Bill is, as the Minister already pointed out to the House, to create in Namibia *“an effective system that will monitor, evaluate and use product testing and packaging methods that respond to the changing technical requirements of the country’s trading partners”*.

Regarding the issue that the Honourable Member raised for clarification, allow me, Comrade Speaker, to address the first, namely the issue of governance. I would like to respond as follows:

The Namibian Standards Institution, NSI, which is established by Clause 2 of the Bill, is the National Standards Body of Namibia and its objectives or aims are :

1. To promote standardisation and quality assurance in the industry, in commerce

26 October 2005

SECOND READING - STANDARDS BILL
HON ESAU

and the public sector in Namibia, with the aim of improving product quality, industrial efficiency and productivity and to promote trade so as to achieve optimum benefits for the public of Namibia in general.

2. To liaise with and obtain membership of international and regional standard bodies, that have objectives similar to those of the NSI and to achieve compliance with any international or regional agreed instrument or organisations regarding standardisation like ISO, of which bodies Namibia is a member, or is intending to become a member.
3. To become progressively more self-sufficient and self-supporting.

Comrade Speaker, Honourable Members, a distinction must be made between the Namibian Standards Institution (NSI), and the Namibian Standards Council (NSC), established by Clause 5 of the Bill. The Standards Body (NSI) is actually a typical standardisation language, referring to the Body that shall be responsible for directing the management and conducting supervision and controlling the affairs of the NSI through the formulation of policy and procedures for the purpose of providing general or specific guidance to the NSI in respect of the performance or execution of its powers, duties and functions. The NSC performs functions as provided by Clause 4 of the Bill and which functions are not similar to those usually performed by directors acting collectively as a Board in terms of the Companies Act. I am certain that this response also answers the Honourable Member's query regarding Clauses 15 and 16 of the Bill, and the similar queries regarding the references to NSI in Clause 19 of the Bill. Note must be taken that whereas the NSC guides and controls, reference to the NSI in Clause 19 and other similar provisions, should be construed as denoting the day-to-day management activities of the Institution.

Comrade Speaker, Honourable Members, the second issue raised by Honourable Tsudao Gurirab is that of disqualification of persons for appointment as members of the Namibia Standards Council. The criteria for disqualifying persons for appointment as members of the Namibia Standards Council are not typical in corporate governance legislation. Therefore, Namibia can still benefit from the globally available expertise in the field, by employing the services of Namibian citizens and/or non-citizens who have the status of permanent residence. If, in the opinion of the Minister, the CEO of a sister National Standards Body would make the requisite contribution to the functions of the Namibia Standards Council, arrangements can be made with the relevant Namibian authorities to effect such employment within the confines of the Bill's requirements.

26 October 2005

SECOND READING - STANDARDS BILL
HON ESAU

The third issue is the quorum of the NSC. I tend to agree with Honourable Tsudao Gurirab that the best workable quorum is that of the majority of the NSC, as opposed to those necessarily present at a meeting. I am confident that the Minister will look into this to clarify the position. In conclusion, I Move that this august House finally considers the Bill for adoption and response is available for Honourable Members. Thank you.

HON SPEAKER: Thank you, Deputy Minister. I now put the question that the Bill be now read a second time. Any objections? Agreed to. The Secretary will now read the Bill a second time. The Secretary will read the Second Order of the day.

COMMITTEE STAGE: METROLOGY AMENDMENT BILL.

HON SPEAKER: Does the Honourable Deputy Minister of Trade and Industry that the Assembly now goes into Committee?

HON DEPUTY MINISTER OF TRADE AND INDUSTRY:
I so Move, Comrade Speaker.

HON SPEAKER: It is moved that I leave the Chair. Any objection? Who seconds? Agreed to. And I now call on the Chairperson of the Whole House Committee to take the Chair.

CHAIRPERSON OF COMMITTEES: I put Clause 1 and 2. Any discussions? Any Objections? Agreed to. I put Clause 3 and 4. Any discussions? Any objections? Agreed to. I put Clause 5 and 6. Any discussions? Any objections? Agreed to. I put Clauses 7, 8 and 9. Any discussions? Any objections? Agreed to. I put Clauses 10 and 11. Any discussions? Any objections? Agreed to. I put Clauses 12, 13 and 14. Any discussions? Any objections? Agreed to. I put Clauses 15, 16, 17 and 18. Any discussions? Any objections? Agreed to. I put Clauses 19, 20 and 21. Any discussions? Any objections? Agreed to. I put the Short Title. Any discussions? Any objections? Agreed to. I shall report the Bill without amendments. Mr Speaker, the Committee has gone through Bill [B12 2005] as set forth in the accompanying copy and agreed to it without amendments.

26 October 2005

SECOND READING - STANDARDS BILL
HON ESAU

HON SPEAKER: Does the Honourable Deputy Minister wish to say anything?

HON DEPUTY MINISTER OF TRADE AND INDUSTRY: Honourable Comrade Speaker, I want to through you thank all the Members who participated in the debate and supported the Bill. Thank you.

HON SPEAKER: I put the question that the Bill be now read a third time. Any objection? Who seconds? Agreed to. The Secretary will now read the Bill a third time.

METROLOGY AMENDMENT BILL.

HON SPEAKER: The Secretary will read the Third Order of the day.

**RESUMPTION OF DEBATE TO DISCUSS THE STATE OF CORRUPTION
AND ABUSE OF PUBLIC FUNDS AND ASSETS.**

HON SPEAKER: When this Debate was adjourned yesterday, Tuesday, 25th of October 2005 the question before the Assembly was a Motion by the Honourable Ulenga. The Honourable Tsudao Gurirab adjourned the Debate and he now has the floor.

HON GURIRAB: Honourable Speaker, Honourable Members. The Motion on corruption has occasioned some lively and at times passionate debate, which is good. However, the fire in the debate was for all the wrong reasons. It was from most an attempt to elevate denial to an article of faith and to sell an ostrich approach to the Nation, while maintaining a straight face. I fear, Honourable Speaker, that such an approach will not take our cause of development one inch further.

26 October 2005

**MOTION ON CORRUPTION
HON GURIRAB**

Leaving all emotional or is it emotive, claptrap aside, our continent is a laggard in almost all respects of human endeavour. Yes, history stands in the dock in this regard, but also the actions or if you will inaction of Africa's leaders, mainly the political class, account for the sorry state our continent. So, whilst we cannot change History, our present actions should not exacerbate our plight. And having said all that, Africa's redemption and delivery are ultimately in our hands.

For now, Honourable Speaker, because of its weakness, Africa adds very little to the global output of science, technology, generally new knowledge; global terms of trade are heavily stacked against us. Most of our African economies have regressed to the levels of the 1960's, and our people die of basic and simple diseases, which cost less than 50 US cents per patient to cure. So, Honourable Speaker, the challenges facing our continent and our people are daunting and ask for leaders who will rise to these challenges. Honourable Speaker, Africa, as they say is a tough and a bleak neighbourhood. It is, however, a happy day that recognition that Governments account for some of our misery is spreading to the four corners of our Continent. There is now an almost universal consensus linking good governance and improved public service.

In December 1996 the UN General Assembly adopted two important instruments in the fight against corruption, namely:

1. The Code of Conduct for International and Public Officials, which was adopted to provide Member States with a tool to guide their efforts against corruption through a set of basic recommendations, that the national public officials should follow in the performance of their duties.
2. The Declaration against Corruption and Bribery in International commercial transactions.

Although neither of these instruments are binding, they are politically relevant, as they represent a broad agreement by the international community on these matters. The Declaration includes a set of measures that each country can implement at national level, in accordance with its own constitution, fundamental legal principles, National laws and procedures to fight corruption and bribery in international commercial transactions. Honourable Speaker, the African Peer Review Mechanism (APRM), AU Convention on Preventing and Combating Corruption and our own regional SADC Protocol on Corruption - and in passing, this Honourable House has still not been asked to ratify either the AU Convention on Combating Corruption or our own regional SADC Protocol on Corruption and the attitude of our Government,

26 October 2005

**MOTION ON CORRUPTION
HON GURIRAB**

is ambivalent on the question of the Peer Review Mechanism.

Honourable Speaker, at the core of all these initiatives is the recognition that abuse of public office, public funds and assets and corruption generally divert public resources away to private purposes at the expense of the common public good. However, Honourable Speaker, corruption is theft. Even poor or bad policies such as presently pass for our Education System can still be explained. Perhaps those in policy-making lack the necessary imagination, experience, vision or simply are mentally challenged. But corruption is not bad of poor policy, for it takes away textbooks, drugs, roads, water points, etc. It is simply theft. (Intervention)

RT HON PRIME MINISTER: May I ask Honourable Gurirab a question? Comrade Gurirab as a founding Comrade, do you not think that deserting a University like the University of Warwick without completing a degree is corruption?

HON GURIRAB: I will not bring my copies of certificates to this House like Honourable Kaura.

HON SPEAKER: I will give Honourable Gurirab time to digest the question and the House shall rise for refreshments.

HOUSE ADJOURNS AT 15:45
HOUSE RESUMES PURSUANT TO ADJOURNMENT AT 16:17

HON SPEAKER: I hope that the consultations that necessitated the late start of the afternoon session were worthwhile and will show their footprint in productive deliberations to follow. Honourable Gurirab, you may continue.

HON GURIRAB: Honourable Speaker, I believe it is only good manners to satisfy the query of the Right Honourable Prime Minister. I was never a student at Warwick, I have an undergraduate degree that I received in 1984 at the University of Sussex,

26 October 2005

**MOTION ON CORRUPTION
HON GURIRAB**

and I have a Master's Degree granted by the University of Manchester in 1986. I have a Master's Degree granted by the University of Namibia and the Institute of Social Studies in 2003. In 1986 I was also offered places by both the University of Manchester and the University of Liverpool to study towards a PhD, but all students studying in Europe received a letter from the SWAPO Secretary of Education in 1985 to return to Angola. I am in possession of a copy of the letter.

Honourable Speaker, our own anti-corruption infrastructure is still in the starting blocks.

We are happy to note that the Right Honourable Prime Minister this afternoon tabled a Motion to get this up and running, as despite the present hype and neophytes preaching anti-corruption messages at breakfast, lunch and supper, the cancer of corruption is real and deeply-rooted in our public sector and society generally. Beneficiaries of corruption, instead of being ostracised and turned in to the police, are lionized. Society looks up to the recipients of this ill-gotten wealth as achievers whose deeds should be emulated. Some, Honourable Speaker, even rationalise it in the perverse manner of, *"yes, what is wrong with our people doing this, the Boers were also doing the same."* Clearly a case of double jeopardy.

Honourable Speaker, politics in the best of traditions is a community service: those who put themselves forward for public office are saying to the rest of society: *"I shall represent you. I will speak only what is in your best interest, say only what you want me to say. I will be a custodian and trustee of our collective common good."* In corporate circles, in the business world, there is the notion of statutory responsibility. It says that the trustees will take greater care of and responsibility for the goods of others, than you would take of your own.

In the same fashion, the Government of the day, as the trustee and custodian, must also meet these onerous and exacting standards.

Honourable Speaker, if we take care of our limited resources, we can do so much for ourselves, rather than standing permanently with our hands outstretched for one or the other handout from others. And if you permit me, Honourable Speaker, I wish to read from the Government newspaper of Friday last week where there is an interview with the President of Germany. I hope you have read this interview. At one point he is asked: *"During your time as head of the IMF, did you ever get the conditionality wrong on the matter of debt levels, for example?"* and he says: *"I was very keen to increase the scope for African countries to invest in Health and Education and some headway has been made. Government spending in these areas has in fact risen. This*

26 October 2005

**MOTION ON CORRUPTION
HON GURIRAB**

kind of conditionality has thus had a positive effect.” He continues: “But I also warned the President of one African country, who visited Washington with a hundred-strong entourage - the visit alone and the various purchases it entailed, probably cost around 5 million dollars. By comparison, the construction of a granary in his country would cost something like 2 million dollars. And then he came to me, after spending that 5 million on himself and his Colleagues, whilst I was at the IMF and told me, “Our people are starving.” In a case like that you simply have to say: “Mr. President, with a modest delegation you would have had the money for the granary.” The President of Germany.

Does this not sound rather familiar?

It is like us spending N\$1 billion on constructing a palatial residence and then turning around and asking for a concessional loan or, worse still, for a grant to build NHE houses.

African politicians present and past are among the wealthiest individuals on earth. There are several Nigerian US dollar billionaires. Equally there are sitting Heads of State on our continent who are US dollar billionaires. Our donors, European and North American politicians (Intervention)

HON MINISTER OF JUSTICE AND ATTORNEY GENERAL: May I ask the Honourable Member a question? The Honourable Member talks about billionaires on the African continent. Where do they keep this money, in which countries? And if they keep this money somewhere other than Africa, what do these countries in which this stolen money is kept, do with this money? Why do they not return it to the continent?

HON GURIRAB: Honourable Speaker, I refuse to join the Minister of Justice in this little sideshow. Our continent will only move forward the moment we begin to take responsibility.

Honourable Speaker, Nigeria, for all its billionaire politicians, has a per capita income of U\$400, and ordinary Nigerians daily succumb to Malaria.

Honourable Speaker, only if we all adopt the anti-corruption crusade in our country, will we turn our backs on this malaise. Much as the Nation has taken note of the fine speeches on corruption (Intervention)

26 October 2005

**MOTION ON CORRUPTION
HON GURIRAB**

HON MINISTER OF JUSTICE AND ATTORNEY GENERAL: Another question, may I? Honourable Member, is it true that a country like Switzerland is developed with monies siphoned from countries like the ones you are referring to? If they do not condone corruption, why do they not do something about this money? Why are they refusing to hand it back to the non-corrupt governments in Africa?

HON GURIRAB: Honourable Speaker, I will not join the Minister of Justice. We must take responsibility, Africans must take responsibility. It does not help to steal money and put it in somebody's house and try to blame the owner of the house. We must take responsibility. The Swiss did not steal the money, it is a totally irresponsible suggestion.

Honourable Speaker, much as the Nation has taken note of the fine speeches on corruption, there is the risk that it may soon (Intervention)

HON MINISTER OF LANDS AND RESETTLEMENT: May I ask the Honourable Member a question? Honourable Member, through the Speaker, the CoD disputed the outcome of the last National Assembly election, and as such the CoD does not recognise the outcome of this House. Is the presence of the CoD here not corruption? Because you disputed the outcome, you do not recognise it, but still you are sitting here, wasting public money. Why do you not stay outside and wait until the outcome of the Court case?

HON GURIRAB: Honourable Speaker, I am saddened to note that the lack of discipline in my former organisation has gone this deep. When the President of our country spoke here in this Chamber, this issue was raised and his answer was that this is a matter in front of the Courts and that that is where it belongs. (Interjections). So I am surprised that the Politburo does not recognise the words of the President as meaning anything.

HON MINISTER OF FINANCE: I would like to ask the Honourable Member a tiny question. The Honourable Member talks about his former organisation, which I understand to mean SWAPO Party. Is it true, Honourable Member, that when you

26 October 2005

MOTION ON CORRUPTION
HON GURIRAB

were a member of SWAPO Party, in fact a member of SWAPO as a liberation movement, you agreed with SWAPO that because we did not recognise the South African Government or the interim puppet government, we would not participate in it? Do you not think it is a contradiction, if the CoD does not recognise the outcome of the elections that it should form part of the government structure that came about as a result of those elections?

HON GURIRAB: Honourable Speaker, in countries run by Law, when you have a dispute, you take recourse to the Courts of Law. The only ruling of the Courts presently, and I can circulate copies for you tomorrow, the only ruling of the High Court of our country, is to agree to the Assembly as composed presently. That is the ruling of our High Court.

But, Honourable Speaker, the time for action is long past on corruption. The time for slogans, the time for blaming Switzerland, the time for blaming others is past, because these are our own actions or inactions. If somebody steals N\$1 million here in Windhoek and puts it in Washington, it is something that has happened here, something over which you have control, it does not help to blame Washington. So, this habit of blaming others must come to an end. We must grow up. We as Africans want to be perpetual children. We must grow up and learn to take responsibility for our own actions.

Honourable Speaker, the numerous Commissions of Inquiry of the past do not really count for much. The problem with Commissions of Inquiry (Intervention)

HON DEPUTY MINISTER OF HOME AFFAIRS: On a Point of Order. Honourable Speaker, may I ask the Honourable Member a question? Honourable Gurirab, through the Chair, if one of the undisciplined citizens of our country, for example, has stolen whatever, whether it is money or anything in kind, and brings it to your house, and you know very well that it is stolen, will you accept it?

HON GURIRAB: At least you can trust me, I will not join you in this little sideshow. I will not get lost in that little sideshow.

26 October 2005

**MOTION ON CORRUPTION
HON GURIRAB**

Honourable Speaker, I was saying, the problem of Commissions of Inquiry is that, firstly, they say that our institutions are too weak to arrest corruption and abuse of public office and that we need an additional device to stop the rot. In addition, a Commission of Inquiry is a classic bureaucratic diversionary method, where investigations drag on forever and ever until the issues fade from the public mind.

In matters of corruption and good governance, credibility is everything. Almost a year ago the Nation was told by this government that the reports of the enquiry into the DBC would be released publicly. It has not happened to date, eight months into President Pohamba's administration.

The question is: How do we justify public funds being expended on these Commissions of Inquiry and the public promise made to release the report? Was it all again about demonstrating contempt for the public, the agent turning into Lord and principle?

Honourable Speaker, it took an acting judge of our High Court a couple of weeks to conclude the inquiry into the siphoning off of public funds by Avid. It takes the Ministry of Trade and Industry more than two years to investigate - I am not talking about completing the matter - to investigate the ODC. And the President of our country and the Right Honourable Prime Minister are sitting on their hands. It takes years for Government to act upon and release what must by now have become a library of Reports of Commissions of Inquiry. I understand there is a movement to print T-shirts which read, "*I support the anti-corruption campaign*". I think we must stop those plans to print these T-shirts. Instead, I propose that we all print and wear T-shirts which read, "*Heathcote for President*."

HON DE WAAL: Say again?

HON GURIRAB: You want me to repeat it? I think we must stop this movement of this small group going around with all the hype about corruption presently, slogans and speeches and to wear T-shirts aimed against corruption. I propose that we print and wear T-shirts which read, "*Heathcote for President*". Honourable Speaker, interestingly (Intervention)

26 October 2005

**MOTION ON CORRUPTION
HON GURIRAB**

HON MINISTER OF JUSTICE AND ATTORNEY GENERAL: A question: “*Heathcote for President*”, is it true that Heathcote is your brother-in-law? Is that not corruption?

HON GURIRAB: No, he is of a different tribe from my in-laws.

Honourable Speaker, we all appear to be singing from the same hymnbook on corruption, but the time to act is slipping past. We shall only win the fight against corruption with honesty, not blaming Switzerland and that kind of nonsense.

HON MINISTER OF PRESIDENTIAL AFFAIRS: On a Point of Order. Honourable Member, you are saying you are campaigning for Heathcote for President. What will happen to the President of the CoD, Honourable Ben Ulenga? Is that not corruption when you are still a member of CoD?

HON GURIRAB: To conclude, Honourable Speaker, we shall only win the fight against corruption with honesty and transparency within our hearts, with resolve and above all, action, action and action. Inertia, obfuscation and inaction only eat away at credibility and our anti-corruption efforts will be stillborn.

I support the Motion.

HON VILJOEN: Honourable Speaker, from slightly another angle: When you open a newspaper, an institution or a person is either corrupt or bankrupt. It is a never-ending list and will never be exhausted.

The ruling party and the Opposition joined forces when it came to the Motion on high bank costs because it influences our personal budget. Are we also concerned when it comes to the budget of the Nation? I do not think that one Member of this House will vote against the Motion on Corruption.

I am convinced that the idea behind the Motion is not to find only the SWAPO part of Government guilty of corrupt practices, but to realise that it is a reality and a National

26 October 2005

**MOTION ON CORRUPTION
HON VILJOEN**

problem.

Honourable Speaker, it is far beyond me to say that our Ministers and their Deputies are incompetent and not able to do their jobs properly. However, all the Ministers and their Deputies should realise that good governance is the best way to prevent malpractices like fraud, bribery and other forms of corruption. I would like to see that Ministers and Deputies, when they are appointed, attend an intensive course in at least financial and personnel management. It will give them more confidence and will make the Government more effective. We should know what is going on in our Ministries. Ministers should know exactly what is going on in every office.

The queen of Britain thinks the whole world smells of new paint, because wherever she goes people clean and paint. It is the same with the Ministers and Deputies.

Whenever you visit offices in your Ministry, the staff clean and prepare. They do some window-dressing for their beloved Minister and nothing is wrong with that. But you do not always experience the raw reality of how the public experiences some of these offices. You do not smell the filth or see the officials writing with one hand and eating a drumstick with the other. You do not see an official with a mouth full of bubblegum trying to explain something. It reminds me of a Director of Education in the North. When he was appointed as Regional Director in the early nineties, he put on an overall and well-worn hat and visited places like cuca shops to find out what his teachers were doing. I suggest that the Honourable Ministers do the same.

If I am appointed principal of a school and I know that due to my poor management, corruption and irregularities are the order of the day, I am guilty of corruption.

If I am a Permanent Secretary or a Minister, and I know that due to a lack of control by me or my subordinates, corruption occurs in my Ministry, then I am guilty of corruption. If I do not have the measures in place to discover corruption at a very early stage in my Ministry, I am guilty of corruption. If a Ministry or part of it does not pay the water bill, then it is a form of corruption. If a Member of Parliament lives in a GRN house while receiving a house allowance from Government, it is also corruption.

When Members of Parliament transfer power to parastatals to manage money and it is done in an ineffective way, then we are guilty of corrupt practices.

Honourable Speaker, corruption and bribery are common phenomena in Namibia. It has become a hobby, a self-enrichment activity. Corruption and bribery, like

26 October 2005

**MOTION ON CORRUPTION
HON VILJOEN**

cancerous cells on the inside, are infiltrating our Nation in many unfortunate ways, thus depriving each and every Namibian of the most important value in life, better known as self-respect.

Within some Ministries clear signs of what could be called both Ministerial and Governmental rottenness can be distinguished, snowballing into ever greater personal rottenness. These go hand-in-hand with the unfortunate reality that ministerial officers fear to put the brakes on these culprits' activities.

I wish to congratulate Honourable Minister Kaapanda and his Ministry with the initiative taken with "*Operation Clean-up*". Cleanliness is next to Godliness. I am convinced that everybody in this country will assist you and that other Ministries will soon follow.

I hereby support the Motion of Honourable Ulenga.

HON DE WAAL: Honourable Speaker, if there are no other contributions, I would like to postpone the debate until next week, Wednesday.

HON DEPUTY MINISTER OF JUSTICE: Honourable Speaker, I want to postpone this debate until tomorrow.

HON SPEAKER: The debate on this Motion is adjourned until tomorrow afternoon. The Secretary will read the Fourth Order of the Day.

**RESUMPTION OF DEBATE TO DISCUSS THE CURRENT FINANCIAL
BURDEN PLACED ON THE PUBLIC BY BANKS AND CREDITORS.**

HON SPEAKER: When the Assembly adjourned yesterday, Tuesday, 25th October 2005 in terms of Rule 90 of the Standing Rules and Orders, the question before the Assembly was a Motion by the Honourable Mr. Gertze and the Honourable Deputy Minister of Finance had the floor. I now give him the floor.

26 October 2005

**MOTION ON FINANCIAL BURDEN ON PUBLIC
HON TWEYA**

HON DEPUTY MINISTER OF FINANCE: I was about to conclude with the last page.

Honourable Speaker, Honourable Members, it is a well-known fact that most foreigners do not bank with the local banks. The rationale is that it is better to keep your money with you instead of banking it with the local banks. They repatriate their money to their countries.

Let me give you an example of what I mean. I was in the North, addressing the Indigenous Business Forum. Probably because they cannot get enough support from the NCCI, they are going back to the indigenous, so the majority were black businesses, over two thousand, and this was what they told me.

It is better to keep your money because you will retain the value of your money. If you take your money to the bank, this is what happens:

Yesterday I spoke about a delay of seven days, and let me clarify the seven days delay for clearing cheques and how it is relevant to the Motion under discussion. When you deposit your cheque, you are told to wait seven days. The Bank does a 24-hour clearance and starts generating interest and the interest goes to the bank. You have to wait without your interest for seven days. That is what is happening. Has it been reduced to six days? Has it increased? With other transactions it is 21 days. They immediately cash the cheque, they start enjoying the interest, but you have to wait without interest. Maybe that is not corruption, but that could be called something else like daylight robbery and this under the guise of Bank Charges, legalised corruption.

In fact, this is the plight of the poor Namibians and the call is very clear that something needs to be done by somebody and that somebody is this House.

Honourable Speaker, we also have a situation whereby some of the financial service providers collude with local retailers in the sense that the credit sales agreements offered by the retailers to the consumers are stringent and expose consumers to the fine print of hidden costs, such as delivery charges which are also unnecessarily high.

In addition, Honourable Speaker, Honourable Members, I would like to use this opportunity to send out a word of caution to all those involved in providing unregulated financial services to customers, known for charging exorbitant fees and interest. The names obviously you know, Micro Lenders is one of them. Namibia is tired of these abuses; the Namibian people have suffered enough. Make sure you are not caught red-handed!

26 October 2005

**MOTION ON FINANCIAL BURDEN ON PUBLIC
HON TWEYA**

Such a chronic and pervasive situation of high Bank Charges and lack of access to finance for those who need it most in Namibia, can only force the Government to consider as a last resort instituting a legal recourse through legislative and executive channels to curb such abuses.

Mr Speaker, against this background I support and propose that the Motion be referred to the Standing Committee on Economics, Natural Resources and Public Administration for further investigation and appropriate recommendations to this House.

And in conclusion I wish later to share one piece of research that was done by NEPRU, for your own reading and maybe to enhance the debate.

On that note, Honourable Speaker, I thank you.

HON NAMBAHU: Comrade Speaker, Honourable Members, I rise to make my contribution to the Motion by Honourable Gertze, aimed at discussing the financial burden placed on the public by banks and creditors.

At the outset of my contribution, allow me, Comrade Speaker and Honourable Members to join my fellow Members who preceded me in making contributions to this important debate, by congratulating the Honourable Member for bringing up this important Motion.

Honourable Members, you may recall that in my maiden speech at the beginning of this Parliament, I mentioned what I termed the prevailing financial illiteracy in the country, and the lack of understanding of financial issues among the vast majority of our population. In my view, Comrade Speaker, Honourable Members, it is this lack of information and awareness that has stifled and/or retarded this kind of debate, both here and at the grassroots level, on the one hand, and on the other, it is because of this general lack of information and awareness and education on financial matters that the financial institutions have been able to treat us the way they do and get away with it for so long.

Therefore, the lack of information needs to be addressed through, in my view, very innovative ways and unorthodox fashions, such as:

Declaring a Banking and Financial Services Information and Awareness week.

26 October 2005

**MOTION ON FINANCIAL BURDEN ON PUBLIC
HON NAMBAHU**

During this period banks and financial service providers should go out, as part of their social responsibility and as a form of ploughing back into the communities where they operate, to educate and disseminate information to the public and customers and other stakeholders on the services they provide. In my view this would be effective as it will work better than the fixed suggestion boxes that they have, and in this way they would also get feedback from the customers on the work and services they provide.

To improve consultation and communication between the banks and their customers. Sometimes you hear that rates are going to be increased when you are a BOB or cheque card holder, but what about my uncle or mother who has a bank book? When is he or she consulted as to what and when the rates and charges are going to be increased? I wonder whether there is any consideration of how to bring these people into the equation and brief them as to what is coming, to make provision for these increases.

Banks need to adopt the principle of participatory management, whereby the concerns of customers and stakeholders are addressed through serious consultation and inclusion of the customers in the banking equation.

To revisit, review and adopt a banking philosophy with a National flavour and perspective and one that is in step with, aligned and conducive to the realisation of the objectives and goals of Vision 2030, NDP 2 and the Millennium Development Goals. To address the issue of self-policing I think should be undertaken by someone else, because just as we cannot leave law to lawyers, and we cannot leave politics to politicians, we should also not leave banking to bankers. So therefore I propose an independent regulatory body, that should be created and strengthened, to which banks must account and justify their actions, e.g., to provide reasons as to why the rates and Bank Charges are increased for the purpose of bringing about uniformity and parity. Why is it possible to do that in sectors like the oil industry? I do not think you will go from one petrol station to another and find a difference in prices. There is uniformity. Why is it possible that they do it that way and it cannot be done in the industry that concerns banking and finances?

I would attempt to bring the level of debate from peripheral issues to the real issues, in the form of a question, Comrade Speaker: *“Why have the banks and creditors, in other words, the financial service providers, been able to place such a burden on the public for such a long time?”* I think this is the question we should ask ourselves.

Supplementary to that: *Are the issues of fees, Bank Charges, etc., as identified by some of the Honourable Members who spoke before me on this Motion, the real*

26 October 2005

**MOTION ON FINANCIAL BURDEN ON PUBLIC
HON NAMBAHU**

issues that are at the epicentre of the problem or the burden, just to paraphrase the Mover? Or is there something else that enables the banks to do what they do?

In attempting to substantiate my position, allow me to once again allude to the valuable contributions made by various speakers on this topic, but I should single out the contribution of the Honourable Prime Minister who, as usual, not only added value to the discussion, but gave the issues the right context, direction and perspective when he talked of branch economy and issues of ownership, and also the contributions made by the Honourable Deputy Minister of Finance and Minister of Health and Social Services, respectively.

However, given the interesting nature of the topic and the number of Members who may wish to make contributions I shall limit myself to simply bring to the fore, for my fellow Members to consider the Committee Stage to which the Motion is to be referred or any other relevant platform. One such issue, Comrade Speaker is the shareholder structure of the banks and financial institutions in this country.

Time and again the issue of the shareholding structure of the banks - and I refrain from using the term “our banks” because I doubt whether I will be correct if I were to say “our banks”, because I have serious reservations on that - and financial institutions is raised and a point is made of how worrisome the state of affairs in this regard is. Time passes and until the issue is raised again, it is business as usual.

Comrade Speaker, Honourable Members, I think the time has now come to take a critical and hard second look at these structures and the ownership and come up with solutions that are conducive to changing the situation for the better, and in the best interest of the country, its economy and all its inhabitants. In this vein I propose the following:

A policy on local participation in the shareholding structure. So that these things are not left to themselves, there must be a proper guiding policy that regulates how local participation should be introduced in this sector.

The issue of private-public partnership should also be addressed in a sector where much is done to stamp out competition and strangle newcomers. I think the point of the bank we call our own, rings clear.

The strengthening of supervisory capacity over the banks and other financial institutions. As sophisticated as some Members are, we are still not very clear about who plays the role of supervision in the Banking industry. What about other people at

26 October 2005

**MOTION ON FINANCIAL BURDEN ON PUBLIC
HON NAMBAHU**

the grassroots who might not have the same sophistication that we have? I think it is time that we strengthen these institutions if they are there or put up some if there are gaps.

Infant industry identification, classification, support and protection. Time and again the Competition Law has been talked about here, investment coming into the country has also been talked about, but certainly, the way we subject new businesses to competition must be considered. A company that has just obtained a licence to commence business is exposed to competition with a company that is multi-national, with a very solid asset base and the like and I do not see how that competition can be fair and more so where they are operating in a very hostile banking and financial institution environment.

As the burden is not only felt by the public and individuals, but also by corporate bodies and businesses, mainly newcomers especially from the previously disadvantaged strata of our society, it is imperative to strengthen early-stage business support, for example, by means of a policy, criteria and strategy to classify, protect and support infant industries and new entrants into the market.

To increase coverage and access. This issue of Bank Charges and fees that we are talking about here, might be very important to us, because we have access to Banking, but a person in Okongo or Opuwo might only be concerned about how to get to a bank, if there is a bank nearby at all. He would be less concerned about the Bank Charges. He would only be concerned as to whether he can wake up 3 o'clock in the morning, get transport somewhere to stand in a hundred metre queue and try to do only banking that day and come home, just to go back to go and shop the next day. So therefore, the issue of Banking access and coverage is very important.

But there are also other issues that are very important to this equation, and one of them is the issue of venture capital.

Who should provide it and where should it come from? These are difficult questions. Yes, they are, but they cannot be wished away. They beg for answers and, consequently must, I am afraid, be answered.

The ownership of the banks and local participation in the shareholding therein need to be addressed in earnest for the sake of National interest and economic growth and overall development.

There must also be a strategy to guard against 'vulture' capitalist and 'blind-pool'

26 October 2005

**MOTION ON FINANCIAL BURDEN ON PUBLIC
HON NAMBAHU**

practices, and for those who may not be acquainted with these terms, I shall attempt to give a definition of these two concepts.

We all know that venture capital is money and resources made available to start up firms and small business with exceptional growth potential, and if banks have the attitude and the philosophy they have, so many people with very good business potential or business with a very good growth potential will be turned away by the banks, although they are the kinds of businesses that need investment because of National strategy.

A ‘vulture’ capitalist is just slang for a venture capitalist who deprives an innovator or inventor of control over his or her own innovation or invention, as well as most, if not all, of the money the innovator or inventor would have made from it. If there is no helping hand ready to help these inventors or innovators, we are leaving them to the sharks that are called ‘*vulture capitalists*’ and there must be a National strategy to address this and help out here.

The ‘blind pool’ is defined as a form of partnership where no concern or much care is afforded to what form of investment opportunities or ventures the other partner is pursuing. So you just enter into a partnership, but you do not mind what kind of business opportunities your partner is going to embark upon. On the part of the public sector this is something that we must discourage and something that we must think about.

Therefore, Comrade Speaker, Honourable Members, while I have no quarrel or praise for the adage that behind a successful man there is a successful woman, I have come to firmly believe that in our circumstances, behind a successful businessman there is, has been or ought to be, an understanding and supportive bank manager.

With these sentiments, I support the Motion. Thank you.

HON SPEAKER: Honourable Viljoen.

HON VILJOEN: Honourable Speaker, I wish to withdraw my application.

26 October 2005

MOTION ON FINANCIAL BURDEN ON PUBLIC

HON SPEAKER: Any further discussion? Does the Honourable Mr Gertze wish to reply? Honourable Minister of Finance?

HON MINISTER OF FINANCE: Honourable Speaker, I am sorry, I have been out of this House for most of the discussion of this Motion. I would very much like to make a contribution. I know, however, that I will also be out of the House for most of next week, because of the high-level meeting that Cabinet intends to have outside town. But if this House would allow, I would request to be given an opportunity to make a contribution. However, that can only be on the Tuesday after next week. I do not want to stand in the path of how Parliament wants to proceed, but I thought what I have to say could perhaps contribute.

HON SPEAKER: Thank you, Honourable Minister. You being the line Minister responsible for financial matters in the Republic, your contribution will be very helpful in assisting the Honourable House to arrive at an appropriate decision on the way forward. In the light of that, unless any of the other Honourable Members wish to take the floor now or tomorrow, I will accept the request by the Honourable Minister of Finance, that the debate on this Motion be adjourned until the week after next week, 8th November 2005. The Secretary will read the Fifth Order of the Day.

RESUMPTION OF DEBATE ON THE DIRE SITUATION AT OPUWO, DUE TO THE DISCONNECTION OF WATER BY NAMWATER.

HON SPEAKER: When this debate was adjourned on Wednesday, 12 October 2005, the question before the Assembly was a Motion by the Honourable Kaura. The Honourable Kaura adjourned the debate for his reply and I now give the floor to Honourable Kaura.

HON KAURA: Honourable Speaker, Honourable Members, thank you very much for making your substantive contributions to this Motion, dealing with our local disaster, which one can equate to the disasters of tsunami, Hurricane Katrina and so on, despite the fact that the contributions were mainly clouded in total ignorance from people who ought to know better.

26 October 2005

REPLY TO MOTION ON WATER CRISIS IN OPUWO
HON KAURA

Malcolm X used to say that if you want things to be done, you must raise hell. Raising hell in this House about the situation in Opuwo has quickly produced the desired results.

SWAPO Parliamentarians, investigate the veracity of the Motion from Opposition parties, before you poison the air of this august House with your ignorance. You were making jokes about the Opuwo disaster, but immediately the Ministry of Education stepped in and put up water tanks at schools in Opuwo and started providing water. The churches also stepped in, the Seventh Days Adventists and the Evangelical Lutheran Church and started providing water to Opuwo residents at N\$2 for 25 litres. Finally, Namwater came to its senses and started to supply water to Opuwo. At least this motion has served its purpose.

I have been fully vindicated, Honourable Speaker. I want to thank the newspapers, the *Republikein* and *The Namibian*, as well as the NBC for removing the scales of ignorance from the eyes of the SWAPO Parliamentarians. What irks me in particular are the statements of **Honourable Minister Abraham Iyambo**, who was quick in his “*Mannetjie*” posture to say that the Opuwo Municipality must be taken over by Government.

I do not need to say much, he only needs to read the letter to the Editor in *The Namibian* of October 14 2005 on page 16 by Ananias Ipinge. The writer reminded the Honourable Minister about the crisis at Katima Mulilo, run by SWAPO counsellors, but he never proposed a takeover. But Opuwo must be taken over.

He states further that there are reports of corrupt practices at different towns, such as Okahandja and Otjiwarongo run by SWAPO councillors, but the Honourable Minister did not propose drastic steps. Ipinge questioned the case of the food rotting at Katima Mulilo, Max Makushe Secondary School and Osona Military Base, while our poor San people are starving to death and the food is rotting in warehouses. I do not need to say more.

Honourable **Minister Dr. Nicky Iyambo**, if the water of Opuwo is fit for human consumption, why do we need a water purification plant to remove the lime from the water? Which research was done to justify that that amount of lime in water has no long-range side-effects on a human being? Let us not play politics with the well-being of our people.

I hope NamWater will not drag its heels in replacing the clogged pipes at Opuwo and putting the purification facility so that this problem can

26 October 2005

REPLY TO MOTION ON WATER CRISIS IN OPUWO
HON KAURA

become a thing of the past. Honourable Speaker, *Honourable Nambinga* was saying that the Opuwo water crisis Motion was a tribal Motion by virtue of the fact that I speak Otjiherero as my mother-tongue. He concluded that the people of Opuwo town are all Hereros.

Honourable Speaker, Honourable Nambinga, while my mother-tongue is Otjiherero and your mother-tongue is Oshiwambo, not only Owambos buy at your gift shop in Katutura. Opuwo is a metropolitan town where you find Owambos, Damaras, Kavangos, Hereros, Namas, Nigerians, Zambians, Kenyans, Germans, Afrikaners, Chinese and so on. My goodness. Ignorance is bliss.

The *Right Honourable Prime Minister*, well armed with a Master's Degree from an Ivy League University, Colombia University, stretching along Broadway in downtown Manhattan up to 125th Street near Harlem, are you ready to apologise? Before you apologise, what are you going to do to the Ministry of Safety and Security that did not pay NORED, to the point that the electricity supply was cut off and 90 corpses were rotting at the Oshakati Police Station? Fire the relevant officials immediately! You are blaming Opuwo residents that they do not pay for water, poor people for that matter, but why do you not take steps for the SWAPO Party government to take over the irresponsible management of the Ministry of Safety and Security?

Honourable Speaker, please tell my beloved niece, *Deputy Minister Muharukua* that Members of the National Assembly are elected countrywide and not from a specific constituency. Members of the National Council represent constituencies, not Members of the National Assembly. Therefore she cannot instruct me to confine myself to Okakarara problems, nor can she confine herself to Opuwo only. After all, the DTA defeated SWAPO in both Epupa and Opuwo constituencies. I have a greater legitimacy to speak about Opuwo problems, because unlike Honourable Muharukua, who is mere window-dressing, I have quantifiable support in Opuwo.

During the floods in Caprivi the DTA of Namibia donated N\$5 000 to flood victims, because the people of Namibia are our collective responsibility, even if you come from Opuwo or Okatjetje.

I hope that with these few remarks the House will support this Motion, because it has drawn the attention of ALAN to this life-threatening crisis, and Deputy Chairman of ALAN, Pio Nganate, who is a member of SWAPO, lent a helping hand to alleviate the humanitarian disaster at Opuwo. Thank you very much.

26 October 2005

REPLY TO MOTION ON WATER CRISIS IN OPUWO

HON SPEAKER: I now put the question that the Motion be adopted. Can I have a proper indication of an objection, if there is any? There is an objection. The House is divided. Will those members in favour please rise? Will those members against please rise? Will those members abstaining please rise? None. The voting is closed.

In favour - 9
Against - 27
Abstentions - 0

The Motion is rejected. That brings the business of the House scheduled for today (Intervention)

HON GURIRAB: On a Point of Order. Honourable Speaker, given the statistics of the Motion, the House must then be in (.....) the vote cannot be carried because it is only 36. I seek your guidance.

HON SPEAKER: May I have the undivided attention of the Honourable Members? The tally I have in my hand from the Table, 9 in favour, 27 against, no abstention. It is verified that there are 37 voting members. The Speaker, of course, reserves his prerogative. The Motion is rejected. With that I call upon the Right Honourable Prime Minister to adjourn the House.

RIGHT HON PRIME MINISTER: Honourable Speaker, I am happy that the people have been attended to by Namwater. We adjourn on that happy note and resume here tomorrow at 2:30.

THE HOUSE IS ADJOURNED AT UNTIL THURSDAY, 2005.10.27.

**NATIONAL ASSEMBLY
ASSEMBLY CHAMBER
WINDHOEK
27 OCTOBER 2005**

The Assembly met pursuant to the adjournment.

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

ANNOUNCEMENT BY THE SPEAKER

HON SPEAKER: Honourable Members, yesterday during the Debate on the Motion by Honourable Ben Ulenga to discuss the Third Order of the day, namely the state of Corruption and Abuse of Public Funds and Assets, I thought of ruling Honourable Tsudao Gurirab Out of Order. In particular, I was concerned about the Honourable Member's attempt at involving an acting Judge of the High Court, in the Legislative and Executive branches of Government by suggesting Heathcote for President. In light of that concern I sought legal advice, and therefore rule as follows. According to Article 78 (3) of the Constitution, and I quote, "*No member of the Cabinet or the Legislature or any other person shall interfere with Judges or Judicial Officers, in the exercise of their judicial functions and/or organs of the State shall accord such assistance as the Courts may require to protect their independence, dignity and effectiveness, subject to the terms of this Constitution or any other Law.*" In terms of Rule 108(g), "*A member may not refer to the names of persons or any statements of facts unless they are necessary to render the question eligible and can be authenticated. Members may make reference to Judicial Officers in their official functions and duties, but must at all times be cautious in making reference to Judicial Officers in their personal capacities that might be perceived to compromise the independence or as a direct interference in their judicial functions.*" I have observed and I am concerned about the insolence and cavalier way in which some Members have been mentioning names of members of the public who are not Members of this Chamber, without any authentication or proof. Members must internalise Rule 108 of our Standing Rules and comply therewith. My ruling is that Members but cease and desist from continuously referring to names of persons without authentication and substantiating the facts.

Second announcement: there will be no session next week. All items that have been adjourned to the said week will automatically stand deferred to Tuesday, 8 November 2005.

27 October 2005

**NOTICES OF QUESTIONS
HON MOONGO**

Any petitions? Any Reports of Standing or Select Committees? Other Reports and Papers? Any Notices of Questions? Honourable Moongo?

QUESTION 49

HON MOONGO: Honourable Speaker, I give Notice that on Thursday, 3rd of November 2005 I shall ask the Minister of Agriculture, Water and Forestry the following:

- a) Is it true that the Ndonga and Kwanyama farmers in Kavango who did not follow the right channels and settled illegally have to withdraw from that area? Can the Government revisit the decision that all 60 000 cattle must withdraw at once, so that the withdrawal can take place in a more orderly fashion as was proposed by King Kauluma?
- b) Would the Government in the movement of the animals by providing them with water along the way?
- c) Will the Minister ensure that a clear road is available for these people to move their animals calmly and safely without loss of life?

HON SPEAKER: Will the Honourable Member please Table the question? Any further Notices of questions? None? Any Notices of Motions? Honourable Deputy Minister Smit?

HON SMIT: Honourable Speaker, if I understand you correctly we have to table these Motions then for the 8th of the 11th? We cannot table them for next week? Is that right?

HON SPEAKER: Is it a Motion?

HON DEPUTY MINISTER OF AGRICULTURE, WATER AND FORESTRY: It is a Motion of a Bill. It is only for the 8th. Will we still be within the rules? Okay. Honourable Speaker, I give Notice that on Tuesday, the 8th of November 2005 I shall Move that leave be given to introduce a Bill to amend the Forestry Act, 2001 to

27 October

**NOTICES OF MOTIONS
HON P MUSHELENGA**

redefine the expressions of Minister and Ministry to extend the composition of the Forestry Council and to provide for matters incidental thereto.

I so Move, Honourable Speaker.

HON SPEAKER: Can the Honourable Deputy Minister please Table the Motion? Any further Notices of Motion? Honourable Mushelenga Peya?

HON P MUSHELENGA: Honourable Speaker, I Move without Notice that leave of absence due to official business be granted to Honourable Members Kaiyamo, Christiaan, Ben Amathila and Booys until the 11th of November 2005.

I so Move, Mr Speaker.

HON SPEAKER: Will the Honourable Member please Table the Motion? Honourable Minister of Finance?

HON MINISTER OF FINANCE: Honourable Speaker, I give Notice that on 8th of November I will Move that according to Section 5 of the Members of Parliament and other Office Bearers Pension Fund, Act 20 of 1999, Parliament elects three Members of Parliament Pension Fund Trust as Board of Trustees. In terms of Section 5(1) of the Rules of Members of Parliament Trust Fund, Parliament must elect two Members for a period of three years and one member for a period of four years as Board of Trustees of the Members of Parliament Trust Fund. Parliament resolved to elect Honourable Henock ya Kasita and Mr Hartmut Ruppel for a period of three years in accordance with subsection (1) of Rule 5 and Honourable Tsudao Gurirab for a period of four years in accordance with subsection 1 of Rule 7 of the Members of Parliament and other Office Bearers Pension Fund, Act 20 of 1999 as amended.

I so Move Honourable Speaker.

HON SPEAKER: Will the Honourable Minister please Table the Motion? Any

27 October 2005

**RESPONSES TO QUESTIONS BY HON VENAANI
HON KUUGONGELWA-AMADHILA**

further Notices of Motions? None? Any Ministerial Statements? None. This being

Thursday, the business of the House is initiated by the Opposition. The first question, Question No. 27 is one by Honourable Venaani. Does the Honourable Member put the question? Does the Honourable Minister of Finance wish to reply?

QUESTION 27

HON MINISTER OF FINANCE: I do Honourable Speaker, although it is with difficulty because the Honourable Colleague is not in the House and I thought that he wanted to be informed. The Honourable Member wanted me to inform the House as to how much Namibian public funds, as he put it, are invested in National and International financial institutions and for me to name the institutions in which these funds are invested and when returns are expected. Under Question 2, he wanted me to inform the House how much funds were invested during the last five years and how much profit or losses were accrued from these investments. I would like answer Questions 1 and 2 together. In an effort to contextualise the answer to the question of the Honourable Member, I need to share with the Honourable House the definition as contained in the State Finance Act, Act No. 31 of 1991. The said Act defines State monies and State monies are defined as: “(a) all revenue; (b) all other monies whatever received or held by or on behalf of an accounting officer, in relation to the administration of the affairs of the State”. Revenue in turn is defined in the same Act as: “(a) all taxes, levies, duties or fees not accruing by or under any Law to the funds of any Statutory Institution; (b) fine, rates or charges levied on services rendered by a Ministry or Public Office; (c) fines in forms in respect of offences whether under the common law, except such fines as in terms of any law accrued to the funds of any Statutory Institution, or the forfeiture to the State of any bail monies or any other monies seized or the realisation of goods seized in connection with any such offence; (d) loans raised in terms of provisions of this Act; (e) interest on monies invested by the Permanent Secretary of Finance in terms of Section 10 of the Act; (f) dividends on shares held by the State; (g) the alienation of any assets of the State; (h) gifts accepted in terms of Section 19 of the Act; (i) grants-in-aid received by the State; and all casual and other receipts of the State from whatever respect.

In terms of the aforesaid, it becomes clear that the responsibilities in terms of the State Finance Act are with regard to State monies in the revenue received. However, funds accrued by any Statutory Institution, are not included in this definition and the responsibilities lie with the authorities as defined in the governing laws. In answering Honourable Venaani’s question, I shall be guided by this definition as provided for

27 October 2005

**RESPONSES TO QUESTIONS BY HON VENAANI
HON KUUGONGELWA-AMADHILA**

the in the State Finance Act. Section 2 (1) of the State Finance Act provides for the maintenance of a State Account at the Bank of Namibia, into which shall be deposited all State monies, from which shall be defrayed all expenditure on the services of the State, or shall be made all payments in relation to State monies. Section 2(4)(a) of the same Act provides that Accounting Officers may with the authorisation of the Treasury, open an account at the Central Bank or any commercial bank locally into which all State monies received by the Accounting Officer, and as determined by the Treasury shall be deposited, and from which all expenditure shall be defrayed and all payments shall be made as the Treasury may determine. From the aforementioned it is clear that according to the State Finance Act, State monies are invested only at the Bank of Namibia, or at commercial banks within Namibia. The Minister of Finance is, however, empowered under Section 10(1) to authorise the Permanent Secretary of the Ministry of Finance, to invest any State monies that are not immediately required at any financial institutions in or outside Namibia. As a rule, all State monies were deposited into the State Revenue Fund, held with the Central Bank as per requirement of Section 2(1) of the State Finance Act, as referred to earlier. The Revenue Estimates for the Government for any given year was provided to Parliament, as part of the budget that is presented to this House by the Minister of Finance. And revenue item for the previous year is provided in the budget of the subsequent year also by the Minister.

Each year expenditure is appropriated by this House, is defrayed from the State Account as provided for in Section 2(1) of the State Finance Act. As the Members of this House are aware the budget balance for each of the past years was negative. In addition, the revenue flows into the State Revenue Fund in a stream and not as a lump sum received. As a result there were no access funds in the State Account that could have been put aside for investment as contemplated under Section 10(1) of the State Finance Act. A number of Ministries and Offices, however, opened special bank accounts under Section 2(4) (a), which I also referred to, of the same State Finance Act. It is meaningless, however, to come up with an average return for these investments, as the investments serve a variety of purposes. Some of these accounts and random Ministerial accounts by line Ministries, serve the sole purpose of managing ongoing projects and programs, and ensured a smooth and transparent handling of funds.

Other accounts are short term investments of monies at a fixed interest rate, for example, funds held by Ministries with banks. My Ministry requests for such information from other Ministries at the end of each financial year, to establish consistency of the records kept at the Bank of Namibia. And as at 31st of March 2005, which is the end of the previous financial year, the total balances on accounts

27 October 2005

**RESPONSES TO QUESTIONS BY HON VENAANI
HON KUUGONGELWA-AMADHILA**

held by Offices, Agencies and Ministries stood at N\$536 529 811-18. Now, with regards to investments by State Owned Enterprises and Regional and Local Councils, because those are included in Public Funds, apart from investments with banks, these institutions have investments with banking institutions that are regulated by Namfisa. Amongst them are unit trusts schemes, investment managers and life policies. They have also invested in Government security papers. The return expected on each of these investments differs according to the nature of the investment contract. It is important to note that the establishing Acts of the State owned enterprises and enabling Acts for Regional and Local Authorities, govern their investment policies. The investments are reported in the audited financial statements of the State Owned Enterprises, as they are laid before this Honourable House. The Honourable Member is referred to these documents for these documents for further information, including the performance of the individual investments. And these accounts are very numerous. I am sure that you would not be prepared to sit through me reading all of these accounts and the institutions with which they are placed, apart from the fact that these are made in accordance to different policies other than the State Finance Act, and under supervision of different institutions other than the Ministry of Finance.

Now under Section 3, the Honourable Member wanted me to reiterate the Treasury provisions relating to public funds investments and whether in my opinion I think the system has loopholes, and what can be done to improve, if the answer is in the affirmative. Regarding this question Honourable Member, the State Finance Act is very clear about the procedures pertaining to the investment of State monies directly withdrawn from the State Revenue Fund, as I have explained this at the beginning of my answer.

The Ministry of Finance strictly follow these procedures. When State owned enterprises undertake investments under their own responsibilities and the supervisory authority of those that supervise them, the relevant procedures can be founding the respective Acts that create those State Owned Enterprises. I do not want to rule out, however, that there is a need to harmonise the Acts in this regard, and create a more consistent set of regulations governing the investment of these kinds of public funds. I believe that once the Bill on Governance of State Owned Enterprises is passed by this Honourable House, Government will be in a better position to monitor investments made by State Owned Enterprises, and this will ensure a better control of the usage of public funds. In addition, efforts are ongoing to strengthen the regulatory framework for the non-Banking financial institutions. This will include measures to strengthen control over the market conduct of such institutions. Amendments to the relevant Statutes are being finalised, and will reach this Honourable House very soon.

27 October 2005

**RESPONSES TO QUESTIONS PUT BY HON VENAANI
HON MBUMBA**

Thank you.

HON SPEAKER: Question 28 is by the same Honourable Member, Honourable Venaani. Does the Honourable Member put the question? Does the Honourable Minister of Education wish to reply?

HON DE WAAL: I put the question

QUESTION 28

HON MINISTER OF EDUCATION: It is an interesting scenario to see Johan De Waal turning into a much younger person called McHenry Venaani. Nevertheless, duty is duty and I have to answer. The question is whether the Ministry defaulted on payment. Defaulting is a different issue. Defaulting is when you are found that you cannot pay. It is not simply because you did not pay. This is an issue of the bill not having been paid. And the result is as follows. First I speak like the former Minister responsible for water. Water remains a scarce and expensive resource in our country. And therefore anyone using water has to be prepared to pay. In the first place the City of Windhoek buys the water from Namwater, and therefore if somebody uses that water the Municipality is within its right to demand payment. That is one. Secondly to talk as Minister responsible for schools. I definitely feel that we have been forced into a situation where the water had to be cut off, or utility had to be cut off to a school, an educational institution such as Augustineum Secondary School. It appears, however, that the school was given a credit of over N\$700 000-00 and because of that the monthly payment was stopped and when that credit was used up something went wrong and nobody remembered to pay. I am happy, however, to report that the water has been reconnected and that the people responsible for the Directorate of Education in the Khomas Region and the Municipality as well as the Financial Advisor in the Ministry of Education, are reconciling the figures and they have given instructions not only to the Khomas Region Directorate, but to all the Directorates that they should not allow the situation to reach such a stage that utility bills are not paid on behalf of the Ministry and on behalf of the school. I hope the answer satisfies your query. Thank you very much, Honourable Speaker.

HON SPEAKER: I thank the Honourable Minister. Question No. 31 is by

27 October 2005 **RESPONSE - QUESTIONS BY HON SCHIMMING-CHASE
HON NGATJIZEKO**

Honourable Schimming-Chase. Does the Honourable Member put the question? Does the Honourable Minister of Trade and Industry wish to reply?

QUESTION 31

HON MINISTER OF TRADE AND INDUSTRY: Thank you very much, Honourable Speaker, Honourable Members of the House. I want to reply to a number of questions that had been raised by the Honourable Nora Schimming-Chase that relate to the ODC, NDC investment. I wish the House to understand my reply to this question in the proper context, because this is an issue that is currently under serious investigation. I just want you to keep that in the back of your mind.

Let me take this opportunity to thank Honourable Schimming-Chase for the questions posed. I wish to respond as follows. It is correct that the State is a 100% shareholder of the NDC and 95% shareholder in the ODC y. It is equally true that as it has been widely, publicised the ODC has invested close to N\$100 million with parties in South Africa and Botswana. N\$55.4 million of this total investment are funds that were entrusted to the NDC for the implementation of capital projects on behalf of the Ministry of Trade and Industry. The balance represents funds of the ODC and a private party. Exactly how the ODC and NDC funds were purportedly invested by and with who, as well as the recovery thereof are currently the subjects of investigation and legal action has been launched.

The second question relates to the nature, terms and conditions of the investment. I wish to reply as follows. No formal agreements have been entered into that detail the terms and conditions under which the ODC placed the investment in both the mortgage bond in a grey triangle. So far I have only seen a copy of an investment agreement between ODC and NDC. This agreement has been entered into between the management of the two organisations.

The third question relates to whether there was Ministerial authorisation for this investment and I want to answer as follows. The investments were made between 2001 and 2003 and thus at the time when other colleagues were in charge of the Ministry of Trade and Industry, the line Ministry responsible for both ODC and NDC. I have no information to indicate whether or not the previous Ministers of Trade and Industry had knowledge of the investment activities of the ODC, so I can only speak for myself. To answer to the question of the Honourable Schimming-Chase, I was not informed about such investments until the story was published in the media at the end of July 2005. I would, however, like to point out that both the EPZ and NDC Acts do not specifically provide for the involvement by the Minister in matters pertaining to

27 October 2005 **RESPONSE - QUESTIONS BY HON SCHIMMING-CHASE
HON NGATJIZEKO**

investment and day-to-day management of the company. This responsibility has been entrusted to the Board and to Management. The application of the Minister under Article 30 of the EPZ Act is only in respect of the provision of adequate funding to sustain the investment promotion operations of the ODC. I was not informed about the ODC having any difficulties in funding its promotional activities. As the sole and main shareholder of the NDC and ODC respectively, the Government has representation at the Board levels of these institutions. I have been informed that the NDC Board has never been consulted and granted approval for the investment of the corporation's funds, through the ODC.

The next question was about the exact whereabouts of the ODC investments right now. My answer is as follows. There is no verifiable information on the whereabouts of the ODC investment. No convincing reasons have equally been given for the delayed repayment of the invested capital and accrued interest.

The next question concerns the allegations of corruption and self-enrichment and I want to state the following. The whereabouts and train of the funds invested as well as the parties that are involved in any way, are the subject of the current investigations that have been launched and that are still in process. At this point therefore I have no information, to confirm or deny the alleged corruption or self-enrichment. On the measures that the Government will take if there is any proven case of corruption, I wish to assure this august House that in accordance with its strong anti-corruption drive, the SWAPO Party Government will bring to book any party found guilty of such crimes. The outcome of the ongoing investigations is expected to form the basis of any actions that are to be taken. The last question concerns the investigations that are currently taking place, and on that question I want to reply as follows.

Independent parties, and I must emphasise, independent parties such as lawyers, the Police Department, the forensic auditors and Namfisa have been drawn in to lead and undertake the investigation. The above measures have been taken to ensure that an independent and credible investigation takes place. The cross-border nature of this matter at hand has necessitated the involvement of relevant stakeholders or co-operating parties in both South Africa and Botswana.

I trust that my response satisfactorily addressed the concerns of the Honourable Member and by extension of the august House and the entire Namibia nation. I thank you.

HON SPEAKER: Thank you, Honourable Minister. Any follow-up question?

27 October 2005

**RESPONSE TO QUESTIONS BY HON TJIHUIKO
HON KAZENAMBO**

Honourable De Waal? Question No. 32 is by Honourable Viljoen. The Honourable Member is absent, but he is represented.

QUESTION 32

HON DE WAAL: Honourable Speaker, may I pose the question on behalf of Honourable Viljoen, please? He is at State House at the moment. Thank you.

HON SPEAKER: Thank you. One can question that one. Does the Honourable Minister wish to reply? We are on questions.

HON MINISTER WITHOUT PORTFOLIO: On a Point of Order. I want to know whether anybody from the House can pose a question or must it be a Member of that party? Whether anybody from the House who can pose the question or rather say that it must be answered on behalf of the Member who is absent or should it be a member from that particular party?

HON SPEAKER: We are representing the political parties, but we also have general common interest as Members of Parliament and if, indeed, Honourable Member has requested his Colleague and the Honourable Colleague has obliged, that is allowed. Does the Honourable Minister of Works, Transport and Communication wish to reply? Anybody here? No reply delegated to any Honourable Member? The question will stand over. Question no. 35 is by Honourable Tjihuiko. Does the Honourable put the question?

QUESTION 35

HON TJIHUIKO: I do.

HON SPEAKER: Does the Honourable Minister of Regional and Local Government and Housing and Rural Development wish to reply? I give the floor to the Deputy Minister.

27 October 2005

**RESPONSES TO QUESTIONS BY HON TJIHUIKO
HON KAZENAMBO**

QUESTION 35

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

Thank you, Honourable Speaker, Honourable Members. The Honourable Member's question No. 1 is 'How is it possible that a number of Herero Traditional Authorities are recognised as Royal Houses in a sovereign, secular, democratic and unitary State and are there rulings as such.' The answer is that I need to remind the Honourable Member that the decision as to by what name a Traditional Community should be recognised lies with the Traditional Community consent and not with the Ministry or the Government. Whether they call themselves a Royal House or a Traditional Authority is their choice to choose what they want to be referred to, as long as it is not in violation with either the Act or the Constitution. All Traditional Communities in Namibia recognised by the Government are treated equally. In the application for recognition they must provide certain information on which basis each and every application is to be considered, e.g., in the application they are required to provide information about the name of the leader and his or her title. 2. The name of the Traditional Authority and the Traditional Authority consists of the Chief or the Head and all his or her councillors. The name of the Traditional Community represented by the Traditional Authority, the communal area inhabited by that community, known as the area of jurisdiction, the number of members of that Traditional Community, the customary law of the community. However, no customary law or norm is above the Constitution of the Republic of Namibia, including the Traditional Communities known as Royal Houses.

The Government pays monthly subsidies to one Chief or Head, six Senior Councillors, six Traditional Councillors and one Secretary. They are appointed from many councillors of that community by the Chief, in consultation with his or her Traditional Community, based on the provision of the Traditional Authorities Act, No. 25 of 2000, (17). Furthermore on the question why is it only the Herero Royal Houses have been recognised as such in a unitary State, but the rest of the other ethnic groups such as Namas, Masubias, Ndonga's and Kwanyamas are only recognised as Traditional Authorities. The answer is that for the purpose of this question the Oxford Dictionary defines "royal" as among other things to mean "*belonging to the King or Queen*". The word "royal" in some of the Herero Traditional Communities, I guess, is preferred by those Traditional Community to indicate the royal nature of their Chief or Head, of their Traditional Communities. This does not mean that they are more royal than those who have Royal Heads of their Traditional Communities. Each Traditional Community has been recognised according to the original names they carry and they prefer to be referred to. Even the Royal Houses are known as

27 October 2005

**RESPONSES TO QUESTIONS BY HON TJIHUIKO
HON KAZENAMBO**

Traditional Authority, e.g. Maharero Royal House is still a Traditional Community. All recognised Traditional Communities are regarded equally and treated accordingly. The same amount of allowances is being paid to all Chiefs, Senior Councillors, Traditional Councillors and their secretaries irrespective of how they call themselves.

Question 3 of the Honourable Member is whether the principles of a unitary State only apply to the tribal groups in Namibia, but not to the Hereros. The answer is no. Although the Government recognise a Head or a Chief of Traditional Communities as Chiefs, Captains, Kings, Queens, *Ombara Otjitambi*, Omarenga, whatever you call them, *Ombara Otjitambi* is apparently is a Chief of Chiefs or a King of Kings, god of gods. This does not prevent the community to call their Chiefs Kings or whatever the title is in their own languages, and in accordance with the customs of their communities. There is no different treatment for the Herero Royal Houses, and other Traditional Authorities or Traditional Communities in Namibia, not at all.

Question 4, does the Minister think that in line with Article 10(1) and (2) of our Supreme law, the Constitution of the Republic of Namibia, all Royal Houses and Kingdoms should be recognised equally and have the same representation of 14 people in the Traditional Council. The answer is yes, the names of Traditional Communities or titles of their Traditional Authorities, do not change or give them additional status and will not affect the unity of our State. They are recognised as Traditional Communities with equal status on the basis of the Act. Their representation in the Council of Traditional Leaders is two members per community, and not 14 as the Honourable Member has mentioned.

Question 5 was whether the Minister thinks that the Traditional Authority Act of 2000, No. 4, subsection (a) and (b) which states that one person from the Royal Family of that Traditional Community who shall be instituted as the Chief or Head as the case may be, of the Traditional Community or (b) if such community has no royal family any member of that Traditional Community who shall be instituted as Head of that Traditional Community and are in direct conflict with Article 1(1) of the Constitution of the Republic of Namibia. To that question the answer is that the traditions and customs in Namibia are not uniform. It is the right of communities to practice them, the way they are acceptable and adopted by the members as long as they are not in conflict with the Constitution. It is the communities that attach status of their tradition and not the Government. In the eyes of the Law, they are all equal but at the community level the picture may change, depending on the value a community attaches to its customs and tradition.

So, I think the situation is very clear. Everything is done according to the rule and

27 October 2005

**RESPONSE TO QUESTIONS BY HON DE WAAL
HON ANGULA**

according to the provision of the Act and the Constitution of the Republic of Namibia. So, whether the Chiefs, the Royal Chiefs are called Royal or other terms, the situation is very clear as I have elaborated above. I thank you.

HON SPEAKER: The question no. 36 as by Honourable De Waal. Does the Honourable Member put the question?

HON DE WAAL: I put the question.

QUESTION 36

RT HON PRIME MINISTER: Yes. Before I reply to the question I want to raise an issue about question 5. Mr Tjihuiko, listen carefully, question 5 of Question 35. I believe this question is unconstitutional. You cannot ask Parliament to interpret the Constitution. You are supposed to go to the Constitutional Court. Having said that, let me answer my question. Thank you, Mr De Waal. The answer is as follows.

Agricultural Bank of Namibia - Minister of Agriculture, Water and Forestry.

Karakul Board of South West Africa - Minister of Agriculture, Water and Forestry.

The Meat Board of Namibia - Minister of Agriculture, Water and Forestry.

The Meat Corporation of Namibia - Minister of Agriculture, Water and Forestry.

Namibia Agronomic Board - Minister of Agriculture, Water and Forestry.

August 23 Holdings Company Proprietary - Minister of Defence.

Windhoek Machinen Fabrik PTY - Minister of Defence.

Namibia Qualifications Authority - Minister of Education.

Namibia College of Open Learning - Minister of Education.

27 October 2005

**RESPONSE TO QUESTIONS BY HON DE WAAL
HON ANGULA**

Namibia Art Gallery, National Art Gallery of Namibia - Minister of Education.

Environmental Fund of Namibia - Minister of Environment and Tourism.

Cash Products Trust Fund - Minister of Environment and Tourism.

Namibia Tourism Board - Minister of Environment and Tourism.

Namibia Wildlife Resort Company - Minister of Environment and Tourism.

Bank of Namibia - Minister of Finance.

The Development Bank - Minister of Finance.

Motor Vehicle Accident Fund – Minister of Finance.

Namibia Financial Institution Supervisory Authority - Minister of Finance.

Namibia National Insurance Corporation - Minister of Finance.

Windhoek Country Club and Hotel Pty - Minister of Finance.

Air Namibia – Minister of Finance.

Government Institutions Provident Fund – Office of the Prime Minister.

Fisheries Observer Agency – Minister of Fisheries and Marine Resources.

Marine Resource Fund – Minister of Fisheries and Marine Resources.

National Fishing Corporation of Namibia – Minister of Fisheries and Marine Resources.

Namibia Institute of Pathology – Minister of Health and Social Services.

Namibia Press Agency – Minister of Information and Broadcasting.

Namibia Broadcasting Corporation – Minister of Information and Broadcasting.

New Era Publications Corporation – Minister of Information and Broadcasting.

27 October 2005

**RESPONSE TO QUESTIONS BY HON DE WAAL
HON ANGULA**

Social Security Commission – Minister of Information and Broadcasting.

Diamond Board of Namibia – Minister of Mines and Energy.

Electricity Control Board – Minister of Mines and Energy.

Mineral Development Fund of Namibia – Minister of Mines and Energy.

HON SPEAKER: May I just consult the Right Honourable Prime Minister, When we come back after tea break, we do not have much to transact, so shall we dispense with the tea break and continue, or should we break for tea and other beverages? What is the pleasure of the House? Continue? Continue, Right Honourable Prime Minister.

RT HON PRIME MINISTER: I was saying that

Namibia Power Corporation – Minister of Mines and Energy.

National Petroleum Corporation of Namibia – Minister of Mines and Energy.

National Housing and Enterprise – Minister of Regional and Local Government and Housing.

Namibia Bricks Enterprise (Pty) Ltd. – Minister of Trade and Industry.

Star Protection Service – Minister of Trade and Industry.

Namibia Airports Company – Minister of Works, Transport and Communication.

Namibia Post and Telecom Holdings – Minister of Works, Transport and Communication.

Namibia Ports Authority – Minister of Works, Transport and Communication.

National Transport Service Holding Company – Minister of Works, Transport and Communication.

27 October 2005

**RESPONSE TO QUESTIONS BY HON DE WAAL
HON ANGULA**

Namibia Roads Authority – Minister of Works, Transport and Communication.

Roads Contractor Company – Minister of Works, Transport and Communication.

TransNamib – Minister of Works, Transport and Communication.

MTC – Minister of Works, Transport and Communication.

Thank you.

QUESTION 37

HON DE WAAL: I put the question.

HON MINISTER OF FINANCE: Honourable Speaker, the question Paper here says the question is put to the Honourable Minister of Agriculture, and I think the presentation of the Right Honourable Prime Minister bears out the Honourable Member, but given the fact that the question was put to the Minister of Agriculture, I specifically have not prepared an answer. But in addition to that, I think maybe the Honourable Member can help to be clearer with his question. If you read the way the question is put, I very much wanted to help but he was not specific. Maybe the Honourable Member can put the question to the correct person, and also just frame it in such a way that I am able to know exactly what it is that the Member wants to know.

HON SPEAKER: The Speaker was advised that consultations had been undertaken and that it was agreed that the Minister of Finance will take up the responsibility. But if the Minister of Finance is ready, Honourable De Waal could rephrase the question in a way that makes it clearer, the Minister will respond.

HON DE WAAL: Thank you, Honourable Speaker. All the people want to know what is happening with the Affirmative Action Loan Scheme, when will it start working again, because they do not get an answer from anybody. They have applied for Affirmative Action Loans, nobody is answering them, nobody tells them what is happening. So we just want to know the current situation of the Affirmative Action

27 October 2005

**RESPONSE TO QUESTIONS BY HON DE WAAL
HON KUUGONGELWA-AMADHILA**

Loan Scheme, is it working or not, and if it is not working, why not?

HON MINISTER OF FINANCE: Honourable Speaker, as far as the Affirmative Action Loan Scheme is concerned, the Ministry of Finance is responsible for the sovereign guarantee, which was suspended towards the end of last year and was subsequently lifted. I made an announcement in this Honourable House that that moratorium had been lifted and a new formula had been put in place, for the issuance of sovereign guarantees. As far as we are concerned that is the status, people are expected to apply based on the new formula that has been put in place.

So, we have not issued any stoppage of this programme, and there should not be any reason why people should not benefit from it if they comply with the new rules.

HON DE WAAL: Honourable Speaker, I am very grateful for that answer, but I think then there is a communication problem somewhere between the Ministry of Agriculture and the Ministry of Finance, because the system is not working. That is why I asked the question the first time to the Minister of Agriculture, but luckily the Prime Minister has now sorted out that problem. But maybe we cannot waste more time on it, I will consult with the Deputy Minister of Agriculture, so that we can just get clarity and give the people out there a proper answer on what is happening. Thank you, Honourable Speaker.

QUESTION 38

HON MOONGO: I put the question.

HON MINISTER OF HEALTH AND SOCIAL SERVICES: Thank you, Honourable Speaker, Honourable Members. I take the floor to respond to the Honourable Moongo's questions.

On question 1, I would like to make a correction, in fact in all his questions. We do not have a job category in the name of "*junior enrolled nurses we have "enrolled nurses"*". However, for the sake of progress, I have the following answers to his questions:

27 October 2005

**RESPONSE TO QUESTIONS BY HON MOONGO
HON KAMWI**

QUESTION 1

The Ministry of Health and Social Services is committed to all of its staff development, of all categories since Independence. Staff development is planned based on the priority needs of the Ministry, such as health profile of the country, for example HIV/AIDS. What skills are needed to provide that care? How many staff members are needed with those specific skills? How many are available? How likely is it that the health profile of the country would change in the near future, etc.

Coming to the suspension of the bridging course for enrolled nurses, the Ministry did put on hold to send its enrolled nurses to this training for the following reasons:

- (a) Immediately after Independence, the Ministry had many nurses and most of them were at the level of registered nurses, but were only trained for two years in general nursing. While in exile we gave midwifery priority. Therefore they could not carry out all procedures under the scope of registered nurses, who completed the comprehensive four-year training, which includes midwifery. The Ministry therefore, introduced the bridging course so as to train these nurses comprehensively in general nursing and midwifery. Few of the enrolled nurses who had trained locally, were also included in this training. All the externally trained nurses who needed this training, have gone through this programme, thus the Ministry does not have a need for this training any more.
- (b) The second reason relates to the most critical need of the Ministry, which is currently the enrolled nurses. We need enrolled nurses to provide palliative care to patients. Our health care needs are no longer that of just providing clinical health care, but palliative care. This emanated from the fact that we have more HIV/AIDS patients, who just need basic nursing care, for example someone to wash them, listen to them or talk to them.

Furthermore, the Ministry has gone through the process of health reform, such as restructuring its Health Care System. During this process, many posts have been created for enrolled nurses, therefore pushing the vacancy rate to a record high of 900 vacancies for enrolled nurses. As a result, the Ministry's immediate need and priority is to train more enrolled nurses, until such time that the situation is properly addressed before removing the few enrolled nurses from the service to subject the to two years further training to become registered nurses.

Honourable Speaker, allow me to clarify that the bridging course is offered by the

27 October 2005

**RESPONSE TO QUESTIONS BY HON MOONGO
HON KAMWI**

University of Namibia, and not by my Ministry. This programme is still in existence at the University of Namibia. Those who want to do the course are free to do so at their own cost and time.

QUESTION 2

Why it is not possible for the Ministry to allow the enrolled nurses, who are not yet upgraded, to become registered nurses to do the training while in the employment of the Ministry. Honourable Speaker, the bridging course is a two-and-a-half year fulltime study programme. This means that the candidates would attend full-day classes. Therefore they cannot study while in full employment. Furthermore, with regard to study leave, as it was mentioned earlier, the health facilities are facing a critical shortage of enrolled nurses. The Ministry cannot afford to keep an enrolled nurse to occupy the post for two-and-a-half years, while at UNAM. We need bodies in the health facilities to work. If the post is vacated, it will give us an opportunity to employ someone else.

The Ministry cannot compromise the Namibian Nation's health for the sake of satisfying individual enrolled nurses. We need to be focused, plan properly and use scarce resources wisely, if we are to meet our objectives of providing quality health care to our Nation.

Lastly, I would like to say that good things come to those that wait. We will give opportunity to enrolled nurses when the need arises, resources are made available and the time is right. Patience is a virtue.

QUESTION 3

What are the criteria used to promote a junior enrolled nurse - there is no junior - on the salary scale 2BL.1 to a senior enrolled nurse, 2BL.3?

Honourable Speaker, the staff establishment of the Ministry of Health and Social Services in the nineties had a rank of enrolled nurse/senior enrolled nurse. This was not a promotion post, but a progression in rank. This meant that after the enrolled nurse had worked for more than three years, he/she could progress to senior enrolled nurse.

In the introduction of the Wage and Salary Commission (WASCOM) recommendations on 1st April 1996, all second entry ranks, including that of senior enrolled nurse, were abolished. Others included senior registered nurse, senior

27 October 2005

**RESPONSE TO QUESTIONS BY HON MOONGO
HON KAMWI**

medical official, senior clerks, senior record clerks, etc. However, those enrolled nurses who had already progressed to the rank of senior enrolled nurse kept their ranks.

On November 1st, 1997, the salaries of both the enrolled nurses and senior enrolled nurses were re-graded. The new staff establishment of my Ministry, which was approved in 2003, has no provision for posts of senior enrolled nurses, meaning that we do not have such promotion posts and nobody can be promoted to a post of senior enrolled nurse in my Ministry.

Consequently, with the restructuring of the Ministry of Health and Social Services, the new approved staff establishment of 2003 does not make provision for the rank of senior enrolled nurse. The Ministry, therefore, does not have rank promotion or transferred in rank in this category.

QUESTION 4

Does long service (up to 20 years) not play a role in this promotion?

Honourable Speaker Sir, I suspect very strongly that there is a conflict of interest on this question. The 20 year long service does not play a role for promotion in this case, owing to the fact that the staff establishment of my Ministry did not make any provision for promotional posts in this job category.

Furthermore, in general, government service does not promote people on the basis of long service, but rather on their ability, skills and competence to do the required work in specific job categories.

QUESTION 5

Is it not possible for the Ministry to look into the salary scale of enrolled nurses, in order to lessen the gap between them and the senior enrolled nurses?

Honourable Speaker, as explained above, those enrolled nurses who have already been transferred in rank to senior positions, remain in those positions, since the new staff establishment of the Ministry does not have senior positions any more. I also need to point out that everybody benefited from WASCOM re-grading and subsequent salary adjustment, which has been implemented over a period of years, including the latest, that of 1st April 2005. The unfortunate scenario is the fact that one cannot demote those who have already progressed to the level of senior before the

27 October 2005

**RESPONSE TO QUESTIONS BY HON MOONGO
HON KAMWI**

new measures were introduced. This imbalance, of course, has been gradually addressed, and we will continue to do so until this imbalance is phased out. Thank you.

HON MOONGO: Honourable Speaker, I take note, but it is really pathetic, because long service of more than 20 years was not covered by WASCOM and they were just left behind. It is really a pity.

QUESTION 39

HON DE WAAL: I put the question, Honourable Speaker.

HON DEPUTY MINISTER OF DEFENCE: Thank you, Honourable Speaker, Honourable Members of this August House, I rise to respond to the question of Honourable De Waal which was posed to my Minister.

The Honourable Member wants to know when the August 26 Holding Company will publish its Annual Reports for the years 2000 to 2005. I will answer the question as follows:

August 26 Holding Company was established as a Proprietary Limited Company in 1998. Since then it has appointed a reputable auditing company as its secretaries.

According to the Companies Act, proprietary limited companies have to submit annual reports, which include audited financial statements, to a shareholder, which is the Ministry of Defence within nine months from the ending date of the financial year.

The Honourable Member is, however, reminded that the same Companies Act states clearly that proprietary limited companies are not obliged to publish annual reports or financial statements.

To respond to the Honourable Member's question, however, I would say August 26 Holding has always published its Annual Reports for the years under question, and these reports have been submitted annually to the shareholding company, which is the

27 October 2005

**RESPONSE TO QUESTIONS BY HON MOONGO
HON !NARUSEB**

Ministry of Defence. The Honourable Member should be assured that August 26 Company has remained in compliance with the Companies Act and has always submitted these reports to the shareholding ministry, as mentioned above.

I thank you very much.

HON DE WAAL: I just want to thank the Honourable Deputy Minister and tell him that that is not the end of the story. Thank you Sir.

QUESTION 40

HON DE WAAL: I put the question, Sir.

RT HON PRIME MINISTER: I would like to apologise to Honourable De Waal that the research is still continuing.

QUESTION 41

HON DE WAAL: I put the question, Honourable Speaker.

HON SPEAKER: Does the Honourable Minister of Fisheries and Marine Resources wish to reply or any other Honourable Member designated to do so? None.

QUESTION 42

HON MOONGO: I put the question.

HON MINISTER OF LABOUR AND SOCIAL WELFARE: Thank you Honourable Speaker. I am rising to respond to the question put by the Honourable Member who would like me to confirm whether the wages, working conditions and

27 October 2005

**RESPONSE TO QUESTIONS BY HON MOONGO
HON !NARUSEB**

benefits of workers of APS, I assume it stands for Africa Personnel Services, in a beverage company in Oshakati, were sufficient or not and if not, when are they going to pay their workers according to the stipulations of the Labour Act?

The activities of these labour hiring companies are the subject of intense investigation by the Ministry of Labour and Social Welfare. It is in the spirit thereof that I would not really want to elaborate much more on that, pending the investigation.

But be that as it may, first of all I would like to inform the Honourable Member that this august House, as far as I can recollect, did not pass any Law which determined the National rates for salaries and wages. Therefore, it is difficult, if not impossible, for me to agree that these wages are not sufficient, since I will have no legal ground on which to base such argument. I am sure that in a caring point of view, all of us as lawmakers will agree that if workers are paid below the cost of living, which proves to be insufficient. In fact, insufficient wages are not only paid to workers of APS, but to many workers in this country, and I believe that every institution with a social responsibility should consider their workers decent wages.

Without wasting much time, I would like to take the Honourable Member through the relevant provisions of the Labour Act (Act No. 6 of 1992) for the Honourable Member perhaps to develop a better understanding, in order to appreciate our limitations when it comes to the improvement of wages and salaries, as well as other working conditions and benefits of employees.

The Labour Act provides a legal framework of the basic conditions of employment, which each employer must adhere to and if not met, employees have the right to demand that such conditions be put in line with the enabling legal framework.

The Act provides a framework where in an orderly manner, collective agreements between employers and employees in different sectors of our economy, and as it stands now, any mutually agreed payment between the two parties for a given work is *de facto* binding on the two parties. By implication the Ministry of Labour and Social Welfare cannot do anything rather than assisting parties to reach desirable collective agreements.

In order to solve the problem of insufficient wages or salaries, working conditions and benefits, workers or their representatives have to engage their employers in negotiations in order to strike the balance. The Ministry of Labour and Social Welfare has assisted many individual companies and their employees in reaching collective agreements on wages or salaries, as per the request of the parties

27 October 2005

**RESPONSE TO QUESTIONS BY HON MOONGO
HON !NARUSEB**

concerned. This includes the higher fixing of minimum wages in two industries and one sector. The case of the construction industry, agriculture and security industry comes readily to mind. The bottom line here is that workers have to be organised, and engage their employers in negotiations, and if need be, seek the Ministry of Labour and Social Welfare's impartial assistance.

Minimum wages can also be fixed by way of a wage commission. In cases where it is difficult for the parties to come together, we foresee such scenario to happen in the domestic sector, where employers are not organised, and therefore difficult to negotiate with. The employers are not properly organised within the domestic sector and it makes it difficult for negotiations to take place.

With the above background information, Honourable Speaker, I would like to assure Honourable Members that the Ministry of Labour and Social Welfare is ever ready to carry out its mandate of ensuring sound labour relations in our country, and I thank you.

HON MOONGO: The Honourable Minister, of course, indicated that there is an investigation, which I am happy with. But to say that the Labour Law does not have it while SWANLA, which was even acting as a cheap labour provider was terminated. I think if there is a loophole in the Law, it is the duty of the Minister to see to it that workers are not exploited, that cheap labour is no more in an independent Namibia.

That is why we fought for Independence and this exploitation of cheap labour should come to an end. I appeal to the Minister to seriously consider this. Thank you.

HON MINISTER OF LABOUR AND SOCIAL WELFARE: Thank you, Comrade Speaker, and I must also thank Honourable Moongo for the demonstration of concern for the Namibian workers. I do not really find any grounds that I can possibly disagree with him. But the point that I am trying to make here is that, as much as the legislative framework sets basic conditions of employment as well as pay structures, not necessarily the pay structures, but the basic things that any employee in the Republic of Namibia must receive, it does not necessarily stipulate the rate for the total industry. But what is incumbent upon the employees, and I think that is what I have stated, is for them to be organised, so that they have that leverage of bargaining with the employer.

27 October 2005

**RESPONSE TO QUESTIONS BY HON MOONGO
HON !NARUSEB**

Coming to the activities of the labour hire companies, I agree with you that they are exploiting the Namibian workers. That is why it is right now an issue of investigation.

And also in the new legislative framework that this House passed, in I think, 2004, the new Labour Act (No. 15 of 2004), there are certain provisions therein that aim and intend to regulate the phenomenon of labour hire companies. But there is also another issue that the Ministry of Labour and Social Welfare works at, and that is the Bill that would regulate the employment sector within Namibia, that we are in the process of attending to. Once that is a reality, then your concerns, my concerns and the concerns of the general Namibian public when it comes to the exploitative nature of the employment situation in our country, hopefully will be addressed.

I thank you, Comrade Speaker.

_____]

HON MOONGO: I would also like to be informed, if labour hire is not above the law and if the labour law is controlling even three-day casual workers and farm workers, what about those who are working fulltime the whole month, but they are exploited? Please, I am appealing to the Minister to take it seriously.

HON SPEAKER: It is an appeal Minister, the point is well taken, it is an ongoing discussion between you and the Honourable Member.

HON MINISTER OF LABOUR AND SOCIAL SERVICES: Yes, I take note of what Mr. Moongo is saying. His concern is equally the concern of the Government of the Republic of Namibia. We are not really at cross purposes here, we are equally concerned about the plight of the Namibian workers. The history that we come from does not really make room for any other view than concern for the workers of the Republic of Namibia. Thank you.

QUESTION 43

HON DE WAAL: I put the question.

27 October 2005

**RESPONSE TO QUESTIONS BY HON DE WAAL
HON KUUGONGELWA-AMADHILA**

HON MINISTER OF FINANCE: Honourable Speaker, I have prepared my answers, but unfortunately I could not get them typed before I came to Parliament. I left them at the office and the time does not allow them to reach me before we came to this answer. I would like to ask Honourable De Waal to please give consideration to support that I answer these questions at the next session. I understand there is no Parliament next week and I take it that it will be following week.

I would also like to appeal for the understanding of Honourable De Waal, looking at the first three questions, that the questions are too specific and could actually become uncomfortable for the Airline company, because this is one company that operates on a competitive basis with other Airlines and if we have to come to Parliament and just disclose every detail of the business, we may disadvantage the business. But if the Honourable Member has questions that are too specific, maybe he can consult us and we can provide the information. So, I may have difficulties answering no. 1 to 3. But I have no problem answering 4 and 5.

HON DE WAAL: Honourable Speaker, I understand what the Honourable Minister is saying, and I have no problem to consult with the Ministry to get the answers to the first three questions. It might be a bit of a problem on a business basis, so I will take this question up and get the answers from them without the press present.

HON SPEAKER: I appreciate your understanding, Honourable Member. The question is stood over until next Thursday.

QUESTION 44

HON MOONGO: I put the question.

HON MINISTER OF LABOUR AND SOCIAL WELFARE: Comrade Speaker, this time around I hope the Honourable Member will not have many supplementary questions.

27 October 2005

**RESPONSE TO QUESTIONS BY HON MOONGO
HON !NARUSEB**

Honourable Speaker, Honourable Members, allow me to once again express my sincere appreciation to Honourable Moongo for his interest regarding labour-related matters in our country. He cannot otherwise, because he is a duly elected Member who serves the Nation in this august House. I would, however, like to state that the Honourable Member's questions are too general to answer in detail, since the Honourable Member did not give me sufficient details of the affected employees, i.e. the names of the employees, and when they were retrenched or dismissed. This information is crucial in order for us to be able to check our records, to see if such cases have been reported to our offices and to be able to determine the way forward. In the absence of such details therefore, I had no choice but to conduct a general investigation to find out how NAMDEB deals with issues raised by the Honourable Member.

I have ascertained that a consultative process agreed to between the Mineworkers Union of Namibia (MUN) and NAMDEB is concluded, before employees are recommended for medical retirement due to ill health. NAMDEB has a total disability policy under the Provident Fund administered by Old Mutual. Upon recommendation for medical retirement by the Company's Chief Medical Officer, the employee's medical case history is reviewed, and investigated by an Old Mutual panel of professionals.

Honourable Speaker, according to the information so received, employees who proceed on medical retirement continue to receive 75% of their salaries until the age of 60. Upon reaching the age of 60 years, the medically-retired employee proceeds on normal retirement conditions. All medical retirees are consulted in the presence of the Mineworkers Union of Namibia, relevant line management and a representative from the Human Resources Department. I am further informed by NAMDEB that this year a total of four employees were recommended for medical retirement.

With regard to several workers who are summarily suspended or suspected of having committed crimes, without proof of being guilty of these crimes in a Court of law, I have ascertained that disciplinary actions within NAMDEB are taken as per the Recognition and Procedural Agreement entered into by the Company and the Mineworkers Union of Namibia. In my humble submission, employees have the right to approach the District Labour Court to complain of unfair dismissal, if they wish to challenge the disciplinary action taken against them.

Without pre-judging the claims of former employees of NAMDEB, I can only advise that they are free to approach our offices throughout the country for assistance in pursuing their respective claims.

27 October 2005

**RESPONSE TO QUESTIONS BY HON MOONGO
HON !NARUSEB**

Finally, Honourable Speaker, Honourable Members, it is important to note that although the Ministry of Labour and Social Welfare has the responsibility of looking into matters such as these, we can only act when such matters have been brought to our attention. I therefore would like to thank Honourable Moongo for having brought these matters to our attention, and request him to provide us with further details, thereby enabling the Ministry of Labour and Social Welfare to go into the matter and give the required feedback at the earliest possible time.

I thank you, Honourable Speaker and Honourable Members.

HON MOONGO: I just want to thank the Honourable Minister for a well-detailed answer. I will provide him with information. Thank you.

QUESTION 45

HON DE WAAL: I put the question.

HON MINISTER OF JUSTICE AND ATTORNEY-GENERAL: Honourable Speaker, thank you for the opportunity to respond to the questions posed by Honourable De Waal. The questions posed are twelve in number, and for easy reference, I will respond to them in their tabulated order.

QUESTION 1

I must remind the Honourable Member that albeit that I am an Attorney-General, my office and my officials act in accordance with professional standards, and the general etiquette and decorum of the profession as it is known to us, in the common law systems. I act on instructions. Indeed, I may *mero moto*, on my own, identify government inaction and raise a concern. In doing so, if I may justify such, I find that to be a pro-active exercise of my constitutional function of taking all actions necessary for the protection and the upholding of the Constitution.

In the case of Nossob River Systems (Pty) Ltd, my client was the Minister of Regional and Local Government and Housing and Rural Development. They

27 October 2005

**RESPONSE TO QUESTIONS BY HON DE WAAL
HON IIVULA-ITHANA**

approached my office for legal advice in the negotiation of a number of contracts, to be entered into with the Ministry itself, the Local Authorities to be serviced by Nossob River Systems (Pty) Ltd, with Nossob River Systems (Pty) Ltd., following their apparent successful tender bid in the said Ministry, tender titled “*Supply, Installation, Commissioning and Maintaining for a period of five years pre-paid water metering systems in 18 towns and villages in Namibia.*” The Ministry’s reference is Contract No. 1710/02. The contracts were perused in the period between 2001 and 2002 and can be divided into segments, namely the main contract from the tender process between the Ministry and Nossob, and then the maintenance agreement entered into by the three parties, which was titled, “*Memorandum of Agreement of Maintenance between Nossob River Systems (Pty) Ltd and the Ministry of Regional, Local Government and Housing and the Local Authorities of Tses*”, as an example.

On 24th January of this year, I was asked for a legal opinion by the said Ministry, for the termination of the maintenance agreement with some Local Authorities and the Ministry. My Office received this request on 4th February and reverted to the Ministry on 11th of the same month, with a request for further particulars. For whatever reasons, the line Ministry only reverted to us on 7th April with some information. Following a number of to’s and fro’s, my officials only met with the client on 15th July for consultations.

The matter of recovery of N\$35 million was discussed. My officials were informed that the meters installed were defective and the Ministry considered this a breach of obligations and was compiling a comprehensive report that could become the basis of any Court action. This report is still awaited.

However, as per the consultations it is clear that Nossob sourced the meters from a company called Technovo, whose full particulars are unknown to me, save for the fact that it is a South African company. The problems surfaced only after the full installation of the products.

As part of the contract entered into with Nossob by the Ministry, Nossob serviced nine towns and seven villages, namely Katima Mulilo, Arandis, Rehoboth, Eenhana, Rundu, Oshakati, Okakarara, Outapi, Khorixas, Gibeon, Berseba, Kalkrand, Kamanjab, Stampriet, Tses and Uis.

For the towns of Ondangwa and Opuwo, although mentioned in the contract, Nossob performed no services there, but the meters were diverted to Oshakati and Khorixas.

The Ministry proclaimed the completion in its 2003/2004 Annual Report, which were

27 October 2005

**RESPONSE TO QUESTIONS BY HON DE WAAL
HON IIVULA-ITHANA**

circulated in Parliament, and it can be found on page 8 thereof.

Over 8 000 units were installed. I must, however, mention, that the contract did not only specify the supply of water meters. On the contrary, it seems to include the management of the system, the replacement of water connections, consultations with the communities and so forth.

Nossob also reticulated over 4 000 residences in addition to the pre-paid meters.

I have not received instructions to recover N\$35 million as the Ministry itself acknowledges not having paid some plus minus N\$4 million to Nossob, arising from the maintenance agreement. The Ministry took the view that since Nossob had provided defective products, why should they be paid to maintain them? The maintenance agreement became operative following the first year of the guarantee over the products lapsed and would ensue for five years from signature.

QUESTION 2

My view is that in the computation of losses occasioned to the Ministry and the Local Authorities, the direct damages of the pre-paid units themselves and the wasted water must be subtracted from the paid monies. The losses of revenue on inability to compute charges because of the faulty units, if reparable, the cost of repair and so forth must be collected from Nossob, as special damages. I cannot give you a figure, because I have not received the report from the Ministry or sufficient instructions, for that matter. I therefore, respectfully request that the Minister be approached for an answer in this regard.

I am informed that the Ministry is still assessing and quantifying the damages. My officials have, however, contacted Nossob River Systems (Pty) Ltd., and it may seem that the amount of N\$11 million as a base amount may be considered. The cost of the non-defective and performed works must be taken into account.

QUESTION 3

The answer is yes.

QUESTION 4

The Directors are: Mr Mac Hengari, an Academic and Economist;
Mr Hafeni Vilho, Naval officer; and

27 October 2005

**RESPONSE TO QUESTIONS BY HON DE WAAL
HON IIVULA-ITHANA**

Justus Tjirimuije, a farmer.

The company documents also reflect one Jooste Josefina Haobes, who resigned on 31st July 2003 as a director.

QUESTION 5

I am informed that Nossob River has instructed the local firm of Hengari, Kanguuehi, Kavendji incorporated, which in turn has instructed Fluxman's Attorneys of Johannesburg, to act in recovering their losses from Technovo. The *quantum* is not yet determined and on 17th of this month, Fluxman's informed the instructing attorneys that a consultation would be required in Johannesburg in the formulation of the particulars of claim. Fluxman's, however, indicated a certain sense of confidence in the recovery of damages. I am not sure that action has already commenced, as the consultation is being arranged to avoid duplication of costs, so that the particulars are already drafted should an intention to defend be filed.

From the available correspondences, it also seems that Hengari, Kanguuehi, Kavendji Incorporated also solicited the services of Shikongo Law Chambers at some point. However I am not informed of the progress from that angle, if any.

QUESTION 6

My response to question 5 applies *mutatis mutandis*.

QUESTION 7

The documents informed me that there exists old water meters. These had to be replaced. 4 450 were replaced. In addition to that, unmetered properties had to have meters installed. 3 616 meters were installed and the total is 8 066 meters. There was full performance *albeit* defective.

QUESTION 8

The monies were not paid out in lump. That is what I determined. How it was arranged is that Technovo would supply to Nossob, Nossob would install, then the Local Authorities would certify to the Ministry that such was actually installed, then the Ministry would effect payment to Nossob.

27 October 2005

**RESPONSE TO QUESTIONS BY HON DE WAAL
HON IIVULA-ITHANA**

QUESTION 9

I appreciate the Honourable Member's question, but it exhibits a sense of misconception of the role of the Attorney-General and that institution. As Attorney-General I do not see my function as a standing, revolving function to investigate, probe and audit performances in any or all contracts entered into by or between and with government institutions. My functions are what the Namibian Constitution spells out. This Parliament may designate further functions to me, but as it is these functions are unknown to me.

There is no reason I can recall, that would have prompted me to question the handling of the tender, because there was no complaint brought to my attention. In the absence of that, the presumption of regularity must prevail. I therefore did nothing about what appears to me to be nothing. I, however, welcome any information from anyone on any irregularity in this matter, so that I may advise the Ministry and, perhaps, the Auditor-General or even the Prosecutor-General, depending on what information I receive and the steps that could be taken. Any other complaint that may exist must be filed through the Ombudsman.

QUESTION 10

I have answered this question in one of the responses already given.

QUESTION 11

According to the tender document, the consultants were listed as The Engineer (ENVES), P.O. Box 6373, Pioneers Park, 5 Paul Nash Street, Olympia Windhoek. The company you referred to is unknown to me, not only as far as this tender is concerned, but I have never heard of it. Therefore the simple answer is, the company you referred to has not laid down any specifications and consequently, Nossob did not comply with such. The specifications issued in the tender were, however, high standards for that was what was felt was required at the time. They were SABS 120088, stipulating the meters in sizes and volume capacity. That was complied with, and I am supplied with a copy of the South African Bureau of Standards Certificate of Approval for the class of model of water meters in question.

QUESTION 12

Based on the information at my disposal, taking into account that litigation in South Africa is yet to commence, not knowing what the asset base of either Nossob and

27 October 2005

**RESPONSES TO QUESTIONS PUT BY HON TJIHUIKO
HON IIVULA-ITHANA**

Technovo is, I would be shooting in the dark in answering your questions, Honourable Colleague.

The claim against Nossob and in turn, its claim against Technovo ought to be compiled, then we can assess the difference between the value received, and the cost of the default plus consequences of default, such as loss of revenue and so forth.

I trust that I have answered the Honourable Member's questions. I thank you.

HON DE WAAL: Thank you, Honourable Speaker. I want to thank the Honourable Minister for a very comprehensive answer. It was really good, thank you for that. Except for one issue that you did not give us the answer and that is the shareholders. You gave us the directors, the members of the Board of Directors, but not the shareholders. We asked for both. So, maybe at a later stage we can just get that information on the shareholders very specifically. Thank you, Honourable Speaker.

HON MINISTER OF JUSTICE AND ATTORNEY-GENERAL: I am sorry I did not provide that, but such information can be compiled from the documents available.

QUESTION 46:

HON TJIHUIKO: I put the question.

HON MINISTER OF JUSTICE AND ATTORNEY-GENERAL: Honourable Speaker, I am ready to answer the questions of the Honourable Member.

The subject of these questions is one notorious, suspected criminal who has escaped from lawful custody on several occasions. He is facing 17 counts altogether.

Count 1 – Escape from lawful custody

Count 2 – escape from lawful custody

Count 3 – escape from lawful custody

27 October 2005

**RESPONSES TO QUESTIONS PUT BY HON TJIHUIKO
HON IIVULA-ITHANA**

Count 4 – theft

Count 5 – contravening section 2 of Act 7 of 1996

Possession of Firearms without a Licence

Count 6 – contravening section 138 of Ordinance 30 of 1967 – Reckless or Negligent Driving

Count 7 – assault with intent to cause grievous bodily harm

Count 8 – robbery with aggravating circumstances as defined in section 1 of Act 51 of 1977

Count 9 – robbery with aggravating circumstances as defined in section 1 of Act 51 of 1977

Count 10 – robbery with aggravating circumstances as defined in the same Act

Count 11 – robbery with aggravating circumstances as defined in the same Act

Count 12 – robbery with aggravating circumstances as defined in the same Act

Count 13 – kidnapping

Count 14 – kidnapping

Count 15 – kidnapping

Count 16 – attempted murder or alternatively, contravening section 38 of Act 7 of 1996, Negligent Discharge of a Firearm

Count 17 – attempted murder, alternatively contravening section 38(1)(i) of Act 7 of 1996, Negligent Discharge of a Firearm.

He first made an appearance in the Regional Court on 14th March 2003. The State case was closed on 28th October 2004 and the accused put on his defence. Since then, the defence was not ready to start their case before Court. So at the last appearance on 23rd August 2005, Accused No. 1 was in the Hospital and did not attend the Court session. The matter was then postponed to 15th February 2006 for the Defence case.

Accused No. 1 remained in custody and Accused No. 2 and 3 are out on bail.

Comrade Speaker, I think I have answered the questions of the Honourable Member.

QUESTION 47

HON TJIHUIKO: I put the question.

27 October 2005

**RESPONSES TO QUESTIONS PUT BY HON TJIHUIKO
HON SHIHEPO**

HON DEPUTY MINISTER OF SAFETY AND SECURITY: Thank you very much, Comrade Speaker. Our Ministry and the Ministry of Justice are working together, and this has put me in a bit of a problem, because only half an hour ago the Honourable Speaker told us not to mention names of those people who are not in the Chamber. But I see on the Question Paper there is a name, and maybe to do justice, I would also in my response quote this name. I do not know whether I will be allowed to do so or not, Honourable Speaker. Can I mention this name?

HON SPEAKER: You can proceed.

HON DEPUTY MINISTER OF SAFETY AND SECURITY: Honourable Speaker, before I answer the questions put before my Ministry by Honourable Tjihuiko I would like to give some background information about the suspect, Mbakondja Katjuongua as follows:

Mbakondja Katjuongua was admitted to Windhoek Central Prison on 31 December 2000 as a trial-awaiting prisoner, for three times escaping from lawful custody, four times fraud, three times theft, negligent driving, assault to do grievous bodily harm, robbery with aggravating circumstances, kidnapping, attempted murder and alternative negligent discharge of a firearm.

So why these questions to the Attorney-General and myself came about the same person, I do not know what interest the Member has.

To the first, second and third questions of Honourable Tjihuiko, I wish to respond as follows:

On 24th May 2005, Mbakondja was taken to Katutura State Hospital with complaints of cellulites and treatment and follow-up was given. On 26th May 2005, the inmate was again taken to Katutura State Hospital and he complained as indicated on his health passport and was referred to Orthopaedic where he was admitted on the same day. During the duration of his stay in the Central Hospital he was only guarded by members of the Special Reserve Force. I hope the Honourable Member is following, the Special Reserve Force and not Special Field Force.

27 October 2005

**RESPONSES TO QUESTIONS PUT BY HON TJIHUIKO
HON SHIHEPO**

Mbakondja was discharged by a doctor on 16th September 2005, and indeed, the hospital confirmed that he had cellulites on the left leg and it was confirmed to be okay. On the day of discharge, medication was given and it was instructed for him to have dry dressings daily.

Mbakondja was non-co-operative, hence unwilling to leave the Hospital, and the three members on duty contacted a section of the Special Reserve Force. About six to eight members turned up and escorted him to the vehicle without using any force. Mbakondja requested the member in charge to phone his mother, just to inform her that he has been released from Hospital, and that he was going back to the Windhoek Central Prison. Some say he was going back home. No request came from Mbakondja to contact his legal counsel, friends or other family other than his mother.

On 17th September 2005, Mbakondja was brought to the Prison Clinic for dry dressing as was instructed and he was in a stable condition and the wound was looking good and dry. The dressing was done and no other complaints were recorded.

The Special Field Force never played any role in transporting or guarding Mbakondja and therefore, my Ministry has no comment on their discipline, as it is no issue in this matter.

As far as my Ministry is concerned, the case docket on Mbakondja was at that point in time in the hands of a Serious Crime Unit investigator, who was not suspended. Therefore my Ministry cannot see what advantage anyone could take of any suspended member of the Serious Crime Unit. The instructions to call in the section of six to eight members to escort Mbakondja back to the Windhoek Central Prison, in fact, came from the member of the Serious Crime Unit, which needed help due to Mbakondja's stubbornness and unwillingness to go back to prison.

Honourable Speaker, Honourable Members, on the fourth and fifth questions, I wish to inform Honourable Tjihuiko that the searching of the prisoners' cells and other parts of the prison, is one of the security measures that is to be taken at every Prison, and according to section 18 of the Prisons Act, 1998 (Act No. 17 of 1998), it is the Commissioner of Prisons who determines the security measures applicable to Prisons. Thus it is the Commissioner of Prisons who determines when and how a cell can be searched. The Commissioner of Prisons issues Standing Orders and various directives. According to the current Standing Orders, a cell must be searched daily and all prohibited articles removed. There is no section in the Prisons Act that provides that the searching of the cell must be done only in the presence of the inmate. It all depends on the circumstances that necessitate the searching.

27 October 2005

**RESPONSES TO QUESTIONS PUT BY HON TJIHUIKO
HON SHIHEPO**

Honourable Speaker, on 26th May 2005, when inmate Mbakondja Katjiuongua was taken to the Hospital, information was received from other inmates that he had a plan to inject himself with some chemical, in order to be taken to Hospital and while there, escape. The tip-off further cautioned members of the Police and Prison to be careful not to accept or eat food from this inmate, because it was planned to mix the food with stuff which will make them fall asleep, and he would escape while admitted to the public Hospital. And we know how many times he has managed to escape. This necessitated the searching of his cell and upon such a search the following prohibited articles were found:

- N\$30,00
- Two bottles of Brasso
- Syringe and a needle
- Sharpened nail cutter and
- Some tablets, whose source was unknown

These articles were removed from his cell.

Honourable Speaker, the cell of Mbakondja was never “looted” and there is no possibility of looters entering any Prison. After the search, all the authorised property was left in the cell. It is just very strange to hear about these complaints from the Honourable Member, while the Prison authorities at Windhoek Central Prison have never received any complaint from Mbakondja concerning any lost property of his, or any so-called “looting”.

Honourable Speaker, with this I will rather conclude and I thank you very much.

HON TJIHUIKO: Thank you very much, Honourable Speaker. I just want to thank the Honourable Deputy Minister for the very good answer that he has provided. My only interest in the case is the question of just implementation of justice, since I have heard that this person has been in jail, awaiting trial for ± six years. Thank you very much.

NOTICES OF MOTIONS

27 October 2005

APPOINTMENT DIRECTOR - DEPUTY DIRECTOR ACC

HON ANGULA

HON SPEAKER: The first Notice of a Motion is the one by the Right Honourable Prime Minister. Does the Right Honourable Prime Minister move the Motion?

RT HON PRIME MINISTER: I Move the Motion.

HON SPEAKER: Who seconds the Motion? Any objection? Agreed to. Right Honourable Prime Minister.

RT HON PRIME MINISTER: Thank you, Honourable Speaker and the House, Honourable Members of the Assembly. It is indeed a great honour to announce in this August House, the nominees for the positions of Director and Deputy Director of the Anti-Corruption Commission.

Honourable Members, Cabinet by Decision No. 31/28.10.03/003, approved the establishment of the Anti-Corruption Commission in terms of section 65 of the Anti-Corruption Act, 2003 (Act 8 of 2003).

Section 4(1) of the said Act provides for the National Assembly to appoint the Director and Deputy Director for the Anti-Corruption Commission, upon nomination by His Excellency the President.

Simultaneously, the same Cabinet Decision directed the Prime Minister to submit nominations for the position of Director and Deputy Director to the National Assembly for appointment once nominated by His Excellency the President.

Honourable Speaker, Honourable Members of Parliament, in order to recruit suitably qualified Namibians, for the positions of Director and Deputy Director of the Anti-Corruption Commission, advertisements were placed in local newspapers with 5th October 2005 as the closing date.

Subsequently, 22 applications were received for the position of the Director, while 37 applications were received for that of Deputy Director. Out of these applications, six applicants and three applicants were short-listed and interviewed for the position of Director and Deputy Director, respectively.

A committee comprising of Mr. Max Kampungu, chairperson, Mr. Dave Smuts and

27 October 2005 **APPOINTMENT DIRECTOR - DEPUTY DIRECTOR ACC**
HON ANGULA

Mrs Nangula Uaandja was established by the Prime Minister and tasked with the responsibility of shortlisting and interviewing the applicants.

The committee concluded interviews on 4th October 2005. The committee found that the majority of the applicants were not suitably qualified or sufficiently experienced. However, as per the Prime Minister's request, the committee ranked the interviewed applicants on a 5-point scale. The names of these applicants were then forwarded to His Excellency, the President for review and consideration.

His Excellency the President has found that these applicants possess knowledge or experience relevant to the functions of the Commission and, therefore, nominated Mr Paulus Kalomo Noa and Mrs Erna Lorraine van der Merwe as Director and Deputy Director of the Anti-Corruption Commission, respectively.

Honourable Speaker, Honourable Members of Parliament, section 4(1) of the Anti-Corruption Act states that the National Assembly appoints the Director and Deputy Director upon nomination by the President. In this regard, His Excellency the President has nominated Mr. Paulus Kalomo Noa for the position of the Director, and Mrs. Erna Lorraine Van Der Merwe as the Deputy Director. I have thus the honour to request the august House to appoint the nominated persons to the said positions in terms of section 4(1) of the Anti-Corruption Act, 2003 (Act 8 of 2003).

I so Move and I thank you.

HON GURIRAB: Honourable Speaker, I want to contribute to this important submission of names, but I seek your guidance, because in terms of rule 17 of the House, that with 4 or 5 non-voting members present, the House seems to be without a quorum. So, I seek your guidance before I proceed.

HON SPEAKER: Can the Secretariat establish the status of the quorum in the House? In terms of our rules there is no quorum in the House. I will allow the bells to be rung, and in determining the results of the ringing of the bells, I shall give a ruling. The Secretary will read the names of the Members present:

27 October 2005 **APPOINTMENT DIRECTOR - DEPUTY DIRECTOR ACC**

SECRETARY: Honourable Schimming Chase, Honourable Gurirab, Honourable Kaura, Honourable Moongo, Honourable De Waal, Honourable Tjihuike, Honourable Tjiriange, Honourable Ekandjo, Honourable Angula, Honourable Nujoma, Honourable Kasingo, Honourable Speaker, Honourable Ngatjizeko, Honourable Iivula-Ithana, Honourable !Naruseb, Honourable Mbumba, Honourable Nghimtina, Honourable Sioka, Honourable Esau, Honourable Shifeta, Honourable Muharukua, Honourable Haingura, Honourable Basson, Honourable Mushelenga, Honourable Jooste, Honourable Shihepo, Honourable Tweya, Honourable Geingob, Honourable Amweelo, Honourable Mungunda, Honourable Kazenambo, Honourable Dinyando, Honourable Nghidinua, Honourable Nambahu, Honourable Gariseb, Honourable Diergaardt, Honourable Smith, Honourable Hoffmann, Honourable Ncube, Honourable Nambinga.

HON SPEAKER: The House stands adjourned until 08 November 2005.

THE ASSEMBLY ADJOURNED AT 17:15 UNTIL 2005.11.08.

**NATIONAL ASSEMBLY
ASSEMBLY CHAMBER
WINDHOEK
8 NOVEMBER 2005**

The Assembly met pursuant to the adjournment.

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

VACANCY IN NATIONAL ASSEMBLY

HON SPEAKER: Honourable Members, a vacancy has occurred in the National Assembly in terms of Article 48(2) of the Constitution, as a result of the resignation of Mr. Paulus Kapia with effect from 1st November 2005.

I would like to call on the SWAPO Party to nominate a person to fill the vacancy in the National Assembly.

Any Petitions? Any Reports of Standing or Select Committees? Other Reports and Papers? Any Notices of questions? Honourable Dienda?

NOTICES OF QUESTIONS

QUESTION 50

HON DIENDA: Honourable Speaker, I give Notice that on Thursday, 17th November 2005, I shall ask the Minister of Justice the following questions:

In view of the reported backlog of court cases in Windhoek alone, for example plus minus 4 500 cases outstanding, some from as far back as 2000, is it possible to prioritise some cases, such as rape and abuse cases, as it is difficult for women and children to face the culprits on a daily basis without fear, and also to remember the incidents after such a long period during cross-examinations by the defence lawyers, resulting in them being treated as the guilty party?

08 November 2005

**NOTICE OF QUESTIONS
HON DIENDA**

QUESTION 51

HON DIENDA: Honourable Speaker, I also give Notice that on Thursday, 17th November, I shall ask the Right Honourable Prime Minister the following question:

In view of claims made by many Ministries regarding shortages of staff, has the Right Honourable Prime Minister considered making use of volunteers in the interim and then afterwards to put those volunteers in permanent positions as soon as there are vacancies or money available? As employers demand experience - which especially the youth does not have - will this not assist them in gaining experience?

Finally, can these volunteers at least be given transport?

QUESTION 3

HON DIENDA: Honourable Speaker, I also give Notice that on Thursday, the 17th November 2005, I shall ask the Minister of Health and Social Services the following questions:

- (a) Whether he is aware that patients visiting the Katutura Hospital do not receive treatment if they do not have money to pay for the service, irrespective of their social status?
- (b) What must these people do to get treatment even if they have no money?

NOTICES OF MOTIONS

RT HON PRIME MINISTER: Honourable Speaker, Honourable Members, I give Notice that on Tuesday, 15th November 2005, I shall Move that leave be given to introduce a Bill to provide for the conferment on the First President of the Republic of Namibia, His Excellency, Comrade Dr. Sam Nujoma, the status of Founding Father of the Namibian Nation and to provide for matters incidental thereto.

I so Move.

08 November 2005

**BOARD OF TRUSTEES: MP'S PENSION FUND
HON KUUGONGELWA-AMADHILA**

HON SPEAKER: Thank you. Would the Right Honourable Prime Minister Table the Motion? Any Ministerial Statements? The first Notice of Motion is the one by the Honourable Minister of Finance. Does the Honourable Minister Move the Motion?

HON MINISTER OF FINANCE: I Move the Motion.

HON SPEAKER: Who seconds the Motion? Any objection? Agreed to. I now give the floor to the Honourable Minister

**ELECTION OF BOARD OF TRUSTEES: MEMBERS OF PARLIAMENT
PENSION FUND**

HON MINISTER OF FINANCE: Honourable Speaker, as I have indicated in my Notice of Motion, according to section 5 of the Members of Parliament and Other Office-Bearers Pension Fund, Act 20 of 1999, Parliament must elect three Members of Parliament to the Pension Fund Trust as Board of Trustees.

The Cabinet is also to elect two members in addition to the Minister of Finance, who is to be the Chairperson of the Board.

The term of office of the current members has expired and the Parliament has nominated three persons to take over from the current members, and these persons are: Honourable Henock Ya Kasita who is a Member of the National Council; Honourable Hartmut Ruppel who was a previous Member of this House; and Honourable Tsudao Gurirab.

The first two Honourable Members would serve a period of three years in accordance with subsection (1) of Rule 5. Honourable Tsudao Gurirab, the third Member, would serve a period of four years in accordance with subsection (1) of Rule 7 of the Members of Parliament and other Office-Bearers Pension Fund Act, 20 of 1999, as amended.

08 November 2005

**BOARD OF TRUSTEES: MP'S PENSION FUND
HON KUUGONGELWA-AMADHILA**

As I have indicated, Cabinet has also nominated two members to the Board of Trustees and they are Honourable Ben Amathila and Honourable Nangolo Mbumba. The Minister of Finance would remain the Chairperson.

I Move that Parliament adopts the nomination of the three persons.

HON SPEAKER: Any further discussion? Does the Honourable Minister wish to say anything by way of expressing appreciation?

HON MINISTER OF FINANCE: I wish to thank the Honourable Members for a speedy adoption of the Resolution.

HON SPEAKER: I now put the question that the Motion be adopted. Any objections? Agreed to.

The second Notice of 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: I so Move, Honourable Speaker.

HON SPEAKER: The Secretary will now read the Bill for the First Time.

CHILDREN'S STATUS BILL

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

08 November 2005

**CHILDREN'S STATUS BILL
HON MUNGUNDA**

Second Time?

HON MINISTER OF GENDER EQUALITY AND CHILD WELFARE: I so Move.

HON SPEAKER: Who seconds? Any objection? The Honourable Minister has the floor.

HON MINISTER OF GENDER EQUALITY AND CHILD WELFARE: Comrade Speaker, Honourable Members of Parliament, today I have the duty and privilege to Table the Children's Status Bill, 2005.

As the Honourable Members of Parliament will remember, we have not been particularly lucky so far as it is not the first time that we are to discuss a Bill of this nature in this August House. Actually, it has been approximately ten years since the preparations for the drafting of this Bill started, leading to the first Tabling of the *Children's Status Bill* in the National Assembly in February 2004. At that time the main Stakeholder on Government's side was the Ministry of Health and Social Services. Since the establishment of the Ministry of Women Affairs and Child Welfare five years ago, that responsibility fell upon that Ministry.

The Bill proved more controversial than all those involved in its preparation could have expected. For that reason, on 6th March 2004, the Bill was referred to the Standing Committee on Human Resources, Social and Community Development for enquiry and report back.

What I am Tabling now is a vastly improved text. The main purpose of the Bill remains the same and that is to promote and protect the best interest of the child, and to ensure that no child suffers discrimination or disadvantage because of the marital status of his or her parents. Whether a child is born within marriage or outside of marriage, or even through artificial insemination is immaterial as far as the status of that child in the community and before the Law is concerned.

According to the Bill, all children are to be treated equally and to enjoy equal rights and opportunities. That is extremely important in our peculiar Namibian situation

08 November 2005

**CHILDREN'S STATUS BILL
HON MUNGUNDA**

where as many as 50% of all children are born outside of marriage. I stand to be corrected here as I do not have accurate recent statistics. So far such children have been seriously disadvantaged.

The aim of the proposed Law is not only to protect all children, but also to encourage responsible parenthood. The *Children's Status Bill* is concerned with the best interest of the child in accordance with the *Namibian Constitution*, the *UN Convention on the Rights of the Child*, as well as the *African Charter on the Rights of the Child*, since it shifts focus from parents' interest to the best interest and well-being of the child. This brings challenges to some of the preconceptions of our heavily patriarchal traditional cultures. Yet such a shift is necessary because children are the future of this Nation. Their potentials have to be fully recognised and developed to ensure that this Nation continues to exist and develop.

If we invest emotionally and materially in our children and ensure equal opportunities for them all from the start, we can hope to have a stable and prosperous future as a country.

The new improved text of the Bill is a result of a broad consultation across our Nation. The Parliamentary Standing Committee on Human Resources, Social and Community Development invited the Public, through the media, to give input on the Bill through written submissions, representations and comments. The copies of the Bill were widely distributed and public hearings were held all over the country: from Windhoek to Rehoboth, to Mariental, to Keetmanshoop, to Lüderitz, to Gobabis, to Outjo, to Tsumkwe, to Rundu, to Eenhana, to mention but a few.

The Public's response was overwhelming productive and supportive of the Bill and the views of the Public were to a considerable extent incorporated into the present version of the Bill.

The past ten years of preparations and debate on this Bill, and particularly the period covering the activities of the Parliamentary Standing Committee, have also been a learning and democratic process in which our Nation came to a deeper understanding of what children are and what children are not. If I may try to sum it up, I believe that we have reached a level of understanding that children are not objects and must not be treated as such. Children are not property; children are not useless just because they do not contribute financially. Children are not assets that can be assigned material value. Children born outside of marriage are not lesser beings than those born within marriage. Children without parents – orphans - are not less important to our Nation than children living with their parents.

08 November 2005

**CHILDREN'S STATUS BILL
HON MUNGUNDA**

Having said what children are not, I also need to add what children are: All children are precious because they hold the key to our future and ensure physical and cultural continuation of our Nation.

Among other things, the new improved text of the Bill provides for the following:

Some of the less relevant and still controversial issues of the previous version have been left out, such as the proposed amendments to the Birth, Marriages and Death Registrations, Act 81 of 1963, which is to be revisited in its totality at a later stage (Interjection)

Comrade Speaker, it seems the powers in the air are trying to respect the children's law, but we are more than confident and we are going to get through.

Significant clarifications have been introduced with regard to the concepts of guardianship, custody and access applicable to the children born outside marriage. Equal rights of both parents to guardianship over a child born outside of marriage have been envisaged, provided that the sole guardianship may be granted to one parent on application to the Children's Court.

The role of the Children's Court in deciding what is the best interest of the child in the context of guardianship/custody, decisions have been further highlighted, including the provision that the financial position of the parents would be taken into account, but not as a decisive factor.

Children's voices are to be heard in the Children's Court whenever possible. In other words, a child would be given an opportunity to express his or her views or preferences as long as the child is able to understand and participate in the proceedings, depending on the child's age and maturity.

It is envisaged that the Courts may appoint a legal practitioner to represent a child's concerns in any legal proceedings in terms of any provision of this Act. The proof of parentage has been more adequately defined.

The issues of inheritance have been redefined to meet the expectations of the concerned Public. Without going into the finer details of the next text, I only deem it necessary to stress that all the major issues of concern and arguments heard in this Assembly upon last year's Tabling of the Bill has been adequately addressed in this new version. With this in view, I do not foresee any major misunderstandings or arguments following this year's Tabling and I look forward to the efficient and

08 November 2005

FOREST AMENDMENT BILL
HON SMIT

effective Debate leading to the passing of this very important Bill.

With these few remarks I now have the singular honour of introducing to this August House the *Children's Status Bill* and to invite the Honourable Members to give it both serious consideration and positive evaluation so that it soon becomes law, benefiting the Namibian children. God bless the Namibian children.

I thank you.

HON SPEAKER: I thank you, Honourable Minister. Any further discussion? Honourable Venaani?

HON VENAANI: Honourable Speaker, I ask for indulgence to adjourn the Debate until Thursday.

HON SPEAKER: Any objection? The Debate on this stands adjourned until Thursday. The Third Notice of a Motion is the one of the Honourable Deputy Minister of Agriculture, Water and Forestry. Does the Honourable Deputy Minister Move that the Bill be now introduced?

HON DEPUTY MINISTER OF AGRICULTURE, WATER AND FORESTRY:

I so Move.

HON SPEAKER: Who seconds the Motion? Is there any objection? Then it is agreed to. Will the Honourable Deputy Minister please Table the Bill? The Secretary will now read the Bill for the first time.

FOREST AMENDMENT BILL

08 November 2005

FOREST AMENDMENT BILL
HON SMIT

HON SPEAKER: Does the Honourable Deputy Minister of Agriculture, Water and Forestry Move that the Bill be now read a second time?

HON DEPUTY MINISTER OF AGRICULTURE, WATER AND FORESTRY:
I so Move.

HON SPEAKER: Who seconds? Any objection? Agreed to. The Honourable Deputy Minister has the floor.

HON DEPUTY MINISTER OF AGRICULTURE, WATER AND FORESTRY:
Thank you very much, Honourable Speaker. Honourable Speaker, Honourable Members, I rise to present to you the proposed Amendments to the existing Forestry Act, Act No. 12 of 2001.

You may well recall that this House dealt with the said document four years ago when the then Honourable Minister of Environment and Tourism presented the Forestry Bill to this August House. All discussions that followed resulted in a Forestry Law that was signed by the President in December 2001. This Law guides the utilization and protection of the forest resources in Namibia and provides directives as to how the forestry officials have to conduct themselves in executing their official duties.

The need for the current amendments was necessitated by the transfer of the forestry services from the Ministry of Environment and Tourism to form part of the Ministry of Agriculture, Water and Forestry in March 2005.

When the Directorate of Forestry which is responsible for forestry services, was removed from the Ministry of Environment and Tourism, it was noted that there are also a number of institutional arrangements that needed to be slightly changed so as to fit into the current set up

In its current form the Forest Act is to be managed and implemented by the Ministry of Environment and Tourism. For example, in section 1 “Minister” is defined as the Minister of Environment and Tourism. Similarly “Ministry” is also defined as the

08 November 2005

FOREST AMENDMENT BILL
HON SMIT

Ministry of Environment and Tourism. These and a few other institutional arrangements in the Act need to be changed so that the Act can correctly reflect the current institutional arrangement.

Although the Law is not new to the majority of this House, allow me to refresh our memory and bring up a few issues with regard to the importance of forestry services world wide, and particularly to our Nation, hence the urgency of approving the amendments and getting forestry activities going smoothly.

Honourable Speaker, it is well known that the woody vegetation that is found in our forests, woodlands and wooded savannas are fundamental to rural livelihoods in many parts of our country. The majority of our people depend on the forest resources for their daily needs such as energy, food and shelter. It is the forests that provide fuel wood that is popularly used by many of our people with very little income. It is the forests that give fruits, roots and nuts that play a vital role in our people's diet. In many cases, forests are the only source of poles and timber for house construction. For us to accelerate poverty reduction and food security in the rural areas, forestry must be regarded as one of the priorities.

We should not forget the environmental roles that forests play. It is the forests that provide habitat for game hence contributing significantly to the biodiversity of our country, which subsequently contribute to the eco-tourism growth of our country. They also provide fodder for our livestock.

I would also like to remind the House once again that the Law facilitates partnership between different Stakeholders to work together in order to secure sustainable forest management. The Stakeholders are as follow: the State agencies such as the Directorate of Forestry and other related institutions; Local Communities; the Private Sector; and Non Governmental Organisations - all are expected to work together to adhere to the rules of the Law.

In conclusion, I want to draw the attention of the House to the fact that we proposed the use of the term, "Ministry/Minister responsible for Forestry Management", so as to avoid similar problems in the future.

With these few remarks, Honourable Speaker, I call upon the House to fully support the Amendments in the Bill.

Thank you very much.

08 November 2005

**FOREST AMENDMENT BILL
HON GURIRAB**

HON SPEAKER: Any further discussions? Honourable Gurirab, Honourable Riruako. Yes?

HON GURIRAB: Honourable Speaker, we do not have a copy of the Bill. I have been listening carefully to the Honourable Deputy Minister. What has been proposed essentially is to change the designation of the responsible Minister for the function of forestry because this function earlier resided under the Ministry of Environment and Tourism. If that is the intent of the Amendment in short, we support the proposed Amendment.

I thank you.

HON SPEAKER: Thank you very much. Any further discussions? Honourable De Waal?

HON DE WAAL: Honourable Speaker, let us first get the Law and then we can accept. With your indulgence let me postpone until tomorrow, please.

HON SPEAKER: Any objection? Then the Bill stands adjourned until tomorrow 14:30. The Fourth Notice of the Motion is the one by Honourable Gertze. Does the Honourable Member Move the Motion?

HON GERTZE: I so Move.

HON SPEAKER: Who seconds the Motion? Any objection? Agreed to. I give the floor to Honourable Gertze.

HON GERTZE: Honourable Speaker, Members of this Assembly, thank you for according me time to deliberate on this Motion that deals with the safety of our people on our streets and roads as they go around doing their business day in and out.

08 November 2005

**CREATION OF FAIR SPACE FOR PEDAL CYCLISTS
HON GERTZE**

This Motion tends to sleigh more towards ensuring safety for our pedal cyclists. It will, however, also have a slight look into discipline and adherence of motorists to the country's Traffic Rules. I do this out of consideration for concerns raised during the process of consultation with some of the Stakeholders.

Honourable Speaker and Members of this House, we are a country with a Government that promotes the following:

1. A healthy Nation.
2. Fitness
3. Savings on energy sources.
4. A pollution free environment.
5. Safer environment and security for our people.
6. Affordable means and mode of transport.

I am happy to note and to acknowledge the safety measures put into place so far by the construction of speed humps, elevated pedestrian crossings and more safety-responsive road construction techniques; all of which aim at ensuring safety.

Although it meant additional digging into the pocket of each pedal cyclist, I am also pleased, as a citizen, to acknowledge the introduction of compulsory wearing of safety helmets by pedal cyclists. Most, if not all, pedal cyclists have responded to the Ordinance that came into effect from the 1st of October this year. I am sure that some, who, for one reason or another, have failed to comply, were fined and have presumably paid up to date. Generally I presume that - although with heavy hearts - our pedal cyclists have complied with the Regulation as passed.

I am however sceptical about the extent to which our town and city councils endeavour to be reciprocal to the pedal cyclists.

Before I take this issue up with the road construction works in town and cities, allow me a few minutes to draw a clear distinction between the areas of responsibility of the *Roads Authority*, - which rests basically with the national roads (and which will not really be the subject of this discussion now), and then the other roads and street constructions which are the responsibility of Municipalities.

Speaking about safety on our National roads, the greatest concern and one of the killer-factors is non-adherence to road safety signs and rules. During my visit to the Roads Authority it came to light that quite a substantial number of accidents, and gruesome ones for that matter, have so far aggrieved many families and which were

08 November 2005

**CREATION OF FAIR SPACE FOR PEDAL CYCLISTS
HON GERTZE**

caused by non-compliance with safety regulations. Overtaking on blind spots, ignoring warning signs, even trying to be unnecessarily friendly by transgressing road signs, - an example has been given of our Western By-pass in Windhoek, where there is a yellow line which is called the 'shoulder of the road' where most motorists are inclined to make way for passing vehicles by driving into and beyond the shoulder of the road; that is beyond the yellow line. I have also learned that *that* is an offence, although I thought it was a sign of friendliness on the road.

Another area of Stakeholder concern, which is not taken seriously by the Public and also by the law enforcement agencies, is that of parking bays and margins for people living with disabilities.

A strong appeal is herewith made to the Public for adherence to such restricted bays and margins, and to all law enforcement agencies to vigorously enforce discipline and compliance with our regulations. Severe fines must be issued to transgressors of rules which aim at maximum safety while appearing simple and manoeuvrable. The life of each citizen must be valued and no action that risks the life and safety of our people must be overlooked.

Now, coming back to safety of pedal cycling in our towns, more specifically Windhoek; barely a week after I have introduced this Motion, a citizen was snatched by a passing truck off his bicycle. I was phoned by someone who asked me if I had read the *Republikein* and there was a picture of the accident in it. That has just served as precise proof of that concern.

It will perhaps be important to point out that roads and streets in our towns fall under the jurisdiction of their respective municipalities.

Now Honourable Speaker, it is a sad picture to view when one looks at all the people - well-off, poor, workers, students and learners - and their struggle to stay alive on the road on their way to work, school, and so on. Seeing this every morning, afternoon and evening, I cannot but wonder how much courage it takes to wake up every morning and to think of going to work by bicycle, or thinking that one's child should now hit the road on a bicycle. How many parents must live with this feeling from day to day? At times I believe that some people do not have a choice to use or not to use a bicycle as a means of transport.

Honourable Speaker, what are the things in the lives of our people that we should care about and how much should we care, or not care, about the comfort of the ordinary man and woman on street. I cannot imagine this sad picture of a citizen who literally

08 November 2005

CREATION OF FAIR SPACE FOR PEDAL CYCLISTS
HON GERTZE

is squeezed between death and the pavement as they ride on their bikes.

This country is known for its wide-open spaces. Why then can we not provide pedal cyclists with their rightful margin and by so doing encourage people to use bicycles?

I am not ignorant of the fact that making such improvements or alterations on our existing roads and streets will be costly. I must, however, stress that making such alterations and/or inclusions of *bicycle only* margins on our roads will largely be preventive in terms of accidents, and it creates more comfort for our people.

My plea is that this House debates around all possible implications, good and bad, and that it ensures the enactment of compulsory inclusion of cyclist lanes on all roads and street construction works in our major town and cities.

Honourable Members of this House, I am sure that a proud moment and indeed a historic one will prevail in this House if the newly extended Robert Mugabe Avenue, once it reaches completion, could be the first with clearly marked lanes for cyclists.

Such an enactment would certainly not go without a requirement of standard fittings to bicycles, but perhaps this could be sorted out with the relevant manufacturers of bicycles. The major concern of this Motion is to ensure safety on our roads and streets. We are bound to live with bicycles and we must therefore make it a safe means and mode of transport.

I once again ask this House to consider the **enactment of compulsory inclusion of cyclist lanes on all road and street construction works in our major towns and cities.**

I so Move Sir.

HON SPEAKER: I thank the Honourable Member. Any further discussions?
Honourable Doctor Tjiriange?

HON MINISTER WITHOUT PORTFOLIO: Thank you Comrade Speaker. I fully agree with the Honourable Member. His concerns should be our concerns because it deals with the safety of the people and subscribed through sentiments. Therefore I would not dwell much on the essence of the issue because I agree with what he has motivated.

08 November 2005

**CREATION OF FAIR SPACE FOR PEDAL CYCLISTS
HON TJIRIANGE**

I just want to add that there is one very serious issue which is happening in these towns, all over the country, actually, that the Member did not mention and that is the unruly behaviour of taxis. We are definitely at the mercy of taxis in this country. They behave as if the law does not apply to them. They stop anywhere. I think things have to be done in order to control this situation.

Honourable Member, as long ago as when Honourable Kabajani was the Minister of Transport, we discussed this issue and we were supposed to formulate a law to regulate this transport. I do not know what happened? Up to now nothing have changed. Probably we also have to advocate for more spaces for taxi to stop so that they do not just stop anywhere, anyhow, any time.

Also, one of the issues that was discussed at that time was for taxis to have uniform colour so that they could easily be identified. Now you find pirate taxis. Some of them just buy the things from second hand shops, or wherever, and put it on the taxi. Then who is doing what? We are at the mercy of these modes of transport. Coupled with that is the risk of these people actually mistreating the passengers. Particularly women are now fearing to get into the taxis because they do not know whether they will reach their destination or not?

At least men perhaps have the muscle to fight the driver, or whatever, but we are the mercy of this mode of transport. I really think that during our discussions we have to address this issue seriously. So because what the Honourable have said is even exacerbated by the behaviour of this mode of transport, which is really unruly. Therefore I think the Minister concerned should seriously take note of this and see what can be done?

I support the Motion.

HON SPEAKER: I thank the Honourable Minister. Honourable Chief Riruako?

HON RIRUAKO: Honourable Speaker, I wanted to adjourn this debate to another day, unfortunately it is fair and well put. My evidence is that it will have killed everyday and nobody else is responsible for their death. If the law remains where it is to allow this people to be killed everyday without mercy. And it happened but this Parliament is silent and silent, to him say keep silence and silence before. That is the kind of habit we have in this House. And what we see and what is supposed to be

08 November 2005

**CREATION OF FAIR SPACE FOR PEDAL CYCLISTS
HON KAURA**

done the rule must be there for the taxis. They do as they want, and nobody challenges them, not even the Ministers. They do it like this and then passed by. I saw them, I look at them. This kind of habit I think. The one who brought this thing forward must be helped and you have to create the kind of a situation where the cycling people happen to survive under our law and order; and not to be dismissed because they are only on bicycles..

I thank you.

HON SPEAKER: Thank you, Honourable Chief. Any further discussion?
Honourable Amweelo?

HON AMWEELO: Thank you, Comrade Speaker. If there are no other contributions, I would like to adjourn this debate until tomorrow. I thank you.

HON SPEAKER: I thank the Honourable Member. Honourable Kaura?

HON KAURA: Thank you, Honourable Speaker. Honourable Speaker, every time I go abroad to developed countries as such as Germany, I am amazed about the number of people who use bicycles. Our people who are poor do not use bicycles; they prefer to walk or use cars or ride taxis - that are life threatening. So one wonders what has happened to the bicycle culture in our country. One reason is that bicycle riders are a specie threatened with extinction in Namibia. You cannot ride a bicycle in Namibia and hope to come back home safely. (Intervention)

RT HON PRIME MINISTER: Can I ask the Honourable Member a question? Is the Honourable Member aware that a decent bicycle in Namibia will cost you N\$30 000? Are you aware of that?

08 November 2005

**CREATION OF FAIR SPACE FOR PEDAL CYCLISTS
HON KAURA**

HON KAURA: I know places in Windhoek where a bicycle costs N\$700; so it is not terribly expensive. The problem is this; if you ride a bicycle in Windhoek the danger is you might not come back home alive. In big countries, in China, where there are millions of people, you can ride a bicycle and it is safe.

I think something must be done to alter the mindset of our people so that they respect pedestrians and bicycle riders. Of course, bicycle lanes are imperative because without bicycle lanes no one will take the chance of riding a bicycle. As Honourable Tjiriange says, I do not know what is wrong with our taxi drivers. I really do not know what is wrong with them. Even if you are in a car you fear taxi drivers in Namibia. They are extremely dangerous and they drive as if the roads belong to them.

We lost one of our best doctors here in Windhoek riding a bicycle to the airport, Dr. Skandera. He was run over by one of our people, our drivers, and we lost that brain because he was trying to exercise - riding a bicycle.

So I really support the Motion and I think it is time to create bicycle lanes so that our people can ride in safety. The helmets would not help much because if you are run over by a car, you are run over by a car. So, I support the Motion and I hope the psychology of our people will readjust to accept pedestrians and bicycle riders. Thank you very much.

HON SPEAKER: I thank the Honourable Member. Any further discussion? If not, I give the floor back to Honourable Amweelo to adjourn the debate.

HON AMWEELO: Comrade Speaker, I would like to adjourn the Motion until tomorrow. Thank you.

HON SPEAKER: The Debate on this Motion stands adjourned until tomorrow. The Secretary will read the First Order of the Day.

08 November 2005 **APPOINTMENT DIRECTOR - DEPUTY DIRECTOR ACC**
HON GURIRAB

**RESUMPTION OF DEBATE ON THE APPOINTMENT OF
THE DIRECTOR AND DEPUTY DIRECTOR OF THE
ANTI-CORRUPTION COMMISSION**

HON SPEAKER: When the Assembly adjourned on Thursday 27th October 2005 in terms of rule 17(c) of the Standing Rules and Orders, the question before the Assembly was a Motion by the Right Honourable Prime Minister. Any further discussion? Honourable Gurirab.

HON GURIRAB: Honourable Speaker, Honourable Members, I rise to commend the Government of our country for the process which has now culminated in the names of two persons being Tabled in this Honourable House to head up our anti-corruption drive. Whilst admittedly these are still human beings, this is by no means a mean achievement. It has taken a long process of workshops and debates to get this far.

In this respect permit me, Honourable Speaker, to acknowledge the pioneering work of Prime Minister Hage Geingob - or is it Founding Prime Minister, or should we still wait for a Bill - who spearheaded this initiative on behalf of the Government.

Honourable Speaker, the password of good governance has a particular and relevant meaning in Africa. It has to do with weak or long existing Institutions of State at Independence, and how those who inherited the management of the State in the post-colonial era have more often than not failed to nurture and build the Institutions of Governance. Instead, what our Continent has seen is the building of governance around the cult of an individual; the Chief. Such is the challenge which faced our country with the unfortunate Amendment for the Third Presidential Term in 1999.

Honourable Speaker, the key plan of good governance is to create the institutions and the processes of Government which are free of personal will. If the processes and institutions are clear and transparent and leaders can come and go without the edifice crumbling with their exit, be such exit by death, impeachment or retirement. It is in such light that we see the establishment of the Anti-Corruption Commission.

Honourable Speaker, during my contribution on the Motion on Corruption and the

08 November 2005 **APPOINTMENT DIRECTOR - DEPUTY DIRECTOR ACC
HON GURIRAB**

Abuse of Public Funds and Assets, I said that in combating corruption, credibility is everything; that is, that the institutions tasked with this important task are beyond reproach and that the citizenry have confidence both in the process and the manner of the conduct of its business.

Honourable Speaker, integrity on the part of those who head an institution is the alpha and omega. It is of course blanket that they meet the basic requirements in terms of what the Act prescribes.

Honourable Speaker, this Honourable House has been presented with the names of two persons, with accompanying CVs, for the positions of Director and Deputy Director respectively, and that, Honourable Speaker, is all we have seen; the only basis on which this Honourable House is being asked to give consent for their appointment. Honourable Speaker, but for their CVs, we do not know these persons.

HON SPEAKER: On that point of CV's, the House shall rise for refreshments.

**HOUSE ADJOURNS AT 15:40
HOUSE RESUMES PURSUANT TO ADJOURNMENT AT 16:08**

HON GURIRAB: Honourable Speaker, I was saying that this House has been presented with the names of two persons, with accompanying CVs, being proposed for the positions of Director and Deputy Director respectively, and that, Honourable Speaker, is all we have seen and the only basis on which this Honourable House is being asked to give consent to their appointment.

Honourable Speaker, but for their CVs, we do not know these two persons from a 'bar of soap.' We do not know what interests they are beholden to or what company they keep. I feel, Honourable Speaker, we need to strengthen our present Act through an amendment which will make it possible for nominees to appear for public scrutiny before a Parliamentary Committee before their names reach the floor of this House.

Honourable Speaker, we believe, however, that this vital institution of governance must now be up and running to stem what appears to be a gulf of corruption involving the Nation. We shall for our part, on behalf of our constituents, closely monitor the

08 November 2005 **APPOINTMENT DIRECTOR - DEPUTY DIRECTOR ACC**
HON RIRUAKO

work of the Commission with eyesight like those of an eagle. We believe the bigger Public will do likewise and should we find that the Director and the Deputy Director, and the officials of the Commission generally do not measure up to the task, we shall speak loudly in a language as plainly and bluntly as possible in order to leave no one in any doubt about our displeasure.

I thank you, Sir.

HON SPEAKER: I thank the Honourable Member. Honourable Riruako.

HON RIRUAKO: Mr Speaker, it is quite clear. I am going to read my speech. Once I have read my speech, what will happen with your speech? It will be a childish speech. Some people say you are a good speaker that is why you behave that way. That is what you are saying there. You must have a chance to elaborate on your own.

Mr Speaker, regarding the Director and Deputy Director of the Anti-Corruption Commission; it is too late for tears because those names are already in public hands, in their ears and in their eyes. You said that you are going to create a row among the Public. We must be aware of ourselves and of where we are. We create a situation which we cannot overlook, the reaction from other people towards us. For that matter, we cannot change anything for the time-being. Let me say this publicly.

Why am I saying this? The fact remains ...(Intervention)

HON DE WAAL: Honourable Speaker, may I ask the Honourable Chief a question, please? Perhaps you can help me; I am a little confused now. The names were brought to Parliament so that we can reject or approve it. Now you are saying we cannot change anything. So why bring it to Parliament?

HON RIRUAKO: It is a good question that you raised, but unfortunately the Public is quite aware of that and that is where the problem lies, just there.

We are not cowards and we are not that weak; not for anybody else who committed

08 November 2005 **APPOINTMENT DIRECTOR - DEPUTY DIRECTOR ACC**
HON RIRUAKO

anything that we are not at peace with. For that matter, we cannot embark ourselves on an argument on that issue. Let us be honest with one another. Whoever committed a crime here, we are not hesitating to tell whoever it is. We had a lot of people like that and we have taken actions like that and the Public must be aware of that.

Let me say this; to come up with a proposal which is something new to the public ears will be really rough on us. But to have an argument and to incriminate one another for an issue that we can solve beyond our understanding, or understanding of anyone else. Who else can beat us if we discover that Honourable De Waal is corrupt? My reaction is just there against you. I am not going to hesitate to tell you like it is. Why should I hesitate to tell the others? That is quite simple. (Intervention)

HON DE WAAL: Why do you not tell your true feelings too? Who convinced you during the tea-break?

HON RIRUAKO: No, I may say that the director can be an old man; an old veteran or judge, but unfortunately they did not apply for that. You cannot force people to apply. My principles are the same. (Interjections) Please, do not impress me in what you want. I came up with my principle, I thought about it and I came to that conclusion. I am not impressed by anyone else. If I do not want anyone to tell me a half truth; I will tell him, "*look, stop there.*" This is the way to settle this matter. It is a very difficult issue. We cannot keep on giving directorships of parastatals to the very same people all the time. This can be avoided. To serve a term of three or two years is enough. You cannot exceed those terms. And for that matter, those people served their terms and we are going to watch them, the experts, including you, regardless of what has to be done and how and until here. I am not going to rule that out - not to add to your opinion and idea, which is quite clear.

Mr Speaker, I may say (.....), I did it purposely if you want to understand what I mean by that and we want to talk about it. It is quite simple. But I think this is the way how to settle the matter. Sometimes we must be grownup people; we cannot play games. Sometimes we have to put our foot down and once you discover you have committed any crime, you have to stand up and challenge and say, *look, until here*. I think one has to hear this, one has to abide by this and for that matter, I cannot continue to try and convince anyone who is not convinced by my speech. My speech is quite clear and direct to the point. Thank you, Mr. Speaker.

08 November 2005 **APPOINTMENT DIRECTOR - DEPUTY DIRECTOR ACC
HON MUDGE**

HON SPEAKER: Any further discussion? Honourable Mudge.

HON MUDGE: Honourable Speaker, we are in a very difficult situation because obviously this is a position of utmost importance and the problem is that we now have to decide on people we do not know. We have not seen them, we have never heard about them and I do not know how it can be expected from us - I am talking about myself - how it can be expected from us to make a decision about people we do not know. I have seen their CVs and there is nothing that you can say negatively and I do not want to say anything negative.

The point is; this is such an important position, that I think another route should have been taken, like what was suggested, that at least a Parliamentary Committee could have spoken to these people and have a public interview. Not that I am saying that those who had conducted the interviews were not qualified to do that, but then they should have taken this decision. Now they pass the responsibility on to us to take the decision and we have not spoken to those people.

HON SPEAKER: I thank the Honourable Member. Honourable Kaura.

HON KAURA: Honourable Speaker, wanting to further the spirit of consultation, we would like to adjourn this debate to Thursday.

HON SPEAKER: Honourable Mutorwa?

HON MINISTER OF YOUTH NATIONAL SERVICE, SPORT AND CULTURE: Thank you, Comrade Speaker, for the opportunity to say a few things on this very important subject matter.

First I would like to congratulate the Government and by extension also the Parliament as the Legislature, for having moved to the extent that here we are now. A Law has been passed and the Government has moved to put in place the institution called the *Anti-Corruption Commission*, and also the staff that will be at the helm of

08 November 2005 **APPOINTMENT DIRECTOR - DEPUTY DIRECTOR ACC**
HON MUTORWA

that institution.

Comrade Speaker, I was reading in the magazine, the *Namibia Review* on page 2, that you were interviewed in your capacity as Prime Minister and you were asked a question as to what would you characterise, the past fifteen years of our Nationhood, as an important achievement, and I quote what you stated and I agree with you entirely: “*One of the outstanding achievements of the Government and the people of Namibia for the past fifteen years, has been the establishment of institutions.*” The establishment of institutions, among others, Parliament and many other institutions.

Now, the *Anti-Corruption Commission* is a very important institution and the institutions that we are establishing are meant to be institutions that will grow, that must be empowered and that must become permanent. Human beings come and go, but I am sure these institutions are meant to remain permanent.

Now, I think when a person is first appointed, surely there are many reservations. Honourable Members are saying that they do not know the people. I think we should give them a chance. Pioneers are always being put in that position of not knowing. You are always afraid of the unknown. What is important is that the law that was passed in the National Assembly and the National Council also has built-in mechanisms where the responsibilities and the duties of the staff who are appointed in these institutions are clearly spelled out.

I am very sure that if somebody is appointed and is not capable of doing the work, surely it will not take long before we use the very same mechanisms through which this particular person or persons have been appointed, to then either remove the person or to appoint other people.

So, I am simply standing up to congratulate ourselves as a Nation, and in particular the Government, that we have come this far. Let us support what the Prime Minister has stated when he Motivated. Let us get these appointments through as soon as possible so that the institution called the *Anti-Corruption Commission* can start working.

I support the proposed nominations of these people as Director and Deputy Director. Thank you.

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

08 November 2005

**MOTION ON CORRUPTION
HON TJIRIANGE**

HON KASINGO: Honourable Speaker, I would like to adjourn the debate until tomorrow.

HON SPEAKER: Honourable Kaura wanted to have that privilege.

HON KAURA: Honourable Speaker, I would like to adjourn the Debate until Thursday for consultation.

HON SPEAKER: The Debate on this Motion stands adjourned until tomorrow. The Secretary will read the Second Order of the Day.

**RESUMPTION OF DEBATE TO DISCUSS THE STATE OF CORRUPTION
AND ABUSE OF PUBLIC FUNDS AND ASSETS**

HON SPEAKER: When this Debate was adjourned on Wednesday, 26th October 2005, the Question before the Assembly was a Motion by the Honourable Mr. Ulenga. The Honourable Deputy Minister of Justice and Attorney-General, on behalf of Honourable Dr. Tjiriange, adjourned the Debate and I now give the floor to Honourable Tjiriange.

HON MINISTER WITHOUT PORTFOLIO: Thank you Comrade Speaker. I would like to react to the attacks and accusations levelled against me in this House by Mr Tjihuike.

First and foremost, people must have their facts correct. Therefore I want to put this issue in its proper perspective.

Comrade Speaker, it is true that I invested my money in an ostrich production farm.

08 November 2005

**MOTION ON CORRUPTION
HON TJIRIANGE**

The facts surrounding that venture are as follows: The comrade who invited me to join him in the venture hails from that area, which is Ongandjera. He went to the Chief of Ongandjera and applied for land where he could farm with whatever he wanted. The Chief gave him the land on which to farm and this deal was made in writing. I shall give you the letter from the Chief in this regard, if you so wish. This arrangement was made between the Ongandjera Traditional Authority and my colleague as a resident of that area.

The area allocated to my colleague was in the *Omutandomawe* just outside the quarantine camps. The area was being used for grazing by many communal farmers. The Government, therefore, had drilled a number of boreholes to benefit all those who are using the area.

To the best of my recollection, there were two boreholes of this kind which were fully equipped with engines and reservoirs. Others were drilled and left without facilities.

After the process of allocation of the land was completed, my colleague requested me to join him in the venture so that I can be a minority shareholder and contribute towards the capital injections. I readily agreed; there was nothing sinister about the project. I went with my colleague to look at the place and the project started in earnest by way of building kraals for ostriches.

I did not reside in the area and my role was confined to provide money whenever required. Such money was used for creating infrastructure, purchasing of fuel for cars and purchasing birds, as well as paying for essential services.

I did not have any administrative role to play in the whole business. In fact, I was only twice in the area. In the meantime, all sorts of stories started to appear in the media about the venture. One of the first stories was a claim that we have occupied an area inside the quarantine camp, at *Omutandomawe*, without authority and against the regulations of the quarantine camp. This accusation was false and baseless. Eventually it was proven as such.

My colleague decided to build his house in the vicinity of one of the boreholes and the kraals were also built there. My understanding was that the access to that borehole will remain open as usual to all the settlers in the area. When I went there for the second and the last time that was indeed the case. The borehole next to the house and the kraals was left open for all animals grazing there to get access to water.

The second borehole was about half a kilometre away from the residence and was

08 November 2005

**MOTION ON CORRUPTION
HON TJIRIANGE**

open to all. (Intervention)

HON GURIRAB: Honourable Speaker, I was listening carefully to the Honourable Member and I also looked at the Order Paper, and I seek your guidance. Honourable Speaker, the item on the Order Paper is the Debate on the State of Corruption and Abuse of Public Funds and Assets. I do not know whether what the Honourable Minister is discussing is corruption or whether he addresses this Motion. I seek your guidance, Honourable Speaker.

HON SPEAKER: The guidance is that the Honourable Minister, in response to some of the matters that were raised, allegations that were levelled, including those against his person, is making a contribution and is clarifying matters, and in the process wants to put his good name where it properly belongs, safe and sound. Honourable Minister, you are on the right track, you may proceed.

HON MINISTER WITHOUT PORTFOLIO: Thank you, Comrade Speaker, for saving me.

However, Honourable Speaker, the witch-hunt and accusations continued unabated in the media. The situation caused the President of the country to investigate. At that point in time I decided to quit the project which was increasingly becoming controversial. I did that and by that time the project was just getting off the ground. I had then spent a little over N\$7 000 as my contribution. My colleague then decided to refund my money, which he did, and I quitted. The project continued with my colleague taking over all the shares and becoming the sole owner. My shares were 27% of all shares.

Therefore, up to now I still do not understand my wrongdoing and why I was being harassed.

In the first place, since the project was in its infancy, there was nothing I could have gained from it except for spending money. I was not even a part of the management of the project. That is the truth of the matter.

It is amazing, Comrade Speaker, to have people, who corruptly sided with the colonial regime, to come and pretend to be angels today. It was through the DTA, of

08 November 2005

**MOTION ON CORRUPTION
HON TJIRIANGE**

which NUDO was a part, that those who were associated with it - that is NUDO - sold out the Namibian people by corruptly accepting blood money from South Africa to prevent the Independence of this country. Slush funds were given to you so that you could be used as puppets in the effort of South Africa to keep Namibia and its people perpetually under South African rule.

What else can you call such kind of behaviour and acts when you get thousands of dollars to betray your own people? I think that is corruption of the highest order.

HON SPEAKER: Honourable Minister, we would not want this Honourable House, which was elected democratically by the Namibian people, and which comprises Honourable Members, to be likened to the rotten apartheid legacy and the theft and corruption perpetrated by those who served the apartheid system. So perhaps we should think of ourselves as being different from the people who did those things.

HON MINISTER WITHOUT PORTFOLIO: Comrade Speaker I am at a loss because the things that I am talking about have been done by the people who are sitting here; some of them, not everybody. Maybe I should say CoD is clear from this. It has never gained from any blood money. But others have. (Intervention)

HON SPEAKER: Point of Order. Let us not make it a family matter. Honourable Kaura?

HON KAURA: Honourable Speaker, when we talked of reconciliation we decided to let the '*Wall of Silence*' about the Lubango dungeons remain silent. There are many skeletons in the closet; there are people sitting here who were also murdering people in the dungeons of Lubango. If you want us to talk about the dungeons, we will talk about it, killing your own people ... (Interjections)

HON SPEAKER: Let us stick to the Order Paper, item 2. Continue, Honourable Minister.

HON MINISTER WITHOUT PORTFOLIO: Comrade Speaker, sometimes the truth is bitter and harsh. But nevertheless, we are sitting with people who ought not to

08 November 2005

**MOTION ON CORRUPTION
HON TJIRIANGE**

be sitting here because they got corrupt money from South Africa. At least as a citizen of this country, I got to benefit from what the Country can offer, including getting into a business venture. My animals at common drinking places - What is wrong with that?

What I do not have is the right to get money corruptly from the enemy to suppress my own people and this is what they did! (Interjections)

The gentleman who has spoken must tell the Namibian people what happened ... (Intervention)

HON SPEAKER: You may be seated, Honourable Minister. The Republic of Zambia is a friendly neighbouring country whose Government leaders and people supported the struggle of the Namibian people for freedom and Independence. I would not want the records of this Honourable House to indicate that Zambia allowed the killing of people on their soil. Continue.

HON MINISTER WITHOUT PORTFOLIO: I was saying that surely what I do not have is the right to corruptly accept money from the enemy of the Namibian people, to serve his interests in order to keep the country in perpetual bondage and subjugation.

The Honourable Members must tell the Namibian people what happened to the thousands of dollars which they got corruptly from the South African regime. (Interjection) We have discussed it here and you know that very well. You were here. The Honourable Members immensely benefited from the corrupt practices of its leaders; as we know it here. You cannot tell us anything except just tell us, when you were taken by the South African regime to be paraded in New York, Geneva, Cape Verde - how much did you get when you were being paraded? In New York you were under the leadership of the so-called Administrator-General, in Geneva you were led by Administrator-General Danie Hough. Do you deny that? (Intervention)

HON KAURA: Honourable Speaker, is it not true that there are people sitting in this Parliament that were declared *persona non grata*, in particular in Zambia,

08 November 2005

**MOTION ON CORRUPTION
HON TJIRIANGE**

because of acts they committed there against their own comrades?

HON MINISTER WITHOUT PORTFOLIO: Honourable Speaker, I was saying....(Intervention)

HON MOONGO: On a Point of Information. Is the Honourable Member aware that during the liberation of that time many Namibians came from Namibia with dollars - Namibian Rand – and they were taken away from them to be changed - since that time. Is that not part of corruption? (Interjections) In thousands.

HON MINISTER WITHOUT PORTFOLIO: Comrade Speaker, since I did not accept the question, the question is wrongly placed.

At Cape Verde you were under Van Niekerk; you were there. In Lusaka you were under Sean Cleary. Tell the Namibian people how much you were paid to corruptly sell out Namibia. (Intervention)

HON RIRUAKO: On a Point of Order. I am not here to please the House; I am here to tell the House the truth. Who has taken Sean Cleary's money after Independence?

Who is in possession of that? (Laughter) Number one. Number two - Stocks & Stocks - who were members of the Board of Stocks & Stocks? Number three - who has taken the soldiers' money; the N\$12 million? Who owns that? Who benefited from that?

HON SPEAKER: Honourable Chief, your name is on the list. Is it a question?

HON RIRUAKO: It is a Point of Order.

08 November 2005

**MOTION ON CORRUPTION
HON TJIRIANGE**

HON MINISTER WITHOUT PORTFOLIO: I was asking the question why South Africa took you to those places while other people were rotting in their jails? Were you better blacks than those in their jails at Robben Island or elsewhere? (Intervention)

HON RIRUAKO: On a Point of Order. The late Honourable Maxuilili was in Zambia under house arrest; he came to me through Kaura. The late Honourable Maxuilili told me that he was under house arrest until then. I did not waste time. I called Van Niekerk and Kaunda and told them that this man was an old man; how on earth could he remain under house arrest, and that very same day he was released. (Interjections) Yes, the very same day he was released and I said, "*When you come back from London, let us meet.*" I am honest with you.

HON SPEAKER: Honourable Chief, how does that relate to corruption?

HON RIRUAKO: No, he said we went there, we did not do anything.

HON VENAANI: Honourable Speaker, on a Point of Information. Honourable Speaker, I think the Honourable Senior Minister was doing very well by explaining the situation surrounding his name that was muddled, but trying to justify it by saying that others were corrupt - that is why you did it - you are putting yourself back into that scenario that perhaps you took the money; that is why you are saying others did. I think it is very Honourable for this House for members to clear their name, and that is why - in fact, you were speaking un-procedurally - speaking about your own name and clearing it. I think it is very important. When we took part in this Motion we said that we should not generalise by saying people or Government Ministers are corrupt. You were doing very fine by clearing your name but by trying to link it with other corrupt activities you were making yourself guilty; your own name that you are trying to clear.

HON SPEAKER: In terms of the Rules and Orders, Honourable Venaani, the

08 November 2005

**MOTION ON CORRUPTION
HON TJIRIANGE**

Honourable Minister's name was specifically mentioned and instances relating to him personally. So he is quite correct to defend his name. Honourable Minister, you may proceed.

HON MINISTER WITHOUT PORTFOLIO: Comrade Speaker, I am leading to something because at one point I want to introduce a Motion and I am leading to that.

As I said, I was asking the question: Were you better people than those in the jails at Robben Island and elsewhere? You were treated with tickets and S&T to go all over the world while others were treated with sjamboks in the prisons. Why? Corruption has many dimensions; do not play with words...(Intervention)

HON MINISTER WITHOUT PORTFOLIO: I do not know what is irritating the Chief. I would also like to reveal here that immediately after Independence there was a scandal in Okakarara. Some prominent members, of the organisation of the Member there, misused money of the Government in Okakarara. When the new Government started investigating and did serious investigation, they burned down the building where the files were kept in order to destroy evidence. (intervention)

HON RIRUAKO: On a Point of Order. I am not like you; I am a quite different person, even President Kaunda knows that. The person was arrested and faced charges. You cannot compare yourself to me; otherwise you are going to find yourself in jail.

HON MINISTER WITHOUT PORTFOLIO: The person who was charged then disappeared - you know that or would you deny that, Comrade Chief? I am sure you will not.

I want to state here before this August House that in my life I would never steal anybody's cent, leave alone a shilling. (Interjection) I did not steal anybody's ostrich; I did not come to your farm to steal your ostrich.

So, the story of the boreholes which the gentleman has raised here invites a few questions. Firstly, where are the boreholes which Tjiriange is being accused of

08 November 2005

**MOTION ON CORRUPTION
HON TJIRIANGE**

occupying? Where are they? Do these boreholes not belong to the community and is the community not using them? Is Tjiriangé not allowed to buy and farm with ostriches? (Intervention)

HON KAURA: On a Point of Order. Honourable Speaker, I think having a Minister without Portfolio must be revisited. It is also a form a corruption.

HON MINISTER WITHOUT PORTFOLIO: I am still continuing with my questions: Was it wrong for Tjiriangé to get into a joint venture and promote ostrich farming? Answer these questions. Was it wrong for the ostrich farming venture to benefit from the water supply in the area?

HON SPEAKER: Honourable Chief, you have participated in this Debate. You had the floor and you made a contribution. I have tried to allow here and there an opportunity for you to participate by way of questions or points of order. You already made a contribution. I am not going to give the floor to you. Proceed, Honourable Minister.

HON MINISTER WITHOUT PORTFOLIO: I have the floor. I want to try and draw a parallel between this project and my farming activities in the Okakarara.

I had more than a hundred head of cattle in the Okakarara area. They were grazing on the communal land and drank water from the communal water point until I bought my own farm and moved out of the communal area. Was that wrong? (Interjection)

HON DE WAAL: How much do you owe AgriBank?

HON MINISTER WITHOUT PORTFOLIO: Nothing. (Intervention)

08 November 2005

**MOTION ON CORRUPTION
HON TJIRIANGE**

HON MOONGO: On a Point of Information. I would like to inform the Member that the war criminals law here in Namibia and that SWAPO is going to face war criminal charges due to 1990. Some witnesses are still here alive. They left hundreds of people in the dungeons alive, and now we have a law and SWAPO is going to be charged and you all will end up in prison. Thank you.

HON MINISTER WITHOUT PORTFOLIO: You are corrupt; you accepted money from the apartheid regime to prevent our Independence. You are benefiting. Why do you prevent people who fought for Independence to benefit like yourselves? I want the Member to address himself... (Interjection) I am talking to somebody who talked about me; just keep quiet. I want the member to address the issue of his Party's rich members who went to the AgriBank and got Affirmative Action Loans to buy farms.

One condition of getting an Affirmative Action Loan is for those who are in the communal areas to buy farms and to vacate the communal land so as to make space for poor farmers in the communal area. What happened? (Interjections) They got the money; they bought farms in expensive areas which they illegally fenced off in the communal areas. They now have double grazing while poor people have no place to graze their animals. It is a fact, you know that. Most of these people are your members, Honourable Member. You are quietly looking at these things happening. Why do you not talk about them?

Even worse is that some of these members of your Party hire out these fenced-off land to others; thus getting money from land that does not belong to them. (Intervention)

HON KAURA: Honourable Speaker, on a Point of Order. Northern Namibia, former Ovamboland is being cut to bits and pieces by the millionaires. I do not want to mention their names - and they are his supporters. What are you doing about it?

HON MINISTER WITHOUT PORTFOLIO: They are there to see for yourselves.

Comrade Speaker, it is really sickening. Namibia seems to be the only country where

08 November 2005

**MOTION ON CORRUPTION
HON TJIRIANGE**

people - who through corrupt practices got money from the enemy, or the people who served the enemy and got into the Parliament - portray themselves like democrats and angels. Through their corrupt relationship and co-operation with the South African regime the Member's Party let many innocent Namibian people die at the hands of that regime.

History will not forgive you because your hands are dripping with the blood of our People. Make no mistake. I do not need lectures from corrupt political parties. (Intervetion)

HON VENAANI: On a Point of Information. Honourable Secretary-General of the Ruling Party, bring a Motion in this House that seeks the slush fund that you are talking about. We will welcome it; we will tell you where the money is. Do it.

HON MINISTER WITHOUT PORTFOLIO: I do not need lectures from corrupt political parties. In my view, as I said earlier, at least CoD is clean in this regard. They did not have corrupt relations with the South African regime and did not accept blood money because at that time quite a few of them were members of this organisation and the CoD did not exist.

Comrade Speaker, I am finishing now. I shall come at an appropriate time and after consultation with SWAPO caucus, Table a Motion in this House to discuss corrupt practices in which some individuals and some political parties were involved during and after the struggle for Independence. Everybody, individually and collectively, should be discussed here in this House; that is whether he or she deserves to be here. All tapes and records on these issues which are kept at the NBC should be produced here and played and read so that the Nation knows what you did.

Those who corruptly sold out the people of this country must be exposed and tried accordingly before the Courts for crimes committed by them against the citizens of this country. That will be the end of reconciliation which is so widely being abused.

Finally, as Honourable Tjihiuko suggested that I should be suspended from the House then I emphasise that they must be expelled from the House and be tried for crimes that they committed against the Namibian people through their corrupt relations with the South African regime. Thank you very much.

08 November 2005

MOTION ON CORRUPTION
HON L AMATHILA

HON SPEAKER: Honourable Members, as Honourable Members you are discussing the subject of corruption and abuse of public funds about which a commission is in the process of being established. The Right Honourable Prime Minister brought before this August House the names of the proposed Director and Deputy Director, and because of the importance of the subject you are debating, Honourable Members, the public is listening to what you are saying and doing. They expect their leaders whom they elected to this Honourable House, to give seriousness and a sense of urgency to the subject and to treat the subject in such a manner that they are reassured that the leaders they have elected to serve their interest, care. The manner in which the Honourable Members behave while debating this issue should give that reassurance to them.

Deputy Prime Minister, Dr Amathila.

HON DEPUTY PRIME MINISTER: Thank you, Honourable Speaker. After the adrenaline has risen to top level and blood pressure has gone up, I will try and bring it down. I do not have a long speech.

Honourable Speaker, Honourable Members, I am probably the last one to take part in this very important Motion brought by Honourable Ulenga. I always respect ... (Interjection) Will you calm down with your blood pressure, please?

HON SPEAKER: Honourable Chief, when this Motion was debated you participated and made a contribution on the 25th October 2005. A Member is allowed to make a contribution on the Debate on the Motion only once. Deputy Prime Minister.

HON DEPUTY PRIME MINISTER: I wonder what is going on with the Chief. What is his problem? I am discussing the Motion. May I request that the Chief sits outside and watch the discussion through the screen; because I do not have medication here.

I was saying that I am probably the last one to discuss this Motion. I am not going to go through the definition because all of you who took the floor defined corruption from different dictionaries. Therefore, I was thinking out aloud; I will start off by wondering what this corruption is and where did it start? Everybody has a mother

08 November 2005

**MOTION ON CORRUPTION
HON L AMATHILA**

and a father. I think the father of corruption is greed, in my opinion, and the mother is selfishness, probably. Greed is the cause of people who want to collect and to own what they do not have; they want to consume what they do not produce. (Interjection) Please do not disturb me. When all the other members were speaking I never interjected.

I was saying that greed is the father of corruption; selfishness is the mother of corruption. What is greed? Greed is something you want to have which does not belong to you. You want to have something you did not work for, you are consuming what you do not produce, you own what you did not earn and this is how you get yourself involved in corruption. The offspring of corruption is envy; it is consuming what you do not produce - wanting to have wealth which you did not work for. At a young age you do not want to move, you do not want to start crawling, walking and running. You want to be born and start running. A 24-year-old child who did not get money from anywhere wants to own a Rolls Royce, if he can. Now where do you want to get that money from?

The other thing is that selfishness comes this way: You have people who are collecting drugs, and these are mothers sometimes, knowing pretty well what this drug is going to do to your child, to your husband. We are complaining about rape, we are complaining about murder, but we are the ones who are feeding our young people with mandrax; with all kinds of drugs and they come and kill. Why do we have that? Because we are greedy; we want to get rich without working. This “outere” around here is also some kind of greed; you want things you did not work for.

Our President has made it clear at his Inauguration and ever since that his Government, our Government, will have zero tolerance for corruption. He has also named some of the issues. For example, he personally asked and we all heard it, “*what happened to the N\$3 Million from Defence?*” He asked, “*What happened to the rotten food in Caprivi?*” He asked, “*Where is the N\$100 Million of the ODC?*”. He asked “*where is AVID moving to?*”

HON MEMBER: The N\$10 000 of NUDO.

HON DEPUTY PRIME MINISTER: Yes, and NUDO has taken action. The

08 November 2005

**MOTION ON CORRUPTION
HON L AMATHILA**

money must come back where it belongs.

What are we expected to do? I think we have spoken, we have analysed corruption, now it is time that we take responsibility as Parliament. I think there are examples we can follow. I am not going to respond to some hallucinations going around. People are hallucinating.

For example, some years back we were faced with the issue of upgrading the single quarters. The line Minister and the line Permanent Secretary sought advice and said, "*We are hearing these things*". I called the CEO to our office and we called the Auditor-General to our office for a meeting and we said "*We are hearing this, CEO. Can you respond?*" He said he did not know anything about it, so he called a press conference. We were not satisfied. My colleague the late Shoombe and I decided not to keep this case there but let it go to the law enforcement officers; for them to take over this case and investigate it because we did not want to sit with it. I want my other colleagues who are line Ministers to do the same thing. It does not help to talk and talk and we are not taking action.

We took action; we stuck our heads up there and, as Comrade Tjiriange said, a lot of rumour mongering was going on. What did we do? My Permanent Secretary and I gave unfettered access to our lives to the investigating officer. We brought our bank statements and said that that was my Bank account, and that was my loan for the house I am building; these are the names of my builders. I am ready at all times if you need me. We continued to do our work. Rumours went on. Let me tell you something. Any of you who are hallucinating that Ministers will not be arrested, forget about it. Those investigating officers would look under our beds if they could. Whether you have stolen N\$10 or a penny, they would drag you before the Court. Do not play games and think Ministers are immune. No Minister is immune. If you are found guilty, you will go to Court, you will go to jail. That hallucination that Ministers can get away with it; forget about it. It is a lie, you will be arrested. I can show an example.

The hallucinations went on because unfortunately some of us were building house – a black woman and a black man. When we arrived in the nineties at Independence Van der Merwe could build a big house next to mine, but when I built my house even my own people were wondering, "*Where did she get the money from, why is she not building in Katutura?*" I answered and said I was not born in Katutura. Leave me alone, I want to build my house where I can.

So it was a big suspicion and these black Ministers were an issue. Drag them down

08 November 2005

**MOTION ON CORRUPTION
HON L AMATHILA**

and get them - that was the approach at that time. I do not want to let people think that they can get away with it. I can tell you about our Courts from that experience; I have respect for our Courts. This case was investigated for 2 years and 43 witnesses were called; witnesses were harassed. So if you are not guilty you are not guilty. Now these fellows who were suspended and they were investigated, what did they do? They were arrested and charged with fraud and corruption and they were jailed. Yes, and they were jailed. Now they are out after they have served their sentences. I do not want anybody to pretend to hallucinate that NHE - let us deal with these questions we are having.

I am just explaining because the hallucination is going on. I am not protecting myself. I am just saying that the notion that Ministers cannot be arrested should be stopped because it does not happen like that. I am saying if it was good for NHE people to be arrested and to go to jail whom are we protecting? Let us do the same thing; what is sauce for the goose is sauce for the gander.

So I am particularly calling upon the lawmakers. Our President has made it come out and he is waiting for us to take action. People out there are waiting for us to take action. We have talked enough about corruption. Let us get action. Let those who are doing other work move on with our work. We cannot sit here every day talking about corruption.

Get the case to the Police officers and give them unfettered access to you and let them do their work. Let us finish and move the country on. Our country is been talked about every day because we stand here talking about corruption. Corruption until when?

Compare this country with what is happening in Africa. For example, my colleagues in different West African - Ministers that is - when budget time arrives they go with their suitcases - like that one there - to collect the money of their Ministries for the year. Money in suitcase, no budget!

There are these types of things. You are talking of this properly organised country where you never budget. Our Minister does not even see a cheque, unless it is his own cheque, paid in for his salary or her salary. This country is a properly organised country. Let us not spoil it, Comrades. Let us not destroy our own integrity; our own country by trying to hallucinate around here and character assassinate people. In whose hands are you playing? You are destroying your own country.

The President said the other day that we must move. We are in the same boat and if

08 November 2005

MOTION ON CORRUPTION
HON L AMATHILA

this boat sinks all are going to perish. I want us to say that we have had enough. Let us get on with our work. Let us run our country. Let us have the Anti-Corruption Commission. The Anti-Corruption Commission is not really the one really to go and investigate.

The Anti-Corruption Commission will hear and then these cases must be taken to the Police. We must also clear the names of our people because (.....) no, let us get these cases started and unproductive and unpatriotic (.....) are finished. The Court runs its course and I promise you these Courts are specific; they are good; they are investigating. If you could see the reports that that forensic auditor brought in. Signature specialists are brought in; everything is checked in detail. When they finish they say, "*Alfeus, what did you say?*" Without doubt these people are guilty for A, B, C, and D. Here is their punishment.

So let us also leave those people alone who have gone through their punishment. They served their sentences and they need to rebuild their lives. So let us move to these ones. So thank you. Comrades, Honourable Speaker, I think I just wanted to bring that case for discussion.

Thank you very much.

HON SPEAKER: Thank you Honourable Deputy Prime Minister. Honourable P. Mushelenga.

HON P MUSHELENGA: Honourable Speaker, Honourable Members. Many speakers who contributed to the Motion on corruption, and the abuse of public funds and assets, have stated most of the things that I would have liked to say.

Ideally, I would not have participated in this Debate, as I would not like to bore the Honourable Members with statements that they have already listened to. But, given the importance of the Motion, I took wisdom from a well known academic, the UNESCO ZERI Africa Chair and former Pro-Vice Chancellor for Academic Affairs of the University of Namibia, Professor Keto Mshigeni, who once said: "*There is this Universal rule whose barometer is your heart's conscience: the rule which dictates that if you see wrong and terrible things happening around you, and you say nothing, or do nothing towards eradicating them, you are guilty of committing what the Scripture refer to as 'sins of omission' (James 4:17).*"

08 November 2005

MOTION ON CORRUPTION
HON P MUSHELENGA

In his contribution to this Debate the Prime Minister, Right Honourable Nahas Angula, mentioned that Namibia's corruption perception index is around 4.3 over 10; this says that at least there is somehow and somewhere corruption. This means something is amiss and I cannot sit like a spectator and pretend all is well. My conscious tells me that I should do something, lest I be guilty of committing *sins of omission*.

Given what has been reported in the Media and elsewhere, I support the recommendation in the Motion by Honourable Ben Ulenga that we need to discuss and condemn corruption. Like the Right Honourable Prime Minister and Honourable John Mutorwa, I am not concerned about the political angle where the Motion originated, but I am simply concerned with the subject matter **corruption**.

Honourable Speaker, since time immemorial, practises of corruption were strongly regarded as a disgrace and therefore punishable. Perhaps one of the oldest recorded forms of corruption is found in the Bible in the Book of Acts 5: 1-11.

This took place about close to 2000 years ago when a section of Jews introduced a socialist economy in their community to discourage the widening continuum between the rich and the poor. While people were expected to sell their crop yields and to hand over the proceeds to be put in a common account to be shared by all, a man and his wife, by the name Ananias and Saphira, became greedy and corruptly embezzled part of the proceeds from the sale of their crop yield. They were condemned to death.

In my culture too, corruption, be it on a small or large scale, is punishable. Theft, embezzlement and abuse of public office and properties for personal gain carried penalties, of which some could today be regarded as cruel in terms of the respect of human rights and dignity. These penalties were used as deterrents to prevent others who harboured intentions of corruption. Our ancestors believed in a society characterised by trustworthiness and sincerity.

Historically, in order to prevent their children from becoming involved in unbecoming practices and behaviours, parents gathered around fire at night for a session, called "*ohungi*", to teach their children cultural values and norms. Children were cautioned to refrain from corrupt practices as these were taboos that were prohibited and outlawed. In my language, a person involved in corruption, stealing of public funds and assets or even private properties, is called "*ombudhi*", meaning a crook. There is even a saying: "*Ho ende nombudhi nangoye no ninge ombudhi*", which literally translates that "*if you walk in a company of a crook you will also become a crook*." People were made to understand that a crook is someone who

08 November 2005

MOTION ON CORRUPTION
HON P MUSHELENGA

should not be embraced in anyway, but who should be shunned and isolated.

Honourable Speaker, today, cultural practices such as *ohungi* sessions are diminishing and it is a matter of concern. We should encourage parents to re-institute important sessions like *ohungi* in their houses. Children should be made to know at a tender age what is bad in their respective societies. They should, from the very time of their infancy, be moulded into responsible citizens who epitomize moral principles and positive personalities. My heart goes out to children who are missing out on important aspects of their cultures.

I have noted with indignation that while during older days parents shamed their children who were involved in corruption, nowadays some parents, relatives and acquaintances, joyfully share in the wealth and proceeds obtained through corrupt practices and the abuse of public funds and assets by their children and close associates. What worries me more is the fact that they do this while fully knowing the dubious acquisition of such wealth and proceeds. Believe me, Honourable Speaker, crooks and thieves are walking tall and are being glorified as providers of their families and communities. My heart goes out to those who are made worse off, through making someone better off, via corrupt practices.

Honourable Speaker, I agree with Honourable Ulenga when he stated in his Motivation that it would be wrong to single out economic corruption while excluding other aspects of corruption. Some of the reports that we read are certainly a cause of worry and concern. These include, among others, the abuse of public offices and properties, raiding of public funds, burning of elections ballot papers, stealing of examination papers, just to mention but a few. Such reports are about conducts by people from all walks of life and political affiliations. I genuinely believe that the scope of corrupt activities and culprits thereof is broader.

I therefore support the Right Honourable Prime Minister when he stated that this Motion should be debated with cool hearts. I further agree with Honourable Ulenga that his Motion is no cause for celebration. We need to fully comprehend the meaning of corruption and the negative effects it could have on a Nation like ours.

The effect of corruption is a sorry state of affairs that our Nation cannot bear. Accordingly I agree with those who suggested that we should introduce measures that will serve as deterrents to all potential perpetrators of corruption.

Honourable Speaker, many Nations of the world rightfully fight against corruption,

08 November 2005

**MOTION ON CORRUPTION
HON P MUSHELENGA**

mismanagement of public funds and assets, maladministration and other forms of malpractices. Likewise, the SWAPO Party Manifesto for the 2004 elections, states *inter alia* that:

“Democracy, accountability, honesty, and commitment to service are the requirements that the SWAPO Party considers necessary for delivering good governance. It is about being constructive in our approach. It is about optimising our resources.”

During debates on Motions like the one before the House, one should naturally think about a constructive approach to the management of public affairs. I will at this juncture not turn a blind eye to practices that are regarded to be erroneous, odd and sinister. (Interjections) I should fight for honesty and accountability as embodied in the SWAPO Party Elections’ Manifesto. In this respect, I would like to turn to our public corporations. In March 2002, the *King II Report on Corporate Governance* was released. The Report addresses issues related to, among others, Boards’ fiduciary responsibilities, risk management, role, function and scope of internal audit, as well as ethical practices and organisational integrity. Subsequent to the release of the King II Report, many corporations sent their Board Members and Senior Management for training on corporate governance. It is one thing, Honourable Speaker, to train Board Members and Managers on corporate governance, and it is another thing for such Board Members and Managers to put into practice important conventions of corporate governance.

With the reports that we have been reading, one would have difficulties appreciating the implementation of essential aspects of corporate governance in some of our public corporations. It is contrary to logic and elementary justice to spend money on training and, thereafter, disregard the lessons learned. I would, therefore, like to call for strict adherence to corporate governance ethics in our public institutions.

We as lawmakers from all, and I repeat, all political parties should lead by example. We should not wrongfully use our positions to demand services from public institutions in manners that will compromise our integrity and the reputation of our public institutions. Similarly, general customers should refrain from requesting favours and offering bribes when dealing with our public institutions. Employees should serve customers without strings attached to service delivery. Chief Executives together with their management should become exemplary to employees in adhering to codes of ethics. Board Members should vigorously attend to their fiduciary responsibilities and, in case of failure, should earnestly be taken to task by the shareholder.

08 November 2005

MOTION ON CORRUPTION
HON P MUSHELENGA

Honourable Speaker, Honourable Members, I would like to submit to this august House that any form of corruption is not welcome and there is nothing like a better corruption. Whether perpetrated by King or commoner. Bishop or ordinary worshiper, grandparent or grandchild, first-born or last-born, corruption is simply undesirable.

When it is not addressed it destroys the Nation's economy. It brings disorder, poverty and anger. It degenerates values and norms of good worth and high merit in the society. The World Bank states that:

"The harmful effects of corruption are especially severe on the poor, who are hardest hit by economic decline, are most reliant on the provision of public services, and are least capable of paying the extra costs associated with bribery, fraud and the misappropriation of economic privileges."

Honourable Speaker, in conclusion, when all is said and done, I would like to declare my unconditional support for His Excellency, President Hifikepunye Pohamba, in the fight against corruption. He has a passion for noble standards of uprightness, decency and excellence. I am impressed by his farsighted vision to keep the Namibian State, away from trails of misfortune and to remain on a path of desirable quality that brings a hopeful destiny into our lives. Similarly, I commend efforts started during the tenure of office of his predecessor, His Excellency President Nujoma, to establish the *Anti-Corruption Commission*. I have noted with pleasure that Government is moving towards the final stage of putting the Commission in place. This, I believe, has overtaken the fourth recommendation in the Motion, as long as we as lawmakers also expedite the process to approve the appointment of the Commission's principal office-bearers.

I thank you for your attention.

HON SPEAKER: I thank the honourable Member. Honourable Mudge.

HON MUDGE: Honourable Speaker, if nobody would like to speak on this Motion, I would like to adjourn the Debate until Tuesday, 15 November.

HON SPEAKER: Is there nobody else who wants to discuss the Motion? The

08 November 2005.

COMMITTEE STAGE: STANDARDS BILL

Debate on this Motion stands adjourned until next week Tuesday. The Secretary will read the third Order of the Day.

COMMITTEE STAGE: STANDARDS BILL

HON SPEAKER: Does the Honourable Deputy Minister of Trade and Industry Move that the Assembly now goes into Committee?

HON DEPUTY MINISTER OF TRADE AND INDUSTRY: I so Move, Comrade Speaker.

HON SPEAKER: It is Moved that I leave the Chair. Any Objections? Who seconds? Agreed to. I now call the Chairperson of the whole House Committee to take the Chair.

CHAIRPERSON OF COMMITTEES: The whole House Committee is called to Order. The Committee has to consider the Standards Bill.

I put Clause 1. Any discussion? Any Objection? Agreed to.
 I put Clause 2. Any discussion? Any Objection? Agreed to.
 I put Clauses 3, 4 and 5. Any discussion? Any Objection? Agreed to.
 I put Clauses 6 and 7. Any discussion? Any Objection? Agreed to.
 I put Clauses 8, 9, 10 and 11. Any discussion? Any Objection? Agreed to.
 I put Clauses 12, 13 and 14. Any discussion? Any Objection? Agreed to.
 I put Clauses 15, 16, 17 and 18. Any discussion? Any Objection? Agreed to.
 I put Clauses 19 and 20. Any discussion? Any Objection? Agreed to.
 I put Clauses 21, 22. Any discussion? Any Objection? Agreed to.
 I put Clauses 23, 24, 25, 26. Any discussion? Any Objection? Agreed to.
 I put Clauses 27, 28 and 29. Any discussion? Any Objection? Agreed to.
 I put Clauses 30, 31 and 32. Any discussion? Any Objection? Agreed to.
 I put Clauses 33, 34 and 35. Any discussion? Any Objection? Agreed to.
 I put Clauses 36, The short title. Any discussion? Any Objection? Agreed to.
 I put the schedule. Any discussion? Any Objection? Agreed to.
 I put the title. Any discussion? Any Objection? Agreed to.

08 November 2005

STANDARDS BILL

I shall report the Bill without amendments.

Mr Speaker Sir, I the Committee has gone through the Bill [B11-2005] as set forth in the accompanying copy, and agreed to it without amendments.

HON SPEAKER: Does the Honourable Deputy Minister of Trade and Industry Move that the Bill be read a third time?

HON DEPUTY MINISTER OF TRADE AND INDUSTRY: I so Move, Comrade Speaker.

HON SPEAKER: Any objection? Who seconds? Agreed to. Does the Honourable Deputy Minister wish to say anything?

HON DEPUTY MINISTER OF TRADE AND INDUSTRY: I thank all the Honourable Members for their support.

HON SPEAKER: I now put the question that the Bill be read a third time. Any Objection? Who seconds? Agreed to. The Secretary will read the Bill a third time

STANDARDS BILL

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

**RESUMPTION OF DEBATE TO DISCUSS THE CURRENT FINANCIAL
BURDEN PLACED ON THE PUBLIC BY BANKS AND CREDITORS**

08 November 2005

STANDARDS BILL

HON SPEAKER: When this Debate was adjourned on Wednesday, 26th October 2005, the question before the Assembly was a Motion by Honourable Gertze. The Honourable Minister of Finance adjourned the Debate (Interjection)

HON MINISTER OF ENVIRONMENT AND TOURISM: Honourable Speaker on a Point of Order. I am very sorry, perhaps I am just a bit confused. I did not follow clearly. What happened to the third reading of the Bill that we dealt with? I am not sure if the 3rd Reading has been finalised. I just want us to check on that. And if finalised, how?

HON SPEAKER: I can remember having asked the Secretary to read the Bill a third time.

HON MINISTER OF ENVIRONMENT AND TOURISM: I stand to be corrected. The Member would propose the third reading, the debate on the third reading would be requested, and if there was a third reading the Member would then respond to the third reading. If there was no debate he would then conclude the reading. That way we have dealt with the third reading and that is what I think was not done. This is why I raised a concern.

HON DEPUTY MINISTER OF TRADE AND INDUSTRY: Honourable Speaker, I support the third reading of the Debate.

HON SPEAKER: The Speaker asks the Secretary to read the Bill the Third Time.

HON MINISTER OF ENVIRONMENT AND TOURISM: As the new Speaker that should follow after that. As I was saying, Comrade Speaker, I stand to be corrected. Perhaps I have not followed quite correctly what happened. Third reading the Member would propose. The Debate on third reading will be requested and if there is third reading the Member will then respond to the third reading. If there is no

08 November 2005

STANDARDS BILL

Debate he or she will just conclude the reading and then we have dealt with the third reading. And this is what I do not think we have done and this is where my concern is, Comrade Speaker. Thank you.

HON SPEAKER: Should I ask the Deputy Minister to do the third reading and not the Speaker?

HON DEPUTY MINISTER OF TRADE AND INDUSTRY: Honourable Comrade Speaker, I support the third reading of the Debate.

HON SPEAKER: The Secretary will read the Bill for the Third Time.

HON MINISTER OF ENVIRONMENT AND TOURISM: Honourable Speaker, on that proposal the Speaker should invite discussions on the third reading. If there are Members who want to say anything in third reading, they will get the chance. If there are no Members then the Speaker would again invite the Deputy Minister whether he wants to say anything in conclusion. After that the Bill will be read a third time.

HON SPEAKER: That is correct. I am sorry. Honourable Minister of Finance? Any further discussion? None. Does the Honourable Deputy Minister wish to say anything?

HON DEPUTY MINISTER OF TRADE AND INDUSTRY: I want to thank the Honourable Members for their support of the Standards Bill. Thank you

08 November 2005

STANDARDS BILL

HON SPEAKER: The Secretary will read the Bill the Third Time.

STANDARDS BILL

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

**RESUMPTION OF DEBATE TO DISCUSS THE CURRENT FINANCIAL
BURDEN PLACED ON THE PUBLIC BY BANKS AND CREDITORS**

HON SPEAKER: When this Debate was adjourned on Wednesday, 26th October 2005, the Question before the Assembly was a Motion by the Honourable Mr Gertze. The Honourable Minister of Finance adjourned the Debate and she now has the floor.

HON MINISTER OF FINANCE: Thank you, Comrade Speaker. If the Honourable House agrees then this will be the first item for tomorrow. I would propose that I make my contribution tomorrow.

HON SPEAKER: As there is no time left, I ask the Right Honourable Prime Minister to adjourn the House.

RT HON PRIME MINISTER: Honourable Speaker, let me request that we adjourn the House until tomorrow 14:30. Honourable Members.

THE HOUSE IS ADJOURNED AT 17:48 UNTIL WEDNESDAY 2005.11.09

**NATIONAL ASSEMBLY
ASSEMBLY CHAMBER
WINDHOEK
09 NOVEMBER 2005**

The Assembly met pursuant to the adjournment.

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

ANNOUNCEMENT BY THE SPEAKER

HON SPEAKER: Honourable Members, as a continuation of the Parliamentary Luncheon Series that has been organised jointly by the National Assembly and UNICEF since 2003, it is proposed that the Luncheon is going to be hosted in the Parliament Restaurant on 17 November 2005 at 12:00 noon, under the theme *Leaders as Parents*. Honourable Members of the National Assembly are invited to the occasion and names should be submitted to the Office of the Deputy Secretary.

HON SPEAKER: Any Petition? Any Reports of Standing or Select Committees? Other Reports and Papers? Honourable Minister of Finance?

HON MINISTER OF FINANCE: Honourable Speaker, I lay upon the Table the Annual Financial Statements for the *Government Institutions Pensions Fund* for the year ending March 31st, 2005.

I so Move, Honourable Speaker.

HON SPEAKER: Will the Honourable Minister Table the Report? Any further Reports and Papers? Any Notices of Questions? None. Any Notices of Motions? Deputy Minister of Safety and Security?

HON DEPUTY MINISTER OF SAFETY AND SECURITY: Thank you, Comrade Speaker. I give Notice that tomorrow the 10th of November, I shall Move that leave be given to introduce a Bill to amend the following laws, namely:

- (1) The Stock Theft Act 1990;
- (2) The Police Act of 1990;

09 November 2005

NOTICES OF MOTIONS

- (3) The Arms and Ammunition Act of 1996;
- (4) Security Enterprises and Security Officers Act of 1998;
- (5) The Second Hand Goods Act of 1998: and
- (6) The Motor Vehicle Theft Act, 1999;

so as to assign the administration of those Acts to the Minister responsible for Policing, and amend the Prisons Act of 1998, so as to assign the administration of that Act to the Minister responsible for prison services, and to provide for certain other matters.

I so Move, Comrade Speaker.

HON SPEAKER: Will the Deputy Minister Table the Motion? Any further Notices of Motions? Honourable Hage Geingob?

HON GEINGOB: Thank you, Honourable Speaker. I give Notice that tomorrow, 10 November 2005, I shall Move that this Assembly endorses the *Charter of the African, Caribbean and Pacific also known as (ACP) Consultative Assembly*.

I so Move, Mr Speaker.

HON SPEAKER: Will the Honourable Member Table the Motion? Honourable Schimming-Chase?

HON SCHIMMING-CHASE: Thank you, Honourable Speaker. I am not tabling a Motion. I am seeking the guidance of the Honourable Speaker because another Motion is being tabled with regard to legislation. Rule 98 clearly indicates, according to the Regulations, that after the 2nd of November no new Bills are entertained unless the emergency thereof can be proven to the House. So it has been tabled now and I would like to know what is going to happen?

HON SPEAKER: Will the Honourable Member please repeat the point and the amplification?

09 November

NOTICES OF MOTIONS

HON SCHIMMING-CHASE: Honourable Speaker, the Honourable Deputy Minister has just tabled a Motion saying that he will introduce a Bill or a series of Bills. According to the Standing Rules of this House, also in conjunction with especially Rule 98, no new Legislation, no new Bills can be Tabled after the 2nd of November – sorry, the 1st of November - unless it is a matter of great urgency. The Honourable Deputy Minister in his Tabling of the Motion indicated no emergency and in terms of what was read there is clearly no emergency. So what I would like to know is if this will now be Tabled and then what happens?

HON SPEAKER: Thank you very much. Now I get the point. I was going to explain. Honourable De Waal?

HON DE WAAL: Honourable Speaker, I am sorry to interrupt also. I also would like to ask whether it is possible to put seven Amendment Bills on one Motion? I do not think that is possible because it is 6 or 7 laws that are going to be amended with one Motion. I have never seen that done before. Thank you.

HON SPEAKER: I have been advised that it can be done. Perhaps we should ask the lawyers to do that. I was going to explain. I did not anticipate the Deputy Minister's Motion, even though I was alerted to it. I did not appreciate the sense of it and its urgency, but I was sensitised to it. I was going to explain in respect of the Prime Minister's Motion. As you remember, we adjourned the previous week in order to allow Cabinet Members to join the President at the Retreat in Swakopmund, and I was informed about it. Therefore the deadline of 1 November for the introduction of Bills has fallen in a grey area. That leaves it to the Speaker who has that authority to rule on it. I assume Honourable De Waal's question falls in a different category as it deals with technicalities and that we need to look at it. I give the floor to the Right Honourable Prime Minister.

RT HON PRIME MINISTER: Thank you, Comrade Speaker. Following the questions of Honourable Members, including Honourable Nora Schimming-Chase, I give Notice that on Thursday, the 16th of November 2005, I shall Move that leave be given to introduce a Bill to make provision for the efficient governance of State-Owned Enterprises, and the monitoring of their performances; to make provision for the restructuring of State-Owned Enterprises; to establish the State-Owned Enterprises Governance Council and define its powers, duties and functions, and to make provision for incidental matters.

09 November 2005

NOTICES OF MOTIONS

I so Move, Comrade Speaker.

HON SPEAKER: Will the Right Honourable Prime Minister Table the Motion? I will have to consider and give a ruling on the Motion of the Honourable Deputy Minister. Any further Notices of Motions? None. Any Ministerial Statements? None. The Secretary will read the First Order of the Day.

**RESUMPTION OF DEBATE TO DISCUSS THE CURRENT FINANCIAL
BURDEN PLACED ON THE PUBLIC BY BANKS AND CREDITORS**

HON SPEAKER: When the Assembly adjourned yesterday, 8 November 2005, in terms of Rule 90(A), the Question before the Assembly was a Motion by the Honourable Gertze. The Honourable Minister of Finance deferred the Debate to today, and I give the floor to the Minister now.

HON MINISTER OF FINANCE: Thank you, Honourable Speaker. Honourable Speaker, Honourable Members of the House, I am grateful for the opportunity also to share my thoughts on the topic brought to the floor of this Chamber in a Motion moved by Honourable Kalla Gertze – that is the bank charges and RD cheques.

High administration fees and charges are common features across our financial sector. It is not uncommon, for example, for a pay out on an insurance policy, built up over several years of premium payments, to amount to less than the total of such premiums in absolute terms, notwithstanding the inflation and the handsome returns of our institutions - which make them amongst the most profitable in the world. This time though, the focus is on banking institutions and the charges that they apply on the services they render, and the penalties applied on dishonoured cheques.

Bank charges reveal very important aspects about the banking sector and the specific institution. Firstly, they reflect the level of competition in the sector. An increase in competition would allow individuals to walk away from an institution if its charges were too high or its services poor - because there are many alternatives. In our situation there are few players in the market. Although the banking sector has grown

09 November 2005

**MOTION ON FINANCIAL BURDEN ON PUBLIC
HON KUUGONGELWA-AMADHILA**

significantly, with its assets increasing by over 100% in nominal terms between 1998 and 2003, such growth did not result in improved competition in the sector. This is because it was partly attributed to mergers - that is the growth and acquisition of institutions within the sector - a situation which affected concentration in the industry, and could further have eroded competition in the sector.

Consequently, a few banks dominate the market creating an oligopolistic situation with the resultant high bank charges and wider interest margins. Available information confirms that our bank charges are amongst the highest in the region.

Information also reveal that our banks are depending more and more on such charges for their profitability, with some Banks deriving up to 50% of their income from charges alone. In addition to this, interest spreads - that is the difference between interest charged on loans and interest paid on deposits - are higher in Namibia than in South Africa, although they are lower than elsewhere in the Common Monetary Area. It is, however, encouraging to note that lending rates have been reducing in Namibia, following a similar trend in the Republic of South Africa, and that the difference between the interests spreads of the Republic of South Africa and our country has been narrowing since 2002.

From the afore-going, it is clear that promotion of competition in the financial sector is the key to addressing the high charges of our financial institutions. One way is to promote the increased use of the Post Office Banking Service, which offers a more cost efficient alternative for savers. In addition, Government would explore the option of Credit Unions. A Credit Union is a Member-owned financial co-operative. As soon as one deposits funds into a Credit Union Account, one becomes a partial owner, and participates in the Union's Profitability. Pension schemes, for example, could provide the seed money for such a Credit Union. This option could provide an alternative source of financial services, both savings and lending, that is more affordable to the majority of our People.

Another positive development is the prospect of a micro-financing bank being established through our co-operation with France and Germany. This institution plans to offer affordable micro finance for development to communities and individuals. Further, requiring banks to publish their charges in a standard and more transparent manner, through the determinations of the Bank of Namibia, could enable the Public to make more informed decisions because, right now, the Banks actually do not report in a standard manner. So it is very difficult at first glance to look at these publications and tell which Bank is actually cheaper than the other one.

09 November 2005

**MOTION ON FINANCIAL BURDEN ON PUBLIC
HON KUUGONGELWA-AMADHILA**

The expansion of established banking institutions into the micro lending business is also expected to bring down micro lending rates, which are currently excessively high, since most actors in the micro lending sector are small firms lending money for consumption purposes, and recovery costs often lead to very high effective borrowing rates which impoverishes the borrowers.

The Government will continue to pursue an open policy towards new entrants into the financial sector, especially the banking sector, in order to dilute the oligopolistic nature of our banking sector and promote competition and with that improve efficiency of the sector.

Government will also continue to promote macro economic stability in order to ensure an environment conducive for business operations and reduce the costs of conducting business, including the cost of capital.

I hope that our banking institutions respond to the public concerns about the high costs of services and that they will take action to address these concerns. If not, they may find themselves on the losing side, especially given the globalisation process which opens borders to international business. For sure, Government will not be in a position to protect industries, especially when this comes at a cost to the economy and the Public.

I therefore expect that the financial charter that is being worked out will address, as part of improving access to financial services, the affordability of financial services.

Apart from improving competition though, there are other alternatives. One such alternative is the establishment of a *Financial Ombudsman Institution*. A Financial Ombudsman Institution will deal with issues of fairness of the financial institutions, in dealing with the Public. Countries, which have established such institutions, include Australia, Canada, New Zealand, the United Kingdom and South Africa. In all these countries the institution was established as a self-regulatory company, owned by participating financial institutions and not by the Government, and it only hears complaints against participating institutions.

The exemption in this regard is the United Kingdom, where the institution is legally recognized by the Financial Services and Markets Act, under which it receives powers to investigate complaints against participants in the scheme, but even in this country, the institution is not a public entity. It is still a self-regulatory institution owned by the participants. In Australia and Canada the institution only offers

09 November 2005

**MOTION ON FINANCIAL BURDEN ON PUBLIC
HON KUUGONGELWA-AMADHILA**

services to individuals and small companies. In New Zealand a cap is placed on the value of claims that are considered. An important feature of this institution in all the countries is that it is a dispute resolution mechanism and has no powers to determine or control the pricing of, and supply of, financial services by financial institutions. In other words, nowhere, where such an institution exists, can it, for example, say to a bank that its charges are too high and it should be brought down. Or, if you do not advance loans to this category of person, you should advance loans to this category. No, they do not do that. They only try to hold the institutions accountable for the undertakings that they have made with the Public so that they actually do not deceive the Public into entering into contracts with them and then they do not meet their obligations under the agreement.

I now want to turn to the issue of banking regulations, that Honourable Gertze describe as *“punitive”*. The Honourable Member, in the second paragraph of his Motion states: *“This is a concern that seems to be shared by a majority of customers who, in one way or another, fall victim to the unending cycle of financial exploitation, and subsequent suspensions by business and financial institutions. Apart from normal bank charges, an extra charge is levied against such customers, making the services we pay unbearable.”*

He goes on to say in paragraph 3 *“it is true as it is necessary that there are measures in place to regulate control and maintain what is called an effective and credible payments system, domestically and internationally, but at what cost and at whose expense is this done?”*

I think the importance of protecting the integrity of our national payment system cannot be overemphasized. It is important not only for the stability of the financial system, but also for investment in general in Namibia. It is an important consideration in any investment decision-making how solid the payment system of a country is. If we allow the system to weaken we can experience serious setbacks in our efforts to promote investment, especially foreign investment.

A weak payment system can also create a breeding ground for fraudulent activities against and through financial institutions. Given the risks that are involved with dishonoured cheques, the measures introduced through the Bank of Namibia's determinations, are in my view fully warranted and I am glad that the Honourable Member, notwithstanding his opening statements as quoted earlier, confirmed his availability for further clarifications about these determinations and their applications. It is important that the penalties against violations of the determinations are heavy if they are to have a deterrent effect on perpetrators, and if they are to lessen the impact

09 November 2005

**MOTION ON FINANCIAL BURDEN ON PUBLIC
HON KUUGONGELWA-AMADHILA**

of dishonoured cheques on the National Payment System.

The determinations may negatively affect issuers of dishonoured cheques and that is actually the intention. One needs to acknowledge that the business community is also losing because of getting no value for the cheques presented while issuers of these cheques are enjoying what they have not paid for. While they are intended to be a deterrent factor, determinations can still not be said to be unreasonable as the clients are given enough time - up to 4 dishonoured cheques over a period of 3 months - to rectify the problem.

In fact, it is difficult for me to imagine that anyone could consider a person, who can issue just one dishonoured cheque in three months, let alone five in the same period of time, as credit worthy. I believe that if I owe any Honourable Member in this House and I pay them with a cheque and they go to the bank and that cheque bounces, they would never accept another cheque from me - not even after three years. They will say that *that* lady's cheques actually bounce. And then you have a situation where somebody can bounce five cheques in three months; and we still feel that the penalties are too heavy?

I am, however, very keen to learn in which specific areas the Honourable Member thinks we have overdone the determinations as suggested in his Motion. The Honourable Member has himself acknowledged that the determinations do not penalize clients for cheques being dishonoured due to events over which they had no control, such as miscommunications or neglect by the banks or through system failures. Should it happen that people are actually penalized for dishonoured cheques as a result of these mishaps, then they have full recourse to the laws and the Bank of Namibia will apply appropriate provisions of the law to curb any such misapplications of its determinations.

What we need to do is to strengthen our public education campaign in order to educate the Public about their rights and what protections are extended to them under these determinations. I am sure the Bank of Namibia will have no problem doing that and will definitely appreciate pointers from all of us on where to emphasize in this regard.

On the conduct of ITC, I share the concern of the Honourable Member, especially as it regards their non-investigation of cases referred to them. In the process some innocent persons are erroneously handed over to them and they will not manage to get themselves off that listing without paying a fine, even when it is later proven they had indeed fully settled their obligations and perhaps the creditor was actually wrong in

09 November 2005

**MOTION ON FINANCIAL BURDEN ON PUBLIC
HON KUUGONGELWA-AMADHILA**

handing over their name. I agree whole-heartedly that *that* is a gross violation of citizen's rights and it should not be allowed. I must point out however, that ITC is not a financial institution. So it is not regulated by Bank of Namibia or by NAMFISA.

Any intervention to rectify this situation can therefore not be through the application of any financial laws, but probably general business laws like, for instance, the Company Act. I remain to be guided by the relevant Ministry. ITC is just an ordinary company. They do listings but they do not conduct any financial business.

It is also important to emphasize that the amount of one's indebtedness does not absolve one from the responsibility to honour one's obligation. Enforceability of contract is an important aspect of corporate governance and which is a prerequisite for investment growth.

Every investor, before he or she decides to make an investment, would want to be assured that the legal contracts entered into in the conduct of his or her business, will be fully enforceable. If we start talking about an amount being too small perhaps to warrant this or that action, then the question that arises would be, "What amount is too small and who determines that?" Apart from discouraging new investments we may also turn our economy into a cash economy as businesses will now be reluctant to extend credit because they fear they may not be able to recover it.

While I agree that it is unfair of ITC to just list people without actually establishing the correctness of the facts that are presented to them. I really think we should not start to say that if you owe N\$10.00, that does not warrant listing on ITC, because that is a debt that you owe somebody and you must pay it. I can just imagine if all the banks decided to take 10 cents off our accounts that we place with them, how much money they can make out of that? Can we as legislator say that because they took 10 cents off that is not worth worrying about? We cannot say that. If you owe somebody you must pay every last cent. If you cannot do that that person should have full recourse to the law.

The problem that I have is that ITC just receives your name from a creditor and they put your name on that list and you can never get off until you have paid them. I think that I is really not fair. I hope that within the laws were we can address these issues that we really do address this issue.

Honourable Speaker, Honourable Members, I want to end my contribution with a note of appreciation to Honourable Gertze for bringing these important issues to the floor

09 November 2005

**MOTION ON FINANCIAL BURDEN ON PUBLIC
HON L AMATHILA**

of Parliament.

Thank you very much.

HON SPEAKER: It is one of those international names - all the pronunciations are valid. Honourable Deputy Prime Minister.

HON DEPUTY PRIME MINISTER: Thank you, Honourable Speaker. Honourable Members, until Honourable Gertze brought this issue to the House I never use to check my bank statements - because what should I check? I only have an overdraft. All I used to check was how much was still left of the overdraft. Recently I talked to the Prime Minister about this and he said, "*Doctor, you must check your bank statements.*" So I went to the Bank and I asked my bank manager to explain those bank charges people are talking about. Let me look. I saw that really, because I am one of those who have a habit of travelling around with my chequebook, I never have cash in the pocket. As you know we women do not have this.

And then every now and then you write a cheque and you make a mistake. Then you have to write a new cheque - these things cost money apparently. Until the Prime Minister told me to watch out and to check my things... Now I was interested in this. I am speaking after the Minister of Finance, who is a specialist; I will speak about this issue from my own point of view.

I would like to add my voice to what already has been expressed by many Honourable Members in this House. I must state that financial institutions, especially the banks, are very important vehicles in any market economy. This comes from our workshop in Swakopmund so I can use these terminologies now.

Their role as financial intermediates in transferring savings from economic agents with the assets funds to those agents with insufficient funds for consumption or investment cannot be overemphasized. Given the unique role that these institutions play in the economy, it becomes of crucial importance that such services are both affordable and accessible to the majority of our country's population. The combination of negligible returns on deposits and high bank charges for services such as deposits and withdrawals means that savings for Namibian poorest is paltry.

As was mentioned, high bank charges in many countries are attributed to the lack of competition in the banking sector. Available evidence points in the same direction in

09 November 2005

**MOTION ON FINANCIAL BURDEN ON PUBLIC
HON L AMATHILA**

Namibia. Research conducted in South Africa shows that banking groups like ABSA - which has been taken over by Barclays - makes merely 8 times more bank charges and fees from the upper middle class families in South Africa. That it is not controlling shareholder that Barclays Bank makes from the similar unit in Britain.

Therefore, it is no surprise that Barclays Bank was eager to break into the lucrative South African Retail Banking Sector. In absence of a comparison of bank charges between Namibia and other Banks in Southern Africa, some measure of profitability is shown here in Namibia, which means that Namibia overcharges. The bank charges in Namibia are higher than the ones in Botswana and Swaziland and South Africa. The Minister of Finance has also said that our bank charges are higher than in South Africa.

This indication could suggest that those in Namibia charge higher fees than their counterparts in other or even their mother banks - because all these banks have mothers in South Africa - the counterparts and shareholders of these Banks in South Africa. This situation has not allowed us to sit back. I am glad Mr Gertze, who has better eyes than us, brought this issue to the House. It means of course a well calculated and desired plan to address this predicament. If this situation is not addressed it may go a long way, and undermine the national objective of stimulating growth and reducing inequalities and poverty reduction.

Honourable Speaker, I suggest that the following issues should be looked at. One reads all the time that there are **consumer protection groups** for protecting consumers. I think these consumer groups are the ones who should look at these things we are discussing; the high bank charges. In Namibia, I do not think we have consumer protection group. Perhaps we could try and establish some kind of consumer protection units in Namibia so that they could also look out for us.

Again, as was mentioned, competition is crucial to anything. Remember the cement factory story? Now, all of a sudden, cement dropped. If you look, I mean they were taking 100% profit and all of a sudden from 70 sometimes you buy 70 per bag, you are coming down to 25. Now what did they do with this whole profit?

I do not want to say this in the House but really, investigation must be made. So here you are; they just hear the wind that there is competition and we Namibians should also look out for the following. Because the price of cement has gone down the idea is to stop this new people coming in; we are fine. You stop the new incomers - the new people - who are coming in to try and put this up, this cement, then after one

09 November 2005

**MOTION ON FINANCIAL BURDEN ON PUBLIC
HON L AMATHILA**

month or three months it gets back to 70. What do you do? So we must allow competition in anything we do. Namibians have had this monopoly of protection - it is Namibians, it is this.

The other day I went to a place where I bought - I am not going to say the thing because they will know whom I am talking about. I went to buy this thing and it was N\$60-00 and the person I was with said that the thing cost N\$45-00 in the shops. But then, since I woke people up to come and give me that and I wanted a Namibian thing: you must support your own people. I bought it for N\$60-00 and I went straight from there to Woermann & Brock - the thing is standing there for N\$45-00. Now, I was trying to assist our people; you know, buy the Namibian thing. So Namibians should also guard against making too much profit when bring in competition.

Another thing I heard from the Bank of Namibia is that they have amended something so that foreign banks can now be allowed to come in and put up their branches in Namibia. Why do we not do that to bring also competition from foreign banks? They can. So we must bring competition from foreign banks and then we can get better service. I wish we could also get a Home Affairs from somewhere else to get competition. For the banks, I think we can do that.

So, competition is allowed. Let us get foreign banks to come in and also put some banks here. The entry of foreign banks into Namibia (you are the one who told me to check my things, now you are talking) may not only address the high bank charges and fees but will also create competition which will make banks look for new markets in the rural and semi-urban areas. In Fransfontein, you have to go to Khorixas - Khorixas Bank. Right now they close at 13:00 or they close at 14:00 because there is no competition there. Competition will make our banks go to the rural areas also because now they have to look for somewhere, and probably the services will also improve for the man on the street.

We should also encourage the establishment of the consumer lobby bodies I was talking about. I think this is very important. So with these few words I appreciate what Honourable Gertze has brought up to open the eyes of some of us. Thank you very much for the Motion.

Thank you very much.

HON SPEAKER: I thank Honourable Doctor Amathila. Any further discussions? Does the Honourable Mr Gertze wish to reply?

09 November 2005 **APPOINTMENT DIRECTOR - DEPUTY DIRECTOR ACC**
HON KASINGO

HON GERTZE: Honourable Speaker, seeing how critical this issue is, I would rather prefer to respond to this Motion and to the discussion on Tuesday 15th.

HON SPEAKER: The Debate on this Motion stands adjourned until Tuesday, 15 November 2005. The Secretary will read the Second Order of the Day.

**RESUMPTION OF DEBATE ON THE APPOINTMENT OF THE DIRECTOR
 AND DEPUTY DIRECTOR OF THE ANTI-CORRUPTION COMMISSION**

HON SPEAKER: When this Debate was adjourned yesterday, 8th November 2005, the question before the Assembly was a Motion by the Right Honourable Prime Minister. The Honourable Kasingo adjourned the Debate to today and I now give her the floor.

HON KASINGO: Thank you, Honourable Speaker. Honourable Speaker, Honourable Members, allow me to start with the two phrases around which I will concentrate my intervention in support of the two nominees to be the Director and Deputy Director of the *Anti-Corruption Commission*.

In one of the Namibian vernaculars there is a saying which goes, “*Omunwe gumwe iha gu i tombola ona,*” in English this means: if one has lice on one’s body, one will need more than one finger to get them picked up. Honourable Speaker, Honourable Members... (Interjection)

HON SPEAKER: What would that mean, Honourable Member, in English? I can understand it in practice, but I am asking you in theory.

HON KASINGO: I am coming to that. The phrase I have just quoted in the vernacular emphasises the importance of concerted efforts by all to solve a problem or to complete a certain task.

09 November 2005 **APPOINTMENT DIRECTOR - DEPUTY DIRECTOR ACC**
HON KASINGO

Honourable Speaker, Honourable Members, a concern has been expressed here about the two nominees who will head the *Anti-Corruption Commission*. Although I know both of them and their work personally, probably my knowledge about them is immaterial to others. However, what I would like to emphasize here is that we as Government should build up workable institutions with the power of checks and balances of each other. We have the Executive who was nominated as nominees. We have us, the lawmakers, who have the oversight functions with our Portfolio Committees. We also have the Judiciary.

To me this sub-institution, which we call the *Anti-Corruption Commission*, is neither part of the legislature nor part of the judiciary, probably part of the executive. Henceforth, whilst taking into consideration the concern raised I call upon all of us to strengthen the other institutions. For example, our work as Members of Parliament should not end up by making this law bypassing these nominees. If you say that corruption practices are very difficult, we must also look at venues to strengthen other institutions.

To me, the Anti-Corruption Commission is not like Chapter 3 of the Namibian Constitution which cannot be touched. I think if you say it is difficult, we must also have checks and balances and oversight functions within the lawmakers to ensure that when they start they are on the right track - or not? At the same time, when I look at the Anti-Corruption Act and the function thereof, 80% of their work is to investigate issues related to corruption, but they are not *per se* the prosecution authority. They are not there to be Judge or Magistrate; they are going to refer these cases to those institutions.

Look at Section 3 which covers their functions. Henceforth, empowering to that, I hope for the other branch of the Judiciary; we must also have a Judge or a Magistrate who will be able to prosecute, follow up and complete these cases. At the same time the Anti-Corruption Act also has mechanisms to assist these nominees. For example, there is an Act which deals with the investigator, a special investigator, which must be appointed, if I am not mistaken, in consultation with the Prime Minister. I think those are the people who will be experts with expertise to ensure that the issues are thoroughly investigated.

I agree with the concern that probably, during the screening process, there was a need for Members of Parliament to be there. I am of the opinion that it is not the end. When you look at the Anti-Corruption Act these people are just going to serve for five years and in between there is also a mechanism for the termination of either the Director or the Deputy Director by the President, and the President must consult the

09 November 2005 **APPOINTMENT DIRECTOR - DEPUTY DIRECTOR ACC**
HON KASINGO

Judicial Service Commission as well as the Board. That particular Board - I am now referring to Section 8 - will consist of the Chairperson being a Judge of the Supreme Court and also two other Members, who are of good character, who will also assist the President.

What I am trying to say is, if we say that the field is very difficult and during their term of office they find difficulties, perhaps we as Members of Parliament can also seek audience with the President so that some Members can be appointed there. I do not think it is too late for us to intervene. After saying that, another saying is that *prevention is better than cure*. In my mother tongue it says that, "*Omuti ohagu kokorwa manga omushona*". In Afrikaans it says, '*jy moet die yster buig terwyl dit warm is.*' What do I mean by that? Our task as lawmakers should not end here; debating and making the law and full stop. We must extend our duty as opinion leaders and influence to members of our communities. (Intervention)

HON DE WAAL: Honourable Speaker, on a Point of Information. The correct Afrikaans expression is, "*voorsorg is beter as nasorg.*"

HON KASINGO: Honourable Speaker, I am just correct; you must just listen to what I am trying to say. I am saying, our task as Members, as lawmakers, should not end up debating issues here and making laws. We must also influence the behaviour of our youth, of our children and members of the community. After all, if you say that our behaviour is good then there is no need for an Anti-Corruption Commission. You find that we debate the issue here and we talk. We do not suggest and say, "In a certain month I went to my constituency and I have told my people not to steal."

Some of us are Headmen, are Chiefs, like Honourable Moongo. These people who have served on national level are good instruments to ensure that there is good behaviour in our society. I am suggesting that one of the days we shall shift over when we debate and say that when I went to my constituency, I have done A, B, C, and D.

Honourable Speaker, Honourable Members, we must get rid of very bad practices and beliefs. For example, in other sectors it is believed that "*walunga litapula nenge Okwa ninga Oshimati*" is related to corruption. For example, if somebody (Intervention)

09 November 2005 **APPOINTMENT DIRECTOR - DEPUTY DIRECTOR ACC**
HON KASINGO

HON RIRUAKO: All of us had to come from the region where we spoke. You must come from a region. That is all. The Point of Order says that it is better for us to come from a region instead from just nowhere. Like some of us, we are coming from nowhere; just appointed as a Member of Parliament but you do not have a region to go back to.

HON SPEAKER: Thank you, Chief Riruako. The Point of Order is an observation by a Senior Member. You may continue, Honourable.

HON KASINGO: Honourable Speaker, all of us we have roots where we have our houses. We have where we come from. I was saying that we must get rid of the practice “*walunga litapula or okwa ninga oshimati* meaning, for example, taking away of big money. In other communities it is not regarded as a crime, they are regarded as heroes, as brave, somebody is rich. So it is up to us to get rid of those practices within our community.

In short, Honourable Speaker, Honourable Members, let us support these two nominees. If they fail we also fail.

I thank you.

HON SPEAKER: I thank the Honourable Member. We will soon have an opportunity to exchange views on the special nuances of our different languages, and for that purpose and in order for us to come back and do justice to the remainder of the work the House shall accordingly now rise for refreshments.

HOUSE ADJOURNS AT 15:40

HOUSE RESUMES PURSUANT TO ADJOURNMENT AT 16:10

HON SPEAKER: Any further discussions? Honourable Mushelenga?

09 November 2005 **APPOINTMENT DIRECTOR - DEPUTY DIRECTOR ACC**
HON P MUSHELENGA

HON MUSHELENGA: Thank you very much, Honourable Speaker. I did not really intend participating in the Debate on the appointment of the Director and the Deputy Director of the Commission. Having listened to Honourable Mudge yesterday saying it is difficult appointing these people since we do not know them, I feel I should at least come in.

Honourable Speaker, as Parliament we must be very careful not to create perceptions - perceptions that if someone is not well known he is unable to perform duties. When I went through the CVs of these people I saw that both of them - the way they started their jobs - have gone through the process of climbing the ladder, of earning promotion and so on, and that they are doing relatively well within their professions.

Besides, the Anti-Corruption Act, which provides for the function of this Commission, makes provision that if these people are not able to perform efficiently then their appointment could be terminated. Section 9 of the Act says that: *"Appointment could be terminated if they fail to comply with the conditions of their appointment or if they fail to perform efficiently in their duties."* I think this should be able to address the concern of the Honourable Member. As Honourable Kasingo rightly said, this Commission is going to be equipped with staff. We have investigators who are going to be performing duties and who will be assisting the Director and the Deputy Director.

In case of complications there is also provision for special investigators - in Section 14 of the Act - whose function is to investigate cases which require special expertise. I think all of these address the concern of the Honourable Member. We must also remember that this is the first time that we are going to have a Commission of this nature. So I do not know which people of which expertise and of which experience we know that we wanted to put here. This is the first time that we are going to have a Commission of this nature. All that is required from us is to support the Commission, as Parliament and as citizens of the country. This is all that I wanted to say, Honourable Speaker.

I thank you.

HON SPEAKER: I thank the Honourable Member. Any further discussion? Does the Right Honourable Prime Minister wish to reply?

09 November 2005 **APPOINTMENT DIRECTOR - DEPUTY DIRECTOR ACC**
HON SCHIMMING- CHASE

RT HON PRIME MINISTER: Honourable Speaker, it is unfortunate that Honourable Nora Schimming-Chase is just coming in because I wanted to hear her point of view on this particular issue. I will just allow everybody to say something because we are the appointing authority now. I do not know whether I am allowed to sit down and hear whether she has something to say.

HON SPEAKER: Thank you. I do not see Honourable Schimming-Chase but if the implication is prior consultations then the Right Honourable Prime Minister has reason to expect that Honourable Schimming-Chase would want to make her contribution. It was perhaps the one person that the Right Honourable Prime Minister consulted during tea break. I now see the name of Chief Riruako.

HON RIRUAKO: Honourable Speaker, we are not here for the Tanganyika group, we have our own Lusaka group. We were not in Dar es Salaam, we are Zambians. Now, I think, Honourable Speaker, it was just joke. It is fine to agree, but it has to go back to the Prime Minister. My hand of compliment. Let us try the water whether it is deep or shallow, but in between, if anything happens, we are ready to jump in the water and swim together. That is all.

HON SCHIMMING-CHASE: Thank you, Honourable Speaker. The date with the Right Honourable Prime Minister was made but did not materialise. However, I will take this opportunity to state a few things with regard to the matter we are discussing. I think that we are all agreed as to the importance of these positions, and especially from this side of the Table, both the Right Honourable Prime Minister and His Excellency, the President have been constantly hammered with appeals to set up the Anti-Corruption Commission as quickly as possible.

It is now happening, especially at the time when there are so many issues that this Commission will have to investigate. We have a serious concern and that is that we would have appreciated at least having seen the shortlist. We would also have appreciated if we had been consulted in one way or another in the relations that pertain so that we could have had an input. We have had our discussions with the President which I am not at liberty to divulge to the Public. It is not a secret that we consulted with His Excellency; it was in the newspapers. However, reading the Law itself, Honourable Speaker, a lot of weight is put on prosecution. Reading the CVs of the two successful applicants, without any aspersions on their character, I do believe

09 November 2005 **APPOINTMENT DIRECTOR - DEPUTY DIRECTOR ACC**
HON SCHIMMING- CHASE

that they are light with regard to experience in prosecution. The one Member has extensive experience in legal drafting, but not in prosecution. However, if the Prime Minister insists and the President insists that these are the two best people; because in the land of the blind there is a one eyed King or Queen, then we shall support this. We shall support this and we would like to know, if the two successful candidates, within a certain period are proven not to be capable of running this very important office, *if* this happens - I am not saying it will, I say *if* - what recourse are we going to have? Considering the financial difficulties that we experience, I would not like to have a situation where people are appointed for five years, found to be wanting in five months and then get a golden handshake of five Million. If we can get the assurance that at any time when we find that the people are not capable of doing the task, this House can review the situation then, the Right Honourable Prime Minister and His Excellency, the President, have our full support. I wish the successful candidates the best of luck. I express just one plea at the end. Let us make sure that the support staff has the qualities to make the job possible for the two candidates.

I thank you.

HON SPEAKER: I thank the Honourable Member. Honourable Mudge?

HON MUDGE: Honourable Speaker, I want to say is that I echo exactly what Honourable Schimming-Chase said just now. If there are going to be recourse and if the Prime Minister and the President are satisfied that the people are appointed for a probation period and that we can remove them if they are not doing their jobs, then we will also be satisfied.

Thank you.

HON SPEAKER: Thank you, Honourable Mudge. Honourable Mbumba?

HON MINISTER OF EDUCATION: Honourable Speaker, that is exactly what happens when a small door has been opened, it becomes a bigger door. I just want to say, I am pleased and I support the nomination. I do not know any of these two people, Noah and Van der Merwe. What a combination! Because I do not know them it is also good. Whatever they find concerning my village or my job or my

09 November 2005 **APPOINTMENT DIRECTOR - DEPUTY DIRECTOR ACC**
HON MBUMBA

whatever, I have confidence that they will do a proper job. Just imagine: had we appointed a former Member of Cabinet or a former Member of Parliament, then we would have said that these were recycled figures. These are recycled individuals; these are jobs for spouse and for friends. You, as Members of this Parliament, insisted that the posts be advertised and the advertisement was done. Let us go through, interview, check and two names came on top. Now we are saying they must be checked and double-checked because we do not know them. It is good we do not know them. They do not know you either. So if they find something they will trace it up to your door or up to your desk. That is the beauty of it. We are also talking about the young, dynamic people - let them learn the job, let them do their job and let us give them a chance to do their job. That is my contribution, Honourable Speaker.

HON SPEAKER: I thank the Honourable Member. Does the Right Honourable Prime Minister now wish to reply?

RT HON PRIME MINISTER: Thank you. I am satisfied now. I was feeling guilty. My apology to Honourable Nora Schimming-Chase because I promised to meet her today, but my schedules got mixed up. It got mixed up somewhere on the way and I was not able to meet her. But now I do take note of her sentiments.

Honourable Speaker, I do fully appreciate the approbations, the uneasiness, sometimes sinicism, of the Members of Parliament with regard to the nominees. That is to be expected because we are creating a brand new institution. We never had an institution called the Anti-Corruption Commission. It is something new. We all have our individual imagines how that institution should look. We do not have a common image how it should look. So on that score I do understand your concerns. However, it is also important to protect this institution. We should not cast aspersions on the institution before it is even born. Otherwise the Public will also be apprehensive and not convinced that this institution is going to take off.

Let us be a bit optimistic that a young Nation like us of which the majority are young people; let us give them a chance to see how they can serve their people. I think it is important. Let us try to make the process very transparent. We wanted first of all to have people who are serving of their own free will. If you apply for a job and the job is tough, you should not blame anybody but yourself. So that is very important.

We also wanted the process to be free from any lingering doubt that there was some

09 November 2005 **APPOINTMENT DIRECTOR DEPUTY DIRECTOR ACC**
HON ANGULA

kind of political consideration in the process because that will destroy the integrity of the institution. We do not know who will one day be investigated. I am quite sure if we appointed Honourable Tjiuiko he would have started with obvious names and especially here. (Laughter) So we do not know who or what will be investigated by these people? It might be you, it might be me. I do not want someone to call me and say, "*the Prime Minister put up these people specifically to investigate me.*" You know we want to avoid that kind of situation.

As I said, a number of people applied for the post of Director - more than 20 people applied. However, the Selection Committee found many of them wanting in terms of experience, qualifications, etc. For the post of Deputy Director about 30 people applied - quite a number of people. There was interest and these people competed, actually.

The Selection Committee was not quite satisfied with any of them, but I said we were not going to do a second advertisement. You also wanted and you chickened out at the beginning, then they remain chickened out until the next round, next time. People would say that he found that the people who were there were not his friends, that is why he is re-advertising. Or they will say that they are not comrades. The Honourable behind there will say *jobs for Comrades*.

So this is difficult and you should appreciate that. There are those citizens who you might consider qualified, but they might not want the job. That is why they did not apply. You cannot force them to do a job which they do not want to do. So these people have volunteered themselves to do the job; let us give them a chance. What the Government will do is to contact relevant institutions to see whether we can get technical support to support the team - institutions which normally deal with issues of corruption, good governance, public integrity and honesty. There are many of them in the world. So we are making comment to them so that they can help to set up the system and keep it running.

The Law says that these people should be Namibian citizens. It is our Law, so let us not blame anybody. Those of you who already interviewed these people made a mistake. You were supposed to put in the Law that you are not just going to approve but you also want to interview them to find out whether they are competent - the American style. We did not put that in the Law and we have to follow the Law. So those are the dilemmas we are faced with, but I am happy that a number of people volunteered and two of them were selected. Let us give them a chance, confidence and support. If they do not perform that will be an accident. It is not something of a foregone conclusion.

09 November 2005 **APPOINTMENT DIRECTOR DEPUTY DIRECTOR ACC**
HON ANGULA

Our wish is that they are they are going to perform beyond our expectations, so that they can clear our names and these lingering doubts that are there somewhere - we are corrupt here, we are corrupt there. Now you will have a chance to report to them so that they can do thorough investigation, whether through specialist investigators or themselves, or whether they are going to engage, and your name will be cleared so that you do not come to Parliament here and start throwing things around on the Parliament floor under the protection of Parliamentary immunity. You get away with it, then other people write about it somewhere and your name is drowned in the mud.

Now we have an Institution. That institution will only need our support. As Ms Kasingo said - this is our institution and we have the oversight function as Parliament.

So I hope that you will be asking as many questions as possible as to what the Anti-Corruption Commission is doing. We will be forced to answer and you can also drag them before the Parliamentary Committee on Anti-Corruption - if you have one - and ask them.

For now, I would like to thank the House for endorsing these two names. Let us wish them well and support them. Thank you.

HON SPEAKER: I thank the Prime Minister for his reply. I now put the Question: That the Motion be adopted. Are there any objections? None. Then it is agreed to. The Secretary will read the Third Order of the Day.

**RESUMPTION OF DEBATE ON SECOND READING:
FORESTRY AMENDMENT BILL**

HON SPEAKER: When this Debate was adjourned yesterday, 8th November 2005, the Question before the Assembly was a Motion by the Honourable Deputy Minister of Agriculture, Water and Forestry that the Bill be now read a Second Time. The Honourable Mr De Waal adjourned the Debate, and I now give him the floor.

09 November 2005

**CREATION OF FAIR SPACE FOR PEDAL CYCLISTS
HON AMWEELO**

HON DE WAAL: Thank you, Honourable Speaker, I really beg the indulgence of the House, I could not even get a copy of the original Act up till now. So please, can I postpone the Debate until next week, Wednesday? Thank you, Sir.

HON SPEAKER: Any objection? If not, then the debate on this Motion stands adjourned until Wednesday, next week. The Secretary will read the Fourth Order of the Day.

**RESUMPTION OF DEBATE ON THE COMPULSORY WEARING OF
SAFETY HELMETS AND THE INCLUSION OF FAIR SPACE FOR BIKERS
ON THE ROADS**

HON SPEAKER: When this Debate was adjourned yesterday, 8th November 2005, the Question before the Assembly was a Motion by Honourable Gertze. The Honourable Dr Amweelo adjourned the debate and he now has the floor.

HON AMWEELO: Thank you very much Comrade Speaker, Honourable Members of the National Assembly. I rise to contribute to this important Motion Tabled by Honourable Gertze.

The lack, or inappropriate use, of helmets has been shown to increase the risk of fatalities and injuries resulting from road crashes involving motorised two-wheelers and bicycles. Non-helmeted users of motorised two-wheelers and bicycles are three times more likely to sustain head injuries in a crash, compared to those wearing helmets. Admissions to hospital and deaths from bicycle related trauma are usually due to head injuries. Bicycle helmets reduce the risk of head and brain injuries by between 63% and 88%.

A meta-analysis of studies on the benefits of bicycles helmets found that wearing a helmet had an odds-ratio efficacy of 0.40, 0.42, 0.52 and 0.27 for head, brain, facial and fatal injuries, respectively. The research was conducted by Solomon Evaluation of the May 2003 mobilisation: Programs to Increase Safety Belt Usage.

Several countries have introduced legislation on bicycle helmet wearing, including Australia, New Zealand, Sweden and the United States.

09 November 2005

**CREATION OF FAIR SPACE FOR PEDAL CYCLISTS
HON AMWEELO**

Namibia has also introduced legislation on bicycle helmet wearing. The Minister of Works, Transport and Communication, Comrade Joel Kaapanda, has informed the Public that a proposed amendment to the Road Traffic and Transport Regulations Act of 2001 has been published in the Government Gazette, No. 135 of 17 October 2005. The effect of the proposed amendment is that protective helmets must be worn by pedal cyclists and their passengers whilst driving on public roads. It was advertised in *New Era*, Wednesday, 26 October 2005, p.5.

Comrade Speaker, Honourable Members of the National Assembly, the question remains: What can be done to increase the use of helmets? Helmets protect very effectively against the type of head injuries that may be sustained by riders and passengers of motorised two-wheelers and bicycles. Mandatory laws of helmet wearing are very important in increasing the use, particularly in towns and cities where bicycle use is high. For example, Comrade Speaker, due to the fuel prices going up, more people are now looking for cheaper means of transport. I think and I believe that bicycles will be a solution because you will not be able to afford vehicles because of the fuel price going up every now and then.

I read in the *Namibian* newspaper today of Mr. Kashimba Olifant who established *Olifant's Biker Garage* and he has become the first person to distribute reconditioned bicycles for the *Bicycle Environment Network (BEN)*. You will find that article in the *Namibian* of today.

Comrade Speaker, Honourable Members of the National Assembly, with regard to the pedestrians and cyclists, a disproportionately large number of pedestrian and cyclist crashes occur in most of our towns and cities. Pedestrian casualties also represent a huge cost to society in towns and cities where the risks are many times higher for pedestrians and cyclists, than for car users. The crash risks incurred by pedestrians and cyclists result from a complex mix of factors. A fundamental factor is the fact that the modern traffic system is designed largely from the perspective of a motor vehicle user. Provision for pedestrians and cyclists is rudimentary or even non-existent in some of our towns and cities.

The principal risk factor for unprotected road users is the mixing of unprotected people, with motor vehicles capable of high speeds.

The survival of unprotected users, depends upon ensuring either that they are separated from the high speeds of motor vehicles, or in the more common situation of shared use of the road, that the vehicle speed at the point of collision is low enough to

09 November 2005

**CREATION OF FAIR SPACE FOR PEDAL CYCLISTS
HON AMWEELO**

prevent serious injury on impact with crash-protective safer car fronts. The absence of adequate separate pedestrian and cyclist facilities, such as a footpath or cycle tracks creates a high risk for these road users.

Comrade Speaker, if separation is not possible, like now in our situation where on some roads there is no separation, road management and vehicle speed management are essential. Many studies have been conducted and it was found that at low speeds drivers have more time to react to unexpected events and avoid collisions. At speeds of less than 30 km/h, pedestrians and cyclists can mix with motor vehicles in relative safety.

Comrade Speaker, poor provision at crossings and junctions is also a feature of unsafe shared use. In our towns and cities most fatal or serious cyclist crashes occur at junctions. The other risk factors for pedestrians and cyclists include:

- poor street visibility,
- poor understanding on the part of pedestrians of road safety,
- alcohol impairment on the part of the cyclists or pedestrians; and
- poor design of the fronts of cars.

Comrade Speaker, the provision of safe, sustainable and affordable means of travel is a key objective in the planning and design of road traffic systems in our towns and cities. To achieve it requires firm political will and an integrated approach involving close collaboration of many sectors. This is not a one-man job; it is everybody's job. Experience worldwide demonstrates that effective road safety policies can also arise out of the efforts of informed and committed Members of Parliament, since they authorise policies and budgets. They also play a central role in developing road safety legislation.

Two examples of this commitment include:

- the Parliamentary Standing Committee on Road Safety in the Australian state of New South Wales, which in the early 1980s was responsible for the introduction and full implementation of random breath testing, which led to a 20% reduction in deaths; and
- the Parliamentary Advisory Council for Transport Safety in the United Kingdom was responsible for the introduction of legislation for front seatbelt use in the 1980s, followed some years later by the introduction of speed humps and the use of rear seatbelts.

09 November 2005

CREATION OF FAIR SPACE FOR PEDAL CYCLISTS
HON AMWEELO

At the road design stage the Road Engineers aim at translating the conceptual framework conceived at the physical planning stage into acceptable geometrics which are amenable to the terrain and environment. Road elements, like vertical and horizontal curves, junction layouts, traffic lane widths and pedestrian facilities must reflect safety requirements for the expected surrounding. Road safety measures must be incorporated into the design of transport facilities to improve road safety in our towns and cities.

Engineers and planners play a particularly important role to influence safety. They create the road network and road environment which present and future road users have to use. Engineers can reduce conflicts by appropriate design of road networks so that roads intended primarily for movement are designed for that purpose, while roads intended for access (for example residential roads) have an environment suited to that function. Each road should be designed according to its particular function in the road network. (Intervention)

HON RIRUAKO: On a Point of Order. Those are technical, the proposal was accepted, I think. We understood what the Honourable Member said. I thank you.

HON SPEAKER: Which particular aspect of the Honourable Member's statement?

HON RIRUAKO: The part he explained and we think we are clear on what he said several times. Now this matter has to go to the Committee to get the technical experts to look at the matter, how it should be designed.

HON AMWEELO: Each road should be designed according to its particular function in the road network. A key characteristic of a well-designed road is that it makes compliance with the intended speed limit a natural choice for drivers. The safety of pedestrians and cyclists can be achieved through area-wide road safety management that includes the following:

09 November 2005

**CREATION OF FAIR SPACE FOR PEDAL CYCLISTS
HON AMWEELO**

Networks of separate pedestrian and bicycle routes connecting to a public transport system are the ideal. Such a network might consist of sections of footpath or cycle paths, separated from roads plus sections running alongside roads.

Secondly, calming measures discourage motorised traffic from travelling at speeds that put pedestrians and cyclists at high risk. They include road narrowing, roundabouts, rumbles, strips and speed bumps.

Comrade Speaker, now the question remains, what factors affect speed in our towns and cities? Drivers' speed choice is influenced by a number of factors that can be considered as driver-related factors:

- such as age, gender, alcohol level, number of people in the vehicle;
and
- those factors relating to the road and the vehicle are, for example, road layout, surface quality, vehicle power, etcetera.

Comrade Speaker, the other important factor is road safety visibility. This is very important. Seeing and being seen are fundamental prerequisites for the safety of all road users. Inadequate visibility is an important factor that influences the risk of a road crash among all types of road users.

What can be done, Comrade Speaker, in order to improve visibility in our towns and cities? There are ways of improving visibility:

- Daytime running lights for cars, though not required in Namibia, reduce the incidence of daytime crashes. Perhaps we need to consider this and introduce a law to make the use of daytime running lights mandatory in our towns and cities.
- Lighting on trucks and their trailers is often inadequate, so car drivers fail to see trucks turning off roads, turning around or driving ahead of them.
- Colourful clothing accessories and vehicle parts can make pedestrians, riders and non-motorised vehicles more visible.

When new transport projects are proposed, area wide safety impact assessments are needed to ensure the proposals do not have an adverse safety impact on the surrounding network. Road safety audits are then required to check that the proposed

09 November 2005

**CREATION OF FAIR SPACE FOR PEDAL CYCLISTS
HON AMWEELO**

design and implementation are consistent with safety principles, and to examine whether further design changes are needed to prevent crashes. The safety audit procedure is usually carried out at various states of a new project, including:

- the feasibility study of the project;
- the draft design;
- the detailed design;
- before the project becomes operational;
- a few months after the project became operational.

The essential element of the audit process is that it should be carried out separately by both an independent design team, and a team with experience and expertise in road safety engineering and crash investigation. This is very important because many accidents happen in this country.

Defects in existing roads contributing to crash risk can appear in road designs, especially if they have not been subject to a safety audit by experienced safety personnel. Such defects are frequently caused by the poor design of junctions or by a design that allows for large differences in the speed and mass of vehicles and in the direction of travel.

Comrade Speaker, Honourable Members of this National Assembly, in order to improve road safety through planning and engineering in our towns and cities, efforts should be directed at the following points. (One Honourable Member mentioned that we are just talking and we never propose.) Now let me propose the following in order to improve our road safety. Listen very carefully.

- The provision of shorter and safer pedestrians and bicycle routes and convenient, safe and affordable public transport and road design, including controlled crossing for pedestrians, rumble strips and street lighting;
- The segregation of pedestrians and cycles from mixed traffic in towns and cities;
- The provision of special road networks for pedestrians and bicycles, i.e. pedestrian/cycle routes to improve their accessibility to activity units;
- Setting and enforcing speed limits appropriate to the function of specific roads. We have a law here stating that in towns and cities 60 km/h, but you find the Mercedes Benz and BMW driving 240 km/h. That is why many accidents happen in our country.

09 November 2005

CREATION OF FAIR SPACE FOR PEDAL CYCLISTS
HON AMWEELO

- Enforcing laws requiring riders of bicycles and their passengers to wear helmets whilst driving on a public road;
- Requiring new road projects to be subject to a road safety audit by a road safety specialist independent of the road designer;
- Managing existing road infrastructure to promote safety through the provision of safer routes for pedestrians and cyclists, traffic calming measures, low-cost remedial measures and crash-protective roadsides;
- Enhancing programmes of law enforcement with public information and education campaigns, for example, on the dangers of speeding or driving while under the influence of alcohol and the social and legal consequences of doing so.

Finally, Comrade Speaker and Honourable Members, I Move that this Motion be referred to the Parliamentary Standing Committee on Economics, Natural Resources and Public Administration for more consultation, scrutinising, discussion and comments.

I so Move, Comrade Speaker. I thank you.

HON SPEAKER: I thank the Honourable Member. Any further discussion? Does the Honourable Gertze wish to reply?

HON MINISTER OF WORKS, TRANSPORT AND COMMUNICATION:
Honourable Speaker, before Honourable Gertze replies, I would like to postpone the Debate so that I can make a contribution on Tuesday, next week.

HON SPEAKER: Any objection? If not, then the debate on this Motion stands adjourned until Tuesday, next week. The Secretary will read the Fifth Order of the Day.

09 November 2005

**REPLY-INCREASE OF OLD-AGE PENSIONS
HON KAURA**

**RESUMPTION OF DEBATE TO DISCUSS THE PLIGHT OF OUR SENIOR
CITIZENS AND TO INCREASE THE OLD AGE PENSION TO N\$500-00 PER
MONTH**

HON SPEAKER: When this debate was adjourned on Tuesday, 25th October 2005, the question before the Assembly was a motion by the Honourable Kaura. The Honourable Mr Kaura deferred the Debate for his reply and I now give the Honourable Member the floor.

HON MOONGO: I would like to appeal to the House that the mover of the Motion, Honourable Kaura, finds it impossible today to reply and we request that the Debate be adjourned until next Tuesday.

HON SPEAKER: The Debate on this Motion stands adjourned until Tuesday, next week. The Secretary will read the Sixth Order of the Day.

RESUMPTION OF DEBATE TO REVIEW OUR EDUCATION SYSTEM

HON SPEAKER: When this Debate was adjourned on Tuesday, 25th October 2005, the question before the Assembly was a Motion by the Honourable Kaura. Honourable //Garoëb adjourned the Debate and I give the floor to the Honourable Chief.

HON TJOMBE: Thank you, Honourable Speaker. Allow me to count on your kindness to postpone this item until Wednesday, 16th November, to allow Honourable //Garoëb to make his much needed contribution on this item. If there is any other Member who wants to take the floor, you may proceed.

09 November 2006 **REPLY MOTION BENEFITS OF TRADITIONAL LEADERS**
HON MOONGO

HON SPEAKER: The Speaker's kindness continues to exist. The debate on this Motion stands adjourned until next week, Wednesday. The Secretary will read the Seventh Order of the Day.

RESUMPTION OF DEBATE TO DISCUSS BENEFITS OF TRADITIONAL LEADERS COUNTRYWIDE

HON SPEAKER: When this debate was adjourned on Tuesday, 25th October, the Question before the Assembly was a Motion by the Honourable Moongo. Honourable Moongo adjourned the Debate for his reply and I now give him the floor.

HON MOONGO: Thank you, Mr Speaker. Mr Speaker, Honourable Members, allow me to thank all the members who took part in the discussion of this Motion. I am grateful to those members who supported the Motion and made realistic contributions to the Debate.

However, some Honourable Members gave negative, unbecoming and naïve contributions. I would like to remind them that the Traditional Authorities were there before we were born and today they are still there and are recognised by the Namibian Constitution.

The fact that there will always be material differences in customs and norms between Ndongas and Kwanyamas, just like between Germans and Afrikaners, should not be used to downgrade the work of these authorities.

The Namibian laws clearly stipulate that there must be power-sharing in the country, which is why we have accepted the policy of decentralisation. Those who have political power must not be afraid of those who have traditional powers. Headmen must not be afraid of the power of Chiefs and sub-headmen must not be afraid of the powers of Headmen. We are all there for the unity of the Namibian Nation. All are there as pillars of our democratic values.

Some Headmen block the power of sub-Headmen. Some politicians are sabotaging

09 November 2006 **REPLY MOTION BENEFITS OF TRADITIONAL LEADERS**
HON MOONGO

and blocking the powers of Chiefs, and some Headmen are tampering with the powers of new Kings to be sworn in. I am also waiting to hear when the King in Uukwambi and Ombalantu will be sworn in.

Mr Speaker, Honourable Members, first of all allow me to give my deepest and heartfelt condolences to the bereaved Royal family of late King Mwetupunga Kornelius Shelungu and the Uukwanyama Traditional Authority and the entire Kwanyama community. Namibia lost a dedicated fighter for liberation, a fighter for justice and a fighter for peace. We hope Mwadinambo Martha Kristian Nelumbu, the queen-in-waiting, will follow the good example and that the restoration of the Kingdom of Uukwanyama will be restored peacefully as was planned. This is a good move for gender, to give moral to women to participate in traditional matters.

Namibia is now a mature country where politicians must have political power, and Kings, Headmen and sub-Headmen must have traditional powers. No one must interfere in the powers of others, so that Namibia can prosper and flourish and become a true democratic State.

Mr Speaker, Honourable Members, a country guarded by soldiers with guns without ammunition, is a risk and the security of such a country is in danger. Kings, Headmen and sub-Headmen without adequate allowances cannot protect the country. It makes a mockery of the dignity of Traditional Leaders and disrespects the blood of our forefathers who fought for the liberation of our country.

Do the best you can for yourself but also do the best for others. Mr Speaker, the Kings, Headmen and sub-Headmen have been sacrificing for years. They are not like politicians who have been paid well over the years. Kings, Headmen and sub-Headmen must also reap the fruits of Independence or earn from their community.

In the past they benefited from their community when the policy was favourable for them to benefit by way of cattle and high respect from their respective communities. People visit Traditional Leaders with bare hands. When you visit you do not support them; you just go and you expect them to give you something in return - cattle or meat or something like that.

What belongs to Kings and Headmen must be given to them; and what belongs to the politicians must be given to them; and what belongs to God must be given to Him. There must be power-sharing and not jealousy and political monopoly. There must be a degree of tolerance and a spirit of brotherhood and sisterhood.

09 November 2006 **REPLY MOTION BENEFITS OF TRADITIONAL LEADERS**
HON MOONGO

Mr Speaker, Honourable Members, Kings, Headmen and sub-Headmen are the strong pillars at the community level and politicians are the strong pillars at National level. Is it not true? Let us unite and have a united Namibia. What destroys us is political ambition, too much hunger for power, and selfishness.

Mr Speaker, let Namibia be united. Let the Government subsidise the funds of Traditional Leaders as well as the High Traditional Courts, the Regional Courts as well as the Lower Traditional Courts. Kings, Senior Headmen, Headmen and sub-Headmen must get reasonable allowances to maintain their families and to administer their affairs.

Democracy is expensive but must be supported by this House so that we can truly talk about a sovereign, democratic and unitary State, where the Rule of Law reigns supreme and where there is justice for all.

Mr Speaker, Honourable Members, the labour laws control even casual workers and those who work for three days. What about those Headmen - *Kapatashus* - who worked for years? They are forgotten.

It is true what the Bible says; the one who has less will be taken from and given to the one who has much. Some are highly paid, some are volunteering, some are very poor and some are simply forgotten. Therefore I appeal to this House to consider that point.

Let us revisit and adjust the remuneration of Traditional Leaders on all levels so that they can combat crime and rid Namibia of habitual criminals. We need a crime free society so that all of us can prosper.

I, therefore appeal to the Honourable Members to accept the Motion or to refer the Motion to the relevant Standing Committee, so that the committee can meet with the Traditional Leaders to get firsthand information on the administrative, and other problems, hampering the work of Traditional Authorities.

With this I request the support of the House for this very important Motion. I thank you.

HON SPEAKER: I thank the Honourable Member. I now put the question that the Motion be adopted. Any objections? Then the House is divided. I ask the Sergeant-at-Arms to close the door and to ring the bell. Honourable Amathila

09 November 2006 **REPLY MOTION BENEFITS OF TRADITIONAL LEADERS**
HON MOONGO

HON B AMATHILA: I want to get clarity. The Honourable Member made reference to a standing committee. I think it is a matter of sending the matter to a standing committee.

HON SPEAKER: Is there any objection to the Motion being referred to the committee?

HON MOONGO: I propose that it be sent to the relevant committee to make a thorough investigation and to have firsthand information from Headmen.

HON SPEAKER: Honourable Member, that can be done, but you first have to Move the Motion and you have not done so. You must do so, Honourable Moongo, by moving a Motion. You cannot improvise that now. The Honourable Member could have consulted the Table. The Honourable Member is required to achieve his intention by submitting a written Motion, which he does not have, and in the absence of that, I am compelled to put the Question. The House is divided. Will those in favour, please rise? Will those members against, please rise? Will those members abstaining, please rise?

In favour: 10
 Against: 31
 Abstaining: 6

The Motion has been rejected.

HON MINISTER OF INFORMATION AND BROADCASTING: On the matter that we have almost completed, it is allowed after voting for one to explain one's vote and that is what I want to do.

Thank you Comrade Speaker. We have just taken action on a very important Motion which concerns Traditional Leaders. Unfortunately, what was requested by the Motion was not well-coordinated. For example, Comrade Speaker, first I have to say that those who voted against the Motion are not in any way against the Traditional Leaders. We respect the Constitution of the Republic of Namibia, but we know exactly how we can take care of the Traditional Leaders and all those who can be

09 November 2006

MOTION BENEFITS OF TRADITIONAL LEADERS

taken care of by the Government.

For example, this Motion is asking us to increase to N\$500 the allowances for Traditional Leaders and by accepting it; it means we have to do that. We cannot budget in the Chamber, Comrade Speaker, and that is what we are saying we cannot do. We are not saying we are not going to look into the plight of Traditional Leaders, but to accept N\$500 from the floor is not possible.

In the same way as we treated the Motion on our pensioners, we are treating this. We continue to respect Traditional Leaders and admire what they are doing. I thank you, Comrade Speaker.

HON SPEAKER: If there are explanations of votes, which is a democratic procedure after the vote, as it would be before the vote, let it be to the issue and be brief. Honourable Venaani.

HON VENAANI: Honourable Speaker, to explain our vote. We are supporting this vote for the simple reason that we see the very pertinent need to review the remuneration structures of Traditional Leaders in this country, and we believe ... (Intervention)

RT HON PRIME MINISTER: On a Point of Order. The Honourable Member wants to prolong the Debate and that is not allowed.

HON SPEAKER: I am listening carefully and when the Honourable Member crosses that Rubicon I will not allow him to do that. Would you please be technical?

HON VENAANI: Honourable Speaker, we voted in the very same pattern that we did because of the need, and I think we should run away from the fact saying that we cannot budget in the House. Motions in all Parliaments of the world are accepted and can be further Debated on the condition of the amount that can be affected on the Motion. It does not mean when you vote for a Vote, you must accept everything in

09 November 2006

MOTION BENEFITS OF TRADITIONAL LEADERS

that Motion, but you can always amend and accept it in principle because of financial positions. It is standard practice in Parliament all over the world.

We support this and we want leaders of this country to be man and woman enough to stand their ground, and not to vote against something and say “we support that”. Either support or vote against. Thank you.

HON SPEAKER: Last Speaker on this - we are not re-opening the Debate. Please be brief.

HON RIRUAKO: Mr Speaker, I am not here to be defended by anyone.

HON SPEAKER: Please stick to the issue. We have completed the Debate, Honourable Chief.

HON RIRUAKO: I am explaining why I support it, if you will allow me.

HON SPEAKER: Otherwise I will rule you out of order.

HON RIRUAKO: That is punishment. Mr Speaker, it is clear evidence of the undemocratic society where we live today. Sometimes you have to be beyond what happened. You cannot tell me to be tolerant and there is no tolerance. It seems for fifteen years there was no tolerance, and what do you want us to do? What did you teach us to do? Where are you driving us to? I am asking that question. Where are you driving us to? Are you really ready to hear what we are going to say on this to the Public?

HON SPEAKER: Thank you, Honourable Chief. The first Notice of a Motion is the one by the Honourable Mr Mudge. Does the Honourable Member Move the Motion?

09 November 2005

**MOTION-APPOINTMENTS IN THE CIVIL SERVICE
HON MUDGE**

HON MUDGE: I so Move.

HON SPEAKER: Who seconds? Any objection? Agreed to. Honourable Mudge has the floor.

HON MUDGE: Honourable Speaker, Honourable Members, the purpose of my Motion is to take a close and critical look at affirmative action policies and programmes implemented by our Government and to determine to what extent these policies and programmes, and in particular the restructuring of the Civil Service, are consistent with the letter and spirit of the Constitution, and whether it is being implemented in such a manner that it is in the public's interest and that it promotes the welfare of the people.

Right at the beginning I want to say that anyone who thinks that this Motion is an attempt to promote the interest of any particular group or groups, particularly the white community, will be disappointed. For my Party it is, and always will be, about fairness and justice.

That is the very reason why in 1977, more than a decade before Independence, we realised that injustices of the past will have to be corrected and the Republican Party was formed. The founding leader of the Republican Party was also part of those who wrote the Constitution of Namibia, and we stand and fall by it.

Honourable Speaker, we are convinced that the policies and programmes implemented by our Government, including the restructuring of the Civil Service, have met the above-mentioned requirements and that the goals, as contemplated by our founding fathers, have been achieved.

The question is: How did this Assembly interpret the words, "*balanced structuring of the civil service?*" It must be obvious that the drafters of our Constitution had in mind that the white dominated Civil Service should be restructured to be more representative of the population, and it is for this reason that during the past sixteen years since Independence, thousands of previously disadvantaged Namibians have been appointed in the Civil Service, the Police Force, the Prison Service, parastatals as well as a multitude of other organisations. Many of these appointees - some trained abroad and some in Namibia - have delivered excellent service.

It is a known fact that in many cases nepotism, party affiliation and ethnic origin

09 November 2005

**MOTION-APPOINTMENTS IN THE CIVIL SERVICE
HON MUDGE**

played an important role in the appointment of civil servants. New empires were built to accommodate everybody and the office buildings arose, like ant heaps, with fully carpeted offices and air-conditioned boardrooms to accommodate the new board members - many board members whose qualifications, skills and experience remain a mystery.

It would be interesting to know what the minimum qualifications are, and what other criteria have been used, for a person to be appointed as a board member, for instance at *NamPower*, *Namwater*, *TransNamib*, *Air Namibia*, and the *Electoral Commission*, apart from being black and being a member of SWAPO. This situation has been tolerated for a reasonable period of time, but now after sixteen years of Independence, it has become unaffordable, intolerable, embarrassing and most of all discriminatory.

When reading the Constitution one is impressed by the important and vital role this Assembly, the Legislature, has to play in the affairs of our country, with special reference to the implementation of policies and programmes in terms of Articles 21 and 23 dealing with Affirmative Action.

The Constitution provides for affirmative action in principle, but implementation thereof must be authorised by Acts of Parliament. This means that if anything goes wrong with the implementation of policies and programmes, it cannot be blamed on the Executive alone, but this Assembly will be co-responsible.

We will probably have to take another look at the laws made by this Assembly to satisfy ourselves that all policies and programmes are actually authorised by an Act of Parliament, or implemented in terms of relevant laws. It is my opinion that this issue should be referred to the Standing Committee on Constitutional and Legal Affairs for review.

It is a fact that this House is dominated by too many Ministers and Deputy Ministers, and it reminds of the saying, "*too many Chiefs and not enough Indians.*" But it is a fact that the Executive seems to have a free hand to interpret and implement the Constitution without the Assembly being able to monitor them effectively.

Let me mention one example: Article 10 of the Constitution protects the fundamental rights and freedom from discrimination on the grounds of sex, race, colour, ethnic origin, religion, creed and social or economic status. Article 3 goes further and provides that racial discrimination shall be prohibited by an Act of Parliament to make it criminally punishable. Do the Honourable Members know whether there is such a law and what the contents of that law are?

09 November 2005

**MOTION-APPOINTMENTS IN THE CIVIL SERVICE
HON MUDGE**

According to the Constitution, the balanced structuring of the Civil Service had to be done in terms of a law enacted by this Parliament. Are the Honourable Members aware of the existence and provisions of such a law?

I am not for one moment trying to insinuate that the Cabinet did anything unconstitutional. I want to determine whether this Assembly is able and prepared to ensure that the Cabinet acts in accordance with the Constitution and relevant legislation.

Honourable Speaker, can the policies and programmes implemented by the Government, including the restructuring of the Civil Service, be described as a violation of the fundamental right of freedom of discrimination? There can be no doubt that these policies and programmes are in fact discriminatory in nature, but, *this is important*, provisions are made in our Constitution for discrimination in reverse to correct the injustices of the past. It is however, a limitation upon the fundamental rights and freedoms of previously advantaged, the white citizens, and because the founding fathers realised this, they included Article 22 under the heading, “*Limitations upon the Fundamental Rights and Freedoms*” which provides as follows:

“Whenever and wherever in terms of this Constitution the limitations of any rights or freedoms contemplated by this Chapter is authorised, any law providing for such limitation shall:

- (a) be of general application, shall not negate the essential content thereof, and shall not be aimed at a particular individual;*
- (b) specify the ascertainable extent of such limitation and identify the Article or Articles hereof on which authority to enact such limitation is claimed to rest.”*

It must be clear to Members that to practice discrimination authorised by Article 23 providing for Affirmative Action, the provisions of Article 22 must be adhered to.

Honourable Speaker, I cannot claim to be a constitutional expert, but it is clear that any limitation upon a fundamental right will have to be handled with great care. The following interpretations can, however, be given to this article.

It is obvious that the founding fathers had very strong feelings about racial discrimination and not surprisingly so, because many of them were on the receiving

09 November 2005

**MOTION-APPOINTMENTS IN THE CIVIL SERVICE
HON MUDGE**

end of discrimination during the Apartheid era. Commendable is that those same people insisted that now that they are the rulers discrimination will not be tolerated. The protection of fundamental rights and freedoms form an essential part of modern and democratic constitutions to protect citizens against irresponsible lawmakers and rulers.

Honourable Speaker, this also explains why the implementation of Resolution 435 was only accepted after an agreement was reached on the 1982 Principles, including the protection of fundamental rights.

Allow me to look briefly at the fundamental rights enshrined in our Constitution to prove my point: The right to life, human dignity, a fair trial, privacy, property, political activity and the freedom of speech, thought, religion and movement, to mention only a few, can only be protected by Parliament and Cabinet, but can and are often being violated by Government. (Intervention)

HON MINISTER OF LANDS AND RESETTLEMENT: May I ask my younger brother a small question, please?

HON SPEAKER: Question declined.

HON MUDGE: Allow me to take a brief look at the fundamental rights enshrined in our Constitution to prove my point.

HON MINISTER OF LANDS AND RESETTLEMENT: On a Point of Order. Through you, Comrade Speaker, the Honourable Member is speaking about fair trial, etcetera. I think it was in 1986 at a SWAPO rally when the Koevoet killed the late Shifidi. There was a Court case and the interim puppet Government here, of which the Republican Party was a member through the DTA, stopped it. Up until today that trial was never allowed to go ahead. What fair trial is he speaking about if the DTA, of which the Republican Party was a member, is the one who stopped that?

09 November 2005

**MOTION-APPOINTMENTS IN THE CIVIL SERVICE
HON MUDGE**

HON SPEAKER: I want the Honourable Members to allow the Honourable Member to Move the Motion and to be done with. There will be an opportunity. Honourable Members have the right to adjourn and come back and Debate it fully. Honourable Mudge, continue.

HON MUDGE: The right to life, human dignity, a fair trial, privacy, property, political activity and freedom of speech, thought, religion and movement, to mention only a few, can only be protected by Parliament and the Cabinet, but it can and often are being violated by Government.

In other words, Honourable Speaker, Chapter III of our Constitution which provides for the protection of human rights is there to protect the citizens of Namibia against us, the Members of this Assembly, and more particularly, against the Ruling Party and the Executive.

Any law, policy or programme which violates, derogates or infringes upon the fundamental rights must therefore be handled with utmost care. Parliament is not only empowered to, but also obliged to enact legislation to provide for policies and programmes to advance previously disadvantaged persons in Namibia, and to restructure the Civil Service. Are these laws, policies and programmes consistent with the Constitution?

Therefore, Honourable Speaker, this Assembly must take note that limitation on any fundamental right or freedom must be authorised by law and must be strictly adhered to by the provisions provided in the Constitution. Fundamental rights and freedoms cannot be violated or limited arbitrarily and at will. There is nothing wrong with the advancement of people who have been disadvantaged or to redress imbalances in the society or in the Civil Service; this is not a new principle. For as long as I can remember, there were policies and programmes implemented in this country to assist certain categories of people and to exclude others. For example, parents who could not afford to pay school or hostel fees were exempted or paid less. To qualify for certain pensions you had to undergo a means test. Wealthy farmers - take note of this one - and professional and business people did not qualify for AgriBank loans.

To exclude persons from certain benefits is one thing, but to expect those excluded to further carry the financial burden or to make sacrifices, is unfair, especially should only some of them be affected.

Honourable Speaker, we all know who the beneficiaries from affirmative action will

09 November 2005

**MOTION-APPOINTMENTS IN THE CIVIL SERVICE
HON MUDGE**

be and who will or should be the contributors from whom it will be expected to bear the brunt or to accept the burden. The immediate reply will almost certainly be: the previously advantaged. Then a question - all of them? Only some of them? Only the civil servant or only the farmers? But if so, all the farmers or only some of them.

Our Party is on record and has consistently declared that the benefits of affirmative action must be enjoyed by as many as possible of the previously disadvantaged, and not only by a privileged minority. But the burden of affirmative action must also be carried by all previously advantaged and not only by an unfortunate minority.

Honourable Speaker, why did I pay so much attention to the principles of freedom and discrimination? Not only because of what happened in the past, but because discrimination is still with us and seems to be alive and well - discrimination against certain ethnic groups, discrimination against certain sectors of the economy, discrimination against the poor and unemployed, etcetera.

Again to quote the Constitution: *"The limitation must be of general application, it must be in public interest and it must promote the welfare of the people."*

I am of the opinion that in the process of restructuring the Public Service, it has now become unbalanced the other way around. It could have been envisaged that all affirmative programmes could have progressed equally fast. Restructuring of the Civil Service, however, as contemplated by the writers of the Constitution, has for all intents and purposes been achieved. We are of the opinion that the limitations, as mentioned, surely must have been brought into the Constitution for disadvantaged persons to be advanced and promoted and not to discriminate against previously advantaged persons. As far as we are concerned, this should be the crux of the matter.

In addition to this, the young generation who went to school for the first time after Independence, or those born after Independence, should be treated equally and without discrimination. This will encourage the present and future generations to qualify themselves properly and make their contribution to their country rather than to look for greener pastures abroad. The fact is, there are also a substantial number of qualified and experienced previously advantaged civil servants in Namibia, who have resigned out of frustration or who were retrenched or left the Public Service for whatever reason.

It must be clear to any responsible Namibian citizens that we have serious problems and most of these problems arose because of inefficient, incapable persons being

09 November 2005

**MOTION-APPOINTMENTS IN THE CIVIL SERVICE
HON MUDGE**

appointed or promoted into positions for which they were not qualified. If we were serious about Namibia, first and foremost we must agree that appointments from now onwards should be made on merit only and nothing else.

I fully agree with what Mr Pupkewitz said in Swakopmund and I quote: *“The Government’s failure to implement performance management to improve public service delivery has resulted in a bloated yet inefficient civil service.”*

The size of the public service must be reduced and properly qualified people be appointed. Talking about properly qualified persons, on 19 October 2005, I have asked the Honourable Minister of Finance certain questions regarding Air Namibia. For some or other good reason these questions disappeared from the paper two weeks ago. I have expected to get some answers before today, since I wanted to react in this contribution.

Allow me to answer one of the questions myself, and that is on the business and airline experience of the Board Members and senior management of Air Namibia.

This is a company with a turnover of N\$700 Million per year, yet it is being managed by persons with absolutely no, zero, experience in business and airlines. What do we expect? It seems as if the Government ... (intervention)

HON SPEAKER: The Assembly stands adjourned - automatic adjournment under Rule 90 - until tomorrow, 14:30.

THE HOUSE IS ADJOURNED AT 17:45 UNTIL THURSDAY, 2005.11.10.

**NATIONAL ASSEMBLY
ASSEMBLY CHAMBER
WINDHOEK
10 NOVEMBER 2005**

The Assembly met pursuant to the Adjournment.

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

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

**TABLING OF REPORT ON COMMITTEE MEETING HELD IN BELGIUM
BY PARLIAMENTARY STANDING COMMITTEE ON ECONOMICS
NATURE RESOURCES AND PUBLIC ADMINISTRATION**

HON MUSHELENGA: Honourable Speaker, I lay upon the Table the Report on the Committee Session of the African, Caribbean and Pacific and European Union Parliamentary Assembly Meeting which was held in Brussels, Belgium, from the 11th to the 15th of September 2005, by the Parliamentary Standing Committee on Economics, Natural Resources and Public Administration. For note-taking.

I so Move, Comrade Speaker.

HON SPEAKER: Will the Honourable Member Table the Report? Any further Reports and Papers? Any Notices of Questions? Honourable Viljoen?

NOTICES OF QUESTIONS

QUESTION 55

HON VILJOEN: Honourable Speaker, I give Notice that on Thursday 17 November 2005, I shall ask the Honourable Minister of Agriculture, Water and Forestry the following Questions:

1. Is the Honourable Minister satisfied with the present functioning of the Green Scheme Project, and is the progress according to plan and expectations?

10 November 2005

**NOTICES OF QUESTIONS
HON VILJOEN**

2. If not, what problems were experienced?

QUESTION 54

HON VILJOEN: I shall also ask the Honourable Minister of Agriculture, Water and Forestry the following question:

1. Is the Honourable Minister satisfied that effective policy is in place to protect Namibian farmers against competition by importers of agricultural products from countries outside its borders?

QUESTION 56

HON VILJOEN: I shall ask the Honourable Minister of Safety and Security the following questions:

1. Can the Honourable Minister give an indication of how many Political Office Bearers, other Government Officials and Consultants/NGO's respectively enjoy the services of Security guards at their premises, paid by the Government?
2. Can the Honourable Minister also give an indication of the total cost of this service?

QUESTION 53

HON VILJOEN: I also give Notice that on Thursday 17 November 2005, I shall ask the Honourable Minister of Health and Social Services the following questions:

1. Why is it necessary for Namibia to recruit approximately 100 nurses from Kenya for services in our country and also send a number of students from Namibia to Kenya for training?
2. Who is going to pay the salaries of these nurses after deployment in Namibia?
3. Are there any serious problems with our own training Institutions as far as facilities and training standards are concerned?

10 November 2006

**NOTICES OF MOTIONS
HON !NARUSEB**

I so Move.

HON SPEAKER: Will the Honourable Member Table the questions? Any further Notices of questions? None. Any Notices of Motions? Yes. Now I can see Minister !Naruseb. The equipment is available. Honourable Minister !Naruseb?

HON MINISTER OF LABOUR AND SOCIAL WELFARE: Thank you, Comrade Speaker. Allow me, in my capacity as the Acting Minister of Justice and Attorney-General, to give Notice that on Tuesday the 15th day of November 2005, I shall Move that leave be given to introduce a Bill to repeal certain provisions of the Native Administrative Proclamation, 1928 and the whole of the Administration of Estates that is the *Rehoboth Gebiet Proclamation 1941*, the effects of which are to provide in an unfair, discriminatory manner, for different systems of dealing with the administration of intestate estates of certain deceased persons, based on race or ethnic origin, and to make provision that the Administration of Estates Act, 1965 governs the administration of the liquidation and distribution of all deceased estates, whether testate or intestate, and to provide for matters connected herewith.

I so Move, Mr Speaker.

HON SPEAKER: Will the Honourable Minister Table the Motion? Any further Notices of Motions? None. Any Ministerial Statements? None. This is Thursday; we shall commence the business of the House from the side of the Opposition. Question no. 32 is one by Honourable Viljoen, addressed to the Minister of Works, Transport and Communication. Does the Honourable Member put the question?

HON VILJOEN: I put the question, Honourable Speaker.

HON SPEAKER: Does the Honourable Minister wish to reply?

QUESTION 32

HON MINISTER OF WORKS, TRANSPORT AND COMMUNICATION: Thank you Honourable Speaker, Honourable Members. The Question put by Honourable Viljoen is related to the current state of affairs: that he would like me to agree as to whether it is fair that people living in Auasblick be kept in ongoing

10 November 2005

**RESPONSE TO QUESTIONS BY HON VILJOEN
HON KAAPANDA**

uncertainty with regard to the future of their properties. It has been, according to him, more than a year since they were instructed not to sell, expand or improve their homes, pending the outcome of this issue.

Now the Honourable Member wants me to indicate when this uncertainty will be resolved to enable these people to go on with their normal lives.

My answer is as follows.

Honourable Members, first and foremost, I wish to express my regret for the uncertainty and frustration, endured by the property owners near the new State House at Auasblick, due to the delay in determining the fate of their properties. The delay was caused by a laborious process of assessment, evaluation and consideration of all aspects concerning the security of the new State House. The very existence of the State House demands minimum, internationally acceptable, safety standards.

The High Level Technical Committee, which is responsible for the determination of the security boundary, has now completed its Report, which will be submitted to Cabinet for approval. After such approval, the affected residents will be informed accordingly. I would therefore like to appeal to the residents of Auasblick residing near State House to be patient and calm because very soon Cabinet will pronounce itself on the fate of their properties.

I would also like to use this opportunity to thank the residents for their forbearance since the construction of the New State House began. I would like to assure them that State House would extend a hand of friendship to all its surrounding neighbours, and looks forward to a happy neighbourly association with them. I would therefore like to once again re-assure the residents, as well as our citizenry, that Government has no intention of making State House an island on its own, but regards it as 'part and parcel' of the Windhoek Community.

I thank you, Comrade Speaker.

HON SPEAKER: I thank the Honourable Minister. Any follow up question?

HON VILJOEN: Honourable Speaker, I wish to thank the Minister for the clear answer. Thank you.

10 November 2005

**RESPONSE TO QUESTIONS BY HON DE WAAL
HON ANGULA**

HON SPEAKER: I do not know whether it is a practice, but I want it to be the practice. Honourable Geingob?

HON GEINGOB: It is a new approach. Honourable Speaker, Honourable Minister is talking about the State House, the question asked by Honourable Viljoen. For further amplification and clarification, I heard that for State property that there was something called *Cultura 2000*, and that is to belong to the State. I am told now that is now a village for apartheid. (Laughter)

HON SPEAKER: Question 40 is one by Honourable De Waal. Does the Honourable Member put the question?

HON DE WAAL: I put the question Honourable Speaker.

HON SPEAKER: Does the Honourable Right Honourable Prime Minister wish to reply?

QUESTION 40

RT HON PRIME MINISTER: Thank you, Honourable Speaker. I would like first of all to draw the attention of this House to this Report on the *GIPF*. It contains much of the information which the Honourable Member wants to get but let me bore you with some details if you so wish.

With regard to **Question no. 1:** The following loans were made by GIPF to Public and Private companies through ***GIPF Development Capital Portfolio (DCP)*** as well as **Direct Investments held through the *GIPF Investment Division***, since the inception of the Portfolio in 1997. You should note that all these are only the capital disbursements made and exclude any interest or loan repayments.

Now I want to refer to the Company, the amount loaned and the repayment status.

10 November 2005

**RESPONSE TO QUESTION BY HON DE WAAL
HON ANGULA**

Company -	N\$ (000's)	Repayment Status
Preferred Management Services (Pty) Limited.	1 740	Active
Futeni Collections Shareholders Loan – Direct Investment	28 000	Active
Swakopmund Station Hotel (Pty) Limited	15 000	Active
Karas Abattoir and Tannery Processors (Pty) Limited	117 301	Under conversion
Karas Abattoir and Tannery Processors (Pty) Limited – Direct Investment	32 000	Under conversion
Karas Abattoir and Tannery Process (Pty) Limited	19 772	Under conversion
Ongopolo Mining and Processing Limited – Direct Investment	40 000	Active
Ongopolo Mining and Processing Limited – Direct Investment	30 000	Default
Windhoek Country Club and Hotel (Pty) Limited	30 000	Active
Namibia Grape Company (Pty) Limited	163 736	Default
Black Square Auto Engineering (Pty) Limited	6 992	Liquidated
Namibia Plastics and Liquid Food (Pty) Limited	20 000	Liquidated
!Uri !Khubis Abattoir	5 000	Liquidation
Multiline Investments (Pty) Ltd	20 000	Repaid – October 2005
Namibian Chicken Investments (Pty) Limited. The Nando's Story	7 179	Liquidated
Namibian Chicken Investments – Direct Investment	1 286	Liquidated
Namibia Pig Farm (Pty) Limited	26 350	Under conversion
Omaheke Tannery & Leather Processing (Pty) Limited	23 000	Under conversion
Omina Investments (Pty) Limited	12 000	Liquidated
Sepiolite Production (Pty) Limited	10 000	Default
Tutunge Investments.	4 600	Repaid
	624 956	

10 November 2005

**RESPONSE TO QUESTION BY HON DE WAAL
HON ANGULA**

Well, 'Under conversion' states that the *GIPF* is busy reviewing the debt-to-equity composition of these companies, so as to determine whether it is viable to convert the interest-bearing investment into equity.

In addition to above loans, the DCP also made the following equity investments in Private and Public Companies.

Company	N\$ (000's)	Status
Capricorn Investment Holdings	639	Active
Etosha Fisheries Holding Company (Pty) Limited	10 776	Active
Karas Abattoir and Tannery Processors (Pty) Limited	29 722	Under conversion

No loans were granted to individuals; all investments are made through registered (Pty) companies that adhere to the Companies Act. The following investments have been made via the **Unlisted Portfolio of the Namibia Asset Investment (Pty) Ltd mandate**. You should note that these projects are unlisted projects; however they are not part of the Development Portfolio (DCP), which is a separate mandate, managed currently by Sanlam Investment Management Namibia since November 2000 and previously by Investec Asset Management.

Company	N\$ (000's)	Repayment Status
Novanam Preference Shares	6 500	Repaid – March 2003
Kudu Property Investments	3 675	Repaid – June 2003
Von Braun Street Investments	2 700	Repaid – December 2004
Walvis Bay Investment CC 2001	2 400	Repaid – March 2005
Courtyard CC	3 180	Repaid – June 2001
Swabou Preference Shares	21 176	Converted through merger between FNB/Swabou into FNB Preference Shares
National Housing Enterprise	15 750	Active – revolving Debenture
Windhoek Country Club	44 117	Active – Government Guaranteed
Windhoek Office Park	65 646	Active
Namibia Asset Finance Company (Pty) Ltd	2 000	Liquidated
Namibia Harvest Investment	6 000	Repaid
	173 144	

10 November 2005

**RESPONSE TO QUESTIONS BY HON DE WAAL
HON ANGULA**

Question 2. Included in the loans given to Karas Abattoir and Tannery Processors Pty Limited, there is a debenture with an original face value of N\$ 20 Million. Payment of this debenture was secured by a 36 month Government Guarantee. Although this debenture has not been repaid, the Government Guarantee was never exercised and has now expired. This debenture was through Honourable Kuugongelwa-Amadhila.

The *FNB Namibia Holdings Limited* equity investment was originally an investment in *City Savings and Investment Bank*, the Bank 'you call your own'. It was only after the Swabou Building Society /CSIB merger and Swabou/FNB merger, that the shares in *CSIB* were finally converted into shares in *FNB*. The original investment in *CSIB* contained a Government guarantee, but this guarantee has lapsed: Honourable Kuugongelwa-Amadhila.

The *Windhoek Country Club and Hotel (Pty) Limited* loan held in the Unlisted Portfolio of *Namibia Asset Management (Pty) Ltd* of N\$ 44 Million has a Government guarantee: Honourable Kuugongelwa-Amadhila.

Question 3 The following companies to which loans were granted have either been liquidated or are in liquidation. As I said before:

Black Square Auto Engineering (Pty) Ltd	- Liquidated.
Namibia Plastics and Liquid Foods (Pty) Ltd	- Liquidated.
!Uri !Khubis Abattoir (Pty) Ltd via <i>Tsogang Investments</i>	- In liquidation.
Namibian Chicken Investments (Pty) Ltd	- In liquidation.
Omina Investment (Pty) Ltd	- Liquidated.

In all these cases, the proceeds from liquidation of these investments were insufficient to cover the outstanding loan balances, which meant that a substantial portion of the loan balances needed to be written off.

All other companies to which loans were granted are still in operation; however, in most cases, it is expected currently that the full loan balance will *not* be recovered, as the operating performance of most companies has been below original expectations. In certain cases, companies that we have reflected with a zero fair value in our Financial Statements have in fact repaid their loans completely: for example Multiline Investments has repaid N\$24 Million and the amount which was advanced was N\$20 Million.

10 November 2005

**RESPONSE TO QUESTION BY HON DE WAAL
HON ANGULA**

The reasons for this include:

The strength of the Namibian Dollar has harmed this Portfolio made up of mainly export-focused companies. Unforeseen competition at an international level caused severe reductions in revenues versus original estimates. This is particularly pertinent for the grape, ostrich and plastic-packaging industries. There has been an absence of strong experienced management to manage the companies effectively. The debt to equity ratio of these companies : they were mostly financed via debt instruments.

As a result, although none of the loans given to these companies has been written off, the GIPF in conjunction with its external auditors has made for accounting purposes bad debt provisions against these loans each year, to reflect more accurately the expected recovery of these loans, as required under AC 128 of GAAT.

It should be kept in mind, however, that as most of these projects are 'start-ups', they were always going to take a period of time to become profitable. As a result, as the companies become more profitable, so the estimated loan recoveries will increase, hopefully.

Question 4 In the case where loans had to be written off as bad debt what are the names of companies? The names are as follows.

COMPANY	CAPITAL BALANCE N\$ (000'S)	NORMAL INTEREST* N\$ (000'S)	REPAYME NTS/EXPE CTED LIQUIDATI ON PROCEEDS N\$ (000'S)	LOAN BALANCE WRITTEN OFF N\$ (000'S)
Black Square Auto Engineering (Pty) Ltd	6 999	5 072	Actual (2 154)* <small>*out of order</small>	4 842
Namibia Plastics and Liquid Foods (Pty) Ltd	20 000	10 846	Actual (2 100)	17 900
!Uri "Khubis Abattoir (Pty) Ltd	5 000	3 960	Expected (0)	5 000
Namibian Chicken Investments (Pty) Ltd	8 465	3 075	Expected (2 300)	6 665
Omina Investments (Pty) Ltd	12 000	6 027	Expected (0)	12 000
	52 999	28 980		

10 November 2005

**RESPONSE TO QUESTION BY HON DE WAAL
HON ANGULA**

Question 5 Who were the shareholders and the directors of these companies?

Black Square Auto Engineering (Pty) Ltd

Director and Shareholder:

Mr D Shivute.

Namibia Plastics and Liquid Foods (Pty) Ltd

Directors as per 28 February 2003 Annual Financial Statements:

Mr N L Adams
Ms I U Katjavivi
Mr C R Haikali
Mr E Ratjama
Mr M E H Haitengela

Shareholders as per Shareholders Agreement:

Mr S Nghikembua
Mr A Jazama
Mr L Todorov
Mr H Schroeder
Ms I Katjavivi
Mr C R Haikali
Mr E Ratjama (represented by Ms G Kaunatjike)
Mr M E H Haitengela

!Uri !Khubis Abattoir (Pty) Ltd

Directors of !Uri !Khubis Abattoir (Pty) Ltd as per 31 December 2001 Annual Financial Statements:

Mr P Kauta
Mr G Hinda
Ms K Kandjoze
Mr B K Paulino
Mr A Mushimba
Mr B J Wium

10 November 2005

**RESPONSE TO QUESTION BY HON DE WAAL
HON ANGULA**

Mr H G U K Marenga
Mr T T Kanguuehi
Ms I Murangi
Ms V Kaenda

Shareholders of Tsogang Investments as per Loan Agreement;

Mr E Ratjama
Ms K Kandjoze
Mr S Ueitele
Mr P Gauxab
Mr A Simana
Mr G Tjihenuna

Namibian Chicken Investments (Pty) Ltd

Directors as per 28 February 2003 Annual Financial Statements:

Mr J S Kalimba
Mr K C Murangi
Ms K K Murangi-Hambira
Mr G Naruseb
Ms B Harases
Mr H Haraseb

Shareholders of Namibia Chicken Investments as per Loan Agreement:

Onguti Investments (40%) represented by Mr J S Kalimba, Mr K C Murangi, Mr G Naruseb and Ms K K Murangi-Hambira.

Gan-Gan Enterprises (40%) represented by Mr H Haraseb and Ms B Harases.

GIPF (20%)

Omina Investments (Pty) Ltd

Directors as per 30 September 2002 Annual Financial Statements:

Mr S N Aipinge
Mr F G Kisting

10 November 2005

**RESPONSE TO QUESTION BY HON DE WAAL
HON ANGULA**

Mr C J Wium

Shareholder as per Shareholders Agreement:

GIPF

Namibia Mineworkers Investment Company – represented by Mr S N Aipinge
Onguvi Investment (Pty) Ltd – represented by Mr N Ndauendapo
United Women Investment Group (Pty) Ltd – represented by Ms T T Kanguuehi
Okazapamba Investments (Pty) Ltd – represented by Mr J N Haimbodi
Firm Policy Investments (Pty) Ltd – represented by Mr F Kisting
Omawe Investments (Pty) Ltd – represented by Ms M Paschke
AE//Gamms Trust – represented by Mr C Van Zyl
Dammert and Hinda – represented by Ms M Paschke

Which of these loans that were written off were guaranteed by Government? None of them. That brings me to the end of this boring Question.

Thank you.

HON SPEAKER: Very hefty indeed, Right Honourable Prime Minister.
Honourable De Waal?

HON DE WAAL: Thank you, Honourable Speaker. I want to thank the Honourable Prime Minister for a very transparent answer. However, most of all I want to thank him for practising what he preaches. We have great respect for that. Thank you.

HON SPEAKER: Question 41 is by the same Honourable De Waal. Does the Honourable put the question?

HON DE WAAL: I put the question, Honourable Speaker.

HON SPEAKER: Does the Honourable Minister of Fisheries and Marine Resources wish to reply?

10 November 2005

**RESPONSE TO QUESTIONS BY HON DE WAAL
HON A IYAMBO**

QUESTION 41

HON MINISTER OF FISHERIES AND MARINE RESOURCES: Honourable Speaker, may I compliment Honourable De Waal for his interest in the operations of the National Fishing Corporation and its subsidiaries. Honourable De Waal has asked through this House pertinent and progressive questions. I appreciate that the Honourable Member seems genuinely to be seeking for information on the operations of this State-owned Enterprise.

I would like to combine questions 1 and 2 as they are related.

QUESTION 1

He is mainly asking about the changes that might have taken place at Fishcor and his subsidiaries recently.

QUESTION 2

This is mainly about the *cost* of these changes.

Honourable Speaker, *Fishcor* was established in terms of the National Fishing Corporation Act, Act 28 of 1991 and is 100% owned by Government. *Fishcor* has two subsidiaries: namely, *Seaflower Whitefish Corporation* that concentrates in the catching, processing, marketing and selling of hake. The other subsidiary is *Seaflower Lobster Corporation*, which concentrates on the catching and other activities in terms of crayfish or rock lobster. With respect to the share structure changes, I would like to respond as follows.

Seaflower Lobster Corporation since its inception has been 100% owned by Government: that is the Lobster part. On the other hand, the subsidiary, the *Seaflower Whitefish Corporation* that is concentrating on hake was first owned 78% by *Fishcor* or by Government and 22% by Nordic Partners until 1998. However, owing to the restructuring of the *Seaflower Whitefish Corporation* which commenced in 1998 and was completed in 1999, the Nordic partners increased their shareholding to 31.22% from the 22% they had.

The reason for this increase of Nordic shares was because the Government could not inject capital, owing to other urgent national issues when the shareholders were requested to do so but we authorised our partners, who had capital at that time, to inject capital for the company to flourish.

10 November 2005

**RESPONSE TO QUESTIONS BY HON DE WAAL
HON A IYAMBO**

In 2003, our Nordic partners indicated their intention to exit and offer their entire shares of 31.22% for sale. Therefore, in terms of the Shareholders Agreement they offered the shareholding for sale to *Fishcor*, indirectly to Government, which had the right of first refusal. Cabinet mandated the Board of *Fishcor* to negotiate the purchase of shares from our Nordic partners. For these, Fishcor made payments totalling N\$73 570 484.00. This amount included the respective loan accounts. The break down is as follows or the names of the companies, our Nordic partners, are as follows and the amounts that were paid to them by *Fishcor*.

NORDICS

COMPANY	TOTAL AMOUNT
CIF Group International	34 138 298.00
Nordic Business Venture Fund	18 600 000.00
Nordic Development Fund	18 507 186.00
EXPERT ICE	2 325 000.00
TOTAL	73 570 484.00

Honourable Speaker, the exit of Fishcor's Nordic Partners, has resulted in the current shareholding structure of one of the subsidiaries of *Fishcor* and that is the *Seaflower Whitefish Corporation*. This restructuring was done in 2003, and now the structure is as follows in terms of the *Seaflower Whitefish Corporation*.

There is 51% of *Fishcor* or Government in *Seaflower Whitefish*.

There is 22% that is allocated to the Governors' Trust. This is a trust that represents all the 13 Regions of the country. One of the Governors sits on the Board to show that all the 13 Regions are catered for.

There are 10% of shares that are unallocated.

There is also a 10% of shares that belongs to *Marfrio*. *Marfrio* is a Spanish marketing Company, which is in a joint venture with *Fishcor* and it purchased 10% at a value of N\$ 12 500 000-00.

There is also a 7 % that is the company called *Halifax* (Empowerment group).

Question 3

Who are the shareholders in the two Companies *Copemar* and *Seacope*?

10 November 2005

**RESPONSE TO QUESTIONS BY HON DE WAAL
HON A IYAMBO**

Marfrio is the marketing arm of *Copemar* so they (the shareholders) are somewhere there in Spain. *Copemar* does not own shares in *Fishcor*, neither does *Fishcor* nor *Seaflower* own any shareholding in *Copemar*. With respect to *Seacope*, this is a Namibian registered joint-venture Company, that is owned 50% by *Seaflower Whitefish Corporation* and 49% by *Copemar* as an operational company but they do not own shares in *Fishcor* itself; they are owned as a joint-venture operation. The name '*Seacope*' is derived from *Seaflower* (the 'sea' part) and '-cope' for *Copemar* to form that joint venture. It has the responsibility as an operational Company really just to run the freezer quota for *Fishcor*, because of the capacity in terms of vessels.

QUESTION 4

What is meant by the Managing Director of *Fishcor* when he declared that "*Mr Shimaneni* (I call him Comrade Shimaneni) *was critical in lobbying for larger fishing quotas*"? Does this person have special powers at the Ministry to ensure bigger quotas?

This question is not clear to me: what the Managing Director meant when he said those things. I wish I were a mind reader. At the moment I do not understand that question. Maybe we can have a *tête à tête* bi-lateral (discussion) outside to find out what you have in mind.

HON SPEAKER: We want to hear.

HON MINISTER OF FISHERIES AND MARINE RESOURCES: I do not know what he meant, but he can ask also the Managing Director; he is a very friendly person.

QUESTION 5

Can the Minister ensure and give reasons to this House that the Companies are currently managed professionally and in line with the corporate governance to ensure value for the shareholder?

The economic difficulties faced by *Fishcor* and its subsidiaries are not unique to *Fishcor*. They cut across all companies in the fishing industry and *Fishcor* is not an exception. There are so many factors, including the unfavourable exchange rate, exorbitant fuel prices and fish mix. The Board and the Management of *Fishcor* have

10 November 2005

**RESPONSE TO QUESTIONS BY HON DE WAAL
HON A IYAMBO**

been working hard to ensure innovation and creativity and to ensure that the Company is run in line with the principles of corporate governance. Therefore at the level of the Board, as well as in the person of the Chief Executive Officer, I have confidence in their professional ability to steer *Fishcor* and its subsidiaries under these testing times.

6 years ago, the Company was heavily blotted with Managers. The Board is currently implementing restructuring measures to improve on the efficiency and the overall corporate governance of the Company. I therefore have all confidence that the Board will finalise the process, and will work in the interest of the shareholders: the Government, including all of us.

I thank, Honourable John Johannes De Waal for the pertinent questions and for his interest and for a wonderful Question that he posed.

I thank you, Honourable Speaker.

HON SPEAKER: Thank you, Honourable Minister. Honourable De Waal?

HON DE WAAL: Thank you Honourable Speaker, I want to thank the Honourable Minister for the answers, but on Question no. 4, the answer that I actually wanted from the Minister - and he is the Minister - so he should know what is happening in his Ministry. Does Mr Shimaneni have any special powers in your Ministry to secure a bigger quota for *Fishcor* or not? Yes or no. That is the question that we asked.

HON SPEAKER: Honourable Minister?

HON MINISTER OF FISHERIES AND MARINE RESOURCES: I thank you very much for revealing what you had in mind. It could have been helpful to have written it so that we do not have these difficulties. Comrade Shimaneni does not have the powers, in terms of the Marine Resources Act nor in terms of the implementation of that policy. The powers are with the Minister. So to do that one the quotas are for the Minister and I do not think he has those powers, unless there is something extra that we can still telephone but not from what I know.

10 November 2005

**RESPONSE TO QUESTIONS BY HON DE WAAL
HON A IYAMBO**

Thank you.

HON SPEAKER: Thank you, Honourable Minister. The next question. The name De Waal continues to exist. Question no. 43 is by Honourable De Waal. Does the Honourable Minister of Finance wish to reply the next two minutes before we rise for refreshments?

HON MINISTER OF FINANCE: Yes. I do, Honourable Speaker. The questions (Intervention)

HON SPEAKER: I explained to the Minister we shall rise now for refreshments then the Minister can thereafter reply. The House shall rise for refreshments.

**THE HOUSE ADJOURNS AT 15:45
THE HOUSE MET PURSUANT TO ADJOURNMENT**

HON SPEAKER: A number of Honourable Members asked me two separate questions relating to the same subject, and that is that I should have allowed the Minister of Finance to reply before I terminated the Question period. That compels me to say the following: the idea that we should only take part of the Questions up to tea break, and after that go to the Order Papers applies mostly during the Budget time. Questions - next to lawmaking - or after lawmaking are the most important part of the Business of the House. They are not secondary to anything unless we have serious Bills. Minister of Finance?

QUESTION 43

HON MINISTER OF FINANCE: Thank you, Honourable Speaker. Honourable Speaker, Honourable Members, the Honourable De Waal posed five Questions in regard to *Air Namibia*, and I indicated the last week that I consider some of those Questions maybe to be too detailed and somehow sensitive and I may not be able to provide answers to them. However, out of those five questions, I would be able to answer some so let me start with the questions that I will be able to answer.

10 November 2005

**RESPONSES TO QUESTIONS OF HON DE WAAL
HON KUUGONGELWA-AMADHILA**

The Honourable Member wanted to know the average number of passengers per flight for the period that *Air Namibia* has been flying to Gatwick - London.

Air Namibia carried an average of 240, 199 and 208 passengers per flight for the months of July, August and September respectively.

And how many of the total number of passengers that travelled on *Air Namibia* from Gatwick to Windhoek during the period above, were destined for Namibia and how many went on to South Africa?

An average of 85 passengers per flight was destined for Namibia and an average of 131 passengers was destined for South Africa.

How many of the total number of passengers that travelled on *Air Namibia* for the above three months, came from Namibia and how many came from South Africa?

An average of 91 passengers per flight departed from Namibia and an average of 129 departed from South Africa.

With regard to the first two Questions, I think we had a discussion and we agreed that we may not be able to discuss it.

HON SPEAKER: I thank the Honourable Minister since there were bi-lateral discussions: that is, to extend those replies. Question 48 is one by Honourable Mudge. Honourable Amathila?

HON B AMATHILA: Honourable Speaker, I was just wondering, do we not have some money on our Budget to put a red light to the construction workers there to show that the House is in Session? (*In response to noise of building activity*)

HON SPEAKER: The Serjeant should have a pistol next to him and just go and let it be seen. (Laughter) Does the Honourable Member put the question?

HON MUDGE: I put the question.

10 November 2005

**RESPONSE TO QUESTIONS OF HON MUDGE
HON KUUGONGELWA-AMADHILA**

HON SPEAKER: Does the Honourable Minister wish to reply?

QUESTION 48

HON MINISTER OF FINANCE: Honourable Speaker, the Honourable Member has asked a range of Questions. I am not going to repeat each Question; I am only going to refer to the number of the Question, and we would proceed with the answer and some of the Questions I will answer together for the sake of clarity, because they are inter-related.

Now on the first question.

Air Namibia has sustained operational losses in each Financial Year since its inception. As a result of such losses, the Company has had to rely on budgetary transfers from the Government, which has so far exceeded N\$ 1 Billion.

As a result of the continuous negative performance of the Company, efforts were mounted to turn around the situation. Following a Cabinet submission of a draft proposal from the Management and Board of *Air Namibia* in this regard, Cabinet established a Technical Committee to review such a proposal and advise Cabinet accordingly, through the Cabinet Committee on Economic Development and Parastatals.

Subsequently, an international expert was recruited to assist with the turn-around Business Proposal. On the basis of that proposal Cabinet resolved amongst other things that:

1. Owing to its high operational costs the Boeing 747 – 400 Combi be disposed of and replaced with two airbuses: A 340 – 300 aircraft.
2. *Air Namibia* introduces a second route to Europe that is from Windhoek to the United Kingdom, given the size of the passenger traffic of this route to Namibia and to the SADC Region.
3. That the existing debt of *Air Namibia* be ring-fenced, and that further by Government and further capitalization provided to the Company to ameliorate the financial difficulties with which the company was faced.

In line with these resolutions the Boeing was disposed of in September 2004 and

10 November 2005

**RESPONSE TO QUESTIONS OF HON MUDGE
HON KUUGONGELWA-AMADHILA**

arrangements put in place for the replacement equipment. In this regard, delivery of the first airbus to the Company is expected on the 1st of December 2005 and the second one by September 2006. Furthermore, Government made budgetary allocations in the MTEF to *Air Namibia* to give effect to the resolution of Cabinet concerning the capitalization and the financing of the ring-fenced debt.

The causes giving rise to the financial problems at Air Namibia are multiple and are also well known to all of us. Firstly, the aircraft equipment that was used by the Company was found to be costly, and thus the decision to dispose of it. Secondly, stiff competition in the airline industry globally creates additional pressure, especially for smaller airlines such as ours.

Many international companies in this industry have had to fold owing to this stiff competition, which has reduced profit margins and caused financial losses. Thirdly, the recent appreciation of the South African Rand, to which our currency is linked, has had a decreasing effect on revenue from international routes.

This, combined with an upsurge in fuel prices, has had a dampening effect on the operating margins of *Air Namibia*. Of course, we are aware that further improvement in operational efficiency at the airliner Company, further promotion of the airliner brand in the international market, and the establishment of strategic alliances with other partners could reduce the effects of these negative developments and improve the financial performance of the Company, and the Company continues to pursue efforts in this regard.

Question 2, which I will answer together with Question 3.

I recently provided information to this House on the performance of Air Namibia, in response to a question from another Member of the Opposition Benches. In that regard, I indicated that the Company continues to experience losses on its operations, but such losses have experienced a decline for the past few years. As indicated earlier in my statement, the appreciation of the Rand and the increasing oil prices have exerted additional pressures on the operational margins of the company and would therefore result in deviations from the projections. It is important to note that such developments did not only impact on *Air Namibia* operations but the whole economy.

Government is aware of the developments in the international markets that gave rise to these difficulties for the different sectors of our economy. It cannot, however, be expected that the Treasury jumps in to absorb *any* additional costs to the industries whenever they arise, as this would not be affordable to Government.

10 November 2005

**RESPONSE TO QUESTIONS OF HON MUDGE
HON KUUGONGELWA-AMADHILA**

In any case, we are all agreed that subsidies to Parastatals have reached unsustainable levels already, and ways have to be found to deal with these issues without increasing Budget subsidies and by extension the Budget Deficit and we at the Ministry continue to be engaged with the Company, and others affected by these developments, to find solutions.

Question 4

The last meeting of Technical Committee was on the 25th of October 2005. The Committee remains in contact with *Air Namibia* on the issues raised by the Airliner Company in the Paper that they presented with the Ministry.

Now the Board of Directors of Air Namibia is made up of the following persons.

1. Ambassador Hinyangerwa Asheeke, who is the Chairperson, has qualifications in Development Management.
2. Ms Lea Namoloh: has qualifications in Human Resources and Business Administration.
3. Mr Josef Shipepe: is an Aircraft Engineer.
4. Mr Gomes Menette: is an Accounts and Business Administrator.
5. Mr Kosmas Egumbo, who is also the Chief Executive Officer, is also an Engineer.

Now on the Executive and Senior Management and they are named - and I hope that I do not have to read this kind of list for all the Parastatals in the future.

I have talked about Mr Kosmas Egumbo, who is the Managing Director. There is Mr Gernot Riedel, who is an Advisor to the Managing Director; he is an Air Traffic Controller and he has gone through a number of courses related to the aviation industry. There is Mr Tjiuee Kaura, General Manager with qualifications in Accounting and Development Management. There is Mr Xavier Masule, with qualifications in Commerce. There is Mr Corné De Waal, who has qualifications in Transport Economics. There is Mr Wimpie Van Vuuren: he has legal qualifications and is studying towards an LLB. There is Mr Compion, who had a Pilot's Licence and qualifications in Pharmaceuticals: Pharmacy has been given. There is Captain Alois Jonach: he is a Pilot with appropriate Pilot Licences and is a Registered

10 November 2005

**RESPONSE TO QUESTIONS OF HON MUDGE
HON KUUGONGELWA-AMADHILA**

Engineer. There is Mr Leon de Kock, who has gone through Airline-related courses. There is Ms Theopoltina Namases: she has qualifications in Human Resources, Development and Business Management and some training courses in Aviation.

On the sixth question.

I do not know how one can avoid the impact of the development, as I have outlined above. However, the Board has submitted a Paper to the shareholder Minister that is currently being reviewed by the Technical Committee, to which I referred earlier. The Paper analyses the situation and reviews the implementation of the Proposal (the current prevailing situation that is) and reviews the implementation of the Proposal that was approved by Cabinet, and makes Recommendations on the way forward. I believe that I am not expected to outline these Recommendations while they are being considered.

Question 7

The recruitment process of the MD: that is now with regard to why Mr Riedel was not appointed MD and why Mr Compion's resignation was allowed. The recruitment process of the Managing Director was carried out in a transparent manner. The position was advertised and applicants were short-listed and interviewed. The selection of the successful candidate was made, based on the outcome of this process. The Board selected the candidate, who it believes is best suited for the position, based on interview performance, demonstrated personal ability of the candidate, track and academic record, and management experience.

The implementation of the Business Plan is a collective effort of staff and management of Air Namibia, and not an exclusive one for Mr Riedel and Mr Compion. In addition, the evaluation process for the selection of a Managing Director was not based on whether a candidate had participated in past efforts to implement the Plan or not. The two gentlemen might have been part of *Air Namibia* Management before, but they did not impress the Board as the most suitable person for the post and they were therefore not selected. I do not think that there is anything unusual about that. It is not the first time that a person from outside an Institution has been selected for a position in an Institution, and I am not aware of any enquiries made about that just because of that.

Is this because the candidate who succeeded in the interview was previously disadvantaged and there is some sort of bias that he has to be, by virtue of that, unqualified and something has to be wrong with his appointment?

10 November 2005

**RESPONSE TO QUESTIONS OF HON MUDGE
HON KUUGONGELWA-AMADHILA**

As with regard to why Mr Compion's resignation was accepted, it is not a policy of Government to hold people in employment against their will. Mr Compion felt he no longer wished to be part of *Air Namibia* and we respected that. To do otherwise would have been an infringement of his rights. Besides we do not believe we can get best service from some one who is cajoled or pressurised to stay in a position. If Honourable Mudge preferred for Mr Compion to remain at *Air Namibia*, then he could have done well to advise him not to resign, rather than try to blame *Air Namibia* for accepting his resignation.

On the eight question.

Cabinet approved the *Air Namibia* Board and Management proposals to turn around Air Namibia, not any individual person's proposals. Such proposals did not include a provision that the two gentlemen had to be reserved specific positions at *Air Namibia*, nor has it been assumed that the success of the turn-around strategy hinged on their personal participation in specific capacities. In any case, the selection of a Managing Director for *Air Namibia* has always been a responsibility of the Company's Board. Government was only consulted as the shareholder, and it saw no reason to disagree with the choice of the Board.

Finally Honourable Speaker, Honourable Members, while I am always ready to provide answers to Questions posed to me by the Honourable Members of this House, I must express my discomfort with the tone of some of the Questions posed by the Honourable Member, which seems to suggest bias of some sort - especially the last question.

I hope that we shall conduct our Debate in this House in a manner that promotes unity amongst our people, and not perpetuate the existing mistrusts and divisions amongst them.

Thank you very much.

HON SPEAKER: I thank the Honourable Minister. Does Honourable Mudge wish to say anything?

HON MUDGE: Honourable Speaker, I would like to thank the Minister for the answers, except that qualifications are one thing and I would have loved to know

10 November 2005

**RESPONSE TO QUESTIONS OF HON MUDGE
HON KUUGONGELWA-AMADHILA**

about the physical experience these Board Members have. However, we can sort that out later; it is not necessary now. I thank you.

HON SPEAKER: Thank you. I leave that to the Minister.

HON MINISTER OF FINANCE: Honourable Speaker, I know that there is a perception, of course; it is unfortunate that it has to come to this. Maybe I will not mention the name of the person, just to be fair to the person. I think there are perceptions among certain groups of our population that there is a selected few people in our country, that belong to certain races and have specific capacities which make them suitable for certain positions. I know what is behind the Question. I think the concern is that a certain person has been appointed as Managing Director; another person has *not* been appointed in that position. An impression has been created that that person is highly qualified, and thus has experience, but what we are able to find is that this person is a trained pilot: that is all. It does not make him an airline expert. If you are a pilot you are just a pilot. If you are a driver, you are not a mechanic and you are not an engineer.

So the experience in aviation is lacking in Namibia as an industry. We advertised and we were not able to get people with the qualifications and the one we have appointed is the best that we could find.

Thank you Honourable Speaker.

HON SPEAKER: Question 49 is one by Honourable Moongo. I request the Honourable Minister of Agriculture, Water and Rural Development or the Deputy is here. However, I really would: I am in the hands of the House for the same reason that I said that the question period in the House is very important, and not secondary to anything else, except perhaps when we are considering Bills. However, if that is true, it is equally true that those Honourable Members who put questions must be available to answer them personally. I shall therefore rule in the future that if the Honourable Members who had put the questions are not available that the Executive would not be compelled to answer them. Does the Honourable Moongo wish to put the question?

HON MOONGO: Yes.

10 November 2005

**RESPONSE TO QUESTIONS OF HON MOONGO
HON SMIT**

HON SPEAKER: And does the Honourable Deputy Minister wish to reply?

QUESTION 49

HON DEPUTY MINISTER OF AGRICULTURE, WATER AND RURAL DEVELOPMENT: Thank you very much, Honourable Speaker. Honourable Speaker, the question issues are not the responsibility of the Ministry of Agriculture, Water and Forestry. Therefore I would like to request the Honourable Member to put the questions to the specific Ministry or, I believe, Ministries.

Thank you, very much.

**RULING BY HONOURABLE SPEAKER ON AMENDMENT OF SERIES OF
BILLS**

HON SPEAKER: Before we get to the First Order of the Day, yesterday Honourable De Waal raised a Point of Order as to whether a series of Amendments in one Motion could be considered by the National Assembly. Yesterday I chose to defer the matter; I promised to give my Ruling later on. Actually I had wanted to give the Ruling at the conclusion of the business of the day before the House rose yesterday. The time was not our best ally.

I want to do so. I have been advised that previous Motions and precedents in one Motion, to Move more than one Amendment indicate an accepted and firmly entrenched practice in convention, with regard to the Tabling of general Law Amendment Bills containing more than one Amendment to various Acts. The information which I have chosen, in all cases validates that previous Law Amendment Bills contain more than one amendment to various Acts.

The case in point is the General Law Amendment Act of 2000 which amended the NPC Act of 1991, New Era Publication Corporation Act of 1992, Namibian Communication Act of 1992, so as to reduce the number of Members with the Boards of all of them.

The Honourable Deputy Minister of Safety and Security was therefore in Order and could motivate the Motion. Also I must re-iterate the reminder that I repeated in the August House, namely that no Bills will be introduced for deliberation after

10 November 2005

**MOTION-APPOINTMENTS IN THE CIVIL SERVICE
HON MUDGE**

November 1st 2005. Bills in this context include Amendments as well. Surprise irregularities have caught up; I request Members with Bills to consult the Speaker or Chief Whip so that we can normalise this situation.

When the Assembly adjourned yesterday, 9 November 2005, in terms of Rule 90(a) of the Standing Rules and Orders, the first Notice of a Motion was the one by Honourable Mudge. The Honourable Mudge had the floor and I now call on him to continue.

HON MUDGE: Honourable Speaker, when my contribution was interrupted yesterday, I was trying to finish, although, just to get some continuity, I would just like to point on two issues that I mentioned earlier.

MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE: On a Point of Order. Thank you very much Comrade Speaker. I am raising a Point of Order in terms of Rule 114(i), read together with Rule 108(g). Comrade Speaker, I am seeking your guidance with regard to this lengthy Preamble or opening statement of the Motion under discussion, not necessarily to disallow the Honourable Mudge to continue: that is not my intention. However, Comrade Speaker, when I read, for example, paragraph 4 of the Preamble where all kinds of allegations are made in that paragraph and also the subsequent paragraphs and the last one, with particular emphasis, Comrade Speaker, on when it is stated that “*this Assembly further **accepts** that a substantial number of new appointees were trained here and abroad and deliver excellent service, **but** that a large number were appointed and are still being appointed solely because of their affiliation to the Ruling Party without being subjected to a credible merit test. It appears that to be appointed as a member of a board of directors or semi-state organisations, committees and commissions, no special qualifications are required other than being black and a member of the Ruling Party.*”

Let us go to the next paragraph: “*That this Assembly is alarmed and embarrassed by continuing revelations of inefficiency and corruption while Commissions of Enquiry thus far had no effect to put an end to this tragic state of affairs which mainly affects the poor citizens of our country negatively.*”

And lastly then the paragraph that follows: “*That this Assembly noticed in disbelief that persons found responsible for such corruptive practices are allowed to continue to serve as Members of this House.*”

10 November 2005

**MOTION-APPOINTMENTS IN THE CIVIL SERVICE
HON MUDGE**

Comrade Speaker, in terms of Rule 108(g) it is very clear that a Member may *not* refer to the names of persons or any statements or facts unless they be necessary to render the Question intelligible, and can be authenticated.

These allegations here - I am not sure whether they can be authenticated - and if not, my request would be, maybe within the provisions of the Rules and the powers of the Speaker, to maybe order a re-phrasing of this Preamble, so that these opinions are not reflected in our records, or maybe a complete *deletion* of these paragraphs and then the Debate can continue. I submit, Comrade Speaker.

HON SPEAKER: I appreciate the strong Point of Order that you have raised, Honourable Minister. I also re-looked at the specific Rules that you have cited. Except in those specific cases, where names of people and issues are mentioned but information cannot be verified, the Speaker would want that to be re-phrased or deleted. However, on the other hand, Honourable Members, the Question also begs another Question: namely whether the Honourable Minister who has risen on a Point of Order is sure that this is a violation of the Constitution or a violation of the existing Law, in which case I shall be convinced that I should rule in terms of Rule 108.

Honourable Mudge, as I had earlier indicated in another instance, we should spare the persons who are not present in the House by referring to them by name, or secondly, to raise issues without providing proof or evidence that the allegations being made are valid. If you could just re-phrase what you want to say, I give you the floor to continue.

HON MUDGE: Honourable Speaker, I will not necessarily react to that; I do not think that I have thus far mentioned any names. If I referred to persons, it must be quite obvious that especially the one to whom Reference was made is not in the House anymore. This was introduced before he left this House.

I just want to go back to one or two issues that I mentioned, just to get continuity as I carry on. I said the provisions that are made could be seen as discriminatory in nature, but it is important that these are made and we said that there can be no doubt that these Policies and Programmes are, in fact, discriminatory in nature, that this is important, because provisions are made in our Constitution for discrimination in reverse to correct the injustices of the past.

I also said that I cannot claim that I am a constitutional expert, but it is clear that any

10 November 2005

**MOTION-APPOINTMENTS IN THE CIVIL SERVICE
HON MUDGE**

limitations upon a fundamental right will have to be treated with great care.

Then there was another one where I also said that we are of the opinion that the limitations, as mentioned, clearly must have been brought into the Constitution, in order for the disadvantaged persons to be advantaged and promoted and not to discriminate against previously advantaged, just for continuity's sake.

I will come back, I think just as a comment that ... (Intervention)

HON SPEAKER: This is a Motivation, is it not Honourable Member? We will allow the Honourable Member to motivate the Motion. You will have an opportunity to take floor and to take issue with what he is saying. We should allow him. Honourable Kazenambo, I will hear what you want to say.

HON DEPUTY MINISTER OF REGIONAL AND LOCAL GOVERNMENT AND HOUSING AND REHABILITATION: Comrade Speaker, on a Point of Order. I think and I strongly believe, unless I am confused or otherwise, the point raised by Honourable Mutorwa still stands. Although no specific names are mentioned, the issue still stands; especially the issue of no special qualifications are required other than being black, and a member of the Ruling Party. I mean it is a serious point that should be treated as such. It says "unless", but we know very well that some of the members on the Commissions and Boards are white, and we do not know whether they are members of the Party or have the qualifications required. So, that issue is very serious; he must re-phrase it. There are no two ways about it.

HON SPEAKER: Yes, that is one of them that I would ask Honourable Mudge to re-phrase. Unless you bring us a list of the people so appointed and they all conform to the allegations you are making, that cannot be recorded as a fact. So re-phrase that and then you continue.

HON MUDGE: Honourable Speaker, I will have no problem whatsoever to re-phrase it; I will do that. It is not my intention to provoke people to think that I have said it for the wrong reasons, which is absolutely not the case.

I will deal with the accusations by the Honourable Minister of Finance just now, at a later stage. I find that unnecessary.

10 November 2005

**MOTION-APPOINTMENTS IN THE CIVIL SERVICE
HON MUDGE**

I stopped at the point where I talked about the Board members of *Air Namibia* and I carry on to say that it seems as if this Government would rather allow an important Company to go bankrupt and suck millions from resources meant for other important Programmes, than to appoint persons who would be able to rescue the airline. The impression we get is that Board members and Senior Management can be anybody, and now I will put it the other way around: as long as they are not white. And I have proof of this in *Air Namibia*. (Interjections)

HON SPEAKER: That is unacceptable. You delete that and you may continue but that is unacceptable.

HON MUDGE: I will do that. Another example: some time ago there was a scandal at the Social Security (Interjection)

HON SPEAKER: Honourable Minister, I would want to allow the Honourable Member to finish his Motivation, unless I am absolutely compelled to do otherwise. It is a Motivation: there will be time that Honourable Ministers and Deputy Ministers would come and Honourable Members would come to tell the Public out there that what the Honourable Member is saying is *not* correct. That opportunity will be availed. Continue.

HON MUDGE: Some time ago there was a scandal at the Social Security Commission. A Commission of Enquiry was appointed; the members made certain Recommendations, amongst others, that the CEO be replaced and the Board proposed that Mr Koot van der Merwe of *NamPort* be appointed. He and his wife resigned their jobs, sold their house, moved to Windhoek, only to hear that somebody "*higher up*" has over-ruled the decision by the Social Security Board and somebody else was appointed.

HON SPEAKER: However again, that is why you may not mention people who are not present here. Leave out the names of people who are not present here in the House, even if you feel that it buttresses your question. Leave out the references specifically to people who are not represented in this House. Mr Van Der Merwe might disagree with you.

10 November 2005

**MOTION-APPOINTMENTS IN THE CIVIL SERVICE
HON MUDGE**

HON MUDGE: Honourable Speaker, I just mentioned the name; everybody is aware of that. I said that the decision to appoint the other person at Social Security was over-ruled by someone 'higher up', it was said. What happened after that is now well-known. We know that that person who was supposed to have been the CEO was a well-qualified person.

Another example: the contract with the previous CEO of the National Housing Enterprises was not renewed and a new CEO was recently appointed. Honourable Speaker, believe it or not, but the person who was appointed is nobody else but the one who was fired some years ago from the City of Windhoek, as having been inefficient and incompetent.

Honourable Members, when are we going to get serious about this? How can we as Lawmakers say to our old people that they must carry on suffering by trying to live on a pension which we all know is less than what is necessary for just very basic needs and at the same time we allow incapable people to squander millions of dollars owing to their incapability and inefficiency?

This is, as far as I am concerned, immoral to say the least, because it is not that we do not have capable persons. They are here and I am *not* talking about whites. Yes, they too, but I am talking about a lot of people who can be found in Namibia and the list can be provided. I have names here but I will not mention them.

I could not agree more with, and I do not know whether I can mention the name of Mr. Pupkewitz...

HON SPEAKER: No, do not mention any names.

HON MUDGE: I want to quote Mr. Pupkewitz.

HON SPEAKER: Prominent businessman, do not mention names.

HON MUDGE: *"....the time for talking is past, the time for repaying political debts is past, the time for re-establishing our good name is now and the time to invest in our future is now."* I say invest in those people who can deliver the goods.

10 November 2005

**MOTION-APPOINTMENTS IN THE CIVIL SERVICE
HON MUDGE**

There are thousands of well-qualified, experienced and extremely loyal Namibians, who, without doubt, have the ability to make a positive contribution and by so doing to enable the Government to turn this situation around, but they are currently being ignored and treated like second-class citizens, either because the colour of their skin is wrong or because they are not card-carrying members of the Ruling Party.

This Government should start to deliver on its promises, especially to the poor and unemployed - the promises that were made since and before Independence. The fact is that the Namibian people are becoming restless, because they are getting poorer and the unemployment rate is rising.

If we are going to carry on like this, we will have NDP 1's, NDP 2's and in the end NDP 100s as well as a Vision 2030 which will become a Vision 2050 and later a Vision 3030. A vision is not something that will happen all by itself. If all of us are not going to accept the shortcomings, even if it hurts, and do something about it drastically, we will one day only be able to say what *could* have been and this day is approaching fast.

I would like to commend our President on his uncompromising stance against corruption, but I trust that he will also set the example to ensure not only clean, but also an effective and productive Government and, should some Ministers, Deputy Ministers and Senior Officials be found to be wanting, that he will be uncompromising and replace them as soon as possible.

Honourable Speaker, I would like to conclude by saying this to my fellow Members in this August House, and especially to you in the ruling party: I hope that your claim to fame one day will be more than just that you were part of the liberation struggle.

This country has never in its existence been in such trouble as it is today and all of us must put our heads together and do whatever necessary to change this situation, to ensure that our children ... (Interjections)

HON SPEAKER: Honourable Mudge, I cannot save you on that. This country is not in any trouble of the kind that you insinuate exists. I am the Speaker, I am a citizen of this country and that is simply unacceptable. You must withdraw that statement.

10 November 2005

**MOTION-APPOINTMENTS IN THE CIVIL SERVICE
HON MUDGE**

HON MUDGE: Honourable Speaker, if it needs to be proven (Interjections). I will withdraw. We must put our heads together and do whatever necessary to change the situation to ensure that our children will have a peaceful, stable, safe and economically healthy country in which to live and work. The President and the Government can rely on the support and positive contribution of the Republican Party.

May I therefore propose that, after proper discussion of this Motion by this August House, the relevant Standing Committees, namely the Standing Committee for Constitutional and Legal Affairs, the Standing Committee for Economics, Natural Resources and Public Administration, as well as the Standing Committee on Human Resources, be requested to review all the existing Laws and Regulations, amongst others the Public Service Act, also with regard to Affirmative Action, and for these Standing Committees to submit their proposals to this August House for action, whereby a clean, transparent, responsible, effective (and last but not least) a productive Civil Service will be ensured.

I so Move Honourable Speaker.

HON SPEAKER: Honourable Mudge, you were present here when I ruled Honourable Moongo Out of Order. When we get to the point, I will call upon you to reply, you will have a draft Motion ready that you will Table, to recommend that the matter would be referred to a Committee. Any further discussions? Honourable Mushelenga?

HON P MUSHELENGA: I seek the indulgence of the Speaker. If there is no one who wishes to take the floor, I want to adjourn the Debate until next Tuesday.

HON SPEAKER: The Debate on this Motion stands adjourned until Tuesday next week. The Second Notice of a Motion is the one by the Honourable Ms Dienda. Does the Honourable Member Move the Motion?

**MOTION ON PROGRAMMES, ACTIVITIES
AND PERFORMANCE OF NATIONAL YOUTH COUNCIL**

10 November 2005 **MOTION - ACTIVITIES NATIONAL YOUTH COUNCIL**
HON DIENDA

HON DIENDA: I so Move.

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

HON DIENDA: Honourable Speaker, Honourable Members, the youth is our future. I rise concerning the activities, programmes and the performance by the National Youth Council and its contribution to uplift the plight of the youth.

Honourable Speaker, I do this because I am concerned about the problems of the youth in general. For more than 11 years a National Youth Council has been in existence. Millions have been spent annually on the National Youth Council, yet little is known about how they expend the huge amounts of money allocated to them.

Honourable Speaker, Honourable Members, in this year's budget alone an amount of N\$8,3 Million is allocated for the National Youth Council for the three year MTEF period. Recently I have seen an advertisement in one of our newspapers from the National Youth Council, where they were advertising a position, referring to themselves as a Parastatal. If this is true that the National Youth Council is a Parastatal, then I need to know the following:

Where is the Act of the said Parastatal? Secondly, where are the Financial Reports from the National Youth Council?

Honourable Speaker, I am deeply concerned about the reckless manner in which moneys have been spent on trips, travelling, S&T, accrued leave, just to mention a few. The Medical Aid Fund, to which the members do not contribute, Prosperity Health, is a very expensive Medical Aid Scheme, which even the Government cannot afford. Yet, this is the Medical Aid Scheme the National Youth Council has chosen.

Honourable Speaker, Honourable Members, the objective of the National Youth Council is to strive for the betterment of the social, economic, educational, cultural and political situation among the youth. The motto of the NYC is "*Youth growing with the Nation.*"

Honourable Speaker, Honourable Members, the National Youth Council, as an umbrella body of the Namibian Youth Organisations, has in my view failed to address the issues of the youth. They are concentrating more on party politics, rather than

10 November 2005 **MOTION - ACTIVITIES NATIONAL YOUTH COUNCIL**
HON DIENDA

pursuing the aims and objectives as stipulated in their own Constitution.

There are so many problems facing our youth in Namibia: namely information and access to available bursaries; ICT skills and knowledge; rural youth development programmes, finding income-generating projects; youth and the environment, just to mention a few. However, the National Youth Council does not have time to look into these or consider them, because they are spending their time and future on less important things.

Why, for example, is the leadership of the NYC inviting only 7 groups to their General Assembly scheduled for December 2005 when they do have more than 30 affiliated members? These groups are from different Regions - church groups, *et cetera*, but if one looks at the face of the NYC, it looks like just a shadow of a Political Party, where the youth are fighting for positions. What is it that the National Youth Council tries to achieve? Do they want to establish a firm, where youth from different groups are fighting each other, and at the same time leaving those who are interested in youth development out? Or what is it on which we are spending our Nation's money?

Honourable Members, Honourable Speaker, the National Youth Council is operating its business with State funds and therefore Parliament, and the rest of the Namibian population, have the right to know what is going on there. We have the right to be informed about all activities, national and international and, by saying this, I am referring, for example, to the recent trip of the NYC to Venezuela on what appears to be an all-expenses paid holiday.

Honourable Speaker, my greatest concern lies with the actual activities of the National Youth Council and the very reason for its existence. Perhaps the fault does not lie with the staff members of the National Youth Council, because for now they appear to be operating in both a legal and policy void. I understand that while the National Youth Council has been in existence for more than 11 years, its members are busy only now to draft both a policy and a Bill on the NYC.

This has bred a culture of unaccountability. The Annual Reports also do not tell us much, and in any case the latest Annual Report dates back to 2003.

Only in June this year the new Permanent Secretary was seeking a meeting with the NYC to get a report on moneys NYC administers on behalf of the Directorate of Youth. The Secretary is, for example, awaiting a response from NYC on what

10 November 2005 **MOTION - ACTIVITIES NATIONAL YOUTH COUNCIL**
HON DIENDA

happened to more than N\$360 000 transferred to the NYC for the renovations at the Swakopmund International Youth Hostel. That Report is still outstanding, despite the best efforts of the Permanent Secretary since April this year.

Honourable Members, Honourable Speaker, I also pray that this Honourable House agrees that a Forensic Audit be carried out into the finances of the NYC from 1994 until February 2005, and in view of the absence of a policy or Act of Parliament, the Standing Committee on Human Resources, Social and Community Development examines the activities, programmes of the Namibia Youth Employment Network and report back to this Honourable House, including the recent trip of 51 youth members to Venezuela.

I thank you.

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

MINISTER OF YOUTH, NATIONAL SERVICE, SPORT AND CULTURE:

While appreciating the very eloquent introduction to this very important topic, may I kindly request the indulgence of the House to adjourn this Debate to next week, Wednesday the 16th November 2005.

HON SPEAKER: Any objection? The Debate on this Motion stands adjourned again until 16th November 2005. The third Notice of a Motion is the one by the Honourable Dr. Geingob. Does the Honourable Member Move the Motion?

**MOTION ON ENDORSEMENT OF ACP CONSULTATIVE
 ASSEMBLY**

HON GEINGOB: I do so.

HON SPEAKER: Who seconds? Any objection? Agreed to. Honourable Geingob has the floor.

10 November 2005 **ENDORSEMENT OF ACP CONSULTATIVE ASSEMBLY**
HON GEINGOB

HON GEINGOB: Honourable Speaker, Honourable Members, the Parliamentary Standing Committee on Economics, Natural Resources and Public Administration is seeking the approval of this August House to endorse the Charter of the Creation of an African, Caribbean and Pacific Consultative Assembly.

The ACP Group of States is not a newly-established structure. The National Assembly joined the ACP Group of States in 1994, the purpose being to negotiate trade agreements collectively between the ACP Group of States and the European Union. This Charter is merely a formalisation and re-affirmation of the existing inter-parliamentary co-operation mechanism within the ACP Group, as provided for in Article 18 of the 1992 revised Georgetown Agreement for establishing an ACP Consultative Assembly.

This Assembly would enable its members better to consult, exchange ideas, harmonise positions, better negotiate and strengthen the unity of the ACP Parliamentarians. The ACP-EU Joint Parliamentary Assembly is a democratic Parliamentary Institution, which aims to promote and defend democratic processes, in order to guarantee the right of each sovereign state to choose its own development objectives and how to attain them.

On 15 April 2005, 27 ACP countries signed the Charter, creating the ACP Consultative Assembly at an Official Ceremony of the 9th Session of the ACP-EU Joint Parliamentary Assembly, which was held in Bamako, Mali.

The representatives of the 77 ACP Groups of States, who under the Cotonou Agreement must be Members of Parliament, meet their European Union counterparts in plenary sessions for one week twice a year. The Joint Parliamentary Assembly meets alternatively in an ACP country and in an EU country. The Institution is governed by common, democratic rules.

Three Standing Committees have been established, to discuss substantive issues which are voted on by the Joint Parliamentary Assembly. These Committees, which began their work in March 2003, are:

- Committee on Political Affairs
- Committee on Economic Development, Finance and Trade
- Committee on Social Affairs and the Environment.

The Assembly also regularly undertakes exploratory or fact-finding missions to various developing countries which are signatories to the Cotonou Agreement. The

10 November 2005 **ENDORSEMENT OF ACP CONSULTATIVE ASSEMBLY**
HON GEINGOB

impact of the work of the Joint Parliamentary Assembly thus goes beyond economic considerations, as it also covers the development of mankind and the establishment of peaceful relations between the Nations of the world.

The Joint Parliamentary Assembly has thus far actively contributed towards the implementation and re-inforcing of successive ACP-EU Conventions and has put forward numerous proposals, such as:

- promotion of trade as a tool for development, particularly by way of the Economics Partnership Agreement foreseen in the Cotonou Agreement;
- the upgrading of the role of women in the development process;
- measures to re-inforce the commitment to respect and defend human rights and human dignity;
- the improvement of measures aimed at combating epidemics and re-enforcement of hygienic conditions.

Of course, you may ask, what is in it for us. The National Assembly will be required to budget annually for the meetings of the ACP Consultative Assembly, that will take place 2 or 3 days before the ACP-EU Joint Parliamentary Assembly.

The Committee is therefore seeking the Mandate of this August House for the Delegation to sign and endorse the Charter of the ACP Consultative Assembly, at the *next* signing ceremony which will be held during the 10th Session of the ACP-EU Joint Parliamentary Assembly, scheduled to take place in Edinburgh, Scotland, from 16 to 25 November 2005, which Honourable Nambahu and Honourable De Waal will attend on behalf of the Standing Committee on Economics, Natural Resources and Public Administration Portfolio Committee.

Also, as this Committee is trying to endeavour to keep you abreast, my Deputy, Honourable P. Mushelenga, also Tabled a Report. That Report is also giving you more information on the discussions to take place there.

Because of this, I request this House unanimously to endorse this request. Thank you.

HON SPEAKER: I thank Honourable Dr Geingob. Any further discussions? Does the Honourable Member wish to reply?

10 November 2005

**GENERAL LAW AMENDMENT BILL
HON SHIHEPO**

HON GEINGOB: I have nothing to say but to thank you very much from the bottom of my heart.

HON SPEAKER: I now put the question that the Motion be endorsed. Are there any objections? Then it is agreed to. The fourth Notice of a Motion is the one of the Honourable Deputy Minister of Safety and Security. Does the Honourable Deputy Minister Move that the Bill be now introduced?

HON DEPUTY MINISTER OF SAFETY AND SECURITY: I so Move
Honourable Speaker.

HON SPEAKER: Who seconds the Motion? Is there any objection? Then it is agreed to. The Honourable Deputy Minister will Table the Bill. The Secretary will now read the Bill a First Time.

THE GENERAL LAW AMENDMENT BILL

HON SPEAKER: Does the Honourable Deputy Minister of Safety and Security Move that the Bill be now read a Second Time?

HON DEPUTY MINISTER OF SAFETY AND SECURITY: I Move so,
Comrade Speaker.

HON SPEAKER: Who seconds? Any objection? Agreed to. The Honourable Deputy Minister has the floor.

HON DEPUTY MINISTER OF SAFETY AND SECURITY: Thank you
very much, Comrade Speaker.

Honourable Members of this August House, as you are all aware, I Tabled a Motion

10 November 2005

**GENERAL LAW AMENDMENT BILL
HON SHIHEPO**

for the General Law Amendment Bill yesterday, seeking the legal transfer of the Law Enforcement functions to the Ministry of Safety and Security, from the Ministries of Home Affairs and the now-dissolved Prisons and Correctional Services.

I declare that this Bill is an urgent one, as it affects the day-to-day functioning of the Ministry of Safety and Security.

Several laws governing internal safety and security of the Republic of Namibia make reference to the Minister of Home Affairs, as well as to the Minister of Prisons and Correctional Services. Since then, the Police Force has been transferred from the then Ministry of Home Affairs to the Ministry of Safety and Security, while the former Ministry of Prisons and Correctional Services has been abolished and its functions are now placed under the new Ministry of Safety and Security.

There is therefore the need to introduce Amendments to *all* relevant Laws pertaining to Law Enforcement, to enable the Ministry of Safety and Security to administer them.

The recommended Amendments are phrased in such a way that even if there can be a change in the name of the Ministry, there would be no need to change the definition of the Minister.

So, in view of the above, I ask the Honourable Members of this August House to support this General Law Amendment Bill unanimously without any delay.

I thank you.

HON SPEAKER: I thank the Honourable Deputy Minister. Any further discussion? There being no further discussion on this Bill, the Second Reading will be done the next sitting day, subject to Rule 26(a) of the Standing Rules and Orders. The Secretary will read the Order of the Day.

**RESUMPTION OF DEBATE ON SECOND READING: CHILDREN'S
STATUS BILL**

HON SPEAKER: When this Debate was adjourned on Tuesday, 8th November

10 November 2005

**CHILDREN'S STATUS BILL
HON VENAANI**

2005, the question before the Assembly was a Motion by the Honourable Minister of Gender Equality and Child Welfare that the Bill be now read a Second Time. The Honourable Mr Venaani adjourned the Debate, and I now give him the floor.

HON VENAANI: Thank you very much, Honourable Speaker. I am very thankful for the work of the Standing Committee which took the task of going to our electorate, the citizens of this country, to consult on this very important Children's Status Bill. However, I think I want all Honourable Members of this House to support this Motion without delay, because for too long children who are born out of wedlock and marriages have seen a very silent, serious discrimination towards inheritance, towards efficient parenting, and I believe that this Bill, with minor hiccups here and there, deserves to be approved for now, and as the evolvement of law and new societal standards are changing, we can always bring it for amendment purposes.

I believe that by delaying this Bill we are disadvantaging silent children who are very innocent. And just in conclusion Honourable Speaker, during the initial introduction of this Motion a year ago, this House behaved in a very light manner and treated this issue with a very light decorum. I think the blaming syndromes that we were throwing around last year, whether it is the mother that is protecting the children or the fathers, is not important. What is important is for us as a country and as a Nation to foster responsible parenthood, for us to be accountable as parents for our deeds, and I firmly believe that this Bill will go a long way in addressing a serious societal problem that our Nation and our societies are experiencing today.

It is a very modern Motion, to say the least; it is over-ruling some traditional cultures and beliefs, which I think is important in this modern day and age - that we cannot only stick to cultures and trends which are not productive and are not bringing any beneficial changes. As the societies are developing we must grow and we must bring Legislation that is also responsive to the new changes.

Honourable Speaker, with this I wholeheartedly support this very important Bill in the interest of our children and I thank you.

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

10 November 2005

**CHILDREN'S STATUS BILL
HON NDAITWAH**

HON MINISTER OF INFORMATION AND BROADCASTING: Thank you, Comrade Speaker.

Firstly, let me congratulate the Minister of Gender Equality and Child Welfare for bringing this Bill back to the Chamber. I cannot hide my happiness to see this Bill coming back and to be supported, as I can see, because as we all know, this is one of the longest drafted Bills.

Of course, one could not be disappointed to see it as the longest drafted, because it is a clear indication that we as lawmakers want to make sure that whatever we pass through this House, with a specific direct impact on the children, is well scrutinised and we all agree, as we are all responsible for implementation.

I can see from this Bill that the work of the Parliamentary Committee which was dealing with this particular Bill is considered. The issues were discussed and now an understanding has been reached: namely the custody, the guardianship, the child born as a result of rape, and registration of a child. I am most happy to see that both parents now have equal rights to the custody and guardianship of the child and this should really make us all as parents become very responsible and to avoid a situation whereby one parent will be forced to go to the Courts in order to have sole custody or guardianship. So, this is really a challenge that is thrown to us as adults.

I see the issue of registration is not addressed. However, I am not disappointed because from all the discussions this issue is going to be addressed when we are going to review the Law on registration of births and deaths, because as it stands now in the books, it does definitely not guarantee equality between the children born outside marriage and those born in marriage. I cannot say which one benefits more but the fact that they, according to the law, are registered differently shows that there is definitely no equality there.

I hope by the time we are going to reach the stage of looking into that particular Law, that situation will be addressed, because according to the Law, as we know, a child born outside marriage is by Law not to be registered in the name of the father, while her or his counterpart is registered in that name. So, when we get to that Law, we have to digest and see which one we think is in the best interests of the child, and they should continue to be treated unequally when it comes to that particular issue. So, I just want us to be aware of that.

Having said that, Comrade Speaker, I support the Bill and once again I congratulate the Minister and I really hope that we all make this *our* Bill and ensure that we

10 November 2005

CHILDREN'S STATUS BILL
HON ANGULA

implement it. It is very inhuman for a child to suffer when she or he is innocent of the situation to be born outside marriage; in consequence that child does not have the right to the estate of the father, as if he is denied a father. At least, once this Bill becomes a Law, I will be happy that all these children will be treated equally and benefit equally from their parents.

I support the Bill.

HON SPEAKER: I now give the floor to the Right Honourable Prime Minister.

RT HON PRIME MINISTER: Thank you Comrade Speaker, I am just rising to make a small contribution on this very important Bill.

Children are the first 'core' of our communities. They are the future and they are our tomorrow. Therefore they deserve our undivided attention.

Coming as I do, from an extended family which is matrilineal, the concept of being born outside wedlock is an imposition, just as colonialism was an imposition. It never existed, at least in my Society. It is an imposition imposed on our societies.

In our societies children were treated equally, regardless how they came on earth. That is immaterial: they are just children. Also in my society there is no child without a father: never ever. Every child has a father. Even if you have doubts that you have a father, you just accept that the father exists. It is an obligation that a man had some kind of relationship with that lady who brought up this child. He is obliged to say "*I am the father*". In any case, there is no way you can prove who the father is. It is only your mother who knows your father.

HON SPEAKER: Sometimes mothers do not know it either.

RT HON PRIME MINISTER: Sometimes but not all times. So, the point I am making is that in my society there is no child without a father, and that proves the importance the community puts on a child: that a child should belong to both a mother and a father. That is an imperative of my society.

10 November 2005

**CHILDREN'S STATUS BILL
HON ANGULA**

This notion of illegitimacy of a child is definitely an alien notion; it has alienated our children, and I think this Law is correcting this mistake. Just as we fought to liquidate colonialism because it was alien, I think this Law will liberate our children from this destructive notion of being illegitimate. A human cannot be illegitimate - never. He is conceived in the spirit which is stated by the Bible: that is all. As to what kind of relationship you have - that is immaterial; he is just a human being.

So, I am happy therefore that the Minister brought this Law here, for us to correct this very serious historical mistake which we accepted from the selfish people who never wanted to take responsibility for their deeds. You see the Europeans when they came here with the crimes they committed and they refused responsibility. That is inhuman. I hope that when the Day of Judgement comes, these things will be taken into consideration. How can you reject a fellow human being, your own blood, because you feel that the Society is going to shame you? I hope when the Day of Judgement comes they will be shamed there and go to the right place to be punished for rejecting fellow human beings, because of their fear about what their own Society is going to say. It is a crime against humanity to call a child an illegitimate child when you know that child is your blood, is your marrow, is your genes. Therefore this law is a liberating Law, and I urge this House to adopt it as soon as possible so that this notion of illegitimacy should be eradicated from our vocabulary. Thank you.

HON SPEAKER: I thank the Right Honourable Prime Minister. Another point of view from the Gurirab clan? Honourable Gurirab?

HON GURIRAB: Honourable Speaker, in order not to dilute the Prime Minister's message, unless there are other contributions, I Move to adjourn the Debate to Tuesday, next week.

HON SPEAKER: This Motion stands adjourned until Tuesday, next week. Any objection? That brings the business of the House to a close until Tuesday, 15 November 2005, 14:30. The House stands adjourned.

THE HOUSE IS ADJOURNED AT 17:40 UNTIL 2005.11.15 AT 14:30

**NATIONAL ASSEMBLY
ASSEMBLY CHAMBER
WINDHOEK
15 NOVEMBER 2005**

The Assembly met pursuant to the Adjournment

HON DEPUTY SPEAKER: Took the Chair and read the Prayers and the Affirmation.

ANNOUNCEMENT BY THE DEPUTY SPEAKER

HON DEPUTY SPEAKER: Honourable Members, in terms of Rule 48(2) of the Constitution of the Republic of Namibia, the SWAPO Party has nominated Mr Hidipo Hamutenya to fill the vacancy which occurred in the Assembly as a result of the resignation of Mr Paulus Kapia. I now have the honour to call upon the Chief Justice to administer the Oath or Affirmation to Mr Hamutenya. Honourable Chief Justice.

HON CHIEF JUSTICE: I request Mr Hidipo Hamutenya to come forward.

HON DEPUTY SPEAKER: The Chief Whip should bring the Honourable Member.

HON CHIEF JUSTICE: Please repeat after me. *“I, Hidipo Hamutenya, do hereby swear that I will be faithful to the Republic of Namibia and its people, and I solemnly promise to uphold and defend the Constitution and laws of the Republic of Namibia to the best of my ability. Please raise your right arm and state, so help me God”.*

HON HAMUTENYA: So help me, God.

HON DEPUTY SPEAKER: Thank you very much. I now declare Mr Hidipo Hamutenya as a duly elected Member of this Assembly and therefore congratulate you and ask the Chief Whip to take you to your designated seat. I thank you very much. I think the journalists should now give us a chance, because we have a long

15 November 2005

NOTICES OF QUESTIONS

programme and we started very late. Honourable Chief Justice Shivute, this House is very grateful for your commitment and the service to this Nation that you have exercised so selflessly. I would have invited you to stay, but this House is very energised and it might not be very safe for the Chief Justice. I also know that you do have other commitments and thus I will ask the Sergeant-at-Arms to escort the Honourable Chief Justice. Thank you very much.

HON DEPUTY SPEAKER: Thank you very much. Any Petitions, Reports of Standing or Select Committees, other Reports and Papers? Notices of Questions? Yes, Honourable De Waal?

QUESTION 58

HON DE WAAL: Thank you, Honourable Deputy Speaker. I give Notice that on Thursday 24 November 2005, I shall ask the Honourable Minister of Local Government and Housing the following.

1. What amounts were paid out from the Build Together Housing Project by the Municipality of Henties Bay, for the period 1 May 2003 to 31 July 2005? To whom was each amount paid out? And on whose behalf was each amount paid out?
2. In May 2003 the so-called Jetty Fund, which was created by the Municipality of Henties Bay with the support of the Founding President, stood at more than N\$300 000-00. What was the amount of money in this fund on 31 October 2005?
3. On 29 July 2005, the balance on the loan account for staff members of the Municipality of Henties Bay, which is an illegal fund to put it that way, but that fund stood at N\$46 744-20. What amount was subtracted from the staff members for the months of August, September and October 2005? And what was the balance of the loan account for staff members on 7 November 2005?
4. On 27 July 2005, the Chief Executive Officer of the Henties Bay Municipality made the following statement:

“The Municipality spent about 54% of the monthly income on salaries. Due to operations of Erongo Red revenue has decreased.”

15 November 2005

NOTICES OF QUESTIONS

Given the above circumstances, is the Minister convinced that the salary increase of 28% that was granted to the Councillors of the Municipality of Henties Bay was in the best interest of the people of Henties Bay?

5. According to Article 58 of the Local Authorities Act 1992:

“The Local Authority which has established the Housing Scheme in terms of Section 31(1), shall establish a fund to be known as the Housing Fund into which shall be paid:

(a) any loan raised by the Local Authority Council for the purposes of any such housing scheme

(b) any amount received in respect of the letting of any dwelling under Section 57(1)(a) and

(c) any amount received in respect of the repayment of any loan granted under Section 57(1)(b).”

6. Has the Municipality of Henties Bay established the Housing Scheme in terms of Section 31(1). What was the balance of the Housing Fund on the 31st of October 2005? And was all monies received by the Municipality according to Article 58(1)(a) to (c) paid into the Housing Fund from the date of its creation?

I thank you, Honourable Deputy Speaker.

HON DEPUTY SPEAKER: Will the Honourable Member please Table the questions? Any further Notices of Questions? Notices of Motions? Yes Honourable Peya?

NOTICES OF MOTIONS

HON P MUSHELENGA: Honourable Deputy Speaker, I Move an unopposed Motion that pursuant to rule 26 (a) of the Standing Rules and Orders, the Second Reading, Committee stage and Third Reading of the General Laws Amendment Bill [B16-2005] be disposed of today.

15 November 2005

NOTICES OF MOTIONS

I so Move, Madame Deputy Speaker.

HON DEPUTY SPEAKER: Will the Honourable Member Table the Motion? Further Notices of Motions? Yes, Honourable De Waal?

HON DE WAAL: Honourable Deputy Speaker, I am very sorry but we did not hear what was said with that unopposed Motion. Can the Mover just explain to us what he is trying to achieve, so that we can know?

HON DEPUTY SPEAKER: Thank you. But if you go you will need to ask questions again? Just stages which they want to pass through. The first one on your Order Paper, he is asking for clarity. Thank you very much. Message from the Head of State? Ministerial Statements? I will come back to our Order Paper. The First Notice of Motion is the one of the Right Honourable Prime Minister. Does the Right Honourable Prime Minister Move that the Bill be now introduced?

RT HON PRIME MINISTER: I so Move, Honourable Deputy Speaker.

HON DEPUTY SPEAKER: Who seconds? Are there any objections? Agreed to. Will the Right Honourable Prime Minister please Table the Bill? The Secretary will now read the Bill a First Time.

CONFERMENT OF STATUS OF FOUNDING FATHER OF THE NAMIBIAN NATION BILL

HON DEPUTY SPEAKER: Thank you. Does the Right Honourable Prime Minister Move that the Bill be now read the Second Time?

RT HON PRIME MINISTER: I so Move.

HON DEPUTY SPEAKER: Who seconds? Any objections? None. Right

15 November 2005

**CONFERMENT OF STATUS OF FOUNDING FATHER
HON ANGULA**

Honourable Prime Minister has the floor.

RT HON PRIME MINISTER: Thank you, Honourable Deputy Speaker.

Honourable Members of the National Assembly, the Bill before us is titled: *Conferment of Status of the Founding Father of the Namibian Nation*. The Bill proposes to confer this status on the Founding President of the Republic of Namibia, Comrade Sam Nujoma.

Comrade Sam Nujoma, as you recall was sworn in as the First President for free and Independent Namibia in Windhoek on 21 March 1990 by the then Secretary General of the United Nations, Dr. Javier Perez de Cuellar.

This swearing in was a culmination of a journey, which started in the late 1950s when the winds of change started to blow in the African Continent stirring up nationalist fervour in colonial territories. In the then South West Africa, nationalism started with sending protest petitions to the United Nations. Chief Katjukurume Hosea Kutako, Captain Samuel Witbooi, Reverend Michael Scott, Reverend Theophilus Hamutumbangela and Comrade Andimba Toivo Ya Toivo were the early petitioners to the United Nations. Comrade Nujoma followed this strategy when he petitioned the

United Nations in February 1959, on the arrest and detention of Comrade Ya Toivo at Okaloko in Ondonga, by Chief Eino Johannes Kambonde ka Namene. With the formation of the Ovamboland People's Organisation (OPO) on 9 April 1959, and the election of Comrade Nujoma as the founding President of OPO, the stage was set for Comrade Nujoma to play an historic role in the struggle for the liberation of Namibia.

The first baptism of fire took place on 10 December 1959 when Major Lombard of the South African Police ordered the colonial Police to open fire on a crowd of people protesting the arrest of one of their number. Twelve people were killed, and more than 50 others were wounded. Comrade Nujoma faced the real possibility of being deported to Ovamboland and to be placed under the custody of chiefs, just as it happened with Comrade Ya Toivo.

On 29 February 1960, Comrade Nujoma left Namibia and headed into exile. That journey from home into exile and from exile to home took him 29 years to complete.

The conferment of the title of Founding Father of the Namibian Nation is in

15 November 2005

**CONFERMENT OF STATUS OF FOUNDING FATHER
HON ANGULA**

recognition of:

- (a) the historic contribution Comrade Nujoma made to the liberation of our people and the country;
- (b) recognition of his contribution to Nation building, especially through the policy of national reconciliation; and
- (c) his contribution to fostering the well being of all our people, through socio-economic development programmes. The waging of the Liberation Struggle required commitment, courage, perseverance, patience and above all leadership. The history of the Liberation Struggle led by the SWAPO Party, could be periodized in three phases:
 - (1) 1959 – 1965 could be characterised as a phase for Political Mobilization
 - (2) 1966 – 1974 could be characterised as the phase of the Armed Liberation Struggle.
 - (3) 1975 – 1989 the period in which Political Settlement was sought.

The period 1959 – 1964 saw the upsurge of political groundswell in Namibia, as far as the African nationalism was concerned. Nationalist political parties were formed. The focus was on political awareness building, mass mobilization and petitioning of the United Nations. The colonial authorities resorted to banishment, harassment, influence buying, beatings and floggings, denial of means of livelihoods, and general political repression of the African nationalists. This forced African nationalists to go underground; some went into exile and others were forced to give up.

Those who went into exile started to mobilise the International Community support to the political plight of the Namibian people. This diplomatic campaign paid off. The case of South West Africa was taken to the World Court of Justice. At the same time, SWAPO decided to establish a military wing.

The colonial authorities on their part unveiled a plan for the Balkanization of the Territory. This was the Odendaal Plan. The colonial regime launched a campaign for co-option of especially traditional leaders, to support the Bantustanisation of the Territory. In the same breath the colonial authorities created marionette political organizations as a counter to SWAPO. Schemes for the destabilization of SWAPO were also hatched.

15 November 2005

**CONFERMENT OF STATUS OF FOUNDING FATHER
HON ANGULA**

The period 1966-1974 witnessed the formation of the People's Liberation Army of Namibia (PLAN). PLAN fighters returned to Namibia to recruit and mobilise, for the armed Liberation Struggle. The Battle of Ongulumbashe on 26 August 1966, signalled the start of the Liberation Struggle. This battle fired the revolutionary imagination of the youth and the workers of this country. The colonial authorities responded with a ferocious military repression. SWAPO leaders were arrested and put on trial and imprisoned. Massive international propaganda campaigns were launched to portray SWAPO as a terrorist organisation.

The period 1975 – 1989 was the most trying one in terms of supreme sacrifices made by the freedom fighters. The internal leadership was periodically disrupted through imprisonment, detention, harassment, banishment and blackmail. Military sorties were conducted in a punitive fashion against PLAN Combatants and civilian refugee camps. A scorched earth policy was implemented. A total onslaught policy was adopted. Killer squads were organized to commit murder and mayhem.

It was also during this time that a political resolution of the conflict was sought. Brinkmanship became part of this political negotiation process. At the time SWAPO and South Africa agreed to the ceasefire, innocent lives were lost in the struggle for political supremacy.

When eventually the conflict was resolved through the ballot box, there was a lot of hatred, suspicion and mutual mistrust in Namibia. It was against this background that SWAPO adopted the policy of National reconciliation. This policy helped to cool down the tempers and paved the way to focus on the future.

The SWAPO Party under the leadership of Comrade Nujoma, proved to be a formidable political, military and diplomatic force. The leadership as well as the rank and the file, focused on the goals of the struggle. Other nationalist political parties disintegrated, because of lack of leadership. This means that leadership mattered. Comrade Nujoma provided such leadership through thick and thin, rain or sunshine, in good days and in bad days. Posterity owes him respect. Today's generations should celebrate his tested leadership. We, who worked under his leadership, attest to his uncompromising commitment and unwavering steadfastness to the cause of freedom and Independence.

We should to honour him. By honouring him we are honouring all those who sacrificed for freedom and Independence. The struggle was indeed long and bitter. But Comrade Nujoma led us through that struggle. The status of Founding Father of the Namibian Nation befits his achievements, given his humble background. Let us

15 November 2005

**CONFERMENT OF STATUS OF FOUNDING FATHER
HON LUCAS**

draw inspiration from him and launch a sustained struggle against underdevelopment, in order to eradicate poverty and unemployment. A society which does not honour its heroes is doomed to stagnation and decay.

Ladies and Gentlemen, it is therefore my singular honour and privilege to urge this August House to confer on Comrade Sam Nujoma the Status of Founding Father of the Namibian Nation.

I thank you.

HON DEPUTY SPEAKER: Thank you very much, Right Honourable Prime Minister. I now invite discussions. Any further discussions? Yes, Honourable Ulena.

HON ULENGA: Deputy Speaker, I would like to adjourn the debate on this Bill to Thursday 17 November 2005. I so Move, Madam.

HON DEPUTY SPEAKER: Thank you very much. Any further discussion may be there is somebody who wants to contribute? I recognise Honourable Lempy Lucas.

HON DEPUTY MINISTER OF FOREIGN AFFAIRS: Honourable Deputy Speaker, Honourable Members. I rise this afternoon to make my humble contribution to the Bill that determines the official title of Doctor Sam Nujoma as Founding Father of the Nation.

Honourable Deputy Speaker, I would like at the outset, to confer congratulatory remarks on the Right Honourable Nahas Angula, Prime Minister of the Republic of Namibia, his Deputy and the entire staff of that office for the hard work and meticulous care that went into preparation of this very important Bill.

Honourable Deputy Speaker, I would like to remind this august House in particular and the Namibia public in general that on 21 March 2005, Namibia marked its historic fifteenth years of Independence, when Namibians from all sectors of our society gathered at the Independence Soccer Stadium in Windhoek to witness the peaceful transfer of power from the Founding

15 November 2005

**CONFERMENT OF STATUS OF FOUNDING FATHER
HON LUCAS**

President, His Excellency Doctor Sam Nujoma, to his successor, the second President of the Republic of Namibia, His Excellency Hifikepunye Pohamba.

At this juncture, Comrade Deputy Speaker, allow me to make use of this opportunity to pay special tribute to our Founding President, Doctor Sam Nujoma, under whose charismatic leadership the Namibian people have become justifiably proud of what he has achieved so far.

Honourable Deputy Speaker, the life of Doctor Sam Nujoma has been characterized by multiple challenges, but as he is a man with a determined will and vision, he has turned those challenges into concrete achievements, not for personal gains as some ill advised Namibians term it, but for the benefit of all mankind.

The introduction of the Bill under discussion has reached the floor of this Honourable House at an appropriate time, and it deserves unconditional support from all Members of this Honourable House.

This is a man whose outstanding contribution to the liberation of Africa as a continent and Namibia as a country is widely recognised. He is a man who changed challenges into opportunities. This is the man who taught us that the opposite of exploitation of man by man, is freedom and independence. He is a man who taught us that equality between black and white and between rich and poor is achievable. The status of this man in our society is incomparable.

Honourable Deputy Speaker, it is worth mentioning that the policy of National Reconciliation, which the SWAPO Government under the leadership of Doctor Sam Nujoma introduced at Independence has become a cornerstone of the peace and tranquillity that prevail in the country to date. As a result of this policy, we have been able to form a united Nation that lives together in peace and harmony.

Honourable Deputy Speaker, throughout the radio chat-show and the electronic media, the Founding President is being insulted under the pretext of freedom of speech. This is unacceptable.

Honourable Deputy Speaker, as an African woman, born and bred in Africa and in the manner in which I was brought up, I was always taught to respect and adhere to the fourth Commandment in the Catechism, which says “*Simaneka Sho na Nyoko opo ukale u na elago nomwenyo omule kombanda yevi*” which simply translates that each one should respect his or her father and mother, in order to be blessed and live longer.

15 November 2005

**CONFERMENT OF STATUS OF FOUNDING FATHER
HON RIRUAKO**

Comrade Deputy Speaker, in essence the father and mother referred to in this reading does not necessarily mean your biological parents, it simply means any person who is older than yourself must be accorded that respect.

Comrade Deputy Speaker, the lowering of the then South African Colonial regime's flag on 21 March 1990 and the hoisting of the Namibian flag the same day, marked the end of apartheid in Namibia and the birth of the New Republic of Namibia and His Excellency Dr President Sam Nujoma was sworn in as the First President of the New Republic.

As I wish the Founding Father a well deserved rest, I wish to emphasize that he left pleasant memories, convinced that we would continue to build on the sound foundation he laid down, when the Namibian Government was created 15 years ago. And I assure him that the impetus and unity that will enable us to overcome the challenges which still remain is there, and we will grow even more vibrant and strong in the decades ahead.

Finally, I call upon Honourable Members to pass this Bill as soon as possible.

I thank you.

HON DEPUTY SPEAKER: Thank you very much. Before I revert the floor back to Honourable Ulenga, any further discussions? Yes, Honourable Chief Riruako.

HON RIRUAKO: The recognition we are looking for and the recognition of the founding first leader of this country go together. With recognition of equality of black and black, not just white and black it went further as black and black and that equality we share in this House. This is a sign of a Nation and has the acknowledgement of other nations. You cannot fool the public that he stands for equality, while you ignore the inequality in this Nation and make a habit of disunity that is published in this Nation by certain elements. I may say this openly. And therefore to introduce a Founding Father will impugn the purity of democracy. And it will be known by the public and even beyond our borders, because we cannot fool the whole Nation that we stand for equality, that we stand for what is good for the Nation, but we do not stand for what is meant by that.

This goes together with the Bill for the recognition of the Founding Father. Where

15 November 2005

**CONFERMENT OF STATUS OF FOUNDING FATHER
HON RIRUAKO**

are the Founding Parliamentarians who are dismayed by certain Colleagues of ours in this House? And for that matter, this must be abolished together with the recognition of the Founding Father. It cannot allow certain inequalities that are systematically put in our Constitution without qualifications *per se*. What is left behind, must be left behind because we have the new millennium of equality and of unity, but not of dismantling the whole Nation, because certain elements seem to want it that way.

I am saying this without hesitation and the whole Nation must be compelled to merge. Honourable Madame, I do not have any problem to endorse the Founding Father, but the element of what happened to the parties must be abolished from today. I am not aiming at certain people, but I am aiming at those who performed this kind of character assassination in the Nation as a whole. You have a Nation to nourish and unify, but not with deceit and jeopardy, we are here to endorse what we think is right for the whole Nation. We are here to disqualify what is not right for the whole Nation. And we are not hesitating to say this openly. Therefore this Parliament must know what is good for the people of Namibia, namely solid unity, solid identification, but not disunity behind the scenes.

It is quite open; even the public, and in the newspapers - everyone knows what I am talking about. In order to challenge those irregularities in this Nation, this must be said before you get in touch with the Founding Father. He cannot be Founding Father when this morning I was reading that once you become the first person for this Nation you behave like a multinational Government. But his beliefs and his objective have not yet been achieved, and they must be achieved now - that is the endorsement we are looking for, and I also believe these kinds of irregularities must be excused in this House. I am not saying you must be expelled, excuse this House to take these kinds of principles.

The remedy is for this Nation to become one. This unity does not even qualify here. But I am saying this with pain and sorrow for those who believe in this kind of hidden habit.

Honourable Deputy Speaker, because we do not stand for the principles in this House, if you stand for the principles of the Father of Nations as a Nation as a whole, you must be compelled to accept what I am saying. Therefore, we do have an objective namely an amendment to be added to the endorsement of the Founding Father, you heard what I said. This must be compulsory. We cannot say we have a Founding Father who is dismantling the Nation as a whole, without thorough qualification.

15 November 2005

**CONFERMENT OF STATUS OF FOUNDING FATHER
HON RIRUAKO**

Please, I am saying please, those who have this ill performance in their mind must erase that inner habit. Deputy Speaker, I am saying this for the purpose of those who think they are right because they are not right in their thinking. I am saying this without objection, if you are going to come with an objection we are going to come and really argue this matter. And the Nation must look at this matter with open eyes and without hesitating about what I am saying.

I thank you, Honourable Deputy Speaker.

HON DEPUTY SPEAKER: Thank you, Honourable Chief, I now revert the floor to Honourable Ulena to adjourn the debate.

HON ULENGA: Honourable Deputy Speaker, may I propose the adjournment of this debate to Thursday 17 November 2005?

HON DEPUTY SPEAKER: Thank you. Who seconds the adjournment of the debate? Thank you very much, the debate is adjourned to Thursday 17 November 2005. The second Notice of a Motion is the one by the Honourable Minister of Labour and Social Welfare on behalf of the Minister of Justice and Attorney-General. Does the Honourable Minister Move that the Bill be now introduced?

HON MINISTER OF LABOUR AND SOCIAL WELFARE: I do so on behalf of my colleague and now that I noticed that the Deputy Minister is in the Chamber, I would want him to earn his living for today, so he will be the one to introduce it.

HON DEPUTY SPEAKER: Thank you very much, does the Honourable Deputy Minister wish to Introduce the Bill?

HON DEPUTY MINISTER OF JUSTICE: I so Move, Deputy Speaker

15 November 2005

ESTATES AND SUCCESSION AMENDMENT BILL
HON NUJOMA

HON DEPUTY SPEAKER: Who seconds? Any objection? Agreed to. Will the Honourable Deputy Minister please Table the Bill. The Secretary will now read the Bill for the first time.

ESTATES AND SUCCESSION AMENDMENT BILL

HON DEPUTY SPEAKER: Does the Honourable Deputy Minister Move that the Bill be now read a second time?

HON DEPUTY MINISTER OF JUSTICE: I so Move, Hon Deputy Speaker

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

HON DEPUTY MINISTER OF JUSTICE: Honourable Deputy Speaker, Honourable Members, I have the honour to Table before this Honourable House, the Estate and Succession Amendment Bill, for the Honourable Members' support. The amendment seek to repeal certain provisions of the Native Administration Proclamation, No. 15 of 1928 and the whole of the Administration of Estates (Rehoboth Gebiet) Proclamation No. 36 of 1941. The primary effect of the Amendment Bill is to put a stop to the unfair and discriminatory manner in which different systems govern the administration of estates of certain deceased persons, based on race or ethnic origin.

It must be pointed out from the outset, that the Amendment Bill has been prepared pursuant to a decision of the High Court of Namibia, in the case of *Magrieta Berendt and another versus Claudius Stuurman and others*, Case No. (P)A 105/2003 (unreported). In that case the High Court held that section 18(1), section 18(2) and 18(9) of the Native Administration Proclamation of 1928 and the regulations made under section 18(9) are in conflict with the Namibian Constitution, because they are discriminatory. Consequently, the High Court ordered the Government to remedy the defect by 31 December 2005 in terms of Article 25(1) of the Namibian Constitution. Thus, this proposed law seeks to satisfy the High Court order.

15 November 2005

ESTATES AND SUCCESSION AMENDMENT BILL
HON NUJOMA

Therefore, Clause 1 of the Bill deals specifically with the repeal of the offending sections of Proclamation 15 of 1928. By a parity of reasoning, the effect of Proclamation 36 of 1941 is also discriminatory, as it is based on one or more of the prohibited grounds of discrimination under the Namibian Constitution. Therefore Clause 2 of the Bill ensures that this discriminatory piece of legislation does not continue to remain on our statute books.

Another chief object of the Bill is to provide that the Administration of Estates Act 1965 (Act No. 66 of 1965) is applicable to the administration of the liquidation and distribution of all deceased estates. This is also in keeping with the order of the High Court and is the subject of Clause 3 of the Bill. The upshot of this provision is that all estates and intestate estates will be governed by the Administration of Estates Act, which is administered by the Master of the High Court, whose Directorate is in the Ministry of Justice. Clause 3 also provides for transitional provisions aimed at making a smooth transition to the law and practice under this Bill, when it becomes law.

The Directorate of the Master of the High Court is situated in Windhoek; it has no offices outside Windhoek. And in Windhoek there are not enough staff members to serve the whole Nation adequately. Consequently, Clause 4 of the Bill empowers the Minister of Justice to use his or her discretion to assign some of the functions of the Master to magistrates. This will greatly assist the Master in performing her tasks effectively, under the Administration of the Estates Act 1965, which will definitely increase by leaps and bounds with the coming into force of the Amendment Bill. As Honourable Members may be aware, magistrates in Namibia have followed the practice that existed in South Africa, to issue letters of administration in the estates of the so-called "*black persons*" or "*natives*" dying intestate. But, as the Court found in the *Berendt's* case, magistrates in Namibia do not have the statutory power to do so. The reason is that the Administrator of the then South West Africa (Namibia), did not provide in Namibia a regulation similar to South Africa's Regulations for the Administration and Distribution of the Estate of Deceased so-called Bantu (Government Notice R 34 of January 1966). Clause 4 seeks to correct this serious omission.

More importantly, Clause 4 ensures that magistrates will not be left to their own devices, so to speak, when supervising the administration of deceased estates under the Bill. Magistrates will be expected to act strictly within the Administration of Estates Act, and be subject to any conditions and restrictions that may be prescribed by the Minister of Justice. In addition, they will also act in accordance with any guidelines that the Master of the High Court may lay down. Above all, even where

15 November 2005

**ESTATES AND SUCCESSION AMENDMENT BILL
HON RIRUAKO**

the Minister assigns some functions of the Master to Magistrates, the Master will not by that fact alone, be giving away her power or be divested of any duty under the Administration of Estates Act. In short, the Master will continue to be the final repository of power under the Administration of Estates Act. Thus, in practice, the Master will reserve the right to ask at any time a Magistrate to transfer to the Master's supervision and control the administration of an estate that the Magistrate is supervising. All these mechanisms have been provided for in the Bill, to ensure that nothing untoward happens when Magistrates supervise the administration of deceased estates under the proposed law.

In this connection, it is important to emphasise this crucial point, that unlike the case at present, when the Bill becomes law Magistrates will not be supervising the administration of estates of deceased so-called "*blacks*" or "*natives*" only. They will be assisting the Master in supervising the administration of all estates of all deceased persons, irrespective of their colour, race or ethnic origin.

Madam Deputy Speaker, I humbly but earnestly entreat Honourable Members to support the passing of the Estates and Succession Amendment Bill 2005, so as to satisfy the High Court Order.

I thank you.

DEPUTY SPEAKER: Any further discussion? Chief Riruako.

HON RIRUAKO: Madam Deputy Speaker, we have not repealed all these laws after fifteen years. We have struggling with how to repeal them and when to repeal them. This thing is outdated. All the laws that are discriminatory ought to have been repealed a long time ago. There are a lot of them, in the Banking system, in the whole legal system of this country. We are compelled to repeal the discriminatory laws that are in existence today, not just the estates or other things you mentioned here. It is not enough, we have to revisit all the laws that emanated from the past colonial regime. We have to revisit them, we cannot tolerate these nonsense.

Therefore, these laws must be repealed, because it influences our own laws, our own system, our own operations, because these laws are still in existence. You cannot bypass them, you are compelled to adhere to the existing laws here that we have on our law books. These things must be revisited.

15 November 2005

ESTATES AND SUCCESSION AMENDMENT BILL
HON GURIRAB

We cannot understand why after fifteen years this sort of thing is still in existence. Those who are lawmakers of Justice, you have to be compelled to revisit those laws and if they want to condemn them, there must be a reason for that. We are compelled to question why you retain this, for what purpose do you still retain it, what are you using this law for?

If you want to defend yourself, come up with something tangible. You are compelled to revisit all these sorts of discriminatory laws of South Africa to be repealed and if they are in existence, and you want to punish me or punish any other individual through these laws, you are compelled to be sued by that particular person, because you are really doing wrong. There is no difference between the two systems. We are in cahoots, we are compelled to use those laws on our law books and those books must be rewritten in order to have healthy and fair laws without discrimination. We are not really in a very good path as we are standing here now. After fifteen years this sort of thing should not exist. Who retained them? What was the purpose of retaining them? You must tell us. Why are they not put here on the table for us to scrutinise them?

The answer is that those who are members of the Judiciary could never put this here on this table. That is why and you are being queried. We are compelled to ask the questions, and if you do not want to answer the questions, you do not belong here, my dear friend. I am sorry to say that. If you belong here, you must toe the line. I thank you, Madam Deputy Speaker.

DEPUTY SPEAKER: Thank you very much. I now recognise Honourable Tsudao Gurirab.

HON GURIRAB: Honourable Speaker, the copies of the Bill under discussion have only just been distributed, but I rise to speak to the principle of the Bill. The details I am happy to discuss during the Committee Stage.

I am rising to say that we do support the principle of the Bill, because it goes to the very core of our Constitution. Our Constitutional order is that all are equal before the law, and that the law accords to all exactly the same treatment and the Bill that is in front of this House is one which does not do that.

The Amendment Bill brought before this House attempts to rectify that. But just as Honourable Riruako said before me, there are a number of such laws still on our

15 November 2005

**ESTATES AND SUCCESSION AMENDMENT BILL
HON GURIRAB**

statute books, and indeed, it must be a priority for the Government to look into these laws to ensure that all legislation on our statute books accords the same treatment to all Namibians.

In the case of the Amendment Bill being tabled in front of this House, it took a Court order to force the Government to do this. In any case, the time period that was allocated to Government to do this has also already lapsed and Government had to ask for an extension to bring this Bill before this Honourable House.

So, it should be a priority for Government in its legislative programme to identify all those laws of this nature, which do not accord citizens the same rights and therefore, derogates from the constitutional order of our country. Government has to bring them here that they can be amended.

Talking of amendment, Honourable Deputy Speaker, the Bill that is being amended here, is a separate piece of legislation, Honourable Speaker. One goes back to 1928, the other one goes ...

HON DEPUTY SPEAKER: On that note, the Honourable Member will continue once we come back from refreshments. The House will now rise for refreshments.

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

HON GURIRAB: Honourable Deputy Speaker, I was concluding by saying that the Amendment Bill proposes to amend three pieces of legislation. One goes back to 1928, another one to 1941 and the third and last one to 1965. The point that I was going to make was whether in instances like this, we should not look at one consolidating legislation and two to modernisation of the legislation. In other words, coming up with one simple piece of legislation for the intended purpose, because what this amendment does is that anyone who wants to know about the subject of Estates and Succession, will have to consult four different pieces of legislation, like the Amendment Act, the 1928 Act. We should make it one simple piece of legislation and I think we should encourage the Ministers to go for modernisation of legislation and simplifying the laws.

15 November 2005

GENERAL LAW AMENDMENT BILL

With those few observations, Honourable Deputy Speaker, we support the object of the Amendment Bill. I thank you.

HON DEPUTY SPEAKER: Thank you very much, I invite further discussions. Honourable Viljoen.

HON VILJOEN: Honourable Deputy Speaker, I suggest that this debate be adjourned until tomorrow, because for an ex-teacher it is too complicated to understand without reading it properly.

HON DEPUTY SPEAKER: Thank you very much, the debate is adjourned to Wednesday, 16 November 2005. Who seconds the adjournment of the debate? The Secretary will read the First Order of the Day.

**RESUMPTION OF DEBATE ON SECOND READING – GENERAL LAW
AMENDMENT BILL [B16-2005]**

HON DEPUTY SPEAKER: When this debate was adjourned on Thursday, 10th November 2005, the question before the Assembly was a Motion by the Honourable Deputy Minister of Safety and Security that the Bill be now read a Second Time. Since there was no further discussion after the First Reading Stage of the Bill, the debate adjourned to today, subject to rule 26(a) of the Standing Rules and Orders that states that: *“Except if there is unanimous concurrence of the Assembly, not more than one stage of a Bill shall be taken on the same sitting day.”* I now put the question: Any discussions for the Second Reading? Does the Honourable Deputy Minister of Safety and Security wish to reply?

HON DEPUTY MINISTER OF SAFETY AND SECURITY: Thank you, Comrade Deputy Speaker, I just want to thank all members for their good understanding not to debate this Bill. Thank you very much.

HON DEPUTY SPEAKER: I now put the question: That the Bill be now read a Second Time. Any objection? Agreed to. The Secretary will now read the Bill a Second Time.

15 November 2005

GENERAL LAW AMENDMENT BILL

GENERAL LAW AMENDMENT BILL

HON DEPUTY SPEAKER: Does the Honourable Deputy Minister of Safety and Security Move that the Assembly now goes into Committee Stage?

HON DEPUTY MINISTER OF SAFETY AND SECURITY: I Move, Comrade Deputy Speaker.

HON DEPUTY SPEAKER: It is moved that I leave the Chair. Any objection? Agreed to. I now call upon the Deputy Chairperson of the Whole House Committee. Yes, Honourable Ulenga?

HON ULENGA: Honourable Deputy Speaker, according to what you just read to the House a few minutes ago, my understanding is that there has not been sufficient consultation on going through all the stages of this Bill. Yes, that is what I am told. At least this corner of the House was left out. Thank you.

HON DEPUTY SPEAKER: Thank you very much, Honourable Ulenga. Last week Thursday, the Speaker made his Ruling on the Bills which were tabled, so we should proceed, because he said the amendments were not part of the Ruling. Consultations should not be taken up with me, I think the Whips were supposed to meet and consult one another. That is why Honourable De Waal called on the paper to see it today. Next time the Whips should do that. Thank you. I now call upon the Deputy Chairperson of the Whole House Committee, Honourable Peya Mushelenga, to take the Chair.

COMMITTEE STAGE: GENERAL LAW AMENDMENT BILL

CHAIRPERSON OF COMMITTEES: Takes the Chair.

15 November 2005

**COMMITTEE STAGE GENERAL LAW AMENDMENT
BILL**

ASSEMBLY IN COMMITTEE

CHAIRPERSON OF COMMITTEES: The Committee has to consider the *General Law Amendment Bill*.

Clauses and the Title put and agreed to.

I will report the Bill without amendment.

ASSEMBLY RESUMES

HON DEPUTY CHAIRPERSON OF COMMITTEES: Honourable Deputy Speaker, the Committee has gone through B.16-2005 as set forth in the accompanying copy and agreed to it without amendments.

HON DEPUTY SPEAKER: Is there any Member who would like to say something before I give the floor to the Deputy Minister? Does the Honourable Deputy Minister of Safety and Security move that the Bill be now read a Third Time?

HON DEPUTY MINISTER OF SAFETY AND SECURITY: I so Move, Comrade Deputy Speaker.

HON DEPUTY SPEAKER: Any objection? Who seconds? Agreed to. Does the Honourable Deputy Minister wish to say something before I put the Question?

HON DEPUTY MINISTER OF SAFETY AND SECURITY: Thank you, Comrade Deputy Speaker, again just to thank the Honourable Members for their good understanding and support. Thank you as always.

HON DEPUTY SPEAKER: I now put the Question, that the Bill be now read a Third Time. Any objection? Who seconds? The Secretary will now read the Bill a Third Time.

15 November 2005

**CHILDREN'S STATUS BILL
HON GURIRAB**

GENERAL LAW AMENDMENT BILL.

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

**RESUMPTION OF DEBATE ON SECOND READING – CHILDREN'S
STATUS BILL [B.13-2005].**

HON DEPUTY SPEAKER: When this debate was adjourned on Thursday, 10^t November 2005, the question before the Assembly was a Motion by the Honourable Minister of Gender Equality and Child Welfare that the Bill be now read a Second Time. The Honourable Gurirab adjourned the debate and he now has the floor.

HON GURIRAB: Honourable Deputy Speaker, I rise to support the principle of the Bill. We have had an opportunity to look through the Bill. This is, Honourable Deputy Speaker, as you are aware, not the first time that the Bill has been tabled here again. This Bill served here in front of this House, and was referred to the relevant committee to look at some of the aspects, where there were differences and difficulties.

We are happy to note, Honourable Speaker that those areas have now been addressed and that in principle the Bill, as it stands, will serve the best interest of the Nation's children.

We believe that the Children's Status Bill, together with other Acts, such as the Maintenance Act, the Children's Act of 1990 and Bills governing maintenance, custody and guardianship will strengthen the regime which is put in place to protect our children.

We are happy occasion to lend our support to this very important Bill. There are however, Honourable Deputy Speaker, some aspects dealing with definitions and other minor points which we shall take up during the Committee Stage of the debate.

With those few observations, Honourable Deputy Speaker, we support the Bill. Thank you.

15 November 2005

**CHILDREN'S STATUS BILL
HON KATALI**

HON DEPUTY SPEAKER: Any further discussions? Honourable Katali.

HON DEPUTY MINISTER OF LANDS AND RESETTLEMENT: Thank you, Comrade Deputy Speaker. I also rise to support the Bill before the House. I remember that there were some thorny issues that were debated and no agreement could be reached, but I am happy to see that most if not all of these issues, have been ironed out and I think the proposals that are made are to the benefit of the children and are really good and commendable.

But Honourable Deputy Speaker, I would like to talk and extend the issue of this Bill, and that is with the understanding that the children who will become orphans are the ones who will receive some of the materials, like blankets that are being distributed to orphans. The issue about these blankets is the one that I would like to bring up.

I think these children need these blankets, because there is nobody who provides for them, and therefore Government has decided to distribute these blankets. When you look at the quality of these blankets, I think something needs to be done, because if you, for example, have seen an orphan going into the bedroom, if that blanket is red, the next day the hair of that orphan's head is also red, meaning that the quality of the blankets is poor, whenever they get in touch with the hair, the dye from the blanket is deposited onto the hair. If it is yellow, then a yellow head will come out of the bedroom.

There must be some people who are either contracted or tendering in order to distribute these blankets. For the sake of our children, there is a need to look at the quality of these blankets, so that they really serve the purpose they are intended for, meaning that the quality should be improved, so that the blanket can be of good use to the orphan for a long time. Otherwise this is just giving lip-service to the orphans by giving them blankets that will not last, because every morning when that the child goes out, he takes bits of the blanket with him or her, making the blankets actually unusable.

Otherwise, Comrade Deputy Speaker and Honourable Members, I support the Bill. Thank you.

HON DEPUTY SPEAKER Thank you very much. I now recognise Honourable Petrus Iilonga, Deputy Minister.

15 November 2005

**CHILDREN'S STATUS BILL
HON IILONGA**

HON DEPUTY MINISTER OF LABOUR AND SOCIAL WELFARE: Thank you, Comrade Deputy Speaker, I rise to contribute to the Bill, which was a very hot potato. There was some talk that we are the ones who prevented this Bill to pass, but we were saying this Bill is in our interest, because we are some of those people who have children whom we want to be recognised as our children, because my children's children are biologically related, through DNA, not only on paper. So, this is one of the reasons for me to stand up and support this Bill.

It is true that there were some sections which caused some heated debates, but I have seen that when it comes to custody, guardianship, access as well as inheritance, you will find that the Committee's report will come and it is supposed to show where they made changes, because in some sections there are no changes whatsoever.

This Bill mainly focuses on urban areas. I am saying that because it is said that both parents have equal rights to custody of a child born outside marriage. But there is a big "but" on the application made to the Children's Court. If you look at the situation of Namibia and take my village Amarika, how will these people have the knowledge to apply for him, because it is the "him" who is suffering, to have custodianship? It is really a problem I encountered.

The same goes for custodianship and access. But the question which I still have, is under section 14(5) of the Bill, which I want to put on record, that currently we say people with HIV/AIDS are not willing to come forward publicly, because of the stigma, but here we have made a law to tell somebody who was not even there when that rape took place, that you were not born, your children were born, this is the situation. What ideas are we planting in this minor? It is a problem. This is my concern and if it is found that a person raped a woman and through that conception took place, he will be arrested. If he is arrested he will be punished, receiving a jail sentence of 15, or 20 years. Again you will never have the right to get anything from your child. Is this not what the legal people term as the "*double jeopardy rule*?" In simple language, you are punishing somebody twice, just like the Comrade who left this House, double punishment.

HON ULENGA: Honourable Deputy Speaker, the Member just said something that was completely incomprehensible, and I propose that either he explains what he means or withdraws the remark. (Intervention)

HON DEPUTY SPEAKER: On what point are you rising?

15 November 2005

**CHILDREN'S STATUS BILL
HON IILONGA**

HON ULENGA: On a Point of Order, Honourable Deputy Speaker. The Member just made a reference which was completely out of order, the reference to the Member who has just left this House. Either explain what you mean or withdraw that remark, because it is totally out of place. I thank you.

HON DEPUTY MINISTER OF LABOUR AND SOCIAL SERVICES: Comrade, I am dealing with the Children's Status Bill. I did not mention anybody, I only said that if we punish this person not to have the right to inherit his or her children because of that, is this not what is said in the law, *double jeopardy rule*? That is all, period. I never mentioned anybody's name.

Therefore, this was my contribution and I end there. Thank you very much, I support the Bill.

HON DEPUTY SPEAKER: Any further discussion? Honourable Ncube.

HON MANOBE-NCUBE: Honourable Deputy Speaker, Honourable Members, after I thoroughly studied the Bill tabled by the Honourable Minister of Gender Equality and Child Welfare, and also having listened to her motivation on the Bill, I profoundly support the proposed Bill and commend the Honourable Minister for the tabling of this long overdue Bill, in favour of the best interest of the child. However, I have some reservations, especially with Part 4 of the Bill, which deals with children born outside marriage and I will elaborate on that later.

Honourable Deputy Speaker, Honourable Members, I think that the proposed Bill does in fact cater for the purpose it is meant for and provides for the equal treatment of children, whether they are born in or out of wedlock. As we are all aware, the situation of children born outside marriage is a big bone of contention for one of the parents who ends up caring of child all alone when the relationship outside marriage ends. In this regard, the woman is the one who is mostly on the receiving end. Of particular importance are the provisions in section 4(14), (15) and (17), which respectively deal with inheritance, duty to maintain the child and the effect of subsequent marriage of the parents.

Honourable Deputy Speaker, I may perhaps touch on the issues which have already been ironed out, but allow me to do that, because I was not in this House when the

15 November 2005

**CHILDREN'S STATUS BILL
HON MANOBE-NCUBE**

Bill was tabled.

These provisions secure that a child, no matter the marital status of the parents when they are born, will have equal inheritance rights. This eliminates the current state of affairs where, for example, two persons have a relationship outside marriage for a long time with children born and when the mother passed away, the father's family will come and take everything, sometimes even the children without legal authorisation. The duty to maintain the child, regardless of marital status of the parents, obliges both parents to take good care of the child, even if their relationship is broken and one of them marries someone else and has other children.

The provision that any child born of parents who marry each other at any time after the child's birth, must be treated as a child born inside marriage in all respects as from the date of birth, to secure equal status to all the children of the same parents. However, it is currently still the practice that children born prior to marriage are registered in the surname of the mother only, and I do believe that this will be changed in order to be in line with the provision of the Bill.

Honourable Deputy Speaker, Honourable Members, it is quite clear that this Bill caters for the status, equal rights and equal treatment of all children. However, I have to mention that all children are not necessarily going through the same ordeal. I would therefore, like to focus the attention of this August House specifically on children with disabilities.

I would not like to call it "*the worst case scenario*", but what children with disabilities, women who giving birth to children with disabilities and women with disabilities themselves are currently going through as a result of our moral decay is terrible. Traditional and customary practices are a major cause of concern. Children with disabilities in most instances are seen as bad luck in the family, a curse from God or the ancestors, or even witchcraft and bewitching. Subsequently, in some customary practices they are abandoned to be taken to institutions or perhaps given to grandparents. And if there are some parents who show clemency and keep the children, most of them are hidden inside houses for their entire lives, or tied to trees like an animal.

Honourable Deputy Speaker, Honourable Members, this is a gross violation of their rights and dignity as human beings. Therefore, it is our duty as elected representatives of the people to remedy such inhumane practices, wherever they may occur in our social and cultural set-up. Sometimes, and I do not mean to offend my male counterparts, because I know that all the men sitting here are responsible and

15 November 2005

**CHILDREN'S STATUS BILL
HON MANOBE-NCUBE**

that is why they are sitting in these portfolios, so I really do not mean to offend them. Sometimes a man will have a “*clandestine*” or “*just pretending*” love relationship with a woman with a disability and when she falls pregnant, just disappear into thin air.

Sometimes either man or woman disappears when finding out that the child has a disability, because especially men will say “*no, that thing cannot be my child because in our family we do not have things like that, so how can you say that child is mine*” and then he disappears. This is blatantly immoral, and we need to fight these evil deeds or practices. A child is a child, regardless of his status.

In conclusion Honourable Deputy Speaker, Honourable Members, I have some reservations with the provisions for custody and guardianship as provided for in Part 4 subsections (11) and (12). I find nothing wrong with equal custody and guardianship rights for both the parents, but some men, not all, may abuse this provision and claim or apply for custody of the child while he disappeared eighteen years ago, and left the woman alone to suffer for the upbringing of the child. And now that the mother has died, leaving behind no will, because sometimes in our cultures we do not do these kinds of things of leaving wills and so on, then this man will come and apply for guardianship, and after the child has passed maybe Grade 10 and he is a student at UNAM, he will return out of the blue and be the super dad. I think that is wrong, Honourable Deputy Speaker, Honourable Members. I do not know why a father like that should be given custody rights over a child that he has treated like that. I thank you very much.

HON DEPUTY SPEAKER: I now recognise Honourable Tweya, Deputy Minister of Finance.

HON DEPUTY MINISTER OF FINANCE: Honourable Deputy Speaker, my contribution is more clarifications that I would want to get from the Bill.

The preamble is very clear, it is to address the discrimination of children born out of wedlock, but if I look under custody, Part 4, clause 11(1), it starts very well to address that discrimination, that both parents have equal rights to custody of a child born outside marriage. I have a problem with the next sentence: “*...but on application made to it.*” As my Comrade Ilonga indicated, are we only concerned about the children in town who have access to Courts? And if we are concerned about all children, I am aware that the majority of children are those in the rural areas.

15 November 2005

**CHILDREN'S STATUS BILL
HON TWEYA**

Is there perhaps in the Bill, either a conciliation or a compromise with the customary laws which I might have missed? I do not see any room for customary laws here. We only give prominence and recognition to the Western Courts. What about the rural areas and the place for the customary laws? That is one, because I would want to see equal treatment, be it in town or in rural, these modern Courts as well as the customary laws with its traditional Courts. I just need clarity on that one.

The second one is also under custody, 11(5). It says: "*In the course of an application for custody, the Children's Court may institute any investigation that it deems necessary, and order any person to appear before it.*" Now my problem follows: "*.... and may order one or more of the parents to pay the cost of such investigation or appearance.*" My understanding, Honourable Deputy Speaker, if the Court wants to determine that, is there no other way to bear the cost? Why must the parents then be held liable if they have presented their case? So, I believe that we need to look at the Courts to take care of those costs, because it is the Court that wants the correct information or some other information. I just need to be assisted there, whether I got it right. But I do not see the fairness when the Court creates a liability for the parents.

The third one is under Access, which is clause 13(4)(a) to (d). This says that the Court may restrict or deny access to a non-custodian parent of the child born outside marriage. I am finding it difficult to reconcile the purpose of the Bill, and yet you again put in that the same Court may deny access to another parent. Certainly the interest and the right of the child are again being violated by the same law. Is there any rationale for this? As I said, I just want some clarity on that.

As much as I may agree with my previous Colleague, this could also be abused by the Court, or maybe by the other parent, by using the Court and that, obviously, would infringe on the interest and the right of the child. If we could at least have some kind of clarity on that. And if that happens, if the other parent is denied access to the child against the will of the child, will that parent still be liable for any maintenance? And what about the child?

The last one is 13(7). I think this is more or less the same as 11(5). This refers to the access again, and that is the investigation, where one or two parents will be forced to pay for the cost that the Court has initiated. I certainly believe if we talk of fairness, whoever initiated that move should bear the cost.

This was really my contribution in terms of clarity, to satisfy myself that indeed the Bill has addressed that discrimination against children born out of wedlock, those in

15 November 2005

**CHILDREN'S STATUS BILL
HON AMWEELO**

towns and in rural areas as well as the place for the customary laws.

Thank you, Honourable Deputy Speaker.

HON DEPUTY SPEAKER: Thank you very much. I now recognise Honourable Amweelo.

HON AMWEELO: Thank you very much, Comrade Deputy Speaker. I went through this Bill, and I have seen that it has really improved, compared to the previous Bill which was tabled here, I think last year. Of course, there was a heated debate in this House, and after that this Bill went back to the people concerned and I think a lot of consultations have been done. I have seen a lot of improvements that have been made and I am very happy about that.

With regard to the children born outside marriage, they now have equal rights with the children born inside marriage and that is very good. Before, the children born outside marriage were not recognised, but now the Bill covers those kids. They are considered and have equal rights to those born inside marriage. This is a very good thing.

They can also inherit, whenever one of the parents passes away. They have an equal right to inherit like those born inside marriage.

And also a good thing when it comes to page 8, clause 10 of this Bill, suppose the father denied the children, saying "*that is not my kid*", the Bill addresses this problem. There are some tests if you deny or refuse and say the kid is not yours to verify, to make sure whether you are the biological father or not. That is why I support the Bill one hundred percent.

With regard to the definition of "*marriage*", marriage in terms of any law of Namibia includes a marriage legalised in terms of any tradition or custom....(Intervention)

HON GURIRAB: On a Point of Order. Honourable Deputy Speaker, is it not, in terms of our rules, a conflict of interest for members who have children outside wedlock to participate in this debate?

15 November 2005

CHILDREN'S STATUS BILL
HON P MUSHELENGA

HON DEPUTY SPEAKER: This is a National issue. Proceed, Honourable Member.

HON AMWEELO: Thank you very much, Honourable Deputy Speaker. I just wanted to clarify the point with regard to traditional marriage. *"In terms of any tradition or custom or religion of Namibia and any marriage in terms of the law of any country other than Namibia, which marriage is recognised as a marriage by the law of Namibia."* It means that traditional marriage is also included. I thank you.

HON DEPUTY SPEAKER: Thank you very much. I now recognise Honourable Peya Mushelenga.

HON P MUSHELENGA: Thank you very much, Honourable Deputy Speaker. I do not have conflict of interest.

I support the previous speakers, but I support the principle of the Bill, especially the improvements that have been made since the previous Bill.

However, there are three issues that I would like to address.

I have read the Bill and I noted that parents that are unable to conceive children by biological means can have consent to have children with the assistance of some reproductive techniques, and it will be assumed that that child is the son or daughter of both of them. That is fine. But I am more concerned about people, who are not married and they do not intend to marry, they are not interested in relationships, but they may want to have children via this reproductive technique. Suppose my sister here on my right admires my genes and maybe wants to have a child from my genes by reproductive techniques - I am not saying it will happen, I am saying suppose - suppose she comes to me and says *"I want to have a child, can you donate perhaps?"* ... (Intervention)

HON DEPUTY MINISTER OF LANDS AND RESETTLEMENT: On a Point of Order, Comrade Deputy Speaker. May I ask Honourable Mushelenga a question?

15 November 2005

CHILDREN'S STATUS BILL
HON P MUSHELENGA

Honourable Mushelenga, in the light of inside or outside marriage and we are saying born outside or inside marriage, I am aware of some children who were born when there was no marriage at all. In your opinion, if somebody was not married and had a child, is that child now outside marriage and if it is, which marriage if there was no marriage?

HON P MUSHELENGA: I really cannot answer the Honourable Member's question. Nevertheless, the point I was trying to make, suppose I say "*well and fine, I do not want to father a child at all, but I can assist you*", so in a way we are going to deny that child the right to have a father. So, I do not know whether the Honourable Minister has taken some of these things into consideration.

The next thing I want to mention, and these are realities, especially when people are married traditionally and they happen not to have a child, there is a traditional way of saying "*call the neighbour to come and assist*". These are practical realities. Now, in these things there are no written agreements, and now the neighbour comes and assists and a child is born and the husband and the wife, since it was by verbal agreement, take care of this child. This child becomes an important person. Now the biological father, according to this Bill, can easily go and demand a certain paternity test, while the other man has been putting investments in this child. So, these are some of the things that I see may create problems.

The other thing I want to mention is for us to strike a balance between the rights of the children. Since I know that my children from outside wedlock are going to be taken care of, we must be careful that these things do not encourage people to go and make children outside marriage, as these would destroy some marriage institutions in our society.

Otherwise, I support the Bill. I thank you.

HON DEPUTY SPEAKER: Any further discussions? Does the Honourable Minister or Deputy Minister wishes to reply?

HON DEPUTY MINISTER OF GENDER EQUALITY AND CHILD WELFARE: Comrade Deputy Speaker, Honourable Members, I postpone this Bill

15 November 2005

**MOTION ON CORRUPTION
HON MUDGE**

for a response to Wednesday, next week.

HON DEPUTY SPEAKER: The debate is adjourned until next week Wednesday, 23 November 2005. The Secretary will read the Third Order of the day.

**RESUMPTION OF DEBATE TO DISCUSS THE STATE OF CORRUPTION
AND ABUSE OF PUBLIC FUNDS AND ASSETS**

HON DEPUTY SPEAKER: When this debate was adjourned on Tuesday 8 November 2005, the Question before the Assembly was a Motion by Honourable Ulenga. Honourable Mr Mudge adjourned the debate to today and he now has the floor.

HON MUDGE: Honourable Deputy Speaker, may I, on behalf of the Republican Party, using this opportunity to welcome Honourable Hidipo Hamutenya to this august House and I trust that God Almighty will bless him with wisdom, to make your valuable contributions.

Honourable Deputy Speaker, Honourable Members of the National Assembly, corruption is an evil and sickness which, when allowed to take root in a society, has a devastating overall impact on the socio-economic and political development of a country and Namibia is no exception.

Studies have shown that corruption thrives when decision-making is opaque and arbitrary, when there is a lack of accountability and when a Government fails to introduce effective and adequate control measures. In layman's terms this would mean when there is bad governance.

That is why corruption is normally associated with a dictatorship, because with a dictatorship you always have extreme inequalities in wealth and power. On the other hand, the corruption perception index consistently shows that the least corrupt countries are those with properly established democracies, because such democracies will automatically produce increased political accountability, whereby the risk increases for corrupt officials to be exposed and punished.

15 November 2005

**MOTION ON CORRUPTION
HON MUDGE**

Unfortunately, many developing countries which claim to be democracies, only appear to have some democratic forms and processes, but for most their democracies are fragile and poorly institutionalised. This is the reason why corruption is particularly prevalent in these countries.

It is a known fact that the State is the main source of corruption, and it is said that large Governments, especially those who intervene and regulate intensively and extensively, offer fertile ground for corruption.

Let us take a look at the effect corruption has on different sectors and you can decide for yourself where Namibia stands.

What effect does it have on poverty and poverty reduction? A known fact is that the poor and unemployed are the ones who suffer first and most when corruption is prevalent in Government, because instead of the Government spending its allocated resources on activities, on productive programmes that promote growth, such as primary education and basic health care, which has a high correlation with economic growth

**HON DEPUTY MINISTER OF REGIONAL AND LOCAL GOVERNMENT
AND HOUSING AND REHABILITATION:** Honourable Deputy Speaker, may I ask the Honourable Mudge a question?

HON DEPUTY SPEAKER: Will you accept a question, Honourable Mudge?
The question is declined.

**HON DEPUTY MINISTER OF REGIONAL AND LOCAL GOVERNMENT
AND HOUSING AND REHABILITATION:** Honourable Deputy Speaker, on a Point of Information. I have mentioned in this House that corruption is not confined to certain institutions only, therefore in that light, it is also corruption when one political organisation is dominated and run on hereditary clan basis, like the Republican Party. It is also corruption when a Political Party unilaterally dismisses its Secretary General and hires people on exploitative basis as cheap labourers as consultants. That is corruption.

15 November 2005

**MOTION ON CORRUPTION
HON MUDGE**

HON MUDGE: Instead of the Government spending its allocated resources on activities and productive programmes that promote growth, such as primary education and basic health care, which incidentally have a high correlation with economic growth, from which the poor and the unemployed could benefit tremendously, corruption in Government will easily divert some of these resources to large procurement projects like roads, dams, hospitals, airports, railway projects, State Houses, harbours and aircraft purchasing as well as arms and defence contracts, artillery pieces, warships, new weapons technology. Why? Because such big projects offer better opportunities for massive bribes.

Economic growth always expands the capital and employment base of an economy, and it provides opportunities for the unemployed to find work and encourages the creation of small businesses. Unfortunately, all these wonderful opportunities normally disappear when a negative investment climate has been created due to corruption.

Where institutional capacity is weak, a Government will become unable to introduce its poverty eradication policies, and also its programmes effectively. Reducing poverty requires strong financial, administrative and regulatory institutions, all of which are easily undermined by corruption.

How does corruption influence the foreign direct investment? It is said that Governments where corruption occurs, enter or can enter into agreements with foreign companies and allow these companies to do business under favourable terms, often to the economic disadvantage of the local population. Foreign direct investments often involve contracts in which a foreign investor gains the profits and the Government bears the risk.

Foreign direct investments also mostly flourish, only because of the special privileges extracted from the Government and frequently these privileges are a result of corruption. This is particularly true for foreign direct investments in minerals, oil and other natural resources, where foreign investors offer huge bribes to obtain concessions.

How does it affect human rights? In all its forms corruption constitutes a violation of the human rights of people who experience it. In a country where politicians and officials from the ruling party are being favoured and given preferential treatment, it could be seen as just another form of corruption, because of blatant discrimination against those who are left out.

15 November 2005

**MOTION ON CORRUPTION
HON MUDGE**

HON DEPUTY MINISTER OF LABOUR AND SOCIAL WELFARE:

Honourable Speaker, I rise on a Point of Order, to ask Honourable Mudge, when is he going to pay our car that he crashed with his loader during the colonial time? When is he going to pay that car back? Is that not corruption?

HON DEPUTY SPEAKER:

That is not a Point of Order. Proceed Honourable Mudge

HON MUDGE: The struggle for human rights and the struggle against corruption and intimately linked because (Intervention)

HON DEPUTY MINISTER OF GENDER EQUALITY AND CHILD

WELFARE: On a Point of Order, Comrade Deputy Speaker. People like Honourable Mudge are not supposed to be allowed to speak like he is talking here, always talking about the ruling party, but he was a soldier during the days of Koevoet, but he is talking here and Namibia is supposed to have developed. But it is not developing because of them. Is that not corruption?

HON DEPUTY SPEAKER:

Proceed Honourable Member. The Honourable Member is allowed to speak, but if you want to take the floor, take the floor and address his party, because he is addressing your party.

HON MUDGE: Honourable Deputy Speaker, what impact does corruption have on environment? Corruption has a devastating impact on the environment and studies have shown corruption to be the enemy of environmental protection, and that it is also a major obstacle to our environmental management because it tends to...(Intervention)

HON MINISTER OF AGRICULTURE, WATER AND FORESTRY: On a Point of Information, Honourable Deputy Speaker. In life corruption has many faces.

15 November 2005

**MOTION ON CORRUPTION
HON MUDGE**

I once heard of a prominent family that had established a printing shop in a residential area. For years they operated that printing shop and clearly they could not pay assessment rates of a business premises, because they were operating in a residential area. Honourable Mudge, do you know that family? Thank you.

HON MUDGE: I can say one thing, Honourable Deputy Speaker, if you or anybody is going to look for corruption in my family, they are going to look forever. You are welcome. You have been challenged. Corruption has a devastating impact on the environment. Studies have shown corruption to be the enemy of environmental protection.

HON DEPUTY MINISTER OF REGIONAL AND LOCAL GOVERNMENT AND HOUSING AND REHABILITATION: Point of Information. Now that we are talking about corruption, as a journalist I know very well of an incident where the Republican Party, when it was in the DTA, owned Democratic Media Holdings and that Democratic Media Holdings, through the chicanery of the founder leaders of the Republican Party, was the protégé of the National Party of South Africa, they have cheated the DTA and turned that Democratic Media Holdings into the God-chosen family which is holy, but which activities and marks are detestable and abhorrent. Is that not corruption?

HON MUDGE: Honourable Deputy Speaker, all I can say is, if that is true, the Courts are still there for anybody to do whatever they think is correct if they think they have ownership or whatever. I think those remarks were malicious, to say the least. But I will not be drawn into those kinds of arguments.

I am coming back to my contribution to say that corruption has a devastating effect on the environment and studies have shown corruption to be the enemy of environmental protection and that is also a major obstacle to environmental management, because it tends to undermine environmental policies, subvert existing laws and regulations, reduce accountability of corporations and it could result in the bypassing of inspection and monitoring systems.

Where corruption exists Government's natural resources are exploited without regard to the environmental impact. Good examples are oil exploration, mining concessions, water power, which are activities characterised by corruption and environmental

15 November 2005

**MOTION ON CORRUPTION
HON MUDGE**

damage.

Corruption can also damage the environment when projects are being implemented according to their capacity, to generate bribes. Those who suffer are the poor, because environment is damaged in a number of ways. For instance, health can be damaged, even lives endangered simply because, for example, the regulations on the disposal of toxic waste or discharging effluent are evaded.

Corruption can also destroy the living and working environment of the poor, because it normally encourages the over-exploitation of natural resources, like the fishing sector, farmland and forests, because corrupt officials are in pursuit of quick profits without regard to the long term needs and livelihoods of the local population.

Corruption can also bring about the implementation of environmentally unsound projects, like large dams which could flood valleys thereby displacing and impoverishing the residents in that area.

Property and environmental management, is long term and dependent on notions of conservation and sustainable development, but corruption is unplanned...

HON MINISTER OF HOME AFFAIRS: On a Point of Order. May I ask the Honourable Member a question? Can the Honourable Member tell us, the Voortrekker Boers who came to Namibia, who ran away from British colonial South Africa, went to Angola and later came here as Angola Boers, took over Namibia's land and one of their great grandchildren is here. Can the Honourable Member tell us who is that one?

HON MUDGE: Honourable Deputy Speaker, I would like to come to the effect that corruption has on private sector development. Corruption has a negative impact on the scale, form and growth rate of private sector development, both directly and indirectly...(Intervention)

HON MINISTER OF LANDS AND RESETTLEMENT: Honourable Deputy Speaker, may I ask the Honourable Member a very heavy, heavy question?

15 November 2005

MOTION ON CORRUPTION
HON MUDGE

HON DEPUTY SPEAKER: Question declined.

HON MUDGE: If we carry on like this, I will never be able to finish my speech. I would rather take all the questions right at the end.

Corruption has a negative impact on the scale, form and growth rate of private sector development both directly and indirectly, and has extreme negative consequences for the conducting of normal businesses. At the macro-economic level corruption can distort the market by redirecting economic activity from one sector to another and in doing so, it destroys the structure and pattern of economic development.

Corruption also has fiscal budgetary and debt effects, which collectively damage the economy and make private sector development difficult. In an extreme form, corruption can destroy the economy and make normal business activity impossible.

At the level of individual businesses and corporations corruption is extremely damaging due to the fact that it not only increases the cost, but it also increases the risk and uncertainty of doing business. It further reduces and discourages investments in general and capital investments in particular.

In developing countries much wealth is created from activities arising from state assets being privatised, and being turned into private monopolies, because these transfers are mostly associated with large scale corruption and the newly enriched business leaders are able to exploit illegitimately acquired power at the expense of their business rivals.

The influence of corruption on aid assistance: Where international aid is supposed to help reduce poverty and create employment, it normally has an adverse effect in countries where corruption is not addressed head-on, because the influx of aid normally provides an opportunity for new resources to be plundered. It is evident that previously international donors mostly opted to turn a blind eye to corruption, partly because they believe that they cannot do anything about corruption and just hope that despite the corruption, some aid and assistance will eventually reach its intended targets. These organisations opt to carry on and not to withdraw support because they know that it would leave the poor and those in need in an even worse situation.

It is unfortunate and ironic that more donor assistance is being given to countries with corrupt governments than those with a high standard of governance. My guess is that

15 November 2005

MOTION ON CORRUPTION
HON MUDGE

it happens because too often bilateral aid decisions appear to have been made, primarily for strategic and ideological interest of the donor, and not for development benefits of the recipient country.

But, Honourable Speaker, it is fast becoming clear that donor fatigue is setting in. It seems now that donors are no longer interested to give assistance to developing countries with non-corrupt, clean, transparent and effective governments. The majority of donors are not prepared any more to assist in proposed development projects, just to find that corrupt politicians and officials have spent the money, on projects that provided a greater opportunity for personal enrichment.

The cost of corruption: Studies have shown that corruption in principle acts as an unofficial...(Intervention)

HON RIRUAKO: On a Point of Order. Honourable Speaker, I may say, who is corrupt? The investors who bribe the citizens of this country or the citizens? Who brought in the corruption method? It is those entrepreneurs who invest here in order to gain what they want and they have to bribe somebody else.

HON MUDGE: Studies have shown that corruption in principle acts as an unofficial tax on the consumers and producers and that those least able to afford it, namely the poor, usually suffer the most in its regressive impact.

Economists agree that there is a significant correlation between high levels of corruption and the range of negative consequences, for instance, the fact that inefficiency in the operation of markets has created the fact that the composition of public expenditure is distorted by focussing spending on activities likely to yield large bribes, for example major public construction works and defence contracts, and also because direct foreign investment is being reduced, because of the correlation between high levels of corruption, which result in lower levels of investment and growth as a consequence.

The fact is, corruption can destroy the economy and impoverish a Nation simply because in a fragile and stable economy the economic cost of corruption just becomes insupportable.....(Intervention)

15 November 2005

**MOTION ON CORRUPTION
HON MUDGE**

HON ANKAMA: Honourable Deputy Speaker, may I ask the Member a question?

HON DEPUTY SPEAKER: Question declined.

HON MUDGE: Sorry, I will not be able to finish. Honourable Deputy Speaker, the corruption and the cost in political terms ...(Intervention)

HON ANKAMA: On a Point of Information. I think the Honourable Member has spoken for quite too long without making a point. When is he going to make a point?

HON DEPUTY SPEAKER: Honourable Mudge, they need a point in your speech.

HON MUDGE: The ideal situation in any country is a transparent and responsible democratic government operating in a way that everybody shares in the wealth created from all its natural resources and development programmes and not only a selected few.

The reason why corruption can never be tolerated is because it necessarily creates a situation where this noble vision is being sabotaged because ideology and principles are being substituted for personal gain. Even more serious is the fact that corruption makes it more and more difficult for governments to implement its laws and policies. It also damages the image and reputation of politicians, who want to make an honest contribution and undermines public trust in politicians, in political institutions as well as processes, and it encourages corrupt members of society to go into politics for the wrong reason.

Another serious effect of corruption is that internationally, the confidence in the Government is eroded, with the obvious consequences for the poor and the unemployed. Corruption further encourages cynicism and discourages political participation, with the result that the very fibre of democracy is undermined. (Intervention)

15 November

MOTION ON CORRUPTION
HON MUDGE

HON DEPUTY MINISTER OF FINANCE: On a Point of Information. Does the Honourable Member know that today he is the only one sitting in this House, that a few years ago was in charge because of their corrupt practices and the people have put them back in the dustbin of history? And is he here to tell us about the tricks, how they used to corrupt or what is he trying to tell us? Thank you.

HON MUDGE: Honourable Deputy Speaker, Honourable Members, time will tell, time will tell. We have an Anti-Corruption Commission and I am coming to that. I say that another serious effect of corruption is that internationally the confidence in the Government is being eroded with the obvious consequences, for the poor and the unemployed.

Corruption further encourages cynicism and also discourages political participation, with the result that the very fibre of democracy is being undermined.

Studies have shown that where corruption is evident in a government, free and fair elections and the results are perverted. You should not react on this one, otherwise it may seem you are guilty. Interesting is the fact that it was found that where corruption is rife in a Government, it always tries to consolidate political power and to do everything possible to reduce political competition.

The end-result of such a Government is that political development is distorted and delayed, and transparency and political decision-making is reduced. Such a Government also limits political access to the advantage of the rich, and the poor become politically powerless.

While corruption is the antithesis of democracy and good governance, it is unfortunately a fact that for those countries striving to create open, competitive and transparent forms of political activity, corruption ...(Intervention)

HON RIRUAKO: On a Point of Information. What happened is this: During the past racism was the phenomenon of the day, and it happened that if you were black you were the underdog. Now, we cannot correct a wrong with another wrong. Let us be fair enough to at least to say, in the past if you were white you were favoured, that was the motto for the day.

15 November

**MOTION ON CORRUPTION
HON MUDGE**

HON MEMBER: What kind of dog if you are white?

HON RIRUAKO: If you are white it is “*upper-dog*”. (Laughter). Now we cannot afford all that. What happened in the past, admit the wrong and then come up with a defence. If it was wrong, it was wrong, let us admit that, now face the reality, let us do this because the past was wrong. I hope that one can swallow that and come up with the truth.

HON MUDGE: When corruption is pervasive, it literally permeates every aspect of people’s lives and again the poor are the ones normally hit the hardest. For instance, when people apply for low-cost housing, housing loans or subsidies, they struggle to get to the top of the waiting list, because other applicants are allowed to jump the queue after paying off corrupt officials.

Sometimes people are being deprived of the basic utilities, like water and electricity, when they have been subjected to corrupt political games being played at their expense. It can also happen that water and electricity supply are cut due to non-payment by the local authority, but then some local authorities who are already under pressure financially could be lured by corrupt officials into infrastructure installations at high cost, only to find that the installations are defective and the contractors declared bankrupt and not able to honour their maintenance contract.

Corruption can cause a country to experience inadequate basic medicine and much needed drugs due to leakage of drugs to the black market by corrupt health officials. I do not have another word for that. Again those who suffer are the poor.

Public sector jobs are mostly reserved for those with contacts with the government officials and the politicians, even though the successful ones mostly do not have the necessary skills or qualifications for the position.

Even services that are supposed to be free of charge, like for instance applications for taxi licences, hunting licences, permits to transport cattle or meat, passports, work permits are being rejected or stalled by corrupt officials...(Intervention)

HON DEPUTY MINISTER OF LANDS AND RESETTLEMENT: On a point of order. May I please ask Honourable Mudge a question, a very tiny one?

15 November 2005

**MOTION ON CORRUPTION
HON MUDGE**

HON DEPUTY SPEAKER: The question is declined. A point of order is allowed.

HON MUDGE: Honourable Deputy Speaker, I am not trying to be funny but I have ten minutes left and I would like to finish if it is possible.

Corruption in government and also anti-corruption laws:

First it is obvious that where there is corruption the Government seems not to have the political will to enforce anti-corruption laws, and when it is done, then it is merely to reflect criticism from opposition parties and the media. It will also have little effect if it is only introduced in order to gain international respectability, and to prevent donors from reducing, suspending or even withdrawing financial support.

Thirdly it will have little effect if the laws are poorly drafted or imported from countries with very different legal systems. It will also have little effect if the Government allows resources necessary for the effective running of the anti-corruption agency to be siphoned off because of so-called “*more pressing needs*”.

Apart from the fact that the Government must have the political will to succeed, it is also of utmost importance that the anti-corruption agency be allowed to effectively and without interference audit and monitor institutions and persons. It is also imperative that such an agency(Intervention)

HON MINISTER OF FISHERIES AND MARINE RESOURCES: On a Point of Information. Honourable Henk Mudge, “*Ngu a shanga ospeecha yoye orye hano?*” Thank you very much.

HON MUDGE: Apart from the fact that the Government must have(Intervention)

HON DEPUTY MINISTER OF JUSTICE: On a Point of Information,

15 November

**MOTION ON CORRUPTION
HON MUDGE**

Honourable Deputy Speaker. Would the Honourable Henk Mudge agree with me, that the use of the words “*black market*” is derogatory, it is discriminatory and should not be allowed to be used in this House? If the Honourable Mudge does not have any other word for “*black market*”, I suggest you use “*white market*” or you look for another word. I thank you, Honourable Speaker.

HON MUDGE: Apart from the fact that the Government must have the political will to succeed, it is also of utmost importance that the anti-corruption agency will be allowed to effectively and without interference audit and monitor institutions and persons. It is also imperative that such an agency will be able to appoint non-corrupt policing and detective personnel and to have access to a non-corrupt judicial system, including the Minister and the officials.

Political will alone, however, is not enough, because it will not be able to compensate for a lack of funding, personnel and skills. It is of extreme importance that the Executive or President shall have a strong impact.

History has proved that a corrupt President is a guarantee for a corrupt Government. On the other hand, it is also true that the President who is immune to corruption, does not necessarily ensure that his Government will be equally pure.

Although actions against corruption by a strong President do not necessarily address the structure and character of corruption, since it normally involves members of the previous Government, it is of vital importance for the President to set the example by showing his political will, and his intention to lead and sustain the attack on corruption and to ensure anti-corruption work be given a high priority and generous resources, because if it is not done, then there will be little prospect of progress and success. The fact, however, is that nobody can expect the President to fight corruption on his own. To be able to tackle corruption effectively, firstly requires an anti-corruption agency that will be unattached, with the services of incorruptible, highly qualified and properly trained officials, backed by legislation to enable them to act with zero tolerance even against the President, should it be necessary.

At the same time the agency should be ensured of the participation of the Media, the Churches, the business sector, trade unions, civil associations and voluntary groups, teachers, health workers, Non-Governmental Organisation's and even the general public. It must even be possible for the agency to recruit staff from outside the borders.

15 November 2005

**MOTION ON CORRUPTION
HON MUDGE**

While doing all this, the Government should embark with programmes whereby the general public as well as the Government officials should be informed about the devastating effect that corruption has on the social, economic as well as the political well-being of the entire population.

Having said all this, Honourable Speaker and Honourable Members, I am sure that it may seem as if we will not necessarily succeed, owing to the fact that corruption was given a chance to be entrenched too deeply. I am of the opinion that corruption has been allowed for too long just to carry on without anything being done about it. I am thinking back to the commissions of enquiry like the Frank Commission, the O'Linn Commission, the purchasing of the Boeing 747, also when questions went unanswered regarding the Barden International deal. What happened to the promises that they would have established a manufacturing plant where vehicles would have been built and exported to other African countries? Today most of those vehicles are out of service, I guess because of the lack of spare parts and properly qualified mechanics to service them.

I am thinking back to when Ramatex was allowed to build its factory, when the City of Windhoek was instructed by the Government to make land and services available, all this at enormous costs, despite the fact that the environmental experts warned against the permanent contamination that the factory would have on the groundwater of Windhoek. And you remember the attack that was launched against environmental experts at that stage. They were even accused of being disloyal, that they were only interested to sabotage development. Today all of a sudden the contamination has been recognised as a problem, and even the labour unions are jumping on the bandwagon. Is it because the Government and the City of Windhoek realised that the possibility exists that Ramatex one morning will just announce that they are pulling out and that we will have nothing to recover and that it will be too late. Honourable Speaker, I do not want to sound like a prophet of doom, but let me assure you, it is already too late. Ramatex will cost this country millions.

Promises were and still are being made to the landless, only for them to find that those who succeeded to get access to land were, amongst others, the members of AgriBank and their families and friends, as well as senior Government officials and Ministers who got the benefit of Affirmative Action Loans, while they were already occupying well-paid positions.

Land was allocated for resettlement purposes, but most of those who benefited from it, were those with connections and Government and those whom the Government wanted to reward for their contribution in the struggle.

15 November 2005

All this while the poor and unemployed were still waiting and hoping to share in the fruits of an independent Namibia, as was promised to them in exchange for their support in elections.

We heard from the Right Honourable Prime Minister the names of those people who were granted unsecured land for projects...(Interventions)

HON DEPUTY MINISTER OF LABOUR AND SOCIAL SERVICES: On a Point of Order. The Honourable Mudge needs to know that he has tracts of land in this country, and he got that land through dubious means, stolen for that matter. He must not even talk of Ministers having what through AgriBank. That is the procedure. They go through AgriBank and acquire farms, they are millionaires in debt. But you are a millionaire physically because you have stolen land.

HON DEPUTY SPEAKER: In terms of Rule 90, automatic adjournment, the House stands adjourned until tomorrow 14:30.

THE HOUSE IS ADJOURNED AT 17:45 UNTIL 2005.11.16 AT 14:30

